

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

October 15, 2013

Members Present

Hon. Jack Travelstead (Chair)
Hon. S. Lynn Haynie
David Bell
Marshall Cox Sr.
Kenneth Diggs Jr.
Ty Farrington
Chris Moore
Tom Powers
Ken Smith

VMRC Staff

Rob O'Reilly
Joe Grist
Joe Cimino
John Bull
Ande Ehlen
Lewis Gillingham
Reneé Hoover
Samantha Hoover
Stephanie Iverson
Adam Kenyon
Sally Roman
Kelsey Rooks
Jason Schaffler
Laurie Beth Williams

Members Absent

Daniel Dise
G. Wayne France
Johnny Graham
Paige Hogge
Ronald Jett
John Masiak
Peter Nixon
Kevin Wade

Others Present

Jenn Aiosa
Pete Brunk
Melissa Carp (VIMS)
Mrs. Freeman
Tom Freeman Sr.
George Jamieson
Paula Jasinski
Doug Jenkins
Andy Lacatell
Rom Lipcius (VIMS)
Nadya Mamoozadeh (VIMS)
Stephen Manley (VIMS)
Danielle McCulloch (VIMS)
Bill Mullis
George C Pauls Jr.
Tony Pruitt
Wesley Robbins
Dirk Sanford
Mark Sanford
Mike Seebo (VIMS)
Tim Wivell

Minutes were recorded by Samantha Hoover.

I. Introductions/Announcements

The meeting was called to order at 4:05 pm. Three VIMS graduate students gave brief presentations about the results of by-catch, of species other than crab, in the recent Crab Dredge Study. These presentations were added into the agenda after the approval of the August 19, 2013 minutes.

II. Approval of minutes from the August 19, 2013 meeting

The minutes from the August 19, 2013 meeting were approved unanimously.

III. VIMS Graduate Student Presentations

VIMS graduate students, Steven Manley, Nadya Mamoozadeh, and Melissa Karp, gave brief presentations on their findings while working with the by-catch mortality data from the 2012/2013 VIMS Dredge Mortality Study. They discussed the status of winter flounder, hard clam, Atlantic rock crab, horseshoe crab, channeled whelk, and knobbed whelk and the impact on each species, based on findings of the VIMS Dredge Mortality Study. Winter flounder, hard clam, and Atlantic rock crab are all considered to be at a low risk for incidental mortality by dredge gear. Horseshoe crabs have a higher proportion of mortality in the sand substrate than in the mud. The by-catch mortality data on channeled whelk and knobbed whelk showed that incidental mortality is minimal as none of the species caught during the study were unmarketable.

IV. Discussion Pertaining to October 22, 2013 Public Hearing

a. Crab industry survey results

Ms. Sally Roman gave a brief summary of the results of the 2013 Blue Crab Industry Survey. The survey was mailed to all 1,523 harvesters eligible for a blue crab license in 2013 and staff received 452 answers for a response rate of 30%. The survey asked questions about crab pot bushel limits for 2014 season, potential establishment of a limited 2013/2014 winter crab dredge season, potential crab pot season extension, demographic information, and asked for additional comments and concerns. A closure of the winter dredge fishery season, for the sixth consecutive season, was supported by 54% of the responders. A total of 57% of the responders support a typical closure of the blue crab pot season on November 20, 2013 for female blue crabs and on November 30, 2013 for male crabs. A total of 35% supported an extension of the blue crab pot season until December 15, 2013. Additional comments received included remarks on the opening of the winter crab dredge fishery season, the protection of female blue crabs, and bushel limits.

Mr. Chris Moore asked if staff gathered any demographic information by license category. Mr. Joe Grist responded by saying that the survey was anonymous so staff was unable to track the license category of each participant. Mr. David Bell commented that we need to be careful on the restrictions that we put on the fishery because according to the responses to the survey, a majority of the survey participants are in the age group 55 and older. Mr. Ken Smith and Mr. Marshall Cox did not feel that a survey should be used in fishery management decisions because they felt the survey was biased. They commented that very few of the survey participants will be actively involved in the dredge fishery. Commissioner Jack Travelstead replied that the survey was an attempt to see what the crab industry thinks about all these issues and that the Commission will take the participation concerns into account. Mr. Ken Diggs Jr. stated that there may be a lot of people turned off to opening the dredge season because the proposal limits the dredge fishery to only 37 individuals.

Mr. Joe Cimino explained that the only public comments received to date were in regards to the winter crab dredge fishery season. Staff had not received any comments in regards to the 2014

crab pot bushel limits nor the 2013 crab pot season extension. The Peninsula Saltwater Sports Fisherman Association opposes the winter dredge fishery season, while the Virginia Blue Crab Industry Panel supports its opening. Other than the two groups, 70 individuals provided public comment, and 69 of the comments were opposing the winter dredge fishery season, with 19 of the 69 wanting the winter dredge season permanently closed. 1 individual provided public comment in support of opening the 2013/2014 crab dredge fishery season.

Commissioner Jack Travelstead asked for public comment on any issues that the committee will be discussing throughout the meeting. Mr. George C. Pauls Jr. stated that it is going to be hard to get support from everyone in the crabbing industry, if only a few harvesters can participate in the dredge fishery. Mr. Mark Sanford spoke in support of the crab dredge season but felt there should be more than 37 individuals being considered to be let into the dredge fishery and would like to see the crab pot season be extended to December 15, 2013. Mrs. Freeman spoke on behalf of her husband and stated that the heritage of the watermen needs to be preserved, and highly interested individuals should be considered to be part of the fishery as long as there is resource available. Mr. Wesley Robbins spoke on behalf of the younger generation of crab dredgers by being one of the youngest harvesters in the crab dredge fishery. He was not able to be a part of the fishery for all five seasons ending with the 07-08 season because of his young age. He hopes that there will be a ruling in the future to allow people like him into the fishery. Mr. Bill Mullis, the Virginia Blue Crab Industry Panel chairman, complimented VMRC staff, industry, and VIMS research for the progress that has been made so far with this issue. He feels that the Committee and the Commission need to back staff, science, and open the dredge fishery so that the door is open and the heritage will be saved. He felt that the 53 individuals should be considered for the dredge fishery because participation would only be around 50% anyway. He stated that the science that we have, along with the other elements of the proposal, would make this fishery be the most accountable sector of the blue crab fishery bay-wide. Mr. Doug Jenkins was concerned over the low crab stock and felt the Committee should be focusing on rebuilding the stocks. He supported a crab dredge fishery, but felt that this is the wrong time for it, nor is it the right time for a crab pot season extension.

Mr. Rob O'Reilly explained the basis for the 37 individuals for the initial limited entry fishery, versus the 53 individuals that have been proposed by others to participate in the dredge fishery season. He stated that the 53 individuals were part of a limited entry dredge fishery in 2008. Those individuals would have had to harvest in both the 2005/2006, 2006/2007 dredge fishery seasons in order to have been eligible in 2008. Some harvesters were left behind when this limited entry was implemented. The Industry Panel had previously stated that participation expectation would be 22 to 32 individuals.

Mr. Cox asked if transfers would be allowed in cases of death. Commissioner Travelstead responded that this would be a limited opening and that it cannot address every problem and that some people will be left behind. The program can always be modified in the future. Mr. Ken Smith added that one of the major concerns is how to bring the younger generation into the industry. Mr. Ty Farrington commented that the longer we wait to get the fishery going, the harder it will be to keep it going. Commissioner Travelstead suggested that this issue will most likely need to be looked at every year by the Commission so people will have a chance, every year, to be heard on this issue and changes can be made at that time, if needed. **Mr. Farrington**

motioned that everything considered throughout the meeting be made into a pilot program of 2 seasons. The motion was seconded by Mr. Smith. The motion carried with 6 members in favor and 1 opposed.

b. Review of Public Notice Items

The Committee discussed the establishment of the lawful 2014 crab pot and peeler pot commercial harvest seasons. **Mr. Tom Powers motioned to support a crab pot season opening March 17, 2014. Mr. Diggs amended the motion to have the crab pot season open on March 17, 2014 and end on November 30, 2014 for both male and female crabs. The motion was seconded by Mr. Bell. The motion carried with 8 members in favor, 0 against.**

In regards to the opening or closing of the winter crab dredge fishery season, **Mr. Smith motioned to open the 2013/2014 winter crab dredge fishery season. The motion was seconded by Mr. Farrington. The motion carried with 5 members in favor and 3 opposed. Mr. Smith motioned for the participation in the winter crab dredge fishery to be limited to the 49 individuals that were previously eligible for the fishery in 2008. The motion was seconded by Mr. Cox. The motion carried with 7 members in favor, 0 opposed, and 1 abstention.** Mr. Powers was concerned about the crab population abundance and that is why he opposed the motion to open the crab dredge fishery season for this year.

The Committee discussed the establishment of specific areas where dredging of crabs would be allowed. Mr. O'Reilly described the staff proposed area which is based on core sediment samples from the VIMS Dredge Mortality Study and mortality estimates from the recent Crab Dredge Study that showed that the hard sand areas have increased damage to crabs. Mr. Smith motioned to accept staff recommendations. There was no second to the motion, so the motion failed. Mr. Farrington motioned to have half of the dredge season in the historic area of the bay, and the other half of the season in the staff proposed areas of the bay. Mr. Farrington described the motion further by stating that if the season started December 1, 2013, then all substrate areas would be opened until December 31. After that, only soft bottom areas would be open until February 15. If the season started December 15, 2013, then all substrate areas would be opened until December 31. After that, only soft bottom areas would be open until February 1. Hard bottom areas would then reopen for the remainder of the season. The motion was seconded by Mr. Diggs Jr. VMRC staff and VIMS expressed that they could not support this motion based on the results of the recent Winter Dredge Study. **Mr. Farrington amended his motion to have hard bottom areas open for December only, and then have the staff proposed area open for the rest of the season. The motion was seconded by Mr. Diggs. The motion carried with 5 members in favor, 2 opposed, 1 abstention.** (Later in the meeting, Mr. Smith suggested a substitute motion to only allow for dredging on staff proposed soft bottom areas only, in order to gain VMRC staff and VIMS support. The motion was seconded by Mr. Cox. The motion carried with 8 members in favor.)

The Committee discussed the establishment of either individual harvest quotas or daily vessel bushel limits as well as the establishment of a seasonal quota for all participating individuals in the dredge fishery. The Committee also agreed that any extra harvest due to the dredge fishery season would be compensated with crab pot bushel limits during the 2014 crab pot season. Mr. Bell stated that there should be both an individual harvest quota and daily vessel bushel limit to

prevent flooding the market. Mr. Smith supported having a vessel quota of 1,000 bushels per participant and thought it should be at the harvester's discretion on how much they harvest daily. Mr. Cox commented that the 1,000 bushel quota was based on the 37 individuals and if the 49 individuals from 2008 are approved, the quota per individual would have to be decreased. Mr. Bell motioned to have a 51 bushel limit per day per vessel and to have the quota set at 1.5 million pounds divided between the number of participants not to exceed 1,000 bushels per individual. There was no second to the motion, so the motion failed. **Mr. Smith motioned to establish a 1.5 million pound dredge quota be divided between the number of eligible crab dredge licensees but in no cases will the dredge quota be more than 1,000 bushels per individual for the season. The motion was seconded by Mr. Farrington. The motion carried with 6 members in favor, 1 opposed, 1 abstention.** Mr. Moore commented that he does not support the opening of the dredge fishery season this year due to the state of the stock, but he did think this is the correct way to go about creating the foundation for the fishery.

The Committee discussed the establishment of the by-catch prohibition on species other than blue crab Mr. O'Reilly stated that the VIMS Dredge Mortality Study showed that damage to horseshoe crabs was greatest on hard bottom areas and horseshoe crab harvest is currently limited by regulation to only those individuals who are eligible for a horseshoe crab harvesting permit. **Mr. Cox motioned to approve the item with the staff recommendation of by-catch prohibition to include some by-catch of conch and to prohibit by-catch of horseshoe crabs unless permitted for harvest under the horseshoe crab quota; the motion was seconded by Mr. Smith. Mr. Farrington amended the motion to have a 2 barrel, 6 bushel limit on conch harvest per day. The motion carried unanimously with 8 members in favor.**

The Committee discussed the establishment of a crab dredge fishery season. Mr. Farrington motioned to have the season start December 1 and end February 28. The motion was seconded by Mr. Bell. Mr. Cox commented that if the season started on December 1, then both crab pot and crab dredging would be operating at the same time. The motion failed with 3 members in favor, 4 opposed. **Mr. Powers motioned to open the blue crab dredge fishery beginning December 1 or after the end of the crab pot season, whichever is later. The motion was seconded by Mr. Cox. The motion carried with 7 members in favor, 0 opposed, 1 abstention.**

The Committee discussed the establishment of a daily harvesting time limit for the fishery, to include an offloading time limit. Mr. O'Reilly stated that this fishery has been traditionally a sunrise to sunset fishery and the Dredge Sub-committee agreed to an off-loading time of no more than 3 hours after the harvesting time. Mr. Cox stated that he does not understand why their needs to be an off-loading time because a lot of things can delay you from off-loading. **Mr. Cox motioned to allow dredging to be from sunrise to sunset with no specific off-loading time limit. The motion was seconded by Mr. Bell. The motion carried unanimously with 8 members in favor.**

The Committee discussed the establishment of vessel and gear requirements. Staff's recommended vessel and gear requirements included: the placement of federal or VMRC ID numbers on the vessel roof, a limit of two dredges per vessel, a maximum width of eight feet per dredge, a maximum length of dredge teeth at six inches, and the use of metal plates called divers

that stabilize the dredge on the bottom. Commissioner Travelstead commented that all of the staff recommended vessel and gear requirements were industry requested. **Mr. Farrington motioned to pass staff recommendation on this issue. The motion was seconded by Mr. Smith.** Dr. Rom Lipcius, VIMS, explained that VIMS staff cannot support the use of divers based on the results of the Crab Dredge Study since the Committee had earlier voted to allow dredging on hard substrate. **Mr. Powers moved to amend the motion to vote on divers separately. The motion carried unanimously with 8 members in favor.** Mr. Bill Mullis, from the public, advised the committee to reconsider all motions since VMRC and VIMs won't support dredging on the hard bottom substrate. Mr. Farrington commented that he stands by his opinion over the hard bottom substrate, but is willing to change his vote towards the matter in order to move things along and urged staff to conduct a study for the effect of dredging on hard bottom. **Mr. Smith suggested a substitute motion to allow dredging only in the staff proposed sand bottom areas. The motion was seconded by Mr. Cox. The motion carried with 8 members in favor. Mr. Powers motioned to allow the use of metal plates called divers. The motion carried with 8 members in favor.**

The Committee discussed the establishment of dredge licensee requirements. Staff's recommendation included the establishment of hail-in and hail-out requirements, tagging of bushels, access for observers, sampling of catch for effort data, and that the licensee must be present on the vessel. Mr. Smith commented on the Blue Crab Industry Panel's recommendation to support electronic reporting for the harvesters and possibly for buyers as well. **Mr. Smith motioned to except the staff recommendation as written. The motion was seconded by Mr. Diggs. The motion carried unanimously with 8 members in favor.**

The Committee discussed the establishment of dredge license restrictions with a staff recommendation of no license transfers, no agent use, one licensee per vessel, any violation would equal in a minimum loss of the dredge license for the remainder of the season, and a dredge license fee of \$100.00. Mr. Cox supported staff recommendation for a period of two years. Mr. Bill Mullis, from the public, thought that all dredge vessels should have to disconnect the dredge gear, with the tow cable hooked with an orange buoy attached when traveling over hard bottom areas to make enforcement easier. Law enforcement and staff will look into this idea for the future. **Mr. Diggs Jr. motioned to accept staff recommendation. The motion was seconded by Mr. Farrington. The motion carried unanimously with 8 members in favor.**

The Committee then discussed the establishment of a crab pot fishery season extension for females and males crabs through December 15, 2013. Mr. Mark Sanford, from the public, expressed that he is in favor of the crab pot season extension until December 15, 2013. Mr. Bell asked what the difference would be in bushel limits if the crab pot season ended on December 1. Commissioner Travelstead stated that staff would have to calculate those and could bring the information forward at a later date if necessary. Mr. Farrington motioned to have a crab pot fishery season extension be as follows: If the Commission approved an opening of the dredge fishery season, crab pot season would end November 30 for both males and females. If the Commission did not approve an opening of the dredge fishery season, then the motion is to extend the crab pot season until December 15, 2013. Mr. The motion failed with 4 members in favor, 4 members against. **Mr. Smith motioned to have a crab pot fishery season extension to**

end on December 15, 2013, and then have the dredge fishery season open after. The motion was seconded by Mr. Bell. The motion carried with 5 members in favor, 2 opposed.

c. Conservation options to offset any potential crab dredge season or extended crab pot season

The Committee discussed the establishment of crab pot license category-specific bushel limits for the 2014 crab pot fishery season. These bushel limits would be lowered to account for additional harvest to maintain conservation equivalency if the Commission adopts the extension of a crab pot fishery season, opening of a limited crab dredge fishery season, or a combination of both. **Mr. Powers motioned to accept the table presented by staff (Table 1.) as the framework for crab pot limits. The motion was seconded by Mr. Moore. The motion carried unanimously with 8 members in favor.**

Table 1. Estimated daily bushel limits in 2014 (license category-specific)

Crab Pot License Category	Option 1	Option 2	Option 3	Option 4	Option 5
Crab Pot 85	17	12	12	11	18
Crab Pot 127	22	16	16	16	26
Crab Pot 170	28	21	21	20	34
Crab Pot 255	45	31	31	30	52
Crab Pot 425	56	48	48	45	63
Projected Savings (pounds)	252,742	1,509,105	1,514,198	1,762,784	--
Projected Harvest (pounds)	250,388	1,500,000	1,500,000	1,750,388	--

*Note: Options 1, 3, and 4 require bushel limits Dec 1-15, 2013 and Mar 17 through Nov 30, 2014
Options 2 and 5 require bushel limits March 17 through November 30, 2014 only*

The Committee discussed the establishment of management triggers that may be used as a management tool to help indicate when the blue crab population is able to increase or decrease the harvest capacity of any gear-based commercial crab fishery. Mr. O'Reilly explained that the total number of crabs, the number of juvenile crabs, and the number of spawning female crabs were all factors in developing these management triggers. Once these triggers are established, they can trigger a change in crab management that may include an opening or reduction of a crab dredge fishery season. Commissioner Travelstead added that he doesn't know where the Commission will vote on Tuesday and does not want the Commission to walk away from all this work that has been put in by VMRC staff, VIMS, and Committees if the Commission were to decide to not open the crab dredge fishery season. He hopes that the Commission will agree upon the framework that has been developed for a crab dredge fishery for the future. Mr. Moore agreed and wanted CMAC to look at the trigger information more in depth and once they meet again make a recommendation for a future Commission meeting.

d. Crab agent usage for 2014

The Committee discussed the consideration of adopting a declaration date for licensees who are eligible to use agents for 2014. VMRC staff recommended keeping the same system for agents in place for 2014 with the addition of a declaration date. If the agent transferred their license, then the transferee would be eligible for the ability to agent in 2014. The

Commission can also allow additional agents in cases of hardship. The Committee accepted the staff recommendation by unanimous consent.

IV. New Business

No new business items were discussed.

V. Adjournment

The meeting was adjourned at 8:14 pm.