

**Virginia Marine Resources Commission**  
**Crab Management Advisory Committee (CMAC) Minutes**  
380 Fenwick Road, Fort Monroe, VA  
Wednesday, June 2, 2021 – 4:00 P.M.

**ATTENDANCE**

Members Present

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

VMRC Staff Present

Pat Geer  
Adam Kenyon  
Shanna Madsen  
Alexa Galván  
Somers Smott  
Olivia Siegal  
Lewis Gillingham  
Jill Ramsey  
Jennifer Farmer  
Andrew Button

Members Absent

Donald Porter Sr.  
Kenneth Diggs  
Daniel Dise  
Ernest George  
Marshall Cox

Others Present

Rom Lipcius (VIMS)  
Michael Seebo (VIMS)  
Randy Chambers (VIMS)  
Alex Schneider  
Jim Murray  
Bill Grigsby  
Matt Lynch  
Richard Murray  
Gabrielle Saluta

Minutes were prepared by Olivia Siegal.

**I. Introductions; announcements**

Due to the COVID-19 office closure, this meeting was conducted via electronic communication means (Webex). The Hon. Ed Tankard called the meeting of the Crab Management Advisory Committee to order at 4:05pm.

**II. Approval of minutes from the February 19, 2020 meeting.**

The minutes from the October 2020 meetings were approved by consensus.

**III. New Business**

**1. Review the preliminary 2020/2021 Chesapeake Bay Winter Crab Dredge**

Ms. Alexa Galvan explained the results of the 2020/2021 Chesapeake Bay Winter Crab Dredge Survey to the members of the committee. The total abundance, male abundance, and juvenile abundance estimates decreased compared to 2020. The total abundance estimate for 2020 is below average, largely driven by the decrease in juvenile abundance. Since blue crabs are considered similar to an annual crop, staff and stock assessment scientists expect annual fluctuations in juvenile abundance due to variable environmental conditions. The adult female abundance increased by 12% and remained between the abundance threshold of 70 million crabs and below the abundance target of 215 million crabs. As such, low juvenile abundance paired with good spawning stock biomass estimates give staff and CBSAC little cause for concern for 2020. Ms. Galvan explained that staff and CBSAC plan to monitor the juvenile abundance and overall population using the VIMS summer trawl survey.

Mr. James Hudgins asked if the 39 million males to 158 million females was an adequate male to female ratio for blue crabs in the Virginia portion of the Chesapeake Bay. Dr. Rom Lipcius, VIMS, explained that a lower male abundance is adequate because one male can mate with many females, and that the ratio is generally used to look at changes over decades. Mr. Chris Moore asked Dr. Lipcius if the winter dredge survey asked about pockets of high juvenile or adult abundance. Dr. Lipcius and Mr. Mike Seebo, VIMS, explained that there were pockets of high female abundance in the lower part of the main stem of the Bay and towards the Eastern shore. As for juvenile abundance, there were high abundances in the York River, James River, and Mobjack Bay, but there were low abundances in the Rappahannock River and towards Tangier Island. Mr. Seebo explained that the low pockets near Tangier Island were much lower during the winter than the rest of the year. Mr. Mark Sanford asked if that might be due to predation, and Dr. Lipcius explained that there is ongoing research occurring to address that question. Mr. Sanford asked Dr. Lipcius if there has been a marked difference in female abundance before and after the regulatory stop to dredging in 2008. Dr. Lipcius explained that, prior to 2008, there would be low abundances of female blue crabs in the winter months as a result of the dredge season, but after 2008 female abundances are consistent throughout the duration of the winter dredge survey. Mr. Moore wondered if the lack of abundance near Tangier Island may be a result of low submerged aquatic vegetation (SAV), and Dr. Lipcius explained that there is a likely a relationship between decreased SAV and lower juvenile abundances because juvenile blue crabs use SAV for refuge and forage.

## **2. Survey results and preliminary 2020 Virginia harvest data**

Ms. Galvan also reviewed the 2020 blue crab harvest, indicating that Bay-wide blue crab harvest decreased by 33% in 2020 compared to 2019. The female exploitation rate target and threshold were revised last year, and the Bay fished 19% below both the threshold and target. Virginia's blue crab harvest

decreased by 25% in 2020, as compared to 2019. She explained that the decrease may be due to COVID-19 because restaurants and picking houses reported less demand. She also noted, however, that Virginia retailers reported that the retail market was strong. Harvest and effort (in number of trips) by crab pots and by peeler pots decreased in comparison to 2019.

Mr. Tom Powers feels the crab pot license is over capitalized and that reducing licenses through attrition would help those that remain in the fishery thereby reducing competition. Mr. Hudgins explained that the ability to sell a license when one wants to retire provides people with a little bit of money before they leave the fishery, equating it to a retirement fund.

### **3. Discussion of possible management responses**

Ms. Galvan explained that in light of lower survey abundances, staff recommendation was to close the crab pot season on November 30 and to lower the November bushel limits back to the March bushel limits. Mr. Hudgins asked if staff can monitor the population through the summer to see how the population fluctuates when the juvenile crabs enter the fishery and then reconvene CMAC in fall to discuss. Mr. Johnny Graham and Mr. Sanford agreed with Mr. Hudgins, further specifying that they would like to see status quo and evaluate the possibility of an extended season (into December) once the juveniles enter the fishery. **Mr. Hudgins made a motion to maintain status quo with the possibility to extend the season into December based on juvenile abundance. Mr. Graham seconded this, and the motion passed unanimously.**

### **4. Shrimp trawling**

Chief of Fisheries Pat Geer provided an overview of the results of the experimental shrimp trawl permit from 2017 to present, and described the proposed regulation for the establishment of the shrimp regulation. He explained that shrimp abundances varied in the Virginia portion of the Chesapeake Bay in the mid-1990's and have increased in recent years. He explained that permits have been issued since 2017 in an experimental capacity to harvesters in Virginia Beach and on the Eastern Shore. Although the Eastern shore fishery will continue to be experimental, staff are proposing that the Virginia Beach shrimp fishery be established in 2021. Chief Geer explained that the results of the experimental shrimp permit have been promising, yielding good harvest levels and low bycatch rates.

Mr. Powers and Dr. Lipcius asked if blue crab were among the species of bycatch, to which Chief Geer provided the bycatch species breakdown which shows that blue crab are not among one of the bycatch species. Mr. Hudgins and Mr. Sanford had questions about the number of permits available and the application process to obtain the Virginia Beach experimental shrimp permits. Dr. Lipcius expressed scientific approval of the shrimp fishery as Chief Geer described it, and commended staff on keeping trawling out the Chesapeake Bay because he believes that would result in a reduction of female spawning stock biomass of blue crabs.

## IV. Old Business

### 1. Mandatory TEDs in recreational pots

Ms. Galvan reminded the committee of the conversation they had at the October 2020 CMAC meeting regarding requiring terrapin excluder devices (TEDs) in recreational crab pots due to concerns for Virginia's management of diamondback terrapin bycatch. Ms. Galvan explained that the commission will vote on the issue at the June 2021 commission meeting. She also stated that all other states from New York to South Carolina have some form of TED requirement.

Mr. Powers stated that he is against mandatory TEDs for recreational crab pots, and that he believes it is not legal for VMRC to write such a regulation based on the Code of Virginia. Chief Geer explained that staff had consulted with counsel from the Attorney General's office and VMRC can legally enact and enforce such a regulation. Mr. Powers expressed concern regarding members of the public being unaware of the new regulation and being ticketed or penalized for the lack of education. Ms. Galvan explained that although the Commission will vote on the issue in June, the regulation will not go into effect until January 1, 2022 to have a buffer period devoted to outreach and education to ensure the public is made aware of the regulation change. Chief Geer also indicated that there is funding to buy devices and disperse them to members of the public free of charge.

Mr. Randy Chambers, VIMS, explained that 90% of all terrapins are excluded from pots with TEDs in them, and that there are variable results on TEDs' effect on catch of crabs. He clarified that recreational users generally have crab pots in shallower waters where they would encounter terrapins. Further, recreational crab pot users are less diligent about checking their gear and removing it from the water, which means that TEDs in recreational pots will have a greater effect on the reduction of terrapin interactions. Mr. Sanford, Mr. Tye Burns, and Mr. Hudgins echoed Mr. Chambers' sentiments and further explained that commercial crab pots are not left to soak as long as recreational pots, and are less likely to be set in areas where terrapin interaction would occur. Mr. Powers suggested that rather than mandating that all recreational crab pots use TEDs, maybe staff could consider limiting the mandate to areas in which terrapin interactions are most likely to occur. **Mr. Powers made a motion to have the commission determine where TEDs are needed, and write a regulation specific to that (e.g., TEDs are mandatory in crab pots within 50ft of shore). There was no second to the motion. The motion failed.** Dr. Lipcius and Ms. Galvan explained that this is not likely to be effective as it would increase the burden for commercial harvesters and 50 feet is an arbitrary number that is not likely to encompass all the scenarios in which terrapin interactions could occur. **The committee chose not to make any more**

**motions or recommendations to support or deny the proposed establishment of mandatory TEDs in recreational crab pots.**

## **2. Online reporting transition**

Deputy Chief Adam Kenyon reminded the committee that as of January 2022, all mandatory harvest reports for crabs will need to be submitted online. The agency has already made the transition for oysters, which has been successful. It provides more timely, accurate, and efficient information to managers. He explained that staff is bringing the online reporting transition to the Commission in June, and will take the six months until implementation to provide education and outreach to the commercial crabbing community. Deputy Chief Kenyon assured the committee that each individual who has a crab pot license and any individual with a license renewal will be notified. Staff are open to feedback about online reporting and anyone can contact Ms. Stephanie Iverson or Deputy Chief Kenyon. Mr. Hudgins, Mr. Sanford, and Mr. Burns provided positive feedback about online reporting and indicated that they would ask their constituents to follow up with staff regarding any constructive criticism of the online reporting system. Jim Murray, a member of the public, has been reporting online for the last two years and expressed that of the two states in which he reports, Virginia's system is more difficult.

## **3. Disaster Relief**

Chief Geer explained that Virginia received \$4.5 million for direct assistance payments and appeals in 2020 in response to COVID-19. He reported that 825 applications were submitted to the agency and reviewed. All round 1 applicants were awarded \$6,000, all round 2 applicants that were non-license holders (e.g., helpers and mates) were awarded \$6,000, and all round 2 applicants who should have applied in round 1 were awarded about \$5,000. Chief Geer reported that the only applicants who were denied, submitted incomplete or incorrect applications. As of March 2021, NOAA Fisheries gave \$3.8 billion to Virginia for more disaster relief. This money will be distributed based on amount of loss experienced by each applicant. Staff are currently updating the spending plan, but there will only be one round this time, and the application period will be open longer. Chief Geer explained that once NOAA approves VMRC's spending plan, the agency will open the application process, review applications, hold an appeals period, verify and submit information. All the funds must be allocated by September 30, 2021. Chief Geer asked the committee to encourage their constituents to apply.

## **V. Other Business**

### **1. "Black Sponge Law"**

Mr. Sanford requested that staff revisit the need for the “black sponge law”, whereby females with a dark colored egg mass must be thrown back until June 15. He explained that this increases discards, because crabbers have to fish more pots in order to meet their bushel limit. Mr. Sanford suggested that if harvesters could keep the black sponge females, they may actually reduce overall discard mortality of black sponge females, thus increasing spawning stock biomass. He asked Dr. Lipcius to speak to the study that cited 50% to 60% of all the black sponge females returned to the water experience post-release mortality. Dr. Lipcius confirmed that that is the case during warmer months (e.g., July). Mr. Sanford explained that he believes it occurs earlier and earlier due to the warming waters resulting from climate change. Dr. Lipcius said he and his staff would be willing to discuss the issue and possible solutions with a subgroup. Chief Geer suggested putting together a working group and the Chairman agreed.

## **2. Navy-Enforced Little Creek Restricted Zone**

Mr. Sanford reported that although the agency never voted to create the restricted zone around Little Creek, the Navy and Marine Police did enforce the restricted zone last year and commercial harvesters were not able to crab pot in the area. Mr. Sanford asked staff to consider opening parts of the oceanfront sanctuary to make up for the new restricted areas. Chief Geer explained that discussion with the Navy of the Little Creek restricted area will resume once the commission has re-opened to the public. Mr. Sanford explained that the area could remain restricted, so long as commercial harvesters were given more fishable area elsewhere. Mr. Sanford suggested opening up the oceanfront sanctuary would provide that replacement area while also relieving some competition among harvesters in the Lynnhaven River. Mr. Chris Moore supported Mr. Sanford’s suggestion to relieve some of the pressure in the Lynnhaven River. Hon. Ed Tankard suggested that staff work on this and bring it to the committee during the fall CMAC meeting.

## **VI. Public Comment**

Mr. Jim Murray, commercial crabber, asked CMAC to consider allowing commercial crabbers to use long lines in the Chesapeake Bay rather than limiting individuals to only using individual floats. Deputy Chief Kenyon explained that this is not a measure that can be implemented because it would take a legislative change.

## **VII. Adjournment**

Before adjournment, Ms. Galvan reminded the committee that the agency will open to the public on July 6<sup>th</sup>, and that the June commission meeting will be held in-person.

The meeting was adjourned at 7:18 pm by Hon. Ed Tankard.