

ADVISORY COUNCIL ON TIDAL FINFISHERIES



MINUTES OF MARCH 19, 2014



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

Dewayne Fox, Ph.D., Chair (*Absent*)
Bernie Pankowski
Brian Hoeffcker
James "Jay" Little
Marvin Kahl, Jr.
P. "Wes" Townsend, Acting Chair
Joseph Smith

DIVISION OF FISH & WILDLIFE

John Clark
Stewart Michels
David Saveikis, Director
Matt Fisher
Karen Bennett
Johnny Moore
Chief Robert Legates
Anthony Gonzon
Sr. Cpl. Drew Aydelotte

PUBLIC

5 Visitors

Agenda Item 1. Welcome

Acting Chairman Townsend called the meeting to order at 6:00 and welcomed everyone.

Agenda Item 2. Approval of 1/15/14 meeting minutes

The Council passed a motion approving the January meeting minutes.

**Additions to Agenda*

***Announcement of new DFW Chief of Enforcement**

Director Saveikis introduced Chief Robert Legates, who recently accepted the Chief of Enforcement position vacant due to Chief Jim Graybeal's retirement last year. **Chief Legates** gave a brief summary of his résumé. Most recently, he was the Captain of Enforcement's Region 2 Office in Georgetown and worked his way up through the ranks with the DFW since he was hired in the 1980s. Chief Legates indicated that his approach is focused on achieving compliance with fishing, hunting and boating laws and regulations through both education and enforcement actions.

Agenda Item 3. Bayshore Initiative update

Ms. Karen Bennett, Delaware Bayshore Initiative Coordinator, gave a presentation on recent Initiative activities, including land purchases, access improvements and community outreach efforts. The Initiative, which has been recognized by the US Department of the Interior as "one of the country's most promising ways to reconnect Americans to the natural world," focuses on three major areas: 1) habitat conservation, 2) recreation and connectivity and 3) engagement, education and marketing. Ms. Bennett added that more details can be found on the Department of Natural Resources and Environmental Control's (DNREC) website at: <http://www.dnrec.delaware.gov/Pages/Delaware-Bayshore.aspx>

***Clean Water for Delaware's Future**

Mr. Townsend recognized DNREC Deputy Secretary David Small who gave a presentation on a new initiative announced March 4th by Governor Markell and Secretary O'Mara. **Mr. Small** explained that, even though progress has been made in cleaning up Delaware waterways, most waterways still do not

meet water quality standards. This new initiative will accelerate progress on a wide range of clean water projects that will improve water quality and provide safer water for drinking, swimming and supporting aquatic life. The presentation was well received by the Council. An extended version of Mr. Small's presentation is available on DNREC's website: www.dnrec.delaware.gov.

Agenda Item 4. US Coast Guard Auxiliary Boating Safety Courses

Mr. Pankowski discussed adding more information on boating safety in next year's *Delaware Fishing Guide*. He reviewed boating accident statistics and discussed the superiority of classroom boating safety courses over internet courses. Mr. Pankowski commented that the *Fishing Guide* is the best way to reach the angling and boating public. The **Council** passed a motion recommending that the DFW try to add more boating safety information in the next *Fishing Guide*.

Agenda Item 5. Delaware's striped bass spawning stock survey

Mr. Matt Fisher, Fisheries Environmental Scientist, gave a presentation on Delaware's annual striped bass spawning stock electrofishing survey. Although the 2013 mean catch was higher than the 2012 mean catch, there was no trend in the catch during the survey's past ten years. The average size and age of the sampled females has increased since the 1990s and peaked at 39 inches and 12.3 years old in 2012.

Agenda Item 6. Regulatory update

Mr. Michels gave an update on recent fisheries regulatory actions. The Start Action Notice (SAN) for smoothhound (formerly smooth dogfish) and hammerhead sharks is in preparation. Delaware will get 0.339% of the National Marine Fisheries Service's (NMFS) total commercial smoothhound quota. The regulation will also raise the recreational size limit for scalloped, smooth and great hammerhead sharks. The summer flounder regulation, which will place Delaware in compliance with the recently-approved Atlantic States Marine Fisheries Commission (ASMFC) Black Sea Bass, Scup and Summer Flounder Interstate Fisheries Management Plan

(ISFMP), will decrease Delaware's minimum size to 16 inches while keeping the possession limit at 4 and the season open year round; this regulation should go into effect May 11, 2014. The black sea bass regulation, which will put Delaware into compliance with the recently-approved ASMFC Black Sea Bass, Scup and Summer Flounder ISFMP, will keep Delaware's recreational black sea bass limits the same as those in federal water, which will likely be a 12.5-inch size limit, a 15-fish possession limit and open seasons from May 19 through September 18 and October 18 through December 31; this regulation should go into effect May 11, 2014. A SAN has been submitted to change Delaware's ASMFC Weakfish ISFMP commercial compliance measures from gill net closure days to a gill net closed season. This regulation change will allow commercial gill netters more days on the water in May and June to target fish other than weakfish, such as Atlantic menhaden and black drum.

Agenda Item 7. ASMFC winter meeting review

Mr. Clark provided a briefing on the winter Atlantic States Marine Fisheries Commission (ASMFC) meeting held in Alexandria, VA in February. Work on Addendum 4 to the Atlantic Striped Bass Fishery Management Plan was put off until the May meeting, at which time population reference points and management options will be considered. Addendum XXIV to the Black Sea Bass, Scup and Summer Flounder ISFMP was approved and will require a regional management approach for the 2014 recreational summer flounder fishery to achieve more equity in recreational harvest. Delaware will be in a region with Maryland and Virginia, and all states in the region will have the same recreational regulations (detailed above in regulatory summary). The ad hoc regional approach for the recreational black sea bass fishery will continue the requirement for Delaware to match black sea bass management measures in federal waters. The ASMFC Weakfish Management Board unanimously approved Delaware's request to change its weakfish management measures from gill net closure days to a gill net closed season. Maine informed the American Eel Management Board that its 2014 glass eel harvest will be reduced by 35% from the 2013 harvest. Further yellow eel management measures will be discussed in May. The Horseshoe Crab Board discussed the increase in the number of horseshoe crabs taken for bleeding by the biomedical industry and associated increase in horseshoe crab mortality. The biomedical industry objects to releasing its data on the number of horseshoe crabs taken and the number killed due to data confidentiality concerns, but ASMFC needs the data to improve the stock assessment. NMFS told the ASMFC Policy Board that the rule making needed to grant Delaware's request to have its artificial reefs in federal waters declared Special Management Zones (SMZ) that would be off limits to commercial pot fishing is nearing completion. The rule making and 60-day comment period should result in NMFS making a final decision in summer 2014.

Agenda Item 8. Director's update

Director Saveikis provided an update fisheries-related legislation the DFW is pursuing this legislative session. The repeal of the code banning the use of electric lights for recreational fishing (7 Delaware Code, § 925 (b)) has been

released from the House Natural Resources Committee. The proposed bill to increase fines and declassify certain fish, wildlife and boating offenses is undergoing legal review by the Attorney General's office. A bill to change the Eel Fishing code (7 Delaware Code, Ch. 18) to comply with the ASMFC American Eel ISFMP is being developed and a bill allowing use of fishing license information for angler retention/recruitment is undergoing review.

Agenda Item 9. Agenda items for 4/16/14 meeting

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

1. Artificial reef site update on shifting of debris at several sites
2. Update on streamlining of the Regulatory Process

This meeting adjourned at approximately 8:20 PM.

Respectfully submitted,



Kim Stangl
Recording Secretary

