



Florida Fish and Wildlife Conservation Commission

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Commission Meeting
February 20 – 21, 2019
Gainesville, 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 February 20 – 21, 2019, at the Best Western Gateway Grand hotel located in Gainesville, Florida. Chairman Robert Spottswood called the meeting to order with the following members also in attendance:

Michael Sole, Tequesta
Gary Lester, Oxford

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
Charlotte Jerrett	Chief Financial Officer
Martha Guyas	Division of Marine Fisheries Management
Krista Shipley	Division of Marine Fisheries Management
Sarah Funck	Division of Habitat and Species Conservation
Brian McManus	Division of Marine Fisheries Management
Paul Scharine	Division of Hunting and Game Management

There were 127 individuals registered to speak to the Commission during the two-day meeting.

Meeting Opening

Chairman Spottswood called the February 20 – 21, 2019, meeting to order at 8:34 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 Spottswood.

Adoption of Minutes

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

Adoption of Meeting Agenda

Upon a motion by Commissioner Kellam, seconded by Commissioner Rood and carried, the February 2019 meeting agenda was approved.

Approval of Consent Agenda

Upon a motion by Commissioner Kellam, seconded by Commissioner Rood and carried, the February 2019 Consent Agenda items were approved.

Fish and Wildlife Foundation of Florida Report and Award Presentation

Mr. Andy Walker, Chief Executive Officer of the Fish and Wildlife Foundation of Florida (Foundation) presented the Rodney Barreto Employee of the Year Award and the Louise Ireland Humphrey Lifetime Achievement Award. He then presented an update on Foundation related activities.

Former Chairman Rodney Barreto thanked the Commissioners and staff for conservation efforts throughout the state.

Commissioner Kellam thanked Mr. Walker for highlighting the efforts of the Foundation in improving conservation in Florida.

Former Chairman Barreto noted that during his time on the Commission, the Foundation was limited in available funds to assist with conservation efforts. At this time, there is an exponentially larger amount of funds to assist in conservation.

Commissioner Rood thanked the Foundation for assisting in the production of signs for Critical Wildlife Areas.

Mr. Walker thanked Mr. Doc Kokol who is the FWC liaison with the Foundation.

Mr. Eric Sutton, Executive Director, noted that when former Chairman Barreto joined the Foundation, FWC realized the need to evaluate the processes in place at the agency to partner with the Foundation because of the foresight that the financial prospects would increase. FWC also worked to improve coordination with the Foundation so that available funding could be utilized in the best, most efficient way possible for conservation.

Chairman Spottswood thanked former Chairman Barreto for sponsoring the Employee of the Year award and for the effort he puts toward conservation in Florida, even with a full-time job and other volunteer efforts, namely, planning the 2020 Super Bowl which will be held in South Florida.

Mr. Barreto challenged the Commission to work with the Legislature to suggest a new state bird for Florida, noting that at least five other states have the mockingbird as their state bird.

Private Landowner of the Year Award

Ms. Jennifer Goff with the Division of Habitat and Species Conservation presented the Private Landowner of the Year Award to Mr. Ben and Louanne Williams, owners of Wetland Preserve in Putnam County.

BREAK

Executive Director's Report

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

- Staff Recognition:
 - Dr. Nia Morales with the Fish and Wildlife Research Institute (FWRI)
 - Mr. Craig Faulhaber with the Division of Habitat and Species Conservation
 - Mr. Ryan Hamm with the Division of Freshwater Fisheries Management
 - Mr. Ryan Ford with the Division of Hunting and Game Management
 - Ms. Leah Stephens with the North Central Regional Office
- On January 10, 2019, Executive Director Sutton joined Governor DeSantis for a press conference at Mote Marine Laboratory where the Governor issued an Executive Order (EO) that included major water policy reforms relevant to FWC's mission.
 - Commissioner Kellam noted how big of a change this action was in order to address some of the top issues facing the State of Florida. He thanked the Governor for the foresight to address the Everglades and water quality.
- Red tide has subsided and is currently only detected at background levels statewide. He mentioned the existing FWC EO that made red drum and snook catch-and-release only in Southwest Florida until May 10, 2019 and noted that this did not include any restrictions on seatrout. Based on stakeholder concerns about impacts to seatrout and the timing of the spawning period, he suggested doing an EO to modify seatrout regulations to remove the allowance for recreational harvest of one seatrout over 20 inches in this same area until after the next Commission meeting in May. Commissioners noted support for this recommendation.
 - Chairman Spottswood thanked FWC leadership, specifically Mr. Gil McRae, director of FWRI, who communicated with individuals and entities wanting information on red tide as it developed.
- Crocodile Management.
 - Chairman Spottswood thanked staff for responding so quickly to increased crocodile sightings and potential impacts to the public with more of these species of animal being seen in South Florida and the Keys.
- Lionfish Awareness events: Florida Keys Day at the Florida Capitol on March 19, and Lionfish Removal and Awareness Day in Destin on May 18.
- Recreational Boating and Fishing Foundation's annual Board meeting in Orlando to discuss FWC's Recruitment, Retention, and Reactivation (R3) activities.

Staff Reports

Federal Congressional Update

Ms. Jessica McCawley, director of the Division of Marine Fisheries Management, introduced Mr. Brian McManus with the Division of Marine Fisheries Management in Washington, D.C., to present this item.

Mr. McManus presented an update on federal congressional items related to fish and wildlife.

Commission Discussion

Vice Chairman Sole asked if FWC has already looked at how to maximize federal funds to address topics such as harmful algal blooms in the future.

Mr. McRae responded that it is promising that states can now declare disasters during situations such as harmful algal blooms. He noted that the process for how to do this is not clear yet under this new law.

Vice Chairman Sole asked who sponsored the Shark Fin Sales Elimination Act (H.R. 737) and if there is growing support for H.R. 737 and the Sustainable Shark Fisheries and Trade Act (H.R. 788) this year in Congress.

Mr. McManus responded that Delegate Sablan from the Northern Mariana Islands sponsored H.R. 737. He explained that last year these bills did not move in the House, but this year there are different members in the House, so there may be more work involved with these bills. He noted that several sponsors on the Shark Fin Elimination Act from last year are now sponsors of H.R. 788, which is a huge gain for FWC as this bill would prohibit the import of shark fins from countries that do not meet the standards of the U.S. He noted that there are still concerns over impact of H.R. 737 to the commercial shark fishery.

Vice Chairman Sole explained his understanding of the issues associated with this bill in relation to Florida commercial fishing. He explained that the act of shark finning is already illegal and FWC supports this ban. He noted sharks are still a fishery commodity and that commercial shark fishing and the sale of fins from legally harvested sharks are important to Florida. Therefore, additional provisions from H.R. 737 could impact this sustainable fishery.

Mr. McManus confirmed Commissioner Sole's comments about FWC's concerns with H.R. 737.

Executive Director Sutton noted that discussions at the Association of Fish and Wildlife Agencies show great support for H.R. 877 (Pittman Robertson). He noted the importance of this presentation so that the Commission is aware of all of the potential actions at the federal level that could impact FWC and the State of Florida.

Vice Chairman Sole thanked Mr. McManus for his work in Washington on all of these topics.

Public Comment

The following individuals addressed the Commission on this agenda item:

Ms. Kellie Ralston with the American Sportfishing Association (ASA) addressed the Commission and offered support for any work relevant to federal legislation that could have a positive impact on the State of Florida. She thanked the Commission for their support on the Modern Fisheries Act and continued work with Biscayne National Park for reasonable fisheries access. She noted that ASA continues to work for more Hurricane Michael funding for affected fisheries operations.

Mr. Rusty Hudson addressed the Commission in opposition to H.R. 737 related to restrictions on shark fins being sold. He noted the negative impact that this bill would have on the commercial fishery in Florida.

Captain James "Jimmy" G. Hull with the Southeastern Fisheries Association, Inc. asked the Commission to help stop a state bill, HB 99, that would impact Florida's commercial shark fishery by banning the sale of fins from legally harvested sharks in Florida.

Ms. Sheri McCoy from Cape Canaveral Shrimp Company addressed the Commission regarding the proposed state and federal legislation banning the sale of shark fins. She noted that the sale of fins from legally harvested sharks accounts for a significant portion of their income. She noted that the U.S. has the most significant shark finning restrictions and that H.R. 737 does not provide the positive impact that some feel it will create.

Captain Bill Kelly addressed the Commission in opposition to H.R. 737 and the state bill H.B. 99. He expressed concern regarding the money Florida was awarded through the federal fisheries disaster from Hurricane Irma. He explained that this money has not yet been provided to Florida businesses impacted by the Hurricane in 2017.

Commission Discussion

Commissioner Kellam asked why the federal fisheries disaster money from Irma has not been provided to the State of Florida. He asked if there was anything that this Commission or any members of the Florida legislative delegation could do to help speed this process along so that Florida's fishermen can get some relief.

Mr. McManus responded that there are many steps surrounding federal fisheries disasters. First, a fisheries disaster must be declared, then Florida must create a spending plan and submit it to NOAA Fisheries, and then Office of Management and Budget (OMB) must review and approve the spending plan. Currently, OMB is reviewing Florida's spending plan, and the recent federal government shutdown has slowed this process.

Commissioner Kellam asked if Executive Director Sutton could look into contacting Governor DeSantis.

Commissioner Rood asked about the impacts if the shark fin bill, H.R. 737, passed.

Ms. McCawley responded that the data provided by one of the speakers on impacts to the commercial fishery is accurate. She noted that this bill would not only affect the commercial fishermen but wholesale dealers as well.

Chairman Spottswood asked about importation of fish to the State of Florida and whether or not those imports have to meet current state regulations. He then asked why that does not currently apply to shark fins.

Ms. McCawley used reef fish as an example and explained that if there is a minimum size limit, it also applies to the import size limit. She noted that there is a rule in both Florida and throughout the U.S. that state the fins have to be attached to the shark when it is landed. She explained that the state and federal bills being presented would restrict the sale of fins even if the shark was whole when legally landed.

Commissioner Spottswood asked why Florida's ban for shark fin removal at sea would not apply to other fins being removed at sea and being imported/distributed throughout Florida.

Colonel Curtis Brown added that if law enforcement has previous knowledge that the fins were removed illegally, then they could enforce a shark finning case. He noted that having knowledge of where the fins came from is critical.

Executive Director Sutton noted that staff will work on a more detailed explanation and provide that to the Commission following this meeting.

South Atlantic Fishery Management Council (SAFMC) Report

Ms. McCawley presented a report on anticipated discussion and actions at the SAFMC's March 4 – 8, 2019 meeting.

Commission Discussion

Vice Chairman Sole asked why the Council prevented the sale of charter-caught dolphin fish in 2012 and is now reconsidering it.

Ms. McCawley responded that in 2012 there was concern for how the sale of charter-caught dolphin would be counted toward quotas. For example, the fish is landed as recreational, but would be sold at market and count towards the commercial quota. There was concern that this could shut down the commercial dolphin fishery early. She noted that the Council needs to continue to look at how those charter-caught dolphins should be counted for this to be considered again.

Public Comment

The following individuals addressed the Commission on this agenda item:

Captain Bill Kelly addressed the Commission in regard to allocation issues, specifically sharing quotas between the recreational and commercial sectors. He noted concern for yellowtail snapper and the need for reallocation in this fishery.

Ms. Kellie Ralston addressed the Commission in support of the Council working on dolphin reallocation and allocation triggers. She noted support for recreational electronic reporting and requiring descending devices in the South Atlantic.

Mr. Brett Fitzgerald, executive director of the Angler Action Foundation, addressed the Commission. He noted their data collection partnerships with FWC and other organizations. He asked the Commission to continue support of myFishCount with the South Atlantic Council to keep it moving forward.

Mr. Rusty Hudson addressed the Commission in regard to working toward allowing the sale of charter-caught dolphin. He noted his support for using descending devices in the recreational fishery.

Captain James G. Hull addressed the Commission in support of allowing the sale of charter-caught dolphin. He noted that many charter operations need this income to survive. He noted that descending devices should be required on every vessel.

Mr. Jerry Sansom, executive director of the Organized Fishermen of Florida, addressed the Commission. He echoed the comments from the previous two speakers. He added that the Council should work toward allowing quota sharing to prevent quota from being unharvested. He asked the Commission to continue to oppose the shark bills that would impact the commercial shark industry in Florida.

Items Requiring Action

Gulf of Mexico Fishery Management Council (GMFMC) Report and Final Approval for Gulf Recreational Red Snapper Season

Ms. Martha Guyas with the Division of Marine Fisheries Management presented an update on the GMFMC and a proposed final Gulf recreational red snapper season. Staff recommended setting the 2019 Gulf recreational red snapper season to June 11 through July 12 via EO with a possible fall season if quota remains.

Public Comment

The following individuals addressed the Commission on this agenda item:

Ms. Kellie Ralston addressed the Commission with thanks to Ms. Guyas for her representation on the Gulf Council. She noted support for both long-term state management and the proposed 2019 recreational red snapper season. She also noted support for the continuation and expansion of the Gulf Reef Fish Survey (GRFS) and explained its importance for the success of state management. She expressed support for reallocation of red snapper quota.

Captain Dylan Hubbard, co-owner and vice president of Hubbard's Marina, addressed the Commission. He noted support for state management for the private recreational fishery only. He expressed concern for the red grouper population. He suggested adjusting the bag limit to reduce the red grouper harvest rate and help keep the fishery open for both the recreational and commercial fishery. He also encouraged increasing the recreational size limit of gray snapper to 12 inches.

Mr. James Zurbrick addressed the Commission in support of red snapper state management for private recreational anglers only. He also suggested that the sunset on sector separation should be removed. He also noted that GRFS reporting should be made mandatory for every angler to help improve recreational data collection. He expressed support to adjust to commercial trip limits for greater amberjack and noted that there is an issue with Gulf red grouper.

Mr. Trip Aukeman with Coastal Conservation Association of Florida addressed the Commission echoing the comments of Ms. Ralston.

Mr. Wayne Werner addressed the Commission with a request for the commercial fishery to remain under federal management.

Captain Shawn Roper addressed the Commission in support of private anglers only under state management. He noted that as a federal charter captain, accountability and recreational data reporting is essential for the federal for-hire industry. He also supported reducing the greater amberjack commercial trip limit to help reduce early quota closures.

Captain Bill Kelly addressed the Commission regarding unharvested allocations on the Gulf and requested reallocation to other sectors.

Commissioner Discussion:

Vice Chairman Sole thanked Ms. Guyas on the presentation and for staff's work on state management and the 2019 Gulf recreational red snapper season.

Commissioner Direction:

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

Chairman Spottswood recognized former Chairman Brian Yablonski, who was in attendance at the meeting, and noted the many years of discussion surrounding red snapper. He also thanked Ms. Guyas and staff for all their work on red snapper state management.

Final Rule – Shore-based Shark Fishing

Ms. McCawley presented a proposed final rule for shore-based shark fishing (SBSF). Staff recommended creating a mandatory, no-cost annual SBSF permit for all shore-based shark fishermen 16 and older; prohibiting chumming when fishing from beaches; requiring immediate release of prohibited shark species caught from shore; requiring prohibited sharks remain in the water (when fishing from shore and vessels); requiring the possession/use of appropriate hook or leader cutters when fishing for or harvesting sharks (from shore and vessels); and requiring the use of non-offset, non-stainless-steel circle hooks when fishing for or harvesting sharks (from shore and vessels; consistent with shark fishing regulations in federal waters). Staff also recommended clarifying current shark regulations through cleanup of the Sharks and Rays rule chapter and updating rule language related to recent changes to legislative shark finning penalties.

Commission Discussion

Commissioner Nicklaus commented on the addition of non-stainless-steel circle hooks to the rule and the idea of having youth complete an online education course if they will be targeting sharks without an adult present.

Ms. McCawley noted that non-stainless-steel circle hooks are included in the rule language. She also noted that youth would be able to complete the online education course.

Vice Chairman Sole noted his concern that the staff recommendation regarding deploying bait by any other method other than casting needed additional modification.

Commissioner Kellam asked for additional information describing quick release. He also noted public safety for those around the beach when shark fishing is taking place and a way that the Commission can address the "quick release" aspect of the proposal.

Ms. McCawley responded with a description of quick release.

LUNCH BREAK

Public Comment

The following individuals addressed the Commission on this agenda item:

Ms. Jenna Fisher addressed the Commission with thanks to the Commission for bringing this topic forward and for listening to all stakeholders. She noted appreciation for the regulatory process and recognized the value of compromise on this topic with reasonable regulations and education. She also expressed support for ethical shark fishing.

Mr. Tom Ingram with Diving Equipment and Marketing Association (DEMA) addressed the Commission. He invited the Commissioners to attend Dive-In-Day at the Capitol on March 19. He requested that the language related to cutting devices be amended to require that anglers who are not keeping the shark they catch be required to cut the line or hook to remove the tackle instead of removing the hook. He noted concern for SBSF within 100 feet of bathing beaches.

Mr. Bill George addressed the Commission with concern about the chumming rule. He requested the Commission consider different situations where chumming for regular fishing opportunities will work for everyone. He asked that this rule be pulled from the proposal for more discussion.

Mr. Skip Commagere addressed the Commission with appreciation for staff's work with stakeholders and coming up with a compromise for multiple user groups.

Mr. Jeff Nelson addressed the Commission with thanks for their work on this topic. He noted concern for the release of sharks in a manner that allows the best opportunity for them to recover and survive. He recommended that the time limit on release should be less than two minutes.

Mr. Jim Abernathy with WildlifeVoice addressed the Commission in support of staff recommendation with a suggestion to limit pulling a hammerhead out of the water and to include restrictions of SBSF on public beaches much like spearfishing is prohibited.

Mr. David Aslan addressed the Commission with comments about his shark fishing experiences and the importance of proper training.

Ms. Emma Schindler addressed the Commission in support of staff recommendation and cutting the line to ensure angler safety and safety of the shark. She suggested utilizing dead sharks that wash up on shore in research and creating a statewide dead shark hotline.

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

Mr. Corey Ricketts addressed the Commission on behalf of Mayor Jim Simmons, Mayor of Melbourne Beach. He noted concern with exemptions to the no-cost permit. He requested the Commission listen to the recommendations by several stakeholders regarding the "cut the line" proposal and also restricting SBSF on public beaches.

Ms. DD Halpern addressed the Commission with thanks for their work on this issue. She noted concern for the different user groups that use the beaches throughout Florida. She supports spatial separation of SBSF and those recreating on the beach.

Ms. Shannon Geis addressed the Commission in support of the proposed final rules.

Mr. Adam Sugalski addressed the Commission with thanks to staff for the efforts put forth in listening to stakeholders and coming up with the proposal. He noted a citizen initiative “shark watch program” similar to a neighborhood watch program and he suggested creating and posting “shark watch” signs on beaches.

Ms. Cheryl Wickstrom addressed the Commission with thanks to FWC for their work on this topic over the last several months. She requested clarification on the requirement to keep the shark in the water. She noted concern for chumming from piers. She also suggested a restriction on SBSF like the spearfishing restriction of 100 yards from swimming beaches during daylight hours.

Mr. Dan Volker addressed the Commission with thanks for their work on this issue.

Commission Discussion

Commissioner Rood asked about the result of cutting the line and the health of the shark.

Ms. McCawley responded that non-stainless-steel hooks would corrode and fall out.

Commissioner Nicklaus noted that the practice for bonefish is to release with a dehooking device that does not require the fishermen to touch the fish. He asked about the safety clause added to the rules. He also stated the positive impacts of using non-stainless-steel hooks.

Ms. McCawley responded that the safety clause was added based on direction from the last Commission Meeting.

Vice Chairman Sole asked staff to review the chumming rule language that would allow fishermen to still swim out bait and not be considered SBSF if the size of their hook is small enough to restrict the shark species from being caught on those size hooks. He asked about the proposal to “cut the line”.

Ms. McCawley responded that she would like to work with the General Counsel’s office to adjust the rule language to include that proposal.

Commissioner Kellam thanked Vice Chairman Sole for taking the time to meet with stakeholders on this issue and work with staff to move forward. He supported adjusting the rule language to include something to the effect of “cut the line” for prohibited species.

Chairman Spottswood noted the proposed amendments would include “cut the line”, size of the hook requirement when swimming out bait, and to include fishermen of all ages in the permit requirement.

Mr. Bud Vielhauer, general counsel, responded that he will work with staff to include those amendments.

Commission Action

Upon an amended motion by Vice Chairman Sole to include the final rule in accordance with staff recommendations and the proposed changes, seconded by Commissioner Kellam and carried, the Commission approved staff recommendation as amended.

Final Rule – Marine Life Harvest at Blue Heron Bridge

Ms. McCawley presented a proposed final rule to prohibit harvest of Marine Life (tropical aquarium trade) species from the waters at the Blue Heron Bridge dive site surrounding Phil Foster Park in Palm Beach County, allowing direct transit without stopping through the area with Marine Life species onboard, 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.

Commission Discussion

Commissioner Rood asked if this rule could be in effect on March 1 instead of April 1.

Ms. McCawley responded that it could be accomplished by EO for the earlier established date if requested.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Tom Ingram addressed the Commission with DEMA's support of the proposed rules and a request for this area to be a no-take zone for all species.

Mr. Skip Commagere addressed the Commission in support of protecting this area, noting that hook-and-line fishing at the fishing pier does not conflict with diving.

Mr. Jeff Nelson addressed the Commission with appreciation and support of the staff proposal with the suggestion that lobstering be allowed only by loop (snare) in the area.

Mr. Jim Abernathy addressed the Commission in support of staff proposal.

Mr. Dan Volker addressed the Commission in support of staff proposal.

Ms. Carole P. Marshall addressed the Commission with concern about misinformation and for how quickly the proposal moved through the process. She noted two ongoing population studies in the area that would be impacted by the proposal.

Mr. Jeff Turner, president of the Florida Marine Life Association, addressed the Commission in support of staff recommendation.

Mr. Phillip Podskalan addressed the Commission with thanks to the Commission and staff for the proposal.

Commission Discussion

Commissioner Kellam thanked staff for the proposal and the compromise.

Vice Chairman Sole thanked Ms. Marshall for her comments and noted that her concern does not fall on deaf ears. He acknowledged that it is important for the public to have access to public water bodies to collect, but also acknowledged that the Blue Heron Bridge dive site is a special area worth protecting.

Commissioner Nicklaus echoed the comments from Vice Chairman Sole regarding allowing access for collection where possible, and thanked stakeholders and staff for their work.

Commission Action

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

Special Recognition of Ms. Jessica Norfleet, district director from Congressman Ted Yoho's office who was in attendance.

Draft Rule – Scallops

Ms. Krista Shipley with the Division of Marine Fisheries Management presented proposed draft rules to allow direct transit of bay scallops across areas not open to harvest and establish long-term bay scallop season dates of July 1 – September 24 each year for Franklin through Hernando counties beginning in 2020. Ms. Shipley also presented proposed short-term recommendations to set the 2019 bay scallop season in Gulf County (August 16 – September 15, 2019) and the 2020 season in Pasco County (July 17-26, 2020) by EO.

Commission Discussion

Vice Chairman Sole asked about establishing the seasons for Gulf and Pasco counties by rule instead of EO.

Executive Director Sutton suggested the EO should be the exceptions and not the rule.

Ms. Shipley responded that the proposed rule language would apply the July 1 – September 24 season to Gulf County as written and that the season for Pasco could be set by rule instead of EO.

Commissioner Rood asked if there was any biological reason we are not starting the season in June.

Mr. McRae responded that the later you start the season the larger the scallops and the more to spawn in the fall when the weather is cool.

Vice Chairman Sole verified that Mr. McRae's comments meant that if the season starts earlier, more scallops can be taken because the scallops are smaller, and the fishery has a volumetric bag limit which then reduces reproductive potential later in the year.

Public Comment

The following individuals addressed the Commission on this agenda item:

Ms. Danielle Norwood addressed the Commission requesting the Commission open scallop season early in Steinhatchee.

Mr. Charles Norwood II addressed the Commission opposing staff recommendations regarding scallop season dates in Taylor and Dixie Counties, and requested the 2019 EO season dates be put in place long-term.

Mr. Tim Alexander, Dixie County Manager, addressed the Commission opposing staff recommendations for Taylor and Dixie Counties.

Mr. James Zurbrick addressed the Commission on the importance of scallop season for the economy in Steinhatchee.

Captain Mike Brothers addressed the Commission opposing staff recommendations for Taylor and Dixie Counties but noted support for opening the season early under a reduced bag limit.

Captain Shawn Roper addressed the Commission as a small business owner in Steinhatchee and noted the economic impact of the change in scallop season.

Mr. Howard Hart addressed the Commission requesting an opportunity to continue to start scallop season earlier than staff's current recommendation.

Mr. Mark Reblin addressed the Commission as a small business owner in Steinhatchee in opposition of staff recommendations.

Mr. Chester Stokes addressed the Commission in opposition of staff recommendations.

Ms. Wendy Hunt addressed the Commission with a request to allow an earlier season start date in Pasco County.

Mr. Charles "Chase" Norwood III addressed the Commission regarding scallops in Steinhatchee. He suggested reducing the vessel limit for the first few weeks of the season while still opening in June.

Mr. Sean Murphy, Taylor County Commissioner, addressed the Commission. He noted the importance of scallop season in Taylor County as something that brings the community together during the summer months. He noted support for a middle of June through September 10 season.

Mr. Don Everett addressed the Commission and noted his support for the reduced vessel limit previously suggested.

Ms. Amanda Reese addressed the Commission in support for staff's recommendation because people flood the marinas and boat ramps when one area opens earlier than others causing additional safety issues. She noted support for reducing the total vessel limit to eight gallons.

Commission Discussion

Commissioner Kellam thanked the stakeholders for participating in the discussion on this topic which is important to Taylor County. He asked about starting a season early and whether or not that would be detrimental to the species. He asked how frequently the Commission reviews scallop season dates.

Mr. McRae responded that it is not a black and white situation. The goal of FWC with scallop seasons is to be conservative so that there will not be a negative impact to the fishery.

Ms. McCawley responded that the Commission began looking at scallop season dates after the oil spill and has kept an eye on things on an annual basis since, but would look to move toward more permanent season dates.

Commissioner Kellam voiced support for setting an early Taylor and Dixie County season start date similar to the 2019 dates and asked about harvest limit reduction options.

Ms. McCawley responded that staff has looked at options and will work with stakeholders.

Executive Director Sutton noted the goal of staff is to consider scientific data and balance community desires while streamlining regulations to make it easier for everyone.

Commissioner Nicklaus agreed with Commissioner Kellam regarding the importance of scalloping opportunities to communities and support for modified harvest limits that allow for an earlier season start in Taylor and Dixie Counties.

Commissioner Rood commended stakeholders for their involvement and supported modified harvest limits.

Vice Chairman Sole noted his initial agreement with trying to simplify regulations but supported setting the Taylor and Dixie Counties' start date for mid-June with modified harvest limits. Additionally, he asked staff to move forward with establishing a Pasco County season in rule and maintaining the Gulf County season as it is in rule while continuing to set the season by EO.

Ms. McCawley clarified that Commissioner discussions included setting the season date for a portion of Taylor County through Dixie County as June 15-September 10 in addition to setting a 50% reduction in bag and vessel limits that applies prior to July 1 for this area and taking harvest limit reduction options to public workshops for discussion. Additional clarification included the two items that Vice Chairman Sole mentioned – July 1-September 24 season dates that would apply to Gulf County but could be modified via EO for the 2020 season and establishing a season in rule for Pasco County beginning the third Friday in July that runs for ten days.

Commission Action

Upon a motion by Commissioner Kellam, seconded by Commissioner Rood and carried, the Commission approved staff recommendations with amendments addressing Commissioner discussion as clarified by Ms. McCawley, including an amendment that changed the season start date for Taylor and Dixie Counties.

Staff Report - Budget and Legislative Update

Ms. Charlotte Jerrett, chief financial officer, presented the Budget and Legislative update.

Commission Discussion

Vice Chairman Sole noted that staff have done a wonderful job putting together a budget and legislative package and he added appreciation to the Governor for the support.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Bill George addressed the Commission regarding the nuisance alligator program needing more funding.

Executive Director Sutton echoed the comments thanking the Governor for the recommended budget which has heavy support for FWC.

Public Comment on Items not on the Agenda

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

Mr. Bill George addressed the Commission regarding alligators.

Captain Mike Brothers addressed the Commission regarding a charter license either for four people or ten people, but no other denomination. He would like assistance trying to get this changed to allow for a license for six.

Captain Bill Kelly addressed the Commission regarding king mackerel allocation and recent improvements to the FWC website. He brought several rods and reels and donated them to the FWC High School Fishing Program.

Ms. Kellie Ralston addressed the Commission with thanks for the agency's efforts on R3. She also thanked the Commission for being proactive on spotted seatrout related to red tide.

Mr. Travis Thompson addressed the Commission regarding a dusky duck rule due to a lot of confusion in the duck hunting world.

Mr. Karl Ambrose addressed the Commission regarding the Florida black bear.

Mr. Dylan Hubbard addressed the Commission regarding illegal/unpermitted charter operators, particularly in red tide-affected areas in Southwest Florida, and mitigation of discard mortality on large passenger vessels.

Mr. Newton Cook addressed the Commission with thanks to FWC for assistance on past youth hunts and wounded warrior hunts. He requested a Technical Advisory Group for the Alligator Program.

Captain Taran Wadley addressed the Commission regarding lack of data collection comparisons of freshwater fish.

Ms. Alexis Foxx addressed the Commission regarding the Florida black bear.

Ms. Linda Duever addressed the Commission regarding an organization that she created to teach individuals about ground cover management. She invited staff and the Commissioners to come out and learn more about land management in a positive way.

Mr. Matthew Tefteau addressed the Commission.

Captain John Bazo, president of the Homosassa Guides Association, addressed the Commission regarding angler-only limits for spotted seatrout and redbfish.

Captain John Hamilton with Homosassa Guides Association addressed the Commission in support of angler-only limits for spotted seatrout and redbfish.

Captain Daryl Seaton addressed the Commission echoing the comments of the two previous speakers.

Mr. Darryl Lowery addressed the Commission regarding R3 and youth hunt opportunities.

Ms. Carla Wilson addressed the Commission with thanks to the Commission for action on SBSF.

Mr. Bryan Wilson addressed the Commission with thanks for considering public stakeholder input along with science on decisions.

Ms. Katrina Shadix addressed the Commission regarding Florida Black Bears, rule changes, and a proposed ban on snares and steel leg traps. She also requested that the Commission ban deer hunting with dogs because of the damage that it does.

Ms. Amanda Reese addressed the Commission regarding public hunting land in Florida. She noted concern for how the public lands seem different over the last few years and would like the Commission to look into what may have changed to impact this system.

Chairman Spottswood recessed the meeting at 4:53 pm

Thursday February 21 Reconvene

Chairman Spottswood reconvened the meeting at 8:29 a.m.

Chairman Spottswood introduced former Chairman Brian Yablonski and invited him to address the Commission.

Former Chairman Yablonski congratulated Chairman Spottswood and Vice Chairman Sole on their leadership roles with the Commission.

Chairman Spottswood then introduced Dr. Jack Payne with the University of Florida (UF), Institute of Food and Agriculture Sciences (IFAS).

Dr. Payne welcomed the Commission back to Gainesville. He commented on the positive benefits of the partnership that UF has with FWC. He highlighted several of the projects that are joint ventures to help address issues facing both the university and the agency.

Staff Reports

Aquatic Plant Management

Mr. Kipp Frohlich, director of the Division of Habitat and Species Conservation, presented a report on Aquatic Plant Management. He then introduced Mr. David Whiting with the Florida Department of Environmental Protection (DEP) to address the Commission.

Mr. David Whiting, deputy director for DEP's Division of Environmental Assessment and Restoration Laboratory Program and the Water Quality Standards Program, thanked the Commission for allowing him to speak on this topic. He also thanked Mr. Frohlich for the presentation. He went through some of the positives and negatives of biological, chemical, and mechanical control methods for aquatic plants. DEP recommends the Commission use scientific literature and the best available science to guide control measures and to try to minimize the environmental and human health aspects to any of those approaches.

Vice Chairman Sole asked Mr. Whiting if there was a better way for DEP to identify which water bodies are impaired and recommend the use mechanical removal as an opportunity to achieve DEP's nutrient goals and if so, would DEP have money to contribute to that process.

Mr. Whiting said it could be an option if the material is removed out of the watershed for 'credits'. He referenced 319 monies for nutrient removal.

Executive Director Sutton thanked Mr. Whiting for coming and speaking on this topic.

Commission Discussion

Executive Director Sutton addressed the Commission and public and commented on trust being a quality component of doing quality work and ensured the public that FWC is working to build that trust. He added that the Commission and FWC staff are committed to rebuilding that trust. He reminded folks that this is an emotionally charged topic with folks on both sides of the spectrum. He suggested creating a Technical Assistance Group for this topic so that as the program moves forward, there is a strategic and open discussion on how to ensure things are progressing as efficiently and effectively as possible.

Chairman Spottswood thanked Executive Director Sutton for those comments.

Commissioner Nicklaus asked about the number of acres throughout Florida that FWC treats.

Mr. Frohlich responded that approximately 65,000 acres were treated last year. He reminded the Commission that acreage controlled does not equal frequency because one must treat multiple times to keep acreage low.

Commissioner Rood asked about how staff decide the best way to treat aquatic plants when budgets will not accommodate additional treatment.

Mr. Frohlich responded that the program staff have to prioritize projects every year and there is never enough money in the budget to address all of the things that the public request to be managed. He also mentioned that there are multiple staff across several divisions plus local managers that make treatment decisions.

Commissioner Kellam thanked Executive Director Sutton for providing that brief synopsis of the plan moving forward. He agreed that looking at the proposed areas that move forward with spraying with a different lens of other potential ideas of how to address aquatic plants that may work better for these areas. He mentioned implementing creative pilot projects and trying different things that include the involvement of a Technical Assistance Group and local stakeholders that may offer some adjustments in the future for the program.

Public Comment

The following individuals addressed the Commission on this agenda item:

Dr. Jason Ferrell, director of the Center for Aquatic and Invasive Plants at UF, addressed the Commission. He thanked the Commission for discussion on this topic because of the impact of aquatic plants to the many water bodies throughout State of Florida. The Center, established in 1978 by the Florida Legislature, functions as an independent scientific body to provide unbiased research to help guide decision making. They have over 40 years of experience and knowledge relating to Invasive Plant Control. He discussed the importance of keeping invasive plants under maintenance control at very low numbers. He mentioned that the Environmental Protection Agency registers and monitors all herbicides used in Florida waters and that each product goes through a re-registration process often.

Mr. Bill George addressed the Commission and noted that FWC is only a tiny part of the issue. He thanked the Commission for allowing the public to express their opinion on all of the topics unlike other agencies. He suggested that managing water bodies the way FWC currently does kills too much of the native plant life and that is not the best way to move forward. He mentioned he had difficulty finding Registered Herbicide information on the Florida Department of Agriculture and Consumer Services' (FDACS) website. He stated that FWC should use less chemicals.

Mr. Jim Abernathy addressed the Commission with concern regarding chemical usage on Florida's water bodies. He mentioned the circle of Death which he states is using chemicals to kill plants which degrade to become fertilizer for more plants to grow. He then expressed concerns with glyphosate and referenced a document he gave to the Commissioners. He believes glyphosate is directly correlated to multiple diseases and deaths.

Mr. Vernon Burton, Vice Mayor of the City of Lake Helen, addressed the Commission with a request to continue the spraying of hydrilla on Lake Helen because the timeline to address the aquatic plants on this specific lake is closing.

Mr. Joe Hammett addressed the Commission in support of spraying on Lake Helen.

Mr. Travis Thompson addressed the Commission and noted that Florida has a water quality issue on a major scale. He feels like the citizens of Florida are going through the stages of grief for the water quality and the decline of the general health of the water bodies of Florida. He supported the idea of a Technical Advisory Group for this topic and he commented that FWC staff are doing a wonderful job.

Mr. Newton Cook addressed the Commission and requested that FWC manage the lakes with approximately 30% Submerged Aquatic Vegetation (SAV) for the health of all aspects of those environments. He suggested changing contracts so that the contractors are given a specific goal to keep a water body at a specific SAV level so that their incentive is getting paid to manage things more efficiently.

Mr. Matthew Tefteau with Responsible Industry for a Sound Environment (RISE) addressed the Commission and praised FWC's Invasive Plant Management program staff. He stated several times that Florida has a world class program filled with experts and other states look to Florida as the leader in Invasive Plant Management. He commented that the spraying program does help address mosquito control and control of mosquito borne illnesses.

Dr. Timothy Swango addressed the Commission with concern about Lake Kissimmee. He feels like the lake is dying. He feels like the grass-line has declined by 60%. He does not believe the UF research, that FWC funded, that cite the apple snail as the cause of the Kissimmee grass decline.

Mr. Billy Locker addressed the Commission with concern about Lake Okeechobee. He asked if the tax payers are being well served with management of the water bodies in Florida given the current state of aquatic plant management. He suggested that there are questionable practices with contractors spraying on Lake Okeechobee. He commented that the public would prefer FWC supervise spraying by contractors on Florida's water bodies. He is firmly against spraying herbicides with helicopters. He offered the idea of forming 'oversight boards' of local individuals in taking staff and contractors around to address issues on local bodies of water.

Mr. Carlton Layne, executive director of the Aquatic Ecosystem Restoration Foundation, addressed the Commission praising staff for their outreach efforts and coordination with stakeholder groups. He mentioned the high level of respect FWC has earned from other states and outlined how the research FWC has funded and performed drives our management decisions, sets goals and refines Aquatic Plant Management operations. He commented on the activity of the plants while FWC has not been managing invasive plants during the moratorium on the program in 2019. He referenced several peer review papers that he will send to the Commission.

Mr. Jeremy Slade addressed the Commission in support of FWC's Aquatic Plant Management Plan and the Invasive Plant Management program as a citizen of Florida. He mentioned the need for following the science and data and suggests FWC resume its invasive plant management program.

Ms. Amy Giannotti, Lakes Division Manager for the City of Winter Park, addressed the Commission with concern for the impacts of mechanical plant management. She mentioned the need for herbicide plant control by licensed professionals. She cautioned the use of mechanical harvesting as it alters the food web by removing various plants and animals as bycatch while promoting the spread of invasive exotics because many reproduce

through fragmentation and harvesters fragment plants. She wanted to clear up some miscommunication and mentioned that red tide and cyanobacteria blooms are caused by multiple issues including global increase in temperature and fertilizer runoff which is further exacerbated by urbanization and development. Water quality issues are watershed issues.

Mr. Andy Fuhrman, past president of the Aquatic Plant Management Society, addressed the Commission in support of FWC's invasive plant management program noting that it is the model management program in the U.S. He encouraged everyone to attend one of the Aquatic Plant Management Society conferences to learn more about the science behind what FWC does. FWC's licensed professionals, working as our contractors, are required to obtain continued education as part of their license to ensure that they are using the best management practices. Invasive plant management activities must occur to allow for our native plant communities to flourish. He mentioned the problem with social media spreading misinformation about the program. He noted the main goal of aquatic plant management is to maintain the health of the state's water bodies with an integrated approach of herbicides, harvesters, fish and burns, as long as it is backed by data and research.

Chairman Jim Burney with the Invasive Plant Management Association addressed the Commission with thanks for the FWC Invasive Plant Management program leading the country in management programs. The Invasive Plant Management Association, formed in 2012, represents the private sector activities in Florida. The Association is an advocacy group for budget requests for the legislature and seeks funding for different agencies. He noted support for this program as long as it continues to be scientifically based.

Ms. Hanley Renney addressed the Commission and suggested that the public who oppose chemical use review the information on the UF IFAS or USCOE websites regarding invasive plant management in Florida.

Ms. Kelli Gladding, president of the Florida Aquatic Plant Management Society (FAPMS), addressed the Commission in support of FWC's invasive plant management program. She expressed how Florida uses integrated plant management techniques and work is being done by contractors that are licensed professionals which use Federal and State approved herbicides. She mentioned the FWC's plant management program is under attack by non-science-based information posted by individuals on social media. She states that over the 100 years of aquatic plant management research here in Florida, research has shown that controlling plants at the lowest feasible level, also called maintenance control, is the most cost effective, most ecologically sound, and the most likely way to ensure public safety by protecting against flooding and mosquito borne illnesses.

Mr. Ramon Iglesias, general manager at Roland Martin Marina in Okeechobee, addressed the Commission requesting that spraying aquatic vegetation be stopped and other methods be used to manage invasive plants. He stressed how FWC should find the increased funding necessary for mechanical plant control. He gave a demonstration of Lake Okeechobee water in a mason jar and showed how wind can stir up sediment and cause the water to become cloudy where no light can penetrate to the submerged vegetation.

Dr. Rory Roten, scientist at SEPRO Corp., addressed the Commission in support of FWC's Aquatic Plant Management program and continued use of herbicides. He described the importance of following a science-based approach to invasive plant management.

Ms. Mary Martin, owner of Roland Martin Marina, addressed the Commission with concern about how unhealthy Lake Okeechobee is currently. She noted that without good habitat, there are not the same levels of animals using that system as there have been in the past. She suggested dropping the lake to 10.5 feet which will expose plants which can be burned much like the natural history of management of that lake. She noted preference of mechanical harvesters over chemical use.

Mr. Paul Myers Jr., president of Applied Aquatic Management, addressed the Commission. He went through the history of the company and stressed how his employees are licensed professionals that work with the upmost

integrity despite what is posted on social media. Many of their employees enjoy and recreate on the same systems they work on.

Mr. Allen Stewart addressed the Commission and volunteered his expertise if it may be used in moving this program forward and if FWC could use the help. He mentioned that mechanical removal of plants offered net nutrient removal. He believes the nutrient removal could be compensated financially through Environmental Service Fees through an appropriate agency.

Mr. Jerry Renney addressed the Commission and noted that his career path with Applied Aquatic Management is because of his love of the natural resources in the State of Florida. He finds it sad that the “monkey pile of rhetoric” posted on social media has influenced many uninformed, passionate stakeholders. He mentioned the continued education that employees receive concerning every known plant and control method.

Mr. Justin Edmund, employee with Applied Aquatic Management, addressed the Commission. He noted the licensing requirements from FDACS and being able to understand the labels on all aquatic herbicides. He discussed the studying and testing process of obtaining an applicator license and the continuing education required to maintain the license certification.

Mr. Mark Zivojnovich, president of HydroMentia, LLC., addressed the Commission. He suggested that the Commission consider utilizing the TAG to analyze nitrogen and phosphorous removal.

Mr. Mike Krause addressed the Commission regarding lack of animals and habitat around the lakes. He wanted to know if lake management plans were the same for each lake or if they were different. He also wanted to know if a helicopter treatment was the same as an airboat.

Mr. Jim Tatum addressed the Commission in opposition to chemical control on behalf of the Suwannee St. John’s chapter of the Sierra Club. He suggested that FWC only utilize mechanical harvest of aquatic plants.

Pastor Joseph Scott Wilson addressed the Commission regarding the unhealthy state of Lake Kissimmee. He suggested that there are companies in Florida that provide much cheaper quotes on mechanical harvest of aquatic plants and FWC needs to utilize this option instead of chemical harvest in Florida. He is predicting that the Kissimmee Chain will experience a large algae bloom like no one has ever seen. He showed a proposal from Texas Aquatic showing a cheap harvester quote about a proposed project for Lake Toho. He stated that an FWC official denied being able to obtain those prices.

Mr. Shawn Beightol addressed the Commission noting the change in Florida with population and the expansion of the tourist industry over the last several decades.

Mr. Gary Jennings with ASA addressed the Commission. He noted the importance of the water bodies in Florida for both freshwater and saltwater fishing industries. He states that Florida is the fishing capital of the world and currently fresh water fishing in Florida has a \$1.7 billion economic impact and helps support 14,000 jobs and he supports FWC’s goals in regard to Aquatic Plant Management.

Ms. Taran Wadley addressed the Commission with a request for data collection improvement on native fish species in Florida. She would like to see a data comparison between ‘master fisherman’ and ‘master biologist’ in relation to fish data.

Mr. Jim Watt addressed the Commission noting concern for chemical harvest because of the damage that it causes to native wildlife. He referenced the safety sheets for a few of the chemicals used in aquatic plant management in Florida.

Mr. Carlos Ramos addressed the Commission regarding a recent study on a particular chemical when it hits saltwater and how it changes. He referenced a study from 2014 about glyphosate and seawater where he states that saltwater changes the half-life of glyphosate from 47 days to 315 days.

Mr. Chuck Echenique addressed the Commission regarding Lake Istokpoga. He noted that the changes on the water body after chemical spraying was increased and it has caused a complete loss of ducks and other wildlife along with a complete change in the color of the water. He states no ducks have been harvested since 2015 due to the spray program and nutrient input. He wanted to move toward a mechanical program.

Mr. Michael Perry representing the Lake County Water Authority addressed the Commission. He noted recent action in Lake County to increase the millage which will help provide funding for lake management projects to supplement hydrilla control. He noted support for herbicide use currently in the FWC aquatic plant management plan for the Harris Chain of Lakes. He pleaded to end the pause in the herbicide program so they can get back to work controlling hydrilla in Lake County lakes.

Mr. Mark Roberts addressed the Commission with thanks for Executive Director Sutton's comments regarding rebuilding trust with stakeholders who have concerns about the program. He suggested that each lake should be evaluated with a common-sense approach based on the main use (e.g.- fishing lake managed for fish; water skiing lake managed for water skiing).

Mr. Brett Bultemeier addressed the Commission and praised FWC staff. He got his Ph.D. from UF and worked on projects funded by FWC. He states that the rest of the country looks to FWC as a leader in invasive plant management because FWC is at the forefront of this type of management, using the newest technology and research. He encourages FWC to continue to lean on science to make the best management decisions.

Mr. Francis Cassano addressed the Commission and he commented that the Florida canals systems function as a refuge for reptiles and other animals and he has noticed that spray programs keep the banks void of vegetation and habitat for birds, animals, and reptiles. He stated that he understood the need to keep waterways open for flow, but he feels the FWC is doing it at the expense of the organisms that rely on those habitats. He hopes the FWC can resolve the issue.

Mr. Barrett Chandley addressed the Commission on the muck in Lake Kissimmee and believes it to be a byproduct from the spray program. He states this muck contains up to 1,000 to 1,200 lbs. per acre. He mentioned the muck contains a lot of salts, but he did not know what to do with that information. He also tested the muck and he stated the Nitrogen levels were the same as raw cow manure. He promotes harvesting to get the muck out of Lake Kissimmee.

Mr. Jack Harper addressed the Commission on Diquat being used on Lake Kissimmee and the dangers it poses. He stated that four agencies are responsible for killing Lake Kissimmee. FWC, South Florida Water Management District, UF, and FAPMS. He believes that there is some type of conspiracy because many of the FAPMS members work for FWC, SFWMD, and UF.

Mr. Mike Hulon with Texas Aquatic Harvesting addressed the Commission regarding the harvesting program currently being used in Citrus County. He outlined what he believes to be a very successful harvesting program in Citrus County. He outlined his thoughts on how the harvesting costs could come down with a long term/continuous program.

Ms. Karen Chadwick addressed the Commission in support of the partial restoration plan to restore the hydrology of the Ocklawaha River. She showed multiple photos showing various invasive plant problems which showed boat ramp blockages and blocked navigation trails.

Commission Discussion

Vice Chairman Sole agrees there needs to be a balance to manage this situation. He asked what the viability is of working at the lakes and if it is feasible to create a lake management plan that would lay out the end goal.

Mr. Frohlich shared that FWC currently has a lake management plan for Orange Lake and is in the process of working on one for Lake Istokpoga through a contract with UF. He mentioned it is a great concept that FWC is committed to.

Executive Director Sutton stated the difficulty of getting these management plans developed in a timely manner, but that it is a great idea.

Commissioner Rood asked what the process was for chemical application via helicopter. She stated that she did not like the idea of chemicals being applied by helicopter and wondered if we could do it with boats instead because that would be her preference.

Mr. Frohlich responded that it is typically an issue of size of the aquatic plants that need to be treated. He agreed that the optic of spraying is disconcerting to all, but we could look at avoiding helicopter use whenever possible.

Commissioner Kellam noted that he is fully supportive of burning on this particular issue. Lake Okeechobee already uses burning as a management option on portions of it, but he would like the TAG to consider this as an option on other areas throughout the state. He echoed the comments from several stakeholders about the amazing staff with FWC and knows that the agency is in a good place for evaluating other options for aquatic plant management without a continued moratorium because of the quick nature of these invasive species of plants spreading.

Commissioner Nicklaus thanked staff for presenting this contentious topic. He stated that the agency should not simply abandon chemical spraying, but that the long-term goals should be to balance things out either with different chemicals or with other forms of aquatic plant management. He noted that Governor DeSantis is willing and ready to make water quality a priority for the State of Florida. By coordinating with partner agencies and entities and having additional discussions on a long-range plan, the state will be better as a whole.

Commissioner Kellam commented on his experience out on Lake Okeechobee seeing this issue first hand and interactions with the contracted sprayers who showed the highest sense of professionalism.

Commissioner Rood agreed that a five- to ten-year Lake Management Plan with partners and stakeholders should be developed.

Vice Chairman Sole suggested that FWC reopen the aquatic plant management program because of the negative impacts of these quick growing invasive plants. He asked FWC to work with DEP on maximizing value of nutrient removal.

Commissioner Lester echoed the comments of Vice Chairman Sole regarding getting the aquatic plant management program going again after the brief pause to gather public input.

Commissioner Nicklaus suggested that everyone who cares about the water quality in Florida's lakes be involved in the solutions moving forward.

Chairman Spottswood noted that each of the Commissioners can relate to the fact that there have been changes in the water quality of lakes, rivers, and oceans in and around the State of Florida. With that, he asked Executive Director Sutton to move the program forward on the path that was laid out at the beginning of this presentation to ensure that the aquatic plant management program is exploring all the different options available. He also asked Vice Chairman Sole to provide the leadership role with staff and Executive Director Sutton on this issue.

LUNCH BREAK

Items Requiring Action

Final Rule – Rule Changes for Hunting 2019-2020

Mr. Paul Scharine with the Division of Hunting and Game Management presented proposed final rules related to hunting for 2019-2020.

Commission Discussion

Vice Chairman Sole asked for a little more detail on the stairstep unit changes.

Mr. Scharine noted that it establishes that only deer having at least one antler with four or more points can be harvested, that it prohibits hunting with guns other than bows during the general gun season, and that it establishes a bag limit of one deer annually in the Stairsteps and Loop units combined.

Commissioner Nicklaus asked about bowhunting and allowing lasers as an aiming device.

Mr. Scharine noted that the Archery Trade Association presented a set of proposed options that would remove restrictions and make it easier for hunter participation.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Bill George addressed the Commission in support of staff recommendation. He especially appreciates the all-day turkey hunting expanded hours.

Mr. Carlos Lopez addressed the Commission in support of the bow laser sight proposal in this rule package and the all-day turkey hunt.

Ms. Cheryl Sanders addressed the Commission in support of staff proposal, especially for the new wild hog-dog hunt on Tate's Hell - Womack Creek.

Commission Action

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

Final Rule – Deer Management

Mr. Morgan Richardson, director of the Division of Marine Fisheries Management, presented proposed final 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. He highlighted the positive impact that improved data can provide. He requested staff think about using a reporting system for deer that could also account for turkey harvest.

Mr. Carlos Lopez addressed the Commission in support of staff recommendation.

Mr. John Holoway addressed the Commission in support of the reporting requirement, however, he is opposed to the restrictions of three antlered and two antlerless deer.

Ms. Lily Rooks addressed the Commission echoing the comments of Mr. Holoway. She requested the limit be five deer.

Mr. Billy Morton addressed the Commission in opposition to the three antlered and two antlerless deer. He suggested using the three buck limit and then a two limit on deer with four on one side. He asked for additional dog hunting opportunities for youth on public areas.

Ms. Cheryl Sanders addressed the Commission with concern of the panhandle area where there are not enough does for this proposal to be a good solution. She also noted that the FWC law enforcement officers in Franklin County will not have the time to handle all of the issues that they face in Franklin County.

Mr. Shawn Beightol addressed the Commission. He expressed concern regarding the 24-hr reporting rule for those who hunt for multiple days in areas with no cellular service.

Mr. Sean McCann representing the Everglades Coordinating Council and the South Florida Chapter of Safari Club International addressed the Commission in support of the reporting requirement. He asked for flexibility on the doe and buck breakdown.

Mr. Richard Martinez addressed the Commission in support of staff proposal in general. He echoed the comments of wanting five total deer with maximum of two does. He questioned whether the reporting requirement is enforceable compared to an actual tag attached to the harvested deer.

Mr. Mike Melton addressed the Commission echoing the requests of a five deer limit that is flexible on the number of bucks. He requested an extension on the 24-hr harvest reporting rule.

Mr. Mike Elfenbein addressed the Commission in support of staff proposal with concern of the South Zone hunters not having the opportunity of harvesting doe so this basically limits them to three deer.

Mr. Cooper Ridgley addressed the Commission noting his support of dog hunting.

Ms. Olivia Rigley addressed the Commission echoing the support for dog hunting.

Mr. Lane Stephens representing the Florida Airboat Association, Southeastern Dog Hunting Association, Florida Dog Hunters and Sportsmen Association addressed the Commission in support of dog hunting during the youth hunt weekend. He also noted support for reporting and other changes. However, the request is to provide a five deer limit with flexibility for those South Zone hunters.

Mr. Chuck Echenique addressed the Commission in support of staff recommendation with the note that he could support a flexible five deer limit.

Mr. Dixie Hollins addressed the Commission in support of staff recommendation. He noted that changing the bag limit to allow five total would not be too big of a change if the Commission chooses to go that direction.

Mr. Corey Davis addressed the Commission in opposition to staff proposal. He noted his support of the youth dog hunting weekend.

Mr. Bruce Conkey representing the American Houndsman Federation, addressed the Commission with concern about the proposed bag limit. He also requested that the reporting requirement be enforced on an educational basis so that those who are new to this learn more about the requirement before being fined for potential misunderstandings.

Mr. Chuck Turner, representing North Central Florida Dog Hunters Association, addressed the Commission in opposition to the bag limit as proposed. He requested more of a traditional tag system instead of the phone, paper, or internet-based system.

Mr. Kelly Sevor addressed the Commission with several proposals to increase youth hunting in Florida.

Mr. Walter Allen Tucker addressed the Commission in support of the bag limit if it is tweaked to provide flexibility of the five deer.

Mr. Foyt Ralston, representing the American Houndsman Federation, addressed the Commission in opposition to the bag limits and noted that the reporting requirement will help guide bag limits in the future.

Mr. Jeff Sevor addressed the Commission in support of tags and a tagging system. He suggested adjustments can be made to a bag limit and Deer Management Unit (DMU) seasons based on the data reporting.

Mr. Paul Valleta addressed the Commission with concern for the bag limit based on the amount of money that he spends on this activity between his deer dogs to the two clubs that he has joined this year.

Mr. David Houser addressed the Commission in opposition to the bag limit.

Mr. Brigham Mason addressed the Commission regarding the antlerless deer program changes. He noted that most of the private landowners support the proposal, bag limits, and youth hunting opportunities.

Mr. Rock Meeks, Levy County Commissioner, addressed the Commission in support of a flexible five deer bag limit. He asked if staff have any idea about the number of deer that are killed with depredation permits.

Mr. Matt Gelston with Rayonier Timber addressed the Commission in support of staff recommendation. He suggested that the 24-hour rule related to reporting have additional language requiring reporting before transportation across a public roadway.

Ms. Amanda Reese addressed the Commission with the suggestion that whatever rule is passed, law enforcement needs to have the ability to enforce that rule.

Mr. Todd Hallman with Florida Sportsmen's Conservation Association addressed the Commission in support of staff recommendation with a request for flexibility on the five deer limit.

Mr. Newton Cook addressed the Commission in support of staff recommendations. He suggested that he would be supportive of a change in the bag limit of five deer with a max of two does because there is a lack of does throughout the Florida peninsula.

Commissioner Discussion

Vice Chairman Sole requested clarification on several things that were asked by stakeholders.

Mr. Richardson noted that the reporting requirement can either be completed by phone through the smartphone app or a paper log book. He also noted that the bag limit is per person no matter whether a license is required or not.

Commissioner Kellam thanked staff for putting together a proposal that has been in the process for a long time. He noted that the bag limit and data collection proposal are a way for the agency to move forward with this process. He suggested that once the data starts coming in to be analyzed, staff could begin tweaking bag limits at the DMU level.

Commissioner Nicklaus noted support for a five deer bag limit with no more than two does. He agreed that youth hunting in Florida is very important.

Vice Chairman Sole reiterated that this proposal for the bag limit is less about population management and more about increasing the user experience and opportunity. He asked what the impact would be if the bag limit changed to five with no more than two does.

Mr. Richardson noted that that change would not reach the goal that was set with the TAG, but it would still create a lift in the bucks.

Commissioner Nicklaus asked about making specific antler restrictions on the last few or one on a bag limit change.

Mr. Richardson noted that the change proposed with antler restrictions creates more complexities.

Commissioner Kellam asked about the timeframe for reviewing the impacts of bag limits and reporting back to the Commission. Mr. Richardson agreed a review could be done after three full hunting seasons of data are collected.

Commission Action

Upon a motion by Commissioner Kellam, seconded by Commissioner Lester and carried, the Commission approved staff recommendation with the amendment of changing the bag limit of five with no more than two does.

Final Rule – Nonnative Fish and Wildlife

Ms. Sarah Funck with the Division of Habitat and Species Conservation presented a proposed final rule for nonnative fish and wildlife related to adding definitions to Rule Chapter 68-5, F.A.C., adding high-risk nonnative species to the State's Prohibited list, and adding grandfathering language pertaining to those species.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Eugene Bessette addressed the Commission with a few suggestions for consideration such as using a photo of the individual animal to identify it in addition to the use of PIT tags. He also recommended considering adding the word "mobile" to the "public exhibitor" definition. He requested the Commission list the yellow anaconda and the two other anaconda species on the Conditional species list instead of the Prohibited species list. He supported the Prohibited listing of the brown tree snake because it is not in trade.

Mr. Mike Elfenbein addressed the Commission with an idea of allowing sportsmen the opportunity to volunteer and clear public lands of nonnative species after targeted controlled burns.

Mr. Bodie Cole addressed the Commission with a request to add the three species of anaconda to the Conditional species list.

Mr. Michael Cole addressed the Commission requesting the three species of anaconda be added to the Conditional species list instead of the Prohibited list.

Mr. Marcus Cantos addressed the Commission requesting Conditional species listing over Prohibited species listing for the yellow anaconda. He also asked the Commission to work with FDACS on the positive interaction with the pet trade industry.

Mr. Curt Harbsmeier addressed the Commission stating that the science behind placing the anacondas on the Prohibited species list is flawed. The industry is supportive of listing anacondas as Conditional.

Mr. Martin Spilkin addressed the Commission and echoed the comments of previous speakers regarding Conditional species listing for anacondas.

Ms. Lucila Masciorini addressed the Commission in support of the reptile industry requests.

Mr. Anthony Green addressed the Commission with the suggestion to add anacondas to the Conditional species list which would require reporting processes to the FWC. He stated that he currently has gravid female yellow anacondas in possession and wanted to know what will happen to the babies if these rules change.

Dr. Don J. Woodman addressed the Commission in opposition to placing the yellow anacondas directly on the Prohibited species list. He would also like to see more public input. He believes two species of anacondas proposed for Prohibited listing do not exist.

Ms. Julie Wraithmell, executive director of Audubon Florida, addressed the Commission in support of staff proposal. She believes this proposal is “fixing” where federal protections left a gap due to changes in interpretation of the Lacey Act. She stated this proposal provides protections for Florida where federal regulation changes left Florida exposed and vulnerable. She stated the list staff provided is not exhaustive and we have an opportunity to get out in front of this issue.

Commissioner Discussion

Commissioner Lester noted that this is a proactive and measured response to an issue that the agency has to get out in front of. Commissioner Lester motioned to move staff recommendation.

Vice Chairman Sole seconded the motion.

Commissioner Kellam noted that reptile industry stakeholders told him that the proposed Prohibited species listings will likely have minimal impact to trade. He asked about the categories of Prohibited and Conditional.

Mr. Frohlich responded that the Prohibited species list is the best way to prevent animals from getting out into the wild in Florida because it greatly restricts the number of high-risk animals allowed in the State.

Commissioner Kellam asked about the stakeholder concerns regarding setting precedent of adding reptiles to the Prohibited species list allowing additional species to be brought forward in the near future.

Mr. Frohlich responded that the slippery slope argument does not apply here. He noted that there are many reptiles in trade and changing listing from Conditional to Prohibited would have economic impacts in those cases. What staff proposed is different as these species are not in high volumes in trade and would not have the same economic impact if listed as Prohibited.

Commissioner Kellam recommended bringing back working groups for reptile stakeholders in Florida to allow for additional coordination.

Commissioner Nicklaus noted concern about jumping straight to Prohibited status because we may lose data, animals may be released from captivity and drive trade underground.

Chairman Spottswood asked about the opportunity to start with listing these anaconda species as Conditional then later reconsidering Prohibited status if needed.

Mr. Frohlich responded that Conditional status allows for commercial breeding in Florida. This could allow for breeders to put capital and invest in these commercial endeavors which could later have an economic impact on these people if there becomes a problem and Prohibited listing is reconsidered. Listing species as Conditional or Prohibited does not work in a sequential manner.

Chairman Spottswood asked what happens to people who have these yellow anacondas in possession.

Ms. Funck responded that it does depend on the use of the species. The current grandfathering language addresses personal pets. If someone has these animals in possession for another use, they would have to comply or be eligible for that listing criteria.

Chairman Spottswood asked what happens to people who have them for commercial use.

Ms. Funck responded that those individuals would have to come into compliance with the new rule or find another facility (research or public educational exhibition) that would qualify for possession of a Prohibited species. Another option is to surrender the animal through the Exotic Pet Amnesty Program.

Vice Chairman Sole clarified that there are approximately 30 facilities that would have the capability to take these snakes and be legal under the new proposed rule.

Chairman Spottswood noted the importance of helping those individuals who have these animals in possession and facilitate this process.

Commissioner Nicklaus noted that the aforementioned 30 facilities that can take these anacondas are typically not in the position to be compensating individuals who need to get rid of their snakes.

Mr. Frohlich suggested that any yellow anaconda owners in Florida could export the species to other states or around the world for compensation.

Chairman Spottswood asked how someone in possession of these animals for commercial use can get them to the airport and exported. He asked if we will provide some period to allow this activity. Instead of forcing people underground or having them releasing these animals, provide a period for people to get rid of these animals.

Mr. Vielhauer confirmed that there is a period of time until the rule is adopted through the normal process.

Chairman Spottswood asked if we can incorporate a period of time for people to place their animals in appropriate facilities, sell, or surrender the animals through the Exotic Pet Amnesty Program.

Vice Chairman Sole noted that this is one of the hardest topics to get to a final decision. He noted that South Florida allows nonnative species to establish rapidly, and therefore has to be considered a big risk to the state. He noted support for staff recommendation.

Commissioner Kellam reiterated the need for FWC staff and the pet trade industry to work hand in hand moving forward. He supported staff recommendation and motioned to add the ability to export these species out of the State of Florida before the final rule goes into effect for them to become Prohibited.

Mr. Frohlich responded that change is very doable with the proposed grandfathering language.

Chairman Spottswood suggested an amendment to the grandfathering language, adding a period of 90 days to sell or arrange for exporting the species outside of Florida or to place the species with one of the approved Prohibited species permit holders.

Commissioner Kellam agreed with the addition of a 90-day grace period to the grandfathering language and amended his motion to include this period.

Commissioner Lester asked legal counsel for guidance on whether an amendment is needed for the proposed rule language.

Mr. Vielhauer confirmed that an amendment to the proposed language would have to be made to add a 90-day grace period to the grandfathering language.

Commissioner Nicklaus noted that demand may go down for these animals if supply increases on the market.

Commissioner Lester noted that the environmental risk outweighs the risk to commercial business.

Commission Action

Upon a motion by Commissioner Lester, seconded by Vice Chairman Sole and carried, the Commission approved staff recommendation with an amendment to the grandfather clause which allows current holders of these species proposed for Prohibited status 90 days to export these species out of the state, sell or place with appropriate facilities.

Draft Rule – Bird Traps

Mr. Frohlich presented proposed draft rules related to bird traps. He thanked Agent David Pharo with the United States Fish and Wildlife Service for attending the meeting and bringing examples of some bird traps.

Public Comment

The following individuals addressed the Commission on this agenda item:

Ms. Julie Wraithmell addressed the Commission in support of staff proposal and she looks forward to working with staff regarding the definition of possession in this rule.

Commission Action

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

General Counsel Report

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

Future Agenda Items

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

Commissioner Exchange

Chairman Spottswood opened the floor for Commissioner Exchange.

Commissioner Kellam thanked staff for the presentations at this meeting, no matter how contentious or difficult. He thanked his fellow Commissioners for the guidance and knowledge during these meetings.

Commissioner Lester noted that Florida was the bass fishing capital of the world and highlighted a recent fish catch that is currently leading the Hall of Fame.

Commissioner Nicklaus thanked Doc Kokol for his efforts in moving forward with integrating FYCCN with the First Tee program. He noted the success of this program so far.

Vice Chairman Sole thanked the stakeholders again for providing the opinions and input from the local level that assist the Commissioners in making decisions which are best for all users. He thanked Chairman Spottswood for his leadership.

Chairman Spottswood thanked staff at the Best Western for hosting the meeting, the UF IFAS team for the cooperative poster session, the Florida Channel, Mr. Kokol, registration desk staff, A/V staff, and law enforcement staff.

Commission Administrative Matters

The next regularly scheduled Commission meeting is set for May 1– 2, 2019, in Tallahassee/Havana, commencing at 8:30 am each day.

Adjournment

Chairman Spottswood adjourned the meeting at 5:01 p.m.

Robert Spottswood
Chairman

Eric Sutton
Executive Director

Respectfully submitted:

Lisa Davis
Commission Assistant