

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

February 23, 2009

Members Present

Paige Hogge
Marshall Cox
Ken Smith for Louis Whittaker
Ronald Jett
John Freeman
Hon. Rick Robins
Chris Moore
Tom Powers
Hon. John McConaugha
Johnny Graham
Daniel Dise (conference call)
Joe Palmer
Pete Nixon
Doug Jenkins
H.M. Arnold

Public

Chris Ludford
Roger Parks
Don Miles II
Austin Allen
Danielle McCulloch
Michael Hull
Trey Runke
Tejal Patel
Kristina Dumas
Richard Walsh
Virginia Boardman
Todd Mooradian
Greg Mlynarczyk
Justin Oberhofer
Robert Lawrence
David Gordon
Nicole Schoon-Irvine
Ray Wicker
Aaron Brickhouse
Diane Tulipani
Mark Sanford

Members Absent

Jim Casey

VMRC Staff

Betheny Eden
Stephanie Iverson
Robert O'Reilly
Jack Travelstead
Joe Cimino
Laura Lee
Mike Johnson

VIMS

Rom Lipcius
Megan Rook

I. Introductions/Announcements

Meeting convened at approximately 6:00 PM. Mr. Robins welcomed the class of Dr. Todd Meridian from the College of William and Mary. Mr. Robins stated that there will be no rule making until the results of the dredge survey are released in early April. There is one item on the VMRC Meeting agenda tomorrow which is cleaning up the regulation on cull rings. This change will require only 2 cull rings at least 2 3/8" inside diameter wherever that size is required. We also do not expect to see significant changes to the management plan this year because Virginia did meet its target of reducing fishing mortality on female crabs by 34% last season. The regulation closing the season on female crabs early last season has expired and the committee may need to consider some changes to make up for this, if the need arises.

II. Approval of Minutes from July 21, 2008 Meeting

Mr. Robins noted that comments on the second to last page of the minutes, from the last meeting, were made by Mr. Dalheim, not Mr. Dowhan.

Mr. Cox noted that on pages three and four of the minutes, comments attributed to Mr. Arnold were actually made by Mr. Cox, and that Mr. Crockett was not present at the meeting.

Minutes were approved as amended.

III. Old Business

a. Continued discussion of management alternatives

i. Weekly bushel harvest comparison

Mr. O'Reilly stated that at the last committee meeting staff presented information on bushel limits through-out the season. These bushel limits were a way to make up for the 6% savings in female crab harvest for the removal of the early season closure this year. There were two sets of bushel limits presented: one where there were bushel limits in place for the entire season, and another for bushel limits during the fall season only.

Ms. Lee reviewed bushel limits savings for the entire year and fall season (October and November), by hard crab pot gear category, to reclaim the savings lost from removal of the early 2008 season closure in 2009. The baseline for these savings was the period of 2004 through 2007. This bushel limit would need to be larger, to offset the savings loss, if there were underreporting of catch for last year, but there is no indication that this was happening. The bushel limits for both scenarios does not take into account recoupment.

Mr. Graham asked if the dredge survey comes back with a poorer abundance estimate, and assuming a poor market of crabs this spring

and summer, will we still be looking at making up the savings for this fall?

Mr. Robins responded that the committee will address that after the dredge survey, and as the need arises.

Mr. Robins asked about what the bushel limits, for the year-round option, would need to be for a 3% savings.

Ms. Lee responded for the 100 pot category it would be 18 bushels, 300 pot category would be 28 bushels, 500 pot category would be 39 bushels, the 150 pot category would be at 20 bushels, the 200 pot category would be 15 bushels and the peeler pot category would be four bushels.

Mr. Robins indicated the closure of an additional section of the crab sanctuary, which remained open last year, due to changes in the state code might increase savings by approximately 3%.

Mr. Cox didn't agree with bushel limits because North Carolina and Maryland currently do not have bushel limits.

Mr. Robins responded that in order to have the season back at its historical ending date, then there will be some kind of conservation-neutral management change to offset the loss of those savings.

Mr. Jenkins asked how the VMRC should deal with people whose peeler catch consists of mostly male crabs.

Ms. Lee responded that since we do not collect data on the sex of peeler crabs harvested it is considered to be a 50/50 ratio for the purpose of these analyses.

Ms. Hogge asked if we already have a low abundance of female crabs then how can we have a 50/50 ratio of male to female crabs.

Mr. Robins responded that it is the overall abundance of crabs which is low and that we have focused our conservation efforts on the female crabs.

Mr. Robins asked Mr. Freeman if a 28 bushel limit would be viable for a 300 pot license.

Mr. Freeman responded he didn't think he could catch 28 bushels a day with the 210 pots he will have this year.

Mr. Palmer asked what a favorable number for abundance in the crab dredge survey would be.

Mr. Travelstead responded 200 million would be a good number.

Mr. Freeman requested copies, for the entire committee, of the bushel limits for the three and six percent savings for the fall and year-round bushel limits.

Ms. Lee presented data on average weekly harvest for 2006 through 2008 for bushels of female crabs.

Mr. Powers stated that if we wanted to put yearly bushel limits on peeler crabs, we would have to take into account the spring peeler run as being very important for the peeler crab fishery.

Mr. Robins asked Laura to produce all of the tables for the committee.

ii. Agent culpability

Mr. Travelstead stated that at the last CMAC meeting the committee asked how many crab agents there were in 2008 and how many were cited for crabbing violations. A total of 106 agents were used in the fishery last year with seven being cited for violating crabbing regulations. VMRC asked Attorney General Carl Josephson when an agent is summoned for a violation can the licensee also be summoned for that same violation. The response was no, unless there was a complicit arrangement. A regulation could be adopted where the license could be revoked from the license holder if his agent if the agent was a habitual offender. Additional conditions could be added to allow a person to act as agent, such as no crabbing citations during the previous 12 months. These two solutions could be strong deterrents to preventing the abuse of agents.

Mr. Nixon felt that that there needs to be some culpability on behalf of the license owner.

Mr. Powers stated that the violations would have to be conservation oriented or criminal.

Mr. Cox stated we should only consider a regulation for this issue if it is a serious problem.

Mr. Robins replied that right now we treat agents differently from license holders, and asked if they should be treated similarly. Should the license holder be held culpable for an agent obviously violating the regulations?

Mr. Powers asked if this agent culpability would apply only to crabbing agents or to other fisheries as well.

Mr. Travelstead stated that right now agents are only required to register if they are working in the crabbing fishery. This discussion should only apply to the fishery and the issue for other fisheries could be taken up by FMAC.

Mr. Robins asked if there was any interest by the committee to developing measures that would apply to the license holder.

Mr. Freeman felt that the license holder should be held accountable as well.

Mr. Nixon agreed.

Mr. Robins asked staff to provide the language of the current regulation and to suggest possible changes for regulations regarding crabbing violations, including culpability for the license holder and penalties for the agent.

Mr. Freeman asked staff to find out how many violations were by agents functioning in other fisheries.

iii. License stacking

Mr. O'Reilly presented information on the transferring of licenses which would allow individuals to increase the number of pots they are allowed to fish.

Mr. Robins asked if this idea of transfers was viable administratively, and from a technical standpoint where we could achieve a conservational neutral transfer of pots.

Mr. O'Reilly said it would be impossible to achieve a conservational neutral transfer of pots, based upon an assumption that the transfer of pots would be beneficial to the person receiving the pots. Administratively this would follow guidelines for other types of transfers that VMRC already does. Ideally this kind of system would be put into place when the crab population has become more robust. As an example we have the waiting list for crab licenses which are eligible to rejoin the fishery when the crab population has reached 200 million crabs for a period of three years.

Mr. Jenkins stated we shouldn't even be discussing this kind of idea until the crab population improves.

Mr. Robins responded that that the only licenses that would be eligible for transfer would be active ones so we would not be adding more pots to the fishery. The idea was to mitigate the impact of crab pot reductions, enacted last year, since we were not able to implement a pot tagging program where people could transfer pots based upon their needs.

Mr. Palmer stated that if there is a crab license buy-back this year, for disaster relief, then perhaps those pots could help augment other people's rigs.

Mr. Robins stated that there appears to be concern, on behalf of staff and the committee, that there would be an increase in effort if transfers of licenses are allowed.

iv. Sponge crab protection

Mr. Travelstead included this on the agenda for two reasons. First, that a large number of calls have been coming into VMRC from watermen stating that, in order to protect the blue crab, we should stop the harvest of all sponge crabs. Those callers were told that this issue would be put on the committee agenda and that they would have an opportunity to speak. So far our solution to this problem has been the use of a spawning sanctuary because of issues with increased mortality and brood loss due to the culling process. The second reason this is on the agenda is VA. Senate Bill 11-11. This bill states that the historical crab sanctuary, as defined by state code, would be closed immediately by emergency action. The area could then be opened and closed by VMRC regulation. The dates of closure of this historical area will require consideration by this committee.

Mr. Robins noted that our harvest data does not include the presence or absence of a sponge on the female crab.

Mr. Travelstead stated that was correct and if we want to determine savings of sponge crabs then we would have to make some assumptions about the percentage of females with sponges at the time of capture.

Mr. Robins asked when this could become law.

Mr. Travelstead said it could be a matter of a few weeks, possibly by the start of the season.

Mr. Robins asked if there were any way we could quantify the savings, for female crabs, by changing the dates of the historical crab sanctuary area closure to match the rest of the sanctuary.

Mr. Travelstead responded that our mandatory reporting process does not collect data on a fine enough geographic scale to capture harvest amounts from this particular area. His assumption, however, would be less than two percent.

Mr. Sanford stated that there were approximately six crabbers, out of Lynnhaven Inlet, that worked that area during the dates in question. He felt that the savings for changing the dates of closure, to match the other sanctuary area, would be minimal and would displace effort into the Lynnhaven River area. He expressed concern that if this area became too congested with crab pots then this would cause gear conflict with recreational boaters and possibly cause the area to be closed to crab pots.

Mr. Palmer stated that changing the historical area closure dates to match the rest of the crab sanctuary would result in minimal savings.

Mr. Cox asked for Mr. Travelstead's position on this matter.

Mr. Travelstead stated, based upon data provided by VIMS, the crab sanctuary closure date was backed up to May 1st from June 1st, with the exception of the historical area which was set by state code. Staff, for consistency purposes, would like to change the closure dates to match the rest of the sanctuary closure dates.

Mr. Moore asked is staff prepared, if this legislation went through, to recommend to the Commission at the March meeting changing the dates of closure for the historical area to May 1st, since otherwise it would close when the bill becomes law.

Mr. Travelstead said that would be the plan if the committee was favorable to the idea.

Dr. McConaugha stated that since any mature female has been inseminated, and is capable of producing a brood, then there is no biological difference between harvesting a sponge crab versus a mature female crab. So the historical area should be closed to all female crab harvest for the dates of May 1st to September 15th.

Mr. O'Reilly stated that, while we could not compute a harvest savings, we could produce an egg savings by doing an egg per recruit analysis for the dates of closure for the historical crab sanctuary.

Mr. Robins stated this item will be reviewed again at the next committee meeting for possible emergency action at the March Commission meeting.

b. Blue crab disaster relief: update

Mr. Travelstead gave a pamphlet of information to the committee that was provided to NMFS a few weeks ago. Approval of disaster relief will come in two parts. The first to be approved will be off-the-water projects. Then at a later date the on-the-water projects should be approved, because they will require National Environmental Protection Act review. When we do get approval, letters will be sent out to every licensed crabber, including people on the waiting list, informing them about the approved projects and telling them what is required to participate. Maryland received approval for their off-the-water projects within about two weeks of submission to NMFS.

Mr. Freeman asked if buying back gear from out-of-work crabbers was also part of the disaster relief package.

Mr. Travelstead responded it was not part of this package.

Mr. Smith asked if the target number of crabs is reached will crab dredging be allowed.

Mr. Travelstead stated that if the target number, for the required three-consecutive year period, is attained then staff will re-consider the issue of crab dredging.

IV. New Business

a. VIMS Presentation: By-catch reduction devices for saving diamondback terrapins without affecting crab catch

Ms. Rook presented data from a pilot study which evaluates the use of an excluder ring in the entrance of a crab pot to keep diamondback terrapins from entering the crab pot. The excluder rings are effective at excluding diamondback terrapins from crab pots. The use of excluder rings did not significantly affect the number or biomass of legal crabs caught per pot compared to pots without the excluder rings. The cost of the excluder ring is \$0.42 per ring. The use of these excluder rings, in recreational crab pots, is recommended due to their low cost and ability to effectively exclude terrapins while not affecting the crab harvest.

Mr. Robins asked if there was a population estimate of diamondback terrapins in Virginia.

Ms. Rook replied there was not.

Mr. Graham asked if the excluder rings were required in Maryland.

Ms. Rook replied that they are required for recreational pots and thought they were required for commercial pots as well.

Mr. Graham stated if they were required in Maryland then there should be data available on the effects of crab harvest.

Mr. Powers stated that since the habitat for terrapins are smaller order tributaries, and commercial harvesters are being displaced from deeper water areas due to sanctuaries, water bodies should be identified where excluder rings should be used, if it is determined they are needed in Virginia.

Mr. Jenkins stated that in trials where he used excluder rings there was a 30% decrease in the number of large hard crabs in the Rappahannock River.

Mr. Travelstead stated that some proposed disaster relief monies would go toward additional funding for this project.

Dr. Lipcius stated if the diamondback terrapin becomes listed as threatened or endangered then there is the potential that crab potting could be affected. He went on to state that he does recommend that these excluder rings be required for recreational crab pots, because they are typically deployed in marsh ecosystems which are the terrapin typical habitat. The next phase of this project should be completed later this year.

Mr. Travelstead stated he would like to see the actual data before making any recommendations.

Mr. Robins asked Mr. Travelstead to look at the data and if there were any other comments or questions for Ms. Rook about her presentation. There being none he thanked Ms. Rook for her presentation.

Mr. Robins stated at the last meeting that Dr. Lipcius indicated is working on a panel that is developing an ecosystem based model for the crab population and asked if that report would be ready in few months.

Dr. Lipcius responded that they are continuing to have meetings and should have the biological/ecological report for the modeling group later this year.

Mr. Sanford asked why none of the disaster relief monies is going for re-educating crabbers in another vocational trade. He also asked if there is anything being done for people who worked as helpers with commercial crabbers.

Mr. Travelstead responded there is a bill in the legislature that requests some of the disaster relief money be used to provide vocational training for impacted crabbers. Nothing has been directly targeted for helpers in terms of disaster relief monies.

Mr. Robins asked if there is anything else that needs to come before the committee.

Mr. Smith made a motion to have Ms. Rook present her data to the Commission at their February meeting, and ask for a public hearing to require that the excluder rings be used in recreational pots.

Mr. Robins replied that he asked staff to review the data from the pilot study to help develop recommendations for the Commission, while the ongoing study continues to collect data.

Mr. Cox stated that a motion has been made and needs to be addressed.

Mr. Robins replied that he did not recognize the motion because the motion was out-of-order, due to the fact that the committee had finished discussing this item. If the committee wants to take this issue up at the next meeting then it can.

Dr. Lipcius stated that VIMS will develop a recreational recommendation and present it at the next meeting.

Mr. Travelstead added that the Commission agenda is set two weeks in advance.

Mr. Smith stated there was concern that there has not been any opportunity for commercial watermen to observe the winter dredge survey field methodology.

Dr. Lipcius stated that they were planning a one-day workshop for commercial watermen to observe field methodology after the survey has been completed. This should be in two to three weeks.

Mr. Smith stated he would like to see watermen more involved next year to alleviate the watermen's concerns.

Dr. Lipcius said he would prepare a presentation on the methodology of the crab dredge survey.

V. Adjournment

Meeting was adjourned at 9:00 pm.