

ADVISORY COUNCIL ON TIDAL FINFISHERIES



MINUTES OF JUNE 18, 2014



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

DIVISION OF FISH & WILDLIFE

John Clark
Stewart Michels
Jeff Tinsman
David Saveikis, Director
Chief Robert Legates
Sr. Cpl. Drew Aydelotte
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 4/16/14 meeting minutes

A motion passed to approve the April meeting minutes.

Agenda Item 3. Artificial reef program update

Mr. Jeff Tinsman gave the Council a presentation on the status of the Delaware DFW request to have the three artificial reef sites in federal waters declared Special Management Zones (SMZ) by the National Marine Fisheries Service (NMFS). The areas within the SMZ would be closed to commercial fishing with any gear other than hook and line. NMFS is likely to approve the request, though there is an issue with the proposed addition of a 500-yard buffer around each reef (DFW did not request any buffer). Mr. Tinsman added the DFW has indicated to NMFS in favor of SMZ, but in opposition to the 500-yard buffer, which the Division says is unnecessary and will exclude commercial fishing gear from areas that were fished commercially long before the reefs were built. The Council agreed with the DFW's opposition to the 500-yard buffer. The DFW will be submitting formal comments to NMFS in favor of SMZ, but in opposition to the 500-yard buffer.

Agenda Item 4. Council Vice Chair election

Mr. Wes Townsend was elected as the Vice Chair. Mr. Townsend is a commercial fisherman from Sussex County and has served on the TFFAC since 2009.

Agenda Item 5. Regulatory update

Mr. Michels gave an update on relevant topics from the recent Mid-Atlantic Fisheries Management Council (MAFMC). A joint meeting with the Atlantic States Marine Fisheries Commission (ASMFC) will be scheduled to discuss summer flounder, black sea bass, scup and bluefish management options. Some states want the summer flounder quota to be reallocated. MAFMC voted to allow a black sea bass recreational fishery during January through February 2015. River herring and shad by-catch in MAFMC-managed fisheries will be capped at 89 metric tons (mt) in 2015. Mr. Michels also provided an update on recent DFW fisheries regulatory actions. The weakfish regulation changing Delaware's compliance requirements for the Weakfish Fisheries Management Plan (FMP) from gill net closure days

to a gill net closed season is expected to go into effect August 11th.

Agenda Item 6. ASMFC Spring Meeting summary

Mr. Clark provided a briefing on relevant management issues from the Spring ASMFC meeting. The American eel Management Board approved Draft Addendum IV to the American Eel Interstate FMP for public comment. Draft Addendum IV proposes a suite of options to address the commercial glass, yellow and silver eel fisheries along the Atlantic coast. Management options under consideration include glass and yellow eel quotas, a catch cap for the yellow eel fishery, a moratorium on the glass eel fishery and a seasonal closure and license cap for the silver eel fishery in the Delaware River (NY). The Draft Addendum also includes glass eel harvest allowances for aquaculture purposes and a conservation-based allocation program in which the states may earn a glass eel quota via stock enhancement programs that increase glass eel passage. The striped bass Management Board considered approval of Draft Addendum IV to Amendment 6 to the Atlantic Striped Bass Interstate FMP for public comment. The Draft Addendum will propose new fishing mortality reference points as recommended by the 2013 benchmark stock assessment and associated management measures to achieve the proposed target fishing mortality rate. While the Board did not approve the Addendum for public comment, it approved changes and will consider a revised draft for public comment in August. The most significant change was the addition of a three-year timeframe to reduce fishing mortality to its target with options to achieve the reduction in harvest incrementally over the three years. This extended timeframe is intended to lessen the impacts of taking the required harvest reductions in one year. As a result, the Draft Addendum will propose measures to achieve the required reduction all in one year or incrementally over three years. The Atlantic striped bass stock is not overfished and overfishing is not occurring under the proposed reference points. While the stock has declined, it remains at levels similar to 1995 when the stock was declared recovered. The South Atlantic State/Federal Fisheries Management Board approved a Draft Addendum to both the Spot and Atlantic Croaker FMPs for public comment. The Board initiated the development of new management options in response to concerns over declining trends in the spot and Atlantic croaker fisheries and the extent of by-catch and discards of both species in the shrimp trawl fishery. The Draft Addendum proposes a new method (Traffic Light Approach, TLA) to

evaluate the status of the fisheries and potential coastwide or state-specified management actions (e.g., bag limits, size restrictions, time & area closures and gear restrictions) based on the annual fisheries evaluation. The 2010 Atlantic croaker stock assessment indicated that overfishing is not occurring, while the stock status of spot is currently unknown. The Policy Board discussed the impact of climate change on fisheries management. The Management and Science Committee (MSC) reported on the task to investigate climate induced shifts in stock distributions and recommend options on possible reallocation of state quotas. The MSC focused its investigation on summer flounder, scup, and black sea bass. Based on a survey of Commissioners, the MSC made several recommendations on how to approach reallocation. The Policy Board tasked the Summer Flounder, Scup and Black Sea Bass Board with exploring the preferred reallocation scenario based on the MSC recommendations. The preferred 'historical/current' reallocation scenario would use a combination of a percentage of the allocation retaining the historical allocation framework for a given species, and the remaining percentage would be allocated to states that have experienced landings increases due to stock distribution shifts. The Atlantic Coastal Cooperative Statistics Program (ACCSP) held a workshop on state implementation of the dockside survey of the Marine Recreational Information Program (MRIP). The workshop provided Commissioners with information on proposed transitioning of the dockside survey from a federal contractor to state agencies. The survey is used in part to develop recreational catch and effort estimates. Transitioning to states conducting the dockside survey was originally requested by several states and has been supported by MRIP, with ASMFC/ACCSP to serve the role as central survey coordinator for the Atlantic coast. A series of presentations was given on state implementation transition options, an overview of costs and the experiences of states that are already conducting the recreational dockside survey (select Atlantic and Gulf states and the Gulf States Marine Fisheries Commission). The Atlantic states, ASMFC/ACCSP and NMFS MRIP will continue planning over the next several months toward possible state implementation of the survey starting in January, 2016. The Atlantic menhaden Management Board accepted the 2014 Fishery Management Plan Review detailing the results of the 2013 fishing year and implementation of Amendment 2 to the Interstate FMP for Atlantic Menhaden. Total 2013 harvest excluding by-catch was 166,077 (mt), 2.8% below the coastwide total allowable catch (TAC) of 170,800 mt established through Amendment 2. In 2013, the reduction fishery harvested 131,034 mt while the bait fishery harvested approximately 35,043 mt. By-catch landings were 1,942 mt with approximately 91% of by-catch coming from pound nets. By-catch accounted for 1.2% of the total coastwide harvest, but does not count towards the TAC. Amendment 2 does not provide for the rollover of unused quota from one year to the next because the stock is currently experiencing overfishing.

Agenda Item 7. Communication of commercial fishing changes

The Council had requested that all commercial fishermen be notified in real time of any changes to a commercial fishery while that fishery is open. **Mr. Clark** explained that changes to commercial fisheries while they are open are very rare, but

that the DFW would pursue using a text messaging service to distribute the information in the unlikely event of a change. This type of service could also become useful in disseminating other fisheries-related information in the future. The Council members representing commercial fisheries were satisfied with this idea since all commercial fishermen have cell phones.

Agenda Item 8. Code changes related to commercial gill netting and discussion of commercial striped bass tagging options

Director Saveikis briefed the Council on two proposed bills that had been brought to the attention of the DFW last week. One bill proposed to change commercial gill net marking requirements and the other to define when a commercially caught striped bass needed to be tagged. The striped bass tagging bill was withdrawn due to DFW concerns, with the DFW planning to develop appropriate striped bass tagging changes through regulation. The DFW is working with the net marking bill sponsor to possibly modify the bill. The Council agreed with these approaches.

Agenda Item 9. Public access to commercial fishing licensee information

Director Saveikis discussed, based on Council inquiry, what commercial fishing license information can and cannot be shared with the public based on state code and DNREC regulation. Council members representing commercial fisheries agreed that only names and mailing addresses of commercial fishermen should be made publically available upon request. The comment was made that providing such information is sufficient to contact a licensed waterman without being too intrusive.

Agenda Item 10. Director's update

Director Saveikis updated the Council on the status of the following legislation the Division initiated in the current legislative session: House Bill 240 to repeal the code banning the use of electric lights for recreational fishing was approved by the legislature and awaits the Governor's signature; Senate Bill 252 to change the Eel Fishing code to comply with the ASMFC American Eel FMP has been assigned to the Senate Natural Resources Committee; and Senate Bill 258 to declassify certain fish and wildlife offenses while raising fines for these offenses has been assigned to the Senate Natural Resources Committee. The status of following bill initiated by others was also discussed: Senate Bill 208 to change the appointment process and term limits of the TFFAC has been assigned to the Senate Natural Resources Committee.

Agenda Item 11. Agenda items for 9/17/14 meeting

Dr. Fox requested agenda items for the next regularly scheduled meeting on September 17th:

1. Regulatory change update regarding commercial striped bass tagging
2. Update on dredging

This meeting adjourned at 8:17 PM.

Respectfully submitted,

Kim Stangl

Kim Stangl
Recording Secretary

