



COUNCIL ON SHELLFISHERIES
MINUTES OF JANUARY 7, 2020



DNREC Auditorium, 89 Kings Hwy, Dover, DE 19901
 Div. of Fish & Wildlife phone: 302-739-9914

COUNCILORS

Leonard "Limbo" Voss, Jr., Chairman
 Jordan Giuttari (*Absent*)
 Desmond Kahn
 Paul Satterfield
 Steven Copp
 Richard S. Hand, Jr. (*Absent*)
 Edward Hale, Jr.

DIVISION OF FISH & WILDLIFE

John Clark
 Stew Michels
 Rich Wong
 Mike Greco
 Zina Hense
 David Saveikis, Director
 Captain Nick Couch

PUBLIC

7 Visitors

Agenda Item 1. Approval of Minutes from 1/15/2019,

Chairman Voss called the meeting to order at 7:01 PM. A motion was made and seconded and the Council voted unanimously to accept the January meeting minutes as written.

Agenda Item 2. 2020 Oyster Stock Status and Harvest Quota Discussion – Rich Wong, Fisheries Biometrician,

reviewed the oyster commercial harvest quota-setting process. Spat abundance was extremely low in 2019, but the abundance of market-sized oysters remained good in 2019. The harvest control model recommended a 2020 harvest quota of 14,978 bushels, which is 11% lower than the 2019 quota of 16,852 bushels. Mortality of small and market-sized oysters has been low in the last three years. Most spat recruitment occurred on the Drum, Pleasanton and Silver beds. The Lower Middle had the highest harvest in 2019. Mr. Wong recommended that harvest be reduced on the Ridge, Lower Middle and Silver beds in 2020 due to low spat settlement and lack of small oysters.

Agenda Item 3. 2019 Juvenile Crab Index and 2020 Blue Crab Outlook – Mike Greco, Fisheries Scientist,

stated that the September and October 2019 blue crab survey resulted in a 2019 Young of the Year (YOY) index of 7.97. The 2019 blue crab commercial harvest estimate based on the 2018 YOY index was 4.2 million pounds, with the reported 2019 commercial blue crab harvest currently at 3.7 million pounds with harvest reporting continuing. The blue crab commercial harvest estimate for 2020 based on the 2019 YOY index is approximately 3.6 million pounds.

Agenda Item 4. Discuss fishing multiple conch pots from a single float line (trawl) – Council – Chairman Voss

said a commercial fisherman asked the Council to consider recommending a change to the Delaware Code that would extend the maximum length of a trawl line from 1,200 feet to 3,600 feet. The Council then unanimously approved a motion recommending that change to the Delaware Code. The Council also asked the Division to investigate the reasons that Delaware has a shorter maximum trawl line length than surrounding states and whether the number of required float lines per trawl could be reduced.

Agenda Item 5. Discuss Inland Bays aquaculture regulations – Council, Edward Hale updated the Council on the recent Delaware Aquaculture Association (DAA) meeting.

The DAA is working with the Division to draft changes to the Inland Bays aquaculture regulations. The DAA would like to change the regulations to allow diversifying crop production, reduce the required number of buoys and lines, add definitions, enhance enforcement provisions and clarify signage and reporting requirements.

Agenda Item 6. The Joint Multi-council Subcommittee Evaluating Fish and Wildlife Violations/Fines – Council –

Chairman Voss stated that the subcommittee consists of members of the Council on Shell Fisheries, the Advisory Council on Tidal Finfisheries and the Advisory Council on Wildlife and Freshwater Fish. The subcommittee has held three meetings since August 2019 with a fourth meeting scheduled for January 2020. The subcommittee is working on proposals to develop and recommend that fish and wildlife violations be structured in tiers based on the extent of illegal activity whereby each tier would have a range in the number of violations per incident appropriate for the type of violation (e.g., for recreational crabbing, a Tier 1 violation might be 1-6 undersized crabs, Tier 2 might be 7 – 15 undersized crabs, etc.), with fines commensurate to the violation tier. Any change to the violation and fine structure will require a change to Delaware Code.

Agenda Item 7. Topics & Tentative date for the next meeting

Chairman Voss stated that the next meeting will be scheduled for April 2020 and suggested the following agenda items:

1. Further discuss increasing the maximum conch pot trawl line length.
2. Discuss Inland Bays aquaculture regulations.

There being no further business, the meeting adjourned at 8:25 PM.

Respectfully submitted,

Rebecca Hoover

Rebecca Hoover

Recording Secretary





COUNCIL ON SHELLFISHERIES

MINUTES OF JANUARY 14, 2021



WebEx Virtual Meeting
Div. of Fish & Wildlife phone: 302-739-9914

ADVISORY COUNCIL

Leonard “Limbo” Voss, Jr., Chairman
Jordan Giuttari
Desmond Kahn
Paul Satterfield
Steven Copp (*Absent*)
Richard S. Hand, Jr. (*Absent*)
Edward Hale, Jr.

DIVISION OF FISH & WILDLIFE

John Clark
David Stormer
Zina Hense
Rich Wong
Mike Greco
Captain Nick Couch
David Saveikis, Director

PUBLIC

7 Visitors

Agenda Item 1. Approval of Minutes from January 7, 2020.

Chairman Voss called the meeting to order at 7:00 PM and thanked everyone for their attendance. A motion was made by Mr. Satterfield and seconded by Mr. Hale to accept the meeting minutes as written, with Council passing the motion unanimously.

Agenda Item 2. 2021 Oyster Stock Status and Discussion of Harvest Quota – Rich Wong, Fisheries Biometrician,

reviewed the oyster commercial harvest quota-setting process. Spat abundance was extremely low in 2020, but the abundance of market-sized oysters remained high in 2020. The harvest control model recommended a 2021 oyster harvest quota of 18,119 bushels, which is 21% higher than the 2020 quota of 14,978 bushels. Mortality of small and market-sized oysters has been low in the last three years. Most spat recruitment occurred on the Red Can and Ridge beds. The Lower Middle had the highest harvest in 2020. Mr. Wong recommended that harvest be reduced on the Ridge bed in 2021 due to the lack of the small oysters necessary to replenish the bed. Councilor Kahn noted that the Division’s presentation showed that Delaware’s 2020 quota was mostly harvested from the beds with the lowest abundance of market-sized oysters, which he interpreted as the 2020 quota was too low if the fishery could efficiently harvest the quota from the most depleted beds. Councilor Kahn asked the Division to consider increasing the quota in future years. Mr. Wong explained how the oyster fishery is managed.

Agenda Item 3. 2020 Juvenile Crab Index and 2021 Blue Crab Outlook – Mike Greco, Fisheries Scientist,

stated that the September and October 2020 blue crab survey resulted in a 2020 Young of the Year (YOY) index of 8.15. The 2020 blue crab commercial harvest estimate based on the 2019 YOY index was 3.6 million pounds. The reported 2020 commercial blue crab harvest is currently at 3.3 million pounds with harvest reporting continuing, demonstrating the predictive value of the YOY index. The blue crab commercial harvest estimate for 2021 based on the 2020 YOY index is approximately 3.5 million pounds.

Agenda Item 4. Regulatory update on adoption of mTEC Fecal Coliform method used for shellfish growing area classifications – Mike Bott, Delaware Shellfish Program,

stated that the Start Action Notice (SAN) process to adopt the

mTEC Fecal Coliform method by regulation will begin January 2021. He also provided an update on changes to the prohibited shellfish harvest area in Delaware Bay and an update on Vibrio control measures for shellfish.

Agenda Item 5. Further discussion of Inland Bays aquaculture regulations – Zina Hense, Environmental Scientist III,

updated the Council on the proposed changes to the Inland Bays aquaculture regulations. The changes include an addition of a “cultivation tag”; changing the Shellfish Aquaculture Development Areas (SADA) location definition in the Little Assawoman Bay to match the statutory definition; boundary marking requirements for the Little Assawoman Bay; clarification of the permitting process; clarification of gear marking and placement requirements; allowing ‘semi-permanent’ structures; adjustments to the boundary survey requirements; clarifications of minimum planting and harvest requirements; fixing a return date for the annual grower survey; and declaring it unlawful to fix, set or erect shellfish aquaculture gear outside the lease boundaries. She also explained why some other the regulatory changes requested by the shellfish aquaculture lessees were not supported by the Department.

Agenda Item 6. CARES Act Funding for Fisheries-Related Businesses – John Clark, Fisheries Administrator,

stated that NOAA Fisheries received \$300M through the CARES Act to provide economic assistance to fishing-related businesses. The share of these funds for all Atlantic Coast states will be allocated to ASMFC and then distributed from ASMFC to each individual state. Delaware was awarded \$1M and will be receiving \$992,013 after NOAA administrative fees (~0.7%) and ASMFC administrative fees (~0.1%) are deducted. The amount NOAA allocated to each state was based on total fishing-related business revenue for the state, which was derived from the contribution of its three primary fisheries-related sectors. Delaware’s fishing revenue was determined to be 9.1% from the recreational for-hire sector, 50.3% from the commercial fishing and aquaculture sector and 40.6% from the seafood processing sector. The businesses eligible for Delaware funding are commercial fishing businesses, recreational for-hire fishing businesses (includes charter and headboat businesses), qualified aquaculture operations, seafood dealers, seafood processors and bait and tackle shops. Applicants must meet a revenue loss threshold of more than 35% when compared to their previous five-year (or

term of business if in business less than five years) average earnings for the time period of the pandemic's impact to be eligible to receive funds. Funds can be released to eligible applicants until September 30, 2021. States were required to submit a detailed spending plan to NOAA Fisheries that included the process to determine eligibility, the documentation required to determine eligibility and the process for distributing the funds. Delaware's spending plan was approved in December and funds should be disbursed to Delaware soon. Delaware will prepare to accept applications from eligible fishing-related businesses soon after.

Agenda Item 7. Topics & tentative date for the next meeting

Chairman Voss suggested the following agenda items for the next meeting:

1. Update on Vibrio in Delaware waters.
2. Regulatory update on adoption of mTEC Fecal Coliform.
3. Further discussion of Inland Bays aquaculture regulations.

There being no further business, the meeting adjourned at 9:27 PM.

Respectfully submitted,

Rebecca Hoover

Rebecca Hoover
Recording Secretary





COUNCIL ON SHELLFISHERIES

MINUTES OF JANUARY 20, 2022



WebEx Virtual Meeting
Div. of Fish & Wildlife phone: 302-739-9914

ADVISORY COUNCIL

Leonard “Limbo” Voss, Jr., Chairman
Jordan Giuttari
Desmond Kahn
Paul Satterfield
Steven Copp (*Absent*)
Richard S. Hand, Jr.
Edward Hale, Jr.

DIVISION OF FISH & WILDLIFE

John Clark
David Stormer
Zina Hense
Rich Wong
Mike Greco
Captain Nick Couch
David Saveikis, Director

PUBLIC

17 Visitors

Agenda Item 1. Approval of Minutes from January 14, 2021 - Chairman Voss called the meeting to order at 7:02PM and thanked everyone for their attendance. A motion was made and seconded and the Council voted unanimously to accept the January 14, 2021 meeting minutes as modified by the Council to include text regarding the request made by a Councilor for the Division of Fish and Wildlife to consider increasing oyster quotas in future years.

Agenda Item 2. Updates from the Delaware Shellfish Program - Mike Bott, Delaware Shellfish Program, provided updates on the mTECFecal Coliform method used to determine areas where shellfish harvest is allowed to include Inland Bays shellfish harvesting areas. The occurrence of *Vibrio* remained steady in 2021 and is not expected to change in 2022. Shellfish harvest area classification in the Delaware Bay is expected to change the shellfish closure area at the mouths of the Murderkill and St. Jones Rivers by reducing the offshore extent while extending the nearshore extent of the closure, but this change will not interfere with current oyster harvest areas.

Agenda Item 3. 2022 Oyster Stock Status and Discussion of Harvest Quota – Rich Wong, Fisheries Biometrician, reviewed the oyster commercial harvest quota-setting process. Spat abundance was low in 2021, but the abundance of market-sized oysters remained good in 2021. The harvest control model recommended a 2022 harvest quota of 19,270 bushels, which is 6% higher than the 2021 quota of 18,119 bushels. Mortality of small and market-sized oysters has been low in the last four years. Most spat recruitment in 2021 occurred on the Lower Middle, Silver and Drum beds. The Lower Middle had the highest harvest in 2021. Mr. Wong recommended that harvest be reduced on the Drum and Lower Middle beds in 2022 due to the high harvest rates of those beds in recent years.

Agenda Item 4. 2021 Juvenile Crab Index and 2022 Blue Crab Outlook – Mike Greco, Fisheries Scientist, stated that the September and October 2021 blue crab survey resulted in a 2021 Young of the Year (YOY) index of 13.24. The 2021 blue crab commercial harvest estimate based on the 2020 YOY index was 3.5 million pounds and the reported 2021 commercial blue crab harvest is currently at 3.7 million pounds with some harvest reports still being submitted, demonstrating the predictive value of the YOY index. The

blue crab commercial harvest estimate for 2022 based on the 2021 YOY index is a approximately 3.9 million pounds.

Agenda Item 5. Further discussion of Inland Bays aquaculture regulations – Zina Hense, Environmental Scientist, updated the Council on the proposed changes to the Inland Bays aquaculture regulations. The changes include an addition of a “cultivation tag”; changing the Shellfish Aquaculture Development Areas (SADA) location definition in the Little Assawoman Bay to match the statutory definition; lease boundary marking requirements for the Little Assawoman Bay; clarification of the permitting process; clarification of gear marking and placement requirements; allowing ‘semi-permanent’ structures; adjustments to the lease boundary survey requirements; clarifications of minimum planting and harvest requirements; modifying the return date for the annual grower survey; declaring it unlawful to fix, set or erect shellfish aquaculture gear outside the lease boundaries; and a prohibition on shellfish gardening without authorization from the Shellfish and Recreational Water Programs.

Agenda Item 6. Consolidated Appropriations 2021 Act Funding for Fisheries-Related Businesses – Division of Fish and Wildlife, John Clark, Fisheries Administrator, provided an update that 22 applications were submitted for COVID-19 relief funding for a total request of ~\$43M for the \$992,000 in CARES Act funding that Delaware was awarded in 2020. Most requests were from commercial fishermen, all of which were paid in full. An additional \$2.9M for fisheries-related business COVID-19 relief funding was awarded to Delaware through the Consolidated Appropriations Act, 2021 (CAPA). The application period for CAPA will be open for 45 days, beginning February 1, 2022. Businesses eligible for CAPA funding are commercial fishing, for-hire recreational fishing (includes charter and headboat), aquaculture operations, seafood dealers, seafood processors and bait and tackle shops. Applicants must meet a net revenue loss threshold of more than 35% when compared to their previous five-year (or term of business if in business less than five years) average net earnings for the time period of the pandemic’s impact period of March 1, 2020 through December 31, 2020 to be eligible to receive funds. Businesses that received CARES Act funds are eligible to apply for CAPA funds, but those businesses can only apply for an amount that will not make them ‘more than whole’ in

consideration of CARES Act relief funds received compared to their previous five-years (or term of business if in business less than five years) average net earnings.

Agenda Item 7. Topics & tentative date for the next meeting

Chairman Voss stated that the next meeting will be tentatively scheduled for Summer 2022 and suggested the following agenda items:

1. Further discussion of Inland Bays aquaculture regulations.

There being no further business, the meeting adjourned at 8:52 PM.

Respectfully Submitted by

Rebecca Hoover

Rebecca Hoover
Recording Secretary





COUNCIL ON SHELLFISHERIES



MINUTES OF JULY 12, 2022

Hybrid Meeting. In-person attendance: Kent Conservation District Building 1679 S. Dupont Highway, Dover, DE 19901

Virtual WebEx Meeting

Div. of Fish & Wildlife phone: 302-739-9914

ADVISORY COUNCIL

Leonard "Limbo" Voss, Jr., Chairman
Jordan Giuttari
Desmond Kahn
Paul Satterfield
Edward Hale, Jr.
Steven Copp (*Absent*)
Richard S. Hand, Jr. (*Absent*)

DIVISION OF FISH & WILDLIFE

John Clark
David Stormer
Zina Hense
Rich Wong
Lt. Josh Hudson
Lt. Shea Lindale
David Saveikis, Director

PUBLIC

4 Visitors

Agenda Item 1. Approval of Minutes from 1/20/22

Chairman Voss called the meeting to order at 7:02PM and thanked everyone for their attendance. A motion was made and seconded and the Council voted unanimously to accept the January 20, 2022 meeting minutes as written.

Agenda Item 2. New study to investigate Blue Crab biology link to fishery dynamics – Seleni Cruz, University of Delaware, presented an overview of her proposed study of the link between blue crab biology and the dynamics of Delaware's blue crab fishery, and indicated that she hoped to interview commercial crabbers as part of her study. **Chairman Voss** volunteered to contact Ms. Cruz and provide contact information for a few commercial crabbers.

Agenda Item 3. Update on Inland Bays aquaculture regulation amendment process – Zina Hense Environmental Scientist, presented an update on the draft Shellfish Aquaculture regulation amendments, stating that the formal regulation promulgation process has been initiated, providing an overview of the proposed regulation amendments and indicating an estimated regulation promulgation timeline. The Council decided to meet publicly during the draft regulation amendment public comment period in order to consider submitting Council comments.

Agenda Item 4. Delaware representation on Atlantic States Marine Fisheries Commission's Horseshoe Crab Advisory Panel – David Saveikis, Fish & Wildlife Division Director, briefed the Council on recent public debate regarding horseshoe crab management and requested that the Council recommend a nominee involved in the horseshoe crab fishery to the Atlantic States Marine Fisheries Commission's (ASMFC) Horseshoe Crab Advisory Panel (AP). The Council unanimously recommended Councilor Jordan Giuttari be nominated to the AP, who the Division will submit to ASMFC.

Agenda Item 5. Consolidated Appropriations Act, 2021 Funding for Fisheries-Related Businesses – John Clark, Fisheries Administrator, stated that \$2.9 M for fisheries-related business COVID pandemic relief was awarded to Delaware through the Consolidated Appropriations Act, 2021 (CAPA). The NOAA Fisheries formula used to determine the mean annual fishing related revenue and total CAPA award

for Delaware shows that revenue from the for-hire sector accounted for 9.1%, commercial fishing and aquaculture sectors accounted for 50.3% and seafood dealer and processing sectors accounted for 40.6%. Businesses eligible for CAPA funding are commercial fishing, for-hire recreational fishing (includes charter and headboat), qualified aquaculture operations, seafood processors, seafood dealers and marine bait and tackle shops. Applicants must meet a net revenue loss threshold of more than 35% when compared to their previous five-year (or term of business if in business less than five years) average earnings for the pandemic impact period of March 1, 2020 through December 31, 2020 to be eligible to receive funds. Businesses that received CARES Act funds are eligible to apply for CAPA funds, but those businesses can only apply for an amount that will not make them 'more than whole' compared to their previous five-years (or term of business if in business less than five years) average earnings. The Division of Fish & Wildlife received seven eligible applications who were collectively awarded about 4% of Delaware's \$2.9M CAPA apportionment.

Agenda Item 6. Topics & tentative date for the next meeting

Chairman Voss stated that the next meeting will be scheduled for September 2022 based on the anticipated shellfish aquaculture regulation promulgation timeline and suggested the following agenda items:

1. Update on female Horseshoe Crab harvest.
2. Council submits official and public comments on the amendments to the shellfish aquaculture regulation.

There being no further business, the meeting adjourned at 8:00 PM.

Respectfully Submitted by

Rebecca Hoover
Recording Secretary





COUNCIL ON SHELLFISHERIES

MINUTES OF JANUARY 9, 2023



Hybrid Meeting. In-person attendance: Kent Conservation District Building 1679 S. Dupont Highway, Dover, DE 19901
Virtual WebEx Meeting Div. of Fish & Wildlife phone: 302-739-9914

ADVISORY COUNCIL

Leonard "Limbo" Voss, Jr., Chairman
Jordan Giuttari
Desmond Kahn
Paul Satterfield
Steven Copp (*Absent*)
Richard S. Hand, Jr.
Edward Hale, Jr.

DIVISION OF FISH & WILDLIFE

John Clark
David Stormer
Zina Hense
Rich Wong
Mike Greco
Captain Nick Couch
David Saveikis, Director

PUBLIC

16 Visitors

Agenda Item 1. Approval of Minutes from July 12, 2022 - Chairman Voss called the meeting to order at 7:03PM and thanked everyone for their attendance. A motion was made and seconded and the Council voted unanimously to accept the July 12, 2022 meeting minutes as written.

Agenda Item 2. 2023 Oyster Stock Status and Discussion of Harvest Quota – Rich Wong, Fisheries Biometrician, reviewed the oyster commercial harvest quota-setting process. Spat abundance increased in 2022 to the highest level since 2017, but the abundance of market-sized oysters dropped in 2022 due to four consecutive previous years of low spat recruitment. The harvest control model recommended a 2023 harvest quota of 13,016 bushels, which is 36% lower than the 2022 quota of 19,270 bushels. Mortality of small and market-sized oysters returned to the high levels typical of much of the past 30 years. Most spat recruitment in 2022 occurred on the Woodland Beach and Drum beds. The Silver bed had the highest harvest in 2022. Mr. Wong recommended that harvest be reduced on the Drum bed in 2023 due to the high harvest rates in recent years.

Agenda Item 3. 2022 Juvenile Crab Index and 2023 Blue Crab Outlook – Mike Greco, Fisheries Scientist, stated that the September and October 2022 blue crab survey resulted in a 2022 Young of the Year (YOY) index of 3.60, the lowest level since 2013. The 2022 blue crab commercial harvest estimate based on the 2021 YOY index was 3.9 million pounds and the reported 2022 commercial blue crab harvest is currently at 3.8 million pounds with some harvest reports still being submitted, demonstrating the predictive value of the YOY index. The blue crab commercial harvest estimate for 2023 based on the 2022 YOY index is approximately 2.7 million pounds.

Agenda Item 4. Update on Inland Bays Aquaculture Regulation Amendment Process – Zina Hense, Environmental Scientist IV, stated the proposed amendments are currently under legal review at the Attorney General's office. The proposed changes include an addition of a "cultivation tag"; changing the Shellfish Aquaculture Development Areas (SADA) location definition in the Little Assawoman Bay to match the statutory definition; lease boundary marking requirements for the Little Assawoman

Bay; clarification of the permitting process; clarification of gear marking and placement requirements; allowing 'semi-permanent' structures; adjustments to the lease boundary survey requirements; clarifications of minimum planting and harvest requirements; modifying the return date for the annual grower survey; declaring it unlawful to fix, set or erect shellfish aquaculture gear outside the lease boundaries; and a prohibition on shellfish gardening without authorization from the Shellfish and Recreational Water Programs.

Agenda Item 5. Addendum VIII to the ASMFC Horseshoe Crab FMP and Proposed Revisions to the Horseshoe Crab Regulation – John Clark, Fisheries Administrator, explained the proposed revisions to the Horseshoe Crab regulation needed to comply with Addendum VIII to the Atlantic States Marine Fisheries Commission Horseshoe Crab Fishery Management Plan. In addition to revising the regulation to comply with Addendum VIII, the Division is proposing additional revisions to better reflect the operations of this fishery. After discussion with the Council, the Division agreed to incorporate the Council's recommendations on the daily possession limit and the dredge season criteria into the proposed regulation changes.

Public Comments.

A member of the public asked the Council and Division to consider the following proposal: develop a policy statement that supports the value of returning shell to the Delaware Bay; create a Council sub-committee to consider creating a Delaware Bay program for placing shell on natural beds and creating new beds; and develop a system for the public to access information on shell placement. The Council agreed to include the topic on the next meeting agenda.

Another member of the public asked the Council and Division to consider creating a new commercial crab trot line license that could also be added to a commercial crab pot license.

Agenda Item 6. Topics & tentative date for the next meeting

Chairman Voss stated that the next meeting will be tentatively scheduled for May 2023 and suggested the following agenda items:

1. Further discussion of Inland Bays aquaculture regulations.
2. Oyster stock size estimate update.
3. Oyster shell seeding update.
4. Adopt commercial trotline license.

There being no further business, the meeting adjourned at 8:54 PM.

Respectfully Submitted by

Rebecca Hoover

Rebecca Hoover
Recording Secretary

