

23:2B-20

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2008 **CHAPTER:** 1
NJSA: 23:2B-20 (Imposes moratorium on harvest and possession of horseshoe crabs)
BILL NO: A2260 (Substituted for S1331)

SPONSOR(S): McKeon and others

DATE INTRODUCED: February 25, 2008

COMMITTEE: **ASSEMBLY:** Agriculture and Natural Resources

SENATE:

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** March 13, 2008

SENATE: March 17, 2008

DATE OF APPROVAL: March 25, 2008

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First reprint enacted)

A2260

SPONSOR'S STATEMENT: (Begins on page 3 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S1331

SPONSOR'S STATEMENT: (Begins on page 3 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Law protects horseshoe crabs," Asbury Park Press, 3-26-08, p.A3

"Law bans horseshoe crab harvest," Courier-Post, 3-26-08, p.1A

"N.J. comes to rescue of threatened bird," The Record, 3-26-08, p.A03

"Horseshoe crabbing banned in N.J." The Philadelphia Inquirer, 3-26-08, p.B4

"What helps red knots will hurt some humans," The Star-Ledger, 3-26-08, p.017

"State bans horseshoe crabbing to assist migratory shorebird," Courier-News, 3-26-08, p.____

"N.J. bans horseshoe crabbing to help migratory shorebird," The Press, 3-26-08, p.C1

LAW

P.L. 2008, CHAPTER 1, *approved March 25, 2008*
Assembly, No. 2260 (*First Reprint*)

1 AN ACT concerning horseshoe crabs and shorebird conservation and
2 supplementing P.L.1979, c.199 (C.23:2B-1 et seq.).
3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*
6

7 1. The Legislature finds and declares that each spring more than
8 a million shorebirds of six species, including the red knot, ¹ruddy
9 turnstone, sanderling, semipalmated sandpiper, short-billed
10 dowitcher, and dunlin,¹ stop at Delaware Bay beaches and feed
11 upon horseshoe crab eggs; that the red knot was once considered
12 one of New Jersey's most abundant shorebirds; that this critical
13 food source of horseshoe crab eggs consumed during the stopover
14 of the red knot in New Jersey and Delaware is needed for the birds
15 to gain sufficient weight to continue their migration north to
16 breeding grounds in the Canadian ¹**[Arctic]** Arctic, survive until
17 food becomes available, and successfully reproduce¹; that surveys
18 have shown that red knots migrating through the bay region have
19 declined by ¹**[65]** more than 75¹ percent since 2000; and that state
20 and international biologists fear that the red knot will become
21 extinct ¹**[in as few as five years]** as soon as 2010.

22 The Legislature further finds and declares that the numbers of
23 shorebirds other than the red knots that feed on horseshoe crab eggs
24 on the Delaware Bay have declined by a highly significant 64
25 percent during the period of 1998 through 2007.

26 The Legislature further finds and declares that shorebird
27 populations have continued to decline, despite the fact that over the
28 past two decades more than \$3 million in public funds have been
29 spent on the protection and restoration of shorebird populations and
30 their habitats on New Jersey's Delaware Bay shore¹.

31 The Legislature therefore determines that a moratorium on the
32 harvest, landing and possession of horseshoe crabs ¹**[would help]** is
33 critical to¹ ensure that more horseshoe crab eggs will be available
34 as a food source, thus ¹**[helping to ensure]** increasing the likelihood
35 of¹ survival of these shorebirds.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AAN committee amendments adopted February 28, 2008.

1 2. a. ~~‘[There] Except as provided pursuant to subsections b. or~~
2 ~~c. of this section, there~~¹ shall be a moratorium on the taking in the
3 State of horseshoe crabs or the eggs of horseshoe crabs, on the
4 landing in the State of such crabs or the eggs of horseshoe crabs
5 taken from outside of the State, and on the possession of horseshoe
6 crabs or the eggs of horseshoe crabs regardless of their origin, until
7 such time as: (1) ~~‘the recovery targets for~~¹ the population of the red
8 knot shorebird ~~‘[reaches a population of 240,000 established in the~~
9 ~~United States Shorebird Conservation Plan of May 2001]~~ ~~,~~
10 ~~identified pursuant to the United States Fish and Wildlife Service~~
11 ~~2007 status assessment, entitled “Status of the Red Knot (*Calidris*~~
12 ~~*canutus rufa*) in the Western Hemisphere,” are met~~¹ ; ~~‘[or] and~~¹ (2)
13 a ~~‘[fisheries] shorebird~~¹ management plan, which, based upon
14 scientific study and evidence, demonstrates ~~‘[and guarantees]~~¹
15 the satisfaction of the Department of Environmental Protection that
16 a more than adequate food supply from horseshoe crab eggs for
17 shorebirds and population viability for both shorebirds and
18 horseshoe crabs exist. The plan shall be subject to public comment
19 ~~‘and to review~~¹ and approval by a peer-review panel which shall
20 include qualified shorebird ~~‘[ornithologists,] and~~¹ horseshoe crab
21 ecologists, and the Endangered and Nongame Species Advisory
22 Committee created pursuant to subsection e. of section 7 of
23 P.L.1973, c.309 (C.23:2A-7). The ~~‘[study] plan~~¹ must indicate that
24 the shorebirds species including the red knot *rufa* subspecies have
25 fully recovered, ~~‘[according to the United States Shorebird~~
26 ~~Conservation Plan of May 2001]~~ ~~pursuant to the United States Fish~~
27 ~~and Wildlife Service recovery targets~~¹ , before the reestablishment
28 of a limited harvest season may be considered.

29 b. Notwithstanding the provisions of this section to the contrary,
30 the Department of Environmental Protection may issue a permit for:

31 (1) the taking, landing and ~~‘[possession] possession~~¹
32 horseshoe crabs or the eggs of horseshoe crabs for scientific or
33 educational purposes only, provided that the department determines
34 that the collection of the horseshoe crabs or the eggs of horseshoe
35 crabs for these purposes will not cause harm to the red knot, other
36 shorebirds, or horseshoe crab populations; or

37 (2) the collection of blood from horseshoe crabs for biomedical
38 purposes, provided that the horseshoe crabs are released otherwise
39 unharmed to the same waters from which they were collected.

40 ~~‘c. The moratorium established in subsection a. of this section~~
41 ~~shall not apply to the possession and use of horseshoe crabs~~
42 ~~harvested outside of the State, provided that the person found in~~
43 ~~possession of, or using, the horseshoe crabs has documentation~~
44 ~~which shows that the horseshoe crabs were not harvested in New~~
45 ~~Jersey. The documentation shall include a receipt or bill of lading~~
46 ~~that provides:~~

1 (1) the name, address, and phone number of the person or
2 company that provided the horseshoe crabs;

3 (2) the permit or license number of the person or company
4 named pursuant to paragraph (1) of this subsection; and

5 (3) the state and, if possible, the location, where the horseshoe
6 crabs were harvested.

7 d. Any person possessing or using horseshoe crabs in violation
8 of this section shall be liable to a penalty of \$10,000 for the first
9 offense, and \$25,000 for the second and subsequent offenses, in
10 addition to any applicable penalties prescribed pursuant to
11 subsections b. through d. of section 73 of P.L.1979, c.199 (C.23:2B-
12 14).¹

13

14 3. This act shall take effect immediately.

15

16

17

18

19 Imposes moratorium on harvest and possession of horseshoe
20 crabs.

ASSEMBLY, No. 2260

STATE OF NEW JERSEY

213th LEGISLATURE

INTRODUCED FEBRUARY 25, 2008

Sponsored by:

Assemblyman JOHN F. MCKEON

District 27 (Essex)

Assemblyman REED GUSCIORA

District 15 (Mercer)

Assemblyman DOUGLAS H. FISHER

District 3 (Salem, Cumberland and Gloucester)

Assemblyman NEIL M. COHEN

District 20 (Union)

Assemblywoman LINDA STENDER

District 22 (Middlesex, Somerset and Union)

Co-Sponsored by:

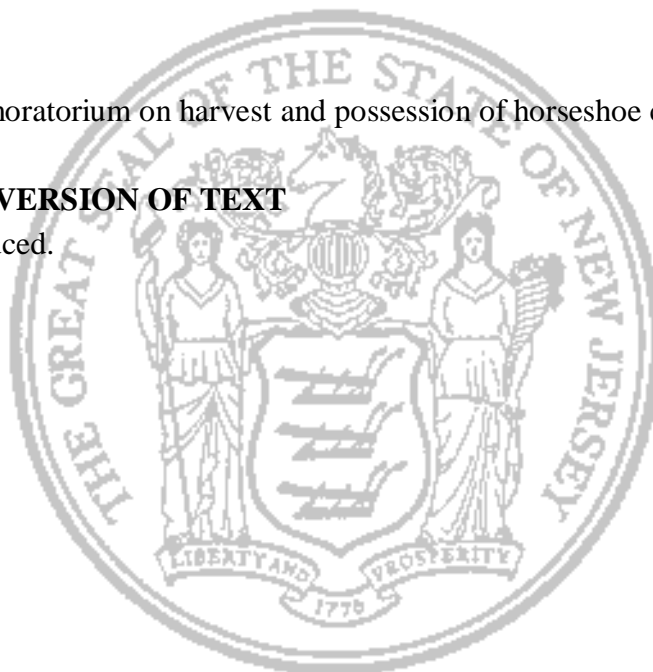
Assemblymen Burzichelli and Van Pelt

SYNOPSIS

Imposes moratorium on harvest and possession of horseshoe crabs.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/29/2008)

1 AN ACT concerning horseshoe crabs and shorebird conservation and
2 supplementing P.L.1979, c.199 (C.23:2B-1 et seq.).

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. The Legislature finds and declares that each spring more
8 than a million shorebirds of six species, including the red knot, stop
9 at Delaware Bay beaches and feed upon horseshoe crab eggs; that
10 the red knot was once considered one of New Jersey's most
11 abundant shorebirds; that this critical food source of horseshoe crab
12 eggs consumed during the stopover of the red knot in New Jersey
13 and Delaware is needed for the birds to gain sufficient weight to
14 continue their migration north to breeding grounds in the Canadian
15 Artic; that surveys have shown that red knots migrating through the
16 bay region have declined by 65 percent since 2000; and that state
17 and international biologists fear that the red knot will become
18 extinct in as few as five years.

19 The Legislature therefore determines that a moratorium on the
20 harvest, landing and possession of horseshoe crabs would help
21 ensure that more horseshoe crab eggs will be available as a food
22 source, thus helping to ensure survival of these shorebirds.

23

24 2. a. There shall be a moratorium on the taking in the State of
25 horseshoe crabs or the eggs of horseshoe crabs, on the landing in
26 the State of such crabs or the eggs of horseshoe crabs taken from
27 outside of the State, and on the possession of horseshoe crabs or the
28 eggs of horseshoe crabs regardless of their origin, until such time
29 as: (1) the population of the red knot shorebird reaches a population
30 of 240,000 established in the United States Shorebird Conservation
31 Plan of May 2001; or (2) a fisheries management plan, which, based
32 upon scientific study and evidence, demonstrates and guarantees to
33 the satisfaction of the Department of Environmental Protection that
34 a more than adequate food supply from horseshoe crab eggs for
35 shorebirds and population viability for both shorebirds and
36 horseshoe crabs exist. The plan shall be subject to public comment
37 and approval by a peer-review panel which shall include qualified
38 shorebird ornithologists, horseshoe crab ecologists, and the
39 Endangered and Nongame Species Advisory Committee created
40 pursuant to subsection e. of section 7 of P.L.1973, c.309 (C.23:2A-
41 7). The study must indicate that the shorebirds species including the
42 red knot rufa subspecies have fully recovered, according to the
43 United States Shorebird Conservation Plan of May 2001, before the
44 reestablishment of a limited harvest season may be considered.

45 b. Notwithstanding the provisions of this section to the
46 contrary, the Department of Environmental Protection may issue a
47 permit for:

1 (1) the taking, landing and possession of horseshoe crabs or the
2 eggs of horseshoe crabs for scientific or educational purposes only,
3 provided that the department determines that the collection of the
4 horseshoe crabs or the eggs of horseshoe crabs for these purposes
5 will not cause harm to the red knot, other shorebirds, or horseshoe
6 crab populations; or

7 (2) the collection of blood from horseshoe crabs for biomedical
8 purposes, provided that the horseshoe crabs are released otherwise
9 unharmed to the same waters from which they were collected.

10
11 3. This act shall take effect immediately.

12
13
14 STATEMENT

15
16 This bill would impose a moratorium on the taking in the State
17 of horseshoe crabs or the eggs of horseshoe crabs, the landing in the
18 State of horseshoe crabs and the eggs of horseshoe crabs taken from
19 outside of the State, and on the possession of horseshoe crabs or the
20 eggs of horseshoe crabs regardless of their origin, until such time
21 as: (1) the population of the red knot shorebird reaches a population
22 of 240,000 established in the United States Shorebird Conservation
23 Plan of May 2001; or (2) a fisheries management plan, which, based
24 upon scientific study and evidence, demonstrates and guarantees to
25 the satisfaction of the Department of Environmental Protection that
26 a more than adequate food supply from horseshoe crab eggs for
27 shorebirds and population viability for both shorebirds and
28 horseshoe crabs exist.

29 The bill would authorize only two exceptions from the
30 moratorium, both of which would require a permit issued by the
31 Department of Environmental Protection. The two exceptions are:

32 (1) the taking, landing and possession of horseshoe crabs or the
33 eggs of horseshoe crabs for scientific or educational purposes only,
34 provided that the department determines that the collection of the
35 horseshoe crabs or the eggs of horseshoe crabs for these purposes
36 will not cause harm to the red knot, other shorebirds, or horseshoe
37 crab populations; or

38 (2) the collection of blood from horseshoe crabs for biomedical
39 purposes, provided that the horseshoe crabs are released otherwise
40 unharmed into the same waters from which they were collected.

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 2260

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 28, 2008

The Assembly Agriculture and Natural Resources Committee reports favorably and with committee amendments Assembly Bill No. 2260.

This bill, as amended, would establish a moratorium, with certain prescribed exceptions, on the taking in the State of horseshoe crabs or the eggs of horseshoe crabs, on the landing in the State of such crabs or the eggs of horseshoe crabs taken from outside of the State, and on the possession of horseshoe crabs or the eggs of horseshoe crabs regardless of their origin, until such time as: (1) the recovery targets for the population of the red knot shorebird, identified pursuant to the United States Fish and Wildlife Service 2007 status assessment, entitled "Status of the Red Knot (*Calidris canutus rufa*) in the Western Hemisphere," are met; and (2) a shorebird management plan, which, based upon scientific study and evidence, demonstrates to the satisfaction of the Department of Environmental Protection (DEP) that a more than adequate food supply from horseshoe crab eggs for shorebirds and population viability for both shorebirds and horseshoe crabs exist. The plan would be subject to public comment and to review and approval by a peer-review panel which would include qualified shorebird and horseshoe crab ecologists, and the Endangered and Nongame Species Advisory Committee. The plan must indicate that the shorebirds species including the red knot *rufa* subspecies have fully recovered, pursuant to the United States Fish and Wildlife Service recovery targets, before the reestablishment of a limited harvest season may be considered.

The bill, as amended, would authorize only three exceptions from the moratorium:

(1) the taking, landing and possession of horseshoe crabs or the eggs of horseshoe crabs for scientific or educational purposes only, provided that the DEP determines that the collection of the horseshoe crabs or the eggs of horseshoe crabs for these purposes will not cause harm to the red knot, other shorebirds, or horseshoe crab populations;

(2) the collection of blood from horseshoe crabs for biomedical purposes, provided that the horseshoe crabs are released otherwise unharmed to the same waters from which they were collected; and

(3) the possession and use of horseshoe crabs harvested outside of the State, provided that the person found in possession of, or using, the horseshoe crabs has documentation which shows that the horseshoe crabs were not harvested in New Jersey.

The documentation required to support the third exception would include a receipt or bill of lading that provides: the name, address, and phone number of the person or company that provided the horseshoe crabs; the permit or license number of the person or company named; and the state and, if possible, the location, where the horseshoe crabs were harvested.

Finally, the bill, as amended, provides that any person possessing or using horseshoe crabs in violation of the moratorium would be liable to a penalty of \$10,000 for the first offense, and \$25,000 for the second and subsequent offenses, in addition to any applicable penalties prescribed pursuant to subsections b. through d. of section 73 of the "Marine Fisheries Management and Commercial Fisheries Act," P.L.1979, c.199 (C.23:2B-14).

COMMITTEE AMENDMENTS

The committee amended to the bill to:

1) update and expand upon the Legislative findings and declarations;

2) provide that the moratorium would stay in effect until both of two prescribed conditions are met rather than only either one of them;

3) further delineate and update those conditions;

4) add an exception to the moratorium for the possession and use of horseshoe crabs harvested outside of the State, provided that the person found in possession of, or using, the horseshoe crabs has documentation which shows that the horseshoe crabs were not harvested in New Jersey;

5) add an enhanced penalty provision for possessing or using horseshoe crabs in violation of the moratorium; and

6) make certain technical and clarifying amendments.

SENATE, No. 1331

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED FEBRUARY 26, 2008

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator ROBERT M. GORDON

District 38 (Bergen)

Co-Sponsored by:

Senators Whelan, Sweeney and Singer

SYNOPSIS

Imposes moratorium on harvest and possession of horseshoe crabs.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/11/2008)

1 AN ACT concerning horseshoe crabs and shorebird conservation and
2 supplementing P.L.1979, c.199 (C.23:2B-1 et seq.).

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. The Legislature finds and declares that each spring more than
8 a million shorebirds of six species, including the red knot, stop at
9 Delaware Bay beaches and feed upon horseshoe crab eggs; that the
10 red knot was once considered one of New Jersey's most abundant
11 shorebirds; that this critical food source of horseshoe crab eggs
12 consumed during the stopover of the red knot in New Jersey and
13 Delaware is needed for the birds to gain sufficient weight to
14 continue their migration north to breeding grounds in the Canadian
15 Artic; that surveys have shown that red knots migrating through the
16 bay region have declined by 65 percent since 2000; and that state
17 and international biologists fear that the red knot will become
18 extinct in as few as five years.

19 The Legislature therefore determines that a moratorium on the
20 harvest, landing and possession of horseshoe crabs would help
21 ensure that more horseshoe crab eggs will be available as a food
22 source, thus helping to ensure survival of these shorebirds.

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24 2. a. There shall be a moratorium on the taking in the State of
25 horseshoe crabs or the eggs of horseshoe crabs, on the landing in
26 the State of such crabs or the eggs of horseshoe crabs taken from
27 outside of the State, and on the possession of horseshoe crabs or the
28 eggs of horseshoe crabs regardless of their origin, until such time
29 as: (1) the population of the red knot shorebird reaches a population
30 of 240,000 established in the United States Shorebird Conservation
31 Plan of May 2001; or (2) a fisheries management plan, which, based
32 upon scientific study and evidence, demonstrates and guarantees to
33 the satisfaction of the Department of Environmental Protection that
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35 shorebirds and population viability for both shorebirds and
36 horseshoe crabs exist. The plan shall be subject to public comment
37 and approval by a peer-review panel which shall include qualified
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39 Endangered and Nongame Species Advisory Committee created
40 pursuant to subsection e. of section 7 of P.L.1973, c.309 (C.23:2A-
41 7). The study must indicate that the shorebirds species including the
42 red knot rufa subspecies have fully recovered, according to the
43 United States Shorebird Conservation Plan of May 2001, before the
44 reestablishment of a limited harvest season may be considered.

45 b. Notwithstanding the provisions of this section to the contrary,
46 the Department of Environmental Protection may issue a permit for:

47 (1) the taking, landing and possession of horseshoe crabs or the
48 eggs of horseshoe crabs for scientific or educational purposes only,

1 provided that the department determines that the collection of the
2 horseshoe crabs or the eggs of horseshoe crabs for these purposes
3 will not cause harm to the red knot, other shorebirds, or horseshoe
4 crab populations; or

5 (2) the collection of blood from horseshoe crabs for biomedical
6 purposes, provided that the horseshoe crabs are released otherwise
7 unharmed to the same waters from which they were collected.

8

9 3. This act shall take effect immediately.

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11

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STATEMENT

13

14 This bill would impose a moratorium on the taking in the State
15 of horseshoe crabs or the eggs of horseshoe crabs, the landing in the
16 State of horseshoe crabs and the eggs of horseshoe crabs taken from
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25 shorebirds and population viability for both shorebirds and
26 horseshoe crabs exist.

27 The bill would authorize only two exceptions from the
28 moratorium, both of which would require a permit issued by the
29 Department of Environmental Protection. The two exceptions are:

30 (1) the taking, landing and possession of horseshoe crabs or the
31 eggs of horseshoe crabs for scientific or educational purposes only,
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9 Delaware Bay beaches and feed upon horseshoe crab eggs; that the
10 red knot was once considered one of New Jersey's most abundant
11 shorebirds; that this critical food source of horseshoe crab eggs
12 consumed during the stopover of the red knot in New Jersey and
13 Delaware is needed for the birds to gain sufficient weight to
14 continue their migration north to breeding grounds in the Canadian
15 Artic; that surveys have shown that red knots migrating through the
16 bay region have declined by 65 percent since 2000; and that state
17 and international biologists fear that the red knot will become
18 extinct in as few as five years.

19 The Legislature therefore determines that a moratorium on the
20 harvest, landing and possession of horseshoe crabs would help
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22 source, thus helping to ensure survival of these shorebirds.

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24 2. a. There shall be a moratorium on the taking in the State of
25 horseshoe crabs or the eggs of horseshoe crabs, on the landing in
26 the State of such crabs or the eggs of horseshoe crabs taken from
27 outside of the State, and on the possession of horseshoe crabs or the
28 eggs of horseshoe crabs regardless of their origin, until such time
29 as: (1) the population of the red knot shorebird reaches a population
30 of 240,000 established in the United States Shorebird Conservation
31 Plan of May 2001; or (2) a fisheries management plan, which, based
32 upon scientific study and evidence, demonstrates and guarantees to
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39 Endangered and Nongame Species Advisory Committee created
40 pursuant to subsection e. of section 7 of P.L.1973, c.309 (C.23:2A-
41 7). The study must indicate that the shorebirds species including the
42 red knot rufa subspecies have fully recovered, according to the
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44 reestablishment of a limited harvest season may be considered.

45 b. Notwithstanding the provisions of this section to the contrary,
46 the Department of Environmental Protection may issue a permit for:

47 (1) the taking, landing and possession of horseshoe crabs or the
48 eggs of horseshoe crabs for scientific or educational purposes only,

1 provided that the department determines that the collection of the
2 horseshoe crabs or the eggs of horseshoe crabs for these purposes
3 will not cause harm to the red knot, other shorebirds, or horseshoe
4 crab populations; or

5 (2) the collection of blood from horseshoe crabs for biomedical
6 purposes, provided that the horseshoe crabs are released otherwise
7 unharmed to the same waters from which they were collected.

8

9 3. This act shall take effect immediately.

10

11

12

STATEMENT

13

14 This bill would impose a moratorium on the taking in the State
15 of horseshoe crabs or the eggs of horseshoe crabs, the landing in the
16 State of horseshoe crabs and the eggs of horseshoe crabs taken from
17 outside of the State, and on the possession of horseshoe crabs or the
18 eggs of horseshoe crabs regardless of their origin, until such time
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27 The bill would authorize only two exceptions from the
28 moratorium, both of which would require a permit issued by the
29 Department of Environmental Protection. The two exceptions are:

30 (1) the taking, landing and possession of horseshoe crabs or the
31 eggs of horseshoe crabs for scientific or educational purposes only,
32 provided that the department determines that the collection of the
33 horseshoe crabs or the eggs of horseshoe crabs for these purposes
34 will not cause harm to the red knot, other shorebirds, or horseshoe
35 crab populations; or

36 (2) the collection of blood from horseshoe crabs for biomedical
37 purposes, provided that the horseshoe crabs are released otherwise
38 unharmed into the same waters from which they were collected.