



STATE OF DELAWARE  
DEPARTMENT OF NATURAL RESOURCES  
& ENVIRONMENTAL CONTROL  
DIVISION OF FISH & WILDLIFE  
89 Kings Highway  
Dover, Delaware 19901

Office of the  
Director

June 13, 2011

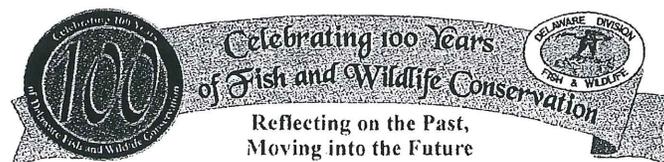
Dr. Christopher M. Moore  
Mid-Atlantic Fishery Management Council  
Suite 201  
800 N. State St.  
Dover, DE 19901

Dear Dr. Moore:

I am writing today to request a Special Management Zone (SMZ) designation for Delaware's five artificial reef sites in federal waters. Since the inception of our reef program's development phase in 1995, and increasingly as development has intensified, we have received complaints from individuals, head and charter boat captains and state legislators, on behalf of their constituents about fish pots on the reef sites. Deployment of commercial pots on reef sites makes the intended hook and line use of the sites impossible at sites both in state and federal waters.

We are aware that the Black Sea Bass Plan outlines a process for creating SMZ's for gear management on artificial reefs at the request of the permit holder. Our Fisheries Section staff made several presentations to the MAFMC Ecosystem Committee in 2007, but no formal request was submitted at that time. As the conflict has continued, the USFWS Sportfish Restoration Office has become aware of it and has informed Mid-Atlantic States that they must find means of controlling and eliminating these conflicts or there may be serious repercussion regarding the use of SFR funds by that state fisheries program.

Delaware has addressed this issue as it exists at reef sites in state waters, where we have regulatory authority. Delaware House Bill 270, passed by the 145<sup>th</sup> General Assembly was signed into law by Governor Markell in April, 2010, giving the Division regulatory authority to regulate gear types at reef sites in state waters. Subsequently, Regulation 3536 Section 5.0 was written limiting finfish harvest methods of take on reef sites in state waters to hook and line and spear. This regulation will go into effect on July 11, 2011.



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Ocean reef sites adjacent to the Delaware coast are under federal control. Our only means of gaining control of gear on these sites is through the SMZ process, as described in the Black Sea Bass Plan. Please consider this letter to be a formal request for SMZ consideration for these sites. The SFR Office has indicated to us that there are several options open to them, should a state not act to eliminate these conflicts. One would be termination of SFR funding for that state's reef program. They have already exercised this option in New Jersey. A second step would be to eliminate SFR funding for all state fisheries programs. This would render our Fisheries Section unable to conduct a wide range of surveys and activities essential for collecting data in support of regional fisheries management efforts. The final option available to the SFR Office would be to require repayment of SFR funds spent historically on reef development, an option which would clearly be devastating to any state in this economy.

I understand that the MAFMC does not confer the SMZ designation directly, but would vote to refer the issue to NMFS, where the rest of the process would be initiated. This is an issue that can be handled differently by different states, depending on their situation. Some states may opt not to use SMZ's at ocean reef sites. I am hopeful that the council will recognize the importance of SFR funding to the fisheries management activities in Delaware and support this request. My staff and I look forward to interacting with the interagency committee which will make the final decision on this issue. Thank you for your consideration of this important request.

Sincerely,



David E. Saveikis  
Director  
Division of Fish and Wildlife

Enclosure: Coordinates of Delaware's Ocean Reef Sites