

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

**February 20, 2006
Arlington, VA**

Approved August 16, 2006

ATTENDANCE

Board Members

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| Ritchie White, New Hampshire Gov. Appt. | A.C. Carpenter, Virginia PRFC |
| Dennis Abbot, New Hampshire Rep | Frank Cozzo, proxy for Sen. Schroeder (PA) |
| Howard King, Maine DNR | Eugene Kray, Pennsylvania Gov. Appt. |
| Bruno Vasta, Maryland Gov. Appt. | April Price, Florida Gov. Appt. |
| Russell Dize, proxy for Sen. Colborn (MD) | Gil McRae, Florida FWC |
| Pat Augustine, New York Gov. Appt. | William Wainright, North Carolina Rep. |
| Brian Culhane, New York Sen. | Wilson Laney, proxy for J. Geiger (NC) |
| Kelly Place, proxy for Rep. Chichester (VA) | Tom Meyer, Maryland NMFS |
| Kathy Duuput, Virginia Gov Appt. | Craig Shirey, Delaware Fish and Wildlife |
| Jack Travelstead, Virginia MRC | Peter Himchack, New Jersey public |
| Jerry Carvalho, proxy for Rep. Naughton (RI) | Erling Berg, New Jersey gov. appte. |
| Mark Gibson, Rhode Island DFW/DEM | Tom McCloy, New Jersey Fish and Wildlife |
| George Lapointe, Maine DMR | Eric Smith, Connecticut DEP |
| Malcolm Rhodes, South Carolina Gov. Appt. | Bill Adler, Massachusetts Gov. Appt. |
| Mel Bell, South Carolina DNR | Vito Calomo, proxy for Rep. Varga (MA) |
| Spud Woodward, Georgia DNR | |

ASMFC Staff

Brad Spear
Bob Beal
Lydia Munger

Guests

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|-----------------------------------|---------------------------------------|
| John Frampton, South Carolina DNR | Wallace Juhin, South Carolina DNR |
| Terry Stoudwell Maine DMR | Sonia Fordham, The Ocean Conservancy |
| Chris Hager, Virginia VIMS | Louis Daniel, North Carolina DMF |
| Lisa Kerr, New Jersey UMES | Kim Damon-Randall, Massachusetts NMFS |
| Ryan Wooland, Maryland UMCES | Leroy Young, Pennsylvania PFBC |

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

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INDEX OF MOTIONS

- 1) **Move to approve the agenda (pg. 6).** Motion by Mr. Augustine and second by Mr. Calomo; motion carries.
- 2) **Move to approve proceedings from February 10, 2005 (pg. 6).** Motion by Mr. Augustine, second by Mr. Adler; motion carries.
- 3) **Move to nominate Eric Smith as chair of Sturgeon Board (pg. 6).** Motion by Mr. Lapointe, second by Mr. Calomo; motion carries.
- 4) **Move to nominate Pat Augustine as vice chair of Sturgeon Board (pg. 6).** Motion by Mr. Smith, second by Mr. Calomo; motion carries.
- 5) **Move to approve the compliance review and FMP review (pg. 7).** Motion by Mr. Meyer, second by Dr. Kray; motion carries.
- 6) **Move to approve the implementation plan for North Carolina (pg. 10).** Motion by Mr. Augustine, second by Mr. Lapointe; motion carries.
- 7) **Move to approve the Cultured Atlantic Sturgeon Stocking Guidelines as modified (pg. 20).** Motion by Mr. Lapointe, second by Dr. Kray; motion carries.
- 8) **Move that Vince O'Shea write a letter in support of the PIT Tagging program to the Fish and Wildlife Service (pg. 22).** Motion by Mr. White, second by Mr. Calomo; motion carries.

**ATLANTIC STATES MARINE FISHERIES
COMMISSION**

**ATLANTIC STURGEON MANAGEMENT
BOARD**

**DoubleTree Hotel Crystal City
Arlington, Virginia**

February 20, 2006

The meeting of the Atlantic Sturgeon Management Board of the Atlantic States Marine Fisheries Commission convened in the Washington Ballroom of the DoubleTree Crystal City, Arlington, Virginia, on Monday, February 20, 2006, and was called to order at 3:40 o'clock, p.m., by Chairman Robert E. Beal.

BOARD CONSENT

CHAIRMAN ROBERT E. BEAL: Okay, we'll go ahead and call the Atlantic Sturgeon Board to order. This board currently does not have a chair or a vice chair so the commission's practice is that the Director of the ISFMP steps in and chairs those meetings in the absence of a chair or a vice chair.

Lew Flagg was the chair and David Cupka was the vice chair so obviously those two folks have decided to retire and leave us. So I'll go ahead and chair this meeting. One of the first or early agenda items is the election of a chair and vice chair.

So we'll go ahead and dispense with that when we get there and then I anticipate that whoever is elected chair and vice chair, the chair will take over at the next meeting of the Sturgeon Board. So with that we'll go ahead and get started. The first item on the agenda is the approval of the agenda. Pat Augustine has his hand up and he's ready.

MR. PATRICK AUGUSTINE: **So moved, Mr. Chair.**

CHAIRMAN BEAL: Okay, thank you.

MR. VITO CALOMO: Second.

CHAIRMAN BEAL: Thank you, Vito. Any concerns with the agenda or suggested changes? Seeing none we have a motion to approve it and that

stands approved.

The one change that we may make as the chair's prerogative and staff's prerogative, is since we started early our technical committee chair is not here yet so we will, if we get to the 5:05 agenda item which is the bycatch workshop summary and the chair is still not here, then we may need to modify the agenda a little bit but we'll see how that goes when we get there. The next item is approval of the proceedings from February 10th of last year. Pat Augustine.

MR. AUGUSTINE: **So moved, Mr. Chairman.**

CHAIRMAN BEAL: Great. Bill Adler seconds that. Any concerns or changes suggested for the proceedings from last February? Seeing none, they stand approved. At this time we have a public comment period. Does anyone in the public care to make any comments to the Sturgeon Management Board at this time?

Seeing no hands in the back of the room we're going to move on to my favorite part of the agenda which is the nomination and election of the chair. Do we have any nominations for chairman of the Sturgeon Board? George Lapointe.

ELECTION OF CHAIRPERSON

MR. GEORGE LAPOINTE: Thank you, Mr. Chairman. **I'd like to nominate Eric Smith as chair of the Sturgeon Board.**

MR. CALOMO: Second.

CHAIRMAN BEAL: Vito Calomo seconded that. Any other nominations for chairman of the Sturgeon Board? Seeing no other nominations, any objection to Mr. Smith serving as the chairman of this board? Seeing none, he stands approved. He was in the room at the time, that should be noted. Any nominations for vice chair? Eric Smith.

MR. ERIC SMITH: **I nominate Pat Augustine.**

MR. CALOMO: Second.

CHAIRMAN BEAL: Vito Calomo seconds the nomination for Pat Augustine. Any other

nominations for vice chairman of this board? Seeing none, the nominations are closed. Any objections to Pat serving as vice chair?

MR. AUGUSTINE: As long as I bring the cookies?

CHAIRMAN BEAL: Yes, if he brings cookies he's always welcome.

MR. CALOMO: I baked them this time.

CHAIRMAN BEAL: Vito is still working on credit for these cookies. All right, seeing no objections or concerns Pat will be the vice chair of this management board. Thank you. Okay, moving on down the list. The plan review team reports, state compliance, and the FMP review, Brad.

STATE COMPLIANCE REPORT

MR. BRADDOCK J. SPEAR: Thank you, Mr. Chairman. The plan review team met to review state compliance. We just met through conference call a few weeks ago. I'll go through the highlights. The PRT recommends that all jurisdictions are found in compliance with Amendment 1 for the year of 2004.

And the team came up with a few recommendations for most of the states on how they could improve reporting and monitoring of Atlantic sturgeon bycatch. Specifically, we ask that states include catch per unit effort data with regard to their fisheries independent surveys when they do encounter Atlantic sturgeon and to if possible expand that effort data to the whole fishery so we can get a better picture of bycatch.

And kind of the most important part of bycatch, Atlantic sturgeon bycatch is the incidental mortality so we also ask that states report any sign of or any known incidental mortality. And if a state through its monitoring is able to assess status or any sort of change in status of Atlantic sturgeon we ask that they report that in the state compliance reports as well. Next slide.

A few other recommendations, with regard to taking tissue samples we ask that states when they encounter Atlantic sturgeon in their independent surveys take tissue samples and send them to the NOAA repository in South Carolina, that way the geneticists can get a handle of that information and it gets a better picture of where sturgeon are coming from.

Another recommendation is for states who continue tagging of Atlantic sturgeon when they encounter them and submit that information to the U.S. Fish and Wildlife Service, their Annapolis Office.

And the other part of that recommendation is for states to start using PIT tags if they're not already using them. And there is a standardized protocol that is being proposed that I'll talk about later on in the agenda. And the other recommendation is to expand or initiate programs to determine, to monitor sturgeon bycatch and the mortality associated with that.

FMP REVIEW REPORT

And just a few of the highlights from the FMP review, the FMP review was handed out in the supplemental mailing that went out to the board a few weeks ago. If you look at Table 2 in the FMP review it just gives you an indication of what states do report on sturgeon bycatch.

And if you do have that table you can see that there is fairly inconsistent reporting among the states and what is reported. You can tell that there is varying levels of volume of data that we're able to obtain. And this is not for any states not in compliance it's just some states have more information to report than others.

And that, one last thing, the NMFS U.S. Fish and Wildlife's status review of Atlantic sturgeon is currently underway. The status review team has been established and they're produced a report. They're in the process of meeting and completing that report. They're expected to finish the whole review by the end of this summer. And that concludes my report.

CHAIRMAN BEAL: Thank you. Any questions on the compliance review and FMP review? Seeing none, is there a motion to approve the compliance review and the fishery management plan review? **Tom Meyer makes the motion.** Is there a second to that motion? Dr. Gene Kray, thank you.

Is there any objection to approving the motion which is approving the FMP review and the state compliance review for 2005? Seeing none, the motion passes without objection. Mr. Adler.

MR. WILLIAM A. ADLER: Thank you, Mr. Chairman. The recommendations that just came with regard to what they would like the states to do, I saw on the Massachusetts one the request and recommendations and those were only

recommendations, right? Because I'm not sure whether Paul and the division is capable of doing more than what they're doing already on sturgeon.

MR. SPEAR: That's correct. And this report will be sent back to the states and at this point it's not a requirement and we're just kind of asking the states to do what they can.

CHAIRMAN BEAL: Great, thank you. Any other questions on the FMP review? All right, seeing none we'll keep moving down the agenda. The next item is the North Carolina Addendum II Implementation Plan. And Brad will give you the background and the content of that plan. Brad.

ADDENDUM II IMPLEMENTATION PLAN

MR. SPEAR: Thank you. As you recall, North Carolina proposed a commercial aquaculture development in its state and we went through the addendum process about a year ago and the board approved the addendum.

And North Carolina as part of that was required to develop an implementation plan with regard to the addendum. They have since submitted that and this is just a brief presentation of their implementation plan. And it's just something the board will have to approve or not.

Essentially North Carolina plans to hold LaPaz which is the private company that was asking for the exemption to possess and produce Atlantic sturgeon to the best management practices and that is, you will find that as Appendix A of Addendum II. Next slide.

Part of the requirements for North Carolina to be in compliance with Addendum II is to track the Atlantic sturgeon that they are importing and producing so North Carolina has a process to track the movement of sturgeon from its source as fry to the consumer.

Part of that is through law enforcement examining documentation of the identification of the sturgeon and they could also have the opportunity to track the sturgeon through invoices, bills of sale, things of that nature. And there is also the requirement that all sturgeon that are produced in the facility are marked or tagged in some manner.

And as far as reporting, to be in compliance with the addendum LaPaz is required to report any release of sturgeon into the surface waters of North Carolina within 24 hours to the North Carolina Wildlife Resources Commission.

And also through annual reporting, through the annual compliance reporting, North Carolina is required to report on the production of sturgeon from LaPaz, including kind of the number of sturgeon and what age classes are being held and any other information regarding the aquaculture operation. That's it.

CHAIRMAN BEAL: Any questions? Pat Augustine.

MR. AUGUSTINE: Thank you, Mr. Chairman. I reviewed the whole package and two things stood out quite clear and with some concern, North Carolina Addendum II Implementation Plan, September 12, 2005, on Page 2 under tracking it indicated in the second sentence, "The facility should maintain documentation identifying the source of all adult fish, fingerlings, fry and eggs of sturgeon imported into the state for at least two years."

Then what happens? That's one question. I don't know if you have an answer to that or not. But I don't like the word "should". I think we're allowing them to bring these things in and it's a change in our venue. I think it should be required.

And then further on the last sentence said, "The division will request information related to production of Atlantic sturgeon from LaPaz, develop an annual report and will maintain the records for a minimum of five years."

And then what happens? I guess my question is, what happens after five years? Does it drop dead and we don't allow any more sturgeon to come in? Don't need an answer but it's a question that comes up here.

And then the last and final paragraph said, "In the event of release of sturgeon into the surface waters of the state, the facility manager..." and so on "...will report within 24 hours of release to the North Carolina Wildlife Resources..." as you reported.

But then it goes on and in the last sentence it says, "...an exact location of the release, the name of the receiving water body, and the approximate volume of water released." That must have something to do with the impact on the biological area or the habitat area. But when we talk about the approximate volume of water released can someone tell me what that means?

Maybe it's just a container of a thousand gallons or whatever but I mean it's in there so it's got to be in

there for some reason. Is there some impact on what is going to be in that water that they've been raised in?

Or if they were in a pen of some sort or inland pond and we're now taking that water and releasing it out into wherever these fish are being let go? And I don't know if anyone here can answer that question but those are the two that came up to my mind.

CHAIRMAN BEAL: Brad, can you comment?

MR. SPEAR: Sure. I'll address your last question first. The aquaculture facility is a closed system at LaPaz and I don't know what threats would be posed if that water used in their closed system were to enter the system, the natural system.

But I guess it's more of a preventative or a safety-check in case there is, in case there are chemicals or other items in the closed system that gets released in the wild. It's, you know, a heads-up I guess to the states.

CHAIRMAN BEAL: Eric Smith.

MR. SMITH: Thank you. I had a question at the same point Pat's third question was, that last paragraph on Page 2. It's not real comforting, frankly, although I supported this addendum and still do.

It's not real comforting to say in the event of a release of sturgeon into surface waters report within 24 hours the size, number of fish released, location of the released, I guess the fish released.

And then you look on Page 4, it says to avoid potential adverse impact LaPaz will ensure that the facility has no discharge into any natural water course. So, you know the contradiction is you're ensuring that, because it's a quarter mile away from the nearest river, apparently, if you read down at the bottom of Page 4, I don't know if there are tributaries to the river that are closer to the facility.

Obviously if it's a closed system theoretically -- and of course theoretically is made to have an accident happen like a Category 5 hurricane or whatever -- they're either going to get released because of an unfortunate accident, a Katrina-type storm, or they're never going to be released because the thing is above the 100-year flood zone and a quarter mile or more from the nearest river.

That inconsistency from Page 2 to Page 4 when you talk about releasing fish -- now we're not talking about toxic waste here, first of all. We're talking about sturgeon that weren't naturally produced which may or may not be comforting because they could have diseases which hopefully they wouldn't if they're going to the food market.

It's just that point also troubled me. It's not enough to say, my God, you know we can't do this because we've already voted to do it. I would simply get back through North Carolina Marine Fisheries to the applicant to have them tighten that up and maybe send a letter saying, you know, okay, it was poorly worded but there is no way these fish are ever going to get into the natural water course because of and just tell us what the constraints are.

Maybe you've got a 50-foot dam. I don't care what it is but you know it just struck me. The other point was on the bottom of Page 5 it says, "LaPaz will sell to buyers within North Carolina and to buyers in other states under the regulations requiring the sale of sturgeon" which is okay.

But then you read down and it says, "Sale of live Atlantic sturgeon for the pet trade aquarium trade in any ASMFC state jurisdiction state will not be allowed." Well, that's comforting to 15 of the 50 states but I wonder what the other 35 think about that.

So that's a question of if they're, I guess you could look at us as being good neighbors by saying, what if they're going to -- think of my geography, Arkansas, Mississippi. Is that a problem? Is that a problem for those jurisdictions? And maybe we want to tighten that one up a little, too.

CHAIRMAN BEAL: Brad, would you like to comment on those points?

MR. SPEAR: Not that I necessarily have an answer for you but that portion of the language was taken directly from the addendum and I believe, I don't know if it came up at a board meeting but that issue was discussed, either internally within the commission or at the board meeting.

And I believe because the commission only has jurisdiction over these 15 states that's where it was limited to. And perhaps you know wording in there suggesting that other states you know limit or prohibit the sale of Atlantic sturgeon as well is appropriate.

CHAIRMAN BEAL: George Lapointe.

MR. LAPOINTE: I think the distinction is the concern for Atlantic sturgeon in the Atlantic is you know the genetic pollution issue. Do these aquaculture fish get out in the wild and then in some way reduce the viability of wild animals? Because the very nature of aquaculture is that you breed to make them suitable for aquaculture facilities and not for rivers.

It strikes me the question for the other 35 states is we should perhaps, I mean they should be notified but I don't know how many states are really consistent with the treatment of exotic species in the aquarium trade.

And I don't think these should be held to a higher or a lower standard. I mean -- and I will tell you I think it's a big issue that none of us addressed very well. But that strikes me that the standard should be the same for the animals raised through this as they are for some other do-wang fish that's going to be you know go to an aquarium trade in Missouri.

CHAIRMAN BEAL: Eric Smith.

MR. SMITH: Normally speaking I agree with that logic except I keep thinking about the good neighbor syndrome and the fact that maybe it would be satisfactory simply to say to LaPaz, the applicant, the commission would like you to notify the state in which you're sending those fish before you do it so that you know if they have a concern about this.

I mean we're facing this now with certain species coming into Connecticut and it's like, how did that happen? Well, we got poor coordination and maybe poor rules. And it just, if you put the onus on the applicant to at least communicate with the receiving state then I'm satisfied. The receiving state has got the obligation to enforce it.

CHAIRMAN BEAL: George.

MR. LAPOINTE: I don't know if we can force them to do that but it's certainly a good recommendation.

CHAIRMAN BEAL: All right, great. Is there a **motion to approve the implementation plan from North Carolina**? Mr. Augustine has made the motion. Is there a second to that? George Lapointe. So the motion is on the -- yes, Eric Smith.

MR. SMITH: Obviously with the two points made, yes.

CHAIRMAN BEAL: With the two points, one regarding the, requesting more information on the prevention of release of these animals and then the aquarium trade issue. We will make that request through the North Carolina Division of Marine Fisheries. Brad, another comment.

MR. SPEAR: Okay, with all that being said just an update on LaPaz's plans for importing Atlantic sturgeon and producing them. They have since changed direction currently and are now pursuing a different species of sturgeon, not Atlantic. However, they did ask to reserve you know the opportunity import Atlantic sturgeon and take advantage of Addendum II.

CHAIRMAN BEAL: So we're, essentially what this motion now becomes is a motion to approve essentially a contingency plan by the LaPaz organization in that sometime in the future they may consider importation of Atlantic sturgeon. Is that right, Brad?

MR. SPEAR: That's right. And the way the addendum is worded is to give LaPaz this exemption for a period of five years. And it does not stress or it does not state when that five year period starts so there is no need for the addendum to be changed.

CHAIRMAN BEAL: George Lapointe.

MR. LAPOINTE: It strikes me that in fact the five years should start when this is approved. I mean otherwise who knows what is going to happen in the future. I mean that seems a little squirrely to me.

CHAIRMAN BEAL: George, do you want to, or Pat Augustine, do you want to add that caveat to your motion, that?

MR. AUGUSTINE: Yes, I do.

CHAIRMAN BEAL: That the term of the approval will be five years and the first year of that five-year period is 2006?

MR. AUGUSTINE: On the approval of this process and follow that up with another one if we can discuss it. Something should happen after five years and maybe a statement in there that at the five-year time it's incumbent upon LaPaz to go ahead and come back to us and ask for either an addition of extension or whatever; otherwise, I think they're scott-free.

They've already established the fact they've got a business going and that's it; they don't need us. Now I don't know how you want to word that but I'd like to clarify it so it does capture after five years. So those are the two elements. Can we do that?

CHAIRMAN BEAL: Well, I mean I think if we can come to an understanding around the table that the motion up there includes the one additional point based on George Lapointe's comments of the five-year period and then we also have the two other points that we talked about with Eric which is requesting more information on the release of these animals or the prevention of the release of these animals, the aquarium trade issue and the notification of the receiving states, and then the third additional point will be the notion that after, you know, given that this sunsets in five years they will be required to petition this management board for either an extension or a modification to that program or the exemption is null and void after the five-year period.

Does everyone understand that that's all wrapped into this motion? Okay, thank you. Mr. Lapointe and then Mr. Augustine and then Mr. Adler.

MR. LAPOINTE: And we're being silent about whatever their other plans are for another species of sturgeon. I mean this doesn't say anything about that does it?

CHAIRMAN BEAL: It does not. And I think that the rationale for that is this addendum was approved under the Atlantic Sturgeon FMP.

MR. LAPOINTE: No, I think that's entirely appropriate. I wanted to make sure. But just out of curiosity, do we know what species they're thinking about now?

MR. SPEAR: I don't know off hand. It's a — there we go.

CHAIRMAN BEAL: Dr. Laney can help us out.

DR. WILSON LANEY: That would be the Russian sturgeon.

MR. LAPOINTE: Well, and again given the fact this is the Atlantic Sturgeon Board, the board doesn't need to take action but I suspect there may be a few concerns about their alternate plans.

CHAIRMAN BEAL: Mr. Adler and then

Mr. Smith.

MR. ADLER: Yes, a lot of that was what I was going to ask because we just went through a little bit of discussion about what if this happens, what if that happens, and the water that you're pouring in here and the rest of the thing, all of that based on them growing you know Atlantic sturgeon.

Now we're going to have Russian sturgeon and so I don't know whether Carolina has some type of a thing. I mean the same questions but now we're dealing with a real strange thing. So that was my concern, too.

CHAIRMAN BEAL: George Lapointe.

MR. LAPOINTE: I guess this is to Wilson. Given Maine's experience with Atlantic salmon being cultured in Maine waters and the concerns about genetics and all those other things, I guess I'd just appreciate some information -- and you don't need to do it now -- from the services on how they would address this issue in terms of consistency with other, concern about other aquaculture species.

CHAIRMAN BEAL: Dr. Laney.

DR. LANEY: To that point, George, I wish our CITES folks were here but that species I think is covered under Appendix 2. And if I remember correctly all they have to have is a certification from the exporting country that they were legally obtained or whatever.

And the North Carolina Wildlife Resources Commission and I guess Pres is not here but the North Carolina Wildlife Resources Commission actually has the permitting authority in conjunction with the North Carolina Department of Agriculture for the proposed facility.

The North Carolina Wildlife Resources Commission did consult with both federal services and with ASMFC and everybody else with regard to what sort of constraints they should impose on this operation to make sure that it was as environmentally benign as possible.

So, we provided them a lot of the material that was put together when Florida first proposed the sturgeon aquaculture proposal and that spun out of the workshops on those. We have provided the maximal amount of assistance to them that we could do to this stage of the game.

And I agree with concerns expressed around the table. And note to Eric's point that I think Eric the reference to the water volume and possible accidents may have had more to do with transporting fish from the facility to market as opposed to any sort of escape from the facility itself because it is a totally closed facility.

CHAIRMAN BEAL: Eric Smith, I've skipped over you a couple of times in the name of flow of conversation so my apologies.

MR. SMITH: No, that's okay. I don't want to beat this to death because we've given it a lot of time and I think we have a pretty tight process here now for Atlantic sturgeon. The other stuff I could take all day but I don't want to talk about it.

It doesn't comfort me, though, to hear that the company has said, nah, I guess we won't do Atlantic; we're going to do something else but we want to keep this in our back pocket. I kind of like the idea of saying that we'll approve this for a five-year period as long as they start using Atlantic sturgeon within the first year.

But if more than that time elapses they need to come back here with an update because we may find that you know some real problem with sturgeon, Atlantic sturgeon that we didn't know about before comes up in Year 2 or Year 3.

And it might be nice to come back and say, you know we have an opportunity to say conditions have changed, other than four years from now when we're all paying attention to something else all of a sudden you know the company starts and it takes us by surprise.

Again, that may be going overboard here and I don't want to you know make this into a federal case. So I guess I want to plant that seed and see how other people feel about it.

CHAIRMAN BEAL: Great, thank you. Dennis Abbott.

MR. DENNIS ABBOTT: Thank you, Mr. Chairman. Thinking about this, would it be more proper for us just to lay this on the table, a simple tabling motion and let it set there until a point that LaPaz comes forward with a desire to go ahead with Atlantic salmon?

And if they don't -- not Atlantic salmon, Atlantic sturgeon, just leave the issue on the table rather than

vote for it? Leave it there for five years? I think it would be very proper for us to do that. I'm not making a motion but I'd like the board to consider that.

CHAIRMAN BEAL: Great, thank you, Dennis. We've got two notions that are out there if folks want to discuss them. Pat Augustine.

MR. AUGUSTINE: I'd like to take the other position on it only because it looks like North Carolina has done an awful lot of work on this and they've worked very closely with LaPaz. And it sounds like they've closed a lot of the loopholes that LaPaz possibly could have moved ahead with or taken action on without being controlled or guided or directed.

It would seem to me that once we approve this, that's when the clock starts ticking. And relative to Eric's concern, if they don't do anything in four years and 360 days, that's too bad; they've got five days to do what they've got to do. It's over. And I think that's the message that has to go out.

It's a business. These people are in business to make money. And I think you can rest assured they're going to move as quickly as they can to meet the commitments of whatever the board agrees. If we said they're going to be able to take in X number of thousands of fish a year they're going to do it.

So I'd be inclined to say let's get the clock going, get this thing approved, let's get them locked into a five-year timeframe with the other options that we put in there and then move forward with it. Thank you, Mr. Chairman.

CHAIRMAN BEAL: Great, thank you. Any other comments on the motion and the additional caveats that we've all agreed are included? Mr. Augustine.

MR. AUGUSTINE: Just one final one. What are we concerned about the quality of water? If it's a closed body of water that these fish are in, is there any possibility that snake head eggs could get out with them? I don't know.

I'm being smart about that but is there, we don't know what's in that water that's being put out there with them and I guess that was the point I was trying to make earlier. It had nothing to do with snake heads.

It had everything to do with what is in that water that

we're going to enter back into our other water and are there other organisms in that that could serve to create some other problems for us?

CHAIRMAN BEAL: Great, thank you. Any other comments on the motion before we vote? Seeing no other hands is there a need for a state caucus? No, a lot of heads shaking no.

Okay, all those in favor of the motion please raise your right hand; votes in opposition, same sign; no opposition; any null votes; one null vote; any abstentions; one abstention. Brad, anything else on the North Carolina proposal? The motion carried unanimously with one null vote and one abstention.

That moves us to the bycatch workshop summary and we pulled a fast one on our tech committee chair and now he's here so Dr. Secor, are you ready? Are you ready to go, Dave?

BYCATCH WORKSHOP SUMMARY

DR. DAVID SECOR: Yes, I am.

CHAIRMAN BEAL: Okay, great, thank you.

DR. SECOR: Hi, sorry for being late. I bet that guy would have never been late. I started out with this timeline just to show that we had a lot of activity on the technical committee and have been under Andy Kahnle's leadership for some time so this serves as acknowledgement for a lot of heavy lifting that Andy has done over the past ten years.

I took over as chair and Dr. Mark Collins is co-chair of the South Carolina DNR. And Andy recognized fairly early on that bycatch was going to be a fairly big issue in the assessment efforts that he led.

So I'm going to report today on a bycatch workshop that was held in Norfolk last month. Okay, so the thing about Atlantic sturgeon you probably already know is that there are several features that make them very vulnerable to bycatch.

First of course is that snout gets them in trouble. They root around in things. And they get caught in all kinds of gear, passive gear, gillnets, sink gillnets, drift gillnets, traps, pots, fyke nets.

The other thing is that they, in Andy's assessment which was on the Hudson River population, a population we know more about than any other population we found that Atlantic sturgeon live a

long time.

And that means that they have a low natural mortality rate and that means that they have a low sustainable harvest mortality rate, as you know, on the order of 3 percent per year which is probably the lowest biological threshold for any ASMFC managed species.

What that means is even when you limit fishing other things come into play, ship strikes, big catastrophic environmental changes that might affect mortality of Atlantic sturgeon, and Atlantic sturgeon being caught in nets and gear directed at other fisheries. Next slide.

All right, the third thing about Atlantic sturgeon is they wander around. They spend maybe the first two-three years of life in their estuary of origin. And then mostly they leave and they go visit other estuaries.

We know a lot about the Hudson River population, again, from tagging and genetic studies. We know that they visit the Chesapeake. In studies there they seem to dominate the fish that we find in the Chesapeake.

They seem to dominate fish we find in the Delaware. They dominate New York Bay area according to a genetics study. But I don't want to focus only on the Hudson River population, it's just we know a lot about that one.

Other populations presumably do the same thing. They wander. And that means they're exposed to fisheries in other estuaries and inland areas, inshore areas and in coastal waters. So those three things make bycatch a big issue.

All right, well -- is this timed? Okay, you're just moving me along? All right, it's my nervous tick. It's cueing here too quickly. All right, let's go back one more. All right, there we go. The first issue is source populations. It has to do with this wandering behavior.

We need to know in a mixed coastal fishery, for instance, or an estuarine fishery, where individuals originate in terms of their population, their source population. That way we can relate population productivity to bycatch losses.

So we reviewed in this bycatch workshop state-of-the-art genetic studies, tagging studies. We looked at what they were finding in terms of mixing rates and

fisheries and what technologies were going to be out there to best monitor individuals caught in these bycatch fisheries.

Now, to relate bycatch losses to population productivity we've got to know something about population abundances so there is priority in terms of developing abundance estimates for those systems that still have populations.

And I've put some up here tentatively. Probably the Delaware is a bigger question mark than the others but there is certainly priority in terms of continuing to assess populations for the bycatch issue.

And then there is this principle that many of you are probably familiar with from American shad, that the smallest population is disproportionately affected by mixed fisheries because even though the bycatch rate may be similar for that population than larger populations as an absolute number taken that's a bigger proportion of its smaller population size. That's just a general principle to remember. Next one.

The next issue we're going to deal with in our report, and we looked for about a two-month turn-around time in terms of drafting it, is trying to improve the current jurisdictional reports. We're looking at trying to provide more guidance to state scientists in terms of reporting, make it more consistent and more useful in terms of deriving bycatch numbers.

So, there is going to be a priority placed on identifying those fisheries that have interactions with Atlantic sturgeon, to looking at the lion's share of where bycatch occurs, and within those fisheries developing a hierarchy of approaches that are best used to monitor bycatch.

We split into two groups and one group spent some time discussing the mix of fishery-dependent/fishery-independent approaches that would be effective for monitoring bycatch and related effort and bycatch mortality.

Our preliminary recommendation is that we would like to see on an annual basis the NMFS bycatch reports, these are observer bycatch data, along with the compliance reports. There is where a large number of bycatch numbers occur and losses and they give us good guidance in terms of monitoring bycatch on a yearly basis.

And then there is no mechanism now for technical committee members to view the bycatch reports and

they would be very helpful for scientists to see what is going on in the region, not only in terms of bycatch but monitoring and habitat and other things that are reported on in the compliance reports. Next slide.

The second group looked at NMFS observer dataset. And we were stimulated in part by a publication that was, came out in 2004 in North American Journal of Fisheries Management published by Stein et al. Dr. Kevin Friedland, a National Marine Fisheries Service scientist, was a co-author on this paper.

And it analyzed '92 to '99 observer data in the Mid-Atlantic and New England region. And these are NMFS-flagged vessels so for the most part coastal waters but some NMFS vessels also fish in inshore and state waters.

In that analysis they took observer data, observations of, direct observations of sturgeon and bycatch, direct observations of dead sturgeon and bycatch, and then they expanded those numbers by gear type by effort.

And they did this on a monthly and a regional basis. The result of that analysis is that they showed a 20 percent mortality across gears but sink nets and drift gillnets contributed most to bycatch and bycatch mortality.

They then took their expanded estimates and mortality rates and they came up with an estimate of 1,500 Atlantic sturgeon dead as a result of bycatch in the Mid-Atlantic and New England waters per year.

That's a high number, especially when we compare it to likely productivity rates in the Hudson River population. We can run different scenarios of how the Hudson River population would contribute to this mixed zone of fisheries in the Mid-Atlantic and the New England but in most scenarios that number would dampen recovery of the Hudson River population.

Well, that was then. What about now? We know that fishery has changed. There has been a closure of the spiny dogfish sink net fishery. There has been the closure of the American shad gillnet fishery. And that was a significant source of bycatch.

And then the sink net gear which contributed most bycatch, that gear has changed. It's changed in terms of where it's deployed, how it's deployed. There is some evidence that soak times are less.

There is some evidence that the deployment of tie-down gear -- that is lines that tie down the float line

to the anchor line to reduce porpoise/dolphin interactions, reducing the vertical profile -- causes curvature in the net and increases entanglement of Atlantic sturgeon and perhaps turtles is also suggested. So that may have actually increased bycatch rates. We don't know.

Sink net fisheries continue to result in the majority of observed bycatch and bycatch losses. Mortality rates in sink net fisheries average about 40 percent so it's still a high rate of mortality in that fishery.

An interesting analysis we did, it's preliminary of course but it did hold across seasons that we analyzed, was that soak time had a lot to do with mortality rate. A 24-hour less soak resulted in 20 percent versus 40 percent mortality.

Unfortunately we wanted to carry this through. We wanted to expand the bycatch losses by effort in the specific fisheries. But the fisheries have changed so much that the underlying bycatch rate matrix -- and by that I mean in the initial analysis for the early period it was done by month and region. And it was necessary to interpolate by gear type across months borrowing from other years.

The earlier region contained both spiny dogfish fisheries and monkfish fisheries and that interpolation would be different across months and regions than the recent period. So that new interpolation exercise must occur before we can expand effort, expand our mortality rates by or our bycatch numbers by effort.

And we've requested ASMFC to support this rather targeted assessment workshop. And we look for it to occur this fall. And this would focus on the recent period, 2000 to 2004. It would be a team of four to five state and federal scientists, hopefully a NMFS scientist, people familiar with the NMFS observer dataset.

I thought maybe it would help NMFS because of their bad budget times and so on if we did this up in Woods Hole, encourage their participation. The goal would be to analyze bycatch rates and mortality rates associated with sink net and trawl fisheries.

Trawl fisheries still result in a moderate number of bycatch, not necessarily losses but bycatch. And that number has been increasing over the last few years, especially the shrimp trawl fishery.

And analyze seasonal and spatial patterns in bycatch, identify principle fisheries, that is by species, that contribute to bycatch losses. And one good example

here is last year you heard from Dr. Hagar on a nice bycatch study in Virginia waters where sink net bycatch losses in the striped bass fishery were actually quite low.

And this is not supposed to be there. That was the one modification. But you don't need to see that. I don't think we'll have any problem with NMFS cooperation. Next.

Planned, okay, that's bycatch. I just wanted to throw this up in terms of our future planning. We are now facing a ten-year assessment cycle. The first one was 2003. We didn't think we had sufficient information at that time so we conducted a research monitoring meeting at that time.

But this time at the bycatch workshop in particular there seems to be some very nice science and research and monitoring accruing, especially in southern systems, the Edisto, the Altamaha, the Ogeechee, that could support stock assessment.

And that's very important because right now we have a one point stock assessment in the Hudson. We would expect that Atlantic sturgeon populations and their productivities would vary between New England waters, Mid-Atlantic waters and South Atlantic waters.

So the goal is to develop population size estimates and reference points for those populations where sufficient data exists. And I suggest the Hudson Altamaha will be the focal populations for this analysis but we may be able to bring other ones into it. Thank you.

CHAIRMAN BEAL: Thank you, Dr. Secor. Any questions on the report from the bycatch workshop? All right, yes, Eric Smith.

MR. SMITH: Is the analysis that you'd like to do by fall of '06 to capture the fact that apparently there has been a drop-off in the sink net fishery, changes, monkfish, dogfish, groundfish, yet that's the place where you see the high rates of bycatch and bycatch mortality? You just don't know how to capture those two things without evaluating it?

How does the trawl fishery, I mean it was sink net specific and then trawl jumped in there. Do you see close to the rates in the trawl fishery that you see in the sink net fishery or is it just a suspicion that it's mobile gear, smaller mesh than the size of the fish so maybe we ought to look at that, too? Is there a smoking gun or not?

DR. SECOR: I don't think I can answer that yet but there were members at the bycatch group that indicated that that might be a fishery on the rise.

And if you look at numbers of bycatch we never know whether it's just improvement in reporting or observer coverage which is something else we need to look at is observer coverage as a percent of the trips goes up and down each year. But it had been slowly increasing. But the overall amplitude is much less than in the sink net fishery.

CHAIRMAN BEAL: Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Thanks. Thanks for the presentation, Dave. I know that Dr. Laney just got back from the winter tagging cruise and anybody that has read the cruise reports that he issued on a daily basis perhaps like me was struck by the number of sturgeon they caught this year.

And I think Dr. Laney has been looking at maybe extrapolating out some of that data and I'm wondering was any of that bycatch numbers presented in your workshop? And are you aware of the things that Dr. Laney is doing?

DR. SECOR: Yes, we did hear, although Wilson was out on the boat collecting the sturgeon when we were at the bycatch workshop so we missed his frenetic fingers. He's always a wonderful secretary at these meetings and we missed his perspective as well.

But, yes we did hear that. And there is this general view and if you look at some of the New York numbers, for instance, and perhaps some of the Delaware numbers and the James, there does seem to be this overall picture that maybe there has been a period of favorable recruitments over the last, I don't know, five-six years. And maybe what Dr. Laney was observing was a part of that as well.

New York State/ D.C. scientists are working aggressively, Cathy Hatal and Andy Kahnle, in trying to estimate recruitment levels in the Hudson River and actually back calculate likely recruitment levels over the past 10 to 20 years. And I think that is going to provide us a lot of perspective where we can match the kind of numbers that Dr. Laney sees with those in the Hudson. That's only one population.

The other part of your question is kind of a mea culpa is that we recognized in the bycatch workshop that

research efforts were often -- and I don't know if that really qualifies as a research effort but there is a lot of trawling and so on that researchers do, that federal programs do, that may not be captured in the bycatch reporting. And we recognize we could do a much better job on that.

CHAIRMAN BEAL: Vince, a follow up.

EXECUTIVE DIRECTOR O'SHEA: Yes, just not so much that they may be causing a problem here but just a terrific opportunity if we put tags on these animals when they're encountering them and have them feed into the other research that you're going. The expense is getting out on the boat in the first place. That's 90 percent of the expense so any opportunity that we can to expand collecting data it seems to me would be great. Thanks very much.

CHAIRMAN BEAL: Great, any other questions for Dr. Secor? Dr. Laney.

DR. LANEY: Bob, not a question, just a follow up on Vince's observations. I was going to report under other but I'll go ahead and do it now since the subject came up. We did catch 29 Atlantic sturgeon this year which is the highest number that we've ever encountered during the time series.

But I would caution against viewing that as an indication of sturgeon abundance because, as Dave well knows, it has to be adjusted by effort. And we also had the highest effort on this particular cooperative winter tagging cruise of any effort that we've ever expended while we were out there.

I will certainly talk to Dave about the possibility of using the coastal, the cooperative winter tagging cruise data as a possible useful piece of information that we can maybe squeeze some additional information out of.

But I would note that with regard to discussing it for usefulness in assessing bycatch mortality it's not very useful because our tow times are so short. We keep them short with intent to and keep the fish in good shape.

So we never have a tow time longer than 30 minutes. And to my knowledge we've never lost a single Atlantic sturgeon during the course of the whole 19-year time series. We do tag the animals that we encounter and we do take tissue from them.

Unfortunately this year after the first 24 fish the PIT tag reader that we had onboard, which we did not

have a backup for, gave up the ghost and despite being warmed and coddled and implanted with a new battery it refused to function so the last five sturgeon that we countered did not receive PIT tags, nor did they receive external tags because all of those had broken as well.

So we have some improving to do on future cruises but we'll certainly talk to the technical committee about how we can improve our operations out there and possibly make those data more useful to the commission.

CHAIRMAN BEAL: Great, thanks for the update. As Dr. Secor went through his presentation Brad and I were writing down a couple of notes.

It looks like the technical committee in general is looking for endorsement on three separate items from this board: that is a fall 2006 workshop to work on bycatch assessment methodologies; the second is a 2008 benchmark stock assessment and I would recommend that we forward that recommendation on to the Management and Science Committee and the Stock Assessment Committee which is the two groups within the commission that prioritize benchmark stock assessments and the peer review resources that we have; and the third endorsing or item for endorsement is they're requesting some staff coordination or staff help in gaining access to the National Marine Fisheries Service observer data.

And I think we can, you know there is probably ways to help facilitate that. And we may need to go on a state-by-state basis to get at that data but we can handle that and I think we can coordinate that.

Are there any questions or objections to endorsing those three items that came out of this technical committee report and the bycatch workshop? Pat Augustine is asking if we have funding for a fall meeting. And the answer to that appears to be yes.

I think -- and this is kind of taking off my stand-in chairman hat and putting back on my staff hat -- looking at the expenses for the bycatch workshop that was already held it looks like some of that travel was less expensive than we had anticipated.

And I think Dr. Secor mentioned it would be, it's a relatively small workshop, four or five people, five-six people, something along those lines so I don't think the cost will be prohibitive to get that done.

So any -- there is a hand in the back and I'll get to the public in just one minute. But around the board is

there any concerns to endorsing these items? Okay, seeing none let's go to the audience for comments on this since we started the meeting early. Sonja.

MS. SONJA FORDHAM: Thank you, Mr. Chairman. Sonja Fordham, the Ocean Conservancy. I appreciate the report. I'm sorry I wasn't able to make the workshop. I'm also happy to hear that bycatch in a number of fisheries that take sturgeon appears to be down.

I just wanted to respectfully remind you that this status review that you reported on is being undertaken because there is significant concern that Atlantic sturgeon are at some risk for endangerment or even extinction and they certainly have made a number of lists of species of concern.

So I think they're deserving of active management and not just this collateral or sort of happenstance reduction in their bycatch. And I think it would behoove you to take that action to evaluate and take that type of action.

And the fisheries that take sturgeon as bycatch have indeed changed but they will also continue to change so we just can't rely on those types of events to ensure the sustainability of sturgeon.

I regret that the workshop wasn't able to provide more specific recommendations for reducing bycatch as I believe it's the Number 1 problem or stumbling block to sturgeon recovery. I would strongly support the proposal to have a follow-on workshop, a technical committee workshop, to look further into the bycatch issue.

So we would strongly support that but would really urge that group to proceed with a view to coming up with some very specific recommendations for how we can reduce sturgeon bycatch. Thank you.

CHAIRMAN BEAL: Thank you, Sonja. Any other comments from the public? Seeing none, Dr. Secor did you have a comment?

DR. SECOR: Yes, thank you. Apparently a message got through that shouldn't have. I did not mean to imply that bycatch numbers or bycatch mortality have been reduced in the recent period. In fact there is no evidence we have one way or the other.

We still continue to see high bycatch mortality in sink net fisheries so I think it's premature to come away with the view that bycatch losses are lower than

they were in the previous period, despite the removal of certain fisheries. We just don't know yet.

In terms of specific recommendations, I think we are pointing towards one in terms of tending gear. The soak times matter in terms of bycatch mortality rates. And we will continue to vet that idea as a recommendation in the technical committee as we put together a report which should be drafted in two months' time.

CHAIRMAN BEAL: Thank you. Are there any other comments on the workshop or the summary from the technical committee? All right, seeing none, thank you Dr. Secor, appreciate your coming to the meeting and presenting that information.

The next item is guidelines for stocking cultured Atlantic salmon, I mean sturgeon. Dennis Abbott has got me doing it now. Brad Spear is going to handle that one.

CULTURED ATLANTIC STURGEON STOCKING GUIDELINES

MR. SPEAR: Thank you, Mr. Chairman. The board was sent a copy of the final draft of the guidelines in the meeting materials. It's a document that we've been working on for the past couple of years, spearheaded by Dick Saint Pierre, U.S. Fish and Wildlife Service.

He did a ton of work to get the document out and get consensus on the document. He has since retired so I'll be giving a brief presentation on the content of the document. And basically from the board we're just looking for discussion or any questions and then a vote or endorsement for its approval.

Just a little background of the document, in 1992 the Policy Board accepted recommendations from the Sturgeon, Aquaculture and Stocking Committee. And those recommendations were basically to develop a document to begin to address inter-jurisdictional issues with stocking Atlantic sturgeon.

And from that a 1996 protocol was developed with regard to breeding and stocking Atlantic sturgeon. And in the past ten years or so, since the 1996 document, there has been a substantial amount of information, new information that has come online which justified the development of this most recent document.

And this document in front of you today and its recommendations are meant to replace that earlier

1996 document. And the purpose of the current document is to provide guidance relative to production of fish for release, to collect biological and behavioral data, and also for the use, for use in restoration and enhancement efforts.

Basically the recommendations in the report are a checklist for states or entities that are planning on developing stocking, breeding and stocking efforts. Recommendation Number 1 is with regard to its proposal. The state or entity will develop a proposal and submit it to the technical committee for its review which will in turn give a report to the board for its final approval.

Recommendation 2 is to, for that entity to evaluate the stocking area for any remnant populations and habitat quality, give you a sense of the environment that these fish are going to be placed in.

And the Recommendation 3 is that all stocked fish are marked or tagged so that they can be identified in the wild. Recommendation Number 4 and 5 deal with the selection of brood stock and the minimum numbers for breeding.

Recommendation 4 suggests that brood stock should be taken from the same river of stocking or nearby rivers. And Recommendation Number 5 is that brood stock collection and progeny production meet genetic criteria to maximize the effective population size and minimize any, the inbreeding rate.

And the next set of recommendations, Number 6, is that brood stock be spawned only once unless there is genetic justification to reuse that brood stock. And after use the brood stock should be marked and returned to the river of origin.

And the last recommendation is that any excess progeny can be used for research or education or private aquaculture and that the board will approve any excess progeny that are proposed to be released into the wild and if there is no use that these fish should be euthanized. That's it.

CHAIRMAN BEAL: Great, thank you. Any questions of Brad on the updated guideline document? Pat Augustine and then Howard King.

MR. AUGUSTINE: Thank you, Mr. Chairman. Back on Number 3, Brad, I think it was three, where you referred to they should either be marked or tagged, you say all fish stock should be marked or tagged. Don't we have a common marker system that would be acceptable or do different states

use different marking systems?

CHAIRMAN BEAL: Brad, do you have a comment on Pat's question?

MR. SPEAR: Yes, as far as tagging goes, the technical committee is recommending a standard tagging protocol and that's actually the next agenda item. As far as marking the animals, I don't think that's been discussed much at the technical committee level. There have been ideas thrown around but there hasn't been a standard protocol developed prior to this document.

MR. AUGUSTINE: A follow on, Mr. Chairman, then really does it make any sense to have it in there? I mean if we're definitely tracking these creatures would it not be advisable to just say all stocked fish should be tagged?

I mean how else would we mark them other than clipping a fin or some other such thing? I mean if we're going to try to track this stock as it grows would it not make sense just to have them all tagged the same way?

CHAIRMAN BEAL: Dave, can you comment on that?

DR. SECOR: Sure. There is an issue sometimes with homing and there may be a desire to release fry. And fry may take chemical marking or what we did in the Nanticoke was we knew the parentage and there was a micro-satellite marker for those that we put out there.

MR. AUGUSTINE: Thanks for clarifying that.

CHAIRMAN BEAL: Howard King.

MR. HOWARD KING III: Brad, can you pull up Recommendation 7? Bingo. Okay, it seems like Recommendation 7 would be consistent with Recommendation 6 if excess progeny could also be returned to river of origin. Would you agree?

MR. SPEAR: I'm sorry, could you ask that again?

MR. KING: To put it another way, why couldn't excess progeny be returned to the river of origin for the brood fish that produced the progeny?

CHAIRMAN BEAL: Dave, can you comment on that from the tech committee

perspective?

DR. SECOR: Sure, the idea is to have a designed release program that takes in account the effect of population size to reduce the influence for the potential of inbreeding. So for instance if you had natural reproduction going on in the James River and it was only producing several hundred progeny each year and you released James River progeny on top of that from one female, released 10,000 progeny, you've just created a situation of inbreeding. So I think that was the sentiment of the idea here.

CHAIRMAN BEAL: Vince.

EXECUTIVE DIRECTOR O'SHEA: I think the other part is under Recommendation 7 it doesn't require you to put it back in the river of origin but it wouldn't prohibit you if it made sense to put it back in the river of origin.

If it had been written the other day in seven that said, "shall be returned to the river of origin" then that would require you to potentially genetically overload that river and that was the scientific objection.

CHAIRMAN BEAL: So, Vince, you're reading that clause that said, if there is no other further use, you're saying one further use could be stocking those rivers if they were in appropriate numbers.

EXECUTIVE DIRECTOR O'SHEA: Yes.

CHAIRMAN BEAL: Any other questions? Yes, Malcolm. One moment, Malcolm. Howard, does that address your concerns, your question? Thank you. Malcolm.

DR. MALCOLM RHODES: Yes. Just to clarify on the disc you sent out Recommendation 7 also said any of the excess progeny could be released but had to be approved in advance by the board which is a little different than what is up or seems to be a little different than what is up on the screen currently. So it would require board approval to release the progeny.

CHAIRMAN BEAL: Thank you. That's a good point. Obviously what's up on the screen is a summary of what's in there but thank you for that. Any other questions or comments on the proposed changes to the stocking guideline document?

Seeing no other hands is there a motion to approve this modified document? George Lapointe made the

motion and Dr. Gene Kray seconds the **motion to approve the document as modified**. Any objections to approving this document? Seeing no objections, the document stands approved. The next agenda item is the standardized PIT tagging program or proposal, Brad Spear.

PIT TAGGING PROPOSAL

MR. SPEAR: Okay, this is just another one of the projects of the technical committee that has been concluded and we're looking for board endorsement. Since 1992 about 5,000 Atlantic sturgeon have been tagged, a lot of them with different types of tags, internal and external, and then different ones even within those categories.

External tags are good because they can be seen by anyone and you don't need special equipment to see these tags; however, prolonged tag retention is a problem and with a long-lived species you'd like to be able to identify these animals as long as possible.

So there is consensus that PIT tags were considered the most appropriate for Atlantic sturgeon. And basically the recommendation from the committee is that any new tagging projects that are initiated that PIT tags be used.

And in the materials that were sent to the board there was a specific tag type and tag reader down to the company and the product number. And that has been circulated and agreed upon by the technical committee members.

The U.S. Fish and Wildlife Service Marine Fisheries Resources Office in Annapolis is serving as a repository, as the coastal tagging database and has agreed to continue to do so.

And that office is currently looking for funding in the order of about \$25,000 to purchase the recommended tags and tag readers so that they can distribute this and begin to standardize tagging along the coast so that different states can read tags that come from different states. That's essentially it.

CHAIRMAN BEAL: Great, thanks. Any questions on the standardized tagging protocol that is being proposed? I think the idea here is that this, you know this is simply a recommendation for standardizing the tagging approach for Atlantic sturgeon.

If approved, if the board decides to go in that direction it's not going to become a compliance

criteria or anything, a requirement in the fishery management plan or any obligation on the states. It will just be a recommendation for the way the states act in the future when they're tagging Atlantic sturgeon.

So with that are there any questions on the proposal? Seeing no questions, what would the board like to do with this? Is there sentiment around the table to go ahead and approve this as the recommended tagging protocol for sturgeon? Pat.

MR. AUGUSTINE: Mr. Chairman, can we approve it by consensus unless you want a full-fledged motion? I haven't seen anybody shaking their heads saying, no, this isn't the way to go. There's more to it?

CHAIRMAN BEAL: Bruno.

MR. BRUNO VASTA: I was wondering and Brad brought up the fact that the U.S. Fish and Wildlife Service is looking for about 25K to continue to do this. Is there any, I'm not making a motion but I'm saying is there any interesting in us trying to support that?

CHAIRMAN BEAL: Well, I don't think we have resources available at the commission this year to support that. And the other thing I don't know is what avenues the Fish and Wildlife is exploring to secure funding for this in the future but we can look into that. Vince.

EXECUTIVE DIRECTOR O'SHEA: Well, I mean, there are two issues here. One is the sense of the board that, you know, this be accepted as the standard and then I suppose the second would be whether the board is interested in having the commission perhaps write a letter to the Fish and Wildlife Service to try and encourage them to give this a high priority because it would be helpful to all the states. That would be the second thing that they might want to consider doing.

CHAIRMAN BEAL: Great, thank you. Let's take those in sequence. Is there, is it the sense of the board, I haven't seen any objection to it but is it the sense of the board that you would like to approve this as the preferred or recommended tagging protocol? All right, everyone is shaking their head yes or at least the majority of folks are.

Is there interest around the table in sending a letter to the Fish and Wildlife Service requesting that this, support for this tagging protocol become a high

priority within their funding priorities? George Lapointe.

MR. LAPOINTE: I've got an interest in not seeing that letter go forward right now. You know, we're at the beginning of the federal funding cycle. And I think it's important for the commission to look at the whole suite of things that might come up within the budget of the Fish and Wildlife Service. And so to send the letter at this point calling this a high priority when there might be things that are higher I think is not a good move.

CHAIRMAN BEAL: Any other thoughts on that notion of a letter? Kelly Place.

MR. KELLY PLACE: I would suggest that the fact that it hasn't been a high priority in the past is why we're in the situation we are now with all these different tags and all these different protocols and the left hand not knowing what the right hand is doing.

If we want to get -- there are so many different PIT tags out there and different types of readers, none of them are compatible. If we want to resolve this and be able to gather these data points I think it needs to be a pretty high priority or it will get worse over time. And it is as we speak.

CHAIRMAN BEAL: All right, we've got two different viewpoints on requesting or indicating the priority of this to the Fish and Wildlife Service. I think obviously Wilson needs one new PIT tag reader because he broke his last one a couple weeks ago. But any other thoughts around the table or a motion regarding providing a letter of priority? Ritchie White.

MR. G. RITCHIE WHITE: Yes, I guess I agree with Kelly. Twenty-five thousand, you know, isn't a big chunk of change when it comes to the Fish and Wildlife Service so I guess I'd make the **motion that we write the, that Vince writes the letter in support.**

MR. VITO CALOMO: Second it.

CHAIRMAN BEAL: All right, we have a motion by Ritchie White and a second by Vito Calomo to send a letter indicating that we would like the Fish and Wildlife Service to make this or to provide support for this program as a high priority. Any comments around the table on this motion in addition to what we've already heard? Vince.

EXECUTIVE DIRECTOR O'SHEA: I'm wondering to, Mr. Chairman, to George Lapointe's good comment, I'm wondering if rather than say we give it a high priority just to say that this would be important to the work of the Atlantic States Marine Fisheries Service and not necessarily you know assign it a priority, if that would address his concerns.

CHAIRMAN BEAL: The maker of the motion is shaking his head that that would be acceptable.

MR. WHITE: That's agreeable.

CHAIRMAN BEAL: Okay, Ritchie says that's agreeable. Vito. Vito is saying yes. And George is indicating, he is shaking his head yes so that seems to be three heads shaking in the same direction here. That's good.

Any objections to the motion given the head shaking around the table right now? All right, seeing none we will consider this motion approved and we'll work on the letter next week or sometime when we get back to the office.

Any other discussion on the standardized protocol for PIT tagging? All right, seeing none the next agenda item is Shortnosed Sturgeon Recovery Plan update and Brad Spear is going to give us that update.

SHORTNOSED STURGEON RECOVERY PLAN

MR. SPEAR: Thank you, Mr. Chairman. This agenda item is in response to a request from Gordon Colvin from the last meeting. It came up I think from Jaime Geiger. He was asking whether the shortnose sturgeon was ever a part of the Atlantic Sturgeon Board. And it never officially was but it still kind of raised a question, what's going on with shortnose sturgeon and its recovery.

We did some digging since the last meeting. Basically the Shortnose Sturgeon Recovery Plan produced by the National Marine Fisheries Service was finalized in 1998. And they've acknowledged that the plan needs updating at this point. However, it's not currently scheduled for updating.

They're under the impression that they should wait for the next status review of the shortnose sturgeon and then from there perhaps develop another recovery plan. And they indicated that they're hoping to initiate a status review for shortnose sturgeon in this calendar year.

One of the other questions Gordon had was you know how can the states through ASMFC perhaps complement any recovery efforts through the Shortnose Sturgeon Plan.

And I wasn't able to get specific projects but just three kind of general areas where the commission and the states may be able to help is through assessing, monitoring and reducing bycatch for Atlantic sturgeon and would thereby help the shortnose sturgeon. And it is something we're doing.

And the other was to help the states improve water quality in the rivers where both these species of sturgeon occur. And the third thing was to, for ASMFC and the states to support increased research and monitoring of shortnose populations, whether that's simply just to have a declaration from the board or a recognition or some other way. That's it.

CHAIRMAN BEAL: Any questions on the update? A.C. Carpenter.

MR. A.C. CARPENTER: Yes, Brad, I think one of the things that we can do to add to that list is for those of us that are responsible for issuing scientific collection permits we can expediate that process when requested by the service or the fisheries, primarily the service, to do collection work.

I know that in the Potomac we have issued permits to the Fish and Wildlife Service last year and we'll be issuing one again this coming summer to sample for the shortnose sturgeon. So I think that that's something that we could all add to that list.

CHAIRMAN BEAL: Any other comments on the update by Brad on the shortnose recover plan? Seeing none are there any other issues to come before the Sturgeon Board today? All right, Preston Pate.

MR. PRESTON P. PATE, JR.: Thank you, Bob. Those of you that have been on the commission for a number of years may realize that we once had a hospitality suite to convene after the board meeting.

CHAIRMAN BEAL: Great, the South Atlantic Board meets here tomorrow at 8:00 a.m.

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

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