S T A T E O F N E W Y O R K

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2009-2010 Regular Sessions

I N A S S E M B L Y

April 16, 2009

Introduced by M. of A. ENGLEBRIGHT, EDDINGTON, ZEBROWSKI, COOK, JAFFEE, COLTON, REILLY, MAISEL, CASTRO, GLICK -- Multi-Sponsored by -- M. of A. GORDON, MAYERSOHN, PEOPLES, SCHIMEL, TITONE -- read once and referred to the Committee on Environmental Conservation

AN ACT to impose a moratorium upon the taking of horseshoe crabs and the eggs thereof; to direct the department of environmental conservation to study and report on the populations of shorebirds and horseshoe crabs; and providing for the repeal of such provisions upon the expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Legislative findings. The legislature hereby finds that each spring more than one million shorebirds of six species, including the red knot, stop at Long Island beaches and feed upon horseshoe crab eggs. The red knot was once considered one of the state's most abundant shorebirds. Horseshoe crab eggs is a critical source of food for red knots which they consume during their stopover in New York. Such food source is necessary for the red knots to gain sufficient weight to continue their migration north to breeding grounds in the Canadian Arctic. Surveys have shown that red knots migrating through the state declined by 65 percent since 2000. Thus, both state and international biologists fear that the red knot will become extinct in as few as five years.

The legislature therefore declares that a moratorium on the harvest, landing, taking and possession of horseshoe crabs would help ensure that more horseshoe crab eggs will be available as a food source, thus helping to ensure the survival of these shorebirds.

S 2. (a) Notwithstanding the provisions of section 13-0331 of the environmental conservation law or any other provision of law, no person shall take any horseshoe crab (Limulus sp.) or the eggs of any horseshoe

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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crab from the waters or land of the state, nor possess any horseshoe crab or the eggs of a horseshoe crab, regardless of the origin thereof.

(b) Notwithstanding the provisions of subdivision (a) of this section, the department of environmental conservation may issue a permit:

(i) for the taking and possession of horseshoe crabs or the eggs of horseshoe crabs for scientific, biomedical or educational purposes only, provided that such department determines that the collection of the horseshoe crabs or the eggs of horseshoe crabs for such purposes will not cause harm to the red knot, other shorebirds or the horseshoe crab population; or

(ii) 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 taken.

S 3. (a) On or after October 1, 2014, the department of environmental conservation shall examine and evaluate the populations of red knots, other shorebirds and horseshoe crabs in the state to determine whether:

(i) the population of red knots has reached 240,000 as established in the United States Shorebird Conservation Plan of May 2001 and

(ii) a fisheries management plan, based on scientific study and evidence, demonstrates that a more than adequate supply of horseshoe crab eggs exists to ensure population viability for both shorebirds and horseshoe crabs.

(b) On or before December 31, 2014, the department of environmental conservation shall submit its findings, conclusions and recommendations to the governor and the legislature with regard to the study conducted pursuant to subdivision (a) of this section.

S 3. This act shall take effect immediately, and shall expire and be deemed repealed January 1, 2015.