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Horseshoe-crab harvest set at 0, voids moratorium

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GALLOWAY TOWNSHIP - Last month, the New Jersey Marine Fisheries Council voted 5-4 to overturn a state moratorium on horseshoe-crab harvesting imposed by the state Department of Environmental Protection.

On Thursday afternoon, the council voted unanimously to set the harvest level for 2008 at zero horseshoe crabs.

Confused?

It's not the first time fish politics has been confusing, but this may be one of the more bizarre cases. One reason for the council's action is that the vote last month led to proposed state legislation to ban horseshoe-crab harvesting with the goal of benefiting the red knot, an endangered shorebird that feeds on horseshoe-crab eggs. Environmental groups are pushing that legislation.

Council members did not like state lawmakers trying to take away their job of regulating fisheries. They also did not like the way the legislation reads and hope that by setting the harvest at 0 it may nix the bills under consideration in both the state Senate and Assembly.

Council member Ed Goldman noted the bills set a penalty of \$10,000 for the first offense, and \$20,000 for each additional offense for taking a horseshoe crab. This far exceeds other fishery-related fines.

"To say that's excessive is an understatement," Goldman said.

Council member Barney Hollinger said watermen harvesting oysters and blue crabs sometimes pull up a horseshoe crab. They may plan to throw it back, but Hollinger still saw a potential problem.

"If a conservation officer comes on your boat and they had a bad day you've got a \$10,000 fine," Hollinger said.

Council member Joe Rizzo said lawmakers who wrote the bill don't even have the correct months the harvest takes place. Rizzo said setting a harvest of 0 could take heat off the Legislature, and Gov. Jon S. Corzine, to act too hastily when the Atlantic States Marine Fisheries Commission, or ASMFC, a compact of East Coast states that regulates horseshoe crabs, is working on a new management plan.

"The legislators are getting bull-rushed to make a decision. There's going to be a lot of new science coming out in the next year. If we can get them to hold off, we'll get some good science," Rizzo said.

"This gives more time to find a solution," said council member Dick Herb.

Rizzo was also critical of the DEP. A two-year moratorium had expired Dec. 31. Rizzo said council had

informally agreed to a new moratorium for one or two years before the February vote, but the DEP wanted the ban to have no end date. This helped bring about a 5-4 vote to veto the moratorium.

"The commissioner (Lisa Jackson) said she wanted an unrestricted moratorium, so we voted the way we voted," Rizzo said.

The opportunity for another vote may seem odd, but there was a reason. The ASMFC sets the quota for the East Coast states. It set New Jersey's quota at 100,000 crabs the past two years. They could only be male crabs, since red knots migrating from South America to Canada stop on the Delaware Bay crab-mating grounds to feast on the eggs.

The rub is New Jersey never adopted the 100,000-crab limit because it had a moratorium in place in 2006 and 2007. When the moratorium ended at the February meeting, it automatically reverted New Jersey to the last harvest level it had on the books from 2005, which was 150,000 crabs, both male and female. That immediately made New Jersey out of compliance with the ASMFC.

The penalty for noncompliance: Go figure, it's usually it's a moratorium on fishing.

This is where it gets interesting. Rizzo made a motion first to allow 100,000 male crabs, to put the state in compliance. This passed unanimously. Hollinger made the second motion to set the harvest at 0 crabs. This also passed unanimously.

The new quota of 0 crabs also may serve to prevent a harvest even if a pending lawsuit filed by horseshoe-crab fishermen is successful, Rizzo noted. Crab harvesters in Delaware sued and overturned its moratorium last year. It's hard to argue against a moratorium where technically there isn't one, just a harvest quota of no crabs.

"Will this short circuit the Trenton bills?" asked council member Frances Puskas

Rizzo called it "a good faith gesture" to "do the right thing."

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