

ADVISORY COUNCIL ON TIDAL FINFISHERIES



MINUTES OF April 21, 2021



WebEx Virtual Meeting

ADVISORY COUNCIL

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

DIVISION OF FISH & WILDLIFE

John Clark
David Stormer
Scott Newlin
Lt. Casey Zolper
Captain Nick Couch
Chief Drew Aydelotte
David Saveikis, Director

PUBLIC

18 Visitors

Agenda Item 1. Welcome

Chairman Dewayne Fox called the meeting to order at 6:05 PM and welcomed everyone.

Agenda Item 2. Approval of January 20, 2021 Meeting Minutes

Motion made by Mr. Little and seconded by Mr. Townsend to accept the January meeting minutes as written, with Council passing the motion unanimously.

Agenda Item 3. Dredging and Channel Marking Concerns

– Michael Powell, DNREC Shoreline and Waterway Management Section Administrator, stated that all dredging and channel marking projects can be grouped into four categories. First are waterway dredging projects, which, in recent years, include and have included Augustine Beach boat ramp, Lewes Overfalls slip, Indian River Marina, Indian River, the Mispillion Inlet, Roosevelt Inlet, Little River, Massey's Ditch, and Murderkill River. Second are shoreline enhancement projects, done in conjunction with the U.S. Army Corps of Engineers, which include and have included Lewes Beach, Cape Shores, Slaughter Beach, Pickering Beach, Kitts Hummock, North Bowers and Broadkill Beach. Third are shoreline and waterway conservation projects, which include and have included removing trees along the Broadkill River and the Mispillion Harbor restoration plus Division of Fish & Wildlife projects for endangered species conservation in the Mispillion and St. Jones Rivers. The fourth category is projects in the planning stage, which include dredging at White Creek, Delaware City, Augustine Beach, Pickering Beach, Kitts Hummock and Bowers Beach; beach nourishment of Delaware Bay beaches, navigation channel surveys and reconstruction of the Indian River sand bypass. Funding for dredging comes from the Shoreline and Waterway portion of the annual Bond Bill, the portion of boat registration fees dedicated to waterway management and the Beach Preservation Accommodations Tax (about 1%). Average funding is approximately \$708 million a year.

Agenda Item 4. CARES Act Funding for Fisheries-Related Businesses – John Clark, Fisheries Administrator,

stated that, in addition to the \$992,000 that Delaware was awarded through the CARES Act in May 2020, an additional \$2.9 mil was awarded to Delaware through the Consolidated Appropriations Act 2021 in December 2020. The application period for CARES Act funds opened on March 22, 2021 and will close on May 5, 2021. The application is on the Division website, along with the approved spending plan. The

businesses eligible for funding are commercial fishing businesses, for-hire fishing businesses (includes charter and headboat businesses), qualified aquaculture operations, seafood dealers and processors, and bait and tackle shops. Applicants must demonstrate a net revenue loss of at least 35% during the March 1 – December 31, 2020 impact period when compared to their previous five-year (or term of business if in business less than five years) average net revenue to be eligible to receive funds.

Agenda Item 5. Regulatory Update – John Clark, Fisheries Administrator, stated that a Start Action Notice (SAN) to implement changes to the Cobia regulations to comply with Addendum I to the Interstate Fishery Management Plan (FMP) for Atlantic Migratory Group Cobia has been drafted. This will change Delaware's Cobia regulations to meet the new default *de minimis* measure in Addendum I or the measure of the nearest non-*de minimis* neighbor (VA). The regulation requiring circle hook use for recreational anglers targeting Striped Bass was modified to include a definition of bait and clarifies that the circle hook requirement does not apply to lures being fished with bait. A draft regulation to change the size limit for Mako Sharks and require the use of corrodible circle hooks for shark fishing is under review. A SAN to adjust Delaware's Tilefish regulation to match the federal waters regulation has been drafted and is under review.

Agenda Item 6. Mid Atlantic Fisheries Management Council (MAFMC) – David Stormer, Fisheries Program Manager,

stated that the MAFMC met jointly with the Atlantic States Marine Fisheries Commission (ASMFC) in April 2021 to approve the final action on the Summer Flounder, Scup, Bluefish and Black Sea Bass Commercial/Recreational Allocation Amendment, but, after lengthy debate, action was postponed until the joint meeting in December 2021. MAFMC adopted status quo specifications for the Mid-Atlantic Blueline Tilefish fishery for 2022-2024 and reviewed preliminary alternatives for the Golden Tilefish Multi-Year Specifications Framework. MAFMC received updates on the East Coast Climate Change Scenario Planning Initiative and reviewed the 2021 Mid-Atlantic State of the Ecosystem Report and the Ecosystem Approach to

Fisheries Management (EAFM) Risk Assessment.

Agenda Item 7. Atlantic States Marine Fisheries Commission (ASMFC) – John Clark, Fisheries

Administrator, gave a summary of the Winter ASMFC Board meetings, which were held February 1 – 4, 2021. ASMFC and MAFMC approved reallocation of the Black Sea Bass commercial allocation between the states. Starting in 2022, 75% each state's allocation will be based on the state's historical landings and 25% will be based on the current distribution of Black Sea Bass. The Atlantic Menhaden Board will review commercial fishery performance relative to commercial allocations under Amendment III. The Coastal Sharks Management Board will review the shark tagging program. The Atlantic Striped Bass Board approved the release for public comment of the draft Public Information Document for Amendment 7 of the Striped Bass FMP. The Shad and River Herring technical committee recommended that American Shad Sustainable Fishery Management Plans should have strong management measures to help stocks considered unsustainable recover. The American Eel Board will meet in May to discuss the upcoming stock assessment.

Agenda Item 8. Commercial Fisheries Reporting – John Clark, Fisheries Administrator, stated that the Fisheries

Section needs accurate and timely reporting for quota monitoring. Delaware is held to quota for several commercial fisheries such as striped bass, horseshoe crab and Atlantic menhaden. Real-time data keeps Delaware from exceeding the quota. Accurate data ensures Delaware gets its fair share of quota when quota is allocated between the states. Complete commercial data also ensures that the stock assessments have the data needed to produce a good estimate of the stock size, which is essential for setting the quotas for species that are managed through Fishery Management Plans. The Division has developed reports that can be filled out online and mailed or emailed to the Division. **Captain Nick Couch and Lt.**

Casey Zolper, Natural Resources Police (NRP), presented an analysis of commercial fisheries reporting compliance from the last 5 years. In 2016, NRP and Fisheries began an effort to address the lack of compliance with reporting. In 2017, the NRP began a comprehensive analysis of all commercial Foodfish, Shellfish and American Eel reporting for 2016 and found that roughly 72% of all commercial fishing licensees either filed late reports or failed to report, which are violations of the state laws mandating monthly reporting. In July 2019, the NRP developed a Monthly Catch Report Reminder initiative, which involved mailing postcards to all commercial fishermen every month to remind them to submit their monthly catch reports. In February 2021, an analysis of the commercial Food Fish reports was initiated to assess the effectiveness of the Catch Report Program Reminder effort and the analysis showed that 69% of license holders either did not file or filed late reports in 2020, compared to the 57% who either filed late or did not file reports in 2016, which showed that the postcard reminders had no effect on reporting. In addition to the Division website, commercial fishing report forms are available at the Commercial Licensing office in the Richardson and Robbins building.

Agenda Item 9. Director's Update – David Saveikis Fish and Wildlife Division Director, stated the parking lots at the

Collins Beach and Rosedale Beach boat ramps will be patched in May 2021. The Augustine Beach boat ramp is scheduled for dredging in the fall of 2021. The Masseys Landing bulkhead repair and the Seventh Street boat ramp reconstruction are both scheduled to begin in Fall 2021. Scotton Landing boat ramp reconstruction will begin in Fall of 2022. The 2021 Fishing Rulers have been distributed throughout the state.

Suggested Agenda Items for Next Meeting

1. Dredging and Channel Marking Concerns

The meeting adjourned at 9:04 PM

Respectfully Submitted by

Rebecca Hoover

Rebecca Hoover
Recording Secretary