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ATLANTIC STURGEON MANAGEMENT BOARD

THURSDAY MAY 30, 1996

8:30-11:00 a.m.

Atlantic Sturgeon Management Board

Thursday May 30, 1996

P. Sandifer: I will ask J. Field, our staff person, to call the roll. John?

[Roll call was taken]

J. Field: Mr. Chairman, you have a quorum.

P. Sandifer: If you will turn to tab 10 in your briefing books. The agenda for today's meeting is there, and it is slightly different from the agenda in the front of the meeting book. So, I want to make a couple of minor changes to the agenda and see if you have any also. New item 3 will be update on New York and New Jersey closures, and at that time I will also ask for progress reports on other states with regard to closures. The remaining items are renumbered 4, 5 and 6. Are there any other changes to the agenda? Alright, hearing none, can we move forward with this agenda. We have two sets of minutes to approve. Take them as they're presented. October, 1994 minutes, which are behind the first blue divider. Do I have comments or a motion on the minutes.

P. Jensen: I have a question?

P. Sandifer: Go ahead Pete.

P. Jensen: We adopted a resolution or recommendation, I'm not sure. Anyway, the minutes follow the debate, but nowhere in the minutes is there the final wording of what we finally adopted. Do we have that to be included in the minutes? We went through a long perfecting discussion and it isn't clear where we ended up. I think I know where we ended up, but I'd like to see it in the minutes.

P. Sandifer: In the October, 1994 minutes Pete? That's what we're dealing with right now. No, this is the October, 1994 minutes first.

P. Jensen: O.K., I'm sorry, I got my dates mixed up. Sorry.

P. Sandifer: Is that where the problem is Susan?

S. Shipman: But, I believe Pete's right, we did perfect it, even in October and we asked for discretion by the Secretary in consideration that New Jersey was moving with regulations at the time. So, I think if we just go back, probably to the policy board, and extract out that motion and insert it here, that would be the motion that was approved.

P. Sandifer: From the policy board? At that October meeting?

S. Shipman: Yes. I mean, that's where this motion was forwarded.

P. Sandifer: So, I'm still unclear. You would like that policy board motion inserted here, as a resolution to the motion regarding New Jersey's noncompliance?

: There's a motion here in this set of minutes, Mr. Lesser moved and Mr. Harris seconded that the Management Board recommend that New Jersey be determined not to be in compliance with Sturgeon Management plans as referenced by the compliance document, because it has not implemented any of the alternatives contained in the FMP. That was the motion sent forward from this board. As I understand it.

P. Jensen: I'm sorry Mr. Chairman, I did confuse it. I was talking about the resolution we had talked about at the board meeting.

P. Sandifer: O.K. Then at the policy board level, this motion was modified by the policy board if I recall correctly. So, I believe this is correct as its ...

S. Shipman: O.K. I'm mistaken, I thought we had perfected it at this board level. But, I think not.

J. Geiger: I didn't see that in the October minutes.

P. Sandifer: Let's deal with this...

P. Jensen: So you're dealing with only the October minutes ...

P. Sandifer: October '94 minutes, first. Bruce?

B. Freeman: Mr. Chairman. On that motion on the second line, there seems to be a typo and then also, on the minutes.

P. Sandifer: O.K. got it. Is there a second to the motion to approve these.

P. Jensen: Second.

P. Sandifer: Any further discussion? All in favor say 'aye'? All opposed 'nay'? Now we can move to the March, 1996 meeting minutes. Let me think vice-chairman Bruce Freeman for chairing that meeting for me, since I was unable to be there. From reading the minutes it was a lively meeting. Are there corrections or additions to these minutes. Can I get a motion?

S. Shipman: Move approval.

: Second.

P. Sandifer: Any discussion?

P. Jensen: My earlier comment, Mr. Chairman, had to do with the market and that's the one where we passed a resolution, I believe, but we don't have the final wording on it.

P. Sandifer: If you look at page 13 of these minutes, Pete, between where it says Mr. Coates and Chairman Freeman, it seems to me that a motion needs to be inserted there, and I don't see the motion either.

P. Jensen: The final wording of whatever we were perfecting at the time. Because we moved from a discussion to no abstentions recorded, so it seems to me that something is missing there.

J. Field: I will insert that motion. It is in the verbatim minutes. And would you like me to resubmit these minutes?

P. Sandifer: Pete, is it possible for us to approve these minutes subject to addition of the appropriate motion.

P. Jensen: Sure, I have no intention of

P. Sandifer: All in favor, say 'aye'. All opposed 'nay'. 'Aye's have it with minutes approved with modifications.

: On abstention?

P. Sandifer: On Abstention. Got it. I've got to remember to answer to that. Thank you. Is there anyone here from the public who would like to make any comments before this board before we move on to other items? If I fail to remember for public comment and you have something you would like to say

about any of the items in discussions, please raise your hand and I will be happy to recognize anyone at anytime during the discussion. But, is there anything in particular that anybody from the public would like to bring before us at this point? Seeing no one's hand waving, we will move on the agenda. And John has the first item, which is the summary of the Sturgeon Stocking workshop, and that's probably a couple of Blue tabs back in this section 10.

J. Field: And if any members of the audience... lets see... need a copy of the Chesapeake Bay coordination meeting in Annapolis, I have them here in the front of the room, otherwise, you'll see them in your briefing book I believe. Yes. After the last set of minutes, its the first insertion. I updated this board in March with reference to a Sandy Hook, New Jersey workshop on the status of the Hudson River population of Atlantic Sturgeon and other stocks along the coast. That led, of course, to the discussion and the motion that we talked about a few minutes ago, asking states to voluntarily, any state actively harvesting Atlantic Sturgeon along the coast to implement a two year moratorium. Subsequent to that, there have been two other workshops regarding Atlantic Sturgeon. The first, in Annapolis, Maryland, on a proposal by the State of Maryland to release, I believe, 5,000 Atlantic Sturgeon Cultured juveniles, into the Nancoke River. You see, by reading the minutes of that meeting, that all parties involved agreed that the juveniles could be released pending a no-jeopardy ruling from National Marine Fishery Service with respect to the Endangered Species Short-Nose Sturgeon, which also occurs in Chesapeake Bay. Do you have any other questions on that meeting or those discussions? Feel free to ask me or any of the parties named in this summary. There was also a meeting in Manhattan, at the Hudson River Foundation, after this Annapolis meeting, with respect to the proper protocol in general for releasing Atlantic Sturgeon Cultured juveniles along the coast. That lead to some revisions in the breeding and stocking protocol. Which, as you note in your briefing book, would be made available at this meeting. Let me distribute copies of that now. It's on three ring binder paper, you can insert it in your briefing books, and I have other stapled copies for the audience, here, if you need them, at the front of the room. This document has been around, I suppose, since late 1993, and has never been formally been adopted by this board. I don't know if this body's comfortable receiving the document in hand today and approving it. It covers, I believe the total now is eight recommendations on the proper culturing techniques and release protocols and tagging protocols, and what not, for Atlantic Sturgeon. If you feel comfortable approving this for adoption by state agencies, then we can do that, otherwise, I offer it for your consideration and potential approval at the later meetings. That's it for my workshop summary Mr. Chairman.

P. Sandifer: John, how much of a change is there to this document. This document has been around quite a while.

J. Field: Yes it has. You'll note in the first draft of this document, back in '93-'94 there were 11 recommendations, those have been...some have been eliminated, some have been collapsed down into 1 or 2 recommendations. I'd say that the most salient changes are removal of one whole category of stocking rivers, that is, rivers that support self-sustaining populations that may support limited fisheries. That seemed contradictory to the information in hand at the Sandy Hook meeting, and the deliberations of this board in March. So, any reference to breeding populations that can support limited fisheries was omitted from this document. There are some other nuts-and-bolts things, like the correct number of ponds need to be stocked from limited numbers of breeding pairs to get effective

generation year class sizes in the population, things of that nature. Those are the major changes.

P. Sandifer: What's the pleasure of the board with regard to this? This is in part new material, most of it we have seen for some years. Dr. Geiger, I assume that Fish and Wildlife Services had a fair amount to do with this document?

J. Geiger: Yes, sir we have. You'll note in the recommendation 8, I believe it is, the last one. Those recommendations are summarized on the very first page, or second page of the protocol. It indicates that jurisdictions wanting to begin or currently involved in culture and stocking programs, should annually monitor the status of those populations and the effects of stockings, it should provide a detailed proposal prior to beginning any new initiative for review by ASMFC. That could include this board and/or the stocking and breeding subcommittee.

J. Field: Mr. Chairman, I would suggest that all board members are here, be prepared to take action on this at our next meeting, which I assume will be in the fall.

B. Freeman: I understand we've seen versions of this, but the final version we haven't. Just to make certain we don't vote on something... although I don't things regrettable in here. Simply take the time to read this and be prepared to vote at the next meeting.

P. Sandifer: I tend to agree with you, how does the rest of the board feel? I've had staff involved with this, but I still would like to have one more vote through the final document and discuss it with some of our advisory committees and our board in South Carolina before we take final action on it. With no objections, this will be placed on our fall meeting agenda as an early item. Please, all of you here take it back and review it. If there are comments, let John know as soon as possible if any of you want to go ahead and adopt this, have it adopted by your agencies, feel free to do so, because that will put us one up when we deal with it in the fall. I expect that with very minor changes, if any, this will be adoptable. I don't anticipate any problems, but I agree with Bruce Freeman, that we need to take a good careful read-through one more time and then have it in place in the fall. Alright?

We're gonna move to our new item 3, which is an update on New York and New Jersey closures and, I again turn to John, this item is also referenced in our folders. John?

J. Field: You'll see after the sheet that talks about the protocol being provided, a packet of correspondence between New Jersey and New York and my office, covering quite a lengthy time period. I would leave it up to Mr. McCoy and Mr. Colvin to summarize where their states are now with regard to partial or full closure to the fishery.

P. Sandifer: Mr. McCoy?

T. McCoy: O.K., I'd be happy to update everybody on where we are at this point in time. As John indicated, there is a couple page memos to him or explanations to him, as to where we began the process back in the 1993, and where we are today. Just a couple points I'd like to mention and I'd be happy to take any questions after that. When we started into the Sturgeon Management Program, the direction we took was to limit the fisheries to those individuals that had some current participation in the fishery, and we ended up with ? system, a permeating process, and basically individual allocations based on their historical

performance in the fishery over a period of time. The initial harvest cap, if you will, was pretty unrealistic, it was just whatever they had harvested in 1990, which was probably the low time historical harvest, at least recent historical harvest, at least in New Jersey. It did limit the field of numbers...for the number of fisherman that we had involved as part of that program, which I think is an important part, a permit requirement, they were all required to participate in any kind of research activities, and data collection that we deemed was necessary. As you can see from the first page of the explanation I provide to John. There were a number of different types of samples collected and these were all collected for numerous researchers throughout the country. The fisherman were also trained to tag fish and were tagging fish in cooperation with the Fish and Wildlife Service - Tagging Program that is going on currently. In 1995, we revised the program and finally got it on line, so we were no longer out of compliance to bring the cap down to what the AFMSC Board had approved, which was roughly 15,000 pounds. Again, that was distributed through the fisherman based on their historical participation of fishery over the years. Same formula we used before. And, what that amounts to was about 234 fish that were permitted to be harvested in 1995. In order to keep track of those fish, we developed a possession tag system where they were allocated a number of tags up front at the beginning of the year and every fish that came in was required to be tagged with that, in addition to all reporting requirements associated with that. In '95, out of the 234 allocation, we had 164 fish that were actually landed. I think the primary reason for that is, when we went from ... whatever the cap may have been, like 80,000 that they could actually harvest, into 30,000, and then we went down to 15,000...they totally stopped directing their effort on Atlantic Sturgeon, and all those Sturgeon that were landed were taken as the bi-catch of the month fish fishery and from what the fishermen said, the only fish that they were bringing to the dock were those that were dead or were unlikely to survive if released. I think the fact that they only harvested 164 of the 234 is probably indicative of that statement being relatively accurate. The way our regulations are set-up right now, and were set-up at the beginning of the year, is we had to basically allocate them whatever their quota was gonna be by February 15th for that particular calendar year. As you know, at that point in time, we had already had the workshop in December, which would indicate, I think, that there's some concern for the status of the stock. We had also had discussions with New York regarding their 5 year moratorium proposal. Taking those two things into consideration, as well as the uncertainty of not knowing whether the moratorium would be going through or not this year in New York, the Marines Fishery Counsel and the Department decided to make some kind of a concession between the fishermen and a complete moratorium. What we ended up doing, was basically, reducing the allowable take to 117, which was 50% of what it was for 1995. As of now, we have allocated those tags, they've been issued, the fishermen have had revised permits sent to them. So, at this point in time, we're not looking to further restrict them for this year. In all likelihood, they may have harvested their 117 fish at this point in time. I don't know whether they have done that or not yet.

A couple concerns, and reading the minutes, I apologize for not being at the last meeting. It was one of those things that couldn't be helped, and reading the minutes for two months ago, the March meeting, it is obvious that the board is looking for a complete moratorium, coast-wide on Sturgeons. Unfortunately, New Jersey has some concerns about killing that whole distance. A lot of those concerns are directed at the amount of cooperation

we've had to this point from the fishermen in obtaining these other samples, I suspect that their reaction when we tell them that you're gonna have to throw away dead fish, it's gonna be such that cooperation for them in this fishery, as well as other fisheries that we work with them on, is gonna be a little bit strained because it seems to me any time fishermen have to throw away dead fish, it goes against their grain, it goes against conservation, etc. I think some of the other fisheries we have experienced this in to this point, one particular comes to mind, is Weakfish, we are now talking about Weakfish, 150 pounds live catch level, which people could bring during the close season, and don't get me wrong, I'm not drawing a comparison of the health and the resource of the Weakfish versus Sturgeons at this point, just using that as an example. I realize that the harvest model that's out there also basically indicates that there's a harvest allowed, but it's not real significant. With these considerations that we have at the bi-catch fishery, in New Jersey, the fact that they're going to be throwing away dead fish if they're not bringing them in and the cooperation that we've had from the fishermen, as well as the pretty stringent controls I think we have on the fishery?, we're a little reluctant at this point in time to move toward a complete moratorium. I would be happy to answer any questions that anybody might have.

P. Sandifer: Tom, before we do that, let me ask Gordon to present the New York side and then we'll open to questions and discussions for both of you, once we've got both sets of information at the table, so to speak.

G. Colvin: Mr. Chairman, since the last meeting of the board, New York did adopt emergency regulations to establish a moratorium on the fisheries of Sturgeon in the State is done.

P. Sandifer: That's a 5 year moratorium?

G. Colvin: It's a moratorium without expiration in the regulations, but the supporting documentation indicates a commitment on the part of the State to evaluate it not less than 5 years.

P. Sandifer: And what was the effective date of that moratorium? Gordon?

G. Colvin: Well, Paul, I'm not quite sure, but it was prior to the scheduled opening of the commercial season in New York, this spring. So there was no open season this year.

P. Sandifer: Discussions and questions? Pete?

P. Jensen: That includes the Hudson Rivers? That's state wide, right?

G. Colvin: It's a statewide prohibition, Pete, on Atlantic Sturgeon.

P. Sandifer: Other questions or comments, members of the board, on this issue. Susan?

S. Shipman: Just a question for Gordon. Is your emergency authority investment or do you just gut it for a period of time and then you've got to follow-through with

G. Colvin: Good question Susan. The emergency is like any other emergency rules, not permanent. There was a simultaneous rule making to make that regulation permanent. The comment period on that rule making expired last Friday and as of yesterday, when I talked to him, Vern was preparing the regulatory paper work to adopt the regulation as a final rule. There was a fair amount of comment received on the proposal. Comment from the Hudson Valley was very supportive, including comments from the Department's Hudson River Advisory Committee and most of the fishermen. Comments from the marine

district was a little more mixed and a couple of the coastal gill-netters have retained counsel and are announcing very strong opposition to the regulations and we don't know where that will lead. Frankly, the strength of their opposition signals some concern in our mind. It's hard to imagine why they would be so concerned about such a small, allegedly bi-catch only fishery, and tends to validate, in our minds, the need to conclude this action and make it permanent, which we are committed to doing.

P. Sandifer: Other questions or comments for New York and New Jersey?

C. Lesser: Gordon, so at a minimum is the emergency in effect for 90 days, is it?

G. Colvin: Well, I'm not sure when it expires, but it's gonna expire after we file the regulatory paperwork to make it permanent.

C. Lesser: I'd like to ask, is Tom, are any of the New Jersey permits issued to anyone fishing on the Delaware?

T. McCoy: On the Delaware Bay?

C. Lesser: In or on the Delaware Bay.

T. McCoy: They could be, yes. There doesn't specify that they have to fish the Atlantic Ocean, so they could be fishing the Delaware. I'm not ... I can think of 2 individuals that might be fishing down that way, out of Cape May, so they could conceivably fishing in the Delaware. Pete?

P. Jensen: Tom, at the last meeting in October, there was some discussion of a bill that was being heard that very day in your legislature. What is the status of that?

T. McCoy: The status of that bill, is I don't know if its come out of committee yet. I'll be quite frank with you, the Department and the Division were not behind introduction of that bill. In fact, when we showed up to provide testimony on that particular bill, I think the sponsor knew what our comments were going to be and he invited us not to testify.

P. Jensen: Bill?

Bill G.: A question for Tom. This is gill-net fishery?

T. McCoy: Yes, it's the gill-net fishery, there's maybe a half dozen to ten fish that were allocated to trawlers also.

Bill G.: Then, the reference to dead fish if the moratorium were put in place, does that mean that there's another fishery that uses same size meshes or you would expect to have?

T. McCoy: Well, basically, the guys that have the permits for Sturgeon are fishing primarily for Monkfish, and the gear that they're using in most cases, from what I understand the larger fish are able to blow right through their nets, but the fish that, you know, 5 to 6 foot are probably is the legal size of the Sturgeon, you know, do occasionally become entangled in the net, and by the time they've attended them, the fish are dead.
: Paul?

P. Jensen: Tom, are any of these fish off New Jersey taken in the ? ?

T. McCoy: Yes, the Monkfish fishery operates primarily 9 to 10 miles off

P. Jensen: Do you have a percentage? Is it like 10%?

T. McCoy: I would have to go back and look at

the numbers Paul, but I would say probably that in the last year the majority of ? ...

P. Jensen: Mr. Coates.

P. Coates: Just on the issue of dead fish. I recall from the previous discussion, of the previous meeting. The issue of the ability of Sturgeon to survive netting was raised and I remember testimony from one of the commissioner's and he said 'we catch Sturgeon with gill-nets if you fish inside the 3 mile limit. Normally they're alive and you can release them. They're very strong fish'. I just wonder to what degree maybe New Jersey's evaluated the mortality issue further and provide some insight on it.

T. McCoy: We haven't specifically looked at that Phil. I did get that information from reading the minutes of the last meeting, also, and it's interesting to see that there seems to be a difference of opinion amongst people that were at the board meeting and people that attended the workshop in December. I was fortunate enough to be there and a lot of the technical people seemed to be saying that the mortality was significant in the Monkfish fishery. I mean we're talking about nets that may be test approved for 2 to 8 and they seem to feel that did inflict significant mortality. I don't personally have any figure that would indicate one way or the other.

P. Sandifer: Any other comments. For the record Tom and Gordon, these, as I understand it, principally bi-catch fisheries in both states? Is that correct? There's not two in New York?

G. Colvin: Mr. Chairman, the Hudson River Fishery is a direct catch. By and large its directed fishery on adult fish. The fishery in the ocean waters is largely a bi-catch fishery in the gill-net and the coast of gill-net fishery, much as is New Jersey, although in the very recent past it was directed gill-net fishery and may still be or it may still be possible that during brief periods during of the spring, even if only for a few days, the gill-net fishermen can direct on Sturgeon and recover a significant economic return even in a small fishery, for at least a short period of time. In the fall, we also have some Sturgeon catch that's largely a trawl-by catch, from Eastern Long Island and a little bit more of the bi-catch and gill-net. So, its a little bit more of a mixed picture down on Long Island. Please understand that the fishery in the river is a directed adult Sturgeon fishery.

P. Sandifer: Go ahead Tom.

T. McCoy: Our fishery at this point in time I would classify as a bi-catch fishery. It operates both in the spring and the fall, when they encounter Sturgeon, I didn't want to give the impression that it wasn't ever a directed fishery, cause it was a significant directed fishery at one time. I don't think people are forwarding them now, because some of the majority of the permit holders are only allocated 3 or 4 fish, and even ? on that I think is kinda ridiculous.

P. Sandifer: Just again, for the record, we have had a closed fishery for Sturgeon. We had a directed fishery, we've had a closed fishery since 1985. We do not allow possession of bi-catch. We do have some bi-catch in related fisheries, such as shad, in the case of juveniles, not so much the adults, the juveniles, and short-nose. We do not allow any possession. Further, it strengthens state laws to prevent possession of any pieces, parts, or whatever to keep this problem from getting any bigger. My experience, it suggests that bi-catch fisheries are somewhat targeted. I think Gordon put it very well. When they think the fish are there, the fishermen who are dealing with another fishery will also, essentially, redirect their effort and it

becomes a directed fishery and not a bi-catch. So I still have some personal concerns dealing with the stock that is in severe trouble and allowing significant sources of mortality on animals nearing reproductive size. That's the problem as I see it and we have gone through some similar problems in the South Atlantic and fishermen do react very negatively, initially, but they tend to get over it, and if we don't start sometime, we will never rebuild this stock. This is an extremely long live, an extreme duration to first reproduction. It's going to be difficult to do anything with it if we don't start somewhat with serious action. Pete?

P. Jensen: I want to explore a point so it's clear in my mind. Gordon, in correspondence that you sent to New Jersey in January, you indicated some concern for reproduction in the Hudson. I assume that that had something to with your actions. Tom, in your correspondence you indicate that 99% of the fish caught in the New Jersey fishery are recruited from the Hudson. Are those two as directly tied as I think they are in reading the correspondence?

G. Colvin: I'm not sure what you're getting at? I think we have regarded that the work done by the ? and supported by the Hudson River Foundation, suggest that the fish taken in the coastal fisheries, off both Long Island and the New Jersey coast are largely of Hudson River origin. Regrettably, in the hind sight, a few years back, those fisheries took a fairly substantial number of sub-adults Sturgeon for developing a market for smoking. Tom referred to that. The same occurred in New York, and what one of our concerns that is referred to in my letter, is that those are fish that would be entering their reproductive period now and in the near future and in the next few years. Unfortunately, a very substantial number of them were taken from the population and will not contribute to the spawning stock, and that exacerbates concern we have about evidence that we've not had much recruitment success in the last couple of years. We don't have much to look forward to in the next few years.

P. Jensen: I guess the point I'm trying to explore is to the extent that the New Jersey off-shore fisheries continues, it's going to negate some the benefits of what you will accomplish through a moratorium if those fish simply leave the Hudson and are caught in the off-shore fishery. That seems to be what the evidence suggests.

G. Colvin: I think its fair to say that what we have now concluded in New York is that we'd like to ... every possible opportunity to absolutely minimize the removal of Sturgeon from the population and the potential spawning population right now. And I think that's what we've tried to communicate.

P. Sandifer: Bruce?

B. Freeman: Thank you Mr. Chairman. This question is for either Gordon or Tom, are there projects or programs that are under way where you can monitor the population? My understanding is that through the catch in the recent past, that information has been used to understand the aging of the fish and migrations and so-forth. Is the Hudson River Foundation continuing to monitor in some way that population?

G. Colvin: Bruce, within the river, we have access to information from both the utilities, Hudson River Utilities monitoring data and from work funded by the Hudson River Foundation, conducted by Mark Bane at Cornell. It's not as much information as we would like. It's helpful information that will give us some feedback on recruitment in the river and some general indication of population trends. What we are a little bit concerned about, and Tom can speak to this. I know New Jersey is as

concerned about it as well, is our ability to continue to secure information about the nature of the resource in the coast in the absence of any data that comes from the fishery. We've been talking about this for years, this is not a new concern. In fact, I believe that it's even referred to in the management plan. We recognize that we're gonna have to come up with some additional means of monitoring Sturgeon, that we do not now have at our disposal and we're exploring those possibilities within the state, and eventually we hope to be able to explore them jointly with New Jersey, possibly using the Hudson River Foundation as a partner and a catalyst.

B. Freeman: If I may, the reason I ask that is to document a decline in that particular species coast wide and because of the longevity of that particular species from a scientific standpoint, to monitor and be able to tell if recovery is occurring and at what rate, I think would be extremely important. This is ? with what is in the making to do that.

P. Sandifer: Tom, did you want to respond to that?

T. McCoy: Unfortunately I agree... you're probably well aware of our financial situation in New Jersey, it hasn't changed much since you went south, (laughter), well, it may have changed, well it may gotten a little worse. Those are my friends. Well, at any rate, we rely on the fishermen to provide all those samples that were collected and provided to various researchers and I think without their participation, we're gonna be at a loss to provide any kind of samples, information, other than what Gordon might be able to come up with out of the Hudson River Foundation.

P. Sandifer: Let me ask if other states have any on going monitoring programs that they would like to share with us or services. Charlie?

C. Lesser: Yes, we're gonna continue our tag and release because we're seeing an alarming shortage of tagged fish. What we're getting back are mostly tagged fish are recaptures. But we're not getting any returns from our tagged fish, on this side of Delaware. In the last 3 or 4 years, a dramatic decline in the number of fish, but no knowledge whatsoever of where they're going. So, they're disappearing somewhat once they're going out of the estuary and not coming back. So, either they're being taken and not reported, or they found another place to go, or something. We're gonna try to monitor that on sonic tagging, see if we're just gill-netting in the wrong places, but we've noticed a sharp decline in numbers, and essentially no fishery other than somebody sneaking in from New Jersey. We weren't aware of anyone fishing up there.

P. Sandifer: Any other states? Susan?

S. Shipman: We have had an Atlantic and Short-Nose monitoring program going on for about 10 years and we've concluded that this past year because of budget redirection. We just had to choose priorities and Sturgeon that was just one of the things that fell out. We felt the university had the capability to continue that work better than we. We are continuing to receive some reports of the recaptures of our tagged fish. We had one, not long ago, reported to us from the North Carolina sink-net fishery, that was a juvenile Atlantic. Our monitoring now has been scaled back to simply monitoring the commercial catch.

P. Sandifer: Dave? Do you have something?

D. Borden: Yea, can I just comment on a management action we took consistent with a letter that was sent out? Rhode Island took that issue to public hearing, proposed bans on the regular ? on Tuesday night, but linked it to simultaneous action by New York and New Jersey. So, as soon as we get any type of indication that New Jersey will be

moving forward with a ban, ours will go into effect at the same time.

P. Sandifer: Hold on just one minute Pete, I've Tom Fote in the audience who wanted to make a comment. Tom?

T.Fote: Tom Fote. When I look at the letter and I realize we basically put a lot of restrictions on fishermen, I sit here and do a lot of those restrictions, but also when we look at a harvest control or the amount of harvest that can be done, as used the harbor control model in Maryland, and we set amounts that can be harvested safely. And according to the letter I'm looking at, there are 450 fish that could be so harvested safely from the stock. That's what the scientists say. If we then tell the fishermen, and if we transferred the stripped bass, the same, there would be 4 million stripped bass, and then we turn around and we said 'well, we're only gonna harvest a million-and-a-half of those stripped bass'. I don't think anybody would have any complaints and say 'yes, you're being very conservative' and you're only handling a small portion, you're not taking even your full allocation. And I think this is what's happening with the Sturgeon. When you harvest 450, if you're gonna divide it between two states, it would be 225 a piece, or if you're gonna divide it between three states, it would be 100 and whatever, I maths not too good today, long day, 115 fish. So basically we take the 115 and we take a look at it. There's a lot of scientific research that's goes out there that we're getting free. We're getting the fishermen to basically supply all the parts, come in and tell what the Sturgeon are doing, the growth rates, and everything else. I've had no problem if the scientist says we should shut the fishery down immediately, let's put it down. It's very difficult to fishermen who've been working hard, to find this scientific research for the scientist, and the body parts, and everything else. It's gonna cost us money when we can ill-afford to spend money on scientific research and we're getting it for free. Just to say we're gonna put you out of the fishery when you could harvest, when you could make some money. And if we push them out of a lot fish, I mean, I'm looking at the Monkfish plan anyway, and its probably we're gonna short change and push out the Monkfish in the mid-Atlantic region anyway, and then there won't be any bi-catch because there won't be any Monkfishery. My concern, and I think the fishermen's concern is we're looking at total restrictions that says they can do something and then we're saying, 'no you can't' not with any good scientific reason. ...decided on court cases and everything else. You'd better have good scientific facts to back it up, and if the science says there should be a moratorium, then put the moratorium in place. If the science doesn't say that, and says there should be an available harvest. Then, as long as that harvest is conservative and monitored, we spent a lot of money on it in New Jersey, then it should be allowed to go forward.

P. Sandifer: Pete, you had a comment?

P. Jensen: I was gonna comment on two things. One, we also have initiated emergency ?, much like New York and we have done it on an emergency basis, with a permanent proposal and we now have an effective moratorium on Sturgeon in Maryland. The other point is on the monitoring, we're trying to monitor, but we can't find very many to monitor. We, of course, have the advantage of having the fish and wildlife office in the bay and a very active interest in Sturgeon and we are cooperatively initiating the recovery program through the hatchery fish in the Nancoke.

P. Sandifer: Paul?

P. Perra: Yes, a question for Gordon, when I had talked to the people who had worked on the initial modeling in New York, they were telling me

that the number of 400 something fish, included fish harvested, either in directed fisheries or taken incidentally, in bi-catch on the coast line. So, the concern that I would have is that there are a lot of fish that are taken incidentally that aren't reported now because of the closures. You may have a bi-catch going on along the whole coastline that may be around 400 or so fish. That was one of their concerns when they put out that number.

P. Sandifer: Thank you Paul.

G. Colvin: That's correct. Just to clarify a couple of things, and I don't whether Tom's aware of this or not, but I can tell you unequivocally, that the scientific advice to the decision makers in New York State was to close the fishery. That didn't come from the top down, that came from the bottom up. Through the process of receiving technical advice from staff. We believe that that is the consensus, also of the, or at least a very, very strong majority view point of the participants in the Sandyhook workshop last December, which constituted technical advice to the process. The model output of 450 allowable removals from the population is subject to different views and interpretation. The point we were trying to make is that in the context of modeling an appropriate or safe/allowable of removals of the number of animals from an animal population that you're trying...that's depressed and you're trying to significant to restore. 450 is not significantly different from 0. This is a model, it's not an absolute predictor of truth, it's a tool to help us arrive at decisions, and in our case, recognizing the limitations on the model, recognizing exactly the point that Paul made, that we're talking about total population removals, not directed fishery or bi-catch fishery removals, but total removals. We just felt that on balance, we couldn't justify taking any fish out of the population that might have some possibility of not being removed from the population in the absence of the moratorium, so that's why we went that way. But, 2 points, it was based on scientific advice and this model really shouldn't be a target to catch, but a target number that should not be ... above which we should not consider removing from the population.

P. Sandifer: Susan?

S. Shipman: I commented on our monitoring, I did not comment on what we're doing with regard to the moratorium. Since we meet, I consulted with our attorney, we have limited statutory authority to start a moratorium, however, the attorney and I are working to do some sort of creative short season that is a defacto moratorium until we can get the legislature to take action on this. We do plan to go to the legislature in the next session. This is somewhat related to Weakfish, I'd much rather pursue the Sturgeon issue in the legislature from a party perspective. We did have, because of the cool spring we had in the south Atlantic, the fishermen did not set their nets until early April. We had a single fish land before the season closed. So, mother nature more or less handed us the moratorium that ... and our season is closed until the middle part of February next year. We plan to probably put in emergency regulations in January, that would go into effect at the time the season would be opening, which would give us a closure to the '97 season, during which time we can still be working through the legislature to get that moratorium authority. We're trying to work on this from a creative, legal (end of tape, missed about 1/2 minute)

G. Colvin: ... there may be additions for reported help out in the south Atlantic. That is the stock on other information.

P. Jensen: Bill?

Bill G.: Thank you Mr. Chairman. I'm troubled

by the position that my neighbor to the west is now linked their regulations with regard to further action on the moratorium are tied to other states actions and I think that that is troubling. I would like to ask Dr. Geiger a question, without putting him on the spot. I noticed that most of the research work... that most of the fish that have been provided through New Jersey have gone into various entities within the fish and wildlife service and I would just like to get a reaction from you with regard to whether you feel there's a continued need for this kind of resource, and I think even some of the other agencies may be funded indirectly by fish and wildlife services, through genetic work and things like that and how feel the need to continue this kind of work ...

J. Geiger: I think service has interacted with a variety of different cooperators in developing Atlantic Sturgeon culture management protocols. I think that in anticipation of possible concerns with that, I think in anticipation with possible concerns with that. Certainly, I think the service has the infrastructure to deal effectively with the propagation techniques for Sturgeon, I think it's prudent to continue development of Sturgeon propagation techniques. In the case of the proposed experimental stocking in Maryland, we're waiting, obviously, an opinion from ? Fishery service on a non-jeopardy opinion, as I believe the correspondence shows. We are concerned about the status of the stocks, we remain concerned about the status of the stocks and we want to make sure that depending upon what the states and the Commission decide to do in the future that we have the infrastructure ready to effectively address the concerns with the stock. So, I think that's what driving our interest and our concerns with the species bill. I hope I answered your question on that. And of course, working very closely with the states of New Jersey, Maryland, New York, on a variety of different issues of Atlantic Sturgeon, are continuing concerns with Short-Nose. We have very serious concerns about the status of the ?, right now.

P. Sandifer: A.C., and then Ernie.

A. Carpenter: I would just like to report that the Potomac River Fisheries Commission, does have and has had for a number of years now, a complete moratorium on both the Short-Nose and the Atlantic, but through the cooperative efforts of the Fish and Wildlife Service, the award program for the tagging and release of fish, we have gotten very good cooperation from our fishermen this spring and there have been a number of sightings and a couple of tags and releases attributed to that program that they have ongoing in the Bay, and will continue to work with them.

E. Beckwith: Yeah, we have started the reel making process to privy to taking in possession of the Sturgeon, we've gotten internal approval within the agency, we're waiting for approval from the governor's office. It shouldn't be any problem. That process will probably take us about 4 months to bring to closure, so I think by the fall, we'll have that in place. We've had a Short-Nose Sturgeon research project in the ? River for several years. We do some sonic tagging, tracking, and also tagging of fish, and we do occasionally pick up Atlantic Sturgeon and we do tag those fish also. As mentioned in other species boards, we have a trawl survey, which runs throughout the Sound, both in Connecticut and New York waters, and that goes back to 1984, and we do pick up juvenile Sturgeon and put them in the data base there.

P. Sandifer: Gordon.

G. Colvin: Mr. Chairman, there is one observation, and I'd be interested in what other states comparative observations might be. We're

pretty well convinced now that by now Short-Nose Sturgeon are more abundant in the Hudson River than Atlantic Sturgeon. All the data seems to suggest that. It raises some interesting questions in our mind, if that be the case, what are we doing here, is the status of Short-Nose Sturgeon appropriate, should we be rethinking the prospective listing of Atlantic? Those are questions that are out there. I think some of them were discussed at Sandyhook in December and I would kinda guess that if everybody else had the same impressions, that we might, indeed be thinking that way, but I really don't know. I might be interested in other viewpoints and other perspectives.

P. Sandifer: Gordon, we'll all hold that thought, we'll get to some other discussion and it may be something appropriate to pass on to a plan development team when we get to that portion. But, Robin had a comment, I believe.

R. Alden: I just thought I'd tell you that Maine has had a moratorium since the early '90's and we do feel we that we have a recent spawning population in the Kennebec River. We've got 7 adults spawners in '94, just below a dam in Augusta, and so we do feel ... and we're seeing some juveniles in the river, but our research is at a very low level because of money, but we do have a moratorium.

P. Sandifer: Other comments from states? Steve?

S. Driscoll: We have a moratorium (cannot hear the rest of what is said)

P. Coates: Virginia's had a moratorium on both species for a number of years and also is participating in the tagging project that A.C. mentioned. To my knowledge, there haven't been any tags placed recently.

R. Winkler: (Rob Winkler, public) Massachusetts has had a moratorium in effect for about two years now.

P. Sandifer: I think most of the states, or at least a good number of them at least, have had some kind of moratorium or closure in effect. Ours is in fact a closure of indefinite duration. The season is officially closed until we open it again, with no expiration date... the closure in South Carolina. We did have a significant direct fishery at one time. I'd like to ... as we close this and move on to another agenda item, I don't think we can take any specific action, but I'd like to echo Bill Cooks statement, I've made myself some notes here during the discussion, and I am very much concerned that some of the states are waiting for each other to take action. And I remind each of us that as state natural resource managers, we have essentially a judiciary responsibility to the people of our respective states, to protect the natural resources in our respective states and that doesn't necessarily mean waiting for somebody else to take action. We have a responsibility to do so. Now, I'll step off my soap box, but I do remind you that that is something that we need to do as individuals. In South Carolina we've been working with the Fish and Wildlife Service for I think 11 years now, in Sturgeon stocking or Sturgeon hatchery technology, eventually to develop stock enhancement work. Most of that effort initially was directed at Atlantic Sturgeon, and I'll tell you that we moved from Atlantic Sturgeon, because we were afraid that our efforts to simply collect brood stock were going to have negative consequences to natural population rebuilding, so we spent most of our effort on the Short-Nose, because it was already in significant trouble for a variety of biological reasons it was an easier fish to work with. We use it both as a stock enhancement tool to rebuild a threatened population, and to learn technology that can be transferred to Atlantic. I'm please to say that we

are seeing some resurgence of Atlantic juveniles in several of our estuary's at this point, though we're not formally monitoring them, but its 11 years after a closure. This is not something that's going to happen very quickly. I think the stocking protocols are important for us to look at, because that may be the only other tool, probably is the only tool we've got besides long-term closures to work with. I recommend we give those some very serious consideration at our next meeting and hope that we will have some additional information from several of you with regard to further activity on closures. I will certainly ask New Jersey to consider what their action might be for 1997 and remind you that others of us have had to deal with very thorny bi-catch issues in other fisheries and maybe its time for this one to be addressed. I believe it is.

P. Jensen: I've got someone in the audience who wants to speak and then get to Paul and Phil.

R. Winkler: Rob Winkler. I think the question is that if all the states put a moratorium in place, would the Commission be asking them to take the same action in the EEZ, because if the EEZ remains open, we come down to the question of its legal to harvest the Sturgeon in the EEZ, we have the ... I'm not sure that anybody would test it, but it creates a situation of all states prohibiting the landing of a species that could be legally taken in the EEZ.

P. Sandifer: Point well taken. I think that's an issue for the plan development team to take up and come back to us with plans. But, point well taken. Paul?

Paul: The National Marine Fishery Service, of course, is very concerned about the status of this stock and is trying to work with the states as best we can to protect the fish. I brought it up at the last meeting. There is a question about our ability to act in the EEZ, when there's no direct recommendation to the secretary in the plan, and this comes from the recent court case on Weakfish. So, you just, be aware of that, and I understand that we're working on an amendment and there's a recommendation for the policy board in the Standards and Procedures to have all plans have some type of recommendation. To please, one, let's work on this amendment as fast as we can, and two, let's get the Standards and Procedures amended so there can be recommendations to the secretary.

P. Sandifer: Gordon?

G. Colvin: Mr. Chairman, I would like to just share with you some prospectives on the issue that were raised by your comments and those of Mr. Coates about the prospect for states waiting on each other. I can report to you that there was a substantial body of opinion within New York, that we ought... it was a minority view point, it did not prevail, but that New York ought to wait, or condition its closure on Sturgeon, on equivalent action in New Jersey. This is a viewpoint that is being expressed more and more frequently. Particularly with respect to proposed regulatory actions that go beyond the bare minimum we had to comply with adopted fishery management plans. It is, to some degree, a post-phoneme, and I believe that what I'm hearing is that it has, in some measure, to do with perceptions that once a state has proactively taken some action above the minimum, either recently or historically, that it finds itself to often penalized, once it becomes necessary to do something and to allocate resources, or harvesting opportunity among states. The example that I have been pinioned with, and I know that some of my neighbors to the immediate north have been as well, is Summer Flounder. So, you know, it isn't really a Sturgeon Board issue, but since all the states are sitting here at the table, I think we'll all agree, that this is a phenomenon that is out there, that is becoming increasingly prevalent and one that we will need to confront and perhaps

communicate amongst ourselves about how to more effectively address it in the future.

P. Sandifer: Thank you. Dave?

D. Borden: Gordon actually made one of the points that I was going to make, but just so the record is clear, the agency recommendation, in this case from Rhode Island, to our Marine Fisheries Counsel, which has the regulatory authority, was for a moratorium, so that... because of the phenomenon that Gordon has? and because we've done this in two or three different instances that I can name. One was with Monkfish, where we had the agreement of neighboring states to put in the minimum sizes, we went out ahead and we were all going to promulgate on the same date. Some of those states did not follow through with their actions. Our regulations essentially were in place for 9 months, in advance, and landing went into those other states that would have come into the state of Rhode Island. It left a terrible image in terms of the industry. The industry totally supported the moratorium, but they want to see a concerted effort on the coast to do, which brings me to the last point. I'm a little bit troubled by the timing of the next amendment. It seems to me that the simple fact of the matter is, at the consensus around the table is that there will be a moratorium, all the states basically, with a couple of exceptions, have a moratoriums. That's what the plan amendment is basically gonna call for. I don't see why that's going to take a lot of time to put that together, why it ... it should be a relatively simple amendment to the plan and make a compliance requirement on every single state, that they have a moratorium. I mean, let's get on with it.

P. Sandifer: James?

J. Geiger: Mr. Chairman, I appreciate your comments to the board on the importance of this issue. Again, I mention to the board, this board, other fisheries management boards, and the policy board, many times about the issue of priorities of fishery management plan. Again, just replotting the ground for the statistics coordinating committee, again, a classic case of where this group has decreed that this is a priority of the Commission, of the State, and of the Services, yet when push comes to shove and we try to find additional funding, or funding elsewhere within the system to kick it off, sometimes we come across the concrete wall. In this case and the Atlantic Sturgeon, Management Board, the notes clearly reflect my concern about priorities of fisheries management plans for the Commission. Again, here we have a situation where we are, again, facing the wall. We appear to have both the consensus, in terms of the moratorium on this species, when are we going to make some hard calls in the Commission about priorities in the fisheries management plans. We all are doing more with less, we all are stressed and strained to the limits. At some point in time, this board, the Policy Board, and the Commission as a whole, has to deal with priorities. Priorities of all the activities we under take. Now, the third point I'd like to make is again in a comment to Gordon about states interacting in terms of action. I think the Coastal Act has gone a long way to reinforce the emphasis that we do not work in a vacuum, that our actions are linked together, both state-to-state, state-to-federal, state-federal-and private, and that that is an outcome of the coastal act that I think is good for us. We are leveraging resources, we are coordinating, we are acting. We are doing team management on a variety of resource issues and I think that is good. It is more time dependent, it takes longer to get management decisions, but I think in the overall end run, we are getting better management decisions, resulting from this interaction. And I think that is, again, an important outcome of the action. I think few people really realize, certainly the service, the

Fish and Wildlife Service, is using this principle in our inland activities, in our other activities, and I think it's strengthening our partnership in a variety of different fronts. So, I appreciate your comments.

P. Sandifer: Thank you. I'm going to take executive privilege here, and move on a little bit, so we can get to the meat of it. As Chairman of this particular board, I am extremely pleased to see how much progress has been made over the past several months. We are almost, defacto, in compliance with what we think will be the amendment, already. So by the time the amendment comes out, we will be in very good shape to move forward. I do not wish to, however, presuppose exactly what that Amendment is going to say, that's for a team to write and let's move to the next item on the agenda. If we need to come back for further discussion here, we have time at the end of the meeting, I'll be glad to do that, but we've got a couple of actions that need to be taken and I want to make sure we have time to take those actions before we have to adjourn at 11:00. So, if you don't mind, let's move forward on our agenda to the next item, which is confirming nominations to the technical committee and plan development team. Pete, we've got the wording of that motion from the last meeting, can we wait until the end of the meeting today to bring this back up for approval, or do we need it at this point?

P. : Sure, discussion is all I wanted, I wanted to get a clarification.

P. Sandifer: If you don't mind, we'll bring it up toward the end of the meeting under other business and refer back to those minutes and try to get that cleaned up. Alright, so we'll move to item renumbered 4, the nominations to the technical committee and plan development team. Let me turn this over to John.

J. Field: Unfortunately, the folder that I had with the names for the Technical Committee nominations was left here last night and its now missing in action. I'm not sure who or what scooped that up, but I can tell you from memory that we did have nominees, either submitted this spring, or left-overs from the disbanded old Sturgeon Technical Committee. Those representatives cover the entire coast from Maine to Florida. I also have a representative from the National Marine Fishery Service and two new nominees from the U.S. Fish and Wildlife Service, Region 4 and 5, for the Technical Committee. With regards to the Plan Development Team, there was some discussion at your March meeting that members of the plan review team may or may not make up the core of the Plan Development Team. Just to refresh your memories, that review team that is currently in effect and responsible for monitoring state implementation of the measures and doing the annual review and what-not, are myself, Kim McCond, from New York, ? Pierre, from U.S. Fish and Wildlife Service, Ted Smith, from South Carolina, and P. Perra, from National Marine Fishery Service. In addition, there were two other nominations for the Plan Writing Team or Plan Development Team, that would be Jim Markem from Maryland, and I believe, Vince Mudrot, from U.S. Fish and Wildlife Service. And that is what my notes show right now. Again, we have representation from Maine to Florida, with the exception of Potomac River Fisheries Commission and District of Columbia on the Technical Committee, and we have two new nominees to the Plan Development Team, which could or could not be added to a core of bi-folks on the Plan Review Team. Tom?

T. McCoy: John I believe I also sent a recommendation to the Plan Development Team, ? the Technical Committee.

P. Sandifer: Susan?

S. Shipman: Of that group for the Plan Development Team, does that include Protective Species expertise.

J. Field: It does not. However, National Marine Fisheries Service folks have volunteered protective species, generally, I don't have specific people to help us out on this project.

P. Sandifer: John, Ted Smith, on our staff, covers both areas for us, at least with regard to Sturgeon. We can consider him to be dealing with protected species, and Susan, if there's somebody that you think should be added to deal with that specific area, let me know.

S. Shipman: I don't have anyone in mind, that's just a particular area of Mr. Talbin's comments about dealing with this issue of Short-Nose. I think this is one plan to incorporate....

P. Sandifer: This may be something that Fish and Wildlife Service representatives can help with, and since Ted has spent the past 10 years working with culture and stock enhancement of Short-Nose, he may be in a better position to talk to the relative status of those populations on the Atlantic coast, or as good a position to talk to that as anybody we've got. I defer to him and let him respond for us for the time being. I see shaking of heads, nodding heads, it seems to meet with everyone's approval.

J. Field: So as I understand it, the plan review team will form the core with the addition of these 3 new folks nominated this spring. That would be a total of 8 folks on the Plan Development Team, including myself.

P. Sandifer: Is this satisfactory. We need a motion to approve this team, please?

G. Colvin: (Made motion)

P. Coates: Second.

P. Sandifer: Moved by Gordon Colvin; seconded by P. Coates. Approved as Plan Development Team. Any discussion? All in favor signify by saying 'aye'? All opposed 'nay'? Abstention? Remember this time. O.K.

J. Field: Technical Committee, we need to do the same thing, I assume. We need a motion for the Technical Committee. I realize that you don't have the names in front of you, but I assure I can provide them after this meeting.

B. Freeman: You said there was one person from the National Marine Fisheries Service, we may want more, realizing that each agency will have one vote, we may need to have one person from the center and the region, or from both regions. But I'll check on that and get back to you.

P. Sandifer: John, you indicated that you do have a member from each of the jurisdictions...

J. Field: That's right. The North Carolina representative I don't remember their name, was from the older Sturgeon Technical Committee, that has since been disbanded.

B. Freeman: The reason I ask, I'm not sure from North Carolina who it is and whether, in fact, that person should be or should there be someone else.

J. Field: O.K.

B. Freeman: Another question, do we actually nominate the Technical Committee, I thought that was the responsibility of the each of the states to put a member on there? Do we actually vote on that?

J. Field: Well, the charter reads that the

Board shall appoint a technical committee, and you folks have done that, either by holdovers from the old Technical Committee or the new letters received over the last few months.

P. Sandifer: Bruce, if you wish to make a motion in such a forum, that says the Board approves the Technical Committee as put forward by the member states and partners, that's fine as well. I'd like us to end this meeting today, with Committee's in place, even if we've got to change a name or two, I want them ready to go, so that we can give'em some work assignments and get done with this.

B. Freeman: I understand that, but in my situation, I don't give a delaying tactic. So, I would move to motion as you suggested Mr. Chairman. Give the states latitude if they want to make changes, without bogging the process down.

P. Sandifer: Is there a second to Mr. Freeman's motion?

P. Perra: Second.

P. Sandifer: Second by Paul. The motion is, if I understand it, since I helped make it for Bruce, is for this Management Board to approve a Technical Committee made up of those representatives nominated by the states and federal partners. That would allow the states, in Bruce's case, and others, to go back and insure that they've got the right person on there, but we will have an action taken today that says we've got a team and we can go forward. Bill?

Bill G.: Yes, Mr. Chairman, is the Technical Committee limited by typical approach to one member per state?

J. Field: No, that hasn't been the case in the past.

Bill G.: In response to John's letter to the Board soliciting nominees to the Technical Committee, I had the impression that this might be an unusual circumstance and that there might not be Sturgeon expertise in each of the states and they were looking for other possible nominees and I had suggested Dr. Dave Secor, from the Chesapeake Biological Lab, University of Maryland, who's been doing Sturgeon work, both in the Chesapeake and Hudson. Then, John, that Maryland had already suggested a person from the Department of National Resources. I wondered if this person, given his expertise, might also be considered and considered an ad-hoc person or perhaps a representative vote of the Potomac Fisheries Commission since the biological lab has done that in the past and done a lot of work on the Potomac. A.C.?

A.C. Carpenter: We'd be willing to nominate him, as soon as I have opportunity to speak with him if you think he'd be perfect.

Bill G.: Well, I have spoken to him, and I understand you would need to as well, but he was very interested, for the record, in doing this. Very willing.

P. Sandifer: We'd be delighted to have him, so we'll take care of the nomination.
A.C. Carpenter: We can take care of the paper work to get his name on the ...

P. Perra: This issue will surface again, because it happened with the old Technical Committee and, of course, there's really two big issues with Sturgeon, one is the regulatory regime and the type of field work, and the other is the culture work that is going on and there's two different kinds of expertise. A lot of the culture work is either done in a different department in the state, or also in the University and when we formed the first Technical Committee, this kind of issue came up.

States wanted several people to be on the Committee because to their different expertise, or they wanted university people. The way it was reconciled, and this is just a suggestion down the line, was that we formed like a separate culture and stocking committee that gave advice to the Technical Committee on the culture and stocking issues and then kind of integrated everything, but, I would just let the Technical Committee try to reconcile that issue and if they have any recommendations, try to act on it at the next meeting.

P. Sandifer: Further discussion on the motion? All in favor say 'aye'? All opposed say 'nay'? Abstentions? The motion passes. So, we now have teams. John, it's my understanding we have a volunteer plan writer as well? Is that correct?

J. Field: That's right. U.S. Fish and Wildlife has offered services at Wilson Lane for Region 4, to write yet another ASFMP Plan.

P. Sandifer: Wilson is hiding behind Bill at the moment, so I ...

W. Lane: We haven't adopted Weakfish yet, I don't know when later this afternoon...

P. Sandifer: I would like to ask if there are any states that would like to volunteer a plan writer to work with Wilson or to replace him, if you've got somebody else that you would rather have do this, I'm sure Wilson would be delighted to take another role and complete Weakfish. But, he's supposed to have Weakfish completed this afternoon, so, he obviously will be free.

W. Lane: Hopefully, or at least reasonable....

(Discussion from the public)

P. Sandifer: If there are no other nominations, we will certainly accept Mr. Lane's volunteering as plan writer, with assistance from Mr. Borden in the next five minutes, as quickly as possible. We now have requisite teams, we have a volunteer plan writer. It's much easier to get a volunteer like that, it's very nice, rather than having to go shanghai, exactly, go beat somebody over the head and shoulders to do this. Now, we need to move the next item, recommendations to the committee on advisors. John, do you have any input for us at this point.

J. Field: I think Tom's folder is still out there somewhere, if not in his room, then in spirit.

P. Sandifer: Tom is always out there someplace.

J. Field: Indeed. The Board doesn't make nominations pursay, today, rather, they make recommendations about the total size of the advisory panel that they'd like to see, the gear types represented on that advisory panel, and the geographic regions they'd like see represented on that panel. So, with those sorts of loose guidelines, that it for the task. The Committee on Advisors, which meets later today or tomorrow, will take those guidelines in hand and comeback with a strict outline of gear types, members size, state representation, and will leave it up to the board members to turn in specific names to fill those slots.

P. Sandifer: Gordon?

G. Colvin: Mr. Chairman, this is a little different situation than some of our other fisheries. And I'm not so sure that the more traditional approach of state-by-state, gear type-by-gear type, fishery-by-fishery is where we should confine ourselves in terms of seeking out advice. A Couple of points. As Bill Goldborough pointed out,

there is a substantial research component to the coast wide interest in this species and it's not all related to the fisheries. Some of it is more related to just some interest in Sturgeon generally, in Atlantic Sturgeons, and in understanding the life history and what makes these animals tick. Seems to me that we might want to address some interests on the advisory panel to the coast wide research community. Because of that interest, there is also considerable interest that has been pointed out in culture, stocking, and restoration, as a kind of a major initiative, and there again, both as a technical discipline and as an area which has its own advocacy, there's a viewpoint that might want to be reflected in the make-up of an advisory panel. Interesting to me that a couple of years ago, the Hudson River Foundation had a workshop on Sturgeon at the American Museum of Natural History. They got quite a turn out from the public at large, if you will, from people who had nothing to do with fisheries. The most prominent member of which was the comedian, Bill Murray, because he was there, that's how they got it in all the newspapers, but what was intriguing about that, is that there's just a lot of curiosity about Sturgeon among people, its almost like a zoo animal in some way, and I think that's another viewpoint that's out there that's interested and ought to be considered when we compose a panel. So, I'd like to suggest that we make room for some of those kinds of viewpoints on our panels, as well, research, culture, and kind of a general conservation, if you will. The community of wildlife conservation, let me put it that way.

P. Sandifer: Phil?

P. Coates: I heartily concur with Gordon's recommendation, ended up with the name of a Fish and Wildlife research, that we've been doing work on Short-Nose Sturgeon in Massachusetts, as our advisory panel members, since we have no one, to my knowledge, that has spotted Sturgeon, or attempted to take a Sturgeon in some years. Except an individual who came in our office about 9 or 10 years ago with a box with 2 sturgeon in it and he wanted to know what they were, and they were of the wrong type at that time, and exited rather quickly. Never to be seen again. But, I think that's the last recorded instance I know of a take of either Atlantics or Short-Nose, other than the famous one up in trib of the ?, I believe it was, an individual up there ran into a rather large Sturgeon, and it was more ? they wanted to talk about, but that was not our jurisdiction.

P. Sandifer: Other comments regarding the make-up? Ed?

E. Irby.: A slight twist on the enhancement issue, because what our state and our legislature is interested was in aqua-culture. And that means that you're gonna have a product that's not gonna appear any different. So that needs to be taken into concern, relative to AP rules and regulations.

P. Sandifer: What you're getting at is the availability of brood stock, ...

E. Irby.: Availability of brood stock, the

P. Sandifer: Ability to handle the animals, ...

E. Irby.: Ability to handle the animals, and then ultimately track them, right now we're looking from cradle to grave tracking those animals. The market is outside the state of Florida.

P. Sandifer: What I heard from Gordon is the area of culture, which would include enhancement, and potentially, commercial.

E. Irby.: It two distinct groups of people that support each, one does enhancement and one ? .

P. Sandifer: Pete?

P. Jensen: I agree with Gordon and I want to make a specific point, and that is, I think we would want to nominate a pound netter in the upper bay who is one of our cooperators and has been a long-time pound netter and understands the history of that fishery up there, but then I would also suggest that we make room on this advisory committee for someone from our bay program, which has a very large public involvement, a lot of general interest, and could then take that information and take that information back into a very large community and build the public understanding of what we're trying to do.

P. Sandifer: Pete, my understanding that we suggest to the Committee on Advisors the kinds of people, they will actually nominate the individuals, but obviously you can have some input into who that individual would be, so you're talking about a pound net fisherman from the upper bay and ...

P. Jensen: Well, I guess I was trying to enforce, to reinforce, Gordon's idea that we give a message to the Committee on Advisors that we want a lot of latitude and a very broad criteria from which to select members.

P. Sandifer: I think ... People, I'll get to you in just one second. Tom has not spoken, but it would seem to me that with essentially the last extant fishery for Sturgeon, we're going to have to have someone from that fishing community represented on a committee on advisors to be completely fair about this and make sure that they're viewpoints on bi-catch mortalities, all of these things, research issues, and all of those things, are taken into consideration. Tom, I'm speaking for you, but I assume that you would like to have somebody from that community ...

T. McCoy: Well, I think that would be our initial approach, yes. Depending on where we end up, you may not be able to solicit their participation anyway. But, I mean just as long as

P. Sandifer: I think should be our advice to the Committee on Advisors, to certainly consider someone from the New Jersey Fishery, would seem appropriate to me. Steve?

S. Driscoll: I just want to say that to be on the advisors .. expect the board to tell us what you want. We don't nominate them, we only approve them. So if you want to have these people on our advisory committee, than that's what you tell us. And then you people nominate them and we approve them. It just that simple.

A.C. Carpenter: Just to echo what Pete and Gordon have been saying, I think that the report on the April meeting in Annapolis, looked to some funding sources for this thing, well outside of our traditional. The American Zoo and Aquarium Association, the Army Corps of Engineers, there's a whole list of possible funding source people that are outside of the traditional fisheries that are, we think at least, are interested.

P. Sandifer: If any of you've got names, take a moment as we're going through discussion and put down specific names, if we can approve any of those today, then we can forward them.

T. Berger: (Tina Berger, out in the public, cannot hear)

P. Sandifer: I've just gotten two differing points of view on that, whether we were looking for names or not, I would suggest that we certainly approve a list of kinds of folks that we want, and if we've got any names to share with the Committee on Advisors, that will give them additional information

to work from. If that will suit everybody. Paul?

P. Perra: Yes, having gone through this process when it first started up, one of the things, and Steve, one of things that the Committee and Advisors focuses on that's important to the state, should there be more than one advisor from each state, should the committee be coast wide, or not? I can see some concern with fiscal concerns, this is still a small fishery and they may be trying to limit the amount of advisors so I think this board needs to decide if they want coast wide representation. I think every state has to play in interest. So, that's one of the things that the Committee on Advisors needs to know. I think it helps if somebody from the board is there besides just the staff person, who's kind of knowledgeable about the types of things that the board wanted. My advice is that the Chairman or somebody you can designate, go with John and attend the Committee on Advisors and give them advice. From my point of view, its important to have a coast wide representation, even though you only have a very small fishery in one area, because then you need that perspective of the people who have lost the fishery. Their voices need to be heard.

P. Sandifer: Susan, did you have comment?

S. Shipman: The only other comment I would add, I think we need a processing representative in that, in that, either from a caviar perspective or smoke market perspective, particularly from the culture end, if we're going down that road.

P. Sandifer: Dave?

D. Borden: Just to add that the flavor of the conversation here is do we want a mix of expertise? I think everyone is basically in agreement with that. My suggestion would be that each of the states submit a letter, include the name of any advisor or advisors (plural) that they think would be appropriate and include as part of that, if they feel there is a particular mix of expertise that should, that the Committee on Advisors should consider when they actually pick the name, they could include that in their letter. So, you'd have direct input from each of the states. The only thing that I would add, at this point, Rhode Island is not going suggest an advisor.

P. Sandifer: My only concern Dave is the amount of time we may take. The Committee of Advisor's is meeting immediately after we meet today. So if we've got some guidance to give them, it would be nice to give them as much as we can today. Charlie?

C. Lesser: There is an established procedure on the Advisory Panel formation. Its in the next section. They approve the make-up not the names. How many represents, who represents what state, they approve that and the states put the names up. They do approve the make-up, not he nomination.

P. Sandifer: I guess what I'm trying to get at is we can give them the guidance today on the make-up, they can go ahead and approve that, come back to us with the process that Dave is talking about, and asking for the state's nominations, and we could move forward and have this advisory panel in place relatively quickly here, and not wait until October to do it.

C. Lesser: Its two steps, they approve the make-up and then they approve the nomination.

P. Sandifer: I understand that, but I'm hoping we can get this done well before October, is what I'm trying to do if we can get action today. Dave?

D. Borden: Yes, Mr. Chairman, maybe I don't understand the process, but I thought that the ultimate decision was based on a Committee, or the

ultimate decision is made by the Committee of Advisors. In other words, we'd be asked, they ultimately have the authority to pick and potentially structure the Committee. If we follow the procedure that I characterized, I don't see why that should delay us, they can ... if you ask all the states to submit a name in week, they'll have all the information, they can do a conference call and pick the advisors and all be done in a short period of time.

P. Sandifer: If I ... (end of tape)

P. Sandifer: ...once we send in nominations as individual states or entities, they will then choose from those nominations and approve a final committee Advisory Panel for us. They're meeting next, if we can give them a fair amount of instructions, they should be able to take up the make-up of the panel, not the individuals, but what we want and then have the letter sent back to us saying, 'the panel should consist of so-and-so, these kinds of people, do you have nominations?'. Gordon?

G. Colvin: Mr. Chairman, let me make a straw proposal and see how folks react to it. We can perhaps decline it. I do think that we need to give some... to make a recommendation to the Advisory Panel on the composition and make-up..I'm sorry, to the Committee on Advisors on the composition and make-up, I would offer this proposal. With respect to representatives of the fisheries, that an opportunity be given for a representative for interested states, recognizing that many states will not, be virtue of the fact that they have not had fisheries in a long time, submit names, but people who are, or who have been involved in the traditional Sturgeon fisheries, one of states, max. From the research from the independent research community, 2 to 3 coast line, from wildlife conservation view points, with an interest in this matter, 3 to 4 coast line, and from aqua-culture and processing, in particular in reference to aqua-culture and processing of Sturgeons, 2 to 3 coast line.

P. Sandifer: We have a motion on the floor with second.

J. Field: Tina, is it possible to get that on the screen? Great.

P. Sandifer: Let's take a few moments and get this down. Gordon, make sure I'm correct, 1 representative from interested states in the fisheries. Is that right?

G. Colvin: Not more than 1 per state of people who have been actively involved ...

P. Sandifer: ... either or, or have been actively involved in the Sturgeon fisheries.

G. Colvin: Being under no obligation to submit any, if they don't want to.

P. Sandifer: From the independent research community, 2 to 3 persons coast wide, from the conservation community, 3 to 4 persons coast wide, and from the aqua-culture process community, 2 to 3 coast wide. Is that correct?

G. Colvin: Yes.

P. Sandifer: Is that likely to be a huge advisory committee compared to others, or is this about normal?

J. Field: It could be 25 tops.

P. Sandifer: 25 tops, and some states will not nominate in some of these areas, clearly. Bill, did you have a comment? I'll get to you Dave. D. Borden?

D. Borden: I'm not opposed to the motion, but I think it should be up to the Committee on Advisors to pick the actual number. In other words, what we're giving them in this motion from my perspective, is the flavor of the mix. Personally, I think is to large a committee. If everyone were to nominate, I'd think we'd waste a lot of money in time. My own view is the Committee on Advisors should have the authority to scale it down, but ...

P. Sandifer: Gordon, I have one further thing that I point out to you, do you want to include in the fishery side, a suggestion to the Committee on Advisors that someone from a directed fishery, or current, as well as those involved in bi-catch fisheries, someone from bi-catch fisheries be named, or do you feel that this is sufficient as is. I doubt we will nominate anyone from the fisheries side, since ours has been closed so long.

G. Colvin: I would like the recommendation of the board to reflect in that area that the persons nominated ought to have been involved in the fishery, either in a traditional directed Sturgeon fishery, or in a ... could be a bi-catch fishery that resulted in an economic return in recent years, as opposed to 20 years ago. I think we're looking for people who would be looking for the return of this fishery and who have some information to impart about how the fishery had operated when they were in it, or if they were still in it.

P. Sandifer: Again, following on with Dave Borden's comments about numbers, I personally feel comfortable with saying each state should have the option of recommending the area of the fisheries, but perhaps we should consider instructing the Committee on Advisors to include several representatives coast wide from each of the following areas and then put the independent research community, conservation, and aqua-culture processing, rather than trying to specify numbers. I don't have a strong feeling one way or the other, but I don't know what the difference is between 2 and 3, and 3 and 4. Why one makes that kind of distinction. Or even, not to exceed 3 or 4 in each area, I don't have a problem with.

G. Colvin: Yes, that's probably better. I think the only thing that I was looking for was to try and get a spread, so that the view points that come with people's associations with different regions of the coast become reflected in the advice that we receive.

P. Sandifer: Would you so modify your motion, Gordon?

G. Colvin: I think we should several representatives from each of those 3 categories and, if possible, the selection should represent a broad distribution over the coast.

P. Sandifer: Does the seconder accept that? Charlie?

C. Lesser: Yes.

P. Sandifer: While we're getting it on the screen, does that generally meet everybody's approval, are we going to be able to act on it? Let's go ahead and act on it and I'll let them perfect the motion. I think we know what we're dealing with. Any further discussion? All in favor say 'aye'. All opposed say 'nay'. Any abstentions? Motion carries. We're actually doing quite well today folks. We now have the requisite teams, plan writer, and information to go to the Committee on Advisors. I would like to ask the Chair for the Committee on Advisors to act on this information as quickly as possible, hopefully in the next session, and get the instructions back out to us to make nominations so that very shortly we will have a

Advisory Panel for this particular plan. So now, lets move to other business and we have one old business item to go back to, that's the motion from the previous minutes. John, I think you've got it to distribute for us, up on the board.

J. Field: Yes I do, its up on the screen and I have it on hard copy. There's yours. I need the sign up sheet as well, if that's still circulating. O.K., I'll get it from you later.

P. Sandifer: According to what I've been handed here, it says the Atlantic Sturgeon Management Board recommends immediate action to implement a moratorium on further harvest of Atlantic Sturgeon throughout its range. In the interim, the Board requests that states still harvesting Sturgeon, to implement an immediate 2 year moratoria on further harvest and possession of Atlantic Sturgeon taken from state and EEZ waters while the Commission moves forward with the expeditious development of an amendment to restore the Atlantic coast stocks. Pete?

P. Jensen: Mr. Chairman, the clarification I wanted to get is if you will refer to the discussion in the March minutes at the bottom of page 12 and top of page 13, I will read just 2 lines, one is, 'Mr. Colvin: Possession by anyone for any purpose, my question is to establish the intent?', 'Mr. Coates: That's what my motion does. Possession taking, or taking in possession'. In other words, I think the intent in the minutes was to prevent taking and possession for any purpose. I just want to get a clarification from the board that that does not exclude taking for research, for aqua-culture purposes.

P. Sandifer: Pete, I don't think this particular motion speaks to that. I was not at the meeting. Bruce, do you recall the discussion? We have a pretty close to verbatim transcript of that meeting.

J. Field: I think that this was a concept that wasn't even talked about at the March meeting. But

P. Jensen: This is a post action question, we have faced it already in wording our state regulations. We have, or course, made it an absolute prohibition, and the question immediately came up, well, how do we get fish for aqua-culture, what about research people, as we attempt to monitor and tag and fishermen that would be required to keep them as a cooperator? So, I just want a clarification that no one is interpreting this to be an all encompassing prohibition against aqua-culture or research?

P. Sandifer: Let me suggest a 2 prong point of attach here. Now that we have the motion in front of us, unless somebody disagrees and says this is a wrong motion, let us approve the minutes of a previous meeting with this motion to be inserted. First. Secondly, Pete, I would suggest that you make a motion to update this. Whatever moratoria are to be in effect are to either to in fact exclude those kinds or include those kinds of uses, one or the other, whatever motion you want to make, but go ahead and make it for the record and let the board discuss and decide in the next instructions for the Plan Development Team and the Committee on Advisors as well, we'll have a very clear instruction that we're sending forward without ambiguity. Anybody have a problem with that. Can we go ahead then, and approve the minutes of the March meeting, now, with this motion included?

J. Field: So moved.
P. Jensen: Second.

P. Sandifer: Any discussion? All in favor say 'aye', opposed 'nay', abstentions? One abstention, New Jersey. The minutes of the March meeting, as

amended to include this motion, stand approved. Now Pete, would you like to up-date us.

P. Jensen: I would like to move, Mr. Chairman, that the resolution adopted in March, not preclude states issuing permits for either scientific collection or aqua-culture activities for Sturgeon.

: Second.

P. Sandifer: Discussion. Bill Goldborough?

Bill G.: Would that include commercial aqua-culture?

P. Sandifer: Pete, the question is, would that include commercial aqua-culture?

P. Jensen: Yes, sir.

P. Sandifer: Robin?

R. Alden: I would assume that the aqua-culture collection would be within the frame work of the stocking protocol, so that we wouldn't have a situation where we could have an excessive take.

P. Jensen: Yes, that would be my understanding. That we of course observe all the protocols that have been adopted.

P. Sandifer: Jamie?

J. Geiger: Mr. Chairman, a question for Pete. Pete, when declared a moratorium on Stripped Bass, how did we handle obtaining Stripped Bass for research purposes and/or for the issues of aqua-cultures?

P. Jensen: In Maryland, we did it essentially the same way. We issued permits for aqua-culture and we issued permits for scientific collection. And I might add, by the way, that the analogy to this is that we have adhered very closely to the genetic integrity policy that was adopted by the Fish and Wildlife Service by ourselves, by the Commission in fact, to not tinker with the genetic integrity of fish taken from one system or re-introduced or escape into another.

P. Sandifer: Jamie?

J. Geiger: Mr. Chairman, again, looking at the precedent that action played in the Stripped Bass restoration, it again appears that we have good precedent to work before. It was supportive of aqua-culture, as well as research enhancement. I would say we have a model here to base this action up.

P. Sandifer: Further discussion of the motion we have on the floor? Seeing none, all in favor say 'aye', opposed 'nay', abstentions? The motion carries. Do we have other business come before us. One little item just for clarification for both me and John. The minutes that you have just approved for the March meeting, are essentially verbatim minutes. Do you wish to continue that, or would you like to provide our staff with some license to clean up the incomplete sentences that we often speak in and make it a little easier to read.

J. Field: That is a wonder full idea.

P. Sandifer: The tapes, I assume will be available verbatim if we need them. I find minutes a little easier to read if it isn't quite so much backing and filling that we do in normal conversation myself. I just ask you for some instructions to give to John.

J. Field: For your information, what I try to do when I get these minutes, they usually come in about 100 page, 3 ring binders and I try to edit down to the salient points of conversation.

Sometimes I'm hesitant to just wipe out entire sentences for fear that they're gonna cloud the issues down the road. But, would you like me to edit peoples...leave it in this format, with people speaking, but to edit what they're saying? Just delete out um's and uh's.

P. Sandifer: Make us make sense.

S. Shipman: Yes, make us intelligent.

(general comments).

S. Shipman: Mr. Chairman, however, I think it is important to include the arguments surrounding pros and cons of motions. I think that's very important.

J. Field: My comments exactly.

P. Sandifer: For me, not having been able to be at the last meeting, to sit and read these minutes, it was very, very helpful. I just noticed that in a few cases, each of us, as we speak, end up in the middle of a sentence, just dies off, and the record shows that. So, it might be a little better for the permanent record, if those kinds of things are cleaned up a little bit and we did sound intelligent.

R. Alden: And delete this part of the transcript of this meeting.

(general comments)

P. Sandifer: Jack?

J. Dunnigan: This is obviously not just an issue for Sturgeon, we've been working with the ideas of how to keep the right kinds of records for all of our Commissions and Boards for a long time, so your advice is valuable and I think sometime after this meeting, we're going to try to begin to provide a greater amount of continuity in the way we do minutes and timeliness that we do them in from meeting to meeting, across the board for all the Commissions, Committees and Boards.

P. Sandifer: In this case, we got very good, very complete minutes. I believe Bruce, from the meeting you chaired, very helpful and we now, not only have a volunteering from John to clean them up, he will even insert Bartlett's Quotation's to make us sound even more scholarly. Are there any other items we need to take up? Shall we be the first board on record at this meeting to finish early. We are adjourned, and we have instructions for the Committee on Advisors to take up the next time.