

ADVISORY COUNCIL ON TIDAL FINFISHERIES



MINUTES OF SEPTEMBER 17, 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
Brian Hoffecker (*Absent*)
James "Jay" Little
Marvin Kahl, Jr. (*Absent*)
P. "Wes" Townsend
Joseph Smith

DIVISION OF FISH & WILDLIFE

John Clark
Stewart Michels
David Saveikis, Director
Mike Stangl
Sr. Cpl. Drew Aydelotte
Kim Stangl

PUBLIC

3 Visitors

Agenda Item 1. Welcome

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

Agenda Item 2. Approval of 6/18/14 meeting minutes

A motion passed to approve the meeting minutes from June.

Agenda Item 3. Regulatory update

Mr. Michels provided an update on DFW regulatory actions and on the most recent Mid-Atlantic Fishery Management Council (MAFMC) meeting. The shark regulation will be updated to reflect recent changes to federal shark rules. These include increasing the minimum length of hammerhead sharks to 78 inches and setting a quota for smoothhound (smooth dogfish) landings. DNREC Secretary David Small will sign an emergency order to extend the black sea bass season for three days (9/19-9/21) in order to remain compliant with the black sea bass fishery management plan (FMP). The MAFMC voted to suspend the Research Set Aside (RSA) for 2015 to allow a review of the program. The RSA allows the MAFMC to auction off 3% of the quota of managed fish species and then use the money raised to pay for research on those species. However, many allegations of abuse have been leveled at the RSA program. The MAFMC met with the Atlantic States Marine Fisheries Commission (ASMFC) to establish specifications for bluefish and to review the summer flounder, black sea bass and scup management plan in preparation for the next amendment to the plan. The MAFMC will hold a public hearing for Delaware in this auditorium at 6 PM on October 6 on the Scoping Document for the Comprehensive Summer Flounder Amendment.

Agenda Item 4. ASMFC Summer Meeting & Striped Bass hearing summary

Mr. Clark gave a summary of the ASMFC summer meeting, which was held August 5 through 7 in Alexandria, VA. The Atlantic Striped Bass Management Board approved Draft Addendum IV to Amendment 6 to the Interstate FMP for Atlantic Striped Bass for public comment. The public will have the opportunity to provide input on whether to accept the new fishing mortality reference points for management, as determined by the 2013 benchmark stock assessment and approved by the Board for management use, or to keep the current reference points. If the new fishing mortality reference points are accepted, the management options

necessary to achieve the proposed target fishing mortality rate will need to be chosen. The wide array of management options include those to reduce fishing mortality to the new target in one year and those to reduce fishing mortality over three years, by either taking the necessary three-year reduction in the first year or taking the three-year reduction in three annual incremental reductions. This extended timeframe is intended to lessen the impacts of taking the required harvest reductions in one year. The Atlantic striped bass stock is not overfished and overfishing is not occurring under the current or proposed reference points. While the stock has declined, it remains at a level similar to that of 1995 when the stock was declared recovered. Both the one and three-year options will result in a reduction in striped bass harvest of approximately 25% from current harvest. The Policy Board reviewed the rebuilding progress for each of the species under Commission management. This review was intended to determine if progress toward each species' rebuilding goals was occurring at an appropriate rate. The Board focused on the species in the categories of "concern," "depleted," and "unknown" in their discussions. The Policy Board reviewed National Oceanic and Atmospheric Administration (NOAA) Fisheries' proposed rule to establish special management zones (SMZs) around Delaware's five artificial reef sites in federal waters to minimize gear conflicts between commercial and recreational fishermen. The Commission is concerned there will be significant impact to the scallop fleet if Artificial Reef Site 14 is closed to mobile gear and recommended the site not be designated a SMZ in a letter to NOAA. The Commission also recommended that NOAA remove the requirement for a 500-yard buffer zone around the SMZs. The Summer Flounder, Scup, and Black Sea Bass Board reviewed the Draft Public Information Document (PID) on Amendment 21 to the Summer Flounder, Scup, and Black Sea Bass FMPs. The Board also extended the black sea bass recreational season by three days in September for Delaware through North Carolina (north of Cape Hatteras) to match the federal season, which was extended due to updated 2013 harvest estimates. The American Eel Management Board met to consider final approval of Draft Addendum IV to the Interstate FMP for American Eel. 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, and a seasonal closure and license

cap for the silver eel fishery in the Delaware River in New York. The Draft Addendum also includes glass eel harvest allowances for aquaculture purposes and as credit for habitat restoration programs. The Board reviewed public comment from eel public hearings conducted in states along the coast and written comment submitted to the Commission. After lengthy deliberations of the extensive proposed management options and in recognition of the states' varying interests and needs, the Board decided to postpone final action on Draft Addendum IV. In the interim, the Board will convene a subcommittee of its members to identify preferred eel management measures to be considered by the Board for final action at the Commission's Annual Meeting in October. Delaware has requested representation on the eel subcommittee as this is one of our more important fisheries. The South Atlantic State/Federal Fisheries Management Board approved two Addenda, one to the Omnibus Amendment for Spot and one to Amendment I to the Atlantic Croaker FMP. The Addenda establish a new management framework (i.e., Traffic Light Approach or TLA) to evaluate fisheries trends and develop state-specified management actions (i.e., bag limits, size restrictions, time & area closures, and gear restrictions) for when harvest and abundance thresholds are exceeded. Mr. Clark stated that the ASMFC Delaware Public Hearing on Addendum 4 to Amendment 6 of the Striped Bass Interstate FMP, held on September 11 in this auditorium, was attended by 20 people. The Addendum will impose reductions of up to 25% on commercial and recreational striped bass landings if the new management reference points are approved. Commercial fishermen and recreational fishing business owners voiced support for the current management reference points. Commercial fishermen did not want to contemplate the one-year or three-year reduction options as they were likened to fast or slow death (of the commercial fishing industry), but the recreational fishing business owners said they preferred the one-year reduction rather than taking incremental reductions over three years and they also wanted a two-fish recreational possession limit regardless of the slot or size limit. A commercial fisherman pointed out that ASMFC had not done the required economic analysis of the reductions and wanted the addendum tabled until such analysis was complete.

Agenda Item 5. Communication of Commercial Fishing Changes

Mr. Clark updated the Council on their request that the DFW notify commercial fishermen of changes to an open commercial fishery in real time. While such changes to commercial fisheries while those fisheries are open are rare, the DFW is working with the Department of Technology and Information (DTI) to use the state's text messaging service (Black Board Connect) to provide the information to commercial fishermen by text message.

Agenda Item 6. Dredging – Water Resources Reform and Development Act of 2014

Dr. Fox requested that this item be postponed to the next meeting due to Mr. Kahl's unexpected absence. All agreed to postpone until the next meeting.

Agenda Item 7. 147th Legislative Session summary

Director Saveikis summarized fisheries-related bills passed into law during the 2014 Legislative Session. HB 240 repeals the code banning the use of electric lights for recreational fishing (7 Delaware Code, § 925 (b)), and originated by request of this Council, was signed into law by the Governor. SB 258, a bill to declassify certain fish and wildlife offenses while raising the fines levied for these offenses that had the strong support of this Council, was recently signed into law. HB 395, which changes gill net marking requirements and was conceptually supported by this Council, was also signed into law. SB 252, which changes the Eel Fishing code to comply with Addendum III to the ASMFC American Eel FMP, did not pass.

Agenda Item 8. Director's update

Director Saveikis briefly discussed the Sunset Committee Review of the TFFAC. He also presented draft language regarding a possible change to regulation concerning the timing of tagging striped bass caught by commercial gill net.

Agenda Item 9. Agenda items for 10/15/14 meeting

Dr. Fox requested agenda items for the next regularly scheduled meeting, which is October 15th:

1. Dredging
2. Commercial gill net tending
3. Coast Guard Auxiliary ad (Mr. Pankowski's request)
4. MRIP update

This meeting adjourned at 7:18 PM.

Respectfully submitted,

Kim Stangl

Kim Stangl
Recording Secretary

