

March 11, 2008

Senate panel moves for lengthy ban on horseshoe crabbing

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The state Senate Environment Committee on Monday released legislation to impose a long-term moratorium on horseshoe crab harvests, but senators said they will follow up the measure with amendments later to reduce a harsh \$10,000 fine proposed for illegal possession of the helmet-shaped arthropods used as commercial fishing bait.

The crabbing ban would stay in effect until scientists report significant growth in the western Atlantic population of red knot shorebirds, whose northern migration in spring coincides with the horseshoe crabs' spawning season in Delaware Bay. The birds eat crab eggs, and biologists say the red knot winter counts in South America were at an all-time low in January.

"We were surprised," said Larry Niles, chief scientist for the Conserve Wildlife Foundation of New Jersey, who said researchers expected to see the roughly 17,000 birds they've counted in recent years and found just 14,800 last time. Bill S-1331 would keep the crabbing moratorium in place until red knots return in numbers between 100,000 and 150,000.

"Even after all the restrictions they've put on the horseshoe crabbers, it's not working," said Fred Layton, a Middle Township waterman. "My sons and grandsons will never be able to harvest a horseshoe crab again."

Earlier amendments to an Assembly version of the bill, A-2260, gave fishermen some breathing room by allowing the continued use of crabs from other states to bait whelk and eel traps. The high proposed fines — up to \$25,000 for a repeat offense — are needed to make sure that provision is enforceable, Maya K. van Rossum of the Delaware Riverkeeper network told the committee.

"Have you ever lost a receipt? . . . So could a fisherman," said state Sen. Jeff Van Drew, D-Cape May. Van Rossum contended the bill would only penalize fishermen who use illegally caught crabs.

"I know where the popularity is. I know where the numbers are," said Van Drew, referring to the state's 34 remaining licensed horseshoe crab harvesters, who, according to fisheries reports, netted around \$4,800 during their last pre-moratorium season working two days a week. Van Drew voted grudgingly to release the bill, but he and Sen. Christopher "Kip" Bateman, R-Somerset, said they will work to lower the fines.

For watermen, "a \$10,000 or \$25,000 fine would wipe them out," fisherman Charles Givens said, describing how crabs come out of the water as accidental bycatch in fish nets and trawls. "I've had people tell me, 'If those go through, I'm going to have to leave this state.' "

The state Marine Fisheries Council last week proposed setting a "zero harvest" rule for crabbing in 2008, leaving open the possibility of a 100,000 males-only crab harvest in 2009. But Department of Environmental Protection Commissioner Lisa P. Jackson is adamantly against that rule change proposal and it is "simply a non-starter for the department," Deputy Commissioner John S. Watson Jr. said.

"Normally I wouldn't even allow a bill to go forward" with such a level of concern over penalties, said committee chairman Sen. Robert Smith, D-Gloucester. But delaying the bill with amendments would make it difficult for a measure to pass both houses before the Legislature takes a break later this month, he said.

Environmental activists have mounted an intense campaign in support of the DEP, which wants to maintain the two-year-old crabbing moratorium. They want the ban reinstated before horseshoe crabs begin showing up to spawn in Delaware Bay — an annual ritual that also draws migrating red knots in to feed on crab eggs enroute to their own nesting season in far northern Canada. DEP senior biologist Amanda Dey told the committee winter counts of red knots in South America were around 50,000 when the counts started in 2000 and "most of this decline has happened in just the last few years."

Meanwhile, counts of female crabs and eggs on bay beaches in New Jersey have not shown improvement despite some return of the horseshoe crab population as observed in sample nets, she said.
