

**NEW JERSEY MARINE FISHERIES COUNCIL**

Batsto Village

RD #9

Hammonton, New Jersey 08037

February 11, 2008

In Attendance were: Chairman Gilbert H. Ewing, Jr.  
Councilman Erling Berg  
Councilman Patrick Donnelly  
Councilman Edward Goldman  
Councilman Richard Herb (via telephone)  
Councilman Barney Hollinger  
Councilman John Maxwell  
Councilwoman Frances Puskas  
Councilman Joseph Rizzo

In attendance representing Natural and Historic Resources

Amy Cradic, Assistant Commissioner

In attendance representing the Division of Fish and Wildlife:

David Chanda, Director  
Thomas W. McCloy, Administrator, Marine Fisheries Adm.  
James W. Joseph, Chief, Bureau of Shellfisheries  
Mark Chicketano, Captain, Law Enforcement  
Mark Canale, Lieutenant, Law Enforcement  
Dominic Fresco, Lieutenant, Law Enforcement  
Peter Himchak, Acting Chief, Bureau of Marine Fisheries  
Brandon Muffley, Research Scientist  
Jeffrey Brust, Research Scientist  
Mike Celestino, Senior Biologist  
Russ Babb, Principal Biologist  
Dave Jenks, Chief, Endangered and Nongame Species Program  
Amanda Dey, Sr. Biologist  
Mary Anne Lyons, Principal Clerk Typist

Representing Division of Law: Helene Chudzik

Ms. Lyons read the compliance with the Sunshine Law. Notice of meeting was filed with the Secretary of State on January 31, 2008.

Chairman Ewing informed everyone the meeting was scheduled to discuss the Department of Environmental Protection's rule proposal for a continuation of the horseshoe crab harvest moratorium. No other business was to be conducted.

Ms. Cradic, Assistant Commissioner, addressed the Council. She summarized the Department's previous discussions with Council on the horseshoe crab/shorebird issue and the need to continue the horseshoe crab harvest moratorium. The Department had made its position clear to the Council last summer, to provide the Council ample opportunity to deliberate this issue.

Ms. Cradic further explained to Council the Department's multifaceted approach to protecting these species including restoration of habitat (beach replenishment), restricting public access and continued research efforts. She also referenced the ASMFC plan for harvesting male crabs only in New Jersey and indicated that the Department opposed this approach since there was not a complete understanding of the crab population.

Ms. Cradic referenced a release by Commissioner Jackson encouraging the Marine Fisheries Council to allow the Department's proposal to move through to adoption. Everyone has a responsibility to protect this species. The Department cannot ignore its responsibility in this regard. Ms. Cradic asked Council for their support.

Mr. Himchak gave an ASMFC update. The Horseshoe Crab Management Board has begun the process of developing Addendum V. The same management elements in the existing Addendum IV as well as a potential moratorium in the Delaware Bay are going to be included in the draft document. This document will be taken out to public hearing and the Board will decide which measures to advance in August.

Dr. Dey provided Council a power point presentation on the status of the red knot in the Western Hemisphere and updated recent research.

The status assessment highlighted the following findings:

- The Hemispheric population of rufa red knot originally estimated at 100,000-150,000 is now 18,000-33,000;
- The decrease in adult survival is linked to poor weight gain on the Delaware Bay;
- The primary Hemispheric threat is the decline in the number of horseshoe crab eggs, oil spills and habitat loss;

Dr. Dey further updated Council on recent research regarding the red knot population. The conclusions of that research were:

- red knot population was still in decline;
- birds coming to the Bay cannot gain sufficient weight;
- densities of eggs (horseshoe crab) available to shorebirds has not increased;
- densities of spawning female horseshoe crabs on Delaware Bay beaches have not increased.

Mr. Himchak gave an overview of the timeline of the rule proposal from initial discussions last summer to the present. The public comment period ended on February 1, 2008. He reminded Council that the ASMFC plan stressed management of horseshoe crabs for the benefit of both horseshoe crabs and shorebirds.

Dr. Dey apologized for neglecting to bring the actual public comments for the Council review but in her rush to get to the meeting she left them in the office.

Dr. Dey gave Council an overview of the public comments received on the rule proposal. The Department received numerous comments concerning the proposed rule to continue the moratorium on horseshoe crab harvest in New Jersey. Most of these comments came in the form of letters either in support of, or in opposition to, the proposed rule. Some letters specifically expressed support for a male only harvest.

Dr. Dey summarized the number of letters/comments received (individual letters, form letters that were faxed, form letters sent via e-mail).

Below is a breakdown of the comments presented to Council.

- Individual letters – support moratorium 26;
- Individual letters – oppose moratorium 9;
- Number of signatories on letters – support (not form letters) 55;
- Number of signatories on letters – oppose (not form letters) 14;
- Total number of individuals – support moratorium (individual + form letters) 1700;
- Total number of individuals – oppose moratorium (individual, no form letters received) 14;
- Number of individuals in favor of male-only harvest 10.

Chairman Ewing opened the meeting for public comment.

Mr. Tittel, Sierra Club, supports moratorium.

Mr. Stiles, New Jersey Audubon Soc., supports moratorium.

Mr. Akrec, Great Egg Harbor Watershed Assoc, supports moratorium.

Mr. Rappa, Delaware Watershed-NJ Conservation Foundation, supports moratorium.

Mr. Robbins, Chesapeake Bay Packing, supports veto of the moratorium.

Mr. Scha, supports moratorium.

Mr. Dillingham, Amercian Littoral Society supports moratorium.

Mr. Markowski, NJ State Federation of Sportsman Clubs, supports moratorium.

Mr. Virrazzi, National Bird Observatory, supports moratorium.

Mr. DeVito, NJ Conservation Foundation, supports moratorium.

Ms. Nogati, NJ Environmental Federation, supports moratorium.

Ms. Dean, supports moratorium.

Ms. Carrigan, supports moratorium.

Mr. McNut, Tidewater Gateway Watershed, supports moratorium.

Mr. Conner, supports moratorium.

Mr. Senders, support moratorium.

Ms. VanRosen, Delaware Keeper Network, supports moratorium.

Ms. Magee, supports moratorium.

Ms. Suthers, supports moratorium.

Mr. Blumberg, supports moratorium.

Ms. Bennett, supports moratorium.

Mr. Major, supports moratorium.

Ms. Brown, supports moratorium.

Ms. Lecole, Cape May Bird Observatory, supports moratorium.

Ms. Halsey, supports moratorium.

Ms. Carrar, supports moratorium.

Mr. Reft, supports moratorium.

Mr. DiDomenico, Garden State Seafood Assoc, supports Council's vetoing rule.

Ms. Mucgito, Cape May Bird Observatory, supports moratorium.

Ms. Jackson, supports moratorium.

Ms. Galletto, Endangered and Nongame Species Advisory Committee, supports moratorium.

Mr. Fox, supports moratorium.

Ms. Biel, supports moratorium.

Mr. Chew, Commercial fisherman, supports veto of rule.

Mr. Buzas, Commercial fisherman, supports veto of rule.

Ms. Muto, supports moratorium.

Dr. Schuster, supports Council's vetoing rule.

Mr. Jackson, supports moratorium.

Mr. Shroder, supports moratorium.

Mr. Lamont, supports moratorium on all harvest including biomedical.

Ms. Gesentica, supports moratorium.

Chairman Ewing reminded Council that the Council's authority was to disapprove proposals by the Commissioner, not to make modifications.

Mr. Hollinger made a motion seconded by Mr. Maxwell to veto the Department's proposed rule for a horseshoe crab harvest moratorium.

Dr. Donnelly indicated he was not comfortable with an open-ended moratorium (no sunset date). He commented that the Council was at a disadvantage since the two public member seats have been vacant. He also expressed concern about the Council losing the

ability for management of horseshoe crabs because the Legislature may take it over. He indicated he would vote against the motion to keep the Council involved in the management process.

Mr. Berg expressed his opinion that it was inappropriate for the Department to be implementing a moratorium while ASMFC was working on an addendum to the plan. He can't support the moratorium because it is his responsibility to support the fishermen.

Mr. Goldman thanked Dr. Donnelly for his comments, with which Mr. Goldman agreed.

Ms. Puskas spoke about the Council's long history managing horseshoe crabs. She asserted that the ASMFC plan should be sufficient and that the U.S. Fish and Wildlife Service (USFWS) should be weighing in on the red knot status. She cannot support a moratorium.

Mr. Herb referenced Dr. Donnelly's comments. He was not in favor of a permanent moratorium but did not want the Council to lose control of the situation by having the Legislature intervene. He also did not want to give total control to ASMFC. This is a difficult decision for the Council.

Chairman Ewing indicated the problem needed to be solved on a coastwide basis. New Jersey actions help but other states have to take a more conservative approach. He also expressed concern about the Legislature stepping in if there was a Council veto. He opined that if the Council vetoed the rule, the Legislature will likely act to close the season and may even prevent possession. If this happens, fishermen will be forced to find alternate bait for the conch and eel fisheries.

Mr. Berg suggested the proposal be withdrawn for one year while the ASMFC developed their revised plan.

Director Chanda addressed some of comments from Council members. He reminded Council that any actions taken legislatively remain in effect until new legislation is passed to change it. The Department's rules must go through a readoption (review) process every five years. He also asserted that New Jersey is a major player and leader when it comes to these resources and it is inappropriate to rely on the USFWS. He thanked Council for their time and effort regarding this issue over the years and asked Council not to disapprove the proposal.

Chairman Ewing called for a vote and the motion passed 5 in favor and 4 opposed.

Meeting adjourned.