

October 28, 2008

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nature.org

Mr. Roy Miller
Fisheries Administrator
Delaware Division of Fish and Wildlife
89 Kings Highway
Dover, Delaware 19901

RE: Horseshoe Crab Addendum V: State Regulations

Dear Mr. Miller:

As you are aware, I previously provided comments on the Atlantic States Marine Fisheries Commission's Draft for Public Comment Addendum V to the Atlantic States Marine Fisheries Commission Fishery Management Plan for Horseshoe Crab. The Delaware Chapter of The Nature Conservancy reviewed Addendum V and supported Option 2 under the **Bait Harvest Level Threshold/Closed Season Combinations New Jersey and Delaware**.

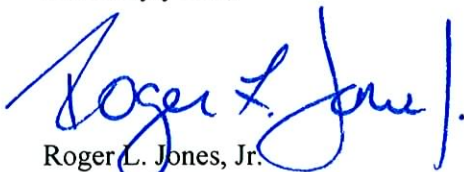
We supported Option 2 as a prudent approach that will avoid backsliding of the existing conservation efforts enacted in horseshoe crab regulations in Delaware. This option allows for the continued moratorium on harvest and landing during the critical period of the shorebird migration. In addition, it allows for a delayed harvest of horseshoe crabs that is capped at 100,000 males in Delaware from June 8 through December 31.

We believe this option is a reasonable approach. In our view it provides the necessary protection for two important TNC conservation targets in the Delaware Bay, horseshoe crabs and migratory shorebirds. Equally important it allows for a harvest of horseshoe crabs that is responsible and sustainable.

In response to the Division's proposed rule making to come into compliance with Addendum V we have reviewed the **DELAWARE REGISTER OF REGULATIONS, VOL. 11, ISSUE 4, WEDNESDAY, OCTOBER 1, 2008 423 DIVISION OF FISH AND WILDLIFE** Statutory Authority: 7 Delaware Code, Sections 103, 1902, 2701, 2703 and Chapter 15 (7 Del.C. §§103, 1902, 2701, 2703 and Ch. 15) 7 **DE Admin. Code 3203 and 3214 REGISTER NOTICE SAN# 2008-22**. We find the regulation proposed is consistent and conform to the requirements of Addendum V. Further, we note that the Division's regulation proposes to extend the hand harvest season through July 31 on beaches where hand harvest is presently legal for male horseshoe crabs only. We are supportive of this measure as a way to help reduce non-target impacts in the dredge fishery that traditionally harvests the balance of Delaware's quota in the fall of each year.

Thank-you for the opportunity to comment on Addendum V on behalf of the Delaware Chapter of The Nature Conservancy and its 3,200 members.

Sincerely yours,



Roger L. Jones, Jr.
State Director