

# ADVISORY COUNCIL ON TIDAL FINFISHERIES



## MINUTES OF SEPTEMBER 19, 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. (Absent)  
Ken Logan (Absent)  
P. "Wes" Townsend

### DIVISION OF FISH & WILDLIFE

John Clark  
Stewart Michels  
David Saveikis, Director  
Lt. David Blasch  
Sr. Cpl. Drew Aydelotte  
Kim Stangl

### PUBLIC

8 Visitors

#### **Agenda Item 1. Welcome**

**Chairman Fox** called the meeting to order at approximately 6:05 and he thanked everyone present for their attendance. He announced that the meeting will be informational only (no Council motions or approvals) due to the lack of a quorum of council members.

#### **Agenda Item 2. Approval of 6/20/12 meeting minutes**

A quorum of council members was acknowledged mid-meeting and, at that time, a motion was made, seconded and carried to approve the June meeting minutes.

#### **Agenda Item 3. Bowers Dredging update**

Chuck Williams from the Waterway Maintenance Section of the Division of Watershed Stewardship (DWS) had informed Mr. Clark that \$627,000 of the Bond Bill was ear-marked for dredging. **Mr. Clark** stated that Mr. Williams has requested proposals to solicit qualifications from engineering consultant firms to assist the DWS with contractual dredging projects over the next five years. The proposals will be reviewed to select the best firm(s) to handle the job tentatively by the end of October. The Murderkill/Bowers dredging project will be handled first with the intent to complete dredging before the next boating season begins. Several firms are expected to submit proposals.

#### **Agenda Item 4. Addressing public inquiry regarding increasing fishing violations fines to deter illegal fishing**

**Dr. Fox** stated that he added this topic to the agenda in response to several requests from the public. **Lt. Blasch** of the DFW Enforcement Section explained that in general, fines for boating, fishing and hunting violations equate to a minimum of \$25 plus court costs, with a few exceptions. Current court costs of \$51.50 are actually higher than most of the violation fees. Boating under the influence carries a minimum \$200 fine (mail-in violation). Any striped bass violation is an automatic minimum fine of \$100. This exception to the violation fee structure is due to the coast-wide striped bass population decline in the late 1970's to early '80's. In 1985, DE and surrounding states imposed a 5-year fishing moratorium and restoration efforts began, so DE was able to pass a higher fine to better deter fishing violations of this species. **Lt. Blasch** commented that his experience has shown that higher fines definitely deter illegal activity. Both **Lt. Blasch and Sr. Cpl. Aydelotte** stated that they have had non-resident and resident anglers, hunters and boaters

comment that the DE DFW's penalty fines are not high enough to adequately deter illegal fishing, hunting and boating in DE. Judges often dismiss or reduce the number of violations an offender has been charged with, which may lead offenders and the general public to believe that the courts don't take fishing and hunting violations as seriously as other violations of the law. During discussion, **Lt. Blasch** relayed that there is no threshold for repeat offenders having license privileges revoked and that this particular punishment is carried out at the discretion of the DFW Director. When asked how neighboring states' fine amounts compare to DE, **Sr. Cpl. Aydelotte** responded that 15 years ago when he worked for MD DNR, they were writing \$100-tickets for undersized summer flounder. **Dr. Fox** asked that the DFW look into the disparity of adjacent states' violation fees structure for illegal fishing activity. **He and Mr. Little** also agreed that the DFW should consider a review process or set a threshold where repeat offenders would suffer license revocation. **Dr. Fox** asked that an update on this topic, including the findings regarding other states' violations fees structure, be presented at the next meeting. **Lt. Blasch** stated that two years ago, Park Rangers (Division of Parks & Recreation) and Environmental Protection Officers (Divisions of Water, Waste & Hazardous Substances and Air Quality) were able to get their minimum fines raised from \$25 to \$50. At that time, the DFW had recently implemented the general fishing license and had raised some license fees, so members of the general assembly did not want to raise the minimum fines fearing citizens would perceive it as a tax. **Mr. Saveikis**, for purposes of clarification, made an important point using the scenario of a fishing violation caught in a DE state park: a DFW Enforcement Officer would issue a fine in the amount of \$25 outside of a state park, but for this same violation, a Park Ranger would issue a fine in the amount of \$50 in a state park.

#### **Agenda Item 5. ASMFC Summer Meeting summary**

**Mr. Clark** reviewed relevant items from the ASMFC Summer meeting. The Striped Bass Board approved Addendum III to the management plan which requires states to implement a mandatory commercial tagging program. Delaware already requires tagging in the commercial fishery. The Atlantic Menhaden Board selected options for Draft Amendment 2 to the Interstate Fishery Management Plan. The options to be considered for public comment include harvest reductions ranging from 0 to 50% for 2013. The stock assessment was found to be problematic and the Technical Committee

requested a new benchmark; however, the Committee agreed with the assessment's indication that over-fishing is occurring, but the stock is not overfished. The 2012 American eel stock assessment shows the stock is depleted, and the purpose of Draft Addendum 3 is to reduce mortality. The Board discussed options for all eel life stages and a closed season would be the most efficient way to reduce harvest. The USFWS hinted that an "endangered" finding would be more likely if the ASMFC does nothing to try to reduce eel mortality. Addendum 4 to the spiny dogfish ISFMP (which retains 5% rollover, sets a fishing threshold, and comes into compliance with the federal FMP) was approved. Mr. Clark said that discussion took place regarding the shark finning bills that were brought up in many states and a NC commercial shark fisherman stated that 60% of the value comes from the fins. Atlantic croaker recreational landings dropped enough to trigger another assessment, but the Technical Committee recommended holding off since that was the only trigger reached and the Management Board agreed. For black drum, the Plan Development Team requested drafting an ISFMP. Options to be considered are recreational bag, creel and size limits, and a commercial cap and trip limits. The Atlantic Sturgeon Management Board discussed responses to the Endangered Species Listing. They asked for a benchmark assessment to be initiated (1995 was the last stock assessment and a new one will take until 2015) and for the Technical Committee to draft a petition to de-list or down-list sturgeon from the ESA. DE DFW is working on an Atlantic Sturgeon Habitat Conservation Plan which will tentatively be in place by the spring gill net season.

#### **Agenda Item 6. Regulatory update: black sea bass, weakfish and freshwater regulations**

**Mr. Michels** gave a brief summary on regulatory action by the DFW. There were no attendees on Aug. 30 for the black sea bass public hearing. Changes to this regulation will become effective Oct. 11, and are as follows: 12.5-inch minimum size, open seasons Jan 1-Feb 28 with a 15-fish possession limit, May 19-Oct 14 with a 25-fish possession limit and Nov 1-Dec 31 with a 25-fish possession limit. A press release will be issued regarding these changes. A Register Notice should be published Oct. 1 for proposed modifications to weakfish regulations. The definition of a weekend is proposed to be changed from Friday through Sunday to Saturday through Monday. This change would be consistent with ASMFC Addendum 3 to the Weakfish Plan and would allow gill netters to better supply weekend recreational anglers with fresh bunker. The hearing record opens Oct. 1 and the public hearing is scheduled for Oct. 31 at 6 PM in this auditorium. Mr. Michels mentioned that this Council previously endorsed this modification. Proposed changes to the non-tidal regulations were published in the September Register. These changes include designating the two downstate ponds (Tidbury in Dover and Newton in Greenwood) as trout waters with restrictions similar to those for the designated trout streams in New Castle County, specifically allow Northern snakehead to be taken with bow and arrow, and to make some editorial changes in the chapter not intended to change the meaning. The hearing record opens on Oct. 1 and the public hearing is scheduled for Oct. 26 at 6 PM in this auditorium.

#### **Agenda Item 7. Delaware Bayshore Initiative overview**

**Mr. Saveikis** briefly described this new high profile project which was created from the "America's Great Outdoors Initiative". He explained that it is intended to connect people with the outdoors, promote conservation, recreation and eco-tourism. The kick-off event took place on Slaughter Beach in May with U.S. Secretary of the Interior Ken Salazar, Governor Markell, Senators Carper and Coons, Congressman Carney, and DNREC Secretary Collin O'Mara present among other dignitaries and citizens. Mr. Saveikis then introduced Mrs. Karen Bennett to give more details. Mrs. Bennett, formerly of the Division's Wildlife Section and now the Bayshore Initiative Coordinator, will be defining the various projects that will make up this initiative. **Mrs. Bennett** explained that this project is composed of three "pillars" which are: 1) Conservation & Restoration-to increase protection, conserve land, preserve habitat, 2) Recreation & Connectivity-how to increase recreational access and enjoyment without damaging habitat, 3) Engagement & Marketing-to build stronger communities working with the public with a focus on educational programming (incorporating the "No Child Left Inside" initiative). She added that there are many key partners involved in this project, including the USFWS, Delaware Wild Lands, Inc., Ducks Unlimited, The Conservation Fund, Bike Delaware, DelDOT, Audubon, Sierra Club, and several others, and more are being sought. Several grant proposals have been, and will be, submitted to increase funding. Mrs. Bennett stated that she is completely open to new ideas. She added that she and other staff are visiting towns and communities throughout Delaware's Bayshore, taking comments from land-owners, recreational outdoorsmen, non-profit organizations, etc., regarding their thoughts and ideas on this voluntary program which is still a work in progress. **Dr. Fox** asked if there is an outside steering committee for this project which will provide guidance, oversight and strategic input. **Mrs. Bennett** responded that she is looking into assembling this type of group adding that it may help give project credibility and worth for the general public. **Mr. Pankowski** commented that this project will probably interest most people in some way and he asked if there is more information available to read and peruse. **Mrs. Bennett** replied that efforts are being made to produce informational brochures and pamphlets but more funds are needed to cover production costs. Information is available online at [www.dnrec.delaware.gov](http://www.dnrec.delaware.gov). Audience member, **Mr. Floyd Morton**, stated that he is an avid fisherman and became very concerned when he read about this initiative and found nothing regarding recreational fishing. He explained that his biggest concern is the idea of more restrictions on habitat and loss of fishing areas and he does not see how there is any way to expand critical habitat and user access at the same time. **Mrs. Bennett** responded that one of the main objectives of this project is to enhance access and promote recreational activities. **Mr. Saveikis** commented that he also is a passionate fisherman and reassured Mr. Morton that recreational fishing will be promoted and enhanced as much as possible through this initiative. **Mrs. Bennett** stated that this is a valid concern she has heard before, so she invited Mr. Morton to speak with her about it further, at a later time. She reminded everyone that this is an evolving project, at the beginning stages, and participation, ideas, comments and feedback are critical to its success. **Mr. Pankowski** praised

Mr. Morton for voicing his concerns and then suggested that Mr. Morton serve on any future steering or advisory panel which may be assigned to oversee this project. **Mr. Little** agreed with this suggestion, along with **Mrs. Bennett and Mr. Saveikis**, and **Mr. Morton** added that if asked he would participate.

**Agenda Item 8. Director's update**

**Mr. Saveikis** stated that Senate Bill 255 which proposed to give the DNREC the authority to identify and promulgate regulations on tidal invasive finfish species, including snakeheads, passed both chambers and was signed by the Governor on July 11. House Bill 343 allowing more liberal and easier transfer of commercial fishing licenses was signed by the Governor on June 19. The "shark fin bill" (HB 324) which would forbid possession, sale and distribution of shark fins in DE, passed the House, but did not pass the Senate. The DFW is working with the Humane Society of the U.S. and the ASMFC in trying to develop a regional resolution. He mentioned that the DFW is intending, and currently working hard, to make the 2013 Fishing Guide available at the beginning of the new year. **Mr. Pankowski** suggested adding information about the Bayshore Initiative to the Fishing Guide. **Mr. Saveikis** responded positively adding that the DFW will look into including this information.

**Agenda Item 9. Agenda items for Oct. 17 meeting**

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

1. Discussion of violations/fines increase
2. Commercial hook & line license (suggested by Mr. Larock, commercial fisherman)
3. Fishing access/construction update

This meeting adjourned at 8:02 PM.

Respectfully submitted,



Kim (Records) Stangl  
Recording Secretary