

Virginia Marine Resources Commission
Crab Management Advisory Committee (CMAC) Minutes
380 Fenwick Road, Fort Monroe, VA
VMRC Commission Room,
Wednesday February 19, 2020 – 4:00 P.M.

ATTENDANCE

Members Present

Hon. Ed Tankard
Mark Sanford
James Hudgins
Bernard Wayne Morris
Marshall Cox
Ernest George
Peter Nixon
Johnny Graham
Tye Burns
Chris Moore
Tom Powers

VMRC Staff Present

Pat Geer
Adam Kenyon
Shanna Madsen
Alexa Kretsch
Jennifer Farmer
Olivia Phillips

Members Absent

Donald Porter Sr.
Kenneth Diggs
Daniel Dise

Others Present

Rom Lipcius (VIMS)
Mike Seebo (VIMS)
Alexandra Schneider (VIMS)
Challen Hyman (VIMS)
Peter Brunk
Rich Murray
Tim Wivell
Douglas Jenkins
Lynne Squires
Darryl Hurley

Minutes were prepared by Olivia Phillips.

I. Introductions; announcements

The Hon. Ed Tankard called the meeting of the Crab Management Advisory Committee to order at 6:04pm.

II. Approval of minutes from the May 7, 2019 meeting.

The minutes from the May 2019 meeting were reviewed and approved unanimously.

III. New Business

1. Adoption of advisory committee by-laws

Mr. Adam Kenyon, Deputy Chief of Fisheries Management, explained that by-laws are going to be established for all advisory committees to standardize expectations across all committees. Mr. Kenyon specified that the function of the by-laws is to describe the function of the committee, outline the goals, and clarify the advisers' roles on the committee. Mr. Kenyon indicated that the biggest change was the two-year term limit, which would allow the advisers a specific time at which they could self-evaluate their

positions on the committee and decide if they would like to commit to another two-year term. Chief Pat Geer confirmed that section 1 under article IV (Membership) includes committee members that represent NGO's. The committee discussed their concern regarding section 13 under article III (Proxies) the prohibition of proxies. Chief Geer reminded the committee members that they were each appointed by the Commissioner, and the Commissioner expects them to attend. Mr. Kenyon also explained that section 1 under article V (Amendments) gives the Commissioner the ability to make exceptions to any of the by-laws, and confirmed that in emergency situations a proxy may be considered. **Mr. Marshall Cox made a motion to accept the advisory committee by-laws as written, Mr. James Hudgins seconded this, and the motion passed unanimously.**

2. Expectations for 2020 discussion items

Mr. Kenyon outlined the discussion items for future 2020 CMAC meetings, including but not limited to the 2020 winter dredge survey results, 2020-2021 blue crab management options, transition to online harvest reporting, update to VIMS ghost pot survey, and defining several items (e.g., volume of a wooden basket/bushel). Mr. Kenyon clarified that, moving forward, staff will provide the committee future discussion items with ample time for review.

3. Little Creek/Ft. Story Restricted Areas

Mr. Kenyon explained that the Commander of the Joint Expeditionary Base Little Creek-Fort Story (JEB-LCFS) requested the Virginia Marine Police support the patrol and enforcement of the federal safety zones and restricted areas adjacent to JEB-LCFS. The proposed restricted zones would be closed to all fishing activities during the week, but one area would allow recreational hook-and-line fishing on the weekends. Mr. Kenyon provided a map of the two restricted zones, illustrating one restricted zone that encompasses 1.5 square miles off of Cape Henry and an L-shaped area which extends 2 miles northward from the vicinity of Little Creek. He explained that the representative of the Navy initially requested that the second restricted zone extend to the Thimble Shoals Channel (a total of 11 sq. mi.), but reduced the size of the requested restricted zone to only encompass "critical areas" (a total of 3.25 sq. mi.) after consulting with VMRC staff. Mr. Tom Powers expressed concerns about public awareness of the restricted zones. Mr. Kenyon clarified that the zones are not restricted to transit, but that the public will be notified through the VMRC website and necessary (by code) publication in local newspapers. Mr. Mark Sanford was concerned about the area being taken away from crab potters. Mr. Kenyon urged the CMAC members with concerns to submit public comment or attend the Commission meeting on March 24.

Hon. Ed Tankard asked what drove the Navy to request the restricted zones. Mr. Kenyon clarified that the Navy has stated that the placement of gear in the area as well as vessels commercial and recreational activities in the area, has created hazardous conditions for the on-going training required to support urgent national security training activities and has also resulted in cancelled or delayed training. **Mr. Chris Moore made a motion to postpone the March public hearing until a joint public meeting of CMAC, FMAC, VMRC staff, and the Navy can be held. The motion was seconded by Mr. Powers and passed unanimously.**

IV. Old Business

1. Discussion of agents in the blue crab fishery

Ms. Alexa Kretsch, Fisheries Management staff member, first reminded the committee that they requested to revisit this topic because there was concern regarding the use of agents as part of a business practice. Ms. Kretsch presented relevant harvest and demographic data of agents in the blue crab fishery. Ms. Kretsch clarified that the current agent system was based on the number of people who had agents in 2012, and of those cases, 72 still hold crab licenses. Ms. Kretsch provided suggestions for adjustments to crab agents including, status quo (125 agents), reduced number of agents, agents only for medical, military and direct family, temporary agents, or no agent in more than 2 consecutive years. Mr. Ernest George expressed concern that the current crab agent system preferentially provides jobs for non-residents of Virginia and/or foreign peoples. Many other committee members echoed this concern, and requested a method to insure only residents of Virginia could be hired as agents. Mr. Cox asked the committee and staff what the purpose of altering the current agent system was if the outcome resulted in a job reallocation from one group to another. He specified that any changes to the current agent system would not actually affect the overall crab harvest.

Among other solutions, members of the committee discussed agents only for medical reasons, phasing agents out by attrition, allowing agents for family members and requiring commercial fishing licenses for all agents. Mr. Darryl Hurley, an audience member and commercial crabber, opposed any changes to the current crab agent system because he uses it to legally increase the number of crab pots from which he and an agent can harvest to obtain one bushel limit of blue crabs. Further, Mr. Hurley explained that using agents as part of his business plan allows him to work on the water, harvesting crabs, every day. Mr. Hurley clarified that the current crab pot limits do not provide enough harvest for a livable annual income. The description of his business practice, where he and another licensee's agent harvest the crab pots together raised some concerns about the accuracy of the 9.3% harvest by agents. **Mr. Peter Nixon made a motion to postpone discussions for at least a year, during which, staff will do whatever they need to do to separate agent catch from main harvester catch.** Mr. Kenyon explained that this request could not be fulfilled by staff because in Mr. Hurley's case, the agent's information is not included on the mandatory

harvest report because he or she would be included as a helper, and the MRC ID listed would be associated with the crab license holder, not the agent. Mr. Kenyon further specified that it would be costly to include a place on mandatory harvest reports for such an agent category, making this request even less attainable.

In response, Mr. Nixon withdrew his motion.

Mr. Douglas Jenkins, an audience member, told the committee that there is no problem with the current crab agent system, and that the entire discussion was pitiful. He further stated that abolishing the agent system would not only hurt business practices, but would remove the ability for widows to continue to benefit from their husband's crab license after they had passed. Mr. Cox restated that changing the current agent system would simply take jobs from some people to give them to others. Other committee members again suggested reducing the number of agents by attrition. Mr. Powers made several suggestions for future consideration: (1) to require that agents hold a commercial fisherman registration license, (2) advertise that this requirement will be enacted in two years, which would allow people to apply for them now and receive them by the time they are required, (3) reduce the number of people from the 2012-agent list based on those who have used agents within the last three years, and (4) maintain agents for family members. Mr. Powers stated that many of these things could not be addressed this year, but that they should be considered for the future. **Mr. Powers made a motion that staff move forward to establish that, at the beginning of the 2022 crab season, agents in this fishery must hold a commercial card in their names. The motion was not seconded.** Mr. Tye Burns indicated that he won't have the same agent for two years, and that people who act as agents are unlikely to wait two years for a commercial fisherman registration license.

Chief Geer asked the committee if they wanted to make another motion or move forward with other suggestions. Mr. Sanford stated that the committee was never going to agree on what should be done and that discussions about the current crab agent system was not a good use of staff, CMAC, or public time. The committee agreed, by consensus, to move on, and avoid discussions about agents in the future.

V. Other Business

Mr. Johnny Graham explained that the Monterey Bay Aquarium Fisheries Seafood Watch rated Virginia's blue crab fishery "not sustainable", some retailers will no longer buy from him. He explained that the current status of our fishery results from the lack of effort to reduce bycatch of terrapins. Dr. Rom Lipcius suggested that staff obtain sustainability certification from another, more reputable certifying organization. Chief Geer agreed, and explained that he experienced similar issues with the Seafood Watch program when he worked in Georgia. Mr. Moore confirmed issues with the Seafood Watch program, and suggested the Marine Stewardship Council. Chief Geer explained that the estimated cost is about \$60,000, and Dr. Lipcius suggested staff pursue grant money from SeaGrant. Other committee members suggested enacting regulation that could meet the bycatch reduction efforts for terrapins. Dr. Lipcius

explained that the biggest challenge with any regulation would be outreach and enforcement of homeowners and recreational licenses. Hon. Ed Tankard requested that staff pursue reduction of terrapin bycatch, and Chief Geer confirmed that staff would look into it.

Mr. Powers requested that the committee discuss meeting times for future CMAC meetings. He expressed concern that meetings should occur in the evenings, so the public can attend them. Most other committee members disagreed, stating that the earlier meeting time makes it easier for them to travel from long distances. Chief Geer suggested a compromise of 5 PM, but Mr. Cox disagreed because traffic would be heavier at that time. Mr. Moore suggested that a calendar that includes meetings for the entire year would be useful.

Before the meeting was adjourned, Dr. Lipcius introduced his new graduate students: Alex Schneider is studying the effects of climate change on blue crab reproductive effort, and Challen Hyman is studying the value of blue crab nursery habitat.

VI. Adjournment

The meeting was adjourned at 6:40 pm by Hon. Ed Tankard.