



Florida Fish and Wildlife Conservation Commission

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Commission Meeting
September 8 – 9, 2016
St. Augustine, 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 September 8 – 9, 2016, at the World Golf Village Renaissance Resort located at 500 South Legacy Trail, St. Augustine. 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
Thomas Graef	Director, Southwest Region
Steve Shea	Director, Northwest Region
Shannon Wright	Director, Northeast Region
Chris Wynn	Director, North Central Region
Tom Reinert	Director, South Region
Diane Eggeman	Director, Division of Hunting and Game Management
Tom Champeau	Director, Division of Freshwater Fisheries Management
Jessica McCawley	Director, Division of Marine Fisheries Management
Gil McRae	Director, Fish and Wildlife Research Institute
Dr. Thomas Eason	Director, Division of Habitat and Species Conservation
Charlotte Jerrett	Chief Financial Officer
Melissa Recks	Division of Marine Fisheries Management
Kipp Frohlich	Division of Habitat and Species Conservation
Martha Guyas	Division of Marine Fisheries Management
Major Richard Moore	Division of Law Enforcement
Major Rob Beaton	Division of Law Enforcement

There were 77 individuals registered to speak to the Commission during the two-day meeting.

Meeting Opening

Chairman Yablonski called the September 8 – 9, 2016, meeting to order at 8:37 a.m.

Invocation and Pledge of Allegiance to the Flag

Chairman Yablonski asked for a moment of silence in remembrance of Officer Patterson.

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

Chairman Yablonski acknowledged Dr. Ann Shortelle with the St. Johns River Water Management District and invited her to address the Commission.

Dr. Shortelle thanked the Commission for meeting in St. Johns County and noted the collaboration with the Commission that provides a benefit to the citizens of this county.

Adoption of Minutes

Upon a motion by Commissioner Bergeron, seconded by Commissioner Priddy and carried, the June 2016 minutes were approved as written.

Adoption of Meeting Agenda

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

Approval of Consent Agenda

Upon a motion by Commissioner Hanas, seconded by Commissioner Roberts and carried, the September 2016 Consent Agenda items were approved with the request by staff to postpone consent agenda item #5, Gear Regulations clean-up.

Chairman Yablonski commented on the recent efforts of FWC in response to Hurricane Hermine.

Executive Director Wiley spoke of the efforts in more detail related to the Division of Law Enforcement response and assistance provided to the affected counties, and other organizations that are part of first response during and after an emergency. He noted that the State of Florida Emergency Operations Center is the best in the Nation.

Executive Director's Report

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

- Blue Ribbon Panel Legislation
- HR 3094 (Gulf Red Snapper Management Authority Act)
- FWC and Waste Pro Agreement to help reduce human-bear conflict
- ICAST
- Staff Recognition
 - Jeff Beal
 - Jim Sweatman
 - Jessica Crawford

Vice Chairman Priddy recognized Ms. Ranay Willis from Representative Stevenson's office who was in attendance at the meeting.

Fish and Wildlife Foundation of Florida Update

Mr. Andy Walker, Chief Executive Officer (CEO) of the Fish and Wildlife Foundation of Florida (Foundation), provided an update on Foundation related activities. He introduced board member John Pope who was in

attendance at the meeting. He then introduced the Rodney Barreto Employee of the Year Award and invited Colonel Curtis Brown, Director of the Division of Law Enforcement, to present the award.

Colonel Brown presented the Rodney Barreto Employee of the Year Award to Mr. David Broughton, Marine Field Mechanic with the Division of Law Enforcement.

Mr. Walker then introduced the Louise Ireland Humphrey Lifetime Achievement Award and invited Mr. Billy Sermons with the Division of Habitat and Species Conservation to present the award.

Mr. Sermons presented the Louise Ireland Humphrey Award to Mr. Mike Brooks, former Wildlife and Habitat Management Section Leader with the Division of Habitat and Species Conservation.

Retirement Recognitions

Mr. Tom Champeau, Director of the Division of Freshwater Fisheries Management, presented a retirement recognition plaque to Mr. Marty Hale.

Major Richard Moore with the Division of Law Enforcement presented a retirement recognition plaque to Mrs. Patricia Harrell.

South Atlantic Fishery Management Council (SAFMC) Report

Ms. Jessica McCawley, Director of the Division of Marine Fisheries Management, presented a report on actions anticipated at the SAFMC's September 12 - 16, 2016, meeting in Myrtle Beach, FL.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Bill Kelly with the Florida Keys Commercial Fisherman Association (FKCFA) addressed the Commission to request support for temporary or permanent federal reallocation of Atlantic dolphin and yellowtail snapper quota from the recreational to the commercial sector.

Mr. Robert Johnson addressed the Commission to express concerns regarding federal management of the Atlantic red snapper fishery. He advocated for new solutions, such as a federal reef fish stamp and a recreational reef fish season, instead of a red snapper closure. He also expressed support for a limited-entry program for Atlantic federal for-hire permits.

Mr. Trip Aukeman with the Coastal Conservation Association of Florida addressed the Commission to oppose federal reallocation of dolphin quota from the recreational sector to the commercial sector. He spoke against establishment of a limited-entry program for Atlantic federal for-hire permits.

Mr. Gary Jennings with American Sportfishing Association addressed the Commission to express frustration with the continuing closure of the Atlantic red snapper fishery. He cautioned that a limited-entry program for Atlantic federal for-hire permits is premature and unwarranted. He expressed concern that shifting allocations between sectors would benefit the commercial fishery at the expense of the recreational sector.

Ms. Janie Thomas addressed the Commission on behalf the Southeastern Fisheries Association regarding the SAFMC's proposed commercial rules for hogfish, stating they are excessively strict. With regard to mutton snapper, she requested the Commission approve a commercial trip limit of ten fish per person during the spawning season.

Mr. Jerry Sansom, Executive Director of Organized Fishermen of Florida, addressed the Commission to support alternative ways to handle marine resources issues. New measures are needed to manage red snapper because the current tools are not working. He advocated for innovative management solutions to allow fishermen to fully harvest and utilize U.S. seafood.

Mr. James Hull, owner of Hull's Seafood, addressed the Commission to state that a steady sustainable supply of seafood is vital to his business. He requested that the Commission support long-term, direct funding of the Fish and Wildlife Research Institute's Atlantic red snapper research. He also requested recreational data collection improvements.

Mr. Mike Merrifield with Cape Canaveral Shrimp Company and Wild Ocean Seafood Market addressed the Commission with concerns that the science from NOAA Fisheries is inadequate and underfunded. Thus, it is critical that the State of Florida continue research programs to provide data for stock assessments. He expressed specific concerns regarding the collection of golden tilefish data.

Commission Discussion

Commissioner Roberts asked if the SAFMC has explored why the recreational sector has not been catching its quotas for dolphin and yellowtail snapper, yet the commercial sector has. He asked if they are considering changing those quotas. He asked how long it would take to implement a temporary or permanent quota sharing mechanism. He noted support for any efforts to fully utilize the resource quotas for the benefit of the seafood industry and the recreational sector.

Ms. McCawley responded that the SAFMC is discussing how to keep dolphin and yellowtail snapper commercial fisheries open, and is looking at potential mechanisms that could temporarily shift quota between sectors. She noted that both councils are looking at ways to allow allocation shifts within the season to prevent unnecessary closures. She noted that these discussions are in the early stages and it will likely take a year to put an allocation shifting mechanism in place.

Chairman Yablonski commented that temporarily or permanently shifting sector allocations in order to utilize the quotas fully should potentially be a policy for all fisheries.

Commissioner Spottswood noted support for Commissioner Roberts' comments. He supported interim actions to avoid a commercial closure while the SAFMC continues deliberations on mechanisms to allow allocation shifts. He noted that these mechanisms should be used to the benefit of both the recreational and commercial sectors.

Ms. McCawley noted that additional detail on the options for temporary or permanent allocation shifts will be provided at the SAFMC meeting next week and she will be update the Commission at the November meeting.

Chairman Yablonski suggested a letter from the Chairman in support of allocation shifts with a request the SAFMC take steps to quickly implement these measures so that any unnecessary closures can be avoided in the future.

Vice Chairman Priddy asked if the agency has sufficient research funding for red snapper data collection and if there are special requests for funding this in the agency budget request.

Mr. Gil McRae, Director of the Fish and Wildlife Research Institute, responded that data collection on red snapper discards has been difficult. This research is mostly funded through federal grants and additional funding is necessary. He noted that the agency is considering shifting existing funds within the budget to fund research into discard mortality estimates and that the agency is working with NOAA Fisheries to apply more resources to collect this data.

Vice Chairman Priddy asked which requirements the SAFMC might consider for decreasing barotrauma.

Ms. McCawley responded that the SAFMC and fishermen are interested in requirements for anglers to use tools like descending devices for all snapper-grouper species. She noted that many people already use these tools voluntarily.

Gulf of Mexico Fishery Management Council (GMFMC) Report

Ms. Martha Guyas with the Division of Marine Fisheries Management presented a report on actions from the GMFMC's recent meetings. She requested Commission direction on closing Gulf state waters to recreational harvest of greater amberjack for the remainder of the year to be consistent with the Gulf federal waters closure.

Commission Discussion

Commissioner Rivard asked for clarification on how the recent size limit increase for greater amberjack contributed to the current federal closure for recreational harvest. He asked if moving back to the smaller size limit is necessary to prevent catches of large amberjack from causing season closures.

Commissioner Spottswood asked how state harvest would contribute to quota overage paybacks in the following fishing year and if there are alternatives to a state recreational closure for amberjack.

Ms. Guyas responded that the amberjack size limit was increased to protect breeding fish as part of the rebuilding plan. The most recent Gulf amberjack stock assessments have been negative; therefore, the GMFMC is required to implement regulations to rebuild the stock. She noted that the only decision before the Commission at this time is to either close state waters and limit the payback for this fishery next year or keep the fishery open in state waters and increase the amount of quota deducted from the 2017 season.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Bill Kelly addressed the Commission to request that the Commission formally oppose HR 3094. He spoke in support of annual sector reallocation in the Gulf king mackerel fishery.

Mr. Gary Jennings addressed the Commission regarding the Private Recreational Advisory Panel (AP) noting that several recreational organizations have formed an independent Recreational Focus Group to draft recommendations for the AP's consideration. He expressed support for HR 3094. He spoke in opposition to sector separation for any additional reef fish. He encouraged a cautious approach to king mackerel reallocation.

Ms. Janie Thomas addressed the Commission on behalf of the Southeast Fisheries Association in opposition of HR 3094 for all sectors.

Mr. Billy Archer addressed the Commission with a request for the Commission to withdraw support of HR 3094. Concerning amberjack, he requested the Commission close the recreational fishery in Gulf state waters.

Mr. Garrett Alberts addressed the Commission with a request for the Commission to withdraw support of HR 3094 for all sectors.

Mr. Ritchie Landry addressed the Commission with a request for the Commission to withdraw support of HR 3094.

Mr. Jerry Sansom addressed the Commission in opposition of HR 3094 for all fisheries. He recommended review of the commercial reef fish IFQ system to ensure it is in the control of actual fishermen.

Mr. James Zurbrick addressed the Commission with a request for the Commission to withdraw support of HR 3094 if the commercial sector is included.

Mr. Mark Tryon addressed the Commission in opposition of HR 3094 for all sectors and suggested other solutions for the recreational red snapper fishery.

Mr. Tom Marvel addressed the Commission with a request for the Commission to withdraw support of HR 3094. He thanked Commissioner Spottswood and Vice Chairman Priddy for their willingness to discuss this issue with individual stakeholders.

Mr. Eric Brazer, Deputy Director of the Gulf of Mexico Reef Fish Shareholders Alliance, addressed the Commission in opposition of HR 3094.

Mr. Brad Gorst addressed the Commission in opposition of HR 3094 for all sectors. He noted support for closing Gulf amberjack for the remainder of the 2016 season; he also recommended developing a recreational harvest tag for red snapper.

Mr. Wayne Werner addressed the Commission in opposition of HR 3094. He expressed concerns about the planned BP-funded red drum stocking in the Gulf of Mexico and its potential effects on red snapper.

Mr. Shane Cantrell, Executive Director of the Charter Fisherman's Association, addressed the Commission in opposition of HR 3094 for the for-hire fleet. He requested the Commission support the GMFMC's for-hire amendments and for-hire electronic reporting, but not the requirement to use the Vessel Monitoring System (VMS).

Mr. John Anderson addressed the Commission with a request for the Commission to withdraw support of HR 3094 and to request a closure for amberjack in Gulf state waters to avoid a larger payback in 2017.

Mr. Jerry Anderson addressed the Commission in opposition of HR 3094.

Mr. Scott Childress addressed the Commission with a request for the Commission to withdraw support of HR 3094. He added support for closing the 2016 recreational Gulf amberjack season in state waters and recommended a 500-pound commercial trip limit for the species.

Mr. Trip Aukeman addressed the Commission in support of staff recommendation to close state waters to recreational harvest of Gulf amberjack for the remainder of 2016. He cautioned against reallocation from the recreational sector to the commercial sector. He asked that the Commission create an agenda item for a discussion on HR 3094 if they plan to take action.

Mr. Frank Chivas addressed the Commission with a request for the Commission to withdraw support of HR 3094.

Mr. Jason Delacruz addressed the Commission in opposition of HR 3094 for all sectors.

Commission Discussion

Chairman Yablonski asked the Commission to consider action on Gulf amberjack first.

Chairman Yablonski, on behalf of the Commission, provided guidance to staff to support the use alternate technologies, such as smartphones and tablets, to meet the electronic reporting requirements proposed for for-hire fleet by the GMFMC rather than use of VMS.

Commission Action

Upon a motion by Commissioner Roberts, seconded by Vice Chairman Priddy and carried, staff recommendation to close Gulf greater amberjack by executive order for the remainder of 2016 was approved.

Commission Discussion

Executive Director Wiley provided background related to HR 3094 and the Commission's actions related to the Congressional bill to date.

Commissioner Rivard thanked Executive Director Wiley for providing this information. He noted that the Commission began discussion of regional management for Gulf red snapper in an attempt to fix the issues with the recreational fishery. He expressed concern with the commercial fishery being included in HR 3094 and

suggested that it should be removed from the bill. He also noted that it appears the GMFMC is starting to address the recreational red snapper fishery on its own.

Commissioner Roberts commented that HR 3094 is part of the federal legislative process and that the Commission does not have direct control over the outcome. He noted that it is still important for the Commission to remain involved in HR 3094 discussions to protect the interests of Florida including commercial fishermen. If the Commission were to walk away from the discussions, it may have a worse impact on Florida.

Commissioner Spottswood noted concern for the commercial sector if they are included in HR 3094. He suggested the Commission request the commercial sector be removed from the bill, yet remain engaged in the bill's development. The focus of the bill and the Commission's discussion needs to remain on the issues with the recreational fishery.

Chairman Yablonski suggested directing Executive Director Wiley to submit a letter to Congressman Graves stating the Commission's support of HR 3094 is conditioned on either the removal of the commercial sector from the bill or that the bill's language address the concerns of commercial fishermen.

Commissioner Bergeron requested that the Commission remain in the process, but recommend the removal of the commercial sector from HR 3094. He noted that if it was not removed that the Commission would withdraw support of the bill. He asked if the Commission had funding for management of Gulf red snapper.

Executive Director Wiley responded that FWC is confident that if the bill is adopted that the Commission can handle the financial aspects.

Commissioner Hanas supported the comments made by the other commissioners related to HR 3094.

Staff Recognition

Executive Director Wiley recognized Tom Pitchford, an FWC staff member who works with the Fish and Wildlife Research Institute, for his dedication to the agency's marine mammal program and his work to protect North Atlantic right whales.

Items Requiring Action – Final Rules

Red Drum

Ms. Melissa Recks with the Division of Marine Fisheries presented a final rule implementing a one-fish bag limit for red drum throughout the red drum northwest management zone for approval by the Commission.

Public Comment

The following individual addressed the Commission on this agenda item:

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

Commission Discussion

Commissioner Priddy asked for clarification on when it would be appropriate to revisit increasing the bag limit back to two fish per person statewide.

Ms. Recks responded that we can likely expect another stock assessment within four years following this rule change and that would be a good opportunity to reevaluate the bag limit.

Commissioner Priddy commented that she did not believe that people's personal philosophy about whether or not it is appropriate to harvest more than one fish of a particular species per day should dictate other harvesters' ability to keep additional fish if the population is healthy. She supported raising the bag limit up to two in the future if the fishery is healthy enough to support it.

Chairman Yablonski noted that this change is to manage the species in an abundance of caution and if the updated data reflect a healthy fishery, then he is in support of increasing the bag limit back to two fish.

Commission Action

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

Mutton Snapper

Ms. McCawley presented proposed final rules for mutton snapper for approval by the Commission, which included an 18-inch minimum size limit for harvest as well as importation and sale, a five-fish recreational bag limit within the 10-fish snapper aggregate, an Atlantic commercial bag limit from April through June of five fish per person, and an Atlantic commercial trip limit from July through March of 500 pounds per vessel. She also presented information about spawning aggregations at Western Dry Rocks.

Public Comment

The following individuals addressed the Commission on this agenda item:

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

Mr. Rob Hammer with the Tropical Angler Club addressed the Commission with thanks to staff for incorporating stakeholder recommendations into the proposed rule. He noted support for closures at Western Dry Rocks. He also requested permission to transport a two-day bag limit when returning from an overnight camping trip in the Dry Tortugas.

Mr. Justin Grubich with Pew Charitable Trusts addressed the Commission in support of a closure at Western Dry Rocks to protect spawning aggregations of the multiple species that spawn at that location.

Mr. Dale Walker, President of the Tropical Anglers Club, addressed the Commission with thanks to staff incorporating stakeholders' recommendations into the proposed rule. He gave support for the proposed minimum size limit and recreational bag limit. He asked the Commission to close Western Dry Rocks to protect spawning aggregations.

Mr. Jerry Sansom addressed the Commission in support of staff recommendation to increase the minimum size limit, but spoke against the April to June commercial trip limit because it is too low.

Mr. Eric Brazer addressed the Commission with general support of staff recommendation. He requested that any discussion of a closure at Western Dry Rocks not occur at the single-species level.

Commission Discussion

Commissioner Spottswood thanked staff for conducting mutton snapper workshops. He gave his support for the staff recommendation noting that it accomplishes the goals of management for mutton snapper.

Commissioner Hanas also thanked staff for conducting workshops and noted his support for the staff recommendation.

Commissioner Rivard asked about the two-day bag limit at Dry Tortugas.

Ms. McCawley responded that the two-day bag limit at Dry Tortugas is only in question when anglers transport fish on the water from their campsite to the mainland. The specific request is to allow people to transport mutton snapper, but anglers would probably like this exception to apply to other species as well.

Commissioner Rivard asked that staff return with an item on a two-day bag limit for Commission discussion at a future Commission meeting.

Vice Chairman Priddy commented that there are currently hunting daily bag limits and possession limits which relates to the two-day bag limit request. She asked if the five-fish spawning season commercial limit is worthwhile or necessary for the commercial fishery because it provides a small amount of harvest reduction.

Ms. McCawley responded that the logic in the original regulations, which is similar to the logic for the proposed regulation, is to have the commercial trip limit be the same as the recreational bag limit during the spawning season to provide protections to spawning fish. She noted that members of the SAFMC and the Council's Advisory Panel recommended that the commercial bag limit remain at ten fish per person and Western Dry Rocks be closed to harvest instead of reducing the commercial bag limit to five fish during spawning months.

Vice Chairman Priddy asked to see if there is interest in examining the implication of a possible closure at Western Dry Rocks. She noted that with today's technology, the locations of spawning areas are public knowledge. Therefore, perhaps closure of spawning aggregation sites should be pursued and this could be considered at a future meeting.

Commission Action

Upon a motion by Commissioner Spottswood, seconded by Commissioner Hanas and carried, the Commission approved staff recommendation to set the mutton snapper minimum size limit to 18 inches for harvest, importation, and sale; set the recreational bag limit at five fish; set the Atlantic commercial bag limit from April through June at five fish per person; and set the Atlantic commercial trip limit from July through March at 500 pounds per vessel.

Red Snapper Season

Governor Scott called in via telephone and thanked the Commission, Executive Director Wiley, and FWC staff for providing emergency response to those impacted by Hurricane Hermine and for their cleanup efforts. He noted a desire to help those individuals and communities affected by Hermine by extending the 2016 Gulf red snapper season.

Chairman Yablonski thanked the Governor for his leadership during the storm and when dealing with the aftermath. He agreed with the Governor's proposal. He asked staff about the possibility of adding additional days to the Gulf recreational red snapper season due to the hurricane. He asked staff to obtain feedback from stakeholders prior to the close of this Commission Meeting in order to make a decision on additional harvest days.

Ms. McCawley provided options to the Commission of adding additional days to the snapper season. She noted that she will work with stakeholders and Law Enforcement to bring back an appropriate option for this proposal before the meeting closes.

Staff Report – Lobster Bully Net Fishery

Ms. Recks presented a report on the Lobster Bully Net Fishery. Staff recommended returning with a draft rule at the November Commission meeting to implement an open-access commercial bully net endorsement program that would be issued in conjunction with a valid crawfish endorsement on vessel SPLs, along with regulations that would prohibit the use of trap pullers on bully net vessels and limit the allowable simultaneous possession of commercial quantities of lobster and underwater breathing apparatus to vessels with a valid crawfish dive (CD) endorsement. Staff also recommended implementing a "Respectful Bully Netting" outreach campaign to help address social conflicts with the recreational and commercial fishery and between the fishery and the public.

Public Comment

The following individuals addressed the Commission on this agenda item:

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

Mr. Jerry Sansom addressed the Commission in support of staff recommendation. He also provided additional details regarding the lobster trap reduction program.

Commission Discussion

Commissioner Spottswood noted that staff are taking a good approach on this issue by working with the stakeholders and developing a recommendation that is not overly restrictive while still addressing stakeholder concerns.

Commissioner Rivard commented that we always need to be mindful about whether or not new regulations are really necessary. He stated that in this case he did not think the proposal went too far and he would support it.

Commissioner Priddy asked about the number of individuals who participate in this sector of the commercial fishery. She asked if there would be enough benefit to justify this level of effort and regulation.

Ms. Recks responded that there are ways to address the enforcement concerns without a bully net endorsement program, but it is beneficial because an open-access endorsement program helps us better quantify how many people are participating in this fishery and gives us a better idea of the extent to which there are problems in the fishery.

Commissioner Bergeron noted that this started out as a social issue and agreed that fewer rules is better, but he thought that staff has done a good job with this and he supported it.

Commissioner Spottswood commented that this direction from the Commission is to move forward with very little new restriction and still protect the industry. He asked if staff are getting any objections from the commercial fishery.

Ms. Recks responded that the objections received were from commercial fishers who want more restrictive regulations through implementation of a full limited-entry program for bully netting, rather than allowing for open-access.

Vice Chairman Priddy asked about the negative interaction between bully netters and the public and whether the bully netters involved are commercial or recreational.

Ms. Recks noted that we do not know to what extent these issues are related to recreational or commercial harvesters. Requiring commercial vessels to be marked with their endorsement number would help with that. The Respectful Bully Netting outreach campaign would be targeted to both recreational and commercial bully netters, as well as to waterfront homeowners.

Red Snapper Season

Ms. McCawley, based upon the request of Governor Scott and the Commission, recommended seven additional days be added to the 2016 Gulf red snapper season to mitigate the impacts of Hurricane Hermine. The dates of the additional days are Nov. 5, 6, 11, 12, 25, 26, and 27.

Upon a motion by Commissioner Roberts, seconded by Commissioner Rivard and carried, the Commission approved staff's recommendation to extend the 2016 Gulf recreational red snapper season.

Item Requiring Action – Legislative Budget Requests

Ms. Charlotte Jerrett, Chief Financial Officer, presented for Commission approval for the 2017 – 2018 Legislative Budget Requests.

Commission Discussion

Commissioner Spottswood noted that the story of the agency is that over 70% of funding comes in from revenues other than the general fund. He commented that staff do an excellent job in coordinating the efforts of the agency in the most efficient and effective manner possible.

Chairman Yablonski added that there may only be a few other agencies that have as little dependency on General Revenue and it creates more accountability.

Vice Chairman Priddy asked about the money for the Derelict Vessel Removal program. She also asked about the fund shift from the State Game Trust Fund to Land Acquisition Trust Fund or the Administrative Trust Fund that are also appropriate for those new funds.

Ms. Jerrett responded that it does require match money.

Public Comment

The following individual addressed the Commission on this agenda item:

Mr. Jerry Sansom, Commissioner for the Florida Inland Navigation District, addressed the Commission with thanks for proposing the budget requests for derelict vessels.

Mr. John Sprague addressed the Commission with thanks for the funding request on derelict vessels.

Ms. Bonnie Basham with Boat US addressed the Commission with thanks to staff moving this package forward.

Commission Action

Commissioner Spottswood made a motion to approve the proposed new budget issues, approve the list of schedule VIII B reduction issues, approve the list of potential schedule VIII C issues, and authorize the Executive Director in consultation with the Chairman to work through the process during the legislative session. The motion was seconded by Commissioner Roberts and carried.

Public Comment on Items not on the Agenda

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

Mr. Bill Kelly addressed the Commission regarding the stone crab cooperative research program to test the use of cull rings in that fishery. He also noted an effort working through the Councils and NOAA to develop a modified lionfish trap to try and target lionfish in high population areas. He noted concern for lack of NOAA funding for Law Enforcement in the Florida Keys National Marine Sanctuary. He thanked Mr. Bud Vielhauer and Ms. Jackie Fauls for providing assistance in increasing penalties for trap robbing, trap tag violations, and other resource violations.

Mr. John Sprague addressed the Commission requesting a meeting with FWC, DEP, and other partners to strategically think about creating islands to be used for recreation throughout Florida.

Mr. Eric Brazer addressed the Commission with thanks for supporting commercial fishermen's request to oppose the inclusion of the commercial sector in HR 3094. He also noted support for the FKCFCA's efforts to improve containment of lionfish with traps via a NOAA Exempted Fishing Permit.

Mr. Darryl Rutz with the Sierra Club addressed the Commission with thanks for delaying a bear hunt in 2016.

Ms. Fawn Avant addressed the Commission with thanks for voting against a bear hunt in 2016. She requested a bear group forum so that everyone could get together to discuss management actions for the future of this species.

Mr. John Rosier, President of Dade County Fulltrack Conservation Club, addressed the Commission. He thanked staff for providing the information related to management areas that are open or closed due to high water. He asked Commissioner Bergeron about additional deviation approval from the US Corps.

Mr. Karl Ambrose addressed the Commission with thanks for postponing the bear hunt. He noted his efforts to show appreciation for the Commission taking additional time on this type of decision by purchasing hunting licenses.

Mr. Chuck O'Neal addressed the Commission regarding future black bear hunts.

Ms. Katrina Shadix addressed the Commission with thanks for postponing the bear hunt.

Ms. Shannon Geis addressed the Commission with thanks for postponing the bear hunt.

Mr. Lee Day addressed the Commission with thanks for postponing the bear hunt.

Ms. Jeanne Jain addressed the Commission with thanks for postponing the bear hunt.

Recess Thursday's Portion of the Meeting

Chairman Yablonski adjourned the meeting at 5:23 p.m. to reconvene at 8:30 a.m., Friday, September 9, 2016.

Friday, September 9, Reconvene

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

Awards and Recognition

Mr. Bill Cline with the Division of Hunting and Game Management presented the Hunter Safety Instructor of the Year Award to Mr. Van Henry.

Major Gregg Eason with the Division of Law Enforcement presented the Law Enforcement Investigator of the Year Award to Investigator Steve Wayne.

Colonel Curtis Brown, along with representatives from the Shikar Safari International Club, presented the Law Enforcement Office of the Year Award to Officer Dustin Lightsey.

Vice Chairman Priddy introduced Mr. Andrew Green, District Secretary to Representative Mike Miller.

Mr. Green thanked the Commission and recognized several FWC staff members who are vital in responding to issues in the district. He commented that Regional Director Shannon Wright has been extremely responsive along with Captain Byron Smith.

Chairman Yablonski introduced Ms. Edie Hartley, National Wild Turkey Federation (NWTf) Florida State Chapter President, and Mr. Marvin Hartley, NWTf National Board of Directors President.

Mr. Hartley thanked the Commission and introduced a staff member, Mr. Bob Karel, NWTf Save the Hunt Coordinator for Florida.

Executive Director Wiley noted a desire to come back to the Commission in the future to present an update on this topic.

Commissioner Bergeron thanked the NWTf for their efforts across the county.

Items Requiring Action

Draft Rule – Venomous Reptiles

Major Rob Beaton with the Division of Law Enforcement presented draft rules related to venomous reptiles.

Commission Discussion

Chairman Yablonski noted the high profile activity over the past year relating to this issue which brings it up for discussion today. He added that captive wildlife is a fairly young regulated industry and that the goal is to modernize rules as we learn more going through this process.

Commissioner Hanas requested a count of the number of documented escapes.

Major Beaton responded that we do not have that number, stating that the language in rule about notification of escapes requires that the permit holder contact the FWC in a timely manner when the incident occurs. He noted that the rule language has been strengthened to require immediate notification to FWC by the permit holder during an escape incident.

Vice Chairman Priddy asked how many permit holders will need to upgrade their facilities.

Major Beaton responded that there is not an exact number at this time of permitted facilities that do not currently have these safety measures in place. Getting this number would require staff to conduct site visits at each and every venomous reptile permitted facility to gather the data. He did note that those permitted individuals who do not currently have this security measure in place will have a two year timeframe to upgrade their facilities. This timeframe was mirrored off of the other captive wildlife programs when rule changes have occurred.

Commissioner Roberts noted that this is a major responsibility of the agency for the safety and security of the general public. He then noted that the continued functional success of this program relies heavily on industry self-policing and further cooperation with FWC as discussions move forward.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Curt Harbsmeier addressed the Commission. He provided additional information on the Technical Advisory Group (TAG) that was formed for this topic. He updated the Commission on actions that took place at the TAG meetings over the last several months. He added support for the staff recommendation.

Mr. Phil Goss, President of United States Association of Reptile Keepers (USARK), addressed the Commission. He noted opposition to a ban on venomous reptiles and supported additional regulation that will help address the issues that need improvement.

Dr. Christopher Parkinson with the University of Central Florida addressed the Commission. He commented that changes to the permit system will drive the research on these species out of the State of Florida.

Mr. Jack Facente with Agritoxins Lab addressed the Commission. He noted that a majority of the venom provided to pharmaceutical companies and other organizations that create anti-venom is produced in Florida, which in turn provides a supply of anti-venom around the world to help those bitten by these venomous reptiles. He added support of staff recommendation and looks forward to continuing to work with Captive Wildlife staff.

Mr. Karl Bardin, owner and operator of Metoxin Venom Laboratories, addressed the Commission in support of building on existing laws for better public safety.

Mr. Eugene Bessette addressed the Commission in support of staff proposal.

Mr. Ed Cassano addressed the Commission in support of staff proposal. He noted the importance of education regarding venomous reptiles to reduce some of the fear of the unknown by the general public.

Mr. Richard Boschen III addressed the Commission in support of staff proposal.

Ms. Joan Galvin addressed the Commission in support of staff proposal.

Mr. Greg Graziani, owner and operator of Graziani Reptiles, addressed the Commission. He noted support for staff recommendation and asked for education and outreach along with industry standards and amnesty programs for surrender of these animals from individuals who are not legally permitted to have these animals.

Mr. Zach Marchetti with Florida Association of Zoos and Aquariums (FAZA) addressed the Commission. He noted support for staff recommendation.

Mr. Tony Dailey-Crews, President of the Eastern Diamondback Conservation Foundation, addressed the Commission in support of staff recommendation.

Ms. Kimberly Mueller addressed the Commission.

Mr. Ian Johnson with the Eastern Diamondback Conservation Foundation addressed the Commission.

Ms. Kate MacFall with the Humane Society of the United States (HSUS) addressed the Commission. She noted support of staff recommendation. She suggested representation from the environmental community be added to the TAG.

Commission Discussion

Commissioner Hanas asked how often these facilities are inspected. He noted his concerns with this issue are containment and public safety. He has heard from the industry and individuals here today that these issues are going to be addressed moving forward. He supports staff recommendation.

Major Beaton noted that these facilities are inspected annually.

Commissioner Bergeron added support for staff recommendation and thanked the industry representatives for educating the Commission today.

Commissioner Roberts noted the desire to work with the industry moving forward and appreciates the comments about an amnesty program.

Commissioner Spottswood noted the education that he has received on this issue by those in this community who have an interest in keeping this industry around in the State of Florida. He noted support of staff proposal, however, he asked about the intention of biosecurity and how the rules address that.

Major Beaton responded that the requirement of primary containment areas is how the rule addresses biosecurity. He added that there are other ideas that could be discussed by the TAG and FWC in the future that would also address biosecurity such as PIT tags which would be used to identify these animals.

Chairman Yablonski asked what the logic is behind the two year timeframe to allow the industry to make the changes as proposed in staff recommendation. He asked the TAG to discuss the two year timeframe and determine if there are any options of completing the upgrades sooner.

Major Beaton noted that this two year timeframe was mirrored off of other captive wildlife program rule changes, along with discussions at the TAG meetings that provided support for moving forward.

Commissioner Rivard noted that this is a freedom issue and that the Commission does not want to make any regulations that would negatively impact this, but a decision has to be made to ensure the safety and security of the general public in the State of Florida. Staff proposal is a good step forward in this process.

Commission Action

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

Critical Wildlife Areas

Chairman Yablonski invited a special guest, Ms. Jean Hall, to present a slideshow of pictures of the Critical Wildlife Areas (CWAs) throughout the State of Florida.

Mr. Kipp Frohlich, Deputy Director of the Division of Habitat and Species Conservation, presented an overview of CWAs. He provided information on proposed CWAs and proposed amendments to existing CWAs to provide enhanced protection for concentrations of wildlife during critical life stages.

Commission Discussion

Chairman Yablonski thanked the landowners for many of these sites noting that without their coordination these CWAs could not move forward.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Danny Guarino, Executive Vice President of the Florida Guides Association, addressed the Commission. He noted concern for the proposal and commented that the Florida Guides Association opposes any designated CWA unless the best available science provides the justification for the designation.

Mr. John Sprague addressed the Commission with thanks to the presentation by Ms. Jean Hall to highlight these areas. He noted concern that there is no information related to these areas about boating use.

Ms. Bonnie Basham addressed the Commission and confirmed her attendance at three of these public meetings. She noted the need for balance between access and protection that is needed with any CWA in the State of Florida. She added concern for lack of science for year round closures. She looks forward to providing additional details to staff regarding concerns for buffers.

Mr. Paul Thibault with the Conservation Committee of the Tampa Bay Sierra Club addressed the Commission.

Mr. Robert Williams with Apalachee Audubon addressed the Commission.

Mr. Rob Christy with Preserve Access to Florida Wildlife addressed the Commission and provided a petition related to this topic. He noted his concerns about the future of wildlife photography with the new buffers as proposed.

Mr. Tom Tobin with Seminole Audubon Society addressed the Commission in support of staff proposal.

Mr. Newton Cook with the United Waterfowlers addressed the Commission. He noted support for staff proposal but added his concerns about creating CWAs only in crucial and scientifically proven areas.

Mr. John Rosier with the Everglades Coordinating Council addressed the Commission with concerns about access but general support for staff proposal.

Mr. Chris Farrell with Audubon Florida addressed the Commission in support of staff proposal.

Mr. Gary Jennings addressed the Commission with thanks to FWC staff in working with all stakeholders on this proposal. He noted the American Sportfishing Association will submit written comments on the staff proposal with suggestions.

Mr. Trip Aukeman addressed the Commission with concerns regarding navigable waterways and noted that staff are working with the navigation districts regarding these proposed sites. He added that education is a large aspect of these areas being approved and enforced.

Ms. Jean Hall addressed the Commission in support of staff proposal.

Ms. Nichelle Foster with Mosaic addressed the Commission in support of staff proposal.

Mr. Manley Fuller, President of the Florida Wildlife Federation, addressed the Commission in support of staff proposal.

Ms. Kate MacFall addressed the Commission in support of staff proposal.

Mr. Patrick Leary addressed the Commission with thanks for addressing this critical issue. He has been involved with this topic for over 30 years. He asked for re-designation on Bird Island to cultivate the nesting that traditionally occurred on that piece of land. He noted support for maximum buffers at these CWAs.

Ms. Doris Leary addressed the Commission.

Ms. Sarah Gledhill, Planning Advocate for the Florida Wildlife Federation, addressed the Commission regarding Nassau Sound in support of staff proposal.

Mr. Mike Adams with Defenders of Wildlife addressed the Commission with support of staff proposal.

Ms. Laura Berkelman with Santa Fe Audubon Association addressed the Commission in support of staff proposal.

Ms. Julie Wraithmell, Deputy Executive Director with Audubon Florida, addressed the Commission in support of staff proposal. She noted the efforts of Audubon Florida to help fund and staff many support functions to protect Fish and Wildlife in the State of Florida.

Mr. Bryan Wilson addressed the Commission in support of staff proposal.

Ms. Jean Rolke, President of St. Johns County Audubon, addressed the Commission in support for staff proposal. She noted that enforcement is the key to the success of these areas being successful in increasing the populations.

Ms. Lynne Peterson, Board member with Santa Fe Audubon, addressed the Commission in support of staff proposal.

Commission Discussion

Chairman Yablonski noted the additional work that needs to take place on a few of the areas in Lee County. He asked about casting a fishing line into the buffer and the potential opportunity to allow that if it does not cause a disturbance.

Mr. Frohlich responded that staff will be working with the stakeholders who have requested this clarification on casting into the protected area.

Commissioner Bergeron complimented staff for working with all of the stakeholders in moving this issue forward while taking into consideration all of the users who will be impacted by any of these designations.

Commissioner Hanas asked that staff look at these buffer zones to ensure they are accurate and appropriate. He noted that FWC is better coordinated with stakeholders on issues now compared to ten years ago.

Chairman Yablonski thanked everyone for speaking on this topic today. He noted that Sportsmen are the original conservationists and appreciates their participation in this discussion. He added that the areas proposed today are

the critical habitats for many of the threatened or endangered species and that is why this proposal is in front of the Commission.

Vice Chairman Priddy asked about stakeholder concerns on Bird Island. She also asked how the boundaries change for areas that are shifting islands.

Mr. Frohlich responded that those concerns are within this proposal and will be known as Nassau Sound with new buffers. He also noted that the posted signs would be moved around the designated area as the island shifts.

General Counsel Report

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

Future Agenda Items

Mr. Eric Sutton, Assistant Executive Director, reviewed potential agenda items for the November 2016 Commission meeting scheduled to take place in St. Petersburg, Florida.

Public Comment on Items Not on the Agenda

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

Ms. Daphne Pattison addressed the Commission.

Mr. Newton Cook addressed the Commission regarding invasive plant management issues.

Mr. Gary Jennings addressed the Commission with thanks for extending the 2016 Gulf red snapper season in response to the effects of Hurricane Hermine because it will benefit the recreational fishing industry.

Ms. Stephanie Contrada addressed the Commission with thanks for postponing the bear hunt.

Mr. Bill George addressed the Commission regarding collection of alligator eggs. He noted that a meeting was held to review the process of egg collection. He requested additional stakeholder discussion on this topic before it moves forward.

Mr. Manley Fuller addressed the Commission with compliments on the work with Waste Pro to get additional waste management containers out into the areas where human-bear conflicts are occurring. He hopes that other companies will come forward to provide assistance.

Ms. Rebecca Heintz addressed the Commission with thanks for voting against the bear hunt in 2016.

Mr. Bryan Wilson addressed the Commission with thanks for pausing on a bear hunt in the State of Florida.

Ms. Carla Wilson addressed the Commission with thanks for postponing a bear hunt in 2016.

Mr. Adam Sugalski addressed the Commission with thanks to the Commissioners who voted against the bear hunt in 2016.

Commissioner Exchange

Chairman Yablonski opened the floor for Commissioner Exchange.

Commissioner Hanas thanked staff for coordinating the meeting these last few days.

Commissioner Spottswood noted that it has been a productive year and a very educational process for him. He complimented everyone on staff who put things together and the stakeholders who participated.

Commissioner Roberts thanked Commissioner Spottswood for his work as the Budget Liaison this year along with staff and stakeholders who participated in the meeting.

Commissioner Bergeron thanked Chairman Yablonski for managing this meeting. He noted his amazement in staff efforts related to the items that come before the Commission at these meetings. He commented on the importance of the Everglades Coordinator Position held by Mr. James Erskine with FWC who has made a tremendous effort in the last few months.

Commissioner Rivard thanked Chairman Yablonski, Executive Director Wiley, and staff in response to Hurricane Hermine that hit Tallahassee and other areas of the state. He also thanked the Governor for calling in to this meeting and the suggestion of adding additional days to the Red Snapper Season due to the Hurricane which caused delays in access to the resource.

Vice Chairman Priddy noted that the issue related to Western Dry Rocks will have additional coordination with stakeholders. She also noted that FWC will look at improving the life of fish that have to be discarded based on size limits and the use of venting tools. She thanked Regional Director Shannon Wright for her organization of the meeting.

Chairman Yablonski commented that this was the first meeting that a central issue did not take up the majority of a day and it was good to address a number of other priorities. He thanked the Law Enforcement staff who worked during the meeting as well as the registration desk staff. He thanked the hotel for being so accommodating and the Florida Channel for broadcasting the meeting live.

Commission Administrative Matters

The next regularly scheduled Commission meeting is set for November 16 – 17, 2016, in St. Petersburg, Florida, commencing at 8:30 am each day.

Adjournment

Chairman Yablonski adjourned the meeting at 2:02 p.m.

Brian Yablonski
Chairman

Nick Wiley
Executive Director

Respectfully submitted:

Lisa Zullo
Commission Assistant