

Proposed 2009 Blue Crab Regulations

The proposed 2009 regulations are crafted to achieve the target fishing level based on results of the 2007-2008 winter dredge survey and recommended by the Chesapeake Bay Program Stock Assessment Committee. This survey, which is conducted December through March, samples overwintering crabs throughout the Bay in Maryland and Virginia and provides an estimate of the total number of crabs available to be harvested in the coming season. Regulations may be adjusted annually to ensure that no more than 46% of the total crab abundance estimated by the survey is harvested.

Recreational

Precise annual estimates of the Bay-wide recreational catch are currently lacking which adds to the uncertainty of annual estimates of the exploitation fraction relative to the 46% target. Currently, recreational crab fisheries are assumed to account for 8% of the total harvest each year. In 2008, Old Dominion University studied the license and reporting structures in four states which have implemented recreational licensing systems that are well designed for generating precise estimates of catch and effort. Based on this study, Old Dominion has recommended that a recreational license specifically for crabs, that is required for all crabbers, would provide the most robust platform for a precise recreational survey. A comprehensive crabbing license would increase the cost effectiveness of a recreational survey by directing sampling only at people who are crabbing. This directed sampling would also significantly increase the certainty of the catch and effort estimates.

The regulation prohibiting the harvest of all female crabs (except soft crabs) to recreational crabbers will remain in place for 2009. The proposed action also clarifies existing text including the recreational day off and exemptions for holidays. The only change under consideration for the recreational fishery in 2009 concerns the recreational crabbing license structure. In order to improve survey accuracy and augment survey costs, the Department proposes the following changes to the recreational crab license:

1. Require a free registration for all crabbers who are currently unlicensed and to anyone crabbing from private waterfront property. In order to maintain a budget neutral licensing process for DNR, the basic crabbing license will only be available through the DNR website and at DNR license service centers where they could issue the license also through the internet. Those individuals obtaining this free registration may be required to provide annual harvest information to the Department;
2. Remove the discount for holders of a sportfishing license when purchasing a crabbing license;
3. Raise the cost of the nonresident crab boat license from \$15 to \$30; and
4. Remove the complimentary crabbing license from the Bay Sport Boat fishing decal.

Commercial

During the summer and fall of 2008, the Department worked closely with industry to develop alternative management strategies for 2009. The 2008 crabbing restrictions were focused on the fall of the year, which disproportionately impacted the Lower Eastern Shore. The 2009 regulations are designed to spread the regulatory impact throughout the crabbing season, and still maintain adequate conservation for females while meeting the management principles of measurability, reliability and enforceability.

The regulatory proposal contains a combination of daily bushel limits for mature female hard crabs and periods of closure for harvest of mature female hard crabs. This proposed regulation would achieve the target removal rate based on crab abundance determined in the winter of 2007-2008. Mature female hard crab bushel limits will be assigned based on license type. The proposed bushel limits are as follows:

Bushel limits	LCC	TFL/CB3	TFL/CB6	TFL/CB9
April 1- May 31	2	10	15	20
June 16 – August 31	2	6	10	15
Sept. 1 – Nov. 10 (except Sept./Oct. closure)	10	25	35	45

Season closure dates are proposed as follows:

1. June 1 through June 15, inclusive;
2. September 26 through October 4, inclusive; and
3. November 11 through December 15 inclusive.

The proposed action adds a public notice authority for modifying a season or catch limit. The winter 2008-2009 winter dredge survey results will not be available until April 2009. Final bushel limits and closures may be modified by public notice after the results of the winter dredge survey are announced in April, 2009. Defining bushel limits and closures by public notice will allow the Department the flexibility to adjust restrictions so that the fishery continues to harvest no more than 46% of the total crab abundance.

The proposed action retains the following actions established by emergency regulation in 2008:

1. The tolerance limit for females in male crab bushels/barrels;
2. The prohibition of more than two catch limits from a vessel per day;
3. The prohibition of more than one days catch on board a vessel; and
4. Requires female and male crabs be kept in separate containers.

Latent Commercial Effort

The Department remains concerned about the large amount of latent effort present in the commercial crab fishery. Latent effort is the fishing effort that is not currently deployed in a fishery (i.e. where there are individuals that are entitled to fish in a particular fishery, but for a variety of reasons have so far chosen not to fish in the fishery). If this latent effort is relatively large and becomes 'active', it will impede or reverse restoration and conservation efforts. In September and October of 2008, only crabbers with documented female catch history were permitted to harvest females. In order to provide the industry with the option of equivalent

bushel limits for all crabbers within a license category, the large amount of latent effort must be addressed. There are approximately 6,000 individuals holding commercial crab authorizations in the state of Maryland. In any given year, only 2,000 of these may be actively crabbing. Only one authorization, the limited crab catcher (LCC), is specific for crabbing and does not allow additional commercial fishing activity. The proposed action places LCC authorizations not used during 2004- 2008 in an inactive status until the crab population reaches the target abundance level for three consecutive years. The proposal includes exemptions to the LCC inactive status as follows:

1. Received the LCC authorization through the apprenticeship program;
2. Received the LCC authorization through a permanent license transfer between August 1, 2006 and December 12, 2008;
3. Provides appropriate documentation of active military service during the period January 1, 2004 and December 15, 2008;
4. Completed a successful female bushel limit hardship appeal in 2008; or
5. Currently resides and has resided for at least 5 years on an island in the State that is at least 3 miles from the mainland.

Upon a determination that the blue crab population meets or exceeds the abundance target for three consecutive years, the Department shall assess the number of LCC authorizations that may be restored to active status for commercial harvest. This portion of the 2009 regulation will become effective in September of 2009, when the current license expires. Crabbing days logged on these latent licenses during the first part of the 2009 season will not be counted as harvest history.

Opportunity for Public Comment

Comments may be sent to Sarah Widman, Regulatory Administrator, Maryland Department of Natural Resources Fisheries Service, 580 Taylor Avenue, B-2, Annapolis, MD 21401, or email to fisheriespubliccomment@dnr.state.md.us , or fax to 410-260-8310. Comments will be accepted through **February 17, 2009**. A public hearing will be held, to discuss the adoption of these regulations at **6:00pm on January 27, 2008** in the meeting room of the Queen Anne's County Library Kent Island Branch, 200 Library Circle, Stevensville, Maryland 21666.