



# Florida Fish and Wildlife Conservation Commission

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Commission Meeting  
June 27-28, 2012  
Palm Beach Gardens, FL  
Minutes

The Florida Fish and Wildlife Conservation Commission (FWC) held their regular meeting June 27-28, 2012, at the PGA National Resort, located at 400 Avenue of the Champions, Palm Beach Gardens, FL. Chairman Kathy Barco called the meeting to order at 8:30 a.m. with the following members in attendance.

Kenneth Wright, Vice Chairman, Orlando  
Brian Yablonski, Tallahassee

Ronald A. Bergeron, Ft. Lauderdale  
Aliese Priddy, Immokalee, FL

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   |
| Chris Wynn           | Director, Southwest Region   |
| Eric Sutton          | Director, Habitat and Species Conservation                                 |
| Diane Eggeman        | Director, Division of Hunting and Game Management                          |
| Tom Champeau         | Director, Division of Fresh Fish Management                                |
| Jessica McCawley     | Director, Division of Marine Fisheries                                     |
| Doc Kokol            | Director, Community Relations  |
| Martha Bademan       | Environmental Specialist III, Division of Marine Fisheries                 |
| Don Coyner           | Section Leader, Division of Hunting and Game Management                    |
| Kipp Frohlich        | Section Leader, Division of Habitat and Species Conservation               |
| Jackie Fauls         | Director, Legislative Affairs  |
| Major Jack Daugherty | Division of Law Enforcement  |
| Aaron Podey          | Biological Administrator III, Division of Marine Fisheries                 |
| Melissa Recks        | Biological Scientist II, Division of Marine Fisheries                      |
| John Hunt            | Program Administrator, Fish and Wildlife Research Institute                |
| Erin Rainey          | Section Leader, Office of Licensing and Permitting                         |
| Dr. Brad Gruver      | Biological Administrator III, Division of Habitat and Species Conservation |

There were 93 individuals registered to speak to the Commission during the two-day meeting.

## **Meeting Opening**

Chairman Barco called the June 2012, meeting to order at 8:30 a.m. and welcomed the Commissioners, staff, and public to The PGA National Resort in Palm Beach Gardens.

Chairman Barco announced a special staff presentation on FWC and the Military. She stated that this meeting was dedicated to recognizing those that have given so much to protect this country and our freedoms. She talked about her recent trip with a group of Floridians that allowed her to visit special groups of people who protect this country, serving in the various branches of our military. She explained that staff is wearing apparel (shirt, hat or pin) that represents a branch of the military that is important to them. The Commission then took a few moments to honor those that have served and are serving in the Military.

Chairman Barco began by inviting Chuck Collins, Regional Director of the South Region to give the invocation, followed by a special presentation by FWC's honor guard; she then lead the Pledge of Allegiance to the Flag.

Chairman Barco went on to describe the various programs that FWC has that provide more affordable outdoor recreation opportunities to members of the military stationed in Florida.

## **Recognitions and Invited Guests**

Executive Director, Nick Wiley introduced a video that listed all FWC employees that currently serve, or have served, in any branch of the military. He then introduced the following local Commission employees who have served or are currently serving in various branches of the military.

- Captain David Schaeffer - Reservist
- Officer A.J. Maynard – Prior service
- Michael Anderson - Reservist
- David Sweetay – Disabled Veteran
- Ralph LaPrairie – Vietnam Veteran
- Jamie Feddersen – Vietnam Veteran

Chairman Barco asked everyone that would come to speak at the podium, please explain the importance of the military apparel they are wearing. She started with herself and then asked the other Commissioners to talk about their experience with the military and why they chose the apparel, they did. She then asked Commissioner Bergeron to introduce his special guest, Morton Kalin, who is from the last regiment of the Mounted Calvary. Commissioner Bergeron thanked Mr. Kalin for his dedicated service to this country. Mr. Kalin then spoke a few words and thanked the Commission for all they do.

Chairman Barco acknowledged and welcomed Pete Antonucci, State Attorney for Palm Beach County Circuit, and Mack Bernard, State Representative, to the Commission meeting.

Chairman Barco introduced Colonel Abraham Conn. Colonel Conn gave a brief talk about his service to the National Guard. He thanked the Commission for what they do for the state of Florida and described his experience in Afghanistan, explaining nothing is left of the natural resources there. Without the Commission, he feels we would be like Afghanistan in 50 years. He asked that we support employees called to active service.

Chairman Barco asked that all those in attendance who had any part in the military stand, and be recognized. She requested that everyone in the audience thank and be supportive in any way they can to the tens of thousands of disabled veterans returning, that are trying to re-integrate back into civilian life.

Vice Chairman Wright asked that we recognize the many service personal that cannot be represented today because of their covert status.

Chairman Barco recognized and welcomed the following guests in the audience:

- Michelle McGovern, Regional Director for U.S. Senator Bill Nelson
- Jessica Neer, Aide to Representative Joseph Abruzzo
- Victoria Winslett, District Secretary to Representative Lori Berman
- Pete Antonucci, State Attorney for Palm Beach County, who spoke about the approximately 80 cases a month they process for wildlife issues. He explained their enormous education process for judiciary on wildlife related matters. He added Sherrie Collins, the director of Education and Legal Training with his office, among others, is a great resource to FWC officers and can offer assistance on unique cases. He gave a brief example of current cases involving Nassau Grouper and Asian Tigers. Chairman Barco talked about the challenge of finding judges that understand the importance of our laws. Mr. Antonucci said they are talking about developing a course that will give the new judges an understanding and importance of what FWC does.

Chairman Barco recognized and welcomed Pedro Ramos and Dan Kimble from the U.S National Park Service.

### **Adoption of Minutes**

Chairman Barco asked for a motion to approve the minutes with the amendments indicated on the errata sheet and incorporated into the May 2-3, 2012, Commission meeting minutes. Upon a motion by Vice Chairman Wright and seconded by Commissioner Priddy, the minutes were approved.

### **Adoption of Meeting Agenda**

Chairman Barco asked for a motion to approve the meeting agenda. Upon a motion by Commissioner Roberts to approve the Agenda, and seconded by Commissioner Priddy, the motion passed.

### **Approval of Consent Agenda**

Chairman Barco asked Greg Holder, Assistant Executive Director, to present the items listed on the Consent Agenda. Mr. Holder summarized the four (4) proposed issues listed on the Consent Agenda for June 27-28, 2012:

- Rules relating to a change in squirrel hunting season
- Review and approve the anticipated early season migratory bird hunting regulations for 2012-2013, including hunting season and bag limits for dove, rail, gallinule, woodcock, snipe, Canada geese, and special September duck seasons
- Big Cypress Wildlife Management Area, Stairsteps Unit – Review and approve an Executive Order establishing deer hunting regulations for the 2012-2013 season
- Draft proposed suite of rules relating to funding for Aquatic Plant Management

Upon a motion of Commissioner Bergeron and seconded by Commissioner Yablonski, the motion carried and the Commission approved the June 27-28, 2012, Consent Agenda.

### **Executive Director's Report**

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

#### **Awards and Accomplishments:**

**National Recognition of Florida Paddling Trails** - Director Wiley talked about the new designation of the "Rivers of AWE," which include the Aucilla, Wacissa and Econfinia rivers as National Recreation Trails. This special event took place on National Trail Day, Saturday, June 2 at the Wacissa Springs County Park in Jefferson County. This is FWC's third addition to the National Recreation Trail System awarded by the U.S. Secretary of the Interior. He added that he appreciated the hard work staff put into making this happen.

## In the News

**St. John's River Tour** – Director Wiley reported that on Friday, May 4, the FWC provided logistical support and subject matter experts to enable Governor Rick Scott to tour the upper regions of the St. Johns River. The event provided the Governor an on scene view of the challenges and opportunities concerning the St. Johns River. Captain Kline and his staff provided transportation and support vessels, while Chairman Barco, Regional Director Garcia and myself discussed FWC's role and scope concerning the river. Expert commentary was provided by Dr. Jan Landsberg, to the Governor, Senator John Thrasher, DEP Secretary Herschel Vinyard and others on the tour, of science based information about fish kills, their possible causes and FWC monitoring systems. He added the highlight of the tour was a net pull conducted by researcher Russell Brodie and his staff, which showed the biodiversity of the river, and how the information obtained helps manage the abundance of resources in the river. Director Wiley especially thanked Secretary Vinyard for organizing the trip.

## Update

**Big Cypress National Preserve** – Director Wiley acknowledged Superintendent Pedro Ramos and said that without his leadership we would not be where we are today. He explained that we are continuing to work closely with Big Cypress National Preserve staff and US Fish and Wildlife Service staff to finalize the Hunting Management Plan for Big Cypress National Preserve, so public hunting opportunities can be implemented in the Addition land. We are in the final stages of getting the plan approved for initial public hunting. We are working through the NEPA process to get this done right. Dr. Don Coyner and Ms. Eggeman are helping to guide us through working with National Park staff. This process is moving forward and we remain hopeful that public hunting opportunities will be soon offered, possibly this coming season via an Executive Order.

**Biscayne National Park General Management Plan (GMP)** – FWC staff will meet with National Park Service staff on July 9 in Tallahassee to discuss our concerns regarding the management plan for the park, specifically concerns raised in our comment letters and recent Congressional testimony provided by Vice-Chair Wright. Our concerns have focused on elements of the GMP preferred alternative that would close significant portions of the Park to all forms of fishing and other elements that may unnecessarily restrict boating access. We view this meeting as a good faith indication that the National Park Service is willing to work with us to consider alternatives that would achieve resource and fishery conservation objectives, while continuing to allow reasonable public access and fishing opportunities.

**Lake Miccosukee Restoration** – Director Wiley explained this month we will begin drawing down Lake Miccosukee in order to expose and dry the lake bottom so we can scrape the decay and muck from 25 acres, perform prescribed burning of tussocks floating on the lake, restore fish and wildlife habitat, and improve boater access.

**Lake Jackson** – Director Wiley informed the Commission that on June 18, in response to a sinkhole, which drained several hundred acres of the lake, an executive Order was issued to suspend some of the rules for fishing on the lake. Director Wiley emphasized this was to allow anglers to take any size bass and authorize the take of stranded fish using dip nets or by hand, rather than allowing them to die. The Order was coordinated among Freshwater Fisheries Management, Habitat and Species Management, Law Enforcement, Legal, Community Relations and the Office of Executive Director. We will monitor the situation closely to make sure folks comply with our rules on freshwater turtles.

**Law Enforcement Consolidation** – Director Wiley announced as of July 1, the Division of Law Enforcement would gain staff and corresponding duties from the Department of Environmental Protection (DEP) and Department of Agricultural and Consumer Services (DACS). This is the result of recommendations from the Law Enforcement Consolidation Task Force created during the 2011 legislative session and House Bill 1383 that was passed during the 2012 legislative session to make the transition official. This includes 145 sworn members and 16.5 non-sworn support staff and 4 additional staff coming to other divisions. The folks at DEP and DACS have been wonderful as well as Secretary Vinyard and Commissioner Putman who have been supportive. We are looking forward to welcoming these folks into FWC. The new staff will integrate into the ranks as FWC members, and be distributed throughout the state depending on their current roles and the needs of the FWC.

**FWC Memorial Golf Tournament Honoring Fallen Officers** – June 2, the FWC and the Wildlife Foundation of Florida held the 11<sup>th</sup> Annual FWC Memorial Golf Tournament at the Lely Golf Resort in Naples. Director Wiley emphasized that all proceeds benefit the Wildlife Foundation of Florida’s FWC Law Enforcement Memorial Fund, which helps defray the costs associated with travel to memorial services by FWC law enforcement personnel and families of members killed in the line of duty. He reported that approximately \$5,800 was raised this year.

**Tarpon** – Director Wiley explained there is a lot of interest about tarpon this year, and we are hearing the fishing is great. However, we also know there are concerns about how the fish are being handled, and of game fish designation. He reported that Vice Chair Wright has looked into this and is working to help get us focused on what we are doing; he is going to tee up a tarpon symposium later this year to help us get our arms around some of these concerns.

Vice Chairman Wright emphasized there are many concerns about tarpon, and he wants to get everyone together with Ms. McCawley and Ms. Bademan to come up with solutions, including potentially making tarpon game fish status; he will continue to work with staff to have an open and transparent discussion.

**Exotic Pet Amnesty Day held at Gatorland** – Director Wiley reported that an exotic pet amnesty day sponsored by Gatorland, was recently held in Orlando. Gatorland had its hands full with more than 50 exotic pets collected, including ball pythons, Burmese pythons, bearded dragons, a Madagascar ground boa, Columbian red-tailed boas and sugar gliders. He explained the Amnesty program is an effort to reduce the number of nonnative species being released into the wild by pet owners who can no longer care for their pets.

**Youth Conservation Panel Discussion** – Director Wiley reported that the Florida Youth Conservation Centers Network is piloting a new program called “Careers in Conservation.” As part of this pilot program, FWC Law Enforcement and Hunter Safety staff hosted a Youth Conservation panel discussion at the Everglades Youth Conservation Camp on April 12. The goal of the program is to inspire the next generation of conservation experts while promoting traditional outdoor recreation.

### Partnerships

Director Wiley discussed our partnership with the Florida Lottery to promote a new Guy Harvey Lottery Game. Early reports indicate this new Lottery Game is very popular. He also highlighted Capt. Pat Kelly and the Florida Guides Association who has teamed up with us to sponsor a new challenge for tarpon anglers that encourages participation in our Tarpon Genetic Recapture Study. The new FGA/FWC Spirit of Tarpon DNA Sampling Challenge is open to all recreational anglers year round, and recognizes anglers who submit the largest number of tissue samples, a non-invasive scrape of skin from the jaw area, for genetic analysis by FWC. Four awards will be presented annually.

### Recognitions:

**FWC Pilots Deliver Life-Saving Anti-venom** – Director Wiley discussed our partnerships with the Metro-Dade Fire Rescue Anti-Venom Unit. He apprised the Commission about an FWC pilot, Lt. Chris Colon, who recently received a phone call at 2:30 a.m. requesting assistance from the Anti-Venom Unit for a victim that had been bitten by a coral snake in the Pensacola area and was in urgent need of anti-venom. Lt. Colon activated pilots Don Dougan and Frank Utermohlen for the mission. Pilot Dougan flew to Miami-Dade Tamiami Airport to retrieve the anti-venom and transported it to Ocala International where it was relayed to Pilot Utermohlen, who continued on to the Pensacola Regional Airport. Because of this coordinated effort, the anti-venom arrived an hour and a half ahead of schedule and saved this person’s life. FWC pilots frequently coordinate with other agencies to protect Florida’s valuable natural resources, and its people.

Commissioner Bergeron mentioned how honored we were to have a visit from Vice-President Biden to tour the Everglades. He felt it was successful and helped to strengthen the partnership entered into between the federal government and the state of Florida 10 years ago. He also talked about our great partnership with the Miami Fire

Rescue, which has saved many lives. He asked to hear from Vice Chairman Wright about his trip to Washington DC.

Vice Chairman Wright talked about his trip to Washington D.C. and commented the testimony was fascinating. He discussed the management tool used by the park service for creating a sizable closed area was of concern. He added he felt it should only be a tool of last resort, there are other means of protecting and ensuring the viability of the fishery and the park without denying anglers access. He added that he felt we were successful in convincing the park service of our interest in continuing to work with them to come up with solutions.

Commissioner Bergeron stated that our position has always been proper management rather than closure to the public. He also commented that he wants to advocate for the “interceptor” which runs for 18 miles, to allow for hunting access from multiple locations, and is safer for hunters in Big Cypress.

Superintendent Ramos agrees with Commissioner Bergeron about our partnership. He said that having two Commissioners who have property abutting the Big Cypress and understanding the issues that we face, and are partners to our efforts, is wonderful. He agreed with Commissioner Bergeron’s comments that Big Cypress, in particular access, is an important partnership with the State of Florida. He also stated that we are working on a partnership with DOT to get a new access point and felt it should be done by next month, and said we would have a proper celebration and grand opening. He also reported that the Hunt Management Plan is close to being finished. Finally, he reported that the levee and canal is within jurisdiction of the South Florida Water Management District (SFWMD), so this will take a partnership effort along with the Seminole and Miccosukee tribes to determine what access along the interceptor levee will be acceptable.

Commissioner Bergeron stated that he would like to be personally involved and would make himself available to work on these issues with staff and the park service.

Superintendent Ramos thanked Commissioner Bergeron and said that this process, which addresses access for hunters and allows them to get off the highway safely, will take the “whole village.”

### **Dry Tortugas National Park Research Natural Area: 5-year Report**

Chairman Barco asked John Hunt, Program Administrator, with the Fish and Wildlife Research Institute to present the 5-year report on the Dry Tortugas National Park Research Natural Area. Mr. Hunt summarized the process that led to the creation of the Research Natural Area (RNA) and the development of a Commission-directed Memorandum of Understanding (MOU) between the FWC and the National Park Service (NPS) to facilitate cooperation to identify, prioritize and coordinate research activities to evaluate the performance of the Research Natural Area (RNA). He further summarized the collaboration that led to the development of the Science Plan that was drafted by the two agencies to direct the activities set forth in the MOU. Finally, he summarized the Commission-mandated 5-year science report that described the progress and outcomes of the various research and monitoring activities set forth in the Science Plan.

Commissioner Priddy asked if there are other important spawning areas out there, and where are they? Mr. Hunt responded that Western Dry Rocks, Boca Grande Bar are well known mutton snapper aggregations and are heavily fished. Also, Eyeglass Bar (very near Key West); all are being researched to understand more about these spawning aggregation sites. Some other upper Keys areas have been reported by commercial fishermen as historic spawning aggregation sites, which are fished out. We found elevated densities at some locations in the upper Keys when we dove on them at the appropriate spawning times, but not any spawning aggregations, that research program is ongoing. We are trying to bring Tortugas tagging research to the Florida Keys because there is a huge need for information on that.

Vice Chairman Wright asked Mr. Hunt to talk about the size of the RNA. Mr. Hunt responded that the RNA is 46 square miles, the Tortugas Ecological Reserve is larger, the total area is 197 square miles. Vice Chairman Wright asked if the success of the RNA was due to the size of the no-fishing area. Mr. Hunt responded that the success is due in part to the size of the area. However, in the much smaller area of Western Sambo, we are seeing marked changes in response to restriction on harvest. These smaller areas can be especially effective for less migratory

species. The remote nature of the Dry Tortugas also contributes to its success. Because of the Tortugas remoteness, it is less heavily fished, and there is a greater level of recovery when there is lower fishing pressure. The Stakeholder process was focused on finding the best locations without respect to jurisdictional boundaries so that you would find the right habitats to maximize the biological success and incorporate stakeholder's needs, and because they did that, they were able to settle in on locations that made a very big difference. The geography and currents in the region also contribute to its success.

Chairman Barco commented that having watched this process from inception, and though she is opposed to closed and marine protected areas, she feels this was the right place to close and to do the research because of its remoteness and because it is still pristine, though advances in technology are making it more accessible. Although this is a large area of closure, they also left a large area open, including a hole in the middle of the closed area. She further added that we are getting huge returns for closing the right small area. She asked if the park service has any intentions in "tweaking" some of these areas in the Tortugas to get more benefit.

Mr. Hunt responded that we are not at a place to talk about "tweaking" yet. We need longer to work up the previous research and to conduct more. It is important to recognize that some of the goals were related to trying to accomplish fishery benefits, and we hoped to get some of these fish species benefits. In addition, we are hoping for habitat protection and recovery of the benthic habitat as well. He added that there were "stakeholder heroes," several older commercial fishermen in particular, who had seen the changes through time and said we have to do something and we need to do it now; they made a very big difference.

Commissioner Yablonski said that the presentation hit the gold standard for bringing science to the Commission in an interactive and understandable way. He further added that the MOU was a controversial management tool at the time it was created, and there were tremendous concerns about it. The sunset provision gave us the ability to step away from it at the end of five years if the experiment failed, and go back to other fishing measures.

Jessica McCawley, Director, Division of Marine Fishery Management, addressed Commissioner Priddy's comments about additional important spawning areas, and briefly discussed the Western Dry Rocks and the Eyeglass Bar areas that have been identified as important, and that NOAA and the Councils have approached FWC, asking for cooperation in considering more protection for some of those areas. She then discussed the next steps; the MOU expired in February 2012 but multi-agency research and monitoring efforts continue in DRTO. In addition, later this year, the NPS will report on the status of the RNA to the Board of Trustees of the Internal Improvement Fund. Finally, the NPS has requested that the FWC continue to support the Special Regulations established for the RNA. Effective law enforcement in the RNA is important. FWC is the primary enforcement presence in the RNA and there is concern that the diminished law enforcement capacity in the area resulting from decreases in NOAA funding will decrease the effectiveness of the regulations. Staff recommended that the Commission continue to support the Special Regulations established for the RNA that prohibit fishing and anchoring. Staff also recommended the Commission continue to support collaborative research between the FWC and NPS that will evaluate the continued performance of the RNA into the future. Staff makes these recommendations because the RNA combined with deep-water ecological reserves has played a substantial role in enhancing some exploited reef fish species in the region, like mutton snapper. Staff feels it is important to continuing studying the RNA, with respect to protecting and bolstering Florida's marine resources. Staff does not recommend creating a new MOU at this time because the FWC staff scientists have been successful working collaboratively with the Park Service, the Florida Keys National Marine Sanctuary, NOAA and research institutions to investigate the priority topics identified in the RNA Science Plan. With the Commission's continued support, FWC staff will continue their collaborative research efforts into the future and return to the Commission with additional results when the research on the RNA is completed.

Chairman Barco recognized and welcomed Billy Causey, Regional Director, Southeast Atlantic, Gulf of Mexico and Caribbean Region, for the office of National Marine Sanctuaries, a partner of ours on this project.

Chairman Barco welcomed Superintendent Kimball and invited him to address the Commission on the Florida Keys National Marine Sanctuary. Superintendent Kimball introduced and thanked all the partners as well as Mr. Hunt and Ms. McCawley for their gold standard presentation. He stated that the park service fully concurs with the staff recommendations and the Commission continuing to support the ongoing collaborative research. This is

a true partnership, demonstrating the results that were hoped for 5 years ago; we are seeing performance as advertised. He further stated that they have no plans at this point to tweak the research natural area. Five years is a short period in the marine environment. They are focusing on the science, and expect it will take time to get the full range of benefits. NPS is fully committed to future RNA science and enforcement. Over the last five years; they have invested \$865,000 for RNA research and science, and plan to do more. They will continue to provide \$189,000 a year to support the fisheries independent monitoring survey. Dry Tortugas National Park no has a full time biologist, a new chief ranger and three additional law enforcement staff. Because of turnover, they will use Everglades National Park rangers as backup when needed. They will forge ahead this summer with a creel census pilot project. He further stated that they do not think an MOU is necessary, but rather would like to continue with a science plan. He finally noted that we need to find additional funding, as doing this research 70 miles off shore is challenging

Chairman Barco recommended we move forward, but leave the special regulations in place, as staff does not feel we need a new MOU. She stated this is a big leap of faith, though we are on the same page as we move forward and asked if there was anything else on the horizon. Superintendent Kimball responded there is nothing else on the horizon, and agreed that we have a great relationship. He added that the Controlling Management Agreement between the State of Florida and the United States requires the Park Service to report to the Governor and Cabinet, every five years; he will go before them in November. In the Agreement, there is also a provision to make sure we proceed as we promised and continue to work with the State of Florida.

Chairman Barco recommended the Commission vote to continue to support the Special Regulations established for the RNA that prohibit fishing and anchoring, and continue to support staff recommended continued collaborative research between the FWC and NPS evaluating the continued performance of the RNA and that a new MOU is not necessary at this time.

Vice Chairman Wright suggested that a letter from the Chair to the Park Service with copies to the appropriate parties expressing our intent to continue to support the Special Regulations for the RNA would work.

Chairman Barco agreed.

#### Public Comment

Ted Forsgren (Coastal Conservation Association-Florida) reported that many years ago Riley's Hump was a poster child for bad abuse of fish traps. Commercial divers found the whole area littered with ghost traps, and CCA urged removal of the fish traps. Then eventually the area was set up as a no fishing zone. He stated that back in 2006 CCA proposed catch and release be allowed for permit and tarpon in the closed area, but it did not become a reality. Research shows the fish traps are gone, there is good enforcement, and nearby areas are improving. The spawning area closures can be identified on a precise basis and protected especially during spawning season. He stated that they felt more comfortable with a written agreement because of bad experiences in the past with the Park Service, and feels an MOU makes for good neighbors. CCA would still like to see catch and release of some species allowed in the area, but they support staff recommendations.

Drew Martin (Sierra Club) is in favor of staff recommendations. He is reading *The End of Oceans*, which talks about how reefs in the Caribbean have been hammered by overfishing. Setting the areas aside is making a big difference, it is really bringing the fish back; he feels it is especially important to protect spawning areas. It is not fun fishing if there are no fish and he feels that no fishing and anchoring areas are very important because of traps that continue to catch fish after anglers have left the site. He would like to see coral and sea grass protection because they are important to nursery areas. Finally, he stated that water pollution issues should be part of the study because all these things can affect corals over time.

Commissioner Bergeron thanked staff for a presentation that he can understand, because he was not on the Commission when the MOU was created. He stated it is difficult when it comes to closures, but the evidence shows this appears to be working. There have been many benefits from this geographical area closure, and it was the right area to get the science. He stated that he hoped that we could continue to fund the science to help us manage resources even better. He supports staff recommendations but is concerned about not having an MOU.

While he respects and trusts Superintendents Kimball and Ramos, he is concerned that we may not always have them, and we never know whom we may be working with. He questioned how long we move forward without an agreement, do we go month-to-month or for the next five years.

Chairman Barco said she is also concerned about not having an MOU in place, stating that it was just good business practice to have this extra level of security in place and asked if we can take the existing MOU and extend it. Ms. McCawley deferred to General Council, Mr. Vielhauer and asked if we can extend it, or do we need to start over. Mr. Vielhauer stated that with agreement from both parties, this MOU could be extended.

Commissioner Bergeron asked if this is all in state waters. Mr. Hunt responded that the RNA is 100 percent inside state waters with respect to the 3- and 9-nautical mile boundaries.

Commissioner Bergeron asked if our partners agree with this.

Mr. Vielhauer said the issue went to the board of trustees and that both sides agreed to disagree as far as who owned the submerged sovereign lands.

Commissioner Bergeron responded that as long as the partnership and science continues and the benefits to closure continue, he supports continuing the current regulations.

Vice Chairman Wright stated that he agrees with the concept that good MOU's make good neighbors, and agreed there has been a measure of success from this closure, though he is concerned that having achieved this success, he would like to see what additional gains might occur. However, as we have benefited from that success, he would not want to see an MOU crystallize the status quo such that we could not consider the suggestion that there be some catch and release programs. The book West of Key West, documents a series of very graphic fishing trips to the Tortugas and nearby areas, speaking particularly to permit. He said he would like Mr. Hunt's comments on what impediments to the RNA's success he might see to visit the idea of having catch and release for at least permit and tarpon.

Chairman Barco said there is already tarpon open for fishing in this area now. She expressed concern about having catch and release programs in the area. Enforcement is easier when there is no fishing.

Vice Chairman Wright asked if "no fishing areas" presents enforcement issues, then there is the possibility of expanding fishing areas to some extent.

Mr. Hunt responded that collective research has not tried to evaluate catch and release fishing. Tarpon is a difficult species to evaluate using the visual survey framework currently being used. We do know that under the dock at Dry Tortugas National Park is a favorite tarpon spot, inside the Historical Use Zone. We also know that on top of the most dramatically beautiful reef in the Tortugas North Ecological Reserve called Sherwood Forest, is a major permit fish spawning aggregation site. He feels that when it comes to having a special location for permit his scientific recommendation is that that you probably do not want to mess with something like that; it is a complex issue that can be explored over the years. This MOU was focused on ensuring that science was done on the suite of objectives described in his report. His recommendation is that we do not need an MOU because it has been a science MOU to ensure that the science gets done, but the science is continuing and the relationships are strong among the scientist. The separate management agreement that requires the Park Service to come back every five years to the Governor and Cabinet addresses regulatory issues and is different from the first MOU.

Vice Chairman Wright asked what document sets out the area that can or cannot be fished, is that in the management agreement.

Mr. Vielhauer stated he believed it is the management plan developed by the Park Service. If we are talking about changing fishing regulations, they will have to address that in their park regulations.

Superintendent Kimball responded that it was approved in the Management Plan of 2001, and memorialized in 2007. On the federal side, the Park would have to modify the general management plan and also the special regulations. It would be a completely different process to do that.

Vice Chairman Wright stated that would be a completely separate process and unrelated to the MOU altogether.

Superintendent Kimball commented that from the standpoint of the National Park Service our focus is really a science plan, we figure out what we need to do and make commitments to the science, because we feel there is lot more to be learned from science.

Commissioner Bergeron asked if the whole closed area is in the National Park. Superintendent Kimball outlined the National Park area that the management plan covers and reported that 54 percent of the park is wide open to fishing.

Ms. McCawley reiterated that the current MOU is more science directed, if we want the MOU to be about something different we would want to create a new one. We do not want to re-up the one that we have because it is not adequate for what we are talking about.

Commissioner Roberts asked why it would not work to extend the existing MOU for the research in management and take out any question regarding fishing areas. Ms. McCawley responded that the MOU was specific to six points, some the research has been completed and others are in process. It would need to be tweaked with new goals or ideas for research.

Chairman Barco asked if an additional research goal could be added aimed at opening an area to permit and tarpon fishing, in order to answer the concerns with Vice Chairman Wright. Mr. Hunt responded to the Chair that the research could be done, an MOU is fine, but extending this one does not make sense. It would make more sense to address a new set of questions.

Chairman Barco stated that she would like to direct staff to draft a letter to the Park Service in accordance with staff recommendations that have come forward (supporting the Special Regulations) but would like to add working with the Park Service to draft a new MOU for research with some new goals.

Ms. McCawley suggested a short section in the letter that addresses continuing to work on law enforcement issues.

Commissioner Bergeron asked if we have funding resources to continue the work being done.

Mr. Hunt responded that the resources are dwindling for that science. He added that what we have been funded at was \$100,000 a year for five years is now being cut to \$50,000. Realistically we cannot work in the Tortugas for \$50,000; we are going to shift that effort to the Keys.

Chairman Barco suggested to keep research going, write into the MOU that these are not lofty goals, and the work will be conducted within the existing budget, but still keeps the research going and allows us to go after special funding. She suggested encouraging CCA to raise money for tarpon and permit.

Mr. Holder said that we have the direction we need for a letter requesting a new MOU and the framework needed for doing that.

### **Black Bear Management Plan with Rules**

Chairman Barco asked Kipp Frohlich, Section Leader with the Division of Habitat and Species Conservation to present the Bear Management and Proposed Rule. Mr. Frohlich explained that the bear would remain on the Threatened Species List until a management plan is approve. Then he discussed the Plan Goal, which is to maintain sustainable black bear populations in suitable habitats throughout Florida for the benefit of the species and people. The plan is intended to make sure bears will not again meet the criteria for listing as a threatened species, be the foundation for FWC policies, rules and actions and allow for flexibility and local input under a

statewide framework. The plan can be thought of as a statewide framework that, through the establishment of Bear Management Units, will bring bear management to the local level and managed with input from seven black bear advisory groups. Mr. Frohlich further explained the population, habitat, and conflict management and education objectives. He reviewed the proposed rule changes, and explained the public involvement process in drafting the plan, and how the input is used. Mr. Frohlich said that staff requested the Commission to approve the Bear Management Plan as revised, approve adoption of F.A.C. Rule 68A-4.009 Black Bear Conservation as revised and approve the amendment to F.A.C. Rule 68A-27.003 removal of the Florida black bear from the State Threatened Species List as advertized.

### Public Comment

Newton Cook (United Waterfowlers of Florida/Future of hunting in Florida) said that he sat in on the imperiled species meetings for three years. He had some problems with the language of some of the rules and regulations, but felt that some effort was made. The science has to be respected and he fully supports staff recommendations, but we should spend time and effort on truly endangered species, not those that are doing well.

Don Brouillard (Friends of the Wekiva) is based in Longwood Florida and has been in existence for over 30 years. They are involved in public land acquisitions, the Wekiva Parkway, wildlife and habitat issues as well as water quality issues. He stated that they appreciated that some of our suggestions had been incorporated into the new Bear Management Plan, but others were not. He addressed four of those issues: 1) they are not in favor of delisting at this time and they have a long paper explaining why not which they can provide. 2) they feel that the plans reliance on social carrying capacity to manage bear populations is problematic and lacks measurable criteria; it shortcuts the critical work needed to ensure accurate population studies and does not address the many variables associated with nuisance bear calls. They feel the danger in this approach is that whenever human bear conflicts exist, over time bears may be managed as a problem animal and not as an animal whose future is uncertain; it is an unscientific term that could lead to subjective opinions in bear management. 3) the budget relying on unidentified "others" poses a serious threat to the plan moving forward and without adequate resources, it is difficult to see how FWC can succeed in protecting the Florida black bear. 4) FWC's section on lands should include traversing across farmlands and pastures because they feel this land is critical, especially with fragmented populations. They would like to see the term "connective corridors within and between bear management units" added to 2.4.2 in the plan. In closing, they look forward to working with FWC.

Lyle Mccandless (President Big Cypress Sportsmen Alliance/Big Cypress Stakeholders group/FWC's deer Management Team) supports staff recommendations completely.

Don Anthony (Communications Director, Animal Rights Foundation of Florida) stated that they have over 5000 members around state and many people are concerned that this plan will lead to hunting and hunting does not reduce human/bear conflicts. The majority of Floridians do not want to see bears hunted. He would like to see an extensive education program about keeping garbage under control, and safely co-existing with animals. Bears will manage their own populations, stop infringing and protect their habitat.

Alan Riggerman stated there was good and bad science. He honored many people that he has interacted with over the years. He is in favor of going with the agency scientist because it is good science.

Kate MacFall (Florida Director, Humane Society of the United States) said she was speaking on behalf of more than 872,000 Floridian supporters. She commended the considerable effort and good outreach to the public. HSUS supports the plans emphasis on reducing bear human conflict, but they strongly believes that de-listing the Florida bear is premature due to geographic isolation and habitat fragmentation. It is inappropriate to treat them as one state-wide population. They strongly feel that once bear is removed from the list, and the penalty is reduced from felony to a misdemeanor, poaching may increase, and habitat protection decrease at the local level. The management plan fails to provide sufficient protections, and implementation of the plan relies on unsecured resources. In the past, they expressed concerns that the draft plans lacked details on how the programs would be implemented, lacked metrics to gauge how goals would be met, and failed to identify funding for proposed actions. What happens if major sections are not implemented, then how can the plan meet its objectives? Social

carrying capacity is hard to work with. Until the plan can ensure their future, bears should remain on the threatened species list.

Greg Matthews (wildlife photographer) questioned why bears are being taken off the protection list when they are right at the threshold (1,000). He commented that he has noticed that some scrub jay populations have failed because of lack of connectivity. He feels it is a bad idea to delist bears and not a good idea to hunt them.

Amber Crooks (Conservancy of Southwest Florida) thanked staff and said that staff has worked on a number of issues with them. Their remaining concerns are how the new plan will treat Eglin, Chassawitzka and Glades/Highlands area sub populations. The management plan does not do enough to protect these isolated sub populations; at a minimum, they would like to see the vulnerable sub-populations maintained on the protected list. In the past FWC crafted its protected species rule to account for the needs for the species as it varies across the state, the Osprey is a good example. The black bear currently is another example: while listed in most of the state, there are exemptions in two counties because the populations in those two areas were stable. Their concern is that bears in the most isolated and unstable sub populations will not see enough protections from harm due to habitat loss; they wondered how FWC would protect and grow the populations. Additional measures in this management plan are needed to protect bears from development encroachment. They strongly recommend FWC remove the concept of social carrying capacity and add protective language. Most importantly, they ask FWC to retain the three most vulnerable sub-populations on the list.

Laurie Macdonald (Florida Director, Defenders of Wildlife) commented that Defenders of Wildlife has worked on bear conservation since the Habitat for Bears campaign was created in 1994. While they celebrate the great progress made, they remain concerned with the protection of the small isolated sub populations. She requested that the Commission review the plan in one year and at that time, bring back the biological status review team and peer reviewers. They are extremely concerned overall about habitat protection; habitat and connectivity are the basis of what is needed for protecting the bear population. She stated that they are concerned how the social carrying capacity is viewed in the plan; it tells us the degree of conflict or how a community views the bear, but is not an indicator of biological carrying capacity, it's more like dealing with individual problems and bears, but does not address the population health. She further stated they feel the enforcement numbers are low for the problem that is out there. There have been over 4000 conflicts reported in 2011; 10 bears euthanized due to those problems, but only eight tickets and 29 warnings issued. They feel the numbers are not right and this means the ability to enforce the rules is not there, or maybe we need to rewrite the rules in a way that are more enforceable. She stated they believe that education is fundamental; we put a great deal of donors' money and time into outreach education. We want to know that it means something...that you will enforce the rules that we are trying to educate the people about. We look forward to working with the Commission on implementation of these rules, and the future of healthy bear populations and urged the Commission to take the recommendations that are being given today.

Chairman Barco stated that most conflict calls present opportunities for us to educate, because we do not want to fine people who do not even know there is a law. She further stated that we have prosecuted a number of poaching cases and illegal killings of bears. There is a huge disconnect from what the public sees, they want to see bears, but they do not want them in their back yard. The numbers are not skewed for a lack of enforcement on our side, and enforcement will not get any less. We have listened to folks and tried to incorporate their recommendations and balance what is here, yet we still have a lot more education to do. Ms. McDonald thanked the Commission for Defenders being able to be so involved through the years.

Tom Hctor (Laurie Macdonald read a letter from Tom Hctor, Director, Center for Landscape Conservation Planning, University of Florida) submitted his letter to the Commission then read some brief comments. He continues to have concerns about several issues that he feels are not adequately addressed. 1). The Florida black bear should remain listed due to habitat loss trends and smaller subpopulations are inappropriately treated as one population. 2). There should be an emphasis on corridor conservation efforts, especially concerning the smaller subpopulations and listing of these populations is recommended. 3). There is a lack of specific proposed actions to ensure that local and regional governments and other state and federal agencies incorporate bear conservation as a priority in land use and natural resource planning and management. 4). Viable populations are a defensible basis for managing bear population numbers whereas social carrying capacity is arbitrary. Fragmented subpopulations

result in IUCN standards and are not giving adequate consideration, so a new approach would be to keep the groups that are endangered on the list. His ending remarks stated that the public message, while celebrating the progress made, should let everyone know that these are still at risk animals.

Byron Maharrey (Everglades Conservation Council) thanked Mr. Frohlich for an excellent presentation and stated that he supports staff recommendation to de-list the Florida Black Bear. It is not important whether the bear is listed or delisted, it is the management plan that counts, not what you call it. He feels the black bear will continue to be a success story, though in some areas he is concerned about possible over population and the safety of children.

Katherine McGill (National Urban Florida Wildlife Coalition; league of Urban Voters) thanked the Commission for the good work on this plan. She would like to believe this work is wrapping up, but feels it is not because development pressures continue, she feels that listing as endangered is appropriate. We need to talk about connectivity in the plan, because the map shows small fragmented populations. Looking at a map, anyone can see that a wildfire or hurricane could devastate some of these areas in the next couple of years; we need to do everything we can to put those protections and keep them in place.

Leigh Buckner (Member of the Sierra Club) feels that the category used to determine the listing of the bear, called the population size and trend should not have been used for the entire state. The eight bear populations should be assessed individually due to the unique nature of available habitat, biology, and the isolation of some populations. Only one population has 1025 bears, so we are just at the threshold to begin to think about making this decision. She feels that lowering the poaching to a misdemeanor will lead to an increase in killing of bears. In addition, she feels the social caring capacity is problematic, and that it will lead to an increase in bear mortality. We are currently experiencing never before deregulation of state growth management, coupled with weakened environmental regulations, those outside forces, which are hard to regulate and manage, will serve to curtail the bears habitat and range. In closing, she stated that if the goal of the Commission is truly conservation, and to maintain sustainable bear populations, improved educational initiative should move forward and the bear should not come off the threatened list.

Susan Hargreaves (Pegasus Foundation, Director of Education for Caring Fields Humane Education Center) is proud to say she works with FWC on the monofilament waste recycling campaign. Many animals are hurt due to fishing line. She commented that the Great blue herons and egrets even though they are protected, and not on a hunting list, but are threatened daily by encroachment. She asked for as much protection as possible for bears, and to continue humane education, which she feels is vital and helps with conflict resolution. She urged the Commission to re-consider keeping bears on the threatened list. In closing, she read a statement from seven-year-old Dominic, who received a National Animal Hero Kid Award, who asked FWC to please continue to protect these animals, they will always be in danger because people destroy their homes and kill them, even if they are on the threatened list. Bears that could not be here would raise their paws and ask to be protected.

Matthew Schwartz (South Florida Wildlands Assn.) focused on the core document, the Biological Status Review, which deemed the bear does not meet the criteria. He also feels they do not meet the criteria, and read from the document "Wildlife 2060 What's at Stake for Florida." He recited the following reasons; the habitat needs analysis conclude the shrinking of habitat due to development, over time anticipating 7 million acres of natural land and habitat lost, and 2.3 million acres of bear habitat lost. Fragmented habitat due to building of roads; road kill is a leading cause of death for black bears. Increased geographic and genetic isolation of sub-populations, there are no populations estimated to contain 1000 mature individuals. He feels there is a good chance that the bear meets all the criteria for the endangered list, not just the threatened list. He read from The Florida Administrative Code that says even if the criteria was not met, staff may provide within the report a biological justified opinion that differs from the criteria based finding. He feels our justified opinion would be that we are going to lose 2.3 million acres of bear habitat. He asked why FWC is de-listing the bear, and urged the Commission to please maintain the threatened status.

Drew Martin (Sierra Club/former Chair of Sierra Club's Everglades Committee) is very concerned about delisting because bear populations are so isolated. He feels FWC has a good management program set up and there are many positive things that have been done, which is why the population has risen. He added that we need a

corridor system for the bear to move between groups to improve genetic diversity, but we are also not in a static state as far as habitat loss. Social carrying capacity could reduce the populations' even more in the future. He is in favor of enforcement, education and supports the work. He feels we should move forward with the management plan, but maintain the endangered status.

Patrick Kerr (South Florida Wildlands Assn.) read a statement into the record and would like the Florida black bear to be kept on the list.

### Commission Discussion

Commissioner Priddy asked Mr. Frohlich to address the budget and asked how do we allocate resources to implement the plan? Mr. Frohlich responded that a ten-year plan is aspirational in that we include all of the things that need to be done over a 10-year period. We have made great progress with the budget over the past 20 years but budgets are tight and change each year. It is not a sure thing that we will be able to do everything in the plan, which is why we are seeking partners. As we find resources, we apply them and because of the plan, we know where we will apply them.

Commissioner Priddy noted that while the black bear does not meet the new listing criteria, some members of the public disagree. Mr. Frohlich responded that the initial Biological Status Report (BSR) found that the bear did not meet the criteria. He further stated that the entire peer review group found that the BSR was done correctly; but that other recommendations about sub-populations should prevail.

Commissioner Priddy asked what the provisions are for a review of the plan. Mr. Frohlich responded there is not a formal review in the plan, but provides for a good assessment and incremental checking. Commissioner Priddy commented that ten years is a long time, and feels that five years is a good mid-term. She also asked if those who are concerned about the penalties that change killing a bear from a felony to a misdemeanor could see it addressed through the legislature.

Chairman Barco asked Mr. Frohlich if there is any new information that we need to address today. Mr. Frohlich responded no.

Chair Barco asked how we treat the subpopulations if they are getting worse. In addition, how do we incorporate bits of data on increases or decreases in populations into our management plan or goal, and have we seen any of the populations getting worse? Mr. Frohlich said the Chassahowitzka/Big Bend subpopulation is the smallest population. Our first goal is to update the population numbers and the information coming in will help inform us. We want to do a review and update the density and the range, in each area on a rotating basis.

Commissioner Yablonski stated that there has been success up to today, what is the main difference after today, post delisting, in the way we manage the bear. Mr. Frohlich responded the main difference is we will be working with the local partners and stakeholder/FWC groups to help; garbage is a community issue. Commissioner Yablonski indicated that effort represents more, is there something in the plan that represents less. Mr. Frohlich responded that some might think that the penalty changing from a felony to misdemeanor represents less protection, but FWC staff does not believe that is the case. That is why we are proposing a new black bear conservation rule: the protection is there.

Vice Chairman Wright commented that less focus on what it is called, and more focus on actual protection, would allow more specific management in specific areas; there needs to be more attention on the black bear conservation rule now.

Vice Chairman Wright made a motion to approve staff recommendations, seconded by Commission Priddy and the item went under discussion.

### Under discussion

Commissioner Bergeron said everyone wants protection of the bear, taking it off the threatened just recognizes the populations of these seven geographical areas. He asked if the change in status would change the protection level. Mr. Frohlich responded no.

Commissioner Bergeron asked if we could still make killing a bear a felony. Mr. Vielhauer responded that it would need legislative change. Commissioner Bergeron feels that it should be a felony; he feels there is the possibility of poaching if it is not a felony, but what protects the bear is the plan, not the status.

Vice Chairman Wright asked how many bears are killed by poaching. Mr. Frohlich responded we are finding only a small number, but even with cars killing bears, the population is increasing. If poaching becomes a problem, we can we go back and address it.

Vice Chairman Wright, asked what are we trying to accomplish? We are not trying to create felons; rather we are trying to protect bears. We are better off concentrating our efforts trying to identify encounters, educating, and focusing on the implementation of the black bear plan.

Commissioner Bergeron stated that he does not want confusion and feels the real protection is in the management plan. He feels we should push forward with more underpasses and good management of primary and secondary habitat. He added more connectivity would help to increase the population; prioritize the expansion of these areas, because without expansion, we have the encroachment of development.

Chairman Barco clarified that this is the process of going through our listed species process. All animals on the list have to be reviewed, based on criteria we set up, that everyone agreed on. This is the first of 16 species that have to come before us.

Commissioner Yablonski agreed; the initial list of criteria was put on the table five to six years ago, and stakeholders were part of the process. At the end of the day, he does not see us managing the bear weaker, rather stronger. He feels that securing corridors and food sources is important as well as education. The threatened list is like the Hotel California...the bear is checking out but not leaving.

Commissioner Bergeron stated I love the bear. Everyone in here really cares about the future of the bear. We need to expand on habitats with conservation easements or make outright purchases...take the highest-level land, contiguous to various habitats, and work together so we can expand on this great day.

Chairman Barco said that education is critical, everyone loves bears but not in their back yard. As the bear habitat expands and we get calls to remove the bear and relocate him or do something with him. She added, at some point we need to start learning to live with bears; take care of your garbage...that is an educational tool.

The motion on table passed.

### **Resolution for Kathy Barco**

Vice Chairman Wright read a resolution honoring Chairman Barco's service to the FWC Commission since 2004. The resolution thanked her for her commitment to the conservation of Florida's fish and wildlife, which has contributed to Florida's status as one of the premier states in the nation for hunting, fishing, and successful conservation and stewardship of our natural resources.

Vice Chairman Wright stated "a job well done."

Chairman Barco thanked everyone.

Commissioner Bergeron personally thanked Chairman Barco and commented that she has done a wonderful job for the state of Florida.

### **Designation of Endangered Species**

Dr. Brad Gruver presented the Florida Endangered and Threatened Species List Amendments. He informed the Commission that these rule amendments are being proposed to maintain consistency with recent updates to the Federal list of endangered and threatened species. Dr. Gruver detailed the species for which there have been recent federal changes. He said that staff is requesting the Commissioners approve the amendments to change Okaloosa darter from endangered to threatened in 68A-27.003(1), move Atlantic sturgeon from 68A-27.005 to 68A-27.003(1), and move Miami blue butterfly from 68A27.003(2) to 68A-27.003(1). In addition, add cassius blue, ceraunus blue, and nickerbean blue butterflies to 68A-27.003(1) and direct staff to advertise these amendments under the Adoption of Federal Standards provisions of Chapter 120.54(6), F.S.

Commissioner Bergeron asked several questions about the federal government's endangered list. Dr. Gruver explained that is what the state threatened list is, species, which are state listed, but not federally listed. Here we are adjusting our list so that the federally designated component of our list accurately reflects how the species are federally listed.

### Public Comment

Newton Cook (United Waterfowlers of Florida/Future of Hunting in Florida) said he was part of the team that put the listing system together. Florida can be proud of the process that we have today, to solve very difficult problems. There is good science and he supports the process and staff recommendations.

Lyle Mccandless (Big Cypress Sportsman Alliance) said he strongly recommends that the Commissioners approve staff recommendations as it is.

Alan Riggerman said the heart is always involved in this process, but do what biologist suggest you do, it is good science and he supports staff.

Amber Crooks (Conservancy of Southwest Florida) is concerned about the picture and expressed reservations that the federal species are not reviewed and regulated the same as species that are only listed by state. A species might be regulated based on how it is doing in other states besides Florida. The Wood stork is an example; it is doing well in other states but declining in places in Florida. When the review is done, they look at the entire species, not just at the local level, when deciding on issuing incidental take. We are concerned that FWC has given up its ability to ask for and require additional avoidance, minimization and mitigation measures necessary to protect species in Florida. Instead, the adopted rule from 2010 defers decisions on important matters to federal wildlife agencies. They feel the state has an important role in protecting all the species found in Florida including these federally listed species. Please re-review this element of the rule passed in 2010 to preserve your ability to require those needed protections for all Florida's wildlife.

Bryon Maharrey (Everglades Coordinating Council) said he supports staff recommendations. He sat on the committee and has complete faith in Dr. Elsa Haubold's leadership.

Commissioner Roberts made a motion to accept staff recommendations, seconded by Commissioner Yablonski, the motion passed

### **Final Rules: FWC Managed Areas**

#### Establishment Orders 68A-14.001:

Diane Eggeman, Director, Hunting and Game Management presented final rules for FWC managed areas. She explained that when situations sometimes arise where hunting or fishing opportunities become available due to unusual or unanticipated circumstances, these situations could benefit from quick action not afforded through the formal rule making process. The use of a Commission establishment order or executive order could provide these opportunities in a more timely fashion. In most cases, providing for new opportunities through changes to regulations should follow the established Commission rule change process. However, use of an Executive Order

to create opportunity by changing area regulations, would be beneficial in the rare cases where opportunities may otherwise be lost, are temporary or of an emergency nature.

### Specific Rule Change Proposal for Wildlife Management Areas, North Central Region, 68A-15.062

Ms. Eggeman continued and explained that the proposed rule amendment would prohibit the take of wild hog by the use of dogs on Big Bend Wildlife Management Area – Spring Creek Unit. FWC rules currently allow the take of hogs during small game season, and some hunters use dogs to take hogs. This activity was not anticipated and FWC staff members have received complaints of hog-dog trespass onto the neighboring private lands. The configuration of boundaries between adjacent private lands and Spring Creek Unit makes it difficult for hunters to cut off and catch their dogs before the dogs run off the WMA. Staff is requesting Commission approval to advertise the proposed amendments and file for adoption as soon as possible. If the rule amendments are approved for both advertisement and final adoption, Commission staff will file the rule for adoption as allowed by s. 120.54(3) Florida Statutes, without further public hearing.

### Public Comment

Newton Cook (United Waterfowlers of Florida/Future of Hunting in Florida) said he is proud to be a member of a team working for the South Florida Water Management District; they are supportive of hunting opportunities. He stated that part of this rule change would address possible hunting opportunities on lands that are part of the Everglades Restoration project faster than the normal rulemaking process. He thinks this is very positive, and will give the general public more spontaneous hunting opportunities.

Lyle Mccandless, (President, Big Cypress Sportsman Alliance/Big Cypress Stakeholders Group) said he is very much in support of this and strongly urged the Commission to approve staff recommendations as is.

Alan Riggerman commented that he thinks this is a terrific idea, but cautioned to not let the press give names to things the Executive Director might do to address emergency situations; do not let the press pull the wool over the public's eye.

Bishop Wright (Florida Airboat Assn.) supported the rule as it helps address fast moving situations.

Chuck Echinique. (Regional Director, United Waterfowlers) said this is an excellent tool to bring more opportunity to Florida hunters.

Upon a motion to approve staff recommendations by Commissioner Bergeron, seconded by Commissioner Roberts, the motion passed.

### Quota Hunts

Dr. Coyner, with the Division of Hunting and Game Management reviewed the major changes made to the quota hunt system. He reviewed the history and changes to the system over time. He added that the biggest challenge was balancing fairness with flexibility in the quota hunt permit process. He further discussed the outcomes of changes to the system and a proposed timeline as we move forward. He reviewed what staff has heard from stakeholders regarding suggested improvements for guest permits, returned permits, mobility-impaired hunts and bag limits. He said that the staff recommendation is to bring draft rules to the Commission meeting in December 2012, to improve the current quota hunt system and asked that the Commission direct staff to prepare draft rules to repeal the sunset provision in the quota rule.

### Public Comment

Newton Cook (United Waterfowlers of Florida/Future Hunting in Florida) explained that he was part of a group that worked on the original changes to the quota hunt permit process, and recently there were meetings of the old group, where they agreed that guest permits needed more work. The quota hunt system is working...though it is a process, and our public hunter depends on it. He added law enforcement is critical to making this work; however,

he stated we need to keep law enforcement aware of who is legally on the property. He thanked the Commission for allowing staff to move forward.

Alan Riggerman, serves on several commissions on disability issues and urged the Commission to do what they can for the mobility impaired. He supported making things equal for true mobility impaired folks.

Lyle McCandless (President Big Cypress Sportsman Alliance/Big Cypress Stakeholders Group) said he was here when the rule was implemented, and considers it a resounding success. He supported that this goes forward and continues to be non-transferable with the buddy system. He added he sees logic in the tweaking that seems necessary, and he will be available to assist with that.

Todd Hallman (Florida Sportsman Conservation Assn.) said the permit process was a bold move when changes were made, however, he felt it has worked out well. A little flexibility would help if you can do it without enabling potential gaming of the system. He added some tweaking is OK, but overall it is working and hopefully it will work out good for the mobility impaired folks. He thanked the Commission and said they would like to see it stay this way.

Byron Maharrey (Everglades Coordinating Council) stated that he was also was on the committee to revise the permit process and supports getting guest in whenever possible, but is concerned about the potential of gaming of that process. Initially, the guest permit worried him because there is a higher chance of success with two sets of eyes and two guns, but it has turned out to be an unwarranted concern. He further added that he would like to see the bag limit remain the same, unless there is good data that show it is appropriate to harvest more deer. He stated that of the five that received a mobility impaired permit last year, only two showed. He closed saying he is in favor that if the mobility impaired permit holders do not show up at the pre-hunt, someone standing in line could use that permit. Flexibility is important...they support the rule with some tweaking.

Chuck Echenique (United Waterfowlers of Florida) stated that he was wrong about initially being against guest permits, especially about the loss of revenue and feels it is a great testament to the leadership and foresight of the Commission. He thanked Chairman Barco for having the foresight for recommending the sunset provision. However, expressed concerned because he is hearing from many hunters about potential gaming of the system; law enforcement does not have a real time list of quota permit holders and; hopefully this will be addressed with the new vendor, and should be easier to implement. He stated he feels being able to use the permit with whomever you want and putting the onus on the permit holder is important. This gives the owner real consequence in dealing with how he delegates the use of the guest permit, as well as maintaining current rules about driving in the same vehicle, etc. Mobility impaired hunts need to be addressed as those hunts and areas can be underutilized if those permit holders do not show.

Chairman Barco commented it is a tribute to stakeholders after expressing great concerns about something, to say "I was wrong." We all listened and the goal of the sunset provision was to say, if this does not work, we will look at it again, so it does not continue on without addressing problems.

Bishop Wright (Florida Airboat Assoc.) said in South Florida they live under the quota permit system and feels the new process is much more fair. You cannot make the quota permit transferable, even on Sunday, as it will create monetary value for quota permits. He feels a testament to the system is that hunting license sales and revenues have all gone up since you have implemented the quota system as well as the youth hunting program of Florida. He thanked the Commission.

Upon a motion made by Vice Chairman Wright to bring draft rules back to the Commission at the December meeting, and seconded by Commissioner Priddy, the motion passed.

Vice Chairman Wright stated that the implementation and attention to customer service has paid off. However, he asked if we could talk about mobility hunts when we come back in December.

Commissioner Priddy asked if the video from hunter education could be posted on our website for folks to view. Dr. Coyner responded that he will check into it, and they will do whatever they can do to get the word out.

## **Report on the Transition to the New License Vendor**

Erin Rainey, with the Office of Licensing and Permitting presented a report on the transition from one license vendor to another. Because of problems with limited entry/quota permits and applications, FWC opted not to carry out the optional 1-year extension of the current TLS contract. In the spring of 2011, the new contract to provide our new Recreational License Issuance Services (RLIS) system was awarded to Brandt Information Services, a Florida based company. The actual transition from TLS to RLIS will interrupt license sales for 1 day. We will stop selling licenses and processing limited entry permits in TLS on September 30, 2012 and start selling licenses in RLIS on October 1, 2012. We will then phase in limited entry and quota permit issuance and applications beginning November 1, 2012. She then discussed the impact of transition on license sales and limited entry/quota hunts. Finally, she reviewed the communication plan and the outreach tools they are using to reach customers.

Chairman Barco asked if the 5-year sportsman license was available to buy. Ms. Rainey, responded the 5-year license would be available starting in October, when they implement the new system.

### **Public Comments**

Newton Cook (United Waterfowlers of Florida/Future of Hunting in Florida) reported that they are doing everything they can to alert folks through the web site. If there are problems, he asked folks not to overload staff, because they will become aware of the problem with the first phone call. By this time next year, he feels we will be pleased that we made the change.

Lyle McCandless (President, Big Cypress Sportsmen Alliance/New Big Cypress Stakeholders Group) said he sees the need to have this new system, and knows it will take a little adjusting, but supports going forward with the new system.

Chuck Echenique (United Waterfowlers of Florida) stated that Ms. Rainey has done a good job with this process. It was definitely something that was needed and he feels that staff made a good choice with the company they chose. He also said that they are advertising this change all over the place.

### **Special Recognitions**

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

Chairman Barco asked Diane Eggeman, with the Division of Hunting and Game Management, to present the Hunter Safety Instructor of the Year Award. Ms. Eggeman talked about the Hunter Safety program and said that volunteers are crucial to the success of the program and we are very appreciative of them. She then introduced Mr. Don Sellers as the award recipient. She commented that his attributes of unselfish caring, team approach and inspirational nature is why he is the recipient of the award. She presented him with his award and he spoke a few words of appreciation.

Chairman Barco thanked him for his time and efforts, especially getting the next generation involved. A photo was taken with the Commissioners.

#### **Wildlife and Resource Management Achievement Award**

Chairman Barco recognized Todd Hallman with the Florida Sportsman Association, and asked him to present their Wildlife and Resource Management Achievement Award. Mr. Hallman gave a brief history of the award, and mentioned that this award honors an FWC employee who exemplifies the highest principles of good public relations, with leadership abilities, and who has made a significant impact to conservation. He then explained that Dennis David, Northeast Regional Director was the award recipient and chosen for his tireless work on the Everglades Headwaters project, which resulted in a MOU between U.S. Fish and Wildlife Service, sportsmen groups and FWC. He then presented the award to Mr. Davis.

Mr. David said he was honored to receive this award. He added that the Everglades Headwaters project has been unique in that it is an effort by a dozen sportsmen and conservation groups. The MOU idea is a first in Florida and the United States, with an overlay of a wildlife management area on a national wildlife refuge area. FWC will set the rules and regulations, which got buy in from the sportsmen groups. Further, he is proud to be part of the only national wildlife refuge established in Florida in the last 38 years...it is a milestone in itself. A photo was taken with the Commissioners.

Mr. Hallman reported that the first youth hunt on U.S. Fish and Wildlife Service property took place on Lake Wales Ridge last weekend.

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

Drew Martin (Sierra Club) encouraged continued protection of the Miami blue butterfly. He further commented that at a meeting, a reef task force determined that to eliminate fishing is the best way to restore reefs because it protects the fish and the ecosystem. It is important to protect the area for long-term economic benefit; no take areas will create better fishing around it. Further, he is concerned that we maintain healthy deer population in Big Cypress, because panthers depend on them.

Byron Maharrey (Everglades Coordinating Council) commented that retaining points is enough of an incentive, and he feels that more incentive will encourage gaming. He also said we do not want to miss the opportunity to influence water management districts and others to open lands to hunting. He asked the Commissioners to make decision on doing what is right with all the agencies.

Vice Chairman Wright commented that water management districts want to create hunting opportunities; however, it is a matter of funding and hiring folks to manage and run the areas.

Lyle McCandless (President, Big Cypress Sportsmen Alliance/Big Cypress Stakeholders Group) explained the new Big Cypress Stakeholders Group is a 20-member group established with the mission of protecting the interest of all user groups of the preserve and assuring the additional cultural rights set forth in the 1974 preserve legislations are honored by the National Park Service. He discussed 24 items as their major concerns in the preserve and addition land. He asked the Commissioners to do what they can do to inspire the National Park Service to get the hunt plan done.

Commissioner Bergeron said that he would be available to work with the Big Cypress Stakeholders Group.

Laurie Macdonald (Defenders of Wildlife) congratulated Mr. Davis on receiving the Wildlife and Resource Management Achievement Award. She then discussed some of the bear work they are doing. On July 14, they will have created an outreach day, where 20 volunteers will go house-to-house distributing flyers on how to avoid conflicts with bears, primarily educating folks how to keep bears out of their garbage. On October 6, we are collaborating on putting together the next of the Annual Forgotten Coast Florida Black Bear Festival, another outreach learning event, teaching people to live with bears. Further, Defenders is looking at a new work plan looking at a connected landscape protection throughout Northwest Florida, using the bear as an indicator where the connectivity should remain and where the core areas of wildlife habitat should be.

Chairman Barco asked how they chose what neighborhoods to use for the door-to-door bear program.

Ms. McDonald responded that they chose areas where more conflicts were arising. They call it a living with wildlife co-existence plan. She then addressed deer in the Stairsteps unit. Defenders supports opening the addition lands to hunting, they are not anti-hunting, however, based on FWC reporting of low density, the science indicates caution; deer as a prey base are important to panther. Deer, as well as all native wildlife, should be managed as well on public lands, as on private lands.

Newton Cook (United Waterfowlers of Florida/Future of Hunting in Florida) commented that Bishop Wright deserves a lot of credit for the progress made. He explained that the previous day they were in Senator Bill Nelson's office making a plea for the refuge, but it is being held up in Representative Sutherland's office; if you

want to see a refuge, please contact Representative Sutherland and let him know that Florida needs that seventy million dollars for the refuge. He added that the practice by the water management districts of selling as hunting leases on public lands has to stop; it will destroy the public hunting program we have with the water management districts, and urged the Commissioners to help them. Last, he invited everyone to the waterfowl habitat summit August 24<sup>th</sup> at the Ocala Hilton, and said it is free to all. The speakers are going to be the top waterfowl-marsh-management people in the state and country.

Todd Hallman (Florida Sportsmen Conservation Assn.) asked for agency help with exposed materials and Palm Beach County Building Department issues at the Corbett shooting range. They have volunteers in place that will help with this two-day project.

Todd Kersey expressed concern about reduced catch at the Everglades Holiday Park area, which used to be the number one fishery in the state of Florida for catch ratios and is a fantastic fishery, in a gigantic area of people who want to fish. He questioned why we do not have a management plan on that fishery. He feels that the lack of fish kills our population of new anglers; he urged the Agency to find a plan. Second, he explained that fishing on Lake Okeechobee has been one of the best years ever. Its rating as the second best fishery in the world has brought a lot of people, boats and new marinas; the population of fishermen was 7 to 10 times more than ever before. Because of this increase of people using the lake, he feels that we need more law enforcement from the period of mid February through mid April.

Chairman Barco asked if it was a safety or resource issue. Mr. Kersey responded that because of the escalation of people, better law enforcement presence is needed for safety.

Chairman Barco feels that the problems are of user conflict nature, not fishing issues and questioned if there were educational opportunities here. Mr. Kersey said it was because of the massive growth; however, we need the economic relief that goes along with this.

Commissioner Bergeron asked Director Wiley if he could have someone look into the Holiday Park area. Director Wiley said that Barron Moody and Tom Champeau, with the Division of Freshwater Fisheries could work with Mr. Kersey.

Commissioner Bergeron said that the drought cycle was a good thing to happen to Lake Okeechobee; it shows how nature can cleanse a wetland.

Lindsey McCabe, from Hialeah, Florida, told the Commission that she has been documenting her experience with a large variety of animals since the age of ten. Her neighbor Mr. Riggerman had the animals that she wanted to learn about and he allowed her to help him. She is now working with many animals, and one day will ask this Agency to give her a permit to own them. Please continue to make it possible for someone like me to own and be permitted to care for the smaller cats.

Alan Riggerman (Palm Spring North) talked about the politics of exotic animal ownership and commented that more zoos than not, have placed unwanted animals with private owners. He feels that everyone should stop bashing private owners.

Chuck Echenique (United Waterfowlers of Florida) discussed the success of this past year's second annual Florida Youth Outdoor Experience at the Ocala Youth Camp; 325 children came through the door, many that had no outdoor experience and said that Greg Workman was a big help. He further added that they already have next year's scheduled for February 16, with several sponsors; any money left over will be donated back to the youth camp; we will try to grow this larger every year. He also asked the Commissioner to keep in mind doing a harvest reporting and tag system. Because of many issues, he felt it would be important that we have extremely accurate data going forward.

Chairman Barco thanked Mr. Echenique for his work with the youth program, and commented this is the type of partnerships we are looking for.

Bishop Wright (Sportsman's Trust Group) said he would like to continue to influence U. S. Fish and Wildlife Service on the new wildlife refuge. They would like to see more recreation on at least seven of their refuges as they are underused and he would like to see them more used. The Youth Hunt opportunity at the Flamingo Ridge resulted in that property getting cleaned up. He felt there is a lot of progress happening for opportunities and thanked everyone for their hard work and support.

Commissioner Priddy reported she was at two separate meetings where the U. S. Fish and Wildlife Service pitched their plans for Fisheating Creek and the expansion of the Florida Panther Refuge. In addition, they held up the Kissimmee Headwaters as an example of something that had already been done, and how much they learned from FWC. She thanked Mr. Wright for leading the way for us.

### **Commissioner Exchange**

Chairman Barco deferred Commissioner Exchange to Thursday's meeting.

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

Chairman Barco recessed the meeting at 5:35 p.m., to reconvene at 8:30 a.m., Thursday, June 28.

### **Thursday, June 28, Reconvene**

Chairman Barco opened the meeting at 8:33 a.m.

### **Adoption of Resolution recognizing 75 Year of the Wildlife and Sportfish Restoration Program**

Chairman Barco introduced the Resolution recognizing the 75<sup>th</sup> year of the Wildlife and Sportfish Restoration Program. She explained that all state wildlife agencies, the U.S. Fish and Wildlife Service and Conservation groups nation-wide are celebrating the success of the Wildlife and Sportfish Restoration Program. This program has contributed significant funding to the most successful model of fish and wildlife management in the world. She then introduced a short video, narrated by Commissioner Yablonski.

Chairman Barco introduced and welcomed Representative Mark Pafford, District 88, Florida House of Representatives. Mr. Pafford spoke a few words to the Commissioners about how important their role is for the management of the resources and then thanked them for all they do.

Chairman Barco asked Vice Chairman Wright to read the resolution recognizing 75 year of the Wildlife and Sportfish Restoration Program.

Commissioner Yablonski added that folks either individual or collective capacity, could not fix the problem and offered to pay more as a user fee to fix it. This is an unusual creature defended and sustained by very powerful hunting and angling groups.

Executive Director Wiley expressed that the hunters and anglers that support this are willing to put an enormous amount of trust in state agencies to manage this. He further stated that it is also a great honor to make sure we deliver on this. It is an amazing system, which I do not think exists anywhere else in the world and is something to be proud of.

Chairman Barco said the excise tax is incorporated into the sporting items we buy, so it comes back to us. It was a good thing for 75 years and hopefully it will continue for another 75 years.

### **Gulf of Mexico Fishery Management Council**

Chairman Barco asked Martha Bademan, with the Division of Marine Fisheries Management, to review the issues discussed at the Gulf of Mexico Fishery Management Council (Council) during their June 2012 meeting in Tampa, Florida. Ms. Bademan discussed the development of red snapper regional management, the long-term management options to rebuild the gray triggerfish stock (Amendment 37) under consideration, potential changes

to recreational grouper seasons from 2013 and accountability measures. She also talked about allocation and sector separation for red snapper and gag, red and black grouper and discussion of options for shifting allocation for gag grouper as the stock rebuilds through 2015. In addition, she discussed a joint amendment with the South Atlantic Fishery Management Council that could require federal wholesale to use electronic reporting and consolidate dealer permits, and that public hearings on this amendment are scheduled to be held later this summer. She continued with discussion of management measures for king mackerel, Spanish mackerel and cobia, including recreational sales and quotas, and management boundary and transit provisions. She further added that the South Atlantic and Gulf Council mackerel committees would hold a joint meeting to discuss these issues. Last, she discussed the Council plans to move forward with an amendment that would designate fixed petroleum platforms and artificial reefs as essential fish habitat. Staff recommends if federal Gulf red snapper season is extended, the FWC add days to Gulf recreational red snapper season to match federal season extension via Executive Order. Staff welcomed any input on Council items from the Commission. The next Council meeting is August 20-24 in New Orleans.

Chairman Barco reported to the Commissioners that she attended this Council meeting, and how controversial the allocation, and essential fish habitat designation issues, might become.

### Public Comment

Capt. Pat Kelly (Florida Guides Assn.) reported that they feel that sector allocation would result in recreational anglers getting nothing. New guides would not be able to start up, and it would be hard for recreational folks to fish without hiring someone who did have an allocation. He will continue to stand by freedom of choice.

Jerry Sansom (Organized Fishermen of Florida) stated they want the consuming public to be able to continue to have access to seafood as stocks continue to rebuild.

TJ Marshall (Ocean Conservancy) they support and think extending the red snapper season is great news. He also reported that were some of the rigs in the Rigs to Reef program are located, have already been designated as essential fish habitat. Some of the structures are FADS (fish aggregation devices) that have become target spots for fishers and this is good for industry. They also recommend, as they remove the rigs, they only use calipers, not explosives. However, it is a liability issue, the federal government does not want to put the taxpayer on the hook if anything goes wrong, since the oil company is who put the rig there. Further, he explained that allocation and sector separation were surprisingly combined into one issue. It was also very surprising that Dr. Bob Shipp from AL supported this motion. Final action was approved in a 14 to 1 vote with Ms. McCawley being the lone vote against. He questioned how you give allocations to sectors so they all have their own fishery management plan; the fore-hire sector's ability to fish has been shrinking. In addition, he asked could we stabilize the loss of public access by granting an allocation to those charter business operators and let them craft a tailored fishery management plan, where they can take folks out throughout the year and slowly work down through their quota. He suggested letting this process develop, because it will take a long time, and give Ms. McCawley the ability to bring options back to you and report on how this turns out. No one really knows what sector separation is. However, you want to know what you can do to stabilize the industry, which is a huge economic stimulant for our state and for the public access for the tourist to enjoy the fishing capital of the world.

Jeff Miller (CCA Florida State-Chapter Director) thanked Chairman Barco for attending the Council meetings. Also thanked the Commission for sending Ms. McCawley and said she did an excellent job; she is well schooled, well prepared, and does an excellent job for the state. They feel that sector separation does not do us any good by dividing recreational anglers. We are in favor of allocation being lumped with sector separation; however, sector separation seems like a train coming down a track, and it keeps coming. If we are going to have to face this, he personally thought they are better off dealing with allocations at the same time; however, their first choice is not to have it, but if they are going to have to deal with it, better to deal with both at the same time. Further, he stated that regional management of red snapper might be good for Florida. He added that CCA is trying to get a moratorium and stop the demolition of these rigs. They are there, and coral is already growing on them; they are becoming individual eco-systems; when fish are killed it is a double negative, he urged the Commission to please stop this. Finally, he added that CCA would like to support more funding for stock assessments.

Chairman Barco explained her experience at the Gulf Council meeting she recently attended and said she was surprised at how fast they move on some of the options and votes. Although Ms. McCawley was the lone no vote, she did exactly what we wanted her to do. It is important that our staff understand the will of the Commission. She thinks the process should be slowed down and they should listen to more people. That is why we vote the way we do, we vote for what is best for Florida our fishermen.

Commissioner Yablonski thanked Chairman Barco for attending the meeting and feels it is important that one of us is doing that. He then tried to explain sector separation. We have it today to some extent with commercial and recreational allocations. Commercial seems to be going ok, but recreational is a mess and includes the charters. He suspects some charter people are looking at commercial and want their own allocation, more like commercial in how they manage. The rest of recreational is afraid if the charter is pulled out of the pie, they are concerned they will lose more.

Chairman Barco said the view some have is that the charter boat is just a vehicle for the recreational fisher, just a taxi, but the recreational user is still catching the fish. The big issue is a lack of accountability in the recreational sector and this would create a measure of accountability. This is appealing to the managers who could be more precise in the catch limits. The overages are related to the inability to know in real time how much has been caught.

Vice Chairman Wright said he can see how it is desirable to know what is being caught with more definition. This might lead to use of the IFQ approach, to divide the pie into individuals rather than just over the whole sector.

Chairman Barco said she thinks it will take a while to sort out. The group discussed the IFQ approach creates a “right” that has a “value.”

Commissioner Yablonski said there are three ways to manage a fishery, none, government regulation, or market and property rights... pick your poison. All are tools for getting to the same place, which is to get a sustainable fishery at the end of the day.

Chairman Barco commented that this will be a long process and it is good that we know what is going on.

Vice Chairman Wright made a motion to authorize the Executive Director to issue an Executive Order in consultation with the Chairman to be consistent with the extended federal season for red snapper. Commissioner Roberts seconded the motion, and the motion passed.

### **South Atlantic Fishery Management Council**

Chairman Barco asked Jessica McCawley, Director of the Marine Fisheries Management Division, to present an update of the South Atlantic Fisheries Management Council (Council) issues from the Council meeting on June 11-15, 2012, in Orlando. Items included; the emergency action to reopen red snapper for a short season in 2012, golden tilefish and black sea bass final actions, and the delayed final action of golden crab catch shares program. She added that the Council is also working on a joint amendment for wholesale dealers and data collection that would require electronic dealer reporting and consolidation of dealer permits. She noted that public hearings on these issues would be held in August. She further discussed possible closed areas for Warsaw grouper and speckled hind, mackerel and cobia management, a Council request to the FWC to implement spiny lobster trap closed areas for state waters to protect threatened corals, and possible deepwater coral closed areas. In addition, Ms. McCawley reported that development of transit allowances for deepwater shrimpers has been put on hold, and the Council will revisit dolphin allocation, as well as examine concerns about mutton snapper overexploitation in the Keys. She said there was no Commission direction requested at this time; however, staff welcomed any input on Council item as discussed. The next Council meeting is September 10-14, in Charleston, SC.

Chairman Barco explained the difficulty staff has at Council on red snapper: because there is no fishing, there is no data, but then we cannot figure out how to get data to determine how the stock is doing. Further she questions how to get 13,000 red snapper in a mini season. Fishermen are asking for a stock assessment. They asked to move

the stock assessment sooner, but were told no by NOAA, and were told we shut the fishermen down and there is no data. She thanked Mr. Barbieri, and the whole FWRI group. He made great presentations to the Council, he is our guru.

### Public Comment

Jerry Samson (Organized Fishermen of Florida) thanked Chairman Barco for taking the time to go to these Council meetings. He expressed he is of the opinion that some of the staff at Council is content with shutting down a fishery and leaving it shut. He would like to at least give them some data on the throwbacks. Stock assessment dates are being changed too. He thanked the Commission for the little opening on Red snapper. He also noted that huge buffers are not needed on the shrimping closed areas. Finally, he thanked the agency for honoring the military this week.

TJ Marshall (Ocean Conservancy) informed the Commission that the Ocean Conservancy is suing the Council about the recently removed area closure to protect speckled hind and Warsaw grouper. He noted that the point of the law suit is to not have a big area closure, but to do something to protect these species. He also noted that more independent data is needed.

Dave Marquett appreciates Chairman Barco's involvement in the Council process. He noted that circle hooks and venting tools are designed to reduce the dead discards and are now required for reef fish. Because of this gear modification, he believes there should be more fish to give to commercial and for recreational, please look at retrieve ratios. He expressed that most fish are killed by area embolization, by the way the fish is brought to the surface. He believes there is a simple solution and it is worth looking into. Charter Captains and mates are the only Americans that are denied keeping fish, and he feels they should be allowed a recreational catch. On sector separation, he stated that he does not like being divided again. He noted that he serves recreational anglers.

### Marine Life

Chairman Barco asked Melissa Recks, Biologist with the Division of Marine Fisheries Management, to summarize a draft rule amendment for the Florida Fish and Wildlife Conservation Commission's (FWC) marine life rule 68B-42, F.A.C. The rule regulates the harvest of tropical ornamental species (referred to collectively as marine life), which are typically collected both recreationally and commercially for live display in private and public aquaria. Because members of the marine life industry have observed a decline in the numbers of giant anemones, they have requested a closure for this species to allow the population to rebuild. This proposed draft rule amendment would close recreational and commercial harvest of the giant Caribbean Sea anemone in state and federal waters off Florida. If passed, staff will return to the Commission within three years with a proposal for future management of this species. She further discussed other proposed draft rules, exempting sand perch and dwarf sand perch, and unicorn filefish from the definition of "Marine Life," and applying current commercial size limits for angelfish and butterfly fish species to the recreational sector, and apply current angelfish size limits to all hybrids. She discussed rule clean up of sabellarid tubeworms, snapping shrimp and black coral. Staff recommended the Commission approve the draft rule amendments to reduce the bag limits for the giant anemone to zero. In addition, exclude sand perch, dwarf sand perch, and unicorn filefish from the marine life rule, and apply existing commercial size limits for angelfishes and butterfly fishes to the recreational sector. Further, extend current angelfish size limits to all hybrids and clarify the definition of "live rock," as well as expand the definition of snapping shrimp and include black coral in the prohibitions on marine corals. Finally, implement a giant anemone monitoring program and, direct staff to return within three years with a giant anemone management review. If directed, staff will return in September of 2012 with a Final Public Hearing.

Albrey Arrington (Fish Rules, LLC) he represents fish rules, which is an iphone application that includes all of the state and federal regulations from North Carolina to Texas, and filters all the regulations according to the day you are fishing, and where you are. He also commented that they have received many questions about why folks can't harvest uniform filefish. He feels removing unicorn filefish from this rule is the right thing to do on this resource. He commended the Commission on their successful management of fisheries in Florida. He further explained that their app gives people the ability to understand the regulations. He commented that they would like to partner with FWC to help people understand the rules. He further added that they would also like to have a

reminder that tells folks when their license needs to be renewed, maybe even link to the FWC website so they can buy or renew their license through the app.

Chairman Barco said that staff needs to get with Fish Rules and see if we can tie it in with our program. While she realized that this was a pitch to the Board, still, it is a great idea because of our constantly changing rules, this will help folks keep up with them. Mr. Arrington said they are excited to work with staff to continue this development.

Terry Gibson (North Sell Media, LLC) explained that sabellarid worm reefs are important because approximately 1100 species are obligated to them. Beach re-nourishment is damaging to them because the sediment, which is mud, buries the reef. They are important to recreational and commercial fishing and diving. He urged the Commissioners to protect these reefs because they are essential fish habitat by every legal and biological definition.

Upon a motion to approve staff recommendations by Commissioner Priddy and seconded by Yablonski, the motion passed.

### **Bay Scallop Season Extension**

Chairman Barco asked Aaron Podey, Biologist with the Division of Marine Fisheries Management, to summarize a proposed amendment to extend the recreational harvest season for bay scallops by two weeks at the end of the season. He discussed the bay scallop biology and the current regulations. He further talked about the FWRI Monitoring Program, and gave the 2011 monitoring results. He added that the season has been extended for the past two years, yet the population continues to be stable, in addition, the majority of participants of an on-line survey, supported an extended season. Finally, Mr. Podey discussed the spring monitoring results. Staff requested Commission approval to advertise the rule, which extends the bay scallop harvest season by two weeks at the end of the season, making the season July 1 through September 24 annually. Staff also recommended approving the draft rule without further hearing planned prior to adoption, unless requested, as allowed by Section 120.53 F.S. and making the rule effective as soon as possible. Staff evaluated the rule under the standards of 68-1.004 F.A.C., and found it to be

Commissioner Priddy asked if there is any call for commercial harvest. Mr. Podey responded that he has not heard of any.

### **Public Comment**

Jerry Samson (Organized Fishermen of Florida) said that the commercial harvest was closed in the early 1990's for a good reason. A series of hurricanes came through and severely impacted commercial fishing in the gulf coast, resulting in federal funding to help commercial fishers. The state got a pretty good chunk of the money and half was spent on habitat restoration and the other half was spent on scallop research, which had no value to the commercial harvest. He asked the Commission to get staff to look at numbers, because clearly scallops are an annual crop. While they are not interested in fishing during the heavy recreational season, they would like an opportunity at the end of the season, to collect some amount, to put Florida scallops back on the local market. A short season with trip or boat limits would be good. He hopes that they will be able to see some benefit from the millions of dollars that the federal government gave the state of Florida for commercial fishing disaster relief. He added that it has been 18 years since Florida bay scallops have been on the local menus. Those on the menu now are mostly from Chinese aquaculture; some are from Uruguay and a few are off the Alaskan fishing boats.

Vice Chairman Wright and Chairman Barco asked Ms. McCawley if they would look at the numbers, and come back, in their own time schedule, for a short commercial scallop season, at the end of the recreational season. Ms. McCawley responded that they would.

Upon a motion to accept staff recommendation for a Bay Scallop season extension by Commissioner Yablonski, and seconded by Commissioner Roberts, the motion passed.

Vice Chairman Wright asked if the second highest dollar import into the United States, after oil is seafood. Mr. Samson responded that approximately 85 percent of seafood consumed in this country is imported, and about 70 percent is farm raised and 70 percent of that is from China. Vice Chairman said that looking at sustainable aquaculture is important as one of the ways we can give more allocation to recreational fisherman and to relieve pressure on other fisheries.

Commissioner Yablonski explained that “fine money” normally goes into an oil spill trust fund, and you usually never see it. However, there was an amendment to legislation, to have the money go back to the states impacted by the oil spill, and it should be passed at the end of this week; there will be somewhere between five and twenty billion coming back to the state.

### **Anchoring and Mooring Pilot Program: Sarasota Ordinance**

Chairman Barco asked Major Daugherty, with the Division of Boating and Waterways, to update the Commission on Sarasota. Major Daugherty reported that the local government has made the requested changes, and St. Augustine was approved. He then presented a review of the local ordinance prepared by the City of Sarasota in response to s. 327.4105, Florida Statutes, which allows a specific number of local governments to adopt regulations on anchoring and mooring of vessels within their jurisdiction. He added that this will be considered a “pilot Program” and will provide an opportunity for the Commission and Legislature to evaluate this subject more fully. He further discussed the anchoring restrictions, ordinance exemptions, and steps for enforcement and penalties. He said that staff recommended that the Commission approve the ordinance as written, contingent upon the opening of the mooring field for use by the public.

Chairman Barco questioned when would the mooring field will be built, based on an email that she received that stated there were no mooring sites at this time. Major Daugherty responded that they are attempting to build it, but had delays and that an official from Sarasota was here and could address this question.

### **Public Comment**

Anthony Russo (City of Sarasota) explained that the original project used helical anchors and they would not work, as there was limestone too close to the surface. In December of 2011 they got a permit to do steel pilings instead. They re-bid the project and the contract was approved after many delays; they got an extension from DEP and will start construction on July 9. They do not anticipate any additional delays.

Bonnie Basham (Boat US) said that Boat US fully supports this ordinance. She further discussed how great Sarasota was to work with and staff continues to do an excellent job with this pilot project.

Upon a motion made by Commissioner Roberts to approve staff recommendations, and seconded by Commissioner Priddy, the motion passed.

### **2012 Florida Snook Stock Assessment**

Chairman Barco asked Aaron Podey to present a review of the 2012 stock assessment for snook, conducted by the Fish and Wildlife Research Institute. He explained that FWC is the primary managing agency for snook in Florida. The assessment includes data from 1986 through 2010 and the previous snook assessment was completed in 2006. He explained the current snook regulations and the effects of the 2010 cold kill. Because the Gulf stock was more affected by the cold kill than the Atlantic, it has remained closed since early 2010. Mr. Podey discussed the recent snook management and then talked about the recreational catch and harvest for both coasts.

Vice Chairman Wright asked for number of fish caught for the Atlantic vs. Gulf. Mr. Podey responded that the Atlantic stock peaked in 1995 at 739,000 and the Gulf peaked at 2.3 million fish in 2005.

Mr. Podey continued and explained the difference between the management goal and biological threshold. He also talked about the spawning potential ratio and snook biomass for both Atlantic and Gulf waters. Based on the results of the 2012 snook stock assessment, staff recommended maintaining the existing regulations for snook on

the Atlantic Coast. On the Gulf Coast, staff stated the Commission could maintain the existing regulations for the Gulf Coast and allow the Executive Order to expire on August 31, and return to the regular season structure. In addition, he reported that the next FWC assessment is scheduled to be completed in 2015 if no management changes are made.

Commissioner Priddy questioned because it was mostly juveniles that were killed from the cold, and the impact on the spawning cycle will not be realized for another five years; will we need to revisit this in another five years and maybe close the season again? Mr. Podey responded no, the fish that survived are protected by the lower end of the slot limit, and there should only be release mortality on them. In five years, we may see a drop as they enter the slot limit, but he did not foresee a need to revisit it. Mr. Barbieri explained the impact of the cold kill was highest on juveniles and because it takes about 4 or 5 years for snook to recruit into that spawning stock biomass, it will take awhile for us to realize the full extent. Dr. Barbieri also noted that we have another assessment of the stock scheduled for 2015, but we are going to have to monitor the effect of the cold kill as time goes by.

Commissioner Roberts asked when staff would have the information for 2011, to know if it is an upward or downward trend. Mr. Barbieri responded that the info would not be available for another couple of months; it should be finalized in the fall.

Chairman Barco asked if we keep the snook fishery closed for an extended length of time, are we going to get caught as we did with red snapper, and not have data. Mr. Barbieri explained that the main difference is that this is primarily a catch and release fishery. What comes in from the harvest to give us information is very small and keeping it closed would make it harder to know what is being caught.

Chairman Barco asked about the significant drop in snook stamps, how that money is spent, and what that means to the agency. Ms. McCawley responded, the past couple of years we have about half of the sales of what we previously did with snook stamps, but the price went up from \$2 to \$10 in 2007, so we were getting a greater amount of money over time, and now that is cut back. Snook has many supporters who continue to buy the stamp to support the research. She added that we have about half of our historical sales and probably pretty close to where we will stay for the next few years, if left closed.

Vice Chairman Wright stated that this is an apples and oranges comparison; red snapper is on critical margins of sustainable levels, whereas the snook biological SPR is above management SPR. He would like to hear public input.

Chairman Barco added that down the road, she does not want a situation in which they are not be able to do anything, because we do not have data.

#### Public Comment

Captain Pat Kelly (Florida Guides Assn., FGA) stated that his previous historical experiences with cold kills, supports the concept that the fishery does get hurt. This two and a half year closure is the longest closure ever put on snook, but on the other hand, recreational people that fish around the state, as well as the majority of FGA members would like to see it stay closed. However, others have never seen so many big snook. Our members are dedicated to taking care of this fish, and recommend keeping it closed for at least one more spawning cycle, then reopen it.

Rick Roberts (Snook and Gamefish Foundation) stated that they support staff recommendations, and explained that they have confidence in this stock assessment because of the data input from fishermen from all over the state of Florida. Snook is big business and a monetary value to Lee and Charlotte Counties. You cannot go wrong, but science supports the idea that keeping it open will not have a negative effect on the stocks of the fish over time, and economic impact is important to consider.

Albrey Arrington (Fish Rules, LLC) said that effective management is driven by sound science, which is predicated on good data; you can never go wrong having more data. He added he appreciated the concern with the

similarity with red snapper. Fish Rules (a smart phone app) can provide another source to capture data on snook and they would love to work with the Commission to help contribute to the data the FWC has.

Philip O'Bannon (Boca Grande) said that cold weather devastated the already declining snook populations and feels that a forty percent decline best represents the damage to the resource. He has not seen data from 2011 to show recovery. He further felt that if the snook season opens now, that might further damage Florida's most valuable salt-water resource. He added that guides are a valuable resource for daily on-the-water data, and are under-used. All the guides he spoke with would like the season to stay closed until the fishery recovers. They have submitted a petition to keep the season closed, because they feel that snook fishing pressure is not going to decline. He suggested changing the stamp to a tag system that would have to be filled out after keeping a snook. The tag system would give valuable data to the resource and also increase the revenue to the state tenfold, as well as give much-needed funds to research, enforcement and enhancement. These are needed actions to ensure the rebound of the snook population; it is not worth gambling with a resource that is worth millions. He urged the Commission to make the right decisions to ensure the recovery of the snook fishery.

Captain Dave Markett (Florida Guides Assn.) agrees with Captain O'Bannon's comments. His concern, and that of many guides known as top big snook guides, say there are no breeder snook over the top of the top of the slot; almost no 31-33 inch females left, and they would be targeted. Biologists say we will not see the real impact of the 2010 freeze until 2015. Personally, he thinks that snook on the west coast of Florida are the most heavily poached wild animal in Florida and added that we have a chance to make a good decision to guarantee the future of snook, with the exception of periodic freezes, in a management plan. He added he would love to see the number of breeding females over the top of the slot, but from his observation, they are tiny in numbers. May, June and July on full and new moon is always a good time to see the big breeder females, in hundreds of traditional places; the genetically superior females that will give trophy offspring do not exist. He encouraged the Commission to err on the side of conservation and caution and stay closed for another cycle. He further asked that the Commission please ask staff to bring back an estimation of the number of fish on the top end of the slot that cannot be kept, because it will be a gold rush if you open the season in September.

Trip Aukeman (Coastal Conservation Assn) read for the record, comments and recommendations from CCA Florida. The members of CCA Florida are encouraged by the Spawning Potential Ratios for the Atlantic and Gulf snook populations, estimated by the recent FWC assessment. However, for the Gulf Coast population, the SPR does not account for the huge drop in spawned stock biomass that resulted from the severe freeze, nor the low number of recruits in recent years. Snook is one of Florida's most valuable and popular game fish and we feel the continued closure of the west coast fishery will not cause a serious economic impact, because snook is a predominately catch and release fishery. They urged the Commission to keep the west coast closed until the SSB (spawning stock biomass) and recruitment increase.

Ted Forsgren (CCA – Florida) would like to see the west coast fishery closed; because they have seen, what the population was before the freeze occurred; it was a great fishery and very valuable to the state of Florida. They would like to see that kind of fishery come back and do what needs to be done to get it back as quickly as possible. He questioned how the SPR can be at 52 percent, and feels it is probably too high. The model does not always reflect what is going on, on the water. Because of the value of the fishery, he urged the Commission to be cautious with re-opening the fishery on the west coast. There is some question whether this impacted mostly juveniles; photos at the time showed massive numbers of snook killed on the west coast. He suggested looking at the additional data coming in from 2011 and look at a management strategy for how to re-open the fishery on the west coast slowly and at the appropriate time, not just re-opening it.

Chairman Barco asked Mr. Forsgren to explain what he meant by his comments about having a plan for re-opening vs. just opening. Mr. Forsgren responded there are many alternatives for a full opening like changing the slot size, reducing the number of months or just a fall vs. spring opening, rather than both fall and spring. Chairman Barco asked where we want to be. Mr. Forsgren replied we want to be at 40% SPR. Chairman Barco said we want fishery of abundance, but when we get there, then what is the next goal. Why is the Gulf at 33 and Atlantic at 32 inches, should the Gulf be at 32 inches too if we are missing the big spawning fish. Mr. Forsgren replied that those are different options that have never been discussed.

Tylan Dean (Everglades National Park) passed out a handout that summarized the data about the snook population in Everglades National Park that includes the creel data up until 2011, and a fishery independent preliminary data through 2012, both show recovery but at a slow pace. They have requested an assessment from Florida International University based on the data they have from the Shark River estuaries; their information indicated the cold snap reduced the abundance by about 80%. However, the data is showing an increasing trend, and they feel the fishery will recover in time. He stated they are interested in providing snook enjoyment to visitors, but also want to maintain all aspects of the ecosystem, considering this; they would like to keep the fishery closed in their waters for another season.

Captain Danny Barrow (Director, Snook and Gamefish Foundation/Florida Guides Assn.) reported that he talks regularly with his west coast counterparts and the reports are variable depending on where you are, there are either none, or thousands; last year it seemed like more than even this year. His opinion is that if the numbers show the fish are there, allow it. However, maybe bring the slot number down to keep the larger breeding fish. He suggested opening the season with caution, maybe a shorter season or open just during the fall. He reported that recreational anglers can now log their catches on line through the Angler Action Program. They can furnish this data to FWRI from places that biologist do not get to, its real people out there fishing, supplying data.

Byron Maharrey (Everglades Coordinating Council) said he hoped the decision is based on good science, which your staff has provided; why bother setting goals if we do not listen. Ninety percent of the fish caught are released anyway; opening up makes good sense.

Gregory Simmons (Recreational angler, Ft. Pierce) thanked the Commission for opening the Atlantic snook fishery. He is a participant in the FWRI logbook program, which was not included in the snook stock assessment; the logbook program takes the actual numbers. He would like to see an opening for the slot limit on the Atlantic coast. He talked about a paper that Ron Taylor wrote about fish mortality which stated that the more fish handled the more fish will die. If you increase the slot, you will reduce poaching. The net ban has worked and the snook fishery has gotten better.

Mike Maher (Charter Boat Captain, Indian River County, Sebastian, Ft. Pierce) reported that half his business is aimed at snook fishing. His out of state clients fell off when the season closed, and the slot got tighter. Many of his customers do want to keep a fish. He would like to see the Commission get with staff to look at the possibility of opening up the slot and feels this would reduce the handling mortality of all released fish and cut back on catching lots of fish just to get one to keep. He applauded opening season on the east coast; the season has been great.

Ken Malinowski (Tequesta recreational angler) said he appreciated the wisdom the Commission brings to this decision today. He fishes snook on both coasts. He talked about the economic impact, the money he spends chasing fish around the state, the cost of his boat, tackle, fuel, license, lodging and meals, which brings the cost in the thousands of dollars per fish harvested. The economic value of fish in the water is substantially greater than by harvesting. The message you are sending to the fishing community and the population at large is that snook matter. The data might tell you that closure is not necessary, however he recommends keeping closure in place on west coast. He pledges to continue to catch and release and will continue to buy the snook stamp.

TJ Marshall, speaking for a Charter Captain of Grand Slam Charters who said that snook is an important fishery for them in the Naples area. He believes if the stock analysis supports a reopening then please move forward with it. There is a split opinion in the region and suggested a boat limit, rather than a per person limit.

### Commissioner Discussion

Chairman Barco asked Mr. Poday how long it would take to come back with some options. Right now, the recommendation is to just reopen. If we did reopen with a change in the slot size, making a boat limit, we would have to go back out to the public comment. We set goals of where we wanted to be a few years ago, now it is a moving goal. What research is needed to change the slot limit on the Gulf side, how do we know if we do not have enough large breeding fish, do we need to run the models? The stock, based on our data, is above where we wanted it; where is our goal, and what are we trying to get to, if we are already there? Ms. McCawley spoke of the

process from 2007 when they went to the public and had many different options for slot sizes and seasons, we could generate those options again and go back to public comment. The process from 2007 did use a workgroup and workshop and took about a year to get to the final options. We could do a much shorter process that just involves workshops, no workgroup. Do we need to do this again? We do not know if the data from the public will be much different, the process from 2007 went down to the half-month level, it was very detailed. Chairman Barco stated if they close this thing for one year, they do not want to be in the same place next year, with the same discussion.

Vice Chairman Wright speaking to the Gulf snook stock said he feels strongly about this issue, and he spoke about using wisdom to manage this stock. There appears to be a few people that will be impacted from closing one more season. We have a biomass indicator that is reflective of the numbers of fish not the size and even though we are above what it takes to sustain the viability, we have lost many juvenile fish. A number of the fish are in the upper end of the slot and will be targeted. Vice Chairman Wright estimated that about 150,000 fish that are at the upper end of the slot limit, if left in, could grow out of the targeted slot. He is hearing from people on the west coast to slow down and be careful. If we have a bad winter, we could be in trouble and if we do not have a bad winter, we could push those fish through the slot.

Chairman Barco agreed and asked if we could protect the fish on the upper side, is there anything we need to do to drop the slot number down an inch?

Vice Chairman Wright suggested opening the season up next August, to allow those fish to move through the slot. It will not make a tremendous impact over the next year or two but it will protect bigger fish. This is a policy decision, an application of wisdom not data. The important message to the angling community is that we are managing for the fishery, for abundance, for size, and for an experience. He suggested making a motion to continue closure through August of next year and see where we are, then open it up. Chairman Barco asked where we get the data to see where we are. Vice Chairman Wright suggested we could use the information that we can garner. Not a good use of time to precisely define where we will be.

Commissioner Bergeron said there is no question the science and SPR is a good guideline. However, listening to stakeholders, they are asking to keep the fishery closed for another year, because of breeding stock and age. He said he agreed with Vice Chairman Wright; that the issue is letting the larger fish have another year to breed.

Commissioner Yablonski said catch and release is a personal choice. Though we try to bring folks into conservation, there are economic benefits to letting those that want to keep one fish come and keep it. We need to look at management levels. Snook is a rock star, but even though the science says we are above the management goal, but we took a big hit, and we are not sure where the hit will play out at the end of the day. It is different from red fish, with red fish, the trend lines were up, with no extenuating factors and he felt very comfortable giving red fish back. We are just not sure and another year might give us more comfort. The Everglades National Park science also shows snook at its lowest level since 2002 and that we may be premature. He suggested using creative management tools to open next year with caution. It is a close call this year and could go either way.

Chairman Barco said that Mr. Barbieri reported that the 2011 data could be added in next year, which will add to the decision-making tools.

Chairman Barco said her position is if we can let the fishermen have the fish, we should. Because the catch is so small for this fishery, it does not seem to matter. Analogous to the commercial trout harvest issues. She listened carefully to the Snook Foundation, who said they are good whichever way the board goes. Her bigger concern is four years down the road from now, when those juvenile fish, hit the slot limit, will they survive and have a chance to become the breeding stock.

Vice Chairman Wright said that when he talked to Rick Murphy, he said there are plenty of 10-year-old fish, but we need 15 to 25 year old fish. If we allow a robust take, we will be taking away the future producers. If we go another year, we will have more data to work with, and allow the class of larger fish to get out of the slot.

Commissioner Roberts, agrees with Vice Chairman Wright, and does not see a negative to being cautious. We now know the winter can have an impact on snook. Being cautious and letting the fish recover from the freeze and possible move through the slot limits would be beneficial. If we could wait another year and get the information that would show a trend because there is a significant difference between the graph on the Atlantic and the graph on the Gulf. He would like to look at slot size and see if there is a big difference between 32 and 33 and would this make a big impact on the fishery; we have the ability to get this information and should use it to make a decision.

Chairman Barco asked how the Gulf side got to a 33 high-end slot size. Mr. Barbieri responded that we looked at combinations of slot sizes for both the Atlantic and the Gulf.

Commissioner Yablonski remembered that the Board went with a smaller slot size than staff recommended.

Ms. McCawley explained that we had looked at a suite of recommendations with different slot size and combination options. Through workshops we narrowed it down three or four options and then chose that particular one based on where we thought would get us to the SPR percentage. If the spawning biomass is not back to the year before we made that regulatory change, then maybe the change we made was the right change.

Mr. Barbieri said there are many variables, and it is a very uncertain science. In terms of the slot and the choices that we made from the suite of options, there are many roads to get to the goal. Then the public steps in and tells us which one they prefer.

Chairman Barco asked if dropping the upper end of the slot make that big of a difference. Mr. Barbieri responded that the management system in place is working. Setting 40 percent SPR goal is building a good buffer against any unforeseen environmental problems, like cold kills or red tides. Because we had built the buffer prior to the cold snap, it did not push us below any dangerous biological level. The question now is...is the fishery in the same state that it was back in 2008 and 2009. It is not, because we lost twenty percent of the biomass of the stock. It is a matter of how fast we want to rebuild the biomass.

Commissioner Bergeron stated that we have the science and we have to believe in our science, but we also have stakeholders who are saying because of slot and age, keep it closed for one more year, to make the fishery robust.

Commissioner Priddy asked if we would have to go back for public input before we consider any other slot sizes or closed seasons. Ms. McCawley recommended going back out for public comment again, if we are going to suggest changes to that slot limit or the season length. Commissioner Priddy also asked where we are going to get 2011 data to help with a decision for next year. Mr. Barbieri explained we have a number of different surveys in place; we have cooperative programs with many organizations, where the anglers submit their information for kept or released fish, and they keep the data and share it with us, so we have an idea of the sizes available out there. He feels it will still be a very uncertain outcome even with one additional year, but it will give us a more informed idea of where we are with the population.

Commissioner Priddy commented that she had some concerns about keeping the fishery closed. She knows a lot of thought went into the forty percent SPR and it provided a cushion, which took care of us during the 2010 freeze. There will always be difficulties that affect the fish population, and she does not think we should micro manage a population after we have evaluated it and set a level that we felt contained an adequate cushion. Giving and taking repeatedly from the fisherman is hard to keep track of. She is comfortable with the proposal the staff has made, and feels that having the science and not using it, sends a message of inconsistency on our part. The fish kept in 2012, if the snook fishery in the Gulf reopened, would not be that many fish, based on the data, so she would like to go ahead with staff recommendations.

Ms. McCawley clarified that with an Executive Order, you could change the slot limit without going through public comment.

Chairman Barco commented that they really do not like to use Executive Orders.

Commissioner Priddy has heard from individual snook fishermen that are looking forward to the season being opened. They feel that when they go out they are seeing sufficient numbers. The slot size we have in place takes care of the fish.

Ms. McCawley explained the slot on the Gulf was chosen because the short length of time it takes to pass through it, which is about a year and a half.

Vice Chairman Wright made a motion to continue the closure for snook in the Gulf through August 2013, by an Executive Order, and accept staff recommendation on maintaining existing regulations for snook on the Atlantic side, seconded by Commissioner Bergeron.

### Under Discussion

Commissioner Yablonski said he appreciated Commissioner Priddy's position, but feels in this situation we need to nip it in the bud, not wait to correct it, and get it back to an A-plus fishery. The fishery is down and there is something, so we need to take precautionary measures, because it could drop below the line, if it gets below the line it will be harder to bring it back up.

Commissioner Bergeron said he understood Commissioner Priddy's position as well, but what has affected him is listening to stakeholders who have asked him to hold off for another year. He believes in the science, and our staff, but wants to be a little cautious because 99 percent of our stakeholder would prefer to allow older female stock to grow.

Commissioner Priddy asked if people are calling from the Gulf or Atlantic. Commissioner Bergeron replied that the calls were for the Gulf.

Commission Priddy appreciates the input from stakeholders, but is concerned that there may be folks out there who feel passionately about this but do not have a trade group to represent them, and we cannot hear their voice.

Chairman Barco responded that we are always concerned, and we lean very heavily towards the everyday person and those who cannot come here.

Chairman Barco asked for a vote. The motion passed, with Commissioner Priddy dissenting, to keep the Atlantic side open, and to keep the Gulf closed. We will bring this back at the June 2013 meeting so we can make a decision prior to next year's opening.

### **Commission Administrative Matters**

#### Elections

Chairman Barco announced that the agenda will be adjusted to accommodate the need for Commissioner Bergeron to leave early, so he can be part of the vote for a new Chairman and Vice Chairman. She asked General Counsel Mr. Bud Vielhauer, to lead them through the nomination and voting process. Mr. Vielhauer explained the process and it was decided by the Commissioners to vote by verbal process.

Chairman Barco nominated Vice Chairman Wright to be the next Chairman, which was seconded by Commissioner Roberts. Commissioner Yablonski nominated Chairman Barco as the new Vice Chairman, which was seconded by Commissioner Bergeron. The motions passed unanimously.

Vice Chairman Wright said he hoped he could follow the good work of Chairman Barco, that she has set a high bar. He looked forward to being Chairman with some fear as he has seen how busy the position has been.

Chairman Barco stated she has thoroughly enjoyed being Chairman, though the time was short and passed too quickly in some cases. She added that it really is a 24/7 position because the Executive Director and staff feel that they need to keep the Chair in the loop. Therefore, it really does take up a lot of time, but it also gives

stakeholders a level of comfort to know it is not just a paid state employee making all the rules themselves. She expressed she hoped they were all together again in September.

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

Alan Riggerman, complimented Chairman Barco and the Board on being a top drawer Agency. He said he felt if the reptile industry and exotic animal owners in our state would get together like the anglers and hunters do, maybe they would be more influential. He urged the Commission to not let producers make bad calls about wildlife issues when they are allowed on ride-a-longs with officers. Then he suggested that when venomous snake permits are issued, it would be a good idea to make the permit holder keep anti-venom on hand for the beginning treatment; he does not feel the public should pay for it, especially for free-handlers.

Capt. Pat Kelly (Florida Guides Assn.) said that Chairman Barco is the best of the best and he is proud of her. He also said he felt that Vice Chairman Wright would do a good job. He thanked the Commission for the recognition about the Spirit of Tarpon DNA Challenge and described that it is statewide tarpon challenge open to everyone and all the proceeds will help research of tarpon.

William Shockley asked the Commission why we started regulating soft shell turtles. He also had questions that he would like addressed at the September Commission meeting. Commissioner Barco responded that we needed to put protection in place to protect our local resource, because they were being harvested and exported for the Asian market faster than we felt they could be sustained. Mr. Shockley asked what information did the state have on the soft shell turtle population before the rule was made. Chairman Barco responded that staff would need to answer this and asked Mr. Holder to look into this with staff.

Mr. Shockley said he felt the state did not know enough about turtles before making the rules, and that people who were growing turtles for more than two generations have had their lifestyle taken away. It is a proven sustainable fishery with the method used, for the past 60 to 80 years. He has been shipping turtles to China, Brazil and Canada for years. His main concern however, was when FWC Officers came to his father's home and interrogated he and his wife for a couple of hours for an investigation about aquaculture permitting, which was allowed to continue fishing, but a sting operation was set up at the same time. Then a statement was issued in several publications that said the rules were made because of the decline in the turtle population, not the amount exported. He commented that at a Commission meeting where the rules were made, the point was made by FWC's own biologist that good data did not exist. A new study has been underway, but it is a controlled study because FWC set the limits on the amount of turtles that were allowed to harvest; he asked how FWC would ever know what the true population is. There is an economic ripple effect of these rules and, they stop whole businesses and cause economic turmoil.

Chairman Barco replied that she understood their pain, but said that we listened to family fisheries, knowing that they have been doing this for generations, under no regulations. She further added that we knew anything we did would have an effect, but we were trying to look at the bigger picture and our goal was to protect the animal population. She asked that he get with Mr. Sutton, and Mr. Holder and work out specifically what he would like to see changed. Adding, we would be happy to work with Mr. Shockley to tweak the rules, work with our staff, and bring this back as an agenda item if need be.

Mr. Shockley asked for a written apology from Officer Terry Hastings for the harassment of his father. Chairman Barco responded this is not our position and asked him to talk to Colonel Brown. Colonel Brown responded that Officer Terry Hastings is a federal officer.

Byron Maharrey (Everglades Coordinating Council) reminded everyone that we could wind up with only one Commissioner that has been here for a while, Commissioner Yablonski; everybody else could be relatively new, if our existing Commissioners are not reappointed. Because he feels we need the continuity, he asked everyone in the room to lobby the Governor to reappoint the three existing board members who are up for reappointment. He also stated he would like to see Goliath grouper science as quickly as possible because they are eating up all the lobster, reds, gags, and blacks. He commented that he would like to see limited permits, which can be issued in areas where it is justified to thin them out some.

Chairman Barco responded that a study to get the stomach contents without killing the fish is currently taking place.

Drew Martin (Sierra Club) commented that FWC did the right thing about softshell turtles. He said he felt the marketing in China is taking many turtles quickly, along with Rhinos for their tusks, and sharks for shark fin soup. Commissioners are doing a good job. He also talked about Biscayne Bay National Park and said he feels that closures can be beneficial to the fishing industry. Scientist from all over the world said that once an area is closed, the fishing right next to it improves. He also suggested that the missing fish may not be from the Goliath grouper but rather from humans who are taking more than they should. He finished by complimenting Chairman Barco on all the work she does and how appreciated she is.

Jeff Miller (Coastal Conservation Association) thanked the Commission on their vote on snook. He commented that the SPR by definition is the comparison of the spawning potential ratio of that fish in a fished environment against a non-fishing environment. Because the take of snook has been closed for the past two and a half years in the gulf, no wonder the SPR is forty percent, technically, it should be at a hundred percent; if the season had been open, the rate would have been much lower. CCA is in favor of opening the season next year, unless there are other factors that indicate not opening it. There needs to be other items looked at besides SPR. When the Atlantic red snapper season opens for those few short weekends, we will ask the members to help collect data and we also offered to do the same with snook or any other species. He told the Commissioners to let them know what is needed and they will be glad to help and continue the partnership they have enjoyed.

TJ Marshall reported that NMFS has an application for a permit for non-lethal sampling of goliath grouper to provide data. He mentioned that the EFP is becoming the option of choice at the fishery council. Ms. McCawley mentioned that the regional management concept came up giving allocation to each state by its historical catch. He also informed the Commission that a new research experiment is underway to deal with a way of reducing deepwater mortality using a lip weight, and should be looked into. He said they are endorsing this because they find that venting is not done correctly and latent mortality goes on. He finished talking about the tag program the South Atlantic Council is promoting for red snapper; they think it is a good idea because it better controls harvest and prevents the pay back in the following year.

### **Commissioner Exchange**

Commissioner Roberts thanked staff especially Mr. Hunt and Ms. McCawley for the information on the Tortugas because it was very beneficial to him. He also congratulated Mr. Frohlich on getting the Bear Management Program in place. He complimented Chairman Barco on what an incredible job she did, that she set the standards at a high level and that Vice Chairman Wright will get there. He added that it has been a privilege to serve with Chairman Barco, to listen and learn from what she brings to the table. Last he stated it was nice that snook was going to be ok either way we voted.

Commissioner Priddy congratulated Vice Chairman Wright. She added that she knows what a time commitment it has been for Chairman Barco and understands how the time away from family and business can take a toll, but complimented her on the good job she did.

Commissioner Yablonski commented that the bear vote was the highlight to him representing a conservation success story. He complimented Chairman Barco for the excellent year she put in as Chairman, and added that for a volunteer position, it was a herculean effort. He congratulated Vice Chairman Wright.

Vice Chairman Wright thanked Mr. Holder and staff for all the behind the scenes efforts to get us here. He commented that all the staff presentations were spot on and helpful. He thanked Commissioner Bergeron for hosting a very nice event last night. He added Chairman Barco did a great job as Chairman, and said he hoped that because of her ability to work with staff and innate understanding of the dynamics of the fishery councils, she continues to take this on. He commented that it was a good debate on snook and he respected Commissioner Priddy's vote, and stated she did a good job of representing those that could not be here. He thanked Mr. Collins

and staff as well as Mr. Kokol, the Community Relations and audio video staff for helping to run a very good meeting.

Chairman Barco thanked all that joined her in the tribute to the military and said it has been wonderful hearing the stories and honoring those who have served. She expressed her appreciation for what they do, and is committed to help to try to reintegrate them back into civilian life. The sacrifice they have made allows us the freedom to be here today. She thanked Mr. Collins and Commissioner Bergeron and the host for last night's event at the Corbett WMA and youth camp; it was wonderful, educational and fun. She also appreciated the updates on the Dry Tortugas and the new quota system; it was good to know that we made the right decisions. She further stated that it was awesome to be able to delist the bear. Last, she thanked staff, stakeholders, and especially CCA for their hard work getting us on the same page with stakeholders. She has enjoyed being Chair and hopes to be back here in September with everyone else.

The next regular Commission meeting is scheduled for September 5-6, 2012, in Tampa, starting at 8:30 a.m. each day.

### **Adjournment**

Chairman Barco adjourned the meeting at 2:31 p.m.

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Kenneth W. Wright  
Chairman

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Nick Wiley  
Executive Director

Respectfully submitted:

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Robin Stetler  
Commission Administrative Assistant