

CRAB ADVISORY COMMITTEE REPORT
August 26, 2008
PRFC Office, Colonial Beach, VA

Members Present

Elgin H. Nininger – Vice Chairman
Dean E. Bowie – Upper River Hard Crab Potter
Charles R. Clift – Recreational Crabber
Herman Delvo – Recreational Crabber
Arthur L. Loving – Crabber-At-Large
Larry W. Thrift – Lower River Peeler Potter
John B. Morris, Jr. – Crabber-At-Large
James B. Berthe – Lower River Peeler Potter
George W. Smith – Upper River Hard Crab Potter

Members Absent

Robert A. Boarman – Chairman

Press

None

PRFC Commissioners

Ida C. Hall
Robert H. Bowes

Support Staff Present

Joe Grist – VMRC
Alisha Nelson – VMRC
Capt. M. Ray Jewell – VMRC Law Enforcement
Harry Hornick – MdDNR Fishery
Capt. William Bates – MdDNR Law Enf.
Lt. Charles Sauter – MdDNR Law Enf.
Sgt. Shawn Garren – MdDNR Law Enf.
Kirby A. Carpenter – PRFC Executive Secretary
Becky Butler – PRFC Staff
Ellen Cosby – PRFC Staff

Others Present:

Joseph Hawkins, Robert T. Brown, Dan McDougal, Dennis Edwards and several others who did not sign the guest register.

Vice-chairman Nininger called the meeting to order at 6:10 p.m. Mr. Carpenter announced that Mr. Bobby Pearson, a local seafood dealer, had passed away and his viewing is being held tonight. He notified the committee that there were several people who would like to pay their respects and attend the viewing. Therefore, he asked to keep the comments brief to move the meeting along.

Crab Harvest Report

Mr. Carpenter stated that the 2008 crab season is tracking very closely to the 2007 season in terms of harvest. It also shows that the effort is down this year as well.

Commissioner Bob Bowes questioned if the effort was down because of the number of crab potters. Mr. Carpenter explained the effort is down simply because of the number of people who are not working. He noted the number of days is down because people who were working three or four days a week are now working two or three days a week.

James Berthe questioned the number of boats working noting that the CPUE is up compared to last year. Mr. Carpenter contributed this to only the best crabbers are left working in the river.

Possible Regulation Changes for Consideration

Transfer fee for “crab pot” licenses – Mr. Carpenter explained that crab pots are transferred on a regular basis from one owner to another. Staff is proposing, with the exemption of “immediate family members” (defined at a prior meeting), that anyone who receives a crab pot license would

be charged a transfer fee in addition to the license fee. This transfer fee would be \$1,000 and would be placed into a fund, which would then be used to buy back and retire crab pot licenses. The goal is to reduce crab pot licenses to below 400. Currently there are over 500 crab pot licenses. This would be a way to finance the buyout program. The new person coming into the fishery would be responsible for this fee. When the first \$1,000 was collected, a notice would be placed on the bulletin board that says the PRFC will buy back and retire one crab pot license. If there are no takers, the funds from the next transfer will be added to the offer to buy back a license, and that will continue to increase until one is purchased. As transfers continue into the future, the Commission will continue to buy back licenses.

Dennis Edwards questioned if this fee would be charged when two 300 pot licenses are turned in for one 500 pot license. Mr. Carpenter explained that this fee would not be charged in those cases, because one of the original licensees remains as the new licensee.

James Berthe felt it is difficult enough to get into the crabbing business and thought \$1,000 was a lot of money for a transfer fee.

Vice-chairman Nininger asked if the committee had a recommendation for the Commission on this issue.

A motion was made by Herman Delvo, seconded by Dean Bowie to support the \$1,000 transfer fee for crab pot licenses and forward this recommendation to the Commission. The motion failed with 3 in favor and 5 against.

Remove the “white” sign for peelers – Dan McDougal stated he understood wanting the removal of the white sign for peelers in the warmer months of the year. However, in the spring time, the mortality rate is not that bad on white sign peelers. After June 15th when the water warms up, he stated he does not keep white sign peelers because the mortality rate is just too high. He suggested leaving the regulation as it is for the first part of the season.

Dennis Edwards agreed with Mr. McDougal’s comments. James Berthe felt there would be a lot of gray area when trying to define a “white sign”. Mr. McDougal stated in the first run, he would want a little protection as to deciding when a peeler goes from a “white sign” to a “pink sign”, because they are all shedding. After June 15th there are fewer peelers to harvest. George Smith questioned how law enforcement felt about this issue. Capt. Ray Jewell felt removing the “white sign” takes the confusion out of the argument. Mr. McDougal stated it may be difficult to enforce, because when he sees pink someone else may see white, so he suggested some type of tolerance be included.

A motion was made by Larry Thrift, seconded by George Smith to keep the “white sign” peeler until June 15th, and then afterward a tolerance of ten “white sign” peelers per bushel basket would be allowed.

Lt. Charles Sauter questioned the definition of a “white sign” peeler. When he stops someone on the water and they have 15 “white sign” peelers, are they considered undersized hard crabs? Mr. Carpenter confirmed they would be undersized hard crabs. Lt. Sauter cautioned that you need to

be very careful how you write this law, because wording it this way will allow you to bring in ten undersized hard crabs every day with your peelers. Mr. Carpenter questioned how Maryland's law is written.

Lt. Sauter stated in Maryland, if you don't have any "sign" then you have an undersized hard crab. Mr. Carpenter stated that after June 15th if the peeler doesn't have a sign, it would be considered a hard crab and there is already a tolerance in place of four hard crabs per bushel.

Mr. Carpenter explained if you take the "white sign" out of the definition of a peeler, it would no longer be considered a peeler after the 15th of June. It becomes a small hard crab that you have mixed in with your peelers, and you are allowed four hard crabs per bushel basket.

Mr. Thrift stated he would like to amend his motion as follows:

To keep the "white sign" peeler until June 15th, after that they would be considered an undersized hard crab with a tolerance of four crabs per bushel basket. Mr. Smith agreed as the seconder and the motion unanimously passed.

Cull ring sizes – Mr. Carpenter explained this is an effort to bring some uniformity with the Virginia cull ring requirement as well as the recognition of the fact that at the beginning of next crab season, the minimum size limit will be 5 ¼" in the Potomac River.

Larry Thrift stated he used four cull rings, and two of them were 2 3/8" and he didn't see a difference from last year in terms of undersized crabs in the crab pots. George Smith questioned the need for four cull rings. Mr. Carpenter stated the staff is proposing only two cull rings that must be at least 2 3/8".

James Berthe and Dennis Edwards agreed that it would be a lot of work changing cull rings and just one ring in the upper chamber of the pot is all that is needed.

Vice-chairman Nininger stated there is a requirement for a 2 3/16" ring, that he doesn't understand, and a 2 5/16" ring, and we also have a 5 ¼" minimum size limit starting next year. He felt that if the cull rings were left like they are, the 5 ¼" size limit will take care of the early part of the season and on July 10th the minimum size limit will increase to 5 ½".

Dennis Edwards stated he has crabbers that are already using larger cull rings to eliminate small crabs. George Smith stated he already uses 2 3/8" rings, so it wouldn't be a change for him. Dean Bowie suggested leaving it like it is.

A motion was made by Larry Thrift, seconded by James Berthe to leave the cull ring sizes like they are. The motion passed unanimously.

A reduced license fee for people who are not crabbing – Mr. Carpenter stated during renewal this year, the crabbers were asked if they were going to crab. If they were not going to crab, then the Commission kept their crab pot decal and they didn't have to send in reports. Some crabbers

asked if they could do this and be charged less money. Staff recommends continuing charging them the full license fee.

Robert T. Brown stated he did not like the idea of a reduced license fee for people who are not crabbing. On one hand you want to charge a \$1,000 transfer fee to buy someone out. There are people who are not crabbing and don't want to pay that fee. The license fees go toward running the Commission and this is something that should be left alone. Dennis Edwards agreed with Mr. Brown. Commissioner Bob Bowes stated if you want the option to crab then you should have to pay a fee to do so. Dennis Edward stated you are paying for a privilege.

A motion was made by Arthur Loving, seconded by Larry Thrift to leave the crab pot license fee as is. The motion unanimously passed.

Discussion on a tagging system for each crab pot – Joe Grist from VMRC presented a short video clip on the effective placement of cull rings in crab pots. It demonstrated crab escapement through a cull ring located in the lower corner of the upper chamber releasing crabs more readily than a ring located higher in the pot.

He then gave a brief presentation on crab pot tagging. He showed a slideshow about different states that currently use a specific tagging system that seems to be working in larger areas. Virginia is trying to implement effort controls in regard to the number of pots being set by a licensee. He explained it is similar to programs that are very effective on the west coast for some of the king crab fisheries. Mr. Grist then passed around a sample of a plastic tag he is currently studying. In all these states, most of the tags cost about \$1.00 for production, and that the fishermen must buy their tags in addition to the license fees. They can be made with any marking requirements that each jurisdiction would like. They have placed several sample tags on pots and, so far, they have worked very well.

Mr. Carpenter stated the discussion item for the committee to consider tonight is to decide what type of identification (decal or tag); should they be removable or permanent; and where should it be placed (on the buoy, on the pot or both). The issue of lost, abandoned or so called ghost crab pots is of growing concern and needs to be addressed. One way to do that is by a verification system.

John Morris felt that each waterman would need a tag that could be moved from buoy to buoy. The PRFC crab pot license has the option to fish either hard crab pots or peeler pots and a removal tag would be easier and work better. Arthur Loving was concerned with using a permanent tag, because you sometimes have to replace old and new pots during the season, so he also felt it should be removable and on the buoy. Dennis Edwards suggested placing the tag on the crab pot itself, and that would eliminate having to change the tags if they were placed on the buoy.

James Berthe stated that he crabs in all jurisdictions and has crab pots constantly moving between Maryland, Virginia and the Potomac River. He is concerned with having a tag on his pots that is only valid for a specific jurisdiction. George Smith suggested that if Virginia and the PRFC decide to go with this concept, he would like to see one tag with information on the front

and the back for each jurisdiction. This would require only one tag to be used for both jurisdictions.

Mr. Carpenter said from the discussions tonight he has gathered that the tags should be removable and should be placed on the buoy.

Commissioner Bowes questioned law enforcement as to how this tagging system would help if there's already a painting and numbering system already in place. Capt. Jewell felt if the tag was removable, that's not accomplishing anything. He would like to see the tag placed on the buoy. Capt. Jewell assured Commissioner Bowes that this would help law enforcement if it is done correctly. Vice-chairman Nininger stated he would be willing to test these tags that Virginia is considering; because where he works everything fouls up.

Crab Pot Depth Restrictions

James Berthe requested that the 30-foot depth restriction for setting crab pots needs to be reviewed. He asked that this item be placed on the next agenda. After a brief discussion, Mr. Carpenter asked if the committee had a recommendation that it would like to forward to the Commission for its next meeting.

A motion was made by James Berthe, seconded by John Morris to change Reg. VII, Sec. 5(e), Crab Pot Depth Restriction, from September 1st to the end of the season to June 15th though September 15th. The motion failed with 3 in favor and 5 against.

Theft of Crab Pots

This item was continued from the last committee meeting. Chairman Boarman was concerned with this issue and requested that it be continued to tonight's meeting. Mr. Carpenter suggested in Mr. Boarman's absence that this item be placed on the next agenda.

Committee Membership Vacancies

Mr. Carpenter announced there was one committee vacancy for a Virginia recreational crabber. The Commission is looking for nominations to fill this important position.

Election of Chairman and Vice-chairman

Vice-chairman Nininger spoke with Chairman Boarman prior to tonight's meeting and he requested that the elections be carried over to the next committee meeting.

New Business

Mr. Carpenter stated the only new business he has is a request from some of the lower river commercial crabbers to recommend closing crabbing on Sundays. Their reason for requesting a Sunday closure was to discourage fishing other waterman's crab pots in the river on Sundays.

Vice-Chairman Nininger agrees that this illegal activity is taking place and something needs to be done about it. This item will also be placed on the next agenda.

Mr. Carpenter noted that the discussion item of removing the 30-foot depth restriction for crab pot longlines will also be placed on the next agenda.

The meeting adjourned at 7:15 p.m.

Respectfully Submitted:

Elgin H. Nininger, Vice-chairman