



**ADVISORY COUNCIL ON RECREATIONAL FISHING FUNDING  
MINUTES OF APRIL 24, 2012**



Location: Senate Hearing Room, 2<sup>nd</sup> Floor, Legislative Hall, Dover  
Div. of Fish & Wildlife: Phone: 302-739-9914, Fax: 302-739-6157

**ADVISORY COUNCIL**

Eric Burnley, Sr., Chairman  
Bill Baker, Sr.  
Bernie Pankowski  
Floyd Morton III  
David Russell  
Sen. Robert L. Venables  
Rep. Gerald W. Hocker  
Douglas Valentine  
Ronald Horton

**DIVISION OF FISH & WILDLIFE**

John Clark  
Stewart Michels  
David Saveikis, Director  
Kim Stangl

**PUBLIC**

3 Attendees

**Agenda Item 1. Opening remarks**

**Chairman Burnley** called the meeting to order at 7:00 PM and he expressed thanks for everyone's attendance.

**Agenda Item 2. Approval of Minutes from November 15, 2011 Meeting**

A motion passed to approve the minutes from November.

**Agenda Item 3. Update on current projects**

The DFW's Construction Manager, Mr. Lacy Nichols, recently retired. Therefore **Mr. Clark** provided an update on current projects since the position Mr. Nichols vacated is not yet filled. The Garrison's Lake Footbridge is nearing completion after some problems with the pilings. The actual bridge has been installed and riprap has been added to the dam structure at the request of dam-safety experts from another Division within DNREC. Progress at Cedar Creek boat ramp has been delayed by electric company scheduling. The boat ramps are in place and paving is currently in progress. The lighting should be installed in the next week. Completion is projected to be early June. Courseys Pond parking lot re-paving should be finished this week and then Bowers Beach main parking lot will be re-paved. At Phillips Landing, an engineering company has been contracted to oversee replacing the boat ramp. In researching ownership of Phillips Landing, Mr. Clark stated that this area was purchased with federal funds, so consideration of adding over-flow parking would have to involve Historical Affairs and would have to comply with federal regulations. **Senator Venables** stated that he believes crusher run could be added to a particular state-owned area next to this site to allow parking. During discussion, **Mr. Clark** stated that he may have misunderstood which location the Senator was referring to at the last meeting. **Mr. Saveikis** commented that lands purchased with state funds are often maintained with federal funds and this also requires compliance with federal restrictions, so he doesn't believe there would be any way to avoid compliance with federal regulations. To answer a

question asked at a previous meeting regarding placing floating docks at various ponds, **Mr. Clark** said that Mr. Nichols had planned to re-use docks that were in place at Cedar Creek at some ponds, including Records, Millsboro, Ingrams, Chipmans and Haven Lake. This project is planned to be assigned to the Division's Wildlife Section staff and will begin with Records Pond. A question about ownership of Millsboro Pond was brought up in regard to the DFW placing a floating dock in this pond. Mr. Clark stated that he will find out if the DFW can place a floating dock in this pond. Some dredging issues were discussed regarding Massey's Ditch, Augustine and Bowers Beach. Funds have been requested from the Bond Bill to dredge Massey's Ditch at the Indian River Bay end. A permit can no longer be obtained to do overboard disposal of dredge spoil at Augustine Beach. There is a proposal to dispose of the silt in an approved area via a pipe under route 9. The Tidal Finfish Advisory Council (TFFAC) recently heard from Capt. Dave Russell regarding his continued difficulties trying to get Bowers Beach dredged. This area falls under the jurisdiction of the Army Corps of Engineers, however they now dredge only areas with at least one million tons of commerce per year. The TFFAC decided to prepare a letter to present to Delaware's legislators in May. The letter will stress the safety concerns of recreational boaters and emergency vessels, and the economic loss commercial watermen have been experiencing due to the siltation in this area. **Senator Venables** commented that a previous DNREC Dept. Secretary would often request funds from the Bond Bill for projects such as this but he has not seen this happen in recent years. **Mr. Burnley** suggested that concerned citizens seek an appointment to speak with the Governor on this issue and that letters be sent to the Chairman of the Bond Bill Committee. **Mr. Pankowski** requested that a "Boat Loading Zone" sign be placed at Bowers Beach boat ramp parking lot. **Mr. Clark** said that should be included with the re-paving of the parking lot which will begin in the next week or two. In response to **Mr.**

**Baker's** question regarding the vacancy left by Mr. Nichols, **Mr. Saveikis** stated that he hopes to have someone hired by June 1, at the earliest.

**Agenda Item 4. Update on current and future project funds**

**Mr. Clark** provided a hand-out of current and future project funding. He briefly explained each of the three tables included in the hand-out: Table 1 is a breakdown of obligated funds, Table 2 shows the 2012 budget summary, and Table 3 shows DE's federal aid apportionment and fishing license revenue totals since 2008. He pointed out that since the Cedar Creek project is nearing completion, those obligated funds are updated in the appropriate field. He mentioned that a surplus is expected from projections for 2012 license revenues. Based on previous discussions and DFW priorities, he also noted a list of planned or proposed projects. There is a possibility that funds from the Athos II oil spill may be used for repairs to the 7<sup>th</sup> Street boat ramp in Wilmington. The rough estimate to repair this access area is \$900,000. The state may have to fund some of the costs (estimated at \$100,000) to completely repair this area, but a more important question is; will the City of Wilmington agree to maintain the area once the repairs are made?

**Agenda Item 5. Discussion of adopting council bylaws**

**Mr. Clark** stated that Mr. Baker had requested that the Council consider adopting by-laws for better organization and objectivity. **Mr. Saveikis** commented that the Governor's Office conveyed that they would like all advisory councils to adopt by-laws. After some discussion, the Council decided to form a sub-committee to deliberate this issue. Mr. Burnley, Mr. Pankowski, Mr. Russell, Mr. Morton and Mr. Baker will form the sub-committee

**Agenda Item 6. Follow up from previous meeting (Phillips Landing parking lot, dredging, etc.)**

*Please see Agenda Item 3 for information on Phillips Landing and dredging.* **Mr. Valentine** said that over the years he has enjoyed fishing near Wooden Hawk Road at Marshy Hope but the dirt road leading to where he and many people access the water to fish has been closed by DelDOT. **Senator Venables** stated that in contacting DelDOT, he was told that the road was closed due to safety concerns. He spoke with a DelDOT employee who made the offer to pave the dirt road, if DNREC would agree to maintain the area as a primitive access area. Much discussion followed and **Mr. Clark** stated that he will contact DelDOT for specific details. **Mr. Baker** requested an update on Rosedale Beach for the next meeting.

**Agenda Item 7. Public comments**

**Mr. Marvin Kahl** asked when there will be a vacancy on this Council and he asked for better information to be made available to citizens regarding the allocation of recreational fishing license funds. Current Council member terms are due to expire in 2014 and Mr. Kahl was

advised to contact the Governor's Office regarding his interest in serving on this Council. The DFW will consider revising the allocation of license funds information contained in the Fishing Guide, the website and posters/flyers provided to license agents.

**Agenda Item 8. Ending remarks and adjournment**

**Mr. Burnley** said the next meeting is tentatively planned for November.

Meeting adjourned at 8:40 PM.

Respectfully submitted,



Kim Stangl  
Recording Secretary



## ADVISORY COUNCIL ON RECREATIONAL FISHING FUNDING



### MINUTES OF NOVEMBER 13, 2012

Location: Senate Hearing Room, 2<sup>nd</sup> Floor, Legislative Hall, Dover  
Div. of Fish & Wildlife: Phone: 302-739-9914, Fax: 302-739-6157

#### ADVISORY COUNCIL

Eric Burnley, Sr., Chairman  
Bill Baker, Sr.  
Bernie Pankowski  
Floyd Morton III  
David Russell (*Absent*)  
Sen. Robert L. Venables (*Absent*)  
Rep. Gerald W. Hocker  
Douglas Valentine  
Ronald Horton

#### DIVISION OF FISH & WILDLIFE

John Clark  
Stewart Michels  
Larry Horan  
David Saveikis, Director  
Kim Stangl

#### PUBLIC

2 Attendees

#### **Agenda Item 1. Opening remarks**

**Chairman Burnley** called the meeting to order at 7:00 PM.

#### **Agenda Item 2. Approval of minutes from April 24, 2012 Meeting**

A motion passed to approve the minutes from April.

#### **Agenda Item 3. Introduction of new Construction Manager**

**Mr. Clark** introduced Mr. Larry Horan, who was hired in August as Construction Project Manager. **Mr. Horan** summarized his experience in the construction field beginning with the Army Corps of Engineers, followed by 15 years with a marine construction company, and most recently as a private construction consultant.

#### **Agenda Item 4. Update on construction projects, including docks in ponds**

**Mr. Horan** provided an update on the on-going parking lot maintenance projects. The Collins Beach, McGinnis Pond and Rosedale Beach projects will be delayed until early spring. Eleven other parking lot maintenance projects are planned for next year. He mentioned that the DFW is exploring options to install a fendering system with a bumper on the bulkhead at Phillips Landing to prevent boat damage. The DFW is still awaiting approval and release of restitution funds from the Athos I oil spill and will explore renovation plans to the Seventh Street boat ramp in Wilmington. The idea is to partner with the city to completely renovate this access area. To answer **Mr. Burnley's** question regarding the status of the parking lot at Bowers Beach, **Mr. Horan** stated that the repair work has been completed. **Mr. Pankowski** commented that the large, auxiliary parking lot at Bowers Beach should have the blacktop removed and the area planted with grass. **Mr. Clark and Director Saveikis** explained that the town of Bowers has plans for this parking lot even though current usage is minimal.

#### **Agenda Item 5. Access and construction issues (Records Pond boat ramp access sediment removal, access to Fleetwood Pond, Cape Henlopen fishing pier, potential for a fishing pier at Fox Point)**

**Mr. Horan** explained the sediment removal options for Records Pond and Augustine Beach. The main issue with these two projects is what to do with the dredge spoils. To answer **Mr. Baker's** question regarding where the funds come from to cover these dredging projects, **Director Saveikis** explained that license funds allow for selective maintenance sediment removal of federally funded boat ramps. This sediment removal must enhance the function of the ramp, including clearing sediment that accumulates on the ramp, and allows for limited sediment removal from the ramp to deeper water (i.e. to make the ramp useable). Tests will be run on the sediment which will then allow for better decision-making regarding where the spoils may be accepted for disposal. Discussion took place regarding the severity of the shoaling problem at Massey's Landing, however; the DFW does not have the authority or funds to resolve this problem. **Director Saveikis** assured everyone that the DFW is certainly aware of the problem and willing to consider any obtainable resolution. **Mr. Horan** went over construction requirements necessary to build a fishing pier at Fox Point and estimated that it would cost approximately \$1 million. After some discussion and initial disagreement about pursuing this project, **Mr. Horan** stated that the agency would designate a pier in this location as "catch and release only" due to water quality and fish consumption advisories in the area. The majority then agreed not to pursue this project. On the subject of Cape Henlopen Pier, **Mr. Horan** stated that \$300,000 worth of repairs are needed to make the pier useable after damage caused by Superstorm Sandy. He added that the Division of Parks and Recreation (DPR) has estimated that within two years, an additional \$1 million will be needed to reinforce the substructure of the pier. The DPR has estimates in the range of \$15 million to build a new fishing pier in Cape Henlopen State Park. Some discussion occurred regarding the use of DFW matching funds toward repair costs for Cape Henlopen fishing pier and the conflict with the DFW's federal requirement to offer free fishing access versus the DPR's park entrance fees. Repair costs for this DPR pier cannot come from federal matching funds under the current DPR entrance fee structure. **Mr. Horan** gave an overview of plans to provide additional access to Fleetwood Pond since the

DFW recently acquired property at this site. The **Council** passed a motion to approve the DFW moving forward with plans to provide additional access to Fleetwood Pond. The Council will expect plan details at a future meeting. The Council also passed a motion to approve the DFW proceeding with exploratory plans to remove the sediment at the Records Pond boat ramp. **Mr. Horan** explained plans to place previously used courtesy docks in some DFW ponds that historically had none. Even though the DFW would reuse docks from other locations, placing them in a new location would be considered an improvement, which would require compliance with the Americans with Disabilities Act (ADA). The ADA requires that courtesy docks measure at least 60" wide and the docks in question do not meet this requirement. The DFW was hoping to move forward with this project in a relatively quick and inexpensive way, however; plans would now have to include purchasing new ADA compliant docks.

#### **Agenda Item 6. Adoption of by-laws**

**Mr. Burnley** requested comments or questions be made known regarding the draft Operating By-laws document provided, or if none, that he would entertain a motion to accept. There were a few edits suggested including, **Mr. Baker's** request that the saltwater/freshwater fund appropriation (21% - 79% respectively) be added to the "Mission Statement". **Mr. Michels** explained that this should not be added since the split is subject to periodic change as per federal aid guidelines, and after brief discussion, agreement was reached not to add this information to the by-laws. **Mr. Baker** also suggested adding "Guiding Principles" and a statement regarding the Council's intention to be transparent. It was agreed that these two suggestions be added to the document. The **Council** decided to slightly adjust the voting members to include the State Senator and Representative members among the other seven voting members. The ex-officio DFW member does not have voting rights. There were just a few other minor edits to the draft document. A motion passed to accept the Operating By-laws as amended with corrected document copies for the Council provided at the next meeting.

#### **Agenda Item 7. Public comments**

No public comments were made.

#### **Agenda Item 8. Ending remarks and adjournment**

**Director Saveikis** mentioned that Governor Markell recently issued Executive Order 36 which requires all state agencies to review regulations older than 3 years, allow public review, and then to take public comment on these regulations in order to consider and implement necessary updates. The Council agreed that no presentation is necessary on this topic. The Department is also completing a legally required review of its fee structure to include recreational and commercial fishing licenses. This Council will be kept up-to-date on this issue. **Mr. Horton** announced that Delaware Bass Federation won the Mid-Atlantic Division for 2012. **Mr.**

**Burnley** said the next meeting is tentatively planned for April.

Meeting adjourned at 8:55 PM.

Respectfully submitted,



Kim Stangl  
Recording Secretary