

Advisory Council on Tidal Finfisheries Minutes of June 17, 2003

A scheduled meeting of the Council on Tidal Finfisheries was held on June 17, 2003 at 7:30 PM in the Richardson and Robbins building, 89 Kings Highway, Dover, DE. Those Council members in attendance were Chairman Timothy O'Connor, Lawrence Foley, Bernie Pankowski, and Clyde Roberts. Staff members present were Roy Miller, John Clark, Desmond Kahn, Rick Cole, and Lloyd Alexander. There were approximately 12 members of the public in attendance.

Mr. O'Connor began the meeting by introducing the members of the Council and reviewing the Council's responsibilities. He also stated that more regular meetings will be held in the future. **Mr. O'Connor** stated that the first item on the agenda was, "estimates of bycatch in the commercial striped bass gill net fishery." **Mr. Clark** then detailed Delaware's striped bass quota (set in agreement with the Atlantic States Marine Fisheries Commission), of which 95% is allocated to the spring gill net fishery, the rest (10%) is allocated to the commercial hook and line fishery. This overallocation of 5% can be accommodated because historically the hook and line fishery has never reached its allocated quota of 10%. He explained the basic procedures of this fishery, and the recent statistical information gathered. **Mr. Clark** went over the issues with discarded fish. He stated that in the year 2001, there were actually more discards than there were fish kept. The discards were over 70% of the total catch. **Mr. Clark** stated that this occurred because the samples were mostly taken after the cooperating gill netters had already filled their quota. In 2002, he stated that there was a much lower discard rate (28%) because the striped bass were not as abundant. In 2003, there was a 31% discard rate, which was a much better characterization of the true amount of discard. **Mr. Clark** summarized the results from the different surveys along with the landings reports from the commercial fishermen to estimate the discard rate. In regards to discard mortality, there is consideration given for time-in-net, and water temperature, etc. He said that these estimates, along with biological and economical factors, gives a fairly accurate total for actual landings and discards. **Mr. Clark** answered a few specific questions from audience members relating to information he presented and details of the gill net fishery. **William Poulin** asked **Mr. Clark** why the quota doesn't go up for Delaware. He said that he feels the data needs to be updated and that there are plenty of striped bass out there. **Mr. O'Connor** then asked **Dr. Kahn** and **Mr. Miller** to take over, since **Mr. Poulin's** question related to the next item on the agenda.

Dr. Kahn went over the new version of the coastwide striped bass fishery management plan, called Amendment Six, which replaces the previous amendment. The main objective of this new amendment is to enhance broader age structure in the population. **Larry Voss** asked **Dr. Kahn** how big a spawning fish would be, because he wonders why the minimum size limit is so high. **Dr. Kahn** replied that the majority of females are mature at about 28 inches. Several suggestions were made for how the Division should improve the commercial striped bass fishery so that commercial watermen will get a larger quota. **Dr. Kahn** replied to each suggestion, and explained why the current size, creel limits, and quotas are the most logical. He asked for everyone to keep in mind that

the large amount of striped bass being seen in Delaware Bay are there because it's where they over-winter, these are the same fish that will supply the whole coast in the summer. An audience member asked what the Division will be doing next year. Dr. Kahn replied that there are two different options approved; one is to increase the size ranges of the two fish allowed to be taken, the other option is to keep the current regulation with the addition of a closed season.

Mr. Miller took the floor to do an update on the commercial apprenticeship program. He briefly went over the reason for this legislation, specifics of the legislation, how many licenses are currently available to those who have completed the program, and the qualifications for being eligible to receive one of these licenses. He went over the process which led to the recommendation he made in his Hearing Officer's report to the Department Secretary. After considering all the factors and public input, his report included a proposed regulation, which recommended holding the first lottery for these available licenses on January 2, 2004. Mr. Miller announced that the Order had just been signed by Secretary Hughes. He then went over his rationale for this recommendation. Mr. Miller then answered various questions to clarify specifics of the regulations.

Mr. Cole took over for the next item on the agenda which was to give an update on summer flounder, black sea bass, and weakfish. He stated that Delaware's estimate of summer flounder landings for 2002 was 107,000--the cap was 138,000. Mr. Cole said the cap for 2003 was lower (129,000), however our previous year's landings did not go over this year's cap. Therefore, the Division in keeping with the majority of public input received, felt that the best approach for 2003 would be to keep the size and creel limit the same and eliminate any seasonal closure for 2003. Mr. Cole read a portion of a press release from the Mid Atlantic Fishery Management Council relating to the recovery of the coastwide summer flounder stock, which basically said that this recovery is due directly to the positive impacts of the management measures. An audience member asked if the surveys that are done consider repetitive bad weather events, such as the great amount of rain we've been receiving. Mr. Cole replied that they do consider weather trends. Another audience member asked Mr. Cole if scientists are looking into finding a management plan for the ecosystem that supports these fish species. Mr. Cole replied positively, but stated that of course, it is much more complicated than a single species-based management plan would be. Mr. Cole then briefly updated everyone on the black sea bass fishery, including the two closed seasons for 2003. **Mr. Miller** then discussed updates to weakfish for 2003. Delaware's limits for 2003 include a minimum size of 13" and eight fish per day. Mr. Miller stated (in order to answer an audience member's [inaudible] question) that Delaware, unlike other nearby states, is not experiencing the benefits of restoration of this stock. He said that they are hoping things get better with this fishery, but if they don't, the management plan will eventually be adjusted.

Mr. Cole went over the next agenda item-compliance with the federal shark fishery management plan, or the Highly Migratory Species Fishery Management Plan. He stated that the principle interest in Delaware is with the sandbar shark, and that Delaware Bay is an important nursery area for these sharks. He said the latest stock assessment indicates

the stock biomass is at or close to maximum sustained yield; however over-fishing is still occurring by long-line fishermen. Mr. Cole stated that this fishery has been very controversial in part because the long-line fishery is so lucrative. The season in Delaware for commercial hook and line will open July 1st. Mr. Cole stated that he expects the season to close somewhere between August 15th and September 15th, but it's all based on the coastwide federal quota.

Mr. Miller indicated that people may soon receive notice of a hearing on the apprenticeship program, due to advice from the Attorney General's office that the Division go through the regulation process for setting the date for the first lottery on January 2, 2004.

Mr. O'Connor suggested that the Council meet on a quarterly basis and that the next meeting should be held in August. Another Council member suggested they meet more often than quarterly, until the group is better established. Mr. O'Connor also suggested the general fishing license, and an update on the reef program, be agenda items for the next meeting. **Mr. Alexander** briefly went over the bullet points of the general fishing license. **Mr. O'Connor** asked Mr. Miller if someone would be able to give an update on the re-authorization of the Magnuson-Stevens Act for the next meeting. Mr. Miller replied with a recommendation. Mr. O'Connor suggested that everyone be cooperative in helping to provide contact information to the Division to help build up revised, more complete mailing lists. **Mr. Miller** commented that the recreational mailing list is in extreme need of updating. An audience member suggested discussing the addition of more boat ramps for the next meeting. **Mr. Foley** made another suggestion to continue discussing ways to reduce discard mortality.

Mr. O'Connor then adjourned the meeting at 10:00 PM.

Advisory Council on Tidal Finfisheries Minutes of August 28, 2003

A scheduled meeting of the Council on Tidal Finfisheries was held on August 28, 2003 at 7:30 PM in the Richardson and Robbins building, 89 Kings Highway, Dover, DE. Those Council members in attendance were newly appointed Chairman Dan Seamans, Clyde Roberts, Lawrence Foley, and Bernie Pankowski. Staff members present were Lloyd Alexander, Roy Miller, Rick Cole, Jeff Tinsman, John Clark, Craig Shirey, and Kim Records. There were approximately 12 members of the public in attendance.

Mr. Seamans began the meeting by introducing himself as the new Chairman of the Council. He then made a motion to accept the minutes of the last meeting, to which all Council members agreed. Mr. Seamans very briefly went over the responsibilities of the Advisory Council explaining that it is a conduit between the public and the state regarding tidal finfish issues. **Mr. Miller** took the floor to present the case for a general fishing license. He asked Mr. Alexander to join him and preface the discussion since he is so passionate about this particular topic. **Mr. Alexander** informed the audience that after his retirement effective the next day, he will become an advisor to the Advisory Council on Freshwater Fish & Wildlife. He explained that because Delaware is so small, we actually get a disproportionate amount of federal money for both wildlife and fisheries. Mr. Alexander said that the time has come to either cut back on some services the Division provides and turn this federal money back in, or make sure that we meet the necessary requirement of matching one dollar for every three federal dollars. **Mr. Miller** then went through his PowerPoint presentation explaining the many advantages to adopting a general fishing license in the State of Delaware. He said that the introduction of a general fishing license would enable the Division to improve services already provided, such as; repairs and better maintenance to existing boat access areas and piers, research and harvest surveys, better enforcement of fishing regulations, beach restoration, etc. The Division would also be able to provide more services, including but not limited to; build and maintain more boat and fishing access areas and piers, more research and harvest surveys, install new fish ladders, create fishing ponds on wildlife areas, more saltwater artificial reef sites, etc. Mr. Miller went over the different ways Delaware could generate additional revenue. He explained that if we continue with our current licensing program, Delaware will not be able to meet the match requirements and lose out on available Federal Aid for fisheries. Mr. Miller then went over the general fishing license option for generating additional funds, which is the option favored by the Advisory Council on Freshwater Fish and Wildlife. Some of the reasons a general fishing license is being proposed is that the cost would be the same for those that purchase a freshwater fishing license, revenues would be protected (user pay-user benefit), non-residents would pay their "fair share" for fisheries management, and revocation of licenses from marine anglers would allow for additional enforcement capabilities. Mr. Miller stated the con argument associated with the proposed general fishing license is that license increases/changes are not popular. Mr. Miller briefly went over the other options for generating additional funds, which are not practical or would not raise enough revenue. An audience member asked why the Division couldn't just raise the price for non-residents. **Mr. Alexander** answered by saying that we could not discriminate solely

against non-residents since we're getting these federal funds to provide these services for the general public. He explained that we are able to have differential fees because residents are paying into the tax system in-state. **John Marshall** said that he wondered if this general license will include a survey, stating that it would be a great help to have some hard numbers to look at, and asked why the commercial fishermen are not being asked to pay. **Mr. Alexander** explained that recreational fishing and commercial fishing are totally separate issues-these federal funds are available strictly for recreational fishing purposes. He said that commercial fishermen are not eligible to have these funds spent on projects that directly benefit them. **Mr. Pankowski** asked Mr. Marshall if he was for or against this increase. **Mr. Marshall** stated that he would be for it. **Mr. Pankowski** then asked him what he thought might be "fair" as far as an increase for a commercial fishing license. **Mr. Marshall** stated that he is unsure, because it depends on how much profit a commercial fisherman makes off of his catch, but an increase in a recreational fishing license should be accompanied by an increase in the commercial fishing license, so that they're even. **Joe DiBattista** from Delaware Mobile Surf Fishermen said that they already pay \$100 (\$50/resident, \$100/non-resident) for a surf fishing permit (to drive on the beach) and he doesn't think they should have to pay anymore than that. **Mr. Miller** said that the Division certainly will consider with the implementation of the general fishing license that anyone who purchases a Parks & Recreation beach surf fishing tag would not have to purchase the general fishing license separately. **Mr. Alexander** answered an audience member's question regarding Parks & Rec receiving all of the revenue from the sale of the surf fishing permit, by stating that Parks & Rec is allowed to receive money for fishing projects on state parks, so there certainly is room for exchange of funds between the two divisions, as has been the case many times in the past. **Mr. Pankowski** asked Mr. DiBattista if the Division could get the surf fishing tag to count as, or include, the general fishing license, would that appease him. **Mr. DiBattista** replied "no", that saltwater fishermen shouldn't have to pay for a license. The gentleman sitting next to Mr. DiBattista said that he was also a member of the Delaware Mobile Surf Fishermen, and he would support the general fishing license one hundred percent if we could channel the revenues made from the sale of surf fishing tags from Parks & Rec to Fisheries. He said it would put the money in a responsible position.

Mr. Tinsman gave an update on the artificial reef program. Mr. Marshall suggested another area near Reedy Island be considered for a reef site, like Phoenix wreck.

Mr. Miller went over the next item on the agenda-status of boat ramps-because Lacy Nichols was unable to attend. Mr. Miller went over the boat ramps that will receive repairs in the near future, and new boat ramps and fishing piers that are in the planning stage.

Mr. Foley began the discussion of ways to reduce net by-catch mortality (topic continued from last Advisory Council meeting). He stated that he believes this is one of the most important fisheries problems, and needs to be resolved soon. An audience member suggested limiting how much anchored net is set in the spring because there is higher mortality with anchor netting. Another suggestion made was that the state could put out

3-5 nets and just see what is caught. **Mr. Clark** supported an audience member's comment that it is possible to catch a set quota by drift netting.

Mr. Miller introduced Glenn Salvador, Industry Liaison, Protected Resources Division of NMFS to go over the implications of Marine Mammal Protection Act on commercial gear. **Mr. Salvador** went over the current Category II recommendations/regulations for nets and pots, which only affect lobster and gill net fisheries. He said that blue crab, conch, and sea bass, will also become Category II in 2004-2005.

Mr. Cole went over the sandbar shark commercial fishery openings and closings (July 1st-Sept. 15th). He stated that the Large Coastal Shark Stock Assessment says that over-fishing is occurring, but that the stock is not over-fished.

Mr. Seamans asked for suggestions for the next Advisory Council meeting. An update on boat ramps with Lacy Nichols was one suggestion, striped bass regulations for 2004 and implementation of Amendment 6, data on sea trout population increase, gill net mortality by-catch, and the possibility of a general fishing license with representatives from DMS, were other suggestions. **Mr. Roberts** wanted to pass a motion to endorse the general fishing license, but the other members of Council wanted to await more information.

The meeting adjourned at 10:10.

Advisory Council on Tidal Finfisheries Minutes of October 23, 2003

A scheduled meeting of the Council on Tidal Finfisheries was held on October 23, 2003 at 7:30 PM in the Richardson and Robbins Building, 89 Kings Highway, Dover, Delaware. Those Council members in attendance were Chairman Dan Seamans, Clyde Roberts, Lawrence Foley, and Bernie Pankowski. Staff members present were Roy Miller, Rick Cole, John Clark, Stew Michels, Lacy Nichols, and John Rutherford. There were approximately 18 members of the public in attendance.

The Council approved the minutes of the last meeting held August 28th. **Mr. Seamans** began by introducing Mr. Miller, who went over the implications of Amendment 6, the Striped Bass Plan for Delaware. **Mr. Miller** stated that the plan was several years in the making and that it was approved by the Atlantic States Marine Fisheries Commission in December and implemented this year. He said that Delaware is obligated to follow this plan starting in 2004. Mr. Miller stated that some recreational options were submitted by the Division to the ASMFC, and two were denied. The current regulation of one fish at 24" to 28" and one greater than 28" was one of the options submitted, but it was rejected. Mr. Miller said that this option was also rejected for New Jersey. He stated that the fourth option was accepted, which is one fish at 24" to 32" and one over 41", to the option of 2 fish at 28". So, he said that Delaware is anticipating going with two fish at 28". Mr. Miller stated that Des Kahn, the Division's population modeler who is currently away at a Technical Committee meeting, will be going over some other possible options while there. Mr. Miller went over the options that Mr. Kahn would be presenting, which include drastically cutting the season (by 33%) especially when the fishing is the best. Two audience members questioned the logic behind these options. Mr. Miller answered by saying that after being in compliance with the fishery management plan target mortality rate, which is .31, the analysis is based on when you harvest the fish in its life cycle, (i.e. the larger you allow the fish to get before it can be harvested) then you approach maximum sustained yield. He said that all of the proposals were evaluated by taking historical records of fishing and superimposing a new size structure, then growing those fish up to see if you get the same mortality rate as the target. There is a supporting analysis for this information, and it's the best information currently available. **Mr. Roberts** asked if the rockfish stock is still considered fully restored, to which Mr. Miller answered "yes". Mr. Roberts then asked why put more restrictions in place. **Mr. Miller** said that fishing pressure still continues to rise, so preventative measures are necessary. He said that a forecasting technique, called Virtual Population Analysis, is done using all the landings data collected since the fishery was reopened in 1990, and then a harvest or mortality rate prediction can be made from any given size limit scenario. An audience member asked if he is correct in saying that the striped bass population is dropping by 5% each year. Mr. Miller said that is not correct, that the spawning stock biomass continues to increase, but the total population has probably dropped off the last couple of years. He said the population probably hit its peak in 1999. Mr. Miller asked Mr. Seamans if the Council has an opinion on the recreational options just presented. **Mr. Seamans** asked Council members present, and all replied that they preferred the option for two fish at 28". An audience member asked if the EEZ will be opened, to which **Mr. Miller** stated he does not know, but there is a proposal to have it opened. He said that it falls under the authority of the Department of Commerce, who is holding hearings to assess public opinion. Mr. Miller then moved on to explaining the commercial options for striped bass regulations. He said that the ASMFC stated now that the stock is restored, the state of Delaware

could now go back to fishing at 100% of the level of landings that occurred from 1972 to 1979. This would have entailed a reduction for Delaware from its present 193,447 lbs. back to 169,125 lbs. Delaware petitioned the Striped Bass Board to have its original quota allocation of 193,447 lbs. restored and this was approved. Amendment 6 also would require Delaware to adopt a minimum commercial size of 28 inches so Delaware's sought an exception for Delaware Bay and River to maintain its present 20 inch minimum size during the spring when smaller striped bass would otherwise be caught in nets set for shad. This spring exemption was accepted by the Board, but the rest of the year and in other areas like the ocean and Inland Bays, the minimum commercial size will be 28 inches in order to remain in compliance with Amendment 6 to the shad plan. Mr. Miller said that the issue of minimum allowable size limits for the waters of Delaware River and Bay probably will be re-visited by the Striped Bass Board in 2004, but for the time being, Amendment 6 applies.

Mr. Cole went over the next Agenda item, namely status of weakfish stocks. An audience member asked if there were any studies on feeding habits being done. Mr. Cole said that the Department is not currently doing this type of research, however there were studies done in the 1990's and the data collected was published. **Mr. Clark** stated that, along with the College of Marine Studies, the Department funded several feeding studies of juvenile weakfish in the mid-1990's, which determined that they are feeding mostly on zooplankton. **Mr. Cole** continued with his presentation showing that there were some larger weakfish in the spring of this year because the Department issued more citations (for the DE Sport Fishing Tournament) than in recent years. He then summarized stating that the landings for recreationally-caught weakfish has been declining since 1996. Commercial landings have been declining since 1997, coastwide recreational and commercial landings have declined from 2001 to 2002, and trawl surveys have shown some decline in age truncation and catch per tow. He said the latest coastwide stock assessment only included data through 2000, and this stock assessment will be updated in 2004 using data collected through 2003. Mr. Cole said that to date there is no analysis that has found high fishing mortality rates above the threshold currently in the plan (36% annual removal rate). He stated that the causes of these declines are unknown. When the stock assessment is updated, he continued, it may show that fishing mortality rates are higher than previously thought. Mr. Cole said that this could mean further restrictions will have to be implemented.

Mr. Seamans moved on to the next item on the Agenda, which was an update on boat ramp repairs and new plans. **Mr. Nichols** went over recently completed projects, fishing piers and boat ramps currently needing repairs, and plans for new ramps and fishing piers. He briefly went over the time-line for some of these projects, summarizing the process for construction or repairs. Mr. Nichols provided costs for some of the completed projects, cost estimates on some future projects, and some of the sources of the required funds.

Mr. Seamans introduced Mr. Clark to begin the returning subject of ways to reduce net by-catch mortality. **Mr. Miller** stated that he checked into a previous question from Mr. Piascinski about the possibility for Delaware to receive some sort of credit (higher quota) from ASMFC if we were to reduce our net by-catch. He said that the short-term answer would be "no", however, if a credible proposal was put together to convince ASMFC that Delaware will reduce by-catch by a predictable amount, it is possible to petition the commission to seek some credit in the future. Mr. Miller said that this would be breaking new ground with ASMFC, and there is no guarantee. **Mr. Clark** presented possible mechanisms for reducing by-catch (some of which were previous suggestions from watermen). He went over the pros and cons for each mechanism. **Mr. Foley** stated that transferring tags has created a big problem, and said that he favors ending fixed gear

in favor of drift nets. **Mr. Voss** said that he is in favor of the current system, and, he does not favor the quota per day system because of the way the market pricing works (i.e. the first day of the season prices are very low, more fish are caught, and towards the end of the season when not as many fish are caught, the price is much higher). He suggested a possible solution could be that once a fisherman has no quota left, he should be required to drift. He also said that lower bay netters could be required to have a staggered season, and that he favors staggering the anchor net season. An audience member stated that he is not in favor of the auction mechanism because he doesn't understand how a fisherman could bid on a fish, and be sure that he can make more money than what he paid for it. **Mr. Clark** agreed that the fish market is particularly volatile, but stressed that this is just one of the options to be considered that could reduce by-catch. **Mr. Seamans** informed everyone of the tentative schedule of meetings for 2004 and asked for suggestions for the next meeting, besides reducing net by-catch mortality. Someone suggested reef sites-what's new. Meeting was adjourned at 10:00.

Respectfully submitted,



Kim Records