

ADVISORY COUNCIL ON TIDAL FINFISHERIES



MINUTES OF OCTOBER 16, 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
Bernie Pankowski (*absent*)
Brian Hoffecker (*absent*)
James "Jay" Little
Marvin Kahl, Jr. (*absent*)
P. "Wes" Townsend (*absent*)
Joseph Smith

DIVISION OF FISH & WILDLIFE

John Clark
Stewart Michels
David Saveikis, Director
Mike Stangl
Johnny Moore
Zina Hense
Capt. John Rutherford
Kim Stangl

PUBLIC

4 Visitors

Agenda Item 1. 5:30 PM By-Laws Sub-committee meeting to discuss draft by-laws

Sub-committee did not meet.

Agenda Item 2. Welcome

Chairman Fox called the regular TFFAC meeting to order at 6:05. He welcomed everyone in attendance and explained that, because there is not a quorum of council members present, the Council would not be able to make any motions.

Agenda Item 3. Approval of 9/18/13 meeting minutes

With no quorum, the **Council** could not approve the September meeting minutes. This item will be included on the November meeting agenda.

Agenda Item 4. By-laws Discussion and approval

Dr. Fox verified with Mr. Clark that the 5:30 PM Sub-Committee meeting on By-laws did not occur since no sub-committee members were present. The **Council** agreed to postpone discussion on the By-laws until the next meeting in November.

Agenda Item 5. Regulatory update

Mr. Michels provided an update on regulatory actions. Black sea bass Executive Order 36 regulation change, which allows the transfer of black sea bass landing permits, was approved and will go into effect in November. Also the recreational black sea bass regulation changes that eliminate the January 1 through February 28 season and reduce the daily limit from 25 to 20 fish during the 5/19 – 10/14 and 11/1 – 12/31 seasons will become effective in November. A new black drum regulation, which should also become effective in November, will put DE into compliance with the newly passed Atlantic States Marine Fisheries Commission (ASMFC) Black Drum Interstate Fisheries Management Plan (ISFMP). The 16" minimum size and 3 fish/day limit will be expanded to all DE waters. Delaware's implementation plan for compliance with Amendment 2 of the Atlantic menhaden ISFMP was approved by ASMFC. The regulation required by the implementation plan calls for mandatory reports of daily landings through the IVR system. A regulation prohibiting the possession and use of Asian horseshoe crabs became effective October 11th. The ASMFC approved Addendum II to the ISFMP for Atlantic

Coastal Sharks pertaining to smoothhound. A Start Action Notice (SAN) will be prepared proposing to set DE's smoothhound quota at 0.339% of the coastwide quota, which is based on landings from 1998-2010, establish daily possession and landing limits, and allow the DNREC to close the fishery once DE's quota is landed.

Agenda Item 6. MAFMC October Meeting summary

Mr. Michels went over highlights from the Mid Atlantic Fishery Management Council (MAFMC) meeting. MAFMC will take measures to reduce American shad and river herring by-catch in other fisheries, but MAFMC declined to designate American shad and river herring as "stocks in the fishery" for other species' fisheries. The "stocks in the fishery" designation would have required development of an American shad and river herring fisheries management plan, which would then require harvest limits for American shad and river herring. The spiny dogfish quota was set for 2014 and 2015. Although the coastwide summer flounder quota is lower in 2014 than in 2013, summer flounder regulations for 2014 are expected to be unchanged. The summer flounder stock is considered re-built.

Agenda Item 7. Weakfish net closure days update

Mr. Clark discussed the steps the DFW is taking to change DE's compliance requirement for the weakfish ISFMP from individual closure days to an equivalent closed season. This change would increase the number of days that gill nets could be fished during May and June. He went over the estimated duration of the closed season needed to provide the same reduction in fishing mortality that the closure days currently provide. He presented a proposal outlining how DE would switch from closure days to a closed season. The DFW will present this proposal to ASMFC and seek their approval to change from closure days to a closed season.

Agenda Item 8. Streamlining the Fisheries regulatory process

This item was postponed until the November meeting.

Agenda Item 9. ASMFC Annual Meeting preview

Mr. Clark briefed the Council on some topics that will be discussed during the upcoming ASMFC annual meeting.

Managed species with board meetings pertinent to DE include: striped bass, Atlantic menhaden, summer flounder and American eel. Mr. Clark asked the Council if there were any comments or questions to be relayed to the appropriate meetings during the ASMFC annual meeting. **Dr. Fox** commented that the ASMFC meetings are open to the public and added that ASMFC offers webinar services to those interested in viewing and listening to board/section meetings scheduled to take place during the annual meeting (if interested, please refer to the ASMFC website at <http://www.asmfc.org/home/Annual-2013>). **Mr. Clark** will provide an update of these meeting proceedings at the TFFAC November meeting.

Respectfully submitted,

Kim Stangl

Kim Stangl
Recording Secretary



Agenda Item 10. Nanticoke American Shad Hatchery

Environmental Scientist **Johnny Moore** provided a PowerPoint presentation summarizing the Nanticoke American Shad Hatchery operations and stocking achievements since it became operational in 2005. In 2013, the hatchery produced almost 600,000 American shad fry for stocking in the upper Nanticoke River. The American shad adult index has increased greatly during the years the hatchery has been in operation, suggesting the hatchery is increasing the American shad population in the Nanticoke River.

Agenda Item 11. Director's update

Director Saveikis stated that he is still pursuing striking the code banning the use of electric lights for fishing (7 Delaware Code, § 925 (b)) and that he is cautiously optimistic that such legislation could be introduced as this Council had requested. He also mentioned the idea of providing a method for the public to attend TFFAC meetings remotely, either through a telephone bridge or a web cast. He asked the Council if they had an opinion on this topic. After brief discussion, the **Council** agreed that they would need time to consider the issues related to this method of accessing the public meeting. **Mr. Little** mentioned that his experience with web-casting is from the educational field and he added that this Council is not charged with educating the public. **Dr. Fox** also pointed out that the Council By-laws should be finalized prior to a final decision regarding new methods of accessing meetings. **Director Saveikis** suggested the Council consider the idea and, in the meantime, he will present it to the DFW's other advisory councils for their collective opinion. He also stated his intention to make the Division's four advisory councils' information on the website more easily accessible by the general public.

Agenda Item 12. Agenda items for 11/20/13 meeting

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

1. By-laws discussion
2. Streamlining the regulatory process
3. ASMFC Annual meeting update

This meeting adjourned at 7:10 PM.