

**CRAB ADVISORY COMMITTEE REPORT**  
**February 11, 2010**  
**PRFC Office, Colonial Beach, VA**

**Members Present**

Robert A. Boarman – Chairman  
Elgin H. Nininger – Vice Chairman  
Mark G. Hunter – Recreational Crabber  
Herman Delvo – Recreational Crabber  
Arthur L. Loving – Crabber-At-Large  
John B. Morris, Jr. – Crabber-At-Large  
James B. Berthe – Lower River Peeler Potter  
George W. Smith – Upper River Hard Crab Potter  
Larry W. Thrift – Lower River Peeler Potter

**PRFC Commissioners**

Robert H. Bowes

**Support Staff Present**

Joe Grist – VMRC  
1<sup>st</sup> Sgt. Adam Friend – VMRC Law Enf.  
Lt. Charles Sauter – MdDNR Law Enf.  
Kirby A. Carpenter – PRFC Executive Secretary  
Becky Butler – PRFC Staff  
Ellen Cosby – PRFC Staff

**Members Absent**

Dean E. Bowie – Upper River Hard Crab Potter

**Press**

None

**Others Present:**

Paul Springer – Oyster/Clam Advisory Committee; Charles Clift and several others who did not sign the guest register.

Chairman Boarman called the meeting to order at 6:03 p.m. He welcomed and thanked everyone for attending. Mr. Carpenter introduced Mr. Mark Hunter, who was recently appointed to the committee replacing Mr. Charles Clift as a Virginia recreational crabber.

Mr. Carpenter also advised that Mr. Joe Grist from VMRC would be listening to the meeting and would be able to participate via speaker phone. He was unable to make the meeting in person due to weather conditions.

**2009 Crab Harvest Report**

Mr. Carpenter presented the crab harvest report for 2009. He noted the last harvest report received in the draft packet stated there were 71,387 bushels of hard crabs harvested for the 2009 crab season. After a review of the data, it was discovered that there were some reporting errors made and that has since been corrected to show 70,817 bushels harvested. The errors were due to reports being sent in with both bushels and pounds harvested. Each waterman has been contacted and the reports have been corrected.

## **Discussion on Developing a Crab Buy-Back Program for the Potomac River Commercial Licensed Crabbers**

Mr. Carpenter advised that both Maryland and Virginia received funds from the Federal Disaster Program. The Commission then asked both states for a share of those funds to go towards a buy-back program for the Potomac River crabbers. Virginia used all of its money during their buy-back program. Maryland has agreed to fund \$100,000 toward the Potomac River buy-back program and is working with the NMFS to re-direct that money to the PRFC. Mr. Carpenter then advised that there is a possibility the Commission may receive two \$100,000 payments, but that is not set in stone.

The committee is here tonight to discuss and decide how it would like to start this program. Mr. Carpenter explained how Maryland and Virginia conducted their buy-back programs. He then asked Joe Grist to explain a little more in detail about Virginia's buy-back program.

Mr. Grist explained the licensees were grouped into categories as shown in the table below.

Full-time CP Harvester	Part-time CP Harvester	Full-time Peeler Potter	Part-time Peeler Potter	Waiting List
100 days or more on avg. worked from 2004 to 2007	Less than 100 days on avg. worked from 2004 to 2007	60 days or more on avg. worked from 2004 to 2007	Less than 60 days on avg. worked from 2004 to 2007	No harvest from 2004-2007
25% of 6.7 million \$	15% of 6.7 million \$	25% of 6.7 million \$	15% of 6.7 million \$	20% of 6.7 million \$

He explained that Virginia did have a reverse auction, but there were goals that Virginia wanted to achieve during this buy-back program. They not only wanted to buy-back crab licenses, but to buy-back more "active" licenses. They had a contract agreement with the crabbers, which meant that once a license holder submitted a bid, he was committed to that agreement. The bidders were ranked according to the amount of their bid, and the number of crab pots they were currently licensed for, multiplied by the average number of harvest days (average activity from 2004 to 2007). There were some bids submitted that were as high as \$175,000 and were accepted. There were over 600 bids received and 359 licenses were bought-back in total. The range of accepted bids was from \$500 to \$175,000.

Chairman Boarman asked Mr. Grist how many crab pot licenses does Virginia have now and how many before the buy-back program. Mr. Grist stated before the buy-out there were roughly 1,800 crab licenses. Since the buy-out that number has dropped to 1,500 or slightly below.

Mr. Carpenter asked Mr. Grist if Virginia bought a crab pot and a peeler pot license from the same individual. Mr. Grist explained that there were several people who submitted bids for both types of gear. He stated when the packages were submitted to all the licensees, it was made clear that any bids submitted were binding and if accepted by VMRC it was a done deal.

Chairman Boarman questioned if there were any restrictions once a license was bought, if that person would be allowed to come back into the industry. Mr. Grist stated when the program was developed, the state did not want this to be a situation where they forced people to leave the industry forever. If the person is willing to spend the money and buy-back in on an active license they would have the opportunity to do so.

Chairman Boarman turned the meeting back over to Mr. Carpenter and questioned how does staff see this program working with \$100,000. Mr. Carpenter explained in order to get qualified to receive anything from Maryland or Virginia, a plan had to be submitted on how the Commission would use the money. Essentially the plan stated the Commission would use an either / or approach to starting a buy-back program. The Commission would have the opportunity to use the plan established by either Maryland or Virginia. In both cases, a reverse bid would be taken, and then a price would be determined. The Commission's program would not be as elaborate as the Virginia program in terms of ranking.

Mr. Carpenter felt given the amount of money the Commission may receive, he thought it would be best to start at the bottom and work your way up until the Commission runs out of money. Chairman Boarman agreed and felt that was pretty much the only way to do this with a little bit of money. Mr. Carpenter understood by doing the buy-back program this way, he felt a majority of latent effort licenses would be bought back and not too many licenses with pots in the water. Chairman Boarman also noted that those licenses would not be resold and would be retired by the Commission.

Mr. Carpenter stated the Commission currently has 486 crab pot licenses and a target of having only 400 crab pot licenses on record. He felt \$100,000 would not be enough money to reach the goal of the 400 cap. He went on to say that Maryland paid around \$2,200 to buy back licenses and doing the arithmetic would average about 50 licenses being bought-back with \$100,000. He also agreed with Mr. Grist's statement earlier that no one would be banned from coming back into the fishery.

Mr. Carpenter explained the committee needs to think about the number of pots licensed and not the number of people. The real goal is to reduce the number of pots licensed for the Potomac River. Currently there are about 150,000 pots licensed and a sustainable fishery would support about 40,000 to 60,000 pots.

Larry Thrift stated if you limit this to working watermen and offer \$2,200, you won't have the opportunity to buy any back because no one would accept that offer.

Mr. Bowes asked how many licenses, 300, 400 and 500 were considered latent licenses. Mr. Carpenter stated the majority are 300 pot licenses and there are about equal working licenses as there are latent licenses.

Chairman Boarman had similar feelings as Mr. Bowes and felt maybe a money cap should be placed and then bids received below that amount would be considered for the buy-back. He felt the Commission needs to protect itself.

Larry Thrift stated to allow everyone to bid and if it's over \$2,500 or \$3,500 then reject the bid. Mr. Carpenter explained if you publicize a maximum bid of \$2,500, then every bid received is going to be for \$2,500.

Mr. Carpenter felt the Commission could do a "hybrid" of what Maryland and Virginia did. That would be to analyze all the bids received, figure out how many the Commission can buy-back, see what the range is and start at the low end, get up to some number and then counter offer

everybody else that bid higher. Chairman Boarman felt that would work and as long as the Commission could be flexible in making decisions.

Chairman Boarman asked what the time frame is for starting this program. Mr. Carpenter said he hoped to get the letter of approval from Maryland before crabbing starts. Mr. Carpenter explained the complicating issue is if Maryland provides the Commission with two separate amounts of money, whatever process is conducted the first time will set the floor for the second go around. He hopes to convince Maryland to give the Commission a lump sum of money instead of two separate amounts.

Mark Hunter felt a cap needs to be in place for the bid process so that higher bid would not be accepted. The extra \$100,000 would make a big difference if the Commission were to receive it.

Mr. Carpenter then suggested delaying the bidding process until the Commission can find out if we are going to receive the additional \$100,000. Mr. Hunter felt that was a good idea.

Chairman Boarman felt the committee could give the Commission some guidelines to go by and the first would be once a bid is submitted it's a done deal.

George Smith suggested the Commission offer a price (ex. \$2,000) to latent license holders and if they refuse, they cannot transfer their license for a certain number of years. Chairman Boarman liked Mr. Smith's idea but thought there may be some legal issues with that theory. Mr. Carpenter stated he could check with the legal officer on that idea.

Chairman Boarman felt the Commission needs to offer this program and see what happens before it gets too crazy by placing too many restrictions on it. He then verified that the committee is in agreement with placing a bid makes it a done deal and allowing the person to come back into the fishery if they so choose.

Herman Delvo questioned if the funds are received separately, could the bid process be done once and a waiting list be created for consideration if the second \$100,000 is received at a later time. Mr. Carpenter stated that would be a question for the legal officer and would greatly depend on how the letter that is sent to them is worded.

Vice-chairman Nininger felt this process should be as simple as possible with the focus being on latent effort licenses.

Mr. Carpenter asked if the committee thinks staff should wait to have the bid process until after the Commission's been notified if another \$100,000 will be granted. Chairman Boarman felt the program should be started using the \$100,000 and see what happens.

Herman Delvo suggested raising the license fees. A licensee may be willing to pay \$135 and keep the license, but if fees were raised they may be enticed to sell-back the license.

Chairman Boarman felt the issue had been discussed and based on notes taken and committee discussion there was enough ideas for staff to move forward with recommendations to the Commission for this buy-back program. The committee agreed.

**Reg. VII, Sec. 5(d) – Request to Remove the Depth, Area and Time Restrictions on Crab Pot Longlines**

Chairman Boarman asked Mr. Carpenter how many people took advantage of using longlines. John Morris said about a half dozen. Mr. Carpenter added they are all down in the lower river. Chairman Boarman verified this request to open the entire river to longlines.

John Morris, III felt this would help reduce lost crab pots. Crab pot longlining has become more popular in Maryland waters within the last ten years and many use 15-pot lines. From Annapolis north, 50 percent of the watermen crab this way. There is less tampering with pots since people think they are gill nets.

First Sgt. Adam Friend stated he has not dealt directly with longlines, but other officers in the area have not come across any issues, however there are only a handful being set. He stated there have been no complaints up to now. He also noted that if the idea is to open the entire river to longlines, keep in mind the river is narrow and could become congested. He suggested to recommend that longlines upriver be set parallel to the shore.

John Morris, III said he didn't know if he would set many longlines upriver but he would like to have the opportunity to try and set some by the power plant and some other places to see how they work.

Chairman Boarman questioned if the Commission had received any complaints regarding longlines. Mr. Carpenter said the only calls have been complaints for gill nets being set out of season when in fact they were longlines in the water.

Paul Springer agreed with Mr. Morris and also felt it would save from losing equipment. He was concerned that above the Rt. 301 bridge may be a problem because the river does become narrow. He is in favor of longlines.

Joe Grist stated Virginia does not allow crab pot longlines.

Bob Bowes felt the June to September timeframe and the depth of water could present a problem for recreational fishermen in regard to losing gear, because it gets hung up in the longlines.

James Berthe said he would like to see a recommendation made where the watermen can set 15 pots and it be counted as 15 pots and not 30 pots as the Regulation is written now.

Mr. Carpenter questioned if longlines should be considered an all or nothing deal. If watermen want to longline, then all gear would have to be set on longlines. It would be single crab pots or longlines, no mix or match. He also questioned if each longline pot should be tagged, similar to the two crab pot licenses on one boat program, where each pot would be marked (numbered). It wouldn't matter if you had 15, 20 or 30 on a line since all the pots would be numbered.

John Morris, III stated he's not trying to make this anymore complicated than it already is. In Maryland, you simply mark your flag with the number of pot that's on the line. He did not want to go with an either / or situation. He would like the option of choosing what gear he wants to

use. He said this type of gear works well in high traffic areas and helps considerably with people messing with your gear.

Chairman Boarman stated his biggest concern is the depth of water upriver and how the river narrows from the Rt. 301 bridge upstream.

Paul Springer felt the crabber should be able to make the decision as to what gear he wants to use. It takes more labor to longline than it does to individually pull each crab pot. There will be some crabbers that longlines will not suite their operation. There are places in the Potomac River where longlines will not work such has Mathias Point, Cedar Point and close to shore at Swan Point. The big plus here is to save equipment.

Mr. Carpenter questioned Mr. Morris, III if he has experienced shoal water problems in the creeks where he sets them in Maryland. Mr. Morris stated yes, because if they are set in shallow water, some fishermen can't tell where the pots are. Mr. Carpenter then suggested having a 6ft. minimum on the water depth to deal with that issue. Chairman Boarman suggested a 15ft. minimum because of the areas up river.

John Morris, III suggested a water depth of 6 to 10 feet would work fine.

Mark Hunter thought marking the longlines with a flag system was a good idea. That makes it easy for everyone. Chairman Boarman questioned if the Commission could put a flagging system in place. Mr. Carpenter explained the watermen are responsible for making their own flags and putting the required information on them. Spar buoys on the ends could identify the number of pots on the line.

Vice-chairman Nininger suggested a trial period to find out how this may work throughout the river. Mr. Carpenter asked if there should be a limitation on the watermen who work two licenses on one boat and should they be allowed to have longlines.

John Morris, III stated right now the watermen can work together using crab pots and longlines.

Paul Springer agrees with Mr. Nininger and felt the Commission should allow longlines throughout the Potomac River and then tweak it if necessary.

**A motion was made by Mark Hunter, seconded by Larry Thrift to allow longlines throughout the Potomac River, continue the flagging system in place, allow 15 or 30 pots per line marked at each end, a minimum depth restriction of 6ft. and be on a trail period for one year. The motion passed.**

#### **Implementing a Male Crab Bushel Limit After July 10<sup>th</sup> Each Year**

Chairman Boarman stated a letter was received by the Commission from Charles E. Davis to request the committee review the possibility of recommending a male bushel limit. Mr. Davis did not attend the meeting to support his letter.

Chairman Boarman said a couple of people had come to him requesting a bushel limit and the reason for that was because too many trash crabs were being caught and it would make you cull your crabs a little better and sell a better product.

Mr. Carpenter stated he could not say if the 2010 crab regulations are going to change because the winter crab dredge survey is not complete yet. Mr. Grist has not heard about the survey either.

Chairman Boarman suggested that the committee table this issue until with winter crab dredge survey comes in and to have it placed on the next agenda.

### **Eliminating the Senior License Fees on Commercial Licenses**

Mr. Carpenter explained people who are over the age of 65 and have held their licenses for more than three consecutive years are able to buy certain commercial licenses at a discount price of \$5.00. The table presented shows the number of licenses sold for \$5.00 and calculates the loss of income for the Commission totaling \$10,061. The other restriction for senior licenses is that they are not allowed to take anyone with them while they are working. He noted this is an expense that the Commission can no longer afford to give away.

Paul Springer questioned of the people who took advantage of the senior fee, how many of them are considered latent licenses. Mr. Carpenter stated he did not check the use of the licenses when developing the table, however he believes only a small amount of these licenses are in use simply because they are restricted to crabbing alone.

Paul Springer felt a buy-back program should not be offered until a decision is made on this senior license fee issue. This issue will give a lot of influence when making decisions on a buy-back program.

Herman Delvo stated that was his thought earlier in the meeting with regard to raising license fees.

Chairman Boarman asked Mr. Carpenter if there's a possibility of earmarking these funds to go toward the crab buy-back program. Mr. Carpenter explained both the Oyster and Finfish Advisory Committees want the funds to be earmarked to go toward planting oyster seed in the Potomac River. He stated the committee can request that recommendation as well.

Vice-chairman Nininger stated he wants to keep the senior license fees just as they are.

**A motion was made by Larry Thrift, seconded by James Berthe to leave the senior fees as is. The motion passed with one opposed.**

### **Committee Membership Vacancies**

Chairman Boarman announced four members' terms would expire on March 31, 2010. John Morris, Jr., Elgin Nininger, Arthur Loving and himself all stated they would be willing to serve another term.

The meeting adjourned at 7:42 p.m.

Respectfully Submitted:

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Robert A. Boarman, Chairman