

ADVISORY COUNCIL ON TIDAL FINFISHERIES



MINUTES OF SEPTEMBER 18, 2013



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 (*absent*)
Bernie Pankowski
Brian Hoffecker
James "Jay" Little
Marvin Kahl, Jr.
P. "Wes" Townsend (*Acting Chairman*)
Joseph Smith

DIVISION OF FISH & WILDLIFE

John Clark
Stewart Michels
David Saveikis, Director
Mike Stangl
Lt. David Blasch
Kim Stangl

PUBLIC

3 Visitors

Agenda Item 1. Welcome

Acting Chairman Townsend called the meeting to order at 6:00 PM. He welcomed and introduced new council member, Mr. Joe Smith, and explained that Mr. Smith is the New Castle County commercial fishing representative.

Agenda Item 2. Approval of 6/19/13 meeting minutes

The **Council** passed a motion approving the June meeting minutes.

Agenda Item 3. By-laws Discussion

Mr. Townsend introduced Ms. Lydia Prigg, Director of Boards and Commissions for the Governor's Office. **Ms. Prigg** briefly went over the draft by-laws document that she received and suggested to the Council certain sections that should be modified to be clearer to the general public and in compliance with the State Code and Constitution. She explained proper format and offered to edit the draft by-laws in order to meet statewide consistency standards. The Council was informed that sub-committee meetings need to be open to the public. Ms. Prigg plans to provide her draft to the Council prior to the next meeting on Oct. 16th so that the Council will be able to vote on the document.

Agenda Item 4. Regulatory update/regulatory review

Mr. Michels summarized recent regulatory actions. The proposed revision to increase the commercial spiny dogfish limit from 3,000 to 10,000 pounds was approved and subsequently published in the August Register of Regulations (Register). The black sea bass Executive Order 36 regulation change to allow the transferability of commercial black sea bass landing permits was approved and will become effective in November. Black sea bass recreational fishing regulation changes to eliminate the Jan. 1 through Feb. 28 season and reduce the daily limit from 25 to 20 fish have been approved and will become effective in November. The tidal invasives regulation became effective June 11, designating snakeheads, blue catfish, flathead catfish and grass carp as invasive species and expressly allowing invasive species to be taken by bow and arrow and making it unlawful to possess, transport, purchase or sell live invasive species without written permission of the DFW Director. A hand-out was made available regarding the proposed black drum regulation changes to bring DE into compliance with the new Atlantic

States Marine Fisheries Commission (ASMFC) Black Drum Interstate Fisheries Management Plan (ISFMP) by extending the current 16-inch minimum size and 3-fish per day limit to all Delaware waters. A public hearing is scheduled for 6:00 PM on September 30 in this auditorium. Copies were also available of the Register notice concerning DE's implementation plan for compliance with Amendment 2 of the Atlantic Menhaden ISFMP, which was approved by ASMFC, and a proposed regulation required by the implementation plan for mandatory menhaden daily landings reporting, which will be the topic of a public hearing scheduled for 6:30 PM in this auditorium on September 30. The final regulation prohibiting possession and use of Asian horseshoe crabs is expected to be published in the October Register with an October 11 effective date. The ASMFC approved Addendum 2 to the ISFMP for Atlantic Coastal Sharks pertaining to smooth hound. A Start Action Notice will be prepared proposing DE's quota of 0.339% of the coastwide quota, to allow closure of the fishery once DE's quota is met, establish quota overages to be subtracted from subsequent year's allocations, and to establish a daily possession and landing limit. Striped bass regulation amendments are continuing to be worked on with the intention to make them consistent with other tidal regulations. Most of the proposed changes will attempt to clarify the weigh station and harvester tagging and reporting requirements. Mr. Michels also provided a brief update from the Mid Atlantic Fishery Management Council (MAFMC). The most pertinent activity at this meeting was that a motion was approved to keep the critical North East Area Monitoring and Assessment Program (NEAMAP) trawl survey as its highest priority for Research Set Aside funding.

Agenda Item 5. ASMFC Summer Meeting summary

Mr. Clark summarized action items from the August ASMFC meetings that are pertinent to DE. The striped bass benchmark assessment is complete, but the fishing mortality is being recalculated, and the result will be a lower fishing mortality target than the current assessment. The Board decided to postpone a decision on whether to proceed with an addendum until after the benchmark assessment has been peer reviewed. The Atlantic Menhaden Board approved revisions to the terms of reference for the upcoming benchmark assessment. Atlantic menhaden landings were lower in 2012 than in 2011 due to a decline in landings for the reduction fishery, but bait

fishery landings increased again in 2012. States reported problems with the Amendment 2 quotas, with some states with quota not having menhaden available to fish and other states, such as NJ, having plenty of menhaden available but their quota was already filled. **Mr. Hoffecker** reported that the price for menhaden used for crab bait increased after NJ closed its fishery, while VA's supply of menhaden bait was unaffected, which suggests that bait dealers used the quota uncertainty to increase prices. The American Eel Management Board approved a modified Draft Addendum 3 to the ISFMP for American eel which contains management measures for the yellow and silver eel fisheries. The yellow eel fishery management measures include a 9-inch minimum size limit, ½" x ½" minimum mesh for eel pots, and a trip level reporting requirement. Although DE potters use ½" x ½", it is not required by Delaware Code, so the Code must be changed to reflect the new minimum mesh size or the Department given regulatory authority to make such changes similar to authority already provided for other species. The recreational daily limit for yellow eels was reduced from 50 to 25. The silver eel management measure will close the only remaining major silver eel fishery in the United States within three years. The glass eel fishery management options will be addressed at the next ASMFC management board meeting. The Black Sea Bass, Scup and Summer Flounder Board considered the use of the retention rate in each state's recreational summer flounder fishery as a basis for reallocating the coastwide quota. The Technical Committee (TC) reported there was insufficient data to implement reallocation based on retention rate and the Board asked the TC to present other management options at the next meeting.

Agenda Item 6. Weakfish net closure days

Mr. Clark gave a PowerPoint presentation on two possible methods for changing regulations to allow gill netting for other species during the weakfish net closure days in May and June. Either change would require approval by the ASMFC Weakfish Management Board. The **Council** requested the DFW pursue changing DE's compliance requirement for the weakfish ISFMP from closure days to a closed season. This change would increase the number of days that gill nets could be fished.

Agenda Item 7. Director's update

Director Saveikis summarized the DFW's National Hunting and Fishing Day event that occurred on Sunday, September 15 at the Aquatic Resources Education Center. He then provided an update on legislation that passed the recent 147th General Assembly. DNREC sponsored legislation consisted of HB 94 regarding scientific collecting permits and HB 15 which changes the title only of DNREC Enforcement Officers to "National Resources Police Officers". Legislation passed of interest to the Council that was not DNREC sponsored includes HB 160, the Inland Bays aquaculture bill, which will allow oyster and clam aquaculture in the Inland Bays; SB 117, the Interstate Wildlife Violators Compact, which joins Delaware with 40+ other Compact States to require revocation of comparable licenses revoked in a member state for fish or wildlife violations; and HB 41, banning the sale, possession and distribution of detached shark fins unless

exempted by statute or regulation (spiny dogfish and smooth hound are exempted from the law and licensed commercial fishermen are exempted from the possession and distribution restrictions). The Director then updated the Council on the status of legislation to repeal the code banning the use of electric lights for fishing. The proposal met legislative resistance but the **Council** passed a motion to have the DFW pursue this again in the next legislative session.

Agenda Item 8. Agenda items for 10/16/13 meeting

Mr. Townsend requested items for the next meeting's agenda:

1. By-laws discussion
2. Weakfish closure days draft options
3. Proclamation authority discussion
4. Shad Hatchery update

This meeting adjourned at 8:04 PM.

Respectfully submitted,



Kim Stangl
Recording Secretary

