



Florida Fish and Wildlife Conservation Commission

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Commission Meeting
February 7-9, 2012
Havana, FL

Minutes

The Florida Fish and Wildlife Conservation Commission (FWC) held their regular meeting February 7-9, 2012, at the Pat Thomas Law Enforcement Academy located at 215 Academy Dr, Havana, FL. Chairman Kathy Barco called the meeting to order at 1:00 p.m. with the following members in attendance.

Kenneth Wright, Vice Chairman, Orlando
Richard A. Corbett, Tampa
Aliese Priddy, Immokalee, FL

Ronald A. Bergeron, Ft. Lauderdale
Brian Yablonski, Tallahassee
Chuck Roberts, Tallahassee

Staff:

Nick Wiley	Executive Director
Greg Holder	Assistant Executive Director
Bud Vielhauer	General Counsel
Colonel Jim Brown	Director, Division of Law Enforcement
Chuck Collins	Director, South Region
Louie Roberson	Director, Northwest Region
Dennis David	Director, Northeast Region
Roland Garcia	Director, North Central Region
Diane Eggeman	Director, Division of Hunting and Game Management
Eric Sutton	Director, Habitat and Species Conservation
Tom Champeau	Director, Division of Fresh Fish Management
Gil McRae	Director, Fish and Wildlife Research Institute
Jessica McCawley	Director, Division of Marine Fisheries
Doc Kokol	Director of Community Relations
Luiz Barbieri	Program Administrator, Fish & Wildlife Research Institute
Mike Murphy	Program Administrator II, Fish & Wildlife Research Institute
David Heil	Section Leader, Marine Fisheries Services
Martha Bademan	Environmental Specialist III, Division of Marine Fisheries
Michelle Sempstrott	Biological Scientist II, Division of Marine Fisheries
Kipp Frohlich	Section Leader, Division of Habitat and Species Conservation
Richard Moore	Captain, Division of Law Enforcement

There were 141 individuals registered to speak to the Commission during the two-day meeting.

Chairman Barco called the meeting to order and welcomed the Commissioners, staff, and public to Havana.

She invited Nick Wiley, FWC's Executive Director to give the invocation, followed by Commissioner Roberts, who led us in the pledge of Allegiance to the Flag.

Chairman Barco welcomed Commissioner Priddy as our newest Commissioner. She also recognized and thanked E.E. Eunice, the Executive Director of the Florida Public Safety Institute.

Marine Fisheries Stock Assessment Workshop

Types of Fishery Data

Chairman Barco asked Gil McRae, to give the first presentation. Mr. McRae gave a brief overview of the different types of fisheries data used in stock assessments. He explained how fishery-dependent and fishery-independent data are derived. He added that a complete stock assessment contains a vast array of information on both the fish population and the fishery itself and integrates multiple types of fisheries data to evaluate the status of fisheries stocks. The assessment process integrates data on catch, relative abundance and the life history of the species in questions, using various methods such as commercial fisheries monitoring, recreational fisheries monitoring and scientific surveys.

Under Discussion

Commissioner Yablonski asked what the improvement is in error moving from MRFSS to the new MRIP. Mr. McRae responded that it depends on which area you are looking at, but the new system has benefits. The idea with MRIP is to bring error down to the ten percent ballpark.

Commissioner Priddy asked if the commercial fishery has an incentive to be accurate in their reporting. Mr. McRae responded that it is a legal requirement and if they falsify fishery data, they could lose their license. In addition, the dealer has an accounting responsibility as well. Since landing data is used in management decisions, incentive is strong for that data to be accurate. The accuracy of the data is something not to be compromised.

Commissioner Yablonski asked if there are tiers of accuracy for data. Mr. McRae answered that there is a different level of accounting and there is not necessarily a direct correlation between accuracy and the accounting system.

Chairman Barco recognized Mark Slager, Governor Scott's Deputy Chief of Staff.

Fisheries Management Framework

Chairman Barco asked Luiz Barbieri to present the next report on Fisheries Management Framework. Mr. Barbieri gave a brief overview of the concept that stock assessments are conducted to measure the status of a fisheries stock relative to management reference points. Reference points give decision makers guidance in determining whether populations are too small or fishing pressure too great. He discussed how stock assessments are periodically completed using the most current data and, provides the managers with a current picture of the fishery. The most informed stock assessments also involve significant stakeholder involvement in all stages of the work. The goal of fisheries management is to protect the resource while providing the greatest benefit to the users. He also discussed the spawning potential ration (SPR), and then the theory of Maximum Sustainable Yield (MSY), the largest long-term average catch or yield that can be taken from a stock. In addition, the Optimum Yield (OY) is a reduction from MSY to account for economic, ecological and social factors. He further discussed the Overfishing Limit (OFL) and the Acceptable Biological Catch (ABC), which is a level of a stock's annual catch that accounts for the scientific uncertainty in the estimate of OFL. The Council's Scientific and Statistical Committee (SSC) determine ABC. The annual Catch Limit (ACL) is the level of annual catch of a particular stock that can be caught in a given year (usually measured in weight), is set by the Council, and cannot exceed

ABC. Finally, the Annual Catch Target (ACT) is the level of annual catch that is the management target of the fishery.

Under Discussion

Commissioner Corbett asked how different species lead to different SPR's, and questioned about age differential. Mr. Barbieri responded that it is based on the life history of the species and the actual spawning capacity and recruitment.

There was discussion about how the factors that go into determining this vary.

Commissioner Priddy asked how much is the SPR based on data and how that relates to information collected from recreational fishermen. Mr. Barbieri responded that all data is integrated and the science data collected is independent of the fishery. Commissioner Priddy asked how much does recreational data contribute to the SPR determination. Mr. Barbieri said if most of the harvest is recreational, then the error related to decisions would be larger than error related to those where harvest is mostly commercial. He used the example of Gag grouper, a recreational fishery; the data from the recreational fishery has a larger role in evaluation. Red grouper is mostly commercial and there is less error due to the IFQ nature. Commissioner Priddy asked does the difficulty in collecting data lead to less confidence in the final product of the SPR. Mr. Barbieri said that is factored into what staff bring forward as limits and targets.

Chairman Barco summarized the state looks for an SPR number to build, and federal figures out how much they can take out with a total allowable catch. She noted that using the SPR graphic in future presentations would be helpful and if we got it on a scale so that we can see when it no longer is effective; looking for maximum benefit so we need to know when moving higher does not do much good.

Commissioner Yablonski asked if the SPR is considered the gold standard, and if you cannot get to SPR, then would you fall back to escapement. In addition, the manager can move the target up or down realizing that will affect the population. Mr. Barbieri responded that escapement equals the number that is likely to reach reproductive age and used because sampling spawning adults is not easy.

Commissioner Corbett asked if current fishery management decisions are being overly protective or not. Mr. McRae responded that the annual assessment of over 100 stocks give us a better picture of the ecosystems out there. For those stocks we manage, all are stable or increasing; we do not use the terminology of overfished. Many of the heavily targeted species are managed in advance of any issue negatively influencing the stock. Our ability to manage on the fly (real time) is due to the effort we put into data collection at the state level, and because of that, our state fisheries are in good shape.

Chairman Barco asked what the federal management approach versus the state approach is. What are you trying to grow (the fish population) versus what you are allowed to take out (MSY)...and is that fair; SPR vs. MSY.

Mr. McRae responded that the Magnuson-Stevens Act is to prevent overfishing or halt it. The state goal is to build a fishery where it sustains harvest, to define what our allowable benchmark is and, to allow fishing without depleting the resource. It is rare that we have a stock that is over protected.

Commissioner Corbett asked if we have any cases where we have an overpopulation of fish causing problems. Mr. McRae answered that we really do not, and if we did have a case where fish abundance was becoming a problem, it would show up in the biological data relative to growth rate.

Commissioner Bergeron asked if stock assessment includes age and when they spawn and other factors. Overfishing is not good but overpopulation is not good either, he feels that maximum yield is important. Dave Markett responded that when the Commission dealt with Pompano, a request was made to study making the minimum harvest size larger to give more buffer for that species to be able to handle catastrophic events better.

Structure of Stock Assessments

Chairman Barco asked Mike Murphy to give the next presentation on the structure of stock assessments. Mr. Murphy gave a brief overview of the conceptual structure and function of a stock assessment including data, population model, and assessment procedure. He added, the goal of stock assessments is to determine how many fish are there, what portion of these fish are killed by anglers, what is the level of harvest sustainable, and does this harvest fit into our goals. He explained the use of population dynamics models to mimic as best as possible the real world picture of the population abundance and fishing mortality over time.

Under Discussion

The complexity of models yielding scale of decision making that is accurate; how accurate is it. Mr. McRae reported that timely data (usually a year delayed) is needed for decision-making. With some species, we have a long history of data collection, and we can use that to help us.

We also can incorporate data voluntarily submitted if it meets our scientific criteria.

Types of Stock Assessments

Chairman Barco asked Mike Murphy to continue with his presentation on the types of stock assessments. He discussed how fishery stock assessments range from simple to complex, including the data requirements and outputs. He further discussed the many types of stock assessments used in Florida, explaining the reason for this diversity is there are a variety of types of management actions the Commission chooses to use depending on the species in question and its fishery, e.g. size and bag limits, closed seasons, gear restrictions. He briefly described six types of assessment models used in Florida that range from very simple to complex.

How Uncertainty is Incorporated in Stock Assessments

Chairman Barco asked Mr. Barbieri to present the next item. Mr. Barbieri presented a review of how stock assessments provide results as probabilities and how that should be taken into consideration when making management decisions. Also how uncertainty is an intrinsic characteristic of fisheries stock assessments, models are simplification of the real world – uncertainty is a given. He further identified the sources of uncertainty as age and growth, reproduction and release mortality, and used as an example, the goliath grouper stock assessment, which was highly uncertain given uncertainty on goliath grouper longevity. Given inherent uncertainty, stock assessment results should be interpreted as probabilities, not definite outcomes.

Under Discussion

Commissioner Yablonski asked if as in snapper you also account for release mortality in another species, like grouper. Mr. Barbieri responded that in order to get that information, you have to consider another aggregate species, and sometimes to deal with uncertainty, we have to gather additional data.

Commissioner Corbett asked how to deal with modeling uncertainty when you know very little about, project, and make management decisions that are certain. Mr. Barbieri responded that it is highly variable and depends on the species.

Commissioner Priddy questioned the difference in data collection between state and federal agencies. Mr. Barbieri responded that we are contracted to collect data, often through grants...but federal fisheries do their own analysis because they look at different regions, however we can often apply their pool data specifically to Florida.

Chairman Barco asked about our data, collections and reporting to the federal agencies. How are we incorporated into their models and other states and then their management plan? How much percentage can we rely on as good data?

Mr. Barbieri responded that at the federal level, assessment workshops are conducted and we usually participate on the assessment and review panel. Because Florida has such a well-developed data collection system, and a good analytical framework, we usually contribute a disproportionately large amount to many of these assessments.

Commissioner Yablonski asked how if there is so much potential assessment uncertainty in the system, how can there be so much management certainty on the back end. Mr. Barbieri responded that they use statistical models. The outcome is never black and white...but is based on probabilistic type of presentation. That is why staff tries to explain the uncertainty in the estimates when they give presentations to the Commission.

From Assessment to Management Changes

Chairman Barco asked Jessica McCawley, Director of the Division of Marine Fisheries Management (DMFM) to present the last item of the workshop. Ms. McCawley summarized how stock assessments are handled on the state level between the Fish and Wildlife Research Institute (FWRI) and the Division of Marine Fisheries Management (DMFM) and the federal level and how management recommendations are formed and presented to the Commission. She described how stock assessments are periodically completed, using the most current data, and provide managers with a current picture of the fishery. A series of steps involving data collection, modeling/analysis and potential management actions based on results of the stock assessment. The nature of the data available determines the type of model that used. All of these elements operate within policy and process constraints that further define the process. She then explained the steps from the stock assessment to the management decision.

Under Discussion

Chairman Barco discussed the “tools in the toolbox.” Closed seasons, closed areas, tackle or gear limitations, size limits, bag limits, total landings in pounds; it is different depending on whether it’s recreational or commercial and how it is brought together to give us something to adjust and have it seem fair.

Commissioner Priddy asked if there was some way to assign a scoring value to the level of data uncertainty. Mr. Barbieri responded that there is and we have a process in place. At the federal level, we have an ABC control rule that gives some scoring and you can capture a large portion of that uncertainty quantitatively. We could come up with something similar to the ABC control rule that would develop different tiers for different levels of uncertainty for the state level. We need some time to work on it, but it is possible.

Commissioner Yablonski asked with all the tools in the toolbox, how do you decide where to start. Ms. McCawley responded that it is based on input that we have heard from public comment, others, or changes in the past; we look at all kinds of different factors. Commissioner Yablonski commented that you are always looking to balance effectiveness with stakeholder satisfaction. Ms. McCawley said more tools give more options.

Commissioner Corbett asked is data gathering from the recreational side one of the most challenging issues facing management and how do we fix this? Mr. McRae responded recreational is the most challenging data collection effort we have. We work within the federal system but push for changes that we know are good for Florida. The fundamental issue is we are under sampling our recreational anglers in Florida and until we bring those numbers up, we will always have challenges on the recreational side.

Chairman Barco asked if there is anything in the stock assessments, or as part of the staff recommendation process, that can consider the economics of various options. Is there a way to look at economic data and see what the impact is? Mr. McRae responded that we do this when we look at the suite of tools that help to keep people fishing.

Ms. McCawley said that we do not have an economist so we can do this in a somewhat general manner when comparing management option scenarios. Chairman Barco asked if we could use an economic advisor.

Mr. Barbieri commented that many of the basic economic data for these fisheries is missing. There are efforts in place to expand collection of recreational and commercial data so we can have a more informed analysis of the real economic impact. The uncertainty bars are very large.

Vice Chairman Wright is concerned too much attention is directed to managing in decline. We have a good reputation in this state for managing fisheries and bringing them back. We may not have the best data on recreational fishing, but as long as bad data is consistently bad, we are looking at trends and shifts, the focus should be to getting declining fish stocks back up.

Commissioner Bergeron asked if we present our information to the two different councils. Chairman Barco responded we are a vote on the councils; our data is fed to them, then the council takes a vote with the bigger picture in mind. At times Florida may not be in line with their vote.

Public Comment

Captain Pat Kelly (Florida Guides Association) said we do not have gag grouper in state waters in the Summertime. He appreciates that the Commission is taking into consideration not going consistent.

Dave Markett (Florida Guides Association) commented that the staff are fishery superstars, and have managed more fishery recoveries than the federal government has ever managed. He does not support going consistent with federal; it is the hottest water of the year and the fish move out of state waters. Grouper is worth a fortune to the state of Florida in jobs. Give the people who come to Florida to catch fish a chance to catch grouper when they are in state waters.

Pam Anderson (PCB, Captain Anderson's Marina) asked what percentage of aggressive species that live on reefs would be considered over populated and negatively affecting other species. In addition, what will it take to gather independent fishery on snapper in Florida and out of state waters? (Studies show artificial reefs show 42% of red snapper population compared to other fish species); how would a large increase in artificial reefs effect stocks of reef fish? She discussed new ideas about how to collect data from recreational fishers. In addition, the fueling data from marinas in Bay County is down 35% since snapper regulations started changing. She feels this equals less effort and if data such as that would be useful in reducing uncertainty.

TJ Marshall (Ocean Conservancy) commented that he enjoyed the presentations; they were well done. Ocean Conservancy believes in science-based fisheries. It is a partnership with federal government and they have local representatives who are looking out for the best interest of Florida.

Ronald Crum (Wakulla Fisherman's Association) presented an article to the Commissioners from a national retail tackle magazine reporting trends in tackle and sports equipment sales. They are reporting a downturn in offshore supplies but increase in kayak and surf fishing equipment. Some estimates suggest a decrease of fifty percent in recreational offshore fishery effort, fewer boats in marinas, and fewer offshore boats being sold. They are warning buyers to watch offshore equipment because it will plummet. The biggest industry in the state of Florida is sport fishing and it is hurting.

Chairman Barco commented that if US oil consumption is down by ten percent, would that also suggest boating and fishing is down at least ten percent.

Mr. Barbieri responded that some of the fisheries are responding to the management plans, which is considering both regulations and decreased effort. Yes, the assessment process has not been fast enough to reflect real time status.

Alan Lamarche (Retired GFC, Range Master, and Sport Fisherman) said assessments are way behind. We have gag grouper now and people are not out fishing. Gag fishers still come though.

William Luke (Charter boat Owner) emphasized that his business is way down and all the other charter business are gone; he is one of the last. Five restaurants have closed. In his area, the economy is down because all they had was seafood and it is not being caught by the few left. We have seafood and these people are taking it from us.

Ed Sapp (former member of Gulf of Mexico Management Council) pointed out the fact that two council members are here is a good tribute to how strongly the council feels about your efforts. You often hear you are not counting my fish, so how can the stock assessment be right, and how can you manage it. He feels that all the fishermen who are not being surveyed, should be informed that they are included in the process. To address this shortcoming, please explore possibilities to involve private anglers. The council voted to convene an advisory panel to start looking for other ways to get more recreational fishers involved. He asked if the Commission would give instruction to staff to support the program, and look at recommendations that are reasonable.

Chairman Barco responded that they will give guidance to staff for support of this program and asked how everyday fisherman can report?

Bob Gill (Chairman of GMFMC, Crystal River) commended the presenters for an outstanding presentation in trying to distill down a very complex subject. He further added that at the Gulf and South Atlantic Council, we are starting an amendment to require federally permitted dealers to report electronically. It should be implemented in 2013-2014.

Paul Johnson (Reef Relief) told the Commissioners that they are the best-appointed group in state of Florida in protecting our natural resources. The take home message is that science is neither federal nor state; it is the same. Please work together as a team for the betterment of the public.

Chad Hanson (Pew Environment Group) commented that data goes to assessment. The workshop was very helpful and staff does an excellent job. Federal assessment process has public workshops, which are a more transparent, external review process built in and is a robust process that involves FWC staff.

Commissioner Exchange

Chairman Barco thanked the public and staff, and announced that they would forgo Commissioner Exchange until tomorrow.

Recess Tuesday's Portion of the Meeting

Meeting Opening

Chairman Barco opened the meeting at 8:30 a.m.

Chairman Barco officially introduced and welcomed Aliese P. "Liesa" Priddy as the newest Commissioner, appointed by the Governor.

Introductions of Commission Employees

Chairman Barco asked FWC's Executive Director, Nick Wiley to introduce the following local Commission employees:

- Captain Dean Kelly
- Juli Brown

- Dawn Griffin
- Shannon Wright
- Andy Wraithmell
- Rich Noyes
- Alicia Wellman
- Tina Amoah
- James Kelly
- Amanda Nalley
- Rachel Scharer
- Laura Barrett
- Shawna Martin
- Laramie Ferry

Adoption of Minutes

Chairman Barco asked for a motion to approve the minutes of the November 16-17, 2011, Commission meeting minutes. Upon a motion by Commissioner Yablonski and seconded by Commissioner Corbett, the minutes were approved.

Adoption of Meeting Agenda

Chairman Barco asked Assistant Executive Director, Greg Holder to strike Item 10 C 2, Tampa Bay Shrimp Transferability Issues because staff needs more time to evaluate and would like to bring it back later. Upon a motion by Vice Chairman Wright to amend the Agenda and seconded by Commissioner Roberts, the motion passed.

Executive Director's Report

Chairman Barco asked Mr. Wiley to present the Executive Director's report. Mr. Wiley discussed the following:

Mr. Wiley showed a short clip for the youth conservation camps created by Beau Turner. It highlights what a great job Rae Waddell is doing, shows the centers in action and shows support from Beau Turner. It also shows the power of partnerships.

Awards and Accomplishments

The South Atlantic Fisheries Management Council (SAFMC) named FWC Officer Clay McDonough its first ever Officer of the Year Award. Officer McDonough was given this award for his outstanding efforts in fisheries enforcement on the Atlantic Coast.

Ban on Importation and Interstate Transportation of Four Giant Snakes that Threaten Everglades

Mr. Wiley showed a PowerPoint presentation with pictures of the Secretary of the Interior Ken Salazar, Senator Bill Nelson and Commissioner Bergeron who came to a press conference to highlight the ban on Constrictor snakes in the Everglades.

Commissioner Bergeron stated that it was a good press conference to address the issue. He was honored to be there to represent the agency and thanked Senator Bill Nelson and Ken Salazar for their involvement and efforts.

Mr. Wiley added that Secretary Ken Salazar then flew to Tallahassee to an Everglades Water Summit. Commissioner Yablonski also attended the Summit and said it was a very well done conference with good exchange.

Mr. Wiley further mentioned that he and Chairman Barco went to another event in Haines City, to announce the opening a new Fish and Wildlife Area, the Everglades Headwaters National Wildlife Refuge and Conservation Area.

Chairman Barco said there were many concerns using ranch property and hold for conservation, but it is a win/win for both sides.

Commissioner Bergeron added how important the Wildlife Corridor is to the future of Florida.

Mr. Wiley emphasized that Commissioner Priddy was part of the Wildlife Corridor event and acknowledged Regional Directors, Mr. David and Mr. Wynn for leading the charge.

Commissioner Corbett thanked Nick for his ongoing effort in the Youth Centers and added that they are starting a brand new Youth Center in Tampa. Everyone is working hard for this.

Vice Chairman Wright commented that he is reminded of the youth history of leadership that has grown inside the agency.

Approval of Consent Agenda

Chairman Barco asked Greg Holder, Assistant Executive Director, to describe the items listed on the Consent Agenda. Mr. Holder summarized the four (4) proposed issues listed on the Consent Agenda for February 8, 2012. Proposed Rule Change to the Florida Boating Improvement Program, Establishment of Beaverdam Creek WMA, Free Fishing Days, and Proposed Rule Amendment for General Regulations.

Upon a motion of Commissioner, seconded by Vice Chairman Wright and seconded by Commissioner Corbett the motion carried, the Commission approved the February 8, Consent Agenda.

Chair Barco recognized the Mayor of St. Marks, Chuck Shields as well as Melissa Thompson, Asst. to Congressman Southerland.

Gulf of Mexico Grouper

Chairman Barco asked Jessica McCawley, DMFM, to give the presentation on Gag Grouper. Ms. McCawley summarized the proposed rule to adopt federal standards for Gulf of Mexico gag grouper. The action would make gag grouper regulations for state water of the Gulf of Mexico consistent with pending federal action that will designate a new recreational harvest season and lower the commercial size limit for gag grouper. It also outlines proposed federal accountability measures for gag and red grouper that could affect Florida fishers in the future. Staff recommends adopting a state recreational harvest season for Gulf of Mexico gag grouper from July 1 through October 31, reducing the commercial size limit to 22" total length, and reducing the minimum size limit for sale to 22" total length (statewide) using the process of adopting federal standards under Chapter 120.54(6), Florida Statutes. Staff recommends these rules take effect as soon as possible after federal rules are published in the Federal Register.

Public Comment

James Clements (commercial fisherman, Carrabelle, FL) said if we do not go consistent, then recreational fishers would catch small fish in state waters and have a shorter season in federal waters. The long-term negative impact of this would be worse. A lot of fishermen question federal management plans and are frustrated by them. This is the first time he has seen such a good response in a number of reef fish species. He urged the Commission to be patient, work with national marine fisheries, and go consistent.

Paige Killeen (Panacea Waterfronts Partnership) said that the Big Bend has the largest spring and fall gag grouper populations in the gulf and the smallest human population. The fish leave during summer months and migrate to deeper cooler water. NOAA's request is counterproductive to all fishermen and will have a negative effect on the economy of Panacea. It will cripple industry of the coastal communities. She asked the Commission to table the vote and talk with each county to find a solution that everyone can live with.

Richard Woodrum (Rock Landing Marina) reported that customers are telling him that if they cannot come in the spring they will not come. He urged the Commissioners to please table this vote and find an agreement that will make everyone happy. It is very important to the economy of Wakulla County and the city of Panacea.

Larry Abele (citizen & boat owner) stated that he has been fishing for 40 years and he catches a lot of gag, but they are mostly too small. He has sat on the Gulf Council scientific and technical committee and NMFS actually sets the limit, the Council merely sets the regulations to implement that limit. He feels that gags are in trouble and we need to find a way to rebuild them. He urged going consistent.

Jimmy Forehand (citizen) said that he has been a gag grouper fisher for 40 years and he has never seen a shortage of gag grouper, but stated the larger fish are eating the juvenile fish; he would like the Commission to consider this. If you let grouper go in shallow water they are more likely to survive, deeper harvest leads to more death from release. Free fishing days on popular weekends would help the economy.

Capt. Pat Kelly (President, Florida Guides Association) commented that if you do not have the same regulations in state and federal waters, those who hold a federal license for grouper could not catch a fish in state waters. He is against going consistent because everyone ought to be able to catch grouper when in their area.

Dave Markett (Florida Guides Association) is a full time guide and feels that dead discards are being considered as a negative but it has never been proven that there is a dead discard problem in the gulf; it is not possible to embolize a grouper in state waters. Changing the fishing gear type, and bring fish up slower would minimize the dead discards. The federal suggestion of July, August and September, which is Florida's hottest months, will kill more grouper. Do not destroy the billion-dollar industry that has Florida as the fishing capital of the world. He suggested adding a \$20 reef fish permit and getting some research done.

Bill Tucker (Pinellas County resident) is an IFQ shareholder and he supports staff recommendations to go consistent with federal government. He serves on the Reef Fish Advisory Panel and emphasized they need a season they can count on; charter and for hire boats cannot survive on a 61 day season and need to be able to develop a business plan and summer is the maximum amount of days.

Commissioner Jerry Moore (Wakulla County Board of County Commission) would like a resolution requesting a different review for their county. Eighty percent of their land is a protected national system; ten percent is an estuary supporting seafood; the near shore waters are very shallow. Many tourists who visit their area are from Georgia. Changing this season would equal thousands of fishers no longer coming. There are many boats docked now and they will not be going out because of an absence of fish. Please exclude them or the economy will be shut down and it will be more devastating to Wakulla, than the oil spill.

Ronald Crum (Wakulla Fisherman's Association) provided the Commissioners a packet with 15 resolutions from around Wakulla County. He urged them to review the two-inch mesh size nets, we are a nursery and the net limitation is killing 50,000 juvenile gags annually. Personally, he used to catch 20,000 pounds of offshore bait a season and now he is down to 2,000. To go consistent will protect commercial fishing but not recreational.

Jason Delacruz (Fisherman's Alliance) asked the Commission to stay the course and continue to protect these fish. Though he has taken a big hit personally, he thinks that commercial fishers are seeing improvement; as fish get more prolific they will be here in the summer. Continuing to protect these fish will mean better days ahead; he supports staff recommendations.

Chad Hanson (Pew Environment Group) urged consistency with federal; this has been a positive effort at rebuilding. One third of catch comes from state waters; the gag population should be rebuilding over time. Inconsistency would go against the rebuilding success.

Eddie Pritchard (Wakulla County fishing guide and naturalist) is a recreational fisherman and asked if we have a system in place that can accurately assess the stocks in the big bend areas as opposed to other areas. He advised that they have more shallow water population than other areas. The staff proposal is the hottest time of the year. I hope we can get a very accurate assessment of these stocks. He urged the Commission to look at something else and do not go consistent.

Chairman Barco referred him to talk with Jessica McCawley.

B.J. Burkett (Charter Boat Operator-Panama City, FL) thanked FWC for supporting many past efforts and he urged the Commission to stay status quo with the program. Inconsistency would penalize for hire fishermen with federal permits.

Mike Colby (Clearwater Commercial Marine Association) said his permit holders understand the difficult position the FWC is in, and they understand that they have to avoid the risk of overharvesting. If they do not go consistent, then there would logically be a line of boats heading to waters where they could catch fish. He urged the Commission to go consistent with the federal closure.

Brad Gorst (Pinellas County Resident & Charter fisherman) has worked with the Commission staff responsible for fishery monitoring first hand. He thanked the Commission for going compliant last year; it is a conservation approach, and recommends further compliance. A lack of consistency will delay rebuilding. People need to be able to create a business plan. There are many fish still around, short-term pain equals long-term gain.

Jerry Sansom – Waived time

Chuck Shields (Mayor of St. Marks, Shields Marina) stated that we do not need to regulate federal waters; there are more gag grouper in Apalachicola Bay than there has been in 40 years. We are doing a good job, but to cutoff spring and early summer will be detrimental to the economy. Please table this until more research can be done; talk to the people that fish these areas.

Scott Childress (Commercial spear fisherman, Odessa, FL) as a spear fisherman he is seeing the stock improve, though the overall size is smaller than it has been in the past. While they are starting to rebound, please keep the fishery from being overfished, and allow the commercial sector to keep getting the ones they can get. If the season gets smaller, it would make it hard for many to survive. Please stay consistent with staff recommendations.

James Zurbrick (Steinhatchee Commercial Fisherman) has two commercial boats and they struggle to fill the quota that he already owns. Overfishing in state waters just leads to less chance for fishing in federal waters. He urged the Commission to stay consistent. The commercial sector will be attacked, but we are doing everything we can to rebuild the gag fishery. He feels the State of Florida and the National Marine Fishery Service (NMFS) should work closely together; tough times require tough decisions.

Thomas Adams urged the Commission to stay consistent with federal management decisions.

Chip Blackburn (Charter Boat & UnitedWeFish blogspot.com) stressed that he is trying to eke out a living with the business he is in and at the rate things are going now, it will be gone, and younger folks will never have the same opportunity. He also stated that he is against catch shares and hopes there is something the Commission can do to help the federal charter boats; they just want to make a living.

Garrett Alberts (Commercial fisherman) has been a commercial fisherman for 45 years; he strongly urged the Commission to be consistent from a business economics and enforcement standpoint, and prevent side effects of

future closures. He supports catch share systems as they were of great value in Pacific fisheries and helps to maintain businesses over time. He supports consistency with the Federal regulation.

Bob Gill (Chairman of Gulf of Mexico Fisheries Management Council, Crystal River) commented that gag has been a good example of how state and federal agencies have worked together. State asked for a longer season, and that is what the Council passed. We need a longer season and pick the months that have the lowest efforts, otherwise we will need a shorter season. He urged the Commission to keep in mind that this is a zero sum game; a finite number of fish can be harvested. If you give to one area, other areas will have less. He feels that staff recommendations are on target.

Jeff Miller (Chairman – CCA-Florida) would like to undo the term overfished for this fishery. He believes that this stock was hurt by red tide. It has always been our policy in the past to support state and councils, but feels the problem will not be fixed by voting either way today. He asked the Commission to put pressure on the Council because current regulations are unsatisfactory; allocations based on economic impact. CCA-Florida will have a strong opinion if this is not resolved by 2012.

Ellis Doshier, Jr. (Steinhatchee) urged the Commission to go consistent and keep rebuilding; follow the plan.

Paul Johnson (Citizen of Wakulla County) said that small grouper have increased and though he is not seeing large grouper like in the late 80's, he still feels the population is recovering. If any area is open then it will become a magnet for every fisherman; any increase in grouper catch will have to be taken away from everyone later on. He urged the Commission to be wary of unintended consequences of not going consistent; he feels the impact will be on the juvenile population. He encouraged consistency to get the longest season, if that does not work out, you can look at change next year.

Pam Anderson (PBCA, NACO, and Member Govt. Affairs/Bay County Chamber of Commerce) urged the Commission to stay consistent. Dr. Crabtree has put the state in the hot seat. He has stated that the intent is to reduce participation in the fisheries. This is not the intent of the Magnuson-Stevens Act.

Henry Hunt (Panama City Boatmen Assoc; Charter Boat Owner-Operator) asked the Commission to go along with federal regulations on gag grouper. He feels that failure to do so will put charter boatmen out of business. He also would like to see a pilot program developed for economic relief. There needs to be better data on people fishing reef fish; the effort is so high, that is why it is considered, over-fished. He request that the Gulf Council not proceed with any catch shares, sector separation, or any new LAPPs at this time.

Mark Kelly (Charter Boat Captain) has three boats with federal permits. He feels there are very few gags caught inside state waters. In addition, they are being forced to abide by Crabtree's Rule where they have to adhere to the stricter of the two laws. They would like to know if it is even legal. He has doubts there will ever be more days; and cannot get more red grouper; and there are many red snapper. If they are not open for business, they cannot run any trips. He would like to be able to have an economic study of this July through August. He is seeing friend and co-workers put out of business; we need help. He urged consistency.

Chairman Barco asked Mr. Vielhauer about federal waters rules and if they ever been challenged legally. Mr. Vielhauer responded that Dennis O'Hern's group challenged gag grouper recently, but he believes they were unsuccessful.

Chairman Barco asked Mr. Vielhauer to report to us and let us know.

Frank Mercer (Angie's Marine Supply) has seen a dramatic decrease in what we sell to commercial and recreational, due to fishery not being there anymore, regulation or economy. It is important for you to figure out what is best for the state of Florida; we need regulations but cannot kill the economy.

Keith Ward (Wakulla Fishermen Assoc.) said that we might not be here today if we had stopped fishing juvenile fish. The fishing effort is down 50 to 70 percent and it will devastate industry such as marina's and restaurants. It is too hot in the summer; people want to go when it is cooler.

Jonas Porter (Citizen) feels that many baby grouper are being killed, and feels it would not happen if the net size were changed; he believes the Commission really needs to look at that.

Richard Lynn (Lynn Brother's Seafood & Lynn's Marina, St. Marks) his family owns a marina and seafood restaurant. Four-dollar gasoline is going to be enough of a restriction; big brother government is not always right.

Lyle Floyd (recreational fisherman, Big Bend area) if you follow the federal rule, we cannot go bottom fishing. Please do not follow Feds lead.

Billy Archer (Destin Charter Fisherman Assoc.) feels that staff recommendations are fantastic and urged the Commission to stay consistent with federal regulations.

TJ Marshall (Ocean Conservancy) asked who represents the fish. The Commission has a difficult role because of differences along the coast. We are the apex predator; we should be able to take from the system. If the decline continues, they will have cratered their own community. The long term will hurt, but you are shortening the length of the storm. Listen to your fishermen, they are saying give me options. Please empower staff to fight aggressively.

Robert Spaeth (Ex. Dir. Southern Offshore Fishing Assoc.) feels that each sector should have its own accountability measures. He urged the Commission to go consistent.

Major Alan Lamarche feels that there are no legal adult grouper during the summer in the Big Bend. He would like to challenge the Feds because he feels they are forcing the FWC to punish one sector over the other. As fishermen we know there are a lot of fish. It is a control issue to restrict our fishing freedoms. He feels that gag is coming back; let the fish be harvested when they are there.

George Eller (Destin Charter boat) brought City of Destin resolution to ask state to go compliant on the grouper proposal and he agrees one hundred percent. If the state goes non-compliant, everyone will lose, and are afraid that the Feds will shut down state waters.

Commission Discussion

Chairman Barco read a statement from Senator Montford that conveyed this is not the time, especially after the recent BP OIL Spill disaster, to do anything that would negatively impact our fishing industry, our restaurants and our local economy. He believes it is vitally important today to strike a fair balance between protecting our natural resources and protecting our local economies.

Chairman Barco questioned if we do nothing, we will open April 1 and have a 10-month season. If we change the rule to something different from what is proposed by the Council, it will take two meetings to get that rule through. Alternatively, if we adopt consistency, it will take effect immediately. We could also ask for an executive order. She asked Ms. McCawley to address questions.

Commissioner Roberts emphasized that we have a responsibility to protect natural resources in Florida, and at the same time, we have to consider the economic impact on specific geographical areas, as well as the whole state of Florida. He would like to see a pilot program considered for the period of April 1 through June 30, for 39 days of three (3) day weekend fishing only in all state waters to see how it will impact gag grouper in the Gulf. We have to rely on all the data and make good decisions; he added that he hopes we are not penalized in the future for trying something different.

Ms. McCawley suggested the Commission developing a list of options to take back to the Council, that would help Florida fishermen in the future, would be helpful direction.

Commissioner Roberts reiterated that we are asking for a maximum number of days, while protecting the natural resources. He thinks we can be sensitive to the economic as well as fishery side, based on all data available. The pilot program would be for only this year and help us to consider an option that may have a long-term benefit.

Commissioner Bergeron agreed with Commissioner Roberts but remembers consequences in the past when they did not go consistent, and saw negative consequences. He asked if we could operate under an Executive Order, and go back with this request and see if we can help the economy and state of Florida, in following Commissioner Roberts's proposal.

Commissioner Roberts said we would have to have an Executive Order to amend dates that are different from staff recommendations.

Mr. Vielhauer said that they could give the Executive Director the authority to issue an Executive Order to go federally consistent.

Chairman Barco clarified that our Executive Order ended January 31; we are operating now under existing rule; we would need an Executive Order for closure April, May and June. In addition, she asked if sector separation could be legally challenged, if recreational sector goes over and commercial is penalized. Mr. Vielhauer responded that legal is reviewing that issue.

Commissioner Yablonski recounted that when they did not go consistent it had a negative impact on commercial fishermen who came back and said do not do that again. He feels that in the Western Panhandle, consistency would work; the Big Bend area would not work. We all want a sustainable fishery at the end of the day. We asked for the longest season we could get. There is uncertainty in both the assessment process and in the management process. Another alternative, he would not mind carving out the Big Bend, and maybe let them fish fewer days, when the fish are there.

Commissioner Corbett asked if we go back could we satisfy the Big Bend and the rest of the state. What effect will that have on the research and time period? In addition, he asked about cutting from 123 days down to 39 days; what would that do and when would we hear back from Council.

Ms. McCawley responded that we still have time to go back to Council to ask for a change in the 2013 season, and there is a benchmark assessment for gag due in 2013. The rebuilding plan was delayed initially in order to look at longlines as well as look at how the 2005 red tide affected gag populations. The new information was then factored into the rebuilding plan. The Gulf Council thinks that the benchmark will show the fishery in better shape. Things may be better, but we might not see that until the benchmark comes out next year. In 2013, we can come up with different management strategies, but trying to do so in 2012 is going to be trickier. If we go to the April Council meeting, we would be asking for emergency action; but she is not certain legally that they could meet the timeframes needed.

Commissioner Priddy asked for more information on what the repercussions are if we take no action at all. Ms. McCawley responded that when the ACL is met, the fishery would have to be shut down. Final recreational numbers will come later in the year, and if the recreational sector went over, then they would shorten the season in 2013. It is like a double penalty.

Commissioner Priddy asked how certain are we that the recreational numbers will hurt the 2012 and 2013 season. Ms. McCawley responded that it is an unknown.

Chairman Barco added that if commercial knows recreational would go over, they would hit it hard and fast to get their quota.

Commissioner Roberts commented that the Big Bend area has the most impact for good fishing early on. He asked if the Gulf Council would consider this a pilot project and an opportunity to gather more information. It could be a cooperative effort that would give the Council information. He suggested offering this as an option to improve the economy, not as an opportunity for the Gulf Council to penalize us.

Chairman Barco asked, based on Commissioner Roberts comments, can the council not penalize us? Do they have that ability?

Mr. Vielhauer replied NMFS does have some discretion.

Chairman Barco asked if two months worth of data would help.

Ms. McCawley responded that it was a good assumption.

Vice Chairman Wright commented that we need to assume the fishery is in a state of deficiency and is recovering. He would support going inconsistent and explain why, but he understands the economic consequences to the other side. The weekends are popular for fishing, and there is more effort, so the result will be more fish caught; the Council will have to decrease the season for everyone. He thinks looking at 2013, when an assessment has been done, and seeing what that says, and working to come up with a longer time and staying within the allocations, is the best we could do.

Commissioner Bergeron said this is such a complicated issue that we need to listen to staff to make the right decision, so we do not come back next year. It is about the amount of fish that we think we have based on the science. He feels that staff should move forward working in future aspects in 2013, with our concerns, to balance resources and tie it to geographical areas of our economy.

Chairman Barco asked Mr. Gill to provide insight to the Gulf Council.

Mr. Gill explained the benchmark assessment process is a 9-month process. There is a time lag from assessment to rule implementation. If we go inconsistent, there will be some shortening of the federal season, this is not a penalty, but it will likely close on the back end. In addition, it is likely that red tide influenced the biomass; he added that they will take the information and make the best decision; the agency can only work within the confines of 123 days. There is a Gulf Council meeting in Tampa in June; he invited the Commissioners to come to all or part of the meeting.

Commissioner Roberts replied that he did not agree that just weekends would be worse; most people will fish on weekends whether it is open 7 days a week or not. Is this the best 123 days for both sides, fishing and protection of our resource, and how soon could you get information for those months, if they were available for weekends only?

Mr. Gill responded it could take months. Weekend only would require a regulatory amendment. We can ask for a pilot, but it would take quota from existing amount.

Commissioner Roberts questioned who makes the decision about when the state waters are opened in April, May or June within the nine miles. Mr. Gill responded that the state makes that decision, and then the Council would adjust the federal season accordingly.

Commissioner Yablonski suggested making a motion for 2012 for consistency, then after that we would vote to have an executive order that would say for three counties, Franklin, Wakulla and Taylor, that instead of July to October state opening, they would have April through June in state waters, and then closes July through October. Give them the three months when the fish are there as opposed to four months when the fish are not there.

Enforcement would not be hard because there are so few people, so few boats, and few points of entry. If we are wrong, the effort is so small in this area, it should not have an impact; the idea is to be equal.

Chairman Barco suggested we would have to say, “nothing could be landed” in those three counties in the other months, because federal waters would still be open.

Ms. McCawley responded that direct transit to land in that area is possible; we have done that for other fisheries.

Commissioner Corbett asked if we could police this.

Mr. Wiley responded that we can enforce zones and police this. It is preferable to specify where those fish can be landed, and allow for transit through state waters.

Colonel Jim Brown stated it can be done, however, it comes down to the landing, and if there is a river, specify the entire county and water bodies adjacent to that county that may have joint jurisdiction, but it can be done. They will need to fish and land in the counties that are open.

Commissioner Roberts clarified the four counties would be Wakulla, Taylor Jefferson and Franklin, would be comfortable to monitor, and hopes that we are not penalized for doing this. It will be minimum impact on the big picture and will give us data moving forward. It will need to be clear that state waters in those four counties will be closed beginning July 1, which is different from the remainder of the state.

Upon a motion by Commissioner Yablonski and seconded by Vice Chairman Wright, to approve staff recommendations to go consistent with federal rules, the motion passed.

A second motion was made by Commissioner Yablonski, to amend the season motioned in the first action, by using an Executive Order, to open the state waters for fishing of gag grouper, for the four counties of Franklin, Jefferson, Wakulla and Taylor, from April 1 through June 30, and, close state waters July 1 through October 31. This was seconded by Commissioner Roberts.

Under discussion

Vice Chairman Wright asked if we can get the Council to look at what the impact would be so that we can have an idea of the outcome in the subsequent year. Ms. McCawley responded yes, if the outcome is minimal, can we adjust the time period by Executive Order.

Mr. Gill responded to the questions and replied that whatever you decide today, NMFS, not the Gulf Council, will have to consider the impact and adjust accordingly. He is certain it will shorten the federal season. Mr. Gill added that the fishing data was not currently collected and reported by specific County.

Chairman Barco asked if we would know what the impact would be to the federal season, if the data were bad.

Mr. Gill responded that it is possible, but not knowing what the data is that exists. It is in everyone’s best interest to have the definition out as soon as we know what it is. If you change it later on, it will result in a change to the federal season to make it balance.

After considerable discussion about impact and geographical boundaries, the second motion was amended.

Chairman Barco asked Mr. Vielhauer to clarify the Executive Order process. He explained that Mr. Wiley and the Chairman will consult amongst themselves, however they will not come back to poll the other Commissioners, which leaves the ultimate decision up to the Chairman and Executive Director.

Commissioner Yablonski motioned to amend the motion for the Executive Order, which in addition to the four counties named, to include those portions of Gulf County that include Apalachicola Bay and Indian Pass. Also, provide the Chairman and Executive Director in consultation, the authority to issue an Executive Order based on data received from the Federal fisheries, seconded by Commissioner Roberts, the motion passed.

King Mackerel

Chairman Barco asked Ms. McCawley to continue with another presentation on the final public hearing rule for king mackerel. Ms. McCawley explained that this is a final public hearing for the FWC Commissioner's rule for king mackerel, 68B-12, Florida Administrative Code (F.A.C.). This proposed rule would modify the Commission's rule for king mackerel, by allowing commercial fishers to land king mackerel in Collier County, a closed area, when they are caught in nearby waters of Monroe County that are open to harvest. The landing of king mackerel would be allowed in Collier County from April 1 until July 1, by federal commercial king mackerel permit holders when the transport of the fish is direct and continuous through the closed area to the place of landing. Staff recommends approving the advertised rule and that it become effective on April 1, 2012. Staff has evaluated the rule under the standards of 68-1.004, F.A.C. and found them to be in compliance.

Public Comment

Janie Thomas (Shrimp Producers Assoc.) asked the Commission to please make sure the fish houses are notified that they can buy it.

Jerry Sansom (Organized Fishermen of Florida) appreciates the Commission's struggle with the last issue and supports staff recommendations.

Bob Gill (GMFMC) is in favor of staff recommendations and informed the Commission that the Federal Council is ok with this and pushing for the transit rule also.

Upon a motion by Commissioner Priddy, seconded by Commissioner Roberts, to accept staff recommendations, the motion passed.

Oysters

Chairman Barco asked David Heil, a Section Leader with the DMFM, to present the draft rule on Oysters. Mr. Heil summarized a draft rule amendment for the Commission rule for Oysters 68B-27, Florida Administrative Code (F.A.C.) that would allow the harvest of oysters seven days a week in Apalachicola Bay. The FWC manages oysters jointly with the Florida Department of Agriculture and Consumer Services (DACS). DACS has requested that FWC allow the harvest of oysters from the waters of Apalachicola Bay seven days a week. Staff recommends approving the proposed rule amendment. Staff also recommends approving the draft rule amendment without further hearing planned prior to adoption, unless requested, and recommends that this rule become effective on June 1, 2012. Staff has evaluated the rules under the standards of 68-1.004, F.A.C., and found them to be in compliance.

Upon a motion made by Commissioner Roberts, seconded by Commissioner Bergeron, the Commission approved staff recommendations. The motion passed.

Roundscale Spearfish

Chairman asked Michelle Sempstrott, with the FWC's DMFM, to present the draft rule on Roundscale Spearfish. Ms. Sempstrott summarized the draft rule that would remove recreationally caught roundscale spearfish from the list of prohibited billfish and create a minimum size limit. This action would also add recreationally caught roundscale spearfish to the state's billfish possession limit in the Billfish and swordfish Rule 68B-33, Florida Administrative Code (F.A.C) and make Florida's rules for roundscale spearfish compatible with federal Highly

Migratory Species rules. It also adds language that allows the possession limit exceptions for taxidermists mounting the fish for the harvester and for wholesale and retail seafood businesses and restaurants for the limited purpose of smoking the fish for the harvester. Additionally, the rule would be amended to create a size limit for roundscale spearfish of 66 inches lower jaw fork length. Staff recommends approving the proposed rule to remove the roundscale spearfish from the prohibited list, add it to the marlin and sailfish one fish bag and possession limit, include roundscale spearfish in possession limit exceptions, and create a size limit of 66 inches lower jaw fork length. If directed, staff is prepared to return in April 2012 with a Final Public Hearing.

Upon a motion by Vice Chairman Wright, and seconded by Commissioner Priddy, the Commissioners approved staff recommendations, and the motion carried.

Gulf of Mexico Fishery Management Council

Chairman Barco asked Martha Bademan, with the FWC's DMFM, to review the issues that were discussed at the Gulf of Mexico Fishery Management Council (GMFMC) during their January/February, 2012 meeting in Mobile, AL. Ms. Bademan reviewed and discussed the issues addressed during the meeting. No Commission direction is requested at this time; however, staff welcomes any input on council items from the Commission. The next Council meeting will be the week before the next Commission meeting, April 16-20 in Corpus Christi, Texas.

Public Comment

Robert Spaeth (Southern Offshore Fishing Offshore Assoc.) does not feel the catch share program is working and he asked the Commission not to support more IFQ programs until the Council does an evaluation.

Jimmy Forehand - waived time

Jerry Sansom - waived time

Scott Childress - waived time

James Zurbrick (Commercial fishing) commented that IFQ's are designed for fishermen, not for a fish house. He added that Steinhatchee is an IFQ town; the folks in the program are happy.

Bob Gill (GOMFMC) would like to continue to go over items prior to meetings and during meetings in consideration of the process.

Chairman Barco agreed that they will try.

Paul Johnson - waived time

Pam Anderson (PCBA, NACO, member Government Affairs/Bay County Chamber of Commerce) red snapper catch limits for 2012-2013 went up in pounds but not by number of fish. They calculate the overfishing and take it off the number of days, again based on projection, and the size of fish. The way it is set up, we are doomed to overfish. They reduce the number of days each time according to data. Fishing is not getting better because we are going by pounds rather than number of fish.

Chairman Barco questioned if the snapper season is shorter because fish are bigger, is she right that they are using last year's size.

Bob Gill responded that the fish are getting larger; there is an increased effort into a shorter period of time.

Commissioner Yablonski cautioned that people are getting a derby mentality; as the number of days go down, they fish harder and this compounds the possibility of over fishing.

TJ Marshall (Ocean Conservancy) added that sometimes it takes a year to get to a position from the Council, because they cover the entire Gulf; they only meet 5 times a year. He added give people options on this race to fish; people will change their vacation and effort per day will continue to go up, unless you adjust that. You are giving people the option to plan when they want to fish.

South Atlantic Fishery Management Council

Chairman Barco asked Ms. McCawley to continue with an update of the South Atlantic Council Issues. Ms. McCawley presented a review of the South Atlantic Council issues from the December 5-9, 2011 Council meeting in Raleigh, NC. She also provided an overview of items that are expected to be discussed at the Council's March meeting in Savannah, GA. No Commission direction was specifically requested at this time; however, staff would welcome any input on Council items as discussed.

Public Comment

Janie Thomas (Shrimp Producers Assoc.) urged the Commission to never agree to close Florida waters in the EEZ without working with the fishers first. Powerhead use is not detrimental to fisheries and they are less than two percent and the most selective fishery with zero bycatch. These hard economic times are not a good time to limit folks. Catch shares may not be the best option for managing the fishery because certain licensees can buy the licenses and control the fisheries. Shrimp is a renewable resource.

Bill Kelly (Florida Keys Commercial Fishermen's Assn.) commented that trap marking are a huge burden on the industry. He added the Spiny Lobster Amendment 11 is moving forward; we are going to have 60 protected areas for coral and lobster as well; the industry and Gulf Council signed off and we are waiting for the final sign off for the Atlantic Council. He thanked Jackie Fauls and Colonel Jim Brown for their work on trap robbing; it might clear legislation this year with a third degree felony.

Jerry Sansom (Organized Fishermen of Florida) discussed new issues dreamed up regarding the Occulina Bank and rock shrimp. Years ago they agreed to put VMS on vessels while rock shrimping. Now someone put up a proposal to prevent transit "across" the bank while loaded with shrimp. They would like some support about how to come up with a different strategy.

Sherylanne McCoy (Cape Canaveral Shrimp Company and President Southeastern Fisheries) said her father founded Dixie Crossroads and her sister still owns it. She is concerned about the quality of rock shrimp. In 1983 Port Canaveral was established and now there are only two commercial docks left. The Vessel Monitoring System is monitored 7 days a week. She hopes as we move forward, we can get information from stakeholders on this, as it is a safety issue; boats do not drag on the coral.

Mike Maryfield (Cape Canaveral Shrimp Company) emphasized that shrimp boats do not drag on coral; it would destroy gear, costly equipment and downtime to crew. He asked the Commission to look at maps that show VMS data and shows where they shrimp; they take painstaking time to mark all the coral so they can avoid at all cost. He strongly urged the Commission to incorporate the plot data from fishermen.

A man who did not give his name described that the Isnapper program is an Ipad program where people can phone in catch information daily; it gives real time data to the Federal fishery management programs. He asked the Commission to work with federal staff and develop a "charter for hire" management program; VMS works very well.

Chairman Barco asked Ms. McCawley what we need to do for the shrimp. She responded that the timing of the proposed changes was bad form for the Council; they advertised with only a small blurb about no transit and did not have a meeting of the deepwater shrimp advisory panel prior to proposing to cordon off a large area at public scoping meetings.

Chairman Barco responded that next week we will get out a letter to the Council detailing our position. She will work with Ms. McCawley on this.

Staff Report – Review of Federal Fishery Management Tools

Chairman Barco asked Ms. McCawley to present the staff report on Federal Fishery Management Tools. Ms. McCawley briefed the Commission on the details of three management tools that are currently being used and discussed at the federal fishery management councils: catch shares, limited access privilege programs (LAPPs), and sector separation. Of the three, catch shares and LAPPs (aka Limited Access Privilege or LAP) have been implemented for specific fisheries in the Southeast region. The presentation included a definition of the program, and in most cases the definition is either from the Magnuson Stevens Fishery Conservation and Management Reauthorization Act of 2006 (Magnuson Act) or from other widely distributed publications (e.g. NOAA Catch Share Policy, NOAA IFQ Annual Reports, etc). The presentation was not intended to serve as an evaluation of catch shares, but to explain catch share programs and provide examples.

Public Comment

James Clements (Carrabelle) said there are three groups that oppose IFQ's, the commercial, recreational, and anyone who did not receive shares. The IFQ program is a commercial tool, and nothing to do with reallocations; The IFQ program works and is a good system; those dissatisfied do not offer anything better.

Commissioner Yablonski asked Mr. Clements if the IFQ has ever been exceeded. Mr. Clements responded that it is virtually impossible to exceed quota. Caps on allowance per individual have been set, so no one can exceed the amount of catch allowed to the one highest person; everybody gets to fish and groups buying off all the shares will not happen.

Dave Markett – Waived

Bill Kelly (Florida Keys Commercial Fishermen's Assn) feels that catch shares equals job loss; the concept was developed by the Environmental Defense Fund. People do accumulate shares and that is why we have fleet reduction and job loss. He asked the Commission to adopt the position to put a hold on any new catch share programs until we evaluate the ones we have.

Vice Chairman Wright questioned how catch shares contribute to job and fleet loss.

Mr. Kelly responded the control dates and poundage could exclude smaller participants because they did not qualify for catch shares to begin with.

Vice Chairman Wright voiced a question on how appropriate a particular fishery is for catch shares or IFQ's. In the case of red snapper, he is not hearing about fishermen being excluded from the fishery. There are struggles with IFQ's but they eliminate management issues and problems with overfishing and proper allocation.

Mr. Kelly asked the Commissioners to look at Massachusetts, the ground fish fishery alone has been reduced by fifty percent and the towns are banning together to sue the federal government because they are risking bankruptcy. We are destroying communities by doing this.

Bill Tucker (Dunedin) discussed the subject of fleet loss; he commented there are only so many fish and healthy stock, is critical. The data collection is unparalleled. Catch shares are good and allows for business planning.

Jason Delacruz (Commercial spear fisherman) told the Commission that he landed 10,000 pounds of red snapper, because they have rebounded and he feels that IFQ's have helped. The system is most fair for the people who have put the energy into this fishery for the longest period of time.

Mike Kennedy (CCA-Florida) thinks IFQs are a violation of the public trust, the people who have them are going to love them, but those that are locked out, will not. He feels allocation needs to be based on economics and we need to react to change in demographics. Dedicating a share of a public resource locks out young men because they will never have catch history. It also restricts the recreational side of fisheries because IFQ's allocate resources to the commercial side, including the creation of "slipper skippers" who lease out their catch shares. At the end of the day, please ignore those that have an economic interest and do what is best for the state.

Jerry Sansom (Organized Fishermen of Florida) elaborated that catch shares are one management tool, one of many in a toolbox. The current controversy at the national level was the idea that you could take one tool and fix everything.

Scott Childress (Commercial Spear Fisherman) commented that he is a small guy who did not commercially fish just prior to the snapper IFQ qualification. He feels that anyone who says that is not fair, are the people that were shut out. If they lease a few shares, they can build a business plan; it does not cost very much. There is no reason to say it is a bad program and keeps people out. Anyone complaining is not a commercial fisherman, but is a lobbyist.

Vice Chairman Wright asked how could you avoid the system turning into nothing but a "lease to fish business."

Garrett Alberts commented that you do not want to remove options for fishers that need extra. He used to stone crab but gave up after the oil spill; he started over in the grouper IFQ program. He would like to see couch leasing limited. However, he sees a future with the implementation of the IFQ program; it is a real boon to those fisheries, they are thriving because of the quota and management systems.

James Zurbrick (Commercial Fishing) feels IFQ's do not put anyone out of business. There is still the opportunity to lease or buy. The program was designed by fishermen. No one is out of business unless they did not report landings. The IFQ starting point was necessary, but if you were not a grouper fisher, then you did not get shares to start with. Under the table sales really hurt some when it came time to get quotas. He added that he keeps five people employed the whole year using the quota system.

Paul Johnson (Reef Relief) stated this is a new suite of management tools for a new era. He cautioned that it is a limited resource, and there are more people wanting that resource; he added the State's job is finding balance. Every item has a clear place if properly looked into and he applauded the Commission for looking at this.

Vice Chairman Wright said he realizes the management capacity of these programs but questioned when new entrants want into system and they were not there in the beginning, they have to buy in, when earlier participants did not. Why not have the option to start without a buy in? Original people were invested the system, but did not have to "buy in".

Mr. Johnson responded that he agrees with Vice Chairman, the commercial fishermen who got in early for IFQ's were in the business and honest commercial fishers. If you are going to get involved in IFQ's you need to allocate new fish to new starts.

Ellis Doshier, Jr., stated that he is very satisfied with the IFQ program. He supports programs that let fishers solve problems. He employs more men after the IFQ started than before; putting fish on the dock is what makes the wheel start turning.

Jennifer Ellison (Steinhatchee Commercial Fishermen) commented that IFQ's have been a way for her and her husband to get back into the business that they love. It is expensive, but we can put together a business plan. The price we paid to get in, and employ seven people, was a lot cheaper than my student loan. The accountability and paperwork is enormous, but we do not have to go out in bad weather; the system works.

Pam Anderson (PCBA, NACO, member Govt. Affairs/Bay County Chamber) asked the Commission to do an evaluation before introducing new ones. Her experience is that those who were unable to get a large enough allocation were put out of their part-time work. If the same happens to all the species then many are worried that catch shares in the recreational sector cannot be implemented without sector separation. When implemented in other fisheries 50 to 80% went out of business; enhance fisheries for the future.

William “Chester” Brewer (Chairman of the National CCA) has been involved with catch shares for three years. Catch shares can be an extremely effective tool in a purely commercial fishery, but some in Washington believe catch shares are a tool for everything, especially recreational or mixed fisheries; he thinks they have no place in a recreational fishery. When they can lease, sell, will or buy up more shares, then they own a public resource and that is wrong. CCA has put in place a catch share policy manual. He feels it has been pushed through too fast, and urged caution to make sure Magnuson is followed; for grouper, it was not.

TJ Marshall (Ocean Conservancy) asked the Commission not to alienate people just because they have an affliction. The alligator program is a good model; limited access to a privilege, no matter what, is a management tool. What we did with gag grouper is using an existing successful model. He urged the Commission to explore recreational LAPPs; they can provide options. IFQ’s do not lock in a right, rather they are a privilege; a well-managed fishery equals economic benefits.

Bob Gill – waived time

Jeff Miller – waived time

Commission Discussion

Chairman Barco reiterated that this was a staff report to give us an understanding of what the tools in the toolbox are. IFQ’s stem from the industry that designed them and they work, though not for every fishery.

Commissioner Yablonski discussed the race to fish, which creates a dangerous fishing climate, in addition to high bycatch and mortality. Out of this was born the IFQ system, which means fresh fish and better prices all year long, also safer fishing (not going out in storms), year round jobs, and lower bycatch. He feels it is a much better system for the fishery itself. It is a market-based tool, in that you nurture what you own, which makes the fishing business more profitable. He added that it appears to be a fishery that is working because we are not hearing from them; we do hear from recreational fishermen, who are upset with the closed fishing or unhappy with the IFQ’s.

Vice Chairman Wright said we have a shortage of fish and we are trying to manage a small pie; if we continue with our good efforts to get the pie larger, some of the distrust will go away. He suggested using caution; vested ownership hold on a public asset could present a problem with someone owning the right and long-term leasing it. He sees the problems with a mixed fishery. No one should own a right to these fish and we need to be very careful.

Commissioner Bergeron thinks the system is working fairly well, but we need to communicate to stakeholders with regards to their concerns. It is an opportunity for good management, but we need to move forward with caution.

Commissioner Yablonski said the initial allocation is the hardest part.

Commissioner Priddy commented that it is very important that the commercial sector is requesting IFQ’s. However, you also have to separate out recreational fishermen who are affected, and we have to pay attention to their needs.

Commissioner Bergeron asked if it takes a referendum to change things around in the commercial sector.

Chairman Barco responded that when they do this five-year review, which is happening now, if there are substantial changes it would take a referendum (two-thirds vote).

Ms. McCawley responded yes, that is in place for the Gulf and New England Councils but nothing like that for the South Atlantic Council.

68D-24.144 – Monroe County Boating Restricted Areas

Chairman Barco asked Captain Richard Moore with the FWC's Division of Law Enforcement, to present a draft rule amendment for Monroe County Boating Restricted Areas. Captain Moore discussed the draft rule amendment about the Commission's rule 68D-24.144, Florida Administrative Code (F.A.C), which establishes boating safety zones in Monroe County. The proposed rule would create a boating safety zone on the Intracoastal Waterway at the US-1 Bridge over Jewfish Creek in Key Largo. Staff seeks approval of the proposed rule, contingent upon receipt of a supporting resolution from Monroe County. Staff recommends that the Commission approve the publishing of a Notice of Proposed Rule in the Florida Administrative Weekly and if no request for hearing is received, approve staff to file the Final Rule for adoption.

Upon a motion by Vice Chairman Wright and seconded by Commissioner Roberts, to approve staff recommendations, motion passed.

68D-24.164 – Volusia County Boating Restricted Areas

Captain Richard Moore continued with another proposed draft rule amendment that would change the Volusia County boating Restricted Area, 68D- 24.164, Florida Administrative Code (FAC), which delineates boating safety zones in Volusia County. This proposed rule would create a boating safety zone on the Intracoastal Waterway (ICW) near Highbridge Road Bridge and public boat ramp in Ormond Beach.

Upon a motion by Vice Chairman Wright and seconded by Commissioner Priddy, to approved staff recommendations, motion passed.

Legislative and Budget Update

Chairman Barco announced that the Legislative and Budget Update is re-scheduled for tomorrow.

Public Comments on Items not on the Agenda

Pam Anderson (PCBA, NACO, member Govt. Affairs/Bay County Chamber of Commerce) stated that commercial fishers left with IFQ's are the winners. Fifty percent of the folks are out of business. If that happens in the recreational fishery, opportunities for visitors to fish will be lost. She asked that federally permitted boats be put into a pilot program to measure the economic activity they generate. In addition, they ask for boats to receive exempted permits so they can fish in a fishery where they should be fishing according to the fish that are out there; this would help keep boats in business. She requested a meeting.

Chairman Barco said that Ms. McCawley would get back to her and work out a time to meet.

TJ Marshall (Ocean Conservancy) - Oil Spill Restoration Project. Mr. Marshall commented that the big injury was access to the fishery. Part of the \$100 million of money being paid by BP should be used to provide more access. They could also use the money to enhance data collection. Staff should look into this to ensure that BP funding dollars will help enhance recreational access. He also feels that catch shares allow for viable business plan. He suggested creating a quota for a no-kill fishing trip; it would change the marketing dynamic of the industry, and allow tourism to expand and to get out on the water. In addition, he feels it is critical for Ms. McCawley to have direction from the Commission regarding sector separation.

Commissioner Exchange

The Commissioners welcomed Commissioner Priddy and thanked Commissioner Roberts for hosting last night's gathering. They also complimented and thanked staff.

Commissioner Bergeron feels the Wildlife Corridor Expedition meeting was critical to show importance to the State of Florida.

Commissioner Yablonski feels they need to give Ms. McCawley direction to take to the Council.

Commissioner Roberts thanked the other commissioners and reiterated the importance of what they did with gag grouper. He added that they made a decision to try to step out of the box and he does not feel that the damage will be significant and will provide opportunity.

Commissioner Priddy said it was a great learning experience. She expressed that she has been on the other side of government asking for things and has found it to be true that the Commission really does care about the citizens, and tries to be flexible, while addressing concerns. She is proud to be a part of the Board.

Chairman Barco reiterated that they need a letter for South Atlantic Council on behalf of the Rock Shrimp industry. In addition, as a Commission send a letter for Ms. McCawley to take to the Gulf Council that expresses our concern that they address the four counties as fairly as possible. She also welcomed new staff that came to help make presentations.

Recess

Chairman Barco recessed the meeting at 6:17 p.m., to reconvene at 8:30 a.m., Thursday, February 9.

Thursday, February 9, Reconvene

Chairman Barco opened the meeting at 8:30 a.m.

Recognitions

Shikar-Safari Officer of the Year Award

Chairman Barco asked Colonel Jim Brown to present the first recognition, the Shikar-Safari Officer of the Year Award.

Colonel Brown explained that the award was founded in 1952 to recognize officers that go beyond the call of duty. This year's recipient of the Award is Officer Duane North.

Colonel Brown introduced Jim Harrison to present the award. Mr. Harrison said a few words about the award, and then presented the award to Officer Duane North. He accepted the Award and said a few words. A photo was taken with Duane North, his family, and the Commissioners.

Introduction of Dan Decker

Chairman Barco asked Mr. Wiley to introduced Dr. Dan Decker, Professor at the Department of Natural Resources at Cornell University. Mr. Wiley welcomed Dr. Decker who is here on sabbatical; he has pioneered the research in social sciences, called Human Dimensions research with regard to how it applies to fish and wildlife research. We are fortunate that he has been willing to give his sabbatical time and interest to work with our staff through numerous workshops. He is focused on FWC now because of our growth and change and has

been a consultant, advisor and mentor through all our growth. He thanked him for his attention, support, wisdom and guidance with staff.

Dr. Decker made a few comments regarding his positive experience in Florida and with FWC. He also commented that FWC is a remarkable group of folks that he has had the opportunity to work with.

Final Rule Changes for Hunting and Freshwater Fishing for 2012-2013

Chairman Barco asked Diane Eggeman, Director of the Division of Hunting and Game Management, to present the proposed Rule Changes for Hunting and Freshwater Fishing. Ms. Eggeman reported on a suite of major proposed rule changes statewide and those specific to Wildlife Management Areas as well as specific fish management area regulations. She explained that FWC staff received approximately 234 requests for changes from the public, staff and cooperators. Staff recommends 150 of the ideas for rule changes. The presentation focused on highlights, controversial rule proposals, and five changes to proposals since the November Commission meeting. Staff requested approval of five changes to rule amendments advertised, 68A-9.004, 68A-15.004, 68A-15.061, 68A-15.063, 68A-15.064 and approval of the rest of the new rules and amendments to existing rules as advertised.

Public Comment

Jason Holifield (Dixie County Commissioner) recognized the other Commissioners present. Mr. Holifield stated that he supports the opening of Log Landing Wildlife Management Area. He wanted to give special thanks to Roland Garcia, who helped put the plan together to manage the property, which Gilchrest and Dixie Counties approved. Please approve this today.

Lane Green (citizen) is against larger motors on Lakes Iamonia and Carr. He explained that biologist from the Commission did a study and found that noise from the lake was pushing ducks to private ponds. A 1965 bill was passed by legislature, to allow the Commission to regulate lakes in Leon County. It works and there is not a problem; we already have a balance. In 2012, hunters are still complaining, but want motors put back on the lake. The latest survey, is merely public opinion, not science, just say no.

Brian Wolfe (citizen) asked the Commissioners not to jump to a decision based on public opinion, slow down.

Barry Bevis (citizen) is a public land hunter and said that they access lakes with paddles and electric trolling motors. Please preserve Lake Carr and Jackson for quality of hunt; preserve current rules.

Michael Stone (citizen) said he opposes a change to Lake Carr and Iamonia.

Terry Chastain (citizen) asked the Commission to preserve status quo on Lake Iamonia, because it is so unique and the tradition needs to continue.

Wayne Dodson (interested hunter) has hunted the lake since the 1970's and said that outboard motors are not needed on Lake Iamonia, three landings allow you to be anyplace in 20 minutes; what's the rush.

Charles Letchworth (Delta Waterfowl of North Florida) has hunted for 30 years and hunts Lake Iamonia with family all the time. It is a great area to hunt with lots of species. He went to Lake Miccosukee and with 32 boats on the water at 1:30 am; big motors are loud and scare the birds away. There are many rules on duck hunting.

David Williamson is in favor of changing the rule. He has seen a reduction in ducks on the lakes, and is not sure why. There are private ponds and there is a new younger crowd running motors. Space is getting tighter on Lake Jackson and Miccosukee and they need more options.

Orin White (Foshalee Plantation) stated he opposes allowing motors; there needs to be more research done.

Joe Knapp stated that he opposes motors; because of the motors, the ducks leave Lake Jackson now. It is nice to have a lake to teach our kids the old-fashioned way to hunt and have a good time. Younger people scout while hunting with the motors; they do not understand that you hunt and come back.

Dan Ogelsby is against the change. He said there are not many places like Lake Iamonia; it is a great place to hunt. He suggested spreading the hunters out so they can hunt Lake Carr and Iamonia, they just need to follow the rules.

Trip Webb (Tallahassee) told the Commission that he grew up on Lake Iamonia, and opposes motors on the lake.

Ian Phipps (representing Orchard Pond Plantation), read two letters requesting that we keep current rules in place. Mr. Phipps has lived on Lake Jackson and he strongly opposes use of 10 hp or less on Lakes Iamonia and Carr. In fact, there should be motor restrictions on Lake Jackson as well. Using paddle kayak or canoe, he can get from one end to another in 15 minutes. Please keep these lakes as they are and let hunters and their children who want a primitive experience have it.

Jeff Naylor (Delta Waterfowl Officer) opposes motors on Lake Iamonia and Carr; it is a good quiet hunt, and the quality of the hunters are gentlemen.

David Gilchrist (duck Hunter) opposes motors on Lakes Iamonia and Carr.

Stephen Williamson (United Waterfowlers-Florida) said that the study done in the 1960's cannot be found; but what they found from the historical record was that ducks were diminishing, so they voted to go to a three-day hunting schedule. At the same time legislation passed to have no motors on Lake Iamonia, period. Now the survey reports that 81 percent of those surveyed said they want motors. There are more people duck hunting than ever before and we have to put them somewhere; ten-horse power and below is what stakeholders want.

Chairman Barco thanked Mr. Williamson for the work United Waterfowlers do with the youth.

Charles Oxedine, Jr. has hunted with both sides. He has also lived on Lake Iamonia for his lifetime and has seen the damage motors cause to lakes. He is strongly in opposition of motors on these lakes; which provide a unique opportunity for peace, quiet and fellowship. Respectfully hunt with everyone that enjoys the same passion. Competition to kill ducks is not good sportsmanship. We are the future.

Leigh Letchworth has been duck hunting for 10 years with her husband and five children and feels that running motors will destroy the quality of the hunt and area. She is opposed to allowing motors, and hopes the Commission will not do it.

John Phipps (Ayavalla Plantation) supports the no motor rule. Lake Iamonia and Carr are very special places and what make them special are the restrictions on them; more hunters equal more pressure. He is strongly against allowing motors on the lakes.

Mike Hartman reported that he has no trouble accessing any place on Lake Iamonia by pole or paddle, and would appreciate not allowing motors on the lake.

Fincher Smith said he started duck hunting with his father and brother at a young age. In the years from 1964 to 1966, motors were allowed on the lakes and it changed them in a negative way. If you want motors, go to Lake Jackson, if you do not want motors come to Lake Iamonia. Please give people choices and leave it as is.

Todd Laughlin is in favor of the change. He feels a public survey was done and the people have voted for this; we need to get the pressure spread out.

Gary Click commented that the concerned people are here, you have both sides; now you can do your poll.

Brad Trotman has grown up hunting Lake Iamonia and Carr, and asked to please keep it the same. Give the ducks a place to rest. It is beneficial to duck hunters and he wants to continue with tradition.

Will Nesser has duck hunted his entire life and he is a conservationist as well. He has hunted all over and feels passionately that the tradition should be kept; everyone in the Ducks Unlimited Chapter feels that the tradition should be kept. Airboats run ducks to private ponds, so he would like the Commission to consider banning motors on the lakes at least two weeks prior to and after season. Please do not allow motors on these two lakes.

Jody Cahoon as a multi-generation hunter asked the Commission to please preserve Lake Iamonia and Carr. His daughter is avid duck hunter; and showed the Commissioners a picture of her at age 13 on an FWC brochure.

John Fuller, pointed out that the years during the 1960's when motors were allowed, they ran the ducks off. Please keep things the way they are and keep motors off the lakes.

Upon a motion by Commissioner Roberts and seconded by Commissioner Corbett that Lakes Iamonia and Carr rule be withdrawn from the suite of rules and handled separately, to leave Lakes Iamonia and Carr as they are.

Commission Discussion

Commissioner Corbett commented that we have not had enough duck hunting. Motors disturb ducks, and we need ducks and need hunting. Preserve and leave things as they are; he is strongly in favor of this.

Commissioner Bergeron agrees that the majority of our lakes do allow motors. These lakes are so small unlike down south where you have millions of acres in the Everglades and you need motors for access. He respects traditional culture and he strongly opposes allowing motors for Lakes Carr and Iamonia.

Commissioner Yablonski thanked Ms. Eggeman for the suite of freedom loving rules; they are unique as public hunting opportunity, and are a freedom that ought to be preserved. He commented that Lake Iamonia is a special place to him.

Vice Chairman Wright is supportive of the motion; as an inland water fisherman, he has seen flats destroyed when boats ran up on them. We need to provide diversity of opportunity. He said he also appreciates United Waterfowlers and all they do, but he supports the motion.

Chairman Barco thanked Ms. Eggeman and all the public that came to speak. However, she cautioned that our information did not come out of nowhere; but is information and data that said what the hunters want. We want to give stakeholders satisfaction; your voice makes a difference when you come and speak in front of us.

Commissioner Priddy is supportive of options and at the same time feels lucky to preserve primitive traditions.

Commissioner Roberts commented that duck hunting is a culture that is being passed from generation to generation and thanked all the hunters.

Upon a motion by Commissioner Bergeron to approve the rest of the suite of rule changes, and seconded by Commissioner Roberts.

Commissioner Bergeron commented that he is excited about the one hog per quota, vs. one hog per day throughout the whole season. It provides opportunity to more people and increases safety, especially in J.W. Corbett.

Commissioner Yablonski thanked the Dixie County Commissioners for coming.

The motion passed.

Draft Black Bear Management Plan

Chairman Barco asked Kipp Frohlich with the Division of Habitat and Species Management to present the Draft Florida Black Bear Management Plan and associated rules. Mr. Frohlich summarized the plan and associated bear conservation rules and discussed the plan goal, which is to maintain sustainable black bear population in suitable habitats throughout Florida for the benefit of the species and people. A key component of the management plan is to establish seven Bear Management Units, or BMUs based on the subpopulations, managed with input from seven Black Bear Advisory Groups. He went on to discuss how they plan to achieve the plan objectives, by maintaining the population including subpopulations, habitat maintenance, conflict reduction, education and enforcement. Mr. Frohlich added that this plan was not intended to address hunting, but does include the history of hunting in Florida as well as other state's use of hunting as part of a management plan. Staff is requesting direction to move forward to continue to work on refining the bear management plan and return at a future Commission meeting for final approval. In addition, to direct staff to publish proposed rule amendments to 68A-4.009 and 68A-27.003 as presented today and take additional public input.

Commissioner Corbett discussed problems with bear's attraction to garbage. Do we have plans to provide bear proof garbage cans, which are expensive, to families that cannot afford them?

Mr. Frohlich informed the Commission that those families that have put in the bear proof garbage cans, have seen a significant drop in problems with bears. We have plans to start working with waste management companies to incorporate them into monthly bills. Through the help of a wildlife grant, we can show communities that the bear proof garbage cans are working and the problem is getting better, where they are being used.

Vice Chairman Wright discussed the bear problems he had with his home in Steamboat Springs, where a local ordinance was passed; picking up strewn trash down the road a few times, convinced him the investment in the trashcans was well worth it, and he would help anyway needed to help local governments incorporate bear proof containers into contracts.

Commissioner Bergeron asked about population estimates and how many bears were estimated to be in Big Cypress. Mr. Frohlich responded that numbers in 03' ranged from seven to eight hundred. Commissioner Bergeron thinks there are more than that now. They like to demonstrate good practices, and do not have any problems with bears.

Commissioner Priddy asked what is the time frame for training necessary to get permits to deal with nuisance bears. Mr. Frohlich responded they usually do training session with groups

Commissioner Priddy stated that she would like greater emphasis in the plan on the important role of private property in providing habitat. She added that they have seen an explosion of bears on her property, but they behave themselves.

Chairman Barco asked when we could bring this back. Mr. Frohlich responded at the June meeting.

Public Comment

Tom Parker (Sweetwater Hunt Club) informed the Commission that in 1985 he started a hunt club on 880 acres that did not have populations of deer, turkey or bear. They started habitat improvement, had a restricted harvest approach and expanded to over 20,000 contiguous acres with 35 members with a waiting list. In 1996-97 the deer population started to decline and they believe the bears were too over populated. They have scaled back to 10,000 acres and have 21 members because of the bear. Members have counted 17 deer and 34 bear; they have concerns

that the bears are eating fawns and turkey eggs. They have been told by the game commission that bears do not eat meat, but in his experience they do and he is concerned that a bear will attack one of his members.

Amber Crooks (Conservancy of Southwest Florida), applauded the plan, but pointed out there is a low viability of some of the sub populations. She requested that the Commission retain three subpopulations on the Threatened list. There are precedents for doing this with other species and even in the history of the bear protection by the state. The proposed rule does not go far enough to protect bears from incidental take as a result of development. The rule should also further clarify what is a human safety threat and what condition would support removal of a bear from the wild. They would also like the plan to support continuing to increase the population of bear and recommends denial of permits when necessary. In addition, she would like to see objective 1.2.6 about hunting removed from the plan.

Mitchell (Mickey) Larkins (Florida Bear Hunters Assn.) supports the plan, though they do not agree with everything in it, but you have to start somewhere. The majority of people that have problems with bears are not represented here. They feel the plan should be passed and then move on to population control; it is like the alligators, you could hunt them all year long now.

Jennifer Hobgood (The Humane Society of the United States) opposes the removal of the black bear from the list all-together, but urged the adoption of a management plan; she provided written reasons in a letter. She also feels that bear smart communities are needed but this required funding. Establishing corridors will require a strategy and funding, though this is not identified in the plan. Poaching is not currently prosecuted, and she feels there will be a higher risk once the penalty is only a misdemeanor.

Commission Discussion

Upon a motion by Vice Chairman Wright and seconded by Commissioner Corbett, to approved staff recommendations.

Vice Chairman Wright stated that this is a good plan, though it will need to be a living plan and continue to evolve. He agrees we need to better focus on managing and taking care of the species, not get hung up on what we call it.

Commissioner Yablonski said it has been an amazing success story that we have managed to get bears back to the level they are, given the amount of population increase since 1914. There needs to be a cultural change issue to get them out of garbage. Connectivity is important and we need to continue to work on voluntary actions that will help provide non-regulatory solutions to getting sub populations back in contact.

Commissioner Bergeron said that he lives in the Big Cypress and sees bear in the River of Grass now, from an airboat. There is a million acres of habitat in the River of Grass, though not great bear habitat. He thanked those who are doing what they can to provide bear habitat. The future of the bear is great now, and could be greater if we can connect private land with all these conservation easements, and provide contiguous habitat for them.

Commissioner Corbett commended Mr. Frohlich for the terrific study. He would like more information back between now and June back from the areas where density is greatest. He also feels the bear proof garbage can will be an important factor in their management.

Vice Chairman Wright said that the focus on providing mobility for bears is something we should think about. It is similar to the panther as man broke the connectivity, we have ended up with sub populations; ideally you would not have that and genetically they would all be the same. He added it was a very good job on draft plan.

Chairman Barco asked Mr. Frohlich to introduce the rest of the bear team. Mr. Frohlich introduced Dave Telesco, Brian Schiek, and Walter McCowan and said that they were a great team.

Commissioner Priddy commented that we are not seeing bear prey on deer. In addition, she feels that burning is a positive tool in habitat management; connectivity helps other species as well. Things might change if delisting has an effect on poaching issues. She asked is if there is any way to move up the adoption of the plan?

Mr. Frohlich responded that we have to go through the rule making process and that takes several months. Improvements will be incorporated into next version; there is a legal requirement is to go through the process.

Mr. Wiley clarified the process and asked Mr. Vielhauer to address where we were in the process. Mr. Vielhauer said we have published the notice of proposed rulemaking, and will publish the notice for final adoption for the June meeting.

Mr. Wiley complemented Dave Telesco on the great job he did.

The motion passed.

Legislative update

Mr. Wiley said from a legislative view we are in a good posture. There is a lot of support in legislature for FWC.

We have received budget recommendations and though it is very early in the process, our core programs and priorities are looking very good. FWC looks to be in good posture.

Public Comments for Items not on the Agenda

Mitchell (Mickey) Larkins discussed the bear management plan. He informed the Commission that a friend of his had four calves have been killed by bears. We need hunting to manage the population. Hunting hogs is a management tool, it's the same thing with the bears. He proposed that the Commission do the count on private property when they do the count; private owners are ready to help with collection of samples and money. Start steps to get a plan for hunting bears.

Jennifer Long, designated agent for Dave Regal, Alligator Trapper, reported that the trappers in Collier County are not getting answers that they need through their chain of command. They want to improve the program as it relates to public safety. New trappers are contacting us about issues because they are afraid of retaliation; we are representing trappers who could not be here, who went through the chain of command but did not get the answers they needed. They got retaliation for it; their evaluations were fine, but they ended up losing territory because of it. As an example, a complainant reported an alligator and it took two hours to be dispatched, by the time they got there, the gator was back in the water and nothing could be done without a second complaint. The time to catch a gator is while they are there, so the woman gave them a negative evaluation when the time came, but they never received a permit to remove her alligator. They would like add-ons back, rather than have to go back again. In addition, they have heard that complainants that do not answer questions on the evaluations are counted as negative responses. They requested a special meeting between the trappers and the Commission.

Chairman Barco asked Ms. Eggeman to talk with Ms. Long and Mr. Regal to see discuss her concerns and find out if there needs to be a meeting with all the trappers to address this professionally, so that everyone is on the same page. She added that there is a process and forum to address these issues. She also asked to see an evaluation form. She further asked Ms. Eggeman to get back to her or Mr. Wiley to let them know if the issues are resolved or we need to dig deeper.

Commissioner Exchange

Commissioner Corbett said heartwarming to hear duck hunters talk about the habitat and Tradition. The bear team did a great job on the management plan.

Commissioner Yablonski said that Commissioner Bergeron hit the nail on the head regarding culture and heritage. He also commented that the new commissioner participation was wonderful.

Vice Chairman Wright enjoyed discussion yesterday and he continues to learn. He also feels the new Commissioners will be good and he is proud of all the Commissioners.

Commissioner Bergeron said it was a good meeting. He is proud that we took into consideration economical impact to a geographical area and cultural aspects are important.

Commissioner Roberts thanked staff for the detailed information. FWC staff is at the top in providing information and professionalism.

Commissioner Priddy said it would be nice if our government ran as well as FWC does. It has been a pleasure and has been looking forward to this opportunity

Chairman Barco commented that it was hard to not get overwhelmed and it is nice to have commissioners that have hit the ground running. Thanks to Ms. Eggeman for access opportunities and Mr. Roland Garcia and his great work with Dixie County to open up hunting areas with FWC to manage.

Commission Administrative Matters

The next regular Commission meeting is scheduled for April 25-26, 2012 in Crystal River, starting at 8:30 a.m. each day.

Adjournment

Chairman Barco adjourned the meeting at 12:25 p.m.

Kathy Barco
Chairman

Nick Wiley
Executive Director

Respectfully submitted:

Robin Stetler
Commission Administrative Assistant