



Florida Fish and Wildlife Conservation Commission

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Commission Meeting
October 2 – 3, 2019
Cape Canaveral, 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 October 2 – 3, 2019, at the Radisson Resort at the Port located in Cape Canaveral, Florida. Chairman Robert Spottswood called the meeting to order with the following members also in attendance:

Michael Sole, Tequesta Gary Lester, Oxford Gary Nicklaus, Jupiter
Rodney Barreto, Coral Gables Steven Hudson, Fort Lauderdale

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 50 individuals registered to speak to the Commission during the two-day meeting.

Meeting Opening

Chairman Spottswood called the October 2 – 3, 2019, meeting to order at 8:30 a.m.

Commissioner Barreto thanked the Chairman for the warm welcome and noted appreciation of the Governor appointing him to this position.

Commissioner Hudson noted that it is an honor and a privilege to serve on the Commission and he thanked the Governor.

Invocation and Pledge of Allegiance to the Flag

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

Adoption of Minutes

Upon a motion by Vice Chairman Sole, seconded by Commissioner Nicklaus and carried, the July 2019 minutes were approved as written.

Adoption of Meeting Agenda

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

Approval of Consent Agenda

Upon a motion by Vice Chairman Sole, seconded by Commissioner Hudson and carried, the October 2019 Consent Agenda items were approved.

Executive Director's Report

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

- Aquatic Plant Management
- Key Deer
- Sargassum and Sea Turtles
- Fish and Wildlife Trafficking Investigations
- Emerging Neurological Disorder in Florida Panthers
- Coral Crew Initiative
- Hurricane Dorian
- Bass Pro “Anglers for the Bahamas” Announcement
- FWC LE class 38 graduation
- 2019 Spiny Lobster Mini-Season
- Red Tide/Harmful Algal Bloom Task Force
- Python Management
- South Florida Ecosystem Leadership Forum (SFELF)
- Testimony to the Senate Committee on Commerce, Science, and Transportation
- Staff Introductions:
 - Mr. CJ Sweetman with the Division of Marine Fisheries Management.
 - Mr. Ron Mezich with the Division of Habitat and Species Conservation.
 - Mr. Reid Hyle with the Fish and Wildlife Research Institute.
 - Mr. Mark McBride with the Division of Hunting and Game Management.
 - Mr. Andrew Watkins with the Office of Information Technology.
- Award Recognition – FWC Law Enforcement Port Inspections Team

Rules Requiring Action

Final Rule – Blackfin Tuna

Ms. Krista Shipley with the Division of Marine Fisheries Management presented final rules for blackfin tuna. The proposed final rule would create a species-specific recreational bag and vessel limit statewide of 2 fish per person or 10 fish per vessel, whichever is greater. It would also extend these recreational limits into federal waters off Florida. Staff recommended that this final rule be effective January 1, 2020.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Gary Jennings with American Sportfishing Association addressed the Commission in support of staff recommendation.

Mr. Trip Aukeman with Coastal Conservation Association waived his time in support of the staff recommendation.

Dr. Mitchell A. Roffer addressed the Commission with thanks for traveling around the state to allow public testimony by stakeholders in local areas. He noted that this species is highly migratory and suggested that it be managed at the federal level under the Highly Migratory Species Division. He requested that a minimum size limit be considered, and that more effort be placed on research for this species in order to complete a stock assessment. He also expressed that he supports any limits on this species until we have a stock assessment.

Commission Discussion

Vice Chairman Sole noted that it may be something to think about with managing a species based on size and bag limit, but because this species is also used as bait, it is hard to manage it in that way.

Chairman Spottswood thanked staff for bringing forward such a good proposal on this species.

Commission Action

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

Draft Rule – Spotted Seatrout

Ms. Shipley presented draft rules related to Spotted Seatrout. Proposed draft rules would split the current Northwest zone into the Western Panhandle and Big Bend zones; move the border between the current Southwest and Southeast zones to the Broward-Palm Beach county line; reduce the recreational bag limits to three fish in the Western Panhandle and South zones, four fish in the Big Bend zone, two fish in the Central East zone, and five fish in the NE zone; modify the recreational slot size limit to 15-19 inches; allow harvest of one over-the-slot fish per vessel only; prohibit guides (captain and crew) from keeping a personal bag limit when on a for-hire trip; re-establish a February winter closure in the Western Panhandle and a November – December winter closure in the Central East zone; and reduce the commercial trip and vessel limits to 50 seatrout per person with a maximum of 100 seatrout per vessel per day statewide.

Vice Chairman Sole asked about the downward trend that began in 2005.

Ms. Jessica McCawley, Director of the Division of Marine Fisheries Management, responded that the downward trend was related to a red tide event that affected multiple species.

Commissioner Nicklaus asked for clarification on staff recommendation relative to stock assessment results in some management zones.

Ms. Shipley noted that the stock assessment may not fully capture environmental impacts, including the extended red tide event that occurred in 2018 after the data collection period for the assessment.

Vice Chairman Sole asked if the preliminary data for the 2018 stock helps inform the staff proposal.

Mr. Gil McRae, Director of the Fish and Wildlife Research Institute, noted that the 2018 abundance data informed staff proposal even though they were not included in the stock assessment.

Chairman Spottswood asked what it would mean if the fishery gets below the biological threshold. He also noted concerns about the Northwest zone being at or below the threshold and asked if staff recommendation to divide the Northwest zone into two separate zones was enough to support not needing to take stronger actions to address the concern.

Mr. McRae responded that if a species gets below the biological threshold, then the level of fishing mortality is greater than the ability for a fish stock to sustain itself. He also stated that seatrout are resilient and small changes in regulations can have a positive effect when habitat is in good condition.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Bill George addressed the Commission in opposition of changes to the Southwest zone because of how well this species is doing in that particular region. He noted that the complete closure based on the recent red tide impacts should have a positive affect for this fishery.

Mr. Gary Jennings addressed the Commission in support of staff recommendation.

Captain Mike W. Farmer addressed the Commission with thanks for splitting out the Big Bend as a new management zone. He suggested that there is flawed data for the Big Bend area. He asked for no change to the Big Bend management zone regulations but offered suggestions that would be amenable by fishermen in the Big Bend. He supported prohibiting the harvest of fish greater than 19 inches but suggested a special permit that allows tournament anglers to keep a fish larger than the slot limit.

Mr. Trip Aukeman addressed the Commission in support of staff recommendation as presented. He noted that CCA would still suggest no harvest over the slot limit and would support a temporary closure for recreational and commercial seatrout harvest in the Central East zone to help rebuild the population.

Dr. Mitchell Roffer addressed the Commission in support of most of the proposals in staff recommendation. He requested a moratorium on harvest for the management zone that includes the Indian River Lagoon until science can show that this fishery is sustainable and healthy for consumption.

Ms. Dawn Perez, Director of the Taylor County Chamber of Commerce and Tourism Development Council, addressed the Commission. She noted opposition to the proposal for the Big Bend management zone due to economic impacts of the proposed changes.

Mr. Dave Brown addressed the Commission in support of a restriction on harvest of seatrout over the slot limit of 19 inches. He noted that the 2-fish bag limit in the Central East zone will have a negative impact on his business.

Captain Tony Mathis addressed the Commission with thanks to staff for making some adjustments to the proposal since the first proposal which was presented to stakeholders in May 2019. He requested the Commission maintain status quo in the proposed Big Bend zone until additional data can be collected and reviewed. He supports catch-and-release-only tournaments.

Mr. Jerry Sansom with Organized Fishermen of Florida addressed the Commission in support of staff recommendation. He noted that the commercial sector has such a small impact on this fishery, about 2%, but still worked with staff to propose a 30% reduction in harvest in order to assist with conservation of this species.

Mr. Tim Adams, past President of Organized Fishermen of Florida, addressed the Commission in support of the recommendation by staff for the proposed changes to the commercial sector. He commended staff for their workshop structure and process.

Mr. Edward Palaszewski addressed the Commission in opposition to some of the staff recommendations for the East Central zone. He asked for the slot limit to be amended to 16 to 19, adjust the bag limit to 3 and allow one to be over the slot but not over 23 inches.

Mr. Kurt Boykin addressed the Commission with concern for how few seatrout he sees and asked the Commission to consider a moratorium in Brevard County until the species can recover. He also noted concerns regarding seagrass habitat loss in the Indian River Lagoon and other areas of Brevard County.

Commission Discussion

Executive Director Sutton noted that there is a wide range of feedback from the public on this species.

Commissioner Hudson thanked staff for all the work to bring him up to speed on this issue.

Vice Chairman Sole noted that he struggled with the data used for these assessments.

Mr. McRae noted that the stock assessment results are from the existing regions, not the proposed regions, and that there is a multi-year effort to revamp fisheries assessment and data collection when the Commission modifies regions.

Commissioner Nicklaus noted his opinion that there is no need to harvest fish above the slot limit and that these larger fish have a positive impact on repopulating the fishery. He noted a few other comments on proposed management zones in Southeast Florida and acknowledged public comment from charter captains in the Big Bend.

Chairman Spottswood commented that staff is requesting approval of a draft rule.

Commissioner Barreto echoed that there is a balance between managing the fishery and preserving the businesses of Florida.

Vice Chairman Sole asked staff to review the new Big Bend management zone to determine if there is a need to reduce that bag limit, evaluate the ability to address seagrass loss in the Central East zone, and consider options regarding harvest of fish over the slot size.

Commissioner Nicklaus noted the data collection needs for the Big Bend and impacts for fisheries regarding seagrass loss in Mosquito Lagoon and Indian River Lagoon. He also suggested staff consider red drum when looking at seagrass concerns in the Indian River Lagoon.

Chairman Spottswood asked what the process is for publicly highlighting any modifications between approved draft rule and final rule hearings.

Ms. McCawley responded that if changes were made at the final hearing then they would be advertised via a notice of change.

Vice Chairman Sole asked for additional clarification regarding modifications to approved draft rules.

Ms. Emily Norton, FWC General Counsel, responded with the procedural process of modifying draft rules after approval.

Commission Action

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

Executive Director Sutton noted that staff will continue to work with stakeholders from all areas on the ideas proposed by the Commission on this draft rule.

Staff Reports

Biscayne National Park Fishing Regulations Update

Ms. McCawley presented an update on the progress of Biscayne National Park-specific fishing regulations. Staff requested direction on gathering additional public feedback on the anticipated draft rules which included modified size limits for specific species, implementing an aggregate recreational finfish bag limit, prohibiting spearfishing while using air-providing equipment, creating Coral Reef Protection Areas (CRPA) where trap use and lobster harvest would be prohibited, creating a trap-free zone near park headquarters, and creating no-trawl areas.

Commissioner Barreto asked for clarification on the “open water views” around the visitor center. He indicated that it is important for the Commission to support the industry.

Ms. McCawley responded that the desire for some National Park visitors to have open water views was stated in the Fishery Management Plan (FMP), but this is a high use area and would benefit from limiting traps.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Gary Jennings addressed the Commission with support for the proposal and appreciation for FWC staff and Biscayne National Park staff work on the topic.

Captain Bill Kelly with the Florida Keys Commercial Fishermen Association (FKCFA) addressed the Commission regarding limited discussion on improvement of water quality, education, and law enforcement. He noted support for the updated no-trawl areas and CRPAs.

Ms. Bonnie Basham representing Boat U.S. addressed the Commission. She noted appreciation for staff’s efforts to work with stakeholders of all sectors and added support for staff recommendation.

Mr. Trip Aukeman addressed the Commission in support of staff recommendation.

Mr. Tom Ingram, President and CEO of the Dive Equipment and Marketing Association (DEMA), addressed the Commission with concern about the proposal’s restriction on spearfishing when using SCUBA. He also noted concern with closing the CRPAs to lobster harvest while still allowing hook-and-line fishing. He suggested that if the data shows that restrictions are necessary, then the CRPAs should be no-take zones for all users.

Mr. Bob Harris with DEMA addressed the Commission echoing the comments of Mr. Ingram.

Mr. Don Waters addressed the Commission complimenting staff for speaking against the marine protected area closure proposed several years ago by the National Park Service. He believes that Biscayne Bay is in doing well and that spearfishers should not be unnecessarily restricted.

Dr. Melissa Abdo, Regional Director of the National Parks Conservation Association (NPCA), addressed the Commission. She requested the Commission help keep Biscayne National Park as a pristine area for future generations to experience and to equitably consider both consumptive and non-consumptive users of the Park.

Ms. Caroline McLaughlin addressed the Commission in support of increased enforcement of the National Park and more restrictions to keep fisheries in this park sustainable. She would like the Commission to consider more

stringent, proactive regulations than are currently being discussed, including additional regulations for black grouper. She referenced previous studies on this particular area that had recommendations to improve fishery management. She requested the Commission consider marine protected areas.

Mr. Rodney Sahr addressed the Commission with concern that closures would have a negative impact to businesses who manufacture fishing lures and other products.

Mr. Joe Fernandez, President of South Florida Free Divers and Director of United States National Spearfishing Championship, addressed the Commission. He suggested 4 recommendations for improvements that can help Biscayne National Park. Enforcement, simplify rules, increase habitats by using artificial reefs, and utilizing local stakeholders who know the area well.

Mr. Chris Peterson, President and Owner of Hell's Bay Boatworks, addressed the Commission. He stated that it is in his best interest to have strong fisheries in Biscayne National Park. He only supports use of exclusionary zones as a last resort if no other tools achieve the goals of fishery management plan.

Commissioner Discussion:

Commissioner Barreto asked about whether allowing a numeric, instead of volumetric, bag limit for stone crab claws may make sense and for clarification about whether hookah rigs (a type of air-providing equipment) would be allowed when lobstering. He also asked for a discussion on casitas and trap fisheries in the future. He noted there has been a positive impact from increasing the size limit for hogfish. He added concern about the removal of a historical landmark called Bug Light that was important to local fisheries and, through efforts of the citizens of Miami-Dade County, there is now a new artificial reef near the location. He is overall supportive of the expected proposed rules but believes that a few things could be improved.

Ms. McCawley stated that staff is no longer suggesting changes to the stone crab bag limit. She also stated that hookah rigs would be allowable when lobstering.

Commissioner Lester asked for additional information related to the proposed no-trap zone near Park Headquarters. He commented that he is concerned about closing areas just for public relations reasons but understands if there are safety reasons or user conflict issues.

Ms. McCawley responded that all of the presented recommendations are intended to address issues that were identified in the FMP. She noted that this area is a high use area for many user groups and the proposal is related to potential user conflicts.

Commissioner Barreto noted that there is a jetty near the Park Headquarters that is a popular recreational fishing location.

Commissioner Nicklaus noted that his experience with this area is that the existing zones and rules are complicated. He asked for clarification on existing rules that restrict spearfishing in some parts of the Keys. He noted that simplifying some of the rules may be a way to make a positive impact. He noted that the restriction on spearfishing while using SCUBA may not be as impactful as desired since all users are still currently held to the same harvest restrictions regardless of method of harvest.

Mr. John Hunt with the Fish and Wildlife Research Institute responded with information on which areas currently have spearfishing restrictions in the Florida Keys.

Executive Director Sutton noted that simplicity is ideal. He asked how long this planning effort has taken to date.

Ms. McCawley responded that FWC has been working on this plan for 19 years.

Commissioner Nicklaus also asked for additional information on the types of trawls that may be used within the Park.

Ms. McCawley provided information on roller-frame trawls.

Commissioner Barreto wanted to clarify his concern related to areas potentially not being reopened after being closed and his desire to have a plan to regularly evaluate outcomes of any closure that may be implemented.

Vice Chairman Sole asked about the stakeholder request to add black grouper to the list of restrictions. He also asked about enforcement of the Park and whether there are plans to increase law enforcement in the area. Finally, he asked about the impact that divers have on the habitat during lobster mini-season.

Ms. McCawley responded that black grouper move in and out of the Park and, because of that, the management changes would not have an impact on the population of this species. She also relayed that at this time there is not a plan to re-allocate law enforcement resources to this area.

Mr. Hunt noted there is no doubt that lobster harvesters interact with the bottom. He also relayed that by using the information from the study done on the impacts divers have on bottom habitat, staff can estimate the potential amount of damage to coral habitat caused by divers in the proposed CRPAs during the two-day lobster mini-season.

Commissioner Hudson asked about some of the spearfishing data provided by public speakers.

Mr. Hunt responded that the fishery data shows that approximately 10% of the harvesters surveyed in the Park were spearfishers. The data also shows that spearfishers, on average, harvested a higher proportion of sub-legal sized fish.

Commissioner Nicklaus noted that SCUBA divers may be more experienced than free divers and enacting stricter regulations on SCUBA divers may not be the best path forward.

Vice Chairman Sole thanked FWC and NPS staff for moving this process forward. He mentioned that when the science plan is presented for approval, he will be interested in the details on how frequently fishery data can be assessed.

LUNCH BREAK

Florida Keys National Marine Sanctuary (FKNMS) Update

Ms. McCawley, Mr. John Hunt, and Ms. Beth Dieveney, Policy Analyst with the FKNMS, presented an update on the FKNMS. Topics included a short introduction to the FKNMS, a brief overview of the Draft Environmental Impact Statement, and the FWC timeline and process moving forward. A video created by the FKNMS was also shown at the end of the presentation.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Gary Jennings addressed the Commission and thanked FWC for their attention and involvement in the discussion on this topic.

Captain Bill Kelly addressed the Commission regarding all of the issues facing South Florida ecosystems. He stated that the FKNMS's goal is to either close or restrict as much area as possible without addressing the top three items that could help improve the ecosystem, law Enforcement, education and water quality. He noted that much of the proposed large-scale closures were voted down by the Sanctuary Advisory Council working groups.

Ms. Bonnie Basham addressed the Commission with thanks to FWC for being involved in this process with the FKNMS.

Mr. Trip Aukeman addressed the Commission echoing the thanks to FKNMS and FWC staff for this important effort. CCA are developing their own comments and will submit sometime in January.

Dr. Mitchell Roffer addressed the Commission noting that status quo protections for the Florida Keys are not working and large, contiguous habitats are needed. Dr. Roffer stated he supported alternative 4 for the sanctuary boundary expansion and noted the importance of assessing local predictions of climate change to determine additional protections that would be beneficial for the species covered under current FKNMS protections.

Ms. Caroline McLaughlin with the NPCA addressed the Commission and thanked FKNMS and FWC staff for their role. She noted that the FKNMS staff have made sure the residents of Florida have had their voices heard throughout the process and have based their recommendations on sound science and will end up supporting a mixture of alternative three (3) and four (4).

Commissioner Discussion:

Vice Chairman Sole asked for a brief explanation of the four (4) or five (5) proposed Sanctuary-wide regulation updates.

Ms. Dieveney responded with additional details on some regulation updates in Alternative three (3), including changes to regulations of discharge from cruise ships in the FKNMS, extension of temporary emergency regulations, changes to permitting of historical resources, changes to fish feeding rules to align with current state regulations, changes to how the FKNMS addresses vessels at risk, and changes to the current FKNMS mooring buoy system.

Vice Chairman Sole asked for clarification about the procedural difference between the DEIS and the subsequent draft rule.

Ms. Dieveney responded by explaining that comments received from the public and from inter-agency consultation during the DEIS process will be used by the FKNMS to develop a draft rule for further public comment.

Commissioner Nicklaus asked if the marine zones have different rules throughout. He asked about the acreage of the marine zones.

Ms. Dieveney responded that there are five categories of marine zones and the regulations and restrictions are different between them. She stated that under current marine zoning, 6.25% of FKNMS waters are in a marine zone, and in NOAA's preferred alternative, 10.69% of FKNMS waters would be in a marine zone.

Chairman Spottswood thanked the FKNMS team for putting all the work into this effort. He asked if the public and agency commenting period would allow for the FKNMS to incorporate ideas provided by the FWC. He asked for additional discussion on the proposed area closures, including an opportunity to sit down and go over the FWC comments that will be submitted for this process with FKNMS staff. He asked FKNMS staff to help get the cooperation of other agencies and entities to address large-scale issues that have a major impact on the resources of the area more so than fishing regulations or zone closures, such as Florida Bay, the Everglades, and water quality.

Ms. Dieveney responded that there is the ability to make changes throughout the process, but a supplemental proposal may need to be submitted depending on any economic or environmental impact studies that may need to be subsequently completed. She welcomed the opportunity to discuss the FWC comments. Ms. Dieveney noted that comments are welcome on any aspect of the DEIS and all alternatives listed in the proposal. She added that the global and regional issues are not reflected well in the regulatory aspects of the DEIS but are better addressed

in the management plan. The FKNMS welcomes comment on how inter-agency opportunities can be better addressed throughout the framework of the plan.

Commissioner Barreto asked about closures at Carysfort Reef and noted that just offshore at that location is a popular fishing area. He also asked about newly proposed restrictions related to cruise ship discharges. He commented that closures are to be used as a last resort of any plan.

Ms. Dieveney responded that Carysfort is an existing Sanctuary Preservation Area. She highlighted Alternatives two (2) and three (3) would expand the protected area into deeper water and Alternative four (4) would further modify the marine zone to include areas from the shoreline to the deep reef to protect large, contiguous habitat.

Vice Chairman Sole agreed that closures can serve a good purpose but shouldn't always be the go-to option. It takes scientific review and analysis of any potential closures to determine if that is the best option or if other options could be considered.

Chairman Spottswood commented on the topic of area closures, which has come up in the past to protect spawning fish. He noted that he is in favor of protecting spawning fish, but unsure an area needs to be closed year-round to do so. He also noted that some of the issues may be addressed by FWC making changes to rulemaking to get to the improvements sought out.

Executive Director Sutton added comments about enforcement and review what support may be available with increased regulations. He also noted that enforcement issues should be addressed in a parallel manner as we move forward with the DEIS.

Gulf of Mexico Fishery Management Council (GMFMC) Report

Ms. Martha Guyas with the Division of Marine Fisheries Management presented an update on actions from the GMFMC's August 12–15 meeting in New Orleans, LA. Topics included red snapper, gray snapper, greater amberjack, two-day for-hire possession limits, and the commercial Individual Fishing Quota (IFQ) program.

Chairman Spottswood thanked Ms. Guyas and other staff who worked to improve data collection on red snapper recreational fishing, which provided the opportunity to lengthen the Gulf red snapper recreational season in 2019.

Public Comment

The following individual addressed the Commission on this agenda item:

Mr. Gary Jennings addressed the Commission with thanks for improvements to recreational data collection through the Gulf Reef Fish Survey (GRFS) and for staying the course on state management of red snapper in federal waters.

Commissioner Discussion

Executive Director Sutton noted that one of the top priorities in FWC's legislative budget request is for continued funding of the GRFS.

Vice Chairman Sole noted the legislative budget request is for funding the GRFS statewide, because the information it can provide is a critical element to optimal management of the resource, for both conservation and fishing access.

South Atlantic Fishery Management Council (SAFMC) Report

Ms. McCawley presented an update on actions from the SAFMC's Sept. 16–20 meeting in Charleston, SC. Topics included red snapper, best fishing practices for snapper grouper, dolphin, wahoo, king mackerel, coral, and shrimp. She provided information on staff efforts to gather public input on recreational bag limits for blueline tilefish and snowy grouper in Atlantic state waters.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Gary Jennings addressed the Commission in support of the SAFMC's decision to require fishermen to have a descending device when targeting snapper grouper.

Mr. Mike Merrifield addressed the Commission in opposition to the SAFMC's proposal to begin the commercial Atlantic red snapper season on May 1. He noted several reasons why May 1 would not be desirable and would not reduce the magnitude of discarded red snapper. He stated that a later opening would be more economically beneficial and requested the Commission support opening the commercial season on August 1.

Mr. James D. Busse addressed the Commission also in opposition of the SAFMC's proposal to begin the commercial Atlantic red snapper season on May 1. Citing many of the same rationale as Mr. Merrifield, he spoke in support of an August 1 or September 1 opening date.

Ms. Sherylanne McCoy addressed the Commission in opposition of the SAFMC's proposal to begin the commercial Atlantic red snapper season on May 1 and noted her support for an August 1 opening date. She echoed the comments of the previous two speakers. She thanked FWC staff for their work on shark fin legislation.

Mr. Jerry Sansom addressed the Commission to request they honor the requests made by Mr. Merrifield, Mr. Busse, and Ms. McCoy regarding the commercial red snapper opening.

Commission Discussion

Vice Chairman Sole asked, and Ms. McCawley confirmed, the Atlantic red snapper commercial fishery is primarily in Florida. He directed staff to oppose opening the commercial red snapper season on May 1, as proposed by the SAFMC.

Vice Chairman Sole thanked staff for securing the SAFMC decision to require descending devices and asked what FWC needs to do to address a similar requirement in state waters. He also noted the need to educate fishermen about the pending federal descending device requirement.

Boating Safety Report

Colonel Curtis Brown, Director of the Division of Law Enforcement, presented a report on Boating Safety.

Commission Discussion

Vice Chairman Sole suggested statistics on how many boating accidents happen per registered boat be regularly included in presentations.

Commissioner Barreto recalled a pilot study on free anchorage that looked at several areas around the state and inquired about any action taken on that study.

Colonel Brown responded that a report was prepared, and he would provide that report to the Commissioners and spend some time discussing this issue.

Public Comment

The following individuals addressed the Commission on this agenda item:

Ms. Bonnie Basham addressed the Commission regarding stored vessels versus moored vessels. She also discussed derelict vessels or at-risk vessels.

Mr. John Sprague addressed the Commission echoing the comments of Ms. Basham.

Commission Discussion

Commissioner Hudson noted that non-motorized vessels are a big issue. He suggested requirements such as education courses or registration requirements to help with boating safety issues.

Executive Director Sutton highlighted that the issue needs further attention and that he would bring back a report on the results of national discussions which are being held at the Sportfishing and Boating Partnership Council annual meeting.

Colonel Brown added the topic came up previously before the Boating Advisory Council but agreed with the concept that education on the navigational issues of operating paddle craft is something that should move forward.

Commissioner Lester noted that some of the small johnboats do require registration but those on paddleboards likely need more rules, more education and more awareness. While government cannot legislate safe behavior, he encourages more people to get out and experience nature in Florida in a safe way.

Vice Chairman Sole thanked Colonel Brown for looking into the issues associated with a specific area called Jupiter narrows and doing a study. He noted appreciation for those users who are out on the waterways with paddleboards and non-motorized vehicles but suggested that there need to be more guidelines and education on their use and that all users must be treated fairly while maintaining safety.

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. He requested FWC staff review the list of the members which were chosen to be on the group reviewing alligator issues.

Mr. Phil Johnson addressed the Commission requesting enforcement of laws that are already in place.

Mr. Geno Evans representing the Florida Aquaculture Association addressed the Commission regarding the desire to culture largemouth bass as a food fish for human consumption.

Mr. Jerry Sansom addressed the Commission regarding the derelict traps program. He expressed concern with the Commission's recommendation to the Florida Legislature to possibly eliminate that program. He also informed the Commission that he planned to address the Legislature in opposition of the program's elimination because industry thinks it is important and they support it.

Ms. Jennifer Leon addressed the Commission regarding captive wildlife rules.

Mr. Mike Knepper addressed the Commission regarding aquatic herbicide spraying.

Mr. Jim Watt addressed the Commission regarding the aquatic plant program.

Ms. Liz Felton addressed the Commission regarding captive wildlife. She thanked the Commission for having these public meetings and listening to the public and making difficult decisions on the many topics before the Commission.

Mr. Dennis Lee addressed the Commission regarding aquatic plant management and the bad water quality problem that Florida is facing.

Mr. J. Scott Wilson addressed the Commission regarding aquatic plant management.

Mr. Travis Thompson addressed the Commission regarding the aquatic plant Technical Advisory Group. He thanked staff for their effort associated with this topic. He also talked about restricted hunting areas. He reported that the municipalities are misrepresenting what the FWC approves.

Ms. Carla Wilson addressed the Commission regarding bear hunting. She noted that she is interested in seeing the updated Bear Management Plan and opposes any future bear hunting.

Mr. Casey Jones addressed the Commission regarding light pollution that impacts sea turtles. He provided information to the Commission on the score sheets for each area that is rated on the lighting ordinances. He requested FWC work with DEP to address lighting issues before the counties are approved for beach restoration permits.

Mr. Bryan Wilson addressed the Commission regarding the Bear Management plan and he requested that the Commission not hold a bear hunt in the future.

Mr. John Sprague addressed the Commission regarding boating issues.

Ms. Katrina Shadix addressed the Commission regarding several topics including bear hunt, traps and snares, and finally conservation licenses.

Chairman Spottswood recessed the meeting at 4:22 pm

Thursday October 3rd Reconvene

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

Vice Chairman Sole noted an interesting idea that the Chairman has started at his hotel in Key West that allows hotel guests to donate \$1.00 to the Foundation which in turn will assist with Coral disease response efforts.

Chairman Spottswood thanked the Foundation for their assistance in making that donation option available for the important issue regarding Coral disease.

Staff Report Legislative and Budget

Ms. Jerrett along with Ms. Jessica Crawford, Legislative Affairs Director, presented the 2019/2020 Legislative and Budget report.

Vice Chairman Sole commented that all of the disaster response efforts are non-budgeted items that require the state to pay for and may not get completely reimbursed for.

Commissioner Hudson asked about the percent of state funds expended on disaster response compared to what is expected to be reimbursed.

Ms. Jerrett responded that the federal reimbursement for disasters is 75%.

Chairman Spottswood asked about the capacity by the different trust funds to handle the additional costs of emergency response.

Ms. Jerrett responded that FWC staff monitor all trust fund and general revenue funds constantly and regularly project funds for a 5-year period into the future to monitor trends and identify any potential gaps.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Bill George addressed the Commission with several requests related to alligators. He noted concern about the public records exemption related to data on panthers and the public ability to request that data.

Ms. Bonnie Basham addressed the Commission in support of any additional money that can be directed toward derelict vessels. She also requested the Commission work with the Legislature to re-define careless and reckless operation of motor boats.

Mr. Jerry Sansom addressed the Commission regarding derelict lobster and stone crab traps. He requested the Commission increase the administrative fee for the traps left in the water by commercial industry. The significant number of traps that are left after the season can cause damage along with provide illegal opportunity for fishermen to have them full prior to the season starting.

Mr. James Burney, Chairman of the Invasive Plant Management Association, addressed the Commission regarding the importance of invasive plant management and he noted his organizations support of any funding for this topic.

Mr. Gary Jennings addressed the Commission in support of the State Reef Fish Survey as proposed by staff.

Mr. Rob Upthegrove addressed the Commission in reference to alligators.

Commission Discussion

Commissioner Nicklaus asked staff about the comments made by Mr. Sansom regarding traps leftover by the commercial trap fishery. He suggested that it may be a self-policing issue and there should be some industry suggestions on how to address.

Vice Chairman Sole asked about information on this issue to learn more about it before the Commission provides direction.

Chairman Spottswood thanked staff and leadership for presenting such a well-prepared proposal. He asked that leadership review the compensation of employees to see if there are opportunities in the future to propose increases.

Commission Action

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

Rules Requiring Action

Draft Rule – Elephant Rides

Major Rob Beaton with the Division of Law Enforcement presented draft rules related to elephant rides.

Public Comment

The following individuals addressed the Commission on this agenda item:

Ms. Jennifer Leon addressed the Commission in support of the proposed rules. She further noted that she supports a full ban on elephant rides because of the impact on the animal.

Ms. Patricia Zerbini addressed the Commission noting that the proposed draft rules should have no problem being implemented by the current ride operators throughout the state.

Mr. Jon Brangan addressed the Commission in support of staff coordination with stakeholders and current licensees on these updates. He noted that this proposal is missing a few things that could make it better and safer. He provided specific requests to be considered.

Ms. Kate MacFall addressed the Commission with thanks to staff for holding the public meetings around the state on this topic. She suggested that a majority of today's society doesn't support these types of activities.

Ms. Sandra Clinger addressed the Commission in opposition to any elephant rides being permitted. She provided information to the Commissioners on data showing how harmful it is to the animal. She noted that elephants kept in captivity show increased aggression and has a major impact on the animal and those individuals who interact with the animal.

Ms. Kathy Staerns addressed the Commission with thanks to staff on their work on this proposal. She noted the regulations on these animals by not only FWC, but USDA to make sure that the animals are healthy enough for this activity. She suggested that agencies and organizations think about rules or enforcement to discourage animal activists who endanger themselves, animals or the general public by breaking the rules to get attention via social media.

Commission Discussion

Vice Chairman Sole asked about the out of state facilities that are permitted. He also asked if our permit takes into consideration the health of the animal before being permitted.

Major Beaton responded that these permittees are from Oklahoma and Missouri and they do travel to Florida. He noted that the health of the animal is under the purview of the USDA and the County or State Veterinarian.

Commissioner Hudson asked who verifies the 1000-hour requirement.

Major Beaton responded that there are a lot of documentation requirements for this 1000-hour requirement.

Commissioner Nicklaus noted that he feels there should be stronger penalties for individuals who break laws when they intentionally try to harm or disrupt captive wildlife.

Major Beaton responded that these concerns will be captured, and Captive Wildlife staff will work with leadership to address harassment of all Captive Wildlife animals.

Commission Action

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

Draft Rule – Shoal Bass

Mr. Jon Fury, Director of the Division of Freshwater Fisheries presented draft rules related to shoal bass.

Public Comment

The following individual addressed the Commission on this agenda item:

Mr. Gary Jennings addressed the Commission in support of staff recommendation with additional thanks for the Executive Order enacted in May 2019 making this species catch and release only.

Commission Discussion

Commissioner Hudson asked what the other states are doing to protect this species. He asked what the typical reproduction time was for this species.

Mr. Fury responded that other states were not as impacted by the Hurricane, and he was not aware of any rule changes for Alabama or Georgia. He noted that this species is a relatively slow growing species compared to some other species of black bass such as the largemouth bass.

Commissioner Nicklaus asked about the potential need to amend the gear allowed in catching the fish such as restricting the use of treble hooks.

Mr. Fury responded that the data doesn't show the need to restrict gear at this time.

Commission Action

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

Draft Rule – Chronic Wasting Disease Prevention Measures

Mr. Morgan Richardson, Director of the Division of Hunting and Game Management, presented draft rules related to Chronic Wasting Disease Prevention Measures.

Commissioner Nicklaus asked if there is any way to identify if a deer has this disease without killing it.

Mr. Richardson confirmed that the most effective way to identify whether an animal has CWD or not is post-mortem. Any testing that occurs prior to death is not 100% reliable at this time.

Commissioner Hudson asked what organizations were working on any preventative vaccines or options to reduce the impact of this disease.

Mr. Richardson responded that USGS through cooperative agreements and many state agencies are working to conduct research on all aspects of CWD, including possible prevention measures.

Vice Chairman Sole asked what the longevity is of the prions in the environment.

Mr. Richardson noted that these prions have a long lifetime in the environment, sometimes decades.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Bill George addressed the Commission in support of the ban on whole carcass importation. He noted an issue with the requirement for it to be completely boneless because he typically hunts out of state and wants to be able to have a butcher package bone-in steaks to be imported back to Florida. He suggested that if there is a large risk for deer urine, then staff also need to consider the importation of deer semen that is currently allowed.

Mr. Chuck Echenique addressed the Commission in opposition to the staff proposal. He noted that Georgia and Alabama are so close to the state of Florida that the new rules would be unenforceable and would place a major burden on the hunter. He does support a ban on importation other than from Alabama and Georgia. He suggested that if the Commission wants to make an impact in reducing the risk by use of deer urine as lures, then ask the vendors approved to sell this type of lure be certified approved by the USDA. He added concerns for the idea of allowing harvest year-round on non-native cervids for many reasons.

Mr. Brad Lowrey addressed the Commission with concern about the overreaching effect of the ban on importation from any area into Florida. He noted more concern for the discussion item regarding banning scent for hunting lures. He suggested that one method used currently is to take the glands off of a harvested deer on property and using those glands as lures for future hunting on the same property. The discussion on restrictions on deer urine would cause complications with this practice.

Commission Discussion

Commissioner Hudson agreed with two of the speakers regarding excluding the importation of carcasses from Alabama and Georgia.

Commissioner Nicklaus noted that he used to be against importation bans, but he now feels strongly that the State of Florida needs to protect the local deer herds.

Vice Chairman Sole commented that CWD is going to show up in Florida. He stated that he feels the Commission should take a more conservative approach to this based on the current status of Tennessee and Mississippi already having detected the disease. He noted that the impact on the deer population in Florida is much higher than many other states. He asked about the risk of having a deer processed in another state but leaving the bone in for steaks, etc.

Mr. Richardson responded that there is a small increase in risk.

Vice Chairman Sole asked if there is a way to word the rule that would allow the importation of processed meat with bones included.

Mr. Richardson stated that it could be re-written to allow that option.

Chairman Spottswood noted his concern for delaying these steps to help prevent or delay CWD entering Florida.

Executive Director Sutton noted that Mr. Richardson is well versed in this topic based on his experience. He noted that the seasons will be coming up soon. He suggested that the Commission take at least some action to move this item forward.

Mr. Richardson noted that hunting season was already underway in Georgia.

Commissioner Nicklaus asked if this could be considered as an executive order for this hunting season and then look at rulemaking at a later date.

Executive Director Sutton agreed that this is a good idea to address this issue quickly for an interim measure of protection while additional discussion takes place with stakeholders.

Vice Chairman Sole asked for additional workshops on the rule and for outreach efforts to include more stakeholders.

Commission Action

Upon a motion by Commissioner Nicklaus seconded by Vice Chairman Sole and carried, the Commission directed staff to put in place an Executive Order banning whole deer carcass importation.

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 that FWC seek an extension on the deadline for submitting comments on the draft document for FKNMS.

Chairman Spottswood asked Ms. McCawley to provide input based on discussions she had with FKNMS staff regarding a comment extension.

Ms. McCawley noted support for requesting an extension. She added that FWC staff would like to bring this topic for discussion at both the December and February Commission Meetings. She suggested a letter from the Commission be drafted and sent to the Office of National Marine Sanctuaries in Washington, DC.

Chairman Spottswood noted that he will work with staff on comments but requesting an extension would help to ensure that FWC can thoroughly review and comment on all aspects of the plan.

Vice Chairman Sole also asked staff to evaluate the proposal in the staff presentation for Biscayne National Park on the 20-fish aggregate bag limit per person and consider reducing the aggregate limit to 10 fish for the upcoming public workshops.

Executive Director Sutton noted the feedback on derelict vessels and the importance of this topic leading into Legislative Session.

Chairman Spottswood agreed this would be a good topic for presentation and asked that the pilot plan on mooring and anchoring also be included.

Assistant Executive Director Eason also mentioned that with such a full agenda, it will be important to manage time with the agenda.

Chairman Spottswood echoed this with a request to stakeholders as they plan to attend these Commission Meetings and work amongst groups to convey messaging as efficiently as possible.

Commissioner Exchange

Chairman Spottswood thanked staff and partners who assist with these meetings and all of the prep work that takes place leading up to these meetings. He commented on the positive impact of the South Florida Ecosystem Leadership Forum then opened the floor for Commissioner Exchange.

Commissioner Nicklaus noted that it is an honor and a privilege to serve on this Commission. He welcomed the new Commissioners and noted how unique it is to serve. One of the highlights he noted was the interaction with stakeholders and the discussion on the many different topics that are for the best interest of the resources of Florida.

Commissioner Hudson thanked his fellow Commissioners for welcoming him to the family. He takes his appointment to this Commission very seriously and looks forward to working on things that will have a positive impact on future generations of Floridians and visitors in respect to the resources of Florida.

Vice Chairman Sole thanked Chairman Spottswood for his leadership. He thanked staff for all of the hard work on the proposed budget. He also thanked the stakeholders for the positive impact and interaction

Commission Administrative Matters

The next regularly scheduled Commission meeting is set for December 11 – 12, 2019, in Panama City, commencing at 8:30 am each day.

Adjournment

Chairman Spottswood adjourned the meeting at 11:26 a.m.

Robert Spottswood
Chairman

Eric Sutton
Executive Director

Respectfully submitted:

Lisa Davis
Commission Assistant

DRAFT