

**PROCEEDINGS OF THE  
ATLANTIC STATES MARINE FISHERIES COMMISSION  
ATLANTIC STURGEON MANAGEMENT BOARD**

**May 10, 2005  
Alexandria, Virginia**

## **ATTENDANCE**

### **Board Members**

Lew Flagg, Chair, Maine DMR  
John Nelson, New Hampshire F&G  
Paul Diodati, Massachusetts DMF  
Bill Alder, Massachusetts Gov. Apte.  
Vito Calomo, proxy for Rep. Verga (MA)  
Eric Smith, Connecticut DMR  
Lance Stewart, Connecticut Gov. Apte.  
Fred Frillici, proxy for Sen. Gunther (CT)  
Gordon Colvin, New York DEC  
Pat Augustine, New York Gov. Apte.  
Bruce Freeman, Chair, New Jersey DFG&W  
Ed Goldman, proxy for Asm. Smith (NJ)  
Tom Fote, New Jersey Gov. Apte.  
Roy Miller, Delaware DFW

Pete Jensen, Maryland DNR  
Howard King, Maryland DNR  
Bruno Vasta, Maryland Gov. Apte.  
Jon Siemien, Washington DC F&W  
A.C. Carpenter, Potomac River Fish. Comm.  
Jack Travelstead, Virginia MRC  
Kelly Place, proxy for Sen. Chichester (VA)  
Preston Pate, North Carolina DMF  
Dale Theiling, South Carolina DNR  
Spud Woodward, Georgia DNR  
John Duren, Georgia Gov. Apte.  
Gil McRae, Florida MRI  
Tom Meyer, NMFS  
Jaime Geiger, USFWS

### **Ex-Officio Members**

Richard Otterstedt, New York DEC, Law Enforcement Committee Rep

### **ASMFC Staff**

Brad Spear  
Nancy Wallace  
Bob Beal

### **Guests**

Joe Doll, LaPaz

Bill White, LaPaz

*There may have been others in attendance who did not sign the attendance sheet.*

**TABLE OF CONTENTS**

**BOARD CONSENT ..... 5**

**DRAFT ADDENDUM II..... 5**

**OTHER BUSINESS..... 9**

## INDEX OF MOTIONS

- 1) **Move to approve Addendum II with the change prohibiting the sale of meat as suggested by public comment and with the elimination of proposed Exemption 2, Gray Aqua Farms. (p. 8-9)** Motion by Mr. Pate and second by Mr. Nelson; motion carries

**ATLANTIC STATES MARINE FISHERIES  
COMMISSION**

**ATLANTIC STURGEON MANAGEMENT  
BOARD**

**Radisson Hotel Old Towne  
Alexandria, Virginia**

**May 10, 2005**

---

The meeting of the Atlantic Sturgeon Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Suite of the Radisson Hotel, Old Towne, Alexandria, Virginia, on Tuesday, May 10, 2005, and was called to order at 1:40 o'clock, p.m., by Chairman Lewis Flagg.

**BOARD CONSENT**

CHAIRMAN LEWIS FLAGG: Good afternoon. I'd like to convene the meeting of the Atlantic Sturgeon Board. You have before you an agenda which has been previously sent to members of the board. And I would at this time ask if there are any additions to the agenda for this meeting. I see no hands.

I would mention that I would like to add under other business a very brief report from Kelly Place concerning a cooperative industry research sturgeon survey that has been ongoing for some time and Kelly is going to give a brief report on that under other business. Seeing no other hands then the agenda is approved as modified.

Also you were mailed a copy of the proceedings from the February 10<sup>th</sup> meeting. Are there any objections to accepting the minutes as printed? Seeing no objections the minutes are accepted as printed.

At this time we would like to accord the public an opportunity for public comment to the Sturgeon Board. Are there any members of the public that would like to comment at this time? Okay, seeing no hands we have no public comment at this time.

The next item on the agenda is the Draft Addendum II commercial aquaculture discussion and vote. And I'm going to ask Brad to take us through this agenda item. Brad.

**DRAFT ADDENDUM II**

MR. BRADDOCK SPEAR: Thank you, Mr. Chair. You should have received a copy of the draft addendum in your meeting materials. If you don't have a copy there are either copies back at the staff table or the meeting materials table.

I'm going to give you an overview of the addendum and also the comments that we received, both from the public and ASMFC committees. The first section in the addendum is an exemption for LaPaz who is proposing to import Atlantic sturgeon fry and eventually grow these sturgeon for sale of meat and caviar.

The options before the board today are status quo which would be providing LaPaz no exemption and there was one public comment that favored that option. And the second option is to then grant LaPaz the exemption to allow importation and production of these fish.

The technical committee, the Atlantic Sturgeon Technical Committee, generally supported Option Number 2. One committee member had concern that the site where the sturgeon would be reared is only a quarter mile away from the Yadkin River but he also noted that it was above the 100-year flood plain and didn't feel that this was a major issue.

Other comments in support of Option 2 were from the North Carolina Marine Fisheries Commission and also LaPaz, the company seeking the exemption. And the Law Enforcement Committee didn't comment specifically on this option but did not oppose the exemption.

A couple other requirements in Exemption 1 with regarding the sale of caviar, the technical committee supported the proposed language in the addendum. Again, the law enforcement didn't comment specifically on the sale of caviar but offered to work with both the state and the company to develop an effective tracking system that would prevent the possibility of any poaching.

There was one comment against allowing the sale of caviar and meat. They felt that there was a potential gap in species protection. Where the goal of Amendment 1 was to protect the species they felt that if the company was allowed to sell sturgeon before they grew the sturgeon that it would leave a window where they were able to sell poached sturgeon.

And I had since communicated with LaPaz and they

had suggested rewording the addendum to include — and this is on the top of Page 5 on the draft addendum, it makes reference to the sale of caviar -- that it wouldn't be allowed until they could prove to ASMFC that it had come from their cultured fish.

So as the addendum reads now it says that caviar would not be allowed to be sold until it could be proved to ASMFC. But they suggested adding language to include “and meat” so that caviar and meat could not be sold until they came back to ASMFC, this board, and proved that the fish in fact or the caviar came from their cultured fish.

Also, LaPaz in their comments regarding this issue noted that there are examples of other caviar that are sold within ASMFC jurisdiction from farm-raised species and they are sold legally and they commented and maintain that the requirements put on them should be no different than what is already in place for other species.

A couple other requirements for Exemption Number 1 was that sale of sturgeon for the pet trade or the aquarium trade would not be permitted and that culture of sturgeon in their facility would meet the best management practices that are included in the draft addendum as Appendix A. No committee or individual commented against these additional requirements.

Exemption Number 2 in the draft addendum will be eliminated. Gray Aqua Farms withdrew its request to allow importation of sturgeon from their company. So now there is only one source that LaPaz will be obtaining the sturgeon fry from.

And that is addressed in Exemption Number 3 which is from Acadian Sturgeon and Caviar. They are requesting an exemption to allow the importation of live sturgeon fry. The options before the board are status quo which would be no exemption.

There was one public comment in favor of status quo. And there was one technical committee member that urged the board to oppose this exemption if: 1, there was no full stock assessment of Canadian stock completed or if the assessment had shown a population that was not stable.

Option Number 2 is to grant Acadian Sturgeon and Caviar the exemption to allow them to import sturgeon to North Carolina. And there was no opposition from the rest of the technical committee and the law enforcement committee regarding this exemption.

A few other requirements in Exemption 3, these are found at the top of Page 7 in the draft addendum and the top of Page 8. I'll just run down them quickly. The exemption is only for the importation and sale of fingerlings and does not include caviar. Again, just for clarification this is for sale from the supplier, Canadian supplier to LaPaz.

Another requirement is that Acadian only sell to state-licensed or permitted buyers; that fish be sold and labeled as a product of Canada; shipments must be accompanied by a CITES permit and proper inventory documents.

Prior to shipment documentation must be sent to the concerned parties — ASMFC, the state, the appropriate federal agencies — and that failure to provide proper documentation will result in forfeiture of Exemption Number 3. And that concludes my presentation.

CHAIRMAN FLAGG: Okay, thank you, Brad. One thing that I wanted to ask you about, in terms of the concern relative to the stock status of the Canadian stocks I know that you did receive a letter recently from DFO that basically said that collection of these fish for purposes of generating the fingerlings for introduction into North Carolina would not have any adverse Impacts on the wild stock of sturgeon in Canada. Is that correct?

MR. SPEAR: Yes.

CHAIRMAN FLAGG: Okay, are there other questions of Brad? Yes, Bill Adler.

MR. WILLIAM A. ADLER: Thank you, Mr. Chairman. I have just a couple of questions. First of all they indicated that they're not going to sell anything until they grow it out it sounded like to me, the meat and the caviar.

And the sturgeons take 20 years to grow so what am I missing here? That's my first question is, in other words they're going to bring the fingerlings and they're not going to sell anything for 20 years? That was my first question. I have one more after that. Is that my understanding?

CHAIRMAN FLAGG: Brad, do you want to respond to that? It's my understanding that they intend to sell before to 20 years. Joe Doll, president of the company is here and may be able to answer specifically when he intends to or when he expects the sale to take place.

CHAIRMAN FLAGG: Joe, would you like to respond to that?

MR. JOE DOLL: Joe Doll with LaPaz, and with me is Bill White, another partner of LaPaz. There are four of us from Western North Carolina that a year and a half ago decided we'd like to take on this intriguing endeavor.

In answer to that question as we through what limited material we've been able to gather and research that we've done we hope through aquaculture control to be able to speed that cycle of 20 years somewhat.

Also, at the point that we are able to determine gender the males will probably be used or will be used for food fish and the females continued to raise for caviar. So we project that time to be at or around three years. It doesn't appear to us that it's going to be 20 before we sell a meat product. It will be somewhat longer than that before we sell a caviar product, that is true.

MR. ADLER: All right, thank you very much for that. And the second thing was you mentioned that other companies apparently are selling caviar or sturgeon products within the realm of the ASMFC borders. And I remember something about Florida before.

But I mean they're not subject to this type of addendum? We had to have an addendum for this company and how are those other people operating that type of a thing without rules like this?

CHAIRMAN FLAGG: Brad.

MR. SPEAR: Those other species are species that the commission doesn't deal with. I apologize for not specifying. But they are other species of sturgeon, lake sturgeon, that the commission doesn't deal with. The one example that we did encounter was with Florida and there was an addendum for that.

MR. ADLER: All right, thank you very much.

CHAIRMAN FLAGG: Pres.

MR. PRESTON PATE JR.: Thank you, Lew. As strange as it may seem since this company will be located in the western part of the state it is subject to the permitting requirements of the Division of Marine Fisheries and will have to operate under an

aquaculture operations permit issued by my division.

In that permit I feel confident that we can address all of the requirements of the plan and have not only the compliance authority through the ASMFC but our local authority in the state of North Carolina.

So given that I'd like to make a **motion that we approve Addendum II with the change prohibiting the sale of meat as suggested by the petitioner and explained by Brad.**

MR. JOHN I. NELSON JR.: Second.

CHAIRMAN FLAGG: Okay, we have a motion by Pres Pate, a second by John Nelson. Yes, Eric.

MR. ERIC SMITH: For clarity, Pres, I'm assuming you mean the document with that change but also without reference to the GAF which has been withdrawn?

MR. PATE: That's correct. As Brad explained there was one of the original petitioners that had withdrawn their request for an exemption and the motion is intended to leave them out.

CHAIRMAN FLAGG: Jaime.

DR. JAIME GEIGER: Yes, Mr. Chairman, a question for the president, please, if I can, is the company planning to use any transgenic technology or gene insertion techniques at the present time or in the future?

MR. DOLL: No, we have no plans to do that at this time.

DR. GEIGER: Thank you.

CHAIRMAN FLAGG: Yes, Bruce.

MR. BRUCE FREEMAN: The question I have concerns the existing closed system. As indicated in the document you have that at the present time. Is it your position that that system will remain closed, you have no plans to change the existing system?

MR. DOLL: No, we first had to seek approval from the North Carolina Wildlife and they are the ones that demanded that it was a closed system. It will be a closed system. It is being designed by Dr. Tom LaSorda, North Carolina State University, and it is being designed in that fashion

and will remain in that fashion.

CHAIRMAN FLAGG: Other questions.  
A.C.

MR. A.C. CARPENTER: Just a quick one, is Lenore in the Atlantic drainage or the Gulf drainage? How far west are you?

MR. DOLL: We are on the east side of the Appalachian Mountains. It does drain into the Atlantic. The Adkin River is actually runs into the Pee Dee, becomes the Pee Dee.

CHAIRMAN FLAGG: Paul Diodati.

MR. PAUL DIODATI: There is not a lot of comment that was received. There are only two comments, actually two or three comments that were received at public hearing and made available today but one is a letter in opposition to this addendum from a Mr. Reiger. And has staff addressed the concerns or considered the concerns of this person who represents Saltwater Sportsmen Magazine?

CHAIRMAN FLAGG: Brad.

MR. SPEAR: The first cut we took at addressing those concerns was to put a, the suggestion was to put a time, basically a moratorium of sale for LaPaz, say five years or so, before they could start selling meat products or caviar.

And I went back to the law enforcement committee and LaPaz and gave them that suggestion. The law enforcement committee came back and said that it wouldn't, there would be no law enforcement reason to do that. They saw it as, Mike Howard, anyway, saw it as redundant.

LaPaz came back and suggested that instead of putting a time, a hard time on it that they would come back to the board before they would sell any product and basically prove to the board's satisfaction that that product came from their cultured fish.

CHAIRMAN FLAGG: I think it would also afford an opportunity for the state of North Carolina and their own law enforcement people to set up a protocol whereby perhaps they would inspect the facility to get an inventory of what was on hand and size and so forth so that there would be a third-party review of the inventory to know that there in fact were cultured fish on station that were of such a size that could be sold or that would be producing caviar at that point. Other questions of Brad or comments.

Yes, Eric.

MR. SMITH: To follow up on the question and answer that I had with Pres, I would be happier if the motion reflected and added the following words just because motions after a passage of time get confused, after public comment add: **and with the elimination of proposed Exemption 2 (Gray Aqua Farms)** -- exemption Number 2 (Gray Aqua Farms). Thank you. And if Pres agrees with that.

CHAIRMAN FLAGG: Does the maker of the motion agree with that protection?

MR. PATE: I agree with that. And Roy Miller, as a sidebar, asked whether we need to clarify the extent of the prohibition against the sale of meat. So to assist in that, Brad, can you go back over the offer that LaPaz made for amending the language that's in the draft?

MR. SPEAR: At the top of Page 5 there are the additional requirements. And in the first bullet LaPaz proposed adding the following language -- well, as it's written it says "sale of Atlantic sturgeon caviar" -- LaPaz proposed adding "and meat" -- "from North Carolina cultured sources will not be permitted until LaPaz meets an acceptable standard for traceability."

So, again, that just means that before they sell any meat or caviar they will have to come before this board or submit proof to this board's satisfaction that it did come from their source.

CHAIRMAN FLAGG: Yes, I think the primary issue here is that it's actually in that second sentence on Page 5 which basically says LaPaz must prove to ASMFC's satisfaction prior to its sale of caviar and meat -- added -- that such caviar and meat was produced from LaPaz cultured fish.

MR. PATE: I think the record is clear enough without getting really wordy with the motion. The intent is certainly there and the record reflects that intent. So certainly I accept Commissioner Smith's suggestion for modification.

CHAIRMAN FLAGG: Okay, then we have a perfected motion. Any other, is there further discussion of the motion? Any further questions of Brad or staff concerning the addendum? Okay, if you would take a moment to caucus.

Okay, for the record I will read into the record the motion that we have before us. **Move to approve**

**Addendum II with the change prohibiting the sale of meat as suggested by public comment and with the elimination of proposed Exemption 2, Gray Aqua Farms.** Motion by Mr. Pate and second by Mr. Nelson. And that's the motion before us.

Has everybody had a chance to caucus? All those in favor signify by saying aye; those opposed; null votes. Okay, the motion passes on a voice vote. Okay, and the only other item we have on the agenda is other business. And as I mentioned earlier we are going to receive a brief report from Kelly Place concerning a cooperative industry sturgeon survey. Kelly.

### OTHER BUSINESS

MR. KELLY PLACE: Hello. Back on February 10<sup>th</sup> I gave a brief rundown of the project as we were still on the third iteration. Six rewrites later we ended up with the title of "Assessment of a Sturgeon Bycatch, Bycatch Mortality and Other Regulatory Discard Mortality in Virginia, Winter/Spring Striped Bass and Other Gill Net Fisheries."

I'd like to mention that Dr. Christian Hagar who is my co-investigator is in the audience and he would probably like to briefly mention some of the data that he has been crunching that we've generated from this project.

Also, I'd like to mention he is the bycatch coordinator for the North Atlantic and Mid-Atlantic for SEA Grant. He's also an expert in gear and bycatch reduction devices. There are a number of objectives in the study and the ones that are germane to this board basically I have listed as follows.

The first was to evaluate sturgeon interactions with the anchored gill net striped bass fishery from February to March 25<sup>th</sup> in Virginia. The second was to evaluate sturgeon interactions in the striped bass fishery and to some extent other anchored gill net fisheries after the striped bass regulations in Virginia change on March 26<sup>th</sup>.

Thirdly is to determine the effects of various mesh sizes on bycatch composition from February to June 1<sup>st</sup>. Fourth, we're gathering critical abundance, mortality and DNA data on sturgeon in Virginia waters.

Fifth, in the event of significant sturgeon mortality is to collect baseline sturgeon bycatch data in order to develop spatial, temporal and/or gear alteration

techniques to reduce or eliminate sturgeon bycatch mortality in Virginia.

And, lastly, objectives that are germane to this board — because there are others — was to engage Virginia's commercial fishermen in the proactive collection of vital data and potentially of genetically diverse brood stock possibly needed to effect the restoration of Atlantic sturgeon to greater abundance so that it may fulfill its function in the marine ecosystem.

Just as soon as we left here in February we had already initiated the project long before we had finished writing the grant proposal so we already had sturgeon, surprisingly, waiting for us that watermen had captured and held for us in cages out there.

So, by I think it was February 12<sup>th</sup> we were already tagging our first sturgeon. Of the number that we've tagged — and I'm not sure how many it is now because each day the number grows — one of ours has been recaptured in Maryland and we had also recaptured one that had been previously tagged in Connecticut.

One thing that surprises us is we've had few if any recaptures of our own. Phase 1 we started out in the ocean where over the last 15 years I had personally caught and released 200 to 300 sturgeon and had not personally observed any bycatch mortality. That was one reason we had initiated this project.

Phase 2 was in the Chesapeake Bay which seems to have been pretty successful. We've been getting many different sizes of sturgeon. The last month or so we've been in Phase 3 up the James River.

We're running five different sizes of gill net, two of each: two 5-inch, 6-inch, 7-inch, 8-inch and 10-inch. And we're not just categorizing the sturgeon bycatch, we're categorizing all bycatch, in fact the entire catch composition.

This is essentially a pilot study although I think we're generating some pretty valuable data in its own right. I'm going to just keep it — I'm going to cut my part of it short right now so that Dr. Hagar will have a chance to give you some of the data that he has been crunching from the voluminous log sheets that we've been generating here.

So with that and of course both of us will be happy to answer any questions either here or later. So, if it's okay with the chair I'll ask Dr. Hagar to come up and characterize some of this.

CHAIRMAN FLAGG: Yes, please do.

DR. CHRISTIAN HAGAR: How are you all doing today? My first thing is to apologize for not making as many copies of this as I should have. I only made 20. I didn't realize that the board consists of so many individuals, which I should have.

The first thing I'd like to just sort of point out is the comparisons between catch per unit effort between Collins in South Carolina, the only other bycatch study done. His catch per unit effort was .008 and ours is an order of magnitude lower than that, .0004.

This is not surprising because there are a lot more sturgeon in the South Carolina area. The other thing that's very interesting is that Collins, having run for three years, 1994 through '96, had an estimated mortality on the gear that ranged from 6 percent to 19 percent.

Our estimated mortality is 6 percent and we determined that in two different ways. One is simply fisheries dependent mortality per fish looked at. That was actually 0 percent but we only looked at two fish.

The other way was an independent study and this is where the 6 percent comes in. The independent gear, as Kelly mentioned,, that's based on 16 fish caught, 1 mortality out of that resulting in a 6 percent mortality.

Also we looked at the mortality of fish that were — excuse me — fish that were independently caught and fish that were taken into possession from fishermen that were held to get an estimated mortality over a 72 hour period which I'll talk about here in a minute.

But of all the fish that we took into possession there was also a 6 percent mortality. None of those fish that we took into possession died in possession. And all were kept for an average of 72 hours.

In all 69 fish have been captured. Two occurred in the dependent sample, as I had mentioned before, 16 in the independent sample and 51 reported by fishermen. Taken into possession there have been 33 fish; 2 fish in the dependent; 14 were attained from reported fish, thus from fishermen; and 16 were captured in the independent sampling trial.

The independent sampling gear has actually targeted these fish and it shows that when targeted you can catch more than one a day, a catch per unit effort somewhere in .01. But as our commercial fisheries

are currently being conducted, obviously looking for other fish, then fortunately for us not crossing up with the range of the sturgeon it seems the catch per unit effort is very, very low.

However, as we know from historic catch records you can target these fish in the Chesapeake if you wanted to, even though we have very few left. The last thing to be mentioned is that we have captured one pre-tagged fish which was previously tagged in Connecticut, presumed to be of Hudson stock.

And we had one of our fish which we tagged in the Lower Bay in mid-February turn up in Maryland about two weeks later. So that does suggest that these younger fish are taking a mimic run up tributaries.

The larger fish that we have captured in the James River have also been captured near the MTZ, the Max Turbidity Zone, which is where historic records indicate that spawning may have occurred so that's you know a good thing that they are large fish.

They are very, very close to spawning size that are occurring in spawning regions in the Chesapeake's rivers. Another nice thing is that we've seen a lot of young fish at the mouth of the York River, a river which historically has not played, "received," let's say, as much attention as being a sturgeon-producing river.

But, history would show that it actually had many sturgeon camps on it and the finding of scoots on Werowocomoco, the new Indian site discovered on the banks of the York which was the largest Indian village at the time of settlement, also shows that a large number of them were being consumed there. So, with that I'd like to take any kind of questions.

CHAIRMAN FLAGG: Okay, thank you very much, Dr. Hagar. Are there questions of Dr. Hagar or Kelly at this time? Yes, Eric.

MR. SMITH: I'm from Connecticut. Could you tell me, was the tag an agency sonic tag or was it just a —

DR. HAGAR: U.S. Fish and Wildlife Service T-tag.

MR. SMITH: Okay, thank you.

DR. HAGAR: Sure.

CHAIRMAN FLAGG: Yes, Roy.

MR. ROY MILLER: Dr. Hagar, were those gill net captures anchor or drift nets?

DR. HAGAR: They were all anchored nets.

MR. MILLER: Anchor nets. Set overnight?

DR. HAGAR: Set overnight. All of the independents were set for 24 hours. We do not have, say, a trustworthy report on how long the nets were set in the fishermen's reports. We did not ask them to give us that information because we were not going to be able to use it.

However, just from talking to some fishermen two deaths occurred in all of the reported fish by fishermen. One thing I didn't mention, the reported mortality rate by fishermen is .039 or .04, 4 percent.

That's also identical to the report by Olney state gill nets which are being run for shad in the James and York Rivers. So, that does seem to suggest that what the fishermen are telling us is true.

And one of the two fish which were reported being dead in the fishing gear was from a 72-hour soak in the ocean. So it suggests that, yes, this 24-hour soak time is going to help sturgeon as far as their mortality, incidental.

MR. MILLER: If I could just follow up.

CHAIRMAN FLAGG: Yes, go ahead.

MR. MILLER: Did you take any, maybe you said this, take any fin samples or anything for —

DR. HAGAR: Yes, sir, we took DNA from all fish which came into possession which we are holding at this point to run to do further analysis to look at stock structure.

MR. MILLER: Thank you.

CHAIRMAN FLAGG: Yes, Dr. Hagar, what was the size range of fish that were observed in the survey?

DR. HAGAR: In inches from about 19 inches all the way to about 6 feet 2. All of the big fish were taken up the James River in the spawning reaches. We were hoping to capture some big ones because they had been reported in the ocean fishery but our coverage of ocean striped bass fishery in the early season was very limited.

CHAIRMAN FLAGG: Okay, Kelly.

MR. PLACE: I'd like to mention also that the gear that we're using we were primarily examining with regard to bycatch in the striped bass and other large mesh fisheries. Were we to be running gear that specifically targeted sturgeon, especially adult sturgeon, we would be using much larger mesh sizes.

So the adult sturgeon that we have captured have been pretty coincidental and they just are the ones that we see as you bring a net up. For instance, most of these sturgeon could have easily swum the other direction and have escaped.

So we don't know what we may have interacted with but I would also like to point out that we've essentially only fished one small area of the James, relatively speaking. It's a large, wide and mighty river. That's why I call this a pilot study.

Hopefully we will be examining spatial and temporal abundance of all age classes throughout the river as time goes on. And I also hope and I assume Chris is doing the same, we're trying to think or devise some sort of gear where we could measure the young of the year in the upper reaches where they're likely to be.

That's been one huge void in the data extent, whether there is in fact significant reproduction taking place in the James. Thus far what we've seen would suggest that not only does the James have somewhat significant reproduction taking place — no one knows how much — but the York as well.

And it also leads us to question and wonder what about the Rappahannock and the Potomac. Hopefully that will be subject matter for a further study.

CHAIRMAN FLAGG: Okay, thank you, Kelly. Any other questions? Okay, I'd like to thank you both for presenting this information. I hope you will feel free to come back and keep us apprised of your progress as your studies continue.

DR. HAGAR: Thank you very much. And the other thing I would just like to call attention to anybody who actually got this handout is the last page of Olney's eight-year ongoing shad gill net, staked gill net study which may suggest recovery in the James and York Rivers. The catches of this year in his nets were as high as they have been since 1998 and are the second highest to date.

CHAIRMAN FLAGG: Thank you. Kelly.

MR. PLACE: Yes, one other thing. I wanted to thank both Jack Music who basically wrote the book on sturgeon in Virginia and Albert Spells with Fish and Wildlife who has been one of our observers and who also in '97 and '98 ran a reward program for sturgeon which ended up with a surprising, I think about 300 fish out of the James River.

He has been really instrumental in a lot of the things we've done because of some of the data that he generated in '97 and '98 we've used as guidance in where to fish. And so not only are we trying obviously to learn things that aren't known but we're trying to relearn things that have been forgotten. And Albert has been very helpful to us at that. Thanks.

CHAIRMAN FLAGG: Thank you, Kelly. Any further comments from board members? Yes, Jaime.

DR. GEIGER: Mr. Chairman, I'm wondering if it's not getting an appropriate time to do another status review on Atlantic sturgeon and also include -- as I believe this board made a decision -- short-nose sturgeon as part of the sturgeon management plan.

CHAIRMAN FLAGG: Thanks, Jaime. Are there comments from board members relative to this? When was our last Atlantic sturgeon status review? Three years ago? I can't remember -- 1998. Okay, so it has been a while. And, yes, there is the one underway for Atlantics. Are you suggesting that we consider short-nose in that?

DR. GEIGER: Mr. Chairman, I think at one point in time we had discussions with this board that we talked about Atlantic sturgeon and we also I thought voted and made a decision to roll short-nose into that and look at a general sturgeon fisheries management plan.

I don't think this board has -- if that is indeed correct and again certainly I think it needs to be verified but if it is I believe we have done nothing related to either improve status of short-nose along the Atlantic Coast. It may be appropriate to look at that as well.

CHAIRMAN FLAGG: Comments from board members. Gordon.

MR. GORDON C. COLVIN: Yes, I seem

to recall a discussion along the lines of what Jaime suggested. I think at that time we went as far as to rename us the Sturgeon Management Board, but no further.

I think there was a perception that there was no point in developing an independent management program at the time. Short-nose were still listed and it didn't seem they were going to get de-listed any time soon.

There was also I think still at that time pending the development of the Short-Nose Recovery Plan. And I don't think it was finished yet at that point. It is now I believe.

And maybe what one might consider doing is looking, is asking for a report from the services on the status of that plan and for recommendations on what if anything the states through the interstate program might be able to do to facilitate its implementation and to get us to the point where a reevaluation of the status of short-nose might actually produce a change.

But, you know it's just one more thing on our list of priorities and so it may be something to consider for work plan deliberations for next year or something along those lines. I don't know.

My suggestion would be that the first step would be to ask the services to let us know where they see the implementation of the Short-Nose Recovery Plan and the status of short-nose and what thoughts they might have about where we might go, you know from the states' perspective.

I'd be kind of reluctant to put an awful lot of time and energy into this if we don't see some light at the end of the tunnel there.

CHAIRMAN FLAGG: Thanks, Gordon. Can we ask the services to consider that for a report to the next board meeting -- as Gordon has suggested, proving some update as to the status of the Short-Nose Recovery Plan and so forth?

MR. TOM MEYER: We will provide that information.

CHAIRMAN FLAGG: Thank you, Tom. Other issues? Okay, seeing none then we stand adjourned. Thank you.

(Whereupon, the Atlantic Sturgeon Management Board meeting adjourned on Thursday, February 10, 2005, at 10:50 o'clock, a.m.)