

ADVISORY COUNCIL ON TIDAL FINFISHERIES



MINUTES OF September 20, 2017

DNREC Auditorium, 89 Kings Hwy., Dover, Delaware 19901
Phone: 302-739-9914, Fax: 302-739-6157



ADVISORY COUNCIL

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

DIVISION OF FISH & WILDLIFE

John Clark
Stewart Michels
Chief Drew Aydelotte
David Saveikis, Director

PUBLIC

10 Visitors

Agenda Item 1. Welcome

Chairman Dewayne Fox called the meeting to order at 6:08 PM and welcomed everyone.

Agenda Item 2. Approval of April 19, 2017 Meeting Minutes

The April meeting minutes were approved without objection.

Agenda Item 3. Enforcing Delaware's Fishing Laws and Regulations – Drew Aydelotte, Chief, Fish & Wildlife Natural Resources Police, discussed how the Division of Fish & Wildlife's Natural Resources Police (NRP) funds and conducts fisheries compliance and enforcement activities. Three funding sources are used: General Funds appropriated in the state budget (43%), Appropriated Special Funds derived from boat registrations (28%) and Non-Appropriated Special Funds derived from the federal Recreational Boating Safety Grant (29%). The NRP unit is currently not fully staffed to the 30 officer positions established under state law. The NRP unit has three county units, with each county having a Captain, Lieutenant, Sergeant and five to eight patrol officers. The workload for each county is allocated on a 28 day cycle. At least one officer per county is assigned as the daily 'circle' officer to handle all incoming complaints while the other patrol officers are on assignment based on compliance and enforcement priorities. Fisheries compliance and enforcement priorities are determined by Fisheries Management Plan (FMP) requirements, Division operations meetings, shellfish sanitation requirements, and grant obligations.

Agenda Item 4. Regulatory Update – Stewart Michels, Fisheries Program Manager, stated that the emergency order issued by the Secretary, requiring a recreational fishery 17" minimum size limit for Summer Flounder to comply with FMP requirements, was promulgated as a regulation that went into effect on September 11, 2017. The Division is working on regulatory changes to the apprenticeship process that will be consistent with changes to 7 Delaware Code § 915 and on updates to the shark and lobster regulations to comply with recent changes to the respective FMPs.

Agenda Item 5. Mid Atlantic Fisheries Management Council (MAFMC) July Meeting Summary – Stewart Michels, Fisheries Program Manager, stated that the MAFMC maintained the previously approved 2018 Summer

Flounder and Black Sea Bass specifications, which will increase both the commercial and recreational Summer Flounder harvest limits, but decrease both limits for Black Sea Bass. The MAFMC also set the 2018 specifications for Bluefish and Butterfish stocks, both of which are not overfished and overfishing is not occurring.

Agenda Item 6. Atlantic States Marine Fisheries Commission (ASMFC) update – John Clark, Fisheries Administrator, summarized the ASMFC 2017 summer meeting. NOAA Fisheries met with ASMFC to discuss the ramifications of the NOAA Fisheries decision to reverse ASMFC's finding that New Jersey was out-of-compliance with the FMP for the 2017 recreational Summer Flounder fishery. The American Eel Board discussed responses to the 2016 American Eel harvest surpassing the coastwide harvest cap, including delaying action to implement state-by-state quotas until 2019 and initiating a new addendum to adjust the cap. The Atlantic Menhaden Board approved Draft Amendment 3 to the Atlantic Menhaden FMP for public comment, which seeks to manage the menhaden resource in a way that balances menhaden's ecological role as a prey species with the needs of all user groups. The Draft Amendment considers the use of ecosystem reference points (ERPs) to manage the resource and changes to the allocation method. ASMFC held a public hearing on Draft Amendment 3 to the Atlantic Menhaden Fishery Management Plan in Dover on September 14 attended by 25 people. The Tautog Board discussed regional management using four management regions, with Maryland, Delaware and Virginia discussing uniform regulations. Delaware's fishing public was asked for their preferences on Tautog regulations and most respondents favored status quo Tautog regulations, but over a third of respondents preferred to have uniform regulations with Maryland and Virginia.

Agenda Item 7. Artificial Reef Update – John Clark, Fisheries Administrator, reported that the Division's marine contractor has finalized the purchase of the retired 325' Delaware River and Bay Authority ferry M/V Twin Capes and has signed a contract with the Division to clean, prepare and deploy the vessel on the Del-Jersey-Land reef site by May 31, 2018. A permit application has been submitted to the US Army Corps of Engineers (ACOE) for renewal of the ACOE

permit for Delaware's 14 reef sites. The current permit will expire at the end of this year

Agenda Item 8. Director's Update – David Saveikis, Director of Fish & Wildlife, discussed fisheries legislation passed into law during the 2017 legislative session. SB 77 limits shellfish aquaculture in Little Assawoman Bay to the 43 acres specified in the 2016 DNREC Secretary's Order and specifies the type of corner markings to be used. SB 93 allows the commercial Striped Bass fishery to transfer commercial hook and line tags to the gill net fishery and vice versa. The Council Chair questioned why SB 93 was not presented to the Council before being introduced in the legislature. The Director replied that the bill, which was initiated by the General Assembly, had not been written before the last Council meeting in April. Several Councilors voiced their frustration that tidal fisheries legislation was once again drafted and passed into law without seeking input or advice from the Council.

Suggested Agenda Items for Next Meeting

A request was made to the Council to meet again before the ASMFC Atlantic Menhaden Board meeting in November to consider making recommendations to Delaware's ASMFC Commissioners on Draft Amendment 3 management options. The Council resolved to do so, the resolution passing unanimously.

1. Council recommendation on Draft Amendment 3 to the Atlantic Menhaden FMP
2. Update Shellfish Aquaculture in the Inland Bays

The meeting adjourned at 8:04 PM.

Respectfully Submitted by

John H. Clark
Recording Secretary

