



New Jersey Division of Fish and Wildlife  
Endangered and Nongame Species Advisory Committee  
Chairman, Dr. Barbara Brummer  
501 East State Street, 3<sup>rd</sup> floor  
Trenton, NJ 08625

March 29, 2010

Dear Dr. Brummer:

The American Littoral Society, New Jersey Audubon Society and Delaware Riverkeeper Network are writing to the Endangered and Nongame Species Advisory Committee (ENSAC) to reiterate our concerns about the consequences of the ARM model to shorebirds and horseshoe crabs in the Delaware Bay and beyond. We attended the March 17<sup>th</sup> ENSAC meeting to learn what changes may have developed with the ARM model since the October Joint Technical Committee meeting. Because of these concerns and the now understood potential use of the model solely by ASMFC (being proposed as the draft Horseshoe Crab Addendum VI ARM option – April 5<sup>th</sup> and 6<sup>th</sup> meeting), we ask that ENSAC send a strong letter to the ASMFC based on scientists' concerns regarding the model and its consequences as it relates to the protection of endangered species. As we understand, the ENSAC's formal recommendations become an integral part of the State's development of policy and making of decisions and this input will be very important to the fate of NJ's shorebirds and horseshoe crabs as the process moves forward.

Delaware Riverkeeper Network attended both the March 17, 2009 and October 2, 2009 Joint Shorebird and Horseshoe Crab Technical Committee Meetings. At these Committee Meetings, spirited debate and discussion ensued on the model parameters, inputs and the science being used to drive the model. These meetings have unveiled issues both with: the process of coming to agreement (or lack thereof) among scientists working with the species affected, as well as issues with the model and the inputs being used. With the "uncertainty" of the model being acknowledged among the scientific experts, and questions arising about for example, the appropriateness of inputs such as trawl survey data instead of spawning adults and egg densities on beaches, we feel there is too much risk involved to responsibly use the model at this time for management decisions. We also observe and object to the time and energy being used strictly to answer the question, "how much reward (i.e. crab harvests) is possible" and think the ARM fails to be sufficiently protective in its design, given the tenuous status of both the horseshoe crab and

**Delaware Riverkeeper Network**  
300 Pond Street, Second Floor  
Bristol, PA 19007  
tel: (215) 369-1188  
fax: (215) 369-1181  
drkn@delawareriverkeeper.org  
www.delawareriverkeeper.org

shorebird populations. Neither of those populations is fully recovered by any definition, and this status demands more caution. Again, we are deeply concerned that the ARM process is driven by an inappropriate desire to expand horseshoe crab harvest levels at this premature time.

During these meetings, as stakeholders of the community, there was little opportunity to provide comments and concerns available to those sitting outside of the scientific technical committee, despite repeated characterizations of the ARM model as being designed around explicit stakeholder inputs. This is one reason why a strong response from ENSAC and the scientists is needed at this time. Since there was little room for stakeholder input from the public at these meetings (and we were unsure our comments shared verbally even were considered), we wrote a letter to the ASMFC to share our concerns (attached). The ASMFC chair shared our letter with technical committee members but to date, we are not satisfied with the response from the ASMFC or Joint Technical Committees (attached) and we feel our concerns stated in the letter still have not been addressed fully, particularly after observing the March 17 summary from Mr. McGowan and seeing some of the same issues had not been addressed from past meetings. To our dismay, it appears many of the issues with the model still remain unchanged even after rigorous debate during the March and October meetings. We also want to reiterate that the public process for meaningful input has not been satisfactory.

Past efforts to advocate for conservative, protective policies recognizing the ecological interrelationships between horseshoe crabs and shorebirds have fallen on deaf ears at the ASMFC. And ASMFC as the sole decision maker on the use of the model does not fit with the intended use of the model. The public needs strong objection from the broader scientific community and entities like ENSAC who represent viewpoints that are both more objective and less vested in harvest oriented outcomes.

Thank you for your time and attention to this matter and for serving in this important advisory role for New Jersey. American Littoral Society, New Jersey Audubon Society, and Delaware Riverkeeper Network plan on attending the April meetings in Philadelphia and we hope by that time, ENSAC has weighed in to error on the side of caution for our threatened species of the Delaware Bay to help enforce our concerns of the public.

Sincerely,



Maya K. van Rossum  
the Delaware Riverkeeper  
Delaware Riverkeeper Network

Tim Dillingham  
Executive Director  
American Littoral Society

Eric Stiles  
V.P. for Conservation and Stewardship  
New Jersey Audubon Society

cc. Dave Jenkins, Chief of ENSP