Florida Fish and Wildlife Conservation Commission

MyFWC.com

Commission Meeting
September 5-6, 2012
Tampa, FL
Minutes

The Florida Fish and Wildlife Conservation Commission (FWC) held their regular meeting September 5-6, 2012, at the Doubletree Hotel, located at 4500 West Cypress Street, Tampa, FL.
Chairman Kenneth Wright called the meeting to order at 8:30 a.m. with the following members in attendance.

Kathy Barco, Vice Chairman, Jacksonville
Ronald A. Bergeron, Ft. Lauderdale
Brian Yablonski, Tallahassee
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
Kipp Frohlich	Section Leader, Division of Habitat and Species Conservation
Jackie Fauls	Director, Legislative Affairs
Charlotte Jerrett	Chief Financial Officer
Major Jack Daugherty	Division of Law Enforcement
Thomas Eason	Deputy Division Director, Division of Habitat and Species Conservation
Harry Dutton	Alligator Management Program Coordinator, Division of Hunting & Game
Major Curtis Brown	Division of Law Enforcement
David Arnold	Rules Administrator, Office of Planning and Policy

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

Meeting Opening

Chairman Wright called the September 2012, meeting to order at 8:35 a.m. and welcomed the Commissioners, staff, and public to the Doubletree Hotel in Tampa.

Chairman Wright began by inviting Chris Wynn, Regional Director of the Southwest Region to give the invocation, followed by Commissioner Corbett who led the Pledge of Allegiance to the Flag.

Retirement Recognition

Chairman Wright asked Eric Sutton, Director of the Habitat and Conservation Division to introduce retiree Dorothy Campbell, who, in her second career acted in the role of administrative support to the Invasive Plant Management Division in Tampa. Commissioner Corbett and Chairman Wright noted that she is an inspiration to the younger generation. Ms. Campbell spoke a few words and thanked the Commission for the opportunity. A photo was taken with the Commissioners.

Employee Introductions

Chairman Wright asked Executive Director Wiley to introduce FWC Employees to the Commission.

Director Wiley first introduced Roy Mazur, Bureau Chief over Land Management and Field Operations with the Southwest Water Management District and thanked him for his partnership with FWC.

He went on to introduce the following employees:

- Officer Tracy Bontrager
- Mary Jane Moore
- Jennifer Myers
- Jessica Griffith
- Robin Eldridge
- Mark Marcucci
- Craig Mallison
- Joan Herrera
- Magen Naret

Adoption of Minutes

Chairman Wright asked for a motion to approve the June 27-28, 2012, Commission meeting minutes. Upon a motion by Commissioner Corbett and seconded by Commissioner Roberts, the minutes were approved as written.

Chairman Wright introduced Rich Glorioso, Florida House of Representatives, District 62. He spoke a few words and thanked the Commission for the work they do in protecting the resource.

Adoption of Meeting Agenda

Chairman Wright asked for a motion to approve the meeting agenda with the change of moving agenda item C to agenda item A. A motion to approve the Agenda as amended was made and seconded, and the motion passed.

Approval of Consent Agenda

Chairman Wright asked for approval of the Consent Agenda, which the Commissioners have already been briefed on.

Upon a motion of Commissioner Roberts and seconded by Commissioner Corbett, the motion carried and the Commission approved the September 5-6, 2012, Consent Agenda.

Executive Director's Report

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

Executive Director Wiley first took the opportunity to introduce Ms. Keturah Brown, FWC's first Gubernatorial Fellow, who through a program established in 2004 by the Governor's office, will learn about the agency and what we do; she will work with the Division of Habitat and Species Conservation with an emphasis on the Endangered Species Act.

Awards and Accomplishments:

Communication Awards – Director Wiley reported that FWC received seven communication awards through the Association of Conservation Information, which is a national organization. We achieved a sweep in the news release category, graphics and the employee newsletter, along with several other awards.

In the News

Lobster Mini-Season 2012 – Director Wiley showed slides and talked about the events that took place. He discussed the economic benefit the pre mini season is to the state and commented on the cooperation among the different agencies coming together to make sure this is a safe and successful event.

Lionfish – Director Wiley discussed how lionfish are an escaped, exotic species that has quickly populated in our waters. The impact by them on our native fisheries is a growing concern. He commented that the good news is they taste good, so FWC is trying to promote a campaign for fishermen to harvest lionfish with spear equipment. To achieve this we have loosened the restrictions on harvest and are being as aggressive as possible to let folks know.

ICAST - Director Wiley talked about our participation in ICAST, which is a trade show for the sport fishing industry and was hosted in Orlando. He reported that he along with Chairman Wright and staff was there to represent Florida as the Fishing Capital of the World. It was a great event for the agency, state and other partners in the industry who are critical to fishery conservation in Florida.

Tropical Storms – Director Wiley gave a brief update on Tropical Storm Debby and Isaac. He discussed the flooding in Live Oak and south east Florida. He showed slides of Corbett and surrounding areas flooding, and noted that this is 60,000 acres of wildlife land that we manage that has been covered with flood waters. Commissioner Corbett asked if we know the cost from the damage. Director Wiley responded that because Corbett holds water, there was no cost and the flooding to the Youth Camp was minimal. He discussed that he went with Governor Scott last Wednesday to meet with local officials and residents to talk about how the state would help the neighborhoods that were swamped. He added that FWC is working hand in hand with state officials to help citizens and FWC staff was often first responders. He expressed a sincere thank you to the South Florida Water Management District who helped position dump trucks near the levee in case of a breech and noted that they are working with FWC to look for a way to take care of this so this problem does not happen again.

Update

Python Executive Leadership Workshop – Director Wiley announced that FWC will host this workshop, which has been postponed because of the storm, for the purpose of bringing agencies together to make sure we work collaboratively with each other to present a unified front for dealing with this real problem in Florida

Emerging Issues:

The Florida grasshopper sparrow – Executive Director Wiley discussed and showed slides of one of the most imperiled species, the native grasshopper sparrow. He explained this species lives in central Florida, in dry prairie habitat. He described that our staff is working with Avon Park, Kissimmee State Park and the U.S. Fish and Wildlife Service (USFWS) to ramp up efforts to figure out the cause for the dramatic decline in the sparrow population. They feel there is a real possibility the species will go extinct. He introduced Larry Williams with the USFWS to clarify the issue. Mr. Williams emphasized that this is a priority with the USFWS and Department of the Interior and furthered explained that this species is considered the most imperiled bird species in the continental U.S. Their models show the Florida grasshopper sparrow could go extinct in five years or sooner. He noted a previous attempt to conserve the dusky seaside sparrow which failed however; they are committed to not let this happen again.

Commissioner Yablonski asked what the main reason is for this happening. Director Wiley replied it is a mystery right now, though the habitat is in good shape, there is speculation about some type of predation like fire ants. Commissioner Yablonski added that a response cannot be given until a cause can be isolated. Director Wiley responded that the agency needs to diagnose what is going on, but will continue a very aggressive land management program. Commissioner Corbett asked what the comparison to the Red cockaded woodpecker is. Director Wiley responded that like the woodpecker, they are specific to a certain habitat, in central Florida, and if we don't have this habitat, we won't have the bird. Commissioner Corbett asked how real the threat of extinction is. Mr. Williams responded there is a real threat of extinction in the next three to five years. He further explained they have surveyed three public land areas, and all three of those sub-populations have had a downward trend and intuition suggests the predation could be fire ants. The density of fire ants in these areas is really high and the birds are ground nesters. Commissioner Corbett asked if they are getting enough help. Mr. Williams responded that the agencies are working together to find out what is needed to figure out the cause, they have identifed funding for different projects and will keep the Commission informed.

Commissioner Bergeron thanked Mr. Wiley and staff for responding to the high water emergency in Palm Beach County from the latest storm. He reported the Everglades are in good shape and they only got about three or four inches of water in the conservation areas. The Emergency Policy to bleed some of the water off was put into place and the deer islands are above water.

Chairman Wright thanked FWC staff and the Governor that responded to this event.

Director Wiley thanked Commissioner Bergeron for his involvement which highlighted the Agency.

Commissioner Bergeron noted a strong partnership with FWC, Department of Environmental Protection and South Florida Water Management District to respond to the immediate needs of the public and then address the needs of the environment in the aftermath.

Chairman Wright reported on his attendance at a meeting with the House Committee on Natural Resources to make testimony on the economic consequences of the lack of timely data and resources thrown to stock assessments that would help to make projection about where the fishery stock is going. They presented a view towards getting funding for additional research to get the robust and timely data needed to turn the fishery around. He further stated that they made an appeal to have more flexibility on the time lines, so if there is a fishery that is recovering, the agency can work towards reporting a steady increase and a benefit to the fishery, but will allow more time so that people are not getting hurt in bad economic times. He also met with Adam Hollingsworth, Governor's Chief of Staff and talked about what the agency is doing and expressed that we are here to be of service to him and other partners with the Governor on all of his efforts to include job creation. He also discussed his attendance at the Base Commanders Meeting which is a Governor instituted meeting that provides an opportunity for agency heads to present an update on what the agencies are doing. The base commanders were then invited to ask questions of the agency heads. After which the base commanders gave a report and discussed concerns or problems they are having on the bases. Commissioner Corbett asked how much communication

FWC has in the state with all the military bases. Chairman Wright responded that in general he felt these meetings were very effective and helped to increase good communications and relationships. Chairman Wright then reported that he attended a press conference regarding Lake Apopka and discussed FWC's effort to begin restorative activities surrounding a boat ramp and water quality efforts that are underway. Another highlight, was attending a press conference on the Fourth of July with the Audubon Society to recognize the success that we have had with the Bald Eagle; that we have more eagles in Central Florida than we did in the entire lower 48 in the early 1970's. He noted that large private lands owners in the Kissimmee River Basin, who very early on cooperated with the efforts of eagle protection, are really the genesis of where the recovery came from. He also reported that he attended ICAST, which is a symposium that represents anything that had anything to do with fishing. It was a great opportunity to expose Florida as a prime fishing destination. Further he held a press conference with Dan Ash from U.S. Fish and Wildlife Service and talked about the Wildlife and Sport Fish Restoration Program. It was a great opportunity to highlight the partnership that exists between the sportsmen and the industries that manufacture those products, and how much money comes from that, and goes back into the resource. Lastly, he discussed a meeting he had with Charlie Lykes and a governing board member from the South Florida Water Management District and Joe Collins, Chairman of the governing board to discuss FWC issues and a history of the involvement of the Lykes family holdings, in terms of managing their property which led to his invitation to have Mr. Lykes speak today.

Florida Panther Plan

Chairman Wright asked Kipp Frohlich, section leader with the Division of Habitat and Species Conservation to present the Florida Panther Plan. Mr. Frohlich provided a detailed report regarding critical aspects of the panther conservation program, focusing on research activities with a look towards the panther number question and also to discuss panther range expansion. He gave a brief overview on panther biology, population trends and legal protections and how the approved federal recovery plan of 2008 is the guiding document for our activities. Mr. Frohlich went on to discuss the primary elements of panther conservation which include **1) Reduce human-caused deaths**: examples include coordination of roadway wildlife crossings enforcement of reduced nighttime speed limits. **2) Monitoring and improving panther health including genetic health**: includes inoculations for disease such as feline leukemia, de-worming kittens, and checking genetic diversity. **3) Maintain and manage habitat:** examples include identification of key habitat for long term preservation; habitat management of state owned wildlife management areas to increase prey availability and to conserve patches of habitat types that are preferred for panther dens. **4) Address human-panther conflicts:** for example investigation of depredations and providing property owners with technical assistance to reduce conflicts. **5) Monitoring population to assess progress towards recovery:** this include such things as annual surveys of panther population to monitor trends, documenting and analyzing mortality, assessing changes in the extent of occupied panther range.

Mr. Frohlich asked Gil McRae, Director of the Fish and Wildlife Research Institute to talk about the research and monitoring. Mr. McRae discussed the nature of the science that we conduct with our partners relative to the Florida Panther. He noted that it is important to realize that when the Texas cougars were brought in 1995 it was an unprecedented event. It has only been 17 years since their introduction and he feels that most folks will agree that the introduction of the new genetic material has allowed the population to come back. He discussed the nature of the science that is conducted on population size and trend and how we monitor the project; assessing population size allows us to monitor progress toward achieving federal recovery plan goals. He noted that we can monitor population trends through three sources of information that include minimum counts, population reconstruction, and road mortality; all three of these trend indicators indicate a population increase since genetic restoration in 1995. Commissioner Corbett asked how many tagged panthers do we have. Mr. McRae responded that we have about 30. Commissioner Corbett then asked what are the number of deaths that we estimate are occurring each year, and what are the causes. Mr. McRae responded that interspecies aggression, vehicular collisions and a small amount of illegal take contribute to the deaths. Commissioner Corbett asked if we know the percent of cats that are dying every year. Mr. McRae replied that we know the percentage based on the recovered carcasses, but we don't recover all the carcasses. Mr. McRae further discussed that a fourth means of determining population trend is through demographic analysis and population modeling. This entails measuring kitten production, recruitment to the adult population, adult and sub-adult survivorship, and using those measures

in statistical models to determine direction and rate of change in the population. Given current birth and mortality rates the population has the long term capacity to grow at approximately five percent per year assuming other conditions (habitat quantity/quality, prey availability, etc.) remain constant. He further explained that we currently estimate the range-wide population to be between 100 and 160 adults and sub-adults. This estimate is based on the minimum number known to be alive determined from radio-collared cats and panther sign observed in the core of their range and subsequent extrapolation to other areas where breeding panthers occur. He added that we are investigating two other methods for estimating panther numbers, both of which rely on ratios of marked and unmarked cats in a sample: the ratio of collared/un-collared cats in photos taken by remotely triggered cameras, and the ratio of cats previously captured and marked to those not marked in cats found dead on roads. Both of these methods have sample-size and logistical hurdles that need to be overcome. He noted that we will continue to provide these indexed based estimates of total population size while we develop these statistical measures. Commissioner Corbett noted that it would take 20 to 25 years to get to 240 cats and what is considered an optimal amount. Mr. McRae responded that this is a long term proposition and that we are going to look at interim goals. He added that we are continuing to evaluate the potential for GPS collars to replace VHF radio-collars. GPS has the significant advantage of recording locations frequently throughout the day and night and with greater precision than radio-collars. They also allow retrieval of data from the ground, which would eliminate the need for our biologists to continue dangerous, low-level flying. Although GPS collars are useful for answering certain questions, to date the GPS technology available has not proven to have the reliability and longevity required to meet all our needs. Telemetry is the foundation of our science and allows us to track range expansion of young males moving north of the Caloosahatchee. He added that on the habitat side our focus is more on the urban wild land interface which is tied to nuisance issues also, that we want to look at use of potential corridors that allow animals to move north to the river and beyond, and we need to focus more on what is happening on private land. Mr. McRae also discussed population health and disease monitoring for feline-leukemia virus and other parasites and diseases, mortality factors, road mortality, intra-specific aggression and illegal killing as well as the impacts of low genetic variability. Now that we have modeling we need to keep refreshing those rates, because as those rates get more accurate, our model gets more accurate. Finally, we need to continue to monitor kitten production and recruitment, survivorship and mortality causes, refine population estimate, assess potential for expansion northward, as well as use of private lands, monitor genetic diversity, detect disease threats, and continue to assess utility of GPS technology.

Mr. Frohlich continued with a discussion on the USFWS recovery plan that was approved in 2008 with participation of several state agencies and points of federal and state collaboration; the goal is to insure the long term viability of panthers in their habitat, to a point where it can be reclassified from endangered to threatened and then removed from the Federal List of endangered and threatened species. He explained that to remove the panther entirely from the list, the plan calls for three sub-populations of 240 adults and sub-adults for a period of at least 12 years. He further discussed the FWC Panther Conservation Partnerships that include Big Cypress National Preserve, Everglades National Park, USFWS Vero Beach Field Office, Panther National Wildlife Refuge, State agencies, Non-Governmental Organizations and Private Landowners. He further discussed the points of Federal and State Collaboration, an interagency plan, the FWC Panther budget, and panther recovery, which focuses on panther range expansion northward. He added that males currently are found in central and north Florida, but we have not had documented proof of breeding north of the Caloosahatchee River. He discussed two published papers, that highlight based on their modeling, suggest that building the population up to the target of 240 within central Florida will be difficult. He further talked about mortalities of male panthers that have been verified north of the Caloosahatchee River since 1981, and explained if panthers are to successfully expand into central Florida, private land ownership linking public lands will be very important. He also mentioned that they recognize that it is possible that panthers already are breeding north of the Caloosahatchee River; but we have not been able to provide sufficient documentation.

Commissioner Corbett commented that it seems that the number of panthers show they are declining. Mr. Frohlich responded that though not all deaths are reported, not all birth rates are reported and we know the birth rate is strong and is keeping the balance growing at about five percent based on the capabilities of this species, given the criteria.

Commissioner Bergeron commented that one of the greater mortalities seems to be vehicular. Mr. Frohlich responded that the major mortality causes are vehicles and interspecies aggression. Commissioner Bergeron replied that the key to expansion deals with the management of the habitat, underpasses and fencing, and management of correct water levels south of the Caloosahatchee River. He feels we have room for more growth south of the river as long as we manage those areas successfully, and said that expansion north of the Caloosahatchee is going to be a difficult task. Mr. Frohlich responded that although there are a number of public lands that could be breeding areas, they are separated by large tracts of private lands with roads that run in between.

Commissioner Yablonski asked what the carrying capacity south of the river is. Mr. Frohlich responded that it is always changing and difficult to determine. Commissioner Yablonski asked if the 240 number is realistic given the area. Mr. Frohlich responded that this is a movable target. For the good of the species, it would be good if the 240 could be spread out over the entire available habitat in south and central Florida.

Chairman Wright commented that he asked the same question of Dave Onorato and was told that we are about at carrying capacity now. He also suggested the success in breeding north of the river may in large part be due to private land owners.

Mr. Frohlich continued to talk about a new web page that has been launched. It will enable the public to upload photographs that hopefully will provide proof of panthers breeding north of the river which will help FWC's ability to bring in better data. Lastly, he discussed the human dimension of panther range expansion and the elements necessary to promote successful population enhancement. Successful management actions to enhance the panther population north of the river will be dependent upon stakeholder support, habitat protection and restoration, and adequate agency resources to deal with issues as they arise.

Commissioner Bergeron stated that it is critical that primary habitat areas are protected; underpasses and fences for protection are important because of the road kill mortality rates. How we manage development, contiguous habitat and the food chain are key components to the success of the panther.

Chairman Wright asked Larry Williams with the USFWS to speak about this. Mr. Williams responded that they agree with all points of the presentation on panther management and they feel the same issues. As they talk about panthers on private lands, he reminded the Commissioners that they have taken steps to set up compensations funds…though this has been scaled back because they were told that private land owners might like another arrangement, such as an eco services arrangement. Lastly, he noted they are willing partners and willing to collaborate for the best approach.

<u>Public Comment</u>

Noel Desmond (Chiefland, Florida) is familiar with the Florida panther and has been part of a panther survey of Levy County which has 18 documented reports of Florida panthers including two females in Levy County, including one with a cub that have been turned into the USFWS, EPA, Core of Army Engineers and the Florida Wildlife Service. He has turned in photos as well; he would like the documents to be given more attention and credibility. Chairman Wright asked him to speak with Mr. Frohlich and Mr. Williams.

Elizabeth Fleming (Defenders of the Wildlife) commented that while 100 to 160 panthers is still a very small number, it is a huge increase from a few decades ago when the panther was on its way to extinction. She noted at conferences around the county this panther research is looked at as innovative and as having changed the course for the panther. Though huge challenges remain, development has slowed during the economic downturn; they fully expect it to pick back up in the next few years. She noted that they are hearing of a new plan from the Florida Department of Transportation to build nine huge highways that would bisect public lands and cause habitat fragmentation. They would like to encourage the Commission to comment more on some of these projects; and would like the U.S. Fish and Wildlife Service to also cooperate with FWC on expansion north of the river and how we do business going forward.

Commissioner Discussion

Chairman Wright talked about his panther experience with the FWC panther team and what a wonderful and fascinating experience it was.

Commissioner Priddy noted that for expansion we will have to see very good wildlife corridors or contiguous and un-fragmented areas to support populations. The panther recovery plan contains very good detailed information and she suggested that it be reviewed. She discussed the existing habitat and is concerned that while we have goals, they may not be realistic goals to work towards. She explained the agency needs to get realistic about what the goal is going to be and about what habitat is available. When realistic goals are set, we can then take the resources we have to meet those goals that are listed. She feels we need to re-direct the number of 240 back to interim goals which are more realistic, which is 80 individuals in two introduction areas up through the south and south central part of Florida. The agency needs to look towards USFWS to support the State of Florida in these efforts as it takes a lot of resources. FWC has the license plate to pull from, but if we are expected to expand the population and habitat, it will take more resources, and it is important that Federal partners along with the citizens of Florida help provide resources for those efforts. She noted that only 11 percent of any species being re-introduced result in viable populations. The cards are stacked against us already; panthers are an especially difficult animal to deal with because of the amount of habitat they require. We need to be realistic about what the hurdles are, and ask if this is something we can do; will it be supported by the public, by their acceptance of expansion into other parts of the state, as well as financial support. She stated she would like to see the recovery plan revisited with more emphasis on interim goals to direct our resources, and then look at the 240 number in three different populations as the ultimate goal 50 or more years out. The agency has been working on panther re-introduction for 30 years, and we have come a long way, but we want to achieve that much or more in the next 30 years, and to do this we set to set more realistic goals and a shorter time period. She feels it is important to have updates to the population count on a more regular basis, without a realistic number that we feel is accurate, it is hard to plan for whether or not we are reaching carrying capacity now, what the next area is, and what that carrying capacity is going to be. The relationships between agencies and groups working together have common goals in mind and really want to see the panther's recovery.

Chairman Wright asked for Commission input to direct staff to work with USFWS to make a request to look at interim measures in the five year plan. When involved in making policy it might help to shoot for a shorter time frame and interim measures.

Commissioner Yablonski commented that he feels we are close to carrying capacity south of the river, it is a critical moment in time for the panther…and we need to ask what next. He emphasized that we don't want to turn panthers into wolves. Wolf recovery out west became messy and controversial. He feels we have to be careful, because panther success is a good story. He believes looking forward in wildlife management there has to be a less government regulations and greater focus on incentives to landowners to get them to do the right thing, for the right reasons and not just because we say so.

Commissioner Corbett agreed that wolves are very controversial. He noted when you get above Caloosahatchee we need to balance the concerns, which we will clearly have.

Chairman asked Charles Lykes, who is here at our invitation, and as a large landowner, to talk about panthers.

Commissioner Corbett talked about his family's relationship to the Lykes family and gave a brief history of their long history in Tampa.

Mr. Lykes discussed his family's long history with FWC. He explained that he worked with Mr. Wiley for his land to be a receiver for gopher tortoises; they have set up a trust fund for perpetual care of the tortoise. Now the USFWS has petitioned to consider the tortoise as a federally endangered species; he suggested that the USFWS look to FWC for guidance and even delegation of responsibility. He then talked about the lack of deer on his

property when he was growing up due to disease, however, now as a result of good management they have an excellent deer population and now they manage for quality. He introduced to the Commissioners the idea of having private land owner deer management units in Florida. The rules would be more restrictive than the state rules, but they would like more flexibility on hunting season. He advised that there are enough land use regulations, but they would like to continue the dialogue of incentives…like conservation easements. He encouraged the Commission to replace that type of incentive program when the time is right and they look forward to continued cooperation.

Chairman Wright discussed a book he is reading called 'The Swamp" which is about how we drained the Everglades and our efforts to restore it. He made the analogy of the canary in the cave…and when animals start becoming extinct and struggling, he said he feels we need to really pay attention to what we will be losing. He noted that the Lykes holding is the 11th largest property in the State of Florida, and would like to discuss the prospects of developing private deer management units.

Commissioner Corbett also would like to explore this with other land owners who are also interested, because state deer hunting season is too hot.

Chairman Wright said one of the successes in the wildlife management of the Lykes is the business of private leases. The ability to screen private hunters for compliance is what makes it work. If they can offer hunting opportunities that are more attractive, then we can get out of regulation.

Commissioner Yablonski said happy hunters are good for the panther because it creates more of an incentive to keep the land as it is; prime panther habitat.

Commissioner Corbett said that getting younger people involved is important. He also talked about the importance of conservation easements which will keep that land preserved and not developed. He asked Mr. Wiley how to go about dealing with these issues.

Chairman Wright said we need to give staff direction on where to go with panther. Further, he would like to have discussion on large land owner deer management units.

Commissioner Priddy asked Mr. Williams to address the recovery plan from the USFWS perspective, and to comment if we are being realistic with the interim steps. Mr. Williams responded that the lengthy public process for these kinds of plans to be put in place is extensive; also the 2008 plan is relatively new in the world of recovery. He added that the 240 number represents the number of animals that would have to be in a population for us to have 95 percent confidence that the population would last for 100 years. That number has to be what it has to be, and if the landscape is telling us that 240 is unachievable, then that is what we have to work from. He stated they are already working with the Commission to look at a number of options. They would like to look at the policy with the Commission because it lays out some of the flexibility they have and explicitly addresses situations where there are recovery numbers that are unrealistic and unreachable and it would be a good starting place to have that discussion. He also said that he agrees with what was said about not allowing panthers to become similar to wolves in the west. He believes the involvement of private landowners and citizens is a natural place that wildlife management evolves towards and though we may be a long way from that with panther, it is an important ingredient towards recovery.

Commissioner Bergeron emphasized that the panther has been very successful, especially when you look at the 70's. However, we need to prioritize how to proceed; 99 percent of the panther success has been south of the Caloosahatchee. He added that this has a lot to do with all the contiguous millions of acres of public land. Going north there are many old families that have land and have kept it natural. We need to keep looking at, and proposing in our plan, protection on the highways like alligator alley; the road kill numbers are significant and this should be a priority. He noted we should be working with the water management district to keep water levels for the benefit of people, but compatible with the environment. He also stated that he felt that for expansion northbound to be successful, we need to manage the population south of the Caloosahatchee well, and continue to

develop more contiguous lands as the population grows north; rather than try to jump up 100 miles from where they are and then try to come back and connect later.

Commissioner Priddy summed up a couple of ideas that seemed logical next steps; target what the second area is going to be for establishing the second breeding population, decide what resources will be re-directed to facilitate this, and will it include relocation of females, and to restate what the immediate goal is in regards to population.

Commissioner Yablonski added that large land owners are willing to discuss incentive based programs and he asked that we might direct staff to start tracking consensus among them and start crafting this.

Director Wiley noted the need to get back with the USFWS on the recovery plan and interim needs.

Commissioner Priddy suggested it be called an addendum or supplement.

Director Wiley also said there needs more emphasis on getting a better handle on, and more frequent population counts.

Chairman Wright suggested the agency needs to look to the plan for interim goals.

Director Wiley noted the human dimension is important to follow through on, working with land owners, local government, communities, etc.

Commissioner Bergeron reiterated that we know where the panther are being killed and feels that underpasses be a key part of the plan. Mr. Frohlich responded that the agency is targeting the areas to find out where they need to go. However, at two to four million dollars, they need to be placed strategically.

Director Wiley said it is important that the agency makes sure it minimizes, mitigates and addresses those issues for private land owners.

Statewide Nuisance Alligator Program Report

Chairman Wright asked Harry Dutton, Alligator Management Program Coordinator, to provide a briefing about Florida's Statewide Nuisance Alligator Program (SNAP). Mr. Dutton began by noting the three main management elements that result in taking alligators from the wild; the Statewide Alligator Harvest Program, the Private Lands Alligator Management Program, and the Statewide Nuisance Alligator Program. He informed the Commission that SNAP has been recognized nationally and internationally as a model program, emulated by other states where alligators occur, and by other countries dealing with crocodilian-human conflicts. Mr. Dutton talked about the implementation of the initial SNAP program in 1978, after the American alligator in Florida had been reclassified at the federal level from an endangered to threatened status. He further explained the population had recovered to a point that alligator human conflicts had to be addressed. A research study designed to determine the most cost-effective and ecologically sound way to deal with problem alligators was initiated and completed in 1977. This resulted in the agency using private contracted trappers who were not compensated for their time and expenses through service fees, but rather earned income from the sale of the hides and meat. Initially this program was implemented at the regional level, resulting in five different versions of the program, causing inconsistent interpretation of the policy, differing expectations of contracted trappers, and various levels of service to the citizens. As part of the Commission's organizational change, a new statewide approach was implemented in 2005, which managed the program out of the South Florida Alligator Field Office in Okeechobee. While this approach retained many of the basic program attributes, it also incorporated enhancements to improve program efficiency and customer satisfaction. These include a toll-free nuisance alligator hotline, housed in the Okeechobee field office, utilizing five call center operators and staffed from 8 a.m. to 5 p.m. every day, year round. Also, a centralized web-based complaint logging and information tracking system that sends harvest permits to trappers upon approval, and performance expectations and annual evaluations for trappers. Further, a guiding foundational vision document was crafted to ensure there was clear internal and external understanding of

the program's operational approach and objectives. Mr. Dutton continued with an explanation of the SNAP budget for fiscal year 2012-13, which is funded by alligator licenses and tag fees. He went on to describe the typical complaint process which involves a call coming in to the toll-free hotline, the complaint details are logged in and evaluated, a permit is emailed or faxed to the trapper and the caller is notified that the trapper should be in contact with them within 24 hours. The trapper then maintains communication with the complainant. Mr. Dutton explained that trappers are private individuals who provide services to the Commission through an executed no-cost service agreement. They are important to the program's success in ensuring public safety, and are first-hand representatives of FWC delivering solutions to citizens experiencing problems. Trappers are selected through advertisement, followed by extensive interview and evaluation process, where they enter into a standard written service agreement. They are held to high expectations and standards of accountability and most of them achieve or exceed these standards. When these standards are not met, staff implements measures to improve performance, including reducing complaint workload or even terminating agreements. Contracted trappers receive ample notice and opportunity to self-initiate corrective measures before agency action is taken. Mr. Dutton further explained that trappers receive a $30/alligator stipend until a budget allocation of $210,000 runs out each year. However their main compensation is from the sale of hides and meat from harvested alligators. The use of a designated agent to assist the contracted trapper is common and vital to providing safe and superior service to the citizens of Florida. Many trappers also offer a fee-based opportunity to participate in nuisance alligator removal. Mr. Dutton noted that public safety and customer satisfaction are primary goals of the program and most complainants are satisfied. He added that the program also includes proactive measures, which provide for communities and management authorities to directly participate in nuisance alligator management decisions and are integral to the program's success. An example of an important proactive measure is Targeted Harvest Areas (e.g. swimming areas, boat ramps, homeowner developments), where the management authority such as a county or city park, works directly with a contracted trapper to proactively remove alligators. While providing monetary benefits and opportunities to trappers, stakeholders expect this aspect of the program to be secondary to public safety. Mr. Dutton explained that collectively these visionary components are designed to lead to superior service to the citizens of Florida, and ensure positive working relationships with trappers. Mr. Dutton discussed recent concerns in the program which have persisted despite staff efforts to address them at operational and leadership levels. Most notable are concerns about trapper performance evaluations. While these evaluations have been an important tool to measure customer satisfaction, assess program effectiveness, and address shortcoming, most trappers meet or exceed established performance expectations each year. Staff has recently addressed the concerns by providing detailed summaries of performance evaluations and customer comments to them upon request, and also will provide them routinely in the future. Trappers have also expressed dissatisfaction with staff communications and responsiveness to trappers' information needs. Staff has recently discussed these concerns with trappers, and because of this input, staff has responded by diversifying the methods of communications with trappers. Staff is also conducting and planning for an annual meeting with trappers, establishing a SharePoint information website, and developing mobile technologies for better information exchange. Lastly, Mr. Dutton addressed the future; as the program progresses, there will be ongoing efforts to achieve long lasting program effectiveness that include: using multiple contracted trappers for a given area as needs arise, in lieu of placing a single contracted trapper with a heavy complaint load. This approach will provide an opportunity for more trappers to participate and will help to ensure that service coverage is seamless as well as strengthen program stability in both good and bad economic times. In addition, involving land management and community authorities will continue and should result in better local understanding and tailored solutions to address alligator-human conflicts. Finally, the program will strive to strengthen working relationships within FWC, with other agencies, and with contracted trappers.

Mr. Dutton noted that the trappers have expressed gratitude to the Commissioners for the continuance of the stipend program.

Commissioner Priddy asked if the budget for the stipends would remain the same as previous years. Mr. Dutton responded that it is the same. Commissioner Priddy asked at what point in the year the money runs out. Mr. Dutton responded that in the past the money runs out approximately at peak harvest times, which is the middle of summer, when most alligators are taken. He explained that they have shifted the calendar a bit to allow the money to run out in early spring, so at least all the alligators taken during the peak of the harvest season are paid

for, now it runs out in the last quarter, which is February, March and April. Commissioner Priddy asked if the trappers get a stipend for the alligators that are harvested in the THA's. Mr. Dutton affirmed that they do and added that sometimes smaller alligators have to be dealt with such as those in swimming pools or driveways, and are relocated. Trappers have stepped up and said they would do this, and to help offset their cost, a stipend is paid for those as well. Commissioner Priddy asked if there is a breakdown of numbers indicating if alligators are relocated to a farm or actually killed. Mr. Dutton responded they would have to generate that report for her; he does not have the information right now, but indicated that the transferring of live nuisance alligators is a minor component over those that are harvested (approximately 8,000 alligators in total each year).

Public Comment

George Walrath (Trapper in Brevard and part of Orange County) noted there are valid points in the new program, but also there are some flaws. There are several trappers ready to quit, and the way the program is turning is not of benefit to the trappers. He urged the Commissioners to look at this carefully.

Jimmy Douglas (Trapper) said that there have been a lot of changes over the past couple of years to the SNAP program; for whatever reason the brain (call center) is not communicating with the back bone (trappers) anymore, which is affecting trappers in a negative way. He explained, if they are issued a permit to take out a single alligator, and when they show up there are two alligators, if this happens in public waters and it is after five in the afternoon, they have to tell the complainant to call back in the morning to get another permit issued, which means another trip out for the trapper. Also, when dealing with after hour emergency calls, SNAP's policy is if the alligator has gone back into the water they cannot trap it and have to tell the complainant they have to call the following morning to get a regular permit issued on it, which makes us have to drive back out the next day, and he reminded the Commission of the cost of gas. In addition, even though under four foot alligators are not considered a nuisance, they are still expected to remove them...while they did agree to this, it was their understanding at the time that it would only be in emergency situations, such as a pool or driveway. Over the last two years, SNAP has started issuing permits for under four foot alligators in bodies of water. It is one thing to pick up an alligator in someone's yard and receive the stipend, it is a courtesy, but it is another thing when they are issuing permits for those alligators in the waterways and they have to go out multiple times to try and catch a baby alligator that is not going to hurt anyone. He added that their biggest concern today is SNAP hiring extra trappers in the state. For all these years, there were about 38 to 40 trappers that took care of the whole state. All of a sudden SNAP has come up with a vision on why they need to hire more trappers that will do a better job. He gave several reasons why this does not work: 1) rotating or hobby trappers often work full time, so after getting the complaint, they will go out early in the week to set bait, often coming back later in the week to find the alligator dead. 2) If they get a permit early in the week and the trapper is not able to respond to the complaint till later in the week because of work, he is often called afterhours to retrieve the alligator. 3) Hobby trappers are receiving multiple complaints around one pond for the same alligator.

Allen Register (Trapper/Farmer, Owner Gatorama) stated he is a representative for many alligator organizations, an egg collection coordinator for 19 years, and recently a rotating trapper, said he feels that public safety and customer service are very important. E-calls are not a problem for him; he likes the SNAP vision because of the logistics of the roadways and feels it is more efficient. The part of the program he is excited about is that the reaction time will be quicker; he feels that smaller areas mean better service. As an employer of 20 plus people, they too have customer service standards that they expect to be met every time and he believes the Commission holding the same level of standards of the contracted trappers is understandable and acceptable to him.

George Jacobs (Trapper) said that after retiring as a lieutenant from the Leesburg Fire Department, Battalion Chief with the City of Wildwood and the Florida National Guard, he became a contracted trapper under the SNAP program. He feels that SNAP has an attitude of "my way or the highway." Most of these trappers have committed their lives to this program, it is their livelihood and heritage; when five veteran trappers quit and nobody took the time to ask why, it is a concern to him as a trapper and a citizen. In his experience, when the program was run under the law enforcement division it was much smoother, with public safety being the main focus. He noted that in order to meet the requirements of being a trapper involved a large investment in order to

be able to trap in the diversified areas he has, and this requires different equipment for different types of property. If he gets reduced to 50 alligators, it's going to be a five year plan to recover the money he has spent. He feels that hobby trappers place unwanted hardship on all the trappers and he urged the Commission to intervene on their behalf.

Jimmy Long (Trapper-Citrus County) has been trapping alligators since 1983 and said he was assured earlier that as long as his evaluations are up to par, he would not have to worry about his area being cut; he asked what happens if he falls below this standard? He feels that communication is a problem with SNAP. He has heard comments that say "don't talk to the old trappers they will give you bad advice." His main concern is the evaluation, even though four years in a row he has gotten 97 to 100 percent, he feels that because he disagreed with someone, he got an evaluation of 82 the next year. He stated they don't need 116 rotating trappers in the state when 40 did the job for over 30 years. SNAP is so busy with all the trappers that you can't pick up the phone while you are at the location and get a permit to remove a second gator; this is an added expense that we should not have to incur. He urged the Commissioners to do the research, look at the vision statement and determine if it is good for Florida, and for trappers. He feels that rotating trappers has not increased efficiency.

Vice Chairman Barco questioned why trappers are referring to 100 percent satisfaction, as she thought our vision said 95 percent. Mr. Dutton responded that our goal is 95 percent, and most trappers meet that year after year, but even if they drop down to 90 percent, it is only a caution; it is up to the trapper to focus on what is causing the lower customer satisfaction and figure out what they can do to ensure they do not dip below 90 percent. Nothing happens to any trapper unless they sustain below the lower percent rate for two years in a row.

Chad Wright (Trapper – Dade City) reported that they did an independent survey at a cost of $11,000 for Manatee and Sarasota Counties. There were 694 people questioned; 690 turned in excellent, and 4 were not happy. That year I got an 86 percent on my evaluation. He feels they need the workshops to work through these problems, and to fix them, otherwise the program will fail. He has relocated 24 alligators under four feet in Sarasota County and only got paid half his stipends, which ended in May; though he noted he is a strong advocate against stipends. The communication between staff and trappers has been a problem and he recounted an incident where the property manager wanted all the alligators removed. As trappers, we know what a problem alligator is and feel this is not conservation. During that incident he made many calls to SNAP and said he was left hanging. He emphasized that sometimes in the field we need immediate answers.

Scott Barbon (Trapper – Wimauma) thanked the Commissioners for all they do. He reported that he started ten years ago and took pride in knowing he was helping maintain safety, and also make a living. There are highs and lows, some years can be good, some bad. The last few years have been rough…he feels the trappers have been beat up and he has lost his pride in being a trapper.

Lane Stephens (Trapper /Gadsden County) said he comes before the Commissioners today as a trapper. He covers Gadsden County and the issues that he experiences are not the same as in south Florida; he only catches between 30 and 40 alligators a year and has a much smaller footprint. He suggested the lack of effective communication is the biggest problem. Though he recognized that some suggestions that have been made are starting to be realized, and policy put in place is improving the program. In addition, he feels an additional $30,000 increase to the stipend budget would help make trappers whole for the entire year. He noted though we are not in the business for stipends, they are there, and with gas prices today stipends help. He would like to continue constructive discussions around targeted harvest areas, and feels that some trappers struggle with it. He does not think it is prudent to hang bait on the shore of a picnic area when trying to catch alligators.

Commissioner Corbett noted that Mr. Stephens's overview is that SNAP is working better and then questioned him on his view of the number of trappers. Mr. Stephens responded that he does not have a problem with the number of trappers, but feels there could be issues on the rotation. Having lived in Orlando, he understands the neighborhoods and the small pocket lakes that are surrounded by houses. He explained that if you have a rotation system in place and you have several home owners calling on the same alligator this will result in several permits for the same gator being issued; maybe they have a system in place to address this, he does not know. He

explained that when he was added three years ago, the territory was covered by one trapper for two and a half counties; then the decision was made to break that up into three sections, and now there are three trappers to cover the same area. He noted that they all back each other up and also serve as designated agents for each other; this helps because our numbers are not that high, there are trappers that catch as many alligators in two weeks as he does in a year.

Commissioner Corbett questioned the comments on the breakdown in communication, and asked Mr. Stephens what his experience has been. Mr. Stephens responded that he has received emails that were not as professional as they could have been and were accusatory in nature. While he realizes it is a professional management communications issues, he said if you receive enough of those, and others receive the same types of emails, it seems like you have to prove to SNAP why you did something that they perceive as wrong; they should just talk to us about what happened. Commissioner Corbett reiterated that a good share of this problem seems to be communication.

Chairman Wright noted that personnel changes have taken place and while some of those conditions may have occurred, there has been and continues to be, an ongoing effort to improve communication.

Julie Harter (Trapper/Lakeland) thanked Mr. Dutton for his presentation, but corrected the size of the alligator on page 7. She noted that it is a Hillsborough County alligator and the size is 13 feet 11 and 5/8 inches. She extended an invitation to the Commissioners to join her on an alligator hunt in Tampa City limits, in a neighborhood where an alligator is causing concern for the homeowners. She takes pride to say she has been affiliated with the SNAP program and has been a trapper for over 18 years. She takes the position of being a trapper seriously and strives to give the public the protection and free quality service they deserve to ensure their safety, and also provide alligator education. She tries hard to uphold the integrity of the alligator program and trusts the Commission will do so as well.

Charles Carpenter (Florida Wildlife Control Association/Seffner) represents the nuisance wildlife control industry. It is his understanding that the alligator has been downgraded; the main reason is the protection level it has, because of its resemblance to the American crocodile. He went on to discuss a survey that was done, which discovered the insurance requirements nuisance alligator trappers are supposed to have are not generally carried. They have talked to different corporations who are increasing their requirements as well. He said that his business carries two million dollars in liability to go onto a property; personal insurance does not cover this. Corporations don't really understand that they are taking a liability risk when they let trappers come onto their property. With the hobbyist added into the mix, who make even less, he questions their ability to carry appropriate insurance coverage. They also found out in the wildlife control business that commercial vehicle coverage has to cover animals in order for it to be accepted by the corporations and he would be willing to bet most of the nuisance alligator trappers don't have a business; they just have a personal vehicle they use. In order to obtain this kind of insurance you have to be registered as a business. In addition, the agents have to be listed on the coverage specifically, or they are not covered. They would like to open up the program to go onto private property to the private sector, and have the corporations pay us to take the alligators off.

Katherine McGill would like the Commission to reconsider better supervision of the business of regular nuisance wildlife trapping of mammals in Florida. She expressed that there is a free-for-all situation going on with no supervision or guidance; there are thousands of trappers out there that are amateurs. She has heard many concerns and is talking to FWC staff members and Directors to see if a stakeholder's workshops with trappers can be held in the future to determine if we can do something better. She feels it is irresponsible to not keep track of what is being killed, what species, and who's doing it. Further, it's about public safety and customer satisfaction, and there are many customers who are dissatisfied; they don't know what to do, because there is no recourse or permitting.

Phil Walters (Gatorguides.com) told the Commissioners that he has been involved with the alligator program for a couple of decades, but as of this past spring he is now a part time nuisance alligator trapper. He has worked with Mr. Dutton and Ms. Eggeman over the past few years and thinks they run a professional outfit. He noted as a tax

payer and citizen, he feels if other state bureaucracies offered the same level of service and professionalism as the agency does our taxpayers would be much happier and he is pleased to be working with them. He concurs that there have been some issues with SNAP, but he has confidence in the people involved, and feels changes are in the process of being made; this needs to be a two way partnership. In the old program, the income of the trapper was based off of the commercial marketability of the value of the alligator, but that world is over and they are evolving. He stated trappers put their life on the line daily, they have rules and regulations they have to follow, and he feels they are nowhere near fair market compensated for what they do. He further questioned the sustainability of the program; SNAP was sustainable in its old capacity until the market crashed and now they have to re-evaluate and evolve. Currently he feels the program is running on the popularity of the alligator, which is at an all time high because of the TV shows; everyone wants to be an alligator trapper. There is a lot of new talent coming in, and the older trappers will be challenged; we are going to have some conflict that needs to be resolved. Lastly, he stated that we need to continue to look at the program and find a happy medium that works, so we can continue to provide the same level of service the people of Florida deserve. He is happy to be a part of this program and feels confident it will get figured out.

Vice Chairman Barco asked him if he became a trapper six months ago so he could be on television. Mr. Walters responded that he was told not to touch the media. Even though his media background is extensive worldwide, he stated that he does not need this program for media availability. He has always used the media because he believes sportsmen values are American traditional values and they are under attack by people making money propagating falsehoods. He feels the alligator is a tool to tell our story out to the world; it is a sustainable use success story of hunting and conservation, and also what our ancestors have done. However, he would just as soon not have to answer to someone about what he does with the media.

Patty Register (Gatorama) said she would like the Commissioners to consider that the alligator industry has changed drastically. They are hearing that the wild alligator hide is not being purchased, so why would trappers continue to provide this service when it is not a sustainable market. Her husband is a trapper and they bring most of the alligators back to their farm so they can bump up their breeding stock. A $30 dollar stipend is not enough, because it may take three or four trips to get an alligator. We need alligators for tourism, but also need the public to feel they are safe. People do not come to Fisheating Creek Camp ground to paddle anymore because they are afraid of all the alligators. She asked the Commissioners how the problem will be solved.

Commissioner Yablonski noted that what we have today is a 1977 model. He said he feels that not only is there a market for hide and meat; there is also a market for removal service. He feels that folks would pay to have alligators removed and what he is hearing is that the 1977 model is constraining folks from getting market value. Maybe the true market is the person having the problem pays the service for removing the problem. That is capitalism.

Commissioner Bergeron commented that he has received several phone calls about this. He thanked Mr. Dutton for starting to focus on a true partnership with the trappers, as well as taking care of the public. He noted the only way this program can stay successful is if both parties can benefit. The complaints he heard were about attitude and how the trappers were being talked to. He feels it is important that trappers have input with our staff, so things work out for the best interest of the people of Florida and the trappers, who provide a tremendous service. The agency needs to communicate so it becomes as economical as possible for trappers, yet still get the service and response time to citizens. There are trappers here today that have been doing this for a long time; some do it for a living and some for a hobby. There are 67 counties in Florida and we went from 40 to 120 trappers. FWC needs to keep in mind is, if we are getting the response time by trappers that we don't shrink their area so much that it's not economical for them. Commissioner Bergeron noted that more workshops are needed to look at ways to help trappers be as successful as possible, especially with the current market.

Vice Chairman Barco asked Mr. Dutton how many applications are received when trappers are advertised for. Mr. Dutton responded that it depends on location; in the panhandle not a lot, but in central and south Florida there are hundreds. Vice Chairman Barco noted this would drive the value down on the trappers because there are a lot of people lining up to do this as the system currently is, for free. She added that this will not play into

Commissioner Yablonski's suggestion for privatization. The trapper program and stipend program was never meant to provide a livelihood, but to provide a service and to supplement income. The private sector can move quickly, government cannot; SNAP needs to think more like the private sector. She noted what she has learned from the gopher tortoise program is to figure out a way to accommodate the needs of the trapper in the field, to get what they need when they need it, for the benefit of the homeowner and the trapper; this is thinking like the private sector. She is fully aware of the huge judgment calls needed on the part of the trapper and feels there is a huge public misconception of what a nuisance alligator is…especially in south Florida; north Florida does not seem to have as many human conflict problems. What we do inside our program needs to be faster, more user friendly and efficient.

Chairman Wright asked Mr. Dutton if he could give some idea of how long it takes to notify trappers when a call comes in. Mr. Dutton explained that this happens extremely fast, but what is of issue is the process of when the trapper shows up at a complaint site, and the home owner asks them to take an additional alligator, they need to call in for another permit. The agency has to be accountable at many different levels and when on sovereign water we have more responsibility, however on private property trappers are allowed to take the second alligator without calling in. He added that they are urging the trappers to communicate with SNAP so everyone is on the same page. He clarified that there is a lot of flexibility built into the program and explained that most of the time the trappers are interacting with home owners during regular daytime hours; the SNAP call center is staffed 8 to 5 every day, and we have at least one staff member who is on call 24/7.

Commissioner Corbett emphasized that public safety and customer service are our goals. He added that he is hearing the program is good but needs improvement in communications, and asked how many people are working for the program taking calls. Mr. Dutton explained he does not feel the complaints are about the call center staff; rather it's the operational staff the trappers do not feel is effective.

Director Wiley said we need to have more workshops…and SNAP staff has committed to do this. He added they need better phone communication and to not rely on email and bulletins as much.

Vice Chairman Barco asked how the program worked when they had only 40 trappers. Mr. Dutton responded that it was really about 55 trappers and staffing has not changed. He added they have been doing this for seven years now.

Chairman Wright commented that it is not fair to dispatch another permit on site. He added he has concern about privatization because alligators do cause problems with people and dogs, are a public safety issue, and are also protected and regulated. Further, he feels if folks can game the system they will. He added that the system may fail down the road and we will have to deal with it, but one of the problems the agency has to address now is that the program was not set up to be sustainable to make a living. He emphasized that he understands what is happening in the alligator business, when the meat and skins were hot, you could pay yourself and the stipend helped with gas, but now there is really no way to make a living doing this, and for whatever reason, there are a number of people who are willing to do it for free. He does not know how FWC can help people who make a living from this, compete with people who are willing to do it for free; and the agency is getting good customer service reports back.

Commissioner Bergeron emphasized that it is important to have the SNAP team try to communicate more with the trappers, to listen to their input, because that partnership can be strengthened by virtue of communication and attitude amongst our agency with these trappers. He added that when you look at their concerns, and make it as economical as you can for trappers, yet still get the good grades, then you are strengthening a partnership. He acknowledged that FWC is fortunate to have people that do it for a hobby, as well as for a living, because the cost to try to provide this service otherwise would be millions of dollars. He would like staff to develop workshops that will get input from trappers, and make it better for the service, the people of Florida, and the trapper.

Commissioner Priddy asked if during this period of time when the agency is trying to improve service and communication, and asking the public to evaluate the trappers, if it would be possible to let the trappers evaluate

the program as well. It would have to be crafted so it is constructive and not finger pointing. She noted that she feels one of the underlying causes of this is that we have so many alligators and asked if we could look at increasing the number of alligators that are hunted every year to decrease the population?

Commissioner Roberts stressed that there is a need for improvement in communication, but he is not big on the evaluation process. He is more interested in results, and would like a program that works for our agency and the trappers; we need each other and need to be sure we are on the same team. Communication in any agency is probably the most important issue to address and he emphasized that FWC can get there by listening to input from trappers. He added the agency needs to be receptive and listen to the trappers, and understand that our thoughts are not the only ones that matter, their thoughts are important too; together we can have an improved program. Further we are lucky to have people who are interested in doing it, no matter if they are doing it as a hobby, or to make a living. We need to do the best we can with the circumstances and stressed that we could never pay what it is worth, because it is not in our budget. He requested that we move forward and report back at a future meeting, maybe the Apalachicola meeting that this is all worked out and everyone is happy.

Commissioner Yablonski agreed with focusing on communication, that it is appropriate for the here and now discussions. However he feels part of the problem is the process, but some of the problem is the economics of this business, and communication is only going to be a band aid, which does not fix the finance problem and how these folks make a living. At some point there will need to be a broader discussion about this.

Chairman Wright agreed there are issues with communication and added that it is also an economic issue, plus we have a public safety issue of a regulated animal. The economic reality is that there are people that have done a good job for a long time and that have a culture of doing it. He does not know how the agency is going to deal with the economic impasse between the folks doing it for free and those doing it for a living. There may come a time when the volunteers move on to something else and the professional trappers may remember it and it may be a market that favors them at some point in time. He agrees that a workshop is needed and he would like a report back with solutions. It would give trappers an opportunity to critique our system as well.

Commissioner Bergeron would like to attend workshop and asked Mr. Dutton to let him know when it is scheduled.

Imperiled Species Conceptual Framework Report

Chairman Wright deferred the Imperiled Species Conceptual Framework Report to the December 2012 meeting.

Gopher Tortoise Management Plan

Chairman Wright asked Thomas Eason, Deputy Division Director with the Division of Habitat and Species Conservation, to present the proposed revision to the Gopher Tortoise Management Plan. Dr. Eason discussed the proposed revisions to the 2007 Gopher Tortoise Management Plan which is intended to guide the continued conservation of the gopher tortoise through the year 2022. He reviewed the management plan history and achievements. Some of the more noteworthy accomplishments include: development and successful implementation of our award winning online permit system, authorization of 370 gopher tortoise agents, issuance of 1,139 permits, relocation of 13,885 gopher tortoise from development projects, creation of 29 recipient sites, protection of 40,320 acres of gopher tortoise habitat, and management of 92,500 acres of gopher tortoise habitat. Dr. Eason reminded the Commissioners that the 2007 plan calls for revision every five years. He then highlighted the plan changes, which include updated goal objectives and actions, deletion of outdated portions, commensal species, focus on incentives, waif tortoises, habitat management guidance, coordination on military installations and expanded monitoring. He further discussed stakeholder engagement and stakeholder and public comments; he continued with a discussion on areas of future focus and implementation of the budget. Dr. Eason concluded with a request for the Commissioners to approve staff recommendation of the proposed revision to the management plan, including an update to Appendix 9 of the Gopher Tortoise Permitting Guidelines to ensure continuity and clarity.

Commissioner Priddy asked if the areas that we relocate the gopher tortoise onto are wildlife management areas or other designated areas. Dr. Eason responded that the vast majority of tortoises are relocated to private recipient sites, which can be short-term or long-term protected sites; most are long-term protected sites because it is less expensive for people to use this option. Some of the more recent revisions to the guidelines enabled public lands to be used as create recipient sites as well, but that option is not heavily used right now.

Public Comment

Amelia Savage (Hopping, Green and Sams/the Mosaic Company) stated that they have worked for years with staff on gopher tortoise issues and support the update to the plan. They appreciate the outreach and the core assistance groups that staff put together as well as the Gopher Tortoise Technical Assistance Group (GTTAG). She added that staff is very receptive to comments and they really appreciate this openness. They also look forward to the permitting guidelines being updated within the next year and encourage the collaboration between FWC, the U.S. Fish and Wildlife Service and the other southeastern states. They hope the great work that Florida has done will expand into Georgia and Alabama and preclude the need for a federal listing of the Tortoise in its eastern range. She thanked the Commissioners for supporting the management plan.

Elizabeth Fleming (Defenders of Wildlife) indicated that Defenders supports the revised management plan and they recommend that Commissioners adopt the changes suggested by staff. She expressed outstanding concerns they have regarding the heavy focus on relocation of tortoises; they would like to see more habitat conservation in situ whenever possible and they are glad to see the beginning of work on commensals. With the difficulty in relocating many of the commensals, in situ habitat conservation is preferable when it can be accomplished.

Paul Catlett (Land Manager at Camp Blanding Joint Training Center) said that he sits on the technical assistance group and they support the plan 100 percent. It is good for Camp Blanding which is unique, they are a military installation, but state owned. They were a recipient site for many years for the red-cockaded woodpecker, but are now a donor site. This plan allows them to take care of the gophers when they conflict with military training, they have plenty of habitat, but this plan allows flexibility for them to make changes to accommodate military training needs.

Chairman Wright and Vice Chairman Barco told Mr. Catlett that they appreciate the partnership with Camp Blanding.

Dave Hankla (U.S. Fish and Wildlife Service) endorsed the plan and reminded everyone that the Commission does the best work with stakeholders anywhere and this plan reflects that. It is in the right place at the right time to avoid federal listing, this is a step in the direction that will do that. Florida might not be big enough to carry the day with the other states, but if Florida is not where it is now, then nobody else has a chance. He feels the agency is doing a great job with it and also stated that staff hit the sweet spot. He urged the Commission to adopt this today.

Commission Yablonski asked if all the other states in the gopher tortoise range were doing what Florida was doing, and if so could federal listing be avoided. He also inquired whether Florida would be able to control its own fate with regard to gopher tortoise rules and regulations after a federal listing, if it occurred.

Vice Chairman Barco followed up by asking if Florida could be exempted from a federal listing because of all the great work they are doing.

Mr. Hankla responded that everyone thinks this is workable and feels we can get there. The key is working with the private sector. He added that he feels if we can build a candidate product that will be workable for them as well as economically viable and we can get those agreements, then we are in good shape. The U.S. Fish and Wildlife Service would not exempt Florida, but there are some things that can be done…they could exempt certain activities that were blessed by the state if they worked on a management plan together. He stated that he

feels they can do well for conservation, gopher tortoises and all those commensal species and feels that is the target.

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

Draft Rule - Falconry

Chairman Wright asked Major Curtis Brown with the Division of Law Enforcement to present to the Falconry proposed draft rule. Major Brown summarized the draft rule amendments for the FWC rules pertaining to falconry, wildlife rehabilitation and taking wildlife on roads and right-of-ways; rules 68A-9.005, 68A-9.006, and 68A-9.008. He explained effective January 1, 2014, the U. S. Fish and Wildlife Service (Service) will relinquish regulatory authority over falconry to states, tribes and U.S. territories whose falconry regulations have been certified by the Service. These propose draft rule amendments address necessary changes to Florida's falconry rule so that it may be certified by the Service. The proposed amendments also address the interests of stakeholders and other interested parties as well as FWC staff. Major Brown reviewed the background on Florida's regulatory authority for falconry which is currently shared with the Service. The Service is relinquishing permitting responsibilities, and state, tribal or territorial falconry regulations must be "Certified" by the Service. He discussed the areas in Florida's falconry regulations which are inconsistent with federal regulations and must be changed including: Eligibility requirements for Apprentice, General or Master class falconers, authorization to possess golden eagles, banding requirements, reporting requirements, releasing/transferring requirements for raptors and permitting for seasonal residents and visitors, educational display of raptors used for falconry purposes, rehabilitation of raptors, abatement, and possession of prey items. He further discussed additional considerations such as; classification of falconers, reinstatement of lapsed permit, restoration of suspended or revoked permit, take and acquisition of raptors, and transportation of raptors, housing and temporary care, feathers & carcasses, propagation, and practice of falconry in the vicinity of Threatened and Endangered species. Major Brown also talked about the two public workshops that were held and went on to explain the proposed draft rule, which defines falconry related terms, addresses eligibility requirements and permit conditions, broadens housing requirements, reporting and recordkeeping, addresses release and / or transferring of raptors as well as take of raptors. Further it provides that a non-resident with a valid falconry permit may possess raptors in Florida, includes "let it lay" language to address unintentionally taken prey and requires a license to exhibit or sell raptors. He concluded with a request for the Commissioners to approve staff recommendations for the amendments to Falconry, Wildlife Rehabilitation Permit and Taking Wildlife on Roads and Right-of-Ways Prohibited. If directed, staff recommends proceeding to a Final Public Hearing at the February 2013 Commission meeting.

Commissioner Roberts asked if the permit would be a Service permit or an FWC permit. Major Brown explained that this would be an FWC permit; the Service is relinquishing it to the state to be handled.

Public Comment

Eric Edwards (Florida Falconers Assoc., North American Falconers Assoc.) thanked staff and said they did a great job. He would personally like to see more opportunity for sponsors to be able to start apprentices with different types of birds. The choice according to federal rules is up to the sponsor, as a sponsor he would like to have more selection of birds to choose from.

Vice Chairman Barco questioned how many apprentices there are. Mr. Edwards responded that there are 144, and every year there are probably only five new falconers across the state because the huge commitment deters many folks. Vice Chairman also asked if the state has the ability to add a Merlin. Mr. Edwards responded yes.

Commissioner Corbett asked how they capture the birds. Mr. Edwards discussed some of the ways this is done.

Upon a motion by Commissioner Corbett to approve staff recommendation, and seconded by Vice Chairman Barco, for staff to come back in February to address the issues discussed by Mr. Edward, the motion passed.

Anchoring and Mooring Pilot Program: Sarasota Ordinance

Chairman Wright asked Major Daugherty, with the Division of Boating and Waterways, to update the Commission on the Monroe County Ordinance for Anchoring and Mooring Pilot Program. Major Daugherty presented a review of the local ordinance prepared by Monroe County in response to s. 327.4105, Florida Statutes, which allows a specific number of local government to adopt regulations on anchoring and mooring of vessels within their jurisdiction. He discussed the Monroe County Ordinance which included definitions of proof of pumpout clarifications and derelict vessel; managed anchoring zones applicable to vessels anchoring in Boca Chica Basin, Sunset Cove, Boot Key Harbor, Cow Key Channel, and Key West Harbor, as well as no anchoring buffer zones in Boot Key Harbor, Boca Chica Basin, and Seaplane Basin. He further explained exemptions to proof of pumpout requirements and enforcement and penalties and discussed public input. He requested the Commissioners approve staff recommends for the Monroe County Ordinance contingent upon the removal of the Sunset Cove Managed Anchorage Zone provision.

Commissioner Corbett asked how the enforcement time frames and offenses are handled. Major Daugherty responded that they like voluntary compliance and the best way to achieve this is to inform people. He added that they use written warnings, which will document the offenses and also helps to educate; the philosophy of the agency is to educate. Commissioner Corbett questioned if derelict boats are a common problem and also what is our annual cost for removal of derelict vessels. Major Daugherty responded there is a problem of derelict boats in the state, and this provision gives us a way to let boaters know their boat is in pre-derelict condition; he noted that they don't spend anything annually. He also noted that counties can apply for grants from FWC, but the counties also spend registration money to remove derelict boats…the state does not spend money. He pointed out that Monroe County spent over one hundred thousand dollars last year.

Commissioner Roberts asked how the managed anchorage zones will be mapped out. Major Daugherty responded that the county is going to try to do it with marking and attach this to maps; there will be a big information push. Though it will be possible for people to not realize they are in a managed anchorage zone unless they are informed, which is why the county would like to take the soft approach of first warnings.

Chairman Wright suggested entering the zones into the GPS Maps.

Public Comments

Richard Jones (Monroe County Marine Resources Office) informed the Commission that he wrote the ordinance, and clarified that these managed anchoring zones are not intended in any way to discourage people. He explained that they want boaters to stay there; they offer free pumpouts, however they want them to maintain their boats, and not let them become pre-derelict boats. He further informed the Commission that they spend about two hundred thousand a year from boating improvement funds, and will use a stepped program for penalties for potential derelict boats.

Chairman Wright commended Mr. Jones on a good ordinance. He noted that it is better to deal with derelict boats while they are still floating. He asked if there is a mechanism to put a lean on a derelict boat. Major Daugherty responded there is not an element in the ordinance to support this; we do not have anything to take care of this at state level.

Vice Chairman Barco questioned that if this is occurring in state waters, can the county even do anything.

Bonnie Basham (Florida Airboat Assoc., Boat US) representing Boat US Association noted they support staff recommendation, but with removal of Sunset Cove from the proposed ordinance, because there is not an

associated mooring field with Sunset Cove; the closest mooring field is 45 or 50 miles away. They would also like to see lines 69 and 70 in the whereas clauses removed.

John Sprague (Marine Industries Association of Florida) stated that they fully support staff recommendation, including the removal of derelict boats. Over time they have seen more people storing their boats on anchorage because they can't afford dockage, or it is not available; they have also seen the number of derelict vessels rise. He commented that the ordinance has been tweaked and it is good.

Chairman Wright asked Mr. Sprague what he thought of his earlier question regarding delinquency and fines.

Mr. Sprague responded derelict boats are hard to deal with and he feels that fines would not do anything.

A lengthy discussion ensued between Chairman Wright and Mr. Sprague about how to deal with derelict boats.

Vice Chairman Barco asked staff if we approve staff recommendations with removal of Sunset Cove, do we need to state it in their ordinance. Major Daugherty responded that they can work it out.

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

Public Comment on Items Not on the Agenda

Bonnie Basham (Florida Airboat Association, Boat US) handed out Marsh Rider Magazine and noted that on page 24 there is a picture of the youth hunting program which won second place. She emphasized that she is very proud to support the youth hunting and wounded warrior programs every chance she gets.

Chuck Echenique (United Waterfowlers) called attention to an upcoming annual youth event at the Ocala Conservation Center on February 16. The purpose is to raise funds to bring money back into the camp. Commissioner Corbett asked what he needed. Mr. Echenique responded that they have a great partnership with staff, which is very helpful, but they can always use food donations. This year they are instituting a sponsorship program and he noted there is not a charge for those that want to participate or help out. He also commented that he would like to institute this program at other areas such as Tenoroc. Commissioner Corbett suggested that he speak with Brett Boston and Vice Chairman Barco also offered help. Further he talked about the success of the additional daylight hunting hours for alligator, and would like to see it opened up 24/7 as none of the fears or problems with meat spoilage or overcrowding have materialized. Lastly, he would like to take a look at a 10 year management plan and starting an advisory group for wild turkey.

Helen Richards (Tampa Bay Shrimp) described the Tampa Bay shrimpers as defenders of Tampa Bay. She emphasized that the two things that change the crust are hurricanes and shrimp boats. She asked that FWC re-address the rule regarding the sale of shrimp permits. The crust is already forming and the bay will die without this food chain.

Phil Walters mentioned he would like to see a compromise on alligator hunting and wants to see it offered 24/7, as three other states have opened up 24/7. The problems we predicted happened with boater conflict and the extended daylight hours have not happened. He added that meat spoilage did not present a problem and urged the Commissioner to consider extending the hours for next year.

Commissioner Exchange

Chairman Wright deferred Commissioner Exchange to Thursday's meeting.

Recess Wednesday's Portion of the Meeting

Chairman Wright recessed the meeting at 5:28 p.m., to reconvene at 8:30 a.m., Thursday, September 6.

Thursday, September 6, *Reconvene*

Chairman Wright opened the meeting at 8:51 a.m.

Chairman Wright introduced the new Regional Director Shannon Wright. He also recognized Dennis David as he retires and noted that this is his last official meeting.

Chairman Wright asked Brett Boston, Executive Director, Wildlife Foundation of Florida, to introduce Steve Stock, President of the Guy Harvey Foundation. Mr. Stock presented the first check from the proceeds of the lottery of $50,000 to the Florida Youth Network. He briefly described the lottery program that created six custom Guy Harvey ticket designs, which are currently sold out; initially they printed eight million and then an additional four million. The proceeds from the sale of the tickets will be donated back to the Foundation and also spend the money in Florida, which is consistent with the Foundations' mission of education, outreach, and research. He mentioned that they have planned a symposium in St. Petersburg, scheduled for Friday September 14; the purpose will be to shine a light on issues.

Chairman Wright thanked Mr. Stock for their partnership and their work on research and resources. A photo was taken with the Commissioners.

Mr. Boston also recognized Josh Tartler, the Group Sales Account Executive with the Tampa Bay Rays, who are new partners with the Florida Youth Conservation Network. They would like to engage young ball players who are also into hunting and fishing. Mr. Tartler thanked the Commission and he looks forward to working with them.

Chairman Wright recognized Rick Roberts with the Snook and Game Fish Foundation. Mr. Roberts took the opportunity to thank the previous Chairman Kathy Barco for her good work and then he introduced Danny Barrow. Mr. Barrow spoke about Vice Chairman Barco's passion, compassion and strive in her heart to do the right thing. He understands how difficult a job it is for all the Commissioners, expressed that their works do not go unrecognized, and appreciates how they always leaned towards the betterment of the fish. He offered his sincere appreciation to all the Commissioners then presented Vice Chairman Barco with a token of appreciation. A photo was taken with the Commissioners. Vice Chairman Barco spoke a few words of appreciation and talked about how nice it is to know the decisions the Board makes are appreciated. She added that even though there is not always agreement, they always try to make the best decision, one that is good for the fishery, the people, and based on science.

Gulf of Mexico Fishery Management Council

Chairman Wright asked Martha Bademan, with the Division of Marine Fisheries Management, to review the issues discussed at the Gulf of Mexico Fishery Management Council (Council). Ms. Bademan reviewed issues that were discussed at the August 20-23, 2012, meeting in New Orleans. She reported that the Council approved options for modifying the 2013 gag grouper season for public hearings. This was requested by Florida to accommodate different desired seasons in different parts of the state. Options under consideration include split seasons and a one-fish bag limit which could help make the fishing season longer. In addition, gray triggerfish was approved for public hearings, and development of regional management for red snapper will continue at future Council meetings. Other reef fish actions included approval of an emergency rule to increase the vermilion snapper ACL for 2012, final approval of an action to remove overly restrictive grouper accountability measures, tabling discussion of allocation and sector separation for grouper and red snapper until the red snapper assessment is complete, and development of a "days at sea" scoping document for the for-hire red snapper fishery. Other discussions included final action on dealer reporting and permitting improvements, discussion of king and Spanish mackerel and cobia permits, recreational sale and quotas, and formation of an ad hoc panel to consider designation of fixed petroleum platforms and artificial reefs as essential fish habitat. Ms. Bademan also updated

the Commissioners on the Joint-Council Ad Hoc Goliath Grouper Steering Committee actions. She noted that staff is requesting direction for gag grouper season and shallow-water grouper closure options, gray triggerfish recreational bag limit and closed season, and commercial trip limit and closed season options. The next council meeting is October 29-November 2 in Gulfport, MS.

Chairman Wright asked for an update for the red snapper stock assessment. Ms. Bademan said it is not completed yet. The stock assessment is due next summer, and they are hoping for good things.

Vice Chairman Barco clarified that staff needs direction on season dates for recreational gag grouper.

Commissioner Yablonski asked if the anglers in southern Florida want the season pushed back with the risk that there won't be any fish left of the quota. Ms. Bademan said she hoped the public hearings will provide good input. Commissioner Yablonski noted that the Big Bend was happy with the April through June gag grouper season this year off the Big Bend.

Vice Chairman Barco congratulated Ms. Bademan for doing a great job as the new representative of the Gulf Council.

Commissioner Roberts asked if the annual catch limits (ACL's) are met and the season is closed prior to October 31, how this affects state waters. He also asked if it is possible to have an early season in the panhandle like last year; the federal season for July through October and then the south Florida season November through January in state waters only, as well as the north part in state waters only. Ms. Bademan responded the people who have federal permits will have to follow federal season in state waters no matter what, even in state waters; if it closes early they are done. For state waters, the season would be for as long as the Commission sets it; it would not close when federal waters close unless the Commission decided to do that. If state waters stay open after the federal season closes and that causes the ACL to be exceeded, the overage could be carried over into the next year.

Vice Chairman Barco said this is what they were told last year, but it turned out to be a non issue. Ms. Bademan responded that they have heard that the harvest up through June was 15 percent of the ACL and we are still on track to close in October.

Andy Strelcheck from NOAA reported that the count of landings in for the first three waves of this year, which indicates 15 percent of gag was caught. He noted they do not have data for July and August, which is a peak time for gag, and they won't have data for September and October until late in the year. He stated that the 15 percent may result in an overage, but at this point they did not have enough landings data in place to make a determination that the season in federal waters needs to be shortened as a result of the state water season. He added that Ms. Bademan was correct about the accountability measures, the amount of fish that is harvested is collectively totaled for both state and federal waters, and as the gag population rebuilds, if there are overruns, they will deduct those from the quota from the following fishing year. Once the stock is rebuilt, the overruns won't be deducted.

Commissioner Yablonski asked if the 15 percent was from the Big Bend area, and then noted that there is no way of knowing what the normal take would be in the grouper season from that area; it could be normal or under.

Vice Chairman Barco noted it was not enough to trigger an early closure for the season and asked how they got the data. Mr. Strelcheck responded the data was available from the Marine Recreational Information Program; they do not have head boat data from that time period. Vice Chairman Barco asked if it was a recreational survey and was the data just for the Big Bend area. He responded that the sampling took place essentially in Florida for any fish that were observed and caught throughout the Gulf of Mexico but the landings were solely from Florida. He added they did a statewide estimate for recreational harvest; it was not broken down where the fish were actually landed, but most of the fish were observed in the Big Bend area.

Commissioner Roberts asked how we could know that 15 percent of the catch limit came from the Big Bend area in April, May, and June. Mr. Strelcheck responded that this is the estimate provided by the recreational survey which is conducted by state biologists and is based on a phone survey as well as dockside intercepts. He added that the Big Bend region represents a large part of harvest for Florida because it is prime gag habitat both in shore and off shore. Commissioner Roberts noted that was different from what they heard locally.

Vice Chairman Barco agreed and added that she was having a hard time accepting the 15 percent number. She heard that the first weekend of the season was big, but the fish were not really there. She noted it is hard to use that information to determine how to split the state into three sections if the Big Bend area got 15 percent of it.

Chairman Wright also said it is hard for us to make decisions on statistical analysis, because the margin of error can be large.

Gil McRae responded that we considered ramping up sampling efforts in the Big Bend areas, but decided not to because we want our data from the panhandle to work with the other data from the Gulf. It was a tough decision. The hard part is that the numbers are 15 percent plus or minus up to 7 or more percent based on the statistics. It is hard to take a system designed for the entire Gulf and using it to make a call on a small area.

Commissioner Roberts asked what the bag limit affect would have on the data with split seasons. Mr. McRae responded going to the one fish bag limit would not have a big impact because of release mortality and most people are probably only taking one gag anyway.

Chairman Wright said he would rather have the one fish bag limit and extend the season if most people are taking one fish anyway; it would hurt and would give more opportunities to fish.

Commissioner Yablonski noted that all things being equal, it seems like we are still on track, but we should be consistent with our accounting.

Mr. McRae responded to Chairman Wright's point and said there is no scenario where reducing the bag will shorten the season, it can only lengthen it.

Commissioner Bergeron stated that he wanted to wait to comment until after hearing from the fishermen.

Commissioner Roberts suggested that as we listen to public comment that we ask them to think about the split seasons for Florida.

Public Comment

Bob Gill (Crystal River) discussed that in terms of gag, one of the issues is that the gag quota is very small, so the 15 percent is quite small and divided into three months, it gets even smaller; so most fishermen will not see much fish. Last year the Gulf Council Reef Fish Advisory Panel recommended splitting the season into two parts to accommodate southwest Florida despite having fewer days. In the past they've always gone for the longest possible season. He added that the more subdivided the quotas are in terms of either time or space the more problematic it becomes and the less likely it can be retained for the future. Though he understands the desire to maximize the opportunities to fish, he urged caution about subdividing it too much to the point you lose the objective.

Chairman Wright explained the challenge about making a decision based on survey data.

Jeff Miller (State Chairman CCA) stated that CCA does not have a position on gag at this time. He understands the methodology of trying to have split seasons in federal waters and give everyone a piece of the pie when they want it. However, it is confusing to keep track of what you can keep and what you can't keep so he urged

caution. He would like to see a mechanism to take public comment on this, and hold off giving everyone a chance to comment on this before the Council meeting.

Chairman Wright said we may not have that luxury because the Board is now giving Martha direction based on what is heard. The problem is that what the agency intends to do in state waters is linked to that recommendation. The Board cannot make a good recommendation without some consideration of what we would be doing in state waters.

Commissioner Roberts said his intent was to get an understanding in the northern part where we opened gag harvest last year, from April through June, would be the same in state waters only; then federal waters would be the same, and then there would be an additional season in the south region at the request of the stakeholders for a season in state waters only. If we were to make the decision today, how would it affect the big picture? Would it shorten the federal season, and what would happen if the annual catch limits were met? Also, how would it affect the southern part of Florida, because they would be at the end of the season? His intent is to gather information to gain an understanding of where FWC stands, so the Board can give direction to staff.

Mr. Miller stated his concern is that if there are split seasons, the season for gag would be shorter next year than it was this year. He noted that gag seasons were originally projected to be getting longer. He noted that he was only thinking about federal waters at this point.

Ms. Bademan clarified that the recommendation staff is asking for today is direction with federal waters only. The staff recommendation for the entire Gulf of Mexico would be to open gag grouper for harvest in the months of April, July, and then November 15 to the end of the year, or whenever we meet that quota. All of the Gulf would be open at the same time.

Commissioner Priddy asked for an explanation of why the change from the July through October season to the recommended split season. Ms. Bademan responded that they are hearing from a lot of people in southwest Florida that they have been shut out; making this motion we are trying to accommodate the different areas of Florida and give everyone something.

Commissioner Priddy followed up by asking if having April open in the Big Bend like last year really help them and does it make a difference. Ms. Bademan said they hear from the Big Bend area that spring is the time for them to catch gag.

Chairman Wright clarified that the split seasons will give more people, time to fish when the fishing is good for that area, hopefully before the ACL is reached.

Director Wiley emphasized FWC is looking for guidance on whether the agency should try to split the season to give everyone a small piece of the pie in federal waters and also should the agency look at one fish bag limit to try to get more season length. Or if the split season is a concern, should the agency try to coalesce the seasons more and not have it so split up. There are trade-offs either way, the agency is just looking for general guidance, not necessarily specific months.

Chairman Wright asked if the agency goes to a one fish bag limit, will it give us a buffer for next year.

Ms. McCawley said dropping to one fish would only get extra days at the end of this year only; it will not carry over into next year, and it might extend fishing into later in the year. She noted that the months that the staff recommends are the peak months for those areas of the state, and also match their tourist seasons. Every little bit helps.

A lengthy discussion ensued regarding having all federal waters open at a time when it is most opportune for the different areas to fish, with different dates, for gag grouper. The Commissioners also discussed whether the Commission would be asked to consider having a season that is consistent for state waters.

Ms. McCawley explained that at the Gulf Council meeting, FWC staff made the recommendations for a three-way split season based on previous stakeholder input from the Commission meeting when the 2012 Gulf gag grouper season was set. The recommendation would give the maximum number of days that would benefit different areas of the state. Ms. McCawley noted that this is the Commission's chance to tell the Feds what Florida wants.

The Commission continued discussion of the trade-offs between having a continuous season versus split seasons for state and federal waters.

Ms. Bademan mentioned that there was a model that the Council was using to determine how long gag seasons would be under different season options without exceeding the ACL. The Commission discussed various season scenarios and whether or not they would cause an overage.

Commissioner Roberts recommended asking for June and July and November 15 through December 31, with a one fish bag limit for federal waters only. Commissioner Roberts and Chairman Wright noted that the Commission will address the season Gulf state waters at another meeting.

Public Comment:

Dr. Sarah Frias-Torres (Ocean Research & Conservation Assoc.) summarized the results of a recent research paper she published on goliath grouper. She also provided this information as a handout to Commissioners. She found that most prey of goliath grouper are actually predators of juvenile lobsters. Because of these findings, she felt that goliath groupers were a benefit to lobster fishermen. She asked that people stop blaming goliath grouper for declining lobster stocks.

Pam Anderson (PCBA, NACO Member Govt. Affairs, Bay County Chamber) thanked the Commissioners for their support on sector separation. She believed that putting allocation and sector separation in the same document was done to confuse the public, but there was a strong request to stop sector separation in the Gulf. She noted that the Vermilion snapper fishery was almost closed because of unnecessary restraints on fishing, but thankfully the Council asked for an emergency rule to raise the ACL. She also noted that for-hire reporting using cell phones, iPhones, and iPads would not be an inconvenience and encouraged Florida to implement similar reporting for vessels that do not have federal permits.

Jeff Miller (CCA) applauded staff for trying to make everything work for gag grouper. He stated CCA will keep everyone aware of their recommendation. On goliath grouper, CCA is interested in a limited harvest; they will be interested in data as it is available. Lastly, he noted that CCA thanks the Commission for not supporting sector separation.

Vice Chairman Barco recommended that the Commission stay the course on the staff recommendation for triggerfish and the regional red snapper issue. She asked Mr. McRae to give an update on goliath grouper data collection.

Mr. McRae noted that FWC has some directed studies on distribution and abundance, and more information on age. He noted it was a slow, steady process and staff is working with other research partners.

Chairman Wright recommended that the Commission accept the staff recommendation for no action on changing the shallow-water grouper closed season.

South Atlantic Fishery Management Council

Vice Chairman Barco asked Jessica McCawley, Director of the Division of Marine Fisheries Management, to present an update of the South Atlantic Fisheries Management Council (Council) issues from the Council September 10-14 meeting in Charleston, SC. Ms. McCawley reviewed information about red snapper for the

2012 season and possible options for future harvest. She also discussed possible final action on a golden crab catch shares program. In addition she briefed the Commission on yellowtail snapper. The commercial ACL for yellowtail snapper was projected to be reached on September 11 and the fishery was scheduled to close on September 11. However, the new assessment indicates that the stock is not overfished or undergoing overfishing, so Ms. McCawley informed the Commission that the FWC Council representative would ask for a new ABC and raised ACL for 2012 via an emergency rule at the upcoming Council meeting. Ms McCawley also reviewed the possible closed areas for Warsaw grouper and speckled hind. In addition, Ms. McCawley reviewed the final action on dealer reporting and permitting improvements; emergency rule to delay the commercial golden tilefish season opening; king and Spanish mackerel and cobia; permits, recreational sale and quotas; and ACL adjustments based on new MRIP calculations. She noted that there is no Commission direction requested at this time; however, staff welcomes Commission direction on any Council issues.

Vice Chairman Barco asked if the closed areas are Marine Protected Area's (MPA's). Ms. McCawley responded yes and staff is hoping for more information on that at next week's Council meeting. Vice Chairman Barco gave a brief description of the bottom closures.

Public Comment

Bill Kelly (Florida Keys Commercial Fishermen's Assn.) addressed several issues from the South Atlantic Council: He pointed out that for golden crab four out of the seven golden crab permit holders voted against catch shares, there are two million pounds of quota with seven fishermen, and the most harvested in a year is 800 thousand pounds. Provisions under this program would give as much as 49 percent of the total 2 million pounds to one fisherman forcing the other permit holders into a lease position to grow their business and would be an inequitable distribution of shares. He also feels that we have not given the previous closures to protect Warsaw grouper and speckled hind a chance to work, and now we are talking about closing more of the ocean. In addition, they are opposed to any tournament sales in the king mackerel fishery, but they have no problem with for sale in the for-hire sector with appropriate licenses; they have relinquished that right by default because there is a lack of effort by that industry to protect their right to sell those fish, and it should transfer back to the intended commercial fishery. Lastly, there is a closure in the yellowtail snapper fishery scheduled for September 11 that would severely economically impact 120 people that are directly involved in the fishery as their sole source of income. Another 150 boats are engaged on a part-time basis. He feels we are taking one of the healthiest fisheries in this nation and turning it into a train wreck; the stock assessment indicates this species is underutilized. The ACL numbers are disproportionately wrong and he appreciates the support of the Commission to take emergency action at next week's Council meeting.

Vice Chairman Barco asked Ms. McCawley to explain what is happening in the yellowtail snapper fishery. Ms. McCawley responded that they are working with NOAA as well and will try to make two motions next week. She noted that an emergency Scientific and Statistical Committee (SSC) meeting to review the assessment needs to occur and then the Council needs to initiate an emergency rule to accept what recommendations come out of the SSC meeting and increase the ACL based on the positive assessment. Vice Chairman Barco clarified that they are talking about this year's ACL. Ms. McCawley said yes, and they are hopeful the fishery could be open in late October 2012.

Jerry Sansom (Organized Fishermen of Florida) commented that he appreciates staff's emergency action on yellowtail snapper to eliminate the adverse impact from overuse of data because of an arbitrary requirement in the Magnuson Act, which has led to an unrealistic ACL. On golden crab, the permit holders and Council will figure it out.

Atlantic Black Sea Bass

Chairman Wright asked Martha Bademan, Section Leader with the Division of Marine Fisheries Management, to summarize a draft rule amendment for Atlantic black sea bass. Ms. Bademan reported that black sea bass are regulated as reef fish in Chapter 68B-14, F.A.C. This action would make state recreational and commercial black

sea bass regulations in the Atlantic Ocean consistent with some federal regulations that are already in effect. She further reported that the black sea bass has been in a rebuilding plan since 2006 and the 2011 stock assessment determined the stock to be undergoing overfishing and not yet fully rebuilt, but not overfished. Black sea bass is scheduled to be rebuilt by the end of the 2015-2016 fishing year. Fishing pressure has been increasing and both recreational and commercial sectors closed early in 2010 and 2011. Staff recommendations are to approve the proposed draft rules for Atlantic black sea bass that increase minimum size limits for commercial (11" TL) and recreational (13" TL) harvest, decrease the recreational bag limit to 5 fish, require the federal black sea bass pot endorsement and unlimited snapper-grouper permit for traps, match federal trap specifications and requirements in state waters (including trap construction requirements, requiring traps to be set in waters north of Cape Canaveral, and requiring traps to be removed from the water at the conclusion of each trip) and return for final public hearing at the December FWC meeting in Apalachicola.

Public Comment

Sharon McBreen (PEW Environment Group) reported that South Atlantic black sea bass had been overfished for at least a decade and a stock assessment completed in 2011 indicated that while the population is no longer overfished, it is not yet fully rebuilt and the rate of fishing is still too high. Black sea bass is in year seven of a ten year rebuilding plan that has been modified three times to curtail overfishing. This legacy of chronic overfishing has significant economic implications. A report released earlier this week found that overfishing of black sea bass cost the region $53 million in direct economic losses, and $138 million in broader economic losses, each year from 2005 to 2009; she provided a handout that illustrates this. The good news is they are seeing progress towards recovery and fishermen are reporting more sea bass over a wider area. However, with full recovery not expected unto 2016, consistent regulations with the federal rebuilding plan including in-season closures intended to prevent the catch limit from being exceeded are important to keeping the recovery plan on track. She urged the Commissioners to approve rules that are fully consistent with the federal black sea bass rebuilding plan. She also encouraged FWC to take immediate action to prohibit the harvest of gray triggerfish in state waters of the Gulf of Mexico. They are still overfished and the measures adopted in 2008 are not working. Interim measures to reduce the catch limits were put in place. Both fisheries were closed early this summer as new limits were projected to be reached. She announced that PEW looks forward to continuing to work with the Commission and staff to ensure sustainable fish populations.

Upon a motion made by Vice Chairman Barco to accept staff recommendations on the black sea bass draft rule, seconded by Commissioner Bergeron, the motion passed.

Restricted Species Endorsement Exemptions for Veterans

Chairman Wright asked Jessica McCawley to summarize a proposed amendment on the Restricted Species Endorsement Exemption for Florida Veterans. Ms. McCawley summarized a draft rule amendment that would create three exemptions to the Saltwater Products License Restricted Species Endorsement requirements aimed at assisting Florida's veterans wishing to enter the commercial fishing industry. She reviewed the history and purpose of the Restricted Species endorsement (RS) and the current requirements and then outlined the proposed draft rule. Ms. McCawley explained that the proposed draft rule would waive the income requirements for the RS endorsement for one year through June 30, 2014 for resident veterans honorably discharged from September 11, 2001, through June 30, 2014, and after June 30, 2014, resident veterans within four years following an honorable discharge, and veterans with service-connected disabilities. Further it would reduce income requirements for veterans with service related disabilities to $2,500 in subsequent years. Staff proposed adding the RS exemptions to rule 68B-2 at this time to assist Florida's veterans as soon as possible. Staff also proposed adding the RS exemptions in statute, as part of the Commission's legislative package for the 2013 Session. Staff recommended approving the proposed draft rule amendment and making the rule effective on Veterans Day, November 11, 2012 and approving the draft rule without further hearing planned prior to adoption, unless requested, as allowed by section 120.53, F.S. Lastly, staff has evaluated the rule under the standards of 68-1.004 F.A.C., and found it to be in compliance.

Jerry Sansom (Organized Fishermen of Florida) noted that Organized Fishermen of Florida wholeheartedly supports this change and will work with Ms. Fauls to get this through the legislature. This gives a person the opportunity to come in and become a full fledged bona-fide commercial fisherman.

Frank Hommema (Charlotte Harbor, Fishin Franks) thanked the Commissioners for considering the fisherman's point of view. He also said he thinks it's a good idea and will give the veterans a boost. He questioned why a salt water products license is only $50. Having it priced so low allows commercial fishing to be a part-time activity. He urged the Commissioners to make commercial fishing for the commercial fishermen and not just those that want to do it on the weekend. He stated it is not fair to let part-time commercial fishermen compete with full-time fishermen trying to make their entire living off of it.

Pam Anderson (PCBA, NACO Member Govt. Affairs/Bay County Chamber of Commerce) mentioned that if this rule is effective on Veterans Day, it would be appreciated if someone from the agency could come and present that information at their Veterans Day celebration.

Commissioner Priddy asked Ms. McCawley if there is some way to combine the first and second qualifications for the veterans.

Jackie Fauls explained the two waivers of the income requirements and the qualifying factors.

Commissioner Yablonski questioned if you were discharged two years ago, does this provide for those recently discharged. Ms. Fauls replied that this takes them into consideration, and veterans would have four years following an honorable discharge.

Upon a motion by Commissioner Corbett to accept staff recommendations and seconded by Commissioner Yablonski, the motion passed.

FWC Strategic Plan

Chairman Wright asked David Arnold to present a review of FWC's Strategic Plan. Mr. Arnold discussed the strategic framework which is a tool to guide staff towards the future. He reviewed how we got here through the first strategic plan implemented in 2004 during the agency reorganization. As a guidance document, it did not provide sufficient strategic direction or conservation goals for staff, so from 2009-2011 there were staff discussions to refine our conservation direction. He explained that cross-cutting high-level themes were identified and in 2011 a new plan was drafted where stakeholders were invited to comment, and then it was reviewed by the Executive Director and Chairman. Mr. Arnold described how the plan was different, not a "top-down directive" or a restatement, but concepts of what we want the future to be like created by staff, and a basis for additional planning. He further discussed the five themes in the plan and their goals: Florida's Fish and Wildlife Populations and Their Habitat; Hunting, Fishing, Boating and Wildlife-Viewing Opportunities; Sharing Responsibility for Fish and Wildlife Conservation and Management with an Emphasis on Developing Conservation Values in Our Youth; Community Involvement and Effective and Responsive Organization. Lastly, he informed the Commission of the next steps following their acceptance. They will publish the Framework on the web and implement targeted outreach, add details and focus for the implementation of our Framework through the creation of FWC objectives, and planning efforts will continue to provide opportunities for stakeholder and public input.

Commissioner Yablonski remarked that this is good work, however cautioned that these kind of things have two possible road blocks; one, it sits on the shelf, and two, the Framework is all encompassing. He suggested a way to avoid these road blocks is by using a list of metrics to self evaluate, and to know if the agency is following the plan.

Director Wiley said that these are good points to help stay on target. The Governor is really pushing for measuring performance, and he would like to follow up on this at a subsequent meeting.

Mr. Arnold responded that this will be guiding the agency over the next five years though staff can't do it all. He explained that they will be identifying a short list of important objectives to work on, and report on those to the public and the Commission. He added that all of the objectives are proposed to be "smart" and measurable; however some may not be accomplished until year four. It is something the agency will continue to monitor.

Commissioner Corbett said it is important to take a look at this plan and get it right. He suggested taking the time to get advice from an outside view; how to do this and when; it is really important to get this right.

Director Wiley responded that he would like to implement this now, to see what the agency needs to emphasize more. He would also like to have the plan looked at objectively by outside recourses.

Commissioner Corbett said he would send the plan to Jim Fowler, who has a national view.

Commissioner Bergeron commented the Framework is important but the agency needs to prioritize the different events and work from the ground up as we approach the overall global picture.

Director Wiley said once the agency settles on a strategic plan, a useful purpose will be to guide staff on where we spend our funds and budgets.

Commissioner Yablonski commented that a company he worked for had four specific objectives and anytime he asked for money or advocated for anything, he was required to determine if it fit into the four objectives.

Director Wiley emphasized that he would like to present the finished product to the Governor.

Chairman Wright commended Mr. Arnold on a very good job. The Commission accepted the Plan.

Budget Items Requiring Action

Chairman Wright asked Charlotte Jerrett, CFO, to present the budget Process overview. Ms. Jerrett reviewed the 2013 Session Timeline and Budget Process Overview. She also summarized the current and projected financial activity in our operating trust funds, providing a high level overview of the revenue sources coming in and the programs they support. Further Ms. Jerrett explained the State General Revenue Forecast, updated on August 9, 2012 and reviewed a history of the agency's budget reductions over the last five years.

Commissioner Corbett asked what effect the downturn has had on our revenues and how will the agency project what will happen to some of the sources of funds like license fees. Ms. Jerrett responded that some of the fees have declined, like doc stamps, but are projected to pick back up and the agency has accounted for that.

Commissioner Corbett asked if there is a trend to help determine how accurate the fund source is.

Director Wiley explained that the doc stamp revenue source has seen the most serious decline. FWC adjusts spending and the legislature adjusts the appropriation as we go, but the predictions are pretty good.

Vice Chairman Barco asked for clarification on why the projected fund balance shows that the doc stamps are increasing and licenses are dropping considerably. Ms. Wilson responded that this is the state game trust fund and the agency is appropriated more than we bring in. FWC needs to watch its spending carefully in this fund relative to the license fee share, and we are doing this. However, the agency may need to adjust our spending levels to stay within the budget over the long term; if license sales pick up then the agency recovers. But this is a projection in decline over the long-term if FWC continues to spend the way it does, versus what is brought in with license fees.

Next, Ms. Jerrett continued with a review of the potential five percent in budget reductions for 2013 that are required by law and that would be available for consideration should the State have a need to cut back spending;

she then provided a potential reductions five percent list by division. In addition, she reviewed the new budget issues for 2013 including; continuing fixed capital outlay, continuing operations needs, land acquisition and management, federal grants and enhancements. Lastly, she asked the Commission to approve staff recommendations to adopt the budget issues and reductions lists as presented with an authorization for the Executive Director to consult with the Chairman as needed to make any adjustments that may be necessary as we move through this process.

Commissioner Corbett asked if the agency has experienced any reductions in the federal grants. Ms. Jerrett said not as of yet, but understand that there may be issues with sequestered federal funding that we will know more about later in the year. However, we believe that most of the grants FWC gets will be exempt from that action. Commissioner Corbett asked if those funds already allocated, can be taken back and if they are discretionary are we exposed.

Director Wiley responded that our funding at the federal level is not considered discretionary.

Vice Chairman Barco questioned why the trap retrieval program is on the list to be axed, when it is self funding.

Ms. McCawley responded that this is basically to save FTE positions in the division. In order to go through this exercise to get to the five percent, the agency has to look at cutting programs, but they are hopeful this program will not get cut.

Vice Chairman Barco also asked why we are cutting money for stock assessments. Mr. McRae responded that this program has been identified as being able to absorb a five percent cut and still complete the core functions. If a cut is taken it would hurt, but it would hurt the more proactive components of our fisheries research. Vice Chairman Barco asked how much the total budget for stock assessments is. Mr. McRae said that we can't separate it out, because without the data collection, there is no stock assessment; it is one big program and upwards of ten million dollars statewide.

Commissioner Priddy asked Col. Brown to address the law enforcement cut. Col. Brown responded that this cut has been on the list every year for a number of years and has not been cut so far. Ideally we would just cut vacant positions. Otherwise officers would be sitting at home because we could not afford to operate, if we offered further cuts in expenses instead of positions.

Commissioner Priddy asked how many open positions there were. Colonel Brown responded that for non-sworn vacancies, it is close to about 200 positions. The sworn position openings are about 35 to 40 positions right now, but by the end of the fiscal year, it could reach 75 positions.

Commissioner Priddy stated that she does not agree with the five percent decrease in the law enforcement budget.

Director Wiley explained that we cut objectively across the board, and try to make it equitable, but try not to cut programs that involve the core mission. He further explained that we are required by the legislature to offer this every year, in case it is necessary.

Chairman Wright pointed out that some programs have to be severely cut or eliminated so that other programs can run.

Ms. Wilson explained the list is a standard ask from the Legislature every year, to provide a slate of possible cuts to go to in case they need them. The five percent list does not necessarily take five percent from our agency, they don't know what they need to cut until they get into session and start looking at all the needs of the state, allocating the state resources and then determining where they need to make adjustments. But to be prepared for this as we go into session, they ask every agency to provide a five percent cut list.

Commissioner Priddy said it looks to her like this is a decision to reduce all the departments by five percent.

Director Wiley explained this exercise is to determine what level of reductions is going to be needed to balance the State budget, and then if reductions are needed, they will look at our list of possibilities. Historically when they have selected reductions from our list, they are reductions we can generally afford to lose if we had to.

Vice Chairman Barco said that Legislature does not really want to cut law enforcement either. Because the cuts are usually the unfilled positions, so the reality is that we are not worse off than we already are. This is just a list of things to consider as a worst case scenario.

Commissioner Yablonski stated we come out better than most other agencies because of our leanness, transparency and cooperation. He then also asked for clarification on the TECO partnership.

Mr. McRae explained that TECO is providing the coastal property for free for the facility and they are also putting $20 million into expansion of their existing conservation element. They already have the manatee viewing center and they are putting in a technology conservation park, building canoe and kayak trails, marsh boardwalks and outdoor facilities that will integrate with our youth center focus efforts. The thing FWC is bringing to the table is to provide the one facility that acts as an entry point hub for our youth center folks coming in to use all those amenities that TECO and the Aquarium are putting into the deal. The language is general on purpose, because he had to write the language before the deal was finalized. We will revisit it and the actual budget request will also go into that detail.

Public Comment

Jerry Sansom (Organized Fishermen of Florida) said they understand the exercise; this will be the third year that the trap retrieval funds will be on the line. He will go to the legislature again and explain how this is a useful program, and if they don't spend the money for it they have to give the money back, otherwise it will be a tax. They would like to see the money they put into the program, spent in the program.

Vice Chairman Barco asked that as this process goes on from year to year, are there less ghost traps because of the success of the program. Mr. Sansom responded yes, originally they pulled all the areas every year, now they have a bi-annual schedule where they pull a particular closed area only every other year, because they reduced the back-log of ghost traps and debris. He added it is a good success program.

Robert Nichols (Irishwaterdogs.com) explained they are a veteran's support group, doing kayak fishing for the severely disabled veterans. Every month they provide fishing licenses at a cost of $25 to go on a kayak fishing trip; their motto is paddle, fish, heal and they are trying to expand. They take the whole family who does not have to spend a dime. They would like some means of relief for the cost of the license, so they can include more folks in the program.

Ted Forsgren (CCA-Florida) commented that stock assessments are critical for the fisheries and he is against the reduction in stock assessments. The fisheries in state waters are in good shape and not overfished because the Commission is meeting all the goals. At the federal level better data is needed, and it is counterproductive for the reduction in assessment monitoring. The fishing license money was supposed to be used to get this information and it is very important. He urged the Commission to reconsider this.

Upon a motion to approve staff recommendations by Commissioner Corbett, seconded by Commissioner Roberts, the motion passed as presented.

Legislative Proposals Requiring Action

Chairman Wright asked Jackie Fauls, Director, Legislative Affairs Office to present the 2013 Session Legislative proposals. Ms. Fauls discussed the following proposals:

1) Recreational Hunting/Fishing License Exemption for Veterans or Active Military Special Events – the proposal would create license exemptions for all persons participating in Commission-permitted special events for disabled veterans or active duty military personnel.

2) Commercial Saltwater Fishing License/Restricted Species Endorsement Income Waiver for Veterans – the proposal provides assistance to honorably discharged resident military veterans who wish to become commercial fishermen by waiving certain income requirements for one year:

- Through June 30, 2014 – resident military veterans honorably discharged since September 11, 2001, would have one year to satisfy the income requirement of the Restricted Species endorsement.
- Beginning July 1, 2014 – resident military veterans honorably discharged in the previous four years would have one year to satisfy the income requirements of the Restricted Species endorsement.
- Disabled Veterans – the income requirement of the Restricted Species endorsement would be waived for one year and permanently reduced by half to $2,500 for an honorably discharged resident military veteran who has at least a 10% service-connected disability.

3) Free Fishing Days – the proposal would authorize the Commission to designate two additional free freshwater and fishing days and two additional saltwater fishing days annually.

4) Residency Requirement, Recreational – the proposal would remove the six month residency requirement for recreational hunting/fishing licenses; this change is requested due to the new residency requirements of Real ID for a driver's license.

5) Residency Requirement, Commercial – the proposal would remove the six month county residency requirement for commercial saltwater fishing license but retain the one year state residency requirement.

6) Wildlife Alert Rewards Program – the proposal would authorize courts to assess an additional fine on fish/wildlife violations to help fund the Wildlife Alert Rewards Program.

7) Navigation Rule Reference – the proposal would remove an antiquated reference to Federal law and replace it with the proper reference.

In addition Ms. Fauls reported that according to state law beginning in 2013 and every five years after, hunting and fishing licenses and vessel registration fees will increase based on the consumer price index over those five years, unless the Legislature passes legislation to the contrary. FWC is required to submit a report to the Legislature in February on how the agency would use those increased fees. Staff is beginning to look at this and hopes to bring you more on those uses in December. Chairman Wright asked what the increase would be. Ms. Fauls responded it is around six million dollars.

Vice Chairman Barco asked (in relation to the first proposal): what is a legitimate authorized event, do we have an existing permit for these events, and what will be the criterion for the permit?

Chairman Wright said the permit needs to be flexible enough so that we can apply discretion, but be able to apply a metric so that we don't get into a position of what is a justifiable event and what is not. He wants to avoid having to deal with a case by case basis.

Ms. Fauls responded that we do not have an existing permit, and realize we will have to establish criteria. It is staff's intention for this issue to apply to regularly held events like Mr. Nichol's group, but we want to make sure the events are truly for disabled veterans and current military.

Director Wiley suggested developing draft guidelines for staff to follow and present it to the Commission if this legislation moves forward.

Commissioner Yablonski commented that the removal of the six month residency requirement is a good idea. Also he would like to see a letter from the Chairman or Executive Director with the attached landowner liability law mailed out to landowners to explain the law and how they are exempt; he feels there are many that may not be aware this bill was passed last Session. Ms. Fauls responded that they have already reached out to large land owners and the agricultural community.

Chairman Wright suggested that we work with the Department of Agriculture and Consumer Services to get the word out. We will also get this on the web site to let folks know.

Chairman Wright complimented Ms. Fauls on her good work with the Legislature and what a value she is to FWC. Ms. Fauls commented that this has been a great team effort.

Public Comment

Jerry Sansom (Organized Fishermen of Florida) noted they are supportive of Ms. Fauls and her team and feels there has never been a better effort than today.

Ms. Fauls asked for a motion to approve the proposals to be submitted to the Legislature for the 2013 Session and also to authorize the Executive Director in consultation with the Chairman to make adjustments as needed on these proposals, as well as advise on other legislation, through the 2013 Legislative Session.

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

Florida Saltwater Game Fish and Sport Fish

Chairman Wright announced that he would like to create a Sport Fish and Game Fish Designation. He began by stating that Florida should be recognized as the fishing capital of the world, and to do so we need to take our recreational fishing very seriously. He noted that the fish he would like to see designated as game fish or sport fish are fish that are not commercially harvested, and have no IFQs or sector separation issues. These fish are a category that could include marlin, sailfish, permit, bonefish, and tarpon. Chairman Wright stated that as opposed to managing fish that are commercially harvested, and managing fish for a sustainable fishery with SPRs, this category would be managed to abundance. He would like to see Florida become more of a recreational fishing destination. He also wants people to come to Florida, be able to get a grand slam and go on the water and have a real opportunity to get all of these fish. He feels this would be a boost for guides, retailers, and all businesses that benefit from having recreational sport fishing in Florida. He ended by saying that we need a definition for game fish and for sport fish. He would like to propose a draft rule creating a designation for sport fish and game fish at the December meeting in Apalachicola. He invited input from the Commissioners and the public as this goes forward. He invited stakeholders present to give their comments, particularly about tarpon, because the Tampa location is much closer to popular tarpon fishing than Apalachicola. He asked Ms. McCawley to present a review on the concept of creating saltwater game fish and sport fish designations for Florida. Ms. McCawley discussed the economic benefits of being known as "The Fishing Capital of the World." However, though Florida does have a freshwater game fish designation, we do not have an official saltwater game fish or sport fish designation. She outlined the possible definitions of game fish and sport fish and then listed the possible candidates for designation. She concluded by requesting direction from the Commission on these designations. If directed to proceed with this, staff requested returning with a draft rule defining game fish and sport fish at the December meeting. Staff would also return at future meetings with proposals for species-specific rule modifications following the finalization of the definitions.

Public Comment

Craig Abbot (Florida Tarpon Anglers Assoc.) commented that the association supports and agrees that tarpon need to have a sport fish status fish designation, but they are concerned that FWC would eliminate possession tags to the public. They asked the Commission to consider the economic impact on the communities throughout the state if charter captains are unable to possess a fish and release that fish for photographic purposes. Without these exemptions they fear potential fishermen will go to other states where tarpon can be possessed then released for photographic purposes. He further reported that for the season ending June 2012, FWC had issued 384 possession tags and only 80 used tags were used; out of that 74 fish were reported to be released alive, leaving 6 that were harvested for unknown use. He asked the Commission to consider conducting workshops that would allow input from other areas, because tarpon are a statewide resource. He also asked the Commission to consider adding to the existing Boca Grande Pass seasonal regulations, to include the use of only circle hooks during April, May and June and to also designate the pass a slow speed with minimal wake zone.

Frank Hommema (Fishin Franks) mentioned that he is concerned about tarpon possession. He noted that Florida spends a lot of money advertising tarpon fishing. Though we have a big fish reputation, we don't have a lot of big fish. Now people bring back a big fish picture, which is the new accepted norm. Who will know we have big fish if you can't take the fish out, take a picture of it, and then put it back. It's the only way to tell the world about the big fish we have. He asked the Commission to bring the same awareness as you give to the manatee; allow photographic evidence of what a truly wonderful big fish place Florida is; it is the only way we will survive.

Chairman Wright confirmed that we have long since established through our law enforcement, a recognition that possession is not defined as pulling a tarpon alongside, and getting a length and girth measurement, a picture, and then releasing it. He explained that the only means of documenting a catch for a tournament is getting a length and girth measurement to calculate weight. Mr. Hommema responded that you can keep a big bass right now as a trophy, why not give exemptions to certain events that are nationally televised; we need the publicity.

Philip O'Bannon (Captain, Boca Grande) commented that he feels the discussion to give tarpon a sport fish designation is a step in the right direction. He added this will help to protect the fishery, which he feels is in serious decline.

Thomas McLaughlin (Save the Tarpon, Inc.) explained they are a new non-profit and their 2,000 supporters worldwide are pleased to add their support of the proposed tarpon sport fish and game fish designations. They commended the Commission for its vision, leadership and courage on this issue. Though he realizes there are many that have a substantial stake in maintaining the status quo with relation to tarpon possession, especially in the vital Boca Grande Pass tarpon fishery, and many are prepared to bring substantial resources to derail the Commission's desire. Their members understand this, know it will not be easy, and support the Commission.

Mark Futch (Boca Grande Fish Guides Assoc.) a third generation tarpon guide from Boca Grande stated that the tarpon fishery in Boca Grande Pass has declined significantly in the last 8-10 years for a number of reasons. He noted the Boca Grande Fishing Guides Association supports the Commission for the game fish and sport fish status for Tarpon.

Commissioner Priddy asked for clarification about the previously stated decline in the tarpon fishery, specifically were stakeholders referring to the number of fish available to catch or the number of clients to guide. Mr. Futch responded both, but that the killing of the large female species is very significant in the destruction of what is happening, and all the large fish are female, this has been going on for over 35 years. All of us did this in the past, but now there is not one local tournament that is gaffing and weighing fish. He added that folks don't like what has gone on in the Pass and he felt there has to be a resolution to this. Further, we need to take into consideration that we may not know for years what really happened in the BP oil spill, but he feels making the fishery a sport fish status is a very important step in bringing it back.

Edward Crosby (recreational angler) yielded his time to Joseph Mecurio.

Captain Pat Kelly (Florida Guides Assoc.) stated that they support what the Commission is doing with tarpon wholeheartedly. However, he wanted to remind the Commission that some of these fish are taken commercially (permit and spotted seatrout), and that other fish are taken for other reasons. Most guides he talks to take tarpon with the possession tag to get an IGFA record. Florida Guides Association is waiting to hear what FWC has to say before they take a position. He asked that the Commission to not get into gear issues and allow everyone to fish like they want to.

Aaron Adams (Director, Bonefish & Tarpon Trust) commented that it is important to remember the place Florida has in tarpon history. He explained the first tarpon was caught on hook and line in Charlotte Harbor in 1885 and is credited with starting the entire inshore game fish industry worldwide. He feels that we have a responsibility for being the historical centerpiece for this. He further noted that there are many generations of guides and anglers who come down to Southwest Florida every year to fish for tarpon. In Charlotte Harbor alone, resident anglers account for an annual economic impact of $110 million; expanded statewide this number would be pushing a billion dollars and we need a healthy and sustainable fishery. He added that the fishery is not as good as it was, and noted an example of a fishery in Texas, that was much like Boca Grande Pass and once considered itself the tarpon capital of the world; it collapsed and does not exist anymore. He stated that they are pleased FWC is moving forward to make Florida a leader in fish conservation and management and they stand ready to help with this process.

Jerry Sansom (Organized Fishermen of Florida) stated that 40 percent of the recreational fishing activity takes place in the state of Florida and the economic impact that this has. He hoped that when the Commission looks at this issue, they look at each species individually, as they did with snook, red drum, bonefish, tarpon and permit. In addition, he hoped this designation was appropriate whether on statewide or regional basis; it worked on permit and everyone seemed satisfied.

Jeff Miller (CCA Florida) stated that CCA is in favor of this proposal and they are thrilled that Chairman Wright has come up with this idea. He would like to see fishing improved as much as possible to keep folks here, and continuing to come to Florida to fish for red-fish. He also noted that CCA feels that trout need to be under the game fish status and with its economic benefit trout should be up there with snook and red drum, as well as sailfish and marlin. They recognize that tarpon and permit are going to be toughest species to work out and make everyone happy with and they are interested in trying to help. They understand there is a difference of opinion about personal limits for guides. To help guides with clarification, they would like to see a rule created that if a guide is under contract or under hire for any of these species, they would not have a bag limit. He discussed a marketing proposal similar to what FWC is doing with their trophy catch in freshwater, where FWC would post pictures on the web site of these species, and at the end of the year if someone has caught at least one of each of the species, they would get special recognition. He feels this would encourage the hiring of guides and be a positive economic impact in Florida. They are concerned about possible world records with catch and release only, and will need to be ironed out in the draft. Lastly, he noted that CCA looks forward to working closely with staff as this moves forward.

Rodney Taucher (Tampa) yielded his time to Joseph Mercurio

James Johns (Commercial fisherman) informed the Commissioners that he works with the Florida Marine Research Institute on the permit study. He explained that it has been less than a year since the current permit rules have been enforced and he feels that making them a sport fish is a step backwards. He noted one of the reasons for using a bycatch allowance is to try to eliminate the dead discard issue in the federal fisheries, and there is a limitation now on what can be caught and sold as bycatch. He added that the red drum commercial industry has sacrificed for a number of years and currently they are allowed by any means of harvesting, to keep two for their own personal use, if they are designated as a sport fish, he feels they would lose this benefit.

Chairman Wright encouraged Mr. Johns to speak with Ms. McCawley about permit; he also explained the designation would allow for specific management alternatives.

Gary Ingman (Port Charlotte) yielded his time to Joseph Mecurio

Joseph Mercurio (Vice President & General Manager of Silver King Entertainment/Tarpon Tournament Series) explained that over 500 recreational anglers and fishing guides from Florida participate in their events. He added that from inception their emphasis has been on promoting conservation in the sport of tarpon fishing in Boca Grande. He also talked about their history of conservation efforts and shared some facts of their ongoing and future efforts for the fishery and explained that they have worked with FWC biologists to make sure everyone benefits from the best science available to best manage the fishery. In 2005 they served as the pilot study for the current tarpon tagging program which allowed tarpon researchers to take possession of fish that had been weighed during events to be harvested, and take blood samples and perform other tests that they could not perform otherwise. The purpose of the tarpon physiology study was to evaluate the effects of fight time, handling and the environment on the stress responses of tarpon measured using changes in blood chemistry…the study is ongoing. He noted that today the best scientific data available indicate the tarpon population is healthy and stable and he further explained that the numbers of tarpon harvested each year are very low. He also noted the tournament activity likely has no effect on the tarpon population as a whole, further each of those fish is legally allowed to be harvested, but our regulations require the fish must be released alive. Despite their confidence that the practice of weighing fish at their events has not had a negative effect on the fishery, they had decided to implement changes to their events to the 2013 season and beyond. They will no longer allow tournament contestants to gaff, tow and weigh their catch; rather weights will be determined by the fish's length and girth. He elaborated that they also need time for research and development for the new approved landing tool, the lip lock device. Further, he noted they require the use of circle hooks, which have been found to reduce the catch and release mortality on tarpon and other species. Mr. Mercurio noted that in addition to their conservation efforts, their television show and events, tarpon provide an economic benefit to Florida, specifically Boca Grande and the surrounding area. In addition, millions of people are exposed to incredible fishing and the wonderful attributes the Charlotte Harbor and Boca Grande area offer. He emphasized that even though they have modified their rules in a way that the new non harvest of tarpon would not affect them, they do not agree in eliminating the harvest of the fish. They support the Commission in the consideration of the use of circle hooks, by all anglers during April May and June and also agree that it should be a slow speed zone. In closing, despite claims and defamatory statements that have been directed at their organization, he noted they will continue to promote Florida as the fishing capital of the world and encourage people to visit the Boca Grande Area.

John McClay (Tarpon Tournament Series) as a tournament and recreational angler and holder of a commercial license, he feels that if we limit the tag we are setting a bad precedent if it is based on public opinion rather than science. In addition, he also feels that when fishing in Boca Grande Pass there should be a circle hook only rule and lastly, he would like to see a slow speed limit within the pass when fishing for tarpon.

Jordon Spears, a weekend angler, said he supports the ideas of Craig Abbott, circle hooks and the well being of tarpon.

Captain Bill Kelly (Florida Keys Commercial Fishermen's Assoc.) stated that recreational anglers and the commercial fishing industry contribute significantly to the gross national product to the state of Florida. He pointed out that he is fine with several big fish in Florida being enjoyed by the recreational sector only (red drum, snook), but wanted to point out that there are zero fish that are used by the commercial sector only. He agrees with Jerry Sansom about the success of the rulemaking process for permit over the last several years. He asked the Commission to keep in mind that making permit an exclusive species for the recreational sector could cause harm to the commercial industry and the state of Florida.

Richard Hirsh commented that recreational fishing for tarpon in Charlotte Harbor provides an enormous economic foundation for the whole area. He discussed the findings of a survey conducted by Dr. Tony Fedler which determined that the economic impact of tarpon fishing in Charlotte Harbor was $108,000,000 in a 12 month period during 2009-2010. The $108,000,000 estimate was only for resident anglers, did not include anyone traveling from anywhere else, and determined they spent 268,000 fishing days targeting just tarpon. The average tarpon angler spent $237 a day, in direct expenditures. This extrapolates up to $363,500,000 a year and

indirect expenditures were an addition $45,000,000. He further discussed the 8 million in federal taxes and 6 and a half million in state and local taxes. He noted that the results are considered extremely conservative, because only four counties were included and it also took place during the depth of the recession. Any destructive fishing techniques or harassing tactics will damage the tarpon fishing in Boca Grande. In closing he said that appropriate FWC rules will conserve and enhance this world famous tarpon population and prevent a possible collapse.

Tom Mahoney representing the people that sell tackle commented that we need to designate these species as the super stars of the state. We need to protect these species but need to be careful on how we do this; it has a big impact on other areas because many people watch tarpon fishing tournaments on TV and it highlights the state and what we do. He also would like permit moved to game fish status.

Vice Chairman Barco clarified that at the December meeting staff will propose the definitions in a draft rule.

Commissioner Bergeron asked if public workshops will be held before the draft rule presentation in December.

Vice Chairman Barco answered that workshops will be held after the draft rule presentation, so that staff would have direction on what to take to public workshops.

Public Comment on Items Not on the Agenda

Captain Pat Kelly asked that the food shrimp permits be allowed to sunset as originally intended for Tampa Bay.

Helen Richards (Tampa Bay Shrimp) pleaded with the Commissioners to re-visit the rules for the Tampa Bay shrimping license. She emphasized she thought the bay was going to be their heritage and their children's future; when the shrimp law passed they did not realize the extent of damage to everyone who uses the bay. She explained that when shrimp boats drag the bay bottom, they stir silt and creating a flushing action and there was an abundance of fish and the grass was growing back. Out of state boats were pumping their bilge into the bay and not obeying the local laws. We helped created the laws and thought they were doing the right thing, but then because of the acid spills and fire ant insecticide that was dumped, and there was not enough shrimpers to stir the bay, the bay died. We have effectively wiped out commercial fishermen and our most valuable fishing industry is dying out. She urged the Commissioners to re-visit the shrimping rules and do not sunset the food shrimp permits for Tampa Bay.

Commissioner Exchange

Commissioner Corbett congratulated Chairman Wright on a great meeting. He also thanked Regional Director Chris Wynn and staff for doing a good job on organizing the meeting. He discussed the new youth camp and our joint venture with TECO and the Florida Aquarium. He added that Mr. McRae has been a huge resource and said he hoped we can get this together within a year. He also feels that the conservation easement is an important idea and appreciated hearing Mr. Lykes speak about their involvement. Finally, he said it was good that we opened the discussion on the sport fish designation in Tampa.

Commissioner Roberts thanked staff for the presentations; their professional presentation of information makes it easier to make good decisions. He also thanked the other Commissioners for their open discussion of topics and Commissioner Corbett for his hospitality. In addition, he expressed that the public input is helpful in the decision making process and the courtesy they show is appreciated. Lastly, he welcomed the new Northeast Regional Director Shannon Wright to the team.

Commissioner Priddy said one of the best parts of being a Commissioner is to be able to visit different areas on field trips; she is reminded of the resources in Florida that we have the opportunity to take advantage of. She also thanked Regional Director Chris Wynn, and his staff for their hard work. Lastly, she welcomed Chairman Wright and said she appreciated his time commitment.

Commissioner Yablonski thanked the stakeholders, Commissioner Corbett and Tampa for the hospitality and is looking forward to working with Chairman Wright.

Commissioner Bergeron commented he is looking forward to the workshop between the Nuisance Alligator Program and the trappers to find resolution. He also thanked Director Wiley for coming to South Florida in a moment's notice with the Governor during the flooding from Tropical Storm Isaac. In addition, he complemented FWC staff who were first responders, as well as the Governor for taking the situation seriously. Commissioner Bergeron expressed appreciation to staff who presented information that makes it easy for the Commissioners to make good decisions. He commented that the Chairman did a good job with the meeting and appreciated that the tarpon is being brought into the forefront; he feels it will be positive for Florida's economy and will help make Florida the number one fishing place in the world. Further, he noted that he is honored to host a youth fundraiser in November; good interest and sponsors are being generated and feels it will be a positive move because our youth is the future. Lastly, he thanked Commissioner Corbett for the evening event, and thanked the stakeholders for their input which is so important, and which helps the Board to make good decisions for the people of Florida.

Vice Chairman Barco thanked Commissioner Corbett for the tour and dinner at the Florida Aquarium; the best part of the evening was learning about the tagging program. If we designated artificial reefs as habitat there may be unintended consequences. She thanked the Snook and Game Fish Foundation for the unexpected recognition. She then welcomed Shannon Wright and discussed how they met. Lastly, she commented that she likes the game fish sports fish status; the devil is in the details and she understands it is confusing.

Chairman Wright thanked Commissioner Corbett for hosting a great dinner. He also thanked staff for all the hard work they do to pull the meeting off. He welcomed Shannon and thanked Dennis David.

Commissioner Bergeron thanked Regional Director Chuck Collins and the panther team.

Commission Administrative Matters

The next Commission meeting is scheduled for December 5-6 in Apalachicola.

Adjournment

Chairman Wright adjourned the meeting at 4:07 p.m.

_____

Kenneth W. Wright
Chairman

_____

Nick Wiley
Executive Director

Respectfully submitted:

_____

Robin Stetler
Commission Administrative Assistant