



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

CHRIS CHRISTIE
Governor

BOB MARTIN
Commissioner

KIM GUADAGNO
Lt. Governor

ADMINISTRATIVE ORDER NO. 2015-02

WHEREAS, the Legislature has declared in N.J.S.A. 23:2A-2 that it is the policy of the State to manage all forms of wildlife to ensure their continued participation in the ecosystem, and that the State should assist in the protection of species which are deemed to be endangered within the State or elsewhere; and

WHEREAS, the Legislature has recognized in N.J.S.A. 23:2B-2 that the fisheries resources of the State are a living, renewable form of wealth capable of being maintained and greatly increased with proper management, but equally capable of destruction if neglected or unwisely exploited; and

WHEREAS, the Commissioner of the New Jersey Department of Environmental Protection (NJDEP) is authorized pursuant to N.J.S.A. 13:1D-1, et seq. to formulate, implement, and enforce policies for the protection of the environment and the wildlife therein; and

WHEREAS, the diamondback terrapin (*Malaclemys terrapin*) is native to New Jersey and inhabits the State's coastal salt marshes and estuaries along the Atlantic Coast and Delaware Bay; and

WHEREAS, the diamondback terrapin (hereinafter "terrapin") is listed as an Appendix II species under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), a wildlife conservation and trade treaty to which the United States is a party. It is designed to ensure that international trade in specimens of wild animals and plants does not threaten their survival. Appendix II lists species that are not necessarily now threatened with extinction but that may become so unless trade is closely controlled; and

WHEREAS, the terrapin population and life history traits include low recruitment, delayed reproductive maturity, limited dispersal, and winter hibernation in dense aggregations¹; and

¹ "The nature of adult female terrapins to aggregate in hibernacula often in high densities and in easily accessible estuarine bays has made them exceptionally vulnerable to commercial winter harvest. Such harvest, if unregulated, can be devastating to local terrapin population. Although no exact history can be reconstructed, winter scrape fishing may have played a part in the near extirpation of the species in Chesapeake Bay in the early 20th century (Carr 1952; Ernst and Lovich 2009; McCauley 1945).

WHEREAS, the current New Jersey season to harvest terrapins legally is from November 1 through March 31, during the period when the terrapins are most vulnerable to harvest in large numbers; and

WHEREAS, despite the restrictions on gear that can be used for the legal harvesting of terrapins, a great number of terrapins can be harvested during the current five month season in New Jersey; and

WHEREAS, all other east coast states have closed the terrapin season to commercial harvesting except for New Jersey and New York increasing harvest pressure on New Jersey's terrapin population; and

WHEREAS, in a letter dated January 28, 2015 the United States Department of the Interior, Fish and Wildlife Service (USFWS), notified the Department that in December of 2013, 3,522 wild adult diamond back terrapins caught in New Jersey were sold to an aquaculture facility in Maryland, and in August of 2014 over 14,000 terrapin offspring of the wild adult terrapins were then exported to Asia, and that this level of harvest in New Jersey is of serious conservation concern; and

WHEREAS, Department Conservation Officers recently prevented the sale of over 800 terrapins illegally harvested from New Jersey which were destined for the same aquaculture facility in Maryland; and

WHEREAS, the demand for terrapins in Asia has not abated and is expected to continue to stress New Jersey's terrapin populations; and

WHEREAS, On January 28, 2015 the New Jersey Marine Fisheries Council wrote a letter to the Department stating that at its January 8, 2015 meeting it unanimously supported an immediate closure to the commercial diamondback terrapin season, and requesting that the Department implement this closure to help protect terrapin populations in New Jersey.

NOW, THEREFORE, to prevent further potential irrevocable damage to the terrapin population in New Jersey, I hereby order as follows:

1. The Diamondback Terrapin harvest season, which normally runs from November 1 through March 31, is closed effectively immediately and the closure shall last through March 31, 2015.
2. No person shall catch, take, collect, capture or harvest, or attempt to catch, take, collect, capture or harvest any diamondback terrapin from the waters of the State by means of or assisted by a crab dredge, dredge, trap, pot, fyke, seine, weir or net of any description.
3. The possession of a crab dredge, dredge, trap, pot, fyke, seine, weir, or net of any description on a vessel where diamondback terrapins are in possession shall constitute

prima facie evidence that such devices were used in the illegal catch, take, collection, capture or harvest of the diamondback terrapins.

4. The Department will seek the maximum penalty for anyone who has caught, taken, collected, captured or harvested diamondback terrapin illegally from any waters the State at any time. The Department will count each illegally obtained or possessed diamondback terrapin as an individual offense subject to penalty. In addition to civil and other penalties and costs imposed for violations of the law, the Department will seek the maximum replacement value of \$200.00 for each diamondback terrapin taken or possessed pursuant to N.J.S.A. 23:3-22.2.
5. The Department will seek the forfeiture of any crab dredge, dredge, trap, pot, fyke, seine, weir or net of any description or other apparatus used in the illegal taking of diamondback terrapins in accordance with N.J.S.A. 23:10-21 and 21.1.
6. I direct Conservation Officers on my staff to order the immediate return of all diamondback terrapins to the waters from which they were illegally taken in order to ensure their continued survival.
7. I direct Conservation Officers on my staff to develop an enhanced enforcement strategy to ensure that no diamondback terrapins are caught, taken, collected, captured or harvested illegally from any waters the State at any time.
8. I direct my staff to investigate populations, distribution, habitat needs, limiting factors and other biological and ecological data concerning the State diamondback terrapin population to determine management measures necessary to insure the continued ability of the terrapins to sustain themselves successfully.
9. I direct my staff to work with the Marine Fisheries Council and recommend changes to New Jersey law to ensure the continued sustainability and protection of the diamondback terrapin in New Jersey.

Date

3/1/2015

Bob Martin
Commissioner