

PROCEEDINGS OF THE

ATLANTIC STATES MARINE FISHERIES COMMISSION

HORSESHOE CRAB MANAGEMENT BOARD

The Francis Marion Hotel
Charleston, South Carolina
November 8, 2010

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2. **Approval of Proceedings of August 5, 2010** by Consent (Page 1).
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4. **Move to approve Donald Frieday and Tim Dillingham to the Shorebird Advisory Panel** (Page 4). Motion by Pat Augustine; second by Bill McElroy. Motion carried (Page 4).
5. **Move that Robert Paterson be appointed to the Horseshoe Crab Technical Committee and Plan Development Team.** Motion by Pat Augustine; second by Bill McElroy. Motion carried (Page 4).
6. **Motion to adjourn, by consent.** (Page 4).

ATTENDANCE

Board Members

Terry Stockwell, ME, proxy for G. Lapointe (AA)	Bill Goldsborough, MD (GA)
Douglas Grout, NH (AA)	Russell Dize, MD, proxy for Sen. Colburn (LA)
Ritchie White, NH (GA)	Steve Bowman, VA (AA)
Rep. Dennis Abbott, NH (LA)	Jack Travelstead, VA, Administrative Proxy
Bill Adler, MA (GA)	Catherine Davenport, VA (GA)
Rep. Sarah Peake, MA (LA)	Bill Cole, NC (GA)
Robert Ballou, RI (AA)	Michelle Duval, NC proxy for L. Daniel (AA)
William McElroy, RI (GA)	Robert Boyles, SC (LA)
David Simpson, CT (AA)	John Frampton, SC (AA)
Rep. Craig Miner, CT (LA)	Malcolm Rhodes, SC (GA)
Jim Gilmore, NY (AA)	Spud Woodward, GA (AA)
Pat Augustine, NY (GA)	Rep. Bob Lane, GA (LA)
Peter Himchak, NJ, proxy for D. Chanda (AA)	John Duren, GA (GA)
Tom Fote, NJ (GA)	Jessica McCawley, FL (AA)
Gil Ewing, NJ, proxy for Asm. Albano (LA)	William Orndorf, FL (GA)
Craig Shirey, DE, proxy for P. Emory (AA)	Sen. Thad Altman, FL (LA)
Bernie Pankowski, DE, proxy for Sen. Venables (LA)	Steve Meyers, NMFS
Roy Miller, DE (GA)	Jaime Geiger, USFWS
Tom O'Connell, MD (AA), Chair	

(AA = Administrative Appointee; GA = Governor Appointee; LA = Legislative Appointee)

Ex-Officio Members

Larry DeLancey, Technical Committee Chair

ASMFC Staff

Bob Beal
Vince O'Shea

Toni Kerns
Chris Vonderweidt

Guests

The Horseshoe Crab Management Board of the Atlantic States Marine Fisheries Commission convened in the Carolina Ballroom of the Francis Marion Hotel, Charleston, South Carolina, November 8, 2010, and was called to order at 2:00 o'clock p.m. by Chairman Thomas O'Connell.

CALL TO ORDER

CHAIRMAN THOMAS O'CONNELL: Welcome, everybody. My name is Tom O'Connell; I'm the Chair of the Horseshoe Crab Management Board. Does everybody have a copy of the agenda? If not, there are some on the table in the back of the room. Are there any suggested changes to the agenda? Seeing none, we'll approve the agenda for today.

APPROVAL OF PROCEEDINGS

CHAIRMAN THOMAS O'CONNELL: In the regards to the Horseshoe Crab Management Board Meeting Proceedings from August 2010; does anybody have any suggested edits to those? Seeing none, we will make those approved.

PUBLIC COMMENT

CHAIRMAN THOMAS O'CONNELL: The next item on the agenda is public comment. For those in the public, our policy is that if actions come up during the board meeting, we would try to make time available for public comment; but at this time if there is anybody from the public that would want to provide some input to the board on items that are not on the agenda, if you would please raise your hand.

UPDATE ON ADDENDUM VI IMPLEMENTATION PLANS

All right, seeing none, the next item on the agenda is an update on Addendum VI Implementation Plans, which the board approved at the last meeting. Toni Kerns is going to provide the board an update on those.

MS. TONI KERNS: I am pleased to report to the board that all states have implemented their plans for Addendum VI and are in compliance with that plan.

CHAIRMAN O'CONNELL: Great, short and sweet! Are there any questions or comments on this item? Toni is saying no board action is needed, so I appreciate the Delaware Bay Region states getting those plans in on time and getting those approved.

UPDATE FROM THE DELAWARE BAY ECOSYSTEM TECHNICAL COMMITTEE/ARM SUBCOMMITTEE

The next item is an update on the Delaware Bay Ecosystem Technical Committee/ARM Subcommittee Work on the Allocation Methodology, and Larry Delancey is here to give an update.

MR. LARRY DELANCEY: I have been in contact with some members of the Delaware Bay Ecosystem Technical Committee, Mike Millard particularly and Dave Smith who is in the ARM Subcommittee, as you are aware. As you recall, at the August meeting John Sweka and David talked about how proposed allocations might work based on tag returns in the Delaware Bay Region. That methodology will be reviewed by the new Delaware Bay Committee in a few weeks, something like that. Again, you guys have to approve some of the membership today, I believe, but that is moving forward and they're eager to get to work on that and report back to you hopefully at your next meeting.

CHAIRMAN O'CONNELL: Thanks, Larry. Any questions for Larry? All right, moving forward, Update on Funding for the Benthic Trawl Survey.

UPDATE ON FUNDING FOR THE BENTHIC TRAWL SURVEY

CHAIRMAN O'CONNELL: At the last board meeting in August there was discussion about trying to go forward with the ARM Model, and that model was dependent upon the benthic trawl survey that is conducted in the Delaware Bay Region.

Unfortunately, funding for that survey is going to be exhausted after this fall survey, and therefore the board asked that letters be sent to some non-profit organizations, the shorebird advocacy groups, biomedical companies, and the Fish and Wildlife Service. That was completed and Toni is going to give an update on where we stand with those requests.

MS. KERNS: The commission sent out letters, as Tom said, to several groups that were directed by the board. I'm just going to go through the responses that we received from those different individuals. We sent letters to our partners, NOAA and Fish and Wildlife Service, and both partners came back telling us that they do not have funds available at this time due to the continuing resolution that they're currently under.

Both agencies said that once a final budget is made, they will come back and look at their list of priorities and see if they would have funding available for the horseshoe crab survey. We also sent letters to the National Audubon. We did not hear back from Audubon. We also sent letters to the association that oversees all the biomedical companies, and we did not have a response back from those individuals.

The proposed budget for the survey is just over \$200,000. It is \$201,673 needed for the survey. We have been in contact with individuals from NFWF, who have offered some bridge money until we find – potential bridge money until we find long-term funding for the survey. What they might be able to do is if we can find some seed money, they might be able to match that, maybe not dollar for dollar, but provide a bit of funding for that. What we really need to do is get out there and find some seed money and then long-term funding for this survey.

MR. WILLIAM A. ADLER: In other words, Toni, all the letters that we sent out to these people who are very interested in horseshoe crabs, basically none of them said they could help fund other than that little seed money thing; right?

MS. KERNS: That is correct. I did talk with Eric Stiles, who is from the New Jersey Audubon which is separate from National Audubon, and he had suggested inviting individuals from some of the NGOs that have an interest in birding and horseshoe crabs in to see if they might be able to have some funds available for horseshoe crabs, sort of having a little meeting and a small group of them come together, and we could invite Dr. Hallerman, who is the PI for the survey. That was his suggestion there. Otherwise, we got no offers.

CHAIRMAN O'CONNELL: I think one thing, unless the board disagrees, we should try to broaden the organizations and companies that we're sending letters out to. We kind of did a first broad around, but we can go back and look at the public comments that were received during some of the deliberations over the past ten years and probably identify another suite of organizations that have a strong interest in this management arena and try to send out some broader letters. I think we do have some positive news today. Just before the meeting, Peter Himchak introduced me to John Dubchak from Endosafe, one of the biomedical companies here locally and also I think the parent company of Limuli Laboratories in New Jersey. John wanted to come up and inform the board of an announcement, so, John, if you don't mind.

MR. JOHN DUBCHAK: My name is John Dubchak. I'm Director of Operations for Charles River Laboratories, Charles River Endosafe. I'm here to publicly and officially inform you that we can provide \$50,000 worth of funding for the ARM Study that needs to be conducted. We feel that it is very, very important to our industry to understand the status of horseshoe crab populations, and towards that end we're willing to fund \$50,000. (Applause)

CHAIRMAN O'CONNELL: Thank you very much. Roy Miller.

MR. ROY MILLER: Mr. Chairman, if I could direct a clarification to John; was that \$55,000 specifically towards the coastal trawl survey?

MR. DUBCHAK: \$50,000 – (laughter). Yes, \$50,000 for the coastal trawl survey.

MR. G. RITCHIE WHITE: Mr. Chairman, maybe an idea would be to send new letters out to the rest of the industry, making them aware of this most generous donation and suggesting that the rest of them might want to step up to the plate.

CHAIRMAN O'CONNELL: I think that's a great idea, we'll do that. Bill.

MR. ADLER: Yes, that was great, but I'm also aiming at the NGOs or the Audubon and the Fish and Wildlife and not just to industry, but those other people that are so concerned with the horseshoe crab that aren't in the industry. Ritchie, yes, you're right, but at the same time I was aiming at the other side. Thank you.

CHAIRMAN O'CONNELL: I'll work with Toni and I think we should identify some other NGO organizations and try to reach out to some of the smaller ones. I don't think we sent a letter to the American Bird Conservancy yet, so that's one that we can tap into as well. Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Mr. Chairman, I know that in the past with regard to horseshoe crab management the state directors have gotten a lot of pressure put on them from various advocates. I don't know how comfortable the state directors might be in going back to the people in the past that had expressed an interest.

If there is a hesitancy on the state directors' part in doing that, I would be happy to offer the commission as a vehicle to do that. If the state directors aren't comfortable going to those individual groups, if you

will let us know the names and contact people, people in the past that said to you they have an interest in horseshoe crabs, I'll be happy to send them a letter.

REPRESENTATIVE DENNIS ABBOTT: Just a furtherance of Bill Adler's comments, I recall, I don't know how many years ago it was, not so long ago when we were preparing an amendment and all the hoopla surrounding horseshoe crabs were I recall having – we had over 23,000 written comments provided to us, which created a lot of work for staff, but again those 23,000 people so interested in what we do – and it is important – I hope that they will receive the message that we'd like to see them help us at this point in time.

MR. MILLER: In my former job I recall hundreds of letters if not thousands of letters in e-mail form regarding horseshoe crab issues. Do you want us to suggest additional names and to whom for possible letters regarding the trawl survey? I'm even thinking of the plaintiffs in a suit against Delaware over horseshoe crabs would have an interest in continuing the population survey of horseshoe crabs as potential donors.

CHAIRMAN O'CONNELL: I think if any state has some recommendations on where letters should be sent, you can first offer those names to the state fisheries division and see if they want to send letters; and if not, we can follow up with Vince's offer and have them sent by the commission. I guess if you get some names of organizations or individual people, if you want to make those available to staff, we'll follow through with that. Any other comments or questions regarding funding for the benthic trawl survey? Vince.

EXECUTIVE DIRECTOR O'SHEA: Just so we don't lose track of the big picture here, Mr. Chairman, we're really talking about scrambling to do one more year here. We have another issue and that is what is the sustained funding for this project, and we need to be thinking now where we want to end up with that. That's a long-term issue involved in this especially if we're going to hitch our wagon to the ARM Model. Thanks.

MR. THOMAS FOTE: I deal with a lot of NGOs and I sit on a bunch of boards. I guess they're having the same economic hardships that a lot of the states and everybody else with these hard economic times. They've seen their funding drop dramatically and just not that much funds available. That doesn't mean they can't pick up the money, but times are tough for

everybody out there, so it's maybe not that they don't want to do it, they just don't have the funds available since a lot of them are laying off staff and things like that.

DR. JAIME GEIGER: Mr. Chairman, a comment; have we gotten some feedback from the folks at Virginia Tech on possibly revising their proposal to get some cost efficiencies, and could I ask what has Virginia Tech done to try to spread the word and seek additional funding revenues to support this work as well.

CHAIRMAN O'CONNELL: I think Toni may be able to help with that question.

MS. KERNS: Jaime, to the extent that – I spoke with Dr. Hallerman and I think that he has revised his budget – the current budget which I gave you of \$201,673 to be as tight as it can be. He probably has enough money right now to go through May. He indicated to me that it didn't seem like Virginia Tech was going to be helping him at all to secure any further funding for this.

DR. GEIGER: Mr. Chairman, have we been provided Eric's revised cost estimates to support the Virginia Tech Trawl Survey, so the board members have the revised costs so we can include that in some of the letters we send out to solicit additional support. I think it would be very helpful. I know from the Fish and Wildlife Service I have not see his revised proposal, and it would be very beneficial for me to have a copy of that as well. Thank you.

CHAIRMAN O'CONNELL: Yes, Toni is saying she can send it out to the board members. Any other questions or comments on the funding item? The next agenda item is an update of various committee memberships, and Toni is going to cover that one.

MS. KERNS: We have several committees that have had nominations to be added to the committees. We got a letter from the Fish and Wildlife Service asking to nominate Annette Sherer to the Delaware Bay Ecosystem Technical Committee. In that letter they also had asked to join a couple of other individuals that were already added to the Delaware Bay Technical Committee, so we're just looking to have a nomination for Annette.

**NOMINATIONS TO THE DELAWARE
BAY ECOSYSTEM TECHNICAL
COMMITTEE**

MR. PETER HIMCHAK: Move to appoint Annette Sherer to the Delaware Bay Ecosystem Technical Committee.

CHAIRMAN O'CONNELL: We've got a second by Pat Augustine. Any discussion on this motion? Any public comment? We have a motion to move to approve Annette Sherer to the Delaware Bay Ecosystem Technical Committee. Motion made by Mr. Himchak; second by Mr. Augustine. Is there any opposition to the motion? **The motion is approved.**

**NOMINATIONS TO THE SHOREBIRD
ADVISORY PANEL**

MS. KERNS: Next additions to the Shorebird Advisory Panel. The two individuals are from New Jersey. The first one is Donald Frieday and the second is Tim Dillingham.

MR. PATRICK AUGUSTINE: **Mr. Chairman, I move to approve Donald Frieday and Tim Dillingham to the Shorebird Advisory Panel.**

CHAIRMAN O'CONNELL: We have a second by Bill McElroy. Any discussion by the board? Any public comment? All right, we have a motion; move to approve Donald Frieday from New Jersey and Tim Dillingham from New Jersey to the Shorebird Advisory Panel. Motion by Mr. Augustine; second by Mr. McElroy. Is there any opposition to the motion? **The motion carries.**

MS. KERNS: And then lastly, with the possibility of having potential changes in management coming up, the Committee on Economics and Social Sciences recommended that Robert Paterson be appointed as the economist on the technical committee and the plan development team for horseshoe crab.

**NOMINATION TO THE HORSESHOE
CRAB TECHNICAL COMMITTEE AND
PLAN DEVELOPMENT TEAM**

MR. AUGUSTINE: **Mr. Chairman, I move that Robert Paterson be appointed to the Horseshoe Crab Technical Committee and PDT.**

CHAIRMAN O'CONNELL: We have a second by Bill McElroy. Is there any discussion by the board? Any public comment? The motion is move to

approve Robert Paterson to the Horseshoe Crab Technical Committee and Plan Development Team. Motion made by Mr. Augustine and second by Mr. McElroy. Is there any opposition to the motion? **The motion is approved.**

ADJOURNMENT

The last item on the agenda is if there is any other business; does anybody have any items that they want to bring before the board? All right, seeing none, the board meeting is adjourned.

(Whereupon, the meeting was adjourned at 2:23 o'clock p.m., November 8, 2010.)