



Florida Fish and Wildlife Conservation Commission

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Commission Meeting
September 5-6, 2013
Pensacola, FL
Minutes

The Florida Fish and Wildlife Conservation Commission (FWC) held their regular meeting September 5-6, 2013, at the Crowne Plaza Pensacola Grand Hotel, located at 200 East Gregory Street, Pensacola, 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
Kenneth Wright, Orlando, 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
Roland Garcia	Director, North Central Region
Diane Eggeman	Director, Division of Hunting and Game Management
Tom Champeau	Director, Division of Freshwater Fisheries Management
Jessica McCawley	Director, Division of Marine Fisheries 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
Rae Waddell	Director, Florida Youth Conservation Centers Network
Charlotte Jerrett	Chief Financial Officer
Jackie Fauls	Legislative Affairs Director
Ignacio Sanchez	Director of Information Technology

There were 68 individuals registered to speak to the Commission during the two-day meeting.

Meeting Opening

Chairman Corbett called the September 2013 meeting to order at 8:30 a.m. and welcomed the Commissioners, staff, and public to the Crowne Plaza Grand Hotel, Pensacola, Florida. He announced the Board will meet on October 9, 2013, in Tallahassee for the purpose of strategic planning.

Adoption of Minutes

Chairman Corbett asked for a motion to approve the June, 2013, Commission meeting minutes. The minutes were unanimously approved as written.

Adoption of Meeting Agenda

Chairman Corbett asked for a motion to approve the meeting Agenda. The September 2013 Commission Meeting Agenda was unanimously approved.

Approval of Consent Agenda

Chairman Corbett asked for approval of the six Consent Agenda items, which the Commissioners have already been briefed on. The September 5-6, 2013, Consent Agenda was unanimously 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.

New Director of Information Technology - Executive Director Wiley introduced Ignacio "Nacho" Sanchez, FWC's new Director of Information Technology.

Gubernatorial Fellow - Executive Director Wiley introduced Terrance S. Williams, from the Gubernatorial Fellows Program, who is working with the Division of Law Enforcement.

Department of Environmental Protection Identifying Potential Surplus Lands – Executive Director Wiley reported the Department of Environmental Protection (DEP), Division of State Lands currently is leading an effort to evaluate lands owned by the Board of Trustees of the Internal Improvement Trust Fund (BOT) in order to identify land that may qualify for surplus listing. The effort is guided by the 2013 General Appropriations Act (SB 1500), which provides up to \$50,000,000 from the proceeds of sale of surplus lands identified by this assessment and determined to no longer be needed for conservation purposes by the BOT. The focus for new land purchases will be on military base buffering, spring protection or water resource protection, conservation easements or with partnerships where the state's portion of the acquisition cost is no more than 50 percent. The FWC, along with other agencies that manage state land have been participating on a Technical Advisory Group (TAG), which DEP is utilizing to coordinate the review of potential surplus lands among partners. After review by state agencies, 169 sites totaling 5,331 acres were identified. This is a preliminary list and there is considerable due diligence left in identifying lands for surplus, including numerous opportunities for stakeholder and public input. DEP will hold several public workshops around the state in the near future and FWC staff will continue to work closely with DEP and keep the Commission apprised of the progress.

Apalachicola Oyster Status – Executive Director Wiley presented an update on the Apalachicola oyster status. He explained the number of oysters harvested continues to decline sharply. To address this, the FWC staff prepared and submitted a report to the National Oceanic and Atmospheric (NOAA) Fisheries Service in support of Governor Scott's request for a commercial oyster fishery failure declaration, which is being caused by significant decreases in freshwater flow into estuaries as the result of low river flow and extended drought. After review by NOAA, The U.S. Secretary of Commerce declared a commercial fishery failure, making it possible for Congress

to appropriate funds to provide economic assistance to fishing businesses and communities affected. He also noted a \$2.7 million National Emergency Grant from the Department of Labor, which provided temporary employment for dislocated oyster fishers, has ended. The FWC staff continues to work with the Governor's office, DEP, Department of Agriculture and Consumer Services and the Department of Economic Opportunity to estimate funding needs relative to this disaster.

Boca Grande Pass Tarpon Fishing Gear

Chairman Corbett asked General Counsel Vielhauer to address the Commission. Mr. Vielhauer discussed the two requests received by the Agency from SCG Governmental Affairs Consulting on behalf of the Florida Tarpon Angler's Association.

Commissioner Wright stated we are not held to the 120 process because we are a Constitutional Agency. He noted that the workshop process is for the Agency to gather public input, and there isn't any public input we haven't heard. Commissioner Wright motioned to have a written response denying the request for a workshop, Commissioner Priddy seconded the motion, and it passed unanimously.

Commissioner Rivard asked if the Agency is not held to the 120 rule, why we need to respond. Mr. Vielhauer explained that while we are not held to the 120 rule, we use it as a guide.

Commissioner Yablonski responded that this is the third time the issue was deliberated by the full Commission, and the Commission meeting acts as a workshop.

Jessica McCawley, Director of the Division of Marine Fisheries Management, discussed the proposed rule amendments for the Florida Fish and Wildlife Conservation Commission's (FWC) tarpon rules, 68BB-32, and Boca Grande Pass Gear Restrictions rule 68B-4.018. Ms. McCawley stated that staff recommended the Commission approve the proposed rule amendments implementing a two-part approach modifying the current tarpon snagging definition statewide to include a provision that prohibits catching or attempting to catch a tarpon that has not been enticed to strike an angler's gear; prohibiting the attachment of a weight directly to a hook, artificial fly, or lure in a manner such that the weight hangs lower than the hook when the line or leader is suspended vertically from the rod when fishing in Boca Grande Pass; and requiring that prohibited gear be stowed in a manner that makes its immediate use impracticable while in the Pass, and apply year-round. If approved, staff recommended making the rules effective November 1, 2013.

Special Recognition

Chairman Corbett recognized Melissa Thompson, Aide to U.S. Congressman Steve Southerland.

Public Comment

Richard Hirsh (New York) said he spends 500-600 hours a year fishing for tarpon in Boca Grande and around Florida. He asked the Commissioners to please vote yes and have good enforcement.

Caroline Clark (Birmingham, AL) urged the Commissioners to protect the fishery and the area of Boca Grande, and vote yes.

Philip O'Bannon (Boca Grande) as Executive Director of Mote Marine Lab office in Boca Grande, said that in his personal opinion, this is needed to protect the fishery, and supported the rule.

Rhett Morris (Charlotte Harbor) said he has been a charter captain out of Burnt Store Marina for 18 years and believes that he has seen a decline in the number of fish using the Harbor. Mr. Morris supported the proposed rule, and felt that sharp enforcement is a must.

Ryan Hawks (Panhandle area) strongly endorsed the proposed gear restrictions on behalf of the tarpon anglers, fly fishing tarpon anglers, fishing guides in the area, and the local Panhandle fly club. He mentioned Panhandle anglers share the fishery with Boca Grande, and passing the restriction today is a good start, but regulations need strict enforcement.

Bill George (Plant City) has never been to Boca Grande or fished for tarpon, but felt that too much time is being spent on this issue; if there is such a problem, he suggested shutting down the Pass. He listened to testimony from the last meeting and noted that the experts stated the jig could increase snagging, but was not asked if other methods could as well, given a large assemblage of fish. He noted it could also be the fishing style and felt it was hard to determine the “intent” of the fisher. He explained even bait fish could be considered weight. He held up a snatch hook and described how to attach some tendrils to it to make it a legal gear per our definitions.

Trip Aukeman (CCA – Florida) said that CCA of Florida supports the proposed rule modifying the snagging definition. They do not support the gear restriction rule in Boca Grande Pass as there is no credible evidence that a regulation is necessary to protect the species, or that any one gear is more harmful than another.

Van Hubbard (Captain) supported the proposed rule amendment.

Bill Bishop supported the proposed rule amendment. He looked forward to anglers finding common ground in the future.

Chris Frohlich (Save the Tarpon) said he wholeheartedly supported the proposed rule amendment and thought it was good foresight and good for the Pass because it is a shared resource for the entire state.

Craig Abbott donated his time to Lane Stephens

Frank Davis (Captain – Boca Grande Fishing Guide/Save the Tarpon) supported the proposed rule amendment to help preserve the fishery.

Aaron Adams (Bonefish & Tarpon Trust) commented that Boca Grande Pass is a special place for tarpon to gather before and after spawning and felt the Agency should err on the side of the fish. He noted that an international review of the status of tarpon had ranked them vulnerable due to overfishing in the Caribbean, and habitat loss. Florida is the epicenter, so we carry a special responsibility. He urged the Commissioners to use caution; cultural change in the recreational fishery takes time and the damage may have already been done to the fishery. He urged the Commission to approve staff’s recommendation.

Lane Stephens (SCG Governmental Affairs) said he represented those who use the jig, and discussed his letter which he submitted to the Agency, challenging the finding of no economic impact for the proposed rule. He noted the Agency assumes that the users of the jig can simply change to another fishing method and still be effective and failed to consider possible damages from a potential decrease in effectiveness from using other methods. Michigan Sea Grant and Mississippi/Alabama Sea Grant Consortium found that the ability to find and catch fish is a primary reason people pick a guide. He further noted the impact on the 65 fishing guides could be a loss of \$8 million per season. A study commissioned by the Everglades Foundation found that tarpon fishing in Charlotte Harbor was worth about \$108 million dollars per year. He discussed an email from Dr. Charles Adams; University of Florida Economist for Sea Grant of Florida that stated what is needed is an impact assessment on the gear ban. How those costs compare to the benefits are at the crux of the issue. In closing, he asked for a delay until a full economic study on the impacts of the rule is done; small businesses impacted have a right to challenge Agency findings. Lastly, he noted that FWC’s website states the Agency abides by the Chapter 120 rule; he stated either FWC does or does not; it needs to be one way or the other.

Tom McLaughlin (Save the Tarpon) remarked that he has seen regulations in his time that decrease the effectiveness of fishing gear. He cited using treble hooks with live bait, and snagging snook. He opined that we don’t regulate based on the effectiveness of harvest with no concern to negative impacts; it’s not simply financial.

He noted that evidence from the clients and guides said not acting on this issue could result in substantial loss to the fishery. He urged the Commissioners to pass the proposed rule change.

Holly Haynes remarked though not an angler; she felt tarpon are in danger. She passed out letters from school children who feel the tarpon belong to them as well, and they want them saved. She urged the Commission to restrict the gear and write the law in a way that is enforceable. She read a letter from a child that said if we don't do anything the tarpon will be gone and asked the Commission to please save the tarpon.

Jennifer McLaughlin – donated time to Tom McLaughlin.

Mark Futch, (a third generation fishing guide from Boca Grande) has been guiding the Pass since 1975, and said he believed the fishery is in decline. He felt this gear is snagging and that it is important the gear restriction recommendation gets passed. Mr. Futch commented that he is one of many who have suffered economically, but this has to do with conservation in the end. He further noted that he did not guide in June because there were no fish, and there haven't been during that month in the last five to six years. The big breeding females are being killed off, even before the Professional Tarpon Tournament Series (PTTS). Saving the fishery is paramount to saving tarpon migrating all over Florida.

Cappy Joiner (Boca Grande Fishing Guides Association) noted he has been a charter boat captain in Boca Grande since 1964. His opinion was that this is about economics, but felt we have to save this adult tarpon habitat in Boca Grande Pass that is being destroyed. The Guides Association and approximately 60 other captains who aren't members strongly endorse the rule change.

Bob Zales agrees with the CCA position and noted that he believed gear restrictions are being used to solve human behavioral issues. The economics are big and the Agency needs to be aware of who they are impacting with this decision. He felt that recreational anglers are discriminated against and urged caution.

Commission Discussion

Commissioner Wright commented on Mr. Stephen's testimony. He cautioned that this is not about economics or human behavior; it is intended to prohibit a particular gear to improve the enforceability of a current rule and protect a resource. With their long life span, it could take many years to recover. Our fiduciary responsibility is not to the economics, but to the resource. He made a motion to move the draft rule to final adoption.

Commissioner Bergeron stated it is extremely important to protect the resource properly. While FWC needs to consider the economic impact, the protection of the resource for longevity is our priority. He thinks the jig is likely snagging, and that affects stress and mortality for hooked tarpon. The economy in the long run will benefit by protecting the resource. He believed it is necessary to pass the rule.

Vice Chairman Yablonski said how we hunt and fish matters, because there is a concern for the resource, as well as an ethical fair chase. If the tarpon are enticed or attracted to the jig, moving the hook should not affect the success rate, but that is not being discussed. He is personally concerned about the spawning aggregation. The Boca Grande Chamber of Commerce strongly supports the rule, and they are pro business.

Commission Action

The motion on the table to accept staff recommendations made by Commissioner Wright was seconded by Commissioner Bergeron. The motion was unanimously approved.

Special Recognition

Chairman Corbett introduced Representative Clay Ingram, House District 1, also a member on the Agricultural and National Resources Appropriations Sub Committee.

Gulf of Mexico Fisheries Management Council

Martha Bademan with the Division of Marine Fisheries Management reviewed actions taken at the Gulf of Mexico Fishery Management Council (Council) meetings on June 17-21, July 17, and August 26-30. In June, the Council received the new red snapper stock assessment and learned the stock is still overfished but rebuilding ahead of schedule. In response, the Council increased the quota and set a supplemental season for 2013, which would begin October 1 and run an estimated 21 days, if approved by the U.S. Secretary of Commerce. In August NOAA Fisheries staff presented preliminary Marine Recreational Information Program (MRIP) landings estimates from the June 2013 recreational red snapper season, which suggested a drastic increase in recreational harvest in 2013. NOAA Fisheries is reviewing landings estimates to determine if a 2013 supplemental season in federal waters is possible and if the increase in harvest is related to changes to MRIP harvest estimation procedures. Other Council discussions included red snapper regional management, sector reallocation, and inter-sector trading. Finally, Ms. Bademan explained that the Council planned to begin two amendments that would: 1) remove 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); and 2) discuss splitting the recreational sector into two sectors: private anglers and for-hire.

Staff recommended the Commission authorize the Executive Director, in consultation with the Chairman, to create a supplemental Gulf state waters recreational red snapper season via Executive Order once more information about the federal season is available.

Chairman Corbett asked when a decision will be made about the supplemental season in federal waters.

Ms. Bademan responded that it probably would not be this week, but sometime before October.

Public Comment

Pam Anderson (PCBA, NACO, Bay County Chamber of Commerce) passed out a newspaper article from August 7, 1997 about a public meeting on a data collection study in the for-hire industry. She noted that better data collection is still needed to reduce uncertainty and Florida needs to determine how many reef fish anglers we have. She stated that there are more red snapper in the Gulf than previously estimated by NOAA Fisheries, and that the fall season is needed because events have been planned around the season. She asked the Gulf Council to begin work to rescind the 30B rule which places unfair restrictions on federally-permitted for-hire vessels. She spoke of the need to delay regional management until more information about MRIP data is known. Finally, she stated that most recreational anglers do not want catch shares or sector separation.

Bob Gill (OFF) suggested having the FWC representative on the Gulf Council recommend using the 11 million pound annual catch limit for 2014 and 2015. This will lead to fishery stability and an opportunity to develop a new management structure for the recreational red snapper fishery.

Chairman Corbett asked how the recreational red snapper management structure would be developed.

Mr. Gill responded that a new recreational management plan needs to be developed over the next two years, and then put in place for 2016.

Mr. Gill stated that the 30B rule is fundamentally unfair and that if federal-permitted for-hire vessels can fish in state waters during federal closed seasons, the seasons would be even shorter. He also stated that the Council's proposed regional management plan is not well-settled. State allocations are not set. It would be hard to change allocations once the plan is implemented, because allocation decisions would be based on landings history, and regional management would cap the landings of each Gulf state.

Bob Zales (Panama City Boatmen's Association) stated that the red snapper stock is rebuilding ahead of schedule despite recreational overruns. He supported the repeal of the 30B rule. He also asked the Commission to push for

rescinding the Magnuson Act provision that requires the fishery to be closed when the quota is expected to be met. This would give NOAA Fisheries flexibility in managing the stock. He suggested that the previous MRIP methodology must have always underestimated harvest of red snapper, so he would support a shift in allocation to the recreational sector. He asked the Commission to open state waters for recreational red snapper harvest in October. He stated that he cannot support regional management because of the current data collection system for the recreational sector. Finally, he stated that the Commission needs to develop a data collection system that can be used to manage the red snapper fishery off Florida.

Commission Action

Commissioner Roberts made a motion to create a supplemental season opening red snapper in Gulf waters from October 1 through October 21, via Executive Order. The motion was seconded by Commissioner Rivard, and unanimously approved.

Commission Discussion

Commissioner Yablonski asked what the increase in landings for 2013 under the new system suggested. Could it mean that the stock is no longer overfished?

Gil McRae, Director of Fish and Wildlife Research Institute stated that most scientists agree the new method is more comprehensive than the old, and the new method suggests that we probably have underestimated harvest data in the past, but we don't know to what degree.

No additional guidance was provided.

South Atlantic Fisheries Management Council

Ms. McCawley presented a review of actions and discussions at the South Atlantic Fishery Management Council's (Council) June 10-14, 2013 meeting in Stuart, FL and issues that will be discussed at the Council's meeting on September 16-20, 2013 in Charleston, SC. Issues included a 2013 red snapper harvest "mini-season," in federal waters, increased black sea bass annual catch limits for 2013-2016, and a vessel monitoring system requirement on commercial snapper grouper vessels that was rejected by the Council. The Council is considering potential management changes to snapper and grouper species, mackerel and cobia, deepwater shrimp, and dolphin and wahoo. The Council is also considering creating or reconfiguring closed areas to protect speckled hind and Warsaw grouper. Some proposed closed areas are off the east coast of Florida and the Keys. Both Councils and the Commission formed a committee to address South Florida fishery management issues and the Commission recently hosted public workshops in South Florida to gather public input for committee consideration. No specific direction on Council issues was requested.

No Public Comment

No Commission Discussion

No Commission Action Required

Gulf Grouper

Ms. Bademan presented a summary of a proposed rule to eliminate the February 1 through March 31 season closure for black, red, red hind, rock hind, scamp, yellowfin, and yellowmouth groupers in state waters of the Gulf of Mexico (excluding Monroe County). This action would make state recreational grouper regulations in the Gulf of Mexico consistent with federal regulations that are already in effect and remove a similar federal waters closure shoreward of the 20-fathom depth contour. If the Commission approved the proposed rule amendment, this rule would be filed without further public hearing and would become effective as soon as possible.

Public Comment

Bob Gill from Crystal River urged consistency with federal rules.

No Commission Discussion

Commission Action

A motion to approve staff recommendations for the proposed rule was made by Vice Chairman Yablonski, seconded by Commissioner Priddy, and unanimously approved.

Atlantic Vermilion Snapper

Ms. McCawley presented a summary of a proposed rule to adopt federal standards for Atlantic vermilion snapper. This action would make state recreational vermilion snapper regulations consistent with recently approved federal regulations that eliminated the annual recreational closed season from November 1 to March 31 in South Atlantic federal waters. Staff recommended adopting consistent state regulations for Atlantic vermilion snapper using the process of adopting federal standards under Chapter 120.54 (6), Florida Statutes. If the Commission approves the proposed rule, it would be advertised and filed without further public hearing, and become effective as soon as possible.

No Public Comment

No Commission Discussion

Commission Action

A motion was made to approve staff recommendations by Commissioner Priddy, seconded by Vice Chairman Yablonski, and unanimously approved.

Blue Runner

Ms. Recks summarized a proposed draft rule that would create a new rule chapter for blue runner, 68B-61 of the Florida Administrative code (F.A.C.), in order to manage the fishery in state and federal waters. Ms. Recks requested that the Commission approve staff recommendations approving the proposed draft rules that would create Chapter 68B-61 F.A.C. (blue runner). In the new chapter, staff recommends defining blue runner, establishing a recreational daily bag limit of 100 fish, clarifying commercial license requirements for the blue runner fishery, and extending these regulations into federal waters. If approved and directed, staff recommends returning for a final public hearing at the November 2013 Commission meeting.

No Public Comment

Commission Action

A motion to approve staff recommendations was made by Commissioner Bergeron, seconded by Commissioner Priddy, and unanimously approved.

Exemptions from Licenses and Permits

Northeast Regional Director Shannon Wright summarized House Bill 333, which is a new exemption from recreational hunting and fishing licensure requirements, and passed by Legislature during the 2013 Legislative Session and approved by the Governor. The statute will give the Commission direction to issue permits for outdoor recreational events designed to provide rehabilitation or enjoyment to disabled veterans or active or

reserve duty military personnel. The permits would provide the participating military personnel, disabled veterans, and their immediate family, as well as assistants to the disabled veterans with an exemption from the requirements to purchase a recreational hunting or fishing license for the duration of the event. The Statute gives the Commission direction to adopt rules to implement this new permit and exemption. Ms. Wright requested the Commission approve the proposed draft rule 68-1.00. If approved, staff will publish a notice that the rule will become effective without further public hearing, unless requested.

No Public Comment

No Commission Discussion

Commission Action

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

Agenda Amended

Assistant Executive Director Eric Sutton sought a motion to move the Everglades Update and the Budget and Legislative Issues from tomorrow's agenda to today.

Commissioner Wright motioned to amend the agenda to bring the Everglades Update and the Budget and Legislative Issues forward today, seconded by Commissioner Roberts, and unanimously approved.

Everglades Update

Executive Director Wiley discussed the challenges of the Everglades high water problems. He explained as water is released from Lake Okeechobee, it is causing problems in the estuaries on both coasts. Also, there is not sufficient structure as water is pushed south into the Everglades and out where it naturally would go. The Army Corp of Engineers is working hard to re-plumb this area. Director Wiley noted that through Commissioner Bergeron's hard work, there has been a lot of attention brought to the high water problems. He noted that through the Central Everglades Planning Project (CEPP), which represents a water plan for the Everglades that stems from the Comprehensive Everglades Restoration Plan (CERP), and working with many agencies, the FWC wanted to make sure that the water duration in the Everglades is supportive of habitat for species, especially those that are threatened. He further explained that the Agency has a team of staff, including hydrology experts, who are working on preparing a position paper that generally supports CEPP in principle, but it also looks at potential impacts from a fish and wildlife perspective. The position paper will describe what will happen to wildlife with water at depths greater than 2 feet for more than 60 days; that we will lose wildlife and diversity, which has happened already. Lastly, staff will use the position paper going forward to engage in future Everglades restoration related efforts to help us have a tool to achieve a balance between water storage, flood control, and fish and wildlife conservation. It will also provide guidance for how the Agency provides technical input and help develop plans to respond to high water events in the Everglades.

Commissioner Wright strongly encouraged advocacy and asked that Commissioner Bergeron be put in the best position possible to advocate for the Agency's position.

Chairman Corbett commented that he appreciated and respected Commissioner Bergeron for the time and passion he has given to this issue.

A video from Bergeron was shown documenting the current highest water level on record.

Chairman Corbett suggested that the November Commission Meeting would be an ideal time to give a presentation on this issue.

Commissioner Bergeron thanked Executive Director Wiley for the additional staff to help put together an emergency policy on extreme high water in the Everglades. He noted he will have prepared documents at the next Commission meeting on extreme high-water and its impact on wildlife. Then Commissioner Bergeron explained that if you have greater than two feet of water with duration of 60 days, it does irreversible damage to the wildlife, endangered species, and the environment, ecology and plant communities. Further, as we move forward with CEPP it is important that we have the proper operational water levels for the environment; it is also important that our position paper on CEPP is clear with all the support and backup. Regarding extreme high water, he added that what does the damage is not a 100 year act of God (which last about 60 days), but if you extend the duration, then you are creating a man made event. Lastly, he said his hope is that the emergency policy that they are putting together now, can be implemented in these extreme conditions. It is important to keep the Everglades alive over the next 30 years while the restoration is taking place.

Commissioner Wright suggested inviting the Chairman and Director of the South Florida Water Management District to the November Commission Meeting.

Commissioner Priddy noted that for the Agency to not take action on the water situation, and waste these resources, and efforts to save animals would be a shame; she felt that not enough attention has been given to this.

Budget Items

Charlotte Jerrett, Chief Financial Officer, thanked Commissioner Priddy, on behalf of all the Division Directors, for her time and effort, and then asked her to remark about her participation in the budget development process.

Commissioner Priddy shared the process she went through with each Division and review of their respective budgets.

Ms. Jerrett opened the discussion with a summary of the state economic outlook with information presented during the August 13 meeting of the Florida Legislative Office of Economic & Demographic Research. She then discussed the three action items to be voted on by the Commission for the FY 2014/15 Legislative Budget Request: 1) Schedule VIII B - Potential Five Percent Budget Reductions, 2) Schedule VIII C - Potential Budget Redirects, and 3) New Budget Issues.

Commissioner Priddy stated she would like to recognize and acknowledge the importance of law enforcement by making sure we fund those positions.

Commissioner Wright asked if the suggested law enforcement positions on the Schedule VIII-B Potential Five Percent Budget Reductions are positions that are vacant. Ms. Jerrett responded yes.

Commissioner Wright added that as we go through this exercise, these proposals are offered to meet the reduction target amount, but are not necessarily anticipated to be taken as a budget cut. He said he also felt that law enforcement is critical to the Agency. Further, he felt that for every legislative session the Commission should look for adequate compensation for our officers. We invest thousands of dollars in training, to make them the best in the state, and then lose them to other agencies that pay more. He pledged his support to get law enforcement positions protected and their compensation put in parity with other agencies comparable to the FWC, statewide, and around the country.

Chairman Corbett asked what percentage of the total budget is for law enforcement. Ms. Jerrett responded they make up approximately one third of the total budget.

Chairman Corbett asked how the Agency's pay compares to others, and how does the union influence the pay. Ms. Jerrett responded that she did not know the current status of the unions, but will find out and get back to the Commission with the answer.

Commissioner Priddy commented that the quality of the equipment and tools is also an important and a valuable part of the way the officers are prepared to do their job.

Ms. Jerrett continued discussing the Potential Five Percent Budget Reductions for Division of Habitat and Species Conservation, Fish and Wildlife Research Institute, Division of Marine Fisheries Management, Division of Hunting and Game Management, Division of Freshwater Fisheries Management, Public Services and Public Access, and Office of Executive Director.

Ms. Jerrett continued her presentation discussing the Schedule VIII C - Potential Budget Redirects. She explained that in preparation for the 2014 Legislative Session, the Governor, House and Senate instructed state agencies to identify programs, services, functions and activities that are currently being performed that may no longer be the highest and best use of state or federal resources. She then reviewed the potential five (5) redirect issues, but explained that agencies are only required to submit a total of three (3) redirect issues in the Legislative Budget Request (LBR).

Commissioner Priddy explained that she engaged with staff and had very detailed discussions to look at the impact of each of the five suggested redirect issues. They were then ranked as A, B, & C being the three best choices. She also explained that when looking at the programs, one of the priorities was redirecting efforts and money to improve WMA's, to enable the Agency to keep up with stewardship and good management of existing properties.

Chairman Corbett clarified that when we look at redirection, we are really asking where we should take our business in the long-term.

Commissioner Priddy asked if the Agency wants to continue acquiring property, or maximize what we have now.

Vice Chairman Yablonski asked if these are intra-agency funds. Commissioner Priddy responded that these are funds that we can move around. She noted that she felt it was extremely important to add another staff to the Marine Fisheries Management Division.

Ms. Jerrett continued highlighting a few new budget issues for the legislative session which included continuing operating needs, land management, federal and other grants, and program delivery improvements.

Commissioner Priddy spoke about the importance of having enough funds to properly meet the task of responding to a disaster, as well as to provide funds to maintain equipment; to make sure we are prepared to perform at the level we need to be, in the event of a disaster.

Ms. Jerrett also explained there has been a change in management at the Everglades Youth Conservation Center from the Florida Atlantic University (FAU) to FWC management next spring.

Commissioner Priddy asked to review the budget for the Everglades Youth Conservation Center to see if any adjustments were needed so that the camp could break even with operating expenses.

Ms. Jerrett continued with her discussion on land management programs, which have taken significant cuts because the dedicated documentary stamp taxes that fund the programs were not available over the last few years.

Commissioner Priddy discussed her observation regarding the inability to move monies between trust funds. She added that an organization chart for each Division was provided to the Commissioners. She encouraged the Commissioners that as the agenda is set for next month, to note anything that they believe needs to be addressed in the next budget cycle.

Chairman Corbett asked both Executive Director Wiley and Assistant Executive Director Sutton to look at a long-term review in the next 30 days of where we are directing our assets.

Commissioner Bergeron thanked Commissioner Priddy for her time spent on the budget process. He also asked for confirmation that the law enforcement proposed cuts from the Schedule VIII-B Potential Five Percent Reductions are on positions that are vacant. Ms. Jerrett responded yes. He added that law enforcement is key to the protection of our resources...the most valuable thing we manage.

Chairman Corbett said this is one of the items we will address in October.

No Public Comment

Commission Action deferred to Friday

Legislative Proposals for 2014 Session

Jackie Fauls, Legislative Affairs Director, reported on the following 2014 Session Legislative Proposals:

- 1) Special Recreational Spiny Lobster License Repeal. This first issue repeals the special recreational spiny lobster license. It was created for commercial lobstermen licensed in the 1993-94 season, became effective during the 1994-95 season, and allowed them additional recreational harvest of lobsters for an annual fee of \$100. It has not been issued since 2011-12 license year.
- 2) Allow Additional Uses of County Vessel Registration Fees. This proposal would allow counties to use their portion of vessel registration fees in additional ways, including: allow removal of debris that impedes boating access/navigation, not including dredging; allow "maintenance and/or operation" of uniform waterway markers, public boat ramps, lifts, hoists, marine railways, and other public launching facilities; and add boat piers, docks, and mooring buoys to list of permitted uses. All additional uses would advance boating, and are consistent with the original intent, and has no fiscal impact.
- 3) Online Mandatory Boating Safety Education Course for Boating Law Violators. This proposal would allow the boating safety course that is mandatory for boating law violators to be taken online or in person; current law requires that the course can only be taken in person.
- 4) Hunting License on Public Lands. This proposal would give the Commission the authority to require a hunting license to hunt wildlife, not just game, on public lands. The issue was originally proposed to deal with hunting hogs on wildlife management areas, but was expanded to include all wildlife should a similar situation happen in the future. If approved, the Commission would have to pass a rule, or an Executive Order could be issued for each species subject to the hunting license.
- 5) Correct Outdated Statutory Reference. This proposal replaces an outdated statutory reference to the state agency that provides disability services to Florida's citizens from the Department of Children and Families to the Agency for Persons with Disabilities; it has no fiscal impact.

Ms. Fauls also noted staff is looking at other licenses to potentially repeal if they are no longer needed, and will bring back a proposal to the November Commission meeting. She discussed another issue from the Boating Advisory Council (BAC), who wants to authorize state enforcement of the federal requirement for any for-hire boat guide taking customers out on the water to have a captain's license; she explained that staff did not feel this is the right time for this additional state requirement.

Commissioner Roberts asked if anyone should be allowed to hunt on public lands without a license.

Ms. Fauls responded they could suggest it either way, but there may be some species (like python) that the Commission might not want to require a hunting license to take them; it should be a Commission decision.

Commissioner Roberts emphasized he felt it should be a requirement to go through hunter education to be able to hunt on public lands.

Commissioner Wright clarified that the question is should anyone be able to go on public lands and discharge a firearm.

Commissioner Roberts asked if it would be a legislative problem to require a license to hunt any species on public lands.

Director Wiley suggested staff needs to get more data...though he felt we are close, there needs to be more analysis.

Commissioner Roberts strongly felt a license should be required to hunt on public land.

Chairman Corbett noted this is an important issue and suggested staff get back to Commissioner Roberts about this.

Public Speakers

Bill George (Plant City) reminded the Commissioners that the python hunt waived all hunting license requirements. He felt it should be clear that anytime any species is on the legal take list, there should be an appropriate hunting license required (for hunter safety), to be on Wildlife Management Areas.

Lane Stephens (Allied Sportsmen's Association) addressed the distinction that you are not suggesting to change hogs to a game species, but that the Commission would have the authority to require it. If you are on public lands, you need a hunting license. His organization would support that. He does not want to do anything to make taking hogs harder.

Commissioner Bergeron clarified that safety is the primary concern.

Capt. Phil Walters (Gatorguides.com) explained he would like the state to adopt the federal regulations that would allow FWC law enforcement to be able to enforce the federal regulations for the vessel-for-hire laws. He felt this is important because Florida is a tourist destination, with many boating activities such as ecotours, alligator hunts, sightseeing, parasailing, etc. The FWC covers more interior waters than the Coast Guard does but has no authority to enforce this law. Coast Guard license is harder to get than a concealed weapons permit; this is a public safety issue. Further, when hiring a guide to take you bass fishing, or alligator hunting, for example, there is a good chance they are not a licensed captain, and do not meet any criteria or professional standards.

Ms. Fauls said staff did look at this recommendation from the BAC, but felt this was not the right time; this would have an impact on a lot of people who currently may not be following federal law.

Commissioner Roberts asked if there was something the Agency could do to improve safety. There is a potential for people who are not appropriately trained to engage in guidance to others; maybe it is not the same thing as a captain's license for offshore trips.

Commissioner Roberts questioned if we have a responsibility to look at having some type of guidelines for those guiding for hire. He is not sure a captain's license requirement is necessary, but asked if there is something between what we have today, and federal law, that will improve safety.

Director Wiley explained that the Agency has taken a look at this before, and feels that we should continue to look at it, but there are moving parts. This could be viewed as wading into a new regulatory arena. The guiding industry has been self-regulated and successful in Florida for years, but the industry is heavily regulated in many other states. He would like to get stakeholder input and get back to them.

Commissioner Roberts said it gets highlighted when there is an accident, and fingers get pointed for who is responsible for the safety of those people.

Commissioner Bergeron noted the Agency may need to analyze the benefits of this requirement, as some licenses don't necessarily give safety. He urged caution about having too many regulations.

Commission Action on Legislative Proposals deferred to Friday

Agenda Amended

A motion was made to bring Future Meeting Topics and Commissioner Exchange to today, by Vice Chairman Yablonski, seconded Commissioner Roberts, and approved unanimously.

Future Commission Meeting Topics

Assistant Executive Director Eric Sutton outlined upcoming agenda items for the November 2013 Commission Meeting which included:

- Major Proposed Changes to Hunting and Fishing Rules
- Deer Management Units
- Sea Cucumbers
- Barracuda
- Swordfish
- Removal of venting tool requirement – Federal Consistency
- Blue Runner
- Lake Okeechobee Fishing Boundaries
- Update on progress with Imperiled Species Integrated Conservation Strategies
- Anchoring and Mooring Legislative Report on Pilot Program Results
- Biscayne National Park Management Plan and Issues
- Goliath grouper
- Gulf of Mexico Fishery Management Council
- South Atlantic Fishery Management Council
- Agency Commission Meeting Work plan
- Update on Everglades related issues

Executive Director Wiley explained that this new agenda item of Future Commission Meeting Topics will provide the Commissioners with the opportunity to express what is important to them and create the space for this at future meetings.

Commissioner Exchange

Chairman Corbett asked the Commissioners to use the Commissioner exchange to voice what they would like to see the Agency focus on going forward.

Vice Chairman Yablonski said he would like to see a briefing of federal issues emerging out of Washington D.C. He suggested inviting Whit Fosburgh with the Theodore Roosevelt Conservation Partnership Group and someone from the Association of Fish & Wildlife Agencies to come speak, making it an annual event, and suggested a good time is at the February meeting. This would also be a good way to see what issues other states/agencies are dealing with and get more of a national view. Also, going forward he noted that many funding sources are coming in for Gulf Coast Restoration, and there will be a need to keep up to date on developments. Lastly, he stated that hiring Jennifer Fitzwater to oversee the restoration project was a good move; she is a great addition to the FWC team.

Commissioner Priddy would like to be aware of where we are restricted in transferring funds. She would also like to be able to segregate action pertaining to what our needs are, and get the legislature to support these actions. So we can develop a 5, 10, or 15 year plan and know what are our resources and where are we allocating the funds now; do they need to be shifted.

Vice Chairman Yablonski noted that dedicated contributors are rightfully concerned if user pays funds are redirected elsewhere; the user pay system is a good system and helps keep us accountable.

Commissioner Wright announced that this is his last Commission meeting. He felt the opportunity to gather and have a full-day workshop should be an annual event, where they can discuss ideas in the Sunshine, and especially focus on legislative/budget issues. He also strongly felt there should be a plan and a delegation of Commissioners (at least two), to reach out to the Legislature and bring them into the Agency to see what our challenges are. He also felt the Agency needed to pay attention to revenue streams and public/private partnerships like user pay.

Commissioner Roberts stated that he would like to focus on protection of the resources and educational opportunities for conservation above take...catch and release for example. He also would like more focus on youth competition for their attention and involvement...they have more diverse outdoor opportunities now. True conservation needs to be encouraged, and it does not mean NO use. He would also like to consolidate as many management rules as possible; then review them to see if they are outdated. Ultimately, he would like to see less rules and regulations, but still have the protection the resources deserve.

Commissioner Bergeron commented that the workshop is important and a good idea to be able to communicate in a public forum. He would like to see them scheduled the day before or day after a Commission meeting, or find a more central location. He noted his focus is the Agency mission; to preserve the resources where they are sustainable for future generations. Lastly, he felt the Agency should set the perimeters that any future partnerships should align fully with our goals of preservation, sustainable access, and enjoyment.

Commissioner Rivard noted he would like to focus on youth outreach; to fold in law enforcement and have kids interface with them in a positive way. He also felt the Agency needed a strategic plan for legislative support.

Vice Chairman Yablonski discussed the legislative sportsmen caucus they traditionally try to get to the Beau Turner Center during session, and suggested shifting it to Committee week because there is not as much going on. He emphasized that youth is important. Lastly, he suggested reviewing the management tools that are currently used to make sure they are not outdated, and look to see if there are new tools that might be useful.

Chairman Corbett suggested taking a look at existing management tools and analyzing them to see if they are still useful, or look to see if there are new tools.

Commissioner Bergeron emphasized preservation of the environment is most important. Next, if youth can't access the environment, how can they fall in love with it? Lastly, education and opportunities for youth and the world to enjoy Florida's resources will create a future economy for Florida.

Assistant Executive Director Sutton shared ideas for October 9 meeting. He discussed the following points of the strategic plan that staff has developed.

- Relevancy – i.e., youth centers or sustainable access
- Running the business – how to remain fluid with resources
- Large landscape level focus – i.e., the Gulf Restoration and Everglades projects, and Imperiled Species Management Plan
- Leverage staff's contact with constituents

He added that for each topic they would show leading indicators for the future, then leave room for discussion on where the Agency should be focusing in 5, 10, or 15 years.

Chairman Corbett would like a proposed agenda prior to October 9. He also thought it would be good to look at the future and what the population and state look like.

Commissioner Wright suggested looking at where the Agency will be in 15 years; what is the landscape going to look like, based on demographics, user groups and the number of people involved in the Agency's activities.

Commissioner Bergeron's noted the key is to manage the lands to the maximum of the resource with preservation of that resource at the highest level with sustainable access and enjoyment with proper environmental studies.

Chairman Corbett suggested circulating a proposed agenda by September 20 to the Commissioners using Commissioner Bergeron's prior remark as an overall goal for the Commissioners to review then give feedback directly to the Executive Director and Assistant Executive Director, for the October meeting.

Commissioner Bergeron reminded everyone that this sustainable access needs to be for multiple users.

Public Comment on Items Not on the Agenda

Buddy Bradham said he would like to see the new data collection system go into effect prior to regional management. He also felt that the intersector trading is an unfair plan. Further it shows there will be winners and losers as a result of the way the Council is treating it now and he would like to see the Commission not support the Gulf Council on intersector trading. Lastly, he noted that there are many large flathead catfish in the rivers of northwest Florida. However, it is an invasive species and the rules state that they should not be released. Many are practicing catch and release though, and its building a good fishery. He would like a catch-and-release exception so people can guide for these large fish.

Candy Hansard (Emerald Coast Reef Association) noted she was excited to hear about vision for the future but would like the Commissioners to keep in mind the past. She described that 28 years ago the first lionfish was discovered off the Dania coast, she further explained that because of their rapid rate of reproduction, there are millions of fry already armed with spines. Now 18 years later they have expanded their range nearly to Boston. She noted that lionfish eat 58 species of native fish that are economically important to our state. She stated she is shocked that the FWC has been aware of the presence of lionfish for 25 years without sounding any alarm or implementing any program. She implored the Commissioners to make lionfish the number one priority.

Vice Chairman Yablonski reminded Ms. Hansard that there is money in the budget for lionfish eradication, and the Agency is ramping this up. He also asked her to keep the ideas flowing.

Robert Turpin (Escambia County Marine Resources Division) talked about working closely with FWC on boating and waterway and artificial reef issues. He felt there is good boating access and will continue to work with the Agency for development and implementation. Mr. Turpin also noted that red snapper is the most important fishery in Escambia County, and echoed Ms. Hansard on lionfish. Lastly, he appreciated all the good work on the BP oil spill.

TJ Marshall (Ocean Conservancy) discussed red snapper and noted that at the Gulf Council meeting, Louisiana used their own methodology to gather their own catch data, and it showed more fish caught than the MRIP data. Gordon Colvin attended and said this is a high priority, and they want to work with states to modernize data collection. Ocean Conservancy will work with the states through the Gulf States Commission to implement broader protocols and also offered to fund an additional workshop day to envision better data collection. He asked what do you do in the marine environment for oil spill restoration, you get better information and figure out how to manage fisheries real time.

Executive Director Wiley said we have tagged this as a priority, and FWRI is working on it.

Commissioner Rivard clarified he voted in favor of the tarpon

Commissioner Bergeron handed out a presentation that gives a 25 year history of the Everglades.

Recess Thursday's Portion of the Meeting

Chairman Corbett recessed the meeting at 3:35 p.m., to reconvene at 8:30 a.m., Friday, September 6.

Friday, September 6, Reconvene

Chairman Corbett opened the meeting at 8:35 a.m.

Agenda Amended

Chairman Corbett requested the Agenda be amended to bring forth item 9A, the Importation of Deer, Elk and Other Wildlife Species in the Family of Cervidae as the first item, then to continue with the Agenda as presented.

Commissioner Roberts made a motion to amend the Agenda, seconded by Commissioner Wight, and unanimously approved.

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

Diane Eggeman, Director of the Division of Hunting and Game Management, presented the draft rule for prohibiting importation of deer. She reviewed that Chronic Wasting Disease (CWD) is an always fatal brain degeneration illness occurring only in Cervids (deer family), and there is currently no vaccine or live screening test for CWD. The disease is spread by animal-to-animal contact, and once the environment is contaminated with the prions that cause the disease, that are in the soil or elsewhere, it remains viable for long periods of time, and deer can become infected from these prions; there are no proven feasible methods for removing prions from the environment. The disease has spread even into states with a permit program controlling importation. If introduced, it could result in significant harm to Florida's wild deer resources, deer hunting on public lands, and the captive deer industry. Also, there could be significant negative impacts on economic contributions derived from wild deer hunting and the captive deer industry. Lastly, Ms. Eggeman reviewed the staff recommendations to approve the proposed draft rules prohibiting importation of live cervids, develop rules for additional measures to reduce the risk of spreading CWD, improve communication and understanding among hunters regarding carcass transport, etc., establish a CWD working group, increase inspections, communication with facilities, and work with taxidermy industry and deer processors.

Ms. Eggeman thanked Curtis Brown who led the outreach to stakeholders.

Commissioner Bergeron asked where the science and screening was in regards to detecting CWD.

Ms. Eggeman responded at this point there is no reliable live animal screening test, though there is on-going research in this arena.

Public Comment

Bill George said that "CWD positive" is a label no one wants in Florida. He is in support of staff recommendations to close the border.

Manley Fuller (Florida Wildlife Federation) requested that the border be closed as soon as possible, and asked the Commissioners to take all the actions that they can to prevent CWD from entering Florida.

Phillip Bryan (Vice President, Florida Deer Association) reported that several hunt clubs feel the border should be closed, effective immediately to protect the native herd.

Donnie Young (President, Florida Deer Association) commented they want a protected border, and with no adequate testing, the only thing to do is close the border.

Lyle McCandless (Sportsmen's Alliance) noted that the only speakers against closing the border were from private deer farming operations, which represents one percent of the deer in the State of Florida. He felt that

failure to close the border in June was a mistake, and was the primary reason for the recent large spike in importation. He encouraged the Commission to proceed with border closure immediately.

Al Hammond (National Rifle Association, Southern Regional Director Field Operations, and Unified Sportsmen of Florida) commented that a wildlife disease of this sort would be a major blow to the economy, with long term economic impact to other natural resources, as well as diminish property values. He suggested that the best way to keep CWD out is to completely close the borders, and felt they should be closed immediately via an Executive Order.

Steve Richburg (small deer farmer) said that this is a critical disease because there is no cure. He also felt that new permits should be monitored tightly. A lot of deer being brought in now are coming from states with infection, and all those deer should be monitored immediately.

Clifford Shipley (Professor University of Illinois – Veterinarian and Scientist) passed out a PowerPoint on CWD to the Commissioners. He clarified that they do not know where CWD came from, but noted that monitoring and tracking of CWD has greatly improved. They can't say it will not spread, and factors leading up to infection from a prion disease are complicated. He noted that there is probably a genetic background to this disease because certain kind of elk seems to be less receptive to the disease, much like certain sheep do not get scrapie disease. Dr. Shipley also informed the Commissioners there are current vaccination protocols going on for this disease; the University of Saskatoon is researching and field testing a vaccine for both captive and free-ranging animals that is near development and fruition for results. He further explained that this disease is fatal when discovered, and the incubation period ranges from 12 to 18 months, up to approximately 36 or 42 months. So if the USDA guidelines are followed, it is about as certain as you can be that the herds that have tested for five years are not infected. He also added they know more about its transmission; that scavengers have been proven to move this disease by eating parts, but the CDC has said this is not transmissible to humans, and does not cross cervid lines (so far reindeer don't get it), or into other livestock. It is endemic in wildlife in some places, but they just live with it and don't spend time and resources because there is no data that supports this will affect wild populations. However, he added it is a death sentence to a deer farm, if they get it.

Commissioner Wright asked for clarification on the effects of the disease on the wild population.

Dr. Shipley responded that there are areas highly endemic for CWD, where primarily the disease is just monitored. The Wyoming Fish and Game does not do anything other than monitor through hunter harvest samples, and sampling in the wild. They do not feel this disease affects populations; rather other factors like predation and harsh winters affect the populations. Also, even though Wisconsin has spent an estimated \$35 to \$45 million dollars to control the disease, they have a higher number of deer in the endemic zone.

Commissioner Wright asked him if he felt in his opinion, that the presence of the disease would not affect the overall population of Florida deer.

Dr. Shipley responded that he felt that CWD would not have an impact on wild deer population; though he would heavily monitor any herds where deer are being shipped from.

Vice Chairman Yablonski asked for more information on vaccines being developed.

Dr. Shipley responded that at the University of Saskatoon in Canada are working on a prion vaccine, which will prevent the prion from attacking the brain. They are very hopeful and are in the implementation stage by vaccinating a group of elk and following the group.

Commissioner Bergeron asked if he felt that CWD could be transmitted by semen through artificial breeding techniques.

Dr. Shipley responded that it can be transmitted through a variety of tissues, urine and feces, but there is no study he is aware of that shows it sheds in semen. Though he felt that if semen is sent from monitored herds they would be safe, nothing is 100 percent certain.

Chairman Corbett asked about the viability of live screening test.

Dr. Shipley responded that the sensitivity and specificity are not as high as they want for accepting accuracy.

Bill Wilson (Florida Bowhunters Council) commented he is devoted along with hundreds working across the state to share their knowledge, heritage, and ethical standards for “the next generation that cares.” He urged the Commissioners to close the borders because the health of the deer herd is critical.

Brad Lowery (President, Florida Bowhunters Council) supported the ban on importation of live deer into Florida. He stated that surrounding states have already closed their borders, which means that Florida has a responsibility to protect the border as well, until such a time that we learn how to control this disease. He noted there have been more deer imported into the state this month than in a normal year, which is increasing the risk to our herd, as well as the herds in Georgia and Alabama.

Bob Dubose (Treasurer, Bowhunters Council) said CWD is a threat that we cannot allow to happen. He asked why are the states above us closed while we remain open. He urged the Commissioners to sign an Executive Order today to close borders.

Laurie Seale (Whitetails of Wisconsin) noted as a deer breeder from Wisconsin, she has lived with CWD for 10 years. She explained that CWD is not a devastating disease, the Wisconsin herd grew 40 percent after CWD was found, even while biologist were trying to eradicate the herd, with no loss to hunting revenue. However, because the Department of Natural Resources (DNR) had spread false information, fewer hunted in the first few years. According to USDA data, she noted that only 10 to 40 animals per million will die from the disease, and showed it is a rare disease with low prevalence rates. She also noted only four in 1000 animals in the wild tested positive, and only one in 1000 in captive herds. This clearly shows it is more prevalent in the wild herd. No state can say they are CWD free; a more appropriate statement would be that they have not discovered CWD yet. Further, according to testimony from Dr. Mike Miller, a well known researcher from Colorado said that CWD may have been around naturally for a long time. She noted that closing the borders from live importation will not prevent CWD; Texas is a prime example. She claimed that the best protection against getting CWD is to import deer from certified herds. Her herd is 11 years CWD monitored, and they feel their animals are healthy; you need to put faith in testing protocol to mitigate the risk. In closing she read a statement from a doctor who has dealt with this disease for more than 40 years, which said that elk and deer can adapt to CWD, the disease will not drive them to extinction, and is not advancing very fast; they are more likely to die from natural causes. She urged the Commissioner to not close the borders.

Commissioner Priddy asked her to talk about the acceptance of eating venison in Wisconsin.

Ms. Seale responded that originally folks were fearful of eating the meat, but research has shown there has never been a human infected, so they now eat it.

Steve Munz (new deer farmer) said he disagreed with staff findings about live testing. He introduced testimony from Dr. Mike Miller that said they can do live sampling with animals. The biopsy samples are not as good as it would be with a dead animal, but can still be possibly reliable for screening. He mentioned that Dr. Shipley said there was no evidence of a population decline anywhere due to infection. In addition, the phone survey showed that only 23 percent supported closing the border, 38 percent want them to be kept open. He would like to see the deer permit fees raised, even up to \$500 per year to help fund research and to increase border patrol. Lastly, he urged the Commissioners to make the decision based on science and not false material.

Charley Seale (Executive Director, Exotic Wildlife Association) is also on the National CWD working group and a Texas deer breeder. He explained that despite closed borders, Texas still has CWD with a 39 percent infection rate, and no game farms within 350 miles of the endemic area. USDA Administrator Dr. John Clifford said that though CWD cannot be eradicated, it can be controlled. The USDA has protocol for captive breeders, and we need to trust the protocol. Lastly, he noted that Florida already has a strict importation rule which has worked because Florida does not have CWD. He strongly urged the Commissioners to follow protocols already in place.

Jack Flowers, who owns a family operated farm, said Florida could be kept safe with open borders. He urged the Commissioners to please consider that the USDA protocols are working and adopt the Southeastern Trophy Association recommendations to keep borders open.

David Tetzlaff (Traditional Bowhunters of Florida) said their members would like to see importation banned.

Phil Leary (Florida Deer Association) said that staff is not being manipulated by any group and not closing the borders could result in a catastrophic event with CWD. He urged the Commissioners to adopt the rule, but with an Executive Order to close the borders immediately.

Kate MacFall (Humane Society of the United State) supported closing the border. She also felt a partial ban will not work, that a full ban is essential. She noted that there is a long list of organizations that support the ban.

Dave Clausen (former Commissioner from Wisconsin, practicing Veterinarian, and hunter) commented that based on his experience with CWD the Agency should do everything possible to keep CWD out of the state. He explained when it was discovered in 2001 the impact was immediate, and research suggested at 50 percent prevalence, people are likely to stop hunting. He also noted the majority surveyed said they are concerned about eating the meat from infected deer. He explained that other challenges included carcass and disposal issues, as renderers cannot use infected carcasses. Also landfills and wastewater treatment plants are reluctant to accept waste that contains prions. Dr. Clausen also noted the efforts in Wisconsin are deemed a failure because the data shows it is impacting the deer wildlife population. In Wyoming they are seeing less trophy antler deer because they do not grow large enough. Because of ethical considerations, human testing methods are limited, though several peer reviewed public studies indicated that there is a risk of CWD transmission to humans, even though the CDC website states to date there is no conclusive evidence linking consumption of infected deer to CWD.

Chairman Corbett asked how he would have done this differently.

Dr. Clausen responded that in the 1990's it would have been a good idea to have closed the borders in Wisconsin. He also would have liked to know that deer in South Dakota were infected, through official channels. Though he is not sure it would have stopped CWD, he would make a decision to close the borders as tight as they could.

Commissioner Priddy referencing a handout the Commissioners received on live testing to determine CWD, asked how realistic it was to do live test in captive deer population.

Dr. Clausen responded that both tests, the tonsil biopsy or anal test, require sedation and do not have the same accuracy as lymph node postmortem testing. If there was a reliable test, it would be used in the cattle industry for mad cow.

Commissioner Bergeron asked if semen could be transmitted via artificial insemination.

Dr. Clausen responded that he is not aware of any study that says it is in semen...but it is present in the reproductive organs. He explained that it is hard to get a sample without it going through the same passage way as the infected urine travels.

Bob Davis said the only way to prevent CWD is to close the borders immediately, and reopen if a cure or vaccine is found.

Bonnie Basham (Florida Airboat Association, Everglades Coordinating Council, and Marsh Rider Magazine) urged the Commissioners to close the borders as quickly as possible via an Executive Order. She felt that Florida cannot afford to spend public money to control something later, that we can attempt to prevent today.

Shawn Schafer (Executive Director, North American Deer Farmer Association) noted he is on the CWD Working Group for the USDA. He commented there is not enough testing done in Florida, so we cannot say the disease is not here; many of the deer that are here and have been turned into the wild, have come from states with CWD. Also, he felt the disease is not being moved around as much now because of the USDA protocols in place. Further, five years is more than enough time, or even go to a 10 year monitoring, would be a better protective approach. It has not affected the population or hunting anywhere even though some areas have close to a 50 percent infection rate, all the animals are harvested and eaten. He suggested looking at the many options, other than just closing the border, i.e., allowing importation from CWD free areas only. Lastly, he advised the Commissioners to use good business practice and the best science available to protect the industry, state, and wildlife.

Irving Roberts (Roberts Ranch Game Preserve) commented he has been in the deer business for over 30 years. He noted that information from the staff presentation said that of the 25 states that allow importation of deer, 18 of those states now have CWD, and of the 25 states that do not allow importation, only four states have CWD. Further, of the four states that did get CWD, it was most likely from deer crossing the border from an infected state. This made it clear to him that no state got CWD that did not allow importation, and are also not next door to a state that has CWD. He felt that the best protection based on the science we have today is to close the borders; it should not be an irreversible decision, as new science is revealed. Lastly, because of the high number of deer brought into the state in August, he felt the only way to stop deer being rushed in, is by Executive Order.

Marion Hammer (Florida Veterinary Medical Association and National Rifle Association (NRA)) representing the Florida Veterinary Medical Association (3,600 veterinarians) urged the Commissioners to close the border immediately via an Executive Order. Further, she requested the immediate implementation of an aggressive testing program. In addition, speaking personally and on behalf of NRA, she noted they supported staff recommendation, to close the border immediately. She felt the vote today is critical to the future of hunting in Florida, as well as wildlife and health, because at this time no one knows if CWD is transmissible to humans. Though some high fence property owners want to protect their business, the Commission has a fiduciary duty to protect the wildlife resources for all the people of Florida. This decision can always be modified or reversed in the future if vaccines or cures are found. Lastly, she felt that leaving the border open exposes us to damages that are irreversible. She urged the Commissioners to vote to close the border with an Executive Order immediately.

Randal Raney (Raney & Associates) said he concurred with Mrs. Marion Hammer and would like an Executive Order to close the border now.

Jim Cassleman (President, United Hunters of Florida) supported staff recommendations. He noted because of the high rate of deer importation in the last few months, he would like an Executive Order to shut the border today.

Commission Discussion

Vice Chairman Yablonski asked Ms. Eggeman to clarify the science used regarding the spread in Florida.

Ms. Eggeman referred to the documented examples of CWD spreading because of the movement of captive herds, including the Saskatchewan elk herd, Iowa white-tailed deer herd, Pennsylvania white-tailed deer herd, and Minnesota red deer herd, all but South Dakota were USDA certified.

Commissioner Priddy asked Dr. Cunningham if the spread of the disease into native herds would be viewed as detrimental.

Dr. Cunningham said he believed it can have an impact on free ranging herds. The prion can stay in the environment for long periods of time and the epidemic seems to be getting worse. There are at least two studies (Wyoming and Colorado), that show infected deer do not live as long, and there are long-term declines in the overall population. He felt because Florida has a lower reproductive rate, it could show negative impacts quicker.

Commissioner Priddy asked about closing the border to semen as well.

Dr. Cunningham responded that it needs to be looked at. He is not aware of any studies that show prion is present in semen, urine or embryos, but cautioned to not assume it could not be there.

Commissioner Priddy asked Ms. Eggeman if they looked at these other potential risks.

Ms. Eggeman responded that staff looked at all the potential risks, but did not make a recommendation regarding semen because there is no documentation. As they ranked the risk, they felt importation was the highest risk, but noted there are other risks that need to be looked at as we go forward.

Commissioner Bergeron thanked the stakeholders for their input, but stated the priority of the Commission is to protect Florida's wildlife and resources for future generations. He explained the Commission understood the impact to the economy of deer farms, and there needed to be hard work on science and screening of CWD to be able to reopen the borders. Ultimately, the impacts would be far greater if CWD got transported into Florida. He recommended a motion to close the borders with an Executive Order to shut the border immediately, and also authorize the Executive Director to reopen the border, with an Executive Order, if science advances to be able to detect CWD.

Commissioner Rivard noted there were good people on both sides, including elected officials. He said he understands the money and time invested in industry, and the Commission does not want to negatively impact anyone's business. However, he referred to the Agency mission of managing resources for long-term management and the benefit of the people, which he felt was their number one job. Based on science today and the geography of neighboring states with closed borders, he would like to close the border until science advances enough to safely reopen them.

Commissioner Priddy echoed Rivard's comments and noted it was a chance for the Commission to be pro-active, versus dealing with a crisis situation about a possible risk, based on information that they have been provided. The health of resource is too important, and therefore she was in favor of closing the border.

Commissioner Roberts clarified he would like to second Commissioner Bergeron's motion. He thanked stakeholders and staff for their comments. He noted that during the last meeting, the Board directed staff to acquire additional information and have more discussion with stakeholders. He commented the issue is complicated and controversial, and very important to all those here. However, the Commission's responsibility is to protect the wildlife and native deer herd in Florida, which is why he is in favor of closing the border.

Commissioner Wright recognized the hard work staff has done in bringing this recommendation forward. Though conflicted, he has given serious consideration to both sides. Further, he has been compelled by testimony of business interest and had hoped some of the alternatives would be acceptable. He also, noted he has friends on both sides of the issue. He reported that he read on the Colorado website about precautions with handling and consumption of CWD infected animals; this is not something he would like to see on the FWC's website. Because of this, he supported the motion to protect the resource.

Vice Chairman Yablonski said he appreciated the effort of folks coming from afar to represent their case. Though he has the highest confidence in staff, and their strong record to try to minimize regulations and negative consequences, as well as add more hunting opportunities, he felt they need to take this issue seriously. He noted the USDA program is great for catching the disease, but has been after fact, which allowed for the disease to persist and be transmitted. He also noted that the Florida key deer herd has a low reproductive rate, and it could

have a disproportionate negative impact on this specialized species. He found it startling that since 2010, CWD has been identified in eight additional states, and noted in a business world, that is a bad trend line. Also, since the June meeting in Lakeland, where they allowed for further input and consideration, there has been a tremendous spike of cervids into Florida. He felt the extra months acted as a defacto grace period to allow a lot more deer to be imported, and he is not comfortable with this. Lastly, the economic consideration to business is important, but the impact to the wild herd and correlating industry is also very important. Hearing about the cost after it is found is deterring, and Florida would take a big hit if we have to start spending millions of dollars on testing. The decision falls on their oath and responsibility.

Chairman Corbett noted this is one of the weightiest issues to the entire state of Florida. The concern is for the children and the safety for the entire state. He asked Mr. Vielhauer, General Counsel, to clarify the motion.

Mr. Vielhauer clarified part one of the motion is to approve staff's recommendation on the proposed draft rule prohibiting the importation of live cervids. Part two of the motion is to authorize the Executive Director, Nick Wiley, to issue an Executive Order to close the borders prohibiting the importation of live cervids immediately. Part three of the motion is to delegate to the Executive Director the authority to rescind the Executive Order, in consultation with the Chairman, when it is certain that scientifically proven methods have been developed and implemented to eliminate the risk of CWD transmission.

The motion was made by Commissioner Bergeron, seconded by Commissioner Roberts, and unanimously approved.

Mr. Sutton noted that in addition, staff seeks approval on items: 2) develop rules for additional measures to reduce risk of spreading CWD; 3) improve communication and understanding among hunters regarding carcass transport, etc.; 4) establish CWD working group; 5) increase inspections, communication with facilities and; 6) work with taxidermy industry and deer processors.

Commissioner Bergeron clarified that ultimately the resources are important to all of Florida and future generations. However we clarified there is deep consideration of economic impacts, both local and global, and he hoped a solution is found soon.

Vice Chairman Yablonski made a motion to also go forward with creating a CWD working group with diverse representation, to look at the additional issues and report back to the Commission, seconded by Commissioner Wright and unanimously approved.

Vice Chairman Yablonski recognized Representative Douglas Vaughn Broxson, from District 3, and noted he is also Vice Chair of the Agriculture Research and Appropriations Subcommittee. Representative Broxson spoke a few words.

Vice Chairman Yablonski also recognized Ryan Gorham, Legislative Aide for Representative Mike Hill, from District 2.

Retiree Recognition

Mr. McRae recognized Tim O'Meara, Section Leader, Florida Wildlife Research Institute. Mr. O'Meara spoke a few words and a photo was taken with the Commissioners.

Executive Director Wiley recognized North Central Regional Director, Rolando Garcia. Mr. Garcia spoke a few words and a photo was taken with the Commissioners.

FYCCN – Special Recognition

Rae Waddell provided an update on the Florida Youth Conservation Centers Network. Ms. Waddell focused her report on the week-long fishing and hunting summer camp programs. She talked about the Navarre Beach Science Station which offered the saltwater fishing camp. She introduced Charlene Marrow from Navarre to talk

about what they do at the camp. She then introduced and recognized Pete Delorado, who teaches at the fishing at the camp.

Director Wiley noted this is about the magic of partnerships, and this is what the FYCCN network is all about. He thanked the Guy Harvey Foundation for making this possible.

Commissioner Wright spoke about creating scholarships.

Ms. Waddell suggested the idea of creating a specific scholarship fund through Wildlife Foundation of Florida.

2014/15 Legislative Budget Summary and Vote

Ms. Jerrett summarized staff recommendations to approve Schedule VIII B - Potential Five Percent Reductions, Schedule VIII C – Potential Budget Redirects, New Budget Issues, and authorize the Executive Director in consultation with the Chairman to make adjustments to these issues as needed through the 2014 Legislative Session should new information become available.

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

Legislative Proposals

Ms. Fauls summarized staff recommendations to approve proposals to be submitted to the legislature for the 2014 Legislative Session.

Ms. Fauls noted they are looking at the boating issue with Phil Walters.

Public Comment

Lane Stephens updated the Commissioner about the combined hunting safety and boating safety course conducted through the schools.

Commission Action

A motion was made by Commissioner Rivard, and seconded by Commissioner Priddy to approved the 2014 Session proposals, and allow the Executive Director in consultation with the Chairman to make changes to the proposals and advise on other legislation through the 2014 Session. It was unanimously approved.

Public Comment on Items Not on the Agenda

Bill Daws (Blackwater landowner) discussed nine years of problems with dog deer hunting on their property. Since 2004, there have been 60 dog related complaints and only nine citations issued. Also, a fence was put up in 2012-13 but does not work; the first trespass was the second day of the season. He would like to be given a key to the gate, so they can have access to the woods. He urged the Commissioners to help with this problem.

Commissioner Priddy asked how the dogs get through the fence.

Mr. Daws responded they go over, under, around, and through.

Commissioner Priddy asked if they have seen any improvement to the problems in the last several years.

Mr. Daws responded 2012 was the worst year ever, but lately it seemed to be getting better.

Commissioner Priddy asked Mr. Daws if they have thought about videotaping these instances to be able to identify problems. Mr. Daws responded they started this year, which he has shared with law enforcement.

Lyle McCandless (Big Cypress Sportsmen's Alliance) reported that state agencies and stakeholder opinions seem to have very little effect on Big Cypress Plan Managers, and the National Park Service has not been answering any questions from stakeholders. Based on this, he explained they will be developing a legal process to move forward to get the Big Cypress back to what it was intended in 1974. He thanked Commissioner Wright for his service as a Commissioner.

Regina Hines (Blackwater landowner) presented a map of the Blackwater Wildlife Management Area (WMA) which noted the deer dog hunt area and the proximity to the landowners. She discussed the deer dog hunting season that just started a week ago, and discussed the many problems they have due to the hunters and dogs, which included the shooting of a deer in her yard (approximately 150 yards from her home). Because of this, she is afraid to have gatherings in her home. Lastly, she commented that they would like to have a hunting buffer.

Betty Tolbert (Blackwater landowner) said they have 40 acres in the forest, and though they love dogs and hunting, what they have witnessed is abuse, not sport, and total disregard for private property rights. She also explained that her home becomes a war zone during the season because of the drinking and speeding. She further expressed she stays confined to home during hunting season. She described that the hunters park at her gate and the corners of her property, and when they unload their dogs, they come onto her property, and it is very hard to keep them away from their own dogs, and livestock.

Ricky Tolbert (Blackwater landowner) noted he has lived there for 14 years, and was completely surprised by dog hunting season. He explained that at first he caught the dogs and returned them to their owners with warnings, but was laughed at and harassed; even had a deer hung on his property gate and was nearly shot in 2005. He further described he cannot enjoy his fish pond or walk with children around his property. He noted this happens 24 hours a day because they also chase fox at night. He respectfully asked the Commission to protect their property rights with a buffer zone, as other state forest facilities have.

Commissioner Priddy asked if county law enforcement has been involved.

Mr. Tolbert responded they are forestry roads; law enforcement only comes out for complaints against him.

Billy Rodgers said he is private landowner and has lived in the Blackwater WMA for 20 years. He is also a retired law enforcement officer from Santa Rosa County. He emphasized that some of the dog hunters are lawless. Further, he lost his champion black lab to a fight with deer running dogs that came on his property. He commented that the deer dog hunting has gotten unbearable; they even hunt deer during the night under the pretense of chasing fox. He felt that a condensed season would allow smaller deer to survive, relieve pressure on FWC work force, and cut down on confrontations. In his opinion, there has been a non-aggressive attitude from law enforcement. He urged the Commissioners to please consider permanently banning dog hunting.

James Coleman (Southeastern Dog Hunters Association) explained he is trying to organize and improve communication between all the parties. Towards that purpose, in 2012 they put up 4,000 feet of fence between three property owners, with three gates that stay open every day when deer dog hunting is not allowed; he has the only key. In addition, they have organized six clean-up days in the area. He noted that FWC law enforcement came out to the Fox Field Trials, which has rules that disqualify dogs that do not adhere to the rules. He also said their main goal is to correct communication with land owners, FWC, and the Forest Service before problems cannot be resolved. Lastly, he asked the Commissioners to consider a forked antler, rather than a three point antler restriction in DMU Zone D.

Stephen Williamson (United Waterfowlers of Florida) asked for FWC's help to halt the sale of Ward's Creek as there was no notification this land sale was coming up, and it has always been open to the public.

Executive Director Wiley responded that the Agency has been working to find a solution.

Manley Fuller said a possible solution to Ward's Creek sale, would be to have FWC manage it. He also discussed the water discharges from Lake Okeechobee and its impacts on both coasts. He would like to see time allocated at the next meeting regarding how to deal with moving high water. In addition, he informed the Commission that he is following the states surplusing process and would like to see the WMA system stay intact. In closing, he discussed the federal litigation for management of the Big Cypress Addition Lands and noted they expect a decision by the judge within six weeks. He clarified that he has the utmost respect for Pedro Ramos and his efforts.

Commissioner Priddy asked Colonel Adams and Ms. Eggeman what adjustments and improvements have been made to Blackwater WMA. Further she asked if staff had met with the dog hunting groups to make sure the rules are being followed, or talked to homeowners about forming a neighborhood watch.

Colonel Adams responded they have stepped up patrols and are more responsive to calls. They also are working with radar enforcement on the roads. He noted they advised the community to continue to communicate with law enforcement, and use 911, or the FWC toll-free number to deal immediately with public safety issues. He further explained they are talking with homeowners about actions and follow-up, and they will follow through with this. Lastly he noted they are also meeting with the dog hunting groups to ensure compliance with rules.

Commissioner Priddy asked Ms. Eggeman to address hunting buffer areas and suggested providing extra signage. She further asked if the forestry roads remained open to the public.

Ms. Eggeman responded a buffer would significantly decrease the public hunting area and noted there has never been an accident, that hunting is very safe. She further said staff can look at closing the roads to anyone not living there.

Commissioner Priddy then told owners to document everything.

Bonnie Basham discussed the situation in the Everglades and noted the importance of bringing the Army Corps of Engineers to the table.

Commissioner Exchange

Chairman Corbett announced that Commissioner Wright by appointed by Governor Rick Scott to the Department of Transportation and congratulated him.

Commissioner Wright thanked the Governor for allowing him to continue to serve the Commission. He enjoyed his service as Chairman and to be able to follow through with the work on the issues of the Commission taken up at this meeting. He looked forward to continuing to work for the state, on the Florida Department of Transportation Commission, though his heart will always be with this Agency. Lastly, he thanked stakeholders and staff for their help and dedication to the issues over the years; he will miss the family like relationships.

Commissioner Roberts congratulated Commissioner Wright on his new appointment. He also thanked staff for their outstanding professionalism, and also the stakeholders for their input on issues. Lastly, he thanked Commissioner Bergeron for being a good advocate for the Everglades, and Commissioner Priddy for her involvement in the budget process.

Commissioner Priddy expressed how much she enjoyed working with Commissioner Wright, and how being on the Commission broadens your network and mind. She also thanked staff for the great job with the meeting.

Commissioner Rivard congratulated Commissioner Wright and wished him luck on his new appointment. He thanked stakeholders for being there on the difficult issues that the Commission struggled with. He noted it was helpful for him to hear from both sides of the deer dog hunting issue. His hope is that they can work together, self-regulate, and be respectful to all those involved.

Commissioner Bergeron thanked Chairman Corbett for a great job at his first meeting. He also thanked Commissioner Wright for his friendship and the common sense he brought into the leadership of the Agency. He also thanked Commissioner Priddy for her time spent on the budget, as well as fellow Commissioners. Next, he thanked Governor Scott for his leadership and also the funding of \$980 million for the Everglades restoration, along with an additional \$90 million to decompartmentalize the Tamiami Trail. He noted there were a few tough issues at this meeting and he felt the Commission made the right decision for the protection of the resources. Next, he thanked Executive Director Wiley for the extra staff to help with high water events. Lastly, he invited all to the Second Annual Blue/Green event that he is hosting for the Wildlife Foundation at the Alligator Ron Saloon.

Executive Director Wiley thanked Commissioner Wright on behalf of FWC staff, and that we appreciated his service and inspiration.

Chairman Corbett announced that next month the Commission will meet in Tallahassee to look at a long-term view of this state and where the Commission is going.

Lyle McCandless clarified that they do not blame Pedro Ramos for the situation in Big Cypress.

Commission Administrative Matters

Chairman Corbett announced the next regular Commission Meeting is scheduled for November 20-21, 2013 in Weston, commencing at 8:30 a.m.

Adjournment

Meeting adjourned at 2:59 p.m.

Richard A. Corbett
Chairman

Nick Wiley
Executive Director

Respectfully submitted:

Robin Stetler
Commission Administrative Assistant