

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

February 24, 2014

**Members Present**

Hon S. Lynn Haynie (Chair)  
David Bell  
Marshall Cox  
Kenneth Diggs Jr  
Ty Farrington  
Chris Moore  
Tom Powers  
Mark Sanford

**VMRC Staff**

Rob O'Reilly  
Joe Grist  
Adam Kenyon  
Ande Ehlen  
Samantha Hoover  
Lewis Gillingham  
Sally Roman  
Laurie Williams

**Members Absent**

Hon James Close  
Daniel Dise  
G. Wayne France  
Johnny Graham  
Paige Hogge  
Ronald Jett  
John Masiak  
Peter Nixon  
Ken Smith  
Kevin Wade

**Others Present**

Rom Lipcius (VIMS)  
John G. Boudiette  
Beverly Ludford  
George C Pauls Jr.  
Tim Wivell

Minutes were recorded by Samantha Hoover.

**I. Introductions/Announcement**

The meeting was called to order at 6:03pm. Mr. Rob O'Reilly introduced the Honorable Ms. Lynn Haynie as the new chair of the Crab Management Advisory Committee (CMAC). The Honorable Mr. Jimmy Dean Close has also been appointed by Commissioner John Bull to be part of CMAC.

**II. Approval of minutes from the October 7, 2013 meeting.**

A quorum was not present, so the committee was unable to vote on the minutes. Mr. Tom Powers commented on a change to the minutes.

Mr. Chris Moore expressed his concerns with the committee's continuing lack of a quorum and requested staff to look into the current committee list to get more active members. Mr. O'Reilly replied that staff is already looking into the matter.

### **III. Discussion: request to increase peeler pot limit**

Mr. Joe Grist gave a brief update on the blue crab dredge season trigger review process that was requested by the Commissioner last October. The trigger was submitted to the NOAA Chesapeake Bay Office. The Sustainable Fisheries Goal Implementation Team endorsed submitting the trigger for scientific review to the Chesapeake Bay Stock Assessment Committee. The committee has not yet scheduled the review, but it will take place before the winter dredge survey results are released.

Mr. Grist and Ms. Ande Ehlen gave short presentations on blue crab fishery performance over the last few years including adult female abundance, juvenile abundance, economic value and effort data harvested from hard pots and peeler pots, and crab pot license activity.

Mr. Ty Farrington and Mr. Ken Diggs Jr. were concerned with the amount of false reporting that may be occurring and stated that they observed fewer harvesters in the water than what the information shows. They expressed that people are sending in false reports in order to make their licenses look active. Mr. John G. Boudiette, from the public, expressed concern over the number of days being used to describe a full-time waterman. Mr. O'Reilly stated that the 100 days was used during the 2008 buy-back program and is now being used to look at activity in the crab pot fishery in order to possibly combine crab pot licenses. Mr. Diggs and Mr. David Bell were concerned as well because 100 days is less than 50% of the number of eligible days to crab pot. Mr. Chris Moore asked if there are any regulations that are involved with false reporting and if anyone has ever gotten ticketed for reporting falsely. Mr. Rob O'Reilly replied that yes, it is in Chapter 4VAC20-610-10 et seq and it is a class 3 misdemeanor, but there has been very few cases. Most of the cases that have appeared before the Commission have been for failure to report, not for false reporting or over reporting. Ms. Beverly Ludford, from the public, commented that she does not use her crabbing license because she chose to participate in one of the oyster disaster relief options during the buy-back program to allow the crab industry to rebuild. She is one of the people that have not been crabbing but is eligible and would like the committee to consider people like her when discussing eligibility for the future. Mr. O'Reilly described the six disaster relief programs that were created during buy-back program to allow crabbers the option to work in other fisheries, but the programs were all voluntary and did not prevent them from crabbing.

Mr. Grist described the concerns from a letter sent in by Mr. John Forrest in regards to increasing the peeler pot limit. Mr. Forrest stated in his letter that he can only get 1 to 2 soft crabs in 200 pots in one day. In 2008, there was a 30% cut in the pot limit for both the hard pot and peeler pot fisheries. The peeler pot limit was cut from 300 pots to 210 pots. In 2009, the hard pot limit was increased, but the peeler pot limit remained the

same. Mr. Forrest argued in his letter that there needs to be an increase in the peeler pot limit to 255 or higher in order help the market and fishery as a whole.

Mr. Farrington supported the peeler pot industry increasing their limit, but stated that the hard pot fishery is in the same situation. During the reduction, the peeler pot fishery did not have to adjust their cull rings, nor did they have to leave the sanctuary early. He stated that the hard pot fishery should get an increase as well. Mr. O'Reilly replied that a survey was sent out in 1996 to the peeler pot industry that showed that very few harvesters were fishing over 200 peeler pots. If the committee decides to proceed with increasing the hard pot limit, bushel limits would have to be adjusted to the new pot limits and the winter crab dredge survey results would be a major factor. Mr. Diggs agreed with Mr. Farrington in that he supported the increase in the peeler pot limit but felt that the hard pot fishery should get an increase too. Mr. Bell requested that instead of increasing the peeler pot limit, staff may consider creating a time-limit exception from April to May because of tide variability. Mr. Diggs agreed that a time exception would be good for the entire blue crab industry and for the market. Mr. Bell and Mr. Diggs expressed that they would prefer there to be no time limit during April and May. Mr. O'Reilly replied that if you don't have a time limit, there would be an increase in effort and harvest pressure on peeler crabs. Mr. Powers added that the real issue is effort and if the effort is increased by removing the time limit constraints, then effort must decrease somewhere else to compensate. Mr. O'Reilly replied that 2010 was the only time that the dredge survey came back with more than 215 million age one female crabs. He stated that it is a target that is obtainable. Mr. Moore added that the committee will be better able to discuss this at a later time, once the winter dredge survey results are available.

Mr. Boudiette, from the public, stated that another problem is the increased red drum predation on blue crab abundance. Mr. Grist replied that once the red drum stock assessment is updated, probably by 2016, more extensive management measures could be implemented. In the meantime, staff has been working with ASMFC, after a request from FMAC, to amend the red drum possession limit and the red drum size limit. If the Commission chooses, the commercial possession limit could change from 3 to 5 fish by lowering the commercial maximum size limit from 26 to 25 inches. This will be introduced to the Commission on February 24, 2014, with a public hearing on March 25, 2014. Mr. Powers added that crabs are an important part of the food chain and have had many major predators over the years. He does not think that we need to change regulations because of the predation of one species of fish. Mr. Diggs stated that one of the problems is the decrease in grass beds for the crabs to hide in. Mr. Moore agreed with Mr. Diggs in that he felt that the key is to increase the amount of grass in the bay that would act as cover for the crab to hide from predators. Mr. Powers added that the budget for eel grass restoration is a concern, along with global warming in that the hot weather

kills the grass. He felt that the Commission needs to look at another species of eel grass to transplant into the bay in order to counter global warming and add cover for the crabs. Mr. O'Reilly replied that he will be attending a workshop about global warming and its effects on fisheries. He will report back to CMAC with the results of that meeting.

#### **IV. Discussion: request to combine crab pot license categories**

Mr. Grist described the concerns sent in by Mr. Mark Bender. Mr. Bender and his relatives have crab pot licenses of up to 85 pots. He would like the ability to combine crab pot licenses to at least 127 so he can work the pots alone instead of having to use an agent because his father is not able to work daily. His request was to allow the lower pot categories to combine into larger pot categories.

Mr. Farrington stated that it is not justifiable to combine the smaller pots, and not be able to combine the larger categories and if Mr. Bender wanted a larger pot category, he can buy one that is for sale. Mr. Grist added that there have been circumstances where individuals come into the office and are doing transfer swaps. One person wants a smaller limit, and the other person wants a larger limit, so they come in and transfer their licenses to each other. Mr. O'Reilly added that there is only 100 pot transfers allowed in one year, unless it is a family transfer. He then stated that one of the drawbacks would be turning inactive pots into active pots and that once you start combining categories, you began to hit limitations. Once you get up into the larger categories, you are giving up more pots to satisfy a category. Mr. Bell asked staff if there is any way to change the system and have only the large pot category, but increase the price of the license; this would make the price high enough to where only dedicated full-time watermen would be willing to pay it and create a universal bushel limit. Mr. O'Reilly replied that in 1992, when the General Assembly looked at the commercial registration license, some of the discussions were to make a very high entrance fee of \$1,000 to help with limited entry. The fee ended up being dropped to \$150. He stated that it is difficult to decide what a full time fisherman is because there is a difference of opinion between harvesters and felt that effort was the issue, not price. Mr. Cox commented that the committee might want to consider allowing the combination of licenses, as long as it does not exceed the largest pot category, when disabilities and family matters occur. Mr. Powers agreed with Mr. Cox and stated that the Commission needs to consider only combining active licenses and that the number of active pots should go down. He also expressed that pot tagging needs to be implemented. Mr. Farrington agreed that it is all about trying to reduce the effort and to create conservation when combining licenses, but he stated that Virginia should be able to have up to 900 pots like Maryland. Mr. O'Reilly clarified that in Maryland, each crab pot license starts at 300 pots, and then by the time they get to 900 pots, there are three people with 300 pot licenses on board the vessel. Mr. O'Reilly stated that a work group should be created to work on ideas.

Mr. Cox asked staff how many tickets have been issued to people fishing more pots than they are licensed for. Mr. O'Reilly replied that it is very few because of the amount of effort that would be involved. Law enforcement would have to pull all of the harvester's pots. Mr. Moore added that one difference between Maryland and Virginia is that in Maryland you can only pot in the middle of the Bay. Hon. Lynn Haynie agreed that a work group committee should be created. Mr. Powers stated that there is a consensus among the committee that there is a desire to figure out a way to combine crab pots, to consider families and disabilities. The system should be structured so that only active licenses are being combined and the conservation factor would be that any combination would end in a reduction of the total number of pots combined. Mr. O'Reilly added that the committee would want to consider a control date and that the entire committee should be present to re-discuss these ideas, and then at that time it may be necessary for Hon. Lynn Haynie to appoint members for the task force subcommittee.

Mr. Powers added that the only way to better control the total number of pots in the water would be pot tagging and that this will help to reduce the number of people that are fishing more than the number of pots they are licensed for. Mr. Cox added that one of the reasons that bushel limit were implemented was because the pot tagging system wasn't working. Hon. Haynie stated that once the committee has a quorum then the committee will form a subcommittee to discuss these ideas further. Mr. O'Reilly added that once the winter dredge survey comes out, CMAC will meet again.

**V. Discussion: CMAC proposed management measures for 2014**

Mr. O'Reilly stated that this topic hinges on the winter dredge survey results. Last year there were requests from CMAC to meet to discuss management measure ideas before the dredge survey was released.

Mr. Diggs stated the female black sponge colorations are subjective and debatable. Mr. Mark Sanford stated there are a high percentage of sponge crabs that die when they are released. Since there are bushel limits, harvesters should be able to utilize the sponge crabs as part of their bushel limit. Mr. Farrington added that when the black sponge law was created, the sanctuary was much smaller and that it has been proven that the majority of the female spawning stock is in that sanctuary during the late spring and summer months. He stated harvesters should be able to keep the black sponge crabs if they are not in the sanctuary, but he would like to do away with the sponge crab regulation all together. Mr. Farrington stated that this is one of the laws that forces harvesters to look for male crabs and pushes crabbers into the rivers and the creeks to avoid the risk of a ticket. Mr. Bell added that the color of the sponge crab can change dramatically from

when the crab is harvested to when the buyer gets the product. This topic will be discussed further once there is a quorum present

Mr. Farrington asked CMAC and staff to look at the crab dredge fishery trigger system. He stated it is discriminatory and that the triggers should be used for the entire blue crab fishery not just the dredge fishery. Mr. O'Reilly reminded the committee about the triggers that are currently being reviewed: juvenile abundance, adult female abundance, and the exploitation rate. He agreed that there needs to be awareness among harvesters that certain conditions would result in management measures for all fisheries.

**VI. New Business**

No new business items were discussed.

**VII. Adjournment**

The meeting was adjourned at 8:25 pm.