

**PROCEEDINGS OF THE**

**ATLANTIC STATES MARINE FISHERIES COMMISSION**

**HORSESHOE CRAB MANAGEMENT BOARD**

**Crowne Plaza Hotel - Old Town**  
Alexandria, Virginia  
May 22, 2013

Approved October 31, 2013

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**INDEX OF MOTIONS**

1. **Approval of Agenda** by Consent (Page 1).
2. **Approval of Proceedings of February, 2013** by Consent (Page 1).
3. **Move to accept the compliance reports as submitted and approve the de minimis requests for New Hampshire, the PRFC, South Carolina, Georgia and Florida** (Page 3). Motion by Adam Nowalsky; second by Pat Augustine. Motion carried (Page 3).
4. **Motion to adjourn, by Consent** (Page 5).

**ATTENDANCE**

**Board Members**

Dennis Abbott, NH, proxy for Sen. Watters (LA)	Roy Miller, DE (GA)
Doug Grout, NH (AA)	Tom O'Connell, MD (AA)
G. Ritchie White, NH (GA)	Bill Goldsborough, MD (GA)
Dan McKiernan, MA, proxy for P. Diodati (AA)	Russell Dize, MD, proxy for Sen. Colburn (LA)
Bill Adler, MA (GA)	Rob O'Reilly, VA, proxy for J. Travelstead (AA)
Jocelyn Cary, MA, proxy for Rep. Peake (LA)	Kyle Schick, VA, proxy for Sen. Stuart (LA)
Mark Gibson, RI, proxy for R. Ballou (AA)	Louis Daniel, NC (AA)
David Simpson, CT (AA)	Robert Boyles, Jr., SC (AA)
James Gilmore, NY (AA)	Malcolm Rhodes, SC (GA)
Pat Augustine, NY (GA)	Spud Woodward, GA (AA)
Peter Himchak, NJ, proxy for D. Chanda (AA)	Pat Geer, GA, Administrative proxy
Adam Nowalsky, NJ, proxy for Asm. Albano (LA)	James Estes, FL, proxy for J. McCawley (AA)
Tom Fote, NJ (GA)	Bill Archambault, USFWS
Stewart Michels, DE, proxy for D.Saveikis (AA)	Derek Orner, NMFS
Bernie Pankoswki, DE, proxy for Sen. Venables (LA)	

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

**Ex-Officio Members**

**Staff**

Robert Beal  
Toni Kerns

Marin Hawk

**Guests**

Loren Lustig, PA Gov. Appointee

Mitchell Feigenbaum, PA

The Horseshoe Crab Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Crowne Plaza Hotel Old Town, Alexandria, Virginia, May 22, 2013, and was called to order at 2:12 o'clock p.m. by Chairman David Simpson.

### **CALL TO ORDER**

CHAIRMAN DAVID SIMPSON: Welcome! We need to approve the agenda.

### **APPROVAL OF AGENDA**

CHAIRMAN SIMPSON: Has everyone had a chance to look at it? Are there any changes or additions? I'm not seeing any with objection, then we will consider the agenda approved.

### **APPROVAL OF PROCEEDINGS**

CHAIRMAN SIMPSON: Approval of the proceedings from the February 2013 meeting; are there any comments or edits to that needed? Seeing none; without objection we will consider the proceedings approved.

### **PUBLIC COMMENT**

CHAIRMAN SIMPSON: Is there any public comment on items not on the agenda? Seeing none; we will move on to the update of the Virginia Tech Trawl Survey.

### **UPDATE OF THE VIRGINIA TECH TRAWL SURVEY**

MS. MARIN HAWK: This is just a brief update on the funding for the Virginia Tech Trawl Survey. Just a little background on what that survey is used for; the abundance estimates from the survey are used as the state variable in the Adaptive Resource Management Framework. Those estimates are needed to run the model.

Full funding was not achieved for 2012, but the ARM Working Group developed a method to expand the estimates that they did have to the entire Delaware Bay Core Area, so that is being used for the 2014 ARM Framework. The status of

the 2013 funding is that the survey has received some donations but not enough to support the survey for fall 2013.

It is currently unclear whether the 2013 survey will proceed or not. The ARM Working Group is looking at other options for future models. In the case that they don't find other options, the fishery management plan indicates that we revert back to Addendum VI quota levels or the previous year's ARM Framework levels. Thank you, Mr. Chairman.

CHAIRMAN SIMPSON: Are there any questions for Marin? Bill.

MR. WILLIAM A. ADLER: Do you know who supplied the money for the survey; do we have a list of them?

MS. HAWK: I do have a list but I don't have the list memorized. In the past it has been funded by a federal grant.

MR. ADLER: Okay, and was that part of it this time, too?

MS. HAWK: No, that is why we're having –

MR. ADLER: Was it industry or the environmental community that supported some of this?

MS. HAWK: It is mostly the biomedical industry.

MR. ADLER: Biomedical?

MS. HAWK: Yes.

MR. ROY MILLER: If I could add to that, as I recall last time around it was the biomedical industry coupled with a primary conch processor, Rick Robins' industrial association, that put up some of the money. My question was to your knowledge have any environmental conservation, ornithological/audubon groups contributed anything towards this year's effort?

MS. HAWK: To my knowledge, no.

MR. STEWART MICHELS: Marin, how far are we off?

MS. HAWK: We're about \$190,000 off.

MR. WILLIAM ARCHAUMBAULT: Mr. Chair, I've kind of reached out to our National Wildlife Refuge folks on possibly putting some inventory and monitoring money towards this this year. I can't commit any dollars yet, but given the importance of this to our migratory bird management scheme, I think I may be able to find some funds within the National Wildlife Refuge System. It will probably take somewhat towards the end of the fiscal year. It won't be until July or August, and I don't have a set amount but we are going to look deep and see if we can come up with some funding.

EXECUTIVE DIRECTOR ROBERT E. BEAL: As Marin just indicated, we're pretty far off the mark this year, 90 percent at least off the mark. The donations that have been received this year are from commercial fish operations, commercial dealers, commercial fishermen, those sorts of organizations.

We did receive another donation this morning from Bernie's Conchs, so that will add a little bit to it as well. Delaware Valley Fish Company and individual harvesters have also donated money. Obviously, we're not there yet but that is where the money that we have received so far this year is coming from.

CHAIRMAN SIMPSON: Thanks, Bob, that is really good. Are there any other questions or comments?

MR. THOMAS O'CONNELL: Just to let you know I'm exploring some options back in the state of Maryland to see if any funding can become available. We have continually asked the shorebird advocacy groups in Maryland as recently as of last month and still no response from them yet. We're trying to see if we can help out at all.

MR. MICHELS: What is the timeline on this, like when do they have to have the money to be able to move forward?

MS. HAWK: In 2012 they received funds in October that they were able to use for the 2012 survey, so I believe right up until the survey although for planning purposes I would have to double check that.

MR. MICHELS: Okay, I think Delaware may have up to \$10,000 to contribute to the effort this year, so we will try and get that to you.

CHAIRMAN SIMPSON: Good, thanks, Stew. Is there anything else on this item? Are you ready to move on to FMP and state compliance?

#### **FISHERY MANAGEMENT PLAN REVIEW AND STATE COMPLIANCE**

MS. HAWK: This is the 2012 fishery management plan review for horseshoe crabs. The total bait harvest was 13 percent below the commission's coast-wide quota. Biomedical landings have gradually increased since 2004. However, between 2011 and 2012 there was a slight decrease in biomedical harvest.

The total coast-wide harvest in the bait fishery was 729,100 crabs, which is an increase of approximately 10 percent since 2011. All states increase landings except for Connecticut and North Carolina, which saw decreases in landings. The total number of crabs brought to biomedical facilities in 2012 was 611,827. This is a 13 percent increase from the past five-year average.

The total number of crabs that were used as bait and bled is 81,030 crabs. This is a 3 percent decrease from the past five-year average. The total coast-wide mortality estimate in the biomedical harvest is 79,786. The threshold in which the FMP indicates that the board should consider action is 57,500 crabs. The plan review team recommends making the development of the BMPs a high-priority item.

Just a little more background on the biomedical mortality; back in August 2011 the Biomedical Ad Hoc Working Work was formed to develop best management practices. In November of 2011 a document was brought to the board with those best management practices. A timeline was going to be developed, but then Addendum VII got in the way, the development of the ARM Framework.

In May 2012 the mortality was again over this threshold, and Dr. Dawson and some other people in the biomedical industry were working to develop BMPs. I recently spoke with Dr. Dawson and they are satisfied with everything as it stands since each state has different operations and procedures.

I also just wanted to point out to the board that this threshold that is in the FMP, 57,500, was based on harvest levels in 1998, which were 200,000 to 250,000 crabs. The harvest levels now are around 600,000 crabs, so just to put it in perspective. In terms of state compliance, the plan review team found all state management measures to be consistent with the FMP.

D.C. did not submit a report. The plan review team recommends that D.C. as well as the Potomac River Fisheries Commission take steps to be removed from the board. Additional issues; the plan review team strongly recommends the continuation of the trawl survey for reasons that I discussed a little earlier. There were five requests for de minimis, New Hampshire, the PRFC, South Carolina, Georgia and Florida. New Jersey qualified but did not request it. The plan review team recommends that all these requests be granted. Thank you, Mr. Chairman.

CHAIRMAN SIMPSON: Are there questions for Marin on the review? Roy.

MR. MILLER: Mr. Chairman, looking at a worse case scenario, if the Virginia Tech Trawl Survey is not conducted this year, where would we be with regard to the ARM Model predictions for next year's harvest?

MS. HAWK: We are working on that with the ARM Working Group. We're having a conference call in July to investigate alternative options if there is no funding for the fall 2013 survey. Right now we're not sure is the answer to that question.

MR. MILLER: With that uncertainty, then we also can't predict what effect that would have on allowable harvest in the following year either, I presume, at this point in time; am I right?

MS. HAWK: If no other alternatives are found and the survey doesn't go forward, as I mentioned, the board could either choose to go back to Addendum VI harvest levels or the previous year ARM Framework levels, so that would be this year's ARM Framework levels.

MR. PATRICK AUGUSTINE: Marin, I looked at the mortality rate and somewhere there is a recommendation that we take a look at best management practices. Has the technical committee taken a look at what the mortality rate is from the time of collection to the time they're delivered to the medical facility, to the time they're bled, to the time they get back?

If you have, can we make a determination or figure out how we can reduce that level of mortality? That is before we go to best management practices, so can you help me with that, Marin?

MS. HAWK: I believe in the past the technical committee has looked at this issue and they recommended that any crabs that used in the biomedical industry then be used for bait. That was the best solution they could come up with.

MR. AUGUSTINE: But the problem began and still exists that I don't think we know what the actual percentage of mortality is from one end to the other. I'm convinced that there is mortality from collection to the time they receive them. Most of those animals are handled somewhat carefully but not really carefully because alive they're worth more than they're worth dead except to the bait man who doesn't care one way or the other.

If the product is dead and he collected it for biomedical purposes and it goes directly to bait, we're missing something here. It just seems when we look at best management practices; can we take a hard look at that, Mr. Chairman, to determine if there is something we should be doing to reduce one or the other. The numbers are astronomical. I mean, look at what has been collected as to what the mortality rate is. I think it should be of concern to us at this point in time.

CHAIRMAN SIMPSON: Pat, if I remember right, the expected level of mortality was 57 or so thousand crabs and we're up around 79 or so thousand, so a little perspective in terms of how much it has increased and how big overall removals are. Pete.

MR. PETER HIMCHAK: I think Table 2 captures – under Addendum III when we developed the questionnaire for the biomedical industry, they have to report every step how many horseshoe crabs are from the dock, then loaded to a truck and transported and then how many died during transit and then how many are rejected at the facility, how many were too small and they were rejected, how many were rejected because they were injured.

That is all covered and I think we learned that from the point of the dock through sending them out the backdoor after they're bled the mortality associated with all that was rather small. And from harvest to release 6,891; that is Item D in Table 2, so less than 7,000 horseshoe crabs actually died in that entire procedure.

I think where we may be missing some of the mortality is what I referred to as the culling at sea. If you collect them with a trawl, there may be culling at sea, damage from the trawl gear or thrown over the side, but I know the New Jersey operation even covers that. It has every crab coming in the trawl net and how many go to the dock.

Best management practices I believe were related to care and how they're loaded in bins for transportation, how they're handled, keep them out

of the sun, keep them wet. I think the biomedical industry is really up to par on best medical practices. I don't know what percentage are taken by trawl – South Carolina, maybe – but a lot of them are taken by hand harvest now. I mean, I think best management practices are being followed.

MR. AUGUSTINE: Followup, Mr. Chairman; I thank Mr. Himchak for that. I did not look at that chart and that was why I asked was it available. If it is being followed, as you have described, then I would have no problem with it. It was the committee that suggested that you should take a look at best management practices; and if that wasn't what they were talking about, what were they talking about? I just need clarification. It showed up on our report.

MS. HAWK: They were talking about the – the document was never finalized nor was an addendum made from the document, so that is what the PRT was referring to.

MR. ROBERT H. BOYLES, JR.: Mr. Chairman, I just wanted to follow up on Pete's comment. We in South Carolina, it is hand harvest only. We manage it by permit. We have taken a hard look at some of these best management practices, working in cooperation with industry. Some of those best management practices have been incorporated into our permit conditions.

There is no trawl harvest of horseshoe crabs in South Carolina. We're watching this. It is an important fishery for us; it is an important industry. We have heard the comments and the discussions around here and we will continue to monitor those best management practices through our permits. Thanks.

MR. ADAM NOWALSKY: Mr. Chairman, would you like a motion to accept? **I move that we accept the compliance reports as submitted and approve the de minimis requests for those states that requested it.**

CHAIRMAN SIMPSON: **Seconded by Pat. Is there any discussion on the motion? Seeing**

**none; is there any objection to approving the motion? Seeing none; we will consider it approved.** Okay, the next item is to remove the status of the horseshoe crab stock and whelk fishery.

MR. BOYLES: Mr. Chairman, a question about the plan review team's recommendation about removing the Potomac River and D.C.; is that a recommendation that this board makes to the policy board? How do we make that happen?

CHAIRMAN SIMPSON: I think it falls on the jurisdiction to remove themselves.

EXECUTIVE DIRECTOR BEAL: Yes, individual jurisdictions declare interest in specific fisheries and participate on management boards, so it is up to those jurisdictions to decide whether they should or should not participate in a board and we can adjust the membership accordingly.

#### **REVIEW OF THE HORSESHOE CRAB STATUS OF THE STOCK**

MS. HAWK: This is the review of the horseshoe crab status of the stock. Toni will be discussing the whelk fishery during the ISFMP Policy Board Meeting, so I will be leaving that part out of my presentation. What I have done is compiled all the information I could find on the status of the horseshoe crab stock.

It is certainly not a complete picture and I just wanted to remind the board that there is a stock assessment update which is currently going on, and here is the timeline for that. In April the stock assessment subcommittee requested data. From May through June they will be crunching the numbers. In June and July the technical committee will review the update and revise it and then in October it will be ready to present to the board.

The FMP breaks down the coast-wide stock of horseshoe crabs into three distinct populations; so what I did is compile information on each of those sub-stocks. The first is the Gulf of Maine population. There was no data available from

Maine. New Hampshire and Massachusetts data are available, and basically the Gulf of Maine population is declining.

The Delaware Bay Spawning Survey addresses the stock in the Delaware Bay. There is no trend in the bay-wide index of female spawning activity. There is an increasing trend in the male spawning activity and the sex ratios favor males, which is consistent with both of those trends. The next sub-stock is the mid Mid-Atlantic which contains the states of Connecticut, New York, New Jersey, Delaware, Maryland, Virginia and North Carolina.

There was no clear trend in this sub-stock. The Virginia Tech Trawl Survey data indicate again on clear trend but mature crabs were the highest for 2011. Finally, the Atlantic Florida sub-stock; there was no data available for South Carolina and Florida, but the Georgia catch per trawl has remained consistent. Without a full picture of the states, again it is unclear what is really happening in that stock.

Here is a timeline I just wanted to present to the board. There are three ongoing issues. The first is that Delaware requested the review of their Delaware Bay Egg Survey, and that recommendation should be complete by October. The stock assessment subcommittee is also conducting a stock assessment update, which as I mentioned will be complete by October.

The ARM Working Group is collecting the data to run the ARM Model and that will be ready by October. If there is nothing else to come before the board, I wanted to make sure that it would be okay if there was no August board meeting since there is nothing to discuss. Thank you, Mr. Chairman.

CHAIRMAN SIMPSON: Are there any questions or discussion for Marin on that presentation? Is there anything else to come before the Horseshoe Crab Board? Pat.

**ADJOURNMENT**

MR. AUGUSTINE: I don't think so; no hands going up, so move to adjourn.

CHAIRMAN SIMPSON: We will consider the board adjourned.

(Whereupon, the meeting was adjourned at 2:32 p.m., May 22, 2013.)