

**ADVISORY COUNCIL ON SHELLFISHERIES
MINUTES OF APRIL 21, 2005**

Richardson and Robbins Building Auditorium
89 Kings Highway, Dover, Delaware 19901
Phone: 302-739-9914, Fax: 302-739-6157

ADVISORY COUNCIL

Alan Davis, Chair
Patrick Gaffney (Absent)
Larry Foley
Virgilio Pacelli (Absent)
Leonard "Limbo" Voss
Steven Copp
Charles Auman (Absent)

DIVISION OF FISH & WILDLIFE

Roy Miller
Rick Cole
Kim Records

PUBLIC

14 Visitors

A digital recording of this meeting may be screened in the Fisheries section of the Division of Fish & Wildlife at the Richardson & Robbins Building in Dover. For further information, please contact the Fisheries section at (302)739-9914.

The meeting was called to order by Chairman Alan Davis at 7:42 PM.

OLD BUSINESS --

Agenda Item 1. Approval of Minutes from 6/7/2004

Mr. Davis welcomed everyone and asked if the Council wished to approve the minutes from the last meeting. Audience member **Capt. Willis Hand** stated that he wished to have a correction made. He said that his comment on the subject of a possible regulation allowing retention of injured or dead horseshoe crabs as by-catch should say that if a fisherman keeps his gear in good shape and the dredge is used properly, there won't be many injured or damaged horseshoe crabs. A motion was made, seconded and carried to approve the June 2004 minutes with this correction.

Agenda Item 2. Introduction of New Council Members Larry Foley and Steven Copp

Mr. Davis introduced the two new members of the Council. He commented that the addition of Mr. Foley, who is also a member of the Tidal Finfish Advisory Council, may be very helpful when subjects come up which pertain to both finfish and shellfish issues. Mr. Copp takes the place of his father, Clifford Copp, who stepped down. Mr. Davis also mentioned that he has been nominated to be Chief Magistrate and if he is appointed, he will step down as Chairman of this Council.

Agenda Item 3. Draft Regulation to Allow Retention of Horseshoe Crab Dredge By-catch

Mr. Miller presented a draft regulation, as recommended by the Shellfish Advisory Council at its last meeting, which would allow conch dredge or crab dredge licensees to retain injured or dead horseshoe crabs as by-catch with each separate part counting as a whole horseshoe crab. Watermen would be required to use the call-in reporting system and all landings as by-catch would count against the total statewide quota of 150,000 horseshoe crabs.

Concern was raised over the possibility of a regulation such as this tempting some watermen to purposefully damage or kill horseshoe crabs in order to be able to retain them. **Mr. Davis** and several audience members requested adding the wording "personal use only". Discussion ensued regarding setting a limit and if it would be placed on the vessel or the license. The Council advised Mr. Miller to insert options on a limit number of horseshoe crabs per day, somewhere between 10 and 60, before going to public hearing with this draft regulation.

Agenda Item 4. Reconsider the Statute that Allows Three Oyster Harvest Licenses/Vessel

Mr. Davis stated that he wanted this item placed on the agenda because, as he recalls, the last time it was discussed was a couple of years ago. He said he wanted to know what the general consensus was on this issue. Several audience members stated that there really is no need to change anything right now due to the fact that the quota has been cut in half, and it does not appear that the quota will be increased in the near future because of poor oyster recruitment. A motion was made, seconded and carried to delay any further discussion of this topic for a couple of years.

NEW BUSINESS --

Agenda Item 1. Update on Oyster Shell Planting Plans for Delaware Bay

Mr. Cole went over the progress of two initiatives that the Department has been working on to acquire shell to plant on the natural oyster beds that would enhance the habitat. The first initiative is a combined effort between Delaware and New Jersey seeking a federal appropriation to purchase shell. Mr. Cole stated that we combined our efforts with NJ in order to get sufficient congressional help seeking this funding. Last October, Congress

authorized a \$300,000 appropriation for Delaware Bay Oyster Revitalization. These funds will be split evenly between the two states. He said Delaware will use the money to purchase oyster shell cultch to plant on state owned natural beds. New Jersey will use their portion of the appropriation to purchase shell cultch, but also to transport oyster spat, once set on the Cape May beds, up the bay to their natural beds. Mr. Cole commented that NJ also received \$300,000 from a state allocation, which means they will have more funds to work with. He said that Delaware and New Jersey actually has \$237,000 to work with, as it stands today, which will go towards planting and monitoring costs. There is a \$63,000 appropriation shortage because when congress apportioned the money for this project, they did so at the maximum level. However, when it came to actually providing the funds, they fell short. He said that it is questionable whether or not we will ever receive the \$63,000. Mr. Cole went on to the second initiative-shell planting using state funding (Oyster Recovery Fund). He stated that after requesting bid proposals, he received one bid from Langenfelder Marine, Inc. of Maryland with shell cultch supplied and planted for \$1.13/bushel (contract to purchase 60,000 bushels). Because Maryland law does not allow the exportation of whole-shell oyster, we will get shell of one inch or less for planting by the end of July, in time for the spawning season.

Agenda Item 2. Consideration of Designation of Horseshoe Crab Hand Collection Harvest Days During the Closed Season

Mr. Davis stated that because Mr. Auman was not present, this item would be skipped tonight and placed on the next meeting's agenda.

Agenda Item 3. New Draft Regulation to Establish a Minimum Age for Commercial Shellfish Harvesting

Mr. Miller went over the proposed new regulation to establish a minimum age of sixteen to purchase all commercial shellfishing licenses and the non-commercial clamming permit. He stated that in the interest of consistency, this proposed regulation also applies to all finfishing licenses, which the Tidal Finfish Advisory Council endorsed. The age of sixteen was chosen because it is the age requirement for alternates on commercial crab pot licenses, to be eligible for the commercial fishing apprenticeship program, and for purchasing hunting and freshwater fishing licenses. Mr. Copp stated that he knows several people who like to take sons or daughters aged fourteen and fifteen clamming with them, and he believes they should be able to go off on their own if they wish. Several audience members agreed with Mr. Copp, stating that they used to clam by themselves before they were sixteen. Mr. Miller stated that this proposed regulation goes to public hearing next Wednesday evening. Mr. Foley commented that he understands and appreciates the Division's effort to make its regulations

more consistent. Mr. Copp made a motion, which was seconded and carried, to support the proposed regulation with the exception that the commercial clam tong/rake and non-commercial clam permit require a minimum age of fourteen.

Agenda Item 4. Late Harvest Reports and Recommendation by Tidal Finfish Advisory Council

Mr. Miller presented the actual written law regarding commercial shellfish reporting requirements including consequences of the failure to submit timely reports. He said that the Tidal Finfish Advisory Council supports the Department becoming much stricter by sending one letter of warning (mailed certified-return receipt) giving a specified time period to come into compliance before revocation of a license. He stated that this topic is not only in the interest of consistency, but also in the interest of better fisheries management. A motion was made, seconded and carried to support better enforcement of the law.

Agenda Item 5. Topics and Tentative Date for Next Meeting

Mr. Davis said he would like to have the next meeting in June and asked for subjects to place on the agenda:

1. Mr. John Satterfield suggested discussing conch pot license holders being able to pick up horseshoe crabs as eelers are allowed.
2. Mr. Foley wished to discuss the possibility of multiple crab pot licenses run off of one boat being able to use the same color code. Mr. Satterfield added that he wants to discuss the idea of removing "vessel name" from a crab potters license, so that the waterman may choose which boat to use (if they own more than one).
3. Mr. Copp wants to discuss allowing commercial clamming on Sundays in the summer months.
4. Mr. Auman-carryover agenda item considering a designation of horseshoe crab hand collection days during the closed season.
5. Suggestion from unknown person wanting to be able to transfer a horseshoe crab license among members of the immediate family.

There being no further business, a motion was made, seconded and carried that the meeting be adjourned at 9:55 PM.

Respectfully submitted,

Kim Records
Recording Secretary