

ADVISORY COUNCIL ON TIDAL FINFISHERIES



MINUTES OF JUNE 20, 2012



Richardson and Robbins Building Auditorium, 89 Kings Highway, Dover, Delaware 19901
Phone: 302-739-9914, Fax: 302-739-6157

ADVISORY COUNCIL

Dewayne Fox, Ph.D., Chairman
Bernie Pankowski
Brian Hoffecker (Absent)
James "Jay" Little
Marvin Kahl, Jr.
Ken Logan (Absent)
P. "Wes" Townsend

DIVISION OF FISH & WILDLIFE

John Clark
Stewart Michels
David Saveikis, Director
David Small, DNREC Deputy Secretary
Sgt. Tim Pritchett
Kim Stangl

PUBLIC

6 Visitors

Agenda Item 1. Welcome

Chairman Fox called the meeting to order at 6:00 PM and welcomed everyone in attendance.

Agenda Item 2. Approval of 3/21/12 & 4/18/12 meeting minutes

A motion was made, seconded and carried to approve both the March and April meeting minutes.

Agenda Item 3. Update on Enforcement Officer salary

Deputy Secretary Small briefly reviewed the history of concern regarding salaries for the Department's Enforcement Officers (i.e. DFW, Parks & Recreation and Environmental Protection Officers). The DNREC recognizes the substantial and wide variety of responsibilities and duties given to these sworn officers. Within the last couple of years, there was a DNREC Leadership Academy Program, which included a team of Enforcement Officers, who gathered salary information of similarly functioned officers from across the nation. The data showed that the salaries of Delaware's Enforcement Officers are below the national or regional average, sometimes woefully below average. Legislation was introduced last year by the General Assembly that would have increased boat registration fees in DE and those increases would have been used to fund some level of salary increase for certain Enforcement Officer positions within DNREC. This legislation did not pass. Mr. Small pointed out that concerns were raised regarding using legislation to increase fees (which come from appropriated special funds-ASF) for salaries, since most state government agencies do not have access to ASF. The Office of Management and Budget (OMB) took notice of these events and conducted an analysis to compare DNREC's Officer salaries with other sworn and non-sworn classes within the state's system. The salary comparison analysis included some other municipalities, since DNREC is frequently faced with cases of Officers attending the Police Academy, coming on-board with DNREC, and then moving on to a municipality whose salary structure blows DNREC's away. This is extremely frustrating from a management point of view. From this analysis, OMB prepared a proposal which has been voted on by the Joint Finance Committee (JFC). This proposal will raise the entry-level salary, approximately 8-9%, for Enforcement Officers from Trainee positions up to Chief positions. For existing Officers, the proposal also includes some level of salary increase for approximately half of the positions. Various factors will be considered, such as

the number of years of service, in determining the salary increase (to range from 2-11%) for existing Officers. Mr. Small commented that he feels this is a step in the right direction toward equalization of this career class. He added that improvements and updates are beginning to be considered for the career advancement procedures, which for this career class, is a proficiency step system.

Agenda Item 4. Role of State Police Marine Unit

Sgt. Jeff Giles and Cpl. Thomas Guarini of the Delaware State Police Maritime Unit gave a power point presentation. The Maritime Unit, which became operational in August of 2011, was created by Delaware State Police and the Dept. of Safety and Homeland Security and is funded through the federal Port Security Grant. This Unit is staffed with 3 full-time Troopers and an additional 3 Troopers trained to assist on a part-time basis. There is currently 1 marine vessel dedicated to this Unit's mission, which is primarily to provide homeland security. The focus is on critical infrastructure and key resources along the waterways, investigation of suspicious activity and community outreach. The Unit works closely with other agencies, including; the US Coast Guard, NJ State Police, PA State Police, Wilmington Police, Delaware River and Bay Authority, the Federal Bureau of Investigation and DNREC. The Unit is co-located with the Delaware Information Analysis Center (DIAC). Citizen complaints/tips go to the Joint Terrorism Task Force (1-800-FORCE12), who have the first right of refusal. **Mr. Kahl** asked whether or not Troopers from this Unit will be patrolling Delaware's waters for fishing violations and they responded "no". The **Troopers** added that if someone is stopped for a safety issue or suspicious activity and the individual(s) is in possession of possible undersized fish, crabs, etc., DFW Enforcement Officers will be called to investigate.

Agenda Item 5. Bowers dredging letter update

Mr. Pankowski explained that the meeting he and Mr. Roy Miller recently had with staff from Delaware's Congressional Delegation went very well. Their goal was to present the letter and explain the urgent need for funds to dredge Bowers Beach, not only for recreational boating safety, but also for essential passage of commercial and emergency vessels. He commented that although they felt very welcomed, and allowed sufficient time to explain their objective, a resolution was not offered. **Mr. Small** reminded everyone that the Army Corps of Engineers has responsibility for the majority of

waterway maintenance in DE. However, it has become evident that the only areas getting attention from the Corps are: the mouth of the Christina River (Port of Wilmington), the C and D Canal and the Nanticoke River. The Legislature is aware of the problems at other waterways but, since budget discussions are now over, the focus shifts to the Bond Bill Committee from which funds could be allocated to DNREC for purposes of dredging. **Mr. Pankowski** asked for an update in this regard at the next meeting. **Mr. Small** agreed and then commented that MD has recently increased their boat registration fees, which is something DE DFW has considered in the past, but MD has targeted the funds from this increase to go toward dredging, channeling marking, waterway navigation, etc. He said this is something DE should seriously consider. **Mr. Little** asked if the Bond Bill Committee meetings are open to the public and **Mr. Small** replied that they are, however the public is not allowed to comment. He added that the public is permitted to comment on the Governor's recommended budget during the Bond Bill hearing process which occurs in the spring.

Agenda Item 6. ASMFC Spring Meeting summary

Mr. Clark gave a brief summary of the relevant actions from the ASMFC meeting. The Striped Bass Management Board approved draft Addendum 3 which deals with tagging and tracking in the commercial fishery. The American Eel Board approved the benchmark stock assessment but took no action except to ask the Am. Eel Technical Committee to develop some proposed management actions. The South Atlantic State/Federal Fisheries Management Board approved the Black Drum Public Information Document for public review and comment. This is the first step in the development of an Interstate Fishery Management Plan for black drum. Delaware held its public hearing just last week but only one member of the public attended. **Mr. Clark** mentioned that since DE already has a joint management plan for black drum with NJ it's assumed the public is comfortable with management of this species. Although the 2012 benchmark stock assessment for river herring showed that the population is depleted, no votes for action were taken by the Management Board. The Mid-Atlantic Fishery Management Council is considering measures to reduce river herring by-catch. The Atlantic Menhaden Board met to consider options to include in the management plan. They discussed several options for measures to implement over various time frames (1-year, 2-year, 3-year, etc.). The Board did not make any final decision on new measures, other than to exclude a one-year time frame, since this would have basically caused a complete closure. The Atlantic Sturgeon Management Board met to consider strategies for states to comply with the recent Endangered Species Act listing of Atlantic sturgeon. **Mr. Michels** said the Spiny Dogfish and Coastal Sharks Management Boards increased the 2012-13 coastwide quota from about 30 million pounds to 35.6 million pounds which is consistent with the National Marine Fisheries Service. Delaware's 2012-13 quota, including roll-over from 2011-12, is 323,734 pounds. The Board approved a draft addendum to the Spiny Dogfish Management Plan to go out for public comment. The Horseshoe Crab Board met to discuss plan compliance and all states were found to be in compliance. The updates for the horseshoe crab Adaptive Resource Management model were

not yet available due to the lack of some of the shorebird data, so this information should be presented at the annual meeting coming up in the fall. **Mr. Michels** stated that he attended his first Atlantic Coastal Cooperative Statistics Program and they approved the Atlantic coast fisheries data collection standards.

Agenda Item 7. Regulatory update: tautog and black sea bass

Mr. Michels stated that the latest Addendum to the Summer Flounder, Scup and Black Sea Bass FMP requires that states from DE to NC adopt black sea bass regulations consistent with those required in federal waters. The federal rule was published on May 18, which opened the season in federal waters on May 19, so the DFW issued an emergency order on May 18 to open the fishery in DE waters on May 19. The normal regulatory process must now begin in order to implement the necessary measures for seasons, size and creel limit. The Start Action Notice has been issued and the public hearing is scheduled to take place in this auditorium on Aug. 30 at 7:00 PM. There are no options available since DE must comply with federal regulations for this fishery. There will be two options presented at this Friday's (June 22, 7:00 PM in this auditorium) tautog public hearing. These options were developed to handle the error recently found in the latest stock assessment. Instead of a required 53% harvest reduction, the new options reflect the revised 39% harvest reduction.

Agenda Item 8. Streamline regulatory changes to match Federal rules

Mr. Clark explained that, due to the lengthy regulatory process, it is sometimes impossible for the DFW to comply with some newly implemented federal regulations unless steps are taken to carry out an emergency order. A recent example occurred with black sea bass (see Agenda Item 7). Once an emergency order has been implemented, the DFW is still required to follow the usual regulatory development process in order to meet state regulation requirements. **Mr. Clark** stated that the DFW would like to have Proclamation Authority similar to MD which would allow immediate compliance with federal regulations for species managed jointly with individual states.

Agenda Item 9. Change weakfish net closure days

Mr. Clark gave a power point presentation explaining the history of the weakfish net closure. This measure was implemented in 1997 and the intent has been to reduce weakfish mortality since the stock has seen serious declines from the late 1980's. The 34 closure days from May through June require that all gill nets be removed from the DE Bay and ocean. The days mostly include weekends defined as Friday through Sunday. The DFW would like to change the weekend closures to run from Saturday through Monday in order to better serve netters wanting to catch and sell bunker (menhaden) as bait to recreational anglers. This would be a regulatory change and approval is not required from the ASMFC. **The Council** made, seconded and passed a motion to approve this change.

Agenda Item 10. Director's update

Mr. Saveikis stated that Senate Bill 255, authorizing DNREC to manage invasive species in tidal water through the

regulatory process, passed the Senate yesterday. The bill dealing with changes to scientific collection of fish and wildlife species has been postponed based on the scope of the bill and structural reasons. The DFW plans to pursue introduction of this bill during the next legislative session. House Bill 343, which streamlines the transferability of commercial fishing licenses, has passed both chambers. Mr. Saveikis mentioned that promotion for the 2nd Annual Fishing Guide Photo Contest has begun and the theme again this year is youth-oriented; "Carrying on the Tradition". Interested individuals may get information on this contest by visiting the DFW website at www.fw.delaware.gov.

Agenda Item 11. Agenda items for Sept. 19 meeting

Dr. Fox requested items for the next meeting's agenda:

1. Dredging update
2. Atlantic sturgeon incidental take permits for commercial fishermen

This meeting adjourned at 7:52 PM.

Respectfully submitted,



Kim (Records) Stangl
Recording Secretary