**Blue Crab Size Limit Increase**

*2006-07 Discussions*

Summary

* In 2006, A.C. Carpenter (former PRFC Executive Secretary) approached the Maryland Tidal Fish Advisory Commission (TFAC) and the VMRC Crab Management Committee (CMAC) with a proposal to increase the male hard crab minimum size limit to 5 ½” in the Potomac tributaries to match the PRFC regulations in the mainstem Potomac.
  + Proposed as an “experiment” for a few years. Limit would be 5 ¼” for the first half of the season, then 5 ½” for the second half.
  + PRFC cited potential economic benefits (larger male crabs-higher prices) and uniform regulations in the Potomac and its tributaries.
* Initial concerns that this would create two different laws in Maryland (Potomac tribs vs. rest of state).
* VMRC discussed the proposal at multiple meetings and broadened the discussion to consider an increase for all state waters, not just the Potomac. It was later determined that minimum hard crab size limits are set by the Virginia State Code and would require legislation to change.
* Questions were raised about the biological impact on the population and concern about the availability of larger male crabs in the lower Bay.

Meeting Minutes

* MD DNR April 2006 TFAC
* VMRC July 2006 CMAC
* VMRC August 2006 CMAC
* VMRC October 2006 (Full Commission)
* VMRC January 2007 CMAC
* VMRC March 2007 CMAC
* PRFC February 2007 Public Hearing Notice

**April 2006 MDDNR TFAC**

A.C. Carpenter, of the Potomac River Fisheries Commission (PRFC), came to the Commission with a proposal for changing the legal size limit of blue crabs in the Potomac River tributaries. There are currently three different sizes from Virginia, Maryland and the PRFC that enforcement agencies have to deal with. The PRFC increased their size limit from 5” to 5 ¼” to 5 ½” at the end of the season to make a 15% reduction. Mr. Carpenter gave the Commissioners a handout with a 10-year graph of Potomac River data. In the Potomac, at 5 ½”, 91 % of the crabs caught are classified as #1 males. He would like to propose that the tributaries in Virginia and Maryland go to 5 ½”, the same as the main stem. He suggested that the season start at 5 ¼” in April, then go to 5 ½” in July as a three-year experiment. If the watermen are not satisfied with the product, the regulations can go back to the previous sizes. He told the Commission that he was not asking for a decision at this time; he would like for them to just look at crabs over this season.

Commissioner Larry Simns asked Mr. Carpenter if the PRFC had ever considered making the Potomac River regulations the same as Maryland’s. Mr. Carpenter told him that the PRFC feels their way is very convincing. Commissioner Simns said that he agreed in theory, but this change would create two different laws in Maryland waters. Mr. Carpenter cited examples of striped bass and summer flounder as species size limits that are the same in the main stem and the tributaries. He said that the PRFC proposal is strictly size limit; it would be up to Maryland to decide about “day off” regulations in Maryland. He plans to make the same proposal to Virginia for the 2007 season.

Commissioner Jack Brooks expressed concern that the picking houses already have challenges; the 5 ¼” limit came at a cost to them. He wondered if there would be some sort of “emergency plug” to pull if a hard winter killed the large crabs. Mr. Carpenter didn’t feel that winterkills would be significant in a crab of that size. Kenny Keen, Deputy Director of the Fisheries Service, suggested that a “sunset” could be put on the change to ensure that the laws go back after three years.

Commissioner Simns asked Mr. Carpenter if the PRFC would consider compromising by going to 5 ¼”; each party would be giving some. Mr. Carpenter said that they would not close the doors to any discussions at this point.

**July 2006 VMRC-CMAC**

<http://www.mrc.virginia.gov/bcac/bcac_draft_minutes_07-10-06.pdf>

A. C. Carpenter: Discussion of Size Limit Changes for the Potomac River Tributaries

Mr. Carpenter notified CMAC that the Potomac River Fisheries Commission (PRFC) had already approached Maryland DNR with a request to set blue crab minimum size regulations in Maryland tributaries of the Potomac River to match those of PRFC. He was making this same request of VMRC, to set the regulations in Virginia portions of the Potomac equivalent to PRFC’s blue crab minimum size regulations. He went on to explain that for the 2007 season PRFC would have a size limit of 5¼ inches at the start of the season and that the size limit would increase during the season to 5½ inches. Mr. Carpenter explained that this size limit regulation will show an increase in the number of larger crabs that can be harvested, and at an early time in the season.

This change in regulation, according to Mr. Carpenter, will be a great economic benefit for the crabbers in the Potomac River, who work mainly in a basket sales fishery. This request would mean that all crab regulations (MD DNR, PRFC, VMRC) west of Smith Point, Point Lookout would have a uniform size limit. In conclusion, he stated that Maryland DNR has not made a commitment to this, and that he is not asking for that from VMRC at this time. He also declared he would be willing to revisit CMAC members at their next meeting, if they so wished. Chairman Robins thanked Mr. Carpenter and said that VMRC staff would have to look into this and perhaps provide the CMAC with some data at the next meeting.

**August 2006 VMRC-CMAC**

<http://www.mrc.virginia.gov/bcac/bcac_draft_minutes_08-21-06.pdf>

Presentation by A.C. Carpenter on PRFC proposed size limit changes for Potomac River Tributaries

Mr. Carpenter detailed a proposal to change size limits of blue crabs in the Maryland and Virginia Potomac River tributaries match the size limits currently in force for the main stem. This proposal has already been presented to Maryland DNR. From April 1 to July 10 the size limit would be 5 ¼” and from July 11 to November 30 the limit would increase to 5 ½”. The size limit on peelers would be 3 ½”. There would be no size limit on mature females and on soft crabs. The regulations would be for four years and would automatically end at the end of the period.

The purpose of this change in size limits would be to maximize the size of #1 Jimmy’s harvested in the Potomac River. Larger male crabs command a higher price on the market and it is hoped this increase in market value will provide the Potomac River crab industry with the best return on this fishery. A.C. stated that Potomac River landings had increases of 15 to 19% of the #1 Jimmy’s compared to years before the current larger size limits were put into place. PRFC would like an answer by the end of the year so they can consider it for their meeting in February. Mr. Travelstead stated this will be part of the package that goes out for public hearings for consideration at VMRC meeting in November.

**October 2006 VMRC (Full Commission)**

<http://www.mrc.virginia.gov/commission_minutes/vmrc_final_minutes_10-31-06.pdf>

9. REPORT ON FINDINGS OF THE CRAB MANAGEMENT ADVISORY COMMITTEE.

Jack Travelstead, Chief Deputy Commissioner, gave the presentation. His comments are a part of the verbatim record. Mr. Travelstead explained that this issue was not ready to be brought to public hearing.

Mr. Travelstead explained that the Crab Management Advisory Committee (CMAC) has met several times this year to review the status of the blue crab stocks and other recent information… Mr. Travelstead said the second issue was the request by the Potomac River Fisheries Commission (PRFC) to raise hard crab and peeler crab size limits in Virginia and Maryland tributaries. He said PRFC wants to make the limits consistent with the ones established for the mainstem of the Potomac River. He said the PRFC size limits, in place, resulted in an increased harvest and large, high dollar crabs.

… He informed the Commission that there was a public hearing scheduled for November 6th in Colonial Beach and all Virginia crabbers who crab in the Potomac River tributaries would receive an invitation. He said staff would be recording and reporting back to CMAC at their next meeting. He added that a survey form would also be provided to the attendees to answer, if they did not wish to speak at the hearing. Associate Member Robins stated that a public hearing was the best forum to give watermen the opportunity to comment on the proposal. No further action was taken.

**January 2007 VMRC-CMAC**

<http://www.mrc.virginia.gov/bcAC/bcac_minutes_01-22-07.pdf>

Old Business

B . Size limit increases for the *Potomac River Tributaries*

Mr. Grist presented the results of a public hearing held on November 6, 2006, at Colonial Beach on PRFC’s proposal for size limit changes for blue crabs in Virginia’s tributaries of the Potomac. Over 920 notices announcing the public informational hearing and the PRFC proposal were sent out to licensed Virginia and Potomac River harvesters and twenty-three individuals attended the hearing. Attendees were given a postcard sized questionnaire to answer, with the current Virginia blue crab regulations on one side and a series of questions pertaining to the PRFC proposal on the reverse. Overall the attendees disagreed on an increase in the size of hard crabs, agreed on the idea of no size limit for mature females, split 50/50 on a 3 ½” size limit on peeler crabs, and agreed on no size limit for soft crabs.

Mr. Carpenter stated that the current size limits were made in response to the 15% reduction in exploitation a few years ago and they now want to change their size limits again due to the observation of increased sizes of harvested jimmies. These larger jimmies command a greater price at market and he feels that by changing the current restrictions they can increased the number of large jimmies harvested, thus optimizing the price harvesters get for their crabs.

Dr. McConaugha asked what the response was from Maryland. Mr. Carpenter responded they [Maryland] were waiting to see what Virginia did with the proposal.

Mr. Robins stated he attended the PRFC public meeting and that the harvesters were concerned as to the availability of the larger crabs for all areas of the Potomac and its tributaries. Mr. Carpenter responded that larger crabs do show up in the lower part of the river later. He went on to state that there should be a sunset clause in the regulation in case the expected results don’t materialize. The PRFC will have a meeting February 16 to decide what the size limits will be in the Potomac River. Dr. Lipcius stated that while female crabs will leave the river for the lower Bay after mating, the males remain in the river and its tributaries.

After a short discussion about deferring the vote on the PRFC proposal, due to lack of participation at the public hearing, and to consider a general statewide increase in size limits instead, Mr. Robins stated that they should go ahead and consider the proposal before the committee. Mr. Nixon made a motion to recommend the PRFC proposal to the Commission and Dr. McConaugha seconded the motion. The motion passed 4 to 2 with 1 abstention.

New Business

B. *Statewide* increases in minimum size limits

Mr. Travelstead stated that there were no specific staff proposals at this time but that this was a general discussion topic for possible future action and staff would provide any requested data by the committee. Mr. Travelstead started by describing the success the PRFC has had with their larger minimum size limits and providing their harvesters with greater economic benefits. Mr. Travelstead stated that he would like to maximize Virginia harvester’s benefits as well protect blue crab stocks.

Mr. Robins asked Dr. McConaugha if we could model what would happen to blue crab stock if we went to a larger size limit. Dr. McConaugha responded it would help crab reproduction if we had larger males, provide more economic benefit and it could be modeled. Mr. Robins suggested this could be a good first step for staff.

Mr. Nixon stated that there is a shortage of jimmie crabs in the lower bay to bait his peeler pots from James River to Lynnhaven. He went on to state the ones that are there are caught up very quickly and there is very little enforcement for size limits on jimmies in these areas. Mr. Nixon stated that effort has moved further up creeks to catch the big crabs in those areas and these areas have had their abundances reduced. Mr. Robins requested data for displacement of effort from the Bay up into the tributaries. Mr. Travelstead said the staff could try to address this.

Mr. Powers stated mature female crabs are getting smaller and wanted to know if it would be effective thing to do by raising peeler crab size limits. Mr. Travelstead stated we have lower size limits on peeler crabs than Maryland and Potomac River.

**March 2007 VMRC-CMAC**

<http://www.mrc.virginia.gov/bcAC/bcac_minutes_03-19-07.pdf>

B. Minimum Size Limits – update

Mr. Travelstead stated that hard crab size limits are set by Virginia State Code, and peeler size limits are set by VMRC regulation. If we want to change the minimum hard crab size limit, we would need to know by July, so staff can ask the Governor to add this to his legislative agenda, for the upcoming session. Mr. Travelstead also noted that individuals could also ask their state legislators to submit a bill.

Mr. Robins stated that he would be hesitant to change peeler crab size limits as a single management measure, and it would be better to look at a suite of options. Mr. Powers asked what size a 3-inch peeler crab turns into when it molts. Dr. McConaugha stated that a molt results in 25% to 35% increases in carapace width.

Mr. Moore asked about the history of fishery size limits in state code. Mr. Travelstead stated that everything used to be defined in state code but over time most items have gradually shifted over to VMRC. Mr. Robins asked if the state would give VMRC regulatory authority for hard crab size limits. Mr. Travelstead responded that they probably would.

**PRFC – 2006-07 Archived Press Releases**

<http://www.prfc.us/commission/press_releases_2006-2007.html#11-1-2006>

**PRFC Proposed Amendments To The Regulations of The Potomac River Fisheries Commission**

**Posted January 04, 2007**

<http://www.prfc.us/commission/docs_2006-2007/Public%20Hearing%20Notice%20for%20February%2016,%202007.pdf>

PROPOSED AMENDMENTS TO THE REGULATIONS of the POTOMAC RIVER FISHERIES COMMISSION

February 16, 2007

Pursuant to the Potomac River Compact of 1958, as duly enacted into law by the General Assemblies of the States of Maryland and Virginia and duly ratified by the Congress of the United States of America, the Potomac River Fisheries Commission hereby proposes to amend and/or adopt regulations as follows:

1. Reg. III, Sec. 11(b) – To clarify the method of measurement of fish.

2. Reg. VII, Sec. 2(a) – To increase the minimum size limit on hard crabs from April 1st to July 9th from 5” to 5 ½”.

2. Reg. VII, Sec. 2(a) – To increase the minimum size limit on hard crabs from April 1st to July 9th from 5” to 5 ½”. It shall be unlawful for any person to take, catch, keep in floats, or have in possession any: (1) hard crabs, except mature female crabs, less than 5 5½ inches from April 1 through July 9 and hard crabs, except mature female crabs, less than 5 ½ inches from July 10 through the end of the season. (2) peeler crabs less than 3 ½ inches. (3) sponge crabs, spawn crab, blooming female crab, mother crab or the female crab from which the egg pouch or bunion has been removed - of any size. Once taken hard, peeler and soft shell crabs shall be kept separate from each other.