



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor
Mark Belton, Secretary
Joanne Throwe, Deputy Secretary

MEMORANDUM

TO: Sarah Widman
FROM: Jacob Holtz
DATE: May 20, 2016
RE: History of Recreational and Commercial Crabbing Trotline Times and Recreational Trotline Rules

Under Natural Resources Article, §4-803, Annotated Code of Maryland, the Department has the authority to regulate the catching and possessing of any blue crab, the method by which crabs are taken, to prohibit or restrict devices used to catch crabs, and to establish a workday for tidal fish licensees who catch crabs using trotline gear (hereinafter “commercial trotliners”) that may begin earlier than one hour before sunrise, among other authority. Using this authority, the Department has promulgated regulations under COMAR 08.02.03.03 and 08.02.03.11 to regulate the use of crabbing trotlines. The following is a description of the Department’s use of this authority with regards to recreational and commercial start times for crabbing trotlines and rules for recreational trotlines.

Recreational and Commercial Crabbing Trotline Times

Authority

Natural Resources Article, §4-803, Annotated Code of Maryland provides the statutory framework within which the Department regulates crabbing trotlines. In addition to the authority described previously, NR §4-803 prohibits the Department from restricting commercial trotliners to a workday of less than eight hours per day, excluding time spent setting or taking up gear and from establishing time restrictions on a tidal fish licensee using trotline gear for setting and taking up gear. These prohibitions were passed by the Maryland General Assembly in 2001. Furthermore, if the Department authorizes the workday to begin earlier than one hour before sunrise, the Department cannot restrict commercial trotliners to a workday of less than 11 hours per day, including time spent setting or taking up gear. This restriction on the Department’s authority, along with the provision that the Department may establish a workday earlier than one hour before sunrise, was passed by the General Assembly in 2012.

Regulations

Allowable times for catching crabs were first established in regulation for the 1994 crabbing season. Commercial trotlines were prohibited from being set or fished between 5 p.m. and 3 a.m. Recreational trotlines were prohibited from being set or fished between 5 p.m. and sunrise in areas where commercial crab pots were allowed and between sunset and sunrise in the tidal tributaries of the Chesapeake Bay.

In the middle of the 1994 season, effective August 10, the recreational start time was changed from “sunrise” in the tidal tributaries to 5:30 a.m.

During the 1995 season an emergency regulation was promulgated effective from September 15 through the end of the year that limited both recreational and commercial start times. Commercial trotliners were limited to catching crabs from 6 a.m. to 2 p.m. (rather than from 3 a.m. to 5 p.m.), but the time limit for setting a trotline was removed. Recreational crabbers were restricted to setting and fishing a trotline from 7 a.m. to 5 p.m. in the areas where commercial crab pots were allowed, while the time for setting and crabbing in the tidal tributaries was not changed from 5:30 a.m. to sunset. Additionally, recreational crabbers were restricted to crabbing only on Friday, Saturday, and Sunday.

Effective July 23, 2001, the restriction on when commercial trotliners were allowed to set trotlines was removed, but commercial trotliners were limited to catching crabs from between one hour before sunrise to seven hours after sunrise.

The next year, effective April 1, 2002, the commercial trotline times were adjusted to their current state, with commercial trotliners having a ten hour day running from one hour before sunrise to nine hours after sunrise from May through September and running from sunrise to ten hours after sunrise in April, October, November, and December. Lastly, effective November 11, 2002, recreational trotline start times were changed to their current state. From May through September, recreational trotliners may set and crab from one half hour before sunrise through 5 p.m. in the main Chesapeake Bay and from one half hour before sunrise through sunset in the tidal tributaries of the Chesapeake Bay. In April, October, November, and December, recreational trotliners may set and crab from one half hour after sunrise through 5 p.m. in the main Chesapeake Bay and from one half hour after sunrise through sunset in the tidal tributaries of the Chesapeake Bay.

Takeaway for the conversation at SFAC: Since the Department has regulated crabbing start times, there have been separate start times for commercial trotliners and recreational trotliners. That time difference started as a half hour difference in setting times and has evolved into the hour difference between when individuals can actually work their gear, but with commercial trotliners having no limit on when they can set their gear. The Department has the authority to regulate the setting time for commercial trotliners if it were to establish a “work day.” Although the Department was given this authority in 2012, the Department has never used that authority.

Recreational Crabbing Trotline Rules

Crabbing trotline rules were first established in regulation in 1975. Trotlines were not allowed to intersect with other trotlines in the water, a trotline longer than 100 yards was assumed to be used for commercial purposes, and non-residents were not allowed to use trotlines longer than 100 yards.

In 1980, either a commercial crabber’s license or a sport crabber’s license became required to use a trotline longer than 100 yards. In 1983, the residency requirement to use a trotline longer than 100 yards was removed.

In late 1984, the proximity rule for trotlines was changed. Rather than prohibiting laying a trotline over a previously set trotline, the rule prohibited setting or fishing a trotline or collapsible

trap within 50 feet of a previously set trotline. Additionally, the length of trotline triggering the license requirement was changed from 100 yards to 500 feet.

Prior to the 1994 season, the proximity rule was changed again. The rule then prohibited trotlines and collapsible traps from being set within 100 feet, rather than 50 feet, and added net rings to the list of gears that could not be set within that distance from a trotline that was already set. The length of trotline triggering the licensing requirement also changed to 1,000 feet, although the sport crabbing license was eliminated. Only commercial trotliners were allowed to use trotlines longer than 1,000 feet. Lastly, the regulation prohibited using more than two recreational trotlines per boat. An emergency regulation changed this prohibition to no more than 2,000 feet of trotline per boat in the middle of the season.

Prior to the 1999 crabbing season, recreational trotlines were limited to 600 feet for non-licensed recreational crabbers and 1,200 feet for crabbers licensed non-commercially. If two or more non-licensed recreational crabbers were present on a boat, a maximum of two trotlines no longer than 600 feet per boat was allowed. This lasted until 2001, when Natural Resources Article, §4-805, Annotated Code of Maryland was amended by the General Assembly to require a noncommercial crabbing license to use any trotline up to 1,200 feet long in the Chesapeake Bay and its tidal tributaries.

Prior to the 2004 crabbing season, these rules were moved to regulation, as NR 4-805 was abrogated. This meant that on the Atlantic side, recreational crabbers kept the 600 feet per unlicensed crabber, 1,200 feet maximum per boat limit, with no license requirement, and on the Chesapeake side, a recreational license was required to run a trotline, with a 1,200 foot maximum length per boat.

Prior to the 2009 crabbing season, the possession of a trotline longer than the allowable length was prohibited. Previously, only the use of a trotline longer than the allowable length was prohibited.

The language of the proximity rule was changed again prior to the 2014 crabbing season with the setting or fishing of a trotline being prohibited within 100 feet of any other individual's set gear. This language was used in each of the crabbing gear regulations to ensure that recreational trotliners were not advantaged over recreational crabbers using other gears. This language was again changed prior to the 2015 season by removing "set gear" and listing trotlines, collapsible crab traps and net rings. The reason was that by using "set gear", the regulation could be strictly read to prohibit the use of any gear within 100 feet of a recreational crab pot, with the result of many smaller creeks or rivers

Takeaway for the Conversation at SFAC: The distance which trotlines must be set away from other crabbing gear has steadily increased. Initially, trotlines were only prohibited from being laid on top of previously set trotlines, with no mention of setting near other gear. That prohibition first grew to 50 feet away from other trotlines and collapsible crab traps and later grew to 100 feet away from other trotlines, collapsible crab traps, and net rings.

Recreational Effort and Harvest

Recreational blue crab harvest, from all gears, is estimated to be 8% of the commercial male crab harvest based on surveys of recreational crabbers conducted by Old Dominion University. The most recent study in 2011 used data from phone surveys of license holders and waterfront property owners, as well as intercept interviews with recreational crabbers to estimate harvest. The 2016 Chesapeake Bay Blue Crab Advisory Report from the Chesapeake Bay Stock Assessment Committee estimated 2015 Bayside (Maryland, Virginia, and the Potomac River combined) to be 3.5 million pounds, a 52% increase from the 2014 estimate of 2.3 million pounds.

Currently Maryland's recreational crabbing licenses do not provide adequate accountability of the participation in the fishery to be able to improve the accuracy of the recreational harvest estimate. Nearly half of the recreational crabbing licenses are automatically issued free of charge to anyone that purchases a Chesapeake Bay and Coastal Sport Boat (fishing) License. In addition there is no way to account for the amount of effort or estimate the recreational crab harvest that is allowed without having any license. Improving the license structure for recreational crabbing would provide the necessary framework to implement harvest surveys that would be more accurate and less expensive.

Recreational Crabbing License Type	2008	2009	2010	2011	2012	2013	2014	2015
Individual - Resident	36,702	39,059	42,186	44,478	44,981	39,737	45,599	49,334
Individual - Non Resident	5,134	5,625	7,181	6,745	6,359	5,272	4,649	6,263
Recreational Crab Boat	3,446	3,847	4,297	4,645	5,078	5,985	5,305	5,202
Pvt Property Crab Pot Registration							2,603	1,963
Chesapeake Bay & Coastal Sport Boat (fishing)*	46,828	47,001	46,886	48,584	49,350	47,086	47,708	46,740

*includes a complimentary individual crabbing license