

Virginia Marine Resources Commission
Crab Management Advisory Committee (CMAC) Minutes
380 Fenwick Road, Fort Monroe, VA
Tuesday, August 30th, 2022 – 4:00 P.M.

ATTENDANCE

Members Present

Tye Burns
Ernest George
Bernard Morris
JC Hudgins
Chris Moore
Pete Nixon
Kenneth Diggs
John “Ed” Tankard
Mark Sanford
Tom Powers

VMRC Staff Present

Pat Geer
Adam Kenyon
Shanna Madsen
Alexa Galván
Joshua McGilly
Lewis Gillingham
Jill Ramsey

Members Absent

Marshall Cox
Daniel Dise
Johnny Graham
Donald Porter Sr.

Others Present

Lynnee Morris
Doug Jenkins
Justin Johnson
Ray Wicker Jr
Dan Knott
Richard Murray
Richard J. Murray IV
John Crella
5 members of the audience on YouTube

Minutes were prepared by Joshua McGilly.

I. Introductions; announcements

The meeting was called to order at 4:05 PM. Chief Pat Geer announced that there is a new Virginia Marine Resources Commissioner, Jamie Green.

II. Approval of minutes from the June 8th, 2022 meeting.

The minutes from the June 8th, 2022 meeting were approved by consensus.

III. Discussion of potential management responses

Ms. Alexa Galván, Fisheries Management staff, reminded the committee that according to the bay-wide winter dredge survey, juvenile and total abundances are at an all-time low. Mr. Chris Moore asked about the new electronic harvest reporting and if there was an increase in

reporting errors. Mr. Adam Kenyon, Deputy Chief of Fisheries Management, said electronic reporting has been very successful and it is structured to reduce overall reporting errors. Mr. JC Hudgins brought up that there was a lag in reporting when it was done on paper. Mr. Kenyon said crabbers have been notified that appointments can be made at the main office and the field offices in Gloucester and the Northern Neck where staff can show crabbers how to report online.

Several committee members agreed they are seeing fewer crabbers on the water this year. Several members said crab prices are very low and expenses are high, but that they are seeing a lot of crabs. Ms. Galván stated 1,002 crab pot licenses have been sold in 2022 and 640 people have reported harvest. Mr. Hudgins stated that is the lowest it has ever been. Ms. Galván said agents and transfers would be discussed at this meeting and other ranked measures of interest to staff and the committee will be discussed at a future meeting.

1. Agents

Ms. Galván showed that 9.3% of crab harvest is by agents. The total allowable spots (125) for agents for 2022 had been reached but medical applications are still allowable. Staff's concern is that some crabbers seem to be using agents as a business model.

Staff had three options for changing the agent system: 1)temporary agents which would be allowed for a set amount of days, 2)temporary agents during the spring fishery and the current agent system in the summer and fall, and 3)the current agent system with fewer agent permits available each year. Mr. Diggs asked about medical emergencies and if crabbers could just report directly to law enforcement if an agent would be working their pots. Ms. Galván said there should be some sort of paper trail so it is known who they are working for and that there are ideas to move permitting online so crabbers wouldn't need to come to the office and wait for approval. Mr. Kenyon said the idea for the temporary agent option is to allow crabbers to still have people fish their pots if they have to be absent for a few days. Mr. Diggs asked about situations where the active crabber passes away and the pots need to be taken out of the water. Mr. Kenyon said there could be exceptions if there is a situation where pots need to be taken out quickly and not further fished.

Mr. Pete Nixon brought up the idea that a temporary agent for a few weeks during the season could be used up very quickly. Ms. Galván said the move to temporary agents would push people from using them as a business plan. Mr. Nixon asked if there will be measures in place to cover catastrophes so crabbers do not need to go out of business. Ms. Galván said that there are already measures in place to accommodate for catastrophes. Mr. Hudgins asked about the 125 cap on agents and when applications can start being accepted, Ms. Galván said that starts the first of the year and that it is capped at 125 and is a first come first served program; any agents issued over the cap are for medical reasons. The licensee is responsible for reporting harvest. Agents can have commercial licenses but they may not have commercial crab licenses; there are also some agents that do not have commercial licenses but a MRC ID is created for them. Mr. Powers brought up that getting an agent should be based on how much the crabber fishes during the year and that agents should not be temporary but for full time crabbers to be able to continue their business. Mr. Powers feels agents should not be for people that are not working full time in the

industry. Mr. Doug Jenkins, commercial waterman, is concerned about people who agent their licenses as a source of income or food for their family.

Chief Geer explained that the committee is discussing agents because it has been brought up as an issue and voted as a top priority by CMAC. Mr. Diggs said agents were supposed to be a medical exception, not a business model. Mr. Tye Burns stated that young crabbers are getting into the industry by working as an agent and not everyone can afford to buy everything to start. Mr. Bernard Morris said that not everyone wants to get rid of agents. Mr. Mark Sanford said pot tagging is more important than agents to reduce harvest but something has to be done.

Mr. Kenyon reminded the committee that in light of the poor winter dredge survey results, a reduction of 7-10 percent is needed and the bushel limit restrictions taken earlier this year were only part of that. Chairman Ed Tankard stated that getting rid of agents will reduce the catch. Mr. Kenyon said they don't need to be gotten rid of but if they are handled differently than that will reduce the effort put into the fishery. Mr. Tankard said the committee needs to be active and start working to help the fishery. Mr. Diggs said that measures need to be changed but cannot affect full time members. Ms. Galván reminded the committee that they agreed last meeting to take fewer cuts to bushel limits and the seasons by handling these other issues.

Mr. Nixon made a motion to get rid of full time agents and only make it for the original emergency purposes and military. Mr. Nixon clarified that a temporary basis is fine as long as it is worked out properly but agents should not be a business model anymore. Ms. Galván asked if this is just for emergencies. Mr. Nixon said it is fine for anything approved.

Chairman Tankard asked for public comments as follows:

Mr. Rich Murray, a commercial crabber from the Eastern Shore said he has used an agent for the past three years because his wife is permanently disabled and he needs to help her at home. He has a large operation that without his agent would have been unused the past three years. He uses an agent on days he has to be home even though he is physically able to crab. He said the number of licenses is the same regardless if it is him fishing or his agent and the state has a cap on how many licenses are available. Mr. Murray thinks the license cap and number of latent licenses needs to be looked at.

Mr. Doug Jenkins said not allowing agents will result in the license being sold, so getting rid of agents will not lower the number of licenses. Mr. Jenkins also brought up the idea of pot tagging instead of getting rid of agents. He knows people that fish several sets of pots over the limit in different areas on one license; he feels pot tagging will limit that.

Mr. Daniel Knott brought up that a small percentage of crabbers cause problems and that pot tagging is likely not enforceable and will put a burden on fisherman who are law abiding. Mr. Knott said lack of cull rings on the Eastern Shore is a known problem and it cannot be enforced even though it has been a rule for a while. Mr. Knott added that he is personally against agents except for medical reasons.

Mr. Justin Johnson said he is against agents and doesn't feel it should have been in place to begin with. Mr. Johnson said because of agents he has been able to be a part of his family and

take care of issues. Johnson stated that some crabbers do fish more pots than they are supposed to. Mr. Johnson holds two commercial crabbing licenses and he will fish one and his agent fishes another because he's allowed fewer pots in the tributaries. His two limits allows him to work a full day and not have to worry about income. He feels getting rid of agents fully will put some families out of business; he thinks not allowing agents in spring is okay but they should be allowed in summer.

Mr. Kenyon reminded the committee that the agency will accommodate all emergencies and military service. Mr. Powers said long term medical issues should be documented to get an agent and should be allowed for the entire time needed to recover. Mr. Kenyon stated that exceptions for long term medical issues already exist and do require written medical documentation. Mr. Tankard asked if Mr. Murray from the audience would be covered under this medical exemption to help his wife. Mr. Kenyon said staff could have the ability to approve applications based on non-economic hardships. Mr. Powers said minimum amount of time for agents should be 2 weeks like a full time job offers. Mr. Kenyon said seven day agent permits allowed twice a year seems fair to take care of personal affairs, with medical and military exceptions. Mr. Tankard addressed that there is a motion and asked if there is a second. Mr. Powers seconded the motion. The motion passed, 7-3-0.

Mr. Kenyon brought up the two seven day periods for agents. Mr. George asked if that was also for medical; Mr. Kenyon said medical can be granted for the year in hardship cases. The seven day period is for personal affairs like a funeral, broken boat, or vacation. Mr. Powers asked if a crabber would need to use all seven consecutive days for an agent or if it could be broken into several periods totaling seven days. Mr. Kenyon stated it would have to be seven consecutive days. Mr. Powers thinks seven consecutive days twice a year is not sufficient.

Mr. Nixon made a motion for two 7 day periods. The motion was seconded by Mr. Diggs. Mr. Morris asked if it is seven calendar days and if it included Sundays. Mr. Kenyon said it can be seven consecutive fishing days which do not include Sundays. The motion passed, 7-2-0.

2. Transfers

Ms. Galván stated that latent effort, or eligible licensees who didn't harvest, was 52 percent for 2021. Mr. Tankard pointed out that there is more latent effort in the smaller crab pot license categories than in the larger categories. Mr. Diggs mentioned some crabbers had bought bigger licenses previously so they could set more pots to catch more crabs when limits were put into place. Mr. Moore asked about the waiting list for crab licenses; Mr. Kenyon stated that in 2008 the waiting list was 867 people and there are only 115 people on the waiting list as of this year.

Staff's proposed transfer method is modelled off the current system for oyster user fee transfers. In the oyster fishery, a fisherman must have worked 40 days in the previous year to be able to transfer their license outside of the immediate family; there are no restrictions for transferring to immediate family. The Shellfish Management Advisory Committee (SMAC) is considering looking at the previous 2 or 3 years' effort to accommodate those who were ill or

passed away during the season. Days fished by an agent would count towards the licensee for transferring.

Mr. Kenyon stated that false reports are unlikely because the mandatory harvest reporting system has buyer audits that catch false reports. The agency is currently looking to hire a dedicated person to streamline buyer audits.

Mr. Diggs brought up that not many people are transferring into the fishery because it has high starting costs and many people are selling their own licenses to get a larger license. Mr. Hudgins asked when more licenses would be put into the fishery when populations increased. Mr. Kenyon said oyster licenses were capped because the fishery could only support 650 licenses. The purpose of changing crab license transfers is to reduce latent effort and increase stability. Mr. Diggs said older crabbers who are about to retire but have not taken part in the fishery in recent years should still be able to transfer their license. Mr. Nixon said this would make people want to sell their license and not hold onto them when they are done with their crabbing career. Mr. Moore asked if this would affect the waiting list. Ms. Galván said the waiting list will be addressed after the female abundance increases to 215 million crabs for 3 years in a row.

Mr. Powers said between 30 and 40 days of activity should be required to transfer but the number of days should be based on how many days a full time crabber fishes. Mr. Kenyon said the intent of this is not to limit transfers to only full time watermen. If the agency decreased the number of transfers allowed, the fishery would still have inactive licenses. Adding the required fishing days would eliminate the license transfer cap.

Mr. Powers asked about people who are slowly retiring from the fishery, who used to be active but slowly decreased the number of days fished. Ms. Galván said there are ways to deal with these situations like reducing the required days or increasing the number of qualifying years. Several committee members were in favor of counting all commercial fishing activity toward the required number of days. Mr. Diggs brought up some crabbers do not want to stop crabbing and it is hard for some to sell their licenses, but you shouldn't take the ability to transfer their card because they are fishing fewer days. Mr. Nixon recommended limiting how often licenses can be transferred to prevent brokering or agenting through yearly transfers. Mr. Kenyon said this could be discussed at the next meeting. Mr. Diggs said putting a time limit between transferring may be a better method than limiting the ability to sell their license.

Mr. Nixon made a motion to have crab license transfers similar to oyster user fee transfers with the medical hardship, military order, and pass away exceptions and it should require 30 days of activity. Mr. Kenyon asked if that should be over the previous year or previous 3 years. Mr. Powers brought up over 4 years and if it should be an average; Mr. Nixon agreed to an average over the previous 3 years. Chief Geer said there are issues with the oyster limits on days based on one year because people pass away during the season and don't meet the requirements allowing them to transfer their licenses, and their families need to go in front of the commission to be able to transfer. The motion was seconded by Mr. Powers. The vote passed, 10-0.

Changes to agents and transfers will likely be voted on by the Commission in late 2022, before the 2023 crabbing season begins.

Several committee members asked about pot tagging, which will be discussed at a future meeting. Mr. Diggs is concerned about disproportionate restrictions to larger pot categories in the spring and fall low bushel limits. Mr. Kenyon said that is a good thing to look at but when the winter dredge survey is so low it is hard to justify an increase to bushel limits.

IV. Adjournment

Meeting was adjourned at 6:04 PM.