

Virginia Marine Resources Commission
Blue Crab Management Advisory Committee Meeting
VMRC Conference Room

April 30, 2014

Members Present

Hon. James Close (Chair)
David Bell
Marshall Cox
Kenneth Diggs, Jr.
Daniel Dise
Ty Farrington
G. Wayne France
Chris Moore
Tom Powers
Mark Sanford
Ken Smith

VMRC Staff

Rob O'Reilly
Joe Grist
Joe Cimino
Ande Ehlen
Lewis Gillingham
Samantha Hoover
Stephanie Iverson
Adam Kenyon
Rachael Maulorico
Sally Roman
Kelsey Rooks
Laurie Williams

Members Absent

Hon. S. Lynn Haynie
Johnny Graham
Paige Hogge
Ronald Jett
John Masiak
Peter Nixon
Kevin Wade

Others Present

Dr. Rom Lipcius (VIMS)
Danielle McCulloch (VIMS)
Beverly S. Ludford
Tim Wivell
Roger Parks
Blair Anderson
Gregory Perez
Michael Seebo
Jerome Bonneville
Douglas F. Jenkins, Sr.

Minutes were recorded by Kelsey Rooks.

I. Introductions/Announcement

The meeting was called to order at 6:08pm. Mr. Rob O'Reilly introduced the Honorable Mr. James Close as the chairman for the meeting in the Honorable Ms. S. Lynn Haynie's absence.

II. Approval of minutes from the October 7, 2013 meeting and February 24, 2014 meeting.

A quorum was not present at the February 24, 2014 meeting, so the committee was unable to vote on the October minutes at that time. A quorum of 11 was present, and both sets of minutes were approved unanimously.

III. 2013/2014 Bay-wide Winter Dredge Survey: preliminary results

Mr. Joe Grist presented the Winter Dredge Survey preliminary results and discussed that the abundance of spawning age females is 68.5 million and the exploitation fraction is 20%. This indicates a depleted, overfished blue crab stock, but that overfishing is not occurring. Mr. O'Reilly pointed out that while the exploitation rate of 20% is below the target exploitation rate; the harvest numbers are also low, which is cause for concern. Mr. Grist also presented the Maryland, Potomac River Fisheries Commission (PRFC), and Virginia harvest and landings from 1994 through 2013.

Mr. Ty Farrington asked how the harvest was determined for Virginia and Maryland and requested a copy of the presentation. Mr. Chris Moore noted that data were preliminary and asked if staff expects to see any changes in the information. Mr. Grist responded that staff is not expecting significant changes though the data is still preliminary. Dr. Rom Lipcius from VIMS stated that there was higher mortality in Maryland than Virginia; and having observed the low juvenile abundance last year it makes sense that there would be a low adult abundance this year.

Mr. Adam Kenyon presented the harvest of blue crabs from 1996 through 2013 for Virginia, by crab pot and sex. He explained that peeler crabs are unclassified by sex, but that the male to female ratio is approximately 50%. Mr. Douglas F. Jenkins, Sr. of the public asked how Mr. Kenyon arrived at that conclusion. Mr. O'Reilly explained that there are no studies collecting sex information on peelers and that there is not a sampling program to better understanding sex and age characteristics of the blue crab fisheries (both hard crabs and peelers). Mr. Jenkins commented that in his experience, 90% of peeler harvest could be females depending on location, and that typically he has observed more females harvested than males.

Ms. Ande Ehlen presented information on crab pot and peeler pot effort by number of harvest days and by license category for 2011 through 2013. Mr. Marshall Cox asked how the effort changed among categories and years. Ms. Ehlen responded that there are no obvious trends. Ms. Samantha Hoover presented the blue crab harvest from 2008 through 2013 by gear and by license category. Ms. Kelsey Rooks presented the results of the 2013 pricing survey and average prices of blue crabs from 2003 through 2013. Mr. Jenkins asked if only Virginia buyers were surveyed. Ms. Rooks clarified that anyone possessing a Virginia buyer's license received the survey, even if they are located out of state. Mr. Ken Smith commented that it is time for the buyers to be required to report, and

that it should be easy for the buyers to provide pricing information. Ms. Stephanie Iverson stated that there approximately 300 Virginia seafood buyers licenses sold yearly.

IV. Discussion: Management measures for 2014

Mr. Rob O'Reilly introduced possible management measures to address the depleted fishery and how they each would help.

1. Reduce summer 2014 bushel limits July 15-August 31
 - a. Conserves spawning crabs
2. Bay-wide closure of 2014 fall harvest of females
 - a. Conserves some spawning and the 2015 spawning crabs
 - b. November 15 closure
3. Crab pot season opening April 1, 2015
 - a. Conserves spawning potential
4. Lower 2015 Crab Pot Spring Bushel Limits
 - a. Conserves spawning potential
5. Peeler pot season opening May 1, 2015
 - a. Lessen waste and conserve spawning potential
6. Establishment of peeler pot bushel limits
 - a. Lessen waste and conserve spawning potential

Mr. O'Reilly shared staff's concerns about poor peeler pot harvest reporting and the waste within that fishery. He also stated that the Commission will ask for management measures, and that staff will not seek to open the winter dredge fishery. Mr. O'Reilly also shared that management is looking to change the fishery year to August 1 through July 31.

Mr. Cox commented that if the peeler pot fishery participation (50% of peeler pot licenses were inactive in 2013) has decreased through the years, it is odd to consider bushel limits. Mr. O'Reilly clarified that the participation has not changed; it has been at the same rate since 2003.

Mr. Cox commented that an early closure in the fall would result in the same crabs being harvested the following spring. Mr. O'Reilly stated that there is a recoupment opportunity for the fishery, and that staff is also considering lower bushel limits in the spring or delaying the season opening to further protect the same crabs. Mr. Cox expressed that the season dates are not as important as the water temperature. Mr. O'Reilly requested suggestions on possible management measures. Mr. Cox stated that he agrees something needs to be done, but is unsure about what the next course of action should be.

Mr. Smith asked for clarification on what staff wants to report at the May and June Commission meetings. Mr. O'Reilly explained that at the May meeting staff plans to present the management measures that are in discussion and request a public hearing for June, and at the June meeting hold the public hearing. Mr. Smith suggested closing the fishery in October when the prices are lower, and re-open for the remaining two weeks in November. Mr. O'Reilly said that the number of harvesters in October is much higher than the number of harvesters in November.

Mr. Kenneth Diggs, Jr. asked if this means that staff recommends closing the fishery early and preventing certain harvesters from catching the crabs, just to allow the same crabs to be harvested later by others in the fishery. Mr. O'Reilly said that because the blue crab fishery is not an Individual Transferable Quota (ITQ) system or a rights-based fishery that may occur. Mr. Diggs commented that if other states do not take the same measures that Virginia does, the value of a Virginia crab will drop significantly.

Mr. O'Reilly responded that these measures are about the bay crab fishery, and that Virginia management measures will not impact what North Carolina, South Carolina or Georgia do. Mr. Diggs expressed his concern that the harvesters need to be able to be competitive.

Mr. David Bell asked if there could be clarification on the lower bushel limits suggested for crab pots and on what staff defines as the spring season. Mr. O'Reilly said that spring is considered to begin April 1 and typically ends June 20th. He said that it will take staff approximately two weeks to develop more clarification on the proposed possible management measures.

Mr. Farrington asked why staff is moving so quickly to enforce these management measures. If harvest is below the threshold and overfishing is not occurring, then why are these management measures necessary? Mr. Bell stated that he agreed. Mr. Farrington stated once these regulations are put in place, they will never be reversed. Mr. O'Reilly explained that overfishing is not occurring, but the stock is overfished. Being in an overfished state is much worse than overfishing, because overfishing can be corrected before the fishery reaches an overfished status. Mr. O'Reilly emphasized that a public resource has been overfished, which will have reverberations.

Mr. Jenkins stated that regulating the harvesters is not the answer; it is regulating the predators such as rockfish, puppy drum, croaker and blue catfish. Hon. Close stated that there will always be predators in the bay, as everything in the bay eats crabs. Dr. Lipcius explained that the full ecosystem complex should be considered, and stated the committee may want to consider sending a letter of endorsement in support of moving to ecosystem based management.

Mr. O'Reilly stated the stricter regulations on the harvest of striped bass and croaker may be on the way. Currently, the focus needs to be on blue crab until there are some changes in the fishery.

Mr. Cox asserted that the committee needs to participate in the process and work with staff, rather than arguing about having to make changes. The committee has to speak up in order to reach a compromise.

Mr. Mark Sanford asked if the committee needed to have recommendations tonight. Mr. O'Reilly responded no. Mr. Sanford commented that an April 1 start date for the crab pot fishery is bad, because it will just increase competition among more harvesters and drive the prices down. He also suggested changing the start date for reducing the summer bushel limits from July 15 to July 5.

Mr. Wayne France said that the fishery has been reduced down to a small part of the bay, and that he does not want to see anything closed because the fisheries vary so much due to water temperatures and other environmental factors. Mr. France would rather see reductions than closures. Hon. Close emphasized that this will not be an easy fix.

Hon. Close noted the fishing strategy has changed. Mr. Diggs stated that the winter dredge fishery closure has not worked, and that the expanded sanctuary has focused harvest up the rivers and the trends are not good for the future of crabs. Mr. Bell commented that there could be a lot of water pollution impacting the fishery, but this concern is never addressed.

Hon. Close stated he does not want to see anyone put out of work, but that something must be done to better regulate this fishery, because if nothing is done there will not be anything left to regulate.

Mr. Cox asked if there had been any review of sanctuaries and if that would be a possible management measure. Mr. O'Reilly responded, stating that the history of the sanctuary was looked at in 2001. Dr. Lipcius also responded, explaining that the sanctuaries are effective and crabs are protected when they get there. There is not strong evidence for expanding the sanctuary. The effort needs to be placed on the spring peeler runs and pot fishery because that is when the recoupment period occurs. He explained that the female crabs in the lower bay are coming up the bay to spawn in May and June, but in Maryland these female crabs come down in the fall to overwinter. Focusing effort to protect these two separate populations is more effective than looking at sanctuaries.

Mr. O'Reilly said that some of the comments from tonight are far-reaching, but that staff is anxious to get out of crisis mode, and to see the committee get back to a place where they can creatively address issues without having to respond to crisis situations repeatedly. Mr. Smith expressed concern about coming up with bushel limits for 2015, stating that they should wait until the 2015 Winter Dredge Survey results have been received.

Mr. France asked what Maryland and the PRFC are doing. He also asked for an idea of the southern states blue crab fisheries. Mr. O'Reilly said that the 2013 low was not just a bay-wide situation, but an east coast phenomenon. Mr. O'Reilly said that staff will get in touch with the other states. Maryland has indicated that they will have reduced trip limits in the summer. They have not provided specific details on how they will protect the juveniles though they stated to the Commissioner they are committed to do so. PRFC does not normally fully close the fishery in November, but they will in 2014. They typically have rotating closures.

Mr. Jenkins asked for the percentage of peelers in the total harvest, Mr. O'Reilly responded that it is 8%. Mr. Sanford stated that the bay wide sanctuary has turned him into a peeler potter. He expressed concern that there is a need to look at the sanctuaries to find a more level playing field. Mr. O'Reilly commented that staff recognizes that the reporting is poor for this fishery.

Mr. Farrington asked for clarification on the time frame suggested for the 2014 harvest closure of females. Mr. O'Reilly said that Virginia proposes November 15 and Maryland and PRFC propose November 10. Mr. Farrington asked about the male population, and Mr. O'Reilly responded that it is very low as well; the 2014 estimate is the lowest in survey history.

Mr. Farrington commented that he is concerned about the lack of studies on the number of males needed to fertilize the females. He stated that there are some females that will be infertile and asked how many crabs are fertile and if the focus should be on the female or male crabs. Mr. O'Reilly said that Mr. Grist will be prepared to share some information on this from the Chesapeake Bay Stock Assessment Committee (CBSAC) at the next committee meeting. Dr. Lipcius said that there is some information on this which is studied by measuring the sperm stores in females.

Mr. Farrington asked for an update on CBSAC trigger management options. Mr. O'Reilly presented slides on the trigger measures prepared for CBSAC last year and said that the committee is going to have to help staff prepare these triggers. What was brought up last year did not impress CBSAC. Ms. Danielle McCulloch asked if CBSAC had seen the VIMS mortality study. Mr. O'Reilly stated that yes, they had.

V. New Business

Mr. Sanford introduced a concern about overcrowding in the Lynnhaven River. He requested the opening of a small portion of crab sanctuary area 4 to alleviate this issue. Mr. Sanford also mentioned the lack of law enforcement, referencing that in 2007 there were many arrests and a larger enforcement presence. He stated that he would like to see the same thing now. Mr. O'Reilly said that he will be happy to mention it to Colonel Rick Lauderman, who has expressed the difficulty in enforcing pot limits.

Ms. McCulloch asked why there has not been a tag system set up for pots like there is for striped bass. Mr. Diggs commented that it would be a poor tracking system, as many pots are lost throughout the year. Mr. Grist stated that it would be expensive as well, and provided a comparison to the smaller striped bass ITQ system.

Mr. Diggs stated that there needs to be some sort of checks and balances because there is too much emphasis put on the results of the Winter Dredge Survey. He said it appears to be hit or miss and the numbers look like they are inconsistent. The crab dredge can be efficient in some ways but is not always an accurate measure. He expressed that with the current situation a few more people will lose their jobs and businesses and will never return to the fishery. He also questioned how many predators are actually in the bay, and stated that the crabs are their own predators as well. He emphasized that there is a need to get down to the bottom of what is really causing the low abundance levels or there will not be a fishery left to manage.

VI. Next meeting date

The next CMAC meeting is scheduled for Tuesday, May 20, 2014.

VII. Adjournment

Motion to adjourn was made by Mr. Cox and seconded by Mr. France. The meeting was adjourned at 8:33pm.