



## State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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Mr. Gil Ewing, Chairman  
New Jersey Marine Fisheries Council

Dear Chairman Ewing:

I respectfully request that you allow the Department's proposed regulations regarding horseshoe crabs to become adopted. I recognize New Jersey fishermen have borne much of the responsibility for attempts at increasing spawning horseshoe crabs on Delaware Bay beaches to meet the needs of migratory shorebirds. With your help, New Jersey has gone beyond meeting the minimum requirements of the Atlantic States Marine Fisheries Commission's (ASMFC) Addendum IV. However, the red knot population is now in worse condition than two years ago -- the number of birds is lower, their ability to gain weight has decreased, and the density of crab eggs has shown no improvement.

The solution proposed by the ASMFC -- to impose an all-male harvest in Delaware and New Jersey -- was adopted without adequate understanding of the impact on the crab population. As a result, this option produced no significant improvement in horseshoe crab egg densities. Moreover, while female harvest was eliminated in New Jersey and Delaware, the female harvest continued to occur at even greater numbers in other states. Some of those females harvested were part of our Delaware Bay population.

In 2007, my staff collaborated with US Geological Survey (USGS) biologists on a review of the impact of current harvest regulations on the red knot. The review concluded that current harvest regulations are not sufficient to prevent further declines and do not promote recovery of red knots. The USGS conducted a scientific peer review of these findings using two USGS scientists and two outside scientists. The review will be made public in early 2008. During the same period, the US Fish and Wildlife Service (USFWS) completed its status assessment resulting in the recommendation of candidate status for the red knot. The USFWS assessment will be published as a scientific monograph in 2008. The scientific evidence for shorebird and horseshoe crab egg decline is clear and is widely accepted by the scientific community, both locally and internationally.

If the red knot continues to decline, it may be federally listed. Moreover, at least two other shorebirds that rely on horseshoe crab eggs (semipalmated sandpiper and ruddy turnstone) are showing a similar inability to gain sufficient weight as the red knot has shown. The NJ Department of Environmental Protection (DEP) and the Division of Fish and Wildlife (DFW) cannot ignore our responsibility to protect these species -- the alternative is to allow conditions at this globally-important migratory stopover to continue to decline.

During the next six months, we have the opportunity to influence coast-wide crab harvest. In October 2007 shorebird and horseshoe crab biologists from NJ and DE DFW began work with the ASMFC on a quantitative model capable of assessing impacts of horseshoe crab harvest on red knot weight gains. This work group was charged with completing the model for the August 2008 ASMFC meeting where the Horseshoe Crab Management Board will set new harvest quotas. The NJ DFW has devoted great effort to

protect and enhance the Delaware Bay ecosystem with the goal of increasing populations of horseshoe crabs and shorebirds including:

- The 1997 acquisition and demolition of all remaining homes at Moores Beach to provide additional spawning habitat for crabs and undisturbed feeding habitat for shorebirds.
- The acquisition and demolition of all remaining homes at Thompson's beach to provide additional spawning habitat for crabs and undisturbed feeding habitat for shorebirds, (the work is expected to begin approximately July 1, 2008).
- Ongoing efforts to raise funds and generate partnerships to restore other Delaware Bay beaches.
- Restricting public access on 10 Delaware Bay and 2 Atlantic coast beaches in New Jersey each May to protect shorebirds from disturbance
- Beach closures enforced by NJ DFW Conservation Officers and NJ Citizen volunteers
- More effective monitoring of shorebirds while minimizing disturbance

The NJ DFW has raised the bar for protection of red knots and other shorebirds in all east-coast states:

- In 2005 we were able to elevate the needs of shorebirds and other migratory species within the Atlantic Flyway Council prompting creation of the first Nongame Technical Section of the Flyway Council.
- In 2006 and 2007 we raised funds to carry out spring aerial surveys for red knots along the entire US east coast; these surveys identified important spring stopover locations and results were shared with all states.
- In 2005 and 2006, we raised funds to start a project with Florida Fish and Wildlife Conservation Commission to monitor the red knot wintering population in Florida. In 2007, Florida Fish and Wildlife committed funding and full-time staff for this work and is increasing protections for wintering red knots and other shorebirds.

Finally, as a result of concerns raised by the NJ Marine Fisheries Council and NJ fishermen questioning other potential causes of shorebird decline, the NJ DEP and DFW supported staff and secured outside funding for the last nine years to study red knots on Arctic breeding and South American wintering areas. We undertook this work to identify and ameliorate other possible causes for red knot declines. In nine years of study, we found no evidence of threats to red knot populations on breeding and wintering areas. Together with our work on Delaware Bay, these studies have shown the critical role of the Delaware Bay in the survival of the red knot. The scope and longevity of this work is not only unprecedented for a state agency, but is unprecedented for any shorebird species worldwide.

New Jersey's fishermen, citizens, and government have led the protection of Delaware Bay's resources and have sacrificed a great deal to do so. We are on the edge of causing change that will have all states engaged in horseshoe crab harvest recognize their responsibility and share the burden of protection.

I greatly appreciate the difficulty this issue represents, and thank you very much for the enormous amount of time you have given horseshoe crabs. I would hope that even if you do not support the Department's proposal you will realize the critical nature of this situation and allow the regulation to pass.

Very truly yours,



David Chanda, Director  
NJ Division of Fish and Wildlife