

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

**February 12, 2008**

**Members Present**

Hon. Rick Robins  
Dr. John McConaughay  
Tom Powers  
H.M. Arnold  
Pete Freeman  
Peter Nixon  
H.M. Arnold  
Jim Casey  
Chris Moore  
John Freeman  
Johnny Graham  
Ronald L. Jett  
Marshall Cox Sr.  
Paige Hogge  
Jeff Crockett

**Members**

**Absent**

Louis Whittaker

**VMRC Staff**

Jack Travelstead  
Joe Grist  
Mike Johnson  
Joe Cimino  
Stephanie Iverson

**VIMS Staff**

Dr. Rom Lipcius

**I. Opening Remarks – Rick Robins Chairman**

Mr. Robins announced that a committee has just completed its review of the VMRC blue crab regulations with the assistance of scientists from several states. The abundance of blue crabs has dropped approximately two-thirds from its population levels in the 1990's and has maintained this low level for the last few years and remains close to the overfished threshold. Environmental degradation as well as fishing mortality above the target level has contributed to this low population level. While fishing effort has declined, the fishing exploitation rate remains above target levels and needs to be constrained at the target level. The panel identified effort control and constraining fishing mortality as the primary concerns for fisheries management. The panel suggested a number of short-term that should be considered to reduce fishing mortality, but these shouldn't be considered as a substitute for developing an effective effort management system. The CMAC committee will be meeting regularly this year to discuss these management measures, and industry input is important to these discussions.

- II. **Review of Blue Crab Stock Status and Report of the Blue Crab Regulatory Review Committee** – Jack Travelstead  
Mr. Travelstead started by stating there has been a declining harvest of blue crabs over the past few years, and the number of active crabbers have followed suit. The regulation review panel reviewed the Virginia 22-Point management plan and made several recommendations which will be discussed later.

The winter dredge survey gives regulators a very good estimate of blue crab abundance in Chesapeake Bay, and also potential harvest for the following year. This dredge survey has shown about a 70% decline in abundance of age 1 crabs, over the past several years, which are available for harvest. So far, Virginia's 22 Point Management Plan has not increased the abundance of blue crabs. While the plan has not increased the abundance of blue crabs, it has probably at least kept the population from getting further decline. However, the population level is so low that it is susceptible to disturbance events which could cause the population to fall below threshold limits, which indicate a possibility of the fishery being unable to recover. In 12 out of the last 16 years, fishing mortality has been above the target level indicating that we may be moving the fishery towards the overfished threshold. Scientists recently established a desirable population level of 200 million crabs in Chesapeake Bay. If the fishing mortality rate can be lowered to 0.46 then this population level should be attained.

Most of the review panel recommendations dealt with reducing the harvest of female blue crabs since they make up over 70% of the Virginia blue crab harvest. Overall abundance is down, so we cannot ignore male crab harvest and we should act to improve male crab abundance. Since Virginia is home to the majority of females in Chesapeake Bay we have an obligation to protect them.

The short-term recommendations made by the panel advertised for the February 2008 VMRC meeting involve several measures. The first deals with the use of larger cull rings in Chesapeake Bay and the Pocomoke and Tangier Sounds areas, specifically opening the 2 5/16" cull rings which hard crab potters are currently allowed to close off. Raising the peeler size limit and as well as prohibiting the taking of white sign peeler was also put forward. Other recommendations included expanding the dates of the blue crab sanctuary, restricting the use of agents and preventing any further expansion of the winter dredge fishery for blue crabs.

The panel went on to recommend long term-measures as well, which will probably be needed as the short-term measures will not completely address the over-exploitation of blue crabs. These include an individual-transferable-effort system in conjunction with a pot-tagging program and ways to reduce latent effort in the fishery.

### **III. Proposed Short-Term Measures: Discussion and Recommendations of the Committee**

Mr. Robins started the discussion for the commission with the recommendation, from staff, of shortening the crab season by starting the season on April 1 instead of March 17. Mr. Robins was aware that opening the season earlier produced a significant economic benefit over opening on April 1.

Mr. Travelstead stated the cost benefit ratio of protecting spawning crabs versus economic gain may work in favor of keeping the opening date on March 17, since those same crabs will be available capture only 2 weeks later. There maybe better ways to protect those spawning crabs, later in the season, without hurting the crab harvester as much.

Mr. Graham stated that opening the season in March is of no consequence to the picking houses due to the economics/biology of the early crab run.

Mr. Cox stated that water temperature is more important than date when the season opens.

Mr. Robins stated that the panel recommended closing the season two weeks earlier and that had been advertised for the February Commission meeting.

Mr. Travelstead stated that protecting the fall run of female crabs, from the north, was important, by allowing more crabs to reach the spawning area. Maryland is already considering season closures to protect this late fall run.

Mr. Robins asked what the savings would be for closing the season two weeks earlier.

Mr. Nixon stated that opening early provides some economic benefit due to higher prices per bushel. The fall still has some people crabbing as well with good prices per bushel. These opening dates should be left alone.

Dr. McConaughy stated that the female crabs caught in the fall, during their migration, are important for next years spawn. Something should be done to protect these crabs.

Mr. Powers asked if it would be possible to protect females only during this spawning run.

Mr. Nixon stated that a large number of people work the sanctuary in April and May while only a few work that same area in November. Closing in November would not protect that many crabs.

Dr. McConaugha stated that there is a large harvest of crabs in April and May and then drops off. Maybe it would be better to open later than April 1.

Mr. Nixon stated that economics will drive the crabbing fishery. The drop-off is due to people getting better money fishing for peelers when that run starts. They will switch back and forth as economics dictate.

Dr. Lipcius would like to protect at least some of the females year around.

Mr. Robins asked about the possibility of a July crab potting season closure.

Mr. Casey asked if there would a closure in the summer, would it be enforceable to make everyone to remove all of their pots.

Mr. Robins responded that people do pull their pots at some point in the summer for maintenance.

Mr. Nixon stated the best market for crabs is the middle of the summer. If people can't get crabs at that time then other sources will be found, and that may affect the market for Virginia crabs for the rest of the season.

Mr. Freeman wants to go back to an April 1 opening. Last two weeks in July would protect sponge crabs. People generally are moving from the bay to the rivers, and cleaning gear around this time anyways.

Mr. Moore stated whatever part of the season you close, one user group or another will be affected. Effort needs to be reduced.

Mr. Robins introduced the next item, raising the minimum size of peeler crabs to 3 1/4" or 3 1/2".

Dr. McConaugha stated that this would bring us in line with Maryland and the Potomac River Fisheries Commission (PRFC) and would provide a better product.

Ms. Hogge stated that on a 3 1/2" peeler crab you have taken away 50% of the catch. You get more money for soft crabs than for hard. She said she couldn't support a minimum size limit larger than 3 1/4".

Mr. Robins asked Ms. Hogge how the peeler industry could be better regulated to protect the resource.

Ms. Hogge stated that since the 3 1/4" size limit would be hard to enforce, she would be willing to support giving up white sign peelers after June 1.

Mr. Arnold agreed that harvesters on the seaside of the eastern shore would be willing to support a 3 1/4" minimum size on peelers.

Mr. Robins stated that up to 50% of white sign peelers die while being held in shedding tanks.

Mr. Moore responded that he is leery of a larger minimum size limit and a prohibition on white sign peelers because it would increase mortality due to handling. He would prefer to see some kind of effort control to reduce the take.

Mr. Graham believes the handling issue, for both hard and peeler crabs as well as male and female crabs, could be addressed by the use of sanctuaries.

Mr. Powers stated that the PRFC did raise their size limits substantially in order to get the best marketable crab out of the fishery. We should look at their statistics to see the success of this policy.

Mr. Robins introduced the next subject; requiring the 2 5/16" cull ring to be open statewide.

Mr. Cox asked if there were a genetic shift towards smaller crabs due to these cull rings.

Dr. Lipcius stated we saw the reduction of crab size around the same time cull rings were required. He didn't believe there was a genetic shift due to the presence of large crabs in the northern Chesapeake Bay. It is probably a mechanical or phenotypic response.

Mr. Nixon stated he had talked to Dr. Guillory in Louisiana and that he has said that larger cull rings are beneficial.

Mr. Powers asked if the 3" minimum peeler size might be contributing to the smaller size females we see.

Dr. Lipcius responded that he didn't know, but it could be.

Mr. Moore asked about a maximum size limit on females.

Dr. Lipcius responded that due to increased mortality of handling crabs, especially in the summer, that this would not be a good idea.

Mr. Robins asked about instituting a 2 3/8" cull ring in the tributaries and how it could be phased in. It looks like we would see an increased escapement of about 3% with 2 3/8" cull ring in the tributaries along with opening the 2 5/16" cull ring everywhere else.

Mr. Nixon responded that it would be difficult to do the start of this year, since it is time intensive to install new cull rings, but could be done by June 1.

Mr. Robins introduced the idea to expand the dates of the crab sanctuary to May 15, or earlier, to protect crabs that are getting ready to spawn. What would be the conservation effect of changing these dates?

Mr. Moore asked what the harvest looks like in the last 2 weeks of September.

Mr. Travelstead stated we do not have data for that small time period, right now.

Mr. Robins stated that he had heard there is little effort in the sanctuary area after it has opened back up to crabbing.

Mr. Nixon stated that there is a limited market for crabs during that time and a closure in May will have a bigger impact.

Mr. Travelstead stated that Maryland is considering a maximum size limit. 6 ½", for female crabs but feels it would be waste if Virginia does not follow suit.

Dr. Lipcius stated a maximum size might work in cooler months but during the summer it would greatly increase mortality due to handling; lower dissolved oxygen being the environmental stressor.

Mr. Cox stated that Maryland harvest consists of 70% males, so this wouldn't affect them Maryland harvesters as much as Virginia harvesters since Virginia harvest is 70% females.

Mr. Robins introduced the idea of limiting agent use in Virginia and that controlling the use of agency might limit effort.

Mr. Moore asked how the staff would limit the use of agency.

Mr. Travelstead said that the use of agency is widespread and fisheries management would like to see a stepwise approach to this problem. The first issue of agency that would need to be addressed is that of permit stacking, where a single person is fishing several licenses. This would be controlled by requiring anyone who wants to fish as an agent to register with VMRC, and this would be allowed only under hardship conditions.

Mr. Robins stated that the current situation with agency use has kept fisheries management from measuring and controlling effort in the crab fishery.

Mr. Nixon said that people who work as agents are not experienced at crabbing and thus not invested in the resource, outside of a paycheck, and are wasteful of the resource. He feels that a stepwise approach is needed to deal with the agency issue.

Mr. Powers felt that when a person acts as an agent then that person must have their own commercial license.

Mr. Graham stated he did not have a position on transfers but does not want to take away the ability to assign licenses.

Mr. Robins stated that industry has suggested having a 25 bushel limit for the hard crab fishery.

Mr. Travelstead stated that bushel limits may not be as effective due to the savings actually being caught by other harvesters who wouldn't have normally caught their limit or the extra crabs would simply be caught on another day. Not counting any kind of recoupment of the savings, there could be a savings of 8% with a 25 bushel limit for all gears. Bushel limits should be year round and vary by pot limit type.

Mr. Cox said that you can't enforce bushel limits until you can control the number of pots being fished by each harvester.

Mr. Nixon stated that until you control gear, by addressing agency, then enough gear will be set, by the harvester, so that they can ensure they will catch their bushel limit each day. Doesn't think bushel limits will work.

Mr. Robins asked if there would be shift from crab pots to crab traps if they became limited.

Mr. Travelstead said we might see more unused crab trap licenses being sold and used.

Mr. Robins introduced another public comment regarding a peeler season limit. Currently the season that people fish for peelers seems to be getting longer.

Ms. Hogge stated the peeler season is already short, approximately 5 months long. You see a number of people switching back and forth from hard crabs to peelers depending upon the peeler runs.

Mr. Nixon stated that a gear limit for peeler pots might be better.

Mr. Robins asked staff to consider long-term issues like upriver sanctuaries, habitat degradation, predation, a buy back program for crab licenses, and reducing the number of licenses through attrition (transfer to family members only).

Mr. Powers asked if the recreational and commercial funds could be used to buyback licenses.

Mr. Travelstead said they could but money in those funds is limited.

Mr. Robins asked Dr. Lipcius to describe some of the things VIMS is looking at in terms of habitat degradation.

Dr. Lipcius responded they have been looking at shoreline development and SAV loss and how that is affecting production of blue crabs.

Mr. Casey asked about fluctuations of populations, specifically, where they have rebounded from low numbers.

Dr. Lipcius responded that while population numbers have rebounded before, the population level has never stayed at this low of a level for so long.

Dr. McConaughay added that those population fluctuations in the past were the result of environmental fluctuations. The current low levels have lasted for 10 years which is longer than can be expected for environmental fluctuations.

Ms. Hogge asked Dr. Lipcius about the algae blooms we had last year and their effects on the crab populations.

Dr. Licius replied that these types of blooms are of great concern but doesn't know the direct effect on the blue crab stock.

Mr. Robins opened up the forum to public comment.

Mr. Russell Gaskins stated that anyone who fishes as an agent should be a citizen of the USA.

Mr. Rufus Rourke, of York River Seafood, said that he has licenses for all members of his family and does assign these licenses to people who work for him. He asked if there could be consideration for a yearly assignment of licenses to individuals and that they be registered. He also suggested one agent license per boat.

Mr. Robins responded they are considering the registering of agents with the VMRC to allow the activities of these agents to be tracked.

Mr. Robins opened the forum to public comment.

Mr. Doug Jenkins, of Twin Rivers Fishermen's Association, stated that predation on blue crabs by croaker, striped bass and blue catfish is a major problem affecting the blue crab stock. Peeler crab harvest amounts to only 4% of blue crab harvest. Also, if there was a white line peeler restriction, then harvesters would be throwing back 75% of their catch.

Mr. Dale Taylor, of the Virginia Watermen's Association, thought there should be cuts in the number of hard crab and peeler pots. In addition a license buyback and increase in cull rings are acceptable.

Mr. Gerald Parks suggested that cull rings are not the answer. Doing away with harvest of sponge crabs and cutting back number of peeler pots may show benefit.

Mr. Ray Whitaker, of Crab Pot Seafood, asked about a hatchery for blue crabs. He uses an agent to fish his pots when his business needs his attention and feels a buyback for licenses is appropriate.

Mr. Robins responded that there are no plans for hatcheries in Virginia.

Dr. Lipcius said small hatchery is being operated in Maryland, but the number produced is low.

Mr. Kelly Place thinks that habitat issues, and their interaction with predation and life history, have important effects on the blue crab stocks and may be preventing resource management measures from having an effect. This includes loss of shoreline due to development and other adverse anthropogenic activities that are regulated by the VMRC.

Mr. Pete Brunk stated that the degradation of the habitat is a key problem.

Mr. David Bell commented that enforcement of recreational crabbing regulations is important as well.

Mr. Wes Robins stated that he is an agent harvester has multiple licenses; he needs to fish a large number of pots to make it economical to harvest blue crabs. He approved of the March opening in 2007.

Mr. Nixon responded that we need to get back to a better CPUE for crabs and decrease the number of pots that need to be fished to make a living.

Mr. John Ludford submitted a written statement saying the number of crab licenses could be reduced through attrition by requiring 2 crab licenses to be purchased to allow someone to enter the fishery.

Mr. Robins asked the committee should start considering recommendations for short-term measures, for the VMRC to consider, at their next meeting.

Mr. Travelstead recommended addressing each item on the list of short-term measures that has been generated.

Mr. Robins started with the issue of changing the season for crab potting.

Mr. Crockett stated he thought the March 17 opening was important to harvesters.

Mr. Casey made the motion to leave the crab pot season dates as they currently are. Mr. Nixon seconded the motion.

The motion passed 7 to 3.

Mr. Robins started the discussion on changing the peeler minimum size.

Ms. Hogge made the motion to leave the size limit as it currently stands. Mr. Nixon seconded the motion.

Mr. Casey suggested that the minimum size limit should be changed to 3 1/4".

Mr. Nixon suggested that there be a peeler pot gear reduction of 10-30%.

Mr. Moore made a substitute motion to ask the VMRC to advertise for a public hearing to reduce peeler pot gear by 10-30%. Mr. Nixon seconded the motion. The motion passed 6 to 3 with 2 abstentions.

Mr. Robins started the discussion on limiting the harvest of white sign peelers.

Mr. Nixon suggested there be no action on this item.

No action was taken by the committee.

Mr. Robins started the discussion on opening the 2 5/16" cull for all state waters.

Dr. McConaughy made the motion to open the 2 5/16" cull rings for all state waters. Mr. Nixon seconded the motion.

The motion passes 6 to 2 with 3 abstentions.

Mr. Robins started the discussion on requiring a 2 3/8" cull ring in the tributaries of Chesapeake Bay.

Mr. Nixon made the motion that the VMRC advertise for a public hearing to require 4 cull rings, 2 3/8" in diameter in hard crab pots, for the tributaries of Chesapeake Bay. This would be phased in over the course of 120 days. Mr. Marshall seconded the motion.

Mr. Freeman made the substitute motion that 1, 2/8" cull ring be used in tributaries of Chesapeake Bay. There was not a second.

The original motion fails by a vote 1 to 6 with 2 abstentions.

Mr. Robins tabled the issue for a later discussion.

Mr. Robins started the discussion for changing the dates of the Chesapeake Bay Blue Crab Sanctuary.

Mr. Powers made the motion to change the dates of the crab sanctuary to May 15 through September 15. Mr. Nixon seconded the motion.

Mr. Moore made a substitute motion to ask the Commission to re-advertise the issue of changing the sanctuary dates to include April 15, May 1 and May 15 as potential start dates for the sanctuary while keeping a September ending date. Mr. Marshall seconded the motion.

The motion passed 8 to 1 with 2 abstentions.

Mr. Robins started the discussion for dealing with the issue of agency.

Mr. Powers made a motion to create a phased approach to changing the agency rules: require agents to register with the VMRC, agency in 2008 would limit each eligible person to one license to prevent license stacking, agency in 2009 would involve that a person acting as an agent would have to have their own CRFL. Mr. Freeman seconded the motion.

Mr. Powers amended his motion to state that, starting in 2009, an agent could only be used in emergency situations with consideration for family members. Mr. Freeman seconded the amended motion.

The motion passed 11 to 0.

Mr. Robbins asked to identify other issues for the Commission to advertise for potential changes to crab regulations.

Mr. Jett made a motion to allow a 10-30% gear reduction for hard crap pots. Mr. Nixon seconded the motion.

The motion passed 8 to 3.

Mr. Robins tabled the issue of preventing the expansion of the crab dredge fishery and seasons for the crab dredge fishery, and 2 3/8" cull rings in the tributaries.

#### **IV. Proposed Long-term Measures**

Mr. Robins stated that long-term measures that need to be discussed in future meetings include reducing latent effort, gear transfer restrictions, license buyback programs, catch limits on hard and peeler crabs, upriver sanctuaries, ecosystem approach to deal with predation and habitat degradation, pot tagging, and dealing with bank traps.

Mr. Moore asked the staff to evaluate the cost of a pot tagging system.

Meeting adjourned at 11:00 pm.