



# Florida Fish and Wildlife Conservation Commission

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Commission Meeting  
July 10 – 11, 2017  
Orlando, FL  
Minutes

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

The Florida Fish and Wildlife Conservation Commission (FWC) held its regular meeting July 10 – 11, 2017, at the Orange County Convention Center located at 9800 International Drive, Orlando. Chairman Brian Yablonski called the meeting to order with the following members in attendance:

Ronald Bergeron, Fort Lauderdale  
Michael Sole, Tequesta  
Richard Hanas, Oviedo

Aliese Priddy, Immokalee  
Robert Spottswood, Key West

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
Steve Shea	Director, Northwest Region
Shannon Wright	Director, Northeast Region
Chris Wynn	Director, North Central Region
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
Lt. Colonel Brian Smith	Division of Law Enforcement
James Erskine	Office of Strategic Initiatives
Melissa Recks	Division of Marine Fisheries Management
Martha Guyas	Division of Marine Fisheries Management
Brian McManus	Division of Marine Fisheries
Krista Shipley	Division of Marine Fisheries
Rae Waddell	Office of Strategic Initiatives
Bill Cline	Division of Hunting and Game Management

There were 63 individuals registered to speak to the Commission during the two-day meeting.

### **Meeting Opening**

Chairman Yablonski called the July 10 – 11, 2017, meeting to order at 8:38 a.m.

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

Ms. Diane Eggeman, Director of the Division of Hunting and Game Management, gave the invocation, followed by the Pledge of Allegiance led by Commissioner Hanas.

### **Special Announcement**

Chairman Yablonski welcomed Commissioner Sole to his first in-person Commission Meeting. He then noted some fun facts about the Orlando area and introduced Ms. Cheryl Grieb, Osceola County Commissioner, and Mr. Mike Steigerwald, Kissimmee City Manager, to say a few words of welcome.

Ms. Grieb thanked the Commission for the partnership efforts with Osceola County and highlighted a few projects that show this great work. She also invited everyone to the Great Outdoors Day event being held in St. Cloud.

Mr. Steigerwald thanked the Commission and welcomed everyone to the area. He echoed the comments from Ms. Grieb regarding the great partnership efforts from FWC staff in Central Florida.

### **Adoption of Minutes**

Upon a motion by Commissioner Spottswood, seconded by Commissioner Bergeron and carried, the April 2017 and June 2017 minutes were approved as written.

### **Adoption of Meeting Agenda**

Upon a motion by Commissioner Sole, seconded by Vice Chairman Priddy and carried, the July 2017 Meeting agenda was approved with an amendment moving high water issues from the Executive Director's Report on day two to being heard first on day one.

### **Approval of Consent Agenda**

Upon a motion by Commissioner Hanas, seconded by Commissioner Sole and carried, the July 2017 Consent Agenda items were approved including the Notice of Change for item #2 and postponing item #3, Technical Changes Relating to Live Sale of Alligators, until the September meeting.

### **Executive Director Report regarding High Water issues**

Chairman Yablonski asked Executive Director Wiley to provide an updated on high water issues in the Everglades.

Executive Director Wiley commented that over the last few years there have been a lot of high water events in the Everglades and these events cause a lot of problems for fish and wildlife. He commented that it is good that wildlife issues are front and center because of the Commission's efforts and the partnering agency efforts. He thanked all the state and federal partners who support the efforts associated with attempting to manage this issue.

Commissioner Bergeron summarized the rainfall events of June 2017 and noted that on the first day of the rainy season that the water levels were already at record setting levels. The Commissioner spoke positively about the cooperative efforts of the state and federal agencies, the engagement of US Army Corps leadership, and FWC staff efforts. He commented that the safety and welfare of the public is a first priority and we must also work to protect Florida's wildlife.

Chairman Yablonski introduced Mr. James Erskine, Everglades Coordinator, and asked him to provide additional information on this topic.

Mr. Erskine provided a high-level summary of the agency's actions and outlined some of the actions that have taken place to activate an emergency deviation of the federal water control plan. Including action in coordination

with both state and federal partners to help alleviate the high-water conditions and reduce impacts to fish and wildlife from the high-water event. He provided an update on the current status of the Everglades Complex Wildlife Management Area (ECWMA) and noted that conditions are improving but remain serious.

Commissioner Sole asked for Mr. Erskine to address some of the ecological issues that staff are seeing in the area impacted by the high-water events.

Mr. Erskine responded that staff observed an immediate wildlife response to the sudden and dramatic rise in water levels, and that wildlife respond by moving to high ground and levees. Staff are noticing standing water in many areas including tree islands which has a major impact on wildlife and their habitat.

Executive Director Wiley added that water flow management is important to the entire ecosystem; in the past there used to be slow increases and decreases in water levels, but these rapid changes in water levels stress the entire ecosystem. These extremely quick adjustments in the water levels from the high-water events have an extreme effect on all habitat and wildlife.

Commissioner Bergeron noted that things are currently in damage control mode to help protect the native and endangered species that live in the Everglades. He noted that the most critical thing to be emphasized is to accelerate Mod-Waters to get the proper timing and distribution of water, and that the modification of the S-333 needs to be scheduled when the 2.6 mile bridge is scheduled to be finished. He applauded all the partners involved in this effort again for pursuing every available option to reduce the impact.

Commissioner Spottswood thanked FWC staff and Commissioner Bergeron because this issue is really important to the Florida Keys due to the lifeline provided to the species in that area from the flow of water from the Everglades. He noted that the timeframe for better answers to these issues needs to move a lot faster than the projected 10 to 15 years. Resources in the Keys are starved for fresh water and we have to get things moving quicker.

### **Special Recognition**

Ms. Jessica McCawley, Director of the Division of Marine Fisheries Management, noted some positive news about an FWC staff member, Mr. Rich Abrams, who was in an accident one year ago and has made significant progress in his recovery including coming back to work full-time. Mr. Abrams was in attendance at the meeting.

### **Staff Report**

#### **Federal Fisheries Congressional Update**

Ms. McCawley along with Mr. Brian McManus, FWC Legislative Specialist, presented an update on Federal legislative items relating to fish and wildlife, as well as the extended 2017 Gulf red snapper federal season. Staff sought Commission direction on whether to support legislation extending state management authority for Gulf red snapper into federal waters based on water depth.

#### **Commissioner Discussion**

Executive Director Wiley commented that discussions and decisions on changing the 2017 state season to achieve a longer federal season for Gulf red snapper moved fast. Staff attempted to work with all constituents, but the last-minute change to the state season created impacts for the state-permitted for-hire captains. He apologized for perhaps not covering that group's concerns well enough. He noted staff has since reached out to the state-permitted charter fleet and pledged to work more closely with them in the future. He also noted that, overall, the extended federal season was a benefit to recreational anglers in Florida.

Chairman Yablonski stated that the agreement to extend the 2017 Gulf red snapper federal season generated the greatest amount of good for the greatest number of Floridians.

Commissioner Sole commented that Executive Director Wiley and staff worked diligently to provide the best opportunity with the state Gulf red snapper season. He acknowledged tradeoffs were necessary because the discussions were complicated. He affirmed Florida got the best deal possible and thanked everyone for their efforts.

Executive Director Wiley commented the concept of working through the council process for regional management of the Gulf red snapper private recreational fishery has merit. He said FWC would explore that option and work with the other states. He noted that the biggest challenge would be state-by-state quota allocations which could result in Florida receiving less quota than the state is currently harvesting.

Chairman Yablonski asked about the status of the National Park Service Director position.

Mr. McManus responded the position remains vacant.

Chairman Yablonski asked Executive Director Wiley to provide clarification on the Gulf red snapper depth management concept for allowing states to manage the private recreational fishery in federal waters.

Executive Director Wiley noted the bill has not been filed; however, the concept has promise. He acknowledged there would be tradeoffs, but the private recreational sector would likely benefit. He stated the concept is an elegant solution to avoid creating state-by-state quotas. It would not affect commercial and for-hire sectors, and the state could manage the private recreational sector using its tried and true methods. He noted that if FWC is asked to support the legislation that he would consult with the Chairman and the Commission.

Commissioner Sole asked if the agency had the necessary resources to take on expanded responsibility under the depth management concept.

Executive Director Wiley responded that staff has explored FWC's ability to support the proposed concept and other concepts that would expand the agency's responsibility even more. He noted the perfect outcome for this concept would be for the state to manage the private recreational fishery while maintaining a partnership with the federal agencies and federal funding for stock assessments and research.

Chairman Yablonski commented that it is important to avoid dividing red snapper quota among states.

Commissioner Spottswood asked about potential issues for state-permitted for-hire vessels if only the private recreational anglers would be allowed to fish out to 25 miles.

Ms. McCawley responded that this question has been posed to the bill sponsors and there may be changes to the bill addressing this concern. She stated that due to the conditions of the federal for-hire permit, for-hire vessels without federal permits cannot operate beyond nine miles.

Executive Director Wiley noted staff will work with state-permitted for-hire operators to coordinate the best option moving forward. Relating to the bill in general, he noted that a key component is that Congress would set the maximum season length for state and federal waters. This would require the Commissioners to give up part of their authority in return for a longer federal season and the ability to manage the private recreational fishery out to 25 miles.

Commissioner Spottswood asked for confirmation that the proposed depth management concept would require the state to still manage the private recreational fishery under the quota system.

Ms. McCawley confirmed this was correct, but noted that the bill drafters were still working on this part of the bill.

Commissioner Priddy asked why the depth management concept had to be part of federal legislation instead part of the council process.

Ms. McCawley responded that the GMFMC is bound by the requirements of the Magnuson-Stevens Act. To allow flexibility for management of the recreational fishery, such as managing by a metric other than quotas, changes via federal legislation are required. The depth management concept legislation would ultimately give greater flexibility.

Chairman Yablonski noted H.R. 2560, proposed legislation incentivizing removal of lionfish, is an expansion of the concept developed by the Commission.

Commissioner Sole asked about whether FWC would be eligible for the grants to combat lionfish associated with H.R. 943.

Mr. McManus responded that FWC would be eligible for some of the grants.

Executive Director Wiley commented that H.R. 2591 would provide greater flexibility to how the agency could use funds generated by the Pittman-Robertson Act to recruit, retain, and reactivate hunters and target shooters.

Commissioner Bergeron asked for an update on the proposed closure in Biscayne National Park. He noted the agency and Florida's U.S. Senators oppose the closure.

Ms. McCawley responded that the new superintendent for Biscayne National Park, Margaret Goodro, has agreed to work with FWC to develop a science plan for fishery management and other parts of the general management plan. She stated staff would provide the Commissioners an update in late 2017 or early 2018, and that Superintendent Goodro confirmed the closure is on hold until the other items move forward.

Chairman Yablonski asked to invite Superintendent Goodro to a future Commission meeting. He also asked which federal legislation is likely to be passed into law.

Mr. McManus responded that H.R. 200 has the most potential to move forward quickly and the Sportsmen's Package, which is now part of the Senate energy bill, is most likely to move forward.

Commissioner Spottswood asked for additional clarification about the proposed bills banning shark fin trade.

Ms. McCawley responded that shark finning is already prohibited in state and federal waters. The bills would go beyond that and ban the possession, sale, and trade of shark fins from legally harvested fish; only fillets could be sold.

Executive Director Wiley thanked Mr. McManus for his work in Washington, D.C., and highlighted the value he brings to the agency.

Chairman Yablonski encouraged other Commissioners to coordinate with Mr. McManus if they would like to make a trip to Washington, D.C., and meet with delegates on behalf of the agency.

#### Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Rusty Hudson with Directed Sustainable Fisheries, Inc. (DSF) addressed the Commission to oppose H.R. 793, S. 1456, and H.R. 2463 (Shark Sales Elimination Act). He noted DSF supported the Florida legislation increasing penalties for shark finning.

Dr. Robert Hueter, Director of shark research at Mote Marine Laboratory, addressed the Commission to oppose H.R. 793 and S. 1456.

Ms. Lora Snyder with Oceana addressed the Commission in support of H.R. 793 and S. 1456. She noted that many Florida Congressional representatives are co-sponsors of the federal bills.

Mr. Gary Jennings with American Sportfishing Association (ASA) addressed the Commission in support of H.R. 200 and the Sportsmen's Act.

Ms. Sherylanne McCoy with Cape Canaveral Shrimp Company addressed the Commission in support of staff's recommendation to oppose H.R. 793 and S. 1456.

Mr. Eric Brazer, Deputy Director of the Gulf of Mexico Reef Fish Shareholder's Alliance addressed the Commission in support of H.R. 2079 and S. 1323.

Mr. Joshua McCoy with Cape Canaveral Shrimp Company thanked the Commission for opposing H.R. 793 and S. 1456.

Ms. Pam Anderson with Captain Anderson's Marina and the fishery representative on the Bay County Chamber of Commerce addressed the Commission with thanks for working to extend the 2017 Gulf red snapper federal season. She asked the Commission to monitor how appropriations for improving stock assessments are spent and to be precautionary about the depth management bill. She expressed support for H.R. 200 and H.R. 2023.

Commissioner Sole asked if Ms. Anderson supported regional management for Gulf red snapper or the depth management concept.

Ms. Anderson responded that she supports them in concept, but cautioned that there would be enforcement concerns.

Mr. Jeff Miller with Coastal Conservation Association Florida (CCA FL) addressed the Commission with thanks for the extended 2017 Gulf red snapper federal season. He requested pursuit of changes to the Magnuson-Stevens Act for improvement of recreational fisheries management.

Mr. Chris Phillips with Hot Spots Charters addressed the Commission about the 2017 Gulf red snapper season. He stated that he believes his business represents 30-50% of the for-hire trips targeting reef fish in state waters off of Pensacola. He commented the number of state-permitted for-hire vessels targeting reef fish inshore is misperceived as being bigger than it is. He noted the trade of state days for federal days, while inconvenient, did not cause much loss of business.

Chairman Yablonski asked Mr. Phillips if his business was mainly state or out-of-state customers.

Mr. Phillips responded that most of his business comes from out-of-state visitors to Florida.

Commissioner Spottswood asked Mr. Phillips if he possessed both state and federal permits.

Mr. Phillips responded that only one of his vessels has a federal permit.

Mr. Jerry Sansom, Executive Director of Organized Fishermen of Florida, addressed the Commission to oppose H.R. 793 and S. 1456. He asked the Commission to be cautious about entering into regional management agreements for Gulf red snapper.

#### Commission Discussion

Chairman Yablonski commented that direction on the depth management concept has been provided to staff. They will monitor the legislation as it develops and keep the Commissioners' concerns in mind.

Commissioner Spottswood asked for clarification about the bill providing additional funds for stock assessment and how the funds will be distributed. He noted that it is in the agency's interest to ensure the new, independent stock assessment is conducted in an objective way so as to change to how it was done in the past.

Mr. McManus responded that NOAA Fisheries is required to provide a report to the Appropriations Committee on how they will spend the funds. He stated that the Appropriations Committee has not yet received this report.

Ms. McCawley responded that NOAA Fisheries issued a request for proposals for stock assessment appropriation funds last year and FWC and the Fish and Wildlife Research Institute (FWRI) participated in reviewing those proposals. She commented that it worked well last year and it will likely work that way again.

Executive Director Wiley acknowledged Commissioner Spottswood's point and directed staff to be more proactive in shaping how these funds are spent. He asked Ms. McCawley and Mr. Gil McRae, Director of FWRI, for assistance in coordinating with NOAA as they formulate their plan for these funds.

Commissioner Bergeron noted Florida has set the standard for management of shark fisheries and prohibiting shark finning. He expressed concern that prohibiting the sale of legally harvested shark fins is a waste of the resource. He thanked Executive Director Wiley and staff for the additional red snapper fishing opportunity.

Chairman Yablonski commented that shark finning is an awful practice that is and should be outlawed. He noted a preference for a species-by-species, science-based approach to shark fisheries management.

Commissioner Spottswood agreed with Commissioner Bergeron's and Chairman Yablonski's statements on the shark fin ban. He questioned why the U.S. allows importation of shark fins from places that allow shark finning. He asked about FWC prohibiting the importation and sale of shark fins.

Executive Director Wiley noted that the authority for dealing with imports is at the federal level, but that it is something the agency could and should advocate for. He asked staff to research this issue.

Ms. McCawley agreed staff would look into this and commented that combating illegal, unreported, and unregulated fishing is a NOAA priority and that Congress recently passed federal legislation regarding monitoring seafood imports.

Commissioner Sole added that the shark fishery is managed appropriately here in Florida and nationally. He stated that appropriate path would be to address imports at the federal level.

### **Item Requiring Action**

#### **Draft Rule – Tripletail and Sheepshead**

Ms. Krista Shipley with the Division of Marine Fisheries Management presented details on a proposed draft rule for tripletail and sheepshead. Staff recommended that the Commission reduce the recreational bag limit for sheepshead from 15 to five, create commercial daily trip limit of 200 sheepshead May – February and 50 during March and April, and create a 50-fish vessel limit for both recreational and commercial sheepshead harvesters during peak spawning months of March and April. Staff also recommended increasing the minimum size limit for tripletail from 15 to 18 inches total length, reducing the tripletail commercial trip limit to one, and extending FWC regulations for both sheepshead and tripletail into federal waters.

#### **Commission Discussion**

Commissioner Sole asked about regulations from state waters being extended into federal waters.

Chairman Yablonski also asked about regulations in state waters into federal waters and how that action works.

Ms. McCawley responded that under the Magnuson-Stevens Act, if there are no regulations in federal waters for a species, a state can extend their regulations into federal waters with notification to the appropriate council. She

noted that we have communicated with the councils and they have indicated no intention to regulate these species in federal waters.

Vice Chairman Priddy asked about the proposed sheepshead regulations during the peak spawning season and the necessity of including both a commercial trip and vessel limit.

Ms. Melissa Recks responded that the trip limit is specific to a harvester and the vessel limit applies to a vessel regardless of how many harvesters are on board. She also noted that both were necessary in order to have the same regulations apply to both shore and vessel-based harvesters.

Commissioner Sole asked where the number five came from for staff's recommended bag limit change for sheepshead.

Ms. Shipley responded that simplifying regulations by having the same bag limit for multiple species has been requested by stakeholders and that this number was the most supported bag limit option by stakeholders.

Commissioner Bergeron asked if this proposal is based on stakeholder request or if there are issues related to a stock assessment.

Ms. Shipley responded that stakeholders have brought forward concerns for this fishery but the 2017 FWRI sheepshead stock assessment was positive.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Gary Jennings addressed the Commission in support of staff recommendation on tripletail, sheepshead, and the next agenda item, Cobia.

Mr. Butch Olsen with Port Salerno Commercial Fishing Dock Authority (PSCFDA) addressed the Commission with concern that outreach to him and other stakeholders in his group was not done in an appropriate or timely manner, and that the proposed regulations for the commercial sheepshead fishery are drastic, especially considering the stock assessment is good. He requested better coordination between senior staff and commercial fishermen.

Mr. Steve English with PSCFDA addressed the Commission in support of the comments from the previous speaker, Mr. Olsen. He noted that the sheepshead commercial fishery has been stable since the mid-1990s and that the spawning biomass has been steadily increasing since the mid-1990s. He stated this is one of the most effective recoveries in fisheries he has ever seen. He requested the Commission not support the proposed draft rule which would unnecessarily take fish away from commercial and recreational anglers.

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

Mr. Mark Coarsey with Fishing for Freedom of Manatee County addressed the Commission in opposition to staff's recommendation related to the commercial sheepshead fishery. Sheepshead is an important fishery in their area for commercial harvesters, fish houses, and restaurants.

Mr. Chris Phillips with Hot Spots Charters addressed the Commission in support of leaving the commercial sheepshead regulations alone but stated that the proposed recreational sheepshead regulations are needed in his particular area of the state. He suggested that the vessel limit of 50 sheepshead during the spawning months is too high.

Mr. Clay White with Hot Spots Charters addressed the Commission in support of staff recommendation.

Mr. Jerry Sansom addressed the Commission in opposition to the changes in the commercial fishery related to sheepshead and tripletail. The commercial fishery has been relatively stable at lower than historic harvest levels since it became predominantly hook and line. He supports staff working with the commercial industry to fine tune the regulations. He commented that the tripletail draft rule proposal disproportionately effects the commercial industry when the majority of the harvest comes from recreational fishermen. He opposes any additional regulations for the commercial tripletail fishery and requested workshops.

#### Commission Discussion

Executive Director Wiley reminded Commissioners that this issue was brought to the Commission based on stakeholder concerns expressed at previous Commission Meetings.

Chairman Yablonski suggested that one idea is to approve the recreational recommendations but to remove the commercial limits from the draft rule.

Vice Chairman Priddy asked about addressing concerns of one area of the state on the recreational side with sheepshead and whether it meets the criteria for needing such a large bag limit reduction statewide. She suggested bringing this back.

Ms. McCawley responded that staff has an option of bringing back another draft rule once additional information is gathered.

Commissioner Sole applauded staff for their outreach on this item and asked about the timing issue of delaying this item. Is there any reason that the time delay would impact the fishermen who harvest this species?

Ms. McCawley noted that the requests from stakeholders in the Panhandle would still allow for regulations to potentially be in place prior to the 2018 sheepshead spawning season.

Chairman Yablonski noted that even if the draft rule was not until December, the final rule could be in February, which is still before the March and April spawning season.

Commissioner Spottswood asked if the draft rule could move forward with only the recreational section and remove the commercial sector from the proposal.

Ms. McCawley noted staff can move forward with bringing a final rule on the recreational changes to September along with an update of the additional feedback on the commercial fishery if that is the path that the Commission would like to take.

Commissioner Hanas asked if it would be better to just step back on the whole recommendation and come back with another draft rule for both recreational and commercial at the September meeting.

Commissioner Sole suggested going back to stakeholders and gathering more details and coming back in September with another proposed draft rule.

Commissioner Priddy noted concern for reduction to five fish per person on the recreational side.

Commissioner Bergeron agreed that additional coordination with stakeholders is necessary on both the commercial and recreational side of this fishery since this is a stakeholder driven topic.

#### Commission Action

Upon a motion by Commissioner Sole, seconded by Commissioner Hanas and carried, the Commission delayed a draft rule for sheepshead and tripletail until September after additional stakeholder coordination.

#### Draft Rule – Cobia

Ms. Melissa Recks with the Division of Marine Fisheries Management presented a proposed draft rule for Cobia in the Gulf of Mexico that would increase the minimum size limit from 33 to 38 inches fork length, reduce the commercial daily trip limit to one, and reduce the recreational and commercial daily limit to two cobia.

Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Trip Aukeman addressed the Commission in opposition to any closure for this species. He added support for staff recommendation.

Mr. Chris Phillips addressed the Commission in support of staff recommendation and noted he supports a closure.

Mr. Clay White addressed the Commission in support of staff recommendation especially for the 38-inch minimum length.

Commission Action

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

**Staff Reports**

Legislative and Budget Update

Ms. Jessica Crawford, Legislative Affairs Director, presented an update from the 2017 Legislative Session.

Chairman Yablonski thanked Ms. Crawford and staff for a productive Legislative Session on behalf of FWC.

Vice Chairman Priddy asked about potential for proposing increased penalties for some of the iconic species determined by the agency to help deter negative interactions with these species.

Executive Director Wiley responded that Ms. Crawford will coordinate with staff on the agency advisory committee and respond to Vice Chairman Priddy once this is discussed.

Mr. Eric Sutton, Assistant Executive Director, presented the budget portion of this presentation.

Commissioner Sole, budget liaison for the Commission, noted that one of his questions to staff was if the agency was able to conduct the mission based on the funds from the trust funds that may have specific guidelines on where and how the money can be spent. He was glad that the agency feels like things are sustainable for the most part based on funding from the trust funds.

Executive Director Wiley commented that agencies should be run as efficiently as a business so the discussion on this topic is relevant to that.

Public Comment

The following individuals addressed the Commission on this agenda item:

Ms. Bonnie Basham addressed the Commission with thanks to the Commission and staff for the success in the derelict vessel bill and the anchoring bill passed.

Mr. Jerry Sansom addressed the Commission with thanks to staff for the efforts this session. He then commented on the reduction exercise and using the trap reduction money as an option for this and requested that not be included this year. Finally, he requested the Commission ask for more money related to derelict vessels. He requested working with counties to waive fees for dumping boats at the waste management facilities instead of boat owners simply leaving their derelict boats.

## LUNCH BREAK

### Recruitment, Retention and Reactivation

Chairman Yablonski provided a brief overview of how the next several items would be presented. He invited Mr. Matt Dunfee, Program Manager with the Wildlife Management Institute, to provide details on the national initiative of R3.

Mr. Dunfee discussed R3 as a process. He noted that the national projections of hunters and anglers who generally support fish and wildlife agencies and conservation are on the decline.

Chairman Yablonski asked about the baby boomers and whether or not their interest in hunting was greater or if it was the fact that their cohort was so populous that it had a higher number.

Mr. Dunfee responded that it is a little bit of both. He suggested that the goal of R3 is to help increase the population participating in activities that support conservation.

Chairman Yablonski asked if the connection with harvesting animals as an organic whole food source was an attractant for the millennial generation?

Mr. Dunfee responded that the millennial group is the biggest available group of individuals. They have time, money, and are relatively stable in life; not like a child that needs family support. Adult learning programs that focus on food and ecology are very popular. This groups motivation for hunting is food, so they are less demanding than established hunters. They are comfortable with small game, while older hunters may be looking for larger, less prolific game.

Commissioner Sole asked where the data is collected from.

Mr. Dunfee responded that the data comes from multiple avenues including surveys from fish and wildlife agencies around the country.

Executive Director Wiley thanked Mr. Dunfee for the presentation on the national perspective. He then presented details about how Florida is applying this initiative.

Vice Chairman Priddy noted that revenue is generated by those currently active in the licensing system and once those individuals age out of license requirements, who will cover the costs of conservation and opportunities for those that may not necessarily participate in licensed activities.

Commissioner Sole noted that the recreational license sales graph for Florida is losing ground.

Executive Director Wiley commented that FWC has been thinking about this topic and working on options to improve R3 over the last few decades. He noted the importance of conducting the meeting here in conjunction with ICAST and those industry leaders who pay the excise taxes which in turn come back to the states and get allocated to conservation on the local level.

### Florida Youth Conservations Centers Network (FYCCN)

Ms. Rae Waddell, FYCCN Director, presented information on the FYCCN program and how it relates to R3.

Commissioner Sole asked how many full-time employees support FYCCN.

Ms. Waddell responded that there are 14 full-time employees supporting this program.

### Industry Roundtable

Chairman Yablonski invited Mr. Mike Nussman, President of the American Sportfishing Association (ASA), to help lead the discussion with the industry leaders.

Mr. Nussman thanked the Commission for this opportunity and introduced the industry leaders who are here for this portion of the meeting.

Mr. Jeff Pontius, CEO of Zebco, provided a brief background on his company and spoke about R3 as it relates to that industry.

Chairman Yablonski asked if the costumers are aware of the excise taxes that these industries are required to pay.

Mr. Pontius noted that most of the users are not aware of these taxes, unless they are more of an avid consumer.

Mr. K.C. Walsh, Owner of Simms fishing products, thanked the Commission for the efforts associated with R3 and youth conservation. He spoke to the Commission about excise taxes and the benefits of those funds.

Chairman Yablonski commented that the original customer base for Simms fishing products may not be the most diverse, but now that they have a bigger presence in Florida, how does that business model adapt?

Mr. Walsh responded that the customer base changes and the business model has to be flexible to change along with the demand for products while also increasing their presence in aspects of fishing that may not be the most popular.

Executive Director Wiley commented on the jobs perspective of these industries and the talented, skilled individuals who are behind the products made in this industry.

Mr. Dave Bulthuis, Vice President of Sales with Costa del Mar sunglasses, noted that sustainable recreational fishing and conservation is at the core of their culture as a business. He stressed the importance of reaching the fast-growing, college aged demographic and using their interest in outdoor recreation as a platform to get them involved in angling and conservation. He then spoke about Everglades Conservation and the challenges associated with the complicated, time consuming, and expensive processes required for conservation and the impact it has on recreational angling and water quality. He noted that getting more individuals involved in conservation can help move these big water quality issues like the Everglades and Lake Okeechobee forward to benefit the industry and make Florida a better state.

Mr. Martin Peters, Head of Government Relations with Yamaha, discussed red snapper issues and barotrauma concerns. He also commented about access to this fishery. He highlighted the importance of the State of Florida to Yamaha. He noted the importance of partnering with state agencies to help improve issues related to conservation and also improving data collection.

Executive Director Wiley thanked Mr. Peters for his comments. He suggested that state agencies need to be coordinating with partners to create win-win situations for both parties involved.

Chairman Yablonski noted agencies should be engaging industry leaders more and working on ways to work together to improve the fish and wildlife resources.

Mr. Nussman commented that the presentation by Mr. Dunfee provides guidance on how the industry and the states can work together more over the next several years is discuss ways to improve the coordinated efforts on the common challenge of better conservation.

Executive Director Wiley suggested convening a joint meeting with ASA, Florida and Georgia state agency leadership to improve R3 efforts.

Mr. Tom Domerick with the National Marine Manufacturers Association addressed the Commission regarding the economic impact of boating and fishing in the State of Florida.

Commissioner Bergeron noted the number one topic of this discussion is to continue conservation and preservation in Florida. Without those two things, there is no hunting or fishing in Florida. He noted the success of the youth camps throughout Florida in increasing the love for the natural world.

Commissioner Sole asked each industry leader three questions: What is the top threat to the industry?, What is the top opportunity as seen by the industry?, And how would you spend the excise tax money?

Mr. Pontius noted the top threat to his specific industry is not having the youth involvement that is needed. He also noted that if there is no user group to fund conservation then the model breaks down. He noted that the North American Model is the envy of all other countries related to wildlife management.

Mr. Walsh noted that the conservation issues are the biggest threat to the industry.

Mr. Bulthuis commented that access is the largest threat to this industry. He noted the opportunity he sees is articulating the economic impact the industry has on communities here in Florida. He also noted that the industry needs to take back the mantle of conservation; millennials are driven by causes and many do not realize the impact of hunting and fishing on conservation as a whole. Finally, he talked about using excise taxes to create more access.

Mr. Peters agreed that access is the biggest threat to the industry. The opportunity is making boating and fishing easier for everyone to enjoy.

Mr. Domerick responded that the biggest threat is the lack of diversity in the industry. With the millennial and youth populations being the most diverse population in history, industries have to be willing and able to get those stakeholders involved in boating or fishing. He noted an opportunity to improve the technology used for data collection.

Commissioner Spottswood thanked the industry leaders for their comments today and their efforts in Florida that support conservation. He asked Executive Director Wiley to think of other ways to continue the conversation with industry leaders to gather the data that is needed to push R3 forward.

Chairman Yablonski commented that the role the industry can play in conservation public policy is important in both big and small communities. He thanked the industry leaders for moving conservation forward throughout the nation and the state of Florida.

#### Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Jerry Sansom addressed the Commission with a proposal for the Commission to be eligible for additional funding related to R3 programs in Florida.

Ms. Bonnie Basham addressed the Commission in support of boating access.

Mr. Brad Lowery with the Florida Bowhunters Council addressed the Commission with excitement regarding the R3 efforts at the agency.

Mr. Todd Hallman with the Florida Sportsman's Conservation Association and the Future of Hunting in Florida addressed the Commission.

Mr. Mike Elfenbein with the Everglades Coordinating Council addressed the Commission with thanks on red snapper issues and for the efforts on high water issues. He asked the Commission to make some information available that the federal government is not highlighting regarding the Florida panther. He noted that the federal agencies seem to be an impediment to public access.

Ms. Rebecca Heintz addressed the Commission in opposition to the portion of R3 that increases hunters in Florida. She added that data received from the FWC website indicated that wildlife viewers contribute more funding to the agency than hunters.

Chairman Yablonski commented on the impact of funding from hunters and anglers to clarify why this presentation is being heard by the Commission at this meeting.

Mr. Lane Stephens with SCG Governmental Affairs addressed the Commission regarding the Future of Hunting in Florida providing funding to help R3 efforts which will be generously matched by Ms. Daphne and Mr. Marty Wood.

Mr. John Rosier with the Everglades Coordinating Council, addressed the Commission.

Mr. Newton Cook, Executive Director of the United Waterfowlers of Florida, addressed the Commission. He commented that the consent agenda item passed this morning on small game opportunities will help increase R3 efforts.

Mr. Ryan Adams with Osceola County Schools addressed the Commission regarding the newly adopted high school fishing programs.

Chairman Yablonski asked about high school fishing and the opportunities for students to earn college scholarships.

Ms. Katrina Shadix with Bear Warriors United addressed the Commission with concerns about the definition of conservation from her perspective. She requested the agency not spend state funds on killing animals in the name of conservation.

Ms. Barbara Crown, President of the Safari Club International Miami Chapter, addressed the Commission with thanks for showing the breakdown of funds that are contributed to the agency via license sales and excise taxes.

Mr. Chuck Echenique addressed the Commission with thanks for the presentations on R3. He asked if there was a way to require every hunter that goes into a Wildlife Management Area (WMA) to have a hunter ID that can be used to improve data. He added the potential to charge a limited fee for these hunter ID numbers. He asked about educational programs being introduced to youth that could highlight the importance of education with hunting and fishing as a basis.

Mr. Clay Mew addressed the Commission regarding the opportunity provided by the approval of the consent agenda item regarding small game hunting on WMAs.

Chairman Yablonski noted that the Commissioners are all supportive of species conservation for all the user groups and added that hunters and anglers are leading the way with funding of this conservation.

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

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

Mr. Jeff Miller addressed the Commission regarding R3 and the fact that FWC staff have been working on this topic for years prior to the presentation. He commended the decision to postpone action on sheepshead and tripletail and noted concern for the sheepshead fishery. Because he will not be at the meeting tomorrow, he

commented on the South Atlantic Fishery Management Council (SAFMC) presentation regarding the limited entry program. He noted concern for that topic.

Mr. R.B. Johnson, Mayor of the City of Indian Rocks Beach, addressed the Commission regarding manatee speed zones in the area with a request to reconsider the zones currently in place.

Ms. “Cookie” Joanne Kennedy, Vice Mayor of the City of Indian Rocks Beach, addressed the Commission with a request to reconsider the manatee speed zones in the area.

Ms. Kelly Cisarik addressed the Commission regarding manatee speed zones.

Mr. John Pfanstiehl addressed the Commission regarding manatee speed zones.

Mr. Bill Thomas addressed the Commission regarding manatee speed zones. He noted concern with the data analyzed by the local rule review committee in the decision-making process for approving zones in this area.

Ms. Carol Britz addressed the Commission regarding manatee speed zones.

Mr. Randy Britz addressed the Commission regarding manatee speed zones.

Mr. Bill George addressed the Commission regarding concern for not knowing the visitors who go to WMAs and there being no good way to account for those visitors. He added concerns for the alligator egg collection fees and looks forward to the presentation on this in September.

Ms. DD Halpern addressed the Commission regarding land-based shark fishing in Juno Beach and Jupiter, and her observations of more sharks washing up dead on the beach. She requested the Commission work on regulations that help keep beachgoers and sharks safe, such as no-shark-fishing areas. She requested FWC redefine “swimming beach.” She also requested a ban on shark chumming from beaches to protect beachgoers and prohibiting shark fishing from the beach during sea turtle nesting season. She added concerns for protected shark species during shark tournaments and requested additional law enforcement when those tournaments occur.

Mr. Michael Patrick O’Neill addressed the Commission with concerns related to land-based shark fishing, including attracting large sharks to the beaches and public safety. He requested additional law enforcement efforts toward individuals who possess species that are prohibited. He requested the issue of land-based shark fishing be brought before the Commission as an agenda item.

Ms. Jenna Knobbe addressed the Commission regarding land-based shark fishing. She noted concern for protected species of sharks and beachgoers. She questioned why FWC has regulations that prohibit shark feeding for divers but do not have regulations prohibiting shark fishing and chumming from shore. She requested the issue of land-based shark fishing be brought before the Commission as an agenda item and for the Commission to ban this activity.

Ms. Eva Grella addressed the Commission regarding land-based shark fishing. She noted concern for swimming on the beaches where shark fishing occurs.

Commissioner Sole requested some time to meet with the stakeholders to learn more about the issue and coordinate with staff on potential options moving forward.

Chairman Yablonski noted appreciation for the information from stakeholders and thanked Commissioner Sole for taking the lead on this issue.

Commissioner Bergeron also noted he had conversations with stakeholders and thanked Commissioner Sole for agreeing to learn more about this issue.

Ms. Taren Wadley addressed the Commission regarding concerns for freshwater fisheries management issues.

Ms. Betty Holden addressed the Commission regarding Nosey the Elephant.

Ms. Jennifer Leon addressed the Commission with thanks to the law enforcement captive wildlife team regarding the concerns of stakeholders related to captive wildlife issues. She also noted support for keeping the Florida panther an endangered species.

Ms. Anna Sterlacci addressed the Commission regarding the Florida panther and the positive impact that the fence on Alligator Alley has had not only for the species but for human safety.

Mr. Clay Mew addressed the Commission regarding trapping coyotes.

Mr. Sean McCann representing South Florida Club of Safari International addressed the Commission. He requested the Commission oppose the scenic river designation for the Kissimmee River. He asked the Commission to continue to manage dog hunting for hogs as appropriately.

Ms. Rebecca Heintz addressed the Commission regarding conflict bears and whether or not there is protocol for these captures and releases into the National Forests. She requested the Commission ban baiting of deer and wildlife feeders.

Mr. Lane Stephens addressed the Commission regarding a report he provided that highlights the work that the sportsmen's groups have been doing throughout the state.

Ms. Jaimee Parry addressed the Commission in support of FWC rules for manatee speed zones in Pinellas County. She also requested the Commission support the continued listing of the Florida panther. She added concern for land-based shark fishing.

Ms. Pam Anderson addressed the Commission with thanks for supporting the request for an updated red snapper chart at the April Commission Meeting. She noted the changes in red snapper biomass over the years and discussed the economic impact.

Mr. Karl Ambrose addressed the Commission with praise for FWC bear biologists and their work. He noted a situation where a black bear was habituated to wildlife feeders in private property. He commented that this practice is a problem for bears and requested the Commission stop allowing the practice of baiting wildlife.

Ms. Cherie Chenot-Rose addressed the Commission regarding American crocodiles. She requested the Commission consider banning unattended baited hooks for alligator trappers.

Ms. Susan Conyac addressed the Commission regarding concerns for the Florida panthers. She read a statement on behalf of another stakeholder who could not attend the meeting.

Ms. Shannon Geis addressed the Commission regarding the loss of bear habitat. She requested that this species be removed as a game species in Florida.

Mr. John Rosier, representing the Everglades Coordinating Council, addressed the Commission regarding opposition to the scenic designation for the Kissimmee River. He thanked Commissioner Bergeron for his efforts to get water moving in the Everglades. He requested FWC work with the Legislature to regulate what types of firearm discharges are allowed on WMAs based on an incident at Holeyland WMA.

Ms. Gail Zega addressed the Commission with thanks to the actions protecting Nosey the Elephant. She also asked questions about the monkeys in Silver Springs.

Executive Director Wiley commented that FWC is working with DEP and other partners on this issue.

Mr. Newton Cook addressed the Commission with an invitation to the United Waterfowlers Summit at the Ocala Hilton, Friday, August 11, 2017. He also thanked Commissioner Bergeron for his efforts of moving the water.

Mr. Chuck O'Neal addressed the Commission requesting consideration for removal of the black bear hunt rules from the Florida Administrative Code until it is in the interest of the species for a population reduction.

Ms. Katrina Shadix addressed the Commission with thanks to the captive wildlife staff for their work in denying the permit for Nosey the Elephant. She thanked other FWC staff for their willingness to answer questions and provide information on the many requests submitted to the agency.

Ms. Maria Kazouris addressed the Commission requesting more promotion of criminal conviction of those that are stopped for poaching.

Vice Chairman Priddy asked that anyone with information about poaching contact the wildlife alert hotline to report the information.

Ms. Malinda Burian addressed the Commission with thanks for the denial of the permit for Hugo Liebel to possess Nosey the Elephant.

Mr. Chuck Echenique addressed the Commission.

Mr. Steven Webster, director of the Tampa Bay Marine Contractors Association, addressed the Commission. He requested the Commission review the Pinellas County manatee speed zones. He also requested policy and procedure changes to the rule process that would help alleviate concerns from the public that are affected by the rules.

Mr. Frank Lynch addressed the Commission.

Mr. Hugo Liebel addressed the Commission regarding his ownership of Nosey the Elephant.

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

Chairman Yablonski recessed the meeting at 7:55 p.m. to reconvene at 8:30 a.m., Tuesday, July 11, 2017.

#### **Tuesday, July 11 Reconvene**

Chairman Yablonski reconvened the meeting at 8:33 a.m.

#### **Awards and Recognition**

##### **Hunter Safety Instructor of the Year Award**

Mr. Bill Cline with the Division of Hunting and Game Management presented this award to Mr. Raymond Mowen.

##### **Youth Hunting Program of Florida Landowner of the Year Award**

Mr. Cline presented this award to Mr. Cal Cooksey.

Mr. Lane Stephens addressed the Commission in support of this award presentation and highlighted some of the great things that this recipient does for the Youth Hunting Program of Florida.

### **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 Award to Officer Phillip Stone.

Executive Director Wiley noted that he serves on the Board for the Foundation representing the Commissioners. He noted that there are three former Commission chairmen that serve on the Foundation Board. That passion for fish and wildlife empowers the Foundation to be a positive impact on projects and things associated with Florida fish and wildlife. He asked the Commissioners to provide any feedback to Mr. Walker on how the agency can work better with the Foundation in the future.

Chairman Yablonski noted the priorities that the Foundation has assisted with in the past that have helped the agency.

### **Staff Report – Florida Bay**

Mr. Erskine along with Mr. Ernie Marks, Director of Everglades Policy and Coordination with the South Florida Water Management District (SFWMD), provided an update on Florida Bay.

#### **Commission Discussion**

Commissioner Sole asked if Florida Bay is relatively stable in relation to algae blooms.

Mr. Erskine responded that there were no large-scale algae blooms found during the most recent May 2017 sampling events but there could be smaller localized effects.

Chairman Yablonski asked about the relationship of turtle grass and shoal grasses in the areas affected by the die-off.

Mr. Erskine responded that the shoal grass was an early successional species and one of the first signs of recovery in a long recovery process.

Commissioner Spottswood asked about the timeframe and cost for completing the Central Everglade Planning Project (CEPP).

Mr. Erskine responded that several planning initiatives needed to be addressed, and that the total cost of the project was about \$2 billion. Additionally, the project still needs a federal appropriation and construction would take a number of years to complete.

Commissioner Bergeron noted that the sequencing of all the projects and the structures being discussed (i.e. S-333) needs to come forward from its proposed 2026 schedule. He noted how important it is that these structures are modified by the time the 2.6 mile bridge is built, in order to implement Mod Waters. Otherwise, we will have all the bridges constructed, and Mod Waters built but we will still be bottle-necked at that structure (S-333).

Mr. Erskine walked through the critical restoration projects that can help bring water to North East Shark River Slough and restore flows to Florida Bay.

Commissioner Sole asked Mr. Erskine to describe where the Cape Sable Seaside Sparrow is nesting.

Mr. Erskine outlined the nesting habitats and where the Cape Sable Seaside Sparrow populations are located and some of the timelines coordinated with the United States Fish and Wildlife Service (USFWS) to help move water through the area while also taking into consideration the endangered species who live in the area.

Commissioner Bergeron identified the S-333 structure as a critical bottleneck in the system and noted that once it is addressed, the remainder of the system will start seeing a lot of improvement.

Commissioner Spottswood asked if based on the four steps of the project identified on the slide, whether or not the water will start moving through the system into Florida Bay by 2019 or if it is delayed until much later in the process.

Mr. Erskine responded that moving through the progression of incrementally modifying the water control plan, there will be more water and regional balance provided by each increment. However, there are still other impediments that restrict the amount of water that can make its way to Florida Bay, and identified rainfall and Taylor Slough as direct inputs into the Bay, and Shark River Slough as an indirect input. He noted that the invited speaker will present details on projects managed by SFWMD that will help to bring more water into Taylor Slough that will help move water into Florida Bay.

Commissioner Sole asked will the structures allow us to get to 8.5 feet in the L-29 canal and will the biological opinion for the sparrow allow us to flow at 8.5 feet.

Mr. Erskine responded that the March 2018 date is from the USFWS as a reasonable and prudent alternative in the biological opinion and that the modeling suggests we can bring the canal to 8.5 feet and the empirical evidence suggests we can get close.

Commissioner Bergeron asked about the biological review status of the endangered species living in the Everglades and how it relates to the timelines of the projects and improving the water flows in the Everglades. He noted the crucial coordination with USFWS on finding a balance of necessary water flows with managing the endangered species in the areas that will be impacted by changing water flows.

Mr. Erskine responded that there will need to be additional correspondence and perhaps an additional biological opinion, but the current biological opinion contains these timelines and requests these commitments.

Mr. Marks approached the podium and presented details on specific projects being completed by SFWMD and highlighted the positive impacts of the already completed projects.

Commissioner Spottswood asked why water would have ever been diverted away from Taylor Slough.

Mr. Marks responded that the goal of diverting water away from Taylor Slough was originally intended to prevent seepage from the national park which is to the west as well as divert water away from homes and agricultural areas to the east.

Commissioner Spottswood noted the importance of taking quick action on smaller projects that will help move small amounts of freshwater to Florida Bay while the larger scale projects are still in the works and being coordinated with the many partner agencies involved in this process. He then applauded the SFWMD efforts and noted that he considers all the smaller projects moving forward a big success.

Commissioner Bergeron noted that those bigger projects which are scheduled to be concluded in the next decade will have major benefits to the entire ecosystem. He asked when the contract components would be completed.

Mr. Marks responded that the contract status is not related to the Moving Water to Florida Bay Project but are required to raise constraints in the L-29 canal and bring more water to North East Shark River Slough.

Commissioner Sole noted that the presentations are showing some tangible additional flow of water into Shark River Slough and Taylor Slough in the spring of 2018.

Commissioner Bergeron thanked SFWMD for accelerating these projects and seeing the benefits in making these projects move as quickly as possible.

Mr. Marks thanked United States Army Corps of Engineers Colonel Jason A. Kirk and National Park Service Superintendent Pedro Ramos for their partnership efforts.

Commissioner Spottswood noted that a lot of things occurred in this process with Mr. Marks moving to SFWMD and Mr. Erskine coming on board with FWC, and he thanked these individuals for their partnership efforts while all of these changes were beginning to take place. He suggested communicating some of these success stories of the Florida Bay Improvement projects out to stakeholders. He asked Mr. McRae to speak towards the habitat improvement that all of these projects are intended for.

Commissioner Bergeron highlighted the experience and commitment from both Mr. Erskine and Mr. Marks and he thanked them for all of their efforts over the years.

Mr. McRae noted that Florida Bay is like many of the estuarine habitats throughout Florida which support a wide variety of species. He noted that Florida Bay is relatively pristine because of the lack of encroachment from development and urban sprawl. However, it is a very sensitive system that is extremely vulnerable to changes in the salinity levels naturally affected by droughts and high rain fall events.

Commissioner Sole commented that Florida Bay is a special place because of his previous experience many years ago working in this area. He noted the importance and he thanked Commissioner Spottswood for highlighting this for the Commission.

Commissioner Bergeron noted that he had to leave the meeting and wanted to thank staff for all of their work to make this meeting possible. He also welcomed Commissioner Sole to his first in-person meeting.

#### Public Comment

The following individual addressed the Commission on this agenda item:

Mr. Newton Cook addressed the Commission with thanks to Commissioner Bergeron for the hard work of getting water moving. He added comments of how the restoration efforts in the Everglades have increased the opportunities for recreational activities throughout the area. He noted concern for delays in moving water through some of the structures because of the endangered species or potentially changing the vegetation in the areas.

Mr. Gary Jennings addressed the Commission with recognition of Commissioner Bergeron, Executive Director Wiley, and the other Commissioners for supporting the efforts to manage the high-water issues recently.

Chairman Yablonski noted that he is aware of the concerns for the delays based on the Cape Sable Seaside Sparrow but he remains optimistic about moving things forward for management of multiple species and habitats. He also noted the potential for a coordinated visit by Department of Interior Secretary Ryan Zinke to get out and see the Everglades and meet with partners who have been focused on these restoration efforts.

#### Awards and Recognition

Florida Guides Association (FGA) Trained Eyes Coastwatcher Officer of the Year

Captain Pat Kelly with FGA presented this award to Officers Peter Gaudion and Michael Bibeau.

FGA Phil Chapman Conservation Award

Captain Kelly presented this award to Mr. Gil McRae.

Chairman Yablonski invited former Chairman Rodney Baretto to address the Commission.

Mr. Baretto provided an update on the changes related to the Foundation and noted the great effort working with the Guy Harvey Foundation to provide the Guy Harvey Award at each of the future Commission Meetings. He thanked the Commission for being so open to public comment and interaction at these meetings.

Executive Director Wiley commented that former Chairman Baretto still is involved with fish and wildlife and very connected to FWC.

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

Ms. Martha Guyas with the Division of Marine Fisheries Management presented a report on actions from the GMFMC's June 5-8, 2017, meeting. She requested direction on changes to the recreational closed season for greater amberjack in federal waters.

#### **Commission Discussion**

Commissioner Spottswood requested clarification on the Louisiana request for an exempted fishing permit (EFP) for state management of recreational red snapper. He noted that he is strongly opposed to a pilot program that would create individual allocations for private recreational anglers.

Ms. Guyas replied that this requested multi-year test program would only apply to private anglers and not for-hire operators. She noted that this pilot program, if approved, would end in three years and that Louisiana would have to work through the Council process to continue the program.

Chairman Yablonski asked if amberjack landings were evenly distributed across the state in the Gulf and if private anglers or for-hire operators dominated the fishery.

Ms. Guyas noted that amberjack is targeted throughout Florida's Gulf coast. Fishermen in Southwest Florida want to target amberjack in the winter, whereas fishermen in the Panhandle want to target them in the spring and summer, with March being particularly important.

Commissioner Spottswood asked if each of the season closure options presented would result in the target reduction in harvest. He then asked if it is a normal approach in fisheries management to establish a fishing season that would not prevent quota closures. He also asked if it was okay to keep the fishery open during the spawning season.

Ms. Guyas responded that the March-May, March-June, and January-June options would not prevent a closure, so the season would still close early. She noted that fishing seasons can be designed to meet different objectives. She replied that each of the options protects most or all of the spawning season.

Commissioner Hanas asked staff to recommend an option for the amberjack closed season or, if that was not possible, whether additional information and outreach was needed to develop a recommendation.

Ms. Guyas responded that several Council members expressed interest in the August-December option because it would both prevent a closure and provide the longest season; but some people prefer other options or would like additional options. For example, some people requested using a fractional bag limit to create a longer season.

Commissioner Sole asked if protecting the entire spawning season is the best option because the fishery is overfished. He noted that the seasons closing March to harvest would hurt people in the Panhandle and asked if additional season closure options could be considered to allow harvest in March. He stated his biggest concern was protecting the spawning season.

Ms. Guyas responded that this would be a reasonable approach. She added that recently the GMFMC and FWC significantly increased the minimum size limit for amberjack, but this change was not included in the most recent stock assessment. Hopefully, the size limit change will offer considerable benefit to the population by allowing most of the stock to spawn before harvest. She confirmed that the additional season closure options could be considered. She also noted that a spawning season closure may not be as important for this species compared to others, but it could be beneficial.

Chairman Yablonski noted that the March-May closure was not preferable and expressed interest in exploring a fractional bag limit.

Vice Chairman Priddy asked for the allocation split between recreational and commercial fishing.

Ms. Guyas responded that the majority of harvest is recreational. She noted that the closed seasons being discussed would only apply to the recreational sector.

Public Comment

The following individuals addressed the Commission on this agenda item:

Ms. Pam Anderson of Captain Anderson's Marina and the fishery representative on the Bay County Chamber of Commerce addressed the Commission in support of increasing the vermilion snapper quota. She stated the for-hire fleet needs amberjack in the spring, noting the 2017 amberjack closure created harm. She expressed opposition to the Louisiana EFP application and catch shares for all sectors.

Vice Chairman Priddy asked Ms. Anderson which spring days were important for amberjack.

Ms. Anderson replied that March 1 through April 15 would allow fishing activities for spring break vacationers.

Mr. Jerry Sansom addressed the Commission regarding the GMFMC individual fishing quota (IFQ) review. He suggested two changes: 1. Implement a use it or lose it provision to allow all product to be available to the market, and 2. Leasing of IFQ shares should not be allowed.

Mr. Gary Jennings with ASA addressed the Commission in support of changing the red snapper minimum stock size threshold (MSST). He expressed opposition to for-hire catch shares and expansion of sector separation into other reef fish fisheries. He expressed support for incorporating barotrauma reduction into fisheries management and offered assistance in promoting the use of descending devices.

Mr. Thomas Putnam of Half Hitch Tackle addressed the Commission with a request for access to amberjack in the spring. He suggested closing amberjack during the spawning season.

Commission Action

Chairman Yablonski asked for confirmation of the amberjack spawning season.

Ms. Guyas confirmed that amberjack spawn in the spring. She noted that Mr. Putnam's comments reminded her that some people noted observations of amberjack spawning early in the year off Alabama.

Commissioner Spottswood noted that, if each of the options would result in the desired outcome of rebuilding the stock, then the preferred option should be the one that serves stakeholders the best.

Vice Chairman Yablonski asked if the fractional bag limit suggestion came from stakeholders in the Panhandle. Ms. Guyas confirmed that it originated from the Panhandle, but acknowledged that not everyone from that region may support this option. She noted that the Council originally discussed this option several years ago, but did not pursue it at that time.

Commissioner Sole asked for clarification about amberjack spawning. He expressed agreement with Commissioner Spottswood's comments. He noted it is important to protect at least some of the spawning season. He requested staff consider pursuing an option allowing some fishing in the spring.

Commissioner Hanas agreed with the direction from both Commissioner Sole and Spottswood.

Chairman Yablonski acknowledged that stakeholders have divergent opinions and directed staff to pursue a balance of access to amberjack.

### **Items Requiring Action**

#### **Final Rule and Federal Consistency – Gulf Gag Grouper**

Ms. Martha Guyas with the Division of Marine Fisheries Management presented details on a final rule to modify the Big Bend recreational gag grouper season by adding a September 1-December 31 open season to the April 1-June 30 season. She also presented a federal consistency action to adopt federal standards increasing the commercial gag grouper minimum size limit from 22 to 24 inches in the Gulf of Mexico.

#### **Commission Discussion**

Chairman Yablonski noted that the increase to the commercial minimum size limit was requested by commercial fishermen.

Commissioner Sole asked and Ms. Guyas confirmed that the commercial size limit increase would only occur once the federal size limit changed.

#### **Commission Action**

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

#### **Federal Consistency – Gray Triggerfish**

Ms. Guyas presented details on a proposed rule to adopt federal standards for the Gulf gray triggerfish rebuilding plan and considerations for a 2017 fall Gulf gray triggerfish season. The proposed rule would decrease the recreational bag limit from two to one fish, increase the recreational minimum size limit from 14 to 15 inches, and add a January-February recreational fishing closure to the current June-July closure.

Commissioner Sole asked about the adjustment in the minimum size limit from 14 to 15 inches. He also asked if gray triggerfish is one of the species for which the GMFMC is considering modifying MSST, and if this were to pass whether it would guarantee fishing opportunities in 2018.

Ms. Guyas responded that the increase in the minimum size limit is intended to extend the recreational fishing season. She confirmed the GMFMC is considering changing the MSST for gray triggerfish, so its status would likely no longer be overfished. However, the timing of the change to the MSST is uncertain, thus its effect on the 2018 season cannot be predicted.

#### **Public Comment**

The following individual addressed the Commission on this agenda item:

Mr. Tommy Holmes with Outcast Bait and Tackle addressed the Commission in opposition to reducing the gray triggerfish bag limit. He supported the increased minimum size limit and the January-February closure. He expressed strong support for a 2017 fall weekend season for Gulf gray triggerfish.

#### **Commission Discussion**

Vice Chairman Priddy asked what the impact on the length of the recreational season would be if FWC did not reduce the bag limit and whether creating a vessel limit would assist in addressing the issues.

Ms. Guyas responded that if the state bag limit was not reduced, the quota would be caught faster, resulting in a shorter season. She stated the analyses were not available to determine how much shorter the season would be or to determine how a vessel limit would affect the season length. She noted the reason for the proposed changes are to extend the length of the Gulf gray triggerfish recreational season.

Commissioner Sole asked if a vessel limit would be a better solution for stakeholders and still address overfishing.

Ms. Guyas noted that if the Commission chose to explore other actions, additional meetings would be required for the Commission to finalize any changes.

Commissioner Sole asked Mr. Holmes if he felt the benefit of allowing a fall 2017 state season was worth the risk of losing or shortening the 2018 Gulf gray triggerfish federal season.

Mr. Holmes responded that eating into the 2018 is a concern; however, he was willing to take the gamble because of the possible change to the MSST.

Commissioner Sole noted concern for not implementing the federal consistency actions. He asked Ms. McCawley how much a small fall 2017 Gulf gray triggerfish state season would eat into the 2018 season.

Ms. McCawley responded that if FWC opens a small season in 2017, she expects Alabama will do the same. Thus, Florida would not be the only factor affecting the 2018 season. She also suggested the Commissioners consider that a fall gray triggerfish season was originally being considered to align with the fall red snapper season; however, there will no longer be a fall red snapper season. She noted it is difficult to estimate effects on the 2018 season and pointed out that a fair amount of triggerfish is taken in state waters. She noted that due to the amount of time required to implement federal regulations, the change to MSST would not likely occur before the start of the 2018 season. She also noted that the reason the GMFMC approved the regulation changes is that the most recent stock assessment showed the stock will not meet its rebuilding schedule.

Chairman Yablonski commented that for people in the Panhandle the tradeoff of losing days in 2018 is worth allowing a short state season in 2017. He noted support for a 2017 fall state season.

Ms. Guyas responded that in any case the fishery would likely not remain open for the entire season in 2018 because a quota closure is likely.

Commissioner Sole asked how the GMFMC would respond to a 2017 fall state season.

Ms. Guyas responded that there may be some angst.

#### Commission Action

Upon a motion by Commissioner Sole, seconded by Commissioner Spottswood and carried, the Commission approved staff recommendation to adopt the federal consistency items and gave direction to staff to set a limited fall 2017 state season for Gulf gray triggerfish via executive order.

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

Ms. McCawley presented a report on actions and discussions from the SAFMC's June 12–16, 2017, meeting in Ponte Vedra Beach, FL. She requested direction on whether to support a limited entry program for federal snapper-grouper for-hire permits. She also introduced SAFMC member Zack Bowen and the SAFMC Mackerel Cobia Advisory Panel (AP) Chair, Ira Laks, who were present at the Commission meeting.

#### Public Comment

The following individuals addressed the Commission on this agenda item:

Mr. Jerry Sansom addressed the Commission with thanks to staff for their efforts to resolve Atlantic red snapper issues. He expressed a need to find a solution that would end regulatory dead discards of Atlantic red snapper and allow the fishery to reopen.

Mr. Bill Kelly representing Florida Keys Commercial Fisheries Association addressed the Commission regarding lobster issues. He recommended issuing a fee-based tag for recreational stone crab traps and increasing the commercial stone crab trap fee. For yellowtail snapper, he recommended combining the Gulf and Atlantic quotas, as well as combining the commercial and recreational quotas in the Atlantic. He noted support for the regulations

that resulted in a yellowtail snapper commercial closure during the spawning season in 2017 because it occurred during summer and not winter.

Mr. Gary Jennings with ASA addressed the Commission in support of the Council's efforts to open red snapper in 2018 and other items related to red snapper. He noted strong opposition to a limited entry program for snapper-grouper for-hire permits.

Mr. Zack Bowen, SAFMC member from Georgia and owner of GuessHoo Charters, addressed the Commission as a for-hire vessel owner in support of a limited entry program for snapper-grouper for-hire permits.

Mr. Ira Laks, SAFMC mackerel cobia AP chair and charter boat operator in Jupiter, FL, addressed the Commission in support of a limited entry program for snapper-grouper for-hire permits.

#### Commission Discussion

Chairman Yablonski asked for a pro and con list on the limited entry program. He also asked how NOAA would determine who initially gets a permit and whether the number of permits has been stable over the years.

Ms. McCawley responded that proponents of limited entry say the pros for the program would include professionalizing the fishery and improving compliance with electronic reporting. However, the penalty for non-reporting is a monetary penalty, not a license revocation. She noted the opposition is concerned about privatizing a public resource and restricting the number of people that could operate for-hire businesses. She noted that there are no details yet on how permits would be issued. She also commented that while most permits are issued to people in Florida, they are also distributed to people outside of the SAFMC jurisdiction. She noted that long-time federally-permitted operators are frustrated with seeing new people enter the business every day, especially because they have been complying with stringent requirements for many years. She noted that the overall number of permits has been stable over the past few years.

Commissioner Sole noted that the issue may be that some people are not getting the federal permit and only have the state permit and asked for a comparison of state and federal permits. He stated concern about monetizing the federal for-hire permits.

Ms. McCawley responded that state charter permits are not limited in any way and that federally-permitted vessels must also have a state permit. She noted that a limited entry program could be structured to avoid monetizing the federal permit.

Chairman Yablonski commented that the long-standing position of the Commission has been to oppose limited entry programs for the recreational fishery because it can negatively affect the private recreational anglers. Additionally, unless there is unity from the affected industry participants behind a limited entry program, the Commission has opposed such programs.

Commissioner Spottswood commented that he sees merit for both sides of the limited entry program argument. Before taking an official stance, he stated he would like to see the details of the program and he noted support for exploring this program as it develops.

Ms. McCawley responded that while the limited entry program is in the early stages, she would advocate for alternatives that would address the Commissioners' concerns.

Chairman Yablonski asked for clarification on how for-hire operators' opinions on limited entry have changed over time and whether there is significant support now. He noted reluctance to support a limited entry program without knowing how stakeholders view the issue.

Ms. McCawley responded that staff could try to reach out to permit holders in Florida to attempt to gauge their feelings about limited entry.

Commissioner Sole suggested staff abstain from voting on this issue at the Council meeting until the details are available and the Commission adopts a formal position.

Executive Director Wiley commented that staff will continue to work with all stakeholders including private recreational anglers, noting that private recreational anglers may support it if it was ensured that sector separation would not happen.

Chairman Yablonski noted that he is not totally against the idea, but is okay exploring the details of a limited entry program.

Commissioner Spottswood questioned why staff should abstain, because that is the approach used when there is a conflict. He noted concern that the for-hire system not create a property right, the permit is intended to be used.

Ms. McCawley noted that she did not have to vote on whether the amendment moves forward, but she could vote on individual items for consideration.

Executive Director Wiley added that one of concerns is seeing the number of permits increase. He asked if there is a way to request NOAA improve or reform the permitting system.

Ms. McCawley noted that the SAFMC has been discussing this issue, but has not been able to find a solution. She noted that NOAA is currently limited within their current operating framework, similar to how FWC is limited in determining fees for permits.

Commissioner Spottswood asked Ms. McCawley to address the concerns from Mr. Kelly. Specifically, he asked if staff was continuing to support combining the yellowtail snapper quotas. He also asked about the issues that Mr. Sansom brought up regarding red snapper, including descending devices and a recreational permit. He requested additional details on the recreational permit for bottom fishing.

Ms. McCawley noted that Mr. Kelly recommend a recreational stone crab trap fee and an increase to the commercial stone crab trap fee; however, fees must be addressed through the Florida Legislature. Ms. McCawley noted that items for yellowtail snapper are currently postponed, but she is continuing to gather input from stakeholders on their preferences for regulations such as trip limits. She confirmed that staff is continuing to pursue combining the Gulf and Atlantic yellowtail snapper quotas; however, there may be issues and challenges related to the recreational harvest and quota. On red snapper, she explained that the fast track will be used to open the 2018 red snapper season and the slow track will be used to deal with issues that require additional time. She noted that the recreational permit would be similar to the Gulf Reef Fish Survey, but at this time there are no details about the permit.

Chairman Yablonski commented that the recreational bottom-fishing permit could improve collection of recreational data. He asked if there is a cost associated with the permit.

Ms. McCawley responded that there are fees for federal permits to cover administration costs. She noted there is no charge for the state-issued Gulf Reef Fish Survey. She commented that the Commission could develop something like the Gulf Reef Fish Survey for the Atlantic, but it would require funding.

Commissioner Sole asked if the state could issue the recreational permit on behalf of NOAA and then not charge a fee.

Executive Director Wiley acknowledged that there are costs with administering any permit program. He stated that FWC could possibly administer it more efficiently and could possibly create a solution.

Commissioner Spottswood noted that it appears that the SAFMC is making progress concerning red snapper. He asked if the steps being proposed would improve the next red snapper stock assessment.

Ms. McCawley agreed that SAFMC is moving in the right direction. She also agreed that FWC could administer something like the Gulf Reef Fish Survey in the Atlantic.

Mr. McRae suggested that if there were something like the Gulf Reef Fish Survey on the Atlantic, it would provide better estimates of harvest and effort.

Chairman Yablonski summarized that the Commission is supportive of a recreational permit for bottom fishing, but would prefer that FWC administered the permit and issued it at no cost.

Executive Director Wiley asked for clarification on the 2017 Gulf gray triggerfish fall season. He noted that this would have to be established via Executive Order.

Ms. Guyas asked the Commission for clarification on when to implement the federal consistency items for Gulf gray triggerfish.

Commission Sole noted that he intended for the federal consistency items to begin whenever the federal items took effect.

Chairman Yablonski thanked Mr. Bowen and Mr. Laks for their attendance.

#### **Association of Fish and Wildlife Agencies (AFWA) Update**

Executive Director Wiley provided an update on AFWA activities. He requested consideration of a resolution in support of the Blue-Ribbon Panel.

Chairman Yablonski asked Vice Chairman Priddy to read into the record the proposed resolution.

#### **Executive Directors Report**

Executive Director Wiley highlighted the following topics;

- Testifying in the House Natural Resources Committee at an oversight hearing regarding the Magnuson-Stevens Act.
- Key Deer case.
- Operation Alligator Thief.
- FWC biologist honored by the Governor and Cabinet.
- National Hunting and Fishing Day Challenge.

#### **General Counsel Report**

Mr. Bud Vielhauer, General Counsel, presented an update on legal issues related to the agency.

#### **Future Agenda Items**

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

Chairman Yablonski asked for a Northern Everglades Update (Kissimmee River) potentially at the December meeting in Gainesville.

#### **Commissioner Exchange**

Chairman Yablonski then opened the floor for Commissioner Exchange.

Commissioner Hanas commented that this was a calm meeting compared to previous meetings. He thanked staff for all of their work associated with this meeting. He thanked the Florida Channel for broadcasting these

Commission Meetings. He welcomed Commissioner Sole and thanked him for bringing his knowledge to the group.

Commissioner Spottswood welcomed Commissioner Sole to his first in-person meeting. He thanked Commissioner Roberts for all of his dedication and knowledge on the topics. He noted a recent case in the Keys and he thanked Colonel Brown and law enforcement staff for their efforts related to this. He added another response case for FWC staff removing a crocodile from a golf course in the Keys. He appreciates the approach staff have when explaining the issues to stakeholders. He thanked Commissioner Bergeron for his efforts related to high water issues.

Commissioner Sole noted that he is honored and humbled, and thanked the Governor for the opportunity to serve on this Commission. He thanked staff for briefings that have provided a lot of information in such a short amount of time. He appreciates the stakeholders who attended the meeting to address the Commission.

Vice Chairman Priddy noted the amazing breadth of responsibilities that the agency has. She commented that some of the public comment requests are out of the purview of the agency, but have some sort of connection to an issue related to fish and wildlife. She noted that everyone needs to be in charge of conservation. She thanked FWC staff and Commissioners for being so responsive and helping the stakeholders on issues that are brought up.

Chairman Yablonski welcomed Commissioner Sole and the experience he brings to the meeting even though it was the first one. He congratulated Mr. McRae for his award. He was excited about the door that has opened for the R3 topic and the opportunity to talk with additional industry leaders over the next few days at ICAST. He appreciates the stakeholders who participate in these meetings. He thanked the staff who worked hard to ensure the meeting ran smoothly including the security detail. Finally, he thanked ASA for assisting with the opportunity to hold the Commission Meeting at this location.

**Commission Administrative Matters**

The next regularly scheduled Commission meeting is set for September 27 – 28, 2017, in Okeechobee, commencing at 8:30 am each day.

**Adjournment**

Chairman Yablonski adjourned the meeting at 3:37 p.m.

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Brian Yablonski  
Chairman

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Nick Wiley  
Executive Director

Respectfully submitted:

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Lisa Zullo  
Commission Assistant