



Florida Fish and Wildlife Conservation Commission

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Commission Meeting
November 20-21, 2013
Weston, FL
Minutes

The Florida Fish and Wildlife Conservation Commission (FWC) held their regular meeting November 20-21, 2013, at the Bonaventure Resort & Spa, located at 250 Racquet Club Road, Weston, FL. Chairman Richard A. Corbett called the meeting to order with the following members in attendance.

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

Bo Rivard, Panama City
Aliese Priddy, Immokalee, FL

Senior and Presenting Staff:

Nick Wiley	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
Scott Sanders	Director, Conservation Planning Services
Diane Eggeman	Director, Division of Hunting and Game Management
Tom Champeau	Director, Division of Freshwater Fisheries Management
Jessica McCawley	Director, Division of Marine Fisheries Management
Gil McRae	Director, Fish and Wildlife Research Institute
Melissa Recks	Section Leader, Division of Marine Fisheries Management
Martha Bademan	Section Leader, Division of Marine Fisheries Management
Dr. Thomas Eason	Director, Division of Habitat and Species Conservation
Doc Kokol	Director, Community Relations
Charlotte Jerrett	Chief Financial Officer
Jackie Fauls	Legislative Affairs Director
Ignacio Sanchez	Director of Information Technology
David Arnold	Rules Administrator

There were 73 individuals registered to speak to the Commission during the two-day meeting.

Meeting Opening

Chairman Corbett called the November, 2013 meeting to order at 8:38 a.m. and welcomed the Commissioners, staff, and public to the Bonaventure Resort and Spa, in Weston Florida.

Bud Vielhauer recognized the 2012 Outstanding Prosecutor of the Year Award as Brian Mortenson and described his work ethic and passion. Due to unforeseen circumstances Mr. Mortenson was unable to be in attendance to receive the award in person.

Recognition

Commissioner Yablonski introduced and welcomed Representative James Waldman from House District 96, and Representative Richard Starke from House District 104.

Todd Hallman with Florida Sportsmen's Conservation Association announced that Regional Director Chuck Collins was the recipient of their "2013 Wildlife and Resource Management Achievement Award." Mr. Collins spoke a few words and a photo was taken with the Commissioners.

Chairman Corbett noted that Mr. Collins was an inspiration to the other Regional Directors and it was a very well deserved award.

Commissioner Bergeron also thanked him personally for all the help and for always being available.

Adoption of Minutes

Chairman Corbett asked for a motion to approve the September and October, 2013, Commission meeting minutes.

Upon a motion by Commissioner Priddy, and seconded by Vice Chairman Yablonski and carried, the minutes were approved as written.

Adoption of Meeting Agenda

Chairman Corbett asked for a motion to approve the meeting Agenda. A motion was made, seconded and carried to adopt the November 2013 Commission Meeting Agenda.

Approval of Consent Agenda

Chairman Corbett asked for approval of the four Consent Agenda items, which the Commissioners have already been briefed on. Upon a motion by Commissioner Priddy, seconded by Commissioner Roberts, and carried, the November 20-21, 2013, Consent Agenda was approved.

Chairman's Report and Executive Director's Report

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

Bill Coleman Awarded 2013 Biologist of the Year - Bill Coleman was honored with the 2013 Fisheries Biologist of the Year Award from the Southeastern Association of Fish and Wildlife Agencies.

Christopher Wynn Awarded 2013 Mark J. Reef Memorial Award - FWC Southwest Regional Director Chris Wynn was honored on September 10, by the Association of Fish and Wildlife Agencies (AFWA) at its annual meeting in Portland Oregon, with the 2013 Mark J. Reef Memorial Award.

Chairman Corbett noted Mr. Wynn's passion and creativity to get the job done.

Ocala Outdoor Adventure Camp Receives National Accreditation – The American Camp Association granted national accreditation to FWC's Outdoor Adventure Camp on September 22, 2013.

Missing Hunter Found – FWC Officer Caitlyn Kirkland and her K-9 partner Zeus found a missing hunter in the John G. and Susan H. Dupuis Jr. Wildlife Management Area.

Apalachicola Oyster Status – Last month Governor Scott and Attorney General Bondi announced that Florida has filed suit against Georgia in the U.S. Supreme Court to stop Georgia's unchecked and growing consumption of water. Low water flow continues to negatively impact the families of Northwest Florida, including the commercial oyster industries. FWC staff has worked with staff from the Governor's office, the Florida Department of Environmental Protection, the Florida Department of Agriculture and Consumer Services and the Florida Department of Economic Opportunity to determine the estimated funding needs relative to this commercial oyster fishery failure. Congress could consider appropriating funds to provide economic assistance to fishing businesses and communities affected by the disaster and to support other activities addressing the disaster. Congressional funding would be through the National Oceanic and Atmospheric Administration (NOAA) Fisheries Service and required the State of Florida to match 25 percent funds unless otherwise exempted by Congress.

Data Center Consolidation – FWC successfully completed the data center consolidation to the Northwood Shared Resource Center (RSRC). The consolidation was mandated by Florida Statue and required to be completed by October 30.

FWC Lionfish Summit – FWC hosted a Lionfish Summit on October 22-24 in Cocoa Beach, bringing together leaders on the lionfish issue in an effort to determine research and management gaps, as well as solutions.

Florida/Georgia Quail Coalition – FWC recently signed a Memorandum of Agreement with the Georgia Department of Natural Resources-Wildlife Resources Division, Pheasants Forever/Quail Forever and Tall Timbers Research Station and Land Conservancy. The agreement formalized a partnership to establish, fund and promote the Florida/Georgia Quail Coalition.

Special Recognition

Commissioner Yablonski announced that the Defenders of Wildlife "2013 Spirit of Defenders for Public Service Award" recipient is Executive Director Nick Wiley, who was recognized for his leadership in youth conservation, Deepwater Horizon response, and endangered species work.

Laurie MacDonald (Defenders of Wildlife) thanked Executive Director Wiley and noted Defenders of Wildlife wanted to recognize him nationally for his leadership bridging communities showing the way all can work together for wildlife, as well as his leadership on endangered species issues.

Executive Director Wiley thanked Defenders of Wildlife for this award, but noted that this was really about being a team effort.

Follow-up from October 9th Commission Meeting on Strategic Vision

Chairman Corbett thanked his fellow Commissioners for participating in the October 9, 2013 meeting to discuss strategic visioning for the Agency, which is a continuous journey looking out over the next 15 years and beyond.

Assistant Executive Director Sutton discussed the process of implementation of data collected from the October 9 meeting and to keep moving forward. He presented a conceptual framework including: 1) Continuing the Dialogue; 2) Strategic Plan and; 3) Policy Focal Area, which included: Habitat Protection; Management Tools;

Future of Fish and Wildlife Conservation; and Environmental Policy Scanning. Lastly, he explained that a cross functional, cross division team of subject matter experts is being created to further develop these focal areas for Commission discussion and guidance.

Commissioner Yablonski commended Chairman Corbett for bringing this project forward. He noted that he felt this project is much bigger than just an “agency exercise.” That Florida has always been on the cutting edge of managing fish and wildlife, and he felt they should approach this from the standpoint of “where can we take fish and wildlife conservation into the 21st century.” He added that the Agency exists as part of the legacy from a conference convened by President Theodore Roosevelt in 1908. Moving forward he felt the Agency should seize on a few big ideas and execute them.

Chairman Corbett said this will be a long-term plan. He added it would be a good idea to get state and national leaders to convene to get a refreshed outlook on the big picture.

Commissioner Bergeron suggested that moving forward they need to put together a list of the most valuable resources in Florida and protect them for use by the people of Florida. This is not about stopping growth and economic development, rather working with private land owners to preserve and protect valuable lands and the benefits they provide. He would also like to see the youth camp experiences expanded.

Assistant Executive Director Sutton clarified that what staff is planning on bringing forward to the April meeting, is how land is identified, protected, and then managed.

Chairman Corbett discussed the idea of breaking the pattern with youth of their reliance on social media and technology, and getting them into the woods.

Commissioner Yablonski noted that they have been using the same management model for past 100 years for wildlife habitat conservation. He felt they should encourage landowners by using incentives towards partnership in conservation.

Commissioner Bergeron explained that in order to provide future opportunities a master plan is needed to preserve the most valuable resources in the state that is not in conflict with growth; the incentive is not to alter land, and that land will bring a higher value in the future.

Commissioner Rivard agreed and noted that preservation and conservation is not inconsistent with economic growth. He added that the natural resources are an attraction to people or companies who want to come to Florida.

Commissioner Yablonski felt that the Agency needs to find a way to become part of the economic development movement, to be included in recruiting trips for businesses to let them know what natural resources Florida has to offer, and noted “what other states can have the pitch of being the fishing capital of the world.”

Executive Director Wiley shared how they are working with the Governor’s office to inform other states about what Florida has to offer.

Chairman Corbett asked each Commissioner to focus on one area of interest of the strategic vision.

Assistant Executive Director Sutton noted that the general consensus is to keep the dialog moving and he will be available to discuss specific areas of interest with any Commissioner.

Public Comment

Lyle McCandless (President, Big Cypress Sportsmen's Alliance) informed the Commissioners about an event sponsored by the Sportsmen's Alliance at Bass Pro in Ft. Myers, on December 7, where they will take children on a free buggy ride into the Big Cypress swamp.

Commissioner Bergeron noted they should get ahead of development with a plan that includes future growth and protection of the resources. He thanked Governor Scott for preservation of our environment.

Executive Director Wiley said staff is very excited about getting involved in this and working together with the Commissioners and stakeholders.

Annual Work Plan for Commission Meeting Items

David Arnold, Rules Administrator, presented a proposed work plan for fiscal year 2014-2015, which reflected items that are anticipated to be brought to the Commission for action, or for information during that period. He discussed work to be performed under the following major categories: Florida's fish and wildlife populations and their habitats; interactions with fish and wildlife including fishing, hunting, boating, and wildlife-viewing opportunities; sharing responsibility for fish and wildlife conservation and management with an emphasis on developing conservation values in our youth; and responsive organization and quality operation; Mr. Arnold requested Commission approval for the 2014-2014 Work Plan and asked for any additional direction.

No Public Comment

No Commission Discussion

Commissioner Priddy emphasized that the Agency's ability to minimize regulations and increase outdoor wildlife opportunities is a function of the Commission's past ability to make difficult wildlife and fish management decisions.

Commission Action

Upon a motion by Commissioner Roberts, seconded by Commissioner Priddy, and carried, the Commission approved the 2014-2015 Work Plan.

Agenda Amended to Bring the Everglades Restoration Agenda Item Forward

Everglades Restoration and Importance to Wildlife

Executive Director Wiley introduced the following partners: Lt. Col. Thomas M. Greco, U.S. Army Corps of Engineers; Shannon Estenoz, U.S. Department of the Interior; Bob Johnson, National Parks Services; Ernest Marks, Department of Environmental Protection (DEP); Larry Williams, U.S. Fish and Wildlife Service; Thomas Teets and Ernie Barnett, South Florida Water Management District (SFWMD).

Commissioner Bergeron thanked the Commission for the honor to be the point Commissioner for the Everglades Restoration. Further, Commissioner Bergeron stated that the initiative needs to look at the global Everglades as it moves forward, with preservation of the environment as the highest goal.

Scott Sanders, Director of Conservation Planning Services, presented an update on the Everglades Restoration, which included current and future decisions that will guide implementation of these restoration activities. He noted the decisions will have long-lasting effects on the fish, wildlife and habitat resources associated with this ecosystem. Further, given the unusual high amount of rainfall south Florida has received, this presentation will focus on the stated goal of the Comprehensive Everglades Restoration Plan (CERP) "to capture fresh water that now flows unused to the ocean and the Gulf and redirect it to areas that need it most. Most of the water will be devoted to environmental restoration, reviving a dying ecosystem." The FWC is concerned that guidelines

currently being considered for management of water in and through this ecosystem would result in high and low water conditions that negatively impact fish and wildlife populations, habitat and diversity, particularly certain state and federally listed imperiled species. Such outcomes would be inconsistent with the goal of reviving a dying ecosystem; however, modifications are feasible to insure water management guidelines are consistent with CERP goals. Mr. Sanders provided the Commission with an update on the CERP and recommended a FWC position that provided biologically based guidance for managing water levels in the Everglades to insure restoration of fish and wildlife populations, habitat, and diversity such that CERP goals can be fully realized.

Ernie Barnett, with the SFWMD, discussed the C-111 South Dade Project overview which has the goal to restore more natural hydrologic conditions in Taylor Slough and the panhandle of Everglades National Park. He explained there are seven major contracts that, once completed, will implement and complete the project. Mr. Barnett also discussed the Modified Water Deliveries to Everglades National Park Project (MOD Waters), which has the goal to improve water deliveries to Everglades National Park and restore more natural hydrological condition in Northeast Shark River Slough. He reviewed the six key MOD Waters project components and explained the constraints they are working through, to complete Contract 8 and the water quality issues. Mr. Barnett then discussed the (CERP) concept and its purpose to restore and improve quality, quantity, timing, and flow of water to provide sustainable water supply to meet environmental, agricultural and urban needs.

Commissioner Bergeron asked where they are at with MOD Waters.

Mr. Barnett replied that working out the funding for Contract 8 of the C111 South Dade project is the critical next step for the implementation of MOD Waters. They are working with all partners to make sure the cost/share balance is in place, and the proper funds are in place to build this last feature. Also, they still need to resolve the water quality issue outlined in Appendix A. The current formula of concentrations and flows of water is antiquated and needs to be updated to properly predict the water quality standards. He added that once these two issues are resolved, then MOD Waters can be fully implemented. Also, they will then be able to implement the additional 2.6 miles of bridging on the Tamiami Trail, which will allow them to raise the canal stages in the L-29, pull more water out of 3-A, and bring more water into Northeast Shark River Slough. This will provide good flexibility in operations to the water schedules in the wildlife management area and 3-A to the north. All these issues are close to being resolved. Mr. Barnett noted one last key project, the Kissimmee River Restoration, and as more water is held in the Kissimmee Basin as it naturally did, then Lake Okeechobee levels won't rise as much, which will alleviate some of the harm that happens to the estuaries with the catastrophic releases of water that they have had.

Commissioner Bergeron asked what the time line is for implementation of MOD Waters.

Mr. Barnett responded that the actual start date is unknown, but once the funding is worked out; there should be nothing in the way to begin construction of the projects. He added they are hopeful that within the next year there will be movement on construction, but it will take resolution of a critical policy issue on water quality.

Commissioner Bergeron commented that this is a high priority and there needs to be an emergency policy to move water. He asked how all partners can work together to create a two-step process for an emergency policy to move water and deviate from normal operations for catastrophic events.

Mr. Barnett responded that MOD Waters will need to be completed as soon as possible. This will eliminate need for emergency actions, because they will develop a regulation schedule and operational protocols for those features that will provide more flexible operations than any emergency action that could be taken. They would also like to continue dialog and discussion about what emergency procedures and protocols are needed before another high-water event happens. The planning effort is a long-term endeavor; Central Everglades will benefit as they go forward by allowing more water to move through the system.

Commissioner Bergeron asked if there is any way to work with the federal partners to establish an extreme high water emergency policy that gives the flexibility to keep the environment alive.

Mr. Barnett explained that though the Corps has a formal process to deviate from the regulation schedule, through ongoing dialogue they can look for developing operational flexibility. Additionally, he cautioned they are close to getting a lot of operational flexibility in place, but there has to be balance with concern for public welfare; they are fully invested but do not want to flood communities.

Commissioner Bergeron noted that many of the existing infrastructures are nearly non-functioning. Also, he noted that they need a maintenance easement that would allow the existing infrastructure to function and minimize impacts to the Central Everglades as well as reduce the impacts to Everglades National Park from lack of water.

Mr. Barnett replied they hope to get the 3273 trigger well testing done as soon as possible. He added that implementing MOD Waters and Contract 8 will provide the most immediate benefit and will give more operational flexibility. He further explained the water quality standard that they need to achieve, that will not impact the system.

Commissioner Bergeron commended the SFWMD for getting the water levels reduced before tree islands went under; but noted their success was due to the rain stopping. He reiterated that there needs to be an “emergency policy” in place, a tool box to move water in extreme high water conditions that threaten to destroy the environment, and asked who they go to.

Mr. Barnett reiterated that they need to finish the construction on Contract 8, and they are fully invested, along with the federal government to get this done, but cannot risk flooding residents; they are committed to work through the water quality issue. Lastly, he added they need to continue to work on the deviation issues even though it is not a crisis right now.

Commissioner Bergeron asked for a meeting to be set up between all the partners involved.

Commissioner Priddy asked who the request for deviation comes from; SFWMD or the Corps.

Mr. Barnett replied that it can operate either way; it depends on the circumstances, but in this instance it was the local sponsor, SFWMD.

Commissioner Priddy clarified that this is what “emergency” means; a deviation from extenuating circumstances that allow the Corps to bypass some of the requirements that would ordinarily be in place.

Lt. Col. Greco replied there are different types of deviations and those emergency deviations are under the auspice of protecting public safety and health, i.e., flood mitigation and control. He added that when it comes to making a decision to move water in a certain direction to achieve benefits in one place, they look at the downstream effect. Contract 8 and MOD Waters are vitally important and designed to achieve specific effects with respect to the environment and also flood mitigation; however they still face the real challenge of multiple things they need to achieve as they look downstream.

Commissioner Bergeron clarified he is looking for an emergency policy to protect the environment.

Commissioner Priddy clarified that from her understanding of what Lt. Col. Greco said, a NEPA process will have to be followed, and by the time that is done, the water event will be over.

Executive Director Wiley would like staff to be able to review the NEPA process to determine the possibility of a deviation for emergency, while they are not in a crisis.

Lt. Col. Greco responded that the idea of a deviation and taking advantage of the infrastructure is not dead just because the rain has stopped. They will revisit it before the next wet season to consider what the possibilities are.

Commissioner Bergeron asked if they would be in a position as they head into the next rainy season to elevate the water levels in L29 which was designed to be raised to increase the flow, get the benefit of the one-mile bridge, and relax the 3273 trigger well.

Lt. Col. Greco said this is the goal, and they understand these are serious issues that need to be addressed and dealt with.

Chairman Corbett noted they would like to have this happen sooner.

Commissioner Bergeron reiterated that a maintenance easement and spreader would relieve back pressure through the existing system, and allow water to flow over a broader area. He asked when they could expect to get this, in addition to removing the old Tamiami Trail.

Lt. Col. Greco responded that there are many factors that come into play.

Ms. Estenoz, underscored the message of the Department of Interior's eagerness to implement MOD Waters and get Contract 8 constructed. She also noted that this is the first wet season following the construction of the one-mile bridge, and as they watched water move, they did not see a back pressure effect. Ms. Estenoz added that the fastest remedy for the Everglades is to complete Contract 8 so they can get MOD Waters and C-111 fully operational.

Commissioner Bergeron agreed but asked when those projects will be done; will they be finished before the rainy season next year.

Ms. Estenoz emphasized that Contract 8 is about protecting private property, and until the construction is complete, the Corps cannot protect private property that exists along the edge of the Park.

Commissioner Priddy asked what it will take to start Contract 8.

Mr. Barnett responded that they have to work out what of SFWMD'S prior investments for this project can be utilized as the State of Florida's cost-share.

Commissioner Priddy stated that is a sad state, and asked what can be done, if anything, to resolve the issue.

Mr. Barnett responded that all parties recognize that additional funding is needed for these projects.

Lt. Col. Greco responded that policy has to be reconciled, and they are close to working this out.

Ms. Estenoz stated that from the Department of the Interior perspective, they will support whatever is worked out between the Corps and SFWMD.

Commissioner Priddy asked when the money is worked out, what time frame they are looking at for completion.

Lt. Col. Greco responded about two years.

Commissioner Priddy emphasized this involves hundreds of thousands of acres, where many endangered species live, and she does not understand why hydrology events are continuing to decimate prey animals that bear and panther feed on. She does not understand why they can focus on endangered species everywhere else, except on public land that they have control over. There should be more urgency; it's a travesty.

Lt. Col. Greco responded there are a wide range of factors taken into account, but the urgency is there.

Chairman Corbett asked that this be placed as a top priority.

Commissioner Priddy emphasized they have total control over what is keeping Contract 8 from moving forward.

Mr. Barnett clarified they have been intensely negotiating in good faith with the federal government for resolution of this, which he felt they were close to, and respectfully asked for time to work through the last critical issues. Prior to his departure from SFWMD on January 8, he would like to see an agreement with a path forward on Contract 8; they are taking this very seriously.

Commissioner Priddy asked if after Contract 8, there are other projects coming that will face the same negotiations for funding.

Mr. Barnett responded yes, Kissimmee is the next project.

Commissioner Priddy asked what the perspective is on water quality standards today, compared to man's intervention.

Mr. Barnett responded that for the heart of the Everglades it is comparable to ambient conditions. Further, they are getting nutrient levels down to levels that are close to pristine or unaffected conditions. He announced that the great news is that upstream, where they control the inputs of flows into the Everglades, they have reduced phosphorus loading by about 85 to 90 percent. This is accomplished through a combination of best management practices, working with farmers and implementing large public storm water treatment areas. Also this past year, Governor Scott and the Legislature approved the path forward to achieve water quality standards that limits nutrients flowing in; once they establish an appropriate compliance methodology, the path forward will be there.

Mr. Larry Williams, U.S. Fish & Wildlife Service, noted they advised all partners in Everglades' restoration on how different actions can affect endangered species. He also agreed that Contract 8 and MOD Waters are the priorities, and emphasized they all are working diligently on this.

Commissioner Bergeron clarified that due to the Sunshine Law, a public forum is the only way the Commissioners can communicate issues with each other.

Mr. Ernie Marks, Department of Environmental Protection, noted that the CEPP has language that sets the framework on how they move forward with water quality issues. Further, they are working on addressing issues that may occur in the interim, and looking at what the new methodology for measuring compliance will be.

Commissioner Rivard referred to the 1992 settlement, and asked if the water quality issues are getting resolved. Further, he asked if it was reasonable for the Commission to expect that the water quality issues will be worked out well in advance of the construction, so there is nothing to hold it up.

Mr. Barnett responded that this is the path they are on, as well as working on both issues at the same time.

Commissioner Rivard questioned if once there is agreement on the policy, would it be doable prior to construction being completed, or best case take two years to resolve.

Mr. Barnett agreed this should be done as soon as possible.

Commissioner Bergeron reiterated that the benefit of a maintenance easement and a spreader would improve the flow, distribution, and the quality of water. In addition removing the old Tamiami Trail would help with flow and water quality.

Mr. Barnett agreed that removal of the old Tamiami Trail is very important. He noted he will also provide his comments to the compliance team.

Commissioner Priddy asked what the projected date is to have restored flow.

Mr. Barnett responded that he could not estimate the time-line for full restoration because they have experienced, for many reasons, significant delays to implement the plan.

Commissioner Priddy asked if this could be fast-tracked as past projects have been.

Mr. Barnett replied they can focus efforts on implementing CEPP project features, but it comes down to money and you can go faster with more money.

Commissioner Bergeron reiterated he would like to have an emergency policy plan in the tool box, to be able to deal with extreme high water or lack of water. He also requested a meeting with all the partners to make sure the existing infrastructure functions; he noted “it’s a quick fix, for little money.”

Executive Director Wiley welcomed Rory Feeney, with the Miccosukee Tribe of Indians of Florida.

Mr. Sanders continued with his presentation and explained the CEPP, which will restore habitat in the central Everglades, deliver new sources of clean water to the Central Everglades and Everglades National Park, and reduce damaging discharges to east and west coast estuaries. Further, he explained the position paper worked on by staff that recommends water levels for the wet season, dry season, ascension and recession rates, and extreme high water.

A short video was shown about devastation from high water in the Everglades.

Mr. Sanders discussed the bayhead plant communities in WCA-3A, and sawgrass plant communities that were impacted by extreme high water. He then continued with a discussion regarding the consequences to the fish and wildlife from continued degradation of Everglades Wildlife Management Area habitats with documented loss of tree islands, wet prairies and sawgrass ridge and sloughs, snail kite, wading birds and the Florida panther. Mr. Sanders explained that radio telemetry from the early 1980’s through the 90’s documents panther use of Water Conservation Area (WCA) 3A. More current 2000-2010 data clearly illustrates that panthers have discontinued use of WCA 3A because it is too wet for them and their prey base. Lastly, he explained the high water closing criteria for the WCA-3A

A second video was shown illustrating high water in WCA-3A and the animals living there.

Lastly, Mr. Sanders requested Commission approval for staff’s recommendation on hydrologic requirements for the Central Everglades. He added, if approved, staff will continue to participate in planning meetings and provide comments, and review and provide input into future regulatory decisions that will impact fish and wildlife resources consistent with the position.

Public Comment

Byron Maharrey (Everglades Coordinating Council) stated the roads across the Everglades are very bad. He would like to see this problem solved, and noted an emergency system for when this happens again is needed. He urged the Commissioners to pass the position statement.

Lyle McCandless (President – Big Cypress Sportsmen’s Alliance) fully supported an emergency resolution be implemented to protect against catastrophic situations. He suggested getting all the groups together to create an agreement. He will volunteer when it’s time for the public to get involved.

Ernest Marks (Department of Environmental Protection) thanked the Commission for addressing this water issue. He discussed their constraints within the existing infrastructure and regulation schedule. He felt that moving forward with the CEPP process will provide flexibility in the system. He believed that having FWC at the table will help towards meeting shared goals. Further, he stated the position paper is commendable and should be a living document to help make the best decisions moving forward. Lastly, he noted that DEP remains committed to working with FWC on this issue.

Executive Director Wiley reiterated this policy is meant to be fluid, adaptive, and a living document.

Marshall Jones, a fourth generation Gladesman, has four children that are being raised in the Everglades Conservation Area 3B. He has seen a tremendous mortality increase to all manner of game due to high water levels or droughts, and the improper water levels for extended durations cause emaciation of wildlife.

John Rosier (President - Dade County Fulltrack Conservation Club/Everglades Coordinating Council) has seen changes and destruction for the past 40 years due to high water, and said he felt FWC should be the agency listened to regarding environmental concerns. Lastly, he would like to know where the measurements are taken that are noted in the position paper; and asked if the maximum water level is two feet.

Commissioner Bergeron responded it is high water in October or November, and then it starts receding.

Freddy Fisikelli (Southwest Ranches) noted he spent half his life fighting for the Everglades and thanked the Commissioners for highlighting the problems destroying the Everglades. He noted if they let the water flow out of Lake Okeechobee year-round as it used to, it would work back to the river of grass, and solve many problems.

Newton Cook (Executive Director United Waterfowlers Florida/Future of Hunting in Florida) supported staff recommendation. He explained that CEPP is a planning project, that was supposed to reduce the planning time, but is now scheduled for completion in 2030. Lastly he stated they need to get emergency relief and thanked the Commissioners for what their efforts.

Mary Ann Westwood (Palm Beach County Airboat & Halftrack Conservation Club, Inc.) commented that they support staff position on water levels. She would like to see the discharges be better controlled to manage toxic algae, and loss of marine wildlife.

Albert Bryan (Dade County Full Track Conservation Club) commented he has been involved for 20 years. He noted this is one ecosystem, and felt common sense was needed to manage and work with what they have. He supported staff recommendations and thanked Commissioner Bergeron for his efforts.

Captain Michael Collins noted he is a retired 30-year fishing guide from Islamorada, and a member of the Governor's Commission to oversee the Everglades restoration. He commented that water quality controls every decision the water management district can make and they are severely constrained by webs of lawsuits. Further, he does not believe Commissioner Bergeron's well thought out plan can go forward until the water board can get out from under those constraints. He urged the Commission to continue with their advocacy.

Commissioner Bergeron noted that as long as they are going to hold to water quality only, they will never save the Everglades.

Bonnie Basham (BOAT US) speaking for herself, felt the Caloosahatchee and Indian River Lagoon issue needs to be in the Agency's future planning. Urban emergencies allow things to be waived to fix problems and they should have that flexibility to address environmental issues as well.

Dawn Shirreffs (Senior Policy Advisor, Everglades Foundation) agreed that more flexibility and quick resolution is needed for the Contract 8. She emphasized there is a chance with this project to remove the L-29 levee, which will have a positive benefit to Florida Bay, and provide increased recreational opportunities and not as many fire closures. She thanked the Commissioners for their support and Commissioner Bergeron for his leadership.

Bruce Ward (Broward County Half Track Airboat Conservation Club) questioned what would have happened with the water problems if there had been a hurricane. He noted that before the water increase, he was starting to see an increase in the wildlife, but then the animals had to share tree islands, which does not necessarily mean life. He suggested that if Governor Scott could declare extreme high waters as flooding disasters, maybe there could be relief for the Everglades.

Neil Ruddy (Dade County Full Track Conservation Club) has a camp in area WCA 3 South and noted their harvest season and water levels are related. He explained he was advised by a biologist that if the area is forced to stay closed during harvest season eventually it will be terminated completely with no harvest season. More importantly the fur bearing animals will dwindle. Closure to recreating will follow because of too much pressure on the animals left. Lastly, he would like a guarantee that WCA 3 will be drained by pumping the water south.

Manley Fuller (Florida Wildlife Federation) commented that he felt that everyone in the room supported Everglades's restoration and the diversity of areas of the state that it touches. He noted it is a complex system-wide issue, and components need to be sequenced. Having interim emergency policies in place and ready to go can work together with MOD Waters and Contact 8; use existing structures as effectively as possible. They support staff's recommendation going forward.

Commission Discussion

Commissioner Bergeron appreciated the time allocated to this important issue. He noted that it is important to support the staff recommendation on CEPP for 700,000 acres of the Everglades. The other issue today is the need of an emergency extreme high water policy for all of the Everglades. He asked to be able to work with the sister agencies to develop the highest level policy. Lastly, he would like to continue to work on the existing infrastructure of the Tamiami Trail because it is important that it continues to function properly.

Commission Action

Upon a motion by Commissioner Bergeron, seconded by Commissioner Priddy, and carried, the Commission approved staff recommendations for CEPP, and to also have Commissioner Bergeron continue to work on an emergency procedure.

Continued Commission Discussion

Commissioner Priddy noted that on the federal side, the buck stops with the Department of Interior, which encompasses the National Parks Service, and the U.S. Fish and Wildlife Service, in conjunction with the Corps of Engineers. Also, she felt the Secretary of the Interior could make the decisions necessary to make funding available. She also wondered if there is the possibility of adding a provision for an emergency to the Endangered Species Act.

Commissioner Yablonski noted that to look at the panther telemetry for WMA 3, which is 730,000 acres, and not see the panther there, is significant. If a developer came in and degraded habitat to that degree, the world would come to an end.

Commissioner Bergeron introduced Rory Feeney, Director of Fish and Wildlife for the Miccosukee Tribe of Indians of Florida. Mr. Feeney noted they have seen degradation over the past 50-60 years. These problems have a direct impact on the Tribe and they are keeping a close eye on these projects, and are hopeful that those projects that will have immediate positive impacts are implemented soon. The Tribe has taken their own emergency actions and closed their reservation to public access. Lastly, he noted there needs to be a vehicle in place to fast track decisions to release the water without violating state or federal law.

Commissioner Priddy noted that the responsibility for funding also comes from Department of the Army.

The motion was unanimously approved.

Imperiled Species Management Planning and Implementation (ISMP)

Dr. Thomas Eason provided an update on the phased steps that are informing the ISMP development. He discussed the Imperiled Species Management Planning process for 2012-2015 that included: Phase 1-

Development of Species Action Plan final drafts, noting that this is an historic moment where they now have management plans for all state threatened species in Florida; Phase 2 - Integrated Conservation Strategies development that includes habitat conservation & management, research & monitoring plans, incentives and influencing with private and public landowners, education and outreach techniques, and law and policy; and Phase 3 - implementation of the ISMP and final rule approvals. Lastly, Dr. Eason added that staff is not waiting for the ISMP to be completed before taking action and already have many conservation projects underway.

Public Comment

Byron Maharrey (Everglades Coordinating Council) is supportive of conserving the species.

No Commission Discussion

No Commission Action

Proposed Rule Changes for Hunting for 2014-2015

Diane Eggeman, Director with the Division of Hunting and Game Management presented the major proposed rule changes related to hunting and to FWC-managed areas. She explained that since 2005 the rule changes that have been adopted have resulted in: 36 new areas; 165,000 new acres with public hunting; allowing guests on quota permits; removing quotas from 56 quota hunts; instituting family hunts on 25 areas; adding and expanding many hunts; establishing a youth turkey hunting weekend statewide, and putting youth turkey hunts on 81 managed areas; expanding the statewide squirrel season; and establishing the private lands deer management program. Ms. Eggeman further explained the following: the rule development timeline; three statewide rule changes, which include wild turkey bag limit, zone boundary changes for deer hunting seasons, and extended bobcat hunting season; specific area rule changes which include new and reduced hunting opportunities; and other rules with a summary of public input. Ms. Eggeman requested Commission approval for staff recommendations to approve the proposals for rule amendments for advertising in the Florida Administrative Register, and also asked the Commissioners to provide direction or guidance for staff as they continue working with the public.

Public Comment

Bryon Maharrey (Everglades Coordination Council) said he felt the turkey population is healthy and viable now, but is concerned there will be over harvest if the new two-turkey bag limit is allowed. He also felt it might encourage hunters to harvest more than they are allowed.

Lyle McCandless (President, Big Cypress Sportsmen's Alliance) commented that he is concerned about the change to the northern boundary of Zone A of the south zone. He opined that Highway 80 rather than Highway 70 would be more appropriate as the north boundary. He also noted that if bobcats were responsible for much of the young deer mortality, the harvest should be very liberal.

Bill George commented that he is not opposed to harvesting two turkeys per day, but is concerned about group shots into turkey flocks. He noted that some states require the removal of one animal before taking the second, and thought that might be good to consider. He also noted that, in the case of special hunts as in Green Swamp West, they should be able to take a second bird; and noted that in some areas it is routine for two different hunts to be allowed in same area. He then questioned if you can take a bird on both private and public land in the same day. Lastly, when there is a rule change, he would like to see a document clarify why something does not align with the zone.

John Rosier (President, Dade County Fulltrack Conservation Club/Everglades Coordinating Council) supported leaving State Road 80 as the zone boundary. In addition, they support the rule change for self check out.

Laurie MacDonald (Florida Director, Defenders of Wildlife) commented they are concerned about the bobcat hunt because too little is known about the population to base any decisions on. She further explained the bobcat is also listed by CITES as an endangered species and Florida is a state there is a noted decrease in bobcats. Ms. MacDonald clarified they do not oppose the change, but would like to see more information collected, and look at the cumulative impacts to hunting throughout the state, to see what their status really is.

Mary Ann Westwood (President- Palm Beach County Airboat & Halftrack Conservation Club) also representing Martin County Hunters noted both clubs fully supported the rule change that modifies the boundary between zone A and C. She also thanked staff for helping to get their hunting dates back into alignment with the rut. In addition, she noted they are seeing very few deer in the Everglades and even in Martin County. She would like to see a moratorium on the harvest of doe for two to five years, to help bring back the population. Lastly, she stated she personally felt there were not enough FWC officers in the woods.

Todd Hallman (Florida Sportsmen Conservation Alliance) supported and agreed with staff on the recommendations and asked the Commission to approve the proposals.

Newton Cook (United Waterfowlers Florida/Future of Hunting in Florida) noted the lack of spontaneous opportunities to hunt was one of the issues raised during the Future of Hunting Summit. He emphasized how much he appreciated the increased spontaneous hog hunting opportunities and thanked staff and the Commissioners. He also thanked Mr. Morea for the boundary line changes between the hunting zones.

Frank Denninger (Everglades Coordinating Council) speaking for himself supported the draft rules, and would like to see bobcat hunts extended to Big Cypress where there are record amounts of them, and he noted they hit deer hard. Lastly, he thanked the Commissioners for fewer regulations and more freedoms and cautioned against comparing Florida to other states because the terrain is so different.

Drew Martin (Sierra Club) said the Club supported the overall regulation changes, but recommended a moratorium on the harvest of doe, to support a viable deer population. He noted they are not against hunting, but are concerned because bobcats play an important role in the environment. He also recommended not allowing snares to catch bobcat, because they catch other animals too.

Albert Bryan (Dade County Full Track Conservation Club) emphasized that to get the next generation involved and learning about the environment is important; anything that can be done to get them outside should be pursued.

Victor Mallow as a hunter asked the agency work with the SFWMD to get more access to Rocky Glades by opening the gates with a coded system. He noted he was told the gates were locked due to illegal dumping. In addition, he asked for more hunting days.

Chairman Corbett directed Mr. Mallow to speak with Ms. Eggeman.

Commission Action

A motion was made by Commissioner Priddy and seconded by Commissioner Rivard to approve staff recommendations for the proposed draft rule.

Commission Discussion

Commissioner Bergeron commented that he liked the boundaries as they increase opportunities because they are more aligned with the rut. He also expressed his concern with the two turkeys, per day, bag limit. In addition, Commissioner Bergeron expressed concern that there are not enough studies or surveys to know what the bobcat population really is, and noted there are very few bobcats on his property. He further emphasized that even though bobcats eat turkeys, and what they hunt, there has to be balance because they are important to the food chain. He would like to see more research.

Commissioner Priddy liked the expansion of hunting opportunity represented by the changes. She questioned Ms. Eggeman about antlerless deer take on public lands.

Ms. Eggeman responded that it varies by management area. Based on what they know about the deer population on a given area and what the management objectives are. Managing the doe harvest is critical to achieving population objectives, and staff is taking another look at managing on a more regional basis.

Commissioner Priddy asked Ms. Eggeman if the technical assistance groups take up these issues based on their knowledge of regional lands. She also asked for clarification about a stakeholders comments regarding snaring.

Ms. Eggeman responded yes. She also clarified the additional opportunities for bobcat are hunting only, they do not include trapping. Ms. Eggeman also noted they keep track of trapping harvest and are looking at a way to monitor bobcat hunting harvest in the future.

Executive Director Wiley asked if they have a feel for what the check station data show on bobcat harvest. He explained that his understanding is that the harvest is minimal, where they have data.

Ms. Eggeman responded that the harvest is minimal.

Chairman Corbett asked for a vote on the draft rule.

The Commissioners approved the staff recommendation. Commissioner Bergeron voted against the motion expressing concern over the provisions allowing for the take of two turkeys and the extended season for bobcats.

Deer Management Units Zone D

Mr. Cory Morea, Deer Management Program Coordinator, presented the proposed changes to deer hunting regulations in Zone D. He explained that staff implemented a public outreach and input process during the first three months of 2013 in management Zone D, in the Florida Panhandle, west of Tallahassee. The goal was to present the concept of Deer Management Units (DMUs) to stakeholders and to receive input about deer management preferences for the two proposed DMU's located in Zone D (DMU D-1), south of Interstate- 10 and DMU D-2, north of Interstate-10. As a result of this outreach process, FWC is considering rule proposals that would implement greater antler regulations and change the number and timing of the antlerless deer days (doe days) for Zone D. Staff has worked with the Deer Management Technical Assistance Group (DMTAG), comprised of stakeholders to develop a strategic plan for deer management to guide staff in their efforts in managing deer from 2008 to 2018. At the core, is the idea of managing deer at a more local level using DMUs in consultation with stakeholders to meet deer management plan goals. A localized approach to deer management is needed to meet goals and objectives, and a Deer Management Unit approach to managing deer harvest was identified by FWC staff and stakeholders (DMTAG) as the most important strategy in the Deer Management Plan. Mr. Morea summarized the results of the phone and online survey that asked stakeholders how they would like the deer population size managed for the next five years, and if they supported or opposed antler point regulations designed to increase the number of larger-bodied and larger antlered bucks available for harvest. He then reviewed the goals and objectives developed by the Zone D TAG, and provided background on antlerless deer management, current harvest regulations, antlerless deer season, and harvest management for bucks in Florida. Mr. Morea further reviewed antler point regulations (APRs) and noted they can be used for manipulating population size, age structure, and to improve the buck-to-doe ratios. He added that hunters communicated they wanted to see more bucks and have a better chance to harvest larger bucks, they also wanted to improve the buck-to-doe ratio. Mr. Morea then discussed the results from an online poll which indicated a high level of support among respondents (mostly hunters) for the proposed APRs in both DMUs. Mr. Morea requested that the Commission approve staff's draft rule proposals for advertising and final public hearing at the April 2014 Commission meeting. If adopted, the proposed rules would apply to the 2014-2015 season.

Executive Director Wiley relayed that Commissioner Yablonski asked for an update in February. So there is another opportunity for stakeholders to comment.

Public Comment

Byran Maharrey speaking personally said he felt this is setting the stage for the other DMUs in the state. He is not a trophy deer hunter but felt this will be a consequence. He also cautioned that the surveys are not as good as the “tags,” just because you have more bucks, does not mean you can hunt more bucks, with these more stringent rules. Lastly, he cautioned that Zone D is changing the rules on the management areas.

Lyle McCandless (President, Big Cypress Sportsmen’s Alliance/member FWC DMTAG) as a representative of the DMTAG in the south, noted this process helped them establish what is reasonable for Zone A. He also noted a big issue for the south region that in an effort to get youth more involved; 16 and under are exempt from the antler point regulations.

Brad Willnecker (Southeastern Dog Hunters Association) representing Southeastern Dog Hunters Association said they worked with staff closely on the proposals, and they overwhelming support managing the buck age harvest and proceeding with APRs. They also overwhelming support the DMU-1 management plan two-points on one side or forked horn rule in both DMUs on public lands. They would also like the Agency to consider establishing check stations on Blackwater WMA to gather harvest data that could help in managing the deer on the area and increase hunter involvement with deer management on the area. They would like a phased-approach where a two points on a side APR was first implemented on Blackwater WMA and then consider a 3 points on a side rule in future years.

Newton Cook noted that as a member of DMTAG he supports staff suggestion on the proposed draft rule.

Frank Denniger (JetPort Conservation and Recreation Club/Everglades Coordinating Council) speaking for himself, said he is concerned about this approach. He noted that as a meat hunter, not a trophy hunter, he is satisfied with the five inch rule currently in place. Further he quoted a chief biologist, who said that “you can manage deer for quantity or horn.” Mr. Denniger also said he liked the idea of letting kids be exempt from greater APRs. Lastly, he felt that not all hunters are represented by the DMTAG, and said there are large silent majorities that are affected by this. He explained that in south Florida there are many poachers out there killing deer and this was a great concern.

Manley Fuller (Florida Wildlife Federation) thanked staff for working on this project and supported staff recommendations. He noted that money from the deer permit was earmarked to find out what hunters want. Mr. Fuller also suggested they would like an annual buck bag limit considered like many other states.

Albert Bryan (Dade County Full Track Conservation Club) said he would like the quota system opened up and made more user friendly.

Commission Action

A motion was made to approve staff recommendations by Commissioner Priddy, and seconded by Commissioner Rivard.

Commission Discussion

Commissioner Priddy asked if staff decided to propose APRs and such based on hunter input.

Mr. Morea explained the proposals for the two units are different because the habitat south of Interstate 10 is less productive. It comes out in body size, population rate of growth and current deer density; biologically they want to avoid high grading (removing genetically larger antlered deer from the population at higher rates than smaller

antlered deer which can have a negative long-term effect on antler characteristics). So it is not from stakeholder surveys, but based on the biology of two areas and the productivity of the habitat. A 2 points on a side APR would protect a majority of 1.5 year old bucks from harvest while allowing harvest of most 2.5 year olds and older in DMU D-1 (south of Interstate 10) while a 3 points on a side rule would be needed to do the same in DMUD-2 (north of Interstate 10). Anything less in DMU D-2 could result in high grading.

The motion was unanimously approved.

Legislative Issues

Jackie Fauls, presented staff recommended additional legislative proposals for the 2014 Session. The first issue would repeal the fees the Commission may assess for hunting on U.S. Forest Service lands, when the lands are part of a cooperative agreement between FWC and the U.S. Forest Service. The fees are in addition to a hunting license and a wildlife management area permit. The fees proposed for repeal are: \$5 for persons 18 years of age or older and \$2 for persons under 18 years of age. The second issue would repeal the license and fee for noncommercial shrimp trawling on the St. Johns River when using the shrimp for personal food. This license was created in 1977 with a \$50 fee, but in 1996 the use of trawls for the recreational shrimp fishery was prohibited by the Marine Fisheries Commission (predecessor agency to FWC); and because of this, no license has been issued since 1996.

The next proposal would repeal the fees for the statewide freshwater trawl seine license, (a \$50 fee) that has not been issued in over 25 years; and the statewide haul seine license, (a \$100 fee) that has been limited to use in Hillsborough and Polk Counties, five (5) are issued annually, generating a revenue of \$500, which FWC can absorb. Both licenses were created in 1978.

The final three proposals are the repeal of Lake Okeechobee trawls seine and haul seine gear permit fees, which include: a resident trawl seine permit fee for \$50 (none issued in over 30 years); the resident haul seine permit fee for \$100 (six are issued annually generating a revenue of \$600, which can be absorbed by FWC); and the non-resident haul or trawl seine license with a fee of \$500 (none have ever been issued).

Ms. Fauls noted that staff recommended that these additional proposals be approved for submission to the Legislature for the 2014 Session. In addition, staff requested that the Executive Director, in consultation with the Chairman, be allowed to make adjustments on these proposals and advise staff on other legislation as needed through the 2014 Session.

Public Comment

Jerry Sansom (Organized Fishermen of Florida) said they supported the recommendations as they relate to commercial permits. However, he noted they would like a Blue Crab Advisory Committee meeting to take up the issue of the number of boats an endorsement to the blue crab license can go on.

No Commission Discussion

Commission Action

Upon a motion by Commissioner Roberts, seconded by Commissioner Priddy, and carried, staff recommendations were unanimously approved.

Anchoring & Mooring Legislative Report on Pilot Program

Major Richard Moore presented a report on the pilot program for regulation of mooring vessels outside of public mooring fields. He provided a background on the Legislative direction to Section 327.4104, Florida Statutes, where the FWC in consultation with the DEP, was directed to establish a pilot program to explore potential

options for regulating the anchoring or mooring of non-live-aboard vessels outside the boundaries of public mooring fields. Major Moore noted that the findings and recommendations must be reported to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2014. Unless reenacted by the Legislature, the pilot program, along with all ordinances enacted under this statute will expire on July 1, 2014. Next, he reported the statutory goals of the pilot program to encourage the establishment of additional public mooring fields and to develop and test policies and regulatory regimes. Major Moore then discussed the five pilot program participants, and reported the vessel types across all sites. He also reported the preliminary results of the on-line public opinion survey on the pilot program, and identified residency status, location of primary residences, the types of residences, and the types of boats used most often in Florida. Lastly, Major Moore reported the effects of the pilot program in totality and discussed the effectiveness of each ordinance. He then requested the Commission approve staff's recommendation to extend the Anchoring and Mooring Pilot Program for three additional years. The time provided by the extension would be used to more fully evaluate the programs areas already in place; conduct additional public surveys; work with key stakeholders to identify potential legislative actions which would assist government entities in solving program-related problems; and to report all findings to the Governor, President of the Senate, and Speaker of the House of Representatives by January 1, 2017.

Public Comment

Bonnie Basham (Florida Airboat Association, BOAT US) noted they supported staff's recommendations for the extension. She added she was also representing the National Marine Manufacturers Association and the Marine Industries Associations of Florida who also supported the extension.

Jeff Krauskopf (Former Mayor, City of Stuart/Stuart City Commissioner introduced Terry O'Neil, Development Director, and former Commissioner and Mayor of Stuart, Mike Bortell, now the City Attorney. He noted they supported staff recommendations and will be happy to advocate for the final recommendation.

Drew Martin (Sierra Club) shared his time with Laurie MacDonald (Defenders of Wildlife) and noted that both organizations supported staff recommendations. They both also felt it is important for environmental reasons.

Albery Bryan (Dade County Full Track Conservation Club) encouraged taking more time, also look at boaters dumping waste overboard, which is damaging to the fragile environment, as well as types of anchors used.

Jerry Sansom (Brevard Commissioner, Florida Inland Navigation District) supported staff recommendations for the extension.

Commission Action

A motion was made to approve staff recommendations by Commissioner Roberts and seconded by Commissioner Rivard.

Commission Discussion

Commissioner Priddy asked if at the end of three years they will be asking for something different. She felt that part of the appeal of this program is that it could be individualized based on an area's preferences.

Major Moore responded yes, and noted that a stakeholder meeting resulted in a possibility of working toward a model ordinance, with bare minimum regulations. They will continue to work with stakeholders.

The motion was approved unanimously.

Agenda Amended to bring forward Swordfish and Removal of Gulf Reef Fish Venting Tools Requirement

Swordfish

Martha Bademan, Section Leader, Division of Marine Fisheries Management, summarized a draft rule amendment modifying the FWC swordfish rule that would:

- designate swordfish as a restricted species
- establish allowable gears in state waters
- allow fishermen operating under new and modified federal commercial swordfish permits to land and sell fish in Florida
- require wholesale dealers purchasing swordfish to obtain a federal Atlantic swordfish dealer permit
- update size limits to be consistent with federal regulations, and
- clarify federal citations in state rules.

Several proposed changes to state rules would be consistent with new and existing federal rules. Lastly, Ms. Bademan requested that the Commission approve the staff recommendations for the proposed draft rules for swordfish. If approved, staff recommended noticing and filing the rule without further hearing unless requested, and making the rules effective as soon as possible.

Public Comment

Drew Martin (Sierra Club) noted the most important thing is to minimize bycatch, but supported staff recommendations. He also noted that the Sierra Club is concerned about overfishing, and wanted the Commission to be sure that this proposal would not open up too many fishing opportunities.

Jerry Sansom (Organized Fishermen of Florida) strongly supported the staff recommendation, and stated the swordfish stock in the Atlantic is rebuilt. He noted that because a single swordfish value is over \$400, it is very important that FWC approve the restricted species endorsement to prevent recreational backdoor sales of harvested swordfish by recreational fishermen. Any charter captain who makes over \$5,000 a year in fishing-related income will be able to qualify for a restricted species endorsement and will still be able to sell swordfish under this permit, so the restricted species endorsement will just prevent recreational sales of swordfish.

Commission Discussion

Executive Director Wiley asked Ms. Bademan if she felt that the proposal is in a good place, and in sync with Mr. Sansom's requests.

Ms. Bademan replied that they are on the same page.

Commission Action Deferred to Thursday

Removal of Gulf Reef Fish Venting Tool Requirement-Adoption of a Federal Standard

Martha Bademan summarized a proposed action that would make state regulations in the Gulf of Mexico consistent with recent federal action that eliminated the requirement to possess and use venting tools when fishing for reef fish in federal waters of the Gulf of Mexico. Staff recommended adopting consistent state regulations for Gulf reef fish gear and using the process of adopting federal standards under Chapter 120.54(6), Florida Statutes. Staff noted they would also inform the public of the regulation changes and continue to demonstrate the benefits of venting and descending devices when used properly. If approved the rule amendment would be advertised and then filed without further public hearing and become effective as soon as possible.

No Public Comment

No Commission Discussion

Commission Action deferred to Thursday

Public Comment on Items Not on the Agenda

Lyle McCandless (Big Cypress Sportsmen's Alliance) noted they will make efforts to get tag reporting. He is also looking forward to working with Commissioner Bergeron on the Everglades effort.

Drew Martin (Sierra Club) thanked FWC for their position on gill nets; he feels they should be prohibited. Gill nets have been very damaging to fish stocks in the past. For the Everglades, the Sierra Club supported moving water under the Tamiami Trail Bridge, and hoped it will happen soon to get more water flowing south.

Jerry Sansom (Organized Fishermen of Florida) noted they supported staff recommendation for the FWC to conduct their own hearings on proposed management changes for Biscayne National Park to find out what people think. In addition, he strongly urged the FWC to not give up authority on any fishery management issues related to Biscayne National Park. He also felt that the FWC should not give Biscayne National Park any authority they do not already have.

John Rosier (Dade County Full track Conservation Club) noted that members are willing to help to do something in anticipation of another wet year, like removing exotics, planting trees on tree islands etc. He requested a meeting with staff to talk about possible re-energizing a partnership.

Victor Mallo noted he would like more hunting opportunities. He noted that deer are always under stress in the Everglades; history shows water levels going up and down.

Commissioner Bergeron noted that to have more hunting opportunities, you have to manage water levels to support wildlife; more wildlife is killed by high water than hunting.

Byron Maharrey (Everglades Coordinating Council) urged the Commission to write a strong position statement on the Everglades Restoration.

Commissioner Yablonski reminded Mr. Maharrey that Governor Scott is on top of this.

Frank Denninger (Everglades Coordinating Council) clarified that he supported the 5 inch rule, not 5 point rule. He then talked about his experience viewing a die off during a trek into a camp in Water Management Area 3. Lastly, he emphasized that the emergency procedure has to be done.

Newton Cook (United Waterfowlers Florida/Future of Hunting Florida) thanked the staff that manages vegetation on the Kissimmee Chain of Lakes. He felt that more officers are needed in the field catching wildlife poachers. Lastly, he felt the Agency needed to reconsider the deer; science is the only reliable approach.

Executive Director Wiley clarified that officers work hard whether on water or in the woods.

Marshall Jones (Max Fish Camp) urged the Commission to take the health of the Everglades seriously and maintain a strong position. In addition, he stated that Commissioner Ron Bergeron is the most important protector of the Everglades.

Commissioner Exchange

Commissioner Rivard noted, regarding the Everglades presentation, "that when you can't make them see the light, make them feel the heat." He emphasized that he is grateful for Commissioner Bergeron and his efforts.

Recess Wednesday's Portion of the Meeting

Chairman Corbett recessed the meeting at 6:11 p.m., to reconvene at 8:30 a.m., Thursday, November 21.

Thursday, November 21, Reconvene

Vice Chairman Yablonski opened the meeting at 8:30 a.m. A motion to amend the agenda to bring Biscayne National Park (BNP) forward was made by Commissioner Rivard, seconded by Commissioner Roberts and approved unanimously.

Special Recognition – American Fisheries Society

Tom Champeau introduced Mike Stone with the American Fisheries Society. Mr. Stone recognized and awarded the 2013 Outstanding Sport Fish Restoration Projects for Aquatic Education to the Florida Youth Conservation Centers Network Fishing and Basic Boating Skills Camp Pilot and Expansion Project. A plaque was presented to the Commission and a photo was taken.

Vice Chairman Yablonski recognized Steve Stock with the Guy Harvey Foundation and thanked him for everything the Guy Harvey Foundation does.

Biscayne National Park (BNP) Management Plans

Executive Director Wiley welcomed the team from the National Park Service (NPS).

Matt Johnson – Park Ranger Interpretation Specialist
Vanessa McDonough – Lead Fisheries Biologist
Ben West – Chief of Planning, Southeast Region
Sula Jacobs – Assistant Superintendent
Brian Carlstrom - Superintendent

Jessica McCawley, Director, Division of Marine Fisheries Management, provided an overview of Biscayne National Park (BNP or Park) and reviewed the goals of the two management plans being developed by BNP: the Fishery Management Plan (FMP) and the General Management Plan (GMP). She explained that the FWC has been working closely with the National Park Service on the development of these plans for more than ten years. Ms. McCawley then provided a history of the issue including FWC involvement, along with a summary of the management measures proposed under the current FMP preferred alternative (Alt 4), which BNP desires to implement within Park waters pending concurrence by the Commission. Ms. McCawley explained that the NPS is ready to finalize the FMP, and the NPS and staff are asking the Commission to reaffirm its concurrence with the proposed management measures and confirm its intent to proceed with the regular Commission rulemaking process toward achieving the goals of the FMP. She reviewed the FMP preferred alternative (Alt 4) which focuses on rebuilding and conserving Park fisheries resources and would require management changes to be implemented by the FWC. This alternative would make improvements to the Park's fisheries resources, prevent further resource decline, and allow the sustainable management of recreational fishing in BNP. Adjustments would be made to fishing regulations in the Park in order to achieve the stated goal of increasing the abundance and average size of targeted fish and invertebrate species within the Park by 20 percent over current conditions and in comparison to similar areas outside the Park. Further Ms. McCawley reviewed the suite of regulatory changes to FWC fishing regulations that could be implemented to achieve this goal. These included spearfishing limitations, elimination of the lobster sport season, slowly phasing out commercial fishing via use-or-lose permits, coral reef protection and no-trap areas, trap-free zones north and east of Park headquarters, restriction of traps from hard bottom habitat, no-trawl zones and modified bag limits, slot limits, and seasons for some species.

Commissioner Priddy asked about the options for the management actions under the FMP preferred alternative.

Ms. McCawley responded this is just a framework to accomplish the goal of achieving the 20 percent increase in abundance and size of targeted species. The NPS is asking the Commission to agree with the FMP and the goal of keeping the Park to a higher standard. It is then up to the Commission to look at the proposed items for rulemaking purposes.

Commissioner Priddy asked if it is accurate to say the Commission is being asked to approve the goal.

Ms. McCawley replied yes, and the concept, and also that the Commission would agree to start regular rule making to consider the proposed individual management actions after the FMP is approved.

Commissioner Priddy asked why there are so many alternatives to choose from if, within the concept of the 20 percent increase, they are able to adjust individual methods per the usual rulemaking process.

Ms. McCawley clarified that all these pieces and parts will help in various ways towards the common goal, like improved habitat or improved visitor experience.

Commissioner Yablonski clarified that the NEPA process requires the Park to have multiple alternatives, including a status quo alternative.

Ms. McCawley noted that if you agree with the concept and send a letter to the Park to move forward, a note of concern about certain pieces could be incorporated into that letter.

Ms. McCawley continued with a review of the General Management Plan (GMP) that was intended to create an overall management and zoning philosophy for BNP. She explained that while FWC has a Memorandum of Understanding (MOU) with the Park for the FMP, they do not have an MOU for the GMP. The draft of the GMP, released in 2011 included a series of five management alternatives, ranging from status quo (Alt 1) to the most restrictive alternative referred to as the environmentally preferable alternative (Alt 5). BNP chose Alt 4 as their preferred alternative. This alternative included a large no-fishing marine reserve and series of other zones, including poll-and-troll zones (non-combustion engine use zones) that would have limited fishing access to Park waters. Because many stakeholders as well as the FWC had concerns about the no-fishing zone proposed and the limited access to many BNP waters, the FWC testified at a Congressional hearing about the importance of providing fishing access within BNP. Following the release of the draft GMP, staff was directed to work with BNP to develop new ideas for additional alternatives for the GMP that did not include a no-fishing zone. Collaborative meetings resulted in the development of two new alternatives, both of which include a Special Recreation Zone (SRZ) within BNP that would allow recreational fishing with some restrictions. The SRZ would be larger than the no-fishing zones previously proposed and would create an area with larger and more fish that more closely resembles a pristine reef system where divers and anglers are less likely to encounter other fishers. Under both of the new alternatives, anchoring would be prohibited in the SRZ along with the harvest of grouper. Hook and line would be the only allowable fishing gear within the SRZ with the exception of lionfish removal and the commercial ballyhoo fishery. The new GMP preferred alternative (Alt 6) features a new and novel approach for managing fishing effort, inspired by the quota hunt concept. In this preferred alternative (Alt 6), the SRZ would be open to fishing year round, however access would be limited through the issuance of a limited number of FWC-issued permits called Special Activity Licenses (SALs) awarded would be based on the estimated abundance of snapper in the SRZ and be set such that no more than half of the estimated number of legal-sized snapper would be removed from the SRZ during any given year. She added that the SRZ zone will be researched and monitored over a 10-year period to determine if the number of SALs issued each year is appropriate and if other adaptive management measures need to be modified. At the end of 10 years, the results of the research and monitoring will be used to evaluate the effectiveness of the zone at meeting the NPS's goal of an enhanced reef experience for recreational users. FWC rulemaking would be necessary to implement the SAL-based permitting system and other fishing regulations specific to the SRZ. Lastly, Ms. McCawley summarized that with respect to the FMP, staff recommended the Commission send a letter to the NPS reaffirming FWC's concurrence with the selection of the FMP preferred alternative (ALT 4) and confirm FWC's intent to proceed with its rulemaking process in an effort to achieve BNP's goals of increasing the abundance and average size of targeted fish and invertebrate species in the Park by at least 20 percent. With respect to the GMP, she asked the Commission to direct staff to continue to work with BNP staff, and provide the Commission with updates as needed at future Commission meetings. In addition, if BNP adopts Alt 6, the new preferred alternative for the GMP, staff will return to the Commission in late 2014 or 2015 with recommendations for the development of MOUs between the NPS and FWC related to scientific monitoring and management of the SRZ as described in the plan.

Commissioner Priddy asked why they could not adopt Alt 6 for the FMP.

Ms. McCawley responded that the FMP looks at consistency of fishery regulations throughout the Park, and the GMP is a plan for overall zoning for the Park. They will work together, but the GMP's main goal is to protect habitat, including threatened and endangered coral species.

Commissioner Rivard asked how many people fish in the area of the Park that would be proposed to be limited.

Ms. McCawley responded they did not have a number specific to the proposed SRZ area; they only have an idea of the number of people fishing in the entire Park.

Commissioner Rivard agreed with the concept of not having closed areas and more access to fishing, but it would be good to know how many people are fishing there now that would not be allowed to fish if they implemented this.

Commissioner Yablonski asked if there were options for FWC moving forward if the Commission chose not to implement all aspects of the plan.

Ms. McCawley clarified that rulemaking would be required for both the FMP items and the GMP because FWC would issue the permits for the SRZ area.

Commissioner Rivard asked if the compromise is a larger area with limited fishing, versus a smaller area with no fishing.

Ms. McCawley responded that Alt 6 increased the area relative to the originally proposed no-fishing zone to spread out the fishing a little bit more, and the box was increased to the south to protect large stands of federally protected corals that occur in that area, but is still inside the monument area of the Park.

Executive Director Wiley noted that staff felt that the new, larger area captured all the ecological elements that were needed for this to be successful.

Commissioner Priddy asked if FWC will be compensated for administering the SAL permits to be issued under Alt 6.

Ms. McCawley responded yes, that they would use the SAL permits which have a \$25 fee.

Commissioner Priddy asked in relationship to the FMP, how many commercial fishermen are fishing in the area now, and what type of commercial fishing would be phased out.

Ms. McCawley responded there were 77 plus fishermen harvesting from the area in any given year, over the last 5 years, and there are multiple commercial fisheries operating in the Park that would eventually be phased out. The most valuable fishery in the Park currently is bait shrimp.

Commissioner Bergeron questioned if the management plans put restrictions on the area that FWC has authority.

Ms. McCawley replied for the GMP no, but for the FMP yes, because the goal is to make the fishery regulations consistent throughout the Park.

Commissioner Bergeron added where FWC has authority, he hoped the regulations put in place will consider conservation of the resource for longevity, with sustainable access and enjoyment for the people of Florida.

Commissioner Yablonski clarified that the SRZ area is about 14,000 acres and the total Park 170,000 acres, so less than 10 percent of the Park will be under the quota system.

Commissioner Yablonski welcomed Superintendent Brian Carlstrom and asked him to speak to the plan. Mr. Carlstrom applauded the cooperation that FWC has extended to the Park and the excellent effort from staff. The FMP and GMP are two pieces of critical planning guidance that the Park needs in order to continue preserving the Park. He added that the comment period for the general public is open till February 20, and the three public meetings will be December 9, 10 & 11 in Coral Gables, Florida City, and Key Largo.

Executive Director Wiley clarified that the FWC does not feel an additional fee of \$25 for the special activities license would be necessary.

Public Comment

Bonnie Basham (BOAT US) urged the Commission to not give up management authority to NPS. She also asked if the Commission could change pieces of the agreement if public input from the upcoming public hearing came back radically different with respect to access, permit numbers, or mooring buoys.

Vice Chairman Yablonski responded yes, that it is his understanding they could vote to amend certain pieces through rulemaking and Ms. McCawley confirmed this.

Norman Duncan said the true cause of the decline in fisheries is the degradation of the environment due to uncontrolled development resulting in habitat losses. Dwindling fish sizes and stock numbers are directly related to people. No-fishing marine reserves are needed to help balance the pressures within the Park. To help clarify issues, the State/Park jurisdictions should be seamless, and overlapping management zones should be consolidated to reduce confusion. He urged the Commission to help establish no-fishing zones that would help balance the activities in the Park. Alt 4 is a step in the right direction but not enough.

Aaron Adams (Director of Operations, Bonefish & Tarpon Trust – “BTT”) noted that BTT supported FWC signing on with the FMP and GMP. He emphasized that it will be important to have good information on catch and effort. He offered assistance from BTT to develop habitat and fishing maps to get information on how many fishers use the Park, where they fish, and what they catch, etc. Any logbook program should provide information back to the fishermen, as well as collect data.

Patrick Lynch, representing the commercial ballyhoo fishery, noted it is a clean fishery, the nets do not touch the bottom, and there is almost no bycatch. He urged the Commission to support their continued use.

Bill Kelly (Florida Keys Commercial Fishermen’s Association) noted that commercial fishing is important but there also needs to be additional focus on water quality, education, and law enforcement. Key indicator species in that area show that stock assessments conducted within the last three years demonstrate stocks are in good to excellent shape. It is not fair to continue to put restrictions on commercial fishermen and yet at the same time import 80 percent of fish products consumed in the U.S. The current trap reduction program is reducing the number of traps in the environment so there is no need to eliminate the trap fishery. He noted their commitment to the environment is substantial; they recently worked with the Councils to establish 60 new coral protection sites, and they can do the same thing working with BNP. However, the closure mentality is not good. There are other ways to address the environment, provide a safe product for America’s consumers, and allow regulated fishing and diving in these areas.

Caroline McLaughlin (National Parks Conservation Association) raised concerns that the resources will continue to be depleted under the GMP. They are concerned that the SRZ is inadequate to protect the coral reef eco-system within the Park. The focus should be on strategies related to preservation and replenishment for healthy, abundant resources in the future rather than accepting continued depletion of vital Park resources. It is also an issue of equity to different types of users, specifically divers and snorkelers, to experience a coral reef ecosystem that is not impacted by extractive uses. Also, they would like clearer management objectives with known benchmarks and how the new alternative is meeting these objectives. In addition, they feel that the GMP should be focused on overall habitat and ecosystem protection, and they are concerned that using indicators based on one species group

to manage the entire ecosystem is not a good strategy. Overall, they do not feel the new alternative better meets the Parks management goals and objectives. They feel Alt 4 is still the better alternative. In order to achieve the common goals of resource protection and also provide different types of users with valuable experiences, they feel the most efficient and effective and science based way would be the marine reserve.

Trip Aukeman (Coastal Conservation Association–Florida – “CCA”) noted that CCA does not have an official position, but they do have concerns about access, limited permits, adequate mooring buoys, and transit issues. CCA will be in touch with staff moving forward as they develop an opinion on the proposal.

Drew Martin (Sierra Club) noted that experience gained from Australia was that marine reserves improved fishing nearby. The reef system is important to the Florida economy and the reef system is being hammered right now. Fish need areas to replenish themselves. He said he felt that the area is being depleted, and one of the big problems is that folks are taking the wrong fish (e.g. too many parrot fish have been harvested) which damages the ecosystem, as they are part of keeping the reef healthy. Current users will suffer disappointment if they cannot catch fish because of overuse. Lastly, he noted they support the NPCA recommendations and felt Alt 4 is best for protecting the resource.

Mike Leonard (American Sportfishing Association) noted they are concerned that it will be a terrible precedent if a region is closed to recreational fishing. He also noted there are important issues to be ironed out, including the need to ensure that there are an adequate number of permits, while still meeting conservation goals. He also noted it is important to make sure to have some way to issue out of state or temporary permits, monitor their use, and ensure a sufficient number of mooring buoys. They support the big picture for now, as having limited access is better than no access, and want to continue to move forward in a positive path.

Commission Discussion

Commissioner Bergeron asked when they will get other decision-making opportunities.

Ms. McCawley explained that staff was requesting a final decision of the overall goal for the FMP, and that the pieces and parts would be brought back individually at a later date for rule-making. If the Commission is not ready to move forward, they could direct staff to hold more workshops on the FMP and come back with that information as well as the input from the NPS’ GMP workshops. The latest workshops on the FMP were in 2002-2003 and 2009, and were Park sponsored, where FWC staff was present. FWC has not held specific workshops on these issues yet.

Commissioner Priddy asked if FWC sponsored workshops will be held prior to rulemaking.

Ms. McCawley responded yes, but suggested that if the Commission wanted additional information before agreeing to the overall goals of the FMP, additional workshops could be scheduled.

Commissioner Rivard asked for clarification that they are currently working under an MOU that will expire in October of 2014. He also asked if they are reaffirming our prior agreement with the objectives of the Park, and taking this course today so that the MOU does not expire without something else in place.

Ms. McCawley responded yes.

Commissioner Yablonski noted previous Commission positions have been to not support no-fishing zones. This proposal continues to strike a balance between access and conservation, rather than no access; 92-93 percent of the Park will be open to all, and the rest open by permit if the GMP is ultimately adopted.

Executive Director Wiley noted the preferred approach is that they affirm the FMP to keep moving forward with the basic plan, and any element for rulemaking would be brought back to the Commission later through the rulemaking process.

Commissioner Yablonski reiterated that the FWC has flexibility as they move forward on the specifics of the plan and that fishing access would be open outside of the proposed SRZ

Commissioner Bergeron asked if regulations will change or increase where FWC has authority. He also stated that it is important that they help the Park achieve their goals while balancing access.

Ms. McCawley responded yes, they will bring back those details later, after more public comment is gathered.

Commissioner Priddy asked if the Park sets fishing rules in the area of BNP under their control.

Ms. McCawley responded no, they defer to FWC to set the fishing rules. The reason an MOU was entered into is so all users follow the same regulatory scheme seamlessly; they are not giving up any authority.

Commissioner Priddy asked what the criteria for success are to determine if a limited access fishery area is a success, and about possible restrictions on the SAL permits issued (e.g. if a permit holder doesn't use it, can it be awarded to someone else).

John Hunt, Program Administrator, Fish and Wildlife Research Institute, said that staff had not yet had a detailed discussion about the concept of permits being revoked and reassigned if they go unused (use it or lose it). The concept of 500 permits is modeled after the terrestrial hunting quota program, with the intent to provide a special experience through a lottery system, while still serving the conservation need. The selection of the 500 number was based on the numbers of reef fish in the coral habitats. The concept is to find the "sweet spot" that maximizes the experience but does not deplete fish in the area, and participates in a restoration process that meets the Park Service objective to improve the fishery. Monitoring would include an underwater scientific survey of the whole reef fish complex over time, with stations inside and outside the restricted area, to provide knowledge of what is being harvested by the permittees and if the abundance targets are being achieved. The monitoring and research program would include sonic tagging to monitor mutton snapper movement as has been done in other areas, in order to help explain why things happen and not just confirm that they are happening.

Commission Action

Commissioner Bergeron made a motion to move forward with staff recommendations to approve the FMP and the GMP and directing staff to bring details on regulations back to the Commission; also staff will continue to work with the NPS to accomplish the Park's mission while ensuring the NPS has the flexibility to ensure recreational activities and the environment are provided for. The motion was seconded by Commissioner Roberts.

Commissioner Roberts noted this is just the starting place for further exploration for rules and provides opportunity for stakeholder input.

Commissioner Rivard clarified that the motion on the table addresses staff recommendations for both the FMP and GMP.

The motion passed unanimously

Gulf of Mexico Fishery Management Council (Council)

Martha Bademan reviewed actions taken at the Gulf of Mexico Fishery Council (Council) meeting from the October 28-31, 2013 meeting. Since the September Commission meeting, the 2013 red snapper quota was raised from 8.46 to 11 million pounds, which allowed for a supplemental recreational season to occur in October. The state waters supplemental season was October 1-21, 2013, as approved by the Commission at its September meeting. The federal supplemental season was October 1-14 which was shorter than expected due to higher than expected fishing effort projections and uncertainty in harvest estimates from the June season. Ms. Bademan noted

that FWC was awarded a grant to improve recreational reef fish harvest data collection in the state of Florida and that staff will present a detailed proposals of these improvements at the February 2014 Commission meeting.

At the October Council meeting, NOAA Fisheries presented preliminary estimates for the 2014 federal recreational red snapper season, which is expected to be between 38-43 days, depending on regulations in each state's waters. Staff will return to the Commission in February for possible rulemaking in state waters.

Ms. Bademan noted that the Council is still discussing regional management as an option for recreational red snapper management and that final action on this item could be taken at the April 2014 Council meeting. Other Council red snapper discussions included sector reallocation, sector separation, and inter-sector trading. Ms. Bademan also explained that final action is possible as soon as February 2014 for removing the requirement for federally-permitted for-hire vessels to follow federal rules when fishing for reef fish in state waters (commonly known as the 30B rule). FWC staff has supported removal of the requirement based on past Commission direction. The Council has also been discussing red drum management in federal waters. The Commission did not hear about Council's final action on king mackerel, Spanish mackerel, and cobia due to staff presentations being shortened. Staff requested direction on three red snapper management items: regional management, sector reallocation, and sector separation.

Public Comment

Drew Martin (Sierra Club) supported staff recommendations.

Roy Williams (retired FWC staff, member of the Council) spoke on behalf of himself supporting the concept of regional management for red snapper, which while not extending the seasons by much, would still be much better from a management perspective. He also supported the repeal of the 30B rule. However, he is concerned charter boats fishing in state waters may cause recreational quota overages in the future because of increased harvest in state waters. Repealing the 30B rule will not help charter fishermen in peninsular Florida who have to travel into federal waters for red snapper anyway. Finally, for purposes of scoping hearings, he would like the Commission to endorse open discussion on sector separation. He would like members of the public to be able to weigh in on this issue. The charter boat industry is feeling the pressure and is looking for different approaches.

Trip Aukeman (Coastal Conservation Association – Florida) noted that CCA was initially in favor of regional management, but as things moved forward, he felt that issues arose and some benefits to regional management were not clear. He asked that if regional management moves forward, the Commission take a cautious approach. He also noted that CCA is in favor of sector reallocation and they support the option that allocates 75% of quota increases to the recreational sector, and 25% to the commercial sector when the quota is above 9.12 million pounds. Lastly, he expressed that CCA is opposed to sector separation.

Terry Gibson (Charterboat Operator) stated that he fishes on the Atlantic side, but has been watching the situation in the Gulf with great interest. He has mixed feelings about sector separation because as a recreational fisherman, he does not like to see quotas further divided among groups. However, he noted that when fishing is slow, it would be nice to have some sort of reserve for the charter industry which would allow businesses to plan trips with more predictability. He supported allowing the public to voice their opinions about sector separation.

Commission Discussion

Commissioner Yablonski asked Ms. Bademan to address recreational red snapper regional management. He asked if the challenge here is the proper state allocation for Florida.

Ms. Bademan noted that discussions leading to an agreement among the Gulf States had been close at one point, but then errors were discovered in the landings being used to calculate allocations. Changes to the MRIP survey in 2013 also raised questions about recreational catch in 2013 versus previous years. She stated that there is a

possibility that landings in Florida have been underestimated and they are not sure what the actual landings are now.

Executive Director Wiley noted that in agreeing to an allocation for regional management, they do not want to find out later that they agreed to a much smaller part of the overall quota. Regional management could still be beneficial for the states by providing more flexibility in management. He asked the Commissioner to allow discussions to continue, and said that the state would not agree to any allocation percentage before coming back to the Commission.

Commissioners agreed with that approach to regional management. Additionally, Commissioner Roberts asked if the Council would consider allowing the season to open in federal waters a week early, on the Saturday of Memorial Day weekend.

Ms. Bademan said she can ask, but with the legal requirements, it may not be possible to get approval before Memorial Day weekend for 2014.

Commissioner Yablonski noted that red snapper is a good news story and that the state could consider adding more days to the recreational season for 2014. He asked Ms. Bademan if the Council has a preferred alternative for sector re-allocation.

Ms. Bademan noted that the alternatives which give quota increases over the 9.12 mp threshold seem to be more acceptable to everyone. She suggested that reallocation could be done with the quota increases over the 9.12 mp base quota.

Commissioner Roberts noted he liked option 5. The allocations would remain at 51% commercial and 49% recreational if the quota is up to 9.12 mp, then 75% of quota increases to the recreational sector, and 25% to the commercial sector.

Executive Director Wiley recognized the importance of the commercial industry and would like to see it continue to be a vibrant industry, but with new and larger quotas, there is an opportunity to help the recreational sector and lengthen the recreational season in a small way.

Commissioner Yablonski noted that for sector separation there is a public scoping process that could occur and asked if they should even get into the stakeholder process.

Commissioner Roberts suggested they be careful in sector separation and noted he is concerned about the effect of sector separation on the 30B rule. He felt they should stay the course at the moment, and stay out of sector separation.

Executive Director Wiley asked for clarification on the position for sector separation. Should the Commission support, stay neutral, or allow the public scoping to move forward?

Commissioner Yablonski noted that regardless of sector separation, the 30B rule needs to be eliminated.

Commissioner Rivard stated he would like to allow Ms. Bademan to take a neutral position at the Council on sector separation and let the public participation process occur.

Ms. Bademan explained she can take a neutral position during Council votes.

Commissioner Bergeron would like to let the process proceed, and let public have opportunity to weigh in.

No Public Comment

No Commission action beyond the direction given to staff

South Atlantic Fishery Management Council (SAFMC)

Because no direction was required from the Commission, no presentation was given.

Swordfish

No Public Comment

Upon a motion of Commissioner Bergeron, seconded by Commissioner Priddy and carried, the Commission unanimously approved staff recommendations.

Removal of Venting Tool Requirement Gulf of Mexico

No Public Comment

Upon a motion of Commissioner Rivard, seconded by Commissioner Priddy and carried, the Commission unanimously approved staff's recommendation.

Special Recognition

Executive Director Wiley introduced Captain Rick Murphy with the Chevy Florida Insider Fishing Report and Sportsman's Adventures. Rick showed a video about the many programs FWC offers for youth and briefly discussed their partnership with the FWC.

Sea cucumbers

Melissa Recks, Division of Marine Fisheries Management, summarized a draft rule amendment for sea cucumbers which are regulated under the Florida Fish and Wildlife Conservation Commission's Marine Life Rule. She noted that staff is recommending regulatory changes requested by the commercial marine life fishery that would implement a commercial trip limit for sea cucumbers in response to concerns that the development of a food export market may lead to over exploitation. The draft rule amendment would create a commercial daily trip and vessel limit of 200 sea cucumbers. Ms. Recks gave a brief explanation of the Marine Life Fishery and explained that sea cucumbers are sedentary marine invertebrates that inhabit shallow water habitats in the Florida Keys and are vulnerable to overfishing because their visibility and sedentary nature make them easy to locate and collect. Because sea cucumbers are broadcast spawners, dense populations are needed for successful reproduction, so recovery after overfishing could take decades. While the Florida fishery has historically targeted them only for sale into the aquarium trade, they are commonly targeted elsewhere in the world as a food product because of their high value in Asian markets. Ms. Recks discussed the economic and ecological value of Florida's sea cucumber and current Florida regulations for both recreational and commercial fisheries. She emphasized industry concerns about over exploitation of the sea cucumber in Florida and that worldwide most international fisheries have been deemed unsustainable. Lastly, Ms. Recks described the small scale of Florida's current sea cucumber fishery, and public input they have received.

Staff recommended the Commission approve the proposed draft rule establishing a commercial daily trip limit and vessel limit of 200 sea cucumbers. If approved, staff will return for a final public hearing at the February 2014 Commission Meeting.

Public Comment

Drew Martin (Sierra Club) emphasized that because of exploitation risks and the importance of sea cucumbers to the marine environment, the Sierra Club strongly supported staff recommendations.

Jeff Turner (Florida Marine Life Association) supported staff's recommendation. He stated that the Florida Marine Life Association supports the collection of marine life as live aquarium species, not for food. Mr. Turner also discussed the option that a new trip ticket code may be created to determine whether a sea cucumber is being harvested as food, rather than for the live aquarium trade.

No Commission Discussion

Commission Action

Upon a motion of Commissioner Priddy, seconded by Commissioner Roberts, and carried, the Commission unanimously approved staff recommendations.

Public Comment on Items Not on the Agenda

Drew Martin (Sierra Club) commented that divers and snorkelers are resource users that enjoy Florida reefs as viewers, and don't take anything out of the environment. These user groups should be considered when discussing reefs. He also commented that the manatee and dolphin deaths are probably due to water quality and that he felt it was important to keep working on the problem. Lastly, he asked whether the FWC monitors imports of illegally poached animals such as African Rhinos.

Ted Forsgren (CCA-Florida) commented that allocation has been talked about for 27 years and in spite of FWC objection, the feds set grouper catch shares without redoing the allocation. He felt there has to be a basis for moving allocation from one side to the other, and there has been much data recently that speaks to the value of the fish allocated to the recreational fishery. The problem with red snapper is that as the numbers and size of fish increase, it becomes so easy to catch fish that the season shrinks more each year. Additionally, Mr. Forsgren complimented Commission staff, General Counsel Bud Vielhauer, and Assistant Attorney General Jonathan Glogau on the work that contributed to the recent ruling on gill nets. The amendment has done so much for Florida fisheries. CCA has hired an attorney and are planning to file an amicus brief in support of FWC and the Constitutional amendment.

T.J. Marshall noted he is concerned about the other law suit in the Gulf red snapper fishery, a large group of commercial fishermen has filed suit against National Marine Fisheries Service (NMFS) because they claim recreational overharvest has resulted in lower allowable catches for the commercial fishery and they want the recreational fishery to lose its quota in coming years to compensate for past overages. If they win, NMFS will be court ordered to pay back a million and a half pounds in the next year, and if states keep setting longer seasons in their state waters, there may be no federal recreational season at all. He would like that staff be given direction to continue to pursue regional management and negotiate with the other states on what the Florida regional management quota would be. Lastly, he noted that because the law suit has a lot of merit, the likelihood of winning is very high.

Manley Fuller (Florida Wildlife Federation) expressed their position regarding gill nets is identical to CCA and they also anticipate filing legal action in support of the Commission's position to defend the amendment. He noted they appreciate the hard work of everyone as well. The benefits of the net amendment are large. They feel the forage fish of Florida affected by the nets and their conservation is critical because of their benefit in feeding the larger game fish and other wildlife. The Federation is also getting involved in a law suit regarding the Big Cypress addition lands, in an effort to assure sustainable use of those lands and protect the natural resources. Lastly, he noted that where there is opportunity to conserve the watersheds that feed into the Gulf of Mexico, such as purchasing conservation easements, those opportunities should be considered as well.

Commissioner Exchange

Commissioner Rivard commented that it was an excellent meeting.

Commissioner Roberts said he appreciated Commissioner Bergeron's passion, knowledge and dedication on the Everglades issue.

Commissioner Priddy said it was incredibly hard to deal with all the parties on a complex issue such as the Everglades and she appreciated Commissioner Bergeron's efforts. She thanked all staff.

Commissioner Bergeron thanked his fellow Commissioners for their patience and trust in him regarding the Everglades issue, and thanked Executive Director Wiley for assigning extra staff to keep working on it. He also appreciated all the science to help guide them to save the Everglades, provide water to people, and help with flood control. He then thanked Commissioner Priddy for her support, the stakeholders, and the Governor for his vision and funding.

Commissioner Yablonski talked about how much resource policy is intertwined with the two large national Parks, Biscayne and Everglades, with a lot of moving parts.

Commission Administrative Matters

Chairman Corbett announced the next regular Commission Meeting is scheduled for February 12-13, 2014 in Tampa, commencing at 8:30 a.m.

Adjournment

Meeting adjourned at 11:47 a.m.

Richard A. Corbett
Chairman

Nick Wiley
Executive Director

Respectfully submitted:

Robin Stetler
Commission Administrative Assistant