



# Florida Fish and Wildlife Conservation Commission

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Commission Meeting  
September 26 – 27, 2018  
Havana, FL  
Minutes

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

The Florida Fish and Wildlife Conservation Commission (FWC) held its regular meeting September 26 – 27, 2018, at the Florida Public Safety Institute located in Havana, Florida. Chairman Adrien “Bo” Rivard called the meeting to order with the following members also in attendance:

Michael Sole, Tequesta  
Gary Nicklaus, Jupiter

Gary Lester, Oxford  
Joshua Kellam, Palm Beach Gardens

Sonya Rood, St. Augustine  
Robert Spottswood, Key West

Senior and Presenting Staff:

Eric Sutton	Executive Director
Dr. Thomas Eason	Assistant Executive Director
Bud Vielhauer	General Counsel
Shannon Wright	Director, Northeast Region
Chris Wynn	Director, North Central Region
Dr. Tom Reinert	Director, South Region
George Warthen	Director, Northwest Region
Thomas Graef	Director, Southwest Region
Curtis Brown	Director, Division of Law Enforcement
Morgan Richardson	Director, Division of Hunting and Game Management
Jon Fury	Interim Director, Division of Freshwater Fisheries Management
Jessica McCawley	Director, Division of Marine Fisheries Management
Gil McRae	Director, Fish and Wildlife Research Institute
Kipp Frohlich	Director, Division of Habitat and Species Conservation
Jessica Crawford	Director, Office of Legislative Affairs
Tindl Rainey	Director, Office of Licensing and Permitting
Charlotte Jerrett	Chief Financial Officer
Martha Guyas	Division of Marine Fisheries Management
Dan Ellinor	Division of Marine Fisheries Management
Major Dennis Post	Division of Law Enforcement
Dr. Brad Gruver	Division of Habitat and Species Conservation
Claire Sunquist-Blunden	Division of Habitat and Species Conservation
Doc Kokol	Office of Strategic Initiatives
Matt Phillips	Division of Habitat and Species Conservation
Major Rob Rowe	Division of Law Enforcement
Kristen Sommers	Division of Habitat and Species Conservation

There were 43 individuals registered to speak to the Commission during the two-day meeting.

### **Meeting Opening**

Chairman Rivard called the September 26 – 27, 2018, meeting to order at 8:20 a.m.

### **Invocation and Pledge of Allegiance to the Flag**

Ms. Charlotte Jerrett, Chief Financial Officer, gave the invocation, followed by the Pledge of Allegiance led by Chairman Rivard.

Chairman Rivard introduced Mr. E.E. Eunice, director of the Florida Public Safety Institute (FPSI).

Director Eunice welcomed the Commission back to the FPSI for the meeting. He commented on the partnership between FWC and Tallahassee Community College (TCC) related to Law Enforcement (LE) activities at the facility. He requested future partnership with FWC in funding a few projects on the property, pledging management support from TCC.

### **Staff Recognition**

Executive Director Sutton introduced several FWC staff members to the Commissioners.

- Mr. Hunter Jones with the Office of Executive Direction, Chief Financial Office.
- Ms. Kristen Foss with the Division of Marine Fisheries Management.
- Ms. Melissa Tucker with the Division of Habitat and Species Conservation.
- Captain Rachel Bryant with the Division of Law Enforcement.
- Mr. Daniel Langston with the Division of Hunting and Game Management.

Chairman Rivard received a phone call from Governor Rick Scott which was broadcasted in the meeting room.

Governor Scott thanked FWC for protecting the natural resources of Florida. He commented on the additional efforts to address issues related to the red tide that has hit Florida very hard. He added recent information on funding focused on red tide. He noted a letter sent to FWC requesting additional efforts and funding be put forward on this topic.

Chairman Rivard thanked the Governor for his leadership on this important topic and agreed that FWC is putting forth extreme effort to work on this tough issue.

Executive Director Sutton provided additional details on how FWC plans to present information on red tide during this meeting.

### **Adoption of Minutes**

Upon a motion by Commissioner Sole, seconded by Vice Chairman Spottswood and carried, the June 2018 minutes were approved as written.

### **Adoption of Meeting Agenda**

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

### **Approval of Consent Agenda**

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

### **Welcome and Overview of the FPSI and FWC LE Academy Facilities**

Major Dennis Post presented information on the FPSI and FWC LE Academy. He invited the Commissioners to the October 19<sup>th</sup> LE graduation ceremony.

Executive Director Sutton commented on the importance of attending these graduations because of the ability to meet the new officers and see the pride of their families and those officers in that moment.

### **Executive Directors Report**

Executive Director Sutton highlighted the following topics in his report to the Commission:

- Association of Fish and Wildlife Association annual meeting in Tampa.
- ICAST 2018 event in Orlando.
- Bonefish and Tarpon Trust (BTT) partnership with a resolution celebrating their 20-year anniversary.
  - Dr. Aaron Adams with BTT thanked FWC for the partnership and conservation efforts.
- Recognition of Law Enforcement Operation Thimblebrig.
- FWC coordination on coral issues.
- Red Tide -
  - Deputy Secretary Drew Bartlett with the Florida Department of Environmental Protection (DEP) thanked the Commissioners for their service to the State of Florida. He commented on the differences between red tide and Algal Blooms.
  - Commissioner Sole thanked Deputy Secretary Bartlett for attending the meeting. He commented on the cooperation between DEP and FWC throughout this response.
  - St. Joe Bay was closed by Executive Order (EO) due to red tide in that area.

### ***BREAK***

Chairman Rivard recognized Ms. Kim Cramer with the Governor's Office of Policy and Budget who attended the meeting.

### **Staff Report – Red Tide**

Mr. Gil McRae, Director of the Fish and Wildlife Research Institute (FWRI), along with Ms. Jessica McCawley, Director of the Division of Marine Fisheries Management, presented information on red tide including the ongoing red tide bloom occurring off of Southwest Florida. Staff recommended modifying a previously-issued EO that made snook and red drum catch-and-release only in the primary area effected by red tide by expanding that area to also include Tampa Bay and Pinellas County in addition to extending the expiration of the EO to May 10, 2019.

Chairman Rivard thanked staff and partners who have been working on this issue as it has taken a lot of time to focus on this situation.

Commissioner Sole asked if extending the EO to May 10, 2019, would effectively cause snook to be catch-and-release through August 2019 since the Gulf of Mexico snook closed season is May 1 through August 31.

Ms. McCawley responded that the May 2019 date is based on timing of the Commission Meeting in the spring of 2019 which would be the earliest opportunity for staff to bring back data and recommendations for moving forward.

### **Public Comment**

The following individuals addressed the Commission on this agenda item:

Mr. Philip O'Bannon addressed the Commission with the suggestion that snook and redfish harvest be closed until the species can fully recover. He also provided some options to consider for assisting with the recovery of the species.

Mr. John Banyas, owner of Cortez Bait and Seafood, Inc., addressed the Commission. He commented on the major impacts to his business because of red tide. He requested that the Commission approve additional harvest of the threadfin herring, a species highly impacted by red tide, within one mile of the affected areas as this

additional harvest opportunity prevents them being killed by red tide and citizens then having to clean up the fish collecting on the beaches.

Vice Chairman Spottswood commented that he spoke with FWC's General Counsel and suggested that Mr. Banyas speak with Mr. Bud Vielhauer after the meeting.

Mr. Bill George addressed the Commission in support of a closure if it is necessary to ensure the long-term sustainability of the fisheries. However, he noted that when there are closures, the re-opening of the harvest should be a simple process.

Mr. Rafael Rios addressed the Commission with concerns of impacts of red tide on inshore fishery species, especially redfish, snook, and seatrout, in Pinellas County.

Mr. Dave Markett addressed the Commission regarding concerns for speckled trout, snook, and redfish in the Tampa Bay area. His concern is the allowance of harvest of speckled trout over 20 inches. He also noted concern for exemptions for license requirements and suggested that there are more people fishing in Florida without a license than with a license. He stated that other states do not take into consideration the age of hunters and fishers in exemptions of license requirements. He also suggested going to a straight circle hook when using live bait. He noted support of staff recommendation and suggested adding speckled trout to the EO.

Mr. Jason Prieto addressed the Commission with thanks to Executive Director Sutton for his efforts in meeting with stakeholders on this issue. He noted support for staff recommendation to extend the EO through May 10, 2019, and extending it into Pinellas and Pasco Counties. He requested that staff look at adding seatrout to the order because of the impacts from red tide. He also provided a copy of a Florida Guides Association survey related to snook and redfish.

Ms. Kellie Ralston with the American Sportfishing Association (ASA) addressed the Commission in support of staff recommendation. She suggested that the Commission encourage electronic reporting by anglers to gather more data on effort. She expressed appreciation for stock enhancement efforts by FWC for snook and redfish and noted ASA's enthusiasm for financially contributing to the snook enhancement effort. She also expressed appreciation for staff's messaging related to Florida's fisheries being open for business.

Mr. Trip Aukeman with the Coastal Conservation Association of Florida (CCA) addressed the Commission with thanks to FWC for all the partnership efforts related to hatcheries and other options for ensuring sustainability of these resources.

Mr. Jimmy Forehand addressed the Commission in opposition to regulations by FWC on harvest of fish. He requested the FWC allow commercial fisherman to harvest more fish.

Mr. Travis Yaeckel with the Florida Guides Association addressed the Commission. He requested the Commission consider adding seatrout to the EO because of the amount of pressure that will focus on the species if the catch-and-release only status for snook and redfish is extended. He added support for review of the seatrout regulation that allows harvest of one fish over 20-inches, which he opposed because he believes that it impacts the fishery population.

#### Commission Discussion

Chairman Rivard thanked everyone for their effort on this issue.

Executive Director Sutton thanked partners and stakeholders for taking time to meet with FWC to discuss this issue. He noted that Pasco county is not included in the proposed EO for the catch-and-release snook and redfish fisheries. Pasco County Commissioner Mike Wells requested that the Commission consider including Pasco County in the EO. He also noted that adding seatrout to this EO is something to consider. Staff are preparing an additional report on seatrout for a future Commission Meeting.

Commissioner Sole asked Executive Director Sutton to clarify the request from Pasco County.

Executive Director Sutton responded that Commissioner Wells requested to add Pasco County to the EO as an individual, and not in the official capacity as a Commissioner of Pasco County.

Commissioner Kellam asked for additional discussion on seatrout related to this topic.

Ms. McCawley stated that staff plan to present on management of the seatrout fishery at the February 2019 Commission Meeting. She suggested that there are a suite of regulation changes that may be needed for this species, so staff is not recommending including trout in the EO presented for red drum and snook.

Vice Chairman Spottswood asked about the current regulations and red tide impacts to seatrout. He also asked if there will be additional pressure on seatrout if the proposed EO modification is approved.

Mr. McRae responded that it was unclear what the impact of red tide would be on seatrout.

Ms. McCawley noted that there have been several workshops on seatrout, and because of Hurricane Irma the presentation of these proposals to the Commission was delayed. She mentioned that there are options for seatrout other than catch-and-release only that the Commission could consider if there is Commission interest in adding seatrout to the EO.

Commissioner Sole thanked staff for being responsive to stakeholders on this issue. He requested that staff present the whole package on seatrout in February so that it can be a complete presentation with full stakeholder coordination. He also suggested that expanding the EO into Pasco County would be prudent.

Commissioner Nicklaus asked if there is an economic impact if the Commission were to close harvest of seatrout.

Ms. McCawley responded that staff do not have that specific data at this time; however, there are more individuals impacted than just fishing guides.

Commissioner Kellam agreed that including Pasco County would be something to consider.

Executive Director Sutton noted that there has been overall support for the original EO for catch-and-release on snook and redfish.

Chairman Rivard commented on the support from stakeholders on the EO. He asked the Commission if there was interest in updating the EO to run through May 10, 2019, include Pasco County, and whether or not to include seatrout.

#### Commission Action

Upon a motion by Commissioner Kellam, seconded by Commissioner Sole and carried, the Commission approved staff recommendation with the addition of including Pasco County in the area covered by the EO.

Vice Chairman Spottswood asked Mr. McRae for clarification on the elevated levels of red tide and how it varies over time.

Mr. McRae responded that the red tide patchiness on the map is variation in its concentration levels. He also commented that it depends on when the water sample was taken and weather patterns that could keep it inshore and aggregate the cells.

Commissioner Sole asked for additional detail related to the Panhandle occurrences of red tide.

Mr. McRae responded that staff do not believe that there is continuous red tide between Southwest Florida and the Panhandle but that it may be possible that the source of the Southwest Florida and Panhandle red tide is the same.

Commissioner Kellam noted the time he spent with staff in Ft. Myers and thanked staff for their efforts. He also mentioned the Red Tide Research Center is a critical part of handling these issues.

Executive Director Sutton responded to the questions related to the Red Tide Research Center. He noted a Legislative Budget Request (LBR) for approximately \$3.5 million, which includes \$2.5 million recurring for research, technology, and data analyses.

Commissioner Rood asked about funding associated with recovery and rehabilitation.

Executive Director Sutton responded that competitive funding could be available, and some recovery funding is available from FWC.

Commissioner Sole thanked FWC and partners for working to get additional money for wildlife rehabilitation.

Vice Chairman Spottswood asked Mr. McRae about proactive prevention of red tide bloom.

Mr. McRae responded that the funding allocated by the governor will allow staff to work with our partners to test various techniques to control harmful algal blooms.

Chairman Rivard thanked everyone involved and commented on this being an example of FWC working with other agencies, stakeholders, and researchers to be better prepared to address this challenging natural event in the future. He also thanked the Governor for his leadership and engagement.

### **Items Requiring Action**

#### **Imperiled Species Management Plan Strategic Initiative Update and Proposed Draft Rule**

Dr. Brad Gruver, along with Ms. Claire Sunquist-Blunden, both with the Division of Habitat and Species Conservation, presented a proposed draft rule for Imperiled Species Management.

Commissioner Sole commented that in addressing threatened species it is important to note that the public interaction with these species is not always premeditated take. He noted that he asked staff to address the incidental take issue further.

#### **Public Comment**

The following individuals addressed the Commission on this agenda item:

Mr. Kent Wimmer, Senior Representative with Defenders of Wildlife, addressed the Commission. He noted the efforts of the Defenders of Wildlife to assist wildlife and resources in the State of Florida, partnering with FWC. He noted support of staff recommendation.

Mr. Jimmy Forehand addressed the Commission.

#### **Commission Action**

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

#### **Legislative and Budget Package**

Ms. Jerrett along with Ms. Jessica Crawford, Legislative Affairs Director, presented the proposed FY 2019/2020 LBR and Agency Legislative package for consideration.

Commissioner Sole echoed the point that FWC trust funds have been significantly impacted by six storms and disasters in the past two fiscal years which will have long term effects on existing program funding. FWC typically has a low amount of reliance on general revenue from state funding, however, this proposal has more significant requests for general revenue funds because of the loss of funds from trust funds related to those disasters.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Bill George addressed the Commission regarding alligator egg collection fees needing to be increased.

Ms. Bonnie Basham with Boat US addressed the Commission in support of FWC but requested the Commission consider addressing an issue on careless or reckless boating. She also suggested FWC consider the derelict vessel processes.

Mr. John Sprague with the Marine Industries Association of Florida addressed the Commission. He added concern that there is not a derelict vessel bill in the staff recommendation. He echoed the comments of Ms. Basham regarding clarification of careless and reckless boating.

Commission Discussion

Commissioner Kellam thanked Commissioner Sole for his work on the LBR for FY 2019/2020. He asked Ms. Crawford to review the proposals for the Legislative Session and determine if there are additional items that can move forward.

Vice Chairman Spottswood asked for clarification on the proposal for 25 full time employees. He asked if the LE officer compensation levels are costing the agency more when officers leave to work for other entities after a certain number of years.

Commissioner Sole responded as to where those positions are proposed to be filled throughout the state.

Vice Chairman Spottswood commented on the derelict vessel issue and asked staff to look further into some options of bringing forward a proposal, if possible, in the future.

Commission Action

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

Executive Director Sutton noted the comments by stakeholders on boating issues and will work to see what items may be reviewed by staff related to boating for the upcoming Legislative Session.

LUNCH BREAK

**Staff Reports**

Expanding Participation in Conservation (EPIC) Strategic Initiative

Mr. Doc Kokol, Director of the Office of Strategic Initiatives, presented an update on EPIC.

Public Comment

The following individual addressed the Commission on this agenda item:

Mr. Chuck Echenique addressed the Commission regarding hunters that are not captured in data collection because of a number of exemptions FWC allows.

Commission Discussion

Commissioner Kellam asked about Legislative action related to fees charged to license holders and whether FWC has the authority to do that.

Mr. Vielhauer responded that the Legislature has the authority to set fees, penalties, and exemptions for licenses.

Executive Director Sutton asked for members of the EPIC team to stand and be recognized.

Commissioner Lester thanked FWC staff for the efforts related to EPIC. He suggested that access is a big issue for a large group of users.

Commissioner Kellam commented on working with developers and suggest they stock their ponds with types of fish that can provide that opportunity to learn about native fish and wildlife. He also recognized the mentor program and how it impacted his life as a child. He requested to be a part of the mentoring program.

Executive Director Sutton commented on the agency's plans to continue the efforts of EPIC.

Vice Chairman Spottswood thanked FWC staff for their efforts to encourage the next generation to focus on conservation, not necessarily just hunting and fishing. Everyone wants their kids to spend time outdoors. He mentioned the idea of teaching conservation to students in school.

Commissioner Sole agreed with Vice Chairman Spottswood's comments. He asked staff to ensure that the efforts are inclusive of hikers, kayakers, and other non-consumptive users in our efforts to include the next generation.

Executive Director Sutton commented that the request for including all user groups has been a conversation amongst staff and it is in development associated with EPIC.

Chairman Rivard mentioned working with the legislature on opportunities to expand FWC's license base.

Commissioner Sole wanted to know what it would take to ensure we were not turning away federal funding.

Commissioner Nicklaus commented that FWC needs the legislature to set state fees, but he asked if FWC needs state fees to be set in order to get federal funding.

Executive Director Sutton responded with how FWC optimizes and qualifies for federal funding without imposing new fees on users. He also agreed to collect additional information on some of the questions raised by Commissioners and bring that detail back to the Commission.

#### Invasive Plant Management Program Overview

Mr. Matt Phillips with the Division of Habitat and Species Conservation presented an update and overview on the Invasive Plant Management Program of FWC.

#### Commission Discussion

Commissioner Kellam thanked Mr. Phillips for his efforts along with staff managing invasive plants throughout Florida.

Vice Chairman Spottswood asked why water hyacinth was introduced.

Commissioner Sole noted that this is one of the challenging issues facing Florida. This is a big budget issue and it is important for FWC to manage these invasive species while still budgeting appropriately.

Commissioner Lester noted that he is aware of private landowners who manage private ponds associated with invasive plants. The Invasive Plant Management section staff have to deal with a lot of stakeholders who are usually on direct opposite sides of the issue of management of invasive plants.

FWC's Boating Access and Enforcement Statistics

Major Rob Rowe with the Division of LE presented an overview of FWC's Boating Access and Enforcement Statistics.

Commissioner Sole asked about the educational warnings provided by LE before an actual warning ticket is issued.

Vice Chairman Spottswood asked about interactions with the public and approximately how many individual stops are made by officers on the water.

Major Rowe explained that he would gather that data and provide it to the Commissioners for reference.

Commissioner Rood asked if Critical Wildlife Areas are listed anywhere in the Online Boating Certificate Information.

Major Rowe responded that he would check on that and provide details to Commissioner Rood.

Public Comment

The following individual addressed the Commission on this agenda item:

Mr. Sprague addressed the Commission with thanks for providing additional data on LE patrolling the waters of Florida.

Marine Fisheries Workplan Update

Ms. McCawley presented an update on some of the Division of Marine Fisheries Management workplan items that are in progress.

Chairman Rivard thanked Vice Chairman Spottswood for his assistance related to the Hurricane Irma Disaster funds.

Executive Director Sutton commented on the importance of managing priorities, given all the different aspects of responsibilities within the agency.

Commissioner Sole stated that he admired staff for their accomplishments this year. The progress made on this Workplan has been tremendous.

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 alligator egg collection issues. He also commented on public land camping issues.

Mr. Aaron Adams with BTT addressed the Commission regarding habitat in fisheries management. He proposed BTT and FWC start examining a habitat focused approach to fishery management in Florida.

Mr. Chuck Collins, Executive Director for Marine Industries of Palm Beach County, addressed the Commission regarding the vessel traffic study taking place in Palm Beach County. He stated concerns with multiple user groups using the same areas which can be dangerous. He suggested that LE presence manages these user groups in a safe manner.

Mr. Jimmy Forehand addressed the Commission regarding impacts to his commercial fishing business because of the changes in approved net sizes. He also commented that regulations and qualifications related to becoming a commercial fisherman are too strenuous.

Ms. Jennifer Leon addressed the Commission regarding captive wildlife. She requested the Commission consider restricting young captive wildlife from being used for public interaction events.

Mr. Echenique addressed the Commission regarding a proposal for closure of certain areas in South Florida. He expressed concern that management would then be reverted back to the National Park Service. He requested that when the closure is presented to the Commission, a sunset provision or a requirement for reviewing reopening option be added to the closure if the Commission moves forward with it.

Chairman Rivard requested staff bring forward that option when this item is brought to the Commission.

Commissioner Kellam asked what issues are affecting deer populations which would bring forward the proposed closures.

Mr. Echenique responded that staff are more versed on this issue, but there are several issues including hydrology and predation by large animals on these deer.

Mr. Frank “Dusty” May addressed the Commission regarding high water hunting regulations. He requested the Commission consider restrictions on hunting opportunities during high water events.

Mr. Adam “Bud” Miller addressed the Commission regarding updates to the Fish and Game Scales program.

Mr. Richard VanMunster addressed the Commission regarding net ban issues. He suggested that the Commission has not supported commercial fishermen in Florida over the last several years.

Ms. Cheri Rhodes addressed the Commission requesting a permit to allow citizens to keep domesticated wild animals.

Mr. Bill Kelly with the Florida Keys Commercial Fishermen’s Association addressed the Commission. He thanked staff for their efforts in response to Hurricane Irma, for waiving spiny lobster trap tag fees, and for extending the 2018 spiny lobster pre-season trap soak period. He thanked LE for their efforts in Monroe County.

Chairman Rivard recessed the meeting at 4:06 pm

#### **Thursday, September 27 Reconvene**

Chairman Rivard reconvened the meeting at 8:31 a.m.

Ms. McCawley introduced the 2018 Commercial Lionfish Challenge winner, Mr. Ron Surrency.

#### **Items Requiring Action**

##### **Non-Native Species Overview and Proposed Draft Rules**

Mr. Kipp Frohlich, Director of the Division of Habitat and Species Conservation, along with Ms. Kristen Sommers with the Division of Habitat and Species Conservation and Major Rob Beaton with the Division of LE presented an overview and proposed draft rules related to non-native species in Florida.

##### **Commissioner Discussion**

Commissioner Kellam noted that the invasion curve graphic shows how important it is to manage invasive plants, animals, and fish at the early prevention stage rather than at the long-term management stage.

### Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Michael Cole with Ballroom Pythons South addressed the Commission. He noted support for staff recommendation to restructure the rule language. He noted concern with future activity on draft rule to add species to prohibited lists. He asked if there could be more dialogue between stakeholders on issues since staff have such a long time to discuss these topics with Commissioners.

Commissioner Sole noted that the Commissioners do interact with stakeholders on issues important to the citizens of Florida.

Mr. Eugene Bessette addressed the Commission suggesting that industry loves the State of Florida and does not want to allow illegal activity. He added support for restructure of the rule as presented by staff. He appreciates the direction of continuing to work with staff on any future proposed draft rules and additions to the prohibited species lists.

### Commission Discussion

Chairman Rivard thanked staff for the presentation on this topic.

Commissioner Kellam commented that his concerns relate to individuals who abuse the system or do not follow the permit requirements. He stated that there are several invasive species that have gotten out of control in Florida and the agency is spending a lot of money to work to control these species. Moving forward with future rulemaking is important in the process. He asked Major Beaton how the penalty structure can be amended.

Major Beaton noted that penalties and fines are set by the Legislature and the Commission can direct the Executive Director to work with the Legislature on any requested updates or changes.

Commissioner Sole noted that there are some additional funds to manage invasive species and plants in the current LBR moving forward. He thanked staff for pushing this topic forward. He commented that the level of effort associated with managing invasive species has really ramped up over the last ten years. The amnesty events around the state are a great opportunity. His concern is that the resources currently in place for port inspections are only tasked to review 1% of the trade and importation of invasive animals. The fact that staff are finding issues is troubling.

Executive Director Sutton noted that there are many aspects associated with non-native species. He commended staff for coming up with options to address these issues and working across division lines to move this topic forward.

Commissioner Nicklaus thanked staff and stakeholders for coordination on this issue. He noted that there is a lot of proactive work to remove lionfish by the public. He asked why there are more restrictions in proactive removal efforts related to pythons.

Executive Director Sutton asked Ms. Sommers to address this question. He noted that there are several programs with licensed contractors to capture pythons.

Ms. Sommers responded that there have been a lot of actions recently to increase the amount of effort of programs to remove pythons from Florida.

Executive Director Sutton noted the great partnership with Mr. Pedro Ramos, Superintendent of Everglades National Park. He offered to provide additional information to the Commission on what barriers there are for collecting invasive species.

Commissioner Lester suggested incentivizing the capture of invasive species in an effort to eradicate non-native species that are a big risk to the State of Florida.

Vice Chairman Spottswood thanked everyone for participating in the coordination on this topic.

Chairman Rivard noted that part of this process is to prevent any invasive species reaching the level of a major problem in the state. He suggested that the EO could be used in the time being.

Vice Chairman Spottswood suggested that the list of species presented by staff as high-risk be on the list of denial for permits.

Mr. Frohlich stated that he would like to work with the industry and stakeholders on the definitions and rules and come back in February.

Chairman Rivard suggested the Commission move forward on the motion to approve staff recommendation and to later work on the EO.

#### Commission Action

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

Upon a motion by Chairman Rivard to have the Executive Director work on an EO to address the additional requests from stakeholders and the Commission, seconded by Commissioner Sole and carried, the motion passed.

#### Final Rule – Trap Fisheries

Mr. Dan Ellinor with the Division of Marine Fisheries Management presented a series of proposed final rules for trap fisheries. The proposed final rules would establish a mandatory, no-cost, annual recreational stone crab and blue crab trap registration requirement; modify the spiny lobster pre-season trap soak period; increase the amount of time allowed for commercial harvesters to remove spiny lobster traps from the water after the end of the harvest season; and require that commercial stone crab harvesters maintain active commercial licenses to retain their stone crab trap allotment.

Commissioner Sole asked what the cost of a recreational tag is to the agency.

Mr. Ellinor responded that this will be a registration, not be a physical tag issued by the FWC.

#### Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Kelly addressed the Commission in support of staff recommendation. He also spoke about concerns regarding violations during the recreational lobster mini-season.

Mr. James Zurbrick addressed the Commission with concern about bycatch in recreational stone crab and blue crab traps and the bycatch of sea bass and grunts in the commercial stone crab fishery.

Mr. Garrett Alberts addressed the Commission with concern about additional recreational traps in the water. He also requested the Commission conduct stock assessments on forage fish and asked for water quality and habitat loss data to be integrated into the Marine Recreational Information Plan (MRIP).

Mr. Lance Jones addressed the Commission in support of staff recommendation with a request to work with staff before any changes are made that would impact the commercial harvest of sea bass and grunt bycatch in the commercial stone crab trap fishery.

Mr. Ritchie Landry addressed the Commission in support of staff recommendation.

Mr. Aukeman addressed the Commission in support of staff recommendation and noted opposition to the development of any new directed fish trap fishery.

Mr. Bob Gaitanis addressed the Commission with concerns about proposed changes to the lobster trap soak period because of impacts on habitat and from increased harvest at the start of the season when market prices for lobster are the lowest. He requested that recreational harvesters be given additional access to the lobster fishery. He noted concern that there has not been a lobster trap reduction in the last several years. He asked the Commission to consider getting back to the lobster trap reduction program.

Executive Director Sutton asked Ms. McCawley to clarify some of the comments by stakeholders.

Ms. McCawley responded that the comments about fish traps are about a topic that will be addressed in a future phase of the trap fisheries management project and are not related to the current staff recommendation. She also noted that the proposed recreational stone crab and blue crab trap registration will help estimate the number of people who use these traps, how many recreational traps are being placed in the water, and will help better assess the status of these fisheries.

Commissioner Niklaus asked if lobster traps have fish bycatch and if so, why we are considering extending the trap removal period after the season to ten days.

Ms. McCawley responded that extending the trap removal period would not necessarily mean that traps will be in the water for the entire ten-day period.

#### Commission Action

Upon a motion by Vice Chairman Spottswood, seconded by Commissioner Rood, with opposition by Commissioner Kellam, the Commission approved staff recommendation.

Commissioner Kellam commented that his opposition is only to the proposal to begin the lobster trap soak period on the Saturday after mini-season. He noted that he would be supportive of beginning trap soak period the Monday after mini-season, but not Saturday.

Commissioner Nicklaus asked Mr. Kelly about the price ranges of lobster in December through February compared to early in the season.

Mr. Kelly responded that prices fluctuate annually. Prices start moderately low in August because of a high level of production in the fishery and relatively low demand in the market.

Commissioner Sole noted his concerns about the additional pre-season trap soak time and the potential for conflict, but that he was comfortable as long as the resource is well managed.

#### Final Rule – Live Food Shrimp

Ms. McCawley presented a proposed final rule for live food shrimp. The final rule proposal included clarifying that icing requirements do not apply to food shrimp maintained alive prior to sale and establishing regulations specific to maintaining live food shrimp alive between harvest and sale.

#### Public Comment

The following individual addressed the Commission on this agenda item:

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

### Commissioner Discussion

Vice Chairman Spottswood noted support for staff recommendation but asked about the effect of this action on keeping local seafood in Florida. He noted concern that a lot of the seafood consumed in Florida is imported while so much fresh local seafood is exported.

Ms. McCawley responded that the live food shrimp fishery is a small portion of the overall shrimp harvest and the amount harvested and exported would likely not impact the amount of food shrimp staying in Florida.

Commissioner Nicklaus commented that a majority of the shrimp sold in Florida is not wild caught and not local. He noted that he would like to see us work to market the benefits of buying and consuming local seafood to Florida residents and visitors.

Ms. McCawley responded that she would work with Florida Department of Agriculture and Consumer Services on seafood marketing.

### Commission Action

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

### **South Atlantic Fishery Management Council (SAFMC) Report**

Ms. McCawley presented a report on anticipated actions and discussions at the SAFMC's September 30 – October 5 meeting in Charleston, SC. Expected discussion items at the SAFMC's meeting include spiny lobster, yellowtail snapper, red snapper, establishing limited-entry for federal snapper grouper for-hire permits, and other snapper grouper items.

### Public Comment

The following individuals addressed the Commission on this agenda item:

Ms. Ralston addressed the Commission with appreciation for Ms. McCawley serving as Chair of the SAFMC. She expressed support for expanding the Gulf Reef Fish Survey throughout the state and for developing best fishing practices to reduce post-release mortality for discarded fish.

Mr. Kelly addressed the Commission regarding the need for the South Atlantic and Gulf councils to address yellowtail snapper allocation.

Mr. Aukeman addressed the Commission with thanks for their work to defeat the pelagic longline exempted fishing permit request.

### Commissioner Discussion

Executive Director Sutton recognized Ms. McCawley for her efforts on federal marine fisheries issues for the benefit of Florida and for becoming chair of the SAFMC.

Vice Chairman Spottswood echoed Executive Director Sutton's remarks and commented that he is looking forward to Ms. McCawley's leadership of the SAFMC.

### **Gulf of Mexico Fishery Management Council (GMFMC) Report**

Ms. Martha Guyas with the Division of Marine Fisheries Management presented an update on the GMFMC. She also requested direction on the recreational gray triggerfish closure in Gulf state waters and direction on Florida's red snapper state management plan, including exclusion of federal for-hire, state-by-state allocations, and delegation options.

Chairman Rivard asked if there was any data that could be presented based on historical allocation to Florida.

Ms. Guyas responded that this is the first year Florida has had an allocation. She noted that this fishery has improved over the years, especially off of the West Florida shelf.

Public Comment

The following individuals addressed the Commission on this agenda item:

Ms. Kellie Ralston addressed the Commission in support of the red snapper EFP negotiations for Florida anglers. She also noted support for adding delegation options for Florida and letting each state choose whether they want to include federal for-hire under state management.

Mr. Bart Niquet addressed the Commission in support of removal of the sunset provision on sector separation. He noted his support for implementing a tag program for private recreational anglers to harvest red snapper.

Captain Billy Archer addressed the Commission in support of removal of the sunset provision on sector separation. He stated opposition to quota reallocation from the commercial sector to the private recreational sector.

Mr. Tyler Niquet addressed the Commission in support of the previous two speakers' comments.

Mr. Chris Couvillion addressed the Commission with thanks for the longer red snapper seasons for federal for-hire over the past few years and requested the Commission leave federal for-hire out of state management. He noted his support for the upcoming mandatory electronic reporting to help with data collection. He noted support for the gray triggerfish closure.

Ms. Ashford Rosenberg with the Gulf of Mexico Reef Fish Shareholders' Alliance addressed the Commission in support of the Council's decision to increase the red snapper Annual Catch Limit. She noted her support for not including federal for-hire in state management and removing the sunset provision on sector separation.

Mr. Richard Warren addressed the Commission with a request for the sunset provision to be removed from sector separation. He asked for additional data collection for charter captains to track the specific harvest of fish.

Mr. Eric Brazer, Deputy Director of the Gulf of Mexico Reef Fish Shareholders' Alliance, addressed the Commission. He asked the Commission to keep an open mind and maintain a neutral position when the Council begins to discuss red snapper quota reallocation from the commercial sector to the recreational sector. He noted support for staff recommendation to exclude federal for-hire from state management. Finally, he noted concern for red grouper populations in the Gulf because of a decline in catches and neither sector meeting their quota.

Captain Gary Jarvis, addressed the Commission with thanks for support of the EFP for private recreational anglers. He noted his support for removing the sunset provision on sector separation and of staff recommendation for federal for-hire to be excluded from state management. He thanked the Commission for their work on cobia based on stakeholder feedback. He supported staff recommendation to close gray triggerfish in Gulf state waters.

Mr. James Zurbrick addressed the Commission regarding the success of the IFQ program and discussed upcoming potential changes to the program. He noted his support to remove the sunset provision on sector separation.

Mr. Donald Dineen addressed the Commission to work through the Council process and remove the sunset provision. He requested the Commission reevaluate the cobia regulations and increase the minimum size limit. He also supported staff recommendation to close Gulf recreational gray triggerfish.

Mr. Mike Eller addressed the Commission in support of the closure of gray triggerfish. He recommended removing the sunset provision on sector separation. He noted concern for the growing number of recreational anglers every year. He requested federal for-hire boats stay out of state management.

Mr. Jim Green, President of the Destin Charter Boat Association, addressed the Commission in support of the EFP and state management for private recreational anglers. He requested federal for-hire not be included in red snapper state management and noted his support for the current federal system. He also requested the Commission revisit cobia regulations.

Commissioner Nicklaus asked for clarification on Amendment 40.

Guyas responded that Amendment 40 was sector separation, where the recreational red snapper program was split into two components: private angler and federal for-hire. She explained that there is a sunset on this amendment, but if the Council moves forward to state management and excludes the federal for-hire it would remove the sunset expiration.

Chairman Rivard added that this amendment was very contentious and that the Commission did not support sector separation. He also noted that since its implementation it has become successful and supported by federal for-hire operators.

Ms. Guyas added that the Commission was supportive of the Council extending the sunset provision with Amendment 40 (sector separation).

Commissioner Nicklaus asked if private recreational anglers are still supportive of sector separation.

Ms. Guyas responded that there is support from recreational organizations for each state to be able to choose whether they would want to include federal for-hire in state management. She noted that even if federal for-hire were included in state management, they would still be managed separately under separate quotas. She also further explained Amendments 41, 42, and 50.

Executive Director Sutton commented that a lot of the concern around sector separation was that the private recreational red snapper season was around three to four days in federal waters. He thanked the Chairman and Commissioners for their leadership to help obtain a 40-day red snapper season for private recreational anglers this year.

Mr. Mark Tryon addressed the Commission with a request to obtain better private recreational data before making any decisions on red snapper reallocation. He also asked the Commission to look into restricting harvest during the red snapper spawning months.

Mr. Garret Alberts addressed the Commission in support of the IFQ program and explained how successful it is for Florida. He noted his support for eliminating the sunset provision on sector separation and asked for caution when moving forward with any red snapper reallocation.

Commissioner Nicklaus asked Mr. Alberts for clarification on if he could sell his IFQ quota.

Mr. Alberts responded that his quota is marketable, but he would make sure to sell his quota to another commercial fisherman with the same values to provide fish to the American public.

Mr. Ritchie Landry addressed the Commission with support to exclude to the federal for-hire in state management. He also noted the importance of improving private recreational data collection.

Mr. Aukeman addressed the Commission in support of closure for gray triggerfish in state waters. He noted that CCA has always been against sector separation and would like to see private anglers and federal for-hire under state management rather than federal management. He noted CCA's concerns for taking a public resource and making it marketable.

Ms. Pam Anderson, with Captain Anderson's Marina and the Fishery Representative for the Bay County Chamber of Commerce, addressed the Commission. She noted her concern over abrupt fishery closures, like gray triggerfish, and how this impacts local businesses. She noted her support for Florida to receive the greatest red snapper allocation in state management due to Florida's larger private angler participation. She provided additional comments on lionfish and federal legislation.

Commissioner Direction:

Commissioner Sole noted support for staff recommendation for closure of gray triggerfish. He also added support for EFP based allocations for state management.

Commissioner Sole made the motion to accept staff recommendation, Commissioner Kellam seconded the motion.

Executive Director Sutton commented that real-time data collection is a challenge and it is important to make sure our current data collection program merges well with any new real-time data programs.

Commissioner Sole asked if federal for-hire would ever want to come under state management.

Ms. Guyas explained the federal for-hire have been under a federal permit since its inception, but possibly in the future if everyone is satisfied with access to the resource, federal for-hire may be supportive of coming under state management.

**General Counsel Report**

Mr. Bud Vielhauer, General Counsel, presented an update on legal issues related to the agency.

Commissioner Kellam asked if there was a timeframe on the Land Acquisition Trust Fund (LATF) lawsuit.

Mr. Vielhauer responded that there is no timeline at this point, but he will reach out to Commissioners once he receives more information.

**Future Agenda Items**

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

Commissioner Rood asked if we could add bycatch reduction devices to blue crab and stone crab traps to reduce finfish bycatch.

Ms. McCawley responded that we can add that to the list of trap fisheries items being worked on and bring information to a future Commission meeting. She explained that traps currently have escape rings in them to reduce invertebrate bycatch and noted that some stakeholders have explained that they rely on fish bycatch in their traps to supplement their income.

**Commissioner Exchange**

Chairman Rivard opened the floor for Commissioner Exchange.

Commissioner Nicklaus thanked staff for providing information related to all the topics under the jurisdiction of FWC. He participated in a tour of the Miami airport and got to experience some of the work by port inspectors. He noted concern for other states that allow importation of dangerous animals. He suggested that staff should work to do better to clarify rules and regulations.

Commissioner Rood thanked everyone who works to put together the information for each of these meetings.

Commissioner Sole thanked FPSI and FWC LE for providing a behind the scenes tour of the facility. He offered his skills as a recruiter because of the wonderful facility and mission of FWC. He also thanked staff for working

diligently on invasive species even though it is a very tough issue. He thanked Marine Fish Management staff, specifically Melissa Recks, related to shore-based shark fishing stakeholder meetings. Finally, he noted the massive amount of work by agency staff responding to red tide issues impacting Florida.

Commissioner Kellam provided kudos to Executive Director Sutton and staff for their efforts responding to red tide. He thanked the Governor for his leadership in addressing this important issue. He commented on the tour of Miami airport and reviewing the import process related to wildlife.

Chairman Rivard thanked Director Eunice and FPSI staff. He also thanked FWC's registration desk staff, LE staff, Audio/Visual staff, and Regional Directors. He echoed the comments of Commissioner Kellam thanking the Governor for his leadership on red tide and for taking the time to call in to the Commission Meeting yesterday.

**Commission Administrative Matters**

The next regularly scheduled Commission meeting is set for December 12– 13, 2018, in St. Augustine, commencing at 8:30 am each day.

**Adjournment**

Chairman Rivard adjourned the meeting at 12:42 p.m.

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Adrien “Bo” Rivard  
Chairman

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Eric Sutton  
Executive Director

Respectfully submitted:

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Lisa Davis  
Commission Assistant