

# ADVISORY COUNCIL ON TIDAL FINFISHERIES



## MINUTES OF JANUARY 15, 2014



Richardson and Robbins Building Auditorium, 89 Kings Highway, Dover, Delaware 19901  
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### ADVISORY COUNCIL

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

### DIVISION OF FISH & WILDLIFE

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

### PUBLIC

4 Visitors

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

**Chairman Fox** called the meeting to order at 6:00 and welcomed everyone.

#### **Agenda Item 2. Approval of 11/20/13 meeting minutes**

A motion passed to approve the November meeting minutes.

#### **Agenda Item 3. Participatory GIS update**

**Ms. Kate Fleming**, a NOAA (National Oceanic and Atmospheric Administration) Coastal Management Program Fellow, presented a PowerPoint on Delaware's River, Bay and Ocean Planning Project. She explained that regional ocean partnerships were created to better plan for the various existing and new off-shore ocean uses that compete for space. Delaware is affiliated with the Mid Atlantic Regional Council on the Ocean (MARCO) and the Mid Atlantic Regional Planning Body (RPB). Ocean and Bay planning projects in DE include wind energy siting by both the University of Delaware and Blue Water Wind, the Center for the Inland Bays aquaculture siting initiative and DNREC's Delaware Coastal Programs (DCP) projects. Ms. Fleming went over the DCP's project goals, which include supporting water-dependent uses, reducing user/resource conflicts, ensuring conservation of resources, promoting enhancement and restoration of benthic habitats, and compiling/developing spatial data. She also went over recreational-use mapping and presented a map detailing dominant small vessel fishing areas. A state-based spatial data viewer is currently in development which will be forwarded to MARCO so that a seamless regional data set can be created. Commercial fishing uses are in the process of being plotted with input from the DFW's Fisheries Section and commercial fishermen. Ms. Fleming added that she's hopeful this information will be finalized this winter and it would then be incorporated into the state-based data viewer.

#### **Agenda Item 4. Regulatory update**

**Mr. Michels** presented an update on regulatory actions. The Black Drum regulation was published in the December Register of Regulations and became effective December 11. Prior to adoption of the Interstate Fishery Management Plan (ISFMP), Delaware's black drum regulations were only applicable to waters of the DE Bay and River, but now the regulations extend to all state waters. There is a 16-inch

minimum size limit and a 3-fish recreational possession limit as well as a 65,000-pounds landing cap on the commercial fishery. The Atlantic menhaden regulation was also published in the December Register of Regulations and became effective December 11. This regulation requires mandatory daily harvest reporting through the Interactive Voice Response system, establishes an annual quota, and a daily by-catch limit in accordance with the Interstate Fishery Management Plan (ISFMP). The Atlantic States Marine Fisheries Commission (ASMFC) approved Addendum II to the ISFMP for Atlantic Coastal Sharks for smoothhound and Addendum III for coastal sharks. The DFW is preparing a Start Action Notice (SAN) for smoothhound and hammerhead to comply with these newly approved addenda. The SAN will propose setting DE's smoothhound quota, authorize the DNREC to close the fishery once DE's commercial quota is landed, subtract quota overages from the subsequent year's allocation, and establish a daily commercial possession and landing limit. Mr. Michels said the DFW will propose a 78-inch minimum recreational size limit on scalloped, smooth, and great hammerhead sharks.

#### **Agenda Item 5. MAFMC December meeting review**

**Mr. Michels** provided an update from the Mid-Atlantic Fishery Management Council (MAFMC). The MAFMC approved an approach to establish a Committee, an Advisory Panel, that will try to determine appropriate catch caps for shad and river herring in federal waters. The MAFMC reviewed options for Amendment 7 to the Highly Migratory Species ISFMP. There were over 80 options to consider and no final decisions were made after discussion. However, the decision was made to send a letter to the National Marine Fisheries Service (NMFS) expressing concerns about the Mid-Atlantic and New England states being left with very small trophy bluefin quotas should reallocation of the quota be implemented. After discussion of various options for spiny dogfish commercial trip limits, the MAFMC decided to remain status quo (4,000 lbs.). The summer flounder management options of state-by-state conservation equivalency and Adaptive Regional Management were approved and draft addendum XXV was approved for public comment. This addendum is intended to provide more equitable recreational fishing opportunities by reducing the discrepancies between adjoining states by having the same size, season length and possession limits in all states in a

region. The comment period is open through January 24 at 5 PM (and can be emailed to [krootes-murdy@asmfc.org](mailto:krootes-murdy@asmfc.org)). Management measures were recommended that would reduce black sea bass recreational landings by 7% on a coastwide basis. The MAFMC voted to consider opening the Wave 1 (January - February) segment in 2015, contingent upon additional monitoring. The Scup Board voted to continue a regional approach to scup management in state waters. The MAFMC recommended a 9-inch total length minimum size and a 30-fish possession limit and a year-round open season.

**Agenda Item 6. ASMFC winter meeting preview**

**Mr. Clark** discussed pertinent topics of the upcoming winter meeting of the ASMFC. Delaware held its public hearing on Draft Addendum XXV to the Summer Flounder FMP last Friday, January 10. Other states have scheduled their public hearings on this draft addendum to occur in the next couple of weeks. Draft Addendum XXV proposes options to manage the 2014 recreational fishery in order to achieve more equity among the states' harvests (described in Agenda Item 5). The results of public comments will be reviewed and final action decided at the ASMFC winter meeting in February. The Striped Bass Management Board will discuss preparations for a draft addendum to address reducing fishing mortality. Black sea bass will be addressed as described in Agenda Item 5 above. Mr. Clark said that an update on Maine's elver fishery management measures will be provided. The Weakfish Management Board will consider Delaware's proposal to change from net closure days to a closed season as already approved by the Weakfish Technical Committee. The ASMFC Policy Board will discuss Delaware's request for Special Management Zone (SMZ) status for its artificial reefs.

**Agenda Item 7. Streamlining the fisheries regulatory process**

**Mr. Clark** stated that a good option for streamlining Delaware's regulatory process for promulgating certain fisheries regulations would be to implement the public notice process used in Maryland. He explained that in cases where DE has no options (i.e., must comply with ASMFC FMP changes), the DNREC would issue public notice stating the specific change that would become effective in 48 hours. Mr. Clark stressed that this method would only be used in cases where DE must comply with ASMFC changes and that most proposed regulatory changes would continue to follow the usual regulatory process. The Council previously passed a motion (last November) to support the DFW pursuing the streamlining of the fisheries regulation process. The DFW will provide status updates at future meetings.

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

**Director Saveikis** briefed the Council on fisheries-related legislation. Legislation to repeal the "no electric lights" for recreational fishing is on the DFW's legislative agenda, with legislative sponsors secured for the bill to be introduced. The DFW has prepared draft legislation to comply with mandated ASMFC American eel size limit and eel pot mesh size changes through the Department's regulatory process rather

than having to legislatively seek such changes. Director Saveikis indicated that it is uncertain whether the DFW will proceed with its bill during the upcoming legislative session to allow the Recreational Boating and Fishing Foundation to use some recreational fishing license and boat registration information for angler and boater retention and recruitment purposes. The DFW has nearly completed drafting its bill to declassify and increase fines for certain fishing and hunting infractions. Director Saveikis informed the Council of the upcoming joint Delaware Sea Grant and DFW "Sustaining Delaware's Marine Fisheries" forum scheduled for Friday, February 21 from 8 AM to noon at the Delaware National Estuarine Research Reserve located on Kitts Hummock Road near Dover. The purpose of the forum is to identify approaches to enhance the business environment for commercial and recreational fishing. **Dr. Fox** commented that this is long overdue, he's looking forward to it, and that he's grateful to Sea Grant and the DFW for presenting this seminar. **Mr. Kahl** asked that the Council be updated on the status of the DFW's open Chief of Enforcement position, to which **Director Saveikis** responded that Capt. Rutherford is currently the Acting Chief and that the Chief position will soon be filled.

**Agenda Item 9. Agenda items for 2/19/14 meeting**

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

1. Striped bass resource update
2. Discussion on publishing Coast Guard Auxiliary Safe Boating classes information in DFW's annual Fishing Guide (Mr. Pankowski)
3. Bayshore Initiative presentation (tentatively planned for the March meeting)

This meeting adjourned at 7:43 PM.

Respectfully submitted,



Kim Stangl  
Recording Secretary

