

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

**August 18, 2004
Alexandria, Virginia**

ATTENDANCE

Board Members

Lew Flagg, Maine DMR
George Lapointe, Maine DMR
John Nelson, New Hampshire F&G
Bill Alder, Massachusetts Gov. Apte.
Vito Calomo, proxy for Rep. Verga (MA)
Mark Gibson, Rhode Island DEM
Eric Smith, Connecticut DMR
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.
Dick Snyder, Pennsylvania FBC
Gene Kray, proxy for Rep. Shroder (PA)

Roy Miller, Delaware DFW
Howard King, Maryland DNR
A.C. Carpenter, Potomac River Fish. Comm.
Kelly Place, proxy for Sen. Chichester (VA)
Jack Travelstead, Virginia MRC
Preston Pate, North Carolina DMF
David Cupka, South Carolina Gov. Apte.
John Frampton, South Carolina DNR
Robert Boyles, proxy for Sen. Drummond (SC)
Spud Woodward, Georgia DNR
John Duren, proxy for Rep. Lane (GA)
Kathy Barco, Florida Gov. Apte.
Tom Meyer, NMFS
Wilson Laney, US F&WS

Ex-Officio Members

Andrew Kahnle, TC Chair

ASMFC Staff

Toni Kerns
Brad Spear

Bob Beal

Guests

Michael Doble, RFA
Marta Nammack, NMFS
Kim Damon-Randall, NMFS
Bennie Williams, USFWS

Dennis Heinemann, Ocean Conservancy
Coby Dolan, Ocean Conservancy

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

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None

**ATLANTIC STATES MARINE FISHERIES
COMMISSION**

**ATLANTIC STURGEON MANAGEMENT
BOARD**

**Radisson Hotel
Alexandria, Virginia**

August 18, 2004

The Atlantic Sturgeon Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Suite of the Radisson Hotel, Alexandria, Virginia, on Wednesday, August 18, 2004, and was called to order at 11:00 o'clock a.m. by Chairman Lewis Flagg.

BOARD CONSENT

CHAIRMAN LEWIS FLAGG: Okay, if you would please take your seats, we'll convene this meeting of the Atlantic Sturgeon Board. We only have an hour so it's going to be a relatively short meeting.

This is the Atlantic Sturgeon Management Board meeting. You have received, prior to this meeting, an agenda in your briefing materials. At this time are there any additions to the agenda?

I might add I have one item. Brad will give a little bit of an update on the Maryland proposal, which was circulated to you all by e-mail and letter. He will provide an update under other business. Any other additions to the agenda? Seeing none, then we will proceed with the agenda as approved.

You also received the minutes of the meeting of March 9th, 2004, in Alexandria, Virginia. Are there any errors or omissions to those minutes? Does anybody have objections to approval of the minutes? Seeing no objections, they are approved.

At this time we offer an opportunity for public comment. If there are members of the public here that would like to comment at this time, please come to the public microphone, which is just behind Joe Graham, our stenographer.

Are there any members of the public that would like to speak at this time? As we proceed through the meeting, if there are issues that come up, if you would raise your hand in the public, we'll try to recognize you

to discuss any issues of concern to any one of you. The next item on the agenda is the technical workshop on stock status update. Andy Kahnle was scheduled to give that report, but Andy is busy right now with the Striped Bass Stock Assessment Subcommittee, so I'm going to ask Brad to -- oh, no, here comes Andy. Maybe we're going to have him after all. How timely.

MR. ANDY KAHNLE: I would defer to Wilson Laney who actually prepared for that report this morning, if he's in the room.

CHAIRMAN FLAGG: Yes, he is. Wilson, could you give us an update on the technical workshop on the stock status.

TECHNICAL WORKSHOP UPDATE

MR. WILSON LANEY: Certainly, Mr. Chairman, I'll be glad to do that with Andy and Brad feeling free to chime in. As most of you recall, there was a workshop on the stock status held last October in Raleigh, North Carolina.

We had a host of invited speakers, as well as representation, I think, from just about every state. I guess there were one or two states that couldn't attend, but in those cases they sent information that was presented to the group.

Andy Kahnle is the chair of the technical committee and Brad Spear is the coordinator for this species and myself have subsequently met in Raleigh on two occasions and held two work sessions. I'd say, gentlemen, we're probably, what, maybe 95 percent completed, 95 percent of progress has been made toward completion of a proceedings for the workshop.

One thing we're adding to that is a summary of all of the five-year compliance or the annual compliance reports from each state that have been provided during the five years since the plan was implemented.

We're also including some supplemental information from several peer-reviewed papers that were published by Kevin Friedland of NOAA and other authors. All that information will be included in this draft proceedings.

Several of us have been diverted from that task by other duties so we've been a little bit delayed. We had hoped to have it ready to present to you for your review at this meeting, but I feel certain that it will be ready for review at the November meeting. Is that pretty much it, guys?

CHAIRMAN FLAGG: Thank you, Wilson. Any questions of Wilson? Okay, seeing none, we'll proceed with the next agenda item. That is an update from National Marine Fisheries/U.S. Fish and Wildlife Service on the status review process and jurisdictional discussion. Tom.

FEDERAL UPDATE ON STATUS REVIEW

MR. THOMAS MEYER: Thank you, Mr. Chairman. On August 13th, which was last Friday, NMFS and Fish and Wildlife Service formed a working group to work out details on coordinating and communicating during the status review of Atlantic sturgeon and American eel.

The group will make recommendations to Pat Kurkul, our Northeast Regional Administrator, and to Marvin Moriarty, Region V Regional Director for Fish and Wildlife Service, by the end of September.

One thing to be worked out is what organization has the lead on both of these animals. We're moving along and we expect to have an answer at the end of September and expect to start doing the review right after that.

CHAIRMAN FLAGG: Thank you, Tom. Any questions of Tom? Yes, George.

MR. GEORGE LAPOINTE: Tom, did I understand that those are going to be doing jointly, because I heard there was some discussion that one agency might take Atlantic sturgeon and one agency might take American eel?

MR. MEYER: That's correct. The working group will be discussing that and make the recommendations to the regional administrators as to what organization would have the lead.

For talking purposes, if we landed up with sturgeon, we would have the lead, but Fish and Wildlife Service would assist us, along with ASMFC, in putting together the review. So you're right in that, yes.

CHAIRMAN FLAGG: Other questions for Tom? Okay, seeing none, we will proceed to the next item. As you may remember, at the last meeting we had Dr. Jim Cummings from the Interstate Commission on Potomac River appeared before us and discussed their interest in developing a plan on how to conduct restoration of Atlantic sturgeon in Chesapeake Bay.

That is our next item on the agenda and I'm going to ask A.C. Carpenter if he could give us an update on

that process.

MR. A.C. CARPENTER: Thank you, Mr. Chairman. As you recall at the last meeting, Jim outlined the basics of our plan, and it involved trying to locate some funding sources. We have not found any direct funding sources for that work just yet, but it has been an issue that we have continued to explore options that may become available to us.

In the meantime, Steve Minkkinen with the Fish and Wildlife Service has some news of an upcoming workshop, and I'd like to ask Steve to give a report on that in connection with this white paper work that we're doing.

CHAIRMAN FLAGG: Yes, Steve.

STURGEON WORKSHOP UPDATE

MR. STEVE MINKKINEN: Yes, I'm Steve Minkkinen. I'm the project leader of the Maryland Fishery Resource Office with the U.S. Fish and Wildlife Service. The Fish and Wildlife Service has been having a lot of discussion about how to facilitate efforts intended to enhance the recovery of Atlantic sturgeon.

In order to more fully develop this type of debate, we're going to be hosting a workshop in October. We plan on having this at the Petuxent Research Center.

The goal of the workshop is going to be to define issues and strategies to achieve Atlantic sturgeon restoration. We hope the intended audience will include our Sturgeon Technical Committee, any sturgeon researchers, agencies and any interested stakeholders.

I'm really hoping that a round-table discussion of issues such as bycatch, habitat and a potential for hatchery-based restoration efforts can be held and really be useful in helping to initiate enhancement efforts for Atlantic sturgeon.

CHAIRMAN FLAGG: Thank you, Steve. Any questions of Steve? Questions from the board? Any questions from the public? Okay, thank you very much, Steve. The next item on the agenda is the election of vice chair. Roy.

ELECTION OF A VICE CHAIR

MR. ROY MILLER: Thank you, Mr. Chairman. I would like to nominate David Cupka of South Carolina for vice chair.

CHAIRMAN FLAGG: Okay, is there a second? A second from George Lapointe. Pat.

MR. PATRICK AUGUSTINE: Mr. Chairman, I would like to second that nomination and close nominations. I'd also like to make a comment relative to the other candidate who was suggested at our last meeting.

CHAIRMAN FLAGG: Okay, is there a second to Pat's motion to close the nominations?

DR. EUGENE KRAY: Second.

CHAIRMAN FLAGG: Okay, we have a second from Gene Kray. Bob.

MR. ROBERT E. BEAL: Obviously, I'm not commenting on the motion. At our last meeting a meeting-specific proxy was nominated for vice chairman of this management board.

At that time, since there wasn't an urgency to implement a vice chair or to elect a vice chair, we agreed that staff would go back and look at the guidance provided in the ISFMP Charter and other documents that we have regarding a meeting-specific proxy serving as vice chairs or eventually chairs of management boards.

The ISFMP Charter provides only limited guidance on the election of a chair. It just simply says that management boards and sections shall elect their own chair and vice chair, so that's all the guidance we have.

The other discussions that we've had at the staff level are more of a consistency issue in that meeting-specific proxies may or may not attend following meetings. The chairmanship position, from the staff perspective, there is a desire to have that person consistent and attending all the meetings.

There is no prohibition or anything to prevent a management board from electing meeting-specific proxies. From a staff perspective and recommendation was that probably isn't desirable in that the consistency from one meeting to the other may not be there with a meeting-specific proxy.

Obviously, the commission has instances where ongoing and permanent proxies are serving as chairs of management boards, and that seems to be -- seems to in the past, you know, the boards have indicated and have operated under that and it has worked well. It's just the consistency is a concern with meeting-specific proxies.

CHAIRMAN FLAGG: Thank you, Bob. Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. That was a concern I had voiced with Mr. Beal concerning Mr. Doebley possibly becoming a vice chairman. I think he would serve very well, but the concern was that we haven't had anyone who has not been appointed as a permanent proxy that would guarantee that he would continue to be available at every single meeting.

I do appreciate on behalf of the board, at least on behalf of New York, that Mr. Doebley made himself available to be considered as a candidate. Thank you.

CHAIRMAN FLAGG: John.

MR. JOHN I. NELSON: Thank you, Mr. Chairman, and thank Bob for that clarification. When I went back over the minutes of the last meeting, Mr. Chairman, after we had put you in place, put you in your place -- I always wanted to say that. (Laughter) I've never been able to put Lew in his place before, so we put him in his place as chairman.

But, seriously, we did get the nomination from Michael for vice chair. And just to make sure where our process is clear here, I don't know if that was seconded or not.

I couldn't tell from the minutes, so I just want to make sure that we -- if we've already got a nomination that has been seconded on the floor, I want to make sure that we haven't forgotten that or not dealt with that in due process.

If we didn't get a second, then the process that we're doing now, as far as the closing of the nominations and everything would be appropriate, but I just want to make sure we handle this fairly.

CHAIRMAN FLAGG: Yes, I did check the minutes, too, and I didn't note that, but is there any member of the board that recalls whether or not there was a second to Mr. Doebley's nomination at the last meeting? Does anybody recall whether we had one or not? You think there was? Okay, Kelly, all right. Yes, Mike.

MR. MICHAEL DOEBLEY: Thank you, Mr. Chairman. I appreciate the commission's efforts to make sure the process was -- Michael Doebley. However, if my name was still in there, I would ask that it be withdrawn from consideration now.

After speaking with several individuals, I believe it's in the best interest if perhaps somebody who works for an agency were to fill that role. Thanks.

CHAIRMAN FLAGG: Thank you very much, Mike, so I think that resolves that issue. We have a motion on the floor with one nomination, with a motion to move the nominations cease. So, all those in favor of the motion that we move the nominations cease, say aye.

Okay, and that means that we have one nominee, and I don't know if we need to vote on that. All those in favor, signify by saying aye. Okay, thank you, David, for your willingness to take on this job. I didn't ask for the no's, David, you notice.

OTHER BUSINESS

Okay, under other business, a couple things. You have a letter from the Ocean Conservancy to Dr. Hogarth expressing some concern about the status of Atlantic sturgeon.

You may recall also that at our last meeting Sonja Fordham spoke to that issue. At the time the board didn't take any particular action. I have given it a little bit of thought, and I wanted to just put forth a thought to the board for your consideration.

That is if you think it would be appropriate, I would have staff draft a letter from the board chairman to send to the three regional councils, just expressing some concern about the status of Atlantic sturgeon; and also suggesting that in those fisheries where Atlantic sturgeon are likely to be encountered, that it would be appropriate to try to provide for some increased observer coverage to see whether or not there are any significant amounts of incidental catch of sturgeon in some of those other fisheries, so just a thought to respond to that issue. Yes, Gordon.

MR. GORDON C. COLVIN: Thank you, Mr. Chairman. I can't speak for anybody else, but I have been sitting on some money that we could use to find a way to do some more observer coverage.

A couple of issues. One, this is almost like MRFSS all over again. For any one state to initiate, on its own, a contract to do observer work, administratively that's a burden that is pretty overwhelming.

The guy sitting next to you can tell you how difficult it was the last time we tried to do this. We've also had some issues in terms of our state law in the past not providing for mandatory requirements for permit holders to carry observers.

I think we're going to get past that.

But even so, what might be workable -- and others

might find the same thing if they had a few dollars to contribute to this -- is to find a way for us all to use whatever dollars we can come up with to expand the coverage provided through the Northeast Observer Program of NMFS.

I think maybe one of the things we can suggest in whatever dialogue gets constructed with the services on this issue as this review goes forward, that some of us probably can find some resources to expand observer coverage if we can find an infrastructure within the observer program that exists to build on.

I would just want to convey that thought to people. The other thing is let's be candid for a minute and ask ourselves to think about how we address this. Again, I'm sitting on some money.

One of the things I've got to think about, before I make an investment, is that if New York invests in observer coverage and does a better job than we've been doing of documenting discards of sturgeon or anything else, what price do we pay?

You know, it's the old, "no good deed goes unpunished" problem in dealing with discard issues. I would hope that we all spend some time thinking about how to get past that one as well.

CHAIRMAN FLAGG: Thank you, Gordon. Pat and then Bill.

MR. AUGUSTINE: Thank you, Mr. Chairman. And in reference to the Ocean Conservancy letter, it is rather interesting that some very broad-brush statements are made, in particular the following findings are of particular concern.

On the one hand, we talk about the abundance of the Hudson River spawning stock, estimated at fewer than 2,000 animals, less than 50 percent of the abundance in late 1800s; but then the next two are just one-line items, the abundance of sub-adults in the Delaware Estuary continues to decline.

Question, to what? Where was it and where are we? And the species remains scarce in the Chesapeake Bay. Hello, I think we know that, but what are the numbers we're talking about? And there is no question, I think every member around this table understands that we have a problem with sturgeon.

Back to throwing stones again with just general broad-brush statements doesn't help the process move forward. I do understand in the bycatch workshop that we attended up in Wakefield, Massachusetts, a couple of weeks ago, they talked about all types of species of

fish, nets and so on.

They didn't talk about sturgeon in particular, but I believe there may be some action being looked at by the Sea Grant folks that should be considered before we respond back to and added to your letter back.

I think the idea of your putting out a letter under the chairman's name is the right approach to take. Thank you, Mr. Chairman.

CHAIRMAN FLAGG: Thank you. Bill Adler.

MR. WILLIAM A. ADLER: Thank you, Mr. Chairman. I have to take some issue with some of the things that were said here in this Ocean Conservancy letter. I think that the commission should reiterate that there are ecological, habitat -- water quality is probably the Number 1.

In the last section of this front page here of the letter, it says that the bycatch is the Number 1 obstacle to sturgeon recovery, and I don't believe that.

Based on what I've heard on the sturgeon declines in various rivers and various areas leads me to believe that there is something besides a fishery bycatch that is doing a number on the sturgeon.

I think that the Atlantic States should point out in its letter that natural factors, ecological, habitat, water quality, degradation, et cetera, et cetera, should be at least included in that letter, so we don't get the interpretation here and the perception that it's Atlantic Coast fisheries that are the prime cause of the decline, which is what this letter seems to be pointing to. Thank you.

CHAIRMAN FLAGG: Thank you, Bill. I have David Cupka and then Kelly.

MR. CUPKA: Thank you, Mr. Chairman. Earlier you indicated that you were entertaining the idea of sending out a letter to the three councils, but I notice, in reading the Ocean Conservancy letter, that in both places it mentions councils. It only mentions the New England and Mid-Atlantic.

It does not mention the South Atlantic, so I don't know whether that was an oversight on their part or whether they feel like it's not necessary for us or what.

CHAIRMAN FLAGG: You're doing a good job down there.

MR. CUPKA: I just wanted to point that out.

CHAIRMAN FLAGG: Kelly.

MR. KELLY PLACE: To add to Mr. Adler's comments on the habitat degradation, I believe siltation of the spawning habitat is one of the reasons we're not getting any successful recruitment.

The adhesive nature of the sturgeon's eggs and the necessity for hard gravel bottom for them to spawn, and the fact that most of those spawning habitats seem to be sedimented over in all the estuaries in our area, I think is largely responsible.

I base that on what Albert Spells From U.S. Fish and Wildlife, who is a sturgeon specialist, what he has related to me and others, so I think simple sedimentation of the spawning habitat could well be one of the main factors in their lack of reproduction.

CHAIRMAN FLAGG: Thanks, Kelly. Yes, George.

MR. LAPOINTE: Rather than speculating on what we think is the most important issue in regard to the recovery of sturgeon or the continued existence, isn't that what the status review does?

We all kind of have our ideas, and they should look at them all, but our biologists and the service biologists will look at all those perceived threats and prioritize them accordingly, won't they?

CHAIRMAN FLAGG: Yes. Other comments? Could you please identify yourself for the record.

MR. COBY DOLAN: My name is Coby Dolan. I'm with the Ocean Conservancy, and I just want to respond to a few comments here. First of all, Sonja Fordham couldn't be here today and asked me to come by and attend the hearing.

I think George hit on the point, which is in our letter we are asking for a status review. We're not, in the letter, trying to throw stones at anyone. We're trying to say there is more work that needs to be done here.

We think that the status review is an important step that needs to be taken to protect the species. We appreciate and understand that it's more than just the fisheries that are affecting the sturgeon.

I think George is right that the status review will cover that. I just wanted to point that out, and thank you for your time, if you have any questions.

CHAIRMAN FLAGG: Yes, thank you. Other comments from the board? Yes, Vito.

MR. VITO CALOMO: I appreciate this young man coming forward from the Conservancy to offer some explanation, but in the letter it only talks about the gillnet fishery, the dog fishery, the monk fishery.

It does not say what he said personally, so that's why I agree with Bill Adler, and I take a little offense to this letter. I think our letter should clarify. I believe that pollution is the main concern here and degradation.

When you talk about estuaries and rivers, tributaries and stuff like that, you don't see too many gillnets up in that area or men fishing for monkfish with any kind of trawls or anything. I'd just like to put the "hat on the donkey" on this one here and clarify that it's not only fishing we're -- it specifically says fishing.

Every letter we get says fishing. I think there is a lot more behind this lack of sturgeons recovering than just fishing, so I'd like to see that letter sent back to all of them saying that our concerns are not just fishing. Thank you.

CHAIRMAN FLAGG: Thank you, Vito. Gordon.

MR. COLVIN: I understand and respect the views some of the commissioners have expressed about their concerns with the precise language in the Ocean Conservancy's letter.

There is no doubt that there are many instances presently and historically in which habitat degradation and loss of access to habitat has had dramatic affects on Atlantic sturgeon populations on the East Coast.

But before we go too far, recognize this, in our own Hudson River, there is no dam that impedes access of sturgeon to their historic habitat. Water quality and habitat conditions in the Hudson are substantially improved, dramatically improved today from what they were 20-30-50 years ago.

And yet sturgeon populations are not inaccurately described in the status of sturgeon in the Ocean Conservancy's letter, so we have more to do. If we simply stand back and say that the problem is habitat, I fear we will not be successful.

I think we have more to do. I'm not necessarily going to accept that all we have to do is to address bycatch. I suspect that there are more things, more proactive things that we may need to do.

I do think that fishing, probably directed sturgeon fishing, had a lot to do with putting the population in its current situation. The problem is that its current situation is so weak that the native reproductive capacity of the stock is so low that it's unable to come back probably without more help than we're now giving it.

I would like us to be careful in terms of our response, if I may suggest, Mr. Chairman, and recognize that we have more to do than we've been doing to get sturgeon populations restored. Thank you.

CHAIRMAN FLAGG: Thanks, Gordon. Roy.

MR. ROY MILLER: I would also like to chime in to support Gordon's statement that the Delaware River stock experienced dramatic declines through the 1990s, at the stage that the Delaware was in fact improving in terms of water quality.

There have been dramatic improvements over the past 30 years in the water quality to the Delaware River. Unfortunately, the Atlantic sturgeon population has not enjoyed the fruits of that water quality improvement, so there are other factors at work here other than water quality. Thank you.

CHAIRMAN FLAGG: Thank you, Roy. Other comments? Well, what's the board's wish in terms of would you like to have staff draft a letter to the three councils and to the National Marine Fisheries Service to try to respond to the concerns that have been expressed through the Ocean Conservancy letter? Yes, David.

MR. CUPKA: Thank you, Mr. Chairman. Again, you mentioned three councils, and I guess maybe Mr. Coby can answer my question earlier. I was curious whether it was an oversight or whether there is really not concern about the South Atlantic Council. Maybe he can clear that up.

CHAIRMAN FLAGG: Mr. Coby.

MR. DOLAN: Yes, thank you, sir. Actually, it's Mr. Dolan, not to be confused with Kobe Bryant. I believe that was simply an oversight. Sonja Fordham was working with me on that letter while she was off on the road at some meetings, and I believe it was by my mistake leaving that out. I'll make sure that that gets forwarded to the South Atlantic Council. Thank you.

CHAIRMAN FLAGG: Wilson.

MR. LANEY: To that point, Mr. Chairman, and to respond to Dave in part, too, it may have well been an oversight, but I will note that the South Atlantic Council was the only one of the three East Coast councils that did address habitats that would be Atlantic sturgeon EFH if they had the capability of designating EFH, so I think they're to be commended for that.

Perhaps Sonja was thinking about that when she crafted the draft or perhaps not, but I will note for the record that the South Atlantic Council not only addressed potential EFH for Atlantic sturgeon, but for all the other diadromous species, as well in their Habitat Plan.

CHAIRMAN FLAGG: Thank you, Wilson. Other comments? Yes, Eric.

MR. ERIC SMITH: Thank you, Mr. Chairman. To your question, I agree with Gordon and Roy on the immediacy of the concern. I also am happier now than I was ten minutes ago with the tone of the conversation, because it was, frankly, getting into the realm that made me uncomfortable.

I think the Ocean Conservancy is simply raising an issue that is of concern to them. They're writing to the people that they think need to address the concern. I don't think we ought to cross swords with them over it, because it is a stock that is very depressed and has those life history characteristics that warrant more attention than they would if they were some of the other fish that we're more commonly used to dealing with.

That said, this was a letter from them to Bill Hogarth for a response. I'm not sure at this point, other than us being very aware of the need to coordinate and collaborate on this thing, that we need to be writing responses. I would suggest that we wait and see what the initiative is from the Fisheries Service to work with them on the issue.

CHAIRMAN FLAGG: Okay, thanks, Eric. Gordon.

MR. COLVIN: This conversation has caused me to think of something that I would -- I think I have probably mentioned before, but I don't know if I've mentioned it to the Sturgeon Board directly.

Later this year, I think it's in October, all 50 states are looking at a -- actually, I think it's a year from October, 2005 -- all 50 states are looking at a deadline for submission to the U.S. Fish and Wildlife Service of

their comprehensive wildlife conservation strategies under the federal grant program for the state wildlife grants.

Let me once again implore our partners in the East Coast Fisheries Management that if you have not already done so, I strongly urge you to work with your counterparts in your state fish and wildlife programs to assure that sturgeon and certain other species of importance to all of us that clearly qualifies, such as American eels, horseshoe crabs and doubtless others, are identified in your state list of species in greatest conservation need and are included in your comprehensive wildlife conservation strategies, so that they will be eligible for funding under the state wildlife grant programs in the future. Thank you.

CHAIRMAN FLAGG: Thank you, Gordon. George, did you have a comment?

MR. LAPOINTE: I was just going to follow up on Eric's comment, that commenting on letters from outside groups to the Director of the National Marine Fisheries Service didn't seem to be a productive use of our time.

I'd rather our states and the commission staff concentrate on getting information to the National Marine Fisheries Service, so that in fact when they do the status review, it lists all those arguments and discussions and spends the time prioritizing them.

CHAIRMAN FLAGG: Thank you, George. And it seems to me that many of the board members are also members of the various councils; so if they feel there is a need and a concern relative to this issue, they can express those at their regular council meetings in terms of looking at Atlantic sturgeon issues.

Anything further on this issue? Then I also have under other business, Brad was going to give us an update on the Maryland proposal.

MR. BRADDOCK J. SPEAR: Thank you, Mr. Chairman. This past spring Maryland submitted a proposal to ASMFC as a courtesy to import Atlantic sturgeon from Canada, actually to import fertilized eggs and to use those eggs in nutritional and marking studies at one of their facilities.

Lew circulated a memo in May to the board requesting comments on the proposal. It was laid out in the memo that there is no formal process laid out in any ASMFC documents to review or comment on such a proposal, so we kind of developed an ad hoc review process where the board had time to comment.

A few comments were received. One of those was to send the proposal back to the technical committee for their review, so it was sent back to the technical committee. The technical committee reviewed it.

The commission's management and science committee reviewed it. Also, there were some comments from other people outside of the commission that sent comments in. The comments that were sent in ranged from full support for the project to general support with some comments to no support with the proposal as written.

Those comments were compiled and sent back to the board, and the board was given another chance to comment on the proposal with the comments in hand. The comment period closed I think about two weeks ago.

There were no comments from the board submitted or lack of support submitted; so taking that as general agreeance with the proposal as written. I'm not sure at what point Maryland is in their project, but I will be compiling those comments and sending them out to Maryland.

There were a few questions that were raised by some of the technical committee members that they felt should be answered. And, like I said, a memo will be sent out. Staff will send a memo to Maryland with those comments and questions outlined, and the board will be copied once that is sent out.

CHAIRMAN FLAGG: Okay, any questions of Brad? Howard.

MR. HOWARD KING: Thank you, Mr. Chairman. I'd just like to mention that we have received those comments and have in turn responded to the chairman. We have Brian Richardson here today if anyone has any specific questions, but we do believe we've addressed the concerns that were expressed in the review.

CHAIRMAN FLAGG: Okay, thank you. Are there other agenda items? Are there other issues to come before the board on Atlantic sturgeon? Okay, seeing there are no other items to come before the board. I declare the management board adjourned.

(Whereupon, the meeting was adjourned at 11:40 o'clock a.m., August 18, 2004)

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