



# Florida Fish and Wildlife Conservation Commission

MyFWC.com

Commission Meeting  
December 5 – 7, 2017  
Gainesville, FL  
Minutes

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

The Florida Fish and Wildlife Conservation Commission (FWC) held its regular meeting December 5 – 7, 2017, at the Best Western Gateway Grand located at 4200 NW 97<sup>th</sup> Boulevard, Gainesville. Commissioner Adrien “Bo” Rivard called the meeting to order with the following members in attendance:

Michael Sole, Tequesta  
Richard Hanas, Oviedo  
Brian Yablonski, Tallahassee

Robert Spottswood, Key West  
Sonya Rood, St. Augustine

Senior and Presenting Staff:

Nick Wiley	Executive Director
Eric Sutton	Assistant Executive Director
Jennifer Fitzwater	Chief of Staff
Bud Vielhauer	General Counsel
Thomas Graef	Director, Southwest Region
Shannon Wright	Director, Northeast Region
Chris Wynn	Director, North Central Region
Dr. Tom Reinert	Director, South Region
Diane Eggeman	Director, Division of Hunting and Game Management
Tom Champeau	Director, Division of Freshwater Fisheries Management
Jessica McCawley	Director, Division of Marine Fisheries Management
Gil McRae	Director, Fish and Wildlife Research Institute
Dr. Thomas Eason	Director, Division of Habitat and Species Conservation
Jessica Crawford	Director, Office of Legislative Affairs
Erin Rainey	Director, Division of Licensing and Permitting
Kipp Frohlich	Deputy Director, Division of Habitat and Species Conservation
James Erskine	Office of Strategic Initiatives
Melissa Recks	Division of Marine Fisheries Management
Martha Guyas	Division of Marine Fisheries Management
Paul Scharine	Division of Hunting and Game Management
Major Rob Rowe	Division of Law Enforcement
Major Rob Beaton	Division of Law Enforcement
Kristen Sommers	Division of Habitat and Species Conservation
Harry Dutton	Division of Hunting and Game Management

There were 64 individuals registered to speak to the Commission during the three-day meeting.

### **Meeting Opening**

Commissioner Rivard called the December 5 – 7, 2017, meeting to order at 2:09 p.m.

Commissioner Rivard introduced Commissioner Sonya Rood who was present at the meeting and Commissioner Gary Nicklaus who hoped to attend the meeting later in the week.

### **Invocation and Pledge of Allegiance to the Flag**

Mr. Chris Wynn, regional director, gave the invocation, followed by the Pledge of Allegiance led by Commissioner Hanas.

### **Adoption of Minutes**

Upon a motion by Commissioner Sole, seconded by Commissioner Hanas and carried, the July 2017 minutes were approved as written.

### **Adoption of Meeting Agenda**

Upon a motion by Commissioner Spottswood, seconded by Commissioner Sole and carried, the December 2017 Meeting agenda was approved with the exception of item 12B, Regulations for private or commercial preserves and game farms, which was postponed until a future meeting.

### **Approval of Consent Agenda**

Upon a motion by Commissioner Spottswood, seconded by Commissioner Hanas and carried, the December 2017 Consent Agenda items were approved.

### **Hurricane Response and Recovery**

Commissioner Rivard asked Mr. Eric Sutton, assistant executive director, to provide an overview of response efforts and introduce staff who presented on topics related to Hurricane Response and Recovery.

Colonel Curtis Brown, director of the Division of Law Enforcement, presented a report on the Law Enforcement response related to Hurricane Irma and Hurricane Harvey. He then presented response pins to the regional commanders who organized the response.

Colonel Brown then presented the Lifesaving Award to Lieutenant James Yetter for his actions in response to Hurricane Harvey in Texas.

Major Rob Rowe with the Division of Law Enforcement then presented details related to displaced vessels caused by Hurricane Irma.

Commissioner Sole applauded the team for such a large number of vessels removed and thanked partners like the United States Coast Guard (USCG) for working together on this priority issue.

Next, Mr. James Erskine, Everglades Coordinator, presented an update on the environmental and ecological impacts from Hurricane Irma and the Everglades high-water situation.

Commissioner Sole thanked the U.S. Army Corps of Engineers (USACE), the U.S. Fish and Wildlife Service, and the South Florida Water Management District (SFWMD) for working collaboratively with FWC on this issue in a timely manner. He also thanked Mr. Erskine for his dedication to this important task.

Commissioner Rivard echoed the gratitude and added a thank you to Commissioner Bergeron for his efforts at leading this issue.

Mr. Erskine agreed that the support of the state and federal agencies was critical to the accomplishments of the past year.

Commissioner Spottswood asked Mr. Erskine to explain what the obstacles were and what facilities were needed to move more water south to relieve high water conditions.

Mr. Erskine responded that there are a number of obstacles in the way and that the state and federal partners are working together towards the goal of removing the obstacles. One major obstacle is moving water underneath US 41 (Tamiami Trail) in order to get the water out of the Everglades Wildlife Management Area (WMA) and in to North East Shark River Slough and on to Florida Bay. Mr. Erskine pointed out that the state is invested in a number of projects including additional bridging along Tamiami Trail to facilitate moving water south, and that controlling flooding in the urban and built areas was also necessary. Mr. Erskine highlighted the newly launched S-333 project as a component of the Central Everglades Planning Project and an important feature. All the planned projects will dovetail, and work together, to move significantly more water through the system.

Commissioner Spottswood asked about the timing of completion for the S-333 project and the availability of funding. Mr. Erskine responded that the S-333 project is moving forward and has been advanced several years. The Commissioner also asked about the availability of the additional water to get to Florida Bay and if it has a positive impact. Mr. Erskine responded that the water does have a positive impact and the bay needs the quality, quantity, timing and distribution of water theorized under Everglades restoration.

Commissioner Sole noted that salinity issues were improved by the storm because of the amount of water that was added to the system. The Commissioner identified the S-333 structure as a choke point and acknowledged the importance of moving the project forward and asked if there was anything that the Commission can do to help get the project moving.

Mr. Erskine noted that agency staff openly supported the project and that Commissioner Bergeron attended the SFWMD Governing Board meeting to express support, and educate our stakeholders on the importance of the project.

Commissioner Rivard noted that the issue is important to the Governor and that the Governor has shown great leadership. The Commissioner commented that we should maintain communication and continue to update the Commission and inform them of any opportunities to take action in the future. The Commissioner noted that we have made good progress and should keep it going.

Commissioner Spottswood commented that the S-333 project required funding and inquired if funds were available. He then inquired about assurances that the project, once brought online, can be used to move additional water south.

Mr. Erskine responded that other agencies have reported available funding and that it is a team effort to move the project forward on behalf of Everglades restoration. Additionally, the FWC provided scoping comments on the next increment of the USACE water control plan and requested that future plans include the flexibility to turn on any new structures, including the S-333 and structures associated with the Florida Bay Plan.

Executive Director Wiley asked Mr. Erskine to bring an update on the project to a future Commission meeting.

Ms. Jessica McCawley, director of the Division of Marine Fisheries Management, presented information relative to the impacts to marine fisheries in Florida and the Commercial Fishing industry including the federal fisheries disaster declaration request sent to the U.S. Secretary of Commerce.

Assistant Executive Director Sutton commented on actions moving forward related to Hurricane Response and Recovery.

Commissioner Sole commented that in his local area of Florida, FWC got nothing but kudos for their actions during the response and recovery.

Commissioner Rivard thanked FWC leadership throughout this response activity because it was extremely positive. He thanked staff for the presentation today because it provided an overview of the many aspects of the agency and showed what an impressive response the agency provided.

Commissioner Spottswood thanked Colonel Brown and the Law Enforcement team along with Governor Scott and FWC leadership for being available pre-storm, during the storm, and post-storm. The efforts and attention in the Keys were amazing because of the impact that the storm had in that region of the state. He noted all the positive comments from partners and other organizations who worked in the Keys after the storm related to FWC efforts.

#### Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Bill Kelly with the Florida Keys Commercial Fishermen's Association (FKCFA) addressed the Commission. He noted a recent partnership with SeaGrant to conduct a rapid assessment of the impacts on the water to locate lost or displaced traps following the storm. He then commented that the working relationship with FWC from day one has been excellent. He brought a plaque for Chairman Yablonski with thanks for the efforts associated with response to impacts of Hurricane Irma and recovery in the Keys. He then provided additional comments related to the proposed action items for the spiny lobster trap fishery. He stated that waiving next year's lobster trap tag fees would be the most unbiased way to benefit every spiny lobster fisherman in Florida as they recover financially from Hurricane Irma. He spoke in support of the two-day recreational mini-season, but stated that there was no biological purpose for pushing the commercial trap fishery back and losing that week of soak time after the mini-season. Regarding the issue of potential user conflicts related to extending the spiny lobster trap soak period, he commented that once the two-day mini-season is over with, it is illegal for recreational people to engage in spiny lobster fishing until August 6 so there should be no conflict. Additionally, he commented that they did not believe trap robbing would be a problem during an extended trap soak period.

Mr. Jerry Sansom with Organized Fishermen of Florida and addressed the Commission in support of the proposed actions related to the spiny lobster trap fishery and echoed the comments of Mr. Kelly. He noted that FWC did an excellent job in response to Hurricane Irma. On behalf of the Florida Inland Navigation District, he thanked the Commission for the work associated with displaced vessels.

Mr. John Rosier with the Everglades Coordinating Council and Fulltrack Conservation Club addressed the Commission. He thanked Mr. Erskine for the presentation on Everglades high water. He noted concern that the stakeholders in the area were not notified of the media event recently held in South Florida regarding high water. Several of the hunt camps in the Everglades are still closed and he noted concern that stakeholders are not getting estimates on re-openings. He asked which Commissioner will take on the task of continuing forward progress on Everglades water issues.

Commissioner Sole noted that he would be happy to step up into the role of former Commissioner Bergeron related to Everglades issues.

#### Commissioner Discussion

Commissioner Rivard asked for comments or questions from Commissioners on the presentation and staff requested direction.

Commissioner Hanas made a motion to approve staff recommendation with a second by Commissioner Spottswood.

Commissioner Spottswood asked for additional clarification on the concerns with extending the soak period long-term to immediately follow the two-day sport season. He noted that if the additional funding could be found to

cover the lost fees, then the Commission should move forward with supporting waiving the 2018-2019 spiny lobster trap tag fees.

Commissioner Sole noted his concerns for resource implications and user conflicts related to extending the spiny lobster trap soak period. He suggested support for the proposal to do what the agency can regarding waiving the 2018-2019 spiny lobster trap tag fees.

Commissioner Rivard asked if Commissioner Hanas would amend the motion to break it into a motion for waiving the 2018-2019 spiny lobster trap tag fees and a separate motion for extending the spiny lobster trap soak period.

#### Commission Action

Upon a motion by Commissioner Hanas, seconded by Commissioner Spottswood and carried, the Commission directed staff to waive 2018-2019 spiny lobster trap tag fees to provide additional assistance to commercial fishermen with a request to staff to bring back extending the spiny lobster trap soak period to a future meeting.

Commissioner Spottswood asked about the conflict of users associated with the proposal to extend the spiny lobster trap soak period.

Ms. McCawley responded that she researched historic documents regarding these regulatory changes and found that the timing of the mini-season and the soak period was partly to reduce conflicts between recreational and commercial fishermen on the first day of lobster season. She stated that the information presented about lobsters possibly being smaller or egg-bearing females was also noted in the historic documents as one of the reasons why the main lobster season was starting on August 6. She suggested that the request to extend the spiny lobster trap soak period be brought forward to a Commission meeting when other marine fisheries items related to trap fisheries management are scheduled which is currently June 2018.

Commissioner Rivard responded that bringing this particular action item to a summer meeting in 2018 will allow staff time to research the issue further and get the appropriate details for Commission consideration. He then thanked Governor Scott for the efforts he extended during the Hurricane response and recovery.

Commissioner Spottswood noted some of the amazing things that Governor Scott did during his walking tours of the disaster from the Hurricane. He thanked him for those actions and the positive impact of showing support for those impacted by the storm.

#### Staff Reports

##### Nonnative Fish and Wildlife Update

Ms. Kristen Sommers with the Division of Habitat and Species Conservation presented an update on the progress, expansion, and challenges of FWC's nonnative fish and wildlife efforts. The presentation highlighted Burmese pythons, lionfish, and Argentine black and white tegu management efforts including recognition of key partners.

Commissioner Sole asked about new innovative technologies or gears that were submitted in response to the FWC Lionfish Program's request for proposals to make a bigger impact in removal of this species.

Ms. McCawley responded that proposals primarily consisted of traps and Remotely Operated Vehicles (ROV). She referenced a trap design with photo-imaging technology that recognizes lionfish and only open/closes the trap on the targeted species. Ms. McCawley noted that lionfish found deeper than diver capabilities are continually repopulating shallow water populations, so staff are primarily focused on deep-water trap and ROV technologies.

Assistant Executive Director Sutton noted that staff continues to work with partners to examine innovation and is open to new ideas.

Commissioner Hanas asked about the success of current initiatives to get lionfish in the commercial market and supporting this in the market.

Ms. McCawley responded that this has been a very successful program. She mentioned that staff have partnered with Whole Foods to get lionfish in every Florida storefront and stakeholders are asking for lionfish in local restaurants. She noted that lionfish is on menus in restaurants outside of Florida like in New York.

Commissioner Sole asked about what guidance was given to constituents regarding invasive species, specifically green iguana, and how the agency is addressing this issue.

Ms. Sommers responded that they give stakeholders information on how to remove or deter invasive species themselves to mitigate impacts.

Commissioner Spottswood asked where green iguanas are located on the invasion curve and if there are species that are located in the prevention or eradication phase. He also asked about the methods staff use to address potential species in these areas on the invasion curve.

Ms. Sommers responded that green iguanas were most likely in long term management. Regarding methods to address potential species, Ms. Sommers noted the hotline for invasive species then provided examples where prevention and eradication of invasive species were successful.

Commissioner Sole noted that he thinks FWC should be doing more related to invasive species. He commented on the difference in funds spent on exotic plant control versus invasive animal species management and control.

Assistant Executive Director Sutton noted that staff have worked over the last several years to align staff and funding toward this particular issue. He noted that in the presentation related to Legislative and Budget Issues there will be additional information related to funding issues.

Commissioner Rivard noted that reallocating funding to species that are lower on the invasive curve may be a good idea.

Ms. Sommers thanked the Commissioners for their input on increasing efforts related to invasive species.

#### Public Comment

The following individuals addressed the Commission on this agenda item:

Ms. Tessie Offner addressed the Commission regarding concern for Argentine tegus and their establishment in Florida. She requested that the species be added to the conditional species list.

#### Commissioner Discussion

Assistant Executive Director Sutton introduced several partners to present funds to the agency for the new tagged-lionfish removal incentive program.

Ms. Bonnie Basham representing Boat US presented a check for \$5,000 to the Lionfish Challenge/tagged-lionfish removal incentive program.

Commissioner Rood asked about Pet Amnesty Day.

Ms. Kellie Ralston with the American Sportfishing Association (ASA) presented a check for \$5,000 to the tagged-lionfish removal incentive program.

Mr. Jeff Miller representing the Coastal Conservation Association of Florida (CCA) and Yamaha presented two separate checks to the tagged-lionfish removal incentive program. He presented a \$5,000 check on behalf of

Yamaha for the tagged-lionfish removal incentive program. He also presented a check for \$3,500 from the CCA for the tagged-lionfish removal incentive program.

Ms. Libby Ranske with the National Marine Manufacturing Association presented a \$5,000 check to the tagged-lionfish removal incentive program.

Mr. John Sprague with the Marine Industries Association of Palm Beach County (MIAPBC) presented a \$1,500 check for the tagged-lionfish removal incentive program.

Assistant Executive Director Sutton invited Dr. Thomas Eason to address the Commission related to the invasive species issues in Florida.

Dr. Thomas Eason, director of the Division of Habitat and Species Conservation, addressed the Commission and advised of many of the current accomplishments and several of the actions available, potentially looking at conditional species.

Commissioner Sole supports staff looking into addressing the invasive species rules and would request staff move forward.

Commissioner Hanas agreed with Commissioner Sole in moving forward with looking at nonnative species including using more assets on removing animals already established.

Commissioner Spottswood asked if there was a rule to keep any nonnative species out of Florida.

Dr. Eason responded that there is no list that restricts all nonnative species from coming into the State of Florida, but that he would like to move forward with looking at rules and bring back an update regarding potential actions that the Commission can take. He also noted that federal laws related to invasive species have changed.

Commissioner Spottswood mentioned the possibility of creating rules to prevent high-risk species, that are not already in trade, from being able to enter the state.

Commissioner Sole stated that he would support seeing suggestions that address the impacts of nonnative fish and wildlife at a future meeting.

Commissioner Rivard recommended staff return with ideas and recommendations that the Commission can take to address nonnative fish and wildlife in the future.

#### Legislative and Budget Update

Ms. Charlotte Jerrett, chief financial officer, and Ms. Jessica Crawford, director of Legislative Affairs, presented an update on FY 2018/2019 Legislative Budget Requests and an update on the 2018 Legislative Session.

#### Commissioner Discussion

Commissioner Spottswood asked about funding related to expenses for storm recovery or response.

Ms. Jerrett responded that FWC is currently complying with the Emergency Management statutes which require state agencies to utilize available state funds for storm related expenditures first before requesting additional funds. She noted that the agency is currently calculating approximately 50 million dollars in projected expenses associated with the storms. She added that the agency is coordinating with the Federal Emergency Management Agency (FEMA) to request reimbursement.

Commissioner Sole commented that FEMA reimbursement takes longer than normal reimbursement processes, therefore the agency identified funding that can be utilized to cover some of the costs during FY 2017-2018.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Jerry Sansom addressed the Commission and noted that they will be a good partner for supporting additional requests for budget funding for FWC.

Commission Action

Upon a motion by Commissioner Sole, seconded by Commissioner Spottswood and carried, the Commission approved the 2018 Legislative Budget Requests, Schedule VIII B list and also authorized staff to coordinate with the Budget Liaison and the Chairman to make adjustments to these proposals during Legislative Session as appropriate.

Commissioner Spottswood noted how amazing it is that the agency uses very little general revenue funds to support the operations and programs of FWC.

**Recess Tuesday's Portion of the Meeting**

Commissioner Rivard recessed the meeting at 5:30 p.m. to reconvene at 8:30 a.m., Wednesday, December 6, 2017.

**Wednesday, December 6 Reconvene**

Chairman Yablonski reconvened the meeting at 8:38 a.m.

Chairman Yablonski thanked Commissioner Rivard for running the meeting yesterday. He noted that both he and Executive Director Wiley were traveling to meet with leadership in Washington, D.C. He welcomed Commissioner Rood and congratulated her on her appointment to this Commission.

Chairman reminded the public on the process for registration for speaking on agenda items and noted that Commissioner Rivard was selected as the Vice Chairman for the remainder of this meeting. He then thanked former Commissioners Priddy and Bergeron for their dedicated service to the Commission.

Executive Director Wiley asked for a moment of silence for an employee who passed away in October.

Chairman Yablonski introduced Dr. Ken Fuchs, president of the University of Florida, and invited him to address the Commission.

Dr. Fuchs thanked the Commission for the great partnership on issues related to fish and wildlife resources.

Chairman Yablonski then introduced special guest, Shaw Grigsby, and welcomed him to the meeting.

Mr. Grigsby thanked the Commission for everything they do for the citizens and visitors of the State of Florida to better manage the resources.

Chairman Yablonski introduced Michael O'Brien and Annette Welch with the Gainesville Bass Pro Shop.

**Awards and Recognition**

Prosecutor of the Year Award

Mr. Bud Vielhauer, general counsel, presented this award to Assistant State Attorney Gary Ellis from Highlands County.

### Boating Officer of the Year Award

Major Rob Rowe with the Division of Law Enforcement presented this award to Officer Megan Malicoat.

### **Executive Directors Report**

Executive Director Wiley highlighted the following topics:

- Triple N Shooting Range.
- Recruitment, Retention and Reactivation (R3) activities.
- Bass Pro Shop evening for conservation.

### **Fish and Wildlife Foundation of Florida Update**

Mr. Andy Walker, CEO of the Fish and Wildlife Foundation of Florida (Foundation), provided an update on Foundation related activities.

He then presented the Guy Harvey Ocean Foundation Conservation Award to Investigator Paul Hein with the Division of Law Enforcement.

### **Item Requiring Action**

#### Port Orange Critical Wildlife Area (CWA)

Mr. Kipp Frohlich, deputy director with the Division of Habitat and Species Conservation, presented details on establishment of the Port Orange CWA.

#### Commission Discussion

Chairman Yablonski thanked Mr. Frohlich for his efforts on the task of establishing CWAs over the last few years.

Commissioner Spottswood thanked staff for working on this proposal.

#### Public Comment

The following individuals addressed the Commission on this agenda item:

Ms. Jean Hall with Audubon Florida addressed the Commission in support of staff proposal.

Mr. David Hartgrove, Conservation Chair with Halifax River Audubon, addressed the Commission in support of the proposal.

Ms. Laura Berkelman with Santa Fe Audubon Association addressed the Commission in support of staff proposal.

Mr. Clay Henderson with Stetson University addressed the Commission with appreciation for the Chairman in this effort. He thanked Chairman Yablonski and Executive Director Wiley for their leadership over the years. He added support for staff recommendation.

Ms. Julie Wraithmell, executive director with Audubon Florida, addressed the Commission in support of staff proposal.

Mr. John Sprague with MIAPBC addressed the Commission in support of staff proposal. He thanked Chairman Yablonski and Executive Director Wiley for their service over the years.

#### Commission Action

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

Chairman Yablonski thanked everyone involved in the establishment of CWAs.

## **Staff Report**

### **Alligator Management and Egg Collection**

Mr. Harry Dutton with the Division of Hunting and Game Management provided an overview of Alligator Management and egg collection.

### **Public Comment**

The following individuals addressed the Commission on this agenda item:

Mr. Newton Cook, executive director with United Waterfowlers of Florida, addressed the Commission. He thanked Commissioners Priddy and Bergeron for their service.

Mr. Mickey Fagan addressed the Commission in support of staff working on this issue to come to a consensus.

Mr. Mike Fagan addressed the Commission and echoed the comments of the previous speaker.

Mr. Mark Clemons addressed the Commission and echoed the comments of the previous speaker.

Mr. Kenneth Wainwright addressed the Commission noting the success of the alligator egg collection program over the years.

Ms. Patty Register with Gatorama addressed the Commission. She noted that any change to rules will have negative impacts to her business, but in principle, agrees to expansion of the program.

Mr. Allen Register addressed the Commission in support of the comments of the previous speaker. He noted concern for the potential qualifiers he has seen for use in selecting new individuals for this program.

Mr. Scott Anderson addressed the Commission. He noted that the success of the alligator egg collection program falls upon the success of the alligator farm industry. He requested the Commission limit this participation to 30, not expanding the program, and increasing the number of eggs that they can collect.

Mr. Mark Glass addressed the Commission. He noted that any expansion of permits for alligator egg collection is a threat to the industry that has developed over the years. He applauded FWC staff for working so well with stakeholders to meet and discuss this process. He added support for the proposal with the note that those limited 30 farmers are giving up a portion of their egg allotment.

Commissioner Sole asked if those already permitted in the limited 30 are truly giving something up.

Mr. Glass responded that the current limited 30 collect approximately 1200 eggs per year.

Mr. Byron Maharrey addressed the Commission. He asked the Commission to limit or reduce the number of eggs collected.

Mr. Eugene Turner addressed the Commission with a request to accept and pass the recommendation but to look at the resources of the State of Florida and review all the rules related to the resource.

Mr. Bill George addressed the Commission and shared that he is not an alligator farmer but he fully supports staff recommendation.

Mr. Todd Hallman addressed the Commission and thanked the Commission for their work. He requested the Commission use science to make their decision.

Mr. Phil Walters, owner of GatorGuides.com, addressed the Commission with concern about not seeing the number of gators that he used to and he wants the Commission to think of that as they make their decision.

Ms. Carla Wilson thanked the Commission for the work on the recent alligator case.

Commission Discussion

Executive Director Wiley commented on how many people make a living off of this resource. The limited 30 was put in place to protect the resource. He discussed how he believes the process is working and supports the program. He also noted that we have the most robust science in place in protecting the resource.

Commissioner Rivard thanked staff for working on this issue and supported Executive Director Wiley's comments. He does not want a decision to be made in haste.

Chairman Yablonski addressed the Commission and public and shared that the alligator is a true conservation success story.

Commissioner Sole addressed the Commission and reiterated the importance on fairness of the program for all involved.

**Items Requiring Action**

Draft Rule – Technical Changes Relating to Live Sale of Alligators

Mr. Dutton presented a proposed draft rule related to live sale of alligators.

Public Comment

The following individuals addressed the Commission on this agenda item:

Ms. Jeanne Jain with Southwest Florida Animal Advocates addressed the Commission.

Mr. Byron Maharrey addressed the Commission. He noted opposition for the sale of live alligators because he thinks it will increase the illegal take of the gators before the season starts.

Mr. Bill George addressed the Commission. He requested that the Commission consider allowing nuisance trappers who have a permit to take live alligators from private lands to sell these live alligators permitted properties like alligator farms without requiring an additional license.

Mr. Phil Walters addressed the Commission in support of staff proposal. He noted that allowing sale of a live alligator by a nuisance trapper is a much better option than harvesting it.

Commission Discussion

Commissioner Spottswood asked for additional detail on who would be impacted by removing the experience exemption from the captive wildlife rule.

Mr. Dutton responded that only persons who currently have alligator-related licenses would be impacted, but that nobody other than contracted nuisance alligator trappers are currently using the experience exemption to obtain a captive wildlife license.

Commission Action

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

Draft Rule – Proposed Rule Changes for Hunting 2018-2019

Mr. Paul Scharine with the Division of Hunting and Game Management presented proposed draft rules for Hunting in 2018-2019.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. John Rosier addressed the Commission in support of staff proposal. He thanked Mr. Wes Seitz for coming up with a rule that restricts target shooting in the South Region because of the dangers of this activity.

Mr. Newton Cook addressed the Commission and echoed previous comments regarding support of the restriction on target shooting. He thanked the Commission and staff for their work on adding additional hunting opportunities in Florida.

Mr. Travis Munden addressed the Commission. He spoke in favor of allowing pre-charged pneumatic air guns for hunting.

Mr. Dixie Hollins addressed the Commission with thanks for the opportunity to seek a disabled permit for use of air bow. He supports the proposal for allowing pre-charged pneumatic air guns for taking deer during the general gun season. He asked the Commission to look at the quota and tag systems currently in place.

Mr. Randal Raney addressed the Commission. He offered to show the Commissioners how pre-charged pneumatic air guns work in person. He requested that the proposed rules be adjusted to allow anything above .30 caliber for air guns.

Mr. Bill George addressed the Commission in support of the hunting regulations presented by staff. He requested staff add additional hunting hours for turkey in the State of Florida. If the data comes in from the past few years, he requested staff bring forward to the Commission proposed changes to allow additional hunting hours.

Mr. Todd Hallman addressed the Commission in support of staff recommendation. He thanked all the partners involved in opening up additional opportunities. He requested removing the word “stoves” from the rule which restricts having them outside camping areas. If grills are allowed, he feels that stoves should be as well.

Mr. Byron Maharrey addressed the Commission in opposition to pneumatic air guns for taking turkey.

Mr. Chuck Echinique addressed the Commission in support of use of pneumatic air guns and staff recommendations.

Mr. Mike Elfenbein addressed the Commission with a request to expand the small game season on Sexter/Mary Farms WMA around the week of Thanksgiving.

#### Commission Action

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

#### LUNCH BREAK

#### **Fish and Wildlife Conservation Commissions: Historical Perspectives and a Look to the Future**

Chairman Yablonski introduced the next presentation and the purpose behind why this presentation is coming to the Commission. He then introduced the two guest speakers who assisted in presenting this item. Dr. Steve Williams, president of the Wildlife Management Institute and Mr. Collin O’Mara, president of the National Wildlife Federation.

Dr. Thomas Eason, director of the Division of Habitat and Species Conservation, thanked staff who worked to coordinate this presentation and presented an overview on this topic related to Florida. He highlighted the diversity of work FWC does in the conservation arena.

Commissioner Sole noted that from his perspective that most groups and organizations understand that the mission and goals of the agency are very broad.

Dr. Steve Williams then presented a brief historical perspective on state wildlife agencies and the public trust doctrine. He highlighted the current deficit of conservation relevancy in society, calling for more integration of human dimensions and social science into state wildlife agencies' conservation decision making.

Chairman Yablonski emphasized that much of wildlife management requires the use of disciplines outside of wildlife biology (eg. psychology, sociology, anthropology, economics) and stated our job at the end of the day is connecting the natural world with people.

Finally, Mr. Collin O'Mara addressed the Commission. His presentation focused on how the North American Conservation Model has been beneficial and successful, but that it does not meet the needs of today's conservation challenges. He concluded by asserting FWC is best positioned to lead the charge to reframe conservation and he stressed that what FWC does on this topic matters for the entire country.

Chairman Yablonski noted that he wished this presentation was given in the early part of his career because it is an exciting challenge ahead of FWC.

Dr. Thomas Eason wrapped up the presentations by encouraging a shift in perspectives to identify opportunities to make lasting changes to conservation for diverse groups of people with the public trust doctrine at the core. He noted because we all love the resource so much that it is easy to get distracted by our differences – but what we do, we must all do together.

Executive Director Wiley commented that he hopes the different sectors of wildlife enthusiasts can come together for the common good of conservation and moving forward – calling on everyone to broaden their horizons. FWC is for everyone who cares about fish and wildlife.

#### Public Comment

The following individuals addressed the Commission on this agenda item:

Ms. Rebecca Heintz addressed the Commission with thanks for the presentation. She noted support for active outreach to non-consumptive users. She commented that the methods of gathering data at specific meetings is not scientific and allows any user to vote as many times as possible. She asked the Commission to review the individuals who sit on technical assistance groups to ensure equity. She requested more transparency and additional communication to staff regarding the scientific studies associated with bears and how they affect decisions made on bear management. She also requested that FWC look into other state wildlife agencies' decisions to hunt sand hill cranes – as a migratory species, she views them as a resource for all affected states and requests they be managed as such.

Mr. Chuck Echenique addressed the Commission. He noted the importance of education at the earliest possible age.

Mr. Byron Maharrey addressed the Commission.

#### Commissioner Discussion

Commissioner Hanas noted that the future of conservation is working together with all interest groups and coming up with some common ground and finding balances.

Commissioner Spottswood commented on the importance on the focus on youth and educating them on conservation at an earlier age. He also noted that the discussions and actions of the Commission are relevant to all user groups.

Commissioner Rood noted that she understands the importance of education at an early age.

Chairman Yablonski noted that the Commissioners are trustees of the resources. He commented on the challenges moving forward and suggested changes to the structure of meeting organization and highlighted the importance of outdoor recreation.

Executive Director Wiley added that Florida can be a leader in this regard. He commented that FWC staff are ready to run and ready for challenges.

Commissioner Rivard thanked the presenters for bringing this topic forward. He thanked stakeholders who attend the meetings on a regular basis and noted the importance of diversifying our focus.

Commissioner Sole noted the important portion of the public trust doctrine about conserving resources for future generations.

### **Public Comment on Items not on the Agenda**

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

Mr. Bud Miller addressed the Commission regarding a new weight system he invented called Fish and Game Scales. He created the weight system to hold recreational anglers accountable and hopes to have them installed where recreational anglers return from their fishing trips. He believes that all recreational anglers will want to weigh their fish to provide more fishing opportunities in Florida.

Mr. Ricky Thurston addressed the Commission in support of improved data on recreational harvest of fish and is hoping to demonstrate the Fish and Game Scales prototype. He stated that this program will allow FWC to obtain real-time data as well as get information on the number of anglers fishing.

Ms. Kellie Ralston addressed the Commission with thanks to Executive Director Wiley and Chairman Yablonski for their dedication to FWC.

Mr. Karl Ambrose addressed the Commission and thanked the Commission for working with all types of stakeholders. He noted concern for being removed from a bear management plan stakeholder group and asked the Commission to allow him to contact the biologist who he was told not to communicate with.

Mr. Newton Cook addressed the Commission regarding aquatic plant management. He also noted concern for duck hunting conflicts with homeowners on waterfront properties.

Mr. Gary Appleson representing the Sea Turtle Conservancy addressed the Commission.

Mr. Joe Douglas addressed the Commission regarding bears.

Ms. Rebecca Heintz addressed the Commission regarding concern for addition of land approved for hunting with hounds and the impediment on other users. She then brought up issues related to Goliath Grouper. She requested that FWC gather more data to have a better understanding of the status of the species before the Commission decides to allow harvest or maintain status quo.

Ms. Shannon Geis addressed the Commission regarding black bears. She noted opposition to any future harvest of Goliath Grouper and stated that the science does not support a harvest.

Ms. Linda Duever addressed the Commission regarding habitat management and assessing all the different aspects of habitat.

Mr. John Wolking and 4 Alachua County 4-H club members addressed the Commission with thanks to the Commission and Chairman Yablonski for all of his efforts in showing appreciation for these students and their interest in conservation.

Mr. Todd Hallman addressed the Commission and presented the Wildlife and Resource Management Award to Mr. Jonathan Roberts.

Mr. Phil Walters addressed the Commission regarding bears and hunting.

Ms. Jeanne Jain addressed the Commission with concern about deer feeders and the attraction of that food for bears.

Mr. Chuck Echenique addressed the Commission requesting that staff look into the commercial license associated with the recreational alligator hunt by expanding commercial permits specifically for commercial use. He asked why there is no public hunting or fishing allowed at Fellsmere Farms.

Mr. Mike Elfenbein addressed the Commission with thanks to Executive Director Wiley and Chairman Yablonski for making him a better conservationist.

Mr. Lane Stephens addressed the Commission. He thanked Executive Director Wiley and Chairman Yablonski for their dedication to the State of Florida. He then provided an update on the success of the Florida Virtual School and the inclusion of an outdoor education course including hunting and boating safety for students. He then mentioned the possible creation of an outdoor recreation course pending support from the Florida Virtual School program.

Ms. Katrina Shadix addressed the Commission. She requested one-on-one meetings with Commissioners to discuss non-consumptive user groups. She requested the Commission send bear biologists from FWC to the National Bear conference.

Mr. Clay Mew addressed the Commission with thanks for adding lands for small game hunting with dogs as it helps reintroduce users to an activity that may have lost interest in years past.

Mr. John Ryan with Sarasota Bay Watch addressed the Commission regarding scallop restoration efforts in Sarasota Bay. He asked for assistance from FWC's scallop experts for new ideas on local restoration for this species.

Ms. Jennifer Leon addressed the Commission regarding captive wildlife issues. She requested the Commission consider restricting public access to wild tigers.

Ms. Nancy Holschuh addressed the Commission in opposition to bear hunts.

Mr. Bill George addressed the Commission.

Mr. Dixie Hollins addressed the Commission with thanks to the guest speakers for opening up the conversation on conservation and the future of Commissions. He requested the Commission work with the Legislature on insurance requirements associated with having youth hunts on private lands.

Mr. Bob Gaitanis addressed the Commission with thanks to Chairman Yablonski and Executive Director Wiley for their service to the State of Florida. He then stated that the number of lobster traps used in the Florida Keys is above the optimum number. He requested the Commission consider reintroducing a ten percent reduction program. He also asked for the cancellation of an exemption that allows commercial fishermen to fish recreationally without the required recreational licenses.

Chairman Yablonski requested Mr. Gaitanis outline exemption ideas in an email correspondence.

Mr. Eric Eikenberg with the Everglades Foundation addressed the Commission. He thanked Commissioner Bergeron for his ten years of service to the Commission.

### **Recess Wednesday's Portion of the Meeting**

Chairman Yablonski recessed the meeting at 5:56 p.m. to reconvene at 8:30 a.m., Thursday, December 7, 2017.

### **Thursday, December 7 Reconvene**

Chairman Yablonski reconvened the meeting at 8:39 a.m.

Chairman Yablonski introduced Representative Chuck Clemons.

Representative Clemons welcomed the Commission to Gainesville and thanked the Commissioners for their service to the people and visitors of Florida.

Executive Director Wiley welcomed Dr. Jack Payne, vice president of IFAS with the University of Florida.

Dr. Payne thanked the Commission for being in Gainesville this week and spoke of the wonderful partnership with FWC. He thanked Executive Director Wiley for working to improve the science behind wildlife and habitat conservation management.

Chairman Yablonski recognized Pasco County Commissioner Mike Wells.

### **Item Requiring Action – Bay Scallops**

Ms. Melissa Recks with the Division of Marine Fisheries Management presented a proposed draft rule for Bay Scallops. Staff recommended establishing regionally-specific modified season dates for portions of the bay scallop harvest area on a long-term basis. Staff also recommended modifying the 2018 bay scallop season for Gulf County and implementing a trial ten-day season for Pasco County in 2018.

### **Commission Discussion**

Commissioner Rivard thanked staff for working with all the different communities on making proposed changes to seasons based on what each area specifically wants for the benefit of that economy.

### **Public Comment**

The following individuals addressed the Commission on this agenda item:

Mr. Mike Wells, Pasco County Commissioner, addressed the Commission. He thanked the Commission and staff for the recommendation for a trial season in Pasco County for 2018. He noted support for staff recommendation.

Mr. Brad Kenyon addressed the Commission. He noted concern for his proximity to counties that are open to scalloping but the restriction for not being able to traverse the closed Pasco county waters and through the Anclote River with the scallops that were harvested in adjacent open waters. He requested some sort of system that would allow users to collect scallops and other species in areas open to harvest and then travel via boat the short distance to their homes located in closed areas.

Commissioner Rivard noted the concern for enforcement issues, but agreed that the concern is legitimate and would like staff to look into options for potentially allowing this.

Chairman Yablonski agreed that there may be options that staff can look into.

Commissioner Sole noted the importance of finding an innovative solution that will meet everyone's needs, including Law Enforcement.

Mr. Jeff Miller addressed the Commission with concern regarding changes to the open season dates for the Levy/Citrus/Hernando region being moved after July 4<sup>th</sup>.

Commission Action

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

**Staff Report – 2018 Red Snapper Season**

Ms. Martha Guyas with the Division of Marine Fisheries Management, along with Ms. McCawley, presented a staff report on the 2018 Red Snapper Season.

Commissioner Spottswood asked how long it would take for the U.S. Secretary of Commerce to approve the changes to stock status determination criteria.

Ms. Guyas responded that the amendment could be approved by the end of 2017.

Commissioner Spottswood asked how the lawsuit against NOAA Fisheries will affect the stock status amendment and the upcoming stock assessment.

Ms. Guyas responded that the lawsuit does not mention these two items and that it is unclear at this point how the lawsuit will affect these pending items.

Commissioner Rivard recapped that the pending stock status determination amendment may find red snapper not to be overfished, which would result in no paybacks. Additionally, the upcoming stock assessment will determine whether red snapper are still overfished (and thus a payback would be required).

Commissioner Sole asked Mr. Vielhauer if the U.S. Secretary of Commerce approves the new stock status determination criteria amendment would the lawsuit have any bearing on these new criteria.

Mr. Vielhauer responded that it is possible, but it depends on the judge's ruling. He noted that NOAA Fisheries filed a motion to dismiss the lawsuit since the season is over and the purpose of the lawsuit is now moot.

Commissioner Sole asked if the extension from the 20-fathom line out to 200 nautical miles changes the calculations for staff.

Ms. McCawley responded that since most red snapper harvest occurs within the 20-fathom line, the change does not significantly affect the number of days calculated which will remain at 24 days.

Chairman Yablonski asked if each state is submitting an Exempted Fishing Permit (EFP), and since each state will determine their own appropriate allocation, who determines the final allocation for each state.

Ms. McCawley noted that other states are submitting proposals based on different ways to calculate their allocations. It is likely that once all the EFPs are submitted, NOAA will do their own calculations and start conversations with each state about adjustments to their proposed allocations.

Executive Director Wiley commented that there needs to be a way for staff to coordinate with the Chairman and Executive Director if the decision needs to be made prior to the next Commission Meeting.

Commissioner Rivard asked if Florida would manage the for-hire/charter fisheries within the nine-mile boundary.

Ms. McCawley responded that Florida would manage for-hire operations that only have a state for-hire permit, but federally permitted for-hire holders are still managed under the Council process and not a part of this proposed EFP.

Commissioner Rivard asked for clarification on when private anglers and state for-hire/charters would be able to harvest red snapper.

Ms. McCawley responded that under this EFP, Florida would manage private anglers in both state and federal waters, but state for-hire/charters could only fish in state waters when the season was open.

Commissioner Spottswood asked if red snapper is determined to be overfished and there is a payback due to the 2017 overage, would this payback apply to the 2018 season or is it exempt in this EFP.

McCawley responded that this is a question for NOAA Fisheries and NOAA General Counsel, but believes that NOAA Fisheries thinks that this EFP is a way to provide a 2018 season. However, a lot of this is dependent on the outcome of the lawsuit. This EFP could be a mechanism to allow harvest even outside of the normal process.

Commissioner Spottswood asked how the EFP would affect red snapper harvest in the Gulf side of Monroe County in the Keys.

Ms. McCawley responded that the Gulf and Atlantic boundary is down U.S. 1, and the same current rules would apply to harvest in the Gulf.

Commissioner Sole asked if the change from 20 fathoms to 200 nautical miles would affect the decisions related to law enforcement or data sampling.

Ms. McCawley responded that we already have active dock-side samplers and law enforcement on the water in both state and federal waters, so this adjustment will not affect FWC's sampling and enforcement efforts.

#### Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. James and Ms. Patty Zurbrick addressed the Commission with thanks to Chairman Yablonski and Executive Director Wiley for their service. He then noted that this EFP is a way to move forward with this process and they want to see the recreational sector succeed. He suggested looking at the app that Alabama is currently using for data collection. He noted that there needs to be a substantial fine for breaking the red snapper regulations.

Ms. Kellie Ralston, representing ASA, addressed the Commission with thanks for being at the forefront of the red snapper management issue and working towards a resolution. She applauded FWC's cooperation with other Gulf states and NOAA Fisheries to bring a significant recreational red snapper season in the Gulf for 2017. She noted that there will not be one single action to solve this problem long-term, but it will involve multiple parts such as Magnuson-Stevens Act. She commented on actions associated with the reauthorization of the Magnuson-Stevens Act and noted that there is a willingness in Congress to look for solutions and in NOAA Fisheries to think outside of the box. She noted that ASA supports both staff recommendations, the development of Council amendments, and the state EFP proposal. She commented that ASA would like to see this EFP applied to the entire recreational sector in the future.

Mr. Jason Delacruz addressed the Commission with excitement of moving forward with this EFP proposal while still under the guide of the Magnuson-Stevens Act. He encouraged making recreational reporting mandatory, not voluntary, and this is an opportunity to help solve the problem of acquiring real recreational data.

Mr. Eric Brazer, deputy director of the Gulf of Mexico Reef Fish Shareholders Alliance, addressed the Commission. He thanked Executive Director Wiley and Chairman Yablonski for their service and welcomed the new Commissioners. He added support for the EFP process and looks forward to seeing the details of the EFP at the upcoming Council meeting. He noted that this is a great opportunity to for the state to explore regulating red snapper and a way to fix problems with the recreational sector like reporting mechanisms and dock-side validation programs.

Mr. Garrett LeBlanc addressed the Commission in support of the EFP process stating that this will be an opportunity to count recreational harvest and implement other programs to improve the fishery.

Mr. Billy Archer addressed the Commission in support of the EFP process for private anglers. He requested that the Commission not support the H.R. 1382 and H.R. 3588 as they currently stand because both are bad for his business. As for the Council amendment, he is very supportive of full delegation. He also gave thanks to Executive Director Wiley and Chairman Yablonski for their service and support.

Mr. Shane Cantrell, executive director of the Charter Fisherman's Association, addressed the Commission in support of the EFP. He also shared two reporting apps, iSnapper and iAngler, that he thinks would be beneficial for FWC to implement. He asked that FWC closely monitor the state for-hire/charter boats as many will go into federal waters across the Gulf. He also thanked Executive Director Wiley and Chairman Yablonski for their service and welcomed the new Commissioners.

Commissioner Sole asked Mr. Cantrell to elaborate on the reporting app.

Mr. Cantrell responded that iSnapper was developed by the Harte Research Institute originally for charter boats, but has been adapted for private recreational anglers. He noted that FWC should look into Alabama's Snapper Check and Mississippi's Scales and Tales.

Mr. Trip Aukeman, representing CCA Florida, addressed the Commission with thanks to Executive Director Wiley and Chairman Yablonski for their service. He noted CCA's thanks for the 2017 season and gave CCA's support for Florida's EFP. He also requested the Commissioners keep an open mind in regard to the upcoming legislation. He noted that CCA is very supportive of requiring descending devices. He also mentioned that he would be in favor of a mandatory reporting app.

Mr. Ritchie Landry, commercial fisherman from Steinhatchee, Florida, addressed the Commission in support of the EFP process. He thinks a reporting and validation system is critical. He noted that better data will lead to a more successful recreational fishery.

Mr. James Clements addressed the Commission in support of the EFP. He noted that the commercial individual fishing quota program is successful and he hopes that the EFP will help the recreational fishery. He applauded the Commission for working with the Gulf Council and working within the Magnuson-Stevens Act.

Mr. Gary Jarvis, president of the Destin Charter Boat Association, addressed the Commission in support of the proposed EFP. He applauded the Commission for considering other ways to manage the recreational fishery in this aspect. He hopes for continued support and collaboration in working with the state and federal for-hire/charter captains. He stated that he does not want state management for the federal for-hire sector, but looks forward to seeing how it plays out for the private recreational sector. He also thanked Executive Director Wiley and Chairman Yablonski for their time and service.

#### Commission Discussion

Commissioner Spottswood asked if we can add other items to the toolbox. He then asked about multi-year Annual Catch Limits (ACL), whether we could set it year by year or for a collective period. He asked if there was stakeholder feedback on the multi-year ACLs. Then he asked if we have ideas on how to get better data and if there are any suggestions to help improve the stock assessment process as part of this proposal.

Ms. Guyas noted that this is a great start and gives us a good deal of flexibility. If there are other items identified in the future, there is a potential for adding those items to the list while in the Council process. She responded that the ACLs could be set for a collective period with some targets built in and this would give the Commission flexibility if there is an overage one year. The stakeholders in the recreational fishery are open to thinking outside the box to try to solve these problems.

Mr. McRae responded that data collection is currently on a good track and they are very happy with how the Gulf Reef Fish Survey is performing, and eventually would like to see this program expanded statewide. He noted that something may come of the \$10 million independent research project that FWRI is currently assisting a team of independent researchers with throughout the Gulf. He noted that they will continue to explore the validity of the smartphone app and whether it will be voluntary or mandatory.

Commissioner Rivard noted the need to look at new technologies available for data collection; accountability is key to improving the recreational fishery long-term. He noted encouragement seeing the stakeholder support of this moving forward, but that we should be cautiously optimistic because of all of the moving pieces as this process progresses.

Commissioner Sole echoed Commissioner Rivard's comments.

Commissioner Yablonski noted that we seem to be moving in the right direction with a good toolbox to continue to develop this EFP. He also noted that some of these decisions may need to be made in between Commission meetings and suggested establishing a delegation authority to the Executive Director in consultation with the Chairman.

#### Commission Action

Upon a motion by Commissioner Sole, seconded by Commissioner Hanas and carried, the Commission approved staff submitting the proposal and working in consultation with the Chairman and Executive Director on any additional changes as needed prior to the next Commission Meeting, in addition to submitting a letter for a list of items that Florida would like to be delegated as part of the Council's state management amendment.

Executive Director Wiley noted that staff will make every effort to bring forward decisions to upcoming Commission meetings and to be transparent with stakeholders as this proposal move forwards.

Executive Director Wiley noted that it was National Pearl Harbor Remembrance Day. He requested a moment of silence for those who lost their lives on that day.

#### **Gulf of Mexico Fishery Management Council (GMFMC) Report**

Ms. Guyas with the Division of Marine Fisheries Management presented a report on actions from the GMFMC's October 2017 meeting.

#### Public Comment

The following individuals addressed the Commission on this agenda item:

Ms. Kellie Ralston addressed the Commission with a highlight on education for descending devices. ASA would support making these mandatory at a future time, both in the Gulf and South Atlantic.

Mr. Jason Delacruz addressed the Commission regarding an idea of moving to a weight method of measuring bag limits rather than basing it on a set number of fish. He stated that this method would help reduce dead discards. He requested a 500-pound commercial trip limit for greater amberjack to help prevent early closures.

Mr. James Zurbrick addressed the Commission in support of making descending devices mandatory for recreational fishermen. He requested that the Council and FWC work on reviewing the data on coral protection and management to make sure that these areas are correct before moving forward with closures. He also noted that he supports a 500-pound commercial trip limit for greater amberjack.

Mr. Eric Brazer, representing the Reef Fish Shareholders Alliance, addressed the Commission with a commitment to work with staff on the coral protections. He noted that it is very important to protect historical commercial fishing access and he believes we can do this without jeopardizing corals.

Mr. Garrett LaBlanc addressed the Commission regarding decisions on closures for the coral protection be made with the appropriate science.

Mr. Shane Cantrell addressed the Commission with concern that some federal legislation jeopardizes the ability to make decisions on the Gulf Council level, so it is important to keep this in mind moving forward. He noted that we need to find a balance to protect corals without jeopardizing historical commercial fishing access. He gave his support for the use of descending devices in the recreational fishery.

Mr. Gary Jarvis addressed the Commission regarding deep-water fishing over the corals off the Gulf Coast. He requested the Commission take a look at the efforts which have shifted to the deep-water fishing and the resources that are being harvested from those waters. He noted that the for-hire guides are working to come up with ideas on how to utilize descending devices or venting tools with the number of individuals who are on board these hired trips.

### **South Atlantic Fishery Management Council (SAFMC) Report**

Ms. McCawley presented a report on actions and discussions from the SAFMC's September 2017 meeting and noted the discussions currently taking place at the meeting which is ongoing at this same time in Atlantic Beach, NC.

Chairman Yablonski thanked FWRI and Mr. McRae for all the work that was done to provide data to the Council which would allow them to move forward with a short season for Atlantic Red Snapper.

### **Public Comment**

The following individuals addressed the Commission on this agenda item:

Ms. Kellie Ralston addressed the Commission with appreciation for the Council and NOAA Fisheries in approving a short Atlantic Red Snapper season, as well as the upcoming 2018 season. There was a large effort to help recreational fishermen understand the importance of reporting their catch, even though it was voluntary, and using best fishing practices. She thanked FWC and FWRI staff for helping to make this season possible. She opposed limited entry for snapper-grouper in the for-hire sector in the South Atlantic. She noted that there are other ways to address some of the perceived issues with reporting and compliance without limiting access to the fishery.

Mr. Trip Aukeman addressed the Commission in support of the comments of the previous speaker.

Mr. Brett Fitzgerald, executive director of the Snook and Gamefish Foundation, addressed the Commission on the data collection program for red snapper in the South Atlantic. He noted that they developed this app after working with the South Atlantic Council. He described that the data coming in not only tells you about the fish itself, but gives you information about angler behavior. He noted that about 50% of the fish released used descending devices and this was mainly in deeper water. He thinks that the education is working and looks forward to working with FWC in the future.

Chairman Yablonski recognized County Commissioner Carl Zalak of Marion County and invited him to address the Commission.

Mr. Zalak highlighted some of the great projects that FWC is working on with local partners and municipalities in this area. He thanked FWC for their restoration efforts on Lake Orange. He also thanked the Commission for their efforts in youth outreach and education. Finally, he noted thanks to the Commission for the efforts associated with bear proof trash cans near the Ocala National Forest.

### **Items Requiring Action**

Ms. Recks presented a draft rule for permit. Staff recommended the Commission approve the proposed draft rule to add April to the existing May – July spawning season closure for permit inside the Special Permit Zone.

### **Public Comment**

The following individuals addressed the Commission on this agenda item:

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

Mr. Aaron Adams, Director of Science and Conservation for Bonefish and Tarpon Trust, addressed the Commission in support of the staff recommendation.

Mr. Jeff Miller, speaking on behalf of CCA Florida, addressed the Commission and stated that CCA does not oppose staff recommendation. Many CCA members that do fish for permit acknowledge that permit aggregate to spawn as early as March, and into April. However, due to lack of science/assessment demonstrating the longer closure is necessary, CCA withheld full support.

### **Commission Discussion**

Commissioner Spottswood thanked Bonefish and Tarpon Trust for their efforts to assist in gathering more data on this species.

### **Commission Action**

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

LUNCH

### **Final Rule – Gulf Cobia**

Ms. Recks presented details on a final rule for cobia in state waters of the Gulf of Mexico that will reduce the commercial daily trip limit to one cobia and will reduce the recreational and commercial vessel limit to two cobia. The draft rule proposal approved at the July Commission meeting also included a size limit increase, but based on feedback received since the draft rule hearing, staff recommend not moving forward with that portion of the proposal.

### **Public Comment**

The following individuals addressed the Commission on this agenda item:

Ms. Kellie Ralston with ASA addressed the Commission in support of staff recommendation and expressed appreciation for staff working to strike a balance allowing harvest while providing additional conservation measures.

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

### **Commission Action**

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

### **Federal Consistency – Gulf Greater Amberjack**

Ms. Guyas presented details on a Federal Consistency item for Gulf Greater Amberjack.

### **Commission Discussion**

Commissioner Spottswood asked if there is a possibility with the new fishing year starting in August that we could use up most of the quota in the fall and not have a May season.

Ms. Guyas responded that it is not likely based on current information. She explained that when the Council determined a season, they had the opportunity to choose a longer season. However, the Council decided to be more conservative in order to ensure a May season, knowing that it was very important to the Florida Panhandle.

#### Public Comment

The following individuals addressed the Commission on this agenda item:

Ms. Kellie Ralston addressed the Commission in support of staff recommendation and thanked Ms. Guyas for her hard work at the Council meeting to come up with a compromise between all of the stakeholders.

Mr. Shane Cantrell addressed the Commission in support of this proposal, noting the importance of the compromise included in staff recommendation. He noted that this compromise was very important to allow opportunities to stakeholders throughout the Gulf. He also gave his support for the cobia regulations.

Mr. Trip Aukeman addressed the Commission in support of staff proposal and thanked staff for their work on Council issues

Mr. Gary Jarvis addressed the Commission in support of staff recommendation. He noted that the spring and fall season will be great to the northern Panhandle, in addition to having gray triggerfish in the spring and red snapper in the summer. He also gave his support for the cobia regulations.

#### Commission Action

Upon a motion by Commissioner Hanas, seconded by Commissioner Rivard and carried, the Commission approved staff recommendation.

#### **Staff Report – Boating Enforcement Statistics**

Major Rob Rowe with the Division of Law Enforcement provided an update on boating enforcement statistics.

Executive Director Wiley commented that the reason behind this presentation is to provide additional information to the boating community on the efforts of FWC associated with the large boating industry in Florida.

Commissioner Sole commented that the increase in waterborne patrol hours is utilizing existing manpower, even considering it is three times the level that it was five years ago. He added that the officers have a wonderful attitude and perspective on when warnings are more appropriate compared to citations being issued depending on the specific situation and infractions that occur.

Commissioner Hanas asked how long the boating safety education course takes to complete.

Major Rowe responded that the course takes a minimum of eight hours to complete.

Commissioner Rood suggested adding CWA information to the boating safety education course.

Chairman Yablonski stated that adding CWA information to the course is an excellent idea. He also suggested adding the boater safety education icon to the Florida driver's license since there are already options to add icons for other types of licenses and educational endorsements.

Major Rowe noted that he would check on the implementation of adding the boating safety education icon to the driver's license because he believed it was already included in the next update.

#### **General Counsel Report**

Mr. Bud Vielhauer, general counsel, presented an update on legal issues related to the agency.

### **Future Agenda Items**

Mr. Sutton provided an update to the Commission on future agenda items.

Commissioner Rood asked for a staff report on impacts from Hurricane Irma on the St. Johns River.

Commissioner Sole asked for updates on non-consumptive use topics associated with the Commission. He also noted the need to keep an eye on land-based shark fishing and bringing that item forward to the Commission in the future.

Commissioner Rivard commented that the non-consumptive user groups are those that utilize the resources of Florida in a way other than hunting to broaden the perspective that may not always be shown of actions and activities that are already going on within the agency.

Chairman Yablonski agreed that highlighting some of the activities of the agency that do not necessarily require regulatory actions from Commission Meetings is a way to introduce more and different users to conservation. He also suggested that the meeting structure be open for change.

### **Commission Administrative Matters**

#### **Executive Director**

Chairman Yablonski opened the discussion by asking Mr. Vielhauer for guidance on the Executive Director selection process.

Mr. Vielhauer noted that the Commission has two options. If the Commission knows who they want in the position, they can discuss the candidate and then go to a vote. If the Commission is interested in taking applications for this position, they would need to select an interim Executive Director and work through the process of gathering applications.

Chairman Yablonski noted the need for continuity during this time with new appointments of Commissioners.

Commissioner Spottswood suggested that staff are always responsive. He stated that looking within the agency for a replacement is a smarter, more efficient process. He made a motion to select Mr. Eric Sutton as the new Executive Director.

Commissioner Rivard supported this motion as the second to select Mr. Sutton for this role. He noted the need for continuity within the agency and felt confident in this recommendation.

Commissioner Hanas noted FWC is a family and the ability to select from within the family is important. He noted full support for the recommendation.

Commissioner Sole noted he had the ability to meet and work with Mr. Sutton previously and he has always been impressed with the work ethic and confidence to complete a job.

Commissioner Rood added support for the recommendation.

Chairman Yablonski asked Mr. Sutton if he would be interested in the position.

Mr. Sutton responded that he would be honored to be selected for this position.

Chairman Yablonski commented that the ability and knowledge of Mr. Sutton makes him extremely qualified for the position and he has the support of leadership and staff throughout the Commission. Finally, he noted that Mr. Sutton has the correct temperament for handling all the duties associated with the job of Executive Director.

Chairman Yablonski asked that the motion include a starting date of December 8, 2018, at the salary of the current Executive Director.

Chairman Yablonski introduced a special guest, Mr. Theodore Roosevelt.

#### Elections

Commissioner Sole made a motion for Commissioner Rivard to be the new Chairman and Commissioner Spottswood to be the new Vice Chairman.

Commissioner Hanas seconded the motion.

Chairman Yablonski supported the motion.

#### **Commissioner and Executive Director Exchange**

Chairman Yablonski opened the floor for Commissioner Exchange.

Commissioner Spottswood thanked the Commission for the motion to be the new Vice Chairman. He thanked Chairman Yablonski and Executive Director Wiley for their great attitudes and significant effort in their roles that made them wonderful leaders. He thanked Assistant Executive Director Sutton for his hard work and dedication to the agency.

Commissioner Sole added his appreciation for Chairman Yablonski and Executive Director Wiley for the work that he has seen over the past few months. He commented on his excitement to serve on this Commission with all the other Commissioners. He noted the importance of the depth and breadth of the topics which FWC are responsible for managing.

Commissioner Rood noted how great the FWC team is and how it motivates her to begin her appointment to the Commission.

Commissioner Hanas noted how blessed he was to be appointed to this Commission and his appreciation for staff, especially the Regional Directors, for making sure that everything is taken care of. He congratulated Mr. Sutton and Commissioners Rivard and Spottswood on their new positions with the Commission. He thanked Chairman Yablonski and Executive Director Wiley for their service to the agency.

Commissioner Rivard thanked the other Commissioners for the opportunity to step up into some pretty big shoes as the new Chairman. He thanked Governor Scott for the appointments of all the Commissioners.

Chairman Yablonski thanked the hotel staff, University of Florida President and staff, special guests Steve Williams and Collin O'Mara, staff who manned the table with the tegu, the Florida Channel, and all FWC staff who work to make these meetings run smoothly. He then read a note from the National Park Service and Pedro Ramos recognizing the efforts of Executive Director Wiley over the last eight years.

Executive Director Wiley thanked the Commission for the honor of representing the staff and agency as the Executive Director for the last eight years. He noted the excitement of the new leadership of the Commission.

Chairman Yablonski noted his memories of past Commissioners he had the opportunity to serve with. He noted the professionalism of the staff who make the Commissioners look great with the decisions that are made. He has taken his time over the last 14 years to learn more and more about the Commission. He stated that the votes on the Commission are not personal. It is okay to vote against something that you may feel is not the best approach to a topic. He noted the strength in gathering all those involved in conservation together to work on compromises and solutions.

**Commission Administrative Matters**

The next regularly scheduled Commission meeting is set for February 7– 8, 2018, in Tallahassee, commencing at 8:30 am each day.

**Adjournment**

Chairman Yablonski adjourned the meeting at 3:17 p.m.

---

Adrien “Bo” Rivard  
Chairman

---

Eric Sutton  
Executive Director

Respectfully submitted:

---

Lisa Zullo  
Commission Assistant

DRAFT