

VIRGINIA MARINE RESOURCES COMMISSION
BLUE CRAB MANAGEMENT ADVISORY COMMITTEE MEETING
VMRC CONFERENCE ROOM
October 16, 2006

MEMBERS PRESENT

Hon. Rick Robins
Hon. John McConaugha
Chris Moore
Marshall Cox, Sr.
Jim Casey
Pete Freeman
Tom Powers
Louis Whittaker
Paige Hogge

MEMBERS ABSENT

Wayne Abbott
Billy Moore
William Abbott
Jeff Crockett
John Graham
Wayne Harding
Woody Zember
Lesney Miller
Ronald Jett
Pete Nixon

VMRC STAFF

Rob O'Reilly
Joe Grist
Lewis Gillingham
Rom Lipcius (VIMS)

I. Introductions; Announcements

Rick Robins called the meeting to order at 7:05 PM. Mr. Robins introduced Dr. John McConaugha (appointed as Associate member of the Commission in August) as Vice Chair of CMAC.

II. Approval of the minutes from the August 21, 2006 meeting.

Tom Powers requested one minor change, under New Business, item A, sixth paragraph:

Mr. Travelstead stated the Chesapeake Bay Commission adopted a pot marking system, to control effort, two years ago but it was never used.

To read:

Mr. Travelstead stated the VMRC adopted a pot marking system, to control effort, two years ago but the program was never funded.

The CMAC voted to accept the minutes from the 21 August 2006 meeting, as amended.

Chairman Robins noted the CMAC lacked a quorum at the present time and therefore would be unable to take any formal action but the CMAC would approve the minutes as amended.

III. Old Business

A. Final recommendation on sponge crab issue

Joe Grist began the staff presentation by stating the purpose of the current regulation was to protect dark sponge crabs from harvest. However, the outcome of the current regulation has been questioned since the preliminary results from Dr. Lipcius' (VIMS) study suggest a large percentage of dark sponge crabs caught in crab pots die after release. The same study indicates the crab larvae (egg mass) also die from the harvesting process after release. Additionally, Law Enforcements' ability to distinguish the legal color versus illegal color of sponge crab complicates this issue. Mr. Grist indicated the question before the CMAC tonight is to devise a more effective means of protecting blue crab spawning stock. One suggestion is to substitute an increase in the size of the present Blue Crab Sanctuary for the repeal of the ban on dark sponge crabs. An area off Virginia Beach and a tract in Pocomoke and Tangier sounds were proposed in the August meeting to be added to the sanctuary. Since the August meeting, staff has determined only two or three crab pot fishermen worked the Virginia Beach area in any of the last three years. However, the numbers of crab pot fishermen potentially impacted by the tract in Pocomoke and Tangier sounds is much greater, ranging from 67 to 98 crabbers reporting hard crab harvest, and 87 to 124 crabbers reporting peeler pot harvest in the last three years. Mr. Grist did note that effort, by both peeler and hard potters, was trending downward for the 2003-2005 period in Pocomoke and Tangier sounds.

Next, Mr. Grist presented 2003-2005 data showing the total number of crabbers eligible, number of licenses purchased and number of crabbers reporting harvest in Virginia. Among the peeler pot license holders and at each level of hard crab pot licenses the number of fishermen reporting crab harvest declined during the three-year period.

Chairman Robins reminded the CMAC the purpose of expanding the sanctuary was to offset the loss of conservation associated with the dark sponge crab restriction. Chairman Robins requested that CMAC focus their attention on the Virginia Beach area and questioned whether the low number of fishermen working this area was correct.

Rob O'Reilly stated Pete Nixon had called and indicated he would not be able to attend due to a major traffic accident in the Mid-Town Tunnel. Mr. Nixon did say the very small number of fishermen working the Virginia Beach area from 2003

through 2005 was an artifact of the increase in size of the lower bay sanctuary that occurred in 2002. Prior to the increase in sanctuary size, a significant number of hard crab pot fishermen worked this area. Mr. Nixon was one of those fishermen.

Tom Powers suggested the two or three crab pot fishermen in the Virginia Beach area be “Grandfathered” to work this area. He reasoned the idea behind the Virginia Beach sanctuary expansion was to preclude any increase of fishing activity should the dark sponge crab restriction be eliminated.

Mr. O’Reilly reminded the CMAC a time closure (sometime in July when spawning was normally at its peak) for all sponge crab harvest in all waters was considered, but upon greater scrutiny, this was not acceptable to the CMAC.

Dr. Lipcius stated the rationale for the Virginia Beach area expansion was to protect sponge crabs in this area that are currently protected “de facto” because of the ban of taking dark sponge crabs. Regarding the expansion into Pocomoke and Tangier sounds, this area is meant to be in deepwater, and as such, will not impact all crabbers, especially the peeler pot fishermen that primarily fish very shallow water. This addition to the sanctuary was meant to provide a protected migratory corridor for mature female crabs migrating to the mouth of the Bay.

Chris Moore asked Dr. Lipcius if the savings provided by the Blue Crab Sanctuary could be measured. Dr. Lipcius indicated such calculations were difficult and he was unaware of any precise data set to allow such a calculation. What is known, is that females crabs do move down the existing deepwater corridor, especially in June and early July, when down bay migrations are at their highest levels. Further, tagging data from the Smithsonian indicates once the female crabs move into the deepwater corridor, they tend to stay within its boundaries.

The CMAC re-focused their discussion on the lower end extension of the sanctuary. Chairman Robins reminded the Committee the purpose of the Virginia Beach area expansion was to pre-empt any increase of effort in this area, “if” the dark sponge prohibition was lifted. Conversely, the causeway in Pocomoke and Tangier sounds was not a dark sponge crab issue but a means to complete a protected avenue for female crabs from the Virginia/Maryland boarder to their spawning grounds.

Chairman Robins brought up the impact of displaced effort from the proposed new areas to be added to the existing sanctuary. By examining the data provided by staff, the Virginia Beach expansion has little potential to displace a significant amount of effort, but the expansion into Pocomoke and Tangier sounds does. Unfortunately with the data provided, Chairman Robins did not believe such calculations could be made.

Marshall Cox stated the closed area proposed around Tangier Island would have a huge impact. When the Commission considered a similar proposal a few years ago the “Tangiermen” filled the Commission room. Fishermen on Tangier are dependent upon these areas for their livelihood and have limited areas they can work, stated Cox. As for the prohibition of dark sponge crabs, Mr. Cox called the restriction ridiculous, “since we know 90% of the crabs are dying.”

Dr. McConaugha stated this was his first meeting and was therefore not in attendance the prior meeting when the mortality issue of dark sponge crabs was discussed and asked Dr. Lipcius to review the results of his study.

Dr. Lipcius stated a three-year tagging study using adult female crabs indicated the survival rate for these crabs was roughly 8% across the year. As for handling of sponge crabs, the data showed 60 to 70% of these crabs die within 5 to 10 days.

Chairman Robins stated the Commission has asked the CMAC to develop a recommendation regarding this issue. The existing regulation appears to be creating a waste in crabs (dark sponge crabs dying) and a waste of effort by the fishermen. The question is now before the CMAC for action.

Mr. Cox made the following motion:

Repeal the existing prohibition of dark sponge crabs and establish the lower bay sanctuary extension (off Virginia Beach) from 1 July through 15 September.

After clarification, the motion was seconded by Mr. Powers.

A discussion followed regarding the lack of a quorum. Chairman Robins stated this issue would be discussed with Commissioner Bowman and will likely result in a “reworking” of the membership to assure members will attend.

Dr. McConaugha felt the motion would not provide as much protection as the current regulation, since effort would only be precluded by expanded sanctuary, and, although flawed, the current prohibition of dark sponge crabs does provide some protection.

The motion passed with one dissenting vote.

B. Final recommendation on size limits for Potomac River tributaries

Mr. Grist reviewed the PRFC request to modify crab size limits in Virginia’s Potomac River tributaries to match the Potomac River mainstem. The argument presented by PRFC for larger crab minimum size limits was the higher price the larger crab would command. Mr. Grist indicated since the August meeting, Maryland was likewise considering the PRFC proposal. Staff has reviewed its

license data and found 143 crab pot fishermen reported harvest from a Potomac River tributary in 2005. A list of crab license holders from PRFC was received today and the initial comparison reveals 56% of PRFC license holders also hold a valid Virginia crabbing license.

Chairman Robins stated, given the large number of crab fishermen with dual licenseship, enforcement was another major concern of this proposal in addition to the potential increased economic return.

Louis Whittaker stated there was a strong market for smaller crabs, especially in the soft crab industry, and he felt all Virginia waters should have the same size restrictions. Further, he stated there were only five soft market categories and increasing the peeler size from 3 to 3-1/2 inches would eliminate one category completely. Mr. Whittaker had spoken with several other crabbers, directly and indirectly, and all opposed any change for the Potomac River tributaries.

Chairman Robins felt the CMAC had not received enough input from the Potomac River fishing community and was unable to gauge the level of support for changes in size limits that were largely for economic considerations.

Jim Casey suggested sending a survey to licensed crabbers in the Potomac River area.

Mr. O'Reilly stated the Commission might want to send out a public notice and request input from crabbers.

Mr. Casey asked if the CMAC would support a motion to request VMRC develop and distribute a survey.

Mr. Powers suggested the survey contain sufficient background information so fishermen could make an informed decision. Further, would it be possible for A.C. Carpenter to make a presentation at the Twin Waters Fishermen Association.

Chairman Robins (approximately 8:05 PM) announced he would be leaving due to a prior commitment and turned the meeting over to Vice Chair McConaugha. Mr. Casey departed at this time as well.

Vice Chair McConaugha suggested one question for the survey should be "where is your market?" The Vice Chair called for additional discussion on this item and there was none.

C. Discussion of other issues: Season opening date; dredge season; upriver sanctuaries

Mr. O'Reilly stated Mr. Nixon introduced the idea of upriver sanctuaries due to increased congestion, at the last meeting. John Graham proposed the same idea

several years earlier. Changing the start of crab pot season to March 15 and the closing the crab dredge season on March 15 was discussed at previous meeting of the CMAC.

Pete Freeman stated a reduced dredge season length of 15 December through 15 March with a corresponding increase in pot season to 15 March through 15 December has some support by the crabbing industry. Mr. Freeman noted every season was different, due to the weather and market conditions, so this impact of this change would vary from year to year. Mr. Freeman said he would support advertising this proposal for public hearing to determine the level of support by industry.

Mr. Powers said a petition supporting an earlier opening to crab potting, coupled with a reduced bushel limit of 25 bushels, was circulated early this spring and was mentioned at the CMAC meeting in June.

Mr. O'Reilly suggested these would be good talking points to begin discussion with the full CMAC once it has been reorganized.

On a related note, Mr. O'Reilly stated the Chesapeake Bay Blue Crab Stock Assessment Committee, sponsored by NOAA Chesapeake Bay Office, was holding a meeting tomorrow to review the status of the blue crab in the Chesapeake Bay. Mr. O'Reilly does not expect the blue crab stock status has changed significantly but this report will be available for the next CMAC meeting.

Mr. Cox emphasized the importance of the CMAC and having members attend meetings.

IV. New Business

There was no new business.

V. Next Meeting

The next meeting date was discussed but no resolved. Staff will notify the CMAC at least two weeks in advance of the next meeting.

VI. Adjournment

The meeting was adjourned at 8:30 PM.

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