

*Fishery Management Report No. 31a*  
*of the*  
*Atlantic States Marine Fisheries Commission*



**Addendum I to Amendment 1 of the Interstate Fishery  
Management Plan for Atlantic Sturgeon**

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# INTRODUCTION

On February 10, 2000 the Atlantic States Marine Fisheries Commission's (ASMFC) Sturgeon Management Board directed development of an addendum for Amendment 1 to the Interstate Fishery Management Plan (FMP) for Atlantic Sturgeon. The purpose of the addendum is two fold, 1) to permit the importation of non-Indigenous Atlantic Sturgeon and 2) to permit the development of private Atlantic Sturgeon aquaculture facilities.

Amendment 1 to the Atlantic Sturgeon FMP was approved in July 1998. The goal of Amendment 1 is to restore Atlantic sturgeon spawning stocks to population levels which will provide for sustainable fisheries, and ensure viable spawning populations. In order to achieve this goal the plan sets forth the following objectives:

- < Establish 20 protected year classes of females in each spawning stock
- < Close the fishery for a sufficient time period to reestablish spawning stocks and increase numbers in current spawning stocks
- < Reduce or eliminate bycatch mortality
- < Determine the spawning sites and provide protection of spawning habitats for each spawning stock
- < Where feasible, reestablish access to historical spawning habitats for Atlantic sturgeon and;
- < Conduct appropriate research as needed

A moratorium on the possession and harvest of Atlantic sturgeon (whole or parts) currently exists throughout the Atlantic States Marine Fisheries Commission's member states and jurisdictions of the U.S. East Coast. Section 4.5 of the FMP provides flexibility to vary certain requirements as specified in Amendment 1 via Adaptive Management.

Addendum 1 will include documentation supporting exemption requests for the purposes of 1) importation of non-Indigenous Atlantic Sturgeon and/or 2) the development of private aquaculture facilities. In addition, Addendum 1 shall specify terms, limitations, enforcement and reporting requirements for each exception to the harvest and possession moratoria as outlined in Section 4 of the FMP. Upon adoption of this Addendum by the Management Board, states shall prepare plans to carry out the addendum, and submit them to the Management Board for approval, according to the schedule contained in Addendum 1. States may, at any time, elect for more conservative regulations governing the importation/possession of Atlantic Sturgeon.

# **EXEMPTIONS**

## **Exemption 1 (Canadian Caviar Company)**

### **Background on Canadian Caviar Company Exemption**

The Canadian Caviar Company (CCC) has requested an exemption to allow for the importation of live Atlantic Sturgeon fingerlings. The sale of live fingerlings will involve a joint initiative between the CCC, academic researchers, and several private aquaculturists. The CCC's intent is to sell Atlantic Sturgeon fingerlings to buyers in the state of Florida.

The CCC has stated that Atlantic Sturgeon fingerlings will be cultured from eggs taken from wild Atlantic Sturgeon broodfish populations located in the Saint John River system in New Brunswick, Canada. The CCC has provided a letter supporting the exemption request from the Director of the Diadromous Fish Division, Department of Fisheries and Oceans, Canada.

### **Live Fingerlings Exemption (CCC's Florida Proposal)**

An exemption has been granted to the CCC, which allows for the importation of non-Indigenous Atlantic Sturgeon fingerlings into the State of Florida with the understanding that the exemption applicant is required, at a minimum, to follow the ASMFC terms, limitations, enforcement and reporting requirements as attached and that Florida will report on an annual basis to monitor such adherence.

### **Additional Requirements (CCC Request Specific)**

In accordance with the requirements of Amendment 1, the following requirements are specific to the CCC exemption and shall be implemented, upon the approval of Addendum I, in addition to the ASMFC Terms, Limitations, Enforcement and Reporting Requirements.

Additional requirements include:

- < Importation/Sale of Atlantic Sturgeon live fingerlings will be the only exemption allowed. Caviar importation/sale will not be permitted under this exemption.
- < CCC will sell Atlantic Sturgeon live fingerlings to state permitted or licensed processors/buyers only.
- < Fish will be sold and labeled as a Product of Canada.
- < All shipments will be accompanied by a CITES permit as well as an inventory document which specifies the total weight, the number of fish in the shipment and the individual weights and inventory control numbers.
- < One week prior to shipment, copies of all documentation will be sent to the concerned federal, state, and jurisdictional fisheries conservation and enforcement officials.
- < Failure to provide appropriate documentation will result in forfeiture of exemption permit.

### **Implementation Schedule**

The provisions and additional requirements listed above are considered compliance requirements and are effective immediately upon adoption by the ASMFC. Within **60 days** of adoption of Addendum I by the Management Board, Florida shall prepare plans to carry out the addendum, and submit them to the Management Board for approval. Importation will not be all allowed until such time as the interested states plan is approved (Please see note below for exceptions).

### **Rationale for CCC Exemption**

This exemption will provide the CCC with access to traditional American markets, while simultaneously generating revenue from commercial sales. This exemption will also provide researchers with the opportunity to develop new culture technologies for Atlantic Sturgeon by providing future Atlantic Sturgeon broodstock supply. Management application of this and other knowledge gained is also a possibility.

## **Exemption 2 (Florida Department of Agriculture and Consumer Services)**

### **Background on FL DACS Exemption**

The Florida Department of Agriculture and Consumer Services (FL DACS) has requested an exemption to allow for the importation of non-Indigenous Atlantic Sturgeon for commercial aquaculture production and sale.

Initially, the FL DACS proposed to purchase from Canadian sources between 40,000 and 60,000 Atlantic Sturgeon fry as experimental animals to be held at non-private research facilities until the approval of Addendum I by the ASMFC. On July 20, 2000, the FL DACS amended their original proposal to estimate that about 1,500 Atlantic Sturgeon fry would be purchased from the CCC. FL DACS further specified that these animals would be held at the IFAS Mitchell Aquaculture Farm under an experimental USFWS permit.

Additional procurement of Atlantic Sturgeon sac fry will likely be necessary, should the FL DACS exemption request be approved by the ASMFC. Upon approval of Addendum I by the ASMFC, the FL DACS proposes to distribute Atlantic Sturgeon juveniles to private aquaculture facilities for growout and subsequent propagation.

Production of Atlantic Sturgeon for sale as domestic foodfish and caviar is the primary intent. Atlantic Sturgeon meat will be sold primarily in fillet or "bullet" form. Whereas, FL DACS originally intended to sell live Atlantic Sturgeon in the aquarium trade, the FL DACS has now agreed to prohibit such trade in an amended proposal.

Private aquaculturists will sell Atlantic Sturgeon meat, fingerlings, and caviar to buyers within Florida as well as to buyers in other states outside of the ASMFC's jurisdiction. International

sales are also an option as long as such transactions are accompanied by CITES permits for export. Atlantic Sturgeon products will be tracked/documentated by invoices, bills of sale, bills of lading, and other appropriate forms of documentation (e.g. aquaculture certification numbers and/or labeling).

The FL DACS has specified that Atlantic Sturgeon will be cultivated on fish farms certified to reduce the potential for accidental introductions of sturgeon into State waters. Such farms may include a variety of production systems including 1) circular tanks, 2) raceways, and 3) ponds. In addition, the FL DACS has developed a new regulatory program employing Best Management Practices (BMPs) to assure industry compliance with all associated aquaculture regulations. The BMPs are also designed to provide environmental protection related to wetland and storm-water impacts, maintain water quality, reduce escapement, and minimize disease transmission.

**Exemption Granted/Addendum Approved**

An exemption has been granted to the FL DACS, which allows possession of Atlantic Sturgeon fingerlings in Florida which have been imported from Canadian sources for the purposes of commercial aquaculture production and sale with the understanding that the exemption applicant will be required, at a minimum, to follow the ASMFC terms, limitations, enforcement and reporting requirements as attached and that Florida will report on an annual basis to monitor such adherence.

**Additional Requirements (Request Specific)**

In accordance with the requirements of Amendment 1, the following requirements are specific to the FL DACS exemption and shall be implemented, upon the approval of Addendum I, in addition to the ASMFC Terms, Limitations, Enforcement and Reporting Requirements.

Additional requirements include:

- < Sale of Atlantic Sturgeon caviar from culture sources in Florida will not be allowed within the ASMFC states/jurisdictions until or unless it is proven to ASMFC's satisfaction that such caviar can be easily distinguished from wild caught caviar.
- < Sale of live Atlantic Sturgeon for the pet trade/aquarium trade in any ASMFC state/jurisdiction will not be allowed. Live Atlantic Sturgeon may however be provided to bona fide research or educational institutions with proper tracking and documentation, including eventual disposal procedures in accordance with Technical Addendum #1.
- < Culture of live Atlantic Sturgeon in Florida will not be allowed in any facility which fails to meet FL DACS Best Management Practice requirements.
- < To avoid potential adverse impacts on threatened Gulf Sturgeon stocks, Atlantic Sturgeon shall only be cultured in facilities located in Atlantic Ocean drainages.

**OR**

To avoid potential adverse impact on threatened Gulf Sturgeon stocks, Atlantic Sturgeon shall only be cultured in facilities that comply with FL DACS Best Management Practices and that have no discharge.

*\*\*\* The options listed above are mutually exclusive*

### **Implementation Schedule**

The provisions and additional requirements listed above are considered compliance requirements and are effective immediately upon adoption of the Addendum by the ASMFC. Within **60 days** of adoption of Addendum I by the Management Board, the State of Florida shall prepare a plan to carry out the addendum, and submit them to the Management Board for approval.

### **Rationale for FL DACS Exemption**

This exemption covering exportation of live Atlantic Sturgeon fingerlings by Canadian sources to FL DACS for the purposes of developing private aquaculture facilities as well as commercial sale of imported Atlantic Sturgeon product/live fingerlings will allow possession of Atlantic Sturgeon to occur within the State of Florida only.

Commercial production of Atlantic Sturgeon is expected to: 1) provide an alternative to land-based agriculture which in turn will create new employment opportunities, provide a high quality seafood product to consumers and reduce importation of seafood products; and 2) provide relevant scientific and technical information that will contribute to further understanding of sturgeon, including native species, which can be directed towards the recovery of natural populations.

Management strategies developed by the state of Florida are designed to reduce the risks of escapement, hybridization, disease transfer, and ecological impacts via site-specific approvals, certification of private aquaculturists, implementation of Best Management Practices, facility inspections, product marking, and enforcement of state aquaculture regulations.

Management strategies developed by the Atlantic Sturgeon Plan Review Team supplement those listed above to further reduce biological and ecological risks to native and wild sturgeon stocks via prohibitions of caviar trafficking, aquarium and/or pet trade, etc. Because there currently exists no laboratory/field test admissible for criminal investigations determining wild caviar from cultured caviar, the Plan Review Team cannot recommend that trading of caviar be permitted at this time. Should technological improvements make this test available in the future, the Commission may wish to consider this option upon consultation with the necessary parties (e.g. Law Enforcement Committee, Technical Committee). In addition, the Plan Review Team cannot control the accidental or planned release of live Atlantic Sturgeon made available as a result of aquarium and/or pet trade. Therefore, the Plan Review Team has recommended prohibition of aquarium/pet trades for Atlantic Sturgeon.