



# Florida Fish and Wildlife Conservation Commission

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Commission Meeting  
December 5-6, 2012  
Apalachicola, FL  
Minutes

The Florida Fish and Wildlife Conservation Commission (FWC) held their regular meeting December 5-6, 2012, at the Franklin County Courthouse, located at 33 Market Street, Apalachicola, FL. Chairman Kenneth Wright called the meeting to order at 8:30 a.m. with the following members in attendance.

Kathy Barco, Vice Chairman, Jacksonville  
Brian Yablonski, Tallahassee  
Chuck Roberts, Tallahassee

Ronald A. Bergeron, Ft. Lauderdale  
Aliese Priddy, Immokalee, FL  
Richard A. Corbett, Tampa, FL

#### Staff:

Nick Wiley	Executive Director
Greg Holder	Assistant Executive Director
Bud Vielhauer	General Counsel
Colonel Jim Brown	Director, Division of Law Enforcement
Chuck Collins	Director, South Region
Louie Roberson	Director, Northwest Region
Shannon Wright	Director, Northeast Region
Chris Wynn	Director, Southwest Region
Eric Sutton	Director, Habitat and Species Conservation
Diane Eggeman	Director, Division of Hunting and Game Management
Tom Champeau	Director, Division of Freshwater Fisheries Management
Jessica McCawley	Director, Division of Marine Fisheries
Doc Kokol	Director, Community Relations
Carly Canion	Analyst, Division of Marine Fisheries Management
David Heil	Section Leader, Division of Marine Fisheries Management
Kipp Frohlich	Section Leader, Division of Habitat and Species Conservation
Brandy Elliott	Legislative Liaison, Legislative Affairs Office
Sandra Wilson	Chief Financial Officer
Major Jack Daugherty	Division of Law Enforcement
Thomas Eason	Deputy Division Director, Division of Habitat and Species Conservation
Harry Dutton	Alligator Management Program Coordinator
Captain Richard Moore	Division of Law Enforcement
David Arnold	Rules Administrator, Office of Planning and Policy
Don Coyner	Section Leader, Division of Hunting and Game Management
Rae Waddell	Director, Florida Youth Conservation Centers Network

There were 90 individuals registered to speak to the Commission during the two-day meeting.

## **Meeting Opening**

Chairman Wright called the December 2012, meeting to order at 8:30 a.m. and welcomed the Commissioners, staff, and public to the Franklin County Courthouse in Apalachicola.

Chairman Wright began by inviting Diane Eggeman, Division Director Hunting and Game Management to give the invocation, followed by Commissioner Roberts who led the Pledge of Allegiance to the Flag.

Chairman Wright introduced local businessman Jim Hunt, who thanked the Commissioners for lengthening the scallop season and also discussed how important grouper is for local business.

## **Retirement Recognition**

Chairman Wright asked Assistant Executive Director, Greg Holder and Executive Director, Nick Wiley, to introduce retiree Dennis David. Mr. Holder highlighted Mr. David's long and accomplished career with the Agency which started in 1974. Mr. Wiley added a few comments discussing Mr. David's passion for his work. Mr. David talked about his experiences with the Agency. Chairman Wright talked about Mr. David spearheading the headwaters, noting his good skills in creating trust among the different agencies working together and thanked him for all he has done for the Agency. The Commissioners all thanked him for his commitment to the Agency and the people of Florida. He was given a plaque and a photo was taken with the Commissioners.

## **Employee Introductions**

Chairman Wright asked Executive Director Wiley to introduce FWC Employees to the Commission. Director Wiley introduced the following.

- Officer Terry Martin
- Jessica Graham
- Kristin Sommers
- Mike Troelstrup
- Chris Winchester
- Elizabeth Pienaar
- Claire Sunquist Blunden

## **Adoption of Minutes**

Chairman Wright asked for a motion to approve the September 5-6, 2012, Commission meeting minutes. Upon a motion by Commissioner Corbett and seconded by Commissioner Priddy, the minutes were approved as written.

## **Adoption of Meeting Agenda**

Chairman Wright asked for a motion to approve the meeting Agenda. A motion to approve the Agenda was made and seconded, and the motion passed.

## **Approval of Consent Agenda**

Chairman Wright asked for approval of the Consent Agenda, which the Commissioners have already been briefed on.

Upon a motion by Commissioner Priddy, and seconded by Vice Chairman Barco, the motion carried and the Commission approved the December 5-6, 2012, Consent Agenda.

## **Executive Director's Report**

Chairman Wright asked Executive Director Nick Wiley to present the Executive Director's report. Director Wiley discussed the following:

## Awards and Accomplishments

**Partners in Conservation Award** - Director Wiley reported that the Everglades Cooperative Invasive Species Management Area (ECISMA) has been awarded the prestigious 2012 Secretary of the Interior's "Partners in Conservation Award." He noted that this award is given annually to organizations that work in collaboration with agencies throughout the Department of Interior and has recognized ECISMA for its innovative approaches to dealing with the prevention, eradication, and management of invasive non-native species in Florida.

**FWC receives national awards for boating safety efforts** - Director Wiley announced that as part of its boating enforcement and safety efforts, the FWC is a member of the National Association of State Boating Law Administrators (NASBLA). At its annual conference in Mobile, AL, representatives from MASBLA presented FWC with two prestigious awards. The "Innovations" award which recognized innovative initiatives that advance boating safety and the "William B. Garner National Boating Safety Leadership" award, which recognizes individual with exceptional vision, persistence and willingness to go beyond the status quo, and whose actions have impacted recreational boating safety at the national level. Captain Richard Moore, FWC's State Boating Law Administrator is this year's recipient.

**Donation to Shooting Park** - In support of the FWC's shooting range program, the National Rifle Association recently donated \$25,000 towards the improvements of the Tenoroc Shooting range and \$25,000 towards the development of the Triple N Ranch Shooting Park.

## In the News

**FWC investigation uncovers illegal commercial wildlife ring** - Director Wiley informed the Commissioners of an FWC and U. S. Fish & Wildlife Service (USFWS) law enforcement comprehensive investigation in November that included more than 200 criminal violations by 21 individuals in Orange, Lake, Osceola, Polk and St. Lucie counties. The 22-month operation focused on individuals who illegally bought fish and wildlife products in Florida and shipped them out of state to be sold to the public.

**National Survey of Fishing, Hunting, and Wildlife-Associated Recreation** – Results from the 2011 National Survey of Fishing, Hunting, and Wildlife-Associated Recreations shows that more Americans are participating since 2006. The data provides a five year snapshot of public use of fish and wildlife and is used to determine how much Wildlife and Sport Fish Restoration funding states received. He noted that nationally 11% more Americans (greater than 16 years old fished and 9% more hunted, which is a good upward trend. Efforts to get kids out doors is also very exciting with a 13% increase in the number of kids, aged 6 to 13, that hunted and 2% increase in kids that fished. Preliminary Florida survey data showed a 12% increase in total anglers, 35% in non-residents and a 2.5% rise in hunting since 2006 and expenditures for both fishing and hunting also increased. Florida continues to lead the nation in total anglers. Lastly, based on the preliminary Florida data, there was a 2.4% increase in total wildlife-viewing activity (resident and non-resident), and Florida ranks third nationally.

**Biologist boost red-cockaded woodpecker population in south Florida** – Director Wiley announced that FWC biologists just released eight pairs of red-cockaded woodpeckers on state-managed lands in Palm Beach and Martin Counties in October. As a federally endangered species, a goal of the FWC management plan is to secure and maintain a stable or increasing Florida population at a level above the threshold defining a Species of Special Concern.

**FWC programs improving boating access around state** – FWC announced the recipients for the 2012-2013 Florida Boating Improvement Program (FBIP) grants. Twenty-seven different grants throughout the state totaling \$5.2 million will be awarded to fund projects such as boat ramp construction, channel marking and derelict vessel removal. Some of the areas have been designated Rural Areas of Critical Economic Concern by the Governor. The grants will provide opportunities for economic development throughout the state. In addition to creating jobs during and after construction, the improved facilities will provide a steady flow of tourism and recreation. Specific projects planned include: expanding dock and ramp space, constructing and improving restroom facilities, renovating and expanding marinas, improving access roads and parking lots and constructing facilities compliant with the Americans with Disabilities Act.

### **Honoring Florida Veterans – Implementing changes to commercial saltwater fishing license requirements –**

On November 9, FWC announced important changes that will make it easier for Florida veterans and veterans with disabilities to enter the commercial saltwater fishing industry. The changes will modify income requirements for many of Florida veterans seeking a commercial restricted species endorsement, which allows commercial harvesters to fish for and sell species that are designated as restricted. Director Wiley thanked Commissioner Roberts for highlighting the program in a media event held in Tallahassee, providing the public with these changes that took effect Veterans Day, November 11. A news release was also sent out later that day to media across the state. The restricted species endorsement allows commercial harvesters to target restricted species, such as flounder, shrimp and many reef fish.

**FWC officers return from Hurricane Sandy Recovery** – Director Wiley informed the Commissioners that FWC’s Special Operations Group assisted in the coastal areas of New Jersey for Hurricane Sandy recovery. They assisted local and state law enforcement departments with curfew enforcement, roadblocks, 911 call response and other patrol-related duties. This well-trained team has honed its post-hurricane skills over the years in Florida and was honored to be given the opportunity to help those who live in the areas that had been devastated by the storm.

### **Update**

**New Recreational license and permit issuance system (RLIS)** – Director Wiley discussed the transition to a new recreational hunting and fishing license sales system known as RLIS (Recreational License Issuance Services). Switching from one system to another took months of careful planning and programming and occurred in stages. Recreational license sales through RLIS began October 2 and the processing of Limited Entry/Quota applications began November 1. Years of feedback and customer-suggested improvements were incorporated into the development of RLIS and the end result is a more user-friendly system with many new features. The October 2 start up went smoothly with only 15 minutes of down time during the transition and RLIS issued its first license at 12:17 a.m. The transition for Limited Entry Quota on November 1 had a number of minor problems – all of which were quickly resolved. The First-Come, First-Serve for Limited Entry Quota Hunts - General Gun, Archery, Muzzleloader, etc. opening on November 7 went off without any problems. Feedback from customers and agents has generally been positive.

**TrophyCatch bass-reward program launched** – FWC’s newly launched TrophyCatch Program will increase opportunities for anglers fishing in Florida to fulfill the dream of catching a trophy largemouth bass, while rewarding them for releasing their trophy for another lucky angler to catch. Director Wiley noted that recreational fishing in Florida annually generates more than \$8 billion in economic impact and supports more than 75,000 jobs. Freshwater bass alone annually provide anglers more than 14 million days of healthy outdoor recreation and generates approximately \$1.25 billion in economic impact. The programs are designed to provide enjoyment for even more anglers and thus increase tourism and economic benefits. TrophyCatch will accomplish this and document progress by enabling biologist to manage lakes and rivers better by providing incentives to anglers for reporting and releasing their trophy bass. The information will be used to evaluate and improve management strategies that produce more and larger bass.

### **Partnerships**

**Arthur R. Marshall Loxahatchee National Wildlife Refuge Sport Hunting** – FWC and the USFWS held a public meeting in September to obtain comments on the Arthur R. Marshall Loxahatchee National Wildlife Refuge Sport Hunting Plan. The purpose was to obtain verbal and written comments from the public on the Refuge’s draft Sport Hunting Plan to continue waterfowl and coot hunting and incorporate alligator hunting as an additional public use activity. FWC staff supported the USFWS by presenting and explaining the Agency’s role in the hunt proposal. More than 100 people attended the event to express their opinions about the plan.

**Hunter and Boater safety training course in Florida high schools** – Director Wiley announced that beginning January 2013, Florida’s hunter and boater safety training will be featured as part of a new course for school credit, offered through Florida’s Virtual School (FLVS). FLVS is an online public school and all of Florida public high-school students are required to take FLVS courses. The course will make students aware of the many other ways then can engage with FWC through the Florida Youth Conservation Center Network and other programs.

**Python Executive Leadership Workshop** – FWC is coordinating a meeting on January 30, 2013 to develop a collaborative approach to provide direction in the areas of management, policy, and research. Top level leaders from partnering agencies attending will include the Everglades National Park, Big Cypress National Preserve, USFWS, U.S. Geological Survey, Seminole Tribe, Miccosukee Tribe, South Florida Water Management District (SFWMD), Florida Department of Environmental Protection, and DACS.

**2013 Python Challenge** – In addition, the FWC is hosting the 2013 Python Challenge in partnership with the University of Florida, Wildlife Foundation of Florida, Future of Hunting in Florida, and Zoo Miami. The intent of the challenge is to raise public awareness about Burmese pythons and how this invasive species is a threat to the Everglades ecosystem. The month-long campaign and python competition will end with an Awareness and Awards Event at Zoo Miami on February 16, 2013.

**Governor Rick Scott holds work day at Florida Bass Conservation Center Workshop** – Director Wiley asked Tom Champeau, Director of the Freshwater Fisheries Management Division, to talk about the details of the Governor’s workday at the Black Bass Conservation Center (hatchery). Mr. Champeau described, Governor Rick Scott the Governor’s 13<sup>th</sup> ‘Let’s Get to Work Day’ at the Florida Bass Conservation Center at the Richloam Fish Hatchery on September 17. Governor Scott worked with FWC employees in stocking Florida’s public waters to help Florida remain the best place to fish. “By maintaining Florida’s status as the Fishing Capital of the World, we can keep the tourism industry strong and continue to move our economy in the right directions,” said Governor Scott. “Our state welcomed a record number, 87.3 million visitors last year and we are on track to another record this year, in part because of the FWC employees that I worked with today.” Mr. Champeau noted that as a result of this day, the Governor is going to display photos of the day with kids, at the Governor’s mansion, and this will be a part of the tour, as they host about 20,000 children a year through the mansion.

Chairman Wright talked about Mr. Champeau’s hard work and dedication on this and then commented that he had heard what a great job he and staff did with the Governor.

Director Wiley then asked Brett Boston, Director of the Wildlife Foundation to talk about the 1<sup>st</sup> annual Blue/Green fundraising event held at Commissioner Bergeron’s Ranch on November 17. Mr. Boston thanked all the Commissioners who attended and noted that it was a very successful event with 205 guests. He stated that the event will be back bigger and better next year. Mr. Boston specifically thanked Commissioner Bergeron for hosting this at his ranch. Commissioner Corbett noted that because Georgia holds a similar event every year, and is so successful, the Agency might find out whom the key person is organizing their event to find out what we can learn from them. Commissioner Bergeron thanked FWC staff for their tremendous job working with his staff. Because there were over 20 charities at the ranch this year, he stated that as we grow this event, it is important to prepare a rendering to show what these funds are being used for...because the youth is our future. His family is honored to be a part of this.

Chairman Wright recognized and welcomed Senator Charlie Dean and Representative Bembry who were in attendance and acknowledged their important work on the Landowner Liability Bill. He then asked Commissioner Yablonski who has worked diligently on the bill, to explain the process. Commissioner Yablonski talked about the roll they played in navigating the process through and then discussed what the bill accomplished. Commissioner Corbett added how important the bill is to the young kids today, because there is nowhere for them to go. Commissioner Bergeron also commented how the bill opened up millions of acres of land for access for people to enjoy and protect the environment. Senator Dean made a few comments about sponsoring the Bill which will provide the opportunity to enhance our youth and emphasized safety. Representative Bembry added it was an opportunity and a pleasure to be able to support the Bill; he feels certain it will make a big difference with the youth. He then gave the Commissioners signed copies of the bill. A photo was taken with the Commissioners.

Chairman Wright recognized and welcomed Melissa Thompson, an aide with Congressman Southerland’s office. He also recognized Jerry Moore, Commissioner of Wakulla

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

Chairman Wright asked Jessica McCawley, Director with the Division of Marine Fisheries Management to present the Gulf Council Issues. Ms. McCawley reviewed the issues that were discussed at the October 29 through November 1, 2012 Gulf of Mexico Fishery Management Council (Council) meeting in Gulfport, MS, along with a draft rule for the 2013 Gulf of Mexico recreational gag grouper season. Issues included: Red snapper sampling in Destin Fishing Rodeo and several other red snapper management issues. Because these issues are complicated and time-sensitive, the Council is holding a special reef fish committee meeting on January 7-8, 2013, in Tampa to further discuss red snapper and recommend Council action as necessary for the regularly-scheduled Council meeting. Staff requested Commission direction on 2013 recreational season preferences, including bag limits, size limits, and season dates. Other discussions involved:

- Vermilion snapper annual catch limit and bag limits
- Removal of venting tool requirement for reef fish
- Ad hoc artificial substrate panel members selected
- Aquaculture proposed rule
- Electronic reporting by for-hire vessels
- Gray triggerfish - final action
- Recreational Shallow-water grouper closure – final action
- 2013 Recreational Gag Grouper Federal Season – Public Input
- 2013 Recreational Gag Grouper Federal Season – Final Action
- 2013 Recreational Gag Grouper Season – Draft Rule for State Waters

Finally, Ms. McCawley detailed the draft rule options for the recreational gag grouper season in Gulf state waters. Staff recommended that the Commission select their preferred recreational season option for the 2013 recreational Gulf gag grouper season and approve this season as a proposed draft rule. If approved, staff recommended returning to the Commission for a final public hearing at the February FWC meeting in Orlando.

Chairman Wright and Vice Chairman Barco asked for clarification that Florida is credited for 90% of gag harvest, state and federal waters combined. Ms. McCawley responded yes and possibly more; she made a motion at the Council for regional management of gag, but it is still 6 or 8 months away.

Vice Chairman Barco clarified that the general idea was to throw several options on the table, because the Council did not like the option the Commission representative proposed based on Commission direction.

### Public Comment

Dave Markett (Florida Guides Assn.) stated he is a fishing guide that does not have federal permits. He said he felt Florida should manage gag grouper; that marine owners desperately need an extended season and he would like to see more weekends included. The economic benefits lost are related to less boat repair, boat related sales, tackle sales, etc. He stated that a Friday through Sunday option to lengthen the season would benefit all the industry that relies on the fish. He also added that he has never seen any “credit” given for circle hooks and venting, even those there should be less dead discards as a result; the dead discards in state waters is significantly less than those caught in federal waters. April-May and Oct-December are cooler seasons and better on released fish; November and December, the fish move into shallower waters. In southwest Florida it is hard to catch gag grouper during the proposed federal season because the water is too warm. Vice Chairman Barco asked him what season he would prefer and he responded that later in the year would be best.

Ronald Crum (Wakulla Fisherman’s Assn.) stated he has been in the tackle business for 45 years and he appreciated the consideration because the Big Bend is really hurting due to loss of fishing opportunity. Also, marinas in the area need open season to allow users that keep them in business. His preference is the same as Alan Lamarche, but with the downturn in the economy it could be opened all year and won’t have the same level of harvest because of so much loss of fishers. Chairman Wright and Commissioner Corbett both agreed that the economy is suffering.

Captain Pat Kelly (Florida Guides Assn.) stated he is a fishing guide who specializes in recreational fishing and Florida Guides Association members include those with and without federal permits. He noted that Florida has the best science. He also commented that the best option for gag grouper is the one that gives the most

opportunity. Commissioner Corbett asked what he thought about week-end only fishing. Captain Kelly responded “that is when most people still fish.”

Buddy Bradham (St. Petersburg resident) noted that he retired from the FWC after 12 years due to an injury. He has also been a charter captain since 1984 and would like to see a fall gag season in state waters and would also like everyone to be able to fish during open seasons. He commented that researchers directed fishers to catch fish when collecting data. He also does not feel their voices are being heard at the Council and urged the Commissioners to listen to the fishermen.

Mark Kelley (Charter Boat Lady Kelley, Panama City) commented that they have three federally permitted boats and fish seven days a week when the season is open. They need as many days as possible because they are a business and after snapper season closes they need to be able to offer trips for gags. The reason that they have four months now is because that is when the fish are hard to catch. If you went down to one fish rather than two, you would think it would extend the season by 50% but the feds say it will only give an extra 10 to 12 days, which will not help his business. He would like to see the season open on July 1 and hoped the season would last till December. He also said he felt the decrease to one fish for red snapper is troubling. Vice Chairman Barco asked him why no one has challenged the feds about the rules. Captain Kelley responded that he is penalized because he is legal with the federal permit; they have over 50 foot length boats and they need to go farther offshore. He would like FWC to go consistent with the Feds.

B.J Burkett (commercial boat) from Panama City explained that they have a federally permitted boat that takes up to 13 people, runs about 200 - 250 trips, equaling about 1500-2000 fishermen a year; he supported going consistent so they have the maximum number of days, which is important to their business. He does not support the weekend season because they fish seven days a week. He noted that their hands are tied with the federal permits and they have to abide by federal laws. He also commented that if Florida goes inconsistent he is afraid of a shorter season. Commissioner Roberts asked if the Agency goes inconsistent, will it have an effect on the ending of your federal season. He replied yes, they need opportunity through November 1 if possible; spring catch is easier and greater harvest and would come off the end of the season.

Henry Hunt (Panama City Boatmen) supports as many days as possible for his charter fishing business; he urged the Commissioners to go consistent with the feds.

Alan Lamarche (retired GFC, Range Master, Sport Fisherman) submitted a copy of an article from the Tallahassee Democrat to the Commissioners. He urged the Commissioners to go inconsistent with the feds and create a season that they can fish when the fish are there. He explained that his passion is taking kids fishing in state waters and felt that going along with the feds won't encourage youth fishing. The Big Bend shallow water fishery is a spring fishery. He noted that he is against the federal permit prohibition as well, stating kids and the economy go together when fishing. He would like to see March 23-June 16, which gives more chance for fishing because it includes the spring break, and many other holidays.

Jerry Moore (Commissioner, Wakulla County) felt that the weekend fishing would be good for the folks coming here from Georgia and said they need the economic benefit. He also discussed the BP restore act and the \$10 billion civil suit that will come to the Big Bend counties to be directed for economic benefit; he said he hoped that FWC would partner with them on direction for the use of the money.

James Zurbrick (Commercial fisherman, Steinhatchee) stated that the gag fishery is in peril. The State of Florida provides at least 70% of all the gag data so he asked the Commissioners to give the Council direction on what we want in Florida. He noted that we do not have enough seafood now to provide the consumer now, and though we have the highest health and fishing standards in the world, consumers need to go to outside markets for their seafood.

Chad Hanson (PEW Environment Group) stated that gag is heavily overfished, though undergoing a rebuilding plan; the majority are caught in federal waters off Florida. He felt there is no other way to balance the allowable catch but to take days off the federal season for fish caught in state waters early. He urged the Commission to go consistent with the federal season and put a mechanism in place for overages.

George Eller (Charter Boat Operator, Destin) stated the state must stay consistent with the federal season because it will benefit the most people. He asked who is helped by not going consistent...a small segment of the fishing community. He is not sure how many guide boats there are compared to the number of federally permitted boats, but there are a large number of federally permitted boats in major areas and the majority of them are over six passenger boats. He suggested getting the biggest bang for the buck and getting the fish to as many people as possible. He referred to Amendment 30B which states charter boats that are federally permitted must follow federal rules and abide by the federal season and cannot fish while other boats that are not federally permitted can if state waters are open. He finally noted that grouper is on a fast track for recovery and he thanked the FWC for the red snapper tag event in Destin.

Dennis O'Hern (Executive Director of the Fishing Rights Alliance) as a member of a 60 year old spear fishing club said he has never seen such a prolific population of gag grouper. He also noted that the 24 inch limit on gag is too small; the release mortality of gag grouper used in models by NOAA Fisheries is also higher than it should be.

John Brashears (Destin Fishing Rodeo) is Chair of the 2013 Fishing Rodeo and noted that gag is essential to the 2013 tournament which is a 31-day event; he urged the Commissioners to go consistent with the federal program.

James Clements (Carrabelle) asked the Commissioners to let the rebuilding plans for grouper and red snapper work and stay consistent with the federal program. He noted that there is not enough fish for the American consumer. More people are becoming aware of overfishing and are eating fish that are sustainably caught; this is good news. Please do not reallocate grouper and red snapper and let them completely rebuild.

Jerry Sansom (Organized Fishermen of Florida) agreed with John Brashears's comments

James Green (Captain - American Spirit party boat) urged the Commissioners to stay consistent with federal regulations and to highly consider recreational anglers when making this decision; give them equal access. He recommended that the Commission open gag July 1 with no spring season, and close triggers and amberjacks in June and July and stay consistent with the Gulf Council on red snappers.

Pam Anderson (PCBA, NACO, Member Govt. Affairs/Bay County Chamber of Commerce) stated that she felt they need to get out of the strangle hold of the feds while helping the state protect the resource. She would like the Commission to look into the legality of the rule on federal permits that was passed in Amendment 30B to see if it is possible to have the state remove the provision preventing permit holders from fishing in state waters when federal waters are closed. In addition, if as stakeholders and citizens they can do anything to expedite this, they would appreciate direction from the Board.

Vice Chairman Barco asked what the process is of taking on the legality of this rule. Mr. Vielhauer, General Council said they could go back and look at the process, though there have been a couple of cases that have failed. If the chances are not good, does the Agency have to go through the process and have the permit pulled. Mr. Vielhauer and Director Wiley will work together and look to other states as there may be damage to some.

Patty Zurbrick (Steinhatchee) read a letter from the owner of Good Times Motel and Marina in Steinhatchee, who urged the Commissioners to please continue to make the hard choices that allow our small fleet of commercial fisherman to survive and prosper and allow us to offer fresh locally caught seafood to our patrons.

Scott Robson (Destin Charter Boat Assn.) asked the Commissioners to remain consistent with the federal season.

Robert Hill (Destin Charterboat Twilight) asked the Commissioners to go consistent because April fishers catch spawning groupers. If you close in March and April, during spawn, he said they should get 10 months to fish.

Jeff Miller (State Chairman, CCA Florida) commented there is a large segment of recreational fishers who have boats and go fishing that are not represented here today. Most gag are caught outside of state waters, so any grouper caught in state waters early will take away from the federal season. They are frustrated by the lack of data to make good decisions. He also felt a one bag limit did not make sense because it will only increase the season 10 to 12 days. He agreed that state waters should be open when federal waters are open; the seasons are

confusing now and put fishers at risk when they do catch fish. He supports staff recommendations for trigger fish, but finds the proposals for red snapper troubling because most come out of federal not state waters; anything done by the state will have a limited effect and they are looking forward to the possibility of regional management.

Hugh Hallmark (Coquina Reef Marine) urged the Commissioners to stay consistent with the federal season.

Aaron Smith (Destin Charter Boat Association/Charterboat Mother Lode) urged the Commissioners to stay consistent with the federal government.

Joseph Thrasher (Charterboat Game On) urged the Commissioners to stay consistent with the federal government.

Gary Jarvis (Destin) commented that we have the regulations because too many people want to catch too few fish. He said it is good to manage for sustainable harvest, but for all Floridians, he would like to lean towards managing for abundance.

T.J. Marshall (Ocean Conservancy) commented that to close gray triggerfish during spawning season makes sense and the venting rule in taking away a requirement that forces venting is a good thing; the new tools are widely popular and allow saving fish without venting. Also, Louisiana has not executed inconsistency yet for red snapper; they might hold off if regional management is looked into. Lastly, he feels the problem with gag grouper is that the Council is seeing shifts from Commission on votes and the Agency representative cannot make commitments. He urged the Commissioners to empower Ms. McCawley to make decisions for the Commission at the Council meetings. He asked the Agency to either go consistent or decide something that is close to the status quo from last year and wait for more data; there may be shift on gag due to the additional fish caught in 2012.

David Walker (Alabama resident, Florida business) stated that the American public depends on commercial fishermen to provide seafood and he would like to see the reallocation issue end.

### Commission Discussion

Vice Chairman Barco clarified that the representative to the Councils do the best they can on issues that have not come to the Commission for guidance. She added the Board does give direction to the representatives for both Councils on issues on that they feel are best, but reserve the right to do something else if it better meets the needs of Florida's fishers. She questioned law enforcement on the inconsistency with gag last year and specifically asked for anecdotal information and if there was a huge effort shift in the Panhandle and how the fishing was. Law enforcement consistently responded there was a good amount of pressure, but not a lot of extra catch; it did not look like the fish were there to catch. Early estimates were that 10-15 percent of fish were caught. However, if there was to be continued opportunity for early fishing in the region, then there might be a great effort shift.

Commissioner Roberts reinforced that the decisions of the Councils are the responsibility of the Board members and not the staff; we will make the best decisions we can for stakeholders.

Chairman Wright stated that Vice Chairman Barco has been dedicated to represent FWC on both Council issues.

Gil McRae, Director, Fish and Wildlife Research Institute, clarified that MRFSS is designed to collect regional data estimates; to collect extra data would have been a cost with no benefit; so they did not do any directed data collection. The 10 percent number is based on history and anecdotal data.

Commissioner Priddy asked what caused the drop off in recreational harvest in federal waters. Ms. McCawley responded that regulations changes resulted in fewer fishing days and federal permittees could not take advantage of state water opening. Commissioner Priddy also talked about her concern of what happens to southwest Florida fishers who want to catch gag. Ms. McCawley said the people of south Florida always feel left out no matter which direction the Agency goes and referred to a slide with regional catch data. Commissioner Priddy also asked what the effect would be if FWC went consistent for the whole state with a season running from July 1 to December 31. Ms. McCawley replied that they would shorten the federal season accordingly; if the Agency goes for a longer period than recommended by NOAA, they will start backing it off, so extending for one area or

region takes away from all the federal permittees. Commissioner Priddy said she would like to see some assurance for folks for the southern part of the state. Ms. McCawley reminded the Commissioners that any option passed today could be run through a model and would know the estimated federal season at the next meeting in February. She added we will also know exactly what the landings are for 2012 and exactly what the effect of the Big Bend season was. Commissioner Priddy would like the Commissioners to consider opening July 15, rather than the July 1, then close the end of November, so the southern folks are not bearing the brunt of the closure.

Commissioner Yablonski questioned if consistency as it stands now, creates a longer season for next year. Ms. McCawley responded yes. Commissioner Yablonski commented that the theory was that the Big Bend carve out in 2012 was not a significant impact of the overall harvest, but a significant impact on the economic benefit; would going consistent take that economic possibility away for 2013. He also asked how can the part of the state that might account for only 20 percent of the entire effort have increased by 50 percent in 2012.

Ms. McCawley said we won't have the final numbers until the end of December.

The Commissioners continued with a lengthy discussion regarding the recreational catch of gag grouper in the Gulf by region and the decision to go consistent with the federal season or not. They discussed if there is benefit to going consistent if the time frames are more effective to our fishermen and felt this is extremely important. The stock is rebuilding and it would be much easier from a law enforcement perspective.

Commissioner Priddy would like a better feel for how strongly the southwest region wants this and if those two months provided enough opportunity.

Vice Chairman Barco said the effort in the Big Bend was minimal, but there would be a huge effort if this was done in the south.

Ms. McCawley suggested that the Commissioners come up with a workable plan and have her take it to Council and see what the consequence is in February.

Chairman Wright stated there are only so many fish but hopefully we are headed in the right direction and rebuilding the fishery; follow the science.

Commissioner Roberts made a motion to go consistent with the exception of the carve-out like last year in the Big Bend area, which would have a season running from April 1 – June 30, seconded by Commissioner Yablonski, and passed unanimously.

Chairman Wright asked Ms. McCawley to come back in February modifying our decision depending on the outcome.

Chairman Wright amended the agenda to put 4BC Saltwater Game Fish and Sport Fish Designations before 4A2 South Atlantic Fishery Management Council.

### **Saltwater Game Fish and Sport Fish Designations**

Chairman Wright asked Ms. McCawley to present a draft rule summarizing the saltwater game fish and sport fish designation for Florida. Ms. McCawley reported that staff was directed by the Commission to present a draft rule creating these designations. After discussion with stakeholders, staff recommended components for each of these designations. She also discussed saltwater fish in Florida that could potentially fit into these categories. Staff recommends that the Commission approve the proposed draft rule creating game fish and sport fish designations. The game fish designation would prohibit commercial harvest possession, and sale; make hook and line the only allowable gear, and prohibit captain and crew of for-hire vessels from harvesting a bag limit. The sport fish designation would make the designated fish catch and release only, no recreational or commercial harvest, possession or sale, and make hook and line the only gear allowed for use when targeting sport fish. If approved and directed, staff recommends returning for a final public hearing at the February 2013 Commission meeting in Orlando.

Vice Chairman Barco asked what the end result would be and if the intent was to drop a fish in a spot if they meet these criteria. Ms. McCawley responded that each species has its own nuances that will need to be addressed individually.

Vice Chairman Barco commented that this comes across as a listing process, that we tried to get away from, and was worried about the confusion of two categories: game fish and sport fish. She wanted to know what the bigger picture was of advertising and protection of the fish, and expressed concern that it was going to curtail our management plans.

Chairman Wright said he sees this designation as creating a legacy. The way we manage some species is already meeting the definition proposed. It would be an acknowledgement that we are managing for abundance rather than for sustainable catch. He asked the Commissioners to adopt the designation of the two categories today.

Commissioner Corbett confirmed the economic value of these fisheries and a huge economic importance of what the Agency is doing.

### Public Comment

Dave Markett (Florida Guides Assn.) stated they support the concept but have some thoughts about the details. He questioned if it is okay to handle the fish to photograph, or is it okay for purposes of reviving a fish, etc. He also asked what happens to tournament fishing where redfish are moved to stations for contest purposes. They are concerned about taking the captain and the crew out of the equation. In real life, sometimes they get to the dock, clean the fish, and the customer no longer wants to keep the fish; when can personal take be obtained, and should they not be able to just because they are guiding. He would also like the definitions to be very clear about possession. Chairman Wright clarified it is not currently considered possession to bring the fish alongside the boat to take a picture or get measurements.

Captain Pat Kelly (Florida Guides Assn.) said most of the fish are good; however, speckled trout and permit are going to need work done because people do different things with this fish. He has had many associations call with questions about Florida's game fish status. He feels this status would finally magnify the fish to the level that they deserve.

Tony Grogan (Owner of Spearboard.com) seriously objected to this designation and felt that it was going around the science. He felt that spear fishermen are being discriminated against because their gear is not popular. However, their gear is very selective, has no bycatch and is environmentally friendly. Spear fishers are very involved in conservation and preservation and help shark and goliath grouper research as well as lionfish control. Also, consideration needs to be given to making this hook and line only which takes the spear fishermen, which is a very specific method of take, out of the opportunity. He also asked why the Commission is involved in marketing tourism to this state, which he felt is not the primary mandate. Some states are rolling back some of the game fish designations and allowing spearfishing. In closing, he asked the Commission to avoid going down the path of dispensing the science

Commissioner Wright said this is a draft rule for a designation and the debate is not about any specific fish. Mr. Grogan responded you already have the management and felt the designation is arbitrary and a slippery slope. They strongly object to this proposed rule and urged the Commissioners to follow the science.

Aaron Adams (Bonefish & Tarpon Trust) supports this proposed rule; he sees it as a great step forward and it will allow for the fish to be better managed. Catch and release fisheries are more difficult to assess and manage because they do not provide the data to do the assessments. Codifying game fish and sport fish in the regulations will make it easier to develop the new fisheries assessment tools that will be required for fishery management in the future. Other states and countries are already dealing with this in the saltwater world. Anglers and resource managers are already watching for what Florida does. He urged the Commission to pass the draft rule and then have discussions about what species go where.

Buddy Bradham (St. Petersburg) feels that Florida is behind in this and supports the game fish designation but would like to see captain and crew be able to harvest a fish or two for their family. Also, he thinks permit should be allowed to be taken; but feels the Commission is going in the right direction.

Philip O'Bannon (MOTE Marine Office in Boca Grande) speaking on his own behalf, said he supported the initiative to add game fish and sport fish status to several salt-water species. He added a lot of great research has been done, but more is needed to help fishery management. The MOTE office will be expanding existing studies in many areas to include tarpon and snook. He asked the Commission to always act to protect the resource until enough data is formulated to properly manage our most valuable fishery and estuary system.

Janie Thomas (Shrimp Producers Assoc.) stated that commercial fishing is the oldest industry in the world. Shrimp Producers Association does not want spotted sea trout to ever be a game fish. They do not want folks eating trash fish coming out of foreign countries.

Chairman Wright felt that Janie's concerns could be dealt with by having an endorsement so there could continue to be a spotted seatrout commercial fishery.

Richard Hirsch (New York City) said he appreciates the conservation management approach for managing for abundance. In his opinion the broader boating and fishing public in this state wholeheartedly supports this. He added in the long-term it provides benefits to a very important industry in Florida and he can't think of a better investment to give people; it will promote Florida as a great place to fish. Lastly, the greatest benefit of this proposal for fishermen from Florida and elsewhere will be able to easily know what the rules are. He thanked the Commission for their forward conservation measure.

Dennis O'Hern (Executive Director, Fishing Rights Alliance) said this will limit the opportunity to fish, especially for the spear fishermen, which account for approximately 10 percent of the angling community offshore. He reminded the Commission that they previously discussed a ban on spearfishing for permit and pompano, and the Commission decided there should be no difference between hook and line and spear fishing gear. Chairman Wright asked him what fish he was concerned about. Mr. O'Hern responded the former move on permit and pompano but more concerned about creating an umbrella where you can throw more fish into, which is not supported by science. He said he felt the limited resources should be directed to more pressing needs. Please don't penalize two million Florida residents who fish regularly; opportunity to fish is what drives economic activity. If the stock is not in peril, this is a bad idea. Discriminating gears for anything that you can harvest is not right; he would like to be able to harvest a tarpon, with a permit, by spear.

Chairman Wright explained that the difference between hook and line and spearing is that you cannot catch and release with a spear. He then clarified that there are other species that receive special protection but this does not mean that other species arbitrarily fall into this designation.

Jason Sapp – waived

Jerry Sansom (Executive Director, Organized Fishermen of Florida) also speaking today on behalf of the Southeastern Fisheries Association expressed with his 35 years of experience he is extremely uncomfortable with the decision and direction. He questioned whether this was a management decision or a designation. If we just use the title to apply to a species that we already have decided about, that is okay. If we are starting with the concept in mind to manage a species for tourism, he sees that as a problem. It is important the Agency does not deviate from science and the goal of making it available for all the people. Lastly, he emphasized that 90 percent of seafood comes from outside of this country, when we have the resources to provide to the people. If the Agency goes forward to establish this designation, please make it very clear in the rule that this is not a designation to manage for PR, rather a designation to help manage the resource.

Chairman Wright clarified that the Agency did keep snook season closed, even when science suggested we could open it up; he sees this as a part of the management continuum the Commission uses. Also, this is not just about public relations, although there is a public relations component.

Scott Robson (Destin Charter Boat Assn.) stated he is in favor of this designation and the benefits outweigh the negative aspects of this proposal and felt that cobia fits this designation perfectly.

Vice Chairman Barco commented that we are not creating these categories to drop fish in to them down the road, and we will continue to have management plans for these fish irrelevant of these designations.

Gary Jarvis questioned what the benefits are. He felt that all the abilities to manage the fish are already in place; the initial needs are being met with current management practices. His concern is this may be a tool used to manage fishermen, or sectors of fishermen, and not the fish. He urged the Commissioners to look closely at this.

Mark Futch (Secretary, Boca Grande Fishing Guides Assn.) supports the Commission; he feels the fishery is in decline and the category is a great start and thanked the Commission. He then introduced Randy Wayne White, a Florida novelist now, but was a fishing guide for more than 13 years. But now feels it is an honor to write novels about Florida. Though he is mindful and appreciative of what the Commission does, through travel he has come to learn that the first causality of a failed economy is the environment; an environment not effectively managed is a detriment to the economy. He personally feels the designation of sport fish and game fish is a good idea and may well solve problems that exist now and some that may come.

Thomas McLaughlin (Save the Tarpon, Inc.) talked about the spirit of being a fisherman, and preserving this spirit in Florida. He gets both sides, however some fish are about the fun and sport of catching, not food and should not be managed as species for harvest; we need to manage these fish for a different reason. He further added that red fish, snook, and trout are not harvested to feed families. Save the Tarpon, Inc. has grown to over 6,000 people from 30 different countries and they think this is a great idea and support it. This has been done in other places very successfully; it is time for Florida to catch up and be on the world stage.

Cappy Joiner (President Boca Grande Fishing/Charterboat Captain) said he has fished all his life and has been a charterboat captain since 1964. Speaking as the President of the Boca Grande Guides Association, they are in favor of this designation. He suggested creating the categories of edible vs. non-edible. He stated that if something is not done, we will lose the adult tarpon habitat of Boca Grande Pass.

Frank Davis (Director, Boca Grande Fishing Guides Assoc. /Chairman, Save the Tarpon, Inc.) stated that he has seen a lot of changes that are not good; they applaud the efforts to help the tarpon and preserving the fishery for future generations. He thanked the Commissioners

Bill Bishop (Orlando) also thanked the Commissioners. He too has seen many changes over the years, and over the years have become aware of the things individuals do that impact the big picture; at one time the thinking was that wildlife was a bottomless inventory to take from. Now there is a new conservation minded awareness that realizes that you can't take it all; management of the fishery includes management of the fishers. He applauds the Commission for considering this designation and urged them to strongly adopt it this rule.

Rex Phipps, a charter boat fishing captain in Franklin County, stated he has seen many changes to our resource. However he does not understand how the Board can give a fish and then take it back, the yo-yo effect. He added that 95 percent of his clientele come from the state of Georgia, and they want to take fish home to eat. However, by restricting the captains and their catch, it is severely hampering his personal economics; his concern is the designation on the speckled trout and red fish only. He appreciates the Board's efforts in trying to manage our resources.

Jeff Miller (State Chairman, CCA Florida) stated that at a national office in Texas he saw a framed certificate of the state game fish. He thought it would be a good idea for Florida, but had no idea how much interest would be generated. He noted that CCA of Florida as an organization has been able to help shape this proposal and he thanked the Commissioners and staff for including them. CCA Florida does support the guide's exemption while the guides are under hire; there are generally enough fish caught for all, and those guides they have spoken with are in also favor of this. Lastly, CCA of Florida supports staff draft at this time.

Jerry Sansom, stated that after reading the draft rule, he recommended removing the wording in item 2 "while recognizing game fish are popular food fish." He felt that this wording makes it seem as if the intent of the rule is

to move food fish into game fish and the removal of this language would remove a red flag. Chairman Wright agreed and suggested it is appropriate to take this up as final adoption.

### Commission Discussion

Commissioner Priddy had concerns that the Agency is violating the KISS principle by not keeping this simple enough. She wondered if the Agency could go with the designations, but do away with a lot of the criteria, and just go ahead with the criteria that are already in place. She asked if the freshwater bass was declared a game fish or was the bass dropped into it.

Mr. Champeau responded that the species were just put in that category; there was no criterion to do so. They were considered fish that were sought after by sportsman, not commercial fishers and this is where the designation was made.

Commissioner Priddy further questioned if we have specific designation guidelines for those freshwater species or are they already individually controlled by their own rules and limitations and also have that designation.

Mr. Champeau responded they are defined in the rule as a list of species that are considered game fish and the management is in our general rules for game fish species hook and line only with similar type criteria.

Commissioner Priddy commented that it sounds like if you have pretty good limitations on how it's going to be managed to not change it just make it fit into a category.

Vice Chairman Barco said she agreed and asked if the criteria vary inside the game fish designation. Mr. Champeau responded that they followed the management criteria and then the manner of take.

Chairman Wright suggested striking in rule item (2) "while recognizing game fish are popular food fish" and 2 c and 2 d are unnecessary as well. He felt that to get the designation done, and then as we bring species to the designation, then we can deal with it. He further added that sport fish language 3 d is needed because it is a catch and release.

Commissioner Priddy expressed the less you put in there while still getting across the intent the better.

Chairman Wright then decided 3 d could come out because anything that prevents the release would be prohibited.

Vice Chairman Barco also expressed concerned about fish being listed as a regional opportunity. She also had concerns about making a provision that gets it off the list. It's a policy issue not science. But at some point down the road if the abundance is well above the abundance needed, then you don't want to punish anyone for being good stewards of the resource and you might decide you want to remove it.

Chairman Wright told Commissioner Priddy and Mr. Sansom that their comments were well taken; less is best. He suggested that they get the designations done and then as we bring species to designation then we can deal with them. He didn't think anyone had any qualms about permit being designated a sport fish in the Special Permit Zone, as its current regulations are already more strict there.

Commissioner Yablonski suggested we are creating designations, not populating designations, but the designations give us the ability to have conversations about species going forward.

Commissioner Priddy talked about sometimes in nature abundance is not always a good thing. To have a sustainable population on a species is where we want to be.

Commissioner Corbett proposed to go forward with the draft rule with the deletion of the wording in rule item (2) "while recognizing game fish are popular food fish and allowing for a limited recreational harvest." Removal of item 2 c and 2 d as well as item 3 d, seconded by Commissioner Bergeron and passed unanimously.

To accommodate folks that needed to make a flight, Chairman Wright amended the agenda to move 6A Anchoring and Mooring Pilot Program Ordinance – Stuart/Martin County next.

### **Anchoring and Mooring Pilot Program: Stuart/Martin County**

Chairman Wright asked Major Daugherty, with the Division of Boating and Waterways, to review the local ordinance prepared by the City of Stuart/Martin County. Major Daugherty presented a review of the local ordinance in response to s.327.4105, Florida Statutes, which allows a specific number of local governments to adopt regulations on anchoring and mooring of vessels within their jurisdiction. He explained this ordinance regulates the mooring of vessels outside of the designate mooring fields, will be considered “pilot programs” and will provide an opportunity for the Commission and Legislature to evaluate this subject more fully. Major Daugherty further discussed:

- Definitions
- Pilot Program Areas
- No Anchoring Buffer Zones – St. Lucie River, Indian River Program Area, and Manatee Pocket
- Safe Harbor within No Anchoring Buffer Zones
- Operability Demonstrations
- Proof of Pump-out Requirements
- Enforcement and Penalties
- Public Input

Major Daugherty requested the Commissioners approve the Stuart/Martin County Ordinance Contingent upon 1) Removing the Indian River Program Area from consideration until the associated mooring field is constructed and 2) Altering the buffer distances in the St. Lucie River Program Areas to 150 feet and restricting anchoring between the mooring field and shoreline.

### **Public Comment**

Kathy Fitzpatrick (Martin County Board of County Commissioners) said the Commission is happy to be part of the pilot program. The ordinance reflects public meetings, workshops and comments held prior to the draft ordinance being crafted. The Board is aware of other comments being made and felt they have represented the local interest. They are looking to the Commission for thoughts on how it fits into the pilot program itself. She will bring comments back and will schedule an advertised public hearing, which will be scheduled after this meeting.

Paul Nicoletti (City Manager, Stuart) thanked staff and all the folks who helped shape the county ordinance, applicable within the city. He further said he appreciated all the good input everyone had given, including Boat US; the City is okay with staff recommended changes.

Bonnie Basham (Florida Airboat Association, Boat US) stated they approve staff recommendation, but felt that clarifications needed to be made in order for cruisers to understand the ordinance. These include definition of stored vessel, occupied, docks as infrastructure, the safe harbor issue, and part of the operability issue. They hope the Commission approves staff recommendation with the removal of the Jensen beach area. They would also like direction from the Commission, back to the County Commission, to work with stakeholders to make this an ordinance that people will understand and can live with. She then read John Sprague’s letter which stated the Marine Industry Association of Florida felt that the ordinance does not follow the intent of the law; the mooring field has to be a part of the pilot program. He would like the ordinance reworked and sent back using staff recommendations as the basis for continued work to address other issues and modifications in the ordinance and brought back. If the Commission wishes to only accept staff recommendations, they support that position as well.

Upon a motion made by Commissioner Bergeron, seconded by Vice Chairman Barco, to accept staff recommendations as presented was unanimously passed.

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

Vice Chairman Barco pointed out that from a state standpoint, the Agency needs to come forward with what they want to see happen under the reauthorization process of the Magnuson Stevens Act. Decide what goals are important to the state and then work with the other states and the Councils, so that we have a regional voice going back to Washington.

Chairman Wright asked Jessica McCawley to present the South Atlantic Council Report. Ms. McCawley reviewed the issues that were discussed at the South Atlantic Fishery Management Council's September 10-14 meeting in Charleston, SC and items proposed for the upcoming meeting in Wilmington, NC, that will occur the same week as the Commission meeting, which included:

- Red Snapper – 2012 Season and Future Harvest
- Golden Crab – Final Action Delayed
- Yellowtail Snapper
- Possible Closed Areas for Warsaw Grouper and Speckled Hind
- December Expected Actions and Discussions

Ms. McCawley noted that no Commission direction is requested at this time; however, staff welcomes Commission direction on any Council issues. The next Council meeting will be held in Wilmington, NC the week of the Commission meeting which is December 3-7, 2012.

Vice Chairman Barco explained that snapper has been closed on the Atlantic side for two years. There may be some issues on the Gulf side with the red snapper fishery and putting people out of business due to season constraints; when you have no fishery, you can't collect fishery data. She commended all involved who worked hard to help get data collected when they opened the 4-day mini season, which will help scientist determine the status of the Atlantic fishery and provide data for future Atlantic red snapper seasons.

#### Public Comment

Jerry Sansom - Waived

Jeff Miller (CCA Florida) stated he supports a tag program for deep water grouper where it is a limited catch, but the red snapper fishery is supposed to be rebuilt, and a tag program is over-regulating. Shifting allocation of recreational quota to another sector is not supported by CCA and they would like staff to not support this.

#### Atlantic Black Sea Bass

Chairman Wright asked Ms. McCawley to discuss the final public hearing for Atlantic black sea bass. She explained that black seas bass are regulated as reef fish in Chapter 68B-14, Florida Administrative Code (F.A.C.). This action would make state recreational bag and size limits and commercial black sea bass regulations in the Atlantic Ocean consistent with federal regulations that are already in effect. Ms. McCawley discussed the background of Atlantic black sea bass and the current state regulations in Atlantic waters, federal actions for recreational and commercial, as well as federal recreational accountability measures, State-Federal inconsistencies identified by FWC staff, proposed rule – size limits, proposed rule amendment - recreational bag limit, proposed rule amendment – commercial license requirements for traps, proposed rule amendment. Staff recommends approving the proposed rule amendments for Atlantic black sea bass. These proposed rule amendments would:

- Increase minimum size limits for commercial (from 10" to 11"TL) and recreational (from 12" to 13" TL) harvest.
- Decrease recreational bag limit to 5 fish
- Require federal endorsement and permit for traps
- Match federal trap specifications and requirements in state waters.

If approved, staff recommends making the rule effective February 1, 2013. Staff has evaluated the rule under the standards of 68-1.004, F.A.C., and found it to be in compliance.

#### Public Comment

Chad Hanson (PEW) said Atlantic sea bass is still undergoing overfishing, not quite yet rebuilt. They support staff recommendations and would like the rule to go further to close waters in state when federal waters close. He explained that in 2011 the harvest showed a blip in state waters because of effort shift from federal waters that closed into state waters that were still open. If the intent is to rebuild this fishery, he feels it is a good policy to have concurrent regulations, which would prevent overfishing from occurring.

Vice Chairman Barco made a motion to approve staff recommendation, seconded by Commissioner Corbett.

### Discussion

Commissioner Priddy asked about Mr. Hanson's proposal about closing state waters when federal waters close in the recreational fishery, and whether the Commission should consider his proposal.

Ms. McCawley responded that in the past the Commission has given direction that they did not want to do that for recreational because it is like writing a blank check since we don't know from year to year when the fishery will close. We have been directed to come back after the fishery closes to address each one of those fishery closures separately.

The motion on the table passed unanimously.

### Flounder Fishery Status Update

Chairman Wright asked Carly Canion to present the flounder fishery status update. Ms. Canion reviewed the Fish and Wildlife Research Institute's (FWRI) 2012 State of Flounder Fishery Resources in Florida. She described the three species: southern flounder, Gulf flounder, and summer flounder. The FWC is the primary managing Agency for flounder in Florida. Flounder is both a commercial and a recreational fishery in Florida and is targeted mainly for food. She discussed the following:

- Distribution and Biology
- Current Flounder Regulations
- 2012 Flounder Fishery Status Update
- Total Harvest – Atlantic Coast
- Total Harvest – Gulf Coast
- Flounder Abundance Indices
- Model Results – Atlantic Coast
- Model Results – Gulf Coast

In summary, staff recommendations are to maintain current regulations because the current harvest rate is sustainable and there is no indication of population decline. The fishery is not likely overfished or experiencing overfishing on either coast under the current regulations.

### Public Comment

Janie Thomas (Shrimp Producers Assn.) stated that shrimp are highly regulated. Further, while they don't target flounder in their trawls, they requested more incidental flounder be allowed per trip instead of throwing them overboard. She added that the 50 pounds of flounder that is currently allowed per trip is too little for those vessels going for multiple days. She then mentioned that from October to November is the only time of year that they catch more than 50 pounds per day. Ms. Thomas read a statement from Captain Mike Adams, a commercial shrimper, which said he felt the 50 pounds of flounder per trip is a waste of natural resources. If a vessel is gone for 10 days it is only allowed 50 pounds. If you are only allowed 50 pounds and vessels are gone for longer periods of time they are forced to consider this as bycatch.

Chairman Wright asked if there is a method to document trip departures and returns. Ms. McCawley responded there is a mechanism with the trip ticket.

Chairman Wright and Vice Chairman Barco directed staff to evaluate a mechanism to record data so a greater amount of flounder can be kept for longer trips,

Vice Chairman Barco asked if we went to 50 pounds per day or 24 hour period, would we be able to judge the effect on the flounder fishery. Do they have a VMS system? Ms. Thomas responded no, but the vessels keep log books and trip ticket systems too.

Vice Chairman Barco clarified that some non-targeted by catch might turn into targeted, but this was not considered in this instance to be the case.

Commissioner Priddy asked what the shrimpers are asking for exactly. Ms. Thomas said they would like to keep what flounder they catch (100 pounds in a day), especially during the season when they catch a larger amount during October-November; the fuel is expensive and the fish should be fed to the people.

Chairman Wright clarified they currently can take 50 pounds per trip, but if they go out for 10 days they would like to get 50 pounds per 24 hours, which should be verifiable by a log. He added to also increase the bycatch from 50 to 100 for the limited time of October and November.

Ms. McCawley responded that those months are spawning months...and she is not sure we want to increase the catch up to that level during spawning season. She corrected her previous statement and clarified that trip tickets only show the date the harvest was sold to the wholesaler dealer and does not have the span of the trip; it is not required information.

Vice Chairman Barco said if it is really important to the shrimpers, they need to find a way to monitor their trips.

Chairman Wright suggested they get with Jessica and figure out a way law enforcement can verify this. Ms. Thomas responded they would work on it.

Ted Forsgren (CCA – Florida) support recommendations made by staff and appreciate caution regarding bycatch.

Vice Chairman Barco then directed staff to also work with CCA on this issue to hear both sides of the argument.

Vice Chairman Barco made a motion to accept staff recommendations on current regulations on flounder, seconded by Commissioner Priddy. The motion passed unanimously

### **Apalachicola Bay Issues - Oysters**

Chairman Wright asked David Heil, with the Division of Marine Fisheries to present a report on the Oysters in Apalachicola Bay. Mr. Heil reported that in July 2012, observations and sampling of oyster populations on the winter harvesting reefs in Apalachicola Bay by the Florida Department of Agriculture and Consumer Services (FDACS) indicated that oyster populations were depleted over most of the reef areas sampled and that surviving oyster populations were severely stressed. He explained that the purpose of this report is to provide an overview of the Apalachicola Basin and the importance of Apalachicola Bay oysters, review oyster management and the findings of the FDACS monitoring report, and explain how the issue is impacting other counties along Florida's northern gulf coast. Mr. Heil also noted that several agencies are working to help the oysters recover in Apalachicola Bay and aid the oystermen during this difficult economic time. He discussed Governor Scott's requested disaster relief funds for Gulf of Mexico oyster industry and the FWC Executive Order issued for Bay County to lower the commercial bag limit and close weekend harvesting. Further, this presentation includes an overview of upcoming projects that will aid the Apalachicola oyster industry and begin the restoration of oyster populations within the Bay.

Director Wiley added that there has been a lot of cooperation and team work between agencies, including the Department of Economic Opportunity, Workforce Florida and Governor Scott's push to get funds. Further FWC has been working close with the FDACS, Commissioner Putnam, and Leslie Palmer and the Agency is very appreciative, but we need all hands on deck to address this crisis.

Commissioner Bergeron questioned if there were water rights that Florida has.

Chairman Wright responded that it is very complicated and may have to get resolved in Supreme Court, which is indicative of how legally cantankerous this issues is.

### Public Comment

Don Ashley (Apalachicola Riverkeeper) on behalf of the Apalachicola Riverkeeper, he thanked the stakeholders, agencies, and Legislature that have been involved with moving towards a basin-wide solution and a fair and equitable allocation of those freshwater flows. He then made a presentation on the state of the Apalachicola Basin crisis. He noted the oyster is like the canary in the coal mine, warning of much bigger dangers. Once essential habitats become affected it will start to have an impact perhaps hundreds of miles into the Gulf of Mexico. FWC is the Agency in the state with the constitutional authority and responsibility for all fish and wildlife and he urged the Commission to help them move this issue forward as rapidly as possible. He further added that today they are finding soft coral occurring in places that it should not be occurring and if we don't have enough fresh-water to maintain an estuary eventually the oyster will suffer, and everything else will come behind it. He said that there are two ways to get water back; to get the Corps to change the water control manual or to have Alabama and Georgia to reduce upstream water use. He asked that FWC urgently ask Governor Scott to continue dialogue with the Georgia and Alabama Governors to reduce upstream freshwater uses and agree to an equitable "shared sacrifice" distribution plan, develop and lead a strategic Florida plan that ensures Apalachicola Bay assessment funding, Florida Congressional delegation support for WRDA Freshwater ecological flow requirements and ensure the Corps of Engineers consider all fish and wildlife impacts required under an EIS, not just endangered species. In addition, support a public-private partnership under a facilitated "Bay Management Council" that includes industry and Agency participation for a sustainable resource and healthy industry. Work closely with the Commissioner of Agriculture to extend the six month workforce program for "shelling and relay" to one year, coordinate the collection of data and documentation required to justify a "fisheries failure" finding by the Department of Commerce and asked that an Apalachicola Bay update be added for all future FWC Commission meetings. Lastly, he discussed a lasting solution which stated that authorized uses shall not exceed freshwater flows required to sustain rivers, bays and working waterfront communities. Mr. Ashley then asked the Commission to put Apalachicola Bay on their agenda for this in 2013.

Chairman Wright thanked Mr. Ashley for his hard work and the information. However, we've got a Governor that is engaged and is concerned about jobs in this community and everyone is concerned and what might help is to all get on the same page; though much of what they are suggesting is already being done. We can have updates in the Executive Director report at every meeting. He suggested coordinating among everyone who has something to offer and figure out what needs to be done and the best way to allocate resources. He then asked Mr. Wiley to help coordinate this with the Riverkeepers.

Director Wiley noted that the overall problem is water and mentioned that Secretary Vineyard and his staff are very dedicated to this issue and FWC staff works with their team. One of the key facts to be able to validate the fishery failure is to be able to document an economic loss, but you can't document it until it has already happened, and it is happening now. He also noted that FWC is pretty aligned with what Mr. Ashley has suggested, and they need to communicate more closely as that everyone knows what is going on because the issue has really been elevated.

Mr. Ashley urged the Commissioners to please have the commitment to push this in the next year because the bay may reach a tipping point.

Jerry Sansom (Organized Fishermen of Florida) said this is potentially catastrophic and the issue is clearly water. We saw it in the Everglades back in the 70's and the species that are turning up are indicative of a problem. To have an estuary you need a balance and you need the freshwater to hold the saltwater back to make it work. There will not be an Apalachicola if you take the water out of it. There is a law in Florida that establishes minimum levels and flows for waterways, but Apalachicola is not subject to that because we do not have the control; we need a strategy for Apalachicola like all the other rivers in Florida to bring to the Legislature and Corp of Engineers.

Janie Thomas (Shrimp Producers Assn.) commented oysters do exist in Nassau and Duval counties and they were encouraged to write a request to DEP to open shellfish beds in Nassau and Duval counties. They have the full support of the Waterways Commission in Jacksonville to open the shell beds for harvest. Nassau County Shellfish harvesting has been closed since 1977 because the water quality was very poor, but with the Federal Clean Water Act, the water should be improved; DEP will start testing of the waters in both counties. She hoped someone from FWC would be assigned to help them with their new business endeavors.

Shannon Hartsfield (Governing Board Member, ACF Stakeholder group) stated they are only getting 3 ½ to 4 bags a day in a season and that normal harvest is 20 bags a day. He explained the river is starving the bay to death and if we don't find some way to get Atlanta to release water this time next year, we won't be worried about the Bay; we will be worried about feeding families.

#### Commission Discussion:

Commissioner Yablonski talked about how special Apalachicola is to the Commission; the Bay is about harvesting wild oysters, not farmed, and a native heritage that is dependent on them. To have this happen on the heels of the BP Oil Spill is devastating and noted he is all for doing whatever needs to be done to help.

Commissioner Bergeron said bringing this issue to the forefront should take a very high priority. It's more than oysters, its jobs, culture, the economy, it's the environment and lack of water, or too much water, is sudden death to an environment; we need enough water to be compatible with the environment.

Chairman Wright stated we need to realize the importance of partnership and that this is going to take team work. We share the management of oysters with Department of Agriculture and Consumer Affairs, and the Department of Environmental Protection is responsible for the water flow.

Vice Chairman Barco commented that the ACF issue is huge compared to the water problems we face in Florida. There are so many people to reach with the message that conserving water makes a difference to the health of the river and bay. We still need to go to Georgia to plead a case to get water down here.

Dan Tonsmire explained the ACF is a 56 governing board member of private stakeholders who have raised money and they are also trying to develop a strategy of how to share the water equitably, but they don't allow members from state and federal agencies as those groups have been litigating for 22 years with no solutions. What they are finding in these meetings is that stakeholders are starting to understand what is going on with water problems around the state.

Chairman Wright stated that they hear the stakeholders loud and clear and this will be a continuing discussion.

Chairman Wright asked for a Motion to defer Okeechobee Waterway till tomorrow.

Update that fairly soon a dredging project will be starting to get the hump in the waterway out in front of the Myakka Lock and start getting some of the rock ledges on the channel across the lake down to the level so we can restore navigation back across Route 1.

#### Public Comment on Items Not on the Agenda

Donnell Whitfield, from Liberty County, stated he has hunted for a 60 plus years and felt the bears are taking over and the deer population has suffered. He has heard that bears have been re-located there and they have migrated from there over to the Apalachicola and Florida rivers. He stated where you have bear, you will not have deer or hog; they do not mix. He would like the Commission to allow each county to decide its own bear hunting policy. Or, as a state agency, catch them and move them back from where they came from.

Chairman Wright said he understands his concerns and directed Mr. Whitfield to discuss this with Regional Director Roberson about what kind of relief we can provide.

Mitchell Larkins (Florida Bear Hunters Assn.) presented the Commissioners with results of a poll conducted in 67 counties conducted by Mason-Dixon Polling & Research, which revealed that three out of four people strongly oppose trophy hunting of Florida's recovering black bear population. He feels the survey is skewed because they did not survey very many folks in Liberty or Franklin Counties. They want something done about the bears in Liberty County. He urged the Commissioners to direct staff to amend the bear management plan to allow private and leased landowner to control the bear on their own property.

Commissioner Priddy asked if we could have a report back to the Commission about what needs to take place to allow the Agency to consider bear hunting. She asked for this report in April.

William Ward (Gulf Fishermen's Assn.) welcomed the Commissioners to Apalachicola. He encouraged the Commission to continue to understand the needs of the seafood consumers in this state and the importance in jobs it creates; they look forward to working with the Board to support this as well as sustainable fisheries. He complimented staff and reported he is working on the Fisheries Investment Regulatory Relief Act, and explained that it brings money through more than 100 million in annual tariffs, which brings the money back to local waterfront areas to allow them to solve their issues at a local level. Further, he encouraged the Commission to use the BP Oil Spill state and federal restoration money on the nexus of damages from the spill. Also, they would like to be involved with staff to help work on developing priorities for how that money is spent wisely for the recreational and commercial fisheries, and other drivers of the economy.

Chairman Wright noted he would like to talk to Mr. Ward about hatcheries and aquaculture.

Newton Cook (United Waterfowlers of Florida/Future of Hunting in Florida) thanked the Commission for their support of the record attendance at the waterfowl summit, a clean water and clean marsh habitat summit. Folks are waking up to the need of taking care of the marshes for the ducks and public use. He is also seeing adverse impacts to oysters in the St. Lucie waterway from too much water. Lastly, he discussed a move to sign a petition to get a million signatures to take \$500,000 a year out of the Florida Water and Conservation Trust Fund (the legacy fund). He emphasized it is a disaster for all the state agencies that get money from the stamp tax. Further, he asked who this money is going to and what group will be distributing it; it must be stopped before it soaks all the money up out of the water management districts and the FWC; there would be no money left for management; the conservation easement part of this has no limit. He was told the money would go to toilets on the beach.

Chairman Wright asked Nick to have someone look into this petition and report back at the February meeting.

### **Commissioner Exchange**

Chairman Wright deferred Commissioner Exchange to Thursday's meeting.

### **Recess Wednesday's Portion of the Meeting**

Chairman Wright recessed the meeting at 7:06 p.m., to reconvene at 8:30 a.m., Thursday, December 6.

### **Thursday, December 6, Reconvene**

Chairman Wright opened the meeting at 8:44 a.m.

### **Special Recognition**

Chairman Wright asked Bud Vielhauer, our General Council to present the "Outstanding Prosecutor of the Year Award." Mr. Vielhauer recognized Jarred Patterson and Robin Myers as the Agency's dual "Prosecutors of the Year." He talked about their contributions as outstanding partners with the Commission and our law enforcement staff. Mr. Patterson and Mr. Myers made a few comments to the Commissioners. The Commissioners thanked them for the good work they do to protect our wildlife. A photo was taken with the Commissioners.

### **Florida Youth Conservation Centers Network (FYCCN)**

Chairman Wright asked Rae Waddell, Director, Florida Youth Conservation Centers Network, to give an update. Ms. Waddell presented an historical journey describing where we started and how we have grown over the past four years. She dedicated the update to Commissioner Corbett for his unwavering support and dedication to creating the next generation that cares about fish and wildlife conservation. She gave a brief overview of the FYCCN history and the need for the program along with its basic concepts. Further, she discussed the example of a successful public-private partnership with Beau Turner Youth Conservation Center, and then briefly described the following program points:

- Hub and Spoke Model
- 2010 Request for Partnerships
- December 2010 Commitment
- FYCCN State Funding Sources
- 2011 Implementation
- FYCCN Vision
- FYCCN Traditional Recreational Activities
- Ocala Youth Conservation Center
- Everglades Youth Conservation Center
- Weedon Island Preserve
- December 2011 – A true Gift
- 2012 Partner Recruitment
- FYCCN Conservation Education Curriculum
- Tenoroc YCC Improvements
- Tenoroc Youth Shooting Sports Enhancements
- Wildlife Foundation of Florida Fundraising
- 2013 Fresh New Look

Ms. Waddell ended by thanking Commissioner Corbett for his extraordinary support and financial help. A photo was taken with Commissioner Corbett and Ms. Waddell. After which, Chairman Wright made a few comments thanking Commissioner Corbett for all the great things he has accomplished for the youth of Florida. Next, Director Wiley talked about Commissioner Corbett's leadership during his two terms (10 years). He described the considerable business experience and expertise he brought to the Board and the significant contributions he made to the Agency that include spearheading the leadership Summit for Bobwhite Quail Management and Restoration of Upland Plant Communities on public lands, his champion of sound land stewardship, and most importantly the youth initiative. He has been a true leader in his unrelenting focus on getting more kids outside, which no doubt is his legacy to conservation. He then presented Commissioner Corbett with a bronze statue contributed by our partner the National Wild Turkey Federation and from the Agency.

Commissioner Bergeron thanked Commissioner Corbett for his mentoring and leadership.

Vice Chairman Barco talked about his legacy of the Youth Conservation Network and his deep commitment; knowledge and understanding that taught them about the environment, the youth and sports.

Commissioner Yablonski talked about his fearless approach to life and being on the Commission. He discussed his legacy of getting the Florida Constitution changed by encouraging landowners to put land into conservation; millions of youth lives will be changed forever because of what he accomplished.

Commissioner Roberts discussed what an inspiration he has been, and talked about his effort, talent, and dedication, along with the direction he has provided to the Board.

Commissioner Priddy talked about her opportunity to attend the National Wild Turkey Federation with him and she also emphasized his passion for the kids.

Chairman Wright invited stakeholders to make comments to Commissioner Corbett. Newton Cook, Todd Hallman, Bonnie Basham, Dave Markett and Lane Stephens all thanked him for his efforts towards conservation and the youth of Florida.

Commissioner Corbett talked about his passion and love for the environment, land and animals from a very young age.

A photo was taken with all the Commissioners.

### **Okeechobee Waterway Boating Safety**

Chairman Wright asked Captain Richard Moore, Boating Law Administrator, to report about the proposed changes to the Commission's Rule 68D-24.011, Florida Administrative Code (FAC). Captain Moore discussed the proposed changes which delineates boating safety zones on the Okeechobee Waterway (OWW) from Martin County on the east coast to Lee County on the west coast of Florida. He explained the need for this rule revision which originated from a Florida Fish and Wildlife Conservation Commission (FWC) review of all state-adopted boating safety zones in Chapter 68D-24, and that during the review, errors were found in the geographic description of two zones. He added this proposed rule would correct an error in the geographic description for a zone on the OWW in Martin County. Additionally, this proposed rule would correct the geographic description, extend a boating safety zone and change the regulated speed on the OWW at the Clewiston Lock Structure in Hendry County. Staff recommended that the Commissioners approve the publishing of a Notice of Proposed Rule in the Florida Administrative Register and, as a result of public support for the proposed rule, requested approval to later file the final rule proposed rule for adoption, as allowed by law, provided there are no timely requests for a hearing on the rule.

### **Public Comment**

Bonnie Basham (Florida Airboat Association, Boat US) said they support staff recommendation.

Upon a motion made by Commissioner Roberts, and seconded by Commissioner Bergeron, to approve the proposed changes presented by staff, and unanimously passed.

### **Major Proposed Rule Changes on FWC-Managed Areas**

Vice Chairman Barco asked Diane Eggeman, Director Hunting and Game Management Division, to present the proposed rule changes on FWC-managed areas. Ms. Eggeman, first addressed Commissioner Corbett and talked about his passion for the youth center legacy and how she appreciated his understanding and support of wildlife management, along with his open mind regarding controversial issues. She then reviewed the staff's recommendations of approximately 170 ideas for rule changes that included statewide and regional rule proposals. Staff requested the Commission approve the proposals for rule amendments for advertising in the Florida Administrative Register and is seeking direction for staff as we continue to work with the public. Staff will return in February for final hearing.

Chairman Wright asked Ms. Eggeman to work with Nick and the with water management districts, particularly the St. Johns Water Management District to incorporate a rule that would allow hunting for fur-bearing species on their properties; the same as on FWC Wildlife Management Areas.

Ms. Eggeman introduced the public hunting areas biologist for the Northwest Region, Paul Shrine.

Commissioner Bergeron asked if there were workshops held with stakeholders on any of the issues. Ms. Eggeman responded yes, on certain issues, like the forked antler rule in south Florida.

### **Public Comment**

Newton Cook (United Waterfowlers of Florida/Future of Hunting in Florida) thanked FWC for the opportunity for more hunts. However, he is concerned about the expansion of equestrian use on several properties in the southwest. He added that hunting is not open despite the FWC approval of two 10,000 acre locations for hunting, because equestrian users objected. Further, hunters look to expand concurrent use everywhere else, because of user cooperation. But, faced with the virulent opposition they have received from equestrian groups in the southwest, they cannot support more horseback riding in that area until there is more cooperation from them.

Commissioner Priddy asked Mr. Cook to clarify if hunting is not allowed on the two parcels in Southwest Florida Water Management District (SWFWMD) areas he described. He responded that hunting is not allowed on these parcels. He also stated that the District has not allowed hunting on several of their properties for many years.

Todd Hallman (Florida Sportsman Conservation Association) expressed concern about the requirement for a license to hunt hogs. He also discussed a rule amended five years ago on Holey Land, Rotenberger and Francis S. Taylor WMAs to only allow ATV use during hunting season to get equipment in and out, due to abuses. When the rule came out, small game was left out of the hunting season. They are asking that ATV use be allowed again during small game season. Lastly, he thanked staff for cutting back on the doe harvest at J.W. Corbett due to hunter requests and a survey to hunters that came back 70/30 in favor of a three point rule; their user group survey showed the same results. The deer population has declined, even though the numbers are not showing it; he believed the harvest is approximately 70 less than last year.

Lane Stephens (Executive Director, Allied Sportsmen's Associations of Florida) representing the Florida Airboat Association said they fully support recreational use permits on WMAs, but would like to see a use fee looked into. In addition, they fully support the requirement to have a license to hunt hogs on Commission managed property, but he is concerned about potential unintended consequences of changing the status of wild hog to a game animal and if that will potentially affect take methods that are in use today. He understands the intent of the change is only to require a license to hunt hog, but hopes this information is advertised and that people understand this. Lastly, though there has been a lot of expansion of opportunities on SWFWMD properties, which is good, however if there is conflict, he hoped FWC will revert back to current regulations, so they don't lose hunting days.

Bonnie Basham (Everglades Coordinating Council) has asked her to reiterate what Mr. Hallman and Mr. Stephens said. The list of areas that need the ATV to be reviewed are Everglades, Francis S. Taylor, Holey Land and Rotenberger. Lastly, she echoed the sentiment on horseback riding; expansion is not right at this time in Southwest Florida because of the attitude.

Dave Markett (Florida Guides Association) commented that he was appalled at how equestrian users attacked ethical hunters at the SWFWMD meetings; hunters were accused of wanting to frighten horseback riders. He agrees that everyone needs a license and at the same time wondered if there is not a better way to do this than designating wild hog as game.

#### Commission Discussion:

Chairman Wright commented that he and Executive Director Wiley will plan to visit water management districts.

Vice Chairman Barco asked how we received the request to expand equestrian use. Ms. Eggeman responded it was a stakeholder request in general and that they would take a look at where they can expand equestrian use across the board, without undue conflict.

Vice Chairman Barco said she does not want to get in between the boards, but questioned what would happen if we voted no to making those changes. Ms. Eggeman responded that the ultimate negative consequence is that it could result in less hunting, but we will try to work it out through collaboration; we honor the land owner wishes to the extent that we can, but we try to provide a forum to let them know our stakeholder needs as well as solutions we have come up with in other parts of the states for similar issues of concern.

Vice Chairman Barco asked if there were any public hearings on this. Ms. Eggeman said yes, at the SWFWMD.

Mr. Cook explained they are trying to get a chance to have cooperative effort.

Chairman Wright clarified that the district did not provide an opportunity for other user groups to attend.

Commissioner Bergeron asked if the SWFWMD allows hunting and horseback riding at the same time on some of these lands. Ms. Eggeman responded yes, though it varies by area and timing of the hunt.

Commissioner Bergeron asked what the conflict is, if they are allowing both users. Ms. Eggeman clarified their issue is that there are two areas that have very limited hunts in the SWFWMD, but the issue is how the hunters were treated by the equestrian groups; now the hunter groups don't want to give back. Mr. Cook explained there are a couple of 10,000 acre tracts full of game, and hunting is not allowed. He explained this is in a populated area that is dying for hunting opportunities and there is zero opportunity now.

Chairman Wright suggested identifying where the areas are and asked if Ms. Eggeman would create a good narrative summary for him and Director Wiley to take to the meetings.

Commissioner Bergeron suggested a hunting season where equestrian users are not allowed, then allow horseback riding at other times, both at the same time when possible.

Commissioner Roberts asked if the SWFWMD is the most difficult for having different user groups share the property. Ms. Eggeman responded in her opinion, yes. Commissioner Roberts suggested the Commission talk to the Southwest District letting them know this works in other areas and work towards understanding.

Commissioner Priddy asked Ms. Eggeman to explain the intent of changing hogs to game animal. Ms. Eggeman responded the intent is to be able to require a hunting license for hunting hogs on FWC managed properties. Commissioner Bergeron asked if there was a quota for hogs. Ms. Eggeman responded that it depends on the area; there is a quota in South Florida.

Commissioner Yablonski said he did not realize that shooting a squirrel with a BB gun has been illegal for all this time, and then stated the new rule is a good thing. He also asked for clarification about what criteria is intended for a special event permit for the WMA's; he felt the criterion is very broad.

Ms. Eggeman responded that the intent is to be permissive; the criterion is very liberal and not based on numbers, but rather devised to start a conversation and evaluate the details to try to "make it work."

Commissioner Bergeron expressed that we want to encourage people to enjoy public land, not restrict it.

Commissioner Yablonski stated he felt it was the term "permit" that will have negative implications.

Chairman Wright clarified that it is not the intent of staff to deny access. He proposed changing the wording from permit to "use notification."

Ms. Eggeman clarified this was more to prevent user conflict.

Commissioner Bergeron commented he would like to see hunting in its season time frame and horseback riding the rest of the year, to have the different user groups live in harmony so we don't have user against user. He also expressed concern that ATV use is okay as long as it's not damaging the environment.

Chairman Wright asked if staff could respond to the request to allow additional ATV access during specific hunting seasons.

Dr. Don Coyner responded that we have accommodated hunters to be able to remove their deer stands. He went on to say that staff would continue to work with stakeholders on this issue. He felt the concern has been recreational use of ATVs.

Commissioner Bergeron expressed concerns about environmental damage by ATVs. He asked staff to work with stakeholders and make sure this could be done without damage to the environment.

Chairman Wright asked if between now and final rule could they define a solution for ATV use during small game hunting, indicating the intent is to allow the hunter to be able to access a hunting place without walking.

Commissioner Bergeron expressed to make sure there is a quota for hog in the south region because they are panther food.

Director Wiley commented that the Agency is being very careful to strike the right balance.

Upon a motion by Commissioner Corbett with the language change from “permit” to “use notification or authorization” and have staff continue to work on the language for ATV access during small game season, seconded by Commissioner Roberts, the motion passed.

### **Quota Hunt Program**

Chairman Wright asked Dr. Don Coyner to present changes to the Quota Hunt Program. Dr. Coyner reviewed the background of how quota hunts began and then discussed the changes made and those outcomes. He discussed the recommended improvements they heard from stakeholders, reviewed the timeline that was presented at the November 2011 Commission meeting, discussed the non-regulatory improvements to the system and other changes, and briefly described what the proposed rule would do. Staff recommended the Commission approve the draft rule language in 68A-15.005, F.A.C. and direct staff to advertise in the Florida Administrative Register in January 2013 and bring back a final rule for consideration at the February 2013 Commission meeting.

### **Public Comment**

Newton Cook (United Waterfowlers Florida/Future of Hunting in Florida) emphasized what a great program the quota hunt system was and the improvements will only make it better; they totally support this. He also asked that duck hunters be able to regain access using their ATVs to Holey Land and Rotenberg which are adjacent to STA 3/4 and 5.

Todd Hallman (Florida Sportsmen’s Conservation Association) stated the quota change was a bold move that is working out well and he would like to see staff continue to make updates that will improve opportunity and access.

Chairman Wright noted that hunting opportunities being more accessible is very important.

Commissioner Bergeron complimented staff and stakeholders on the improvements to flexibility of opportunity and access.

Commissioner Corbett motioned to approve staff recommendations on the draft rule, seconded by Commissioner Bergeron and passed unanimously.

### **Statewide Alligator Harvest Program**

Chairman Wright asked Harry Dutton, Coordinator of the Alligator Management Program, to discuss the Statewide Alligator Harvest Program. Mr. Dutton presented a brief overview of the statewide alligator harvest program, implemented in 1988. He explained how the permits are issued and described the hunt details, the budget and revenue, the types of harvest units, harvest quotas, population trends, and various program statistics including participation, quotas, harvests and average size. He further pointed out the program strives to strike the right balance among hunters, eco-tour operations/conservationists, the alligator farming industry, and general public. Additionally, Mr. Dutton discussed the future of the program, as well as possible rule changes that include replacing countywide permits with statewide permits, allowing the use of handguns to dispatch captured alligators and 24-hour hunting. Staff seeks direction at this time from the Commissioners on the program and any proposed changes.

Commissioner Bergeron asked Mr. Dutton to confirm that we harvested 8,000 alligators in 2011, which did not include nuisance alligators. Mr. Dutton responded that this number was correct.

Dave Markett (Florida Guides Association) said he believed that the state is losing income and profitability on the program and made a few suggestions that might increase profitability within alligator hunts but remain within the framework of the program. He would like the Commission to consider allowing awarded alligator CITES tags to be assigned to another person once they pay for an alligator trappers license, similar to the guest quota hunt program. He has also heard requests for the harvest time period to be held earlier so that more students can

participate (there is currently only a two week window of time for many). They would like to see a youth hunt or move the start date to August 1, as a few examples that will get more youth/students involved. He is not in favor of 24-hour hunting, because it is the hottest time of the year and you may risk spoilage and contamination of the meat consumed by the public. He is also concerned about handguns and their effectiveness; he believes people could stretch the limit and try to hit the small kill area from a distance. He supported more of a statewide permit approach but would like nuisance alligator trappers to be limited from taking alligators from AMU's.

Todd Hallman (Florida Sportsmen's Conservation Assn.) stated they will not support killing alligators with a handgun, or 24 hour alligator hunting.

Bonnie Basham (Florida Airboat Association, Boat US) said she thought it was an excellent idea to start alligator hunting earlier to give kids more opportunity. In addition, she believes that putting money up when you apply is a good feature and helps reduce the chance that people who do not agree with hunting would tie up some of the permits. Lastly, she stated they are against handguns, 24 hour hunting, and would like to see the 10 a.m. ending hour looked at again because of spoilage by the time they get to the processor.

Lane Stephens (Executive Director, Allied Sportsmen's Associations of Florida, Florida Airboat Association) suggested some sort of hybrid process about county tags vs. statewide tags. He also stated he believed any gun in a boat is not a good approach. The Florida Airboat Association supports keeping the current hunting time, until more experience with implementing the new hours has occurred.

Chairman Wright said he agreed with Mr. Stephens about the 24-hour hunting issue, stating we should leave the hunting hours as they are for now and see what happens. A longer season may be worth looking at but be sure to consider nesting female protection. Also, he asked for thought to be given to the option of transferring tags. In addition, he believed that the opportunity to game the system if you are a nuisance alligator trapper could potentially happen and would like this looked at. Because of the small kill area, he was not comfortable with the idea of a handgun in the boat. Lastly, he believed a deposit when applying for an alligator hunt permit might work to keep permits available for persons who really want to participate.

Vice Chairman Barco commented that we have issued 11,500 tags and the harvest numbers (8,000) don't show a big disparity. She also stated her belief that handguns are not a safe and viable way to dispatch an alligator in a boat.

Commissioner Bergeron agreed that a pistol is not a good idea because of the very small kill target. He liked the idea of an earlier season, if possible, because it would allow youth more opportunity. He suggested that staff consider fairness of any changes to permit issuance. He believed there may be potential conflict with nuisance alligators on public land that could be opportunities and revenue; we need to make sure we are not overlapping.

Chairman Wright announced that Commissioner Bergeron will receive an award this Saturday for being a champion of the Everglades.

### **A Conceptual Framework for Florida's Imperiled Species**

Chairman Wright asked Eric Sutton, Director, Habitat and Species Management, to present a report on Florida's imperiled species. Mr. Sutton explained that the intent of the presentation was to describe a conceptual framework for organizing Agency collective thoughts and actions for Florida's imperiled species – species that are listed as either state threatened or federally listed as threatened or endangered. He explained that the Habitat and Species Conservation Division is tasked with seven core functions that cut across all species, habitats and areas of the state. Furthermore, he discussed the species rarity and management continuum, state threatened species management system and current focus. Mr. Sutton then presented a simple but effective way to visualize the major components of imperiled species conservation and how they interrelate. He described the three major elements as listing determination, management planning, and conservation implantation as three rows in a table. He then described the state and federal agencies and their interplay as three columns to the table. Based on these elements, the major activities of imperiled species conservation can be clearly understood and visualized as the cells in the table. Mr. Sutton put special emphasis on the state/federal interplay column as “that is where much

confusion and opportunity lies.” Lastly, he added that the Agency’s goal with broad public and partner support is to conserve or improve the status of imperiled species to effectively reduce the risk of extinction.

### **Imperiled Species Management Planning**

Dr. Thomas Eason continued with an explanation of the FWC adopted management system to conserve threatened and endangered species. He explained that a component of this new conservation model for Florida species is the development of management plans for the state’s listed species and this presentation provides an update on the Imperiled Species Management Planning effort that is underway. He reviewed the rules relating to Endangered or Threatened Species, the Biological Status Review for 61 species, and then talked about management planning from 2011-2012. Dr. Eason explained the newly developed approach that is focused on integrating the species plans into one final Imperiled Species Management Plan, Commission follow-up, stakeholder/public outreach and the next steps. Lastly, he reported that staff plans on bringing the final Imperiled Species Management Plan (ISMP) and final rules for Commission Approval by spring 2015.

Director Wiley commented how well staff has worked on this as a team and with stakeholders and he is very appreciative of all the work that has gone into this.

Chairman Wright and Commissioner Corbett both complimented staff on a job well done.

#### **Public Comment:**

Amelia Savage (Hopping, Green & Sams) commented that staff has done an excellent job in part due to the leadership of the Board. She has worked with staff on this and they have done a great job of bringing this process along; she is looking forward to working on management plans, which are a huge undertaking.

Director Wiley announced that this is Thomas Eason’s last meeting as an FWC employee. He added Dr. Eason has been a major contribution to what we do and who we are. He took a great opportunity to work with the U.S. Fish and Wildlife Service; it is a great fit for him.

Dr. Eason made a few comments about his pride in working with FWC. He is dedicated to the fish and wildlife of our state and will be happy to bring everything he learned at FWC to the Service.

### **2013 Automatic Fee Increases**

Chairman Wright asked Sandra Wilson to present her report on 2013 Automatic Fee Increases. Ms. Wilson discussed that by law, in 2013 and every five years thereafter, vessel registration and license fees shall be adjusted by the percentage change in the Consumer Price index for all Urban Consumers since the fees were last adjusted, unless otherwise provided by general law. Furthermore, by February 1 of each year in which an adjustment is scheduled to occur, the FWC will submit a report to the President of the Senate and the Speaker of the House of Representatives detailing how the increase in fees will be used within the agency. She explained the history and then discussed the vessel registration and resident and non-resident price changes. Lastly, she discussed the fiscal impact from vessel registration and saltwater, freshwater, and hunting licenses, and potential outcomes the Legislature could take. She said that staff is seeking Commission direction on the report content as presented and any guidance or sideboards for this issues as it develops. Also, staff recommended the Commission delegate authority to the Executive Director in consultation with the Chairman, to act timely on this issue as it unfolds this Session.

#### **Public Comment:**

Dave Markett (Florida Guides Assn.) brought to the Commission’s attention a new opportunity to establish an open season for goliath grouper; he felt it is a testament to a fish species recovering and strongly encouraged the Commission to consider placing goliath grouper under an identical program as developed for alligator management. There are many reasons this would be a good idea and would offer economic benefit; he would like to see the state take the lead on this as it is a rare opportunity to allow a controlled harvest on a recovered species.

### Commissioner Discussion:

Chairman Wright personally thought that right now is not a good time to be imposing more costs. He suggested fashioning a letter of response on how the Agency would spend the money if they made the increases, and include language that asks the Legislature to defer the fee increases for one year.

Commissioner Yablonski agreed and to comply with the law and minimize the report, he suggested the agency could use the money (\$6.7 million), based on asking the hunters, anglers, and boaters how to spend it.

Commissioner Priddy suggested that the Board re-visit what the funds will be used for.

Upon a motion made by Commissioner Yablonski and seconded by Commissioner Corbett that in light of the economic times, the Chairman and Director will fashion a letter of response on how the Agency would spend the money if the fee increases were made, but would like to defer the implementation for one year.

Director Wiley announced the retirement of Sandra Wilson and asked Assistant Executive Director Greg Holder to talk about Sandy Wilson and her accomplishments and long tenure with the agency.

The Commissioners complimented Ms. Wilson on her great career with the Agency.

### Work Plan

Chairman Wright asked David Arnold, Rules Administrator to present the proposed 2013-2014 Work Plan. Mr. Arnold reviewed the proposed Work Plan for items staff will present to the Commission for the period beginning July 1, 2013 through June 30 2014. He explained that staff will bring items to the Commission via staff reports, updates, various administrative approvals and items that are a part of the formal rule making process. He then discussed the Agency Strategic Plan themes that include Florida's Fish and Wildlife and their Habitats, Hunting, Fishing, Boating and Wildlife-Viewing Opportunities, Sharing Responsibility for Fish and Wildlife Conservation and Management with an Emphasis on Developing Conservation Values in our Youth, Community Involvement and Effective and Responsive Organization. Staff requested Commission approval of the Work Plan and is open to additional direction on the 2013-2014.

Vice Chairman Barco asked why the Agency is going back to captive wildlife. Mr. Arnold responded that we always have to examine the issues that come up and maybe do a workshop.

Colonel Brown explained that the Agency is mainly looking at caging rules that were developed 20 years ago; there is new technology available and our primary focus will be to update our rules to match what is going on.

### Public Comment:

Ted Forsgren (CCA-Florida) complimented staff and the Commission and said it was a great agency to work with. He asked the Agency to develop a species monitoring program, like the canary in the coal mine, it would give useful information if a species were recovering or if there was a problem; he asked that this be incorporated into the work plan.

Vice Chairman Barco made a motion to approve the work plan, seconded by Commissioner Roberts, and passed unanimously.

### Public Comment on Items Not on the Agenda

Ted Forsgren (CCA-Florida) discussed a notice from the Feds accepting applications for harvest for scientific purposes in areas closed to fishing. One of the expected applications is to be for long line fishing to offset costs of conducting research on the high seas and to investigate bycatch hotspots. They would like a letter from FWC to the Feds to object to letting this happen. They heard someone who had been involved in a shark long line fishery that got regulated out and are looking for compensation. One of the things they are offering for compensations is to let them fish in the closed zone.

Vice Chairman Barco presented a brief history of how this started and explained that previously we objected to issuance of some but the permits were issued anyway.

Mr. Forsgren explained further that the closed areas were specifically created to remove the pressure on the pelagic.

Ms. McCawley explained that she reviewed the letters Mr. Forsgren had, and indicated that we have written a letter before and can do it again. The Board agreed and Chairman Wright said he would see if the Governor will write one as well.

Ms. McCawley replied they will do this before the deadline of December 20, 2012

Todd Hallman (Florida Sportsman's Conservation Assn.) mentioned that he was able to work with Regional Director Chuck Collins, to resolve some issues with the youth camp. Also, he was able to talk with Bill Cline, Section Leader, Hunter Safety and Public Shooting Ranges, about problems with the youth hunting program, he said it was being gamed. Further, he announced they are hosting a spaghetti dinner at youth camp on Friday February 1, and the next day is their big Youth Day at the camp. Lastly, he thanked Commissioner Bergeron for his donation for the monument they will erect honoring John C. and Mariana Jones and invited the Commissioner to attend the Youth Day.

### **Commissioner Exchange**

Commissioner Bergeron thanked Commissioner Corbett for all he has done for the people of Florida, especially the Youth Program and noted he was a true mentor and friend. He handed out a book on the Everglades Patrol, which will give the Board a good idea of what really happens in the Everglades. He also complimented Harvey Oyer on his book about Charlie Pierce, called "The Last Egret," which is a story about conservation. He thanked Ali for finding the funding to get the book into multiple counties school systems. He thanked staff, Regional Director Chuck Collins and Director Nick Wiley, as well as Mr. Dutton and Ms. Eggeman for the coordination of the workshop with the nuisance trappers; he felt it was very productive and they accomplished working towards a true partnership with a goal of greater service. Further, he is excited about the game fish and sport fish designations and discussed the success of the Blue/Green event and thanked Rick Murphy for his involvement. Lastly, the Everglades Taskforce is having a meeting on Friday and he is pleased the Agency has confidence in him to represent FWC. He added our input is important because the Everglades are the largest restoration in the world.

Commissioner Yablonski recognized Rae Waddell for her work in the Youth Center Network initiative. He also spoke to the deviation from the Councils and hopes that it does not cause problems down the road with the Magnuson Stevens Act. Further, with Commissioner Corbett leaving, he felt the Agency is losing a great knowledge for quail habitat and hopes that he continues to work with us on this through the Foundation. He would like an update on the Upland Ecosystem Restoration Project (UERP). Lastly, he thanked staff for all the work for a great meeting in Apalachicola.

Commissioner Roberts thanked staff on a great meeting and said he felt that they helped to make the job of being a Commissioner easier. He stated it is a privilege to have the opportunity to serve on this Board. Commissioner Roberts then thanked the Commissioners on their open discussions and also for sharing their knowledge. Lastly, he remarked no one can fill Commissioner Corbett's shoes and his knowledge base is marvelous.

Commissioner Priddy commented that it is nice to represent Florida and also nice to hear how Florida leads the way and how staff makes that possible is great. She noted that there are some very large issues the Agency deals with and it can make you feel out of control because they are being thrust upon us by other agencies and states. Lastly, she is proud to be a part of FWC and thanked staff and the Commissioners for contributing to making this a great Agency.

Vice Chairman Barco said there is an excellent article in the Wall Street Journal called "America Gone Wild" which is about the world moving in the wrong direction. She also thanked Apalachicola and court house staff for

allowing us to be in this space. She then thanked staff and Regional Director Wright for her help. Further she said Commissioner Corbett will be missed and hopes he stays involved with the Youth Conservation Program. Lastly, she complimented the good relationships between staff and stakeholders.

Chairman Wright thanked Toni Brannon and Joe Morcate for the great job they did on the meeting. Furthermore, he thanked, Tim Donovan, Tim Lewis, and David Arnold, and also thanked law enforcement for everything they do here and elsewhere around the state. He thanked Commissioner Corbett again, as well as, Ms. Wilson and Dr. Eason; he wished them good luck and said they will be missed. In addition, he thanked each Commissioner for their consideration of the sport fish and game fish designations. He is giving each Commissioner a book by Randy Wayne White, a former fishing guide out of Tarpon Bay, called "The Ultimate Tarpon Book." Next, he confirmed with Director Wiley about meeting with other interested parties regarding the Apalachicola River and will continue to see what we can do within our limitations. Lastly, regarding the Magnuson Stevens Act, he asked if we can get a date and be prepared for that. He wished Commissioner Corbett good luck and he looks forward to continuing to work with him on the Wildlife Foundation.

Commissioner Corbett talked about the cooperation among the whole group. He thanked Director Roberson and staff for the good work on the meeting and emphasized how special the Apalachicola meeting location is to him. He also thanked Director Wynn and Ms. Waddell for their good work. He ended by saying we are the "light on the hill."

### **Commission Administrative Matters**

The next Commission meeting is scheduled for February 13-14 at SeaWorld in Orlando.

### **Adjournment**

Chairman Wright adjourned the meeting at 3:19 p.m.

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Kenneth W. Wright  
Chairman

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Nick Wiley  
Executive Director

Respectfully submitted:

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Robin Stetler  
Commission Administrative Assistant