

**Atlantic States Marine Fisheries Commission
Horseshoe Crab Management Board
Alexandria, Virginia
Monday, August 21, 2000
1:00 p.m. - 3:30 p.m.**

SUMMARY OF MOTIONS/ACTIONS

- MOTION 1: Move to approve the April 2000 Board meeting minutes.** Motion made by Mr. Cupka, seconded by Mr. Adler; motion carries unanimously.
- MOTION 2: Move to amend Board's recommendation to NMFS to limit closed period for the horseshoe crab reserve to no more than 5 years. During this period, the possession of horseshoe crab by permitted conch fishermen, whose only commercial gear onboard is conch pots, be allowed; and biomedical companies with a history of collecting in this area be given an exemption to continue their historic levels of collection not to exceed 10,000 crabs annually in the closed area for biomedical purposes.** Motion made by Mr. Jensen, seconded by Representative Abbott; motion carries by roll call vote (12 in favor, 1 opposed, and 2 abstentions).
- MOTION 3: Move to charge the technical committee to evaluate provisions for transferring quotas between states. Motion made by Mr. Travelstead, seconded by Mr. Shephard.** Motion carries by roll call vote (10 in favor, 3 opposed, and 2 abstentions).
- MOTION 4: Move to approve Maryland's proposal.** Motion made by Ms. Shipman, seconded by Mr. Connell. Motions carries unanimously.

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MEETING SUMMARY

The Atlantic States Marine Fisheries Commission's Horseshoe Crab Management Board (Board) met in Alexandria, Virginia on August 21, 2000 from 1:00 p.m. to 3:30 p.m. Mr. Bruce Freeman (Board Chairperson) welcomed fellow Board members and other attendees, and briefly reviewed the following handouts: 1) revised agenda; 2) letter from Southern Environmental Law Center - dated 8/1/00; 3) letter from Limuli Laboratories - dated 8/7/00 (faxed to Board); 4) letter from Dr. Mark Botton - dated 8/10/00; 5) letter from Bio-Whittaker - dated 8/16/00; 6) letter from Dr. Jim Cooper - dated 8/18/00; 7) Maryland's HSC Management Proposal (faxed to Board); and 8) Plan Review Team Report to Board (faxed to Board). (Later in the meeting, Virginia's Board representatives distributed another handout to the Board.)

Mr. Tom O'Connell (Plan Coordinator) took role call. Representatives from PA, PRFC, DC, and FL were not in attendance.

APPROVAL OF MINUTES FROM APRIL 2000 BOARD MEETING:

MOTION 1: Move to approve the April 2000 Board meeting minutes. Motion made by Mr. Cupka, seconded by Mr. Adler; motion carries unanimously.

NMFS REQUEST BOARD ADVICE ON HSC REGULATORY ISSUES:

HSC sanctuary in federal waters off of Delaware Bay - Mr. Paul Perra informed the Board that NMFS is moving forward with the Board's recommendation in Addendum 1 to establish a HSC reserve (sanctuary) encompassing a 30 nautical mile radius from the mouth of Delaware Bay. Specifically, NMFS is proposing a prohibition on fishing for HSCs and limiting the possession of HSCs in a rectangular area approximately 1,500 square nautical miles in the EEZ off the mouth of Delaware Bay. The possession of HSCs would be prohibited on all commercial vessels except whelk fishing vessels for which would be allowed to use HSC as bait as long as they have only whelk traps on board and no other commercial fishing gear. Mr. Perra mentioned that the biomedical industry had recently commented on the potential impact of this proposal to this action, and while it will be difficult to exempt the biomedical industry from this area closure this year, it is possible to resolve this for next year if this is a recommendation from ASMFC. Mr. Perra indicated that NMFS expects to have this proposal in effect by the end of October.

Plan Review Team Recommendation - Mr. O'Connell presented the following: The PRT recommends implementation of a horseshoe crab sanctuary comprising a 30 nautical mile radius off the mouth of Delaware Bay in federal waters which prohibits the possession of HSCs except under the following conditions:

- 1) Possession of HSCs for federally permitted conch fishermen whose only commercial gear onboard is conch pots (other gears such as trawls, gill nets, dredges are prohibited); and
- 2) Collection of HSCs for biomedical use upon approval from the state in which the company operates and the ASMFC. Written requests for biomedical exemptions should be submitted to the ASMFC along with their state approval letter prior to March 15 of each year.

Mr. O'Connell also made note of the following:

- a) Limuli Laboratories (based in NJ) is the only biomedical company collecting HSCs from the proposed sanctuary area.
- b) HSC mortality associated with the collection of HSCs for biomedical purposes from this area is currently estimated at less than 1,000 HSCs.

Public Comment: Ms. Benjie Swan (Limuli Laboratories) informed the Board the her company is the only company currently collecting HSCs from the proposed closure area. Limuli Labs bleeds approximately 20,000 HSCs annually, half of which are collected from a Delaware Bay beach during the spawning season and the other half during the summer/fall from the proposed area closure. HSCs collected from the proposed area closure are returned to the water in the Delaware Bay to reduce mortality, and tagging data indicates that these HSCs return back to offshore waters. Ms. Swan noted that if she is allowed to obtain crabs from this area through October, and NMFS exempts the biomedical industry by next summer there shouldn't be any disruption in her supply of HSCs.

MOTION 2: Move to amend Board's recommendation to NMFS to limit closed period for the horseshoe crab reserve to no more than 5 years. During this period, the possession of horseshoe crab by permitted conch fishermen, whose only commercial gear onboard is conch pots, be allowed; and biomedical companies with a history of collecting in this area be given an exemption to continue their historic levels of collection not to exceed 10,000 crabs annually in the closed area for biomedical purposes. Motion made by Mr. Jensen, seconded by Representative Abbott; motion carries by roll call vote (12 in favor, 1 opposed, and 2 abstentions).

No HSC transfer at sea in federal waters - Mr. Perra informed the Board that NMFS is moving forward with the Board's recommendation in Addendum 1 to prohibit the at sea transfer of HSCs in federal waters. Mr. O'Connell informed the Board that the PRT supports this action to ensure all HSC harvests are reported for and facilitate enforceability of any state closures.

UPDATE ON ASMFC AND NMFS MEETING WITH FDA:

Clarification on release of HSCS used by biomedical industry - Mr. Perra informed the Board of a meeting NMFS and ASMFC had with FDA to inform them of recent HSC management efforts. Information was exchanged and the meeting was very information to all parties. It was learned that FDA removed their regulations requiring the release of HSCs used by the biomedical industry, but currently requires their release as part of the conditions of the biomedical company's permit. This means that FDA has the flexibility to determine whether or not bled crabs need to be released. Mr. Freeman commented that it may be in the best interest of ASMFC to handle this issue. The Board directed Mr. Freeman (Board Chair) to ask the technical committee to examine this issue and provide a recommendation to the Board.

UPDATE ON VIRGINIA NON-COMPLIANCE:

Mr. Perra informed the Board that NMFS agreed with ASMFC that Virginia is out-of-compliance with the ASMFC Horseshoe Crab Fishery Management Plan, and is prepared to impose a moratorium on the possession of HSCs in Virginia waters in mid-September of this year.

Mr. Jack Travelstead and Mr. Bill Pruitt distributed a handout to the Board describing Virginia's position on this issue. Mr. Travelstead indicated that Virginia recently approved the requirement of bait bags by their conch fishermen, and since the bait bags reduce the amount of HSCs needed for bait by half, Virginia reduced its quota from 710,000 to 355,000 HSCs. While this is still above Virginia's cap specified in Addendum 1, Virginia argued that the required 25 percent reduction would still be achieved for the entire Atlantic coast despite Virginia's overage. As such, Virginia recommended that the Board reconsider quota transfers.

Quota transfers were discussed in developing Addendum 1 for which the Board opposed quota transfers by a vote of 14 - 3. If quota transfers were allowed, there would have to be an amendment to Addendum 1 which would have to include preparing an information document, public hearings, review by technical committee and advisory panel, and approval by the Board. It was determined that this process, if started immediately, would not be finalized until early next year.

MOTION 3: Move to charge the technical committee to evaluate provisions for transferring quotas between states. Motion made by Mr. Travelstead, seconded by Mr. Shephard. Motion carries by roll call vote (10 in favor, 3 opposed, and 2 abstentions).

MARYLAND'S HSC MANAGEMENT PROPOSAL:

Mr. Pete Jensen briefly reviewed Maryland's HSC management proposal to establish a HSC sex ratio limit of at least one male per female in any one day's landings. Ancillary to this, the daily catch limits for Maryland's July 1 to November 30 season will be increased. As encouraged by ASMFC, Maryland will maintain its current landings cap (weight based) which is a 72 percent reduction from our reference period landings. The projected landings with the proposed sex ratio limit and increase in daily catch limits during the summer/fall season is 211,266. This results in a 66 percent reduction in the number of HSCs, and a 72 percent reduction in pounds based on Maryland's reference period landings of 613,225 HSCs which totaled 2,647,857 pounds. Further, there will be a 23 percent reduction (more than 30,000 HSCs) in the number of female HSCs harvested.

Mr. Peter Himchak reported that the technical committee supports Maryland's proposal.

MOTION 4: Move to approve Maryland's proposal. Motion made by Ms. Shipman, seconded by Mr. Connell. Motions carries unanimously.

UPDATE ON FORMATION OF SHOREBIRD TECHNICAL COMMITTEE:

Mr. Jamie Geiger informed the Board that the US FWS is currently in the process of selecting individuals for this committee, and plans to have the nominations selected this fall. Mr. Geiger requested that Mr. Freeman, as the Board's Chairperson, send a letter to the US FWS Migratory Shorebird Division reminding them of the importance of this issue.

OTHER BUSINESS/ADJOURN:

Meeting was adjourned.

If you have any questions, contact Tom O'Connell at (410)260-8271 or via email at toconnell@dnr.state.md.us.