

# CAPE GAZETTE



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12/22/06

## **Watermen appeal state moratorium on horseshoe crabs**

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Horseshoe crabs represent many things to many people, from scientists who study them because they predate dinosaurs to environmentalists who want to save them from extinction and finally to watermen who depend on them for bait.

This unique creature is the center of a controversy that's raging in Delaware. In November, Delaware Department of Natural Resources and Environmental Control Secretary John Hughes ordered a moratorium on horseshoe crab harvests. Applauded by many environmentalists, the moratorium flies in the face of watermen, bait businesses and the Atlantic States Marine Fisheries Commission, all of whom recommended a male-only harvest instead of a complete moratorium.

Charlie Auman, a Slaughter Beach waterman, and Bernie's Conchs, a company that buys and sells horseshoe crabs, have appealed the state's decision to impose a moratorium.

"Both appellants have an environmental and economic interest in a sustainable horseshoe crab fishery that balances ecological considerations and appropriate harvest levels and strategies," said Georgetown-based attorney Tim Willard. "The moratorium strikes an impermissible balance, unsupported by the record or applicable law."

Willard, who works at the firm of Fuqua and Yori, filed the appeal Tuesday, Dec. 19, with the Environmental Appeals Board.

Auman makes his living harvesting and selling resources from the Delaware Bay, including horseshoe crabs, which are used as bait in the conch, whelk and eel fisheries. Auman, who holds state-issued permits to harvest and deal in horseshoe crabs, said the moratorium will substantially affect his way of life.

"We're in trouble," said Auman. "That's why we're appealing."

Bernie's Conchs, a Virginia-based company established in the late 1970s, is joining Auman in the appeal. Bernie's processes conch and whelk and also buys and sells horseshoe crabs for bait. The majority of Bernie's horseshoe crab bait is harvested in North Carolina, Virginia, Maryland and Delaware. Rick Robins, owner of Bernie's, said horseshoe crabs are the only effective bait for conch. He said the moratorium will devastate his business because for the next two years, he will not be able to get any horseshoe crabs from Delaware.

Willard said the moratorium is arbitrary because it does not rely on

reasonable, scientific, economic or social basis. Willard said he plans to call five to seven witnesses if the appeal goes to a public hearing.

In the appeal, Willard notes that DNREC's own scientist, Roy Miller, recommended that the male-only harvest option be adopted.

Hughes said the moratorium would protect both the horseshoe crab and the red knot, a shorebird on the verge of extinction. But, Willard said the red knot only depends on horseshoe crab eggs for survival and that a male-only harvest would not have affected the number of eggs laid on the sandy shores of Delaware Bay.

Red knots travel nearly nonstop from as far south as the tip of South America to the Canadian Arctic each spring. They stop briefly on the shores of the Delaware Bay to feed and refuel on the fat-rich eggs of horseshoe crabs.

While Auman admits the best bait for conch is the egg-laden female horseshoe crabs, he said he would have been happy with doing a male-only harvest for two years.

As part of the moratorium, Hughes also announced a project in partnership with the University of Delaware and DuPont to create an alternative bait for watermen. But, Auman said Hughes has been talking about this alternative bait research project for years and nothing has ever come of it.

"He's been telling us that's been coming for years," said Auman. "But, the state's broke and you know they won't be giving any money to the watermen."

Glenn Gauvry, president of ERDG, whose mission is the conservation of the world's four horseshoe crab species, said his group has been working with the watermen and the states to find a balance between the entrenched positions of the various interest groups, through means other than the regulatory process.

Gauvry said ERDG hoped Delaware would allow a male-only harvest, as other states have initiated. He said this alternative would have protected female crabs that lay the eggs while also allowing the watermen to continue using the male crabs for bait.

"We find the current ruling unfortunate, for we feel it is excessive and will result in the further erosion of the watermen way of life in the state of Delaware."

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