

Virginia Marine Resources Commission
Crab Management Advisory Committee (CMAC) Minutes
380 Fenwick Road, Fort Monroe, VA
VMRC Commission Room,
Tuesday March 5, 2019 – 6:00 P.M.

ATTENDANCE

Members Present

Hon. Ed Tankard
Mark Sanford
James Hudgins
Bernard Wayne Morris
Marshall Cox
Dan Dise
Chris Moore
Ernest George
Kenneth Diggs
Tom Powers
Peter Nixon
Johnny Graham
Donald Porter Sr.

Members Absent

Others Present

Dan Knott
Jim DelBene
Doug Jenkins
Dirk Sanford
Lynnee Squires
Marshal B. Cut Sr.
Richard Cath
B. Newell
Rom Lipcius
Mike Seebo

VMRC Staff Present

Rob O'Reilly
Pat Geer
Alexa Kretsch
Ethan Simpson

Minutes were prepared by Ethan Simpson.

I. Introductions; announcements

The Hon. Ed Tankard called the meeting of the Crab Management Advisory Committee to order at 6:02pm. Chief of Fisheries Rob O'Reilly introduced Deputy Chief of Fisheries Pat Geer, and fishery management specialists Ms. Alexa Kretsch and Mr. Ethan Simpson to the committee. Chief O'Reilly briefed the committee on the agenda items for the evening, but stressed that decisions moving forward are ultimately bound by the Winter Dredge Survey results. Chief O'Reilly informed the committee that those results would be available before the May CMAC meeting.

II. Approval of minutes from the May 17, 2018 meeting.

The minutes from the May 2018 meeting were reviewed and approved unanimously.

III. New Business

1. Blue Crab harvest update from the 2018 season

Deputy Chief Pat Geer welcomed the committee and presented preliminary data on the 2018 harvest. Mr. Geer stated that as of this meeting, 63% of harvest have been reported and that this number should continue to increase as late reports come in. Mr. Geer also stated that commercial crab pot landings in 2018 were stable in regards to past commercial seasons. Commercial crab pot harvest in 2018 were 5.6% below the average from 2008 to 2018.

At this point Mr. Marshall Cox expressed his interest in receiving these data such as what Mr. Geer presented prior to each meeting, so committee members are better able to prepare. Specifically, he would be interested in water temperature data and the total number of crabbers operating throughout the year. Mr. Cox was also concerned that being 5.6% below the average may be indicative of over-regulation. Chief O'Reilly addressed Mr. Cox to remind him of the 2009 to 2011 seasons, in which a ramp-up of biomass occurred resulting in increased abundance until summer of 2012 when landings fell sharply. Chief O'Reilly agreed that the committee would benefit from having data a few days before each meeting. Dr. Rom Lipcius of VIMS then asked the committee if they believe increased rain during the 2018 season had an adverse effect on landings. Mr. Cox replied that crabbers operated lower down in each system as the fresh water input forced crabs from the upper areas.

Mr. Geer continued with his presentation at this point, mentioning that the crab pot fishery has been experiencing a steady decline in effort since 1994. However, CPUE has remained stable, if not slightly increased during that same time period. Specifically, harvest has decreased by 9% on average, while effort has decreased by 19%. Regarding peeler pots, the average landings from 2008 to 2018 were 900,000 lbs., and the peak landings always occurred in May. This fishery has been experiencing a slight decline in CPUE since 1994 and that overall effort has been decreasing faster than harvest. Mr. Cox asked for clarification how if effort was down how is catch the same. Mr. Geer responded by stating that only CPUE is relatively stable, with effort and, subsequently, harvest decreasing. Peeler pot CPUE was only down 6.9%, while effort was down by 18% against the long term average.

Mr. Tom Powers asked if staff could present the number of crabs harvested per pot, because of weight differences between hard crabs and peelers. Chief O'Reilly responded that staff has used a conversion for this in the past, but results are inconclusive because crabbers do not always fish their full pot allotment. Mr. Peter Nixon agreed that commercial crabbers are reluctant to report fishing less than their full allotment.

2. Possible management responses to the 2019 winter dredge survey results

i. Crab pot season extension in December

Mr. Marshall Cox feels that opening and closing dates devised by staff are ultimately arbitrary as most crabbers fish based on water temperature. Mr. James Hudgins was concerned about using water temperature as an opening trigger because different regions warm at different rates. Mr. Cox responded that the lower regions should not be punished because crabbers in the upper region refused to travel south. Mr. Donald Porter pointed out that multiple regions being operational at once allows for better prices. Mr. Mark Sanford stated that NC crab markets maintain excellent prices at the expense of VA crabbers, and that the goal of the committee should be to put Virginians first. Mr. Nixon inquired if the early spring closure has been beneficial to the stock and if the March opening were moved back would that free up time for fishing later in the season. Chief O'Reilly stated that a season must have a set opening date for the sake of law enforcement. Mr. Tankard asked if the season was opening earlier would require compensation later in the season. Chief O'Reilly responded by saying that staff does not require an open/close date for the fishery, unless there were known low production years, but ultimately we are dependent on the results of the winter dredge survey.

Mr. Bernard Morris proposed the possibility that the season start with a low quota and then be raised reactively based on the dredge survey results. Chief O'Reilly replied that the survey results are not available until May, limiting the increase to either the summer or fall. Mr. Kenneth Diggs brought forward that the crab industry dies during the fall, when limits are reduced, and he would be interested in either increased fall bushel limits or the ability of license holders to combine their limits on a single vessel similar to the oyster fishery. Chief O'Reilly mentioned that the oyster fishery is currently overcapitalized, but expressed concern over the ability of the blue crab fishery to be able to take on excess fisherman if the fall bushel limit was increased. Dr. Rom Lipcius stated that warming temperatures could make it feasible to move the season opening forward a week, as long as the sanctuary closing was also moved forward a week. Mr. Sanford asked Dr. Lipcius if there is the possibility of an additional spawn due to increased temperatures, to which Mr. Lipcius replied that conditions are moving towards that, but they lack the evidence to confirm it.

Chief O'Reilly stated that it is the job of the committee to establish ground rules and staff's duty is to provide the data. Mr. Tom Powers asked if the goal of the committee was to keep exploitation rate down, to which Chief O'Reilly replied that the exploitation rate has been fine for a decade. **Mr. Marshall Cox then stated that it is the job of the committee to come up with ideas, at which point he made a motion to fully open the year for crabbing, with no seasonal closures. This was seconded by Mr. Donald Porter.**

Mr. Hudgins inquired of Mr. Johnny Graham if a year-long market exists for blue crab. Mr. Graham responded that if there is a buyer willing to pay, there is a market. Of a greater concern to Mr. Graham is the availability of seasonal workers to pick the crab. He also expressed concern over the ability of the fishery to even support a year-long fishery. Mr. Powers mentioned the two week closure that NC experiences in order to remove derelict gear. **Mr. Cox amended his motion to include a January closure, with the understanding that no issue will be brought in front of the commission until CMAC has the results of the 2018/2019 Winter Dredge survey in May, which was seconded by Mr. Porter, and was approved unanimously.**

Mr. Diggs then brought forward the motion to eliminate the fall decrease in bushel limits and maintain the summer limit through the fall, which was seconded by Mr. Powers. The committee agreed again that this matter should not be brought to the commission until the dredge data was available in May. The motion was approved unanimously.

ii. Combining Crab Pot Limits

Staff has heard a proposal where two active crabbers could combine their licenses for a higher pot limit. This proposal has two limits being added together and if this number does not equal an existing limit, the number is rounded down to the next nearest limit. Mr. Diggs felt that this proposed scheme would be unfair to those with the highest limits, as two 425 crab pot licenses could not combine to fish a full 850 pots. He mentioned that MD crabbers may combine their licenses in such a way. Mr. Nixon also expressed concern for enforcement if agents are allowed to come and go on a license. He also pointed out that if individuals who fish fixed devices could combine limits, they could effectively box other crabbers out of entire areas. Mr. Moore pointed out that effort and thought went into the current regulation, stating the highest limit on the boat, is the limit for boat, and he feels the committee may be premature in addressing this now. This sentiment was shared across the committee, as was the concern that this system could potentially be abused. **A motion was brought forward by Mr. Ernest George to maintain status quo on this issue and readdress it at a later time. This was seconded by Mr. Donald Porter and passed unanimously.**

Dr. Rom Lipcius pointed out that the current stock assessment of Blue Crab in NC suggests that their fishery is overfished and experiencing overfishing, including steep declines of the spawning stock

biomass in the state. Mr. Geer further elaborated that the stock assessment takes all factors, including effort, into consideration, and NC can institute a larger size limit in response to their assessment.

iii. Review of agent use

Ms. Alexa Kretsch, Fisheries Management staff member, presented the number of licensed crab agents from 2013 to 2018 to the committee. In 2013, 153 agents were designated for those harvesters who had agents in 2012. Of those 153 individuals, 41 are still active with an agent. Mr. Cox was concerned that non-VA residents or even non-US citizens could use this method to acquire the right to crab in VA waters. This concern was shared by multiple members of the committee. Mr. Nixon remembered creating this option in the first place with the initial intent for it to apply to oysters. His concern is that it is now being used as a quick way to transfer a license. Mr. Geer commented that he does personally sign every transfer and agent request and some are indeed emergency or hardship situations. Mr. George felt that only the remaining 41 from 2013 should be allowed to retain their agents moving forward, although Mr. Cox felt it unreasonable to remove 67% of these individuals from the fishery at once. Mr. Geer recommended staff be allowed to explore the composition of the agents in terms of residency, activity, and other factors, before action be taken by the committee. Mr. Hudgins also requested a copy of the agency application form be provided to committee members.

Mr. Douglas Jenkins, crab fisherman, stated that his grandson has been his agent for the past three years because he has been unable to fish due to medical concerns. He said these licenses exist for a reason and should not be eliminated.

Mr. Powers proposed that transfers should only be possible between commercial license holders, but Mr. Nixon pointed out that even when a transfer occurs, a new license number is generated and the old ones are retired. Answering concerns about non-US citizens applying for agency, Mr. Geer noted that a valid driver's license is required to apply. The committee expressed interest in demographic info on agents being made available to them by the next meeting.

iv. Other Suggestions

No other suggestions were brought forward.

3. Derelict Gear Removal Grants

Ms. Kretsch outlined two programs that offer grants for the removal of derelict fishing gear, in order to diminish the effects of “ghost fishing”, the first of which was the NOAA Marine Debris Program. This program offers grants from \$50,000 to \$250,000, with last year’s application deadline on October 29. A cash match of non-federal funds is required. Mr. Moore stated that the Chesapeake Bay Foundation could be interested in working with staff on this. Ms. Kretsch mentioned that the North Carolina Coastal Federation has participated in this program, granting selected vessels \$400-450 a day during the North Carolina closed season to remove derelict crab pots. The NCCF also used these funds to purchase side-scan sonar equipment to aid in this project. The second program Ms. Kretsch mentioned is the “Fishing for Energy” program, which offers grants of up to \$500,000 and provides collection bins at local ports to recycle gear for metals and electricity. VIMS received this grant in 2013 and 2014 for VA fishermen to collect and recycle lost pots.

Mr. Hudgins inquired as to the whereabouts of sonar equipment purchased by VIMS. Pete Nixon thinks they are with law enforcement. Mr. Mike Seebo said the VIMS Center for Coastal Resources Management has a few units, but they are outdated now. Both programs received support from the committee. Mr. Hudgins felt that these offer a great way to allow crabbers to make a living, while helping to eliminate derelict gear. Because the NOAA program requires cost matching with the state of VA, Mr. Nixon expressed concern about getting the funding request through the general assembly, but he did feel these were avenues worth pursuing.

i. VIMS derelict gear buyback

Dr. Lipcius brought forward a new program being explored by VIMS in which they will buy dilapidated crab pots for upcycling. Dr. Lipcius did stress he did not mean derelict pots as they would not meet their needs. The plan has these traps being coated with concrete to provide potential oyster spat substrate. Both NC and SC have used similar programs in the past to eliminate ghost pots and provide substrate for oyster replenishment efforts. Dr. Lipcius wanted to know from the committee what a reasonable compensation would be for each pot, currently they estimate between 50 cent and \$1. Mr. Powers wanted to know what the purchasing goal was for the program, to which Dr. Lipcius replied as many as possible if they were cheap. Mr. Cox felt that the money they were offering was too low, as fishermen could get more at a scrap yard. The committee did feel, however, that this was a reasonable program, but they would like more information about where the repurposed pots may end up by the next meeting.

IV. Old Business

1. Crab Pot bio-panel practicality survey

Ms. Kretsch presented the current design of the practicality survey for biodegradable escape panels in crab pots. The current design has 5 commercial watermen each fishing 10 experimental pots. Each waterman will have 5 pots with PHA panels and 5 with pine panels. The VMRC plans to compensate per pot, but the entire survey is subject to a \$4000 budget. Ms. Kretsch asked the committee what a reasonable compensation rate may be. Mr. Diggs felt that with the average pot costing \$40, it would be unreasonable to offer any less in compensation. Mr. Mark Sanford asked for an example pine panel, to which a ply-wood mock-up of the proposed panel was presented to the members. Mr. Powers wanted clarification if the pots at the end of this study were to be considered trash or if they are expected to be reused. If the intent is for them to be unusable, Mr. Powers agrees with Mr. Diggs that the entire cost of the pot should be the least amount considered as compensation. After concerns about this regulation being forced on watermen were brought up by Mr. Cox, Mr. Geer pointed out that this is strictly a feasibility study, being conducted as an alternative to a potential change from the one offered during the 2018 general assembly session. Ms. Kretsch stated that currently Texas, New Jersey, and New York have biodegradable panel requirements on their crab pots and this survey looks to emulate their process.

Dan Knott, crab fisherman, came forward to discuss his experience with a similar study in 2017. Mr. Knott stated that he converted a large number of his pots to have a biodegradable panel and that they almost universally failed before the end of the season. Mr. Knott questions the science behind this project and expressed his belief that this was a waste of time and money. Ms. Kretsch said the PHA panel design has changed since that study. Mr. Hudgins stated that he will bring this subject up at the next Virginia Watermen's Association meeting and bring that input to the next CMAC meeting.

2. VIMS derelict blue crab pot survey

Mr. Jim DelBene, the organizer of the VIMS derelict pot survey, came in front of the committee to offer committee members a chance to ask him any questions about the purpose of the survey or to offer any of their feedback about its design. Mr. George suggested that in the future, questions be simplified. Mr. Hudgins was concerned that the hypothetical incentive questions may have spooked people away from replying. Mr. Diggs believes that ghost pots are not an issue and the survey or buyback efforts may create

the illusion of a problem. Mr. George agreed. Mr. DelBene stated that the questions in the survey were generated with the help of watermen, VMRC, and VIMS. Currently, he has received 254 of 1054 surveys returned, which was agreed to be a good return rate. Mr. Hudgins reminded the committee that this was an opinion survey only. He did however, express concerns that the number of pots being reported as lost may be inflated.

3. CBSAC report on derelict gear study

Dr. Lipcius presented CBSAC's review of the 2016 paper "Ecological and Economic Effects of Derelict Fishing Gear in the Chesapeake Bay" by Donna Bilkovic et al of VIMS. Chesapeake Bay Stock Assessment Committee (CBSAC) expressed extreme caution about the statistical methods and assumptions used in their estimates of derelict pots and effect on the VA crab population. CBSAC found a limited impact on the crab population from the removal of pots. Similarly, they found a limited impact from the implementation of biodegradable panels on pots. They came to the conclusion that it was the management in 2008 that improved stock, not trap removal. They only noted a single dead terrapin in a derelict pot, and found recreational crabbers fishing from private docks were more like to impact terrapins than commercial crabbers fishing more frequently and in larger water bodies. Mr. Hudgins pointed out that in 2018, NC recovered 3,400 derelict pots, but only found 2,900 dead crab; less than 1 crab per pot. The committee was in agreement that the study was flawed in its execution and conclusion.

IV. Adjournment

The meeting was adjourned at 8:45 pm by Hon. Ed Tankard.