

VIRGINIA MARINE RESOURCES COMMISSION
CRAB MANAGEMENT ADVISORY COMMITTEE
2600 WASHINGTON AVENUE, NEWPORT NEWS, VA 23607
VMRC COMMISSION ROOM, 4TH FLOOR
MONDAY SEPTEMBER 17, 2012 AT 6:00PM

Members Present

Hon. Rick Robins
Ty Farrington
Tom Powers
Johnny Graham
Ken Smith
Dan Dise
Chris Moore

Members Absent

Peter Nixon
Wayne France
Marshall Cox
Hon. Joe Palmer
H.M. Arnold
Ronnie Jett
Jim Casey
Jeff Crockett
Pete Freeman
Paige Hogge

VMRC Staff

Rob O'Reilly
Joe Grist
Joe Cimino
Alicia Nelson
Adam Kenyon
Allison Watts
Reneé Hoover

Others Present

Dr. Kirk Havens
Michael Seebo
Tim Wivell
Mark Sanford
Jim Hudgins
Bill Mullis
Jenn Aiosa
Adam Ansel
Jeny Ans
Ken Diggs, Jr.
Jay Diggs
Dr. Rom Lipcius

The minutes were recorded by Reneé R. Hoover.

II. Introductions/Announcements

Chairman Rick Robins called the meeting to order at 6:08 pm. Mr. Robins stated that there would be several presentations and then movement into recommendations on management decisions.

III. Approval of minutes from the March 20, 2012, April 19, 2012 and June 19, 2012 meetings

A quorum was not present, but no comments were made on the minutes from the previous meeting. Both HM Arnold and Hon. Joe Palmer were unable to make it and called in to Mr. Rob O'Reilly to explain their absence.

IV. Dr. Kirk Havens (VIMS): Biodegradable panels for blue crab pots

Dr. Kirk Havens began by describing the results of the “Ghost Pot” Program. He explained the data resulting from the Program, and provided some of the associated outcomes. He then described the idea behind using biodegradable panels, provided information on the panel design and why it would work, summarized key points, and provided solutions.

Mr. Robins asked if the NFWS proposal Dr. Havens had mentioned was going to be funded; Dr. Havens responded that after a preliminary letter of intent for their grant proposal, a full proposal was asked to be submitted, which is favorable.

Dr. Havens explained that the degradation of the panels was regulated by microbial activity. Mr. O’Reilly said the next steps in this area of research are up to finding funding and looking to test the higher density/more durable materials for the panels.

Mr. Powers asked whether the public would be allowed to pull up crab pots through the proposed 2-week season. Dr. Havens clarified that VMRC would be allowed to pull up the pots, not the public. Mr. Powers asked what it would take to grant the public authority to pull abandoned pots up. Mr. O’Reilly responded that liability and indemnity must be considered, and that these kinds of questions came up with the ghost potting program; Mr. Havens supported Mr. O’Reilly’s statements.

Mr. Farrington brought his own design to the meeting. Mr. Ken Smith explained that it had a biodegradable pig ring and a spring-loaded panel. Dr. Havens stated that several spring-loaded panels had been tested in other areas, and were highly susceptible to biofouling. A small number of encrusting organisms can easily prevent the spring-loaded panel from releasing even after the ring biodegrades.

V. VIMS: Crab Dredge Study Subcommittee update

Mr. O’Reilly introduced this item, explaining that 4 vessels were chosen because this represents a sample of approximately 10% of the crab dredgers who would likely become active, were the fishery to be reopened. The committee formulated the four geographical areas from which captains would be chosen: Tangier, Bayside/Eastern Shore, Southside, and the Western Shore. Mr. O’Reilly explained that incidental mortality is the central point of the study.

Dr. Lipschus showed that the experimental design for the study is comprised of four main factors: substrate, month/water temperature, diver use, and tow speed (5 kts, 2 kts). The study would be conducted over 42 days from December through the end of March, using four vessels. Each study day there will be a set of 10 standardized tows before the dredgers are allowed to tow, then four boats will dredge in a pre-determined area. Once finished their normal dredge activity in the area, the boats will conduct standardized “after” tows in the site. Subsequently, an ROV will help to document crab mortality/injuries, and monitor damage to the bottom.

Mr. Robins asked if boats would be asked to revisit their own dredge lines and if the study subcommittee would reconvene before the study began, Mr. O’Reilly explained that he would like for that to happen.

Mr. Michael Seebo described the process of selecting the four dredge study captains. The first criterion was to find four vessels that would be safe for staff to work on as observers, and that these four vessels

were to mimic the dredge fishery as a whole. Thirteen captains expressed interest in participating in the program. One captain tried to apply after the final deadline and inspections were completed, and he was denied the opportunity to participate. The process incorporated several criteria, including: vessel size, cabin, setup, condition, and age; recommendations, nominations, and past research experience of the captains; safety equipment, captain's licenses, electronics, a desire to cooperate, and USCG checks for examinations, among others. Criteria were weighted so that some measures were given more importance than others, such as the safety criteria. Mr. Seebo stated that the selection process is complete.

Mr. Smith asked if all the 13 participants had been eligible to have dredged in 2008, and whether all 13 were eligible for the ghost potting program, and Mr. Seebo explained that these were not used as selection criteria. Mr. O'Reilly explained that before closing the first winter crab dredge season, the Commission took the 53 licensed crab dredgers for a limited entry. He said that there is no real connection between those 53 dredgers and the ghost pot program. Mr. Farrington asked if the 53 dredgers were in fact eligible to be ghost potters. Mr. O'Reilly reiterated that there was no connection between the limited entry dredge fishery to the ghost potting program, or subsequently to the current dredge study being discussed.

Mr. Smith stated that there were people that get involved in projects such as this one who are not licensed as crabbers. He said he hopes that in the future, people who have recent histories of working on the water full time would be selected for such a study. Mr. Dise agreed with Mr. Smith's statement. Dr. Rom Lipscius said that VIMS attempted to have an open, objective, and interactive process.

Mr. Chris Moore asked how the study would handle interactions with the ongoing pot fishery; and Dr. Lipscius responded that VIMS and VMRC would work with the captains to do their best to avoid any and all gear interactions.

Mr. Tom Powers asked about assessing damage to the bottom and the benthic infauna, and whether the ROV could be used as a means of addressing the bottom. Dr. Lipscius is going to apply to NOAA for some funding in an attempt to properly investigate bottom damage caused by crab dredging.

Mr. Bill Mullis said he was one of the eligible captains for the Western Shore, and that he does not feel the safety criteria were actually used in the selection process. Mr. O'Reilly said this process is not an "us and them" process. Mr. Ken Smith said he feels everyone understands the process, and Mr. Robins said he looks forward to the update from the subcommittee.

VI. 2012 Crab fisheries harvest projections

Mr. O'Reilly stated we have a third year of projected crab harvest, but cautioned that delinquent data can really affect the harvest projections. Mr. Adam Kenyon presented the harvest projections, including an explanation of how the projections were calculated, and how the number of trips was incorporated into the projections. Mr. Kenyon showed that 2012 is an unusual year, with March 2012 being one of the highest on record, but April harvest dropping off and May through June leveling out. The projection for the remainder of 2012 is 27,381,000 lbs. This projection is slightly above the average over the past 7 years, but below the average of just the past 2 years, which were particularly high.

Mr. Johnny Graham asked how we define effort. Mr. Kenyon explained effort is defined as a harvester's trip, in this case. Mr. Ken Smith asked about effort, and said he had been told if we had less effort, they would catch the same amount of crabs, but he did not see that response in this year's data.

Mr. Robins asked about the accuracy of the projections in previous years and how it compares with the biological reference points. Mr. Kenyon responded that the projection is always examined retrospectively and is rarely off by more than one million pounds. Mr. Robins then asked how these projections relate to the biological reference points for the stock. Mr. O'Reilly responded that less harvest is part of less abundance; he said we are always in a lag situation with harvest projections. He said Maryland and North Carolina are below their normal harvest levels this year, as well.

Mr. Powers asked whether we would be in an overexploited state if the actual crab abundance had been higher, as it was last year. Mr. O'Reilly responded that the overcapacity in the fishery means that we were overfishing for a long time during which we did not know anything about the actual stock status. Mr. Smith said that he is having a poor crab season, as with any other harvesters with whom he has spoken.

VII. Recommendations by CMAC on management measures

a. Dredge fishery season (2012-2013)

Mr. O'Reilly stated that staff would recommend an additional closed season for the winter dredge fishery. Mr. O'Reilly discussed incidental mortality, spawning potential, and the spring fishery's effect on how long or extensive a potential winter dredge season would possibly be.

Mr. Farrington asked whether we were simply waiting for the Winter Dredge Project results. Mr. O'Reilly replied that regardless, it is up to the Commission to make a decision about whether the winter dredge season would open or not, and that tradeoffs would be necessary were the season to open. Mr. Farrington asked what staff is waiting for, Mr. O'Reilly replied that staff is waiting for this study because there has been no change in the outlook of the winter dredge season, and that there is no new information on incidental mortality. Mr. Dise said that he believed we had to reach 200 million crabs for 3 years in a row before the winter dredge season would be reopened. Mr. O'Reilly responded that the 200 million was in fact set for the waiting list, not for reopening the winter dredge season. The first closed season was enacted on the 34% reduction in female harvest; the subsequent 3 years, staff was reacting to different problems, such as the state of the stock and public comments. Mr. Robins reminded a new stock assessment came out, changing the biological reference points, and that we will always be responding to stock status updates. Mr. Dise feels that he therefore has no input as to whether the winter dredge season would reopen.

Mr. Farrington commented on attendance, noting that in April CMAC did not have a quorum, either. This is the third meeting in a row that does not have a quorum. Mr. Robins said this is an issue to ask of the Commissioner; Mr. O'Reilly has notified the Commissioner of this situation. Mr. Robins said CMAC can still make motions, but simply cannot take action on those motions. Mr. Johnny Graham echoed the sentiment of Mr. Farrington and Mr. Dise on the lack of attendance.

Mr. Johnny Graham has lost faith in the management process, and feels that the harvest for 2012 is at a record 10 or 15 year low. He said that he gave up part of his share of the resource to help recover it, but he has not seen any of those gains back. He feels the environment has more control over the status of the fishery than any management measures. Mr. Ken Smith said that

he is concerned for the longevity of the fishery in terms of harvesters. Mr. O'Reilly commented that we need to think about how to get out of having an "annual crop" of crabs.

Mr. Bill Mullis said he recently got a letter from Commissioner Travelstead, and that under term of reference number 7, the letter stated an important reason for the recommended closure of the upcoming winter dredge season was owed to the fact that CMAC gave a recommendation to the Commission to open the winter dredge season, but offered no compensation or conservation equivalency. The crab management plan submitted to the governor contained similar language. Mr. Mullis also disagrees with the incidental mortality estimates for the winter dredge fishery, and would like a copy of the original crab dredge study conducted in 1989-1990. Mr. O'Reilly responded with an explanation of the methods in the original crab dredge study. He also described the importance of the lack of conservation equivalency in CMAC's previous recommendations. Mr. Ken Smith hopes that CMAC can come in and make decisions as a unit trying to rebuild this fishery.

Mr. Farrington made a motion to open the 2012-2013 winter dredge season and conduct a 3 year study, with a 36 bushel limit, maintaining daily logs, and that every crab pot will add a 2.5 inch cull rings (in addition to the currently required rings) as a means of offering conservation equivalency. The motion included provisions to monitor the onboard harvest activity using video cameras to provide data on incidental mortality. The motion was seconded by Mr. Ken Smith.

Mr. Robins mentioned that Canada has conducted such a study. Mr. Powers said that the technical side of using video data would be very difficult and Mr. Lipscius said that the cost is prohibitive. Mr. Johnny Graham said the motion is a good starting point, but Mr. Dise said he would need more time to consider the tradeoff part of the motion; he is not prepared to vote on the addition of a 2.5 inch cull ring.

Mr. O'Reilly said the biggest tradeoff was the cull ring. We do not necessarily know how escapement might relate to spawning potential, and therefore using a cull ring as an equivalency measure is not simple. He explained that additionally, there was not enough time to consider such a drastic regulatory change in time for a reopening of the 2012-2013 winter dredge fishery season. Mr. Robins said that the "study fleet" idea proposed in this motion is one that may be good to bring to the sustainability committee.

The motion was put to vote and failed to pass, with two members in support, three against, and one abstention.

b. Crab pot fishery, extension of season

Mr. O'Reilly explained why an extension was being considered. Last year, Hon. Joe Palmer had asked if VMRC could do something to extend the season into December. There has not been a full December crab pot fishery since 1994. The female harvest would therefore have to be reevaluated, were this extension to be implemented. Bushel limits would be the compensation for the additional harvest created by a season extension.

Mr. Johnny Graham asked when we start managing to the new target and Mr. O'Reilly described that we are already managing under the female target. Mr. Kenyon then described the ways that bushel limits were calculated to create a conservation equivalency for a season extension.

Mr. Dise and Mr. Powers would not want to spread the same amount of harvest over more days; they feel costs are higher in that scenario. Mr. Dise asked what was the tradeoff for the sanctuary extension; Mr. O'Reilly replied that we had done sponge crab conservation, and there was a pot reduction that was not part of the 34% reduction. The Commission felt comfortable with the small increase at that time. Mr. Smith does not feel that a bushel limit is necessary because crab abundance is so low. Mr. Powers said if we were moving forward with that, we need more ideas of the conservation equivalencies. Mr. Graham said the harvesters in the lower end of the Bay would benefit from this, and therefore they are the ones who should "pay back" in the spring.

Mark Sanford stated that he is giving back all year round; he fishes in the lower Bay. Jim Hudgin stated the water temperature greatly affects his catch, and should be considered, with the mild winter we have had. He also mentioned that they have had record year in Delaware, again with this mild winter.

VIII. Summary of Back Bay management request, and recent legislation changes

Alicia Nelson presented a summary of the Back Bay management request, and explained that Chad Boyce from the Department of Game and Inland Fisheries (DGIF) asked at the last CMAC meeting to limit harvest in Back Bay area to crab pots, stating that peeler pots will impede game fish recovery.

CMAC accepted the prohibition for scrapes but not peeler pots. No scrape activity was reported from 1994-2011 at all. There was a historic peeler fishery, with 36 trips over the entire time series. No finfish were reported as being harvested from peeler pots. Some finfish were reported from hard crab pot gear. Staff recommends going to the Commission to allow crab and peeler pot gear in Back Bay, not scrapes.

Mr. O'Reilly explained that this issue will be introduced to the Commission on September 25th. Staff initially assumed the issue was with scraping; at the June 18, 2012 meeting, CMAC supported no scrapes. This issue turned out to be about finfish, which surprised staff. Adam Ansel from North Carolina asked about eel potting, and Mr. Joe Grist explained that any finfish issues would fall under the jurisdiction of DGIF. No recommendation was needed from CMAC.

IX. Reconsideration of fisheries violations in terms of sanctions

Reconsideration of fisheries violations will be held at the next CMAC meeting.

X. Adjournment

The meeting was adjourned at 9:11pm.