



Atlantic States Marine Fisheries Commission

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MEMORANDUM

TO: Horseshoe Crab Management Board
FROM: Mark Robson, Law Enforcement Committee Coordinator
SUBJECT: Comments on Draft Addendum VII
DATE: January 3, 2012

Members of the Law Enforcement Committee (LEC) of the Atlantic States Marine Fisheries Commission would like to offer comments regarding management options in Draft Addendum VII to the Interstate Fishery Management Plan for Horseshoe Crabs that were prepared for public comment in November 2011.

Four general conditions affect current enforcement. First, the State of New Jersey does not allow any harvest or possession of crabs for bait unless they are from another state and can be documented as such. Second, in Delaware, the primary harvest is by hand from the beaches. Enforcement efforts are focused on beaches and fish houses during harvest seasons. Third, in Maryland and Virginia, more harvest occurs by vessels. This typically involves more opportunity, and thus more challenge, for at-sea compliance checks. Fourth, in all states there are reporting requirements in place to ensure reasonable self-reporting by harvesters and dealers.

Enforcement needs in New Jersey and Delaware revolve around adequate patrol and presence at shore side landing points during any open and closed periods. The most feasible enforcement is to ensure that crabs are not taken during closed periods, and that harvesters are properly permitted. New Jersey enforces a complete moratorium on harvest. In Delaware, officers in the field must be able to ensure that only male crabs are being harvested during open harvests of June 8 through December 31st. Shore side enforcement at key places and periods can be effective, but is labor intensive.

For Maryland and Virginia, enforcement includes more at-sea opportunity because of the larger trawl fishery in those waters relative to hand harvest. In addition to monitoring landing points officers encounter fishing on the water from permitted vessels. Directed harvest and landing of horseshoe crabs for bait in Maryland is prohibited from January 1 through June 7. Either sex may be harvested, simplifying inspections of catch. Virginia regulations provide for area-specific regulations: a) federal waters, b) waters east of the COLREGS line, and c) waters west of the COLREGS line.

- 1) Landing of crabs in Virginia harvested in federal waters from January 1 through June 7 is prohibited.
- 2) During each calendar year, no more than 40% of Virginia's annual quota may be harvested east of the COLREGS line in ocean waters.
- 3) Crabs harvested east of the COLREGS line and landed in Virginia must be comprised of a minimum male to female ratio of 2:1.
- 4) No trawls are allowed in state waters out to the 3-mile line.

While the horseshoe crab fishery is relatively small and there are no significant barriers to current enforcement efforts, changes contemplated in Draft Addendum VII may be considered in light of enhancing compliance and regulatory simplicity. Currently the four states have differing closed periods of varying complexity. Variable closed seasons per se are enforceable. The LEC's *Guidelines for Resource Managers on the Enforceability of Fishery Management Measures (2009)* rates closed seasons or areas relatively highly. However to the extent that seasonal closures can be more consistent among the four states, this will minimize the potential for illegally harvested crabs from one area or state being landed and sold where an open season occurs. While this may not be a significant problem now, the mixing of illegally harvested crabs with legal landings could increase depending on the price and value of crabs. LEC members caution that good communication within and among jurisdictions is vital for effective enforcement of closed seasons and areas. Quota closures in particular should be anticipated through timely harvest monitoring, and closing dates should be provided well in advance.

Regulations on harvest by sex present unique enforcement challenges. If there are restrictions on harvest of females, officers will need to be able to identify landings by sex with certainty. This is not an insurmountable problem, but requires attention to officer training and provisions to ensure that landings are sorted properly by sex for efficient inspection. Consideration of a Delaware Bay Stock Allowance for Maryland and Virginia presents a special problem. In addition to basic sex identification, officers would be required to ensure that the proper ratio or number of female crabs is harvested. We recognize that is a current requirement in Virginia. However from a strict enforcement perspective, if the allowable harvest of female crabs in Maryland and Virginia is relatively small compared to males, and some provision could be made to compensate with an extra harvest of male crabs, it would be a much simpler approach to simply not have a stock allowance. If a sex ratio is adopted, effective enforcement would depend on continuous sorting and separation of the catch and a requirement to maintain the proper ratio at all times. The *Guidelines for Resource Managers on the Enforceability of Fishery Management Measures (2009)* does not specifically address harvest by sex. However in some respects a stock allowance for females would be similar to bycatch enforcement. In the guidelines, bycatch enforcement via amount landed, amount on board, or percent landed are all rated "Difficult" or "Impractical" tools.

The LEC appreciates the opportunity to comment on proposed regulations for horseshoe crabs and supports the ongoing effort to conserve this valuable species.