

Virginia Marine Police

Oyster Poaching Enforcement
Successes and Challenges



Oyster populations have grown substantially over the past five years

- Virginia's oyster harvests have quadrupled in the past six years.
- Harvests increased from 95,453 bushels in 2007-2008 to 504,113 bushels in 2013-2014 oyster season.
- More oysters in the water means more opportunity for oyster poaching.

Public vs. Private Oyster Harvests

- Harvest growth has been remarkable.
- A decade ago, in the 2003-2004 oyster season, only 19,729 bushels were harvested from public oyster grounds.
- At that time, a mere 3,794 bushels were harvested from privately leased ground (which includes oyster aquaculture operations.)
- Last season, 213,152 bushels were harvested from public grounds and 290,961 bushels were harvested from privately leased ground.

Increased Oyster Enforcement

- The Marine Police have focused on oyster violations over the past four years.
- A combined total of 511 oyster summonses were issued in 2011, 2012 and 2013.
- This was triple the usual number of summonses issued in the prior three year period.
- This initiative resulted in 353 convictions, with a conviction rate of 69 percent.
- An additional 79 oyster summonses were taken to court so far in 2014 and more are pending.

How does that compare to the past oyster enforcement?

- A total of 182 summonses were issued for oyster violations in 2008, 2009 and 2010, combined.
- They resulted in 138 convictions.
- The conviction rate was 76 percent.
- Conclusion: Oyster summonses are up and conviction rates are high.

Annual Number of Oyster Summonses

- 2014 – 79 *
- 2013 – 159
- 2012 – 199
- 2011 – 153
- 2010 – 69
- 2009 – 60
- 2008 – 53



*This does not include roughly five dozen cases pending adjudication in court.

** Annual conviction rates before the oyster enforcement initiative began in 2011 ranged from 58 to 88 percent.

Oyster Enforcement Hours and Inspections Have Increased

Hours Spent

- 2009 – 2,167 hours
- 2010 – 2,816 hours
- 2011 – 3,172 hours
- 2012 – 3,846 hours
- 2013 – 5,206 hours
- 2014 – 2,776 hours *

* 2014 data is not complete

Inspections Conducted

- 2009 – 8,945
- 2010 – 12,600
- 2011 – 13,348
- 2012 – 16,101
- 2013 – 17,665
- 2014 – 9,893 *

* 2014 data is not complete

Types of Oyster Violations

- In 2013, oyster summonses included the following violations:
 - Dredging without a license
 - Harvesting without a license
 - Oystering in a sanctuary
 - Oystering at night
 - Theft and grand larceny
 - Exceeding daily bushel limits
 - Unculled oysters
- Taking oysters from condemned waters

Particularly Egregious Violations



- Since January 2013, 18 summonses were issued for taking oysters from a sanctuary.
- Three were for taking oysters from waters condemned for shellfish harvesting.
- 14 were for harvesting oysters in a closed area.

License Suspension Policy

- Before August 2013, violators with three or more convictions within a 12-month period may be brought before the Commission for action.
- That policy had been in place since 1996.
- Staff prepared and the Commission adopted a new license suspension policy last summer.
- The severity of violations were ranked, with the most egregious behavior allowing Commission action on a first offense.
- Since that new policy was adopted in August 2013, the Commission revoked ten watermen's licenses for two years and revoked six other's for one year.
- Two years is the maximum revocation allowed by law.

More Enforcement is Needed

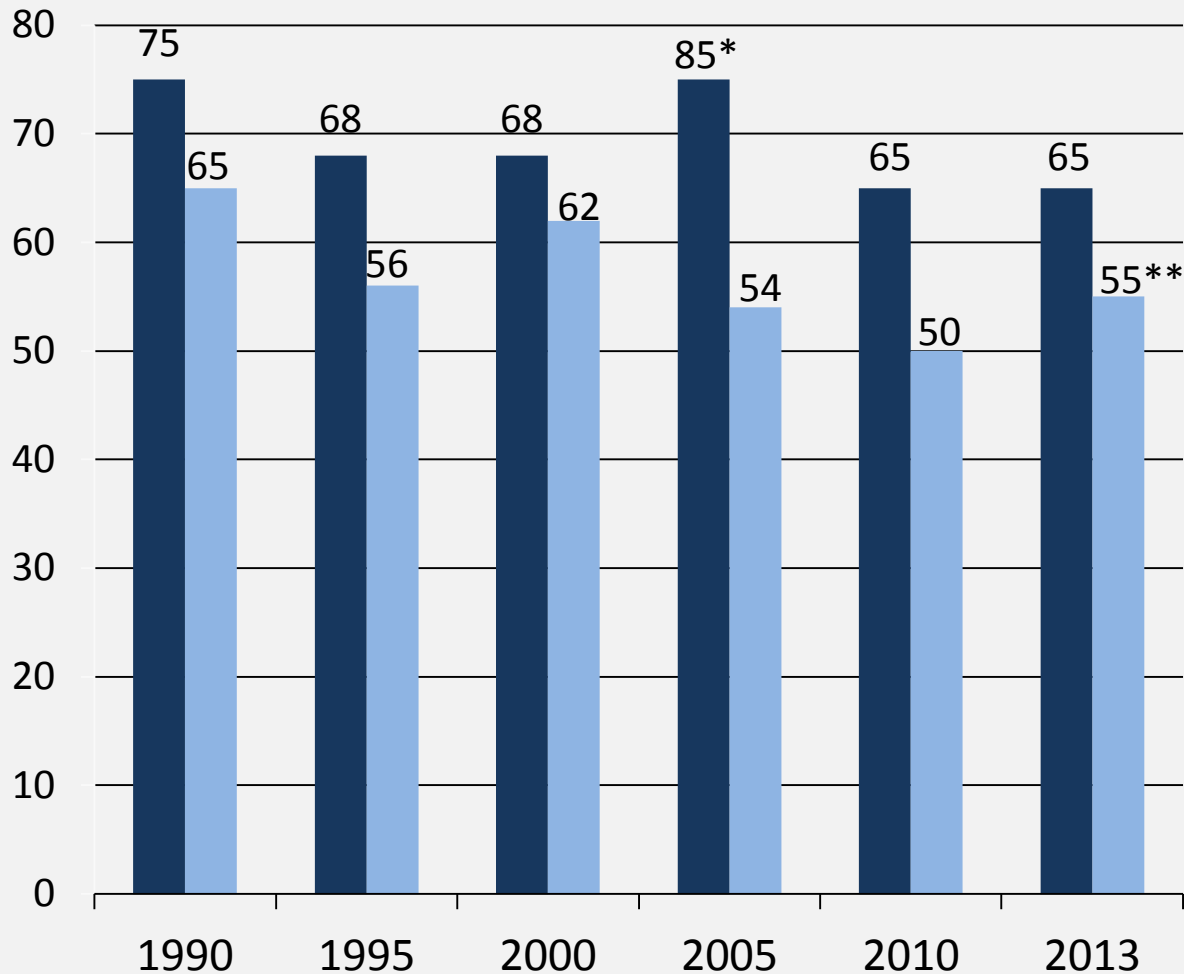


- An increase in oyster violations is a strong indicator of a rise in oyster poaching overall.
- Private oyster ground lease holders have complained that watermen are stealing from their ground, especially in the James River.
- Some anecdotal information suggests sanctuaries have been raided.

Marine Police Staffing Shortages

- Funding cuts over the past six years have depleted the number of Marine Police Officers.
- This staffing shortage is straining efforts to maintain a focus on oyster violations.
- The number of budget-authorized Marine Police Officer positions currently is 65.
- The number of actual filled positions is 59.
- In comparison, in 1981 the Marine Police had more than 80 filled uniformed officer positions.
- Duties and responsibilities since then have increased substantially, and oyster stocks have boomed.
- Marine Police are responsible for over 10,100 miles of shoreline and 2,700 square miles of water areas.

Marine Police Staff Level History



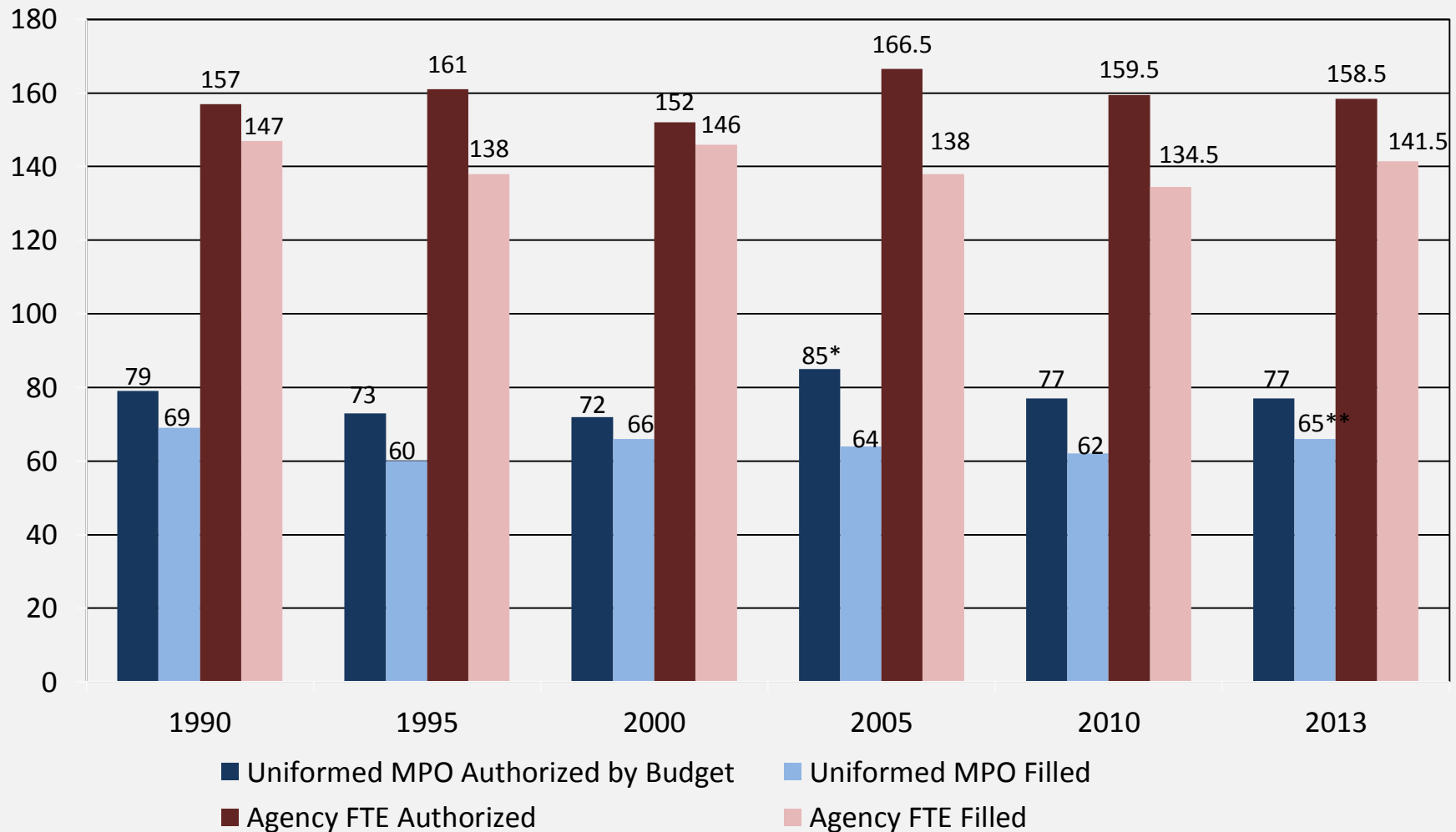
■ Uniformed MPO
Authorized by Budget

■ Uniformed MPO Filled

*** 10 additional positions were budgeted in 2005. They were never filled due to lack of money and later rescinded.**

**** 4 MPO positions are now vacant.**

Agency Staff Level History



***10 additional positions were budgeted in 2005 but were never filled and were taken back the following year**

**** Currently, the budget authorizes 77 MPO positions, but 10 vacancies exist. The Governor's proposed budget contains funds to fill four of those vacant positions.**

Where Do We Go From Here?

- The Marine Police will continue to vigorously enforce regulations as manpower allows.
- Expect egregious violators to continue to be brought before the Commission for potential sanctions.
- Several cases that would warrant license revocation hearings are pending court adjudication.
- Due to increased enforcement and increased penalties, the commercial fishing community is well aware of the Marine Resources Commission's seriousness.