



Florida Fish and Wildlife Conservation Commission

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Commission Meeting
February 19 – 20, 2020
Tallahassee, FL
Minutes

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

The Florida Fish and Wildlife Conservation Commission (FWC) held its regular meeting February 19 – 20, 2020, at the Donald L. Tucker Civic Center located in Tallahassee, Florida. Chairman Robert Spottswood called the meeting to order with the following members also in attendance:

Michael Sole, Tequesta

Sonya Rood, St. Augustine

Rodney Barreto, Coral Gables

Gary Nicklaus, Jupiter

Gary Lester, Oxford

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
Billy Sermons	Interim Director, Northwest Region
Thomas Graef	Director, Southwest Region
Shannon Wright	Director, Northeast Region
Colonel Curtis Brown	Director, Division of Law Enforcement
George Warthen	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 Strategic Initiatives
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
Jennifer Goff	Division of Habitat and Species Conservation
Brian McManus	Division of Marine Fisheries Management
Paul Scharine	Division of Hunting and Game Management
Major Rob Rowe	Division of Law Enforcement

There were 55 individuals registered to speak to the Commission during the two-day meeting.

Meeting Opening

Chairman Spottswood called the February 19 – 20, 2020, meeting to order at 8:30 a.m.

Invocation and Pledge of Allegiance to the Flag

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

Adoption of Minutes

Upon a motion by Commissioner Barreto, seconded by Commissioner Rood and carried, the December 2019 minutes were approved as written.

Adoption of Meeting Agenda

Upon a motion by Commissioner Hudson, seconded by Commissioner Lester and carried, the February 2020 meeting agenda was approved.

Approval of Consent Agenda

Upon a motion by Commissioner Barreto, seconded by Commissioner Lester and carried, the February 2020 Consent Agenda items were approved.

Executive Director's Report

Mr. Eric Sutton, Executive Director, commented on a sad situation of a fallen Florida Highway Safety Officer recently.

Chairman Spottswood asked for a moment of silence to honor the fallen officer.

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

- Red Tide report
- Aquatic Plant Management update
- Python Bowl 2020
 - Commissioner Barreto recognized the Everglades Foundation for their work on this initiative.
- Coral Reef Restoration
- 35th Annual Everglades Coalition Conference
- First Tee Project
- Southwest Florida Water Management District access to public lands
- National Wild Turkey Federation 2019 Wildlife Officer of the Year Award
- Diamondback Terrapin request for rulemaking
- Nuisance coyote process review
 - Commissioner Barreto added comments regarding the nuisance coyote issue that occurred recently. He noted that euthanization is not typically how the FWC responds to conflict issues with this species. He apologized to the public that it appeared inconsistent with policies in place, but there is an internal review to help address any concerns of wrongdoing. He added support for the agency in addressing these types of issues throughout the state.
- Traps and Snares policy potential litigation
- Staff Introductions
 - Tyler Allen
 - Jessica Bowling
 - BJ Jamison
 - Lt. Wass de Czege
 - Sabrina Menendez
 - Andy Strickland

Awards and Recognition

FWC Staff Retirement Recognitions

Dr. Thomas Eason, Assistant Executive Director, recognized Regional Director Shannon Wright for her 30 years of service and upcoming retirement.

Executive Director Sutton commented on some of her personal accomplishments that make her such a great individual. The love of her family is a big part of her life. He thanked her for her work at the agency and noted that she will always be a part of the FWC family.

Ms. Wright spoke about how wonderful the agency is and thanked everyone who she has had the privilege of serving with. She thanked the stakeholders for their passion for fish and wildlife in the State of Florida.

Chairman Spottswood thanked Ms. Wright for her dedication to the State of Florida.

Executive Director Sutton recognized Ms. Rae Waddell, Director of the Florida Youth Conservation Centers Network (FYCCN), for her many years of service and congratulated her on retirement.

Ms. Waddell thanked the agency for the wonderful career she has had.

Private Landowner of the Year Award

Ms. Jennifer Goff with the Division of Habitat and Species Conservation presented the Private Landowner of the Year Award to Mr. Bob Jenkins.

Mr. Jenkins thanked the Florida Land Steward Partnership for making this award possible. He noted the importance of the long view on habitat management. A period of 10 years passes quickly, and it is important for conservation to have a long-term goal in mind.

Shikar Safari Wildlife Officer of the Year Award

Colonel Curtis Brown, Director of the Division of Law Enforcement, along with Mr. Henderson with Shikar Safari International Club, presented the Wildlife Officer of the Year Award to Officer Michael Rice.

Officer Rice thanked the Commission and noted how unique this past year has been and how reaching his goal of becoming wildlife officer of the year is an awesome highlight. He thanked his family for the sacrifice they have made for him to do his job.

Rodney Barreto Employee of the Year Award

Mr. Andy Walker, President and CEO of the Fish and Wildlife Foundation of Florida, presented the Rodney Barreto Employee of the Year Award to Mr. Craig Faulhaber.

Mr. Faulhaber thanked leadership for the nomination for this award. He thanked everyone both internal to FWC and external partners who have worked on avian conservation.

Louise Ireland Humphrey Lifetime Achievement Award

Mr. Walker then presented the Louise Ireland Humphrey Lifetime Achievement Award to Ms. Rae Waddell.

Ms. Waddell thanked the Commissioners for having a great idea many years ago which was the beginning of the FYCCN.

BREAK

Items Requiring Action

Florida Keys National Marine Sanctuary

Ms. Jessica McCawley, Director of the Division of Marine Fisheries Management, presented information on FWC's comments related to regulatory changes for the Florida Keys National Marine Sanctuary (Sanctuary).

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Tom Ingram, President and CEO of the Diving Equipment and Marketing Association (DEMA), addressed the Commission. He commented that DEMA has always been supportive of no take zones and conservation measures proposed by the Sanctuary. He noted additional comments that DEMA has provided to the Sanctuary related to a proposed ban on fish feeding. Mr. Ingram voiced support for FWC staff recommendations on the Sanctuary's proposal to restrict diving access at three Sanctuary Preservation Areas to Blue Star commercial operators only.

Ms. Janet Bowman with the Nature Conservancy addressed the Commission. She noted that the Nature Conservancy participated in the Sanctuary Advisory Council and provided comments via those meetings and also the December 2019 FWC Commission Meeting. She noted support for most of FWC staff recommendations and those recommendations that help preserve corals and promote restoration of corals in the Sanctuary. She stated that the Nature Conservancy supports the creation of large, contiguous Sanctuary Preservation Areas.

Mr. Markus Huettel, Professor of oceanography at FSU, addressed the Commission. He noted support for any protection of coral reefs, including deep reefs, and the expansion of the Sanctuary boundary, which can provide added protection to the corals.

Ms. Jenna Stevens, State Director of Environment Florida, addressed the Commission with a request to support expanding and deepening protections for the Sanctuary. She also noted the role of marine reserves and added protections in marine zones to promoting resiliency and reducing stress of the Florida Keys ecosystem.

Mr. Gary Cochran with the Florida Chapter of the Sierra Club addressed the Commission. He voiced support for many of the proposals in the Restoration Blueprint and made additional recommendations that would have a positive impact on the area, such as addressing water quality issues, climate change, and a mandatory boating safety course for the area.

Mr. Trip Aukeman with the Coastal Conservation Association addressed the Commission in support of FWC staff recommendations on this agenda item.

Ms. Holly Curry, Florida Policy Manager for the Surfrider Foundation, addressed the Commission. She noted the importance of non-consumptive users for conservation of areas such as the Sanctuary. She recommended that the Sanctuary have specific, measurable goals that are understood by the general public. She further noted support for staff recommendation in addressing law enforcement and water quality issues and recommended a mandatory boating education course for boat renters in the Florida Keys.

Ms. Deborah Foote, Government Affairs and Political Director for Sierra Club Florida, addressed the Commission. She noted that conversations on water quality issues are rather difficult at the legislative level. Efforts happening at the legislative level of government will have the biggest positive impact related to water quality for all of the state and not just the Florida Keys. She asked that FWC consider better partnership and coordination with other agencies to discuss those important topics.

Mr. Jerry Sansom, Executive Director of the Organized Fishermen of Florida, addressed the Commission. He thanked staff for the proposed recommendations, which take into account FWC's mission and many different groups of users.

Ms. Jessica Bibza with the National Wildlife Federation addressed the Commission. She thanked staff for recognizing that water quality and water flow are big issues impacting the Sanctuary but noted that these issues are larger than what the Sanctuary can solely take on. She asked that staff consider the language that is used in the recommendation related to “giving back” areas after closures are put in place.

Dr. Ross Boucek with Bonefish & Tarpon Trust addressed the Commission regarding overfishing and protecting spawning fish aggregations in the Keys with a seasonal fish closure at Western Dry Rocks. He noted that protecting spawning aggregations in a unique area like Western Dry Rocks, where multiple species spawn throughout the year, is a scientifically validated management method that will benefit multiple fisheries throughout the Florida Keys, including permit and mutton snapper. He further noted that a seasonal closure is a fair compromise that balances sustainable marine use with effective conservation.

Mr. James Gagliardini addressed the Commission noting that the fisheries in the Keys have declined. He supports the seasonal closure of Western Dry Rocks to protect spawning aggregations in the Florida Keys, such as permit and mutton snapper. He noted that many of these spawning fish are vulnerable to being eaten by sharks as they are brought to the boat by fishers. He further noted that those opposed to a seasonal closure at Western Dry Rocks are too focused on the short-term gains without considering long-term effects.

Mr. Nick Borraccino addressed the Commission in favor of a seasonal closure of the spawning aggregation at Western Dry Rocks. He noted that fishing conditions have declined in the last 15 years due to high fishing pressure, particularly on spawning aggregations.

Mr. Dale Bishop addressed the Commission on the economic impact of flats fishing in the Florida Keys. He also shared the need for more law enforcement on the water.

Mr. Diego Rouylle addressed the Commission on the decline of the fisheries in the Keys. He noted the decline in abundance and size of permit and voiced support for a seasonal closure at Western Dry Rocks to protect spawning aggregations at that location.

Mr. William Benson addressed the Commission on the decline of the fisheries in the Keys and supports a seasonal closure at Western Dry Rocks. He also voiced support for mandatory boater education, increased law enforcement, and addressing water quality issues.

Mr. Aaron Adams, Director of Science and Conservation at the Bonefish & Tarpon Trust, addressed the Commission. He noted that there has been a decline in shallow water habitat integrity. He further noted that water quality and water flow issues should be addressed by a spatial management approach at the state level and that habitat should be considered in fisheries management.

Ms. Kellie Ralston with the American Sportfishing Association (ASA) addressed the Commission. She thanked FWC leadership in regard to the complex issue of fisheries regulations in the Sanctuary. She added support for staff recommendation on fisheries management and noted that FWC should be the lead on any fisheries regulations in state waters. She noted that a thoughtful approach to marine zoning should help address fisheries and habitat issues, while balancing resource needs with user access.

Ms. Caroline McLaughlin, with the National Parks Conservation Association, addressed the Commission. She suggested that the marine reserves proposed by the Sanctuary are necessary and are supported by science. She asked the Commission to support closures that would connect a carefully designed network of marine reserves and habitat protection areas to protect and restore marine resources, while allowing user access.

Mr. Bill Kelly with the Florida Keys Commercial Fishermen Association addressed the Commission in support of staff recommendations on this item. He noted that the three top issues for the Sanctuary are water quality, education and law enforcement. The Restoration Blueprint doesn't address any of those three things but recommends closures as the solution.

Commissioner Discussion

Commissioner Hudson thanked all the charter boat captains who made a long trek to attend the meeting and speak on this topic. He asked if FWC has any plans to address the law enforcement, education and training aspects to make positive impacts to this area.

Executive Director Sutton noted that the level of effort put forth by the team and Chairman Spottswood on this issue and praised him for his understanding of the complex issues in the Florida Keys. He suggested that Chairman Spottswood is trying to find solutions that work for everybody.

Chairman Spottswood thanked all of the speakers who travelled to the Commission meeting to discuss the Restoration Blueprint. He further spoke to the many hours that have been put into discussions on this topic and how best to address issues that are highest priority and that are the main responsibility of FWC. He noted that it is important for federal and state agencies to periodically discuss measurable goals for proposed actions and understand how the actions are working. He asked for support by the Commission to work with staff over the next few weeks to finalize the comments which are due to the Sanctuary by April 30th.

Ms. McCawley thanked the Chairman for putting in all of the long hours and reviewing the many aspects of the Restoration Blueprint.

Commissioner Barreto supported the Chairman's comments on this topic. He asked staff to make sure the Sanctuary is aware that law enforcement is a big part of the solution to these problems.

Final Rule – Gulf Red Snapper

Ms. Martha Guyas with the Division of Marine Fisheries Management provided an update on the 2019 recreational red snapper harvest. She also presented a final rule proposal to extend state regulations for private recreational harvest of red snapper into adjacent Gulf federal waters and to finalize the 2020 Gulf recreational red snapper season to be June 11-July 25.

Public Comment

The following individuals addressed the Commission on this agenda item:

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

Mr. Jerry Sansom addressed the Commission with a request to protect larger and older red snapper because of their higher reproductive potential and the positive benefit they provide to the overall population. He also noted his frustration with large number of red snapper dead discards on for-hire trips.

Ms. Kellie Ralston addressed the Commission in support of staff recommendation and thanked the Commission for their efforts to get Amendment 50 (Gulf red snapper state management) approved at the Council.

Mr. Jimmy Forehand addressed the Commission in opposition to commercial regulations, such as size limits, because they prohibit him from commercially fishing for reef fish like snapper and grouper.

Commission Discussion

Commissioner Barreto commended staff for getting Florida to this point in Gulf recreational red snapper management, which has allowed for more recreational red snapper harvest opportunities.

Commissioner Nicklaus asked about the spawning potential of larger red snapper compared to smaller red snapper. He also asked about considering a slot limit to protect the larger fish.

Ms. Guyas responded that larger female red snapper fish are more productive compared to smaller female fish. She explained that the Commission has the authority to establish an upper size limit; however, there are issues

related to barotrauma for larger red snapper. If the Commission wanted to pursue an upper size limit, it would be important to consider descending devices and other tools to help increase the survival rate of released fish.

Commissioner Nicklaus also asked for details about the diet of red snapper.

Ms. McCawley responded that red snapper are opportunistic feeders, but their diet primarily consists of crustaceans, smaller prey fish, and other organisms found in mud/sand bottom environments.

Chairman Spottswood congratulated everyone on the team who has worked on Gulf red snapper.

Commission Action

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

Final Rule – Biscayne National Park Fishing Regulations

Ms. McCawley presented a final rule proposal for Biscayne National Park (BNP). Staff recommendation included increasing the minimum size limit for certain targeted finfish within BNP, establishing a 10-fish aggregate bag limit for select commonly-targeted food and sport fish harvested or possessed inside the Park, establishing a trap-free zone near BNP headquarters, establishing Coral Reef Protection Areas (CRPA) inside BNP where traps and lobstering would be prohibited, and establishing inshore and offshore no-trawl zones within the Park. Staff also sought approval of the Science Plan and a new Memorandum of Understanding.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Tom Ingram addressed the Commission in opposition to continuing to allow hook-and-line fishing while eliminating the taking of lobster in the CRPAs. Mr. Ingram suggested the CRPAs be no-take zones. DEMA supports the use of requiring an education course for those fishing within BNP, similar to the Shore-based Shark Fishing permit educational course. He appreciates restrictions on spearfishing when using air-delivery devices and trigger mechanisms not being included in the proposal.

Mr. Bill Kelly addressed the Commission regarding the impacts of water quality on BNP. He noted the many sewage spills that have occurred in Miami-Dade County that have had a negative impact.

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

Ms. Kellie Ralston addressed the Commission with appreciation for the partnership with the Park Service and staff's proposal that takes into consideration stakeholder input, species management, and conservation.

Ms. Caroline McLaughlin addressed the Commission with concern that staff's proposal is not enough to achieve sustainable fisheries in BNP because of high fishing pressure. She would like to see an annual monitoring plan, increased enforcement, and for the Commission to consider actions to improve fisheries along the entire Florida reef tract.

Commission Discussion

Commissioner Barreto asked about federal law enforcement within BNP. He also asked for verification that the MOU has been 20 years in the making. Referencing Bug Light, he asked about the removal of artificial structures from Park waters.

Ms. McCawley responded that FWC has six officers and there are five Park Service rangers. Taking the Commission-approved Fishery Management Plan and translating it into the current rule proposal has been 20 years in the making but FWC has had multiple MOUs with the BNP in that time. She noted that staff would have to check with the Park Service regarding maintaining already placed artificial structures. If the Commission

would like to provide direction on not removing artificial structures inside BNP, staff can work with the Park Service on this.

Commissioner Barreto asked if the Superintendent of Biscayne National Park could address the removal of artificial structures inside the Park.

Superintendent Penelope Del Bene addressed the Commission and noted that she was not aware of any plans to remove artificial structures at this time but that she would look into it.

Vanessa McDonough, Lead Biologist for BNP, reiterated that there are currently no plans to remove existing artificial structures.

Chairman Spottswood asked about whether or not clearly defined success of increasing fisheries by 20% could be shown when staff returns for a 5-year update.

Mr. John Hunt with the Fish and Wildlife Research Institute responded that in 5-years, staff will report to the Commission on each targeted species and whether the benchmark of 20% increase in size and abundance has been met or not.

Commissioner Barreto noted that FWC does an excellent job of fisheries management. He thanked staff for always working to evaluate fisheries and manage in the best interest of the fishery, habitat, and the stakeholders of Florida.

Commission Action

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

Draft Rule – State Reef Fish Survey

Ms. Guyas presented a draft rule proposal for expanding the Gulf Reef Fish Survey (GRFS) into a statewide survey called the State Reef Fish Survey (SRFS).

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Trip Aukeman addressed the Commission in support of staff recommendation. He noted the successes of GRFS over the years and supports expanding the survey statewide.

Ms. Kellie Ralston addressed the Commission in support of staff recommendation. She commented that ASA would help spread the message on signing up for SRFS.

Mr. Jimmy Forehand addressed the Commission with questions as to the accuracy, enforcement, and accountability of recreational reporting. He added that the bureaucracy around fishing in Florida prevents both commercial and recreational fishing opportunities.

Commission Discussion

Chairman Spottswood noted the great progress that has been attained using this survey in the Gulf of Mexico. He added excitement for the potential improvements in data collection for fisheries in the Atlantic.

Executive Director Sutton thanked staff for their hard work and dedication on this issue and noted the successes of the Gulf Reef Fish Survey.

Commission Action

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

Snook, Red Drum and Seatrout – Southwest Florida Update

Ms. McCawley and Mr. Gil McRae, Director of the Fish and Wildlife Research Institute presented an update on the status of snook, red drum, and spotted seatrout related to impacts of a prolonged red tide event that occurred in southwest Florida. Staff reported that there are some signs of recovery, but the results are inconsistent. Staff recommended extending the current catch-and-release measure for snook, red drum, and spotted seatrout in southwest Florida for an additional year, through May 31, 2021, by Executive Order.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Mike Wells, Pasco County Commissioner, addressed the Commission in support of staff recommendation to continue catch-and-release for an additional year. He also requested the Commission consider moving Pasco County from the Big Bend management zone to the South management zone for spotted seatrout.

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

Mr. Trip Aukeman addressed the Commission in support of staff recommendation and requested the included area be extended further south to the middle of Monroe County.

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

Mr. Jimmy Forehand addressed the Commission in opposition to staff recommendation and requested rule updates for disabled anglers.

Commission Discussion

Commissioner Nicklaus asked staff why the recommendation extends the catch-and-release status for snook if the abundance is higher than the long-term average.

Mr. McRae responded that although the stock is showing signs of recovery, stricter regulations would speed up recovery.

Commissioner Hudson asked when this topic would come back for additional discussion.

Ms. McCawley responded that if the Executive Order was approved at this meeting, it will have an expiration date in early 2021 and staff would come back before it expired with an update for the Commission.

Executive Director Sutton commented that he has been contacted by several stakeholders, including guides, that support the extension.

Chairman Spottswood asked FWC General Counsel, Ms. Emily Norton, for confirmation of whether or not a vote was needed.

Ms. Norton responded that Executive Director Sutton has the authority to issue an Executive Order, so this presentation is to gain input from the Commission to determine if the desired action is to move forward with temporary regulations.

Commissioner Nicklaus asked for confirmation that, since snook has regular season closures, the catch-and-release status for snook would only affect a total of 7 additional months.

Ms. McCawley responded in confirmation that 7 months is accurate if the Commission approves an Executive Order making these fisheries catch-and-release through May 2021.

Chairman Spottswood confirmed with Commissioners that they support extending the catch-and-release measures through Executive Order.

Staff Report and Action Item – Gulf of Mexico Fishery Management Council (GMFMC) Report

Ms. Guyas presented an update on actions from the GMFMC's January 27-30, 2020 meeting in New Orleans, LA and asked for Commission direction to close recreational harvest of gray triggerfish in Gulf state waters consistent with the early quota closure in Gulf federal waters.

Public Comment

The following individual addressed the Commission on this agenda item:

Mr. Jimmy Forehand addressed the Commission with a request to allow fishermen to keep smaller fish and help reduce discards. He also noted that commercial fishermen in the Big Bend have been impacted by fisheries regulations and restrictions.

Commission Discussion

Chairman Spottswood confirmed with the Commissioners that they support Executive Director Sutton issuing an Executive Order to close recreational harvest of gray triggerfish in Gulf state waters to be consistent with the federal closure

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 the Alligator Program review process. He stated that he is looking forward to management plans that will arise from this process and thanked the Commission and Division of Hunting and Game Management staff for getting the process started.

Mr. Jerry Sansom addressed the Commission regarding a shark fin sale bill in the Florida Legislature. He asked FWC to participate in an expected Office of Program Policy Analysis & Government Accountability (OPPAGA) study related to sale of fins from lawfully harvested sharks.

Mr. Kevin Allen addressed the Commission regarding a nuisance coyote issue that recently took place.

Ms. Laurilee Thompson addressed the Commission regarding saltwater catfish. Ms. Thompson voiced concern about the impact's saltwater catfish have on habitat and other marine species, and requested the Commission encourage harvest of this species.

Mr. Jim Watt addressed the Commission regarding Aquatic Plant Management. He commented that FWC spent more money on chemicals in 2019 than what was spent in 2018.

Mr. Michael Cole addressed the Commission regarding captive wildlife. He suggested that staff are promoting banning of captive wildlife when meeting with Legislators during this 2020 Session. He suggested that the Reptile Industry has the ability to remove tegus and other invasive species in a more efficient and effective manner than contracted pest control individuals.

Mr. Brett Schick with the Florida Shrimp Company addressed the Commission to request allowing the sale of non-native shrimp as live bait.

Ms. Heidi Havelka addressed the Commission regarding a recent nuisance coyote issue.

Ms. Sherylanne McCoy with the Cape Canaveral Shrimp Company addressed the Commission regarding a shark fin sale bill (SB 680) currently proposed in the Florida Legislature.

Mr. Jimmy Forehand addressed the Commission regarding commercial harvest of mullet.

Ms. Katherine McGill addressed the Commission regarding living with wildlife. She thanked staff for the updated Living with Wildlife section on the MyFWC.com website.

Mr. Walter Allen Tucker addressed the Commission regarding the start of archery season in Zone C. Currently, the start is the second Saturday in September. He suggested moving muzzle-loading season to the end of the general gun season, similar to how Zone D is scheduled, and then move the start of Archery season to the fourth Saturday in September when temperatures are cooler.

Mr. Travis Thompson addressed the Commission regarding Aquatic Plant Management. He thanked staff who have been hosting stakeholder meetings on this topic and leadership who are taking multiple approaches to this topic to make sure science drives the decisions on habitat and wildlife management.

Mr. Craig Isom addressed the Commission regarding concerns for the bay scallop bag and vessel limits.

Mr. Eugene Bessette addressed the Commission echoing the comments earlier by Mr. Michael Cole.

Chairman Spottswood recessed the meeting at 3:48 pm

Thursday February 20th Reconvene

Chairman Spottswood reconvened the meeting at 8:30 a.m.

Chairman Spottswood welcomed Ms. Kim Cramer from the Governor's Office of Policy and Budget.

Staff Reports

State Legislative and Budget Update

Ms. Charlotte Jerrett, Chief Financial Officer, along with Ms. Jessica Crawford, Legislative Affairs Director, presented the state legislative and budget update.

Public Comment

The following individuals addressed the Commission on this agenda item:

Ms. Julie Harter addressed the Commission regarding the process of nuisance alligator trappers to remain on the list of approved trappers.

Mr. Robb Upthegrove addressed the Commission with thanks for work on the nuisance alligator program.

Executive Director Sutton thanked all the nuisance trappers in the State of Florida.

Commissioner Lester noted his recent experience with nuisance trappers and how well those individuals complete their task and work with stakeholders who are concerned for public safety.

Ms. Kellie Ralston addressed the Commission regarding the positive impact that the State Reef Fish Survey funding is going to have. She thanked FWC staff for putting in the work to move this item and other important budget items forward.

Chairman Spottswood thanked Ms. Ralston for her work and the support of ASA on the State Reef Fish Survey.

Mr. Bill George addressed the Commission with thanks for keeping the nuisance alligator trapping funding in the budget. He suggested that FDACS gets \$5.00 for every nuisance alligator tag that is supposed to be used for marketing.

Commissioner Discussion:

Vice Chairman Sole noted that the funding is proposed to keep the nuisance alligator funding program running. He thanked Ms. Cramer from the Governor's office for working with staff on the priorities submitted by FWC. He thanked staff for working on the strong proposals this year.

Ms. Jerrett responded that is correct. She thanked the Vice Chairman for his work as the budget liaison for the second year in a row.

Chairman Spottswood thanked staff and Vice Chairman Sole for all the hard work on this process.

Commissioner Barreto asked staff to start early in asking for more when those items are vital in running the business. He offered his assistance in working on legislative and budget items in the future.

Federal Congressional Update

Mr. Brian McManus, Legislative Specialist, presented an update on Congressional legislative activity on fisheries and wildlife issues relevant to Florida.

Commissioner Barreto asked how much money comes to Florida from federal Pittman Robertson funding, and how can Florida receive additional funds.

Mr. McManus responded that Florida received \$12 million in the last fiscal year. He noted that the overall funds come from excise tax from fishing, hunting, and other outdoor activity equipment and products and is then distributed to the states based on their land mass and population size.

Vice Chairman Sole asked what the Grants and Donations Trust Fund allocation was for this year based on the allocation improvements in these federal bills. He noted that it is important to find out how much money Florida is allocated in these new bills.

Commissioner Barreto noted how important it is to have FWC representation in D.C.

Chairman Spottswood noted that he has taken a few trips to D.C., and Mr. McManus has organized those meetings with the federal delegation.

Commissioner Hudson asked if Florida is receiving a fair share of Pittman Robertson funds.

Executive Director Sutton explained that there are many different ways to draw money from Pittman Robertson. He stated that the agency has been reviewing this topic to ensure FWC is optimizing those return funds.

Executive Director Sutton also commented that the Recover America's Wildlife Act is a priority and would be beneficial to a lot of states that do not get significant funding from license sales.

Public Comment

The following individuals addressed the Commission on this agenda item:

Ms. Kellie Ralston addressed the Commission and highlighted some of ASA's federal legislative priorities and thanked the Commission for their support on many of these items.

Mr. Trip Aukeman addressed the Commission regarding support for the DESCEND Act.

Commissioner Discussion:

Chairman Spottswood thanked Mr. McManus for his efforts.

Executive Director Sutton reminded Commissioners that they can reach out to him if they want information on fish and wildlife related bills in D.C., and he will coordinate with Mr. McManus.

Rules Requiring Action

Final Rule – Rule Changes for Hunting 2020-2021

Mr. Paul Scharine with the Division of Hunting and Game Management presented proposed final rules for Hunting and FWC managed areas 2020-2021. Staff recommended the Commission approve all amended rules as advertised; the establishment of Silver Springs Forest Wildlife Management Area in Marion County; approve Notice of Change for Rule 68A 15.061 regarding change to withdraw proposal relating to vehicular access at Green Swamp West; approve Notice of change for Rule 68A 12.07 addressing comments from JAPC. If passed tracking collars will be required July 1, 2021 and control collars July 1, 2022.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Bill George addressed the Commission and thanked the Chairman for not restricting access to rooster bird and spring gobbler season on South Florida Water Management District WMA land and hopes more properties will be open on the Water Management District WMAs.

Mr. Chuck Turner thanked the Commission and is in support of the rule changes for dog hunters.

Ms. Cheryl Sanders addressed the Commission in regard to the dog collar rule, requesting they not push out the traditional hunter. She also commended law enforcement for being in the area when she had previously expressed concern for a lack of law enforcement.

Mr. Corey Davis with the American Houndsmen Federation addressed the Commission and commented that staff have been great to work with regarding these hunting rule changes and is in support of staff's recommendation.

Mr. Walter Tucker addressed the Commission representing Florida State Dog Hunters. He expressed his appreciation to staff and is in full support of the changes as recommended.

Mr. Foyt Ralston on behalf of the American Houndsmen Federation addressed the Commission and gave kudos to staff on their process for coming to these recommendations and he is in full support.

Mr. Lane Stephens with SCG Governmental Affairs addressed the Commission representing the Southeastern Dog Hunting Association, the Florida Dog Hunters and Sportsmen Association, and the Suwannee River Dog Hunters Association, which are all in full support of staff recommendations.

Mr. Brad Lowery addressed the Commission in support of the hunting rule change recommendations.

Commission Discussion

Commissioner Rood asked about private land.

Paul Scharine responded that the purpose of the rule is to prevent hunting dogs from getting where they're not supposed to be, including going from private land onto another's adjacent private land.

Vice Chairman Sole asked if this is about protecting the hunter because the hunter can document their dog's location and will also have more control. He asked if a conflict avoidance strategy is what we are pursuing.

Paul Scharine added that this rule will provide accountability for hunters and private owners as well.

Commissioner Barreto commented on the change in technology and how it can help preserve the sport.

Chairman Lester agreed with Commissioner Barreto on how these changes help protect the hunter.

Commissioner Sole thanked the Water Management District and our partners and staff who helped staff to come to these recommendations.

Commissioner Barreto thanked staff and the hunters who worked on these rule changes.

Commission Action

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

Draft Rule – Proposed Changes to Private Lands Alligator Management Rule

Mr. George Warthen, Director of the Division of Hunting and Game Management, presented a draft rule change that would make improvements to the Private Lands Alligator Egg Collection Program. Regulation changes will support opportunities for collecting more eggs and enhance resource protection measures. Main objectives are providing opportunities for participants to collect more eggs, allow greater flexibility for using nest survey and egg collection data when establishing collection quotas, and adding conservation measures to continue safeguarding the resource.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Bill George addressed the Commission with support for allowing private lands to increase their collection efforts. He noted that it is important to include protections to ensure the practice is sustainable.

Mr. Jon Ackerly addressed the Commission with thanks to staff in drafting the proposed rule changes. He noted his 21-year history with the private land alligator program with FWC. He added support for the proposal by staff. He appreciates the measures proposed requiring an FWC approved observer for the data collection efforts. He asked the Commission to commit the resources necessary so that it can be implemented this season if it is approved at the May Commission Meeting.

Ms. Debbie Parlier addressed the Commission in support of the proposed changes. She asked the Commission to consider allowing data of nest surveys from three of the last five years for inclusion in the program. At their farm, they alternate years conducting surveys and utilize averages of comparable surveys for the years they don't do surveys.

Vice Chairman Sole asked for additional information.

Ms. Parlier responded that currently they survey two consecutive years, then on the third year, they use an average of the first two years.

Mr. Kenneth Wainwright of Cypress Creek Alligator Farms addressed the Commission in support of staff recommendation and with a request to allow three out of five years of surveys.

Mr. Allen Register of Gatorama addressed the Commission echoing the comments about allowing three out of five years of surveys.

Commission Discussion

Commissioner Barreto asked what happens to the eggs collected on private lands. He asked if there was a cost that is charged for egg collection and how long that has been set. He commented that the statute needs to be updated so that the fees charged per egg collected is fairly priced based on the market rate.

Mr. Warthen responded that the eggs must go to a Florida licensed and permitted farm and are then sent on to other places (both in and out of state). He added that the statute and complimentary Commission Rule has been in place that establishes a \$2.00 (for private lands) and \$5.00 (for public lands) per egg fee and these fees have been in place over the last 25 years or so.

Commissioner Rood agreed that reviewing the statutes and increasing the fees collected is necessary.

Chairman Spottswood asked staff to review this topic and bring back to a future meeting for full discussion once additional details are available.

Vice Chairman Sole commented that the fee established in statute is to ensure the Alligator Program can sustain itself at the agency. Initially, he was concerned about the proposal, but with additional detail and background information, he understands that this proposal brings things up to similar processes on public lands. He added support for amending the rule to allow the collection of all observed alligator nests.

Commissioner Hudson stated that some comments he heard were about adding some cumbersome requirements for the private landowners. He added that any potential future increases in fees could go toward training those FWC approved observers. Finally, he asked staff to continue the stakeholder work between now and the May Commission meeting.

Chairman Spottswood asked Mr. Warthen about the potential of three out of five years of data collection.

Mr. Warthen responded that staff are requesting a minimum of three consecutive years of surveys to be done, to set a baseline that will be used to monitor the property throughout time to ensure that the resource isn't depleted. Stakeholders are requesting more flexibility by using three out of the last five years of survey data, therefore, they wouldn't be required to do three consecutive years to be in the program. They could qualify with the previous two years of surveys and submit a survey in the current year before collecting the eggs.

Assistant Executive Director Eason noted the three out of the last five years of surveys is only for establishing an initial baseline. Every year after that, the participants will have to do surveys if they don't want to revert back to a 50% quota. He added that staff are preparing a presentation that provides a full overview of the entire Alligator Management Program and lays out a 10-year plan proposal at a future Commission Meeting.

Commission Action

Upon a motion by Commissioner Hudson, seconded by Commissioner Sole and carried, the Commission passed staff recommendation with an amendment to allow data collection for three out of the five years.

Staff Reports

Anchoring and Mooring Pilot Program/Derelict Vessel Update

Major Rob Rowe with the Division of Law Enforcement presented an update on the Anchoring and Mooring Pilot Program and Derelict Vessels.

Chairman Spottswood asked how far along staff is in collecting data on stored vessels.

Major Rowe responded that staff has until 2024 to complete the study and once started, they have two years to have it completed.

Chairman Spottswood asked if staff have started to test effective means of propulsion in the field.

Major Rowe said they have not yet begun testing due to local municipalities working on local ordinances to deal with liveboards or floating structures and that FWC is working with the counties to assist with this process.

Chairman Spottswood asked about the status of the Florida Keys.

Major Rowe responded that he was not certain of their ordinances specific to liveboards, but staff are working with them closely.

Vice Chairman Sole asked about the rule that was passed six months ago in regard to effective means of propulsion. He commented that he was not aware that once a determination was made staff have no authority to act and have to rely on local ordinances to enforce the rule.

Major Rowe explained that FWC can issue citations, but the rule just became enforceable at the end of November 2019 and we now have the authority to request that someone prove their vessel can navigate. If they fail, they will receive a citation or warning and then must fix the vessel within 30 days. Law Enforcement staff will follow-up after that time and add an additional penalty if it still has not been corrected.

Major Rowe also noted that presently, there is proposed legislation that would give FWC greater authority after three at risk citations have been received for the same vessel. This legislation would give FWC authority to remove those vessels as well.

Commissioner Barreto asked who authored the legislation.

Major Rowe advised that this legislation is coming from the City of St. Petersburg and staff have been working with them and various other experts on this matter since last summer.

Commissioner Barreto noted that derelict vessels are a huge issue in Miami Dade County.

Major Rowe agreed and commented that this is a state-wide issue; Miami-Dade, West Palm, and Martin Counties all have especially high numbers.

Commissioner Rood noted a recent encounter with an at-risk vessel in the St. John's River and commended the process and how well it was handled when FWC was notified.

Executive Director Sutton added how complex the issue is and how hopeful he is that this new rule being enforced will make a difference. He also commended the work and expertise of Major Rowe on the topic.

Vice Chairman Sole asked what the proposed date is to begin testing the effective means of propulsion.

Major Rowe responded that training will begin next week for every FWC officer in the state as well as with our partner agencies. It is a top priority and FWC leadership wants to ensure there is consistent training.

Commissioner Barreto commented that these are state sovereign lands and what local municipalities pass do affect the state management.

Major Rowe responded that there is overlapping jurisdiction. Cities can only regulate liveboard and floating structures. Effective means of propulsion addresses this issue and gives them extra tools to utilize.

With regard to the number of citations issued in 2019 on this issue, Vice Chairman Sole asked if it was due to an increased level of effort or due to the magnitude of the problem.

Major Rowe advised that this shows an increased level of effort due to legislation being in place with some magnitude of the problem as well.

Vice Chairman Sole asked about an example of a vessel failing the effective means of propulsion test.

Major Rowe explained that the effective means of propulsion test could be a determining factor in moving a vessel from At Risk to Derelict, but it could go the other way as well.

Commissioner Sole asked for the timeline on the Derelict Vessel (DV) process.

Major Rowe responded that the process should be completed in a matter of 45 days.

Commissioner Sole confirmed that from initiation to end of investigation is an average 45 days and was pleased with this new timeframe.

Commissioner Rood asked if the owner of the DV first receives a warning.

Major Rowe responded by explaining the process our officers take when they begin the DV process.

Commissioner Sole added that we now stair-step the process and have a good process for determining these derelict and at-risk vessels.

Commissioner Rood asked if FWC removed DV's or if it was handled by another entity or contractor.

Major Rowe responded that FWC is now able to remove DV's due to a change in budget and spending authority.

Commission Discussion

Executive Director Sutton commended Major Rowe and his team on the work regarding this issue.

Chairman Spottswood thanked Major Rowe and commented on the work of DV's from Irma being removed and that this is a critically important issue for everyone.

Commissioner Barreto asked if we are in communication with city managers and Major Rowe confirmed we have contacts in every area.

Commissioner Hudson asked for clarification on the bill moving through the legislature currently and what it will assist FWC with in regard to derelict vessels.

Major Rowe responded that the bill will provide a slow speed zone around construction zones as well as provide other tools to help work with and identify at-risk and derelict vessels.

Global Turtle Demand and Illegal Trafficking

Colonel Brown presented information on illegal trafficking of turtles and the global demand.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Jim Watt addressed the Commission with comments that when protections for the turtles were put in place in 2009, the Commission chose to protect most freshwater turtles because it was difficult for law enforcement to identify the different species. He also indicated that when the protections were put in place, it created a black market for people to gain massive payoff for supplying these species. He suggested the Commission consider restricting exportation of the adult turtles but allow the farmers to still export the babies and eggs.

Mr. Clive Longden addressed the Commission and noted his practice of farming a specific albino breed of red eared sliders. He noted concern for proposed legislation that would impact his business and others who legally breed, farm and export turtles in Florida.

Mr. Wayne Hill addressed the Commission with concern about any potential changes regarding turtles that could impact those legal turtle farms in Florida.

Mr. Daniel Parker addressed the Commission and noted his experience working on a telemetry study for wild box turtles. He communicated to HSC staff in 2015 noting concerns for populations of certain wild turtle species in Florida, and he noted that some of those concerns have come to fruition here in 2020. He suggested that captive breeding can help re-populate those turtles in Florida that are getting close to endangered or threatened status.

Ms. Elise Bennett, reptile and amphibian staff attorney with the Center for Biodiversity, addressed the Commission. She noted that Florida should take responsibility in protecting the native species. She asked the Commission to take a look at aquaculture practices and ensure the practices are not having a negative impact on any species of wild turtles in Florida.

Mr. Marcus Cantos addressed the Commission and noted his history with breeding turtles and interactions with different groups and organizations that consider research on aquaculture and practices for Florida turtle farms. He suggested that the protections put in place during 2009 initiated a black market which drove up the prices for these species of turtles 10 times what they were prior to the protections. He suggested that any bred turtles that are color morphs should be exempted from any regulations that the FWC enacts for wild bred turtles. He also suggested that breeders are the answer to the supply and demand problem.

Mr. Dale Jackson addressed the Commission with thanks to the Commission for enacting the protections in 2009.

Commission Discussion

Executive Director Sutton thanked everyone for the testimony today. He noted that this presentation was not about aquaculture or changing any rules for legal aquaculture farms. It was about bringing this to the attention of the Commission and noting that the Division of Law Enforcement is always working to identify issues that can help conservation.

Vice Chairman Sole asked for confirmation regarding Aquaculture.

Colonel Brown responded that it is managed by the Florida Department of Agriculture and Consumer Services (FDACS).

Future Agenda Items

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

Vice Chairman Sole asked for more information on forage fish and what is happening regarding that topic.

Commissioner Barreto asked for information on incentives for best practices that could save the state money. He understands that the State has a program that recognizes these types of activities, but he suggested looking at an incentive to make things more efficient and effective.

Commissioner Exchange

Chairman Spottswood invited former Chairman, Mr. Brian Yablonski, to address the Commission.

Mr. Yablonski commented on his life since his work for the Commission and some of the conservation issues that he is involved in out West.

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 thanked the stakeholders for traveling to attend the meeting and provide feedback on the agenda items. He then opened the floor for Commissioner Exchange.

Commissioner Lester thanked staff with the Division of Freshwater Fisheries for the efforts to improve access for the public, even though those actions and activities aren't always discussed at the Commission Meetings. He noted that at future meetings, he would like to take some time to highlight positive activities regarding freshwater fishing opportunities.

Commissioner Hudson thanked staff and Commissioners for welcoming him over his first six months of being appointed to the Commission.

Vice Chairman Sole noted that Florida is a very diverse state with wildlife, habitat and the stakeholders and citizens. He commented how lucky we all are to have these amazing resources and he suggested that people respectfully go out and enjoy the environment. He thanked the legislature for allowing FWC to implement the laws in order to promote conservation.

Commissioner Barreto commented on a project to restore a pier that was burned down and he invited his fellow Commissioners to participate in the rebuild if they are interested. He then commented on the recent Python Bowl that took place in conjunction with the Super Bowl in South Florida. He added that they also did six beach cleanup efforts during the time of the Super Bowl. He suggested that staff look at other ways to utilize lobster traps that will have less impacts on the reefs in South Florida. He noted a priority for staff to review the cost of fees for utilizing the resources and make sure that the agency has enough money to cover the management and research and enforcement. He suggested that reviewing these fees based on current cost of services is important.

Commission Administrative Matters

The next regularly scheduled Commission meeting is set for May 13 – 14, 2020, in Miami, commencing at 8:30 am each day.

Adjournment

Chairman Spottswood adjourned the meeting at 12:58 p.m.

Robert Spottswood
Chairman

Eric Sutton
Executive Director

Respectfully submitted:

Lisa Davis
Commission Assistant