

PROCEEDINGS OF THE

ATLANTIC STATES MARINE FISHERIES COMMISSION

HORSESHOE CRAB MANAGEMENT BOARD

**The Langham Hotel
Boston, Massachusetts
November 9, 2011**

Approved February 9, 2012

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1. **Approval of Agenda** by Consent (Page 1).
2. **Approval of Proceedings of August 4, 2011** by Consent (Page 1).
3. **Move to approve Draft Addendum VII to the Horseshoe Crab FMP for public comment with the board's suggestions** (Page 8). Motion by Peter Himchak; second by Pat Augustine. Motion carried (Page 9).
4. **Move that the Horseshoe Crab Board recommend to the ISFMP Policy Board that Maine be removed from the management unit per Maine's request** (Page 10). Motion by Terry Stockwell; second by Ritchie White. Motion carried (Page 12).
5. **Motion to postpone until such time that the Maine Legislature has take action to prohibit the landings of horseshoe crabs.** Motion by Pat Augustine; second by Robert Ballou. Motion defeated (Page 12).
6. **Motion to adjourn, by consent.** (Page 12).

ATTENDANCE

Board Members

Terry Stockwell, ME, proxy for P. Keliher (AA)	David Saveikis, DE (AA)
Douglas Grout, NH (AA)	Stewart Michels, DE, Administrative Proxy (AA)
G. Ritchie White, NH (GA)	Roy Miller, DE (GA)
Rep. David Watters, NH (LA)	Tom O'Connell, MD (AA)
Dan McKiernan, MA, proxy for P. Diodati (AA)	Bill Goldsborough, MD (GA)
Bill Adler, MA (GA)	Russell Dize, MD, proxy for Sen. Colburn (LA)
Jocelyn Cary, MA, proxy for Rep. Peake (LA)	Jack Travelstead, VA, proxy for S. Bowman (AA)
Robert Ballou, RI (AA)	Catherine Davenport, VA (GA)
William McElroy, RI (GA)	Bill Cole, NC (GA)
Rep. Peter Martin, RI (LA)	Robert Boyles, SC (LA)
Rep. Craig Miner, CT (LA)	John Frampton, SC (AA)
Lance Stewart, CT (GA)	Malcolm Rhodes, SC (GA)
James Gilmore, NY (AA)	Spud Woodward, GA (AA)
Pat Augustine, NY (GA)	John Duren, GA (GA)
Byron Young, NY, proxy for Sen. Johnson (LA)	Aaron Podey, FL, proxy for J. McCawley (AA)
Peter Himchak, NJ, proxy for D. Chanda (AA)	Steve Meyers, NOAA
Adam Nowalsky, NJ, proxy for Asm. Albano (LA)	Jaime Geiger, USFWS
Tom Fote, NJ (GA)	

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

Ex-Officio Members

Rick Robins, Advisory Panel Chair

Greg Breese, Shorebird Technical Committee

ASMFC Staff

Vince O'Shea

Danielle Brzezinski

Guests

Joe Grist, VMRC
May Griffin, MA DFW
Chris Moore, CBP
Ross Self, SC DNR
Michelle Duval, NC DMF
Wesley Patrick, NMFS
Marie Alexander, CE DEEP
Jeff Brust, NJ DEP

Ken Hastings, Mason Springs Conservancy
Capt. Lloyd Ingerson, MD DNR Police
Jack McGovern, NOAA
Nichola Meserve, MA DMF
Allen Burgenson, Lonza Walkersville, Inc.
Joseph Smith NMFS
Dick Brame, CCA

The Horseshoe Crab Management Board of the
Atlantic States Marine Fisheries Commission

convened in the Wilson Ballroom of the Langham Hotel, Boston, Massachusetts, November 9, 2011, and was called to order at 8:00 o'clock a.m. by Chairman Thomas O'Connell.

CALL TO ORDER

CHAIRMAN THOMAS O'CONNELL: Good morning, everybody. My name is Tom O'Connell, Chair for the Horseshoe Crab Management Board.

APPROVAL OF AGENDA

The first order of business is to approve the agenda. I know we have one addition under other business. The Fish and Wildlife Service would like to obtain some comments on the Horseshoe Crab Tagging Program. I think there may be one other item that Maine wants to bring up, Mr. Stockwell?

MR. TERRY STOCKWELL: That's correct, Mr. Chairman.

CHAIRMAN O'CONNELL: So we've got two other business items. Are there any other additions to today's agenda? Seeing none, the agenda stands approved.

APPROVAL OF PROCEEDINGS

The next order of business is approval of our August 2011 board proceedings. Are there any objections with approving those proceedings? Seeing none, our August 2011 proceedings are approved.

PUBLIC COMMENT

Now we're at the public comment period. This is an opportunity for the public to comment on items not on the agenda. We typically, if time allows, provide the public an opportunity to comment on actions to be taken by the board. Is there anybody from the public that would want to provide comment at this point? Seeing none, moving on, the item on the agenda is an update on funding the benthic trawl survey, and Danielle is going to provide the board an update on that.

UPDATE ON FUNDING THE BENTHIC TRAWL SURVEY

MS. DANIELLE CHESKY: This is will serve as a dual purpose. In terms of funding, I talked with Dr. Eric Holloman and Dr. David Hata who run the trawl survey. They are finishing up on the work. They've gone through the Delaware Bay Area, both inside the Delaware Bay and outside the Delaware Bay, which

was a recommendation from the technical committee starting in 2010. That has been going well.

In addition they are going to be doing some gear efficiency work to get a better estimate of what that swept area collects, which was another issue that was identified by the technical committee. On the funding part, I've been working with Dr. Eric Holloman in terms of identifying additional sources to apply for funding, including both private and government sources. We have been working that.

In addition they just received a donation from some of the pledge money that came from the industry a couple of weeks ago. So far 2011 is going very well and we're working on 2012 as we go, so hopefully we'll have a more positive update in addition to that in February. Thank you, Mr. Chairman.

CHAIRMAN O'CONNELL: Thank you, Danielle. Does the board have any questions? Mr. Adler.

MR. WILLIAM A. ADLER: Danielle, I asked this the last time; did any of the environmental groups contribute to that funding? I knew that the industry did on the surveys, and I think I remember Fish and Wildlife, the government did. Did any of the other groups that are so adamant at having this tagging study done; did any of them contribute? I know we sent letter asking.

MS. CHESKY: Just to clarify, we received funding the biomedical industry, which was matched by the National Fish and Wildlife Foundation. We received some pledges from the horseshoe crab bait industry, and that's what we have received so far for 2011 and 2012.

MR. ADLER: Yes, if I may, that's the industry and the government, and the other groups did not contribute anything, right?

MS. CHESKY: That's correct, sir.

BIOMEDICAL AD HOC WORKING GROUP REPORT

CHAIRMAN O'CONNELL: I know there have been several letters sent over time requesting some financial assistance. Any other questions on this agenda item? The next item on the agenda is the Biomedical Ad Hoc Working Group. You may recall that at the last meeting we had kind of an update on what the estimated mortality associated with biomedical practices is.

The plan does have a threshold level, and the board recommended that an ad hoc group be formed to begin discussing best management practices to reduce the mortality associated with biomedical. Danielle is going to provide an update on that group that met earlier in October.

MS. CHESKY: Mr. Chairman, as you said, the board initiated the Biomedical Ad Hoc Working Group at the August 2011 meeting. That group met on October 3, 2011, and it was comprised of technical committee representatives from Massachusetts, New Jersey, Maryland, South Carolina, Virginia and the National Marine Fisheries Service, as well as our Advisory Panel Biomedical representatives from the four companies that are represented there.

This was held as a closed door meeting as we had some concerns regarding some confidential information. In terms of the report just a couple of things to highlight; it is going to focus only on the harvest of biomedical crabs. We do have some dual-use crabs that are done mostly in Massachusetts.

The group recognized the potential value of this program, but the focus of this meeting was solely on the harvest of biomedical crabs. We used a particular chart to structure the discussion in terms of the process of the collection, and so the output of the report is recommendations. I think it was really positive that many of these recommendations really are already in use by the companies. What you'll see there is really a lot of the practices already happening.

In terms of the chart that we used, we identified it sort as these are the areas of opportunity on tracking how the harvest occurs, all ways to transport, holding, bleeding and then final transport and return to sea. This is how the report is structured, and this was the basis of our discussion. In terms of the area of collection, there are a couple of things that were highlighted.

One of things was reasonable tow times; 20 to 30 minutes was sufficient to get a sufficient number of crabs without having additional injury and whatnot. The group highlighted proper care and handling on the boat and when sorting was appropriate. They also highlighted the fact that night harvesting helps in terms of the crab survivability and the stress, especially during the excessive heat that we have during the summer.

They also highlighted that really sorting on the boat can help in terms of the health of the crabs

throughout the process. One thing that tends to resonate throughout the process was that there should be written specifications in terms of expectations by all those who are involved in interacting with the crabs and that correspond with periodic audits of those processes.

Moving on to transport, you'll see a lot of the same things in terms of temperature. Avoiding extreme temperatures was a big thing as well as large and quick changes; limiting the stacking and making sure that the crabs aren't overstacked; minimize that transport time in between facilities. Direct sunlight was identified as a major issue throughout the entire process, so avoiding that; and then also securing the containers in the vehicle so they don't go rumbling around

Further, at the bleeding facility, the group highlighted this was a very controlled area. There are written procedures already for handling, sorting and the process that it goes through. There was a large emphasis in trying to avoid rebleeding crabs because it is recognized that it does stress the crabs a little bit.

There was also a lot of stress from all the groups there that the same care is maintained for the crabs whether they're selected for bleeding and not selected for bleeding and then after the bleeding process; and again internal audits to maintain that quality. Finally, post bleeding and holding; again, maintaining the same level of care was an aspect that all the groups emphasized; again, minimizing holding time, temperature, cool, dark, moist.

It was agreed by everyone that they would not keep the crabs out of the water for more than 36 hours, so it's a fairly quick turnaround time from harvest to this facility and back. Finally, in terms of the return to sea; again, maintaining that same level of care afterwards. It is not just before the actual bleeding occurs – and then written contracts and again periodic audits.

There were some overall themes to all of the recommendations and the best management practices; again, written contracts, periodic audits. Temperature and moisture were a big emphasis in terms of keeping those crabs calm and less stressed. And then the results of a lot of discussion about establishing a greater dialogue among the companies and the collectors and the state-regulating agencies to identify issues ahead of time and work through them in more of a cooperative process, and then as required by our FMP to ensure that there is proper monitoring of the mortality along the way.

In summary the group felt that the initial document and the discussion was a very good start to understanding what would be necessary for a best management practices document. There was great interest in producing a more complete document for use in the future. The group noticed that there has been a lot of potential ebb and flow in terms of institutional knowledge, and so producing a more complete document would be very helpful in establishing and putting down that knowledge in one place.

In addition, the group expressed interest in encouraging a peer review of all the published biomedical mortality studies. One of the discussions was that there is lots of variance in terms of the conditions under which those studies were done, and so having a peer review to go through all those differences would be something that they suggested and potentially could be tasked to the technical committee. That's my report. Thank you, Mr. Chairman.

CHAIRMAN O'CONNELL: Thank you for the great report and the work of the ad hoc group. Any comments or questions by the board? We need to discuss what the steps of this are going to be. Dan.

MR. DAN McKIERNAN: A question to Danielle; who do you envision would conduct a peer review?

MS. CHESKY: The group was not certain where it could be. It could be internally within the technical committee. There could be some other options as well. I don't know if you had any thoughts, Jeff.

MR. JEFF BRUST: There was some talk about the technical committee doing it though the technical committee has done this already. There was some talk about possibly giving it to the AP because the AP are the folks who are actually in the field doing this kind of work, and they have not had the opportunity to provide to the board their thoughts on the published studies. Those are the two that I remember. I don't think we discussed it as an external peer review, but I'll have to go back to our notes.

MR. STEWART MICHELS: Danielle, did you guys discuss making these best management practices maybe a condition of the state permits or anything like that; was there any discussion regarding that?

MS. CHESKY: Not at this meeting. There potentially could be a future meetings, but was really

very much of an information session to better understand what the process is and to identify best management practices, a lot of which were already in use.

MR. PATRICK AUGUSTINE: Just a question on the bleeding process; did the technical committee review the mechanisms that will allow the bleeders or the setup at the facility that clearly define what the protocol is? It says here when crabs are being bled that there is some way of when the rate slows down, that excessive bleeding is prevented.

I'm sorry to sound so ignorant on this, but we've never reviewed or even seen, unless we've been to a plant – and I haven't – a bleeding facility. What mechanisms do they use to determine when enough is enough? I was under the impression that typically the horseshoe crabs, when they do bleed to a point where their body won't allow anymore to go out, they automatically stop bleeding by themselves. Now that point was brought to us maybe two or three years ago when we had a discussion about it. There is a protocol but is there a device that will actually prevent that?

MS. CHESKY: We had a long discussion about this as well and what you're remembering is sort of accurate, and that's why this meeting was very important for our technical committee members to learn more about the process itself. The bleeding itself is monitored to watch that flow; and as soon as the flow slows down I guess naturally on its own, that's when the bleeding stops. The companies really emphasize that there are no efforts and they specifically prohibit the efforts to try to get more blood out of horseshoe crabs or whatever because that would be very detrimental to the crab itself.

MR. AUGUSTINE: Thank you for that clarification. The reason I even bring it up is it just seems that the mortality rate has not stabilized in terms of bled crabs if I look at the numbers unless the two trends continue up; more crabs that are bled, there is a percentage that continue to not make it; and a much greater picture, from what I understand, the need for this product worldwide has increased dramatically.

And so in the much bigger sense of all of that, are we managing the horseshoe crabs to protect and help and sustain the shorebird population or to support and expand a need for the product on an international basis, which now becomes an economic driver in a different direction. That's not being philosophical; that's being real.

That applies to several other products or fish that we are managing where you have to wonder whether the end product is the profit being gained from international marketing at the detriment of the status of the stock. I won't mention any in particular, but I think you get the picture. I don't know if you can address that, Mr. Chairman, or if it's anything to talk about or we send it back to the – well, we at least keep the technical committee aware of it to see if we should not take a look at the relationship between need for shorebirds, rebuilding stocks, reducing harvest.

All of that is centered around the fact that New York's population continues to decline of horseshoe crabs because it's a great marketable product and other states have limited access to the product from a commercial basis. So to the detriment of the whole population, I think it's all linked together, and I'm not sure that anyone else would want to offer – I only offer it for consideration about which way are we going? Are we doing it from an economic driver point of view or are we doing it for a sustainable population? Thank you, Mr. Chairman.

MS. CHESKY: I can't address much of the second philosophical question, Pat, but in terms of the mortality that you see and how the mortality is calculated for the FMP reviews is there is a set amount of reported mortality, and then the board had decided to use a 15 percent estimated mortality from post bleeding, and that is really dependent upon the number of crabs that are collected for bleeding.

In terms of the goals, currently the goals and objectives of the Horseshoe Crab FMP do include both managing for the bait industry as well as biomedical and other dependent species like the shorebirds. I know as of right now all three of those are included under objectives for the FMP.

CHAIRMAN O'CONNELL: Just following up on that, obviously we're trying to manage this resource for multiple uses, and I think that's why we got to this point is we saw the estimated biomedical mortality increasing, exceeding the threshold. Recognizing the importance of that and the uses of this resource, we needed to look at ways to reduce that mortality, which led us to these best management practices.

Regarding next steps, in my review of the best management practices so far, I think it's a great start. It identifies the pathways and the realities of what needs to be done, but I think there still needs to be additional work to add some specificity. For

example, avoid excessive heat, proper care and handling, I think there is a lot of discretion that could be taken from those types of generalities.

I think we need to continue this effort to fine tune and add specificity to what those terms mean. I think Mr. Michels' idea of possibly making that a requirement as a permit may be something for the board to consider as well. Danielle, have you given any thought as to the next steps? Is this the right group to continue having this discussion and do we need to include others to try to provide some more specificity, if the board agrees with that?

MS. CHESKY: The discussion is centering around future aspects and where this report could potentially go. I think this group is very good group. It's the states that are involved and it's the companies that are involved. It is a very good group in terms of the resources and the knowledge that they bring in.

Certainly, moving forward and having more meetings was something that was of interest to the group as well as going through and not just expanding it but also revisiting this document in the future as technology changes and gets better.

CHAIRMAN O'CONNELL: Was there any objection of the board to have Danielle continue working with this group to try to fine tune this document and provide more specificity in bring it back to the board at a later date? Mr. Geiger.

DR. JAIME GEIGER: Mr. Chairman, I think that's a great idea, but one thing I would like is some due date certain when we can have it come back to the board for further discussion. Again, I think the more details and specificity we can put in best management practices the better all of us will be served, including the resource and the biomedical companies themselves.

CHAIRMAN O'CONNELL: I'll work with Danielle and the group and try to develop a timeline and bring that back to the board at the next meeting. Any other questions or comments on this agenda item? Mr. Ballou.

MR. ROBERT BALLOU: Actually most of my comments have already been echoed. I just wanted to emphasize that I think it's a very important initiative that I would hope would continue. I like the idea of a date certain. I was actually hoping that maybe by the next board meeting there might be a revised document that might be at a point where we could start to look to incorporate that into a state-

permitting process. I think it's a very important and excellent initiative, and I'd like to keep it on a fast track if at all possible. Thank you.

DRAFT ADDENDUM VII

CHAIRMAN O'CONNELL: Thanks, Bob, I agree. All right the next agenda item is Draft Addendum VII. That has been drafted as potential action for the board to approve for public comment. Danielle is going to provide an overview of the draft addendum.

MS. CHESKY: At the August board meeting the board initiated development of Draft Addendum VII, and so we formed the PDT itself. This just gives you a timeline of kind of where we're at. November is where we're at right now, so board anticipated review and/or public comment in the winter and spring and review and final approval in the spring and summer of 2012.

In terms of the summary of the problem, what we're trying to address here is that horseshoe crabs do play such a distinct role. There are so many user groups; and as we've already discussed they support a bait industry, a biomedical industry and shorebird dependence on this as well.

It has been identified that although horseshoe crab landings have been reduced fourfold since 1998 when the first FMP went into place, red knots have continued to show no recovery, and so there have been concerns about what are the associations there. The other pressing issue is that the current Addendum VI included a sunset clause, and so as of April 30, 2013, that addendum and its requirements would expire and the regulations would revert back to Addendum III.

The graph here shows the bait fishery history and the red dashed line at the top shows where the landings were when the FMP was put into place, and so you can see the large difference that has occurred and just really emphasizing how much the bait landings have come down with the regulations that this board has put into place.

As mentioned, the Horseshoe Crab FMP was approved back in 1998; currently managing under Addendum VI which was approved last year in 2010. Really, it was just an extension of Addendum IV which was initially passed in 2006. Addendum VI did include an option for ARM implementation, but there were concerns at the time about the stability of the trawl survey funding, and it did include a sunset clause itself.

In terms of the background on the ARM, the board has been exposed to the ARM and the development of it since April of 2006. Throughout that time, there has been quite a bit of development put into in terms of the framework, the modeling and whatnot, and the final version that is currently the basis for it was presented to the board back in February 2010.

The next issue that was identified was the allocation of the ARM harvest. The way the model works is it puts out a total harvest for the Delaware Bay Region which impact for states, New Jersey, Delaware, Maryland and Virginia. In August of 2010 the board was presented with a spreadsheet model by John Sweka.

That spreadsheet model for allocation was reviewed by the Delaware Bay Ecosystem Technical Committee in January of 2011, as well as both the Horseshoe Crab and Shorebird Advisory Panels in May. Those reports were presented to the board in August, right before the board initiated the development.

The ARM itself has two different phases. The setup phase itself is the very involved, going through the different models, running and finding out which sort of weighting is best, and then it goes into the iterative phase which is more of the yearly annual specification settings. The inputs for it are very important because it both considers the red knots, which are currently being reviewed by the Fish and Wildlife Service for listing under the Endangered Species Act, as well as the horseshoe crab abundance, which comes from the Virginia Tech Trawl Survey.

The models incorporate different models of dependence between the red knot survival and the horseshoe crab abundance. The current output is Harvest Package Number 3, which would 500,000 male-only harvest. As I said, there is no real allocation built into the ARM framework itself, and so that's where the allocation options come in.

The management options that are included in Draft Addendum VII are really three. Option 1 is no action, which would allow the current provisions to expire April 13, 2013, and we would revert back to Addendum III. Option 2 is to continue the status quo, which would continue the original Addendum IV provisions, and there would also be a couple of suboptions for the board to consider to include or not include a sunset clause as has been included in the past.

Option 3 would be implantation of the ARM framework with quite a few of the allocation suboptions that the board has seen already. In terms of the suboptions for allocation, all of the suboptions that have been reviewed by the Delaware Bay Technical Committee and the APs have been included. It also includes, as requested, what we call Plan P.

So should those data inputs such as the Virginia Tech Trawl Survey not be able to be completed in the fall for input into next year's model, there would be some sort of management option that would allow the harvest and that would set up what would happen so we would not be left in limbo.

As a reminder, the management options in terms of the suboptions are four. The first one was the Lambda. There are three options that are included there; one of which bases the Lambda which estimates how much of a state's harvest comes from Delaware Bay. Those three options are based on the tagging data.

The default which is very conservative assumes that all Delaware Bay crabs harvested by the four states, New Jersey, Delaware, Maryland and Virginia, come from Delaware Bay, and then there are the values which are based on the genetics data, which sort of fall in between the two options there.

Suboption 3B is the weight allocation, so the options there are that allocation of harvest among the states can be based on historic harvest levels, current management, estimated abundance which would come from the Virginia Tech Trawl Survey, as well as recent average landings. The next set of management options, the suboptions we see is the discussion of a harvest cap, and this was meant to protect non-Delaware Bay crabs being harvested in Virginia and Maryland.

There are a few options there upon which to base that harvest cap level. And then finally Suboption 3D dealt with the Delaware Bay stock allowance. We have values there ranging from zero percent, which would be no allowance of harvest of female crabs to 10 percent, which is about currently the status quo, depending on some of the other options there.

The Delaware Bay stock allowance, just as a reminder to the board, comes into the discussion in that the ARM is currently recommending a male-only harvest and something under this option would allow some female harvest of horseshoe crabs in Maryland

and Virginia. In terms of possible next steps for the board, we see that there could be a few options there, and we've laid them out.

Option 1 would be to task APs and the Delaware Bay Technical Committee as well as possibly the Law Enforcement Committee with reviewing the current Draft Addendum VII. Those reviews and the prepared comments would be presented to the board at the next meeting in February, at which time the board could consider approving the document for public comment. Option 2 would be to approve the Draft Addendum VII currently for public comment as it stands, and then Option 3 would be to send the draft addendum back to the PDT with some direction on revising it. Thank you Mr. Chairman.

CHAIRMAN O'CONNELL: Thanks, Danielle; and just to kind of frame the issue, we have an addendum that will expire in April 2013. The different options that Danielle lays out, we're fortunate that we have adequate time to pursue either of these options.

One of the interests that I had heard in between the meetings was an opportunity for the advisory panels to review the document and provide some information for the public as to the socio-economic impacts of the different options; whether or not that is something the board thinks the public should be able to take into consideration as they review this document or not. With that, are there any questions on the addendum and then we'll open it up for next steps? Mr. Geiger.

DR. GEIGER: Mr. Chairman, I'm struck by is there a possibility that we can simultaneously do Option 1 and Option 2; in other words, get the comments from the ecosystem team chairs and the advisory committee but at the same time also go forward for public comment; to sort of expedite the process and then roll everything up together at the end. I was just throwing that option out as a possible option, and would that even be feasible given some of the timeframes.

CHAIRMAN O'CONNELL: Yes, that is definitely an option. I think one of the advantages of that is that you expedite the process, we are able to take action by the board in February versus the disadvantages that if the advisory panels and technical committees identify any major issues of concern, the public won't have an opportunity to consider that as part of the addendum. Either option is available. Mr. Travelstead.

MR. JACK TRAVELSTEAD: Mr. Chairman, just a question about the addendum itself. I was looking back at the motion that the board passed at the last meeting to initiate development. It laid out a number of options and I just want to make sure all of the options are in there. The last option in the motion says an option that would increase the male crab quota in Maryland and Virginia to offset any reductions in the female crab quota due to the DBSA in those states. I can't find that option in the addendum. Maybe I missed it or maybe it's not clear, but can you help me with that?

CHAIRMAN O'CONNELL: Yes, I do recall that being part of the motion. Danielle, can you comment on that?

MS. CHESKY: Yes, Mr. Chairman, we worked with Alicia Nelson from Virginia; and as it's currently set up if there would be a decrease in the number of total crabs because of the limits on female crabs, those would be offset with male crabs, and so the total harvest would not change for Virginia depending upon potential harvest cap, Lambda. All the options interact but, yes, there is the offset depending upon which options are chosen.

MR. TRAVELSTEAD: Can you tell me where that is in the document, which option is that?

MS. CHESKY: It would depend upon the combination of options, depending upon which Lambda was selected. I think one of the major factors there would be the Lambda as well as the harvest cap; so whether that harvest cap was based upon the current Addendum VI, which would limit Virginia to 60,998 crabs – and remember we're just talking east of the COLREGS Line. We're not talking Virginia's total harvest. Potentially if that number was chosen as a harvest cap, 60,998 – and currently there is a two-to-one ratio of female-to-male crabs – if no female crabs were allowed, Virginia could still harvest 60,998 crabs. They would just have to be all male.

MR. TRAVELSTEAD: Thank you, that's helpful. I think maybe if we just added a sentence or two in the document that describes what is going on in the table so that the public will understand what that is about, that would be great.

CHAIRMAN O'CONNELL: Thanks for catching that. Mr. Himchak.

MR. PETER HIMCHAK: Mr. Chairman, I was under the impression that this draft addendum had undergone enough review by the advisory panel,

ecosystem team, technical committee team, shorebird technical committee, and I was hoping that we would pass it out today with Jack's modification for public hearings and get on with the process and not to delay this any longer.

MR. MICHELS: I'm in agreement with Peter on the issue, but just a little point of clarification. I'd like to ask Danielle to kind of go over the Plan B, as you put it, for this addendum. Can you go into that a little bit?

MS. CHESKY: The current language we have in there addresses the fact that if those required inputs to set the specifications on the yearly basis are not available, and so that includes not only the Virginia Tech Trawl Survey but also the red knot abundances – we wanted to make it broad enough to include both of those – that the management measures would revert back to set management measures.

Currently within the draft addendum it's listed as Addendum IV, which is the current status quo, as one of those options. If the board wishes, they could also include other options there to which you revert back to, so it could be any multitude of things. It could be past management measures, it could be a set level of harvest split up among the four states one way or the other.

It's really just establishing aspects of that should there not be those inputs that are necessary to set the annual specifications there is some sort of a management measure and it's established on what it would be so that we're not trying to do something at the last minute, an addendum, emergency action or anything along those lines. Does that answer your question?

MR. MICHELS: Yes, it does. I'd be a little concerned that if we move forward for a period of time and management progresses and then for whatever reason we don't let's say get adequate funding for the trawl survey in a single year, that we would then revert all the way back to – you know, this may live for several years and we may revert all the way back to the Addendum VI level of harvest or all the way up to the Addendum VI harvest level, whatever the case may be. I was thinking that the board could consider maybe the option to hold the current status quo under the ARM Model for consideration. Thanks.

CHAIRMAN O'CONNELL: That could be something the board considers as they discuss the

next steps on this addendum. Mr. Geiger, do you have a comment?

DR. GEIGER: Yes, I think that's an excellent suggestion by Stew. I certainly think that would be very valuable. Again, I think it makes more sense, as more reasonable, and again it gives us more scientific background and some more confidence should we not continue the funding for the Virginia Tech Survey, which hopefully we will have a longer-term funding stream for that.

CHAIRMAN O'CONNELL: Before we get into action on this draft addendum, are there any other questions on the addendum itself? Seeing none, then we need to take action on the draft addendum. Mr. Himchak.

MR. HIMCHAK: Well, let me attempt a motion here to move to proceed with Draft Addendum VII to the Horseshoe Crab Fishery Management Plan to public hearings with Stew's suggest of status quo under the ARM Model in case of – you know, I'm kind of like winging this, I'm sorry, but, yes, I like Stew's comment and Jack's comment; and if we incorporate that into motion, then we should be able to have public hearings as soon as possible.

So Stew wants the status quo option in the event that we lose the basis for funding the input parameters on the ARM Model, and Jack wanted some wording to ensure that he would get an increased male harvest in the event the ARM doesn't allow any female crabs out of the Delaware Bay population. I didn't obviously craft this ahead of time. Is that motion sufficient with those understandings that I just read into the transcript?

CHAIRMAN O'CONNELL: Danielle is suggesting perhaps a motion that would proceed with the draft addendum for public comment with the board's suggestions.

MR. HIMCHAK: Great; and then we don't have to go on –

CHAIRMAN O'CONNELL: Let's see if we can get that language up on the screen. All right, **we have a motion that reads move to approve Draft Addendum VII to the Horseshoe Crab FMP for public comment with the board's suggestions.** The motion was made by Mr. Himchak; second by Mr. Augustine. Do we have discussion on the motion? Mr. Travelstead.

MR. TRAVELSTEAD: I earlier thought I heard Jaime suggest we might send it back to the AP

simultaneously with going out to public hearing, and I'm wondering if that would be a problem.

CHAIRMAN O'CONNELL: Does the board have any objection with doing that on a parallel track? Seeing none, Mr. Himchak.

MR. HIMCHAK: I think I see a problem with it if the AP report is given at the same time as the options in the addendum. It's kind of like they're leading you in a certain direction. I don't think it would be appropriate as a separate document at the public hearing on the addendum.

CHAIRMAN O'CONNELL; I think my understanding is that as the document goes out for public comment it would also be given to the advisory panel and technical committees for an opportunity to review; is that my understanding, Mr. Travelstead?

MR. TRAVELSTEAD: Isn't that normal procedures; don't we send addendums to our APs for comment before we adopt them? I mean we just did that with striped bass a couple of days ago.

CHAIRMAN O'CONNELL: My understanding is that the advisory panel and technical committees that would review would be reported back to the board in February and not a document that would be part of the public comment period. Does that clarify your concern, Pete? Okay, thanks. All right, do you guys need a 30-second caucus? Mr. Beal.

MR. ROBERT E. BEAL: Just a procedural question; the option that Stew Michels suggested; is that replacing the reversion back to Addendum VI or is that another option that's going to be included into the document?

CHAIRMAN O'CONNELL: My understanding is it's another option; does the board concur with that? Yes, another option.

MR. BEAL: Does the board envision that written as – you know, if we ever got to that position where the funding wasn't there for the Virginia Tech Survey or the ARM Model couldn't be updated, would there be board discretion at that time whether to go status quo or revert back to Addendum VI; or as this develops, is the board in the position just to select one of those and that's automatically the option that is implemented down the road?

MR. MICHELS: I guess I would prefer an "or" and leave it at the board's option to either revert to

Addendum VI levels or continue with the status quo under the last ARM Model recommendation. That would be optimal, I think.

MR. BEAL: I was just checking so when we draft this thing it's consistent with what the board expects, so that's great.

CHAIRMAN O'CONNELL: So the intent of this component of the plan is to have an "or" statement as to if funding for the benthic trawl survey is no longer available, that issue will come back to the board and the board will decided to revert back to the previous addendum or maintain status quo? Okay, thanks. Do we need a 30-second caucus on this?

(Whereupon, a caucus was held.)

CHAIRMAN O'CONNELL: All right, everybody ready. All those in favor of the motion please raise your right hand; all those opposed please raise your right hand; any abstentions, I abstention; any null votes. **The motion carries.** Mr. O'Shea.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Mr. Chairman, just a clarification. We need to tinker with what we presented to you this morning and include some other comments that we were made, so my question is do you want us to just simply do that, do you want us to have you approve what we do or do you want to send this back out to the board for a week and by correspondence have board members sign off on it?

CHAIRMAN O'CONNELL: I look to the board for guidance. It sounds like the changes are relatively minor and I'd be happy to take a look at it to make sure it's consistent with the intent of today's discussions if the board is okay with that. Otherwise, we can send it out to everybody. Anybody object if I take the lead in reviewing it? All right, I'll do that. Danielle.

MS. CHESKY: Mr. Chairman, just to clarify in terms of the timeline, expectations for coming back to the board, February or the May meeting just so staff knows when to start working on the public hearings and to ask you all if you want them.

CHAIRMAN O'CONNELL: Based upon today's discussion, I assume that the board would like to have this back in the February meeting, so we need to schedule the hearings accordingly. Those states who would like a hearing, please notify Danielle. Mr. Miller.

MR. ROY MILLER: Mr. Chairman, it isn't clear to me when those hearings would be held. Are we talking before or after the February meeting?

CHAIRMAN O'CONNELL: My understanding is it would be before the February meeting and then this addendum would come back for final action to the board in February. Mr. Himchak.

MR. HIMCHAK: I just wanted to mention that New Jersey would definitely request a public hearing. I think it would be a great introduction for Danielle to enter the New Jersey public hearing process; but as I assured Mike Waine when he came up for menhaden, she will be well protected by Marine Fisheries Administration staff.

MR. MICHELS: Danielle, we would like you to come to Delaware, too, but we don't offer such protection.

OTHER BUSINESS

CHAIRMAN O'CONNELL: All right, if anybody else would like a hearing, please follow up with Danielle as soon as you can; Maryland as well. All right, that leads us to other business. We have two items on the agenda. The first one is the Fish and Wildlife Service seeking comment on the Horseshoe Crab Tagging Program. Danielle.

MS. CHESKY: The Fish and Wildlife Service put out a notice in the Federal Register on September 26, 2011, requesting comments on the Horseshoe Crab Tagging Program and its utility and use by user groups as well as the requirements and collection burdens in terms of time and whatnot.

As soon as this came out, I e-mailed our technical committees and our APs to see what interest they had in potentially doing some sort of a response, and there was a strong recommendation from all the technical committee and AP members that I heard back from saying that, yes, they felt that this was a good opportunity for ASMFC to put out its support for the Horseshoe Crab Tagging Program.

As you saw in the presentation on the draft addendum, that tagging data has been used in developing some of the options that are within the draft addendum for management under the ARM. They are data that the technical committee does look at throughout the process. The question is now before the board in terms whether or not the board would support and/or request having that letter sent

by ASMFC submitting comments on the tagging program itself.

CHAIRMAN O'CONNELL: Any guidance from the board on this? Is there any objection for the commission to send a letter in support of the tagging program? All right, seeing none, I'll work with Danielle on that. The last item on the agenda is an issue that Maine wants to bring to the board's attention. Mr. Stockwell.

MR. STOCKWELL: Since 2003 Maine has had zero horseshoe crab landings, and in the last four years only issued two licenses; one in 2009 and one in 2010. As a result, our ongoing department reorganization is retasking our current biologist, and it's Maine's interest to be removed from the Horseshoe Crab Board. I have a motion if it's all right with you, Mr. Chair. **I would move that the Horseshoe Crab Board recommend to the ISFMP Policy Board that Maine be removed from the management unit.**

CHAIRMAN O'CONNELL: Thank you, Mr. Stockwell. Do we have a second to the motion? Seconded by Mr. White. Mr. Fote.

MR. THOMAS FOTE: Do we really need a motion since it is really up to Maine whether they have a declared interest; and if they no longer have a declared interest in horseshoe crabs, then they just remove themselves from the board.

MR. BEAL: Mr. Chairman, this is consistent with how the Horseshoe Crab Board excused Pennsylvania from participating in this management board. As everyone will recall, there was concern over potential horseshoe crab landings going into Philadelphia, so Pennsylvania was originally on this management board. They closed that potential loophole.

We just went through the process and had the record of the Horseshoe Crab Board recommending to the policy board and the policy board approving that just so there is clear record of why that state was on the board and now they're longer on the board. It creates a clear record of allowing one state to be removed from the board.

CHAIRMAN O'CONNELL: Mr. Stockwell, I just have one question. Is Maine currently or will propose to prohibit horseshoe crab landings in the state?

MR. STOCKWELL: It's in our legislative to-do list.

CHAIRMAN O'CONNELL: Any discussion on the motion? Mr. Fote.

MR. FOTE: Terry, do you will import horseshoe crabs for bait or do you not do that, because I know we transport from one state to another for horseshoe crabs for conch bait and eel bait and things like that.

MR. STOCKWELL: The state of Maine doesn't use horseshoe crabs.

MR. AUGUSTINE: I was just going to follow on Mr. Fote's comment. Does this mean that you will still issue permits for interstate purposes to your fishermen? I guess I don't understand the concept of just getting out of the management unit as opposed to sitting around the board and participating in the board activities.

It means taking all of your controls – leaving all of all of your controls in place, limited harvest and all the rest of that, if you have any, and that you still have to abide by the Interstate Compact. Whatever the board decides, as long as you still have the same exposure as any other group but you're out of the management unit, then it would seem to me you wouldn't any input or recourse other than to come to the board and say, hey, I've got a problem with that now. I think I need a little more clarification for myself and maybe some others need that, too, or maybe you've said it and I wasn't paying attention, but I've been listening very attentively.

MR. STOCKWELL: Sure. Pat, Maine has no fishery. Licenses are limited and very specifically it's not an open access license. You have to go with the commissioner's interest because it is a license that is regulated through our state legislative process. In order to remove that provision, we have to submit a request to the legislature to have that license to be suspended.

Because of the zero economic returns for the state, we're retasking our scientific staff to probably lobsters or some other need from the Director of Science. Without being able to provide any technical or have any management requests from the board, we're willing to go along with the intent of this board being what it is.

MR. AUGUSTINE: Thank you for that clarification; that helps tremendously.

CHAIRMAN O'CONNELL: Mr. Stockwell, for my own purpose and for the board's purpose, this is on

the to-do list for your legislative actions. In the interim if a request is put forward to your commissioner, what do you think the commissioner's action would be on that request?

MR. STOCKWELL: Not to issue the permit.

MR. MILLER: Terry, I'm a little confused. If the principal desire is to avoid allocation of staff time to a species that has no landings and no fishery within your state, I guess I don't understand why it's important to formally withdraw from the board as opposed to just remaining inactive and maybe sending an annual letter saying no landings, no activity, something of that nature.

MR. STOCKWELL: I'm amicable to the pleasure of the board. Certainly, we contribute nothing to this board and staff will contribute nothing to the board. If it's the will of the board for us to send an annual letter saying we're going to contribute that, I would be happy to do so.

MR. HIMCHAK: I tend to agree with Roy's opinion on this because we do have you identified as a reference period landings in the original FMP; and when those reference period landings were developed, it took a lot of digging on behalf of a lot of states to come up with numbers that they never knew existed.

I know you have a very small number under reference period landings, but to me I'd just like to see you included in the FMP and you don't have to invest any time if you have no landings. Is the potential for landings there because the resource is there? I guess it is.

MR. STOCKWELL: The potential for landings will be minimal if there are no licenses. Mr. Chair, I'm good with whatever the board want to do. I just wanted to give the board the heads up of the status of the fishery and the landings in the state. If the board would like Maine to stay as a member of the unit, that's fine. I'll work it with you and Danielle as to the proper process on how to continue.

MR. McKIERNAN: Terry, your state doesn't sit on the sea bass, scup and fluke board?

MR. STOCKWELL: Correct.

MR. McKIERNAN: And in the case of sea bass, I'm sure there are a few that are in your waters and a few that get landed, so isn't that the analogy that you're trying to establish here?

MR. STOCKWELL: Yes, or tautog or summer flounder, they're not commercial or recreational species for us, but whatever I guess is all I can say.

MR. DOUGLAS GROUT: I certainly would support Terry's request here. Again, we're not on the Red Drum Board either. We have occasional summer – we even have a quota for summer flounder but we're not on the board. We have not declared an interest and I think it's a state's purview not to declare an interest in a board and thus they would not be on the board. If they're requesting no longer to declare an interest, I think with all the consequences that come that such as not issuing licenses and prohibiting landings, they should not have to be on this board.

MR. MILLER: Mr. Chairman, perhaps the way out of this small dilemma would be to defer any action on the Maine request until the legislature takes the anticipated action that Terry told us about, at which point we could take up this topic again and ask Maine if they've had second thoughts or something of that nature in the interim.

CHAIRMAN O'CONNELL: Well, we had the discussion and, Mr. Stockwell, you've heard from the board. I don't know if you want to consider Mr. Miller's suggestion or if somebody wants to amend this motion or we can vote it up or down.

MR. AUGUSTINE: Based on Mr. Miller's comments and other comments around the table, it would only make sense to amend this motion to say at such time as notification from the Maine Legislature that they effectively have taken action – whatever words you from there, help me wordsmith this, and this will stay I want to say limbo – I hate the word "limbo" it's where we're at. Do you want a date certain in it; do you expect action soon? You don't care, okay.

Maine doesn't care so I guess let's do a date certain until the February meeting and then we'll address the issue. When is the legislative session? Postpone it until further notification from the members of the delegation from Maine relative to this issue.

CHAIRMAN O'CONNELL: **We have a motion to postpone until such time that the Maine Legislature has take action to prohibit the landings of horseshoe crabs. We've got a motion by Mr. Augustine; do we have a second? We've got a second by Mr. Ballou.** Discussion by the board. Mr. Himchak.

MR. HIMCHAK: I just had a question on the Maine prohibition on landings because a lot of states have – they have this for personal use only of five per day, and that may still exist in some states. I know the Potomac River Fisheries Commission is still on the Horseshoe Crab Board much to their reluctance. A.C. is not here. I guess, yes, it would depend on what the Maine Legislature says, and then we can make a decision at that point. Is that fair enough?

MR. WILLIAM A. McELROY: Mr. Chairman, I'd like to speak against this postponement. I'm fully in support of Maine making the decision on this, and I think it's the right thing to give them the right to make their decision. I think we're parsing words over nothing and making a big deal out of something that we should almost automatically approve a state's request like this. Thank you.

MR. ADLER: I just want to refer to the song "Hotel California". Terry, you can check out anytime you want but you can never leave. (Laughter)

REPRESENTATIVE DAVID A. WATTERS: I agree; I think that it's perhaps not wise of us to require a legislative body to act so that we can act. You know the legislature, there is no guarantees that we'll ever be satisfied what the legislature may do. I also wonder in terms of our procedures whether this board has to even approve a request or can it be taken directly to the policy board by Maine.

CHAIRMAN O'CONNELL: Well, I think there has been adequate discussion and given the significance of this issue and all the issues that we have to deal with this week, I think we should take some action and move forward. We do have a motion to postpone until such time that the Maine Legislature has taken action to prohibit the landing of horseshoe crabs. Motion by Mr. Augustine and seconded by Mr. Ballou.

All those in favor please raise your right hand; all those opposed please raise your right hand; any abstentions, 1 abstention; any null votes. **The motion fails.** If we could bring up the original motion on the table; the motion is move that the Horseshoe Crab Board recommend to the ISFMP Policy Board that Maine be removed from the management unit. Motion by Mr. Stockwell; seconded by Mr. White. Do you guys need a 30-second caucus on this?

(Whereupon, a caucus was held.)

REPRESENTATIVE CRAIG A. MINOR: I just wonder if maybe a friendly amendment should be "per their request" so it doesn't look like the board is taking some action to weed them off.

MR. STOCKWELL: That's fine.

CHAIRMAN O'CONNELL: All right, move that the Horseshoe Crab Board recommend to the ISFMP Policy Board that Maine be removed from the management unit per Maine's request. Motion by Mr. Stockwell; seconded by Mr. White. All those in favor please raise your right hand; all those opposed please raise your right hand; any abstentions; any null votes. **The motion carries.** I hope to see you periodically.

ADJOURNMENT

Do I have a motion to adjourn the meeting? So moved; thank you all.

(Whereupon, the meeting was adjourned at 9:05 o'clock a.m., November 9, 2011.)