

**REPORT OF THE
MARINE RESOURCES COMMISSION**

**Review of
Marine Resources Commission
Commerical Fishing Licenses**

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



HOUSE DOCUMENT NO. 60

**COMMONWEALTH OF VIRGINIA
RICHMOND
1993**

PREFACE

House Joint Resolution No. 242 directs the Virginia Marine Resources Commission to study and review its commercial fishing licensing procedures and fee structure and their compatibility with the commercial fisherman registration and delayed entry program. This report examines current licensing fees and procedures and makes recommendations for the development of a more consistent procedure for the licensing of commercial seafood harvesting gear.

This study was conducted by the Fisheries Management Division staff of the Marine Resources Commission in association with the VMRC Fisheries Management Advisory Committee (FMAC). The FMAC was assisted in its deliberations by an ad hoc committee of commercial fishing representatives and the officers of several watermen's associations.

TABLE OF CONTENTS

Preface i

Executive Summary iii

Introduction 1

Review of Marine Resources Commission
Licensing Practices. 3

Table 1. Recommended Changes in
Terms of Finfish Gear Licenses 8

Table 2. Recommended Changes in
Terms of Crab Gear Licenses. 9

Table 3. Recommended Changes in
Terms of Oyster and Clam Gear Licenses10

EXECUTIVE SUMMARY

This study, requested through House Joint Resolution No. 242 of the 1992 Session of the General Assembly, examines the need for changes in the description and fee structure for commercial fishing licenses issued by the Marine Resources Commission. In general, it is recommended that licenses apply specifically to the gear used by the fishermen and should no longer apply to the person(s) using the gear nor the boat operator or such other variations. These license changes will provide the Commission with a more accurate understanding of the quantities of gear utilized by commercial fishermen, a factor important in the management of marine fisheries. The changes will also provide a convenience to fishermen wishing to change crew, assistants, or boat operators without purchasing additional licenses.

INTRODUCTION

The Marine Resources Commission currently issues 29 different licenses which generally are associated with the gear used to commercially harvest seafood. The terms of these licenses, describing who or what is licensed, varies considerably, most probably the result of numerous additions and amendments over several years as new harvesting gear were developed and utilized. While the terms of several licenses are associated directly with the harvesting gear itself, others include terms licensing the boat operator, the person using the gear, each person with one or more assistants using the gear, or each boat used for catching.

A new licensing program, enacted by the 1992 Session of the General Assembly, will become effective January 1, 1993. This program incorporates the new Commercial Fisherman Registration License which is required of any person selling, trading or bartering his seafood harvest or giving his catch to another in order that it may be sold, traded or bartered.

The Commercial Fisherman Registration License is a prerequisite to and must be purchased before obtaining any of the various gear licenses. For the first time, the Marine Resources Commission, through the registration license, has a means of identifying all persons selling their catch. Likewise, with modifications, the gear licenses could be used to measure the amount of gear, or harvesting effort, in each fishery. It is

these modifications which are the subject of this report. More specifically, the terms of the gear licenses issued by the Commission should be changed in most instances to make the license apply specifically to the gear used rather than the boat, person, or boat operator using the gear.

In general, the following guidelines were used to determine the appropriate change for each license:

- 1) Licenses applying specifically to the gear itself, such as, "each pound net" or "each gill net" are to remain unchanged.
- 2) Licenses for multiple gear such as crab pots, fish pots, or eel pots, should not refer to the person(s) fishing the gear but to the quantity of gear itself. Several levels of licenses based upon quantity of gear are recommended.
- 3) Licenses for gear which can be used only by one person at a time, such as hand tongs and dip nets, should remain on each person rather than the gear to prevent several people from using the same gear at different times.
- 4) Licenses for large and heavy gear such as crab dredges and scrapes should apply to the boat itself.

REVIEW OF MARINE RESOURCES COMMISSION LICENSING PRACTICES.

From a fisheries management perspective, in addition to the revenue generated, licensing provides two important pieces of information: first, it identifies the participant or commercial fisherman owning the license; secondly, it identifies the type and amount of gear used in the harvesting process. This type of information, particularly the latter, is critical to the proper management of marine fisheries. Combined with catch data, license information (effort data) can be used to detect declines in fish stock size and enable managers to react with conservation measures in a proactive manner. The Commercial Fisherman's Registration License, recently enacted, now properly identifies the participants in Virginia's commercial fisheries. Unfortunately, because of their varying terms, the gear licenses issued by the Commission fail to accurately identify the type and quantity of harvesting gear. This report suggests changes in the terms of several licenses in order to use them to identify more precisely the types and quantities of harvesting gear used in the commercial fisheries.

Licenses for Finfish Gear

Licenses for finfish harvesting gear are currently described in section 28.2-301 of the Code of Virginia. Many of these licenses are specific to each piece of gear used and as such are a direct measure of the amount of directed effort in a fishery. Thus, no change is recommended in the description of licenses for

pound net, stake gill net, other gill nets, cast net, fyke net, or haul seine.

The license for eel and fish pots currently is on the boat operator. Under this description, it is not possible to determine the amount of gear used; nor does it allow any change in the operator of the boat. Changing the license so that it applies directly to the gear will provide better estimates of effort and a convenience to the fisherman, who may wish to alternate operation of the boat with an assistant. Three levels of fish and eel pot licenses are recommended based upon the number of pots used: less than 100 pots; between 100 and 300 pots; and, over 300 pots (See Table 1).

The license for fish trotlines is required of each person using that gear. It is recommended that the description of this license be changed to the gear itself. No change in the fee is recommended.

The license for fish dip net is on each person using that gear. Here, a change is not necessary since each person in normal practice uses only one dip net at a time. Changing this license to the gear itself would allow several individuals to use the same dip net on different occasions, thus circumventing the intent of licensing.

Licenses for Crab Gear

Licenses for crab harvesting gear are described in Section 28.2-702 of the Code of Virginia. Most of these licenses apply to the person or boat operator using the gear and should, in most instances, be changed to apply to the gear.

The license for crab dip net applies to each person using that gear and should remain unchanged. Since only one person can operate a dip net at one time, the person is synonymous with the gear. References to "each person using" ordinary trot line and patent trot line should be eliminated and those licenses should apply to the specific gear.

The changes recommended for crab pot licenses are similar to those for fish and eel pots. Here, references to boat operator and assistants are eliminated in favor of licenses based upon the number of pots used by the fisherman. Three levels of licenses are recommended: under 100 pots; between 100 and 500 pots; and over 500 pots. Based upon current practices, most fishermen will fall into the first two license categories and there is no anticipated change in the level of revenue generated by these changes. Very few fishermen use more than 500 pots, but, because of the size of these rigs, they should be identified by a separate license for management purposes.

The license for crab dredging applies to the boat itself. No change is needed for this license since crab dredges are large gear attached directly to the boat. All boats use 2 dredges either on the stern of the vessel or one over each side of the

vessel. Thus, licensing the boat is synonymous with licensing the gear.

The crab scrape license currently is required of each person using the gear. Persons using two scrapes, a common practice, pay the same license fee as those using a single scrape. Under this system, it is not possible to determine the quantity of gear in the fishery since the license applies to the person. For these reasons, it is recommended that two crab scrape licenses be established: one for a single-rigged scrape boat and the other for a double-rigged scrape boat. The fee for the latter would be double the single license rate (see Table 2).

Licenses for Oyster and Clam Gear

Changes similar to those previously mentioned are needed in the description of those licenses required for clam and oyster harvesting gear. The licenses for taking oysters and clams by hand or hand tong are required for each person. No change is recommended here since one person can operate only one set of tongs at a time.

Licenses for oyster and clam patent tongs currently are required of each person using the gear. Today, many boats are rigged with a single patent tong while others are rigged with two sets of tongs. Licenses should be changed to account for this practice. Thus, two types of licenses are recommended: one for a single-rigged patent tong boat and another for a double-rigged patent tong boat. Such licenses would accurately depict the levels of effort in the fishery while allowing watermen to change assistants without purchasing additional licenses. No change in revenue generated from these licenses is anticipated (see Table 3).

TABLE 1. RECOMMENDED CHANGES IN TERMS OF FINFISH GEAR LICENSES.

Code Reference 28.2-301

<u>CURRENT LICENSE TERM AND FEE</u>	<u>RECOMMENDED CHANGE</u>
1. On each pound net, \$25.00	No change
2. On each stake gill net of 1200 feet in length or under with a fixed location, \$15	No change
3. On all other gill nets up to 600 feet, \$10	No change
4. On all other gill nets over 600 feet and up to 1200 feet, \$15	No change
5. On each cast net or throw net or similar device, \$8	On each person using a cast net, throw net, or similar device, \$8.
6. On each fyke net head, weir, or similar device, \$8	No change
7. On each boat operator taking or catching eels or otherwise fishing using fish pots or eel pots, \$12, or if catching fish or eels with one or more assistants, \$20.	For up to 100 fish pots or eel pots, \$12. For over 100 but not more than 300 fish pots or eel pots, \$20.
8. On each person using or setting fish trotlines, \$12	For fish trotlines, \$12
9. On each person using or operating a fish dip net, \$6	No change
10. On each haul seine under 500 yards in length used for catching fish, \$29.	No change
11. On each haul seine from 500 yards up to 1,000 yards in length used for catching fish, \$88.	No change

TABLE 2. RECOMMENDED CHANGES IN TERMS OF CRAB GEAR LICENSES

Code Reference 28.2-702

- | | |
|---|---|
| 1. For each person taking or catching crabs by dip net, net, ordinary trot line, hand rake, or with any device not otherwise licensed by this section, other than hand line, \$8. | For each person taking or catching crabs by dip net, \$8. For ordinary trotlines, \$8. Eliminate references to net and hand rake. |
| 2. For each person taking or catching crabs with patent trotlines, \$31 | For patent trotlines, \$31. |
| 3. For each boat operator catching blue crabs with a crab pot, \$29 or if catching crabs with one or more assistants, \$48. A holder of a crab pot additional license. | For up to 100 crab pots, \$29. For over 100 but less than 500 crab pots, \$48. |
| 4. For each boat used for taking or catching crabs with dredges, \$58. | No Change |
| 5. For each crab trap or crab pound, \$5. | No Change |
| 6. For each person scraping crabs with a scrape, \$16. | For each single-rigged crab scrape boat, \$16, and for each double-rigged crab scrape boat, \$32. |

TABLE 3. RECOMMENDED CHANGES IN TERMS OF OYSTER AND CLAM GEAR LICENSES

Code Reference 28.2-502

- | | |
|---|---|
| 1. For each person taking or catching oysters by hand or with ordinary tongs, \$10. | No change |
| 2. For each person taking or catching oysters with patent tongs, \$35. | For each single-rigged patent tong boat taking oysters, \$35. For each double-rigged patent tong boat taking oysters, \$70. |
| 3. For each person taking or catching clams by hand or with ordinary tongs \$15. | No change |
| 4. For each person taking or catching clams with patent tongs, \$35. | For each single-rigged patent tong boat taking clams, \$35. For each double-rigged patent tong boat taking clams, \$70. |
| 5. For each dredge used for taking or catching clams, \$50. | No change |