



Florida Fish and Wildlife Conservation Commission

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Commission Meeting
July 17 – 18, 2019
Stuart, 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 July 17 – 18, 2019, at the Marriott Resort Hutchinson Island located in Stuart, 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

Senior and Presenting Staff:

Eric Sutton	Executive Director
Dr. Thomas Eason	Assistant Executive Director
Emily Norton	General Counsel
Chris Wynn	Director, North Central Region
Dr. Tom Reinert	Director, South Region
George Warthen	Director, Northwest Region
Thomas Graef	Director, Southwest Region
Shannon Wright	Director, Northeast Region
Colonel 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
Tindl Rainey	Director, Office of Licensing and Permitting
Susan Neel	Director, Office of Community Relations
Charlotte Jerrett	Chief Financial Officer
Jessica Crawford	Director, Office of Legislative Affairs
Martha Guyas	Division of Marine Fisheries Management
Krista Shipley	Division of Marine Fisheries Management
Major Rob Rowe	Division of Law Enforcement

There were 53 individuals registered to speak to the Commission during the two-day meeting.

Meeting Opening

Chairman Spottswood called the July 17 – 8, 2019, meeting to order at 8:31 a.m.

Chairman Spottswood welcomed Senator Gayle Harrell to address the Commission and welcome everyone to the Treasure Coast.

Senator Harrel thanked FWC for everything that has been done to combat environmental issues in the Stuart area and South Region of Florida.

Chairman Spottswood then welcomed Martin County Commissioner Doug Smith to address the Commission.

Commissioner Smith welcomed FWC to Martin County. He thanked the Commission for all of the time and effort put forth related to combating Coral disease.

Invocation and Pledge of Allegiance to the Flag

Regional Director Chris Wynn 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 May 2019 minutes were approved as written.

Adoption of Meeting Agenda

Upon a motion by Commissioner Kellam, seconded by Vice Chairman Sole and carried, the July 2019 meeting agenda was approved.

Approval of Consent Agenda

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

Awards and Recognition

FWC Law Enforcement Prosecutor of the Year Award

Colonel Curtis Brown, Director of the Division of Law Enforcement, presented the Prosecutor of the Year Award to Ms. Cynthia Honick, Assistant Statewide Attorney out of Fort Lauderdale.

Hunter Safety Instructor of the Year Award

Mr. Bill Cline with the Division of Hunting and Game Management presented the Hunter Safety Instructor of the Year Award to Mr. Stephen Parris who is the Volunteer Area Coordinator for Bay County.

Youth Hunting Program Landowner of the Year Award

Mr. Cline presented the Youth Hunting Program Landowner of the Year Award to Mr. Ken and Mrs. Kay Corbin of Gilchrist County.

Florida Sportsman's Conservation Association Wildlife and Resource Management Award

Mr. Todd Hallman with the Florida Sportsman's Conservation Association (FSCA) presented the Wildlife and Resource Management Award to Ms. Linda Collins, Supervisor of the Nuisance Alligator Program with the Division of Hunting and Game Management.

Executive Director Sutton thanked FSCA for this award because it is well deserved by staff.

Ms. Collins thanked FSCA and all the staff who work with the Nuisance Alligator.

Special Recognition

Chairman Spottswood asked Executive Director Sutton to present a special recognition award.

Mr. Sutton noted the recent loss of a long-time FWC stakeholder, Captain Pat Kelly, former President of the Florida Guides Association (FGA), and he recognized his service to the state of Florida.

Captain Danny Barrow, East Cost Vice President of FGA, addressed the Commission and read a letter on behalf of the Florida Guides Association regarding Captain Kelly's service to Florida fisheries.

Mr. Charlie Phillips, current President of FGA, addressed the Commission and commented on Captain Kelly's passion for Florida fisheries and conservation. He read a statement on behalf of Captain Bob Zales, President of the National Association of Charter Boat Operators and an FGA Board Member, who was not able to attend the Commission Meeting.

Mr. Pete Quasius, Vice Chair of the Snook and Game Foundation, addressed the Commission and stated that there will never be a replacement for the conservation affected by Mr. Pat Kelly.

Ms. Kellie Ralston with the American Sportfishing Association addressed the Commission and noted the wonderful force of nature that Mr. Kelly was in the conservation of fish and wildlife in Florida.

Ms. Bonnie Basham with Boat US addressed the Commission and recalled how much of a mentor Mr. Kelly was to others involved in the conservation of Florida fisheries.

Chairman Spottswood thanked everyone for the wonderful comments in remembrance of Captain Pat Kelly. He asked for a moment of silence.

Chairman Spottswood then introduced Ms. Jacqui Thurlow-Lippisch, Board Member of the South Florida Water Management District.

Ms. Thurlow-Lippisch addressed the Commission with thanks to the Commissioners for the partnership efforts.

Executive Director's Report

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

- Apalachicola Bay Projects Update
- Orange Lake Update
- Aquatic Plant Management
- Lionfish Removal and Awareness Update
- Hurricane Michael Update
- Northeast Stakeholder Visits
- ICAST 2019
- Redfish Release and Partnership with CCA
- Stony Coral Tissue Loss Disease Update and Florida Coral Crew Initiative
- Force Blue Organization
 - The Founders of this organization addressed the Commission and provided additional background about their goals and activities that resemble some of the efforts of FWC associated with Coral disease.
 - Chairman Spottswood thanked them for their service to the Country and now their service to the state of Florida and conservation of marine habitats.
- Staff Recognition:
 - Ms. Linda Collins with the Division of Hunting and Game Management.
 - Ms. Amber Howell with the Division of Fish and Wildlife Research Institute.
 - Lt. Doug Rogerson with the Division of Law Enforcement.
 - Ms. Momoka Maeda with the Division of Habitat and Species Conservation.

Rules Requiring Action

Final Rule – Rules relating to birds

Mr. Kipp Frohlich, Director of the Division of Habitat and Species Conservation, presented proposed final rules related to bird traps. In February 2019, staff received Commission approval for advertising a draft rule that would establish regulations regarding the use, placement, and possession of bird traps to support conservation of native birds. Stakeholders were invited to comment through a news release and social media post. Additionally, staff collected public comment via three webinars in early April, and through direct contact with stakeholders in late April and May. Webinars were announced in the Florida Administrative Register, by e-mail, and using GovDelivery. After considering public comment, staff identified changes to improve the rule language and propose to restart the rulemaking process.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Pete Quasius, representing Audubon of Southwest Florida, addressed the Commission in support of staff recommendation.

Ms. Julie Wraithmell, Executive Director of Audubon Florida, addressed the Commission. She noted that Florida has needed a rule to regulate bird traps for a long time due to illegal activity.

Mr. Rob Bules with Natural Encounters, Inc. addressed the Commission with a few concerns related to his specific situation. He asked that the rule be amended to authorize captive wildlife facilities to capture escaped birds off of their property, with landowner permission. Additionally, he asked for clarification on notification related to re-capture of birds that fly off from permitted property.

Commission Discussion

Vice Chairman Sole asked for additional information in addressing Mr. Bules' concerns. He also asked about getting landowner permission to recapture birds that escape from captive wildlife facilities.

Mr. Frohlich responded that notification to FWC law enforcement in advance of recapturing escaped captive birds is important so that law enforcement doesn't confiscate the trap. Notification can be by telephone, and he also noted that the intention was to allow re-capture of escaped captive birds on other properties with landowner permissions.

Vice Chairman Sole asked about a person obtaining a permit under the proposed rule if they have prior wildlife violations. He also asked if FWC is regulating use of traps and not the sale of traps. Is there a way to require a permit prior to purchase of a trap?

Mr. Frohlich responded that the permit can be denied if the individual has any wildlife violations. He also clarified that the permit is related to a specific activity and typically in a specific place. He noted that determining all the vendors who sell bird traps and asking them to require a permit ahead of the sale is a heavy lift. Therefore, staff is addressing the use, placement, and possession of bird traps but not the sale.

Vice Chairman Sole asked what the process was after an illegal trap is confiscated.

Colonel Brown responded that staff would have to get authorization from a judge in order to destroy it.

Dr. Thomas Eason, Assistant Executive Director, pointed out that the proposed language did not authorize captive facilities to capture an escaped bird outside of their property. The language was amended to address Mr. Bules' concern.

Commissioner Kellam thanked staff for the proposal and stakeholders for their participation on preparing this because of the illegal activity currently ongoing. He asked about the judicial process for requesting approval to dispose of illegal traps.

Colonel Brown responded that staff would need a standing order in the area for destruction of traps, which would be in process once the proposed rule is passed.

Commission Action

Upon a motion by Commissioner Kellam, seconded by Commissioner Sole and carried, the Commission passed staff recommendation with an amendment to include language which allows captive facilities to re-capture escaped birds outside of their property with the permission of the landowner.

Draft Rule – Effective Means of Propulsion for Safe Navigation

Major Rob Rowe with the Division of Law Enforcement, Boating and Waterways, presented a draft rule related to effective means of propulsion for safe navigation.

Public Comment

The following individuals addressed the Commission on this agenda item:

Ms. Bonnie Basham addressed the Commission in support of the proposal.

Mr. Bill George addressed the Commission.

Commission Discussion

Vice Chairman Sole asked for clarification on motor boats and human-powered boats on the course.

Major Rowe responded that boats are required to travel the course in 10 minutes. The requirements apply to boats 16 feet or longer, whether they are motorboats or human powered. Major Rowe explained that the 10-minute determination came from the calculation that an average person walks at 3.3 miles per hour, which would enable them to complete the course in 10 minutes if they were walking.

Chairman Spottswood asked why the rule will exempt boats less than 16 feet in length.

Major Rowe responded that the proposed rule is to address at-risk vessels with the goal of preventing derelict vessels. Derelict vessel statistics reveal that there are very little, if any, derelict vessels under 16 feet.

Commission Action

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

Draft Rule – Blackfin Tuna

Ms. Krista Shipley with the Division of Marine Fisheries Management presented a proposed draft rule for Blackfin Tuna. Staff recommendation would create a species-specific bag and vessel limit of 2 fish per person or 10 fish per vessel, whichever is greater.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Trip Aukeman with Coastal Conservation Association (CCA) addressed the Commission in support of staff recommendation.

Ms. Kellie Ralston addressed the Commission in support of staff recommendation. She noted a request to review a minimum size limit in the future.

Mr. Dylan Hubbard addressed the Commission in support of staff recommendation. He noted concern with extension into federal waters based on past history with expansion into federal waters for African Pompano and the negative impact it had on captains.

Mr. Brett Fitzgerald with Angler Action Foundation (AAF) addressed the Commission in support of staff recommendation. He provided some data that has been collected on this species of fish.

Commission Discussion

Commissioner Kellam asked for more information on a potential size limit recommendation.

Ms. Shipley responded that there was wide variety of responses related to the topic of size limit. Typically, the accepted range was between 15 and 20 inches.

Vice Chairman Sole noted support for staff recommendation and commented that he has asked for clarifying information to be added to the rule language. He read alternative rule language provided by staff and made a motion to move staff recommendation using the alternate rule language.

Chairman Spottswood asked for legal interpretation on the amended rule language to make sure that it still meets the intent of staff recommendation. He asked that staff review the changed rule language to ensure that it is as clear as possible.

Ms. Emily Norton, General Counsel, and Ms. Shipley responded that both the old language and the new language have the same intent.

Commission Action

Upon a motion by Vice Chairman Sole, seconded by Commissioner Lester and carried, the Commission approved staff recommendation with the amended draft rule language.

Draft Rule – Northeast Florida Shrimp

Ms. Shipley presented a draft rule for Northeast Florida Shrimp. Staff recommend making the Commercial Food Shrimp Production License fully transferable and allowing shrimping in open waters of the area on Mondays that are not state holidays and on the Friday after Thanksgiving.

Public Comment

The following individuals addressed the Commission on this agenda item:

Ms. Janie Thomas, Executive Director of the Shrimp Producers Association, addressed the Commission in support of staff recommendation.

Ms. Debbie Chesser addressed the Commission in support of staff recommendation.

Mr. Jerry Sansom waived his time in support of staff recommendation.

Commission Discussion

Commissioner Sole asked if adding the Friday after Thanksgiving back would cause any conflict for different user groups.

Ms. Shipley commented that this was a request from industry and staff is including it in the recommendation because it is sustainable.

Commission Action

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

Staff Reports

Gulf of Mexico Fishery Management Council (GMFMC) Report

Ms. Guyas presented an update on actions from the GMFMC's June 3-6, 2019 meeting in Destin, Florida. These topics included greater amberjack, carryover of unused quota, an update on the 2019 Gulf red snapper season, and other reef fish discussions.

Public Comment

The following individuals addressed the Commission on this agenda item:

Captain Bill Kelly with the Florida Keys Commercial Fishermen's Association addressed the Commission with concerns about future open water aquaculture projects in Florida.

Ms. Kellie Ralston addressed the Commission with thanks to Florida leadership on the Gulf red snapper Exempted Fishing Permit (EFP) and for working with the other Gulf states. She noted that it is important for Florida to manage the quota conservatively and responsibility under this EFP and into the future under state management. She also supported the continuation of the Gulf Reef Fish Survey and expanding this survey state-wide.

Mr. James Zurbrick addressed the Commission regarding red snapper sector reallocation. He noted his concern for additional dead discards if commercial quota is allocated to the recreational sector. He supports the carryover amendment, and the Council's recent action to reduce commercial greater amberjack trip limits from 1,000 lbs. He also expressed concern over finfish bycatch in the stone crab fisheries and asked the Commission to read his letter.

Mr. Aaron Mays addressed the Commission in support of both recreational and commercial fishermen working together to find solutions in fisheries management without favoring one side.

Mr. Mark Kramer addressed the Commission with support for the carryover amendment if it is based on sound science.

Mr. Dylan Hubbard addressed the Commission on recreational greater amberjack. He explained that the Council needs to decide on recreational greater amberjack regulations and stay consistent for several years to obtain better data for future stock assessments. He also supported reevaluating the 2019 federal red snapper for-hire season once the final numbers are available because of recent poor weather.

Mr. Brett Fitzgerald addressed the Commission with support to extend and expand the Gulf Reef Fish Survey. He also noted that AAF would like to be more involved in the process in the future.

Commissioner Discussion:

Commissioner Kellam asked staff to elaborate on the carryover amendment.

Ms. Guyas explained to the Commission that the carryover amendment would allow for quota available after one year to be carried over to the next fishing year in limited circumstances. The stock could not be overfished or undergoing overfishing, and only a fraction of the leftover quota would carry over into the next fishing year. However, the Council postponed the carryover amendment until the procedures for interim stock assessment analyses are complete. These analyses could allow the Council to adjust quotas upwards or downwards based on fishery trends.

LUNCH BREAK

South Atlantic Fishery Management Council (SAFMC) Report

Ms. Jessica McCawley, Director of the Division of Marine Fisheries Management, presented a report on actions and discussions from the SAFMC's June 10-14 meeting. These topics included red snapper, dolphin, best fishing practices for snapper grouper species, sector allocations, and king mackerel. Staff recommended that if federal emergency action is taken to increase the king mackerel commercial vessel limit from 50 to 75 fish off Volusia through Miami-Dade counties, an Executive Order be issued for a consistent increase in adjacent state waters. This increase would apply to Season 2, which runs from October to February. Currently, the vessel limit is too low, which makes fishing trips unprofitable and presents safety at sea issues because captains cannot afford crew.

Commission Discussion

Chairman Spottswood asked what information the Council will use to make decisions on future Atlantic red snapper seasons.

Ms. McCawley responded that each South Atlantic state is gathering additional data over these two recreational weekends and explained that NOAA Fisheries examines the landings every year and sets the season accordingly. She also noted that while the next red snapper stock assessment will not be completed until 2023, the Council is discussing adjusting the fishing season to a different time of year and various days to accommodate stakeholder requests.

Public Comment

The following individuals addressed the Commission on this agenda item:

Ms. Kellie Ralston addressed the Commission in support of flexibility when setting the red snapper season and expanding recreational data collection, which can help increase future fishing opportunities. She also noted her support for the Best Fishing Practices amendment.

Mr. Jerry Sansom addressed the Commission in support of staff recommendation on king mackerel.

Mr. Steve English addressed the Commission in support of staff recommendation on king mackerel. He thanked FWC for their work on the emergency action to close the Spanish mackerel fishery earlier this year. He explained that the commercial mackerel fishery is oversaturated with fishermen and suggested a limited entry for the federal permit. He also supported a limited entry, gillnet endorsement for the Spanish mackerel fishery to help constrain harvest and the number of participants.

Vice Chairman Sole asked Mr. English to explain why a limited entry program is necessary if the data shows that the number of commercial fishermen has not increased in recent years.

Mr. English responded that the limited entry program could give managers a tool in the future to control the fishery.

Mr. Brett Fitzgerald addressed the Commission in support of the Best Fishing Practices amendment. He discussed the MyFishCount app, which is a partnership between AAF and the SAFMC, and how this private-public partnership could be applied to the state level. He also noted his support for considering protecting the prey species of wahoo.

Commission Action

Vice Chairman Sole noted his concerns for moving the red snapper season to May due to poor weather conditions. He noted his preference for a July season.

Chairman Spottswood noted his support for spreading the season out over more weekends rather than the current structure. He commented that many fishermen do not fish three days in a row and spreading it out over five Saturdays would provide more opportunity for anglers.

Ms. McCawley explained that the Council will be holding several public webinars to obtain feedback from anglers on this issue. She responded that she will take this input as direction to the next Council meeting.

Vice Chairman Sole noted his support for Chairman Spottswood's comments and also asked if there is a current issue with Spanish Mackerel that needs action.

Ms. McCawley responded that there is at least a perception of a problem. She noted that there is a market flood at certain times, which reduces the price of fish being sold at the market. She explained that a limited entry program may not be the best solution to this, but there may be other ways to address this issue.

Chairman Spottswood confirmed that the Commission is supportive of an Executive Order to increase the king mackerel commercial vessel limit in state waters to be consistent with federal emergency action, if needed.

Public Comment on Items not on the Agenda

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

Dr. James Leary with the University of Florida/IFAS addressed the Commission regarding a harvesting efficiency project funded by FWC.

Mr. Newton Cook addressed the Commission regarding hunting restricted zones. He also invited everyone to the United Waterfowlers Annual Summit on August 1 and 2, 2019.

Mr. Bill George addressed the Commission with thanks for FWC staff, Jeff Shelton and Chad Owens, who assisted with weigh-ins for the 5th Annual Pan Fish Challenge fishing event. He also thanked the Commission for making adjustments with the Alligator Permits to allow hunters into city limits. He stated that he is waiting for discussion on the Alligator Tag Group and pointed out that the number of non-residents participating in public alligator egg collection has been increasing recently.

Mr. Chuck Echenique addressed the Commission regarding no hunting zones. He requested that the Commission work to change the Florida Administrative Code (F.A.C.) which designates FWC as the final say for these restricted hunting areas. He also asked for an option of preference points only for those who can't hunt for extended periods of time. Finally, he noted support for the tweaks to the harvest reporting requirement for deer management.

Mr. Gary Jennings with ASA addressed the Commission regarding Shoal Bass. He thanked FWC for issuing an executive order to protect this species.

Ms. Kellie Ralston addressed the Commission with thanks to staff and Commissioners for attending ICAST last week. She also thanked the Commission in response to the coral disease outbreak, including both the research and community engagement efforts.

Mr. Travis Thompson addressed the Commission with a suggestion to update 68A-19.02, F.A.C., regarding hunting restricted areas. He commented that FWC should not have the final say on restricted areas and that public landowners should be able to decide. He also thanked FWC staff who are working on invasive plant management topics.

Mr. Jim Watt addressed the Commission regarding the Aquatic Pesticide Program.

Mr. Jerry Sansom addressed the Commission regarding the removal of abandoned and derelict lobster, stone crab, and blue crab traps during the closed season. He is finding that more people appear to be abandoning significant numbers of undesirable traps at the end of the season and allowing the derelict trap removal program to remove these traps from the water as a cost of doing business. To discourage this behavior, he requested that the Commission work with the Legislature to increase the per-trap fine assessed for leaving traps in the water during the closed season.

Mr. Steve English addressed the Commission on harvesting sharks (blacktips, spinners and bull sharks) in state waters again due to their high populations. He would like to be able to harvest these species in state waters under the current state waters gear regulations, but in accordance with the federal trip limits.

Ms. Taren Wadley addressed the Commission regarding invasive fish. She would like to work with the Commission on removing non-native species from fresh water.

Mr. Jim Casselman addressed the Commission requesting a bear hunting season. He noted support for actions taken on Hunters lake regarding restricted hunting areas. He stated that 68A-19.02, F.A.C., is antiquated and needs to be changed.

Mr. John Rosier addressed the Commission regarding the Holyland and Rotenberger flooding proposal. He requested that FWC develop a position paper on this topic because flooding will kill everything in the area.

Mr. Scott Green, Chairman of CCA's government relations committee, addressed the Commission regarding spotted sea trout. He commended the Commission on their efforts to save the species. He is concerned with the Indian River Lagoon and recommends the Commission consider making the sea trout a catch-and-release species for that area.

Ms. Jacqui Thurlow-Lippisch addressed the Commission regarding killing green iguanas and is concerned that the positive message behind the request was a missed opportunity.

Ms. Kate McFall addressed the Commission on the messaging from FWC to kill green iguanas. She commended the FWC response on coyote management.

Mr. Joseph Wilson addressed the Commission in opposition of the aquatic herbicide program.

Mr. Brett Schick addressed the Commission requesting a change to 68-5.001.

Mr. Brett Fitzgerald addressed the Commission on vegetation in the Caloosahatchee River.

Ms. Nyla Pipes addressed the Commission on vegetation and requested the Commission continue to look at the science and listen to the public and consider mechanical spraying.

Mr. Mike Hulon with Texas Aquatic Harvesting addressed the Commission with thanks for working on the test projects to assess aquatic plant mechanical harvesters. He invited each of the Commissioners to Lake Toho to see the current projects.

Ms. Jackie Transcynger addressed the Commission with concern regarding lack of clean water in Florida. She requested the Commission stop using glyphosate to spray invasive plants.

Mr. James Boggs addressed the Commission in support of FWC's important invasive plant management program.

Ms. Jackie Pakonis addressed the Commission regarding aquatic spraying. She asked that staff work on a better solution to invasive plants.

Mr. Steven Bagenski addressed the Commission regarding iguana control in South Florida. He quoted a recent article on the topic and noted that FWC has not done a good job in managing the invasive/exotic pet trade. He asked that the Commission consider future messages on managing any animals in Florida and ensure that there is information on how to humanely handle these situations.

Mr. Jerry Buechler addressed the Commission on issues regarding climate change and its effects on coral reefs and the ocean.

Ms. Becky Harris addressed the Commission. She commented on previous policy decisions by other entities that impacted the water quality on Florida rivers.

Mr. Jim Vaughan addressed the Commission regarding muck from aquatic plant spraying.

Captain Bill Kelly addressed the Commission with concerns over Chinese tariffs and the resulting trends in market prices of spiny lobster. He noted support for adjusting the yellowtail snapper allocations in both the Gulf and South Atlantic. He also gave support to local law enforcement and their work in the upcoming lobster mini-season.

Ms. Jessica Veatch addressed the Commission with thanks for the new shore-based shark-fishing regulations.

Chairman Spottswood recessed the meeting at 3:35 pm

Thursday July 18 Reconvene

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

Staff Reports

Florida Bay

Mr. Gil McRae, Director of the Fish and Wildlife Research Institute, introduced this agenda item and presented a brief presentation on Florida Bay.

Vice Chairman Sole asked if there is additional data back further than 1987 regarding seagrass die offs.

Mr. McRae responded that there is some data that show previous seagrass die offs, but it is less detailed than that for the recent events. He noted that the severity and extent of hyper salinity events has exacerbated the situation in Florida bay related to seagrass die offs.

Commissioner Rood asked if there was more recent salinity information for Florida Bay.

Mr. McRae responded that salinity information is monitored continuously in the bay by multiple agencies. He then introduced Mr. Pedro Ramos, Superintendent of Everglades National Park, to provide additional information on this topic.

Superintendent Ramos discussed the critical impact that Florida Bay has on Everglades National Park. He noted that the seagrass die off that occurred in 1987 brought to light the importance of this area of Florida and started Everglades Restoration planning. He suggested that getting CEPP completed will bring the water to Florida Bay.

Dr. Bob Johnson with the National Park Service presented hydrologic information on Southern Coastal Ecosystems in Florida that impact Florida Bay.

Chairman Spottswood asked about the information on historical flow compared to the proposal of what will be when the Central Everglades Project is completed. He noted that the proposed changes for that project show great progress and asked if there are timelines associated with the project.

Dr. Johnson responded that original projections were showing the Central Everglades Project showing effects around 2030, but there has been some additional funding which supports earlier project completion and some effects should start to be seen in 2021.

Vice Chairman Sole asked about the Modified Water Delivery schedule project and the status.

Dr. Johnson responded that the planning for this project will be done in 2020 and raising the Tamiami Trail, to be complete in 2023, will allow the full effects of the mod water project to be realized.

Mr. Drew Bartlett, Executive Director of the South Florida Water Management District (SFWMD), presented information on the mission of SFWMD and the efforts in place to improve water flow in South Florida.

Public Comment

The following individuals addressed the Commission on this agenda item:

Captain Bill Kelly addressed the Commission. He noted concern about some of the data used being as old as 2004 and 2009. He suggested that more current data may show additional concerns that need to be taken into consideration with plans for improving water flow and quality into Florida Bay.

Mr. Newton Cook addressed the Commission with concern that there isn't enough water proposed to come into Florida Bay after all of the projects are completed. He commended SFWMD and the Army Corps of Engineers on their work related to water quality and bringing cleaner, better water into this system.

Mr. Pete Quasius addressed the Commission thanking everyone for the presentations which show the progress being made on this important issue. He noted a recent study on the Caloosahatchee that shows improving seagrass beds improves fisheries because of the improved habitat and this is something that Florida Bay will benefit from.

Ms. Kellie Ralston addressed the Commission providing economic details associated with fishing in Florida and how much of that is geared toward South Florida and the Florida Keys. She recognized Mr. James Erskine with FWC who serves as the Chair of the South Florida Ecosystem Restoration Task Force Working Group.

Mr. Mike Melton addressed the Commission with thanks for the presentation.

Ms. Devin Tibor with NPCA addressed the Commission with thanks for focusing on this important restoration project to improve Florida Bay.

Commission Discussion

Commissioner Kellam thanked staff for pulling together this joint presentation. He noted strong support for the Everglades Restoration Projects because they will have such significant impact on Florida Bay. He asked for discussion on the impact of nesting birds which can impact the ability to utilize all available water structures.

Mr. McRae noted that the Capeside Sea Sparrow is an important consideration because they nest low to the ground and the nests are susceptible to flooding.

Mr. Bartlett added that the 12A and 12B structures have to stay closed during the sparrows nesting season.

Commissioner Kellam asked about the 333 and the 356 and how they work together. He is supportive of moving water through the trail but would like to better understand the process so as not to violate a federal order.

Mr. Bartlett further explained that a settlement agreement exists with the federal government to provide clean water to the everglades. A water quality standard has been established based on a historical flow regime. The S333 structure is very important in determining the quality of water going to Florida Bay and this fact may create more flexibility in moving water to Florida Bay without impacting the sparrow.

Commissioner Kellam reiterated his appreciation for the Governor, Congressman Mast and all the agencies that have created a positive climate for restoration. He also brought up nitrogen and pointed out that historically the attention has been on phosphorus. He would like to see more attention paid to nitrogen.

Commissioner Rood commended the presenters and asked about the path under the bridge and if it would be able to be closed, similar to a train track. She also asked about the speed of the flow.

Mr. Bartlett explained that the bridges that are being raised are always open but on the upstream side there are structures that can control the amount of water flowing under the bridges. He indicated that the flow is slow due to the low gradient.

Vice Chairman Sole asked Dr. Johnson if, on average, there would be an excess of water after the infrastructure is complete.

Dr. Johnson explained the goal is to move as much water as possible south and avoid discharges into the estuaries. After all the infrastructure is built, there will be less of a need to discharge water to the estuaries but in very wet years there will be excess water that the system cannot handle.

Vice Chairman Sole praised the panel on their work and the presentation. He expressed his excitement about the progress being made and asked that the pressure stay on to keep these projects going.

Commissioner Lester noted these presentations were very succinct in providing clear information which helps garner more support from stakeholders and citizens which in turn positively impacts the financial and political support for these types of projects to be completed.

Chairman Spottswood thanked Mr. McRae for facilitating this discussion. The partners involved in this important topic have done a wonderful job in cooperation together to progress and bring ideas and discussion to the table of those who have influence on Florida Bay and the water issues in South Florida.

Chairman Spottswood introduced a former Commissioner and former Chairman, Dr. Quentin Hedgepeth.

Mr. Hedgepeth provided a bit of history on his experience on the Commission.

BREAK

Pythons

Mr. Frohlich presented an update on Pythons. He discussed the impact that invasive fish and wildlife species have on Florida's economy, ecology and human health and safety. He noted the efforts led by FWC to address these impacts in Florida through regulatory action, education and outreach programs, removal efforts, funding and supporting innovative research and coordination with partners. One of the most challenging high priority invasive species being the Burmese python. He then invited Superintendent Ramos to provide the National Park Service (NPS) perspective on this topic.

Superintendent Ramos noted that extraordinary problems require extraordinary measures. The billions of dollars being spent on Everglades Restoration are not merely to provide better environment for the invasive plants and animals that are taking over South Florida. He committed to working together, using science and other measures, to solve the problem of invasive plants and animals.

Executive Director Sutton thanked Superintendent Ramos for his partnership on this issue. He noted the history of FWC working with NPS in addressing invasive species issues, specifically the Burmese Python problem.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Eugene Bessette representing the Florida Reptile Industry addressed the Commission in support of staff presentation. He thanked the Commission for the order put in place in 2017 which allowed individuals to remove these species of snakes on a lot of public lands in South Florida. He suggested that FWC be the lead agency to help orchestrate the solution along with partner agencies and organizations.

Mr. Newton Cook addressed the Commission in support of all efforts to eradicate pythons.

Mr. Todd Hallman addressed the Commission. He noted that the history of the FSCA Youth hunting program has been progressing to teach individuals how to harvest species in Florida like hogs and alligators. He announced that next week, FSCA is hosting the first youth hunting experience targeting pythons. While access has gotten better on public lands in Florida that are affected by these invasive species, there is still a problem with access.

Mr. Mike Melton addressed the Commission with some ideas about rules that could assist with invasive species. Southern Glades and Rocky Glades have non-native species regulations and suggested that more public lands should have these same regulations. He suggested that opening up Big Cypress to python hunting outside of regular hunting season would have a positive impact.

Mr. Mike Elfenbein addressed the Commission. He echoed the comments of previous speakers about expanding access to public lands to help eradicate invasive species as much as possible. He encouraged the Commission to include sportsman in their efforts.

Mr. Matthew Schwartz, Director of the South Florida Wildlands Association, addressed the Commission. He noted concern for all invasive plants and animals that are impacting the native fish and wildlife of Florida.

Mr. Drew Martin on behalf of the Sierra Club addressed the Commission in support of the comments by the previous speaker, Matthew Schwartz.

Mr. Richard Martinez addressed the Commission with a request to bring back another Python Challenge and include NPS lands into this type of program.

Commission Discussion

Executive Director Sutton thanked the public for their comments and support for efforts to eradicate this invasive species. He commented on the limitations in the past on NPS and SFWMD lands, but things are moving in a positive direction thanks to the partnerships that are currently in place. He committed to working with the sportsmen and women on identifying solutions to some of these issues.

Commissioner Kellam thanked Executive Director Sutton for his leadership on this topic working with the Governor on identifying solutions to this important issue. He thanked individuals from the reptile industry for stepping up and being a part of the solution.

Commissioner Rood suggested that there be no restriction on a hunting season for pythons.

Commissioner Lester asked if other states in the Northern part of the United States have issues with these species escaping and becoming a problem for native fish and wildlife.

Mr. Frohlich responded that it is not an issue for any state north of the frost zone because these species cannot survive in those environments.

Commissioner Lester noted that while FWC is always respectful of individual rights to have pets, the Commission has to draw the line with this species because of the impact that it has on the native fish and wildlife and habitats of Florida. He suggested additional discussion at a future time about why it is currently allowed for breeders to breed this species and then export them to other parts of the world.

Vice Chairman Sole noted that there has been action recently to address potential invasive species and restrict the pet trade and specify which invasive species we're not going to allow as pets.

Mr. Frohlich responded that the designation voted on at the May meeting designated prohibited status of many species, not all reptiles, but 3 species of anaconda, making it so that they cannot be dealt with commercially. This was done specifically so that this discussion won't happen in the future with those species.

Chairman Spottswood thanked all the partners who have committed to working together on this problem.

Biscayne National Park Fisheries Regulations

Ms. Jessica McCawley, along with Mr. John Hunt with the Fish and Wildlife Research Institute, presented an update on Biscayne National Park (BNP) Fisheries Regulations. Staff recommended conducting public workshops and meetings with stakeholders on a series of potential fishery regulation changes for the waters of BNP, returning to the October Commission meeting with proposed draft rules, and returning for a Final Public Hearing at the December Commission meeting for the rule proposals, as well as to finalize an MOU between FWC and BNP, and to get Commission approval of the BNP Science Plan.

Vice Chairman Sole noted his appreciation to staff for the work on this presentation.

Public Comment

The following individuals addressed the Commission on this agenda item:

Captain Bill Kelly addressed the Commission noting his disagreement with a previous Superintendent of Biscayne National Park whose perspective on the resources in BNP were bleak.

Ms. Kellie Ralston addressed the Commission agreeing with Mr. Kelly that the previous leadership at Biscayne National Park did not have a good science-based outlook on the resources in the area at the time. She thanked FWC and BNP staff for working together. She noted support for staff recommendation and for a new MOU to be signed with the language about no-take zones included.

Mr. Aaron Adams with Bonefish Tarpon Trust addressed the Commission in full support of the staff proposal to move forward with science-based regulations. He additionally noted water quality and habitat concerns.

Mr. Matthew Schwartz addressed the Commission noting that the National Park Service is working to protect resources, not to restrict access to these lands and waters.

Dr. Jerald Ault, Chair of the Department of Marine Ecosystems and Society at the University of Miami, addressed the Commission. He noted his history with the science-based research approach related to this area. He suggested that staff rethink the proposed 20% increase in size limits because those regulations aren't sufficient to bring the targeted fish populations to 40% SPR. He also noted the catch of bait shrimp increasing and his concern as forage for fish.

Ms. Caroline McLaughlin on behalf of NPCA addressed the Commission. She noted support for the proposal by staff but suggested a goal of achieving sustainability rather than a 20% increase and further suggested additional flexibility in the options to include spatial closures.

Mr. Drew Martin addressed the Commission in support of the comments of Mr. Schwartz and Dr. Ault. He noted concern about the impact of climate change on coral reefs.

Superintendent Ramos noted that Biscayne National Park is important to everyone. He noted support for the staff proposal to provide regulations that will work as a first step to improve the fisheries in Biscayne National Park based on science. He dismissed any notions that FWC is working against the NPS mission and noted his support for working with the Commission moving forward.

Commission Discussion

Chairman Spottswood thanked Superintendent Ramos for those comments.

Commissioner Kellam thanked the team for this presentation. He noted full support for the recommendation from staff.

Vice Chairman Sole asked if there are indicator species that will show some signs of progress sooner than the planned 7-year check in.

Mr. Hunt responded that staff is available to provide additional updates throughout the years leading up to the 7-year check in on progress and offered to do that for this plan.

Chairman Spottswood added that he looks forward to staying involved in this and working further with staff.

Ms. McCawley noted the locations of the workshops that are planned this summer and noted that she would send the exact dates and locations to the Commissioners who may be interested in attending.

Executive Director Sutton commented on behalf of Commissioner Nicklaus on the idea to conduct a stock assessment on lionfish and his support for the First Tee project. He also suggested a publication on wildlife management and noted interest from fishermen in Southwest Florida to discuss the mullet fishery with staff.

General Counsel Report

Ms. Emily Norton, General Counsel, presented an update on legal issues related to the agency.

Future Agenda Items

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

Vice Chairman Sole asked if there is any potential to bring forward a discussion on possible rulemaking related to restricted hunting areas.

Dr. Eason responded that staff are currently working on a presentation regarding restricted hunting areas for the Commission in the near future.

Commissioner Exchange

Chairman Spottswood thanked staff and partners who assist with these meetings and then opened the floor for Commissioner Exchange.

Commissioner Rood commented on a few stakeholders who made harsh comments yesterday that FWC Staff and Commissioners do not like Florida. She noted that Commissioners and staff are passionate about the mission of the agency and take their role very seriously.

Commissioner Kellam thanked the Chairman for his leadership during these meetings. He also thanked staff for all the prep work that goes into this meeting. He echoed the comments of Commissioner Rood that the staff and Commissioners work hard and are extremely dedicated to finding solutions to the problems facing Florida's fish

and wildlife in the state of Florida. He offered an opportunity for stakeholders to meet and discuss topics with him if they are interested. He highlighted a recent trip he took out to Lake Okeechobee with staff.

Vice Chairman Sole thanked stakeholders for inviting Commissioners out to Big Cypress to see some of the issues facing that area of the state. He thanked staff for putting in the time on all of the topics presented this meeting. He noted that the Florida Bay presentation was phenomenal in how well it was organized and how simply it was relayed so that stakeholders and Commissioners could follow it easily.

Chairman Spottswood thanked the entire team for pulling these meetings together. The substance of the agenda items and the logistical planning is always very professional. He thanked the partners involved with the presentation on Florida Bay because it is a team effort to keep this progress moving forward as quickly as possible. He recognized Representative Holly Raschein who has done a wonderful job in working on fish and wildlife issues in this region and helped to make things better for native species.

Commission Administrative Matters

The next regularly scheduled Commission meeting is set for October 2 – 3, 2019, in Cape Canaveral, commencing at 8:30 am each day.

Adjournment

Chairman Spottswood adjourned the meeting at 1:16 p.m.

Robert Spottswood
Chairman

Eric Sutton
Executive Director

Respectfully submitted:

Lisa Davis
Commission Assistant