



# Florida Fish and Wildlife Conservation Commission

MyFWC.com

Commission Meeting  
June 11-13, 2013  
Lakeland, FL  
Minutes

The Florida Fish and Wildlife Conservation Commission (FWC) held their regular meeting June 11-13, 2013, at the Hilton Garden Inn Lakeland, located at 3839 Don Emerson Dr., Lakeland, FL. Chairman Kenneth Wright called the meeting to order with the following members in attendance.

Bo Rivard, Panama City  
Brian Yablonski, Tallahassee  
Chuck Roberts, Tallahassee

Ronald A. Bergeron, Ft. Lauderdale  
Aliese Priddy, Immokalee, FL  
Richard A. Corbett, Tampa, FL

Staff:

Nick Wiley	Executive Director
Greg Holder	Assistant Executive Director
Eric Sutton	Assistant Executive Director
Bud Vielhauer	General Counsel
Colonel Calvin Adams	Director, Division of Law Enforcement
Chuck Collins	Director, South Region
Louie Roberson	Director, Northwest Region
Shannon Wright	Director, Northeast Region
Chris Wynn	Director, Southwest Region
Roland Garcia	Director, Central Region
Diane Eggeman	Director, Division of Hunting and Game Management
Tom Champeau	Director, Division of Freshwater Fisheries Management
Jessica McCawley	Director, Division of Marine Fisheries
Doc Kokol	Director, Community Relations
Carly Canion	Analyst, Division of Marine Fisheries Management
Melissa Recks	Analyst, Division of Marine Fisheries Management
Dr. Thomas Eason	Director, Division of Habitat and Species Conservation
Rae Waddell	Director, Florida Youth Conservation Centers Network
Gil McRae	Director, Fish and Wildlife Research Institute
Harry Dutton	Alligator Management Program Coordinator
Cory Morea	Deer Management Program Coordinator
Charlotte Jerrett	Chief Financial Officer
Jackie Fauls	Legislative Affairs Director
Corey Lee	Biological Scientist IV
Jerrie Lindsey	Director, Office of Public Access and Wildlife Viewing Services

There were 133 individuals registered to speak to the Commission during the three-day meeting.

## **Meeting Opening**

Chairman Wright called the June 2013, meeting to order at 1:00 p.m. and welcomed the Commissioners, staff, and public to the Hilton Garden Inn Lakeland, Florida.

Chairman Wright invited Diane Eggeman, Director, Division of Hunting and Game Management, to give the invocation, followed by Vice Chairman Corbett, who led the Pledge of Allegiance to the Flag.

## **Employee Introductions**

Chairman Wright asked Director Wiley to introduce FWC employees.

- Officer Adonious Duhart
- Angie Stoliker
- Andy Garrett
- Jason Burton
- John Weatherholt
- Danon Moxley
- Paul Thomas
- Angeline Scotten
- Kelle Sullivan

## **Special Recognition**

Chairman Wright recognized the Executive Director of the Southwest Florida Water Management District (SWFWMD), Blake Guillory, and the Assistant Executive Director Robert Beltran.

Director Wiley highlighted the long standing cooperative relationship FWC has had with the SWFWMD. He said he appreciated the partnership and the work with their team.

Mr. Guillory recognized that Joe Quinn, Land Management Manager, was in attendance also. He then gave a brief update on the partnership with FWC and noted five areas where agreements are being worked on together, such as 160,000 acres of wildlife management areas (WMA's) that are co-managed, the Feral Hog Program, Youth and Disabled hunts, and Habitat and Species management program. He added that they now have an ad hoc committee to explore new recreational opportunities on all district lands.

Vice Chairman Corbett asked how youth hunting opportunities are going.

Mr. Guillory responded that they had a couple of youth hunts that went well, and the ad hoc committee is looking at new opportunities.

Vice Chairman Corbett noted how important this is for our survival and thanked him for continuing the good work of his predecessor.

Chairman Wright welcomed Legislative Aide, Stephen Gately, to Representative Mike La Rosa, and Chris Dowdy, Aide to Senator Kelli Stargel, and thanked them for their work with our Legislative Office.

## **Adoption of Minutes**

Chairman Wright asked for a motion to approve the April 2013, Commission meeting minutes. Upon a motion the minutes were approved as written.

### **Adoption of Meeting Agenda**

Chairman Wright asked for a motion to approve the meeting Agenda. A motion to approve the Agenda was made by Commissioner Priddy and seconded by Commissioner Rivard. The motion passed unanimously.

### **Approval of Consent Agenda**

Chairman Wright asked for approval of the Consent Agenda, which the Commissioners have already been briefed on. He noted staff requested an amendment be made to remove the proposed changes to the red drum red fish rule 68B-22 from the consent agenda. They will publish a notice of withdrawal and change.

A motion was made by Vice Chairman Corbett to approve the consent agenda with the removal of item 68B-22 from the agenda. The motion carried and the Commission approved the June 11-13, 2013 Consent Agenda.

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

Chairman Wright asked Executive Director, Nick Wiley to present the Executive Director's report. Director Wiley highlighted the following items.

#### **FWC staff Honored for Outstanding Work in Fish and Wildlife Conservations.**

Don Fox was named the 2013 Wildlife Conservationist of the Year by the Florida Wildlife Federation for his 30-year stewardship of Lake Okeechobee in south Florida. Don, who's in charge of FWC's Okeechobee Field station, has successfully advocated for appropriate cycles of high and low water levels at Lake Okeechobee which has restored its world-renowned bass fishery and brought back endangered snail kites to the lake.

Justin Ellenberger was selected as this year's FWC recipient of the Florida Department of Environmental Protection's Resource Manager of the Year Award for his 11 years of work as a lead biologist at the Guana River WMA in northeast Florida. Justin, who works in HSC's Wildlife and Habitat Management Section, received his award at a recent meeting of the Governor and Cabinet for his work with stakeholders and communities to restore and manage habitats to maintain or increase populations of imperiled species, nongame wading birds and game animals. He also enhanced nature-based recreation on the WMA where people can view wildlife, fish, hunt, kayak, hike and ride horses.

Rae Waddell was chosen by the Florida Wildlife Federation as the recipient of its Conservation Communicator of the Year Award for 2013. Rae, the Director of the Florida Youth Conservation Centers Network (FYCCN) is being honored for her success in leading the effort to reconnect Florida's children with traditional outdoor activities and create the next generation that cares about fish and wildlife resources. She has been with the agency for more than twenty years and has worked tirelessly to provide youth with the education and guidance they need to get safely engaged in the great outdoors.

#### **FWC Officers Participate in Memorial Events**

FWC officers around the state participated in events for Florida's Law Enforcement Officers Memorial, National Peace Officers Memorial day and National Police Week. These ceremonies honor law enforcement officers who have lost their lives in the line of duty. Members of the FWC Honor Guard attended the 32<sup>nd</sup> Annual National Peace Officers Memorial Services in Washington DC the week of May 12-15, 2013, where they participated in several ceremonies, including standing watch over the survivors' wreath that is brought from the U.S. Capitol to the Law Enforcement Memorial wall. They also participated in a funeral detail for former FWC Commissioner Sonny Burnett, providing door guards, casket guards and presenting an American flag.

#### **Streamlining Digital Communications with GovDelivery**

FWC is rolling out a new digital communication platform that provides targeted information to stakeholders when requested and over the communication channel they select. The GovDelivery platform does not replace current efforts in web portals broadcast and social media, but enhances the ability to communicate directly with FWC's audience. Stakeholders can sign up for the service at no charge and select the topics of interest to them. They will automatically receive email or text alerts with agency news, meeting announcements, opportunities for public input, website updates, emergency alerts, etc. Subscribers can choose to receive immediate notifications or opt for a daily or weekly digest. GovDelivery will help FWC in consolidating existing email lists and LISTSERV groups, making stakeholder communications more efficient and able to send highly targeted messages to specific audiences. FWC will also be able to identify how effective the messages are, by tracking email and text opening statistics and clicks on internal hyperlinks. Look for the red envelope on FWC communications as we enhance our outreach capabilities.

### Fish Orlando Smartphone App

Tony Bickley, CEO of Team Dart, is an avid angler who travels from Great Britain annually to fish in Florida. He especially likes the lakes with the "Fish Orlando!" program, and was visiting Turkey Lake, a collaborative project with the City of Orlando and Bass Pro Shops that includes a boat rental program, the day Governor Scott helped the Division of Freshwater Fisheries Management stock fish and teach kids how to fish. Tony was so honored that he offered his company's web application development services free of charge to develop "Fish Orlando!," a smartphone app that allows anglers to see maps of the major program lakes, the rules, and obtain fish identification and tips via any Android or Apple operating system. More information is available at the iTunes store or by searching "Fish Orlando!" in the App store. Dart is also assisting with developing an application for the TrophyCatch program.

### Budget Workshop

Chairman Wright asked Charlotte Jerrett, Chief Financial Officer, and Jackie Fauls, Director of Legislative Affairs to provide the Commissioners with an overview of the State of Florida Legislative Budget Process and budgetary framework. He noted this session is intended to be informal and allow for an open question and answer exchange between Commissioners and staff. Ms. Jerrett provided an overview of the State's budget process, which included major constitutional provisions, the budget process cycle, and the appropriations process. She further discussed the primary funding sources, and Fiscal Year 2012/2013 state budget of \$70 billion. Finally, Ms. Jerrett explained the FWC's internal budget process and the target reduction exercise, and FWC's Fiscal Year 2013/2014 trust funds base budget. Staff will provide the 2014 Session Legislative Budget Request and required target reductions at the September meeting for Commission approval.

Other Division Directors present for the Budget Workshop:

Colonel Calvin Adams, Director, Division of Law Enforcement  
Diane Eggeman, Director, Division of Hunting and Game Management  
Tom Champeau, Director, Division of Freshwater Fisheries Management  
Jessica McCawley, Director, Division of Marine Fisheries  
Dr. Thomas Eason, Director, Division of Habitat and Species Conservation  
Gil McRae, Director, Fish and Wildlife Research Institute

Vice Chairman Corbett asked about grants with the Federal Government - who does it, how we go about it, and is there a fixed amount that is allocated to FWC each year.

Ms. Jerrett responded there are numerous federal programs and contracts and grants that each division pursues and competes for. The largest is the U.S. Fish and Wildlife Service (USFWS) where funding is divided amongst states based on percentages of excise taxes and other formulae.

Director Wiley explained other states have approaches they use in how they structure licensing programs. He noted the Agency is putting together a team to take a fresh look at how we sell licenses to try to maximize federal grant return; there may be some ways the Agency could improve its share.

Vice Chairman Corbett asked if we get a set amount of money from a federal fund, and does the State reduce what they give to the Agency if we get more federal dollars.

Director Wiley explained that if we get an additional amount of federal funding through the grant program, we ask the Legislature for increased spending authority to draw down that money; they have been very supportive and understand the program.

Commissioner Priddy noted that most State trust funds are subjected to cash sweeps. She asked who has the responsibility for how those trust funds are managed and how we balance against potential legislative removal of those funds.

Ms. Jerrett responded that we have some trust funds that are exempt from sweeps, such as those with revenues from license fees. Others however, including the Invasive Plant Management Trust Fund, have lost \$30 million over the last two years. If that money were already budgeted, we would have to adjust spending accordingly.

Ms. Fauls explained they sweep cash balance, so the Agency cannot spend in the future.

Commissioner Priddy asked how a fair share approach worked last time with the five percent reduction.

Ms. Jerrett responded that it is five percent of each division's total budget, less one-time or non-recurring appropriations.

Commissioner Priddy questioned if this is the best way to go, instead of targeting reductions.

Director Wiley responded that the Agency needs guidance and thoughts on this.

Commissioner Yablonski noted that FWC is 91% trust funded, which is good as it gives the appearance that we are self-sufficient. The other nine percent of General Revenue is highly sought after. He expressed interest in how other agencies are funded.

A general discussion ensued about other states, as well as the history of FWC applying for grants.

Commissioner Priddy asked if we used to have a higher percentage of General Revenue.

Ms. Fauls replied that 25% of our budget was General Revenue in 2000.

Commissioner Priddy asked how reliable the trust funds sources will be going into the future.

Ms. Fauls responded that if the funding sources of the trust funds do not continue to increase as expenses do, then the Agency would have to cut back.

Commissioner Yablonski noted we must be accountable in that if licenses and other permit fees do not increase, it may be that stakeholders are not pleased with our spending decisions.

Vice Chairman Corbett asked who looks at increasing opportunities to gain more funding and more control.

Director Wiley responded the Agency as a team does. The team present (division directors), is always in a continual process to match the money with getting the job done.

Chairman Wright explained that increases in fees and licenses must still have legislative approval, so we cannot just increase when we find a need to do so. We have a greater chance if we can be smarter and more strategic about issuing licenses so that we get the maximum credit. The grant opportunities are also wide open.

Commissioner Yablonski added that we need a growth agenda and need to get more hunters and fishers, hunting and fishing.

Vice Chairman Corbett asked Colonel Adams how they identify future funding for expansion, and how do they evaluate being more effective and efficient.

Colonel Adams responded he has an internal team who monitors people and equipment operation continually; they plan ahead to identify where they may need to adjust budgets in case of shortages.

Mr. McRae also explained that the Fish & Wildlife Research Institute (FWRI) has 40% grant funding and they have to monitor and shift expenses continually as they have a lot of competitive grants that they have coming in at all times.

Ms. McCawley responded her division is separate from FWRI and she also has a budget manager that monitors her funds.

Director Wiley explained that the Agency has a budget leadership team that meets twice a month; they look at the present and future, where revenue is not keeping up with the cost. They raise a flag, then it often elevates to the division directors, who then try to find solutions. The Agency has gotten lean over the years, and mindful of our budget.

Commissioner Rivard asked for historical perspective on the overall budget growth over the past 10 years.

Director Wiley explained that budget has grown and shrunk, altered by changes such as bringing in other natural resources agencies' law enforcement divisions. He noted we have mostly shrunk over the last few years, and we are not seeing an influx of new monies or new revenues. A large part of our revenue comes from documentary stamps, which has declined with the economy, but has started to come back, and is beginning to stabilize.

Commissioner Yablonski noted that over the years we have had several budget cuts. With cuts in the early 2000s, the reduction list was not just an exercise. In addition, he explained that at the end of the Session, sometimes the Legislature will decide to put extra buffer money in our budget.

Director Wiley asked if we need to vet the reduction process now.

Ms. Jerrett replied yes.

Director Wiley stated that staff will bring options and recommendations (that will ultimately be delivered to the Legislature), to the Commission in September. He noted because of the recovery in the economy, there was not a lot of discussion about reductions at this time. He asked for thoughts on the five percent reductions, stating that one of the guiding principles we use is to try to structure the proposed reductions to minimize impacts on staff positions. He asked for thoughts from the Commissioners on this process.

Chairman Wright encouraged all the Commissioners to meet with Ms. Jerrett for the purpose of going through the reduction exercise, and come back with recommendations.

Commissioner Priddy asked how we absorb pay increases to law enforcement.

Ms. Jerrett explained that the Legislature will appropriate additional budget authority in our trust funds to cover salary increases, and we will receive new General Revenue appropriations to cover those salaries funded by General Revenue.

Commissioner Priddy asked where the other pay increases will come from.

Ms. Jerrett responded that the rest will be covered with our trust funds.

Ms. Fauls explained that agencies do not get to decide how or how much they want to spend – the Legislature tells them how they can spend the money in the trust funds (bank account). When the Legislature gives raises, if the source of the salary is from the trust fund, they will give authorization to spend money in the “bank account” (trust fund). If the source of funding is the General Revenue, then they will appropriate additional funds from General Revenue.

Vice Chairman Corbett asked who we directly interface with in the Legislature, if we need more money during the year.

Ms. Fauls responded there is a mechanism called the Legislative Budget Commission made up from the House and Senate, and if there is an emergency, a budget amendment request can be submitted to this commission.

Director Wiley asked the Commissioners to let staff know if they want to follow up on an individual basis about the reductions exercise and guidelines. It was decided that staff will work with Commissioner Priddy on budget issues.

Dr. Thomas Eason noted the Agency takes a team approach to the budget throughout the year, starting with each division looking internally to find the five percent (for reductions), and then they get together as a team, and look to where there is the least impact on programs Agency-wide.

Ms. Jerrett continued her presentation and pointed out the FWC’s section of the General Appropriations Act for Fiscal Year 2013/2014, referenced by line item. She noted that Full time Employees (FTE) are appropriated and broken out by General Revenue and Trust Funds. After vetoes, the Agency budget for the upcoming year is about \$308 million. She suggested the Commissioners look at this and contact her with any questions.

Commissioner Yablonski asked what the gap is between the trust funds and general revenue of \$292 million and the budget of \$308 million.

Ms. Jerrett responded a portion of the \$308 million budget is a one-time appropriation, like fixed capital outlay; reductions are taken from recurring funds only.

Vice Chairman Corbett questioned if there was anything beyond the \$308 million annual operating budget, and is there anything still outstanding that the Governor has not approved.

Ms. Jerrett said that vetoes were taken by the Governor and that reduced the amount. She also noted there is nothing outstanding and the appropriations are effective July 1. By law this is what the Agency operates within; the Division Directors manage their budgets and do not spend beyond it, though they often share with each other if there is a critical need.

Director Wiley asked Ms. Jerrett to explain the budget transfer authority.

Ms. Jerrett gave a real life example of the South Region office needing a new air conditioning system for approximately a half a million dollars; this problem is not accounted for in current year budget. All the budget managers from each division had gotten together to share the expense in a team approach (from existing budget).

Vice Chairman Corbett noted it was good to hear how the agency operated with a crisis.

Ms. Jerrett continued her presentation with a discussion of the revenue sources, projected revenue streams for Fiscal Year 2012/2013, and the status of trust funds. She noted she has provided the Commissioners with a brief update of all the trust funds and the balances as of March 31, the last quarter that has been updated. She then reviewed the status of several of the funds.

Vice Chairman Corbett asked how accurate the Agency has been at estimating historically.

Ms. Jerrett replied that we have been very conservative with estimating, if anything we err on the side of having more money in the trust fund than what we project.

Ms. Jerrett continued reviewing trust funds such as the Invasive Plant Control Trust Fund; because documentary stamps are on the rise, the balance in the trust fund is increasing. State revenue information comes from the Office of Economic and Demographic Research, a legislative office that estimates all the state revenues, and includes input from the House, Senate, and Governors Office.

Vice Chairman Corbett asked for an example of trust funds that have declined.

Ms. Jerrett pointed out the Panther and Manatee trust funds. Director Wiley explained that the license plate revenues have declined because of several factors including the downturn in the economy.

Vice Chairman Corbett noted that the Conservation and Recreation Lands Program Trust Fund had a drastic decline.

Ms. Jerrett explained that the monies for this fund come from Department of Environmental Protection. The money is formula driven amount on how much revenues are appropriated for conservation lands.

Ms. Jerrett noted the Agency keeps a \$12 million balance in the Federal Grants Trust Fund that provides for operating cash (flows).

Ms. Jerrett continued with her presentation of FWC's annual operating budget, which is sub-divided into Division/Office budget categories. She noted that changes to the annual operating budget may generally only be made with approval from the Legislature and the Governor's Office. Lastly, she noted the economic impact of fishing, hunting, wildlife viewing, and boating, to the State of Florida of \$31 billion.

Chairman Wright pointed out the economic impact of wildlife viewing is stronger than hunting.

A lengthy discussion ensued about the economic impact of hunting, fishing, and boating activities and industries within the State of Florida.

Director Wiley noted in the past few years hunting license sales have ticked up across the country after a serious decline in the 1980's. He also pointed out that much of the economic benefit ends up in small towns where there are wildlife management areas.

Chairman Wright said there is a tremendous interest in our state for ecotourism, because of the diversity of Florida; they come to take in and look at the wildlife.

Commissioner Yablonski pointed out that conservation in Florida has been paid for by our anglers and hunters.

Commissioner Priddy asked if historical information could be provided for the September meeting regarding how economic impact numbers have changed over the last five years. Also compare these categories with other types of economic engines for the state, such as the cruise line industry, or manufacturing, etc. She also asked if communities generate funding requests in the State budget.

Ms. Fauls responded all budget requests are part of the appropriations committee process; it may have come from a community, but if approved, they are put in the budget.

Commissioner Corbett noted the observation about hunting was depressing, but looking at the youth conservation centers – they encompass wildlife viewing, hunting and freshwater fishing. The economic impact of those three combined includes about 85,000 jobs – this adds a glimmer of hope. He also asked Director Wiley how we compare to other states.

Director Wiley responded that the Agency is a member of national and regional fish and wildlife agencies, where staff frequently works with other states and serves on interstate committees that deal with such issues as hunter retention.

Commissioner Corbett asked how we can grow, and what are we learning from other states.

Ms. Eggeman noted that one of the things they are learning working with these committees is that access is one of the keys to hunter recruitment and retention. Another idea is that continuing youth mentoring is important, along with continued opportunities to learn more, repeat, grow and practice. The committees share experiences and talk about best practices, working together to standardize how we measure effectiveness.

Chairman Wright suggested looking at the distribution of the jobs in the counties where hunting is occurring; it is not occurring in urban counties. Look at the other numbers, i.e. boating industry, saltwater and freshwater fishing. He added that we are blessed; we are a very significant player because of our shorelines, lakes, rivers, streams, inland areas for hunting, etc.

Vice Chairman Corbett asked how we compare to other states.

Director Wiley noted that on boating and fishing we are number one, but we are in the middle of the pack for hunting. A report from the USFWS has a good comparison.

Director Wiley acknowledged Jerrie Lindsey, Director of the Office of Public Access and Wildlife Viewing Services. She is the lead on the wildlife viewing element, and is helping to cultivate the Agency's footprint and services in this arena. He also recognized Rae Waddell, Director of the Florida Youth Conservation Centers Network. He noted these are two key people on our team and said their work leading these efforts is appreciated.

Ms. Jerrett concluded that she appreciated Commission direction.

Chairman Wright and Vice Chairman Corbett acknowledged the great job on the presentation and further the great job Ms. Jerrett and Ms. Fauls do working with the budget and Legislature.

#### Public Comment

Bonnie Basham (Editor Marsh Rider Magazine) handed out the latest publication of Marsh Rider Magazine opened to an interview with a 10-year old youth and his love of the outdoors, who also wants to be an FWC Law Enforcement Officer. She thought it would be a perfect commercial for the Youth Conservation Centers.

Vice Chairman Corbett asked Ms. Basham to share her story with Ms. Waddell.

Ted Forsgren questioned page 36 of the budget document and asked if the values of various industries for boating included the boats that go salt-water fishing.

Ms. Fauls responded that the figure was generated by the boating industry and she was not sure.

Chairman Wright explained that it was the total boating number but is discreet and is broken down by district.

Mr. Forsgren noted that the recreational fishery is very important to the State of Florida.

Commissioner Corbett said he thought saltwater versus freshwaters was 80/20.

Chairman Wright noted that Executive Director Nick Wiley had not received a salary increase since he has been in his current position; in fact he adopted Ken Haddad's salary which was set in 2003. He requested the authority to work with Director Wiley and arrive at a salary increase somewhere in the area of around three percent. He further asked for the authority to go ahead and work within the guidelines the constitution provides that the Commissioners hire and set the salary of the Executive Director.

Commissioner Corbett made a motion to give authority to Chairman Wright to give Director Wiley a raise, seconded by Commissioner Roberts and unanimously approved.

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

Chairman Wright recessed the meeting at 3:20 p.m., to reconvene at 8:30a.m., Wednesday, June 12.

### **Meeting Opening: Wednesday, June 12, 2013**

Chairman Wright called the meeting to order at 8:40.

Chairman Wright introduced Representative Seth McKeel to the meeting, and thanked him for his support.

Representative McKeel thanked the Commissioners for their service and dedication to the State of Florida, taxpayers and sportsmen. He added that it was a privilege to host the meeting in Lakeland.

Chairman Wright announced that because there are a number of speakers, and in fairness, he will adhere strictly to the three minute time limit. He also explained that he will allow a speaker to speak for two other speakers if they want to yield their time, though they will need to be present, and rebuttal testimony will not be allowed. He urged those that want to speak to sign in with the registration desk and if yielding time, identify who you have yielded your time to with the registration desk.

### **Recognitions**

Chairman Wright invited Captain Pat Kelly to introduce the recipient of the Florida Guides Trained Eyes Coastwatcher Officer of the Year Award, followed by the Captain Phil Chapman Conservation Award.

Captain Kelly introduced Officer Bryce Philippi as the recipient of the Florida Guides Trained Eyes Coastwatcher Officer of the Year Award. He highlighted many aspects of his career as an FWC Reserve Officer and then a full-time Law Enforcement Officer with the Agency, and his continual efforts to protect the boating public, and natural resources of Florida for future generations to enjoy.

Officer Bryce spoke a few words of thanks and expressed his thanks to all, including his partnership with the public.

Col. Calvin Adams, spoke a few words about the Agency's good partnership with the Florida Guides Association and that he appreciates their recognition of officers for this award. A photo was taken with the Commissioners.

Captain Kelly continued with the introduction of Wes Porak, as the recipient of the Captain Phil Chapman Conservation Award for his contributions as a biological scientist to conservation, in particular his work with large black bass. He also noted several other awards that Mr. Porak has received during his career in conservation.

Mr. Porak spoke a few words and noted that as a fisheries biologist, it is a great honor to be recognized by anglers. He also noted that this is an especially meaningful award because Phil Chapman has been a mentor to him.

Chairman Wright recognized Commissioner Bergeron for attending the signing of HB 7065, which was a significant piece of legislation that provided \$880 million to everglades restoration, as well as a halt to litigation dragging on regarding the Everglades.

Commissioner Bergeron said he was honored to be there and thanked Governor Scott and all the Senators and State Representatives for their leadership in backing HB 7075 that will fund CEPP, and will start the de-compartmentalization of the system, will provide a natural flow to Florida Bay, and also and work on the water quality issues affecting the environment.

Chairman Wright recognized the Chairman of the House of Appropriations Committee, Chairman McKeel, who played a large part in passing HB 7075.

### **Boca Grande Pass Tarpon Fishing Gear**

Chairman Wright asked Jessica McCawley, Director of the Division of Marine Fisheries Management to present the staff report on the proposed draft rule for the Boca Grande Pass Tarpon Gear. Ms. McCawley summarized the draft rule amendment to address the types of gear used within Boca Grande Pass. She explained the proposed draft rule would modify the existing snagging definition for tarpon statewide and prohibit anglers from attaching a weight to the bottom of a hook while fishing within the boundaries of the Pass. She noted that staff recommendation is to approve the proposed draft rules implementing a two part approach. 1) Modify the current tarpon snagging definition and incorporate provision for enticing tarpon to strike, and 2) Prohibit the attachment of a weight to any hook, artificial fly, or lure in a manner such that the weight hangs lower than the hook when the line or leader is suspended vertically from the rod. Also such gear must be stowed while in the Pass, and will apply year-round when fishing for any species. If approved, staff recommended proceeding to a final public hearing at the September Commission Meeting.

### **Public Comment**

Captain Pat Kelly (Florida Guides Assn.) speaking on behalf of the FGA, said FWC is a Constitutional Agency bound by science, and there is no conclusive evidence or science to show. He stated this is not a fisheries issue, but a social issue, it is a feud and has been going on for a long time. Lastly, he suggested arbitrarily taking gear away from a group, who is not showing any intent, just because another group thinks it is wrong, is not what is supposed to happen here.

Bill George (Plant City) noted that under definition, tarpon is already restricted from snagging. He noted that weight should be added as an object that is primarily designed to reduce buoyancy to the hook and line, and is not designed to attract or entice. He felt that FWC Officers are trained observers and can determine if someone is snagging, and there are not many citations given for this. Lastly, he felt it is important to respect others for their choices.

Philip O'Bannon (Executive Director, Mote Boca Grande) said he is not for one side or the other, but for the tarpon fishery. Tarpon have been coming to Boca Grande Pass for thousands of years to feed before they go offshore to spawn, and he felt this process has been disrupted. He felt that jigging has changed their patterns, and pushed the tarpon out of the Pass. The amount of damage won't be known for years. He encouraged the Commission to ban this method of fishing in Boca Grande Pass.

Ray Van Horn (Chokoloskee) said he appreciated the scientific approach. He stated he felt that when gear is banned based on emotion, where will it end. Further, he felt that respect for the community and each other are important. He is hopeful a scientific approach will come to a conclusion for everyone, especially the fish.

Peter Greenan (International Federation of Fly Fishers) said the organization strongly supported staff recommendations. They are strong supporters of the fishery, and felt that vertical jigging has disrupted the spawning process and the resting periods of tarpon.

Richard Hirsch said from his work with satellite tagging of tarpon, he felt they have a good idea of offshore spawning grounds. He strongly urged the Commissioner to vote for the new gear regulations. He also noted that several Gulf guides associations, whose members depend on a healthy tarpon fishery, also support the new gear regulations. He further noted that thanks to scientific efforts on fish feeding, we know that vertical leaded jigging is synonymous with snagging, and cited the following reasons to outlaw jigging: 1) Jigging and snagging kill tarpon in the pass; many videos and photographs show dead or dying tarpon after the weekend jigging tournament, and prove the high mortality rates. 2) Both Boca Grande and Florida are being negatively changed by an ongoing TV series that glorifies these tournaments. 3) As they learn where tarpon migrate, seven of the guides associations want to stop the tournaments to protect this fishery. 4) He felt the most significant reason is because the tarpon time in the pass is a pre-spawning ritual, and jigging, snagging, and hovering techniques disrupt the tarpon to such an extent that they no longer return to Boca Grande Pass as part of their spawning ritual. He urged the Commission to ban the jig and snag and watch for sneaky avoidance of these new rules.

Chelsea Cellamare (Florida Resident and recreational angler) said she supported recreational angling, conservation, and long term sustainability; but felt making this rule modification in Boca Grande Pass without enough science sets a wrong precedent. Further she has concerns about what this could do to Florida's economy; her family depends on this industry. She urged the Commission to allocate necessary budget and resources to conduct scientific studies that properly evaluate the effects of Boca Grande fishing on the tarpon.

Kate Grote (Florida Resident and Recreational Fisherman) said to save tarpon, we need to refocus efforts and protect the Charlotte Harbor Estuaries, and the mangrove nurseries, so the juvenile fish can grow up. She urged the Commissioners to shelve the proposed rule changes until more reliable and scientific information is available; if it shows the jig snags tarpon and harms the fishery, she will fully support the proposed rule.

Captain Bobby Woodard (Recreational Angler – Lakeland) passed out a picture presentation to the Commissioners. He stated there is no scientific evidence that the jig is snagging tarpon. The photographic evidence he passed out shows the hook placement of various methods of tarpon fishing, live bait, flies and artificial, but none on the jig. Until there is scientific evidence to prove that the jig is snagging fish, there is no reason to change the current regulations.

Greg Whaley (Punta Gorda) stated there is not enough science to ban jigs. For nearly 100 years we have maintained an artificial pass for the tarpon. From 1911 to 2001, every four years, the Army Corp dredged the Pass to make it larger and deeper than it was naturally. The Pass is filling in now, narrowing, and changing the habitat for the fish which is affecting their behavior. Until he sees scientific proof that we are snatching tarpon with the jig, he sees no reason to change the current regulations.

Alan Richey urged the Commissioners to pass staff recommendations, with a recommendation for the wording to say "no vertical jigging" and offset hooks.

Frank Hommema (Charlotte Harbor) noted that shallow water habitat and deep water habitat is vital for tarpon. He looked into jiggers bothering the fish, but instead found that the Pass is filling in and no one is talking about that. The Pass was unnaturally maintained for 20 years and was stopped in 2001. He felt it was not coincidence that the tarpon are suddenly in trouble; he felt this was more of the cause than jiggers.

Shawn Gore (Punta Gorda) felt that staff recommendations are a win-win for both parties; just don't allow the hook to be placed on top, and everybody wins.

Nigel Morris is speaking for his son Captain Morris who could not attend today, and said that from a biological and ethical standpoint both he and his son are in full support of staff recommendations. He urged the Commissioners to follow through working with staff to adequately enforce the rule.

Bryan Greenberg (Port Charlotte recreational angler) is a live bait fisherman, who has occasionally snagged a fish unintentionally, and felt bad about it. He is in support of staff recommendations.

Rhea Crider – yielded time to Tim Atkinson

Kevin Kelley (Charlotte Harbor Guide) talked about the current gear regulations allowing gear that can be used to snag tarpon when the tide is slack and biting has stopped. He said all look to FWC to do what is right by the fish and removing this one method of aggressive fishing will help grow the fishery. He felt this proposal is an FWC jewel, to be applauded, and will prove history is our guide to the future.

Vanley Hubbard stated that weighted hooks are outlawed in 15 other states, so it would not be unusual to prevent this type of gear. He asked the Commission to look at video they put together that shows how the hook works, and proves beyond a shadow of doubt that this device snags anything it comes in contact with. Further, he asked the Commissioners to please stop this aggressive method of fishing in Boca Grande Pass.

Lew Hastings (Executive Director-Boca Grande Area Chamber of Commerce) reported that at a monthly meeting of the Board of Directors of the Chamber of Commerce, whose board members are elected to represent the business community of over 200 members, voted unanimously in support of staff recommendations. Tourism brings in economic benefit and needs to be protected so that everybody benefits. Lastly, he noted as the Chamber, they have developed a one hour documentary that talks about the importance of the resource.

Sue Justus (Pasco and Charlotte County recreational angler) urged the Commissioners to vote “no” on the Boca Grande Pass gear restrictions.

Dave Markett (Odessa) said he felt there is no fishery where there is no unintentional foul hooking. He noted the staff depicted jig is illegal, and not a fair representation of the gear being used. His concern is this would set a precedent for other people with other agendas to request bans without sufficient scientific evidence. He believed it is in the best interest of the Commission and the citizens of Florida, to follow Dr. Grubeck's advice, and do more research. He urged that this decision be based on scientific fact and peer reviewed. He asked the Commission to vote “no,” and table the issue until more science is done.

Scott Hart – yielded time to Dave Markett

Red Flowers told the Commission he started a small company a couple of years ago, with one full-time employee who designs jigs. He just found out that 40% of his sales go to Boca Grande Pass, if they outlaw jigs, he will not stay in business; he urged the Commission to vote “no.”

Zach Drewes – yielded time to Red Flowers

Bobby Goodwin – yielded time to Red Flowers

David Stophya stated that last year he fished Boca Grande Pass and was successful only when he changed the color of his line and leader, and if he was snagging fish, the color of his line would not matter. As an angler, he is concerned with the precedent this proposed rule would set, and will affect the entire state of Florida.

Bo Jackson (DMV) asked if part of the problem could have been previous use of break-a-way gear. He would like the Commission to put more money into quail habitat restoration, perhaps through a quail stamp. He also

requested more habitat burning and restoration for quail. If more money is needed he suggested raising fees for hunting and fishing and for both residents and non residents.

Kevin Hyde (Realtor and Vice President of Boca Grande area Chamber of Commerce) noted he supported staff recommendations on gear restrictions. He said some of the innovators of certain gear have seen the problem and have stopped using the gear because they saw the destruction to the fishery, even though using the jig would increase their profit.

Dennis O'Hern (Fishing Rights Alliance) said he felt largely there is no biological need for any of this. By all accounts the tarpon stock is expanding and doing great, in large part to fishery management and the health of our estuaries. He felt the local struggle between two different types of user groups should not result in these types of rules.

Bob Theriault (Resident - Port Charlotte) as a recreational angler, he urged the Commission to vote "no" and base changes on scientific evidence.

Gary Ingman (a Founder of the PTTS (Professional Tarpon Tournament Series)) noted that Boca Grande is the tarpon fishing capital of the world. He noted that our community is in trouble and fighting, and requested a study that would once and for all determine if this gear is snagging or not. If no study is done to prove one way or the other, there will still be a rift in the community. Lastly, he noted that they need to increase tourism, and fishing is the best way to do that, and they need the Commission's support.

Michael Brimer said he is against the proposal and asked for science to back the decision, so please don't let emotion drive this decision.

Rodney Taucher thought that staff did a great job on trying to put together an unbiased recommendation. However, when he looked at other states that have banned snatch hooking it was vastly different, and clear they were aggressively snagging fish. He felt that there needed to be a way to determine if people are snagging from the surface. He concluded that if there was sound scientific fact, he felt all would support it.

Tom Mahoney stated it is "catching" not snagging fish, and felt there is no scientific or biological reason for this rule. He felt if this passes it would take away the ability for many people to catch tarpon, and would be bad for business. He urged the Commission to look at the facts in hand, before making a decision.

Craig Abbott (Vice President-Florida Tarpon Anglers Assn. – Arcadia) spoke at length about his knowledge of artificial lures and how jigs are used for tarpon fishing. He further added that Dr. Grubich's comments where he recanted from the 2003/2004 study, which states that tarpon are being snagged with current gear, is his theory and opinion, however, unless further scientific data is provided, he can't say categorically it is snagging fish. He further stated the staff's recommendation relying on comparisons is not comparable to what is happening in Boca Grande Pass. He noted that Idaho does require a gap distance between the point and shank of the hook. Florida may want to consider a similar regulation to further reduce the incidence of foul hooking tarpon. He presented numerous pictures of fish hooked with jigs, both in the mouth and the clipper. He gave a demonstration of his lures. In addition, he talked about videos showing tarpon interacting with the jig, noting they were not snagged. He also talked about another video showing the tarpon eating the jig. In conclusion, he said if you ban the jig, saying it is a snagging device, what is next? He showed examples of bait he developed.

Mark Maus - yielded time to Craig Abbott

Jessica Abbott - yielded time to Craig Abbott

Jay Withers (Charter Captain Port Charlotte/Tarpon Angler Association member) quoted Dr. Grubich's letter which said "whether or not the flossing tactics commonly referred in salmon fishing circles is also applicable to the jigging techniques used in Boca Grande Pass remains to be scientifically verified. This specific flossing scenario of how these jigs may work in the Boca Grande Pass tarpon fishery is of course a hypothesis that needs to be tested." He stated these quotes from Dr. Grubich should be enough to look further; there is no scientific

evidence that circle hooks snag tarpon. In his opinion, any angler using artificial bait has the desire to entice the fish to strike the bait; he further opined that snagging of the tarpon with the Boca Grande jig does not happen. He would like the opinion of circle hooks manufacturers to be considered, and encouraged more research.

Amy Withers – yielded time to Jay Withers.

Tim Atkinson (Attorney - Oertel, Fernandez, Bryant & Atkinson, PA.) is representing commercial business that include many in the fishing industry. He urged the Commission to view “Silver King, the Birth of Big Game Fishing,” which is a documentary that describes the history of tarpon fishing in southwest Florida. He noted the Commission’s own studies did not show that tarpon were any more foul hooked than when using live bait. He further noted three Legislatures had urged the Commission not to support the proposed recommendation unless credible scientific evidence supported this rule. He further commented that the proposed rules are arbitrary and capricious, with arbitrary decisions being those that are not supported by the fact. He opined the summary of the 2003/2004 report showed fundamental differences between the two types of fishing, noting there is no significant difference in catch and release mortality by anglers using artificial jigs or live bait, and that sharks are responsible for all confirmed mortality. When you compare foul hooking rates for tarpon to other species of fish, he noted it is in line with, and probably less than other species. He did a (Chapter) 119 public request of FWC to find out the basis of this recommendation and found nothing. His clients have asked him to challenge this rule if the Commission adopts it. Also, this fishing technique does not compare to those in other states. This is a social issue and he urged the Commission to do another study. He also asked the Commission to consider using circle hooks. In closing he stated, the Commission is a constitutional body and as such should demand good science; he does not feel the courts will support this rule without it. He urged the Commission to vote against the rule proposal.

Mark Thomas – yielded time to Tim Atkinson  
Greg Duval – yielded time to Tim Atkinson

Brent Theriault stated that as a deck hand, all the captains he fishes with use the gear that would be banned, and they also have a rule that says “crank don’t yank, when you feel it, reel it.” Folks are not setting the hook when they swing and miss. He is against the proposed rule change.

Bill Bishop asked why folks are saying there is “no science” when Dr. Motta and Dr. Grubich, both experts on tarpon feeding behavior took a look at this issues and both concur these fish are being snagged. A new study would cost a half a million dollars just to determine whether or not the hook needs to be moved one inch. He felt the removal of this hook will not negatively impact any legitimate angler who is enticing the fish to bite, only an individual who intentionally attempts to snag tarpon.

Joseph Mercurio (Vice President – Professional Tarpon Tournament Series) said he opposed this rule because there is no biological or scientific reason to support it. This is the government trying to infringe on the rights of anglers. He noted that this Commission exists to protect their rights and not allow politics to interfere with their decisions, and to protect the citizens of the State of Florida from government. He felt this will have a negative impact on business, anglers and jobs. This proposal is unnecessary, it is a social issue and this rule is not going to solve the problem. He urged the Commission to work with stakeholders instead of changing the social atmosphere. He revisited former talks with law enforcement staff about other ideas, such as a slow speed zone, to take care of aggressive boaters, and the mandatory use of circle hooks since the number one bycatch for tarpon are reef fish. They are the least invasive hook, why are we not talking about using circle hoods for these fish? He closed by urging the Commission to vote “no” until there is scientific evidence.

Ray Combs – yielded time to Joseph Mercurio.

Thomas Bradley who fishes with both live bait and jig, urged the Commission to allow science be the referee, and urged for more study, and to not outlaw the jig.

Captain Lori Deaton noted that once introduced to the jig, she started catching many more fish. She further stated she does not snag fish, nor do any of her friends. She brought up the fact that they are being harassed on and off the water. Tarpon are not an endangered species and urged the Commission to vote “no.”

Paul Zielske stated he is completely opposed to the rule. He encouraged the Commission to deal with facts, and felt there is not one shred of scientific evidence to support this proposal. FWC’s own study which concluded there is no significant difference between live bait and jig bait caught tarpon. He felt the problem is bad human behavior, not only in jig fleets, but with everyone, and the tournaments multiply the craziness by ten. In his opinion, this proposal will not solve anything.

Aaron Adams (Director, Bonefish & Tarpon Trust) said Bonefish & Tarpon Trust supported the proposed regulations for the following reasons: First, because experts in fish feeding morphology clearly believe the gear is snagging tarpon. Second, Boca Grande Pass is an important part of tarpon pre-spawning behavior, for the population. Third, hyper stability is a common issue in assessing fish stock. A large aggregation of fish creates a steady catch rate, which may not reflect what is happening with stock, so stock cannot be managed solely based on catch. Lastly, an international review panel rated tarpon as vulnerable due to past overfishing in the Gulf of Mexico and the Caribbean Sea, as well as loss of habitat.

Rick Silkworth noted that he has done his own study, by dropping a jig he used 271 times with no tail and has yet to catch a fish, but with a tail it does catch fish. He urged the Commissioners to vote “no.”

Jennifer Markett, said she has used bait from crabs to jigs, and it does not matter what you use, the fact is the circle hook does what it is intended to do, catch fish. For her this is a family affair, and she wants future generations to be able to fish or hunt in the way they chose. She pleaded for the decision to be based on scientific figures and facts, not emotion, and a “no” vote.

Captain Tom McLaughlin (Save the Tarpon) said one thing that is not being brought up that was in this hook study is hook placement. Can they hook that many fish in or around the mouth? Almost 70% of the fish hooked were lost and we don’t know how those fish were hooked. In his research, he noted that other states that have a spawning aggregate of fish, do not allow a weight attached below the hook. This rule would not affect any sales in the largest tackle wholesale books; everything in these books would still be legal. What this controversy is about isn’t “a” lure” in the standard sense of the word. The Boca Grande jig is a piece of equipment used in a location and the combined result of this lure used in Boca Grande Pass results in an action: the snagging of tarpon. We have laws that govern the improper taking of fish and game. Referring to restrictions on hunting deer, he commented there are appropriate ways to harvest game, and inappropriate ways to harvest game; if it’s inappropriate, it should be banned. He stated as sportsmen, we have ethics and we don’t fish a species that is about to become extinct. No child will go without hooking a tarpon if you move the hook. But if we do not move the hook on this one lure, some science suggests that a child may go without a tarpon in the future. The problem is a combination of behavior, unenforceable break away jig rules, and use of a weighted snag hook. There are too many inconsistencies that say these things are eaten by the fish.

Jennifer McLaughlin – yielded time to Tom McLaughlin

Dalan Markett noted that he fishes tarpon with three types of gear. He went on to relate a long history of personal harassment to his family because of tarpon fishing methods in Boca Grande Pass. In his opinion, the science says that what they are doing is not illegal or unethical, and if it was, it would have been stopped a long time ago. He urged the Commission to approve another study, and not make decision based on false pretenses.

Dalton Markett – yielded time to Dalan Markett.

Caroline Clark is concerned about the changing behavior of the fishery in the area. In her opinion she also felt there are less fish now. She noted that when the fish are spawning in Boca Grande Pass, there are so many folks pounding on the fish, there are numerous boats, and it is too stressful. She advised that if the fish decide to move

on and the fishermen go away, there will be an economic impact, now or later. Lastly, it is our responsibility to protect the environment.

Laurinda Turcotte said she would like to see the tarpon stay in Boca Grande Pass for years to come. She felt these types of rigs are very damaging to tarpon, because you can see where the fish are marked up, and then when they wash up on shore. She asked the Commission to please support proposed rule change.

Mark Futch said he felt the fishery is not healthy. He went on to explain that he invented the break-away-jig, but has stopped using this gear because of his own observations about the fishery. The last three PTTS tournaments have been canceled because there are no fish on the Spring tides, which has historically been the biggest fishing time. In his opinion, the reason there are no fish in Boca Grande Pass is because the large female breeders are being killed or chased off. He suggested for recreational anglers, that if the tarpon are biting the break-away-jig with the belly weighted hook, just move the led above it and they will bite it the same. He noted the comment that the Pass filling up with sand is not true. Lastly, the economy will not be affected by approving this proposal; many have already lost jobs over the gear.

Randy Rhines – yielded time to Mark Futch

Ryan Hawks noted that he lives in Fort Walton and fishes and guides for tarpon in the Panhandle, on fish that have passed by Boca Grande. He pointed out that this issue involves the entire Gulf of Mexico. The destructive and unethical fishing practices in Boca Grande, threaten the entire Gulf fishery. In his opinion, past jigging is wrong and unethical as it attempts to force an interaction between fisherman and fish, by hounding fish that are spawning. Further, he felt that by running lines amongst fish, forces contact between the fish and the anglers gear, and this method damages the fishery for everyone. He has yet to hear a convincing argument that moving weight an inch in any direction would magically cause a fish not to eat. Lastly, he felt the science lacking may support the particular opinion of opposing factions.

Riley Haynes, an 11 year old, told the Commissioners that he went to an FWC camp, where he learned about the ethical angling practice of catch-and-release. He said he learned that when you release the fish it helps increase the population so they can spawn more. From his camp experience he also learned that jigging is wrong because it kills the fish and destroys our natural resource in Boca Grande.

Holly Haynes noted that even the inventor of the jig said he invented it to snag tarpon. She emphasized there is a unique schooling behavior in the Pass that needs to be protected. She also noted that the last three tournaments had to be cancelled due to lack of fish. In conclusion, she said it is the Commissioners who can protect this fish. She is for the proposed regulations.

Chris Frohlich said he whole heartedly supported the gear restriction in Boca Grande Pass. He noted that Florida is the Sport Fishing Capital of the World. Though, he felt we have fallen behind other states that have adopted regulations for bottom weights to protect species. He added that we need to make this change to protect the fishery. Also, because Boca Grande Pass is a large pre-spawning aggregation, what we do in the Pass, and what we do here today, will have far reaching effects throughout the world. He felt that no one knows if removing the weight on the hook will really change the catching ability. He further stated this is not setting a precedent for future regulations; this is a restriction on a snagging device in a pre spawn aggregation that is it. He stated he opposed the Boca Grande jig because the fish do not eat it. He urged the Commissioners to make the decision based on the facts. Lastly, he felt the threat of another law suit is inappropriate in this forum and should fall on deaf ears.

Frank Davis (Captain Boca Grande Pass) noted he has been fishing since 1984, when there were many large boats that fished the Pass. In the 1970's to 1990's, and the fish never left the Pass. He explained that no one wants to ban anything, just modify a rig; similar to rules that you can't shoot a deer with a 22 rifle, or fish for a game fish with a treble hook and live bait. The science has been presented in the hook placement study. The local guides

have gone to an all release format, which they did years ago because they saw what was happening in Boca Grande Pass. They fear what will happen if these rules don't go into effect.

Doug Stewart – yielded time to Frank Davis.

Trip Aukeman (CCA Florida) noted that CCA supported the Commission's current definition of snagging with some clarification to the language. He noted CCA does not believe in the practice of snagging or snatching fish as it is not sportsman like, and unethical. CCA does not support the Commission's proposed rule on gear restriction in the Boca Grande Pass, because there is no credible evidence that a regulation is necessary to protect this species.

Edward Lee Crosby (Angler – Sarasota) said he fishes the Boca Grande Pass as a recreational and tournament angler, using both live and artificial bait. He chooses not to use the gear in question because he feels it is less sporting. The hook set is referenced by the FWC study with the two different styles. Though he does not have a problem with how others fish, he would like each Commissioner to experience fishing with both styles; before making the ruling. In his opinion, the issue is where the jig is located. He further stated that asking us not to drop a lure into a school of fish, is asking us not to fish where the fish are. Vote "no" on this draft rule as it lacks the merits of science. He suggested a round table discussion to talk things out.

Jessica Cauffman – yielded time to Edward Lee Crosby

Angela Cauffman – yielded time to Edward Lee Crosby

Randy White said he does not believe that jigs snag tarpon. The jig is an effective, benign lure, but the Boca Grande Pass rig is not like other jigs, where the weight was at the eyelet of the hook, or above. He said he also researched snag hooks, and without exception the weight is low on the shaft or on the bend or belly of the hook. This rig is not a lure by every definition in fishing literature, it is a snag or snag prone hook. He urged the Commissioners to follow the science. He noted that after the 2004 report, the best science said the Boca Grande jig was legitimate. He stated that the subjective judgment must change as information changes and urged the Commission to pass the proposed rule change.

Cappy Joiner (President - Boca Grande Fishing Guides Assn.) noted that the word "intent" was important, because regardless of the intent to snag or not, the tarpon are still getting snagged. They did a study in 2002/2003 on hook placement, which showed that most are snagged in the body or the head area, not inside out or outside in. The Boca Grande Guides Association would welcome another study. He said he has seen a great change, and felt it was due to too much pressure from too many boats. He further felt there would not be a problem with a conventional jig. He also noted the comment that live bait fishermen are not gut hooking tarpon is not true. He has hooked over 16,000 tarpon and has never gut hooked one. He expressed that in his opinion, this is an environmental problem and they welcome a study. However, if it takes too long, he felt they will lose more of the adult habitat. Lastly, he said that June is the biggest month in Boca Grande, and there are no fish. Live bait fishermen know the truth about what is going on out there. Lastly, he does not agree that the Pass is filling in.

Eddie Potter – yielded time to Cappy Joiner

Waylon Mills – yielded time Cappy Joiner

Justin Lis, a 13 year old, told the Commissioners that he has done a lot of research on the decline of fish and the jigs; he felt there is no scientific evidence of the jig snagging fish, even if unintentional snagging does happen. He felt that there is decline in many fish because of pressure. Lastly, he said that he has caught tarpon on lines that are bright yellow, not the leader, but the line.

Leiza Fitzgerald (Captain – angler) noted that she has fished with a coon pop and there definitely is a strike involved with those. The presentation in Boca Grande Pass with a jig is designed to present the jig at the bottom of the pass. The reason the weight is at the base and the curve of the hook is so the jig reaches the bottom. She also commented that fish respond to weather, and when the barometer fell due to a big storm, the fish went out to sea, they are back in the Pass now. It has nothing to do with the way the fish are being fished. If we can't fish a pre-spawning fish, we can't fish on the beach either. She invited the Commissioners to come fish with the live

baiters, or the people who fish with bait on the bottom, which is called a vertical presentation. She does not use bottom weighted jigs in the PTTS tournaments. She uses standard jigs and she is hooking fish. We need a sustainable resource, but changing gear can affect other species as well as other anglers. Lastly, the circle hook is designed to hook a fish in the mouth, and it is very difficult to snag a fish. She is disappointed someone would come out and say they have snagged a fish.

Heather Goodwin commented that a major problem is there are so many people fishing for tarpon, and the advent of artificial lures has made it easier. She noted she has been approached and harassed because of the conflict. She also felt fishing for tarpon has had a positive economic impact to the community because customers are spending money outside of paying for a charter. She asked that any opportunity to bring in tourism, which has been hurt by red tide and oil spills, not be overlooked. Further she felt that the video that was sent to the Commissioners on Monday afternoon clearly depicts that a tarpon can, will, and does voluntarily eat the jig. Lastly, she stated that in her opinion, without scientific evidence, this proposed rule change would undermine those who make a living in this industry.

### Commission Discussion

Chairman Wright asked Mr. Bud Vielhauer, General Council, to explain what the burden of proof is for the Commission. Explain the difference between the rational basis test and any other test.

Mr. Vielhauer explained the standard of review that the Commission is subject to is known as is the Rational Basis Test, which means the Agency can't do something that is arbitrary or capricious, and lacking in fact, but if the Agency can articulate rational reasons, their decisions will be upheld.

Chairman Wright asked Executive Director Wiley if he can give the Commission a basis for supporting this rule.

Director Wiley explained that staff has reviewed the April Commission meeting testimony, taken a look at the jig, and the studies done, along with any new information that has come in, and concluded the body of information was there to indicate that this jig could result in a snagging situation, which is the basis for bringing this forward as a recommendation.

Chairman Wright explained the Agency has a rule currently on the books that already prohibits spearing and snagging of tarpon. He suspected it has been ineffective because it is hard to determine if it is a snatch hook, and it would be impossible to prosecute. Staff had been asked to review other states, which have adopted a similar rule, that only recently, because of a host of reasons, started prohibiting similar activity and devices that go by the name of snagging or flossing. The practice in Boca Grande consists of drifting the Pass in the aggregation of these fish, with a hook suspended on the bottom, where the line interacts with the fish in the head area, reeling the hook through the water column and eventually landing the fish. He stated it is an elegant design, which other states have outlawed. As we go forward, he hopes to keep that practice in mind, and not turn a blind eye to what other states have done. He also clarified, they do not need a rigid scientific basis, but rather a rational basis that this type of gear more often than not, results in the snagging of fish. He noted a jig versus a specific lure is a matter of where the weight and hook are. The proposal on the table would not outlaw the use everywhere of a specific type of fishing gear, it would say this particular gear used in Boca Grande Pass on tarpon as they usually inhabit the water would snag and therefore not be legal. If we are told by experts this device used in Boca Grande is likely to snag fish, we would be ignoring the very definition of the rule we have on the books. Further, he does not believe we need a scientific study, to clearly establish and beyond a reasonable doubt, this device is snagging fish. He noted that a lot of weight was brought to the scientific study when it was beneficial to many in this room and to the technique, by those who now oppose it. In addition, Dr. Motta recanted his position, and stated he believed the fish are getting snagged. Further, he presented an email from Dr. Grubich, which stated he is convinced the jigging techniques and device used in the specific environmental conditions of Boca Grande Pass result in a greater probability of snagging fish, and that fish are not intentionally performing feeding strikes. Chairman Wright noted that this evidence would make this rule hard to appeal. He felt that staff did a good job of drafting and proposing a very elegant resolution. He noted it gives meaning to the definition of snagging, which

we already prohibit, and also explained that Boca Grande is a very unique situation, and this device is only effective in that situation. The pre-spawn aggregation is very unique to Boca Grande, it is a hub for where they go out. If people were doing this in a place such as Kings Bay, when manatees were out, this would not be happening. Any device can snag, the difference is if you are fishing it in a way that might increase snagging. Lastly, he stated that he is very appreciative of the relationship with Legislature, but noted that FWC is a constitutional agency, not a legislative agency.

Commissioner Roberts commented that he felt that everyone in the room wanted to be a good steward. He has listened to both sides and it appears split. He stated however, we already have a rule against snagging in place and everyone realizes that it is not allowed. Do we need more on that definition; or are we going too far to implement something we already have in place. He emphasized that he is bothered by the harassment taking place from either side, and stated it is not something the Agency should entertain. He said there would always be people fishing differently and that does not mean that we should not give people the respect that they deserve. Further, law enforcement depends greatly on fishermen to help enforce rules, and as stewards of the resources, the Agency has to be conscious and proactive though means already in place. He felt it is a social conflict more than a fishing conflict, and though everyone should be concerned about the tarpon fishery, we should be able to work together as a group to enjoy this activity. He is concerned we may be moving too fast, and there needs to be better effort from those fishing, whether using a jig, lure, or live bait, to share our resources, our water, and respect each other; ultimately protecting the resource. Lastly, he emphasized, if we are not snagging and if we are being good stewards of the resource, he does not feel there needs to be more definition of rules already in place; we can get too restrictive.

Commissioner Bergeron thanked stakeholders and noted it is important to listen to everyone. He hoped over time both groups can get along with each other, and this community can come back together. His number one priority is the preservation of the resource. He emphasized that scientific support helps to guide the Commissioners to make good decisions. He also noted it appears that the opinions from both doctors have changed from the 2003 study. He stated he felt they need more scientific evidence in order to dictate the type of gear used to fish for tarpon. He felt it was very difficult to make the right decisions without the scientific support to the methods of fishing. Further, if we damage the resource, everyone loses, including future generations; without scientific support, it is hard to make a good decision for the resource. It also affects the economy, but due to the importance of this issue, he expressed that the Agency enter into more science to make the right decision for the benefit of the resource. If the information comes back that the jig is increasing mortality, or damaging the resource, he would support this proposed rule change, and if it came back that it is not hurting the resource or increasing mortality, then both methods should be fine. He said he felt very uncomfortable without further scientific research. He recommended that the Commission move forward to resolve this issue, and not put it on the back burner.

Chairman Wright clarified that Mr. McRae stated that the mortality rate was 22.7 percent higher and there is not money or time for another study.

Commissioner Priddy compared this to gear restrictions on hunting; she remarked that as in deer hunting, decisions are not necessarily based on science, but rather common sense and ethical hunting practices that protect the resource. No matter which decision the Commission makes, many will feel they lost today. However, they still need to address the stress on the fish. Whether it is the method used, boat traffic, or number of lines, is any of this stressing the fish so much that it is changing their breeding behavior, which could result in a decrease in population for the future. She emphasized the conflicts are not sportsmen like or professional, and not the way Florida fishing should be presented. Also, she is not convinced that if we outlaw this gear, there will be a negative impact on the economy, since decades of fishing went by before this type of gear was used. Lastly, the mortality rate information presented by Mr. McRae at the last meeting said the jig method resulted in 22.7 percent higher mortality; these figures indicate that there is a significant difference in the type of equipment being used.

Mr. McRae made a correction that the 22.7 percent is the actual mortality rate associated with jigs, which is actually 11percent higher; the 22.7 percent higher was a typo.

Commissioner Rivard thanked stakeholders for their testimony. He further stated he appreciated and respected the history and tradition of fishing in Boca Grande Pass. He understands the Commissions' job is to protect and conserve the resources, and to that end, catch-and-release will help. However, he is not convinced this rule is needed or will help to protect the resource. The best he can do is base his decision on information provided by staff, scientific studies, and public testimony and individual conversations. Two things jumped out to him from the study, first there was no statistical significant difference in the post release mortality rates. Also, foul hooking appeared to have little effect on post release mortality rates. He added, recent clarifying information from Dr. Grubich, who qualifies this as a plausible scenario, that still needs to be proven, even though he thought there may be a greater probability of snagging. Commissioner Rivard is persuaded by the study, that there is more of a probability, though it may not be intentional, and has little effect on post release mortality. He is inclined to vote "no."

Commissioner Yablonski said he was here ten years ago and it has not gotten easier. He researched what Teddy Roosevelt might have thought about this issue. He does not feel anyone is intending to foul hook a fish. He sensed that everyone here loves and appreciates the uniqueness of the resource, but said he felt decorum and respect has been breached. He noted that it matters how we fish and how we hunt sometimes, and felt we can improve methods of take with respect of traditions and the resource going forward. He commented that logic says - as long as the device is attracting or enticing the fish then it should be considered good gear. If the placement of the hook were changed by a centimeter or inch, wouldn't you still be enticing the fish and jigging would still be an appropriate form of fishing in the Pass. Lastly, he stated he has faith in American ingenuity and with a small tweak in the gear we can avoid all appearance of concern and eliminate some uncertainty.

Vice Chairman Corbett spent a lot of time on both sides of this issue and said he recognized the need to make a decision. However, if the weight on the bottom increases the statistics of snagging then he is in favor of the proposed rule. He noted this is a classic example of government and sunshine and they are struggling with this decision. He supported moving forward with the motion.

Chairman Wright clarified this is a draft rule that will be adopted in September.

Vice Chairman Corbett said the Commissioners will take time to go through this, but felt this historic fishery is not in good shape, and our goal is to improve it.

Chairman Wright noted other states in passing the rule, resolved the social issues. Once you set the rule and all are on the same footing, the social issues will sort out.

Commissioner Bergeron asked Mr. McRae to review the post release mortality numbers.

Mr. McRae responded that they looked at the post release mortality for 41 fish and the hooking style had little effect on the six hour survival rate. If you looked at the mode of fishing, five of 22 caught with jigs died and two of 19 caught with live bait died. Overall, it was only seven out of 41 that died and most deaths were due to shark attack, and overall foul hooking had little effect on post release mortality.

Commissioner Bergeron asked for clarification whether on the two experts, was it an extensive study or just a written opinion.

Mr. McRae said they advised us on the second part of the study because they needed input on hook placement observation and whether the hook was inside out, or outside in. They observed 84 fish on other boats that were doing the fishing. There were 53 jigged fish and 31 live baited fish. In the jig fish, we were seeing a lot of fish hooked outside in on the clipper and this is what we needed advice on. At the time, experts thought the outside in hooks were indicative of fish attempting to strike the lure, but later on they changed their mind. But jigs did foul hook more than live bait. Foul hooking is different than snagging, snagging speaks to the intent of the angler and the study did not evaluate the intent of the angler.

Commissioner Bergeron asked if it is considered definition of foul-hooking as long as it's in the mouth.

Mr. McRae responded at the time that was the definition the study used.

Commissioner Bergeron asked if that was our definition now.

Mr. McRae responded it is if you adopt the proposed revised definition today.

Chairman Wright spoke about his previous conversations with Mr. McRae. He said the term foul hooked is a subjective term. If the technique is such that you can have a line caught in maxima and hook in its mouth, which could be considered snagging by some people's definition. Dr. Grubich said once he understood the context of the hook being caught in the side of the mouth, he wasn't so sure they were biting at the hook and they were more likely being snagged.

Commissioner Bergeron asked what they could do in a study to have enough scientific evidence of what we are trying to do here.

Mr. McRae clarified this has more to do with angler intent. It will be difficult to fill in gaps on intent. Even with underwater video, which is equivocal, and leave some question about what is going on. He felt it had to do with the way the gear is being fished as much as the gear itself.

Chairman Wright said Oregon spoke to this point. He suggested keeping in mind this is just a restriction in Boca Grande Pass. Just as Oregon's rule applies to certain areas and inlets immediately outside the hatcheries where there were large aggregations. Additionally, one of the reasons they did this was to avoid the social conflict and likewise, in this area, if you are using a device where the weight is below the hook, then that is snagging in the Pass, not elsewhere. So, you don't have to get into the intent because there is a basis for suggesting if you use that device regularly, you will likely end up snagging a fish.

Commissioner Bergeron felt more scientific information was needed.

Vice Chairman Corbett said we have more time until September to get more information. It would take a long period of time and be highly expensive to do another study and what we are really talking about is intent.

#### Commission Action

Commissioner Corbett made a motion to approve staff's recommendation of the proposed draft rule language for Boca Grande Pass, seconded by Commissioner Priddy.

Commissioner Bergeron, Commissioner Roberts, and Commissioner Rivard opposed.

The motion passed.

#### Special Recognition

Chairman Wright introduced Chief Lisa Womack, Chief of Police for Lakeland.

#### Tarpon and Bonefish

Chairman Wright asked Carly Canion, with the Division of Marine Fisheries Management, to present the final rule for tarpon and bonefish. Ms. Canion summarized the amendments to the FWC tarpon rules, that would make tarpon and bonefish catch-and-release only in recognition of the fact that their economic and fishing value as catch-and-release fisheries greatly exceeds their value as food fisheries. The proposed rule amendments would be filed via notices of change if approved. Staff recommendation is to approve the proposed rules as advertised to:

- Make tarpon and bonefish catch-and-release-only fisheries

- Eliminate tournament exemption permit for bonefish
- Limit gear for tarpon to hook and line only
- Limit transport or shipment of tarpon to one per person
- Allow temporary possession of tarpon for photography, measurement of length and girth, and science sampling
- Allow for purchase of one tarpon tag per person per year (except charter boat captains) and use of tarpon tag only when in pursuit of an IGFA record
- Create vessel limit of one tarpon; extend tarpon regulations in to federal waters
- Approve the notices of change to eliminate reporting requirements, change the tag issue year to a calendar year, create placeholders, update tarpon tag form, and prohibit the use of a multiple hook in conjunction with live or dead natural bait to harvest or attempt to harvest bonefish and tarpon

Ms. Canion added that if approved, staff recommends making these rules effective September 1, 2013. Staff has evaluated the rules under the standards of 68-1.004, F.A.C., and found them to be in compliance. In addition, staff recommended working with the Florida Legislature in the future to modify the tarpon tag program.

### Public Comment

Captain Pat Kelly (Florida Guides Assn.) said the Florida Guides Association supports this rule, and noted that both fish are already 99 percent in the catch-and-release league by voluntary action from anglers. He also stated that The Florida Guides are partnering with FWC in the collection of genetic information for tarpon.

Bill George (Plant City) noted that there were 384 tarpon tags purchased last year that generated close to \$20,000. The new rule would change the intent but there would be no verification necessary. The IGFA offers multiple weight classes for records and it is plausible one person could go after more than one record. That same person could go after more than one fish as long as they keep switching guides. Does it limit them to only buy one for themselves; they could get more from charter captains? He expressed concern about people taking fish to shallow water for pictures. He would want to know how many fish were legally taken. It may be more beneficial to the fish to be pulled from the water to be weighed and returned.

Philip O'Bannon (Boca Grande) is fully supportive of staff recommendations. He added that we know very little about tarpon; there has never really been a stock assessment. The rules proposed today are a huge step forward in protecting this fishery.

Peter Greenan (International Federation of Fly Fishers (IFFF)) the IFFF has 13,500 members in 26 countries and all fully endorsed staff recommendations and encouraged the Commission to adopt the proposed draft rule amendment. The IFFF also endorse the establishment of the special tag that would be authorized possession for the single tarpon in an IGFA record.

Richard Hirsch (New York) supported staff recommendations. He noted that all the guides associations from the Gulf support these rules. Further, it is good for the economy and Florida's reputation as a world leading fishing designation, need these rules.

Bryan Greenberg said he supported the proposed rule.

Dennis O'Hern (Executive Director - Fishing Rights Alliance) stated he is concerned that taking away the tarpon tags and reissuing them under a different guise. Having a tag violates the catch-and-release only. Not allowing for two records a year is discriminatory. Catch-and-release only does not seem to be the true intent. He felt there were too many holes in the rules, and it needed more thought put into it.

Tom Mahoney said he felt both fish are already catch-and-release only. He agrees with the one tarpon per person. We don't use the vast majority of tags sold; he asked why the Agency wants to limit tags. He suggested allowing

the record chaser to have ability to do so. Further, he felt more regulations are not needed. He would like to be able to pull the fish out of the water to take a photo. Lastly, he said to educate, don't regulate.

Aaron Adams (Bonefish & Tarpon Trust) said he appreciated the forward thinking and felt this sets up Florida as a regional, if not international leader of conservation in tarpon and bonefish. He further talked about the annual economic impact of over \$460 million a year to the state of Florida. He also mentioned that people are using the tarpon tag to harvest tarpon for shark bait.

Ryan Hawks said on behalf of the Panhandle fly fishermen support the proposal as drafted. He also encouraged the Commission to ensure the letter of the law is kept in terms of policy of catch-and-release, and also avoidance of excessive handling of fish, including hoisting the fish to take photography, as well as prolonged possession for the purpose of winning a tournament.

Frank Smith (Florida KeysKeeper – Key West) said he supported staff recommendations of catch-and-release. Having guidelines that clearly state the rules, helps the guides treat the fish properly and get them back in the water again. He felt driving up from Key West to support this activity was important.

Captain William Benson (Lower Keys Guides Assn.) on behalf of the Lower Keys Guides Association who took a vote and said that all 77 members voted unanimously in favor of staff recommendations. Further, as a photographer he noted, new cameras make it possible to get fantastic pictures with tarpon still in the water; he felt it was much healthier for the fish.

Chris Frohlich (Save the Tarpon) said he fully supported staff recommendations. Please vote to approve this rule. He also felt adequate photo representation of fish can be taken boat side in the water. He also felt staff adequately accounted for world record chasers.

Trip Aukeman (Coastal Conservation Association-Florida) said CCA- Florida, supported the proposed rule and staff recommendations.

Joseph Mercurio (Vice President – Professional Tarpon Tournament Series) is concerned the wording for the legal definition, in the scientific collection, should be written “and or measure” as well as “and or photograph.” If not clarified it could leave the door open for not doing one or the other, and set up a legal challenge. He also does not like the idea that you can get an IGFA record. He suggested going all in, or all out, with catch-and-release. He asked if we are governing this resource for the citizens Florida or trying to set an example in hopes other states and countries will follow our lead. He would like to see more outreach to other states regarding tarpon. Also, keep in mind we are managing the resource for the citizens of Florida. Lastly, he felt folks that fish from the banks and pier also hope to catch a trophy fish, may not be able to get a good photo. Also, there many anglers out there that can't afford the Go Pros or I-phones.

Rick Roberts (Game Fish Foundation) said they are in support of staff recommendations. He felt that we do lead by example. We need to do a better job with our fishery, of tracking fish and learning where the fish are, and where they are moving. He further felt if guides and anglers would use the I-angler program, and start logging their catch we could learn a lot more.

Chris Peterson (Hells Bay Boatworks) said that he supported the proposed rule. He felt that fishing is a very important economic benefit to Florida. He also noted there needs to be better enforcement.

Frank Hommema (FishinFranks) felt that most people are not able to afford the cameras that guides have. He also felt we need a trophy catch for some of these species (just like the TrophyCatch program) to draw people to Florida for the experience. One thing to add is that the normal thing to do in Boca Grande is snap off a 100-pound test in the jaw of the fish, and leave the hook in. He asked the Commission to consider making them land the fish and get the hook out, or go back to a stainless steel hook.

Chairman Wright asked Ms. Canion to explain the logic of why 40 inches was chosen for the criteria to keep the fish in the water.

Ms. Canion explained that the 40 inch criterion to leave the fish in the water was chosen because it would be harder for anglers to get the fish out of the water and keep control of the fish without doing damage. A fish less than 40 inches is easier to handle.

### Commission Discussion

Commissioner Yablonski felt like this was the most important thing they would do today. He stated he would like to send a letter to IGFA that we approved the rule, but strongly urge them to move away from a kill based trophy methodology to a length-girth based formula to qualify for a record.

Chairman Wright asked Executive Director Wiley to prepare a letter for his review.

### Commission Action

A motion was made by Commission Yablonski to support staff recommendations, seconded by Commissioner Bergeron. The motion was unanimously approved.

### Division 68B General Provisions

Chairman Wright asked Melissa Recks, with the Marine Fisheries Division, to present the 68B Rule Cleanup and Reorganization final public hearing. Ms. Recks summarized the proposed rule amendments for the FWC Marine Fisheries Management regulations in Division 68B, Florida Administrative Code (FAC) that would create standard provisions that apply to all saltwater fishing in order to improve enforceability of the regulations and simplify the rule language, making them easier to understand. It will also clarify that the temporary possession allowance does not apply to species for which all possession is currently prohibited. In addition, the definition for Florida Waters and the Vessel Operator Responsibility rule have been removed from staff's proposal in order to consider possible alternative approaches to achieving the desired goals. She stated that staff recommended approving the proposed new rules to create a list of standardized definitions for commonly used terms and apply them consistently across all marine fisheries regulations; require non-retained marine finfish and any marine invertebrate regulated by Division 68B, FAC, be returned immediately to the water without being unnecessarily harmed; allow temporary possession of marine organisms for the purposes of determining compliance with the regulations or photography; and expanding the application of several sporadically applied provisions to all marine species. Staff also recommended the Commission approve modifying the permissible temporary possession provision to clarify that it does not apply to prohibited species; retaining the current definition for "Florida Waters" from 68B-4.0025, FAC, and moving it to the General chapter; removing the Vessel Operator Responsibility rule from the proposed General chapter; and approving staff to file the necessary Notices of Change/Withdrawal that would apply these proposed modifications to the advertised rules. If approved, staff recommended making the rules effective on September 1, 2013. Lastly, staff will continue working on defining Florida Waters and the Vessel Operator Responsibility rule as part of phase two of rule cleanup.

Commissioner Yablonski noted that the Agency is keeping the existing definition of Florida waters.

### Public Comment

Bill George commented that some of the clean-up is drastically going to be very beneficial. He reiterated that since snagging is defined in the general definitions, it is not needed again for tarpon. He felt the problem with the way Florida waters was going to be expanded, was that they would not be able to clean the fish on piers, marinas, or docks. This would have had a negative impact. He cautioned that staff be very careful when changing definitions of rules.

Dennis O'Hern (Fishing Rights Alliance) said he felt that the possession for photography on everything but prohibited species rule was confusing to the average angler.

Jerry Sansom (Organized Fishermen of Florida) addressed how the rule language of 68B 2.002, the return of marine organism to water, will apply to the standard shrimp trawl when they sort out, and dump overboard what is not kept; he thought this might be a problem depending on how it is interpreted and applied, and may be hard for shrimp trawls to comply. Also 2.008, trap placement, for purpose of enforcement he felt a one word "marked" should be in front of "navigation" should be added. There are some places where channels are not delineated. As a Brevard Commissioner of the Florida Inland Navigation District, he suggested taking out the word "in" and add "any other" take out "and" and put "or." Lastly, he suggested add after the words "State of Florida," add "Navigation District." He noted this change in wording covers all entities that are legally responsible for maintaining or marking water ways.

Ms. Recks responded that with respect to the shrimp trawls, Janie Thomas has blessed it, as long as shrimp trawls make an effort to sort their catch, there should not be a problem. She also said they can make the requested changes without any problems; they just need a floor amendment to do so.

#### Commission Action

A motion was made to approve staff recommendations with recommended changes to 68B-2.002 and 68B-2.008 by Vice Chairman Corbett, and seconded by Commissioner Priddy. The motion was approved unanimously.

#### Review and Discussion of the 2013 Snook Status Update

Chairman Wright asked Ms. Canion to present an update on snook status. Ms. Canion reviewed the 2013 status update for snook conducted by the Fish and Wildlife Research Institute (FWRI). She noted the update included data from 1986 through 2012. The most recent snook assessment was completed in 2010, with an assessment update completed in 2012. She explained that snook are targeted by recreational anglers in Florida for food and sport. She also reviewed current snook management and regulations. She further included the effects of the 2010 extreme cold temperatures with management response to the cold temperatures. Ms. Canion went over recreational catch and landing and management goals including the biological threshold, spawning potential ratio and snook spawning biomass. Based on the results of the status update, staff recommended maintaining the existing regulations for snook on the Atlantic coast. Staff also recommended allowing the Executive Order to expire, which would open the Gulf to fishing for snook on September 1, 2013, under the existing regulations. The next FWC assessment is due in 2015 if no management changes are made and consider other metrics in addition to SPR to assess population.

Chairman Wright noted they are gaining ground in the Atlantic and managing to abundance in the Gulf.

Commissioner Bergeron noted that when we addressed this last time the fishers asked us to keep it closed. He also spoke about how he had talked to fishermen who felt that snook were doing really well.

Chairman Wright noted that this is a fishery that is 90 percent catch-and-release if not better. We were conservative and it paid off. We promised that if it did work, we would come back and open it up.

Commissioner Priddy questioned why we are not concerned the Atlantic is ticking downward.

Ms. McCawley explained that we put regulations in place in 2007 and had a ten-year time horizon to get to 40 percent on both coasts, so we still have time to move upwards. On the Atlantic coast there is a different scenario and the fish were not hit as hard; whereas on the Gulf coast, the juveniles were hit harder.

Commissioner Priddy asked if they will look at this again next year.

Ms. McCawley, said that staff felt it was safe to wait till the 2015 stock assessment.

## Public Comment

Captain Pat Kelly (Florida Guides Assn.) reminded the Commission that the Florida Guides Association was formed to protect snook. He felt that they are finally doing well enough to open up the fishery again, and with the emergency rule in place, if something happens, it can be addressed quickly. He supported staff recommendations.

Philip O'Bannon (Boca Grande) stated he does not agree with staff. It is not what he is seeing in Charlotte Harbor. He commented that the 2010 freeze hit snook hard, and they need three years for reaching spawning stock. Currently he is seeing many small juvenile fish, but not seeing fish outside the slot. He stated he is concerned that the tremendous amount of fishing pressure may take the spawning stock out before they make it, and the fishery may decline. He encouraged keeping the fishery closed longer to allow the stocks to come back.

Frank Hommema (Charlotte Harbor) said he agreed with staff recommendations. He stated that there is a perception that Florida is closed to fishing and folks are going other places to fish because of the perception. He urged the Commission to open snook back up and give serious consideration to bringing it back as a game fish. Once the fish on the west coast get over 40 inches, most become reef fish.

JoEllen Morris spoke on behalf of Captain Rhet Morris, who is a full-time fishing guide in Charlotte Harbor and they would like to see snook season closed a little while longer. She noted that 16 senior captains collectively feel that opening the snook season is premature and will undo the good that has been done since the 2010 closure. She noted that they have seen a small but definite increase in the snook population of Charlotte Harbor. Lastly, she commented that they are looking to the future and the longevity of keeping this species around.

Bryan Greenberg – yielded his time to Nigel Morris.

Nigel Morris on behalf of Captain Rhett Morris, he passed out fish per trip records from Captain Morris to the Commissioners and said they believed despite the biologist findings, the Gulf coast snook fishery should remain closed until the stock builds further. He further felt that it now appears the slot size snook numbers have started to recover, which indicates that the closure is having a beneficial effect. He urged the Commissioners to keep the snook season closed a little while longer.

Greg Whaley (Punta Gorda) stated the snook population had decreased after the 2010 freeze. However, felt they have recovered and he has caught more than ever in the harbor; he has caught snook from six inches up to 48 inches long. He supported staff recommendations.

Rick Roberts (Snook and Game Fish Foundation) stated the organization was founded because of snook. He agreed that staff numbers presented are good and the SPR is adequate. The destruction of habitat is their one fear and an unknown. We have lost 58 percent of our spawning habitat for snook and it is going fast. There have been 1,000 fishing trips recorded through the I-angler program indicated .8 fish are being caught per fishing trip. Snook are going through the slot in a year and a half now and he did not feel they are in trouble.

Tom Mahoney said there are plenty of fish out there. Most anglers have turned to a catch-and-release mentality. He urged the Commissioners to open the fishery back up.

Norman Duncan (FlyLife Magazine) agreed with staff recommendations. He noted that snooks access to deepwater is very important for survival from events like the cold snap. Lastly, he showed the Commissioners a rig that snagged snook. He would like to preserve our resources.

Mike Maher said he agreed that existing regulations should be kept for the Atlantic side. There is a large abundance of oversized fish. He would like the slot upper limit on Atlantic moved up to 34 inches.

Ted Forsgren (CCA – Florida) on behalf of CCA applauded the action the Commission took after the 2010 freeze of shutting down the fishery and monitoring it closely. The anglers and fish have benefited. He said they supported the Commission.

Greggory Simmons said the Atlantic fishery is strong. With an abundance of big fish, he recommended staff increasing the slot to 34 inches on the Atlantic coast. He agreed with opening up the Gulf.

Eric Botnick (Manufacturer of Mirror Lures) fish are not back to same standards that they were five years ago. He encouraged the Commission to keep the snook fishery closed for another year; although they are back to some degree, they are not yet ready to harvest. He suggested listening to the fishermen and respect what they are seeing.

Chris Frohlich (Charter Captain) asked staff if from the 2010 study, the effects won't be fully realized for five years from the freeze. He asked is the next stock assessment was already on an agenda.

Bryon Maharrey (Everglades Coordinating Council (EEC)) supported staff recommendations. We have an abundance of snook and there will be a positive impact on the economy on the west coast when opening the fishery back up.

Commissioner Priddy asked Ms. McCawley to address if increasing the slot limit on the Atlantic side is reasonable.

Ms. McCawley responded she reviewed the information used to set the goal, and one more inch means the chance of getting the desired goal is only 25percent and makes a big difference. She suggested the Commissioners wait till 2015 to change the slot. Moving it up by an inch does make a big difference.

Chairman Wright said our caution looks like it has paid off. Stock has done well and he recommended opening it back up. It is a 90 percent catch and release fishery anyway.

Commissioner Bergeron agreed the Commission's conservative approach helped to gain a lot. He asked if we got comments from Everglades National Park.

Chairman Wright responded they had commented and were in support of staff recommendations.

A motion was made by Commissioner Bergeron to approved staff recommendations, and seconded by Commissioner Roberts. The motion passed unanimously.

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

Chairman Wright asked Ms. McCawley to present a review of Gulf Council issues. Ms. McCawley reviewed issues that were discussed at the Gulf of Mexico Fishery Management Council's April 15-18, 2013, meeting in Gulfport, MS, and issues that will be discussed at the Council's June 17-21 meeting in Pensacola. They included NOAA denying emergency action which would have removed the requirement for federally-permitted for-hire vessels to follow federal reef fish rules regardless of where they are fishing. The Council voted to remove the requirement, which NOAA Fisheries subsequently denied. Also, an emergency rule implemented by NOAA Fisheries was overturned in U.S. District Court. The rule would have allowed NOAA Fisheries to shorten the federal recreational red snapper season off states with inconsistent red snapper regulations. With this rule no longer in effect, the federal red snapper season for the whole Gulf of Mexico was set at 28 days. Also to be discussed at the Council meeting was the 2013 red snapper stock assessment. Ms. McCawley explained that based on the results of the stock assessment, the Council will consider increasing the quota for 2013 and possibly allow for a supplemental season later this year. The Council would also discuss ways to stabilize the recreational season for red snapper in the Gulf. One method is the reallocation of quota from the commercial sector to the recreational sector. Another popular management option is regional management. The Council recently sent a letter to the Commission requesting Florida's willingness to accept delegation and assume certain management

responsibilities. Should regional management move forward, Florida would have to set its season length and regulations so that Florida's quota is not exceeded? Another option the Council is looking into, to help stabilize the recreation red snapper season, is inter-sector trading. This option would allow the sale or lease of commercial IFQ shares to the recreational sector. Ms. McCawley also informed the Commission that NOAA Fisheries will update the Council on research methods and information on red drum in federal waters at the June Council meeting. Ms. McCawley added that staff requested direction on reallocating red snapper between the recreational and commercial sectors. Reallocating quota to the recreational sector could help stabilize or lengthen the federal season in the Gulf of Mexico. Staff also requested direction on regional management and the Commission's willingness to accept delegation of recreational red snapper management in the Gulf of Mexico. Specifically, staff requested direction on the FWC's willingness and ability to 1) prohibit recreational landings from state and federal waters off Florida when Florida's quota is expected to be reached, 2) calculate the projected season length, and 3) monitor recreational landings so that harvest can be closed when the state quota is met. Staff will respond to the Council's letter regarding regional management based on Commission direction. Lastly, Ms. McCawley noted the next Council meeting will be held in Pensacola, FL, the week of June 17-21. The following Council meeting will be in San Antonio, TX, the week of August 26-30.

### Public Comment

Dennis O'Hern (Fishing Rights Alliance (FRA)) said there are serious data collection problems, and the universal angler registration program is confusing and still not fully implemented. He will pass out a data collection sheet that is based on universal angler registration and random surveys. He also felt the I-snap program does not help the stock assessment, and the electronic logbook is biased since it is not random data. He stated that red snapper quota for 2013 is almost double what the quota was last year, and that red snapper quotas should have never been cut back from a six month season, and the cost and loss of jobs has been large. He stated that he has concerns with regional management and Florida locking them into 38 percent of the overall quota when the last few years have been good for Florida. He also opposed inter-sector trading.

Jerry Sansom (Organized Fishermen of Florida (OFF)) commented that Pensacola was historically important to the red snapper fishery. He told the Commission that OFF is not in support of reallocation of red snapper from the commercial to the recreational sector. He noted that red snapper is an extremely important fish to the consuming public and the commercial fishing industry. The goal should be to accelerate recovery of red snapper. Lastly, he suggested making the new hatchery in Pensacola for red snapper, also, put an upper size limit on the harvest, because the bigger they are, the more productive they are.

Bob Gill (Crystal River) commenting on red snapper said the allowable biological catch of 13.5 million pounds has some issues, and catch levels go down in 2014 and further in 2015. He favored a constant catch level scenario of around 11 million pounds for 2013, 2014, and 2015, and urged Commissioners to direct staff to push for that at the Gulf Council meeting. He stated that he would be cautious about any reallocation of quota from the commercial sector to the recreational sector. Reallocating would not improve the recreational season more than a few days, and even that would require a substantial amount of reallocation and not fix the problem of the short recreational season.

Chairman Wright asked him to clarify his comments regarding reallocation.

Mr. Gill responded that a sizable shift to the recreational sector cannot be justified economically or solve the short recreational fishing season. In order to fix the short recreational season, we need to change the management paradigm.

T.J. Marshall discussed two issues; the red snapper catch limit, and a response to the regional management letter. He noted that Florida and Texas are the only states that have not responded to the regional management letter on red snapper. He also said the red snapper season being 28 days is thanks to MRIP, which added seven days to the season because they are getting better with data refinement and precision. He felt the big issue was red snapper catch limit and folks in other states are very concerned that we give this big increase now, knowing we will have

to go down next year will create unsettling feelings among constituents. He stated that red snapper has 50 year life span and that we are not seeing juveniles coming into the fishery and we don't know why. The absence of strong year classes moving through the fishery causes the step down acceptable biological catches for 2014 and 2015. He suggested that evening out the quotas for the next three years creates more stability in the fishery. In addition, he suggested with the regional management letter response, the Commissioners can get rid of 30B to help federally permitted for-hire fishermen, and suggested the Commission manage quota as it sees fit, but be a good partner to the Gulf Council and the other Gulf states.

Trip Aukeman (Coastal Conservation Association of Florida (CCA)) noted that more days are always better for the recreational sector. He stated that CCA believes the additional increase in red snapper should be allocated to the recreational sector. With this method, no existed quota would be reallocated from the commercial sector to the recreational sector. As the annual catch levels grow, CCA would propose that the increases in catch to go to the recreational sector. CCA favored the "constant catch" scenario described by Bob Gill and proposed catch levels of 12 million pounds over each of the next three years. They are supportive of regional management if constructed correctly. CCA would not like to see anything open in Gulf federal waters for red drum.

### Commission Discussion

Chairman Wright noted staff needed direction.

Red drum - the Commission opposed opening up a federal waters season. Florida needs to protect the brood stock of red drum to protect the important state waters fishery.

Regional Management – Chairman Wright noted that staff wanted to wait to send the delegation of authority letter until getting direction from the Commission so that we could provide a firm answer to the Gulf Council and not have the need to come back to the Commission at a later date. Ms. McCawley noted that regional management only applies to the recreational sector. We would only get a specific quota given to Florida by the Gulf Council. Since the population is increasing and expanding more into Florida, we would want a higher percentage as time goes by. Under regional management, we would gain flexibility in certain aspects of the fishery and get to manage in both state and federal waters.

Director Wiley said to be careful and cautious as the Commission would have to make calls on difficult decisions within the quota allocated to Florida using tools such as bag limits, size limits, and seasons. The 38 percent share of the overall quota is still just an option, but the concern is the red snapper fishery is expanding in Florida and how do we deal with that.

Ms. McCawley clarified the fishery has been expanding towards Florida. They are seeing snapper in places they have not seen in decades. They would look at the regional management quota percentage split for each state, no greater than every three year time period. There are options in regional management for when to readdress the quota allocations. They expect the percentage given to Florida to go up when looked at again. She also noted Alabama, Texas and Louisiana letters are in support of regional management.

Director Wiley noted the other states feel that now is the time to do something different. They are seeing legislation filed on this and right now the course to take action on is working through the Council, or stay with old system.

Commission Rivard asked about having the resources needed to take on regional management in Florida.

Ms. McCawley stated that we would continue to use MRIP numbers and the same type models that NOAA is using but hope in the future we can add additional surveys or permits and increase data collection and they feel confident they can track quota and estimate the season.

Director Wiley said it would be a work in progress; and they feel there is consensus in the fishing community about ways to beef up data collection. Some states have improved data collection systems in place now like Louisiana. Also, we are looking closely at finding funding sources to pay for additional sampling, and also keep federal support and funding.

Commissioner Priddy asked how long we are locked into the regional management quota percentage splits and if there is no consensus.

Ms. McCawley responded they are hoping to readdress the percentage every year, or at a maximum of three years. State allocation percentages are currently based off of historical landings.

After discussion, Ms. McCawley noted approving regional management would require a 75 percent vote by all the voting Council members to move it forward.

Director Wiley requested guidance from the Commission on the key things that need to be said in the letter.

Chairman Wright noted points to cover in the letter are that we agree with the allocation with attention to the fact that the fishery is headed our way. He noted that frequent reassessment of the stock heading to Florida waters is needed, as well as continuing to look at opportunities for data collection. Further, he stated the Commission will agree to prohibit landings when the quota is expected to be reached.

Chairman Wright noted that direction for Ms. Bademan at the Council meeting next week will be to strike for an average constant catch scenario over the next three years so that we don't have to deal with over allocation in the future.

Commissioner Roberts asked if there would be direction given for allocation between commercial and recreational. It is 51/49 now, and he felt we should strive for 50/50 for each group. He also thought an average of 11 million total for each of the next three years is under what the three year estimates are; we can always go up, but it is an increase from where we are now, and may give some stability.

Director Wiley suggested looking at the movement of quota towards the recreational sector.

Commissioner Roberts suggested going 50/50 straight across the board for allocation over the next three years. Ms. McCawley said it will go out for public comment and they will be back with more information.

Commissioner Yablonski requested that the conversation be allowed to go forward on the intersectional trading.

Commissioner Roberts suggested that we not put ourselves in the position of doing the trading for commercial advantage and not be able to provide to the recreational anglers the ability to have adequate supply to the public.

Commissioner Rivard noted that there are a lot of issues, but agreed that if the commercial allocation is large enough they will just sell it to the recreational. However, if the commercial sector is selling their quota, then maybe the quota should just be given to the recreational sector which needs it. He would like to move it forward in favor of conversation.

Director Wiley asked for a designated Commissioner if we need help on federal issues.

Commissioner Roberts nominated Commissioner Rivard for this position.

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

Byron Maharrey (Everglades Coordinating Council (ECC)) noted that he spoke with Director Wiley to work towards not letting lionfish be landed alive. He also urged the Commission to not let political or big business

pressure the decision regarding the importation of cervides. He has supplied Ms. Eggeman with a position letter from ECC on this. Lastly, they would like to continue to be involved in the Big Cypress Stairsteps Unit and supported the proposed rule to keep it closed for this year.

Todd Hallman (Florida Sportsman Conservation Committee) noted that he testified to a House Sub-Committee, in an attempt to get \$50 million allocated to the Headwaters and to another conservation fund, along with 30 others.

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

Chairman Wright recessed the meeting at 7:00 p.m., to reconvene at 8:30 a.m., Thursday, June 13.

#### Thursday, June 13, Reconvene

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

Chairman Wright recognized and introduced, former Senator Rick Dantzler, and thanked him for all he has done for the Agency, State of Florida, and wildlife.

#### High School State Champion Fishing Team and Youth Angler

Chairman Wright asked Tom Champeau, Director, Freshwater Fisheries Management Division, to introduce recently crowned Florida State Champions of the Student Angler Federation, and a youth angler. Mr. Champeau announced the FWC is honored and proud to recognize Kaitlyn Boswell, and Cole Schmucker from the Bartow High School fishing team. Mr. Champeau talked about the fishing program and the Student Angler Federation that was started by The Bass Federation with support from sponsors. The Commissioners congratulated both champions, and noted they are a role model for other youth, and the next generation that cares. They were presented with plaques and a photo was taken with the Commissioners.

Mr. Champeau continued on to introduce Louie Echols as Florida's Youngest Elite and Trophy Catch Angler, who has been the poster child for Bass Pro Shops website, among many other publications, and is currently on the cover of the FWC 2013 fishing regulations.

Louie Echols was presented with a plaque and a picture was taken with the Commissioners.

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

Chairman Wright asked Bill Cline, with the Hunter Safety Program, to introduce the 2012 Youth Hunting Program Landowner of the Year Award. Mr. Cline introduced this year's recipient, Mr. Alto L. Adams, Jr. He noted Mr. Adams is one of the most respected cattlemen in the country and is honored as the Patriarch of Florida Ranch owners, and talked about his numerous awards and achievements for his work.

Mr. Adams spoke a few words. The Commissioners recognized and thanked him for his contributions as a ranch owner to conservation. A plaque was presented and a photo was taken with the Commissioners.

#### Hunter Safety Instructor of the Year

Mr. Cline continued with an introduction of the 2012 Hunter Safety Instructor of the Year, Bruce Antognoni. He talked about how that the Agency cherishes and honors volunteers, and noted that Mr. Antognoni has been volunteering for over 40 years with the program. Mr. Cline reviewed his many accomplishments and tireless efforts, which was the reason he was chosen for this year's award. He also thanked his son, John Elliott, and wife, Donna for being present.

Mr. Antognoni thanked everyone and said it was his honor to serve. A photo was taken with the Commissioners.

### **Special Recognition**

Director Wiley recognized Dr. James Perran Ross, a facilitator, teacher and mentor, who is retiring. He noted that since 2004, Dr. Ross has been a key to the Agency's partnership with the Department of Wildlife Ecology and Conservation at the University of Florida. Further, Dr. Ross has been instrumental in helping to develop a program to build FWC staff capacity to successfully facilitate increasingly complex fish and wildlife resources meetings. As a result of this initiative, FWC currently has 50 trained facilitators that have productive facilitation skills. In addition to this, Dr. Ross is also recognized nationally and internationally as a crocodylian expert.

Dr. Ross thanked the Commissioners, his friends and colleagues, and said he is honored and privileged to be part of the FWC family. He was presented with a plaque and a photo was taken with the Commissioners.

### **Retiree Recognition**

Nick Wiley continued with recognition of FWC's Assistant Executive Director, Gregory L. Holder. He noted that after graduating from Mississippi State University with B.S. in Forestry Resources Management and an M.S. degree in Wildlife Ecology, Mr. Holder began his career in 1980 as a biological scientist in the Division of Wildlife, in Lakeland. He was promoted to Coordinator for the state's new Surface Water Improvement and Management Program, then to Regional Wildlife Biologist in the South Region, and again to Regional Director in the Southwest Region. Currently, he serves as the Assistant Executive Director. He noted that Mr. Holder's leadership qualities were critical in leading the Agency through challenges, particularly during the reorganization in 1999 when a constitutional amendment and the Florida Legislature expanded the Game and Fresh Water Fish Commission, and it became known as the Florida Fish and Wildlife Conservation Commission. He played a key role in the merger and ensured the Agency came out functioning still as an FWC family. Director Wiley added that Mr. Holder led by example, and influences by working behind the scenes; he is a mentor for many staff members and he a great listener. Among his many achievements, two notable landmark achievements were the Gopher Tortoise Management Program, and the Imperiled Species Management System. Greg was joined by his wife Melinda Holder.

Vice Chairman Corbett, Chairman Wright, and the other Commissioners thanked him for his leadership, and all he has done for the Agency.

Mr. Holder said he was proud to have his wife Melinda here with him today. He talk about the four things he felt that contributed to the success of the Agency, the employees, the people served, the Commissioners, and finally, the support of the families of the folks that work in the Agency, or volunteer their time. He added the success he has enjoyed is largely due to the employees of the Agency, the stakeholders, and the Commissioners. He thanked Melinda for her support. A photo was taken with the Commissioners.

### **Other Recognitions**

Commissioner Bergeron talked about the signing of a bill by the Governor for \$880 million to fund the restoration of the Florida Everglades. He also thanked the Senators and State Representatives for their leadership and support. He added this funding will help the Agency move forward with a partnership with the federal government to save the Everglades for future generations to come.

### **8A-4.0051 Importation of Deer, Elk and Other Wildlife Species in the Family of Cervidae**

Chairman Wright asked Diane Eggeman, Director of Hunting and Game Management, to introduce Dr. John Fischer, DVM, who gave a brief overview of Chronic Wasting Disease (CWD), and how it is transmitted. He explained that it was first observed in North American in 1967, recognized as a TSE (Scrapie of sheep) in 1978, and affects Cervidae, (members of the deer family). He further explained that CWD sheds into the environment and persists like Scrapie, infecting clean animals placed in paddocks or pastures. Dr. Fischer also noted that

CWD is always fatal and there is no proven eradication method after it is established; prevention is the only truly effective strategy for managing CWD in wildlife, and currently there is no viable live animal test. CWD has been spreading in North America since the 1980's into other wildlife, and captive deer and elk. It has now spread into 22 states and two provinces. He quoted the Center for Disease Control (CDC) saying there is no strong evidence CWD is transmissible to humans, but avoidance to exposure is recommended.

Commissioner Yablonski asked how the disease spreads to free-ranging populations in New Mexico and Texas.

Dr. Fischer responded it is unknown how the disease showed up in those locations.

Dr. Fischer went on to explain that decomposed carcasses of deer that died of CWD were a source of the disease in clean animals, that Florida and many other states prohibit importing anything other than boned-out meat, antlers, etc. from states with CWD. Further, it is not found in non-cervid species and there is no documentation of CWD spreading via scavengers or carnivores; though crows show the disease agent remains after going through the GI tract. The source of CWD is unknown in some captive and wild herds. He also explained that the movement of live animals is the most frequently documented method for spreading CWD. Further, he noted that as of fiscal year 2012 there is no more USDA funding; costs must be covered by states and producers. He also discussed CWD costs to CWD positive states, and then discussed the USDA CWD Rule as of 2012; a voluntary program that will monitor herds for five years with testing of all deaths over one year old, to be certified as low risk. Further, there is no "certified CWD-free" status. CWD was found in some herds that have been monitored for more than nine years.

Vice Chairman Corbett questioned where the money is spent.

Dr. Fischer responded there is cost for CWD testing, decontamination of facilities, also cost incurred to state fish and wildlife agencies to test wildlife around the facilities; the costs can also fall on herd owners.

Vice Chairman Corbett asked why it is so difficult to track the gene. Is it a recessive gene?

Dr. Fischer responded the disease can be tracked when an animal is moved from one herd to another. All are susceptible, though some take longer to express the disease. The disease has a very long incubation period of up to three or four years and many animals can look perfectly normal, and shed the disease as they walk around.

Commissioner Yablonski asked about the theory in Iowa, where the herd had been monitored for nine years before the first positive animal was found.

Dr. Fischer said it was an unknown.

Commissioner Bergeron asked if there was a test that could determine if the disease exits prior to transporting.

Dr. Fischer responded there is not a viable live animal test right now; you have to base the herd status on the five years of past testing the herd mates that have died.

Commissioner Bergeron asked if there was any evidence it can be transmitted from moose, elk or deer to coyote, or cattle.

Dr. Fischer responded no, as far as they know it is just members of the deer family. He further confirmed that the disease can be picked up by other deer from the soil; the disease agent persists in the environment for long periods of time.

Commissioner Rivard asked if there are prospects of other experimental tests on live animal being developed.

Dr. Fischer responded that depending on the gene, species, and stage of infection, you stand the chance of missing a certain percentage of infected animals; the sensitivity rate is highly variable, and you want a high sensitivity rate so you don't get false positives.

Director Wiley asked if there are any prospects of these tests being refined or improved.

Dr. Fischer responded it is continuously under development, but what people want is a blood test for the disease. He added he is guarded, because if there were an easy way to come up with a blood test, the application would be happening in cattle with Mad Cow.

He continued discussing the cost to an Iowa breeding facility that had been monitored for more than nine years. There are 500 animals quarantined and the owner is paying \$180,000 per year in feed costs to keep them alive. He also discussed a herd in Pennsylvania that was monitored for more than nine years and had animals quarantined due to live animal movement.

Commissioner Bergeron asked is there danger in people eating diseased meat from an animal. Also, will it affect our deer herd?

Dr. Fischer replied that if this disease got into wild deer herds in Florida, the disease will spread overtime in the absence of management. In addition, the CDC and world health organization recommend against eating diseased meat, though they have not found any spread into humans. He noted there have been some highly publicized cases of hunters expressing neurological symptoms, though there has been no evidence of transmissibility so far.

Cory Morea, Deer Management Program Coordinator with the Division of Hunting and Game Management, continued the presentation by reviewing an FWC proposal to prohibit the importation of live cervids (deer, elk and other members of the family Cervidae) with an exception that zoos could continue to move cervids by FWC permit. The primary purpose is to reduce the risk of CWD from entering Florida. A prohibition on the importation of cervids could also help minimize the introduction of new strains of other diseases that affect native and captive deer such as epizootic hemorrhagic disease or blue tongue. He also discussed the current FWC rules that do not allow whole carcasses to be brought in from CWD positive states or provinces. In addition, live cervids may not be imported into Florida unless they come from a captive facility verified by the Florida Department of Agriculture and Consumer Services (FDACS) where no CWD-positive animals have been found for five years. Next, Mr. Morea went on to explain the current CWD surveillance in Florida that included hunter-killed and road-killed deer, and passive surveillance; after testing of 6,999 deer, no deer have tested positive. He further emphasized plans to continue with the testing of 600-700 free-ranging deer per year. Next, Mr. Morea discussed the deer farming industry with approximately 303 game farms and 93 hunting preserves in Florida that possess live cervids, adding the captive cervid industry will be the group most directly affected by a ban on importation. He continued with a discussion on importation data for Florida, explaining what the risk is to Florida's wild deer herd and the economic benefit from deer hunting and viewing opportunities. He then outlined the steps a CWD-positive deer found in Florida would likely trigger. Mr. Morea pointed out what states have importation bans, and then summarized the input and feedback staff has received. He continued with a summary that CWD is an always fatal, brain degeneration illness occurring only in cervids, is spread from animal to animal, and once in the environment other deer can become infected from the prions that remain in the soil. Also, the spread of the disease has happened even where they had a permit program controlling importation. If introduced, CWD would have significant consequences for the captive deer industry and wild deer populations; CWD has not been detected in Florida, and the best prevention is to cease importation of live cervids. Lastly, Mr. Morea noted that staff is requesting Commission approval to advertise the proposed amendments to 68B-4.0051 and file for adoption as soon as possible.

#### Public Comment

Hillary Webb (Aide to Senator Grimsley – District 21) suggested delaying the vote and hold stakeholder meetings to make informed decision.

Phil Leary (Florida Deer Association) asked what assurance from the USDA regulations is there to prevent CWD from being brought into the state. He noted that Dr. Holt responded that the only solution was to close the borders. Mr. Leary went on to say the facts are overwhelming and the cost would be insurmountable. He strongly supported moving forward with adoption of the rule.

Dr. Larry Killmar (Florida Association of Zoos and Aquariums) said they strongly supported the bill as it is written; with 16 accredited facilities, they have a lot at stake.

Donny Young (President - Florida Deer Association) noted they supported the rule because when CWD shows up, the land will be condemned. It is not an economic benefit to just one person, it is for everyone and will protect Florida's environment. Disease spreads quickly through our tropical climate. He felt the real burden of the cost will be to deer farmers, preserve owners, and ultimately the Florida taxpayers. He urged the Commissioners to look at the big picture, and keep the borders closed to this fatal disease.

Joe McNeil, a hunter and sportsman, urged the Commissioners to close the borders to protect sportsmen and youth.

Mike Vizcaino pointed out that some of the largest supporters of this rule are big importers of white-tailed deer in the state, and have herds populated by imported deer. This is not about disease.

Larry Collins said he owns three game ranches in Florida, and stated that closing the borders would drastically affect his employees. He could not import shooters for a short time last year and shooters support his feed bill for the other deer he raises. Further, he felt that closing the borders was not the answer to stopping CWD because it might still get in, as it did in Texas, and that the current monitoring system works. He noted border closure last year right before hunting season, which is why it was so low. He contacted 14 large farms to try and obtain shooting stock, and was told there were none. Lastly he noted that he has over 2,000 hunters to his ranch every year and there is a shortage of deer.

Danny Lewis said he raises white-tail deer and started a trophy white-tailed breeding and hunting operation that is very successful. He is opposed to closing the borders, because he felt the USDA regulations which require a five year monitoring program that requires every death to be examined for the disease is sufficient. He noted other tools for monitoring include DNA tracing. Lastly, he stated that closing the borders will not affect him; though it is a matter of principle and he would like the same opportunity for future generations

Mike Blanton (American Disability Adventures) said ADA is an organization that provides opportunities for disabled folks to recreate. He has seen problems from other species and encouraged the Commissioners to close the borders.

Dr. Laurie Cook commented she is a practicing veterinarian in the State of Florida. She is also a cervid consultant, hunter, and deer farmer. As a scientist and veterinarian she wonders why fear is being instilled in the public that this disease is definitely going to become an endemic disease, which will wipe out our wildlife population of deer, and affect farming deer, and other cervids. She noted that CWD is an infectious protein, called a prion, which gets into the central nervous system of the animal, and therefore is not highly infectious. After the testing they've done on herds with the disease, the numbers that have actually shown positive has been less than one percent. They don't know everything about it, and that's what research is working on. However, they know it is the same family as Mad Cow. Dr. Cook added the prion can sit in the animal for three to five years and show no evidence or manifestation of the disease, and even when an animal does test positive, it may not have had any external signs. The concern is the soil, and how it is being shed; and is transmission through other means, animals or trucks bringing it in. She agreed that it is hard to diagnose and persisted for a long time in the environment; after it gets in the soil, we can't destroy it because it's a non-living protein. She felt we need to look at the whole picture, and not put fear into the public; educate the public and co-exist with the disease like we do with all the other parasites, bacteria and diseases out there. They are working on a vaccine and on a better

live animal test, but she said she is not convinced they need to close the borders, but need more research. She urged the Commissioners to make a decision based on science, and keep the borders open.

Shawn Schafer (Executive Director, North American Deer Farmers Association) noted he is also one of the Directors of the U.S. Animal Health Association and serves on the working group with the USDA, CWD program standards. He noted this disease was first identified in a research facility in 1967, with animals that were captured from the wild. They are not sure where it came from, but there is a good possibility it may have crossed over from sheep. He explained that that Dr. Mike Miller noted we may be just getting better at looking for it. We are the canary in the coal mine. He felt that testing only 600 across the entire state a year may not be enough to find it. The mule deer population is declining all across the west. Most deer in Florida die from cars, hunting and predators. He noted that many of the closed states in some cases don't have industries. Lastly, he asked if there is a check station checking every vehicle coming across the border; he felt this should be looked at, because environmental contamination is real.

Brian Murphy (CEO - Quality Deer Management Association) commented that their simple mission is to protect wild deer, habitat, and the hunting heritage. There are over one million acres of land represented by 50,000 members of his association; also Plum Creek Timber Company joins them in supporting the staff position. He pointed out deer can also carry other diseases than can affect cattle. He stressed there is no such thing as a CWD free facility, because there is no live animal test, and it is not possible to test 100 percent of the animals. They only test animals 12 months or older that die, and this is done voluntarily. In his opinion a CWD free designation could be achieved if no animals die after five years and no animals are even tested. He further noted that they are shipping shooter bucks at the most susceptible age without testing. He emphasized that there is a cost benefit analysis. He asked if it is worth spending the Agency's limited budget, or the risk to Florida's hunters and heritage to continue to support imports. Is it fair to land-owners and hunters whose properties get devalued immediately, and will also impact land owners surrounding the infected facilities? Or, is it fair to future Floridians? He urged the Commissioners to do everything reasonably possible and right, to protect Florida's deer herds and hunters for the future, before a crisis occurs. This decision today would allow one of the largest contiguous blocks of country that would be closed to importation.

Katie Macfall (Humane Society of the United States) stated on behalf of HSUS, she strongly urged the Commissioners to support staff recommendation; this proposal is a great step in the right direction. The economic impact of CWD on this state could be astounding, and will also threaten associated industries like wildlife watching. The risks these facilities propose to the health and stability of Florida's deer is far too high to ignore.

Maurice Cayon said as a land-owner and business owner, everyone that has invested in deer and land management has a lot to lose. He is against closing the border, but urged the Commissioners to do more research and come back with a solution beneficial to both sides.

Don Wainwright said he felt the Commissioners were misled with wrong information. He also stated he imports more deer than anyone in the state and he had a lot of hunters he could not supply last year because of closure on November 10. He asked if it is not safe to bring deer in from a certified CWD free herd, why is it safe to transmit deer amongst the state deer breeders. He felt this is not about disease, and said he would like to look at options. Because we don't test, we really don't know if it is here. He asked if semen could transmit the disease.

Dennis Dutcher (President, United Waterfowlers of Florida, Inc.) commented that they agreed with staff proposal; it is good to be proactive and out ahead of this problem. This may be a last ditch effort, but we can stop importation now and at least close off that possible source of disease transmission. If we do not stop importation now, we will pay for generations. He noted to look around at problems caused by other invasive species. Also, the isolated population of deer in the Keys could be negatively affected and should be considered. He felt this is about short term economic gain, as opposed to the long term health of our native population of white-tails. It will be a long process; other states that have it, wish they did not have to deal with it.

Chris Winsey (President, of Southeast Trophy Deer Association) said they are not in support of staff recommendations; he would like to see other solutions.

Todd Hallman (Florida Sportsman's Conservation Association) said they would like to see something done within the state to get ahead of this. They supported staff recommendation to close the borders, and hopefully they will come up with something.

Christopher Jones, (PhD Economist - University of South Florida) noted he has not heard the short term and long term pros and cons to deer farmers, but at the end of the day it is law of supply and demand. When you eliminate the suppliers the price in the short run will go up and consumers loose. He suggested further economic studies be implemented.

Jack Flowers, a deer farmer in North Florida said the USDA did a long study and implemented a plan called the Animal Protection Act to address CWD to help guard against CWD. What he has learned is that we do have CWD, and that it does kill cervids. He felt there should be an opportunity to study and discuss these proposals further. He does not want CWD in his herd, but would like to find common ground for all concerned. He urged the Commissioners to do more research, delay this decision and come up with a workable solution.

Chad Easley is a new deer farmer, and said many are finding out about this ban late, and more folks will oppose it. They do not want CWD and are doing everything they can to deter it.

Vice Chairman Corbett asked what they are doing to keep CWD away.

Mr. Easley replied that they buy strictly from monitored herds and follow the restrictions imposed by USDA at this time. Further they are doing all the self monitoring possible. He does not believe the exact transmission method is solidly understood, and to close the border will have a significant economic impact. They want to eradicate the disease, but fully support keeping the borders open.

Charly Seale (Whitetails of Wisconsin) commented that he sits on the same working group as the doctors present. He noted that Texas is a closed border, and in spite all their best efforts, they came down with CWD in an area with no farms nearby. He added the infection rate is 30 percent in wild cervids. He also opined CWD cannot be prevented, but the risk can be minimized. Mr. Seale further explained it was found in the captive industry first, because they are required to test 100 percent of deaths, and only test less than one percent in the wild. He noted that the USDA recognizes that CWD will never be eradicated but can be controlled, with the protocols already in place. He suggested that closing the borders to prevent the disease is not needed. Further, rely on the best science to minimize risk, work with producers, and come up with a solution to keep them in business.

Laurie Seale, said she has raised white-tailed deer in Wisconsin for more than 24 years. Since 2002, 100 percent of all deer that died or were killed have been tested; over 37,000 animals in our herd alone. Because of farms like theirs, Florida is probably 99 percent guaranteed of CWD free deer. She noted that after 11 years after CWD was found, the core zone in Wisconsin had an infected rate of only 10 percent. A final report by a veterinarian stated the actual deer herd had increased in many areas, and the reduced population goals have not been met. She also discussed an Iowa herd that was closed for 10 years, and suddenly had a positive test result. She said that closing borders will not prevent CWD. Also, that heavily infected herds can exist with the deer are not showing any signs; it is not a devastating deer disease and the public will come to learn it is a disease we can learn to live with, like they have done in Wisconsin. She felt the best thing Florida can do is to allow importation from farms like hers that is guaranteed CWD free.

Lyle McCandles (President, Big Cypress Sportsman's Alliance) said he did not have a financial or political interest in this issue, but felt that due to a lack of facts, the state cannot afford to gamble on this and urged the Commission to close the borders.

Manley Fuller (Wildlife Federation of Florida) said they strongly supported staff recommendation. He said CWD is a very bad disease and we may only be seeing the tip of the iceberg. He noted that ten years ago scientist held a conference in Colorado and said human movement of deer was a vector for the disease, and looking at a map today, you can see how human movement has caused it to spread. He felt the probability of the infection coming to Florida could be reduced by closing this possible means. Their interest is to secure the health of the wild deer population. Lastly, he noted that they support what was recommended, and a number of large land-owners in the state also support the rule, such as Deseret, Plum Creek, and the Lykes Brothers.

### Commission Discussion

Commissioner Priddy asked Mr. Morea to talk about the border closing in 2012, and the number of deer that were imported versus previous years when the border was not closed.

Mr. Morea responded that the Pennsylvania's captive deer herd infection caused a halt on importations to Florida and many other states until all the tracing could be done. Also, the high year for importation was in 2009 with over 700 imported. Since then the numbers have gone down, and 2012 was a lower year than the previous two years, and what we are on track to import this year.

Commissioner Priddy said she looked at this as an opportunity to be proactive rather than respond in crisis. She does not want additional government interference, and has a healthy deer population on her property. She explained they have a good understanding of the economics of the captive deer herd industry, but noted it is not anywhere near the level the economic impact of the wild deer population, which is much larger. Further, in 2012 over 70,000 deer permits were purchased, which generated income to the state, as well as other related industries. The possibility of CWD getting into the state would have a far reaching effect in Florida. She also discussed the south and central Florida deer population that was wiped out in the 30's because they were thought to carry tick fever and transmit it cattle; to get the deer population back took decades. She does not want to have to eliminate thousands of deer again to control a situation. Also, the difference in the number of deer she sees being imported and the number of wild deer is huge. She questioned the risk of having the disease come into Florida, versus taking steps to limit that possibility. Lastly, she noted that the Florida Department of Agriculture currently does not require tags after import, or a reporting system in place for escaped deer.

Mr. Morea responded that imported deer would be tagged and would have identification, though once in a facility in Florida, there are no tagging requirements. Also, there is no reporting required for escaped deer. Commissioner Priddy noted that the majority of states do have those requirements.

Commissioner Priddy said another concern is if CWD were found in the population, a ban on feeding deer would be required, which would hurt recreational hunters. She encouraged fellow Commissioners to not delay any action, so that those here today are not burdened with having to travel to the next meeting in Pensacola.

Chairman Wright noted that he is conflicted and felt that having the issues brought to the Commission meeting is highlighting it. He noted there is not a consensus among stakeholders about the ability to prevent the disease and what methods there are to deal with it. In the absence of other assurances, he is inclined to follow Commissioner Priddy's lead, but does not feel like he fully understands the risks. He asked what benefits could be obtained from going to a longer monitoring period. Border closing would be a way to deal with this, but he is sensitive to economic concerns, however, this is responding to protection of the resource. He would like to ask staff to reach out to stakeholders because he sensed that some are not aware of this until late, and then bring it back in September, to allow for more public input.

Commissioner Priddy said she felt the burden for the public to attend Pensacola is too great.

Vice Chairman Corbett asked if this is opened up for more public workshops, would we receive sufficient information.

Chairman Wright said that the folks mostly impacted are from the I-4 corridor north.

Commissioner Priddy questioned what will be gained by delaying.

Chairman Wright responded that there might be other viable measures suggested, other than a complete closure.

Commissioner Priddy asked if there were previous discussions regarding alternatives, prior to staff coming up with their recommendation.

Ms. Eggeman responded they looked at an array of regulations that other states have in place, and there is a range of measures that can be taken to reduce risks. The experts say that closing the borders is the best measure to reduce risk. However, there are other options such as better testing, more regulations, etc., which addresses some portion of the risk.

Commissioner Priddy asked if there is any information from the scientific community that addresses the effectiveness of a longer monitoring period.

Chairman Wright asked Mr. Vielhauer if procedurally this rule can be taken up for a final rule in September.

Mr. Vielhauer explained they could hold an up or down vote today, at which point it would go to publication, and then final adoption. Or, they could vote on it as a draft rule, and then ask to bring it back as a final rule at another meeting, or defer it today to a definitive meeting date. A final option is to withdraw it completely.

Dr. Fischer explained the USDA proposed rule has undergone changes that earlier allowed interstate transport of herds after only one year of participation in a monitoring program. This was changed to five years when it was pointed out that this was less than the incubation period of CWD. Dr. Fischer noted there is recognition that there are still things we don't know about CWD, and the rule could change if additional epidemiological information became available. He noted there are herds that have been monitored for nine and 12 years that came up with infection and they don't know why. There is great variability with the incubation period, and when the disease is expressed. However, most of the diagnosis of CWD comes from normal looking animals.

Chairman Wright asked if the incubation is 18 months to three years.

Dr. Fischer confirmed the minimum amount of time is around 15 to 18 months; we do not know the maximum.

Chairman Wright asked if it is reasonable to expect CWD to present within five years to most animals.

Dr. Fischer responded yes. When we know the amount of time it takes for an animal to present, it is under experimental conditions, and we know the dosage the animal was exposed to; we do not know what the dosage is of an animal in the field.

Commissioner Bergeron said he would like to defer this issue until September to learn more, and come up with a plan that does not negatively impact the state's economy and our native deer wildlife. He would like to make the best decision possible, out of respect to Legislature and stakeholders on both sides here today.

Chairman Wright agreed more exchange with stakeholders would help. He is also respectful of Legislative input.

Commissioner Roberts would like additional stakeholder input, and interaction with staff. Also, this is an opportunity to give the two groups some time to get back together. He questioned if artificial insemination has any potential of transferring the disease.

Dr. Fischer said it is an unknown with regards to Cervid. However, sheep semen contains scrapie and it is in the same family as CWD. He is not aware of any studies currently going on, but felt it will be addressed sooner or later. He explained that CWD activity has been found in deer urine, urinary bladder, and kidney, and it would not surprise him if it is found there as it uses the same plumbing as urine.

Commissioner Roberts commented that it is our responsibility, but at this point in time it would be valuable to have additional stakeholder and staff meetings to determine the best position. In addition, he felt that within this time period we could already have CWD here, and closing the borders does not mean we can stop it.

Chairman Wright asked Mr. Vielhauer if we can advance this as draft rule today and take up as a final rule in September.

Mr. Vielhauer responded yes, and if there are changes based on workshops that take place, we can do a notice of change and publish it prior to the September meeting.

Commissioner Yablonski said he would lean towards a deferral, but would also be okay with a September final action, and noted there will be risk no matter what we do. There are a range of options that have to be measured against the risk. There are many shades of gray in regulations of what other states are doing.

Chairman Wright noted that if we advance a draft rule, every option would still be on the table for consideration at the September meeting, and any change would be dealt with by a Notice of Change.

Commissioner Roberts asked what would happen if the language was changed when we bring it back in September.

Mr. Vielhauer said they would be in a posture of looking at it in three separate meetings, as opposed to voting on it today, you would only have to bring it back to one more meeting.

Commissioner Rivard felt this is an important issue. It is an issue the Agency has known about for years and it is important to have more interaction with the stakeholders. Putting a draft rule on the table give some level of endorsement of what is on the paper and would seem to focus on the debate over just what is in the proposal. He would like more information before a rule is up for decision to make sure we have all the information out there and understand all the options. He is not comfortable voting today, and would like to defer any action until September.

Commissioner Bergeron agreed with Commissioner Rivard and would like more information and to work with staff and stakeholders. He felt he needed more education and would like to wait until September.

#### Commission Action

A motion was made by Commissioner Bergeron to defer this proposed rule to September, seconded by Commissioner Roberts.

#### Continued Commissioner Discussion

Commissioner Priddy said she felt strongly that a draft today still allows every amount of stakeholder work, ideas, and decision to be made and instituted. She felt we should be able to go final before December. She felt strongly that we approve this as a draft versus passing on it.

Chairman Wright asked if we have flexibility in terms of the effective date.

Commissioner Roberts felt a deferral would be better and the chances of it moving forward with as much information as possible from stakeholders would be more likely.

The motion on the table that this agenda item be deferred to come back in September, with suggested changes and opportunities for stakeholder input, was voted on.

The motion was opposed by Commissioner Priddy and Chairman Wright.

Meeting reconvened at 1:20 p.m.

### **Alligator Management Program**

Chairman Wright asked Harry Dutton, Coordinator of the Alligator Management Program, to present the draft rule changes to FWC's Alligator Farming and Private Lands Alligator Management program elements. Mr. Dutton reviewed the Alligator Farming Program, the Private Lands Alligator Management Program, and the input process for program improvement. Mr. Dutton also reviewed the changes to the Alligator Farming Rule, 68A-25.004, which would specify minimum space requirements for alligator pens, require alligator farm permittees to be at least 18 years old, require permittees or designees to make farm records accessible upon request, establish farm fencing requirements, and modify the Annual Alligator Farm Report form. In addition, he reviewed changes to the Private Lands Alligator Management Rule, 68A-25.032, which would give program participants the option of capturing and releasing alligators on permitted properties when using non-injurious capture methods and modify the Private Lands Alligator Management Program Permit Application form. Lastly, he requested the Commission approve the draft rule changes for advertising and final public hearing at the September 2013 Commission meeting.

### **No Public Speakers**

### **Commission Action**

A motion to approve staff recommendations was made by Vice Chairman Corbett, and seconded by Commissioner Priddy. The motion passed unanimously.

### **68A-23.012 Special Regulations on Lake Okeechobee**

Chairman Wright asked Corey Lee, with the Division of Freshwater Fishing Management, to present proposed rules to Lake Okeechobee Commercial Haul Seine. Mr. Corey presented several proposed amendments to the rules relating to the management of commercial haul seine operations on Lake Okeechobee. Mr. Lee reviewed the stakeholder coordination and explained what a haul seine is. He then gave a brief history of haul seines on Lake Okeechobee. Mr. Lee continued with a summary of the changes that would extend the northern boundary to increase the haul seine area, remove outdated rule language and redundancy, reduce rule confusion, and reduce user conflict between haul seine crews and recreational boaters in high traffic areas. In addition, he discussed changes to where hauls seines can be used along a small area on the south side of the lake to reduce user conflict and protect vegetation. Lastly, Mr. Lee noted that staff is requesting approval from the Commission to proceed to final hearing; staff will also continue to talk to all interested stakeholders to ensure these changes achieve the desired goals of enhanced public safety, reduce user conflicts, and allow more effective haul seine operations.

Commissioner Priddy asked if there were other lakes that also did haul seine. Mr. Lee responded there were several other lakes that did haul seine.

### **Public Speakers**

Jessica Rosen is concerned that the language as proposed does not give them sufficient time to set the net, and then begin to close the net and get the fish out in time.

Chairman Wright asked if Mr. Lee could address her concern with the extra hour.

Mr. Lee responded that the current rule intent has been to allow haul seine operations from three hours before sunrise to sunset. However, based on an opinion by the State's Attorney Office, their interpretation allows nets to be set as early as midnight, but nets cannot be closed until three hours before sunrise. The proposed rule change

would allow nets to be set and closed four hours before sunrise. He noted that the purpose of this change is to clarify fishing hours and remove language that created issues with our law enforcement.

Robert Wadley – yielded his time to Taren Wadley.

Taren Wadley, a local haul seiner, said the conflict is due to a lack of education about the importance of harvesting fish from these lakes. She felt that commercial fishing has taken a beating in the last 50 years. They need to allow plenty of time for the fishers to work, and also the time for motoring out, is a necessity. She also noted there are only seven haul seine fishers left; they are a dying industry, and she feels the lakes are under harvested.

Melvin Rosen said the biggest problem on the lake is the user conflict. He felt that changing the rules is a big deal because there is less of a kill rate if you release the fish you cannot keep before sunrise. This has been working since 1982. He explained they will produce a better product the earlier they get the fish off the water, while the surface is cool, and to the fish house; it is also safer on him, the crew, and the fish.

### Commission Discussion

Chairman Wright asked for clarification on how the fish are collected into the seine, and the time period they have. Mr. Lee stated that the nets encircle the fish and they are worked into a bag before being dipped into boats. Mr. Lee indicted that for the past 30 years, we enforced the three hours before sunrise stipulation for net operation, both laying out and closing. Fish can be removed from the water one-half hour prior to sunrise. The State's Attorney opinion maintains the three hour net closure requirement but confuses the time nets can be laid out.

Mr. Champeau clarified this it is a balancing act between when they can lay the net out and when they can pull the fish in. He further added the goal is to make it as safe as possible, before bass fishermen are out there to get on the lake at sunrise.

Commissioner Rivard said his primary concern is safety and asked if there is a record of incidence of people getting hurt. Also, he said he was confused about the time, and noted that it appeared we were giving more time.

Mr. Champeau said the safety issue is when we allow them to start to remove fish (one-half hour before sunrise). We want to set operational hours so operators can finish and get off the water as early as practical.

Jessica Rosen asked to leave the rule the way it is written at three hours before sunrise. The way the rule is currently written they can lay the net at anytime, but they can't close the net until three hours before sunrise.

Mr. Rosen explained they cannot start to close the net until three hours before sunrise; it is taking four hours away from them.

Mr. Lee clarified that under the new rule, the net closing stipulation of three hours prior to sunrise will be removed and operators will be able to close nets four hours prior to sunrise.

Chairman Wright clarified they don't want a restriction on when they can put the nets in the water.

Chairman Wright asked if staff could take out the change relative to fishing hours. Mr. Lee responded that this would not create any biological issues and staff will continue to work with stakeholders to resolve issues over allowable fishing hours prior to final hearing of the proposed rule changes in November.

### Commission Action

A motion was made by Commissioner Bergeron to approve staff recommendation for the proposed rule changes, with removal of 68A-23012 (4) a 7, seconded by Commissioner Rivard. The motion passed unanimously.

## **68A-27.007 Permits and Authorizations for the Take of Florida Endangered and Threatened Species**

Chairman Wright asked Dr. Thomas Eason, Director of the Division of Habitat and Species Conservation, to present an update on the Imperiled Species Management Plan. Dr. Eason briefed the Commissioners on progress made on the Species Action Plans and Integrated Conservation Strategies portions of the overall plan. Staff has developed drafts of all 49 Species Action Plans and these plans currently are under varying stages of review by partners and stakeholders. Based on these Species Action Plans, staff currently is beginning development of the Integrated Conservation Strategies that cut across all or many of the species. Also, he outlined the steps being taken to create wildlife Best Management Practices (BMPs) for agriculture and how important stakeholder input is to this process. He added that staff will begin drafting the overall Imperiled Species Management Plan based on all of these elements later this year. Lastly, he explained that staff is recommending Commission approval of the proposed draft rule change for 68A-27.007 (2)(d) that will extend the due date for wildlife BMP development and adoption until November 2014.

### No Public Comment

### Commission Action

A motion was made by Commissioner Roberts to approved staff recommendations, and seconded by Commissioner Priddy. The motion passed unanimously.

### Special Recognition

Mr. Champeau introduced Gavin Green to the Commissioners, who recently won a Forrest L. Woods State Championship. His teammates Nickolas Groene and Jacob Groene were also recognized.

A photo was taken with the Commissioners.

### **Gulf of Mexico Restoration Funding Update**

Chairman Wright asked Gil McRae, to present a Gulf Restoration funding update. Mr. McRae gave a brief review of the Deepwater Horizon Oil Spill restoration funding mechanisms and current status tied to the spill. He reviewed the timeline of the oil spill, and showed a satellite image of the surface oil in the Gulf, and surface oiling in Florida State Waters and the oil impact to Florida's coastline. He continued with an explanation of how funding availability (or potential availability) for Gulf restoration is derived from both criminal and civil legal actions, and the Natural Resource Damage Assessment (NRDA) process. To date, approximately \$3.6 billion in funding from these settlements is (or will be) available for restoration projects. Out of NFWF funding, Florida is scheduled to receive \$335 million over a five-year period from the BP and Transocean criminal settlements. He continued with a discussion of NRDA and the restoration planning process to prevent or reduce continuing natural resources injuries and avoid potentially irreversible loss of natural resources. In addition, Mr. McRae reviewed a summary of Phase I, II, and III of early Florida restoration projects. Next, he summarized funding allocation and the RESTORE Act, which included priorities for Florida as well as FWC Restore priorities. Lastly, he discussed NFWFs role as a designated recipient of payments in the BP and Transocean plea agreements.

Chairman Wright asked Commissioner Yablonski if he would be willing to be appointed as a contact point to work with staff and Director Wiley more closely as the need arises. Commissioner Yablonski responded that he would.

### Public Comment

Manley Fuller (Florida Wildlife Federation) would like active considerations for watershed protection efforts, which would help to protect upland species and buffer military bases. He noted it would be good if possible to fund projects that provide water quality improvements such as in the Keys that would help the estuaries, which

might be adversely impacted from excessive releases from Lake Okeechobee. In addition, he would like to work with the Agency on the Florida projects that will provide long-term and lasting benefits for the Gulf and the habitat.

Commissioner Yablonski discussed the RESTORE Act, NRDA, and NFWF funding revenues for the state. In addition, he explained that Attorney General Bondi recently filed a lawsuit for economic damages to the state for loss of tax revenue. He noted this is an opportunity to do something really good, in a strategic way. He suggested putting the smaller parts like the hatcheries, into a story that make them a part of a big story.

Vice Chairman Corbett said the right person could determine where these funds should go.

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

Paul Jones (President of the Florida Archaeological Society formally thanked the Commission for their protection of Florida's archeological resources, with special mention of Curtis Brown and his team. He noted that Florida's economy benefits by many billions of dollars from tourism for archeological history and site visits throughout the state.

Lee Hutchinson also thanked Major Curtis Brown and his team. As Florida archeologists they would like to see looting as an agenda item for future Commission meetings to make the public aware this is a problem.

Manley Fuller (Florida Wildlife Federation (FWF)) provided a copy of a letter from Preston Robertson, regarding a proposed bill for the next session, he asked the Commissioners to take a look at it. He noted his Board voted unanimously to increase an area of fines beyond what was proposed in the original submittal, and this letter discusses that further. He also mentioned FWF honored three FWC employees; Don Fox, for outstanding work on Lake Okeechobee, Rae Waddell, for environmental conservation education, and Bryan Fugate, a dedicated young office. Lastly, he commented that Greg Holder, and Perran Ross, who both have been outstanding employees in the organization.

Chairman Wright thanked Mr. Fuller for their recognition of deserving FWC family, and asked him to coordinate with Ms. Fauls closely on the bill language of increasing the fines.

Commissioner Bergeron thanked Mr. Fuller on his leadership with the Everglades Restoration.

Eamon Bolten (B.A.S.S Conservation Florida Director) talked to the Commission about a conservation program he started called "ReBaits," which is a program to recycle soft plastic baits. He felt the program is extremely important because of pending legislation in Maine that would ban soft plastic baits. He would like to set up collection bins at all the public boat ramps, near where the monofilament bins are located and asked for FWC support. He noted they have been endorsed by many other programs and that this program is in over 40 states, Canada and South Africa. He felt that if Florida could take on this program, it could lead the way throughout the nation, much like they did with the monofilament program.

Commissioner Wright asked Tom Champeau to coordinate with Mr. Bolton on the placement of the collection bins.

Lyle McCandless (President, Big Cypress Sportsmen's Alliance) also speaking as an individual and as the Chairman of the Big Cypress Stakeholders Group and the FWC DMTG team. He noted that they have found that Safari Club International is the one voice the national parks service will listen to. He announced that he is going to Washington DC to hold meeting, to make a case for Big Cypress. Further, he noted the problems with Big Cypress are still there. He also noted that the purpose of the Big Cypress National preserve was created in 1974 to protect the watershed Everglades National Park, keep the lands out of developers, and ensure the continued cultural activates for the public. He further discussed that due to necessity, ORVs swamp buggies and airboats travel on the highest ground available. Also there is no factual evidence they have a negative impact in the

preserve; in fact, panthers have come back five fold since the late 70's with the presence of swamp buggies and airboats. He then went on to say that when the preserve was created, 100,000 acres was set aside for walk in only, much of which is knee to waist deep in water during hunting season; he felt it is remiss not have ORV access in those areas. He noted that in the Addition Lands, the park service has deemed 80 percent wilderness or back country primitive designation; both do not allow ORVs. The addition lands upland areas are supposed to be designated to these trails. Lastly, he thanked the Agency for their support with Pedro Ramos public was illegally denied orv access...

Commissioner Bergeron thanked Mr. McCandless for all he has done for the Everglades restoration. He noted they have been in litigation, and felt the magistrate is in favor of the ORV trails in the addition lands as well as hunting. He asked Director Wiley to get a survey to establish a quota. Director Wiley said they want to make sure the hunt plan is in the strongest possible posture to make sure there is no question about sustainability.

Commissioner Bergeron explained that the 1974 Congressional Act is the law, and we are trying to enforce the intent of the Congressional Act. The difficulty is that this is managing a preserve, which is different from a national park and the access is different. He asked Mr. Vielhauer if he knew when a final decision from the judge would come.

Mr. Vielhauer said the Magistrate's order is favorable to the Park Service and the Commission. There is a hearing on the exceptions that were filed by petitioners, and he does not know which way the judge will rule. Though in most cases the judge will rule on the proposed recommendations of the magistrate; maybe sometime within the next two months.

Mr. McCandless added the hunt plan had to be delayed because of law suits.

Commissioner Bergeron explained they will have to do the impact studies that will support sustainable access and the intent of the Congressional Act.

Mark Radler, a commercial crabber said he thought the ten-day blue crab trap closure is too much; it is a hardship. He explained that last year he lost 40 traps during this time when he stored his traps where the county allowed, and they were damaged.

Chairman Wright asked Ms. McCawley to talk to Mr. Radler.

Ms. McCawley explained that a couple of years ago, they started rotating closures, so the whole state is not closed at the same time, to help address this hardship that other folks experience as well.

Chuck Echenique (United Waterfowlers) commended Mr. Coyner's office and Chris Wynn for helping to open hunts on SWFWMD lands. He then reported on their Fourth Annual Florida Youth Outdoor Experience at the Ocala Youth Camp, with 302 participants. Next, he said that because of a recent alligator tag system failure which locked a lot of folks out. He noted that these continued issues with lockouts make this new vendor problem as bad as the old system. He also noted problems with the quota system and the preference points; the points are being returned to the hunter, the value is lost. He found it looked like folks with fewer preference points were more likely to get the permit and folks with 3 or 4 preference points are not getting the hunts; the system might have been reversed and needs to be looked at. Lastly, he discussed a proposal he is going to present for consideration for turkey season changes, which include an increase in the take from two to three annually, and eliminate the 1 turkey per day per person rule; this is especially important with the new buddy system.

### **Commission Administrative Matters**

Commissioner Bergeron made a motion to nominate Commissioner Corbett as Chairman and Commissioner Yablonski as Vice Chairman, seconded by Commissioner Roberts, and unanimously approved.

## **Commissioner Exchange**

Commissioner Priddy asked if staff would look at turkey hunt regulations changes, as well as the possibility of extending the bobcat season.

Commissioner Bergeron thanked Assistant Executive Director Holder for everything he has done for the Agency. He also thanked Director Collins, stakeholders, and staff. He discussed the importance of the Central Everglades and that he and Director Collins will keep the Board updated. He also noted it is extremely important that they look at the Everglades globally, and get the water quality correct. He asked about the possibility of getting help from a hydrology consultant to look at water levels in the Central Everglades Project. Director Wiley responded the Agency has flexibility to hire consultants; they are working on that and will get back to Commissioner Bergeron on how to structure the contract. Further, he announced that he is hosting another Blue/Green event at his ranch on November 16 and hoped to see everyone there. Lastly, he thanked Chairman Wright for his leadership, friendship and guidance.

Commissioner Roberts thanked the stakeholders, staff, and other Commissioners. In addition, he thanked Chairman Wright for his leadership this past year. Lastly, he congratulated Commissioner's Corbett and Yablonski in their newly elected positions.

Commissioner Yablonski thanked Assistant Executive Director Holder for his leadership. Also, he commended Chairmen Wright for his leadership this past year. He then thanked the stakeholders, and felt there was good news on red snapper. Lastly, he congratulated Commissioner Rivard on assuming the role of fish Commissioner. Lastly, he thanked staff, including the behind the scenes staff, the audio video team and the Florida Channel.

Commissioner Rivard thanked Chairman Wright for his leadership, and congratulated incoming Chairman Corbett and Vice Chairman Yablonski. He also thanked staff and stakeholders.

Vice Chairman Corbett thanked everyone for a terrific meeting, especially Regional Director Wynn for all his work. He then said that Assistant Executive Director Holder will be missed, though the Agency is blessed with the new Assistant Executive Director Sutton. Next, he said he appreciated the debates held on the issues and noted this was a classic example of government in sunshine. Lastly, he said they have been blessed with Chairman Wright's leadership and guidance.

Chairman Wright thanked Assistant Director Holder and wished him the best in retirement. He also thanked staff for preparing a wonderful dinner. He noted that staff presentations were excellent, and recognized the hard work that took place leading up to the meeting. Next, he said he enjoyed being the Chairman and thanked all for his gift. Lastly, he congratulated Commissioner's Corbett and Yablonski on their appointments.

## **Adjournment**

Chairman Wright adjourned the meeting at 3:41 p.m.

---

Kenneth W. Wright  
Chairman

---

Nick Wiley  
Executive Director

Respectfully submitted:

---

Robin Stetler  
Commission Administrative Assistant

DRAFT