

**PROCEEDINGS OF THE  
ATLANTIC STATES MARINE FISHERIES COMMISSION**

**ATLANTIC STURGEON  
MANAGEMENT BOARD**

**February 19, 2002  
Washington, DC**

**ATTENDANCE**

**Board Members**

Lew Flagg, Maine DMR  
Bill Alder, Massachusetts Gov. Apte.  
Ernie Beckwith, Connecticut DMR  
Byron Young, New York DEC  
Pat Augustine, New York Gov. Apte.  
Brian Culhane, proxy for Senator Johnson (NY)  
Jack Travelstead, Virginia MRC  
Bruce Freeman, Chair, New Jersey DFG&W  
Pete Jensen, Maryland DNR  
David Cupka, South Carolina Gov. Apte.  
Susan Shipman, Georgia DNR  
Tom Meyer, NMFS  
David Pierce, Massachusetts DMF  
Bill Cole, US F&WS  
Catherine Davenport, Virginia Gov. Apte.  
John Connell, New Jersey Gov. Apte.  
Dick Snyder, Pennsylvania FBC  
Ken Haddad, Florida FWC  
Eric Schwaab, Maryland DNR  
John Nelson, New Hampshire DMF  
Melvin Shepard, North Carolina Leg. Proxy  
Preston Pate, North Carolina DMF  
Lance Stewart, Connecticut Gov. Apte.  
Bill Dukes, South Carolina Leg. Proxy  
Charles Lesser, Delaware DFW  
David Borden, Rhode Island DEM

**Others**

Heather Stirratt, ASMFC Staff  
Jed Brown, USFWS

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

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1. **Move approve the minutes from January 31, 2001.** Motion by Mr. Augustine; second by Mr. Adler. Motion carried with no objection. (Page 2)
2. **Move to recommend to the ISFMP Policy Board that funds be earmarked for a workshop in 2003 if funding is available.** Motion by Mr. Augustine, second by Mr. Adler. Motion carries. (Page 10)
3. **Move that the executive director write to the District of Columbia indication its failure to submit reports the last two years, remind them of the commitment the District has made in working cooperatively with the other coastal states in managing our fisheries and ask that they fulfill their requirement in providing those reports as soon as possible.** Motion by Mr. Freeman, second by Mr. Augustine. Motion carries without objection. (Page 12)
4. **Move to approve the FMP Review and Compliance Report.** Motion by Mr. Augustine; second by Mr. Cupka. Motion carries without objection. (Page 13)
5. **Move to approve Dr. Ben Blount's nomination to the Sturgeon Technical Committee.** Motion by Mr. Freeman; second by Mr. Adler. Motion carries without objection. (Page 13)

**ATLANTIC STATES MARINE FISHERIES  
COMMISSION**

**ATLANTIC STURGEON MANAGEMENT  
BOARD**

**Swissotel Washington, The Watergate  
Washington, D.C.**

**February 19, 2002**

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The Atlantic Sturgeon Management Board of the Atlantic States Marine Fisheries Commission convened in the Monticello Room of the Swissotel Washington, The Watergate, Washington, D.C., on Tuesday, February 19, 2002, and was called to order at 10:00 o'clock a.m. by Chairman A.C. Carpenter.

**BOARD CONSENT**

CHAIRMAN A.C. CARPENTER: I'd like to call the Atlantic Sturgeon Management Board to order. We do not take the roll. I will note for the record that there appears to be a quorum present and there will be a sign-in sheet going around so if everyone would please sign it, it would help us along.

The next item on the agenda is the approval of the minutes. Without objection, if everybody has had the opportunity to look them over, they were sent out with the packet. Ms. Shipman.

MS. SUSAN SHIPMAN: On page 30 at the bottom, just above election of vice-chair, there's not a record of what the outcome of that vote was. There is the motion and the second and then it is blank. I think we do need to probably get into the record of what the vote was.

CHAIRMAN CARPENTER: I think that motion did get in the summary of motions but not in here. Motion to approve the minutes. Did we have a second to that? You made the motion; you can't second it. Okay, seconded by Mr. Adler.

MR. PATRICK AUGUSTINE: So moved with my left hand and I'll second it with my right hand.

CHAIRMAN CARPENTER: Without objection, then, the motion will carry. Approval of the agenda. Again, without objection we will move forward with that.

At this point in all of ASMFC meetings we do afford the public the opportunity to comment, as well as throughout the meeting. If the public hears something a little later they'd like to comment on, the Chair will recognize you. Is there any public comment at this particular point in time?

Seeing none, we'll move right into the PRT report. The first issue is the state compliance report and I'm going to turn this over to Heather for that.

**PRT REPORT**

MS. HEATHER STIRRATT: Good morning. Just to make sure, while we work out a small technical difficulty here, that everybody has received the information, I will be referring to in this segment of the agenda the Plan Review Team report. The date on that document is November 20th.

I did prepare a powerpoint presentation to walk you all through the comments of the Plan Review Team so in just a minute we'll get started.

Again, my name is Heather Stirratt. I'm the FMP coordinator for Atlantic Sturgeon and this is the Plan Review Team Report for 2002, well, actually 2001, last year's report, prepared for this 2002 meeting.

Primarily what I'd like to do is walk the board through a state-by-state evaluation. We'll start with the state of Maine. You all do have the report. This may be a little bit small for you all to read at the back of the room but certainly you can follow along with the written report that you have in your meeting packet.

Primarily what I did was the Plan Review Team agreed to divide this evaluation up into five areas, the first of which would be any comments or trends that were noted in the state reports. We tried to pull those out.

It's a little bit of a subjective process in trying to pull out comments and trends that you think are important. And with sturgeon fisheries being closed, this was a little bit more difficult for these state-by-state reports than it

would be for the other fisheries that we deal with.

Nonetheless, we also tried to point out deficiencies in the reports, areas of concern, compliance issues, and recommendation for action. I would note that most of the recommendations for action that have been derived from the Plan Review Team report are not compliance issues.

They are either issues that the Plan Review Team simply needs a little bit more information on and it would be very helpful if you all could provide that information in future reports.

In some situations it is just simply noting that the method by which you may be providing information may not be the most efficient or the best way to go about presenting that information or trying to derive data.

So for the first state evaluated, I'll go to Maine. Of interest in the annual report was, really, the removal of the Edwards Dam which opened about eighteen miles of historic spawning grounds to sturgeon.

This was notable in their report and it has been followed in terms of migration up and down that river system in the state of Maine and it was something that we wanted to point out to you.

In terms of deficiencies, there were none. We continue to express concern over the fact that the state of Maine is using port sampling for estimating bycatch. Clearly, with it being a species that you're not supposed to have possession of, port sampling is not the most effective method by which to obtain bycatch information.

As such, the PRT is recommending that the state investigate commercial sea sampling, logbooks and/or enforcement information to document their bycatch.

For the state of New Hampshire, we noted that five Atlantic sturgeon were caught incidentally in the NMFS sea sampling trips in the year 2000. There were no other areas that we had to report on on the New Hampshire report.

For the state of Massachusetts, out of 519 fish lifts examined in 2001, no Atlantic sturgeon were encountered in those fish lifts. This might be something that the technical committee would need to look into in

the future of whether or not passage systems are effective for sturgeon in particular.

There were no other elements in the Massachusetts plan on which the Plan Review Team commented.

For the state of Rhode Island, we didn't note any trends. I'm going to try to be very specific on this report in general because there was very little information provided, and this is not the first year that we've run into this problem.

The report itself you will not find in your documented materials because it was not sent to staff electronically. Nonetheless the report contained four lines of information. This simply is not enough information for staff to try or for the Plan Review Team to try and evaluate how things are going in the state of Rhode Island.

From the information they provided, the PRT can make no other assumption than that the state is fully implementing and enforcing the regulations it is required to do.

However, it's extremely brief and the Plan Review Team is requesting that the state submit an expanded report in the upcoming years with detailed information on bycatch monitoring, other monitoring programs, habitat status, and aquaculture operations, if appropriate.

For the state of Connecticut, the Plan Review Team noted that 50 Atlantic sturgeon were reported in the shad gillnet fishery for 2001. There were no deficiencies in the Connecticut report.

One area of concern was that no information was included on mortality associated with bycatch. Again, this is not a compliance issue. It's a recommendation in the plan, so the PRT is simply suggesting that if, in fact, information can be derived on mortality associated with bycatch, that that be included in future reports.

For the state of New York, there were no trends and no deficiencies that we noted in the discussion of the PRT. However, there was a concern expressed relative to the fact that the state usually has access to utility company information, which provides juvenile abundance estimates.

And it's apparent that the state has lost this access over the past year or so, and it may be appropriate at some point in time to write a letter, say, to the utility company expressing some interest in gaining further access to this information so that we can have it in future assessments.

MR. BRUCE FREEMAN: You indicate that the utilities are not providing that information?

MS. STIRRATT: No.

MR. FREEMAN: Byron, could you comment on that?

MR. BYRON YOUNG: Yes, briefly, there's a series of things going on with the utilities on the Hudson River right now. All of the major plants have changed ownership in the last two to three years.

And the new companies have, I think, pretty much not been honoring their collector's permits or their permitting and we're fighting with them over permit issuance, anyway, at this point.

So we're on the brink of either getting them to sign on a permit or going to court and doing battle in court with them, all of which is very troubling. They've become very reluctant to release information. We've tried. It's in their permit conditions but it has become a legal battle at this point in time, dueling lawyers rather than dueling biologists.

MR. FREEMAN: If I may just comment, it's somewhat surprising. I think we're all going through that. We're seeing a change in ownership of many utilities where companies that produced and transported the electricity is now going into the transportation and other groups are doing the producing.

Our situation is that the permits have been issued on a five-year basis and regardless of ownership those permits have to be honored. Otherwise, the utilities may not be in operation.

But to my knowledge, we're not having that same problem. I'm somewhat surprised. There may be a different situation in New York, but it's surprising that it is occurring. We're able to get information from their collections on any species, all species. It's not a problem at all. So, it's unfortunate.

MS. STIRRATT: Okay, to continue. the state of New Jersey, one of the trends that was noted or one of the comments, rather, that was noted by the PRT is that 188 Atlantic sturgeon were reported by commercial fishermen in the year 2000.

One of the deficiencies was that there was no information included on where this bycatch occurred. In other words, was it in the Bay; was it in the ocean? Again, this is not a compliance issue.

In the plan it is recommended that you provide this information but it may prove useful in the future if we can actually determine areas where there are hot spots for bycatch. So, just looking ahead a little bit, that would be useful. So, if that information is available, if it could be provided in future reports, that would be great.

The state of Pennsylvania, it was noted that Atlantic sturgeon continue to be held at the U.S. Fish and Wildlife Service Technical Center at Lamar where experiments on culture and propagation continue.

And if you have questions about that, I'm sure that the U.S. Fish and Wildlife Service or the representative from Pennsylvania can provide you with information about their aquaculture programs. There were no other comments offered on the Pennsylvania report.

For the state of Delaware, it was noted that in 2000 two Atlantic sturgeon were taken in the trawl survey. There were no deficiencies available for comment.

However, the PRT did note that continuation of the tagging program in the Delaware is something that is of great interest to the Plan Review Team and certainly we hope that will continue in years to come.

I don't know if there is any comment on whether or not that will or will not occur in the years to come. We could not find any reference as to future programs in that area in the report. But, certainly, that is an area of concern. I don't know if Delaware or anyone wants to speak to that issue.

CHAIRMAN CARPENTER: Charlie.

MR. CHARLES LESSER: It depends on budget.

MS. STIRRATT: Okay, for the state of Maryland, during 1998 and 2000, 46 Atlantic sturgeon were tagged by the cooperative watermen and Maryland personnel. There were no other comments on that state report.

For the PRFC -- I apologize for the dropping of the "C" at the end -- six Atlantic sturgeon were reported as bycatch during 2000. There were no other comments on that jurisdictional report.

For the District of Columbia, I would like to note that the Plan Review Team has not received an annual report from the District of Columbia for two consecutive years now.

I reported on this issue last January to this body and at that point in time it was discussed whether or not this was a bigger issue that needed to be carried forward to the ISFMP Policy Board for discussion because it appears that it's a problem across many species.

I would simply note that it continues to be a problem and there has been no action to date although staff has followed up on numerous occasions with District of Columbia personnel. I will simply leave that to the board to discuss that issue at will.

CHAIRMAN CARPENTER: Mr. Adler.

MR. WILLIAM A. ADLER: Thank you, Mr. Chairman. Is the District of Columbia representative here or have they disappeared off the face of the earth?

MR. ADLER: Travel restrictions in Washington, very good. The cabs are on strike. You know, this seems to be an issue that keeps coming up, and what can we do about that?

CHAIRMAN CARPENTER: I'd like to recognize Susan.

MS. SHIPMAN: This is an issue that transcends many plans, and it is on the agenda for the AOC to discuss tomorrow and to bring back some information to the Policy Board. It is going to be addressed in a broader context.

MS. STIRRATT: Okay, for the state of Virginia, one Atlantic sturgeon was encountered in the VIMS Trawl Survey during 2000. There were no other

comments available on that state report.

And the last four states, for North Carolina, there were no trends available from that report; however, the PRT did note that information was submitted only for the shad fishery.

There was knowledge that other fisheries do exist in the state of North Carolina. For instance, there is a striped fishery and the spiny dogfish fishery, which may incidentally catch Atlantic sturgeon and it was of interest to the PRT that that information also be provided in the annual reports.

For the state of South Carolina, it was noted that in 2000 235 Atlantic sturgeon were tagged. There were no other comments on the state report by the Plan Review Team.

For the state of Georgia, it was noted that seven Atlantic sturgeon were encountered during at-sea observations in the whelk fishery during 2000. There were no deficiencies in the report, but the PRT did note one area of concern and that was in questioning the effectiveness of TEDs in reducing bycatch of Atlantic sturgeon.

There was no real information provided in the report as to whether or not there has been any analyses done on TEDs and Atlantic sturgeon bycatch specifically, and we're just interested in getting some more information about that.

For the state of Florida, Atlantic sturgeon are currently being cultured at Paul's Fish Farm. Many of you may remember that we passed Addendum I to the plan last spring. At that point in time there was a transfer of sturgeon from a Canadian company down to the state of Florida at a fish-holding facility at the University of Florida.

In recent months those fish were transferred over to private aquaculturists for cultivation. That information has been included in your packet so if you have questions about that I'm sure Ken or one of the other representatives that may be here from Florida can speak to that issue specifically.

In terms of deficiency, there was no information submitted for the year 2000. Certainly, one of the baseline requirements for submitting an annual report is

that you report on both the previous calendar year and the current calendar year.

Since this was the 2001 calendar year, we were also looking for that information from 2000. In future years it would just be nice if we could report on both.

That covers the state-by-state evaluation of the reports. The PRT did have a few general recommendations and/or comments, and most of these are focused at improvements in the annual reports themselves but there are a few extraneous comments as well.

Again, we need to have information on the current and the previous calendar year. It makes it very difficult for the PRT to look at trends and bycatch when we simply don't have reference to the previous calendar year and/or the current calendar year.

It's difficult because I've had a lot of calls from state personnel, "How do we estimate? If we're in the middle of the year what information do we provide about the current calendar year?"

It would be nice to just have an estimate of bycatch for that year, and you can simply say that this is an incomplete year's worth of data. That can always be noted. It's just nice to see where we're going.

In terms of enforcement information, we have no mandatory reporting requirements from enforcement. I would note that staff is in receipt of a comment from the law enforcement representative for this body stating that they really do not want to have mandatory reporting requirements.

This not an uncommon comment from law enforcement representatives. Nonetheless, the PRT has noted that this information would be very useful if included in the annual reports by state personnel.

It doesn't require a separate report from your law enforcement rep at your state level. It's just that if we had that information, it would make it easier to determine whether states are adequately enforcing the regulations in the plans, so it's just a highlighted recommendation.

In terms of format requests, states should include, if possible, tables with indices of bycatch, juvenile abundance estimates, tagging information, and/or

culture product. Now many of you are probably wondering why the PRT is making this recommendation. The next slide gets to that issue.

Now this is very small and I don't expect that any of you can read these numbers. I put this up here primarily to let you know that the technical committee has just started working on their directives from the board in the FMP at evaluating the significance of bycatch levels.

What has happened in this table is that staff and the PRT have gone back through all of the annual reports. We have compiled all of the bycatch information that has been supplied by the states. We will, probably a few months, have an estimate of what level of bycatch is significant.

These numbers right now don't mean anything, and that's why I'm not handing them out to you in person. What they are is they represent what has been reported.

Now, as you all know your monitoring for bycatch, you might have for say, the state of Georgia, you might go out and you might monitor for three months of the year and it might be for two weeks. Other states may actually go out and monitor for a full year over the fishery.

They may be looking at logbooks and other things. So right now we have a problem in the fact that the bycatch data is not standardized. It needs to be looked at. It needs to be filled in. It needs to be standardized so that we can look at the data and say all of this data is on the same page; it's all equal.

Right now we have a lot of mismatched data sources. So we're going to be working on this in the months to come. We don't have a lot of money for this year. I simply point this out because it's going to be very important for the technical committee to do an effective job to have good information.

And if we have the indices that you all have provided in a table format, it makes it a lot easier for the technical committee to just jump on the new information. Are there any questions about that because this is sort of a new initiative, something we're getting started this year?

CHAIRMAN CARPENTER: Lew Flagg.

MR. LEWIS FLAGG: I know back along we had talked about reporting the information on shortnosed sturgeon in addition to Atlantic sturgeon. Would you prefer that both species be reported for this particular issue?

MS. STIRRATT: The plan makes note that it is recommended that the states do provide information for both shortnosed and Atlantic; however, when it comes down to the directive in Section 3.4, it says that the Atlantic Sturgeon Plan Review Team, Technical Committee and Advisory Panel will annually review bycatch data and make recommendations to the management board for reducing bycatch in those fisheries.

It is speaking specifically to bycatch of Atlantic sturgeon in this section. However, if the board wants us to, we could certainly be making the same types of assessments for shortnosed if in fact that information is provided by the states.

CHAIRMAN CARPENTER: Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. Back to the enforcement issue, on one of your recommendations, the number six, you talked about the PRT notes the importance of including enforcement information in annual reports.

And if it is important, do we indeed have to take another step to make it a more formal request of the enforcement group or is it just going to go as a recommendation that it would be a nice thing to do?

CHAIRMAN CARPENTER: I think at this point a recommendation would be all that is necessary. Granted, yes, it's nice to have it but the Law Enforcement Committee has already reported that they don't feel that they need a separate report and they don't want a mandatory report. They've got enough work as it is.

For those states that have a system to collect it and can supply it with their annual report, it would be nice to add that to it, but I'm not sure that we need to make it a mandatory item. Yes, sir.

DR. DAVID PIERCE: Yes, Heather, I note because I'm sitting very close to this and I can see the

numbers -- although I recognize you said don't pay attention to the numbers -- I notice that in year 2000 Delaware had 330 fish coming up in the gillnet fisheries for weakfish, for shad and for striped bass.

I assume that they were released alive and in good condition. There's no indication of that. My point is that in the individual report provided by the states that you summarized, at least on page 6 with reference to Delaware, there doesn't seem to be any reference to this sort of bycatch.

And it would be helpful, I suspect, to have Delaware and other states with this sort of a situation to report those levels of bycatch in the future so we'll have a better appreciation as to the extent of this, well, 330 shad. That's not an insignificant number, I wouldn't think -- sturgeon. That's significant.

MS. STIRRATT: Just to follow up on that, again, I'm going to recommend that no one look at these numbers. That 330 fish is an expanded number over the entire year.

We have estimates up here from other states that were from two weeks so the numbers really just do not mean anything at this point and I prefer if -- really, the intent was for me to bring this information to you to say that we are working on this.

It's a new initiative. The technical committee really needs to evaluate this issue but certainly your points are well taken, David, that we may have a significant level of bycatch right now. That's why we need to get on this issue as soon as possible.

CHAIRMAN CARPENTER: Byron.

MR. YOUNG: One thought. Maybe this is not a compliance issue but I'm aware that the Fish and Wildlife Service does an annual trawl survey off North Carolina, tagging striped bass and sturgeon. I imagine they report to the technical committee.

I think it would be useful to the board to have that same information presented. I see Bill has got his hand up. I'll let him address that.

CHAIRMAN CARPENTER: Bill Cole.

MR. WILLIAM COLE: Thank you, Mr.

Chairman. The 2002 cooperative winter tagging cruise was between January 14 and January 22 this year.

Out of a total of 226 hauls, let's see, for Atlantic sturgeon we have about 22 Atlantic sturgeon measured, tagged and released with genetic tissue taken for analysis.

Twenty-two fish -- please don't hold me to that until Wilson gets here -- we found another fish when we looked at the detailed records. But, you're looking about a fish per ten hauls, something like that, between the North Carolina-Virginia line and Hatteras Inlet. So that's the most number we have ever tagged.

The previous high was 15 years ago, the first year we were out. I can't tell you until Wilson gets here with the detailed report exactly where we got most of these fish. The best my memory will do me this morning is they were close to Oregon Inlet, just north of it.

CHAIRMAN CARPENTER: Do I understand right that these are January 2002 fish that you're reporting at this point? So, we'll be glad to have that in the form of a report for next year's annual report from the Service. Ernie.

MR. ERNEST E. BECKWITH, JR.: Thank you, Mr. Chairman. I've got a question for my colleague in Massachusetts. I see that the report of the fish lift data is just for the Essex Dam on the Merrimack River. I know it isn't in your agency, Paul, but could you include the fish lift information from the Holyoke Dam on the Connecticut River?

DR. PIERCE: Paul is not here. If we have that information, we'll provide it, Ernie, but I'd have to check with our staff to see if it exists. It must exist if you're aware of it.

MR. BECKWITH: Well, yes, in the past that information was collected, shad as well as sturgeon. I'm not sure what it entails but I think a phone call would probably get you what you need.

DR. PIERCE: All right, we'll do it.

CHAIRMAN CARPENTER: Heather, do you have any other comments?

MS. STIRRATT: Just a few. And this is a

nice segue into the next slide. For monitoring programs, the PRT comments about the importance of continuing bycatch and migration studies. This really gets at the comment that was made earlier about the Delaware Tagging Program.

We understand that there are certainly limitations that the states have relative to funding and personnel issues. But, really, it really is important that we continue these programs both for bycatch, which is a compliance issue, and then migration studies which will certainly provide us with additional information, as I mentioned earlier, about hot spots where bycatch may occur and certainly seasons in which that bycatch may be more prominent.

The PRT provides a recommendation that states expand upon their monitoring programs, if they can, to assess bycatch in other fisheries and implement mandatory reporting requirements in commercial fisheries for those states that do not already have them.

The PRT is very concerned about the effectiveness and really the correctness of reports relative to Atlantic sturgeon bycatch versus other sturgeon bycatch.

The PRT continues to stress the recommendation that states continue to educate their fishing communities on identification techniques specifically between Atlantic sturgeon and shortnosed. This will make the data better that we have and certainly I think that is the goal.

And to tag on to this a second recommendation which really stems off of the fact that Atlantic sturgeon is considered a low priority here at the commission based upon the current status of its fishery management plan with a closed fishery.

There is some concern by certain PRT members that Atlantic sturgeon is going to shortly fall off of the radar screen altogether because we're not focusing on the fishery anymore. This concern really has raised its head in the form of trying to provide a forum for more discussion in years to come.

In other words, the PRT is recommending that the commission sign off on a workshop that could be held in 2003. The primary focus of that workshop would be to invite speakers from a research, from a management, from basically the entire realm of Atlantic sturgeon -- management, fishery, et cetera -- research, to come in, speak on these issues, provide updates as to new

research that's going on on a state-by-state level.

Perhaps there are local management programs from a habitat perspective or otherwise that would be useful information to get out to the general public and to those who may participate in the workshop itself.

And, again, this would be something that the PRT would be looking to facilitate or to get moving in the year 2003. Clearly, we do not have the budget to do that this year.

However, if this board is interested in doing something like that, then certainly I think a recommendation could be forwarded up the line, and I would leave this to the Chair to maybe speak to this issue but a recommendation that some money should be earmarked for a workshop in 2003 might be appropriate. I simply raise this at the request of the PRT.

CHAIRMAN CARPENTER: Thank you very much, Heather, for the report. One of the things that I have had trouble with the reports are the fishing year versus the reporting year versus the calendar year issue.

I noticed that in several of these reports we're commenting on 2000 and then 2001 through an April or May time frame. We've had information added here about 2002 already. Is there a form or format that can help minimize the confusion?

I know that I have personally reported the same fish twice -- and Heather caught it -- because when I'm writing up this report and I'm thinking, "this year, no, this year is actually last year and the year before", does the PRT have some recommendation in that regard?

MS. STIRRATT: The PRT didn't discuss this directly so this is going to be purely a staff comment. The way that the format -- the procedure that's outlined in the FMP is for states to submit during the calendar year on which they are submitted the previous calendar year data and any data that they may have through the time in which they submit the report for the calendar year.

So, for example, in October of this year states will need to report their data from the year 2001 and all of the data that they have for the current calendar year through 2002 in October.

CHAIRMAN CARPENTER: Well, going back to the table that you told us not to look at, can the reporting be in tabular format where you would have the reporting year, 2001, and then beside it, you know, January through whatever your date is for 2002 as a one-page summary of your report? Would that help the technical committee and would it help the people that have to do this thing every year?

MS. STIRRATT: It would be extremely helpful. The Plan Review Team is still going to go through these reports and look at every section, including all of the text that is provided.

But in terms of when staff provides this information to the technical committee, it would certainly be very useful if we had a single, one-two-three pages that were tabular formatted that we could provide these indices to the technical committee.

It streamlines the process. It provides the technical committee with all of the information they really need minus some of the clarifications that need to be made about when the monitoring was done, over what time periods, what gear types, what fisheries, those types of things. But in general, a tabular format is exactly what the PRT was hoping for.

CHAIRMAN CARPENTER: Thank you very much. Susan.

MS. SHIPMAN: Is it not the case, I think, that staff generally communicate in a reminder to the states what they need to submit. I would just suggest that the PRT, in conjunction with Heather as the chair of that, get together and communicate to us clearly what we need to submit, being careful, though, not to go beyond what the plan requires for us to submit.

I was looking back at our report. We didn't report on '01 data and I feel certain if we knew we needed to, we would have. I think there's some confusion among the states of what we're supposed to be submitting pursuant to what the requirement in the plan is.

CHAIRMAN CARPENTER: Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. It would seem to me that if all states are reporting and it's spread out over a year's worth of time,

would it not be easier to go ahead -- and I'm not trying to create work, but for tracking purposes if you reported on a quarterly basis, then the PRT -- I know, everybody is shaking their heads -- but it would seem to me that you could jump in and take out any 12-month cycle. Why is it impossible? Is it --

CHAIRMAN CARPENTER: The chairman has cut your mike off when you came up with a quarterly report. We have a couple of other issues that Heather has brought to our attention.

The idea of the workshop, I think it does have merit that the Atlantic sturgeon does need to be brought back to people's attention, certainly not every year, but maybe once every three or four years to have this kind of workshop.

The thought occurred to me that it may be possible to work that into the commissioners' education program portion of the meeting weeks as opposed to a group of scientists getting in the room sharing information.

There's absolutely nothing wrong with that and I think that's certainly a very valid point, but I think to bring the issue back in the form of a workshop for the commissioners to participate in every two or three or four years, I think would be quite beneficial to try to keep this thing on the radar screen, unless someone has some other suggestions on how to handle this recommendation. Byron.

MR. YOUNG: Thank you, Mr. Chairman. I think that's a good idea for the commission process. I think there's a step for the scientific process that may need to go on and I think there's a couple of partners that can help, maybe organizing a symposium for an upcoming AFS meeting.

I know the Hudson River Foundation is keen on Atlantic sturgeon and has done such a symposium. I think that's another possibility, an outside more scientific symposium that would draw in other people that are not in the management arena.

So I think there's two ways to approach it. I like yours in terms of the commission activities, but I think the scientific activity needs to be explored a little bit more, too.

CHAIRMAN CARPENTER: And I guess the

scientific paper review and study updates needs to occur first. If we can do it through the fishery society, I think that's an excellent venue. I'm mindful of the fact that the budget committee has always more demands than they can meet.

I do think an expression from this board to the ISFMP Policy Board of the value of continuing education, public education and commission education, on this subject is certainly worth carrying forward. Susan has her hand up now.

MS. SHIPMAN: Yes, I was just going to suggest you hold that thought, or if the board has this thought, that you hold it until the fall when we do the action plan because that will be the appropriate place to place a fiscal priority on this issue.

And we will be, at that time, as we do annually, be looking through all of the needs under research and statistics and ISFMP with regard to what we're going to fund.

In the meantime I would suggest we maybe explore, as Byron suggested, with other partners and interested parties, funding for such a workshop because there's no doubt funds are going to be tight again in '03.

CHAIRMAN CARPENTER: We don't disagree with your analysis there, although I have been whispered in my ear here that the management board, this group as a board, will probably not meet before the annual meeting and possibly not at the annual meeting this year. If we want to get on record to get in that process, then I think we need to do it today. If someone has a motion, I think we would entertain a motion now. Pat Augustine.

MR. AUGUSTINE: Thank you, Mr. Chairman. I will make it very brief. What you stated was we do want to have funding made available for the 2003, that this should be brought up at the annual meeting for consideration, that we believe it's important. So a straight motion we should support.

CHAIRMAN CARPENTER: Is there a second to that motion?

MR. ADLER: I'll second.

CHAIRMAN CARPENTER: Second from

Bill Adler from Massachusetts. And, as I understand the motion, it will be to recommend to the ISFMP Policy Board that funds be earmarked for a workshop in 2003 if that funding is available. Mr. Schwaab.

MR. ERIC SCHWAAB: Thank you, Mr. Chairman. I certainly agree with the motion. I would ask if we could, in the interim, request that the Plan Review Team just get a little more specific about who the target audiences ought to be and some recommendations about priorities to be addressed in that workshop should it come to pass.

CHAIRMAN CARPENTER: I duly note that and staff will act on that. Do we need a caucus on this? All in favor, say aye; all opposed. The motion carries.

One other thing that I notice on the report that the PRT provided was the District of Columbia. I'm looking for a little bit of guidance here, Susan. Do we need to act as a board to forward something to the policy board or do you think that other things coming up later in this meeting will address this issue?

MS. SHIPMAN: It would not hurt for you all to go ahead and make an expression of concern or whatever this board's intent is to the policy board. I do think AOC will be reporting out to the policy board, Thursday morning it is, the broader issue.

But it will not hurt for you all to make a statement because we may need to communicate something in writing to them. I don't know that we've got other compliance issues on the table this week that deal with them.

This issue may be the segue to communicate to them and say not only do we have this concern here, but we have it with regard to the other issues.

CHAIRMAN CARPENTER: Is anyone prepared to make a motion with regard to the status of the District of Columbia and the compliance issue of their reports? Mr. Nelson.

MR. JOHN I. NELSON: I'm not ready for a motion yet, Mr. Chairman. Could the staff give us a little more feedback as far as the contacts that they've had with the District of Columbia -- I think they said staff -- and what seems to be the problem?

MS. STIRRATT: John, to answer your question, I can't give you exact dates. I can simply note that staff did contact D.C. specific to the Atlantic sturgeon annual report on three different occasions. Messages were left with Ira Palmer, who is the District of Columbia representative on this board.

Comments were also left on their general message machine for their office, and no return calls were made. I feel as staff that I've really done all I can do by calling them. Letters have also been sent -- and this is outside of the Sturgeon Board. I can speak for eel -- letters have been sent to the District of Columbia about the absence of the American eel report for last year.

So certainly this, I think as Susan has mentioned, spans across many species. The only two that I can give you are the two that I have responsibility for coordinating.

CHAIRMAN CARPENTER: Pat.

MR. AUGUSTINE: Mr. Chairman, I have to ask a relatively innocent, dumb question. Is there any commercial fishing in D.C.?

CHAIRMAN CARPENTER: No, there's no commercial fishing in the District for any species, let alone sturgeon.

MR. AUGUSTINE: Okay. That having been said, even if we were to find the District of Columbia out of compliance, what action could be taken? Have we had a letter sent by our executive director or was it just from staff?

Could we make a suggestion before we take that next step and ask our executive director to send a letter asking for them to participate or not; or if we think that's a lost cause, just go ahead and find them out of compliance whether they do anything or not? I need some advice.

CHAIRMAN CARPENTER: This is the second year in a row that they have not even submitted a report, let alone a four-line report that we did get from somebody. So, go ahead and try to make it simple.

MR. AUGUSTINE: Let's make it very simple. Let's suggest that the executive director write a letter to the District of Columbia finding them out of compliance in two fisheries. One would be the

American eel and in the sturgeon fishery.

CHAIRMAN CARPENTER: I'm not sure that motion is particularly in order so we may have too complicated that very simple -- Susan.

MS. SHIPMAN: Procedurally, if this board wants to make a recommendation that they be out of compliance for not complying with the requirements of this plan, you need to make that recommendation to the policy board.

You need to state what they failed to do and how that jeopardizes the conservation of the stock. Now, lack of any report, obviously, impedes our ability to assess whether there is conservation of that stock within the District of Columbia and its jurisdiction, but procedurally that's what would need to be done.

CHAIRMAN CARPENTER: Bruce Freeman.

MR. FREEMAN: I would suggest a different tact. Ira has been here sporadically, and I know there's budgetary problems in D.C. and I think the intent is to carry out his responsibilities; nevertheless, I'm sure there's other priorities.

If, in fact, we go through with a moratorium, it's going to take a lot of work for a lot of people and probably mean nothing at the end. I would suggest that the executive director write, again, perhaps a longer letter indicating the responsibility and commitment of the District relative to its involvement with interjurisdictional fisheries and ask for that report.

And the reason I say that, if some other state that had a major fishery failed to report at this time, perhaps more stringent action would be taken by the commission.

And it's bad precedent to let a situation like this continue, but I think another attempt to explain to them the necessity of taking the time to submit those reports and then if we get no action, perhaps a moratorium would be the only other alternative we have. But at this time I don't think issuing a moratorium is going to get us any place.

CHAIRMAN CARPENTER: Bruce, if you would like to put that in the form of a motion, I think we can move on.

MR. FREEMAN: Well, I would -- Pat, did you offer a motion? Was it seconded?

MR. AUGUSTINE: I offered it but it sounds like it's a little bit too severe a step. I asked if maybe we should have the executive director write an additional letter, and I like the way you expounded upon that and said it should be more lengthy and it should include more. So, go ahead, you make the motion and I'll second it.

MR. FREEMAN: I would move that the executive director write to the District of Columbia indicating its failure to submit reports the last two years and remind them of the commitment the District has made in working cooperatively with the other coastal states in managing our fisheries and ask that they fulfill their requirement in providing those reports as soon as possible.

CHAIRMAN CARPENTER: Motion seconded by Pat Augustine.

MR. ADLER: This is not part of that motion but maybe he could drive over and hand deliver it, maybe, since we're right here, and maybe sit down and have a little chat with Ira and see what's going on. Maybe he's not there; I don't know.

MR. FREEMAN: Mr. Chairman, I think the other alternative is to indicate to Ira that he can't come to any more of our receptions until he gets that report in.

CHAIRMAN CARPENTER: I think I'll leave that to the discretion of the executive director to handle those particular issues. Susan.

MS. SHIPMAN: And there are some broader issues here. I mean, there's funding under the Atlantic Coastal Act. I don't know that D.C. has actually even gone after any of their funding in the last two years.

There are a lot of issues here that I really think need to come to the policy board, and I would just ask the maker of the motion if you would be willing to insert "move that the Sturgeon Board recommend to the Policy Board that the executive director", because I think the letter may be expanded to encompass a lot more than what's here.

MR. FREEMAN: That certainly would be acceptable.

CHAIRMAN CARPENTER: Agreeable with the seconder? All right, I think we all understand the intent and purpose of the motion. Does anybody need to wait until it is up on the board to vote? Is there any need for caucus? Is there any objection to the motion? Without objection, the motion carries.

The next issue is the FMP review, and Heather, once again, has that.

MS. STIRRATT: This will be extremely brief. This is the annual review of the FMP that we do each year. The format is no different than it has been in previous years. Additional information has been included on Addendum I, which was not available.

It was not finalized at the time this was updated the last calendar year. So, for the first section, the status of the fishery management plan, we've included additional information about Addendum I and the requirements of that document as an aquaculture document, primarily.

We've also included information on the status of the stock and the status of the fishery. Because there has been no change in those areas, there is no new information inserted.

A new section was provided relative to research needs. In previous years we had included information on ongoing research. That information is still in this section; however, we wanted to include the research needs as required by the ISFMP charter and by other documents that the commission follows in terms of guidelines.

These research needs were updated as of October 1 of last year. In addition to those two sections, we have the status of management measures and issues. Again, this is an area where we had to take a look at how things had changed from the addition of the addendum last spring.

The current state-by-state implementation for FMP compliance, we've just reviewed that. All of the states are maintaining their compliance as of November 20, 2001.

As long as the board agrees with that finding, then they would all be continuing compliance at this time with the exception of the District of Columbia. We simply can't determine whether they are in compliance or not.

Recommendations and findings of the plan review team: all states should implement the requirements and recommendations of Amendment 1. The PRT continues to encourage the development and/or maintenance of tagging programs and data storage programs.

And this primarily focuses at the U.S. Fish and Wildlife Services database for tagging to make sure that information is being shared between the states and the federal agencies for that purpose.

There is also a compliance table which has been attached to this document. As you'll note, all of the states are considered to be in compliance at this time with the exception, as I mentioned, of the District of Columbia. Mr. Chairman, that completes the review of the FMP.

CHAIRMAN CARPENTER: Are there any comments from any of the board members with regard to the FMP? We need a motion to approve. Pat Augustine moves. Dave Cupka seconded. Any discussion? Any need for a caucus? Any objection? Without objection, the motion is approved.

Moving on to other business we have a nomination, Dr. Ben Blount, for the CESS.

#### **OTHER BUSINESS**

MS. STIRRATT: I have some information on this. Darren Benjamin would normally bring these nominations before the board. He is in a CESS meeting as we speak. The nominated individual, Dr. Ben Blount, is a professor of anthropology at the University of Georgia.

He is being recommended for nomination to the Atlantic Sturgeon Technical Committee as the economic appointee. So, certainly we will be asking for approval of this individual to the technical committee meetings in the future.

CHAIRMAN CARPENTER: And the future is here.

MR. FREEMAN: A.C., do you need a motion?

CHAIRMAN CARPENTER: Yes, we do.

MR. FREEMAN: I will make the motion that we approve Dr. Ben Blount.

CHAIRMAN CARPENTER: Moved by Mr. Freeman; seconded by Bill. Any discussion on the motion? Any need for a caucus? Without objection, the motion is approved.

And the final item is adjourn unless someone has something for the good of the order. Pete.

MR. W. PETE JENSEN: I'm curious, at the time we were debating and finally approved the amendment, Florida obviously had a very active aquaculture program. Are any other states getting any interest in sturgeon aquaculture that anyone is aware of? Are anyone from the states aware of the -- I think at the time New York, there was some mention that New York had some applicants.

CHAIRMAN CARPENTER: Susan.

MS. SHIPMAN: Pete, we've had the University of Georgia Coop Unit approach us. They are interested in doing some sturgeon culture in conjunction with the Tennessee Aquarium in Chattanooga.

They are actually interested in ultimately looking at it in a commercial-type venture to help support the aquarium and the University, which is sort of interesting, but thus far they are not looking at Atlantics.

They are looking at imported Russian sturgeon, and they're looking at caviar, and we've expressed concerns. We just sent a letter to them asking a series of technical questions we would like answered before we would issue even a research permit to allow them to bring exotics into the state for that.

CHAIRMAN CARPENTER: Any other comments? Bruce.

MR. FREEMAN: Yes, thank you, A.C. I raised the issue of a letter from the Department of

Interior that I believe was sent to all the states in December of last year relative to any trade in any of the four species of sturgeon -- actually the only one of concern to us is Atlantic sturgeon -- and it indicates that it had been in contact with the commission, but apparently it involves some commitments that ICES is asking the United States to do a better job of determining any trade in that particular species.

I'm just curious if, Heather, you have been contacted? They're asking for a response within a week of when the letter was sent. And I'm not sure how much of a response -- they certainly didn't get one from us yet.

They indicate if they don't hear from anybody, they assume that there's a zero export quota. I'm just curious if there's any information you could provide as to what action the Service has taken relative to that letter.

Apparently it was sent not only to the Atlantic States but to the Gulf States, Pacific and Great Lakes Fisheries Commission.

CHAIRMAN CARPENTER: Was the ASMFC copied on that letter specifically because --

MR. FREEMAN: Yes, it says here it was.

CHAIRMAN CARPENTER: Okay.

MR. FREEMAN: And the letter I got is dated December 3 and they are asking for a response by no later than the 14th. It was an ICES issue. I'm just curious if that has been set to rest?

CHAIRMAN CARPENTER: Does anyone other than Bruce have a copy of that letter? The reason I'm asking the question in that format, Bruce, is staff is unaware of that, and I don't recall getting anything myself. If you would be kind enough to provide us with a copy of that --

MR. FREEMAN: You could have the original. I'll give that to Heather.

CHAIRMAN CARPENTER: We'll get the staff to respond appropriately to it.

MR. FREEMAN: Okay, good.

CHAIRMAN CARPENTER: Any other

business to come before the Sturgeon Board? Move to adjourn. We are adjourned.

(Whereupon, the meeting was adjourned at 11:05 o'clock a.m., February 19, 2002.)

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