

CHAPTER 1

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

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

C.23:2B-20 Findings, declarations, determinations relative to horseshoe crab and shorebird conservation.

1. The Legislature finds and declares that each spring more than a million shorebirds of six species, including the red knot, ruddy turnstone, sanderling, semipalmated sandpiper, short-billed dowitcher, and dunlin, stop at Delaware Bay beaches and feed upon horseshoe crab eggs; that the red knot was once considered one of New Jersey's most abundant shorebirds; that this critical food source of horseshoe crab eggs consumed during the stopover of the red knot in New Jersey and Delaware is needed for the birds to gain sufficient weight to continue their migration north to breeding grounds in the Canadian Arctic, survive until food becomes available, and successfully reproduce; that surveys have shown that red knots migrating through the bay region have declined by more than 75 percent since 2000; and that state and international biologists fear that the red knot will become extinct as soon as 2010.

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

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

The Legislature therefore determines that a moratorium on the harvest, landing and possession of horseshoe crabs is critical to ensure that more horseshoe crab eggs will be available as a food source, thus increasing the likelihood of survival of these shorebirds.

C.23:2B-21 Moratorium on taking of horseshoe crabs, exceptions; shorebird management plan.

2. a. Except as provided pursuant to subsection b. or c. of this section, there shall be a moratorium 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 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 shall be subject to public comment and to review and approval by a peer-review panel which shall include qualified shorebird and horseshoe crab ecologists, and the Endangered and Nongame Species Advisory Committee created pursuant to subsection e. of section 7 of P.L.1973, c.309 (C.23:2A-7). 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.

b. Notwithstanding the provisions of this section to the contrary, the Department of Environmental Protection may issue a permit for: (1) the taking, landing and possession of horseshoe crabs or the eggs of horseshoe crabs for scientific or educational purposes only, provided that the department 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; or

(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.

c. The moratorium established in subsection a. of this section shall not apply to 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 shall include a receipt or bill of lading that provides:

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

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

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

d. Any person possessing or using horseshoe crabs in violation of this section shall 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 P.L.1979, c.199 (C.23:2B-14).

3. This act shall take effect immediately.

Approved March 25, 2008.