



## Horseshoe crabs highlight divide between wildlife managers, activists

*(Published: Saturday, February 23, 2008)*

LOWER TOWNSHIP - Gil Ewing recently voted to continue a ban on horseshoe crab harvesting on the Delaware Bay, but for an unusual reason.

Ewing, a member of New Jersey Marine Fisheries Council for two decades and its longtime chairman, didn't want to lose another species.

Ewing wasn't thinking the horseshoe crab was in danger of extinction. Scientists estimate there are 13.3 million horseshoe crabs off the East Coast, and the number is increasing. The vote was to allow New Jersey fishermen to harvest 100,000 of them in 2008.

Ewing also did not base his vote on helping the red knot, a migratory shorebird that eats horseshoe crab eggs during its spring trek to nesting grounds in Canada.

Ewing was convinced that if the council allowed a harvest this year, then lawmakers would introduce legislation to ban it. He has seen it happen with other species. He voted against the horseshoe-crab harvest partly to preserve the council's authority to manage the species.

Although the council was created by the state Legislature to manage marine species, and its members are appointed by the governor, sometimes when special interests don't like a council decision, they head to state lawmakers to push legislation. It has happened with menhaden, striped bass and artificial reefs.

Once a species is taken away from the council, the council usually never regulates that species again. That's what happened years ago with striped bass, after a sportfishing group worked to get legislation passed.

"If this is legislated, we'll never have a horseshoe-crab fishery, and I think that's a travesty," Ewing said minutes before the Feb. 11 vote.

Ewing lost that vote as the council voted 5-4 to veto the state Department of Environmental Protection's ban on horseshoe-crab harvesting. It might not have been a victory for the state's 34 horseshoe crab harvesters. This week, as Ewing predicted, environmental groups that want to help the red knot convinced lawmakers to introduce bills to ban the harvest. Ewing said harvesters won the battle, but may have lost the war.

"It is discouraging. I knew it was going to happen," Ewing said Friday.

Each member of the council is appointed by the governor and confirmed by the state Senate, Ewing noted. The council looks at social, economic, biological and other factors before making a decision.

It's hard to argue that the council made a wild decision that would have to be rectified by the Legislature. Ewing said there used to be about 100 harvesters, but that number is down to 34. They have been on the receiving end of harvest restrictions and outright moratoriums for almost a decade.

The Atlantic States Marine Fisheries Commission, or ASMFC, sets the East Coast harvest. It set a quota of 1,372,000 crabs in 2008, including 100,000 in New Jersey

Even with such a small harvest, it was a hotly debated issue and led to a close 5-4 vote.

Several joined Ewing in voting against the harvest for the same reason. Some voted for the two-year harvest ban that ended Dec. 31, but did not like the new ban not having an end date.

"I don't want to see it go to the Legislature. Who knows what will come out of there? I think a permanent moratorium is unfair," said Dick Herb, who voted against the harvest.

Patrick Donnelly said it was the first time the state asked the council to approve a moratorium with no end date. He said there have been no harvests in five of the past seven years and it hasn't helped red knots. Then Donnelly voted against the harvest for the same reason as Ewing.

"Legislation is the 800-pound gorilla. This is where it should be handled, not Trenton. They shouldn't put a bill together to take it away from us. Lately, if people don't get what they want, they run to the Legislature," Donnelly said.

Several members noted that the ASMFC is supposed to decide harvests.

The proposed legislation is likely to be fast-tracked as the fishery begins in April. The state also has to adopt the ASMFC's last horseshoe-crab amendment allowing the 100,000-crab harvest. The state didn't do that before because it issued the moratorium instead. Ewing said New Jersey is out of compliance with Amendment IV. That means it would revert to Amendment III, in which the ASMFC allowed the state to harvest 150,000 crabs.

A Superior Court judge is also looking for answers. The Southern Jersey Waterman's Association sued the DEP over the moratorium. Judge Stephen Skillman, after hearing news reports of the council decision, recently wrote attorneys in the case to find out how the vote affects the case.

To e-mail Richard Degener at The Press: [RDegener@pressofac.com](mailto:RDegener@pressofac.com)