



**ADVISORY COUNCIL ON SHELLFISHERIES
MINUTES OF MARCH 13, 2008**



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

ADVISORY COUNCIL

Leonard "Limbo" Voss, Jr., Chairman
Patrick Gaffney
Virgilio Pacelli (absent)
Paul Satterfield
Steven Copp (absent)
Charles Auman (absent)
Larry Foley (resigned)

DIVISION OF FISH & WILDLIFE

Roy Miller
Rick Cole
Jeff Tinsman
Rich Wong
Kim Records

PUBLIC

17 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 Voss at 7:11 PM.

Agenda Item 1. Approval of Minutes from 12/3/2007

Mr. Voss welcomed everyone and explained that because there is not a quorum of council members present; the minutes from the December meeting cannot be approved. This action, and any other actions emerging tonight, will be postponed until the next meeting tentatively scheduled for June 26.

Agenda Item 2. Follow-up on Suggestion to Contact Lori James of Senator Carper's Office Concerning Rusty Trout's Scallop Letter

Mr. Miller stated that he spoke with Ms. James at Senator Carper's office and she informed him that she indexes all of the Senator's correspondence, and that she has no record from the past several years of a letter regarding the scallop fishery from Rusty Trout. **Mr. Voss** said that he will contact Mr. Trout to obtain a copy of his letter.

Agenda Item 3. Update on Status of Regulation to Require that One Crab Pot Color Code be Used Per Vessel and Oyster Bag Tagging

a. Hearing date March 31, 7:00 PM

Mr. Miller went over the draft regulation he prepared concerning changes to the crab pot color code. He said these changes would not become effective until January 1, 2009 in order to allow licensees time to make the necessary changes to their gear. To summarize, the regulation would allow up to three crab pot licensees to fish from one vessel using the same color code. Any licensee who elects to fish their own crab pots on a vessel without other licensees will retain the right to use their originally assigned color code. This proposed regulation is supported by the DFW Enforcement Section, and this Advisory Council. The draft regulation will be presented at a public hearing on March 31st at 7:00 PM. The draft regulation also includes proposed revisions to the oyster harvesting regulations. These changes would modify the procedures for applying oyster harvesting tags and would

become effective immediately. Public comment on both proposed regulations will be taken for the record during the hearing to be held March 31st. **Mr. Miller** then mentioned a public hearing not listed on tonight's agenda; on April 24th at 7:00 PM in this auditorium, public comment will be taken regarding the proposal to allow transferrable quotas among permitted black sea bass potters and proposed changes to the lobster regulation to re-define the depth of the v-notch mark used to distinguish female lobsters.

Agenda Item 4. Update on Plans for Shell Planting on the Oyster Seed Beds in '08

Mr. Cole reviewed last year's shell planting which covered 190 acres of oyster seed beds. Since 2005, over 672,000 bushels of cultch material have been planted on the natural oyster beds. Shell was purchased with funds left over from last year and is currently stock piled in NJ and MD. This year Congress appropriated \$813,000 for shell planting, in NJ and DE, which is much less than requested. **Mr. Cole** said that NJ and DE must provide matching funds of \$27,100 each as required by the contract. The past three years, this match money was given to DE by the Delaware River Basin Commission, but last year the commission told **Mr. Cole** not to request assistance in 2008. Therefore, the match money for this year will have to be paid from the Oyster Recovery Fund. He said this plan has not been finalized yet. Planting costs estimated at over \$500,000 (over \$1.00/bushel) are still being pursued. He estimates that there will be between 200,000 to 250,000 bushels of shell cultch planted on Delaware's oyster beds this year.

Agenda Item 5. Requirements for Entry into Blue Crab Pot Fishery, Fish Pot Fishery

Mr. Miller said this particular issue was raised by a Council member during the last meeting and it concerns finfisheries as well. The issue is that there are some apparent non-resident individuals who may be attempting

to obtain commercial crab pot and/or fish pot licenses to ostensibly harvest oyster toad fish. Mr. Miller then clarified all relevant laws and regulations, including Title 7 Del. Code, § 2303 (a) that states a designee to a crab pot licensee must be a resident. A resident is defined as someone who has lived in Delaware more or less continuously for one year or more. Also, DNREC Shellfish Regulation 3718 states that it is unlawful to harvest crabs with a fish pot.

Agenda Item 6. Update on Horseshoe Crab Harvest Regulations for 2008 in DE and NJ and Final Harvest Figures for 2007

Mr. Miller stated that Delaware is not currently proposing any changes to the regulation that was in effect to the end of 2007 (male-only harvest up to 100,000 horseshoe crabs from June 8th to Dec. 31st). The ASMFC is considering regulations for 2009 and beyond, including a continuation of the male-only harvest for another year or two, and at the insistence of the State of New Jersey, a total harvest moratorium is also under consideration. He summarized recent unusual proceedings in NJ stating that about a week ago their Marine Fisheries Council voted unanimously to set a harvest limit of zero horseshoe crabs for NJ in 2008. Mr. Miller also mentioned that the Department is under a fair amount of pressure to close the horseshoe crab fishery in Delaware. **Commercial waterman Rob Piascinski** commented that this fishery has become overly political and added a suggestion that scientists consider trying to find an alternate food (such as a protein pellet) for the shorebirds that eat horseshoe crab eggs, instead of focusing on development of an alternate horseshoe crab bait for commercial eelers and conch fishermen.

Agenda Item 7. Topics for June 26 Meeting and Solicitation of Interest for Nomination to Fill Council Vacancy

Mr. Voss reminded everyone that the Council previously decided to meet quarterly, therefore the next meeting is scheduled for Thursday, June 26th. Then, he asked for possible agenda items for the next meeting:

1. Updates on regulatory changes.
2. Horseshoe crab history and an update on development of an alternate horseshoe crab bait.
3. Delaware State oyster spat update.

Mr. Miller and Mr. Voss mentioned that names are still being accepted for consideration to fill the vacant Council position. There being no further business, the meeting adjourned at 8:01 PM.

Respectfully submitted,



Kim Records
Recording Secretary