



Coastal User Working Group

FINAL REPORT



September 28, 2012

Table of Contents

List of Figures	i
Executive Summary.....	1
Introduction	2
Official Charge.....	5
Working Group Membership	5
Schedule of Meetings	6
Final Seagrass Recommendations.....	7
Final User Conflict Recommendations.....	10
Fish Harassment.....	13
Literature Cited	14
Appendices	
Coastal User Working Group Membership List	15
Meeting Details.....	17
Final Seagrass Recommendations.....	23
Final User Conflict Recommendations.....	25
Draft Code of Ethics	27
Meeting Minutes	30
Meeting Presentations.....	100

List of Figures

Figure 1. Map of the Redfish Bay State Scientific Area..... 3

Executive Summary

On March 1, 2012 the Chairman of the Texas Parks and Wildlife Commission (TPWC) invited various representatives of recreational anglers and associated organizations to participate in a Coastal User Working Group (working group). The charge of this working group was to develop recommendations to protect seagrass and to reduce user conflict in Texas' bays and estuaries and to tender a report to the TPWC by September 28, 2012. After multiple meetings the group developed nine recommendations (seven were assigned a high priority) to protect seagrass and five recommendations (all assigned a high priority) to reduce user conflict along the Texas coast. The working group felt the highest priority for protecting seagrass was for the state of Texas to develop a statewide regulation protecting seagrass. Six other high priority seagrass protection recommendations were developed including the production of detailed maps depicting seagrass locations, the development of tide indicators, and the creation of a seagrass awareness campaign similar to those employed by the Texas Parks and Wildlife Department (TPWD) in the past for aquatic invasive species. Examples of some of the high priority user conflict recommendations include the development of a code of ethics, lowering the minimum age required for boater education, and working with other agencies to allow for more effective rookery signage to be placed near bird nesting islands.

Introduction

On March 1, 2012 the Chairman of the Texas Parks and Wildlife Commission (TPWC) invited various representatives of recreational anglers and associated organizations to participate in a Coastal User Working Group (working group). The charge to this working group was to develop recommendations to protect seagrass and to reduce user conflict in Texas' bays and estuaries.

Seagrass meadows play critical roles in the coastal environment. They provide nursery habitat and/or a food source for a variety of marine organisms and birds, are a major source of organic biomass for coastal food webs, are effective natural agents for stabilizing coastal erosion and sedimentation, and are major biological agents in nutrient cycling and water quality processes. Seagrass-dominated communities support higher biodiversity and production than any other biotic community along the Texas coast (Pulich and Onuf 2007). Because of the high quality and limited extent of seagrass beds along the Texas coast, any detrimental impacts to this important shallow-water habitat raise concern from resource managers, coastal scientists, environmentalists, and sportsmen.

A variety of factors, both natural and man-made, influence the health and distribution of seagrasses along the Texas coast. Because the human population along the Texas coast is projected to increase from just over 6 million people to approximately 8 million people by 2025 (Texas State Data Center 2012), human activities will likely impact seagrasses to an even greater degree in the future. In 2000 significant damage caused by boat propellers in the Coastal Bend led to the creation of the Redfish Bay State Scientific Area (RBSSA) (Figure 1). The creation of the RBSSA gave the Texas Parks and Wildlife Commission (TPWC) increased authority to regulate activities within the area with the goal of reducing propeller scarring. A comprehensive education and outreach campaign, along with a new law which prohibited propeller scarring within the RBSSA, resulted in a 45% reduction in propeller scarring within the area (Grubbs and Trial, personal communication). Because of the successful efforts in the RBSSA,

the TPWC directed staff to identify other areas along the coast that might benefit from the same approach.



Figure 1. Map of the Redfish Bay State Scientific Area

The area around the JFK causeway in Corpus Christi was identified as a possible location for a second State Scientific Area. It is a highly populated area with extensive shallow seagrass beds and heavy boat traffic where extensive propeller scarring has previously been documented. Following public scoping of a proposal to create a new State Scientific Area in the vicinity of the JFK causeway, the TPWC decided not to move forward with consideration of the proposal. Instead, this working group was created to consider reasonable alternatives to protect seagrass coast-wide.

Increases in the Texas population have also resulted in a growing and more diverse population recreating in the bays and estuaries of the Texas coast. Texas now has more approximately 800,000 saltwater anglers and more than 600,000 registered boats (TPWD internal data). Also, there are more than 74,000 duck hunters in the state (Kruse 2012). Participants in these three user groups choose to

pursue their sport in an increasing variety of ways. Anglers can fish from a powerboat, paddlecraft, pier, shore, jetty, or by wading. Registered boats include those ranging in size from less than 16 feet in length to greater than 65 feet in length. They are powered by inboards, outboards, or by sail, and are used for both commercial and recreational purposes. Duck hunters often hunt from a blind or from their powerboat or paddlecraft and travel to and from hunting areas by means of powerboat, airboat, and all-terrain vehicles.

While participation rates in these traditional recreational activities remain high, other activities are gaining in popularity. The number of people who participate wildlife watching has increased from just over 4 million people in 2006 to more than 6 million people in 2011 (U.S. Department of the Interior 2006, 2012). Other activities such as kayaking, windsurfing, and shell collecting are increasing in popularity as well. Due to Texas' projected population increase over the next decade, it is reasonable to assume that not only will the number of people recreating along the Texas coast continue to increase, but the ways in which they recreate will evolve as well, leading to new activities. As these numbers grow, the amount of space available for recreation in Texas's bays and estuaries remains static and finite, increasing the likelihood of conflicts between user groups. For these reasons, the TPWC Chairman also charged this working group with developing recommendations to reduce current and potential user conflict along the coast.



Official Charge

The charge to this working group, as directed by the Chairman of the TPWC, is to discuss and recommend solutions for protecting seagrass habitat and reducing user conflict in the bays and estuaries of the Texas coast. The working group should consider all reasonable alternatives, including those presented at the *“Challenges to Sharing and Conserving Our Bays Workshop,”* to protect seagrass and address current and expected future user conflicts coast-wide. The working group will submit its report to the Texas Parks and Wildlife Commission by September 28, 2012. The working group should operate through a collaborative process designed to achieve consensus and will be chaired by TPWD.

Working Group Membership

The working group was made up of nineteen members and was chaired by Robin Riechers, Director of the TPWD Coastal Fisheries Division. Members included representatives of the Coastal Conservation Association, the Saltwater Enhancement Association, the Coastal Bend Bays and Estuaries Program, the Coastal Resources Advisory Committee, the National Estuarine Research Reserve System, the Recreational Fishing Alliance, Texas Wade Paddle and Pole, Audubon Texas, Texas Wildlife Association, Texas Airboat Association, fishing guides from the upper and lower coast, a TPWD Law Enforcement official, and two anglers appointed as at-large members. A member from the Padre Island Business Association was invited to participate, but declined due to a conflict in scheduling. The majority of the members were from, or primarily recreated in, the coastal bend area. There were a few members from outside this area. See Appendix A for the complete membership list.

Schedule of Meetings

The working group met monthly from April through August of 2012. Due to the geographic dispersion of the members, all meetings were held in Corpus Christi, TX on the Texas A&M University-Corpus Christi campus. Please see Appendix B for meeting details.

The initial meeting held on April 18, served as an opportunity to introduce the members, allow them to become familiar with each other, and to better understand the charge of the working group. TPWD staff members delivered presentations regarding seagrass protection efforts in Texas, and user conflict along the Texas coast. The remainder of the meeting focused on discussion of key issues regarding seagrass protection and user conflict.

During the second meeting held on May 18, TPWD staff provided more information regarding seagrass, as well as an update on violations in the Redfish Bay State Scientific Area (RBSSA). Working group members inquired about the RBSSA and the rule which prohibits the uprooting of seagrass within it. TPWD staff also presented information on trends in fishing license sales and boat registrations, and provided a review of current state boating regulations. The working group spent the remaining time reviewing and refining their seagrass protection and user conflict recommendations.

During the third meeting held on June 11, the working group reviewed various fishing and boating codes of ethics as this was becoming a central recommendation to reduce user conflict. Members also heard a presentation on rookery islands, and had a discussion on redefining fish harassment into a more clear and enforceable definition. The working group continued to review and refine their seagrass protection and user conflict recommendations.

The fourth and fifth meetings, held on July 18 and August 6 respectively, were devoted specifically to finalizing the list of recommendations. Once the broad suite of all possible

recommendations was developed, the working group prioritized and/or combined each recommendation, and provided each with a high, medium, or low priority. Ultimately the working group determined that if a recommendation made the final list, it should not receive a low priority. All recommendations received a high or medium priority.

Final Seagrass Recommendations

The working group developed a list of nine recommendations for protecting seagrass. Below is a summary list of these recommendations. Please refer to Appendix C for additional details.

- Develop a regulation protecting seagrass statewide
- Produce detailed maps for the public depicting seagrass locations susceptible to boat damage
- Create a local knowledge website, linked to TPWD website (water reading tips, weather, maps, fishing reports, tides, rookery info, ethics, etc.)
- Create a similar campaign for seagrass as used for invasive species
- Develop tide indicators
- Implement run lanes in areas to concentrate impacts
- Coordinate with USACE, TCEQ, GLO, TXDOT, commercial fisherman, and oil and gas industry on seagrass conservation
- Engage boat owners, retailers, dealers, and distributors in regard to seagrass protection and boater ethics
- Engage boat manufacturers, owners, retailers, dealers, and distributors to discuss responsible marketing of boats

With nearly unanimous agreement, the working group concluded that the highest priority recommendation was for the state of Texas to **develop a statewide seagrass protection regulation**. While TPWD does not currently have authority to create such a regulation, the working group felt that the department should collaborate and communicate with outside organizations and the Texas Legislature to create such a regulation. If this recommendation were to be enacted, other

recommendations designed to increase public awareness of seagrass as well as the creation and placement of signage (ingress and egress, tide levels, etc.) in support of the regulation would be critical.

A member presented a resolution (below) in regard to this recommendation.

“In response to the charge of the Coastal User Work Group to explore ways to conserve the State of Texas’ valuable and necessary sea grasses, the Coastal User Work Group hereby recommends that the Texas Parks and Wildlife Commission, and the Department, seek state legislation that prohibits, and makes unlawful, the willful and negligent uprooting, or fatal destruction of Texas coastal sea grass. Current and future “State Scientific Areas,” created for the study and measurement of outside forces upon seagrass shall not be effected (sic) by this law”.

The group discussed this resolution at length given concerns with the last sentence related to TPWD’s ability to create state scientific areas. This concern stemmed from whether there is a need to have state scientific areas if a statewide rule on seagrass passed as well as concerns over current or new state scientific areas leading to low-impact fishing areas. Following nearly unanimous support for a statewide seagrass protection regulation, the resolution passed with seven members in favor of and four against (four absent). The nay votes were due to concerns over the last sentence.



During the discussion of both the statewide seagrass regulation and user conflict, the group discussed the establishment of “special regulation areas” as a potential way to both protect seagrass and reduce user conflict. These areas included such designations as no-prop zones, pole and troll zones, and no-wake zones. After much discussion, the majority of members felt special regulation areas

should only be developed as a last resort. There was minimal support for pole and troll zones from members in attendance, with only one member in favor.

Six other recommendations for protecting seagrasses were developed and assigned a high priority. These six recommendations focused on education and outreach. Members felt strongly that TPWD should **develop maps depicting seagrass locations** that are susceptible to boat damage. Members also recommended that these maps be available electronically so they can be incorporated into electronic navigation aids. Updated maps should also be placed at boat ramps and on the TPWD website.

Working group members also recommended **creating a website**, possibly linked to or embedded on the TPWD website, which would contain the critical information one would need before recreating along the gulf coast. These items include links to weather and tide reports, maps, rookery island information, fishing and boating ethics, and tips on how to read the water.

The working group also felt that TPWD should **utilize an outreach campaign** similar to those used for aquatic invasive species. TPWD has effectively used these campaigns to educate and inform the public about these critical issues facing the various ecosystems in Texas. These are comprehensive campaigns that involve a great deal of outreach through signage, public service announcements, and advertisements.

Three other recommendations were deemed high priority: **developing tide-level indicators; implementing run lanes in areas that are susceptible to scarring; and coordinate with USACE, TCEQ, GLO TXDOT, commercial fisherman, and the oil and gas industry on seagrass conservation.** Tide-level indicators, similar to signs, will assist boaters in identifying shallow-water areas, hopefully reducing boating impacts to seagrass. However, in areas where boaters cannot easily enter or exit an area containing seagrass habitat, the group recommended developing run lanes to confine seagrass damage

to a smaller area. The work group also felt it essential to coordinate with state and federal agencies, commercial fisherman, and oil and gas industries to conserve seagrass.

Two recommendations were given a medium priority and focused on **working with boat owners, retailers, manufacturers, dealers and distributors to help with responsible marketing of boats and to promote seagrass protection and boater ethics**. Working group members did not assign a high priority to these recommendations as they felt these groups would be reluctant to engage in these efforts, and time would be better spent on the other recommendations.

Final User Conflict Recommendations

The working group developed a list of five recommendations, all given a high priority, to help alleviate user conflict along the coast. Below is a summary list of these recommendations. Please refer to Appendix D for additional details.

- Develop a code of ethics
- Lower minimum age required for boater education to include those born on or after September 2, 1971
- Work with other agencies to allow for more effective rookery signage
- Utilize similar tools used for invasive species campaign to address user conflict
- Require paddlecraft registration

The working group felt strongly that a **comprehensive code of ethics** should be developed and promoted by TPWD. Codes of ethics have been created for various recreational user groups, and while many exist, there is not one comprehensive code covering all recreational activities occurring along the Texas coast. The working group provided input on the topics and themes that should be incorporated in a code of ethics, and recommended that TPWD work with appropriate staff to refine this code and promote it to the public. See Appendix E for the Draft Code of Ethics.

Working group members also strongly felt that the **minimum age for required boater education should be lowered** to include those born on or after September 2, 1971. This change to the current regulation would make it consistent with the hunter education requirement, and capture the critical age group of 28-35 year-olds. The working group was informed by TPWD Law Enforcement that a large number of boating violations are committed by boaters within that age group. The working group felt it necessary to capture that age range in the recommendation.



Another high priority recommendation included **working with other agencies to allow for more effective colonial nesting bird rookery signage**. Rookery signage is placed by Audubon Texas on their leased islands indicating that people may not land their boat or walk on those islands between the months of February and August. This restricted access helps prevent nesting birds from being spooked off their nests, putting their eggs and young in danger. However, lease agreements with governing authorities restrict how far from the shoreline these signs can be displayed. Due to this restriction, signs are often placed at such a distance that by the time recreationists can read them, the birds have already been spooked off their nests, exposing their eggs and young to predation, overheating, etc. Working with other governing agencies, such as the General Land Office, to allow for the placement of signs

further from the islands may help prevent boat and foot traffic near and on the island during critical nesting periods.

Similar to the seagrass protection recommendation, working group members felt that TPWD should **utilize an outreach campaign** to reduce user conflict. TPWD has effectively used these comprehensive campaigns to address such issues as invasive species and zebra mussels. Working group members also noted that the recommended code of ethics should be an integral part of this campaign.

The final recommendation from the working group was to **require registration for all paddlecraft**. Due to the increasing number of kayakers recreating along the Texas coast, working group members felt it would be beneficial to other recreationists if each kayak was registered. Registering kayaks will allow for the accurate census of kayakers on the water, and will also allow for identification of the kayak owner in the case of accidents, harassment claims, and other situations.



Fish Harassment

During the course of the user conflict discussion, the group asked staff from TPWD to review the current definition of fish harassment and come back to the group with language making the rule more clear and enforceable. TPWD staff presented a draft recommendation to modify the current fish harassment definition (§57.972) from “it is unlawful for any person to use any vessel to harass fish” to:

It is unlawful to use any vessel to harass, harrass, herd, or drive fish including but not limited to operating any vessel in a repeated circular course, for the purpose of or resulting in the artificial concentration of fish for the purpose of taking or attempting to take fish.

After much discussion the working group decided not to make this a formal recommendation, but felt TPWD should continue to review and refine the definition to make it more clear and enforceable. The group recommended including a section in the code of ethics regarding fish harassment.

Literature Cited

- Kruse, K.L., compiler. 2012. Central Flyway harvest and population survey data book. U.S. Fish and Wildlife Service, Denver CO
- Pulich, W., Jr., and C. Onuf. 2007. Statewide summary for Texas. P. 7-17 in Handley, L., D. Altsman, and R. De May, eds., Seagrass status and trends in the northern Gulf of Mexico: 1940-2002. U.S. Geological Survey Scientific Investigations Report 2006-1587 and U.S. Environmental Protection Agency 855-R-04-003, 267 p.
- Texas State Data Center. 2012. Population Projections by Migration Scenario for Texas Counties and Regions. Available: <http://idserportal.utsa.edu/sdc/projections/>
- U.S. Department of the Interior, Fish and Wildlife Service, and U.S. Department of Commerce, U.S. Census Bureau. 2008. 2006 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation.
- U.S. Department of the Interior, Fish and Wildlife Service, and U.S. Department of Commerce, U.S. Census Bureau. 2012. 2011 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, State Overview.

APPENDIX A: COASTAL USER WORKING GROUP MEMBERSHIP LIST

<u>Name</u>	<u>Organization/Affiliation</u>
Mike Petit	Coastal Conservation Association
Mark Ray	Coastal Conservation Association
Capt. Don Wood	Fishing Guide – Upper Coast
Capt. Mark Lyons	Coastal Bend Guides Association
Burt Moritz	Airboat Representative
Iliana Peña	Audubon Texas
Charlie Mader	Saltwater Enhancement Association
Steven Schmidt	Saltwater Enhancement Association
Ray Allen	Coastal Bend Bays & Estuaries Prog.
Dan Craine	Coastal Resources Advisory Cmte.
Joey Park	Coastal Resources Advisory Cmte.
Sally Morehead	Nat'l Estuarine Research Reserve System
Jim Smarr	Recreational Fishing Alliance
Ben Frishman	Texas Wade, Paddle, and Pole
Dave DeLaney	Texas Wildlife Association
Robin Riechers	Texas Parks and Wildlife Department
Les Casterline	Texas Parks and Wildlife Department
Don Thrasher	At-Large Angler
Steve Dutton	At-Large Angler

APPENDIX B: MEETING DETAILS

Coastal User Conflict Working Group

April 18, 2012

TAMU - Corpus Christi

9:00 am – 4:00 pm

9:00 am	Welcome and Introductions	Robin Riechers
9:15 am	Review of Charge	Robin Riechers
9:45 am	User Conflict Presentation	Jeremy Leitz
10:30 am	Break	
10:45 am	Seagrass Protection Presentation	Faye Grubbs
11:30 am	Morning recap and preview of afternoon discussion	Robin Riechers
11:45 am	Lunch	
1:15 pm	Discussion - Moving forward with seagrass protection	Robin Riechers
2:15 pm	Break	
2:30 pm	Discussion - Moving forward with user conflict resolution	Robin Riechers
3:30 pm	Recap and Finalize next week meeting date and location	Robin Riechers
4:00 pm	Adjourn	

Coastal User Working Group

May 18, 2012

TAMU - Corpus Christi

9:00 am – 3:00 pm

9:00 am	Welcome and Introductions	Robin Riechers
9:15 am	Review of Previous Meeting and Current Agenda	Robin Riechers
9:30 am	Review of Seagrass Materials Articles Seagrass Viewer Website Aerial Maps	Faye Grubbs
10:00 am	RBSSA Violations Update	Les Casterline
10:15 am	Break	
10:30 am	Review and Refine Seagrass Recommendations	Robin Riechers
11:45 pm	Lunch – catered in	
12:45 pm	Update on License Sales and Boat Registrations	Jeremy Leitz
1:00 pm	Review of Current Boating Regulations	Les Casterline
1:15 pm	Review and Refine User Conflict Recommendations	Robin Riechers
2:45 pm	Finalize Next Meeting Date and Location	Robin Riechers
3:00 pm	Adjourn	

Coastal User Working Group
June 11, 2012
Harte Research Institute- Corpus Christi
9:00 am – 3:00 pm

9:00 am	Welcome and Introductions	Robin Riechers
9:15 am	Review of Previous Meeting and Current Agenda	Robin Riechers
9:30 am	Review of Various Code of Ethics	Art Morris
9:50 am	Rookery Presentation	David Newstead
10:15 am	Break	
10:30 am	Refine Seagrass Recommendations Begin Prioritization of Recommendations	Robin Riechers
12:00 pm	Lunch – catered in	
1:00 pm	Fish Harassment Discussion	Les Casterline
1:15 pm	Review and Refine User Conflict Recommendations Begin Prioritization of Recommendations	Robin Riechers
2:45 pm	Finalize Next Meeting Date and Location	Robin Riechers
3:00 pm	Adjourn	

Coastal User Working Group
July 18, 2012
Natural Resource Center- Corpus Christi
9:00 am – 3:00 pm

9:00 am	Welcome and Introductions	Robin Riechers
9:15 am	Review of Previous Meeting and Current Agenda	Robin Riechers
9:30 am	Prioritize Seagrass Recommendations	Robin Riechers
	Work to develop final list of recommendations	
11:30 am	Lunch – Catered In	
12:30 pm	Prioritize User Conflict Recommendations	Robin Riechers
	Work to develop final list of recommendations	
2:30 pm	Other Business	Robin Riechers
3:00 pm	Adjourn	

Coastal User Working Group
August 6, 2012
Natural Resource Center- Corpus Christi
9:00 am – 3:00 pm

9:00 am	Welcome and Introductions	Robin Riechers
9:15 am	Review of Previous Meeting and Current Agenda	Robin Riechers
9:30 am	Review and Discuss Draft Code of Ethics	Art Morris
10:00 am	Review Final User Conflict Recommendations	Robin Riechers
10:15 am	Prioritize Final User Conflict Recommendations	Robin Riechers
11:30 am	Lunch – Catered In	
12:30 pm	Review Final Seagrass Recommendations	Robin Riechers
12:45 pm	Prioritize Final Seagrass Recommendations	Robin Riechers
2:00 pm	Other Business	Robin Riechers
3:00 pm	Adjourn	

APPENDIX C: FINAL SEAGRASS RECOMMENDATIONS

Highest Priority Recommendation:

1. Develop a regulation protecting seagrasses statewide
 - a. Develop signage for shallow-water, tide levels, seagrass, ingress and egress, fines on signs, regulation on signs

High Priority Recommendations

1. Produce detailed maps for the public depicting seagrass locations susceptible to boat damage
 - a. Include seagrass viewer on electronic fishing maps (Top Spot, etc.)
 - b. Update maps at boat ramps
 - c. Add a layer in Google Earth depicting seagrass locations
 - d. Communicate RBSSA boundaries with Garmin, etc. for inclusion into their maps
2. Create a local knowledge website, linked to TPWD site (water reading tips, weather, maps, regional, fishing reports, tides, rookery info, ethics, etc.)
3. Create a similar campaign for seagrass as used for invasive species
4. Coordinate with USACE, TCEQ, GLO, TXDOT, commercial fisherman, and oil and gas industry on seagrass conservation
5. Develop tide indicators
 - a. Place tide indicators at boat ramps, related to depth
 - b. Couple with maps that show where it's shallow for a given measurement on the scale
 - c. Use gradual depth scale instead of colors
 - d. Use Great Blue Heron statues as shallow-water indicator
6. Implement run lanes in areas to concentrate impact

Medium Priority Recommendations

1. Engage boat owners, retailers, dealers, and distributors in regard to seagrass protection and boater ethics
2. Engage boat manufacturers, owners, retailers, dealers, and distributors to discuss responsible marketing of boats

APPENDIX D: FINAL USER CONFLICT RECOMMENDATIONS

High Priority Recommendations

1. Develop a code of ethics
 - a. Include fish/wildlife/recreationist harassment into ethics
 - i. it is unlawful to use any vessel to harass, harry, herd, or drive fish including but not limited to operating any vessel in a repeated circular course, for the purpose of or resulting in the artificial concentration of fish for the purpose of taking or attempting to take fish.
 - b. Place (expand) boater ethics into boater ed. curriculum
 - c. Have tournament directors and participants review boating ethics and rules
 - d. Use weekly fishing reports, etc. to include "Ethic of the Week"
 - e. Wear bright colored clothing while on the water
 - f. Make watercraft lighting requirements more stringent
 - i. Can't be more stringent than US Coast Guard
 - ii. Enforce 360 degree light
 - g. Increase visibility in navigation channels
 - h. Place flags on kayaks
 - i. Establish buffer zones around rookery islands
 - j. Address burning in general
 - k. Utilize similar tools used for invasive species campaign to address user conflict
2. Lower minimum age required for boater education to include those born on or after September 2, 1971
 - a. Move date further back from 1993
 - b. Capture critical age group of 28-35
 - c. Hunter education date is 1971
3. Work with other agencies to allow for more effective rookery signage
 - a. Better placement clarity
 - b. GLO is specific about language on signs
4. Utilize similar tools used for invasive species campaign to address user conflict
5. Require paddlecraft registration

APPENDIX E: DRAFT CODE OF ETHICS

Draft Texas Coastal Bay User Code of Ethics

Goal/Mission Statement: To conserve and protect the coastal natural resources of Texas and the opportunities for current and future generations to participate and enjoy in hunting, fishing and outdoor recreation pursuits.

- **Safety First**
 - Make yourself visible
 - Render aid
 - Monitor weather
- **Learn and abide by all fishing regulations and boating laws.**
- **Know before you go (have a plan)**
 - Know your boat's limitations
 - Know your draft at plane and at rest
 - Know depth required to get on plane
 - Understand wind and tides and their effects
 - Know the area you intend to visit
 - Obtain maps
 - Ingress and egress
- **Respect our natural resources**
 - Help protect and do not uproot seagrass (possible legislation)^{TPWD}
 - Travel in channels or deep water when possible
 - Lift, Drift, Pole or Troll
 - Stop aquatic hitchhikers
 - Never release plants, fish or animals into a water body unless they are found there.
 - Practice CPR (Catch – Photo – Release)
Let them go – let them grow^{BCMFLNRO}
- **Protect bird nesting islands – fish, swim and play from 50 yards away**^{CBBEP}
- **Observe rules of common courtesy on the ramp, in shallow water, and in deep water (inclusive to those outside these groups)**
 - **Shallow water (fishing) courtesy**
 - Create as little of disturbance as possible
 - Have an exit strategy
 - Lift, Drift, Pole or Troll When Possible
 - Make yourself visible
 - Do not cut off others drift/path of fishing
 - Don't block channels
 - Avoid running shorelines
 - Maintain at least 200 yard space from others^{TWPP}

- **Deep water (fishing) courtesy**
 - Run to and away from reefs, not over the reef
 - Approach and leave the reef so as not to throw a wake over the reef
 - On the reef, drift, troll or idle if you must
 - Respect the fishing space of anchored anglers
 - Avoid the downwind space of anglers drifting
 - Don't block channels
- **At the ramp**
 - Use the ramp for launching and retrieving only
 - Load and unload the boat in an area (away from) the ramp
 - If dark, parking lights only on the ramp
- **Keep Coastal Waters Clean**^{TGLO}
 - Pack it in – pack it out
 - Plastic (secure trash)
 - Don't mess with Texas^{TxDOT}
 - Don't mess with Texas water^{TCEQ}
 - Keep Texas Beautiful
 - Keep the sea free of debris^{NOAA}
- **Educate others on ethical practices**
 - Others judge us by our actions

APPENDIX F: MEETING MINUTES

COASTAL USER CONFLICT WORKING GROUP

Meeting Minutes

April 18, 2012

9:00 am – 3:45 pm

6300 Ocean Drive NRC Suite 2010

Corpus Christi, Texas 78412

ATTENDEES:

Members Present: Mike Petit, Mark Ray, Chuck Naiser, Burt Mortiz, Charlie Mader, Steven Schmidt, Ray Allen, Dan Craine, Joey Park, Ben Frishman, Dave DeLaney, Robin Riechers, Les Casterline, Don Thrasher

Members Absent: Randall Groves, Iliana Peña, Sally Morehead, Jim Smarr, Steve Dutton

Withdrawn Member: Stan Hulse

Others Present: Ross Melinchuk, Faye Grubbs, Perry Trial, Jeremy Leitz, Cindy Neathery (all Texas Parks and Wildlife Department), Jake Herring (CBBEP),

AGENDA ITEMS INTENDED FOR DISCUSSION:

Review of Charge (Presented by Robin Riechers)

Why the group is together

Commission interest in group recommendations

Components of charge

Consideration of a wide range of recommendations

Seagrass Protection Presentation (Presented by Faye Grubbs)

Overview of Redfish Bay State Scientific Area

Expansion of seagrass protection into the JFK Causeway Area

User Conflict Presentation (Presented by Jeremy Leitz)

Results from Challenges to Sharing and Conserving Our Bays Workshop

Examples of conflict resolution (Snake Bite, Mosquito Lagoon, etc.)

Morning recap and preview of afternoon discussion (Presented by Robin Reichers)

Discussion - Moving forward with seagrass protection (Presented by Robin Reichers)

Discussion - Moving forward with user conflict resolution (Presented by Robin Reichers)

Recap and Finalize next week meeting date and location (Presented by Robin Reichers)

MINUTES OF DISCUSSION ON AGENDA ITEMS:

Introductions, meeting guidelines, and review of charge

Group introductions included avid bay users, off-shore fishing, fishing in the flats, less experience in seagrass, balancing seagrass protection with user conflicts, some spend a lot of time on water, bay fisherman, kayakers, deep love for the coast, hunters, helped with laws on limited entry, here to listen and learn, and the general consensus is that they are all are interested in the coast.

Members who could not attend will be caught up with the matters as best as possible. Proxies would not be allowed. The topics of the handouts in the binder were reviewed (the binder was comprised of the Agenda, Membership List, Contact Information, Charge, Challenges to Sharing and Conserving Our Bays, Seagrass Protection Efforts in Texas Presentation Slides, User Conflict Presentation Slides). Recommendations will be presented to the Commission at September 28th meeting. The group will operate by a consensus and several believe it is a good way to approach this. Respect other members and refrain from discussing or posting items discussed at the meeting on message boards. Recommend keeping the meeting open to visitors - see how it goes then the group will discuss.

Discussed absence of boater manufactures - they have been asked before to attend and have declined. This is a coastal users group and they are included in outreach.

Charge

The charge of this working group, as directed by the Chairman of the Texas Parks and Wildlife Commission, is to discuss and recommend solutions for protecting seagrass habitat and reducing user conflict in the bays and estuaries of the Texas coast. The working group should consider all reasonable alternatives, including those presented at the *“Challenges to Sharing and Conserving Our Bays Workshop,”* to protect seagrass and address current and expected future user conflicts coast-wide. The working group will submit its report to the Texas Parks and Wildlife Commission by September 28, 2012. The working group should operate through a collaborative process designed to achieve consensus and will be chaired by TPWD.

Charge is a coastwide matter. The charge has two big issues. We need to try to separate them in different segments.

Seagrass Protection Presentation (Faye Grubbs)

Provided an overview of the Redfish Bay State Scientific Area and the expansion of the seagrass protection into the JFK Causeway area

Questions regarding importance of gulf pass near nursery area, scar recovery rates, scarring “hot spots,” were answered during the presentation.

Game wardens have boats purchased just to control those areas. The game wardens are familiar with the hot spot areas. TPWD provided seagrass demonstration to game wardens before regulation went into effect. Game wardens have to tie the seagrass to the vessel. The game wardens have written 17 tickets so far.

Skeptical that seagrass protection will be successful without a regulation. Trends in the presentation show that education is helpful - agreement that education is helpful. Data shows that what the agency is doing is working. Education was ramped up with new regulation. Everyone agreed that tickets were helpful.

Suggestion from member to compare scarring in areas adjacent to SSA - agreed it would be a good study, limited by funds and man-power.

Member asked what specific behaviors were selected in mail-out survey – avoidance of known shallow areas selected the most, complete avoidance of areas selected the least.

Member asked how many tickets were issued to out-of-towners – TPWD will provide this information at the following meeting.

Member concerned that other seagrass studies need to be conducted and worried about invasive species of seagrass in West (Galveston) Bay. TPWD explained there are no invasive seagrass species and that other groups are looking into algae blooms, effects from hurricanes, dredging, predator/prey interactions. Group would like more information on seagrasses.

Group agreed scarring is an issue and not to get lost in the details.

Group discussed changes in boat technology.

Imagery acquisition from the JFK Causeway area is a top priority – waiting on good weather and water clarity. Looking into obtaining 1997 and 2008 imagery of the area as well. Need for current data came up at all the scoping meetings. After receiving significant opposition to proposal for JFK SSA designation with no-uprooting regulation, proposal was dropped and decided to move forward with voluntary measures and increased outreach statewide.

Comments made at scoping meetings to go coastwide with no-uprooting regulation. If the notion of seagrass is important why not do it everywhere.

Member indicated constituents not using boat ramps are not included in surveys.

Break

After group reconvened, point made that large areas of seagrass were observed one year and gone the following year. While the area appears devoid of seagrass, the root structure is still present. Grass could come back. Prop scars can exacerbate existing natural disturbances as they effect of the root structure. In managing the bay, what you can manage what people do, you can't control natural disturbances. We need to minimize impact and control our damage.

Member indicated in a prop scar the grass can come up greener than before – responded that Department has conducted in depth study to determine scar recovery rates for Redfish Bay.

User Conflict Presentation (Jeremy Leitz)

Member wanted to know about tax collection records of users and if there were any plans to survey them – response: TPWD only gets saltwater anglers at public boat ramps, but have discussed ways to reach users in other areas.

Recent issue with Padre Island residents who had issues with noise being made during duck season. Not a user conflict as one individual is at their residence – stake holder conflict.

Recent fishing article on herding fish. Author was unaware the act was illegal.

Water safety regulations state it is unsafe if it causes bodily harm. Safety violations apply not just to user conflicts, but to any group. Safety concerns with Lighthouse Lakes area.

Member asked if the number of boats and fishing licenses were growing. TPWD numbers show they are staying relatively flat. Some users are unwilling to pay to access the resource.

Member indicated there may be a shift in how people are spending money. Some may not pay for a fishing guide as they had before. Suggestion to ask questions during license sales, similar to HIP certification - some concerns with this.

Approximately 5,000 saltwater stamps are sold annually. While sales have rebounded slightly this spring, overall licenses are down this year, including the Super Combo License Package.

Increased number of constituents could potentially lead to increased conflict.

Breakdown on the type of boats being used – will follow-up and include this information at next meeting.

Member asked what the exact definition of fish herding – will follow-up with this item.

Education is important. Can educate and some will change. Others will do what they want to anyway.

More respect for game wardens now.

Member indicated it's the 5% ruining it for the other 95%.

Include boating ethics in boater education curriculum.

Break for Lunch

Key Issues Regarding Seagrass Protection

Need to protect seagrasses by focusing on prop scarring. Scarring impacts all seagrass species. Current study in Redfish Bay to determine scar recovery rates. Group came to the consensus that scarring is bad and not to spend time determine recovery rates for different areas.

Members need to know where seagrass is growing coastwide – will follow up with this item and next meeting.

Some discussion on ways to reduce imagery analysis cost (e.g. eliminate ground-truthing).

Christmas Bay has been studied to find where the majority of seagrass is. Expensive to conduct coastwide scarring study.

Stay in deeper waters, and run perpendicular to shoreline when returning to shore from X yards out

Education seems to work and seems to be the logical place to start.

Need for education with regulation for protection to be successful. Previous education efforts in Redfish Bay with voluntary measures were unsuccessful. Discussion of level of education and outreach efforts during voluntary measures. TPWD introduced the question to the group is it safe to say that education with regulation is important. No response from group members.

In 2000 when seagrass protection started, most people don't know why it was good.

We need the best science we can get for baseline

Statewide regulations should be considered.

What has Florida done?

Non-locals unaware of how to boat in area. Create a “local knowledge” website linked to the main TPWD website- include tides, weather, maps etc. Publish tips for “reading” water- exposed oysters, birds standing, waves etc. Gauges to show depth

Need indicators, red and green, at entrance to a flat as a way for them to figure out where to go and not go. Color coding may be a problem.

Boat manufactures have to certify a boat as to how shallow it can run.

Member suggested having a local knowledge website that could take you to a bay system with maps and measurements and a lay of the land of what you want the public to know with links related to that.

Consider ingress and egress of an area.

There are some areas where prop scarring just can't be prevented- try to concentrate the impact with run lanes.

No scarring studies conducted in Lighthouse Lakes. South Bay could be a good area to look at studying. Less than 0.6 meters mean sea level was the threshold for scarring. Member inquired how this was determined. Depth taken in the field and then converted to MSL based on nearest TCOON tide station in Port Aransas.

Member stated why go coastwide with regulation if there is no problem with scarring in other areas of the coast. There may be some backlash. We don't want to alienate constituents with unnecessary regulation- the key is to prioritize areas and treat stakeholders fairly. Break the coast into segments and identify the areas that are most susceptible to prop scarring

Break

Key Issues Regarding User Conflict

Establish ethic rules to stop burning shorelines as one guy can trash it for the other 95%

Include message in the boater education course about having good manners. Maybe a good CCA brochure could be handed out at boat ramps. Boater education instructors do hit on it but he is not sure if it is in the curriculum. Could cross over to fresh water as well – will follow-up with this item at next meeting.

Member suggested wearing orange to be seen if wade fishing or kayaking as is required of hunters. Lighting of kayaks and or flagging. Flagging would be impractical when fishing. Kayaks are required to have to have a light. Orange might be hard to see with during low light conditions.

Suggestion presented to distribute safety and awareness brochures at tournaments especially large tournaments with out-of-state participants.

Require standard of ethic. Every tournament director would have to be required to introduce it. Steven Schmidt commented that some tournament directors don't even know. Game wardens have attending captain's meetings in the past. Tournaments are changing – faster boats “burning” the flats. Unable to impose speed limits. Game warden must prove reckless operation of a boat. Provided example of individual who made circles in boat around wade fisherman. Wade fisherman did not press charges.

Member asked how they handle these problems in fresh water. Hard to prove reckless operation. Would have to take legislative action to impose a numerical speed limit on public waters.

Practice of poker boats in upper coast racing from one location to another.

Member mentioned the pole and troll zones in Florida, specifically the Snake Bight Pole and Troll Zone. He suggested discussing user conflict and seagrass. 1) to protect and 2) if you are responsible. Fishing is better. It will get worse in high pressure zones. With different vehicles there is higher and lower impact. One-year mark for this area. New articles and information on status. Member expressed that the public

meetings been successful and mentioned a new spoonbill rookery was observed. The feedback from users wanted to see access channels and one other access lane created. It was favorable from users. Will follow-up with more information at next meeting.

Harassment laws don't address these issues. A complaint must be filed. Read the law on speed and commented that factors have to be proved. Point A to point B will depend upon the local justice of the peace. Issue in Lighthouse Lakes. Reckless operation of the boat if you can't stop the boat.

Workshop discussion concerning habitat destruction and disturbance centered around rookery islands. Some protection of rookeries through the Nation Audubon Society – leased through GLO with no trespassing signs posted.

Statements can be used in harassment cases as support.

Need different access points for powercraft and paddlecraft.

More discussion from group members on marking kayaks with flags. Poses problems for casting. Could put flag down while fishing. Would be easier to see kayaks when going through channels.

There was a consensus from the group that all ideas had been captured on the flip charts.

Next meeting dates were determined with an understanding that it would be hard to accommodate all group members.

May 18th

June 11th

July 18th

August 6th

September 10th

Robin Riechers reminded the group of the deadline is on the 28th of September and the group will need some time to look at the report for final comments and it could take weeks to get there. He replied that

although the dates are tentatively down he is not sure if all the dates will be needed or not. He opened the group up for discussion on the location of the next meeting. Although Austin was suggested, the consensus was that the next meeting would be held at the same place with a working lunch.

MEETING ADJOURNED AT 03:45 PM.

COASTAL USER WORKING GROUP

Meeting Minutes

May 18, 2012

9:00 am – 3:00 pm

6300 Ocean Drive NRC Room 1003

Corpus Christi, Texas 78412

ATTENDEES:

Members Present: Mike Petit, Mark Ray, Capt. Don Wood, Capt. Mark Lyons, Iliana Pena, Charlie Mader, Steven Schmidt, Dan Craine, Joey Park, Sally Morehead, Jim Smarr, Ben Frishman, Robin Riechers, Les Casterline, Don Thrasher

Members Absent: Burt Moritz, Ray Allen, Dave Delaney

Others Present: Ross Melinchuk, Faye Grubbs, Perry Trial, Jeremy Leitz, Art Morris, Jeff Parrish (all Texas Parks and Wildlife Department), David Sikes (Corpus Christi Caller Times)

AGENDA ITEMS INTENDED FOR DISCUSSION:

Review of Previous Meeting and Current Agenda (Presented by Robin Riechers)

Review of Seagrass Materials (Presented by Faye Grubbs)

Articles

Seagrass Viewer Update

Aerial Maps

RBSSA Violations Update (Presented by Les Casterline)

Review and Refine Seagrass Presentations (Presented by Robin Reichers)

Update on License Sales and Boat Registrations (Presented by Jeremy Leitz)

Review of Current Boating Regulations (Presented by Les Casterline)

Review and Refine User Conflict Recommendations (Presented by Robin Riechers)

Recap and Finalize next week meeting date and location (Presented by Robin Reichers)

MINUTES OF DISCUSSION ON AGENDA ITEMS:

Group introductions were provided.

Robin reminded members that it's ok to have conversations outside of the formal meetings, but please bring those conversations back to the group.

Robin briefly covered the ground-rules for the meeting, as were agreed to at the previous meeting. The goal is to have an open dialogue with candid conversation. The meeting is not subject to the open meetings act. For the most part, visitors will not engage in deliberations. All decisions will be based on consensus.

Robin will be the conduit for disseminating materials to the group.

The previous meeting's minutes were approved.

Robin provided a brief overview of the current agenda.

Review of Seagrass Materials (Faye Grubbs)

Faye provided a brief review of seagrass-related articles from Pulich and Onuf (2007), Dunton and Schonberg (2002), and Dawes et al (1997). Articles covered seagrass scarring, seagrass coverage, and seagrass recovery.

The difference in seagrass recovery rates between Texas and Florida were discussed.

A question was asked about recovery rates between shoal grass and turtle grass. Literature from Florida indicates that shoal grass recovers quicker than turtle grass, but TPWD staff has not detected differences in recovery rates between these two species in Texas. TPWD is still collecting data on this.

The JFK Causeway area is dominated by shoal grass.

A question was asked about the impact to seagrass of the green, fuzzy moss-like algae found floating and drifting in the bays. Drift algae is always present but conditions may exist to promote growth.

Robin informed the members that TCEQ and others are addressing water quality issues.

Faye provided a demonstration of TPWD's seagrass viewer webpage, including how to access the page, what the different green colors represent, and how to get to the metadata.

RBSSA Violations Update

Les provided an update on the number and distribution of violations within the Redfish Bay State Scientific Area. To date, a total of 17 violations have been written since the rule went into effect. Ten of those tickets were written to people who live outside the local area. Twenty-seven written warnings have been issued, along with numerous verbal warnings. The number of citations has decreased since the rule's inception.

Wardens use personal judgment when deciding to issue a ticket versus a warning. Warnings may be issued when a case may prove too difficult to prove or if the violator could be educated by the encounter.

TPWD feels that the efforts in the Redfish Bay State Scientific Area have been successful based on the various studies being completed in the area.

Faye provided a quick review of the outreach efforts in the Redfish Bay State Scientific Area.

TPWD does conduct annual inventories on the signs in and around the Redfish Bay State Scientific Area for maintenance purposes. There were some comments from the group about missing signs and that some existing signs are not located where they should be. Faye discussed how locations for signs were chosen. Members felt that signs should be located at all flats access points.

Robin noted that the Coastal Fisheries Division is looking to expand shallow-water signage at boat ramps statewide.

Perry provided a brief summary of recent outreach events. Robin asked members to not get too bogged down in outreach, as staff is already working on this.

Robin provided an update on the meetings taking place with local partners. SEA placed a full-page ad in the banquet magazine. SEA, TNC, and CCA have all offered help. A new brochure is being developed. Websites are being updated with new information and imagery.

Review and Refine Seagrass Recommendations

Robin led the group through each previously documented recommendation.

A recommendation was made to change the regulation in RBSSA to a no-motor zone, as it's easier to enforce

The group recommended that, for the next meeting, recommendations be placed into categories. This would allow for easier discussion, evaluation and prioritization. Four categories were identified: 1) Educational Strategies; 2) Navigation Strategies; 3) Signage Strategies; 4) Statewide Seagrass Regulation

Please see "Summary of Seagrass Conservation Thoughts and Ideas" below for more detailed conversations regarding the different recommendations.

Break for Lunch

Update on License Sales and Boat Registrations

Jeremy presented a summary of saltwater license sales, along with boat sales and registrations.

Boat sales have recently dipped Gulf-wide and in Texas, but appear to be trending upward this past year.

Nationwide, canoe and kayak sales have decreased since 2006. Kayak sales, based on a Joint Legislative Report from 2009, predict an increase in kayak sales in Texas.

The current number of kayak owners in Texas is unknown, as they do not pay a registration fee.

One member commented that the state of Texas is missing out on revenue by not having a paddlecraft registration fee. That revenue could be used to create separate access points for paddlecraft.

Another member commented that if kayaks had TX numbers, it might cut down on conflicts as kayakers wouldn't be anonymous.

One member suggested that the Texas Parks and Wildlife Department conduct mail out or online surveys to establish how many people are fishing out of paddlecraft. Robin and Jeremy noted that there are now two questions placed into the Statewide Angler Survey the department conducts every three years. The goal of these questions is to gather data on the number of anglers who own kayaks and canoes, as well to identify the percentage of anglers who fish from a kayak or canoe. These questions will be repeated in future Statewide Angler Surveys.

Robin and Jeremy discussed issues and problems associated with trying to gather data from a demographic from which there are no documented mailing addresses.

TPWD is looking for ways to gather more information on kayakers and canoers.

Review of Current Boating Regulations

Les and Jeff Parrish reviewed the various boating and boater/wildlife harassment regulations that TPWD enforces. Summary handouts for review were provided.

Fish harassment rules are difficult to enforce based on how the current rule is written. One member asked TPWD's LE representatives to indicate how they would change the rule to make it enforceable. LE indicated that defining harassment is difficult.

Filing a hunter/angler harassment case is dependent upon the harassed person wanting to file a complaint, even if the incident was witnessed by a law enforcement official.

Most people don't know they are doing something harmful when disturbing nesting birds.

Audubon has a lease agreement on various islands with the GLO to enforce no trespassing on bird rookeries from February – August. Signs on those islands recommend a 50-yard buffer to reduce impacts to nesting birds.

A member commented on the notion of creating buffer zones around rookery islands, especially during nesting seasons. Other members were reluctant to this idea due to the proximity of some islands towards others, and the problem that would then occur as one tries to run their boat between them.

There are no speed limits enforced by TPWD on Texas waters.

An area must be marked as a "no-wake zone" by the local governing body for game wardens to be able to issue citations.

Game warden has to be able to articulate why boater's speed was deemed excessive to prove case.

Jeremy visited with TPWD Boater Education staff about the inclusion of boating ethics into the Boater Education program. The last chapter of the current curriculum relates to boating ethics. There is talk of expanding this chapter. However, not many boaters take boater education.

Review and Refine User Conflict Recommendations

Robin led the group through each previously documented recommendation.

Please see “Summary of User Conflict Thoughts and Ideas” below for more detailed conversations regarding the different recommendations.

Finalize Next Meeting Date and Location

The possibility of moving the next meeting location further north along the coast was discussed. After discussion it was decided to leave it in Corpus Christi.

The next meeting will be Monday June 11 on the TAMU-CC campus.

MEETING ADJOURNED AT 3:25 PM.

Summary of Seagrass Conservation Thoughts and Ideas

- Obtain coastwide baseline data on seagrass prop scarring
- Think about ways to obtain imagery at a reduced cost
 - eliminate ground-truthing
 - incorporate drones into capturing imagery, if they can handle coastal winds
- Education is a logical place to start – regulation doesn’t make sense at this time
- Education and outreach alone are not as effective as education and outreach with a regulation
- Acceptance of the idea that seagrass is a valuable habitat seems to have increased over time
- We don’t want to alienate constituents with unnecessary regulations. The key is to prioritize areas and treat stakeholders fairly.
- Statewide seagrass regulation should be considered
 - Violations should focus on wonton, egregious violators – resulting in large fines and restitution
 - Lesser violations should carry lesser fines
 - Need clear definitions for restitution values and fines

- One member indicated that if a LIFA were ever created, the support of this individual and the group they represent would be removed from the statewide regulation – sunset clause attached to the statewide regulation contingent upon the creation of a low-impact fishing area (LIFA)
- There is a need for statewide seagrass protection through legislation
- Statewide regulation approach would be simpler than creating numerous state scientific areas (SSAs).
- SSAs are the mechanism in which TPWD can protect seagrass currently
- TPWD would need to seek legislative authority to create a statewide regulation.
- Would increase the importance of outreach
- A statewide regulation wouldn't make anyone feel their area is being singled out for protection
- What is the downside of a statewide regulation coupled with marked channels?
- Disseminating information and implementing educational messages would be easier with a statewide regulation
- Downside to the regulation would be people saying that TPWD hasn't proven a problem exists.
- If the area doesn't have a problem, then they don't have shallow water and seagrass so a regulation wouldn't impact them anyways.
- A question was asked if the SSA designation for Redfish Bay would go away with a statewide regulation. Robin indicated that it would depend: it could stay in place, or it can go away. If it went away, many of the scientific studies going on within RBSSA could continue, however no other regulations could be created within it. Maintaining the SSA designation for Redfish Bay may increase attention and focus on the area.
- Break the coast into segments and identify areas that are most susceptible to scarring
 - This approach is in opposition to the statewide regulation approach.
- Need to produce detailed maps for the public that show where seagrasses are.
 - New people are always coming into the area and don't know where seagrasses are.
 - Seagrass viewer layers could be included on fishing maps (Top Spot, etc.)
 - Layer in Google Earth showing the sensitive areas
 - Should communicate RBSSA boundaries to Garmin for inclusion into their maps
 - Warning alarm issued when entering the area

- Maps should be included with boat sales.
- Need tide indicators
 - Colors may not be as useful as a graduate depth scale (related to flats depth)
 - Couple with maps that show where it's shallow for a given measurement on the scale
 - Could aid in enforcement
 - Use blue heron statues as shallow water indicators
 - Signs near shallow areas
 - Has merit if not used for regulations
- Need to make people aware of the tools that are already available to them
 - Create "local knowledge" website, linked to TPWD website
 - Include tides, weather, maps, etc.
- Summarize metadata for coastwide imagery
- Consider technology of boats (tunnel hulls vs. deep V, etc.)
- Get boat manufacturers to certify shallow-water capabilities of boats
 - Will be met with reluctance from manufacturers
- Need signs
 - Beware of shallow water
 - Tide level signs
 - Sensitive seagrass areas
- Need signage for ingress and egress in grass flats
 - In areas where prop scarring can't be prevented, try to concentrate the impact with run lanes.
- Publish tips for reading the water (exposed oyster reefs, birds standing, etc.)
- Why didn't TPWD collect data from Lighthouse Lakes and Brown and Root Flats when data collected in RBSSA?
 - TPWD staff indicated that the area was too shallow
- Need to engage boat manufacturers to discuss responsible marketing of boats, as well as USACE, TCEQ, GLO, commercial fisherman, and the oil and gas industry. BTA is willing to work with TPWD on their boating mantra. Focus should be on advertisements, not design of boats
- Create a long-term plan for opening passes along the coast
 - Work with partners to achieve

Summary of User Conflict Thoughts and Ideas

- Address burning in general
 - Need to educate, not regulate
 - What's the bigger issue with these boats impacting the resource or safety?
 - Does burning the flats equal harassing the fish?
 - Almost impossible to define and enforce
 - CBGA rule is to maintain a 50-yard buffer from others
 - Try to avoid monopoly of area by one group
- Paddle craft registration
 - How would TPWD deal with multiple kayak owners?
 - One potential solution is to create a stamp
 - Multiple boats under one registration is against federal law
 - Consider the price difference between boats and kayaks
 - Kayakers use the resource and water safety enforcement
 - Registration should be relative to the impact of the resource
 - Kayakers need to put some funding into the system
 - Separate freshwater and saltwater?
 - What about other paddlecraft?
 - Other states, such as Ohio, implemented a \$5 registration fee
 - What is the cost to the agency to register a boat in TX?
 - TPWD will find out and bring back to the group
- Develop boating code of ethics and guidelines including running distances in relation to others, stay in deeper water, and run perpendicular to shoreline from X yards out.
 - Coastal Bend Guides Assoc. has developed a code of ethics, as has Texas Wade Paddle and Pole.
- Place boating ethics into boater education (1 pager into curriculum)
 - Current vendor of boater education materials is a nationwide company, they do not produce state specific curriculum.
 - Seagrass and ethics is currently included in the Handbook of Texas Boating Laws and Responsibilities
 - Include fish/wildlife/recreationist harassment into ethics
- Incentives for taking boater education

- Differential license fees, registration fees, insurance discounts, Academy discounts, etc.
- Utilize similar tools used for invasive species campaign
 - could apply elements of this program to seagrass issues also
- Anglers, especially wade fishermen, should wear bright clothing while on the water, similar to hunting
 - Be visible on the water
- Require flags on kayaks
 - Flag-up when in motion
 - Flag should be six-feet tall
 - All watercraft should have flags
 - Flags don't solve the issue
- Change watercraft lighting requirements (more stringent)
 - Lighting is currently required
- Have tournament directors and participants review boating ethics and rules
 - Conduct outreach prior to the event
 - Tournaments can educate participants
 - Present code of ethics
- Increase interactions with redfish tournaments
- Use weekly fishing reports to include "Ethic of the Week"
 - Need consistent messages
- Conflicts exist between recreational users and commercial anglers, as well as industrial uses
- Implement pole and troll zones similar to Florida
 - Need to obtain more information related to their pole and troll zones
- Clarify regulations detailing what "harassment" is.
 - Make it a citable offense
 - Place on list of ethics
- 100 (XX) meter buffer zones around rookery islands
 - Recommendation of 50 yards
- Improve rookery signage
- No-wake zones in channels
- Different access points for powercraft and paddlecraft
 - Safer entrance points

- Mandatory boater education for all ages
 - Latest law requires boater education for anyone born on or after 1993. Staff wanted date pushed further back but there was resistance from boat manufacturers, worrying it would hurt boat sales
 - One-hour boater education course is now included in drivers education
 - Operation citations require violator to take boater education course

COASTAL USER WORKING GROUP

Meeting Minutes

June 11, 2012

9:00 am – 3:00 pm

6300 Ocean Drive HRI Room 127

Corpus Christi, Texas 78412

Attendees

Members Present: Mike Petit, Mark Ray, Iliana Pena, Charlie Mader, Steven Schmidt, Dan Craine, Joey Park, Sally Morehead, Jim Smarr, Ben Frishman, Robin Riechers, Les Casterline, Don Thrasher, Burt Moritz, Ray Allen, Steve Dutton

Members Absent: Capt. Don Wood, Capt. Mark Lyons, Dave Delaney

Others Present: Ross Melinchuk, Faye Grubbs, Perry Trial, Jeremy Leitz, Art Morris, Cindy Neathery (all Texas Parks and Wildlife Department), David Newstead, Owen Fitzsimmons (all Coastal Bend Bays & Estuaries Program)

Agenda Items Intended for Discussion

Review of Previous Meeting and Current Agenda (Presented by Robin Riechers)

Review of Various Codes of Ethics (Presented by Art Morris)

Rookery Presentation (Presented by David Newstead)

Refine Seagrass Recommendations (Presented by Robin Riechers)

Fish Harassment Discussion (Presented by Les Casterline)

Review and Refine User Conflict Recommendations (Presented by Robin Riechers)

Finalize Next Meeting Date and Location (Presented by Robin Riechers)

Minutes of Discussion on Agenda Items

Group introductions were provided.

The previous meeting's minutes were presented. One member commented that rookery islands, under Boater Regulations, should be for all user groups not just to boaters. No other changes were noted for the minutes. The minutes with the one amendment stands as approved.

Review of Various Codes of Ethics (Art Morris)

Art presented various codes of ethics, and summarized their five common themes. Those reviewed included codes from Texas Wade, Paddle & Pole, the Best Practices supported by the Bay Users Workshop, the Florida Guides Association's Code of Ethics, and the Recreational Fishing Code of Conduct from the Australian Anglers Association. Common themes related to obeying regulations, encouraging others to follow a good example, respecting fish and respecting others space. The various codes of ethics are tailored toward their recreational use.

A question was raised if the code of ethics others have used really gets the message out and if it is considered more a code of ethics or best practices.

Members discussed whether to develop very explicit themes, or to keep them succinct and broad. One member suggested to be brief at first, bulleting the items, then develop a detailed version later.

A comment was made that violators in Florida have to pay a per foot fine for seagrass scarring, and if you have to pay fines you need evidence; therefore, you can't have the code of ethics being broad.

Members discussed taking into account the context of the various situations that arise. For example, maintaining a distance of 200 yards may be acceptable in a shallow flat, but for boats anchored along the Galveston jetties, 20 feet may be more acceptable. Due to these different situations, explicit recommendations may not be preferred. A comment was made that if it discusses distance it should discuss the why behind it.

One suggestion was to have a short list of ethics with a reference back to a website with more detailed information. Develop a “one-stop shop” for the various user groups and their associated codes of ethics.

TX Airboat Association is currently developing their code of ethics.

Robin noted that TPWD could create and promote a “best boating practices” and the various fishing and boating communities could use them as guidelines and flesh out for their groups.

A suggested model for such a list is the Ten Commandments of Hunter Safety.

Another suggestion was to develop a system similar to hiking trail signage with mixed user groups (e.g. X yields to Y, Y yields to Z, etc.), or develop distance standards for different users (e.g. distance from waders, kayakers, boats, etc.).

TPWD provides best boating practices in its boater’s education curriculum.

One member commented that even non-specific recommendations will lead boaters to, at the very least, thinking about the various topics.

Rookery Presentation (David Newstead)

David provided an overview of the colonial waterbirds rookeries on the Texas coast and some of the natural and human disturbances that affect them. He commented that birds have different needs to nest and there has been a decline in their numbers due to various disturbances.

They have seen a decrease in small wading birds and ground nesters, and increases in gulls and grackles.

He provided the definition of “human disturbance” as it affects nesting waterbirds and the long-term population effects. Timing is everything when it comes to birds. They are on a cycle as to when they nest. When disturbances happen, whether it’s related to environmental or human disturbances, it can affect the timing of their breeding window.

Redfish Bay has seen the most problems in disturbances, while the most alarming is in the upper Laguna Madre. Of the 49 islands that the birds have occupied there, 31 islands have seen a decline in nesting birds, 8 islands have been completely abandoned, and only 10 islands saw an increase in birds. Over the 10-12 years that they have monitored the islands, which can be done through direct observation, they have seen a loss of diversity. The threats over time have changed.

On various Audubon leased islands, signs indicate that people may not land their boat or walk on the island (trespass) between the months of February and August. The trespass charge requires a representative from Audubon to sign a complaint against the violator. As trespass laws apply to the island and not the waters around them, birds can still be disturbed even if someone does not land their boat or walk on the island.

David answered the question about restoration being done on abandoned islands saying that they try to protect them and they have been restoring them for years. They have been doing habitat management but to just save one island it can be expensive.

In the southern portion of the upper Laguna Madre, black skimmer birds need open terrain to land, as they can't simply drop down on the ground like other birds. Numbers of black skimmers are decreasing dramatically. These declines affect other parts of the coast.

A comment was made on a slide that in Oso Bay, cars can drive out on the island when tides are low impacting nesting areas. A discussion occurred as to who owns the land cars drive on, who can access it, if it was attempted to be leased, what the tide marks are on land, and what is enforceable when you see someone driving their car out there. A question was asked if signs, if there are any, indicate the distance one should keep from the island. David said that there are none. A comment was made that typically by the time you see the sign you are already too close to it. CBBEP has tried working with the GLO to restrict vehicle access to Oso Island.

David answered a question as to if he has seen skimmers in the Rockport area and said the road in the Rockport Beach Park is being monitored. He sees lots of gulls but he doesn't know why the birds are okay there with the high level of activity present.

An inquiry was made as to how close boats can be before they cause a disturbance. Scientific data shows appropriate distance may vary with location, nesting stage, and the type of approach. David commented that people drop off animals on the islands and use the islands for personal reasons which can disrupt habitat.

He shared they try to educate the public through outreach, articles, PSA's, signage, and brochures (he handed out to the members a Breeding Birds of the Texas Coast booklet which is a Fisherman's and Boater's Bird Guide that they use to reach out to people). They will also be doing some boat ramp surveys again to get the word out too.

The "appropriate" buffer distance around the islands was discussed. Studies suggest nesting birds need up to 200 meters of distance to reduce disturbance. But recent local PSA's and brochures recommend 50 yards as it's more palatable. A comment was made that large buffer zones may restrict usage in certain areas between islands, and in channels.

A question arose as to whether or not a sign actually changes behavior. David indicated that even having a sign is not a cure-all, but he has seen some benefit in having them.

Awareness is the biggest problem. This can be solved through education. There is a smaller group that is apathetic to the problem, which requires enforcement.

A comment was made that some of the same people visit the same sites, and that directing them to other areas may help. Designate specific islands for human use to minimize disturbance to numerous islands. David commented that some people will go where they think the fishing will be best, and he has noticed that some people want to go to the most remote points.

One member asked that if most of these islands are man-made, what did the birds do before? David indicated that the bird's dependence on the islands can't be taken out of context of all the other human impacts to the ecosystem (jetties, shoreline development, etc.). In the current context, birds depend on the islands.

A question if birds nest on the entire coast was asked. David stated that there are more on the lower coast than on the upper coast.

Robin asked David to circulate the presentation around to the members and he agreed to provide such.

Refine Seagrass Recommendations (Jeremy Leitz)

Jeremy summarized and categorized recommendations from the previous meetings into four categories: education, navigation, signage, and statewide regulation. He let the group know that if there was anything missed in the recommendations to say so and that the items on the list were not final. Ross asked if any could be combined or dropped.

Comments by Recommendation

Education Strategies

1. Produce detailed maps for the public that show where seagrasses are
 - a. A member said Garmin is one tool where a detailed map showing seagrass could be produced for the public.
 - b. In case we don't get cooperation from boaters using the maps, that recommendation could be a component of the recommendation to engage boat manufactures to discuss responsible marketing of boats (#6 below). If we educate boat manufacturers, they could educate the boaters.
 - c. Maps should be printed on a water-proof paper like the Audubon brochure handed out at the meeting detailing the necessary information and regulations.
 - d. A suggestion was made to check with the local chamber of commerce to see if they could help with the printing. Hotels might also be a good place to obtain funds for that to.
2. Make people aware of the tools already available to them
 - a. Combine with #3 and #4.
3. Create a local knowledge website linked to the main TPWD website
 - a. Combine with #2 and #4.

- b. Include tides, weather, maps, water tips.
 - c. Create a brochure, similar to the zebra mussel campaign.
 - d. Have it contain valuable information.
 - e. Create something attractive enough where people will bookmark it.
 - f. Include the codes of ethics.
4. Publish tips for reading the water (exposed oyster reefs, birds standing, etc.)
 - a. Combine with #2 and #3.
 5. Utilize similar tools used for invasive species campaign to address seagrass
 - a. Design a beneficial campaign.
 - b. This is the most important point.
 6. Engage boat manufacturers to discuss responsible marketing of boats
 - a. Boat manufacturers may be more receptive to changes in marketing strategies as results of the JFK State Scientific Area proposal.
 7. Get boat manufacturers to certify shallow-water capabilities of their boats
 - a. Boats already want to know how shallow they can run their boat, so this is a good place to start.
 - b. Certify how the boat would normally run.
 - c. Will salesman be able to get message across to the boater?

Navigation Strategies

1. Develop tide indicators
 - a. Create a tide level indicator at boat ramps; make it related to flats depth.
 - b. Opportunity to create a beneficial mobile app.
 - c. Tide markers need to stay up longer for people to read it.

Signage Strategy

1. Develop signs
 - a. Signs need to say don't tear it up and who is responsible for paying for it if they do.
 - b. Ross indicated that TPWD monitors their signs the best they can given staff and budgets.

- c. A concern was raised about signage falling down if they are not maintained
- d. If the sign relates to a regulation, information about the regulation and where to get more information about it should be posted.
- e. It would be good to have one place indicating the current water depths. This could be part of a web site. One member uses a weight on his dock to check the level.
- f. Paying for purchasing, installing, and maintaining signs was discussed. Robin expressed to the group to identify items and to not let funding be an issue. To let TPWD figure out how to obtain funding and to not dismiss an idea for that reason.
- g. A member inquired if the Nature Conservancy might need to be brought in. Robin indicated that it is being done simultaneously. Perry stated that he is working with them.

Statewide Regulation Protecting Seagrass

1. A member inquired if there is a regulation already that says it is illegal to destroy seagrasses. Robin stated we have that in Redfish Bay State Scientific Area (RBSSA) but we don't have that authority in other places.
2. A comment was made that enforcement is difficult statewide. If there was a law, it forces people to get educated about it. Les agreed that the data shows they are paying attention. Robin indicated that we don't have a lot of data on that but the more sports writers' share it, the more the public hears about it.
3. Areas set aside for seagrass protection gives heartburn to some.
4. Whatever can't be enforced should not be recommended.
5. If regulation has a fine and restitution associated with it, people will pay attention.
6. Boundaries can be confusing statewide as to where and what the rules are.
7. It was brought up that protecting seagrass and no-prop zones are two different issues. The two should not be tied together in a restricted use area. For habitat, protect seagrass. For user conflict, implement an education program.
8. A concern was shared about not knowing how responsive legislators would be to a statewide seagrass law. They want to be responsible for enforcing the law so it might be an issue.
9. It was agreed by numerous members that when people are getting tickets it will hit the sporting news. Then they will pay attention to the code of ethics, so it goes hand-in-hand.

10. A question was asked about where the money from fines go. Les stated it comes back to the coastal fisheries division.
11. A question was asked as to what the fine was on the low-end and the high-end. Les stated that the high-end was \$500 and the low-end was \$25. If noted on boundary signs, it would be better to just indicate the high amount.
12. Comments were made to make it easier for the wardens to write tickets. Make statewide regulations enforceable now if they are not (e.g. fish harassment). Court cases are based on priority. Civil restitution is tied with the criminal conviction. Should establish value of seagrass for civil restitution. Restitution can deter someone.
13. TPWD should create an upper, middle, lower coast seagrass maps on plasticized paper and perhaps even require it to be on the boat.

Break for Lunch

Fish Harassment Discussion (Les Casterline)

Les recognized and the group agreed that the language in the law is vague. Les recommended that the group identify objectives before attempting to re-write the language. The language should be very specific and address the objectives.

One member mentioned that TPWD's legal team had released an opinion on the intent of the harassment law (Jeremy later found the opinion and read it to the group).

Ross asked the group "what is the intent?"

Robin noted that the term harassment is not currently defined.

One member stated that in his opinion running a shoreline was not harassing fish.

Another commented that if you are running a boat over water you are disturbing fish- the severity and duration of the disturbance varies. "What is ethical and what isn't?"

The whole group agrees that the law is not written well, but it may be written as well as it can be. The law may simply be unenforceable. Les stated that one case had been made against a boater in Aransas Bay when the boat was videotaped running in circles around fish to concentrate them.

Discussion then turned to what specific actions constitute harassment. There was some consensus that elements of harassment include circling fish, repeated stopping and starting “buzzing” to find fish, and denying other people the opportunity to catch fish.

One member suggested that intent should be added to the language.

One member asked where someone following a school of red drum with a trolling motor fits in to the discussion.

Not all members seemed to be in agreement that this is a problem.

Ross suggested that TPWD get our legal team to draft some language for the group to consider.

Review and Refine User Conflict Recommendations (Robin Riechers)

Jeremy summarized and categorized recommendations from the previous meetings into 5 categories: code of ethics, visibility on water, boater education, rookery island protection, and special regulation areas.

Comments by Recommendation

Develop a Code of Ethics

1. There had already been much discussion about a code of ethics earlier in the morning.
2. It was reiterated that it is important that there is “depth or situational breakdown” included in any code of ethics or best boating practices.
3. The consensus of the group was that a code of ethics would be a good idea.
4. Clarify fish harassment to make it a citable offense.
 - a. Need to include intent in wording.

- b. Circular course in area with intent to herd and concentrate fish with a boat, for the purposes of taking fish.
- c. TPWD Legal Division will help with wording.

Increase Visibility on the Water

1. These all fit under the code of ethics or best practices.
2. Mangroves are getting bigger and kayakers need a flag so others can see them.
3. "If I hit one (kayaker) I am responsible. I want to be able to see them."
4. Kayakers shouldn't have to have a flag or lights during the day.
5. A flag should be required when the kayak is in motion- understand that a flag interferes with fishing- should be able to put it up or down.
6. Anything sticking up will catch a fly rod.
7. This issue is most important in navigable channels.
8. Onus should be on the person that can't be seen.
9. LE will check what it takes to create a regulation within Ch. 31 of the Water Safety Code
10. Robin noted the differences in opinion on this topic and suggested that we move on to boater education.

Increase Boater Education

1. One member stated that he had gone online to take the boater education course and none of the topics that had been discussed by the workgroup were included in the training.
2. One member asked how we get a code of ethics included in boater education. The curriculum is done by a national company and is not specific to Texas.
3. There was some discussion about expanding the requirements for boater education to include boaters of all ages and all sizes of boats.
4. All members agreed that boater education should be required across the board.
5. One member stated that it doesn't make sense to exempt those people with smaller boats because these are typically the most inexperienced boaters.
6. There seemed to be consensus amongst the group that boater education requirements should be expanded.
7. Those with USCG licenses should be exempted.
8. Ensure ethics is captured under the Captain's License requirements.

Rookery Island Protection

1. There was discussion about the appropriate distance to maintain between humans and rookery islands. Somewhere between 50-100 meters? Should an appropriate distance be specified by regulation or suggested in a code of ethics?
2. Signage should be consistent so that once a person reads one, they can recognize it at a distance.
3. Signs should be big enough to read from a distance (outside the recommended buffer zone).
4. One member asked to what degree TPWD could influence the GLO to allow signs to be posted in the water.
5. The group seemed to be leaning towards incorporating a recommended buffer into a code of ethics.
6. A suggestion was made that TPWD include rookery island signs on our website so people know what to look for on the water and where they are.

Develop Special Regulation Areas

1. There was broad disagreement on this topic. Some members are in favor of bay areas with motor restrictions; other members are totally against this concept.
2. Comments included:
 - a. Don't like LIFAs at all.
 - b. A code of ethics will take care of this.
 - c. TPWD can't keep up with current signage.
 - d. We need to address upcoming growth in fishing population.
 - e. Restricting user groups from access sets dangerous precedent.
 - f. Not restricting user groups, only excluding usage of motors.
 - g. Why restrict usage when everyone has paid for a fishing license?
 - h. Lighthouse Lakes would be a good candidate.
 - i. Would gladly give kayakers a restricted area if it was the only place they were allowed to go.
 - j. CCA believes everyone should fish where they want to.
 - k. A no-motor zone is a defacto no-fishing zone for power boaters.
 - l. Precedent has been set in state parks.
 - m. There are certain very shallow areas where power boaters have a big impact.

- n. Restricted areas would concentrate boaters over smaller area.
- o. "If the resource is being impacted then I support it (LIFAs), but not for your personal enjoyment."
- p. 50 people can use and enjoy the area instead of 10 people in boats.
- q. Before we take a big jump, give other things a try, then consider more drastic measures like LIFAs.
- r. Have we fully explored places where this has been done?
- s. The location matters- there are areas that make sense and others where you displace a lot of boaters.
- t. Ross noted that this really isn't a resource issue. It is an issue of "equitable enjoyment of the resources."
- u. No consensus was reached on this issue although there seems to be more opposition than support.

Paddle Craft Registration

1. The fee the department must charge to break even on cost is about \$10.00 for registration.
2. There was a question about the difference between registration and titling. While there are exemptions, current law states that a vessel must be titled to be registered. This could create some problems as many paddle-craft owners don't have a statement of origin.
3. There was discussion about the merits of tying the fee to the boat (i.e. registration) vs. tying the fee to the paddler (i.e. a license endorsement).
4. There is a need to know how many kayakers there are in Texas. Registration or an endorsement would help determine the number.
5. Jeremy presented the statewide angler survey results for kayakers and boaters (18% owned a kayak, 28% fished from a kayak). The sample frame was licensed anglers, so this doesn't include all paddle craft owners.
6. The question was asked if either of these systems (registration, endorsement) would apply to saltwater only or include freshwater paddlers too.
7. One member felt that the fees for registration would be "onerous" and "punitive."
8. Ross asked if the group still wanted to pursue this issue regardless of logistics. There was not a consensus but the group agreed the idea should remain on the table for further discussion.

Finalize Next Meeting Date and Location

The date of the next meeting will be Wednesday July 18.

The possibility of moving the next meeting location further north along the coast was discussed. TPWD will inform the group when a location is finalized.

MEETING ADJOURNED AT 3:15 PM.

COASTAL USER WORKING GROUP

Meeting Minutes

July 18, 2012

9:00 am – 3:00 pm

6300 Ocean Drive NRC Bldg Suite 1003

Corpus Christi, Texas 78412

ATTENDEES:

Members Present: Mike Petit, Mark Ray, Dan Craine, Joey Park, Sally Morehead, Ben Frishman, Robin Riechers, Les Casterline, Don Thrasher, Burt Moritz, Ray Allen, Capt. Mark Lyons, Charlie Mader

Members Absent: Iliana Pena, Steven Schmidt, Jim Smarr, Steve Dutton, Capt. Don Wood, Dave Delaney

Others Present: Ross Melinchuk, Faye Grubbs, Jeremy Leitz, Art Morris, Cindy Neathery, Jeff Parrish (all Texas Parks and Wildlife Department)

AGENDA ITEMS INTENDED FOR DISCUSSION:

Review of Previous Meeting and Current Agenda (Presented by Robin Riechers)

Prioritize Seagrass Recommendations (Presented by Jeremy Leitz)

Work to develop final list of recommendations

Prioritize User Conflict Recommendations (Presented by Jeremy Leitz)

Work to develop final list of recommendations

Other Business (Presented by Robin Riechers)

MINUTES OF DISCUSSION ON AGENDA ITEMS:

Group introductions were provided.

The previous meeting minutes were presented and the overview of the ground rules was presented again.

Robin asked the members if anyone had a chance to review the minutes and if there were any changes or deletions to the minutes. No one had changes to the minutes presented. The minutes dated June 11, 2012, were approved.

The review of the recommendations was turned over to Jeremy.

Prioritize Seagrass Recommendations (Jeremy Leitz)

Education and Outreach Strategies

Recommendation #1 - Produce detailed maps for the public depicting seagrass locations susceptible to boat damage

A member inquired if anyone contacted the map makers. Jeremy stated he doesn't believe anyone has but they could if the members provide recommendations to do such.

It was discussed that other companies (Avionics, Hummingbird, etc.), not just Garmin, be contacted about possibly incorporating seagrass locations into their maps.

A question was raised about the diversity of anglers. Could a novice boater benefit from a hard copy (hot spot) or an electronic copy of it?

Inshore users don't typically use maps while navigating. The shading of shallow areas may be more useful. A suggestion was made that fishing magazines could publish it and may even be able to have one where it could be downloaded.

Another member commented he doesn't know how you can educate without maps effectively.

A member mentioned that half the battle in this would be to make people aware that seagrasses grow in less than a meter of water. A suggestion was made to change the wording to be susceptible to boat damage.

Robin confirmed if recommendation #1 was a yes because of the comments made by the group. The members agreed.

Jeremy asked the members for its priority level. The members agreed to make it a high priority.

Recommendation #2 - Maps should be included with boat sales

On recommendation #2 a member commented that there are a lot of components involved. Comments were made that boat manufacturers would have to be educated. Suggestions were to include a code of ethics in the package, include map(s) with boat sales, and target new boat owners through registration. Maybe all these items could be combined.

It would be hard to administer and to get maps out to everyone. A suggestion was made that links of the maps could be posted on web sites. Robin said that they could be provided with seagrass protection information. Faye commented that posters were provided.

A member suggested for the recommendation to hang around for consideration. A comment was made to see if maybe the wording on the recommendation could or should be rephrased. Changing the wording to include retailers, dealers and distributors should be considered. A member commented on where do you stop; that some boat dealers sell boats but they don't know if the boat will go to the coast or not. Robin commented it gives us a charge to get with dealers, retailers, etc. to see what they sell. A member commented that the one who buys a boat is the one who isn't educated.

A member inquired if TPWD did anything related to zebra mussels with boat dealers and the answer to that was no.

Robin commented that getting maps out with boat sales may not always happen and inquired if the group wants to get something out there. He also mentioned there would be a cost involved which needs to be determined. Members commented it's getting the boat owners to incorporate this and if you put something out there with boat renewals, you are including everyone.

Robin asked the members if recommendation #2 was approved with the wording change. All members said yes. None were opposed. The members made the recommendation a medium priority. The final recommendation was changed to: Engage boat owners, retailers, dealers, and distributors in regard to seagrass protection and boater ethics.

Recommendation #3 – Include seagrass viewer on electronic fishing maps

A member asked if hot spots have depth readings. The answer was yes. The members agreed to combine this recommendation with recommendation #1.

Faye inquired if the members have noticed if more users are using Garmin as their navigation system. A member commented that some use GPS effectively but the vast majority do not. He has noticed some run at night but the average user does not. A member commented that having a Garmin like the one he uses associates color change for the water depth. Members felt that this is the way to go and suggested that maybe TPWD could get layers of data to them for it to happen.

Robin stated that the recommendation would still be captured and we can merge recommendations as we go along.

Recommendation #4 – Add a layer in Google Earth depicting seagrass locations

The members suggested combining this recommendation with recommendation #1.

Recommendation #5 – Communicate Redfish Bay State Scientific Area (RBSSA) boundary with Garmin

The members suggested combining this recommendation with recommendation #1.

Recommendation #6 – Create a local knowledge website, linked to TPWD site (reading water tips, weather, maps, regionally, fishing reports, tides, rookery info, ethics, etc.)

A member inquired if the maps at the boat ramps will be updated. Faye answered we have maps surrounding RBSSA but they don't show depth or outline shallow seagrass beds.

A question was asked if a map image could be used to identify shallow areas. It may be better with a chart to show shading of shallowness. A member stated that if you are not familiar with a spot you could learn about fish, tides, maps, weather, etc. through a web site and it provides good education. The member commented it makes an aid for others to help them fish better. People with problems are the people who don't know the area. This is something that could be a huge aid to them. A member commented it would be important to organize the area by region then. TPWD already provides some fishing information to the public that is easily accessible.

Some people have attempted to put all of this type of information out there for public access but don't have the ability to reach as many people as the TPWD website. TPWD can include the seagrass coverage maps as well. A member suggested including a link on the Chamber of Commerce web sites.

Robin asked the members if recommendation #6 is a yes then. The members approved making it a high priority.

A member commented that he didn't know about rookery islands before the last meeting the way he knows about it now. He never paid attention to the rookery islands to know how many yards its best to stay away from them. He stated it's all about education and his behavior changed because he is now more aware.

Recommendation #7 – Create a similar campaign for seagrass as used for invasive species

Robin informed the group that the members have the power to help with issues related to seagrass. There are media tools. To keep in mind seagrass education outreach could be diluted if included with other issues such as boating ethics and if statewide regulation will help maintain the importance of seagrass protection.

Robin mentioned creating a campaign that focuses on seagrass conservation and on invasive species. It was discussed that funding for each campaign would be needed. Would need to identify groups that would like to collaborate.

Faye shared that there is new seagrass brochure, new boat ramp signs and magazine articles including one covering what TPWD is planning to do with seagrass outreach. The article will be published in the Texas Saltwater fishing magazine prior to August. Additional articles will be published in various publications covering each ecosystem along the Texas coast. TPWD has thought about posting at airports but are using YouTube videos and links on the web site at this time. Outreach is being incorporated and it's on-going.

A member commented that nothing worked in getting the word out better than giving people tickets. A member inquired where the money is coming from for outreach. A comment was made we need connections trying to hit markets. Faye commented we are looking for collaborators for PSA's. TPWD has grant funding for brochures, posters and signs.

A member inquired if the television stations have to provide free air time for public service announcements. Comments were made that under the new regulations they no longer have to, plus if it they did have to publicize information for free they would post it at 2am in the morning when not many people would see it. Once there is a law, then the public has to learn about it. That is when they will seek out the tools needed to learn about it.

Robin asked the members if they wanted to prioritize recommendation #7 stating that if the members want the commissioners to understand that this is serious then it needs to be put as a high priority item.

Members commented that on the brochure for RBSSA having a downloadable map would be handy in case others can't get to a brochure easily. Could we modify layers on a map and what tools do we have. Is there was a way to shade areas versus using coloration? It would be good to have something for people to look at when they are at boat ramps. The map might not get detailed for a larger area. Maybe the map area could only include areas with high boating activity. Most people may like an aerial view on a map as a backdrop which would make it better to look at than a chart.

Robin asked the members if the priority level was high for recommendation #7 and the members said yes adding the comment not to dilute seagrass with outreach.

Recommendation #8 – Engage boat manufacturers to discuss responsible marketing of their boats

Jeremy presented recommendation #8 and stated it could be kept or integrated into another recommendation. Provide material for boat manufacturers to incorporate it in their marketing materials to educate the boat owners. They could include specs for running and take-off depths in boats.

A member commented the effectiveness is when the manufacturers tell a boat owner when they should or shouldn't use their boat under certain conditions. Yet, some people think it is cool to see how shallow they can get their boat and will test their boat out in unsafe conditions no matter what the boat manufactures may state.

Robin commented that no one said no to recommendation number #8 so is it a yes and a priority.

A member commented that regulations need evidence and without video it can be hard to prove. It's worth doing but not sure how effective it may be.

Robin commented that some want it high priority and some want it a low priority. He suggested for the members to make it a medium priority and the members agreed. The wording of the recommendation was changed to incorporate boat owners, retailers, dealers, and distributors.

Recommendation #9 – Get boat manufacturers to certify shallow-water capabilities of their boats

A member commented he thought this was deleted as we don't have the ability to make boat manufacturers certify their boats. A member commented that the operator is really the person responsible for determining this.

The members agreed to delete recommendation #9.

Recommendation #10 - Coordinate w/USACE, TCEQ, GLO, TXDOT, commercial fishermen, and oil and gas on seagrass conservation

Members inquired about the standard specs for off-shore boats and the specs for bay boats, and if recommendation #10 should be included with another recommendation. A comment was made that this is highly regulated group. A member commented on the signs that GLO puts out and to add TCEQ and TxDOT permits.

A member asked if “engaged” in the recommendation title was the right word. A suggestion was made to change “engage” to “coordinate” to better address the current status.

The members said yes to recommendation #10, changing the word to “coordinate”, and made the recommendation a high priority. The final recommendation was changed to: Coordinate w/USACE, TCEQ, GLO, TXDOT, commercial fishermen, and oil and gas industry on seagrass conservation.

Navigation Strategies

Recommendation #1 - Develop tide indicators

Comments were made when this recommendation was presented that the tide changes once or twice a day. There are difficulties in tides. It is best to focus signage on ingress and egress areas.

The members agreed to make recommendation #1 a yes and a high priority.

Recommendation #2, #3, #4, #5 – See below:

#2 Place tide level indicators at boat ramps, related to flats depth

#3 Couple with maps that show where it’s shallow for a given measurement on the scale

#4 Use a gradual depth scale versus colors

#5 Use great blue heron statues as shallow-water indicator

In regard to recommendation #4 (use gradual scale depth versus colors), a comment was made as to the effect of barnacles and other growth on the indicator. Faye commented that TPWD has discussed

applying an anti-fouling clear-coat over the paint. A member commented that maybe natural indicators are best to use as an identifier but color is good. People should still learn tide indicators.

Robin commented that the Commissioners will review the recommendations provided by the members and they will determine which recommendation is a priority. Available funds will be directed towards these efforts. General comments from members included signage requires money, vandalism costs money, and signs on boat ramps is cheaper.

The members agreed to move recommendations #2-5 under recommendation #1.

Recommendation #6 – Create a smartphone app for tides with depth indication

A member stated that there are already tide apps. A suggestion was made to include maps with water depth and seagrass coverage. Mapping may be too expensive. GLO does boat ramp locations and maybe they could integrate it. Members agreed to not recommend #6.

Recommendation #7 – Implement run lanes in areas to concentrate impact

A member commented it is not easy to just put out signs. Faye commented that the PALS in RBSSA were not used. Boaters were observed cutting across the Terminal Flats PAL which was marked in a shallow area. The Nature Conservancy has marked some existing cuts near JFK marking deep water which has had more success. A member commented that it is a good idea to tell the public where the deep water is.

Robin suggested taking out the words “can’t be prevented.” A member commented that people need to be educated on where to go. What about City by the Sea and out-of-towners? Faye commented that TPWD recently went out with the Nature Conservancy to look into making additional channels. A member inquired if it would require Coast Guards approval. Faye stated yes it was; but, they don’t help with the maintenance on it. They have to use color day markers signs. The Coast Guard posts updated information on navigation hazards and aids periodically which includes the PAL markers.

Robin commented that no one spoke against recommendation #7. So, it is a yes. The members agreed making it a high priority.

Signage Strategy

Recommendation #1– Develop Signs

A member inquired if the group can skip over all signage strategies. Comments were made that maybe these recommendations could be bullets under the statewide regulation recommendation.

Ross suggested to jump to the next recommendation (develop a regulation protecting seagrass statewide) then come back to signs as they could be a bullet under the statewide regulation recommendation.

Statewide Regulation Protecting Seagrass

Recommendation - Develop a statewide regulation protecting seagrass

Members commented that if there is a statewide seagrass no uprooting regulation implemented areas in the bay near Port O'Connor would need marked ingress and egress locations. Developing regulations to protect seagrass (a member commented if this is a motion I second it.) Include additional statements to ensure type of activity allowed in RBSSA. There are a lot of details to work through.

It may be difficult to enforce and a number of violations will occur. Outreach will be more effective.

Comments were made that this needs to be the highest priority. Education is second. We need to make sure that the Commission understands what is most important. Include the recommendation with a statement about state scientific areas. Robin may receive some kickback on this but this is the recommendation. If TPWC decides this is a priority, they will try to work with a sponsor to support the proposal for it.

A member presented a resolution of his organization. Comments were made in regards to areas where you can't get into and out of without tearing up seagrass. An area may have to be used for safety reasons. The members said yes to this recommendation, with one objection noted because there may be instances where one needs to uproot seagrass to get out of an area. Members agreed to make it a high priority with appropriate outreach and education.

Other Comments

The members suggested to make sure the comments are stated as individual committee comments and a not as a consensus.

BREAK FOR LUNCH

Prioritize User Conflict Recommendations (Jeremy Leitz)

Robin introduced the user conflict section and asked Art Morris to present information in regard to codes of ethics and various examples he found. Art indicated that no state in the Gulf has a saltwater based example.

Angler ethics typically fall in 3 categories.

- 1) Angling issues, e.g. practice catch and release.
- 2) Protecting natural resources, e.g. protect seagrass.
- 3) Community cooperation, e.g. respect other's space.

The handout presented an example of what a Coastal Angler Code of Ethics might look like using the three broad categories outlined.

Code of Ethics

Recommendation # 1 – Develop a Code of Ethics

Art reviewed the Code of Ethics with the members. Robin suggested that in this draft it could be used in other code of ethics for their organizations in case they wish to adopt it too. He expressed that he doesn't see it as being a finished product but wants to try to see it as being something to go forward with.

Art suggested that what Florida adopted could be something the members could do. A member commented that would be fine but there's conflict with other users. Etiquette is different for off-shore. He recommended a short list of rules of the road (bay, jetty, offshore, etc.).

A member asked to define shallow flats and commented there is conflict in shallow water. Another member commented shallow flats are 18 inches and less.

It would be helpful to get meaningful information out there. He would prefer someone to tackle 5 bullets on shallow and deep inshore boating courtesy. What is courtesy in one situation is different in another. Maybe include "10 offending behaviors".

Robin commented that there are situational ethics. He asked Ben if he would take a shot on drafting ethics for shallow-water. Ben replied that may need to be more specific saying please do not do these behaviors in shallow water.

A member commented that the user needs to be educated. Be specific to power boat and kayak operators.

A member asked if boat ramp ethics could be added to it, as ethics begin at the ramp.

The members agreed that recommendation #1 is a yes and a high priority. Robin asked Art to send a draft of the code of ethics to the committee members. Mike Petit agreed to develop a code for deeper bays and Ben Frishman agreed to do such for shallow water.

Recommendation #1 cont – Include fish/wildlife/recreationist harassment into ethics

Jeremy read the harassment of fish definition and commented that this is what the TPWD Legal, Law Enforcement, and Coastal Fisheries Divisions developed as a draft regulation.

Harassment of Fish Definition - It is unlawful to use any vessel to harass, harry, herd, or drive fish including but not limited to operating any vessel in a repeated circular course, for the purpose of or resulting in the artificial concentration of fish for the purpose of taking or attempting to take fish.

A member commented that with the word “repeated” it makes it not enforceable if the person just runs the course once. Jeremy replied that it does because of the wording it is “not limited to” is also in there. Comments were to remove the wording “or resulting in” and to make its purpose in the concentration of fish. Not sure if this comes from guys running the jack plate down to try to pack the fish in circling them. How can a warden determine if person is herding fish?

Members commented to make sure it’s worded in a way to make it enforceable. It’s a hard subject to put on paper to define. Ross commented that “for the purpose of” implies intent. Comments were made that it could be done in the lakes even though members may not have witnessed it. An article on this practice was seen. Proving intent is the key. It is better than what is on the books now.

Is this practice a widespread phenomenon? When asked some people had never heard of it and asked if it worked; not common, but current verbiage is unenforceable, changes would make it better than what’s existing. Include it in user conflict as it disrupts fishing for others.

Robin commented it is the best attempt made to define it. He asked the members if they want to recommend a change in it or have the Commissioners make a change in the definition. A member inquired if the definition would be applicable to the charge the members have. Ross replied yes it does.

A member suggested that if it doesn’t help to have one, put it in a code of ethics. Les reminded the group that for law enforcement it is hard to pin someone down for it and for it to be seen. It can be hard to prove. A member inquired about using green lights to artificially concentrate fish. When does

harassment come into play? Comments were made that it falls back on ethics. If there was stronger language it could be worth pursuing and then maybe people would pay attention to it. Les commented that no matter what the definition is that the TPWD legal department will scrutinize the wording of it. Ross asked the members if they would like to carry forward with it as a recommendation to the TPWC folks. Robin suggested that the members think of suggestions and to let us know.

Recommendation #1 cont. – Place (expand) boating ethics into boater education curriculum

The members agreed that if there is a curriculum, ethics should be included.

Recommendation #1 cont –have tournament directors and participants review boating ethics and rules

The members said yes to this recommendation.

Recommendation #1 cont – Use weekly fishing reports, etc. to include “Ethic of the Week”

This received a favorable recommendation with no priority level.

Increasing Visibility on the Water

Recommendations 1, 2, 3, 4 – See below:

#1 – Wear bright colored clothing while on the water

#2 - Make watercraft lighting requirements more stringent

#3 – Increase visibility in navigation channels

#4 – Place flags on kayaks

A member suggested including the recommendation to wear brightly colored clothing in the code of ethics. A member commented that when it is hot outside you don't want to have to wear additional clothing.

Include watercraft lighting in the code of ethics. Lighting requirements can't be more stringent than Coast Guard. A suggestion was made for the code of ethics to include having more light on your watercraft at night.

The USCG regulation was read. Comments were made that lighting regulations for paddling crafts when not at the dock exhibit the light 360 degrees. An all around light is not a mag light. There is a big difference between both lights. We can't control what the Coast Guard requires.

Members suggested placing the recommendation regarding placing flags on kayaks into the code of ethics.

Comments were made to discuss the flags with boat manufacturers. On kayaks someone would have to drill a hole to mount something. Flags wouldn't be in conflict with USCG regulations. Release liability of power boat operators for running into a paddle craft.

What are Florida's flag requirements?

If people knew they had to have a light they would get one. A flag is a method to be more visible. It is best to require it than to wait for an accident to happen. Post a sign on boat ramps asking boaters if they have their flashlight.

Ross asked the members if there is a recommendation to put flags on kayaks and asked for a show of hands. A member said it depends if there is a light or something on a kayak if not a flag. Robin asked Jeff if the Coast Guard has any of their own rules. A member replied that Florida includes all boats including paddle-craft.

What about river rafting then? Robin stated that nothing prevents the recommendation to be limited to just coastal waters. A member inquired when would flags be required to be visible, when they are anchored or in motion. Robin said that could be defined.

Robin asked the members to raise their hand if they approve of placing these recommendations into the code of ethics. One member opposed and the majority members approved.

Increase Boater Education

Recommendation #1 – Create incentives for taking boaters education

A member commented that it seems if boater education is a mandatory process for a wider age group of users, maybe a sponsor would help in that. Jeff commented that boater education is now mandatory for anyone born on or after September 1, 1993. It was recommended in the legislation to be mandatory for a wider age group as 28-35 year-olds caused the majority of accidents. In the end the legislature approved the law for those born on or after September 1, 1993, but it took 10 years to get it.

What the members may recommend may not be what the Commissioners will allow. Comments were made that trade associations will say they don't want mandatory boater education for more age groups. Legislation could change that. This should limit the group in what they recommend. The members shouldn't be limited on recommendations because the boating trade center says they don't want it. There is no evidence saying it will impact boat sales. Other states require boaters education.

Jeff Parrish indicated that tickets can be dismissed if they take a boater education course. The type of the offense will determine if boater education has to be taken.

Members discussed the age groups for which boater education is required, and if certain ages are grandfathered in. Hunter's education has grandfathered in those born on or after September 2, 1971.

If incentives were created, would that even help? There are insurance benefits associated with taking the course.

The members said yes to this recommendation, but did not indicate a priority level.

Recommendation #2 – Ensure boater ethics is capture under the Captain's License Agreement

Comments were made that this is a big job to get this done. The members agreed to focus on our own efforts and favored deleting this recommendation.

Recommendation #3 – Require mandatory boater ed for all

The members were in favor of this but suggested moving the current requirement date back to some more inclusive date (e.g. hunter education date of 1971) and made it a high priority.

Recommendation #4 – Require boater ed for any operation citation

The members favored deleting this item – currently in practice in many instances.

Recommendation #5 – Require boater ed for all watercraft

Questions arose on requiring boater education for all watercraft. A member recommended altering the wording to reflect that if they are on the water they should have some boater's education. Jeff commented that TPWD will be having a water safety film that might capture this.

Comments were made that requiring boats with certain engine size seems harsh.

What type of identification has to be on hand for the user? Do they have to show proof they took a boater education course. Jeff said if they don't have to have the card on them to prove they took the course. TPWD can look up a person by name and birth date to verify if they took the course.

Robin asked the members if they want to require this for all watercraft. He asked about excluding boats with less than 15 horsepower, row boats, and paddle boards.

The members favored deleting this item as it is currently in practice in many instances.

Rookery Island Protection

Recommendation #1- Establish buffer zones around rookery islands

Recommendation #2 – Work with other agencies to allow for more effective rookery signage

One member asked to be reminded what the laws are on it now. Another member inquired about who writes the regulations and what the other agencies do.

Legislation could come with zones. Fishermen want to protect the fish and there are people who want to protect the birds. It could include critical habitat times. Even if we don't have the authority we could provide education.

We could recommend to talk to other agencies and to get other government agencies to communicate with each other.

Robin stated that we have discussed signage and buffer zones in the past. Jeremy stated that one way was informing them at ramps before they go out on the water. GLO dictates where the Audubon Society can place their signs, so we can't move the signs closer for boaters to be able to read them.

Members felt buffer zone recommendations should be included in the code of ethics.

Members were in favor of working with other agencies to create more effective signage and increase education component through signs at boat ramps.

Develop Special Regulation

Recommendation #1 – Implement pole and troll zones, similar to Florida

On developing special regulation areas, a member said he was a proponent to allow TPWD to do studies on it to see if it is effective here and there.

Comments were made in seeing the members not recommend this. Members felt that user conflict would go up with it.

The members recommended that this concept be used as a last resort tool and use education and outreach first. Ross asked for a show of hands. One member was in favor for it all other members were

opposed. A member suggested a demonstration site be created, but had no support from other members.

Recommendation #2 – Implement no wake zones in channels within flats (Lighthouse Lakes)

A member expressed that he was against this recommendation. The members were not favorable of this motion which addressed a notion to slow traffic in Lighthouse Lakes.

Recommendation #3 – Create different access points for power-craft and paddle-craft

A member stated that creating different access points for power-craft verses paddle-craft users may be difficult to do. Another member commented it seemed like a good idea at the time; but it's not realistic.

Robin commented that maybe there could be launches in better areas.

The members suggested deleting this item.

Other

Recommendation #1– Address burning in general

Members commented to include it in code of ethics. Burning can't be regulated for speed. To educate not regulate.

Members inquired on how one defines burning. Is running the shoreline "burning"? The members recommended taking an education and outreach approach with it.

Recommendation #2 – Utilize similar tools used for invasive species campaign to address user conflict

A member inquired who puts out the pole markers on the west end of the South Bay channel. There are a lot of unmarked PVC poles. A member commented gas wells were but they haven't pulled them up. Poles could be marked on a map but they don't have to be sophisticated. Faye responded that unmarked poles are hard to navigate with.

The members made this a yes and a high priority.

Recommendation #3 – Require paddle-craft registration

Jeff Parrish commented that he would like to have it. If this was required it could bring money to the department. Law enforcement receives \$3 for each registered boat. It can't be water specific. It has to be all or none. Endorsement stamps are not considered a registration.

A member asked how we count the people. Robin commented that we can make an estimate of the number of paddle-craft through surveys. One member commented that paddle-crafts could have a decal with a Texas Identification Number to show they paid sales tax. Legislative action would be required to expand boater registration. A member inquired if there is already problem using Texas Identification Numbers. Jeff stated there is.

Jeremy stated that Ohio requires paddle-craft registration. They recommend laminating the registration card, make two holes in both the registration and kayak, and then use those holes along with zip-ties to attach it to the kayak.

Ross inquired as to what the downside of kayak registration may be. A member replied that historically this has been an inexpensive way to access the water. Stickers won't adhere to kayak.

A member inquired as to how many kayakers are fishermen. Robin replied that we do survey anglers and could find out how many are. But, it only includes anglers and not non-angling kayakers.

A discussion about the breakeven point for registration occurred. The breakeven point is approximately \$10. A comment was made that if the registration was \$15, then TPWD has to spend \$10 to get \$5. This doesn't appear very efficient. There are better ways, such as an endorsement.

Comments were made that not everyone who has a kayak fishes.

Kayakers expect something for the money if they have to be registered. Kayakers use the resource; they should put something back into it. They generally have money to travel and bring their kayak to the coast to fish with so they could afford a fee for that.

There are issues with endorsement. Won't pick up all kayakers. Won't pick up businesses with multiple kayaks.

Robin commented that this hasn't been proposed to the Legislature before but the issue has been addressed.

Jeremy stated that out of 531,000, people 18% owned a kayak and 146,000 fished from a kayak in the last 12 months. Ross inquired how many kayaks are there. Jeremy pulled up the slide of canoe and kayak sales and reviewed it with the members.

Robin asked the members for their recommendation. A question was raised as to how it is to be done. Should it be as an endorsement? If it was an endorsement it would cost money but it's worth looking into even if it doesn't make much difference. The endorsement has to be all or nothing. It won't solve inland fisheries problems with it.

A question was raised if the recommendation should be modified. The majority of the members said to leave it alone.

Robin asked for a show of hands if the recommendation was a yes in favor of registration. All but one member, Ben Frishman, raised their hand saying yes.

Other Business (Robin Riechers)

Ross complimented the members saying that a good job was done in the prioritization and stated the members will get a summary of the meeting. That maybe one or more meetings might be all that is needed to get through this.

Robin let Mike and Ben know to get their stuff to Art between now and before the next meeting.

The dates for the next meeting were discussed, and the group decided to keep it on August 6 in Corpus Christi. The date the group's report is due to the TPW Commission is September 28th.

The meeting was adjourned at 3:00 pm.

COASTAL USER WORKING GROUP

Meeting Minutes

August 6, 2012

9:00 am – 3:00 pm

6300 Ocean Drive NRC Bldg Suite 1003

Corpus Christi, Texas 78412

ATTENDEES:

Members Present: Mike Petit, Mark Ray, Dan Craine, Joey Park, Sally Morehead, Ben Frishman, Robin Riechers, Les Casterline, Don Thrasher, Ray Allen, Capt. Mark Lyons, Iliana Pena, Steven Schmidt, Jim Smarr, Capt. Don Wood

Members Absent: Steve Dutton, Dave Delaney, Burt Moritz, Charlie Mader

Others Present: Ross Melinchuk, Perry Trial, Jeremy Leitz, Art Morris, Cindy Neathery (all Texas Parks and Wildlife Department) and Jeff Rost (Texas Airboat Association)

AGENDA ITEMS INTENDED FOR DISCUSSION:

Review of Previous Meeting and Current Agenda (Presented by Robin Riechers)

Review and Discuss Draft Code of Ethics (Presented by Art Morris)

Review Final Seagrass Recommendations (Presented by Robin Riechers)

Prioritize Final Seagrass Recommendations (Presented by Robin Riechers)

Review Final User Conflict Recommendations (Presented by Robin Riechers)

Prioritize Final User Conflict Recommendations (Presented by Robin Riechers)

Other Business (Presented by Robin Riechers)

MINUTES OF DISCUSSION ON AGENDA ITEMS:

Review of Previous Meeting and Current Agenda (Presented by Robin Riechers)

Robin appreciated everyone being in attendance. He introduced Jeff Rost stating he was filling in for Burt Moritz who could not be in attendance. Per the ground rules discussed at a previous meeting,

proxies are not allowed for members. Robin indicated that while Jeff could not vote during the meeting he was free to speak on behalf of the Texas Airboat Association and answer any questions.

Robin asked if any member objects to reviewing the first item on the agenda. No objections were noted; however, Jim Smarr stated he would like to discuss the resolution presented at the July meeting before lunch so he could hear Mark Lyons comments on it.

The previous meeting minutes were presented. Ben had a change to the minutes under Recommendation #3 – Require paddlecraft registration. Ben requested that it be changed from, “All but one member raised their hand saying yes” to “All but Ben Frishman raised their hand saying yes.” No other member raised their hands having any changes to the minutes. With the one change noted above, the minutes dated July 18, 2012, were approved.

Review and Discuss Draft Code of Ethics (Presented by Art Morris)

Robin informed the members that the recommendations will need to be word-smithed, but for now he would like to ensure we have captured the big themes. The TPWD Communications Division (Marketing, Outreach, Education, etc.) will help work on the Code of Ethics as well. The format would be one with key phrases or a “top line message” followed by more detail - a layered approach. Then Robin turned the presentation over to Art.

Art reviewed the three potential key messages in the draft Texas Coastal Bay Users Code of Ethics; 1) know before you go, 2) protect the resource, and 3) commit to courtesy.

1. Know before you go

- Learn and abide by all fishing regulations

- Learn and abide by all boating regulations

2. Protect the Resource

- Never release plants, fish, or animals into a water body unless they are found there

- Protect rookery islands by fishing, swimming and playing 50 yards away

- Do not uproot seagrass

3. Commit to Courtesy

- Convey the right message

- Maintain a distance of 200 yards from others

- Make yourself visible to others

- Run to the flats, not through the flats

- Approach and leave reefs with caution stealth

Art indicated that he received the drafts for shallow water fishing and deep water fishing ethics by members of the group. He took some of the comments he received in coming up with the draft of the code by verbatim and some parts he paraphrased. There was a discussion about details as far as the exact distance to maintain from rookery islands. Robin suggested that the group not worry about that level of detail yet but to focus on main themes. While Art presented three potential themes the agency developed, he suggested that the members come up with themes and messages.

A member inquired that, in the past, members have discussed increasing your visibility on the water and asked if it fits in the Code of Ethics. Robin stated he thinks it does fit under the Commit to Courtesy section. Robin asked Art to walk through the items to include what Ben provided and commented that what Ben provided was useful.

Art stated he included the deep water ethics verbatim but the shallow water ethics were too long and detailed so they were condensed and included as shorter bullets. The author of the shallow water ethics acknowledged that it was necessary to shorten them and indicated approval to the group.

Ross asked Ben about the bullets he provided. He asked him how to condense all the items into a few bullets. Ben stated that he didn't expect them to all be included. He just hoped that it would get people to seek more information out on them.

On the bullets that Art displayed, a member commented that maintaining a 200 yard space in the "Respecting Other's Space" section is too detailed. Another member stated the wording of that detail should say "at least" 200 yards to reflect that the 200 yards should be at the very minimum. Robin commented that that wording came from the Wade Paddle and Pole Guidelines. A member suggested it be moved under the section titled, "Observe rules of common flats fishing courtesy."

A member commented that “pole-in and pole-out” should be included under more sections than just “Observe rules of common flats fishing courtesy.” Ben read the bullet he first presented and commented that it is a high level which said to pole-in *when possible*.

A member suggested pulling out the statement about visibility so it is not diluted under the other messages.

A member asked if shallow-flats was ever defined? A member replied that we thought it was 18 inches. A suggestion was made that the definition needs to be confirmed so others can know what it is.

A member commented on the bullet that says “Protect Rookery Islands” saying some people are not aware where the rookery islands are. A member asked the meaning behind what is best in protecting birds at rookery islands. The reply was to protect bird nesting. The wording in that bullet was changed to reflect Protect Bird Nesting Islands.

A member asked if the Code of Ethics draft will go out to the Commission in September. Robin replied that the purpose is to adopt a Code of Ethics. If all major themes/concepts were captured, that the group adopt the code of ethics and let staff work on it and develop the details. A member inquired if the detail would be presented to the Commission also. Robin replied that the recommendation will be included, but unsure about the level of detail. Ross commented that one approach the members could do would be to narrow down the bullets even more between now and the final meeting so that it could be given to the TPWD Communications Division, and then get it back to the group for approval.

A member inquired if a draft of the Code of Ethics will be submitted if the members don’t finalize it. Robin pointed out that there are two approaches that can be taken: the group could recognize that we won’t have a final version by the deadline and that it would need further development, or the group could try it’s best to finish. Ross asked what the members would like to get to the Commission. The group felt they would like to submit a draft, or if possible, a final version. There was some sentiment that it should be finished. Others thought just the high-level themes should be finished.

A member inquired if there has been an issue regarding invasive species in saltwater. Robin and others indicated species such as tiger shrimp and lion fish that threaten TX saltwater ecosystems. Comments were made that some areas have issues in regards to plants.

Art asked the members if they liked the catch and release slogan or Catch-Photo-Release. The members said they liked it.

Ross suggested that Jeremy move change the name of Rockery Islands to “bird nesting islands.”

Members commented that the code of ethics is not a regulation but it could reflect what is illegal, such as do not uproot seagrass in the Redfish Bay SSA (or the entire coast if it were to become law). To put possible legislation in parenthesis after the bullet was agreed.

One member recommended including the phrase “others judge us by our actions” under the “Education Others on Ethical Practices” theme.

Ross asked if the bullet Respect Other’s Space could be gotten rid of and the members agreed. A question was asked if the members want a common courtesy theme. There could be a main courtesy bullet then add a sub-bullet to include courtesy at the ramps. The members agreed that the bullet should include more. It goes with judging others by our own actions. The group agreed to move the bullet towards the bottom. Ross commented that the common courtesy rules would apply to ramps, on the flats, and in deep water.

On the bullet titled, “know your capabilities” comments were made to change it to “know your limitations”.

Suggestions were made to make a sub bullet to “know your draft at plane and at rest” and “depth needed to get on plane”.

Other comments included adding courtesy messages about not anchoring or blocking channels, and to travel in deep water.

Robin reviewed the Keep Coastal Waters Clean bullet. He asked the members if they wanted to incorporate GLO's tag line of Pack it in – Pack it out in the Code of Ethics. The members agreed it was worth keeping in.

A member commented that there is nothing that says to "know before you go". Robin asked if there is a suggestion on that. Members suggested putting a sub bullet about it under the Learn and abide by all fishing regulations and boating laws bullet.

A member commented that members should consider other users such as kite boarders and sail boarders. Respecting other space should pertain to all bay users and not just fishermen.

A suggestion was made for the members to think of it as reminding others that they aren't the only persons on the water. Robin suggested adding, under the "Observe rules of common courtesy on the ramp, in shallow water, and in deep water" the words "inclusive to those outside these groups".

A member expressed concern about his personal interest regarding loose plastic that is all over the place. He suggested adding the word plastic under the bullet Keep Coastal Waters Clean™ so that it could be addressed.

A suggestion was made to include safety. This would include the recommendation to render aid and to help someone in distress. Safety should be at the top of the list. Add a sub-bullet about increasing your visibility. Perry asked about speed. Comments were made that maybe it fits under safety. That tide, wind, speed, could all apply to safety as well. They could also apply to the "know before you go" bullet.

A member inquired on the ethics of running shorelines. Comments were made that maybe something needs to say to avoid shorelines.

Members suggested adding "understand winds, tides, and their effects" in the "know before you go." and to include "know the ingress and egress" of the area you are fishing.

Robin stated that if everything is covered, TPWD staff will print off the latest version during the break so everyone can leave here with the same information.

A suggestion was to have a 3-fold document to present to others of the Code of Ethics. A comment was made that we can't commit to the delivery method of the message. That the message could be posted on anything like a bumper sticker, at boat ramps, on pamphlets, etc.

Break

The latest version of the draft Texas Coastal Bay User Code of Ethics reflecting everyone's changes at the meeting was distributed to the members.

Robin explained that the goal of the next portion of the meeting would be to go back over the items that had previously been identified by the group as priorities for seagrass protection ensuring they are prioritized correctly. The objective was to finish prioritization before the conclusion of the meeting.

Review Final Seagrass Recommendations

Before the prioritization discussion began, one group member raised an objection to the wording of a seagrass protection resolution the group had passed at the previous meeting. The member specifically objected to the phrasing that said "current and future State Scientific Areas (SSA) would not be affected by the proposed law." The member had concerns that SSAs could proliferate and become no-motor zones. There was discussion amongst the group about the meaning and implications of the language in the resolution. Robin commented that the resolution was voted on by the membership at the last meeting and was approved (the objecting member was not present at the previous meeting). Another member clarified that neither the current SSA, nor the one proposed for the JFK Causeway area, are not Low Impact Fishing Areas (LIFAs). The objecting member commented he didn't realize the whole group voted on it. He asked staff to note that the RFA would oppose continuation of SSAs if and when legislation was proposed for a statewide seagrass protection law. Robin clarified that the current proposal was to recommend that the TPWC pursue such legislation. A member asked how many SSAs currently exist. It was clarified that only one SSA currently exists on the coast (Redfish Bay SSA) and that one was recently created in freshwater along the San Marcos River to protect wild rice habitat.

Comments were made that the state may need SSA authority. TPWD has never taken advantage of its ability to create SSA's. Nine-Mile Hole was discussed but a member commented that when it was determined it was a bad idea, it went away. The authority of the TPWC under an SSA was also clarified.

Robin stated that he would note that RFA is against the recommendation. He requested for the members to make a motion on the recommendation.

There was a motion to remove the statement relating to SSAs from the resolution. The motion was defeated by a majority vote.

Prioritize Final Seagrass Recommendations

Robin reviewed the seagrass recommendations. Ross asked the members if they were all in agreement with the prioritization.

Comments were made about the error of tide markers. Tide markers need a depth scale. There were some questions and discussions about liability and logistics of installing tide markers.

Ross asked the members if they want to address anything else on the other recommendations. Some minor revisions were made to the list but there were no changes to the primary items or the prioritization of the list.

Review Final User Conflict Recommendations

Robin reviewed the user conflict recommendations. A member asked if recommendation #4 (Utilize similar tools used for invasive species campaign to address user conflict) relates to recommendation #1 (Develop a code of ethics). Comments were to expand boater education to include 28-35 year olds, or to mirror the age requirements for hunter education (born on or after September 2, 1971). The members decided to recommend using 1971 as the control date to keep it consistent with hunter education. Some members felt that incentives should then be provided for age groups outside the required range. The members decided to eliminate the non-prioritized recommendation and work it into recommendation 2 (expand boater education).

There was also a non-prioritized recommendation (create incentives for taking boater education). Ross pointed out that during the last legislative session, the TPWC got more authority to pursue corporate sponsorships, and that sponsorships might provide opportunities to create incentives.

Prioritize Final User Conflict Recommendations

Comments were made that the biggest hurdle in creating and placing rookery signage is the General Land Office. They have restrictions on the language placed on signs. An expression of concern was raised on TPWD's authority related to them. That there was navigation issues that relate to the signs. The signs are away from the islands which are not lit. Signs should have better placement and clarity.

A member commented that recommendation #5 (Require paddle-craft registration) does not fit under user conflict. Comments were made that kayakers approach TPWD for special rules. That there are users who use the resources yet do not put a dollar back into the resource. That there are conflicts with boat, kayaks and motorboats. It was pointed out that the members had already discussed this extensively at the last meeting. Ross referred to the members to pages 15-17 of the July 18, 2012 Meeting Minutes on what the members had discussed about this recommendation and reminded the members that they voted in favor of it. The members had comments and discussed if the count of kayakers is a goal.

Should sail boarders and kite boarders should also be included? Robin asked the members if they want to include all users in that recommendation. A member commented that you can't eliminate canoes, paddleboards, etc., but it would be a challenge to include them all.

A member made a motion to strike out recommendation #5.

Robin asked the members if they have a motion to remove this recommendation from the list. The motion was defeated by a vote of 2 in favor and 9 against. Mr. Frishman was one member who voted in favor of this motion. The majority members voted for keeping recommendation #5 (Require paddle-craft registration) on the list. No other changes in content or prioritization were made to the list of recommendations for user conflict.

Other Business

Robin explained that TPWD would take the recommendations and the Code of Ethics and put them into a final draft report. The draft report will be provided to the members in about 2-3 weeks. Robin felt that another face-to-face meeting would not be necessary and that the group could resolve everything

via emails and a conference call. He anticipates the draft report being out to members sometime in late August or early September. Comments from the group will be tracked using the “track changes” a feature of Microsoft Word and it will be redistributed to the group.

Ross asked the members if a conference call on September 10th would work to finalize the draft. The members agreed.

The meeting was adjourned at 12:15pm.

Coastal User Working Group

Meeting Minutes

September 10, 2012

9:00 am – 9:45 am

Conference Call

ATTENDEES:

Members Present: Mike Petit, Burt Mortiz, Charlie Mader, Steven Schmidt, Joey Park, Ben Frishman, Les Casterline, Don Thrasher, Capt. Don Wood, Dan Craine, Robin Riechers

Members Absent: Iliana Pena, Ray Allen,, Sally Morehead, Jim Smarr, Dave DeLaney, Steve Dutton, Capt. Mark Lyons, Mark Ray

Others present: Art Morris, Perry Trial, Faye Grubbs, Jeremy Leitz

AGENDA ITEMS INTENDED FOR DISCUSSION

Review of previous meeting minutes (presented by Robin Riechers)

Review draft final report (presented by Robin Riechers)

Review of Previous Meeting Minutes

Robin asked group for any changes to previous meeting minutes. No response from group...minutes adopted as written.

Robin asked for changes to draft Final Report. Introduction, Official Charge, Working Group Membership, and Timeframe were offered for changes, including “definition regarding harassing of fish” – no changes were recommended.

One member asked if any comments or edits had been received from workgroup members prior to the conference call. Robin replied that there had been none received except for a spelling correction to a member’s name.

Review Draft Final Report

When Final Seagrass Recommendations was brought up, there was some discussion about contents. One member asked when the vote for the resolution protecting seagrass statewide (7-4 recommendation) was conducted. Others offered that the workgroup was almost unanimous in favor of the resolution protecting seagrass. However, during a later review there were four nay votes cast due to the last sentence of the resolution concerning preserving TPWD's ability to implement State Scientific Areas.

Robin suggested adding a clarifying sentence to address the above, which led to discussion about whether there should be a sentence or two that emphasizes the group's majority opinion that there should be no "No-Prop Zones". Which brought the suggestion that as a whole the group did not vote on it and it is noted in the minutes, thus no need to bring it up to the summary level. This brought up more debate about whether to emphasize that in the summary and ultimately a vote was taken with all but one member voting in favor of including it in the summary.

The remainder of the seagrass recommendations was reviewed and no comments were offered.

Robin offered the five user conflict recommendations – develop a code of ethics, lower the minimum age requirement for boater education, work with other agencies on rookery signage, utilize similar tools to invasive species campaign to address user conflict and require paddlecraft registration. No comments were received.

One member offered that the Fish Harassment definition recommendation be moved to the user conflict area of report. Robin's responded that if there were no objections then we could change that. No objections were offered.

In closing, Robin offered up floor to questions – there were none. Robin summarized changes to be made and reported that staff will make changes, clarifying specific language, continue to work with other divisions to develop a Code of Ethics, and that the report will be sent out by email for final changes prior to September 28 deadline. Robin also noted that there may be a briefing before the Commission in November, but the agenda has not been decided upon at this time.

Meeting adjourned at 9:45.

APPENDIX G: MEETING PRESENTATIONS

Seagrass Protection Efforts in Texas

Faye Grubbs*, Perry F. Trial



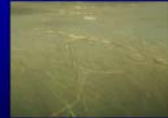
TPWD
Coastal Fisheries Division



Turtle Grass
(*Thalassia testudinum*)



Shoal Grass
(*Halodule beaudettei*)



Widgeon Grass
(*Ruppia maritima*)



Star Grass
(*Halophila engelmannii*)



Manatee Grass
(*Cymodocea filiformis*)

Benefits of Seagrass

- High quality habitat
- Nursery areas
- Food and shelter
- Improve water quality
- Cycle nutrients
- Sequester carbon
- Stabilize sediments
- Oxygenate water and sediments



Propeller or "Prop" Scar



Seagrass Conservation in Texas

- 1994 Developed "Boating in Seagrass" Pamphlet
- 1996 Seagrass Symposium
- 1997 Study documented sever scarring in Coastal Bend (most sever in Redfish Bay)
- 1999 Seagrass Conservation Plan for Texas (SCPT)
- 1999 Seagrass Conservation Task Force
- 1999 Prop-scar restoration project
- 2000 Redfish Bay State Scientific Area

State Scientific Areas

- Education
- Scientific research
- Preservation of flora and fauna
- Authority to make rules/regulations

Redfish Bay State Scientific Area

- Includes 32,000 acres (14,000 acres seagrass habitat)
- Diverse habitats adjacent to Gulf pass
- Contains all five species of seagrass
- Nine boat access sites



Sunset Review 2005

- Voluntary no-prop zones ineffective
- Restoration efforts ineffective
- New protection measures proposed
 - Area wide no-uprooting regulation
 - Mandatory no-prop zones
 - Combination of both

Seagrass Protection Regulation



- Illegal to uproot seagrass with a boat propeller in RBSSA
- Class C misdemeanor- \$500 fine
- No areas off-limits
- "Lift, drift, pole and troll"

Program Actions

- Informational signs in RBSSA
- Education and outreach
- Human dimensions surveys
 - Aerial imagery
 - Field study

Signage



Geographic Origins of Constituents



Outreach

Event Type	Totals
Presentations	78
Pre-launch contact	50 days
Boater Education	15 cities
Magazine/newspaper	66 articles
Radio	4 programs
Television	10 programs
Local PSAs	4 channels
TPWD website	9,917 hits
Brochures disseminated	47,000 plus



10.2 Million Impressions

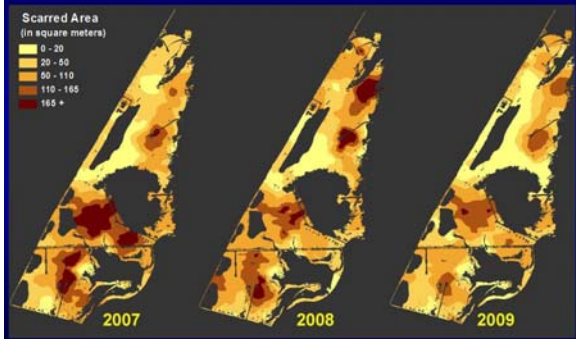
Law Enforcement



2010 RBSSA Boater Survey Results

- 88% reported awareness of the regulation
- 87% reported the regulation changed their boating behavior
- 90% indicated that TPWD's seagrass conservation efforts were effective

Change in Seagrass Bed Scarring (2007-2009)



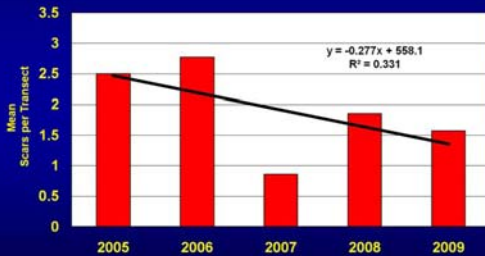
Field Study



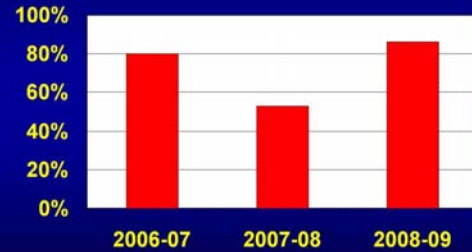
Swimming Transects



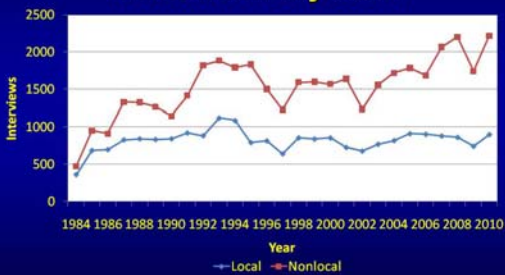
45% Decrease in Prop Scarring



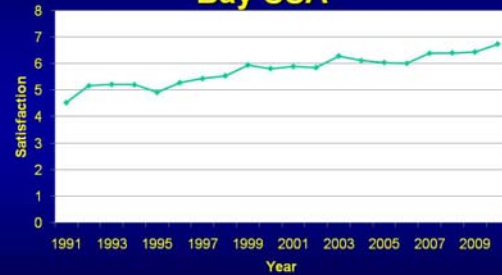
Percent Recovery of Scars



Number of Anglers Interviewed in Redfish Bay SSA



Angler Satisfaction in Redfish Bay SSA



Conclusions

- Scarring reduced
- Scars recover more rapidly than expected
- Certain areas more susceptible to scarring
- Angler effort and satisfaction increased
- Education and outreach efforts successful

Sunset Review 2010

- Seagrass protection efforts were effective
- Sunset provision removed
- Directive to explore expansion of seagrass protection

Expanding Seagrass Protection

- Developed list of selection criteria
- Staff generated list of 15 potential sites
- Narrowed to list of 5 sites

Selection Criteria

- Seagrass coverage
- Extensive shallow-water areas
- Boating pressure/accessibility
- Proximity to Gulf pass
- Need for protection

Selection Criteria Cont.

- Overall ecological diversity
- Existence of historical studies
- Constituency awareness
- Geographic layout
- Special designations

Short List of Sites



JFK Causeway Area



JFK Causeway

- 15,500 acres
- 14,167 acres of seagrass beds
 - Dominated by shoal grass
 - Manatee, widgeon, turtle, and star grass present
- Receives heavy boat traffic
- Significant seagrass scarring

Prop Scarring in JFK Area



Public Scoping Results

- **Significant opposition to proposal**
- **Common reasons against proposal**
 - Lack of recent data
 - No problems, seagrasses are healthy
 - Proposed area too big, focus on more susceptible areas
- **Frequent suggestion was to implement a coastwide no-uprooting regulation**

What's Next?

- **JFK proposal withdrawn**
- **Continue scientific studies**
 - Constituent surveys
 - Aerial imagery
 - RBSSA prop-scar recovery study
- **Voluntary seagrass efforts**
- **Coastal User Working Group**



Reducing User Conflict Along the Texas Coast

Jeremy Leitz

TPWD - Coastal Fisheries Division



Overview

- Texas population growth and the effect on coastal recreation
- Summary of Challenges to Sharing and Conserving Our Bays workshop
- Examples of limited-use areas
- What other states are doing

Texas' Growing Population



Why Conflict May Occur

- More than 800,000 anglers
- More than 600,000 registered boats in TX
- More than 100,000 duck hunters
- Increases in popularity for:
 - Wildlife watching
 - Windsurfing
 - Kayaking

Challenges to Sharing & Conserving Our Bays

- **Premise:** There is a growing, diverse population using Texas coastal waters, leading to increases in conflict and resource damage
- **Goal:** Assure quality outdoor recreation on TX bays waters to all users...

Who Attended

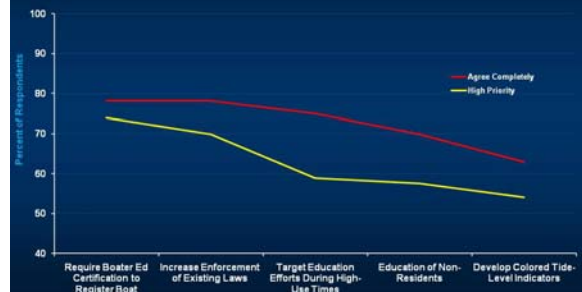
- More than 80 participants
 - Galveston Bay to the Lower Laguna Madre
 - Waders, Power boaters, Kayakers, Air Boaters
 - Anglers, Hunters, Birdwatchers, etc.



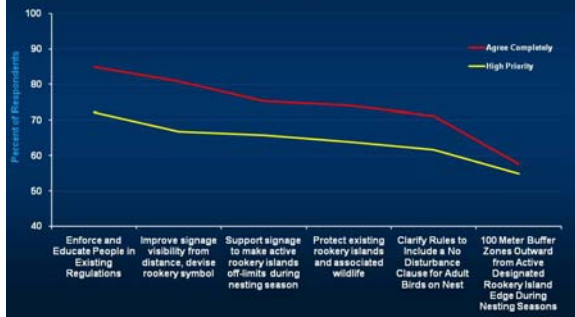
Workshop Discussion

- Four main topic areas
 - Habitat degradation and damage
 - Disturbance of fish, wildlife, and birds
 - Safety concerns
 - User Conflict

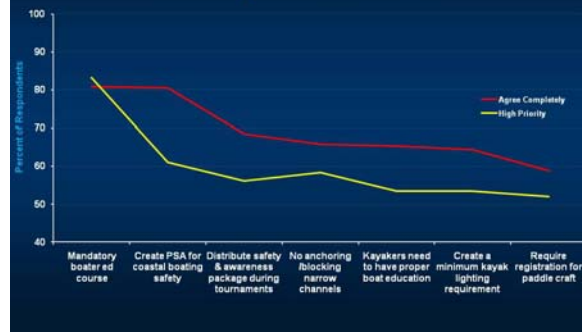
Habitat Degradation and Damage



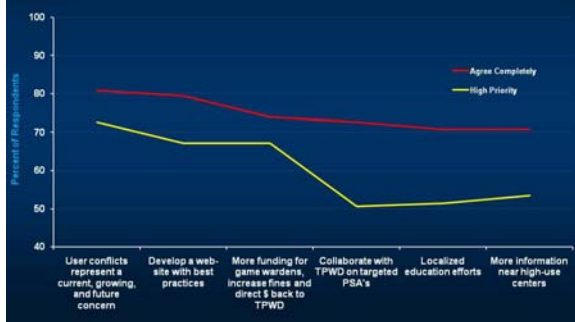
Disturbance of Fish, Wildlife and Birds



Safety Concerns



User Conflicts



Summary of Recommendations

- Highest levels of agreement and priority focused on **education, outreach, and enforcement**
 - Mandatory boater education
 - Enforce and educate people in existing regs.
 - Increase enforcement of existing laws
 - Require boater ed. certification to register boat

Best Practices Identified

- 14 best practices identified
 - Know the laws
 - Help people in trouble
 - Respect others and the resource
 - Travel in deep water
- Distribute list through conservation organizations

Current Examples of Limited-Use Areas by Activity



Off-Highway Vehicle Parks

- Eisenhower State Park
 - 7 acres of park set aside for ATV riders
- Lake Meredith National Recreation Area
 - 2,000 + acres set aside for ATV riders
- Lake Mackenzie Recreation Area
 - 35 miles of trails

Equestrian Recreation

- Dinosaur Valley State Park
 - 100 acres set aside for equestrian recreation
- Palo Duro Canyon State Park
 - 1,500 acres in the Equestrian area
- Monahans Sandhills State Park
 - 800-acre equestrian area

Windsurfing

- Bird Island Basin
 - Numerous boater/windsurfer incidents led to a windsurfing-only area



Current Examples of Limiting Use by Season

Archery-Only Season

- White-tail deer
- Mule deer
- Rio Grande turkey



Special Youth Seasons

- White-tail deer
- Squirrel
- Rio Grande turkey



What Other States Are Doing To Address User Conflict

Snake Bight Pole & Troll Zone

- Created in January 2011
- Internal combustion motors allowed only in two channels and no-wake area
- All other areas are pole, paddle, or trolling motor areas



Mosquito Lagoon

- Two pole and troll zones within lagoon
- Boats drawing >12" at rest are prohibited in these areas
- Boats drawing <12" must turn off combustion motors



Summary

- Population growth will lead to more people recreating along the coast
- Workshop participants felt that education, outreach, and enforcement were best methods for reducing conflict
- States currently use various strategies to reduce conflict



Seagrass Coverage Pulich and Onuf 2007

- Greater seagrass coverage on the lower coast due to decreased freshwater inflows and turbidity
- Coastwide studies in early 1990s mapped 219,612 acres of seagrasses

Seagrass Coverage (cont.)

- Severe loss of seagrasses in Galveston since the late 1950s while coverage has been consistent for Redfish Bay and the Laguna Madre since the mid-1970s
- Increases in manatee grass and turtle grass in Laguna Madre after the construction of the GIWW

Assessment of Prop Scars Dunton and Schonberg 2002

- High resolution imagery of Redfish Bay, Harbor Island, Mud Island, East Flats, Shamrock Cove, and the ULM to classify scarring as:
 - light (<5%)
 - moderate (5-20%)
 - severe (>20%)

Assessment of Prop Scars (cont.)

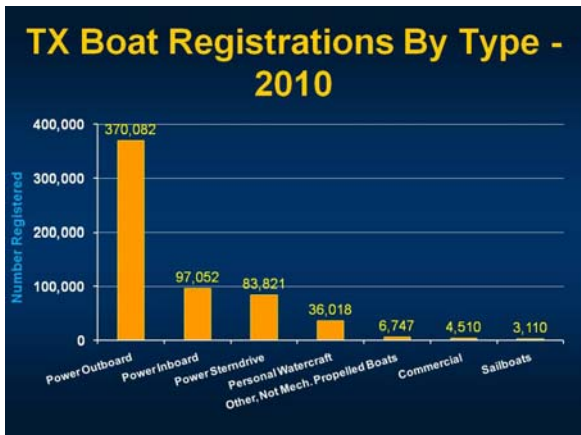
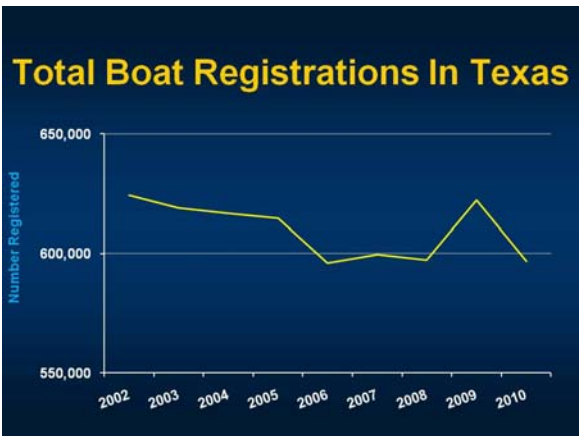
- 2,200 hectares (39%) of study area categorized as moderate to severely scarred
- Most severe scarring in Estes Flats with 95% of the area scarred of which 75% was categorized as severe

Prop Scar Recovery Dawes et al. 1997

- Looked at recovery of propeller scars and "artificial cuts" were in Tampa Bay, FL
- Full regrowth of turtle grass took an average of 3.5-4.1 years in prop scars



- ### Texas Boat Registrations
- Registrations in the Gulf Coast region decreased 4.6% from 2009 – 2010
 - Texas decreased by 4.1%
 - Texas now ranks 6th in total registrations
 - FL, MN, MI, CA, WI



Boat Registration Application

VESSEL BOAT APPLICATION (PWD 143) OFFICE USE - REGISTRATION DECAL NUMBER ISSUED

Title & Registration, Registration for USCGC, or Sales Tax Only

This form is used to request a Texas title and/or registration for a vessel/boat or to pay sales tax on vessels 65 feet and under. To file an outboard motor, please use Outboard Motor Application (PWD 144). Supporting documents, original signatures and payment for fees and taxes must accompany this form for processing. Please refer to the instructions for PWD 143. Complete in blue or black ink. Titles print 21 days after being processed and are mailed from TPWD Headquarters in Austin.

A. This vessel is: New Used

B. Is this vessel from out of state or USCG documented?

C. Enter the vessel serial hull ID # (required): 1. Did this vessel come from another state or country? Yes. If yes, attach PWD 504 and enter State/Country _____ Title or Registration # _____
 2. Is this vessel documented with the US Coast Guard? Yes. If yes, enter: USCG DOC# _____ Hailing Port City _____
 Vessel Name _____ Hailing Port State _____
 3. If yes is checked in B1 or B2, was the ownership documentation in the name of the applicant or the previous owner's name?
 The Applicant typed OR Previous Owner's Name (someone else)

D. How was this vessel acquired? Select only one.

<input type="checkbox"/> Purchased from owner	<input type="checkbox"/> Applicant is original owner (never registered or titled)	<input type="checkbox"/> Reacquisition by non-recorded lien holder	<input type="checkbox"/> Purchased from trust
<input type="checkbox"/> Purchased from dealer	<input type="checkbox"/> Government (secure auction/plus sale)	<input type="checkbox"/> Through divorce (spouse acquisition)	<input type="checkbox"/> Probate/estate
<input type="checkbox"/> Received from inheritance	<input type="checkbox"/> Government (secure auction/plus sale)	<input type="checkbox"/> Through divorce (new purchase)	<input type="checkbox"/> Self-service storage lien
<input type="checkbox"/> Purchased from an estate	<input type="checkbox"/> Pawn shop	<input type="checkbox"/> From bankruptcy trustee	<input type="checkbox"/> Storage lien (not self-service)
<input type="checkbox"/> Gift donation	<input type="checkbox"/> Pawn shop (new purchase)	<input type="checkbox"/> From bankruptcy of dealership	<input type="checkbox"/> Garage/mechanic lien
<input type="checkbox"/> Reacquisition due to defect	<input type="checkbox"/> Reacquisition by recorded lien holder	<input type="checkbox"/> From bankruptcy of dealership	<input type="checkbox"/> Applicant is Marine
<input type="checkbox"/> Insurance claim paid			<input type="checkbox"/> Dealer/Club, Mfr.
<input type="checkbox"/> Court award			<input type="checkbox"/> Home-made vessel

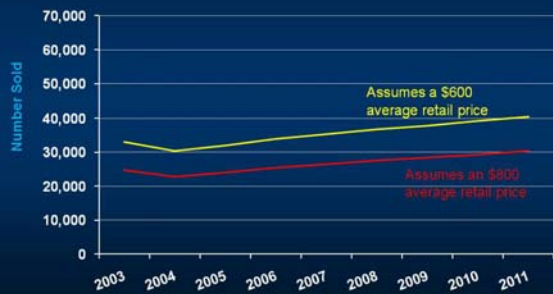
Boat Registration Application

I. Vessel Description:						
Serial Hull ID # (from Section C)	Make of Vessel (Manufacturer)		Length		Year Built	MSL Prog Year
	FT	IN				
Hull Material	Primary Hull Color	Secondary Hull Color	Propulsion	Fuel Type	Type of Vessel	Vessel Use
<input type="checkbox"/> Wood	<input type="checkbox"/> White	<input type="checkbox"/> White	<input type="checkbox"/> Outboard	<input type="checkbox"/> Gasoline	<input type="checkbox"/> Open	<input type="checkbox"/> Pleasure
<input type="checkbox"/> Steel	<input type="checkbox"/> Gray	<input type="checkbox"/> Gray	<input type="checkbox"/> Inboard	<input type="checkbox"/> Diesel	<input type="checkbox"/> Cabin	<input type="checkbox"/> Livory
<input type="checkbox"/> Aluminum	<input type="checkbox"/> Tan/Sage	<input type="checkbox"/> Tan/Sage	<input type="checkbox"/> Inboard/Outdrive	<input type="checkbox"/> Other specify	<input type="checkbox"/> House	<input type="checkbox"/> Commercial
<input type="checkbox"/> Fiberglass	<input type="checkbox"/> Blue	<input type="checkbox"/> Blue	<input type="checkbox"/> Sail		<input type="checkbox"/> PWC	<input type="checkbox"/> Fishing
<input type="checkbox"/> Other-specify	<input type="checkbox"/> Red	<input type="checkbox"/> Red	<input type="checkbox"/> Other-specify		<input type="checkbox"/> Other specify	<input type="checkbox"/> Commercial
	<input type="checkbox"/> Green	<input type="checkbox"/> Green				<input type="checkbox"/> Other
	<input type="checkbox"/> Other-specify	<input type="checkbox"/> Other-specify				<input type="checkbox"/> Political Subdivision
Inboard or Inboard/Outdrive Motors Only:		Serial #	Outdrive #	Horsepower	Special Classification	
Motor # 1					<input type="checkbox"/> Antique Vessel - Year built 25 years or older	
Motor # 2						
J. Previous Owner (Seller, Donor, Trader):						
Last Name or Company Name		Suffix		First Name		
Address		City	State	Zip Code	Phone Number	

Canoe & Kayak Sales in the US



Canoe & Kayak Sales in Texas



Common Themes Among the Various Codes of Ethics

- Obey regulations/laws
- Inform others/convey the right message
- Respect nature/respect the resource
- Respect others space
- Know your equipment and its capabilities

Coastal Bend Guides Association

"...responsibility to represent the guiding profession in a conscientious manner."

- Safety and welfare of passengers
- Intolerant irresponsible actions by passengers and other members
- Conduct ourselves honestly, honorably and with integrity

N = 10

Texas Wade, Paddle & Pole

"Avoiding bay rage"

- How to approach a flat
- Minimum distance (200 yds) from others
- Break out fishing by type
 - Wade fishing
 - Paddling & Kayaking
 - Poling skiffs
 - Guides & Tournament Anglers

N = 18

Bay User Workshop

"Best practices"

- Don't litter
- Render aid
- Know before you go
- Know your equipment capabilities
- Travel in deeper water
- Do not fish in high traffic areas
- Make your presence known
- Do not use boat to herd, rodeo, or disturb fish in shallow water
- Promotes boater education

N = 14

Florida Guides Association

"Code of Ethics"

- Do not operate your boat in areas too shallow for your equipment
 - Seagrass and habitat protection component
- Pole or use trolling motor in waters too shallow for main power
 - Use stealth when approaching shallow water
- Do not crowd another boat
 - Choose other area
 - Choose another time
 - Find other areas to fish
- Respect and obey all state of FL regulations

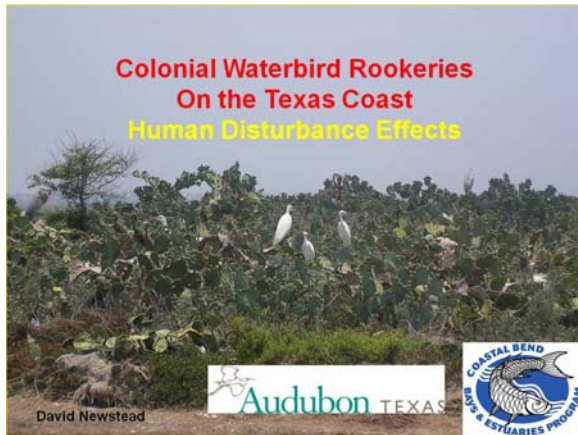
N = 4

Australian Anglers Association

"Recreational Fishing Code of Conduct"

- Encourage smart use of fish
 - Humanely treat fish
 - Catch & Release
 - Do not take more than you need
- Environmental awareness
 - Don't litter
 - Don't damage the environment
- Fishing community awareness
 - Don't crowd others
 - Rule of common courtesy
 - Encourage others to do the same

N = 16



Declines

- Texas Colonial Waterbird Survey data 1973-present
- Early 90's to present
- Decreases in small waders and ground-nesters
- Increase in gulls
- Management issues
 - Predators
 - Erosion
 - Habitat loss
 - Vegetation
 - **DISTURBANCE**

Definition of "human disturbance" as it pertains to nesting waterbirds

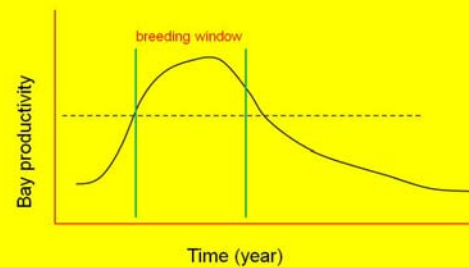
"Human disturbance is any activity that changes the contemporaneous behavior or physiology of one or more individuals within a breeding colony of waterbirds" (Nisbet 2000)

"... encompasses a **wide range of activities** including passive and active recreational pursuits, research/monitoring/banding activities, wildlife viewing/photography, walking, running, boating, driving, sunbathing, and deliberate attempts to harm or discourage birds from occupying a site, such as vandalism, shooting, eggging, and pyrotechnics, and others."

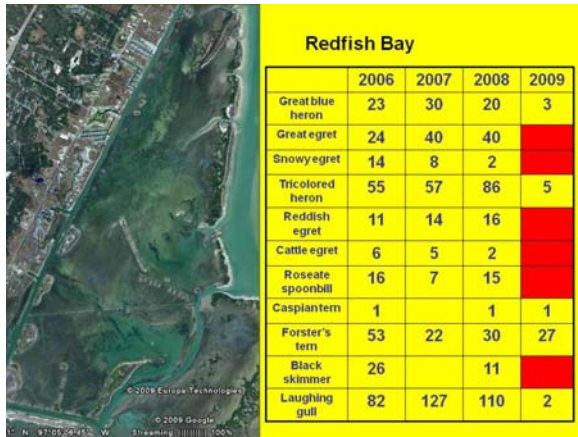
Effects of "human disturbance" on nesting waterbirds

- Vulnerability of eggs/chicks to **heat stress**
- Vulnerability to **avian predators**
- "Stress" effects
- Reduced nesting success
- **Abandonment** of nesting site
- Long-term population effects: **reduced diversity, loss of traditional nesting sites, increase in gulls**

Timing is everything



Breeding season – February through August



Wildlife laws applicable to colonial waterbirds

Federal:

Migratory Bird Treaty Act: focuses on **TAKE**: "[It] shall be unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill, attempt to take, capture, or kill, possess . . . any migratory bird, any part, nest, or eggs of any such bird"

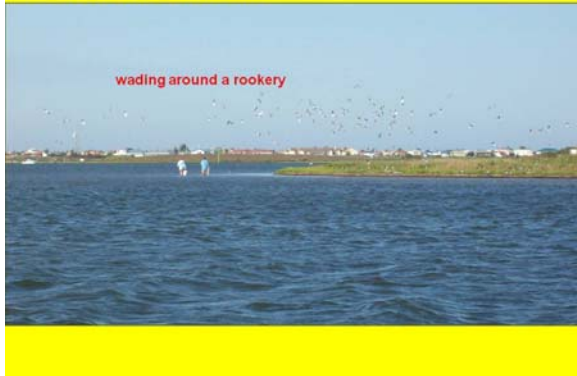
Endangered Species Act: also a TAKE provision, but expanded definition includes "harass" and "harm"

State:

Texas Parks & Wildlife Code (Chapter 64.002): "no person may **disturb** OR **destroy** the eggs, nest, or young of a bird that is not a game bird."



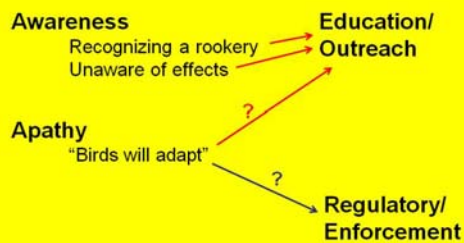
Upper Laguna Madre



Dogs



Root causes?

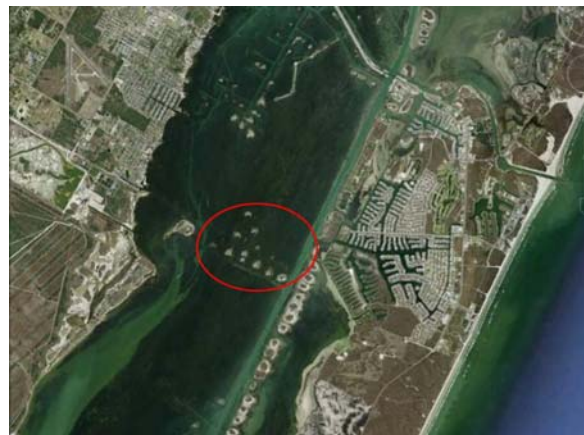


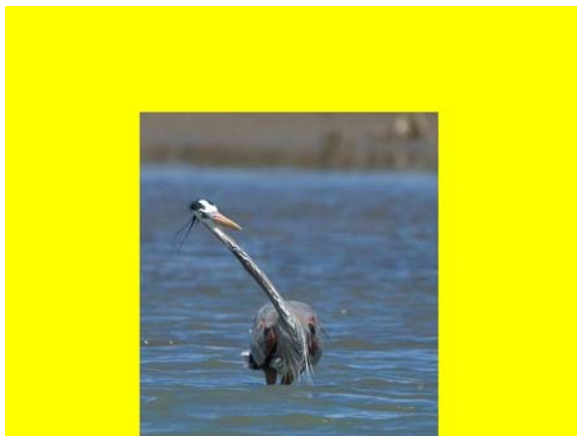
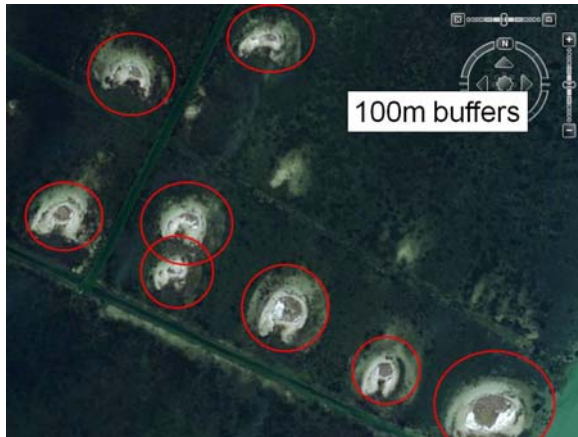
Outreach first

- **Current or ongoing outreach/education**
 - Signage on islands
 - Wardening
 - Articles, brochures
 - PSA featuring Gary P Nunn

What is an “appropriate” distance?

Erwin (1989) based on study in VA and NC, recommends:
100m for wading birds and less-sensitive ground-nesting species
200m for sensitive terns and skimmers
Early in nesting cycle (i.e. first arrival at colony sites, courtship, and nest building):
additional 100m
Similar study in FL yielded similar results (Rodgers & Smith 1995)
~118m recommended for Black Skimmer colonies (Burger & Gochfeld 2010), response highly dependent on stage





Literature Cited

- Burger, J. and M. Gochfeld. 2010. Effect of approaching boats on nesting Black Skimmers: Using response distances to establish protective buffer zones. *J. Wildlife Mgmt.* 74(1):102-108.
- Erwin, R.M. 1989. Responses to human intruders by birds nesting in colonies: Experimental results and management guidelines. *Colonial Waterbirds* 12(1):104-108.
- Nisbet, I.C.T. 2000. Disturbance, habituation and management of waterbird colonies. *Colonial Waterbirds* 23(2):312-332.
- Rodgers, J.A. and H.T. Smith. 1995. Set-back distances to protect nesting bird colonies from human disturbance in Florida. *Conservation Biology* 9(1):89-99.

* Bird photos courtesy of Harry Grant

Texas Coastal Bay User Code of Ethics

There are three key messages/major themes...

- 1...Some sort of message aimed at ethical angling... "know before you go" "angling for future generations" etc...
- 2....**Protecting**/respecting natural/biological resources...
- 3...Some sort of **commitment** to common courtesy theme..."respect other anglers' opportunity to have an enjoyable outdoor experience"...

KNOW-Protect-Commit

- Learn and abide by all fishing regulations and boating laws.
- Practice CPR – Catch, Photo & Release

"Ethical angling"

Know-**PROTECT**-Commit

- Respect our natural resources
- Protect rookery islands
- Stop Aquatic Hitchhikers!^{USFWS}

"Respecting nature"

Know-Protect-**COMMIT**

- Convey the right message
- Respect other's space
- Observe rules of common fishing courtesy
- Know your capabilities
- Keep Coastal Waters Clean^{TGLO}

"Commitment to Common Courtesy"