



Florida Fish and Wildlife Conservation Commission

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Commission Meeting
December 12 – 13, 2018
St. Augustine, FL
Minutes

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

The Florida Fish and Wildlife Conservation Commission (FWC) held its regular meeting December 12 – 13, 2018, at the Renaissance World of Golf hotel located in St. Augustine, Florida. Chairman Adrien “Bo” Rivard called the meeting to order with the following members also in attendance:

Michael Sole, Tequesta
Robert Spottswood, Key West

Sonya Rood, St. Augustine
Joshua Kellam, Palm Beach Gardens

Gary Nicklaus, Jupiter

Senior and Presenting Staff:

Eric Sutton	Executive Director
Dr. Thomas Eason	Assistant Executive Director
Bud Vielhauer	General Counsel
Shannon Wright	Director, Northeast Region
Chris Wynn	Director, North Central Region
Dr. Tom Reinert	Director, South Region
George Warthen	Director, Northwest Region
Thomas Graef	Director, Southwest Region
Curtis Brown	Director, Division of Law Enforcement
Morgan Richardson	Director, Division of Hunting and Game Management
Jon Fury	Director, Division of Freshwater Fisheries Management
Jessica McCawley	Director, Division of Marine Fisheries Management
Gil McRae	Director, Fish and Wildlife Research Institute
Kipp Frohlich	Director, Division of Habitat and Species Conservation
Doc Kokol	Director, Office of Strategic Initiatives
Susan Neel	Director, Office of Community Relations
Glenda Atkinson	Director, Office of Information Technology
Martha Guyas	Division of Marine Fisheries Management
Claire Sunquist-Blunden	Division of Habitat and Species Conservation
Sarah Funck	Division of Habitat and Species Conservation

There were 80 individuals registered to speak to the Commission during the two-day meeting.

Meeting Opening

Chairman Rivard called the December 12 – 13, 2018, meeting to order at 8:32 a.m.

Invocation and Pledge of Allegiance to the Flag

Mr. Chris Wynn, North Central Regional Director, gave the invocation, followed by the Pledge of Allegiance led by Chairman Rivard.

Adoption of Minutes

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

Adoption of Meeting Agenda

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

Approval of Consent Agenda

Upon a motion by Vice Chairman Spottswood, seconded by Commissioner Sole and carried, the December 2018 Consent Agenda items were approved.

Executive Director's Report

Mr. Eric Sutton, Executive Director, highlighted the following topics in his report to the Commission:

- Staff Recognition:
 - Ms. Hannah Hart with the Division of Marine Fisheries Management
 - Mr. Allen Martin with the Division of Freshwater Fisheries Management
 - Mr. Donny Stratmann with the Division of Law Enforcement
 - Mr. Peter Begin with the Northeast Regional Office
 - Ms. Corinne Davis with the Division of Hunting and Game Management
- New FWC Website launch on Monday, December 17th.
- Red Tide update.
- Everglades update.
- TrophyCatch Program award ceremony highlights.
- FWC Prescribed Fire Program update.

Staff Report – Hurricane Michael

Executive Director Sutton and Colonel Curtis Brown, Director of the Division of Law Enforcement, presented information on response and recovery related to Hurricane Michael.

Chairman Rivard thanked everyone who was involved in response and will continue to be involved in recovery related to this disaster.

Commission Discussion

Chairman Rivard thanked the Commissioners for all their efforts to support staff affected by the disaster.

Commissioner Kellam thanked Executive Director Sutton and Colonel Brown for hosting him while he traveled to the affected areas. He noted his experience visiting with staff affected by this disaster and the sense of family that is shown to help each other through this tough time. He encouraged everyone to participate in recovery efforts, whether it be financially or physically assisting with clean-up.

Vice Chairman Spottswood commented that he is so proud of the agency for its involvement in response and recovery. He noted that when Hurricane Irma hit the Keys in 2017 he saw the same response from FWC

leadership and staff to help with recovery efforts. The passion he sees from staff to help the citizens and fish and wildlife throughout the state of Florida is amazing.

Chairman Rivard thanked Governor Scott and the Division of Emergency Management for their disaster response and recovery efforts. Finally, he thanked the Fish and Wildlife Foundation of Florida for fundraising money for recovery efforts. He then reminded everyone still dealing with issues related to the storm that Chief Financial Officer of Florida, Mr. Jimmy Patronis, has a specific dedicated phone line to help individuals navigate through the process of dealing with insurance or other hurricane recovery issues.

BREAK

Items Requiring Action

Draft Rule – Shore-based Shark Fishing

Ms. Jessica McCawley, Director of the Division of Marine Fisheries Management, presented a proposed draft rule for shore-based shark fishing (SBSF). Staff recommended creating a mandatory no-cost, annual SBSF permit; prohibiting chumming from beaches; requiring immediate release of prohibited shark species caught from shore; requiring prohibited sharks remain in the water; requiring the use of non-offset, non-stainless steel circle hooks; requiring anglers possess and use appropriate cutters; and updating current sharks and rays rule language.

Chairman Rivard asked Commissioner Sole to provide input on this topic.

Commissioner Sole thanked staff for working with the many stakeholders interested in this topic, along with those stakeholders participating in the many public workshops and the discussion of options to move forward.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Jim Simmons, Mayor of the Town of Melbourne Beach, addressed the Commission. He expressed support for staff recommendations. He did not support exemptions from the shark fishing permit requirement.

Mr. Jeff Nelson, Chairman of the Blue Heron Bridge Preservation Initiative, addressed the Commission. He noted concern for sharks that are pulled up to tall fishing piers where shark fishing is allowed because it can be harmful to the sharks.

Ms. Jessica Veatch addressed the Commission with the request to separate user groups at guarded beaches to reduce the potential conflicts.

Ms. Jenna Fisher addressed the Commission with thanks to Commissioner Sole for taking the lead on this issue and staff for their efforts organizing public meetings. She also noted concern about the use of break-away gear in Florida's waters.

Mr. Skip Commagere thanked the Commission for their work on this topic.

Mr. Bill George addressed the Commission with opposition to exemptions for the proposed no-cost permit for SBSF. He suggested a restriction on chumming from vessels that may come in close to the beach.

Mr. Tom Ingram with Diving Equipment and Marketing Association (DEMA) addressed the Commission. He noted the 2019 DEMA show will be in Orlando in November. He added support for staff recommendation. He requested an additional ban on SBSF near public beaches, similar to limits on spearfishing.

Mr. Jim Abernathy addressed the Commission with thanks for all the attention to this topic. He added support for staff recommendation with an addition of separating SBSF from swimming beaches.

Ms. DD Halpern addressed the Commission in support of staff recommendation. She requested additional actions in the future to ensure public safety.

Mr. Earnest Polk addressed the Commission with concerns about the staff recommendation. He noted that harvest of species prohibited by Florida is allowed in Federal waters. He requested the Commission allow limited harvest of species currently designated as prohibited species and issue tags to allow removal of deceased sharks from beaches.

Ms. Alyssa Freeman with Marine Industries Association of Palm Beach County addressed the Commission in support of staff recommendation.

Mr. Trip Aukeman with Coastal Conservation Association Florida (CCA) addressed the Commission in support of staff recommendation and voiced concern about any changes that would reduce access for other types of fishermen.

Ms. Kellie Ralston with the American Sportfishing Association (ASA) addressed the Commission in support of staff recommendation and in opposition to any potential temporal or spatial closures.

Mr. Robert Weber with the Town of Palm Beach addressed the Commission with the request for FWC to ensure safety of all beachgoers. He respectfully demanded the Commission regulate chumming. He requested chumming be banned from piers, bridges, and within half of a mile of shore.

Mr. Karl Shaffer addressed the Commission. He noted concern for restricting access to the fisheries.

Mr. Corey Ricketts addressed the Commission in support of staff recommendation.

Mr. Travis Minter addressed the Commission with a request not to restrict access to the beach for fishermen. He noted support of recommendations related to gear. He requested additional discussion on the restriction of time that the fishermen are allowed to keep the shark for measuring and gathering data. He suggested that the proposal to keep the shark in the water to remove the hook makes it much more dangerous for the fishermen.

Ms. Jeanne Jain addressed the Commission in support of most of the recommendations by staff. She requested a ban on shark tournaments and SBSF from swimming beaches.

Ms. Shannon Geis addressed the Commission in support of staff recommendation.

Mr. Robert Johnson addressed the Commission in support of staff recommendation. He noted that the state and federal regulations have done a tremendous job protecting shark species over the last several decades.

Mr. James Hull with the Southeastern Fisheries Association (SFA) addressed the Commission in support of staff recommendation. He requested that additional training on shark identification be included in the educational portion associated with these rules.

Mr. Adam Sugalski addressed the Commission in support of staff recommendation. He requested FWC create a task force to include stakeholders who can monitor social media to enforce these rules for the safety of sharks. He suggested posting signs at beaches to display rules for shark fishing.

Commission Discussion

Commissioner Sole clarified the issue of fishing from piers. He noted support for staff recommendation not to regulate different user groups on different areas of the beach. He also commented that sharks' gills need to stay wet, but it needs to be a safe situation for the angler as well.

Chairman Rivard echoed the comments related to safety of individuals while also taking the proper precautions to ensure that the sharks are able to be released and survive.

Commissioner Kellam asked about implementation and enforcement of these rules when they are adopted.

Colonel Brown responded that FWC officers always work with stakeholders on any new regulations that are adopted by the Commission.

Commissioner Kellam also asked about the process for obtaining the free permit. He also questioned some of the comments related to restriction of access.

Ms. McCawley responded that the details are still being finalized because this is a draft rule. She noted the current planned process. She also stated that the proposed draft rules do not restrict any access.

Commissioner Rood asked about times that SBSF takes place.

Ms. McCawley responded that shark fishing occurs during the day and at night and a time restriction would limit access.

Commissioner Nicklaus commented that there should be no exemptions for the permit. He suggested that youth under the age of 16 should be with someone who has a permit. He asked staff to focus on the education portion of this proposal to note fishing near other users can be dangerous, no matter what the species being targeted. He also asked about chumming from vessels and looking at that practice near beaches.

Commission Action

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

Draft Rule – Marine Life Harvest at Blue Heron Bridge

Ms. McCawley presented a proposed draft rule to prohibit harvest of marine life species from the waters at the Blue Heron Bridge dive site surrounding Phil Foster Park in Palm Beach County and limiting landing and possession of those species at Phil Foster Park to organisms collected from an open area and landed at the Park's public boat ramp or docks.

Public Comment

The following individuals addressed the Commission on this agenda item:

Ms. Deborah Drum, Director of Environmental Resource Management with Palm Beach County, addressed the Commission in support of staff recommendation. She also thanked FWC staff for their efforts responding to the red tide impacts in Palm Beach County.

Ms. Jean Matthews with the Palm Beach County Parks and Recreation Department addressed the Commission. She noted conflicts between collectors and divers happen on a daily basis. She noted support for education and signage about the proposed rules. She noted the value of the park for exposing people to nature. She added support of the staff proposal.

Mr. Jeff Nelson addressed the Commission in support of staff proposal. He asked for additional discussion on the boundary to increase the included area on the north side of the park pushing it further north to the channel marker. He noted potential confusion if lobstering is continued to be allowed. Finally, he asked FWC to monitor the Special Activity License (SAL) program to ensure no one is profiting off of the collection of species.

Mr. Skip Commagere addressed the Commission in support of staff recommendation.

Mr. Dan Volker addressed the Commission noting concern with SAL holders operating without oversight to ensure the marine life species are not harvested at rates of abuse.

Mr. Jim Abernathy addressed the Commission with a request to move the northern proposed border of the proposed area further north. He added support for staff recommendation.

Mr. Tom Ingram addressed the Commission in support of staff recommendation. He requested to work with staff on a few suggestions before final presentation in February 2019. He suggested adding language regarding live well oxygenation and potentially making this area a no-take zone for all species.

Mr. Thomas Poff addressed the Commission in support of staff recommendation.

Mr. Bill Parks representing Florida Marine Life Association addressed the Commission in support of staff recommendation. He asked the Commission to make sure this does not open up more closures for areas that are used by marine life species collectors. He noted concerns about the SAL program in general and supported a review of the program.

Mr. Walt Stearns addressed the Commission in support of staff recommendation.

Mr. Chuck Collins, Executive Director of the Marine Industries Association of Palm Beach County, addressed the Commission with support of staff proposal. He asked staff to review the boundary proposal and the private docks allowing harvested species from outside of the area to be landed at the private docks.

Mr. Philip Podskalan addressed the Commission in support of staff recommendation and requested the northern boundary be moved farther north.

Ms. Chelsea Bennice addressed the Commission. She noted her research and asked the Commission to consider future research-based collections through the SAL program.

Ms. Shanna Phelan, Associate Director of the Palm Beach County Divers Association and owner of Pura Vida Divers, addressed the Commission in support of staff recommendation. She noted the recognition and high usage through her business.

Mr. Harry Lee, President of Conchologists of America, addressed the Commission with concern of restricting all marine life harvest in this area. He noted the large amount of mollusk species in this area which are not defined as marine life. He requested staff make additional clarification on the types of mollusks included in the proposed rule.

Ms. Carole Marshall addressed the Commission in opposition to staff proposal. She noted that this area is completely manmade and as such should not receive sanctuary status. She also reminded the Commission that this is a local park and was not historically visited by divers. She suggested that collection laws are not being enforced, and those should be reviewed prior to making any additional regulations on the area. She suggested the area was over-publicized and could not sustain the traffic.

Mr. Art Parola addressed the Commission with concern for restricting collection of species at this area. He suggested that the issue is not related to sustainability, but about addressing user conflict in the area.

Commission Discussion

Commissioner Rood asked for clarification on how staff developed the boundaries of the proposed area. She also asked about attendance at this specific park.

Ms. McCawley responded that staff worked with stakeholders on site usage. She also noted that in relation to earlier comments, the residents would be allowed to land marine life at their private docks located outside Phil Foster Park.

Ms. Jean Matthews with Palm Beach County Parks and Recreation Department noted that the 221 parking spaces in the park are regularly full and additional people access the park by taxi on weekends.

Commissioner Nicklaus thanked stakeholders for bringing this up at recent meetings. He asked about landing marine life at Phil Foster Park by boat and whether that would allow collection from within the proposed boundary of the closure. He then added support of amending the northern border.

Ms. McCawley responded that any marine life landed by boat would need to be legally collected outside the area.

Commission Action

Upon a motion by Commissioner Kellam, seconded by Commissioner Rood and carried, the Commission approved staff recommendation with amendment of the northern border being shifted to reach the northern channel marker.

Saltwater Recreational Data Collection

Mr. Gil McRae, Director of the Fish and Wildlife Research Institute (FWRI), presented an update on efforts to improve collection of saltwater recreational fishing data, including results from the Gulf Reef Fish Survey (GRFS), and options for future enhancements.

Commissioner Sole asked if the Marine Recreational Information Program (MRIP) and GRFS are 100% federally funded.

Mr. McRae responded that MRIP is a national program federally-funded by NOAA through a grant to FWC and that GRFS is funded by oil spill restoration funds.

Commissioner Sole asked if MRIP overestimated red snapper landings and if GRFS was a more accurate way to determine actual landings. He also asked if GRFS is able to develop better discard mortality estimates.

Mr. McRae responded that MRIP does have higher estimates, but they are also less precise than the GRFS estimates and must be interpreted with caution. He noted the GRFS method allows the assessment of discard mortality which provides better data for management.

Vice Chairman Spottswood asked how GRFS has impacted Florida's fishing seasons.

Mr. McRae responded that the biggest change is in the confidence of the agency's ability to effectively manage red snapper at the state level through the exempted fishing permit. Without this data collection program, it is unlikely that NOAA would allow FWC to manage red snapper in federal waters.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Trip Aukeman addressed the Commission with a request to make GRFS a statewide program. He voiced tentative support for a GRFS fee and stated that CCA would work with the agency to develop a reasonable cost.

Ms. Kellie Ralston addressed the Commission to request the agency continue the GRFS program and expand it statewide. She expressed support for electronic reporting, like iAngler, and requested that the agency find ways to incorporate angler-reported data into management decisions. She stated ASA would help address oversubscription in GRFS and find funding solutions for statewide expansion of GRFS.

Mr. Brett Fitzgerald with Angler Action Foundation addressed the Commission in support of expanding GRFS statewide. He spoke in support of angler-reported data and asked the Commission to aid in outreach to increase the number of people using the iAngler app.

Capt. Robert Johnson addressed the Commission in support of expanding GRFS statewide and noted he would have preferred a federal program.

Capt. James Hull addressed the Commission in support of expanding GRFS statewide.

Mr. Dixie Hollins addressed the Commission in support of gathering the data needed to support the rules and regulations.

Mr. Mike Merrifield addressed the Commission in support of expanding GRFS statewide.

Commission Discussion

Executive Director Sutton commented that this program is necessary in order to improve recreational data estimates, but that it will come at a cost. He noted the importance of the program and stated it must continue. Staff are looking at options for future GRFS funding and that will be a priority topic for the agency in the coming year.

Vice Chairman Spottswood noted the progress that the agency has made to increase recreational access to red snapper in the Gulf through the exempted fishing permit and the plans to delegate red snapper management to the state. He asked how reliant the agency is on GRFS for state management of red snapper in federal waters.

Mr. McRae responded that without the continuation of a data collection system like GRFS, state management of red snapper beyond 2020 would be very difficult. GRFS was fundamental to the argument for state management of red snapper.

Commissioner Sole commended staff and former Commissioners for proactively getting a grant to establish and test GRFS, which has been a huge success. He stated that continuing the program must be a priority. He asked staff to determine the economic benefits generated from the Gulf red snapper exempted fishing permit. He offered to help find the appropriate funding source to continue GRFS and supported expanding the program statewide.

Chairman Rivard noted that GRFS has been a success. He commented that we need to continue to get more data and expressed hope that more data will lead to more access for fishermen. He congratulated staff on a job well done. He stated that continuing GRFS is a priority.

LUNCH BREAK

Staff Reports

Goliath Grouper

Ms. McCawley and Mr. McRae presented an update on goliath grouper with proposed next steps for research and management. The presentation included a brief review of state and federal management; a presentation of current and ongoing research; information on how recent events, such as Hurricane Irma and the 2017-2018 red tide, impacted goliath grouper; and selecting management metrics for goliath grouper in Florida waters. The five management metrics presented were indices of abundance, population size, abundance on natural reefs, population age structure, and genetic diversity.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Jeff Nelson addressed the Commission to request a study of the goliath grouper population.

Mr. Bill George addressed the Commission with concern over delaying action to open goliath grouper harvest to wait for future research results. He requested allowing limited take for research. He suggested increasing outreach on goliath grouper by holding a contest to collect fin clips.

Mr. Tom Ingram, President of DEMA, addressed the Commission in support of staff proposal. He expressed concern that due to recent events, the goliath grouper population in South Florida may not be rebuilding. He noted that the diving community believes a harvest moratorium on the species is necessary. Based upon the economic value of the goliath grouper to dive tourism, he recommended the agency pursue protections for the species that are similar to those for manatees.

Mr. Jim Abernathy with Wildlife Voice addressed the Commission in opposition to harvest of goliath grouper because of high mercury levels.

Mr. Bill Parks addressed the Commission with concerns that the goliath grouper population is declining; juvenile recruitment is near zero in the Ten Thousand Islands and adult encounters are dropping on both coasts. He suggested the causes of the decline were cold water and red tide.

Mr. Walt Stearns addressed the Commission and suggested the goliath grouper population has, at best, plateaued. He noted some people are seeing a decline in the number of larger fish in Southeast Florida. He expressed support for the staff recommendation.

Ms. Shana Phelan with the Palm Beach County Divers Association addressed the Commission in support of a continued moratorium on this species. She noted that Palm Beach County has proclaimed September as goliath grouper SCUBA Diving Month due to the economic value of the species.

Mr. Gerald Carroll with the Jupiter Dive Center addressed the Commission and echoed Ms. Phelan's comments on the economic value of goliath grouper to the dive industry. He expressed concern that regulations for goliath grouper might change in the future.

Ms. Kellie Ralston addressed the Commission to thank them for making their decisions based on science.

Mr. James Zurbrick addressed the Commission in support of allowing researchers to take live specimens of goliath grouper. He suggested the agency needs to educate the public about the current status of goliath grouper.

Mr. Brett Fitzgerald addressed the Commission with a recommendation to partner with independent groups, like REEF or iAngler, to collect additional data.

Mr. Dixie Hollins addressed the Commission to encourage the agency to engage dive clubs on Florida's Gulf Coast to augment data collection.

Mr. Bob Harris, General Counsel for DEMA, addressed the Commission with commendation for the report on goliath grouper. He noted that the diving community is ready to help gather data on goliath grouper if needed.

Commission Discussion

Vice Chairman Spottswood noted the intent of the presentation and discussion on goliath grouper at this meeting is to select an alternative set of metrics to generate a stock assessment or a measure of abundance, and to determine whether the population is healthy. He asked how the five metrics presented could be used to develop a stock assessment in five years, and whether the scientific community would accept the findings of an assessment using these metrics.

Mr. McRae responded that unknown fundamental life history information, such as maximum age and reproductive potential at age, prevents the agency from estimating the reproductive potential of a virgin, unfished

stock, which is why the agency cannot develop an accepted traditional stock assessment. He said the metrics presented today can be used to determine whether a sustainable harvest is possible as well as how many fish can be harvested.

Vice Chairman Spottswood asked if the metrics presented could be used to develop an assessment of the population that would be accepted by the scientific community.

Mr. McRae responded that the metrics could be used to justify any level of harvest that may be proposed in the future. However, they would not satisfy the federal requirements if the federal requirements remain the same.

Commissioner Sole asked if the methodology presented today is scientifically sound.

Mr. McRae responded that there will be scientists who will want the agency to use the standard assessment approach, but we know that is not possible. The metrics presented will enable the Commission to justify and undertake a quantitative risk assessment to inform a future harvest.

Vice Chairman Spottswood thanked Mr. McRae for going through the information about the metrics. He expressed his frustration over the previous failed goliath grouper stock assessments and the inability to develop information that would enable the Commission to make an informed decision about when access to the fishery can be given back to the public.

Chairman Rivard commented that they would like to have information that would at least enable them to decide if they want to give access to the fishery.

Commissioner Sole noted that there is good news because developing an assessment of the population and determining if the population can support harvest is possible, but it will take time.

Chairman Rivard asked if there are other species that present similar dilemmas to assessing stock status or if this is unique to goliath grouper, and, therefore, a different framework is justified.

Mr. McRae responded that no other species is in a similar situation.

Marine Fisheries Management Annual Workplan

Ms. McCawley presented the 2019-2020 marine fisheries workplan for review and approval. This workplan is for the period from January 1, 2019, to June 30, 2020.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. James Zurbrick addressed the Commission with thanks for work on trap fisheries issues. He asked that FWC do what it can to see if we cannot actually establish a seabass fishery in federal waters.

Mr. Jerry Sansom with Organized Fishermen of Florida addressed the Commission in support of the workplan. He requested staff consider adjustments within the mullet fishery as a workplan topic and asked that mullet be moved up in priority. He thanked staff and the Commission for their work on the Federal Disaster funds.

Mr. James Hull addressed the Commission emphasizing that the FWRI hook and line cooperative survey needs to be funded.

Commission Discussion

Vice Chairman Spottswood asked about the proposed work in 2019-2020 on Dolphin. He requested that Dolphin be moved in to the HIGH category.

Ms. McCawley responded that SAFMC is starting a new amendment to look at a number of dolphin items.

Vice Chairman Spottswood then asked about the state management proposal for red snapper.

Ms. McCawley responded that the state reef fish permit is in the HIGH category and that we are calling that GRFS Expansion. She then informed the Commission that the state management proposal for red snapper is housed within the Red Snapper item in the HIGH category and noted that category encompasses both Gulf and Atlantic red snapper.

Commissioner Sole thanked staff for adding the federal fisheries disaster recovery to the list and asked about Permit being on the list again for 2019-2020.

Ms. McCawley responded that this particular Permit item is different from the previous Permit item.

Commissioner Sole acknowledged that the workplan is ambitious, but a good stretch-goal, and stated that he supports it. He asked that Permit be moved from the HIGH to MEDIUM priority category and asked if Electronic Reporting could be moved to HIGH priority.

Chairman Rivard added that he would like to see Electronic Reporting be moved to HIGH priority and completed.

Mr. McRae clarified that this topic encompasses a lot of different areas. Everything from getting fish houses that still report trip tickets on paper to convert to electronic, to the new approaches with apps and electronic log books for charter boats. Staff have made a lot of progress on this; however, it is a long-term initiative to move to quicker electronic reporting mechanisms. He stated that this is more of a day-to-day activity than a specific workplan objective staff are striving toward.

Executive Director Sutton advised everyone to be conscious that the plate is full and that we are doing the best we can to shift items around when necessary. He appreciated the input from the Commission.

Chairman Rivard asked the Commission for approval to take the last few items on the agenda out of order. He noted the Commission will hear Public Comment on Items not on the Agenda first, and depending on the remaining time in the day, hear the Council reports next or move those to the next day.

Public Comment on Items not on the Agenda

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

Mr. Jim Abernethy addressed the Commission regarding herbicide use related to red tide. He requested the Commission look into mechanical harvest of invasive plants throughout the waters of Florida.

Mr. Bill George addressed the Commission regarding license revocation or suspension issues. He also asked for additional review of the alligator management program.

Ms. MaryAnn Martin addressed the Commission regarding the poor health of Lake Okeechobee. She requested FWC spray less and burn more.

Mr. Ramon Iglesias addressed the Commission regarding negative impacts of spraying invasive plants on freshwater water bodies in Florida.

Mr. Karl Ambrose addressed the Commission with thanks to first responders who were activated after Hurricane Michael. He thanked the Commissioners for listening to the public who attend the meetings and speak about the problems facing this state. He asked the Commission to leave black bears alone.

Ms. Kellie Ralston addressed the Commission with thanks for all of the efforts FWC puts forth related to Disaster recovery.

Mr. Mark Roberts addressed the Commission regarding invasive plant management spraying. He noted the importance of good habitat for healthy freshwater fisheries.

Mr. Tom Stinson with the Boys and Girls Club of Northeast Florida addressed the Commission. He commented on a positive partnership with FWC.

Ms. Jeanne Jain addressed the Commission regarding bait hooks for harvesting alligators and illegal feeding of wildlife. She suggested that baiting deer is illegal feeding of wildlife.

Mr. Newton Cook, President of the United Waterfowlers of Florida, addressed the Commission. He commented on the poor health of the lakes in Florida in relation to aquatic plant spraying. He asked FWC to organize a stakeholder meeting to further discuss aquatic plant spraying. He also requested the Commission reconsider opening up a bear hunt in future years based on science.

Executive Director Sutton commented on invasive plant management and aquatic plant spraying in Florida. FWC is in charge of this task and historically, the agency balances this responsibility along with the best practices with all the stakeholders involved.

Mr. Bill Watts addressed the Commission in support of FWC and a potential partnership to host wounded veterans on fishing trips.

Mr. James Watt addressed the Commission regarding aquatic plant spraying.

Mr. Darrell Lowery, President of the Bowhunters Council, addressed the Commission with an update on youth hunt opportunities.

Mr. Joseph Wilson addressed the Commission regarding aquatic plant spraying.

Mr. Jerry Sansom addressed the Commission regarding aquatic plant spraying as well as funds for derelict vessel removal.

Mr. Dixie Hollins addressed the Commission and commended the FWC and their youth program. He also requested more promotion of youth programs on the west side of the state.

Ms. Taren Wadley addressed the Commission regarding freshwater commercial fishing data collection.

Mr. Matthew Field addressed the Commission regarding aquatic plant spraying and the negative affect it is having on freshwater fish.

Ms. Carla Wilson addressed the Commission requesting the banning of elephant rides.

Mr. Bryan Wilson addressed the Commission and expressed his appreciation on the recent elephant workshop and thanked FWC for allowing the public to participate in the conversation on elephant rides. He requested the banning of all animal rides.

Ms. Katrina Shadix addressed the Commission on allowable traps being used to trap animals and requested they all be banned. She also requested increased fines for poaching.

Ms. Candy Sullivan addressed the Commission and thanked them for not having a bear hunt over the last few years.

Mr. Ben Williams, resident of the North Florida Prescribed Burn Association, addressed the Commission. He noted support of certified prescribed burns.

Mr. Dave Bulthuis with Costa Sunglasses addressed the Commission regarding water quality in the state of Florida.

Commissioner Kellam thanked Mr. Bulthuis for bringing jobs to Florida with Costa Sunglasses.

Mr. John Rosier addressed the Commission requesting a bear hunt if the science supports that as a management tool.

Mr. Sam Folds addressed the Commission regarding aquatic plant spraying. He suggested utilizing video before, during, and after the application of spray herbicides.

Commissioner Sole added that the Commission is listening to the public. He suggested that the delivery method of some stakeholders today has been better than others. He asked that stakeholders approach things in a professional manner and volunteered to work on getting to the bottom of these issues.

Gulf of Mexico Fishery Management Council (GMFMC) Report

Ms. Martha Guyas with the Division of Marine Fisheries Management presented an update on the GMFMC and a proposed Gulf recreational red snapper season from June 11-July 12.

Public Comment

The following individuals addressed the Commission on this agenda item:

Ms. Kellie Ralston addressed the Commission in support of staff proposal for the red snapper season for 2019. She also noted her support for moving forward with the state management amendments.

Ms. Ashford Rosenberg with the Gulf of Mexico Reef Fish Shareholder's Alliance addressed the Commission in support of the red grouper quota reduction and for keeping federal for-hire under federal red snapper management. She asked the Commission to approach red snapper reallocation with an open mind.

Mr. James Zurbrick addressed the Commission on behalf of Richie Landry who had to leave unexpectedly. He requested the Commission oppose the reallocation of red snapper. He noted his support for red snapper state management for private anglers only.

Mr. Mark Kramer addressed the Commission in opposition of reallocation for red snapper. He also requested mandatory electronic reporting for private recreational anglers.

Mr. Tommy Holmes addressed the Commission with a request to start the red snapper season earlier in the year, where there is less fishing effort, to gain more days. He suggested spreading the season out to several weekends in the spring or fall.

Commissioner Discussion:

Commissioner Kellam asked about spreading the red snapper season out over the spring, summer, and fall months.

Ms. McCawley responded that weekends, regardless of the time of year, have higher fishing effort compared to weekdays. She explained that the way for Florida to get the most days is to run a continuous season spread over June to July. She noted that if there is leftover quota, the season could be reopened to weekends-only during the fall.

Commissioner Sole commented that he wants the Exempted Fishing Permit (EFP) to be successful for the future of red snapper state management. He noted that he is comfortable with the staff recommendation because it gives Florida the greatest opportunity to be successful.

Chairman Rivard noted that the timing of this is ideal to confirm the season in February after the January Council meeting. He suggested using staff's recommendation to stay within our quota and for the overall success of the program.

Commissioner Nicklaus asked if adding weekday only season days would provide a longer red snapper season.

Ms. McCawley responded that adding small mini seasons on weekdays or weekends could create a derby-style event. She noted that Florida cannot exceed the quota for 2019 and that the proposed staff recommendation of 32 days in June and July should keep us within our quota.

Commissioner Direction:

Commissioner Kellam made a motion to approve staff recommendation, seconded by Commissioner Sole and approved unanimously.

South Atlantic Fishery Management Council (SAFMC) Report

Ms. McCawley presented a report on actions and discussions from the SAFMC's September 30-October 5, 2018, meeting and December 3-7, 2018, meeting.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Trip Aukeman addressed the Commission with appreciation for their position on for-hire limited-entry for snapper grouper.

Ms. Kellie Ralston addressed the Commission with appreciation for their position on for-hire limited-entry for snapper grouper.

Mr. Bill Kelly, with the Florida Keys Commercial Fishermen's Association, addressed the Commission regarding the SAFMC's management of yellowtail snapper allocations and concern that not reallocating has negative economic effects for Florida. He noted the SAFMC is going to develop a policy for addressing allocation reviews. However, he asserted this is not necessary because allocation reviews are already outlined in National Standard 4 for the Magnuson-Stevens Act. He commended FWC law enforcement for doing good work in the Keys. He outlined several cases where shrimp fishermen have been violating fishing regulations. He informed the Commission about a NOAA-contracted vessel that fouled over 2,000 lobster traps.

Chairman Rivard recessed the meeting at 5:24 pm

Thursday, December 13 Reconvene

Chairman Rivard reconvened the meeting at 8:32 a.m.

Items Requiring Action

Draft Rule – Proposed Rule Changes for Hunting 2019-2020

Mr. Morgan Richardson, Director of the Division of Hunting and Game Management, presented proposed draft rules related to hunting for 2019-2020.

Commissioner Sole asked about allowing vehicular access to Picayune area. He wants to make sure that there are no plans for any road improvements or to add any roads that would impact the habitat.

Mr. Richardson responded affirmatively.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Bill George addressed the Commission with support for all-day turkey hunting in the proposal.

Mr. Wayne Jenkins, President of the Collier Sportsmen and Conservation Club addressed the Commission. He noted concern for any changes to limit hunting in South Florida, specifically Big Cypress.

Mr. Curtis Rimes, Vice President of the Collier Sportsmen and Conservation Club addressed the Commission. He commented on the impact that the Florida Panther has on wildlife in South Florida. He added support for the addition of opportunity in Picayune.

Mr. John Fuller, Executive Director of the Future of Hunting in Florida, addressed the Commission. He commended staff for listening to the stakeholders and presenting such a positive set of proposed rules with additional hunting opportunities. He supported the proposed rule package.

Mr. Chuck Echenique addressed the Commission and echoed the comments of Mr. George regarding some of the areas being left out of the all-day turkey hunting proposal. He added there is no justifiable biological reason not to include those areas.

Mr. Todd Hallman addressed the Commission commending FWC on these proposed rules. He requested the Commission approve these for final hearing.

Mr. Brad Lowery, President of the Florida Bowhunters Council, addressed the Commission. He supported the proposed rule package to help simplify things and provide opportunities where available.

Mr. John Rosier with the Everglades Coordinating Council addressed the Commission. He noted support for the plan to keep open hunting in the stairsteps unit of Big Cypress. He requested that the stairsteps unit proposal have specific language regarding re-evaluation in the near future. He thanked staff for the proposal on Picayune with increased opportunity.

Commission Discussion

Commissioner Kellam asked about the reporting timeline for the stairstep unit to determine how the deer population is doing.

Mr. Richardson responded that reports can be provided to the Commission at any time. Deer surveys are reported on an annual basis and if staff are seeing a recovery in the population, it would be brought back to the Commission with a recommendation to expand hunting opportunities.

Executive Director Sutton responded that because of the presentation of hunting rules each year, this is something that can be specifically reported next cycle so that the Commission can make decisions based on the surveys and hunter success rates.

Commissioner Sole thanked the staff for making these rules more consistent. He asked why certain areas are not allowing all-day turkey hunting.

Mr. Richardson responded that seven areas throughout the state are staying at a closure on turkey hunting at 1:00 p.m. Based on area cooperator feedback and other user groups on these specific areas, all-day hunting is not moving forward for these areas at this time. Staff will continue to work with these land cooperators on future opportunities.

Commission Action

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

Draft Rule – Deer Management

Mr. Cory Morea presented proposed draft rule amendments related to deer hunting.

Public Comment

The following individuals addressed the Commission on this agenda item:

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

Mr. Corey Davis with the American Houndsmen Federation (AHF) addressed the Commission in opposition to a bag limit for deer harvest. He suggested that a better approach to deer management is habitat and fawn recruitment, rather than initiating a bag limit. He requested a voluntary reporting structure with incentives instead of mandatory system. A better understanding of predator numbers will also help. He added support for a youth weekend if it includes pursuit with dogs. He suggested more research be done before implementing more restrictions.

Mr. Bruce Conkey with the AHF addressed the Commission in opposition to the proposed bag limit. He requested staff consider the impacts of poachers and predators on the deer populations. He requested a voluntary reporting system at the beginning. He also suggested a survey for all hunters to get additional information on a wide range of topics associated with hunting.

Mr. Wayne Jenkins addressed the Commission with some concerns over the reporting system proposed. He asked about reporting requirements if the hunter is on a week-long hunt with no cell phone signal. He also asked about check stations recording the data and why that could not be used as the reporting structure.

Mr. Curtis Rimes addressed the Commission echoing the concerns of the check station data by the previous speaker.

Mr. John Fuller addressed the Commission in support of staff proposal.

Mr. Foyt Ralston with the AHF addressed the Commission. He noted opposition to bag limits with a lack of data driving the decision.

Mr. Chuck Echenique addressed the Commission. He noted that a mandatory reporting requirement is the only way to get the information necessary.

Mr. John Holloway addressed the Commission with concern over the bag limit proposed. He commented that the public hunting areas where he hunts have certain restrictions on hunting does, and this proposal would limit his opportunity. He requested consideration for those hunters who hunt in multiple zones and that the limit be three bucks/two does per zone. He noted support for the harvest reporting requirement.

Mr. Todd Hallman addressed the Commission noting support for the tag and report system by a majority of the hunters, just like it was supported several years ago when it was not approved by the Commission. He added opposition to the specific buck/doe details for the bag limit. He requested a five-deer limit with the opportunity to shoot five bucks or no more than two does.

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

Mr. Brigham Mason addressed the Commission in support of staff proposal.

Mr. Brad Lowery addressed the Commission in support of staff recommendation. He commented that having the reporting system put in place before the bag limits would have helped with acquiring data to back up the need for bag limits.

Ms. Teresa Moore addressed the Commission in opposition to the annual bag limit. She suggested that the reporting system should be in place prior to making a bag limit. She commented that her area self-regulates already and has done so for many years.

Ms. Dana Griffis addressed the Commission in opposition to the bag limit. She suggested that these bag limits impact private landowners in managing the deer on their property.

Mr. Douglas Moore addressed the Commission requesting the ability to manage the wildlife on his property as he has done in the past with conservation in mind. The bag limit proposed by staff would restrict his ability to manage deer on his land which would have a negative impact on the acreage that he owns.

Mr. John Rosier addressed the Commission in support of the tag and reporting system. He noted concern of the proposed three bucks/two does bag limit because there are no doe days in South Florida public land areas. He suggested that making the change in the bag limit to five bucks for the South Deer Management Unit (DMU) would be supported.

Mr. Newton Cook addressed the Commission in support of staff proposal. He suggested that moving forward with the bag limit as proposed, then when the timing is right, changing the bag limit specifications for the South DMU.

Mr. Lane Stephens representing the Florida Dog Hunters Association, Florida Airboat Association, and the Southeastern Dog Hunters Association, addressed the Commission. He noted support for staff recommendation with slight differences in the bag limit specifications. Those in the South Region, request the five-bag limit with no more than two does. Those in the Panhandle would support a bag limit of five bucks and two does.

Mr. Dixie Hollins addressed the Commission in support of staff recommendation.

Commissioner Discussion

Chairman Rivard noted that this proposal is moving in the right direction. He suggested that the bag limit has several proposals which may need some additional review.

Commissioner Rood asked about button bucks and whether or not they are protected or counted. She noted that she agrees with the stakeholders that different areas should have different bag limits.

Mr. Morea responded that every year after the season, a harvest survey is conducted by an outside contractor that gives the estimated number of deer harvested that season.

Commissioner Sole asked for clarification on the app which allows entry into the system for the harvest even though there is no cell service to send that data. He also asked about moving forward with additional discussion on different bag limit options for regions that have specific unique opportunities.

Mr. Morea responded affirmative that the hunter would be able to report the harvest even without cell service for more than 24 hours.

Commissioner Kellam asked how managing the bag limit on a statewide level is a good idea. Has staff reviewed a region by region bag limit? He noted support for staff recommendation but asked staff to consider the differences in each of the areas of the state.

Mr. Morea noted that Florida has four hunting zones. These zones differentiate the start and end of seasons. On top of that, there are DMUs, which have specific regulations related to antler points and antlerless harvest. He suggested that additional restrictions could be added by DMU if needed.

Executive Director Sutton reminded Commissioners that this is draft rule. He suggested that the agency needs to move forward with the proposal and go back out to research the regional options the Commission has requested staff review prior to the February or May meeting.

Commission Action

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

Chairman Rivard asked staff to review the bag limits to make sure that any additional regional restrictions allow the opportunity that the local populations can handle. If that means increasing the overall statewide bag limit to accomplish that, then staff should consider that.

Draft Rule – Nonnative Fish and Wildlife

Ms. Sarah Funck with the Division of Habitat and Species Conservation presented a proposed draft rule for nonnative fish and wildlife related to prohibited species.

Public Comment

The following individuals addressed the Commission on this agenda item:

Ms. Taren Wadley addressed the Commission regarding the impact of nonnative freshwater fish species.

Ms. Liz Felton addressed the Commission suggesting a disconnect between staff and license holders in gathering feedback on these rules. She requested the Commission regulate and not prohibit the species presented in the report.

Mr. Michael Cole addressed the Commission with a request to move reptiles, specifically the yellow anaconda, proposed by staff to be added to the prohibited list, and instead consider adding them to the conditional list. He noted concern for not getting email notice of the public meetings being held by FWC. He requested an extension to this draft rule and asked for additional coordination with license holders with an opportunity to comment.

Mr. Manley Fuller addressed the Commission in support of staff proposal. He requested staff take into consideration additional species, including Asian water monitor and crocodile monitor, that should have risk assessments conducted and either be added to the prohibited list or included in a regulated class of wildlife.

Commissioner Discussion

Commissioner Sole noted his support for staff proposal. He asked why the yellow anaconda needed to be listed as prohibited. He suggested that with the grandfathering clause, it affects people not already in possession of these animals, not those that currently have these species.

Ms. Funck responded that staff has analyzed the risk based on size, impact to native wildlife, and in low volumes in trade. Listing as Prohibited would cause minimal impact to business.

Commissioner Kellam commented on how important it is to understand the invasion curve as this topic is discussed and emphasized the importance of the prevention step to save the State time and money.

Vice Chairman Spottswood asked if there are any success stories in eradication once a nonnative species is detected in the wild. He noted that there are very few instances of successful eradication efforts once a species gets past the prevention stage on the invasion curve. He asked if others need to be reviewed and potentially added to the list, such as those species mentioned by Mr. Fuller.

Ms. Funck noted that once a nonnative species becomes established, it is very difficult to eradicate. There are a few examples of successful eradication efforts via early detection/rapid response. Reports come in every day via the Exotic Species Hotline and staff respond to these reports to remove nonnative species from the wild.

Chairman Rivard noted that if this rule is approved today, there is still an opportunity to obtain input from the industry and discuss additional species that may need to be considered in the future.

Vice Chairman Spottswood commented that working with the industry is important in enforcing these rules. If we do not work with the industry, these things will go underground, and we do not want that to happen. Staff should consider how to allow the industry to pass some Prohibited species through Florida for export out of the country. He encouraged staff to continue working with the industry on how to do accommodate that.

Commissioner Kellam agreed that the industry feedback is critical, and he suggested his time is available for further discussions with industry representatives. He would like to stay in the prevention box with this issue.

Commission Action

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

Imperiled Species Program Permitting Guidelines

Ms. Claire Sunquist-Blunden with the Division of Habitat and Species Conservation presented an overview and requested approval for Species Conservation Measures and Permitting Guidelines covering nine State-designated Threatened species.

Commission Action

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

General Counsel Report

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

Future Agenda Items

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

Vice Chairman Spottswood requested a follow up presentation on Everglades with partners involved.

Elections

Chairman Rivard opened the floor for discussion on Elections.

Commissioner Kellam made a motion to elect Commissioner Spottswood as Chair and Commissioner Sole as Vice Chair. The Commission carried the motion and approved the election of the new Chairman and Vice Chairman.

Commissioner Exchange

Chairman Rivard opened the floor for Commissioner Exchange.

On behalf of Commissioner Nicklaus, Executive Director Sutton noted that recently there has been some action moving forward with the First Tee program and there is a pilot program partnering with the FYCCN in the fall.

Commissioner Rood thanked staff for all the assistance provided to Commissioners and specifically thanked Ms. Divida Schissler for her assistance organizing things related to Hurricane Michael response.

Commissioner Kellam thanked staff for the effort in preparing for this meeting. He asked for everyone's continued thoughts for those affected by Hurricane Michael in the Panhandle of Florida, include Regional Director George Warthen.

Commissioner Sole echoed the previous Commissioner thanks. He also thanked Chairman Rivard for his leadership over the past year.

Vice Chairman Spottswood thanked Executive Director Sutton, FWC leadership, and staff for providing the details on all of the items for consideration at these meetings. He thanked Commissioner Sole for his efforts on the Shark fishing item. To all the responders who assisted with Hurricane Michael response and recovery, his heart goes out with thanks for the selfless efforts.

Chairman Rivard thanked the Regional Directors for planning and all the coordination of the meeting. He thanked registration desk staff, law enforcement staff, IT staff, A/V staff, and the Florida Channel.

Commission Administrative Matters

The next regularly scheduled Commission meeting is set for February 20– 21, 2019, in Gainesville, commencing at 8:30 am each day.

Adjournment

Chairman Rivard adjourned the meeting at 11:40 a.m.

Robert Spottswood
Chairman

Eric Sutton
Executive Director

Respectfully submitted:

Lisa Davis
Commission Assistant