

CRAB ADVISORY COMMITTEE REPORT

August 15, 2017

PRFC Office, Colonial Beach, VA

Members Present

Robert A. Boorman – Chairman, (MD)
Elgin H. Ninninger – Vice Chair, (VA)
John B. Morris, Jr. – (MD)
Arthur L. Loving (VA)
Dean E. Bowie – (MD)
James B. Berthe – (MD)
Mark G. Hunter – (VA)

PRFC Commissioners

Ida C. Hall via Teleconference

Support Staff Present

Martin Gary – PRFC Executive Secretary
Ellen Cosby – PRFC Asst. Exec. Secretary
Becky Butler – PRFC Staff
Cathy Friend – PRFC Staff

Members Absent

Bruno Vasta – (MD)
George W. Smith – (VA)

Press

None

Others Present:

John Dean representing the St. Mary's County Watermen's Association, Roger Hill, Allen Dickerson and Sam Dorough.

Chairman Boorman called the meeting to order at 6:01 p.m. and thanked everyone for attending.

Crab Harvest Report

Mrs. Cosby stated that April and May started off really well and both months were above the 20 year average. Harvest in June was better than the last several years, but below the long-term average. July is down from last year, but that could be due to late reports.

Chesapeake Bay Jurisdictional Management Measures

Mr. Gary displayed a slide showing Maryland and Virginia are doing a combination of days and bushel limit reductions. Virginia opted to shorten their 2017 season by 20 days and will close on November 30, 2017 instead of December 20, 2017. Their 2018 crab season will start on March 17, 2018 instead of March 1, 2018. These adjustments provide a reduction of 37 days from last year. Reduced bushel limits start Nov 1, 2017, with mixed males and females. Maryland is also going to be cutting back their female season by 20 days to end on November 20, 2017, and they will implement modified female bushel limits. The slide showed options shown to their blue crab industry workgroup, which chose Option B. Mr. Gary said he has not heard definitively if they are going to take action in 2018, but will carry forward whatever they implement now (Option B) into 2018 through the end of the crab management year (June 30th).

Possible 2017/2018 PRFC Crab Management Responses

At the March meeting, the Commission adopted the 2017 crab season, April 1 through November 30, thereby dropping the extra ten days in December that had been added for the 2016 season.

Mr. Boarman asked Mr. Gary if there was any feedback from Commissioners if they were hoping we were going to follow suit with some sort of bushel reduction. Knowing that we wouldn't know what Virginia and Maryland were going to do before June, the Commissioners asked Mr. Gary for a staff recommendation. Mr. Gary stated we should afford some protection for this 2016 year class, which was the fourth lowest in that winter dredge survey going back to 1990. Mr. Gary's thought would be to implement some additional bushel reductions.

Mr. Gary reviewed 2016 female harvest limits by pot size with the committee. He looked at the number of instances (days) that a 500 pot licensee caught up to the 24 bushel limit (16 instances) and there were a total of 1936 instances where someone reported female harvest. Mr. Gary's recommendation to the Commission in June was to drop from a 24 to 20 bushel limit through June 30 of next year. The 71 licensed 500 pot crabbers would be impacted by not quite one and a half percent. The 400 pot licensees (14) had 5 instances at 19 bushels, 4 instances at 18 bushels, 7 instances at 17 bushels and 6 instances at 16 bushels. His recommendation in June was to drop from 19 bushels to 16 bushels, for a four percent impact. Mr. Gary noted the majority of crabbers are in the 300 pot license category with 333 licensees, and they had 33 instances at 14 bushels and 7 instances at 13 bushels. His recommendation, being more sensitive to the number of people being impacted and fewer bushels allowed, was to drop from 14 bushels to 12 bushels for a one percent impact.

Since Maryland and Virginia are going to modify bushel limits in early November, Mr. Gary recommended a similar time frame for implementation to the Commissioners. One of the Commissioners said we should start a little earlier, maybe mid-October. Mr. Gary suggested that the Commissioners are expecting the committee to come back with a recommendation on bushel limits and/or an implementation start date.

Before opening up for questions from the audience, Mr. Boarman said that if we are going to put our faith in the dredge survey when it's good, and we aren't going to put our faith in it when it's bad, then we are hurting ourselves.

Sam Dorough wants to know if we could send a notice to the 300 pot licensees to see if they have a market for females, because raising the limit up/down only affects the people working the river.

John Dean says that down their way, females are about all they rely on in the fall and they do have a market for them. Mr. Boarman asked Mr. Dean if he had a chance to talk to anyone from his association about this and Mr. Dean said no.

John Morris clarified that it would be 24 bushels of females until 1st of November and then it would go to 20 bushels. Mr. Gary restated that all bushel limit reductions would start on November 1, 2017 and carry forward until June 30, 2018, the end of the crab management cycle.

Elgin Nininger wondered if we were back to where we were last year when we stepped out front to make our recommendations and VA/MD would make theirs later. Each of those jurisdictions have a bigger body of water to work on than we do and we are only going to have so many girls in the Potomac River. It looks to him that cutting the bushel limits way down, squeezes the crabber in a smaller body of water.

Motion made by John Morris to start bushel limits November 1st until June 30, 2018 for 500 pot licenses. Mark Hunter 2nd the motion. Chairman Boarman clarified that Mr. Morris' motion was for all of staff recommendation including all pot classes. *Motion to adopt staff female bushel recommendation for 20 bushels for 500 pot authorizations, 16 bushels for 400 pot authorizations and 12 bushels for 300 pot authorizations, effective November 1, 2017 thru November 30, 2017 and April 1, 2018 thru June 30, 2018. Unanimous vote 7 – 0 to pass motion.*

Mr. Gary noted bushel limits in effect now will need to stay in effect until October 31, 2017. We will update Order #2017-09 to extend through October 31, 2017.

Designated Crabber Regulation

Mrs. Cosby explained the reason behind needing to create an Assigned User of Crab Pot License regulation. Mr. Dean asked how long you need to be an American citizen to be on that license. Mrs. Cosby referred to Article 3, Section 4 of the Compact. She said the Committee could put something else in the draft regulation pertaining to citizenship.

Mr. Dorrough expressed his concerns with having a license in a business name and having to pay \$50 each time he would need to change his assigned user; and also, that he would not be able to continue to be assigned user on his business license.

Chairman Boarman asked Mr. Gary if legal counsel has been consulted on this issue. Mr. Gary said that legal counsel has reviewed the draft regulation. Chairman Boarman explored options of compromise. Mrs. Cosby suggested the committee could set some sort of exception to allow an individual to hold one license in their name and one company license and allow them to be the assigned user for some company; however that creates a big loophole for people to use. There was discussion about an individual holding more than one business license and the assigned users on each business license beyond the one exemption. Chairman Boarman asked if they were required to show us their tax returns; and he thinks they should be. PRFC currently only requires verification of Federal Tax ID documentation.

Some discussion occurred amongst committee members about whether a green card makes someone a citizen and/or a resident. It was suggested that we need legal consultation to define residency and citizenship. There was discussion about the committee possibly writing in a residency and citizenship restriction into the draft regulation, consistent with language in the Compact.

Chairman Boarman thinks the consensus of the committee is to add citizenship/residency to the draft, but not take a vote or stand on it and leave it up to the Commissioners.

Conflict Between Crab Pots and Fishing Gear

Mr. Gary explained an issue that was brought up by a commercial fish trotliner telling us that crab pot gear had been placed over his trotline gear. There is no minimum distance requirement in regulation or policy. After some discussion, members decided that no action was needed at this time.

Delinquent Notices for Late Harvest Reports

Mrs. Cosby explained that staff talked with the Commission about the delinquent harvest notices, and the Commission suggested we send just one notice instead of two. This notice would alert people that their reports must be delivered to our office no more than 14 days from the date of the notice and it would be the only notice they would get before they were called for a hearing before the Commission.

BCAC Vacancy: Virginia Lower River Peeler Potter and Possible Options

Chairman Boarman announced that we have a Virginia Lower River Peeler Potter vacancy. This slot was vacated by Larry Thrift in 2015. Ms. Butler stated the PRFC Chairman may appoint an individual from another area or who represents a different fishery to fill the vacancy. She suggested that they stop looking for a peeler potter and look for someone in the lower river who crabs. Mr. Morris said he knows someone in Reedville who may be interested. Mrs. Cosby asked for his information and she would send a nomination form. George Smith has missed enough meetings now that his position is now a vacancy as well (upper river hard crab potter). Both vacancies are for Virginia members.

New Business

Mr. Gary brought up an issue that was brought to his attention regarding some language for the 2 for 1 crab pot permit. He read the criteria “both licenses must have actively crabbed in the Potomac River for 30 days in each of the last 2 years” from Reg I, Sec. 2(d)(6) Two Crab Pot Licenses on One Boat. He explained that this criteria has been implemented so that actively crabbed equates to days where harvest was reported. Mr. Gary says he was asked what does “actively crabbing” mean and does it mean just having pots in the water. Mr. Gary has consulted legal counsel on the language. Chairman Boarman said he thinks that if someone that was trying to get the license and counsel says that 30 days in water is 30 days in water, then they should be able to put the two licenses together, but it is up to how it comes down from legal counsel. He asked if the committee needed to do anything on it and said that they would prefer to wait until legal counsel has input.

The meeting adjourned at 7:50 p.m.

Respectfully submitted,

Robert A. Boarman, Chairman