

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

**The Westin Crystal City
Arlington, Virginia
August 8, 2018**

Approved August 7, 2024

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ATTENDANCE

Board Members

Douglas Grout, NH (AA)	Roy Miller, DE (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	John Clark, DE, proxy for D. Saveikis (AA)
Ritchie White, NH (GA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Lynn Fegley, MD, proxy for D. Blazer (AA)
Mike Armstrong, MA, proxy for D. Pierce (AA)	Russell Dize, MD (GA)
Raymond Kane, MA (GA)	Pat Geer, VA, proxy for S. Bowman (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Sen. Monty Mason, VA (LA)
David Borden, RI (GA)	Bryan Plumlee, VA (GA)
Sen. Craig Miner, CT (LA)	Steve Murphey, NC (AA)
Justin Davis, CT, proxy for P. Aarrestad (AA)	Chris Batsavage, NC, Administrative proxy
John McMurray, NY, proxy for Sen. Boyle (LA)	Ross Self, SC, proxy for R. Boyles (AA)
Jim Gilmore, NY (AA)	Malcolm Rhodes, SC (GA)
Maureen Davidson, NY, Administrative proxy	Mel Bell, SC, proxy for Sen. Cromer (LA)
Heather Corbett, NJ, proxy for L. Herrighty (AA)	Spud Woodward, GA (GA)
Emerson Hasbrouck, NY (GA)	Doug Haymans, GA (AA)
Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA), Chair	Krista Shipley, FL, proxy for J. McCawley (AA)
Tom Fote, NJ (GA)	Marty Gary, PRFC
Andrew Shiels, PA, proxy for J. Arway (AA)	Dan Ryan, DC Fisheries, proxy for B. King
Loren Lustig, PA (GA)	Mike Millard, USFWS
	Derek Orner, NMFS

(AA = Administrative Appointee; GA = Governor Appointee; LA = Legislative Appointee)

Ex-Officio Members

Staff

Robert Beal	Max Appelman
Toni Kerns	Jeff Kipp
Katie Drew	Jessica Kuesel

Guests

Julie Crocker, NOAA	Dan McKiernan, MA DMF
Mari-Beth DeLucia, The Nature Conservancy	Nichola Meserve, MA DMF
Matt Gates, CT DEEP	Nick Popoff, ME DMR
Arnold Leo, E. Hampton, NY	Jack Travelstead, CCA
Mike Luisi, MD DNR	Chris Wright, NMFS
Chip Lynch, NOAA	

The Atlantic Sturgeon Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia; Wednesday, August 8, 2018, and was called to order at 10:55 o'clock a.m. by Chairman Adam Nowalsky.

CALL TO ORDER

CHAIRMAN ADAM NOWALSKY: I would like to welcome everyone to this meeting of the Sturgeon Board. I'm Adam Nowalsky; our Chair, joined up front here by Max Appelman from staff.

APPROVAL OF AGENDA

CHAIRMAN NOWALSKY: Our first order of business today will be to get through the approval of the agenda as it's been provided. Is there any request for changes to the agenda as it's been provided? Seeing none; the agenda stands approved.

APPROVAL OF PROCEEDINGS

CHAIRMAN NOWALSKY: Second order of business is to approve the proceedings from the October, 2017 Board meeting. Is there any request for changes to those proceedings as they have been presented? Seeing none; those proceedings are approved.

PUBLIC COMMENT

CHAIRMAN NOWALSKY: Our next order of business will be to address public comment. This would be public comment for any issues that are not on the agenda.

We do not have anyone signed up. Are there any hands from any members of the audience that wish to offer public comment? Seeing none; we'll move on to our fourth agenda item, which if anyone's taking notes makes us right on time.

UPDATE ON 5-YEAR STATUS REVIEW OF THE ENDANGERED SPECIES ACT LISTING AND RECOVERY PLAN

CHAIRMAN NOWALSKY: Okay, so we're going to turn to Julie Crocker from the Endangered Fish Branch Chief from GARFO for an update on the 5-year status review of the ESA listing and recovering plan.

MS. JULIE CROCKER: Hi, I'm Julie Crocker; National Marine Fisheries Service, Greater Atlantic Region. I'm going to provide a follow on and update to a presentation that Lynn Lankshear provided to you all at last summer's meeting on where we are with the Atlantic Sturgeon 5-year status review and recovery planning.

The 5-year review is required by Section 4 of the Endangered Species Act. A 5-year review is a periodic analysis of a species status conducted to ensure that the listing classification of a species that is threatened or endangered remains accurate. Because we have five listed DPSs of Atlantic sturgeon, we need to conduct five reviews; but we will consolidate that into one document that will be prepared jointly by the Greater Atlantic Region and the Southeast Region and coordinated with NMFS Headquarters.

On March 16, 2018, we announced in the Federal Register that we are starting the 5-year review process; and requested submissions of information that might be helpful to us as we carry out the review. That 60 day period closed on May 16. We received nine submissions of information; and all of the information that we received is available on the regulations.gov web page. We received information and comments from a small number, but a fairly wide variety of stakeholders that are listed there. A number of questions came into us during and shortly after the period; regarding whether we had access to the

data submitted by the states and researchers to ASMFC for the recent stock assessment. We do have access to that and we'll be working to make sure that we consider the stock assessment as the best available source of information.

But we did also want to let people know that even though the formal 60 day period for providing information has ended; we can still accept information if people do have new information sources, new data, new analysis that was completed since the information was provided for the stock assessment. We will certainly continue to take that information.

I'm going to talk a little bit about what the 5-year review entails; and what it will look like. It's important to remember that the 5-year review on its own does not change the listing status for the DPSs; but it will either confirm that the listing status remains accurate, or it will indicate that it's not accurate, which would prompt a new rule-making process including proposed rules, public comment periods, et cetera.

For the five Atlantic sturgeon DPSs, we plan to review the information for and write the draft 5-year review internally. That will be done by the Greater Atlantic Region and Southeast Region in cooperation with our Headquarters office. Use the stock assessment as one of the primary sources of new information.

We do plan to request the Sturgeon Technical Committee to peer review the draft 5-year review; similar to the way that the information was reviewed for the Critical Habitat Designation, and we do intend to complete one review document for all five distinct population segments. To talk a little bit about what the 5-year review will include.

We will have to look at the DPS Policy, consider whether there is any new information that would cause us to reconsider the terminations regarding DPSs. For example, do they continue

to meet the criteria for discreteness and significance? We will summarize new information; sighting detailed information and analyses, and we'll indicate whether there is a change in species status or change in the magnitude or imminence of threats since the last status review.

Then we'll also go through each of the five listing factors; providing summary and relevant new information, including conservation measures regarding the magnitude, scope, and severity and imminence of previously identified threats, and also discuss if there are any new threats to the species. In the synthesis section of the 5-year review, we provide an updated assessment of the status of the species and threats.

We note significant changes and explain why the species continues to meet the definition of threatened or endangered as appropriate. This section concludes with a recommended classification; either for an endangered species to down-list it to threatened, for threatened species we can recommend to up list to endangered.

We could recommend to delist any of the DPSs; or we could recommend that the classification should stay the same. Again, if there was any change recommended in the 5-year review that would prompt a new rule-making process. The 5-year review on its own cannot make a change to the listing status. We expect the final product; the final 5-year review to be ready in 2019. We hope to have a draft available for peer review in early 2019. There is no formal timeline associated with the 5-year review; but we would like to get moving on this and complete it quickly.

There will be a Notice of Availability in the Federal Register when it is completed. If anyone is interested for more information on what the 5-year review will contain;

there is a template available on our website that we will follow for the review. Now I'm going to pivot a little bit and talk about recovery planning.

Section 4 of the ESA requires that recovery plans are developed for all listed species. To the extent that we can work on both at the same time; we're also pursuing recovery planning for the five DPSs, in cooperation with our Headquarters Office in the Southeast Region. But given the focus on the 5-year review we don't expect to get too far into recovery planning until probably this time next year.

A Recovery Plan is basically a road map for species recovery; it lays out the path and tasks required to restore self-sustaining wild populations for the species. I'm going to talk a little bit about what the recovery plan will contain. Before I do that; as a preliminary step towards recovery planning, the Greater Atlantic Region and Southeast Region together developed a Recovery Outline for Atlantic sturgeon, which is really an opportunity for us to present a preliminary conservation strategy to guide the future recovery planning efforts.

I think that was provided in the meeting materials; and it's also available on our website. In terms of recovery planning, as I mentioned we're just at the beginning stages. At this point we're really trying to figure out what the best format to go forward with is. We're working with Southeast Region Headquarters to determine what approach makes the most sense; in light of species needs, limited resources, and differences in common threats across the DPSs.

We could produce one recovery plan for all five distinct populations. We could produce five different recovery plans; which doesn't seem to make a lot of sense, or we could break it up regionally and do a northeast and a southeast plan. We're also considering whether we should fold in short-nosed sturgeon to the

Atlantic Sturgeon Recovery Plan to update the 1998 recovery plan for shortnosed sturgeon.

We are looking for feedback, information, ideas people might have on what might be the most effective and efficient approach for recovery planning. I'm going to talk a little bit about what the Recovery Plan will include. A Recovery Plan must have recovery actions, recovery criteria, and estimates of recovery timeline and cost.

I'm going to go through those a little bit on the next slide. The recovery goal is almost always recovery of the species and delisting. The species is listed as endangered. We'd also have an intermediate goal of reclassifying the species as threatened. The recovery objectives are identified in terms of demographic parameters, reduction or elimination of threats to the species, and any other particular vulnerabilities or biological needs inherent to the species. The recovery criteria comprise the standards upon which the decision to reclassify or delist the species is based; and they need to be objective and measurable. They address threats as well as demographic factors; and must be written in terms of each of the five listing factors. There is some question about an example of what recovery criteria might look like.

I pulled this from the draft Green Sturgeon Recovery Plan; just to give an example of what recovery criteria might look like. An example for demographic recovery criteria was the adult southern DPS green sturgeon census population remains at or above 3,000 for three generations. In addition the effective population size must be at least 500 individuals in any given year; and each annual spawning run must be comprised of a combined total from all spawning locations of at least 500 adult fish in any given year.

That gives you a sense of what recovery criteria for Atlantic sturgeon could look like. Then we would also have threat spaced criteria. Then recovery planning is definitely not intended to a closed door process. Section 4 of the ESA allows us to appoint recovery teams made up of public and private entities; who would work with us to develop and implement recovery plans. If a Recovery Team is necessary; NMFS would bring the team together by invitation. There are many forms that a team approach could take.

We're likely to hold at least one workshop; likely in probably late 2019, focused on recovery criteria, trying to figure out how we would know that the species is recovered, and likely an additional workshop on how to identify and prioritize recovery actions. We also expect that the beginning of the recovery planning process; or probably sometime in 2019, we would put out a public notice soliciting information and public comment for us to consider as we developed the recovery plan.

All recovery plans are made available in draft for public comments; so we would be doing that and likely also reaching out to the Technical Committee for peer review of the draft plan, particularly focused on the objectives and the criteria and the recovery actions. That is what I have, and happy to answer any questions as time allows.

CHAIRMAN NOWALSKY: Very good Julie, thank you very much. There is no specific action item that we need to act on as a Board today. But we would certainly entertain questions and discussion. Let me see a show of hands of who has questions or discussion. Okay, so I've got Lynn, Justin, Chris, and John. All right we'll start with Lynn; go ahead.

MS. LYNN FEGLEY: Thank you for your presentation. I just wonder with the recovery criteria; and I am pretty sure I know the answer to this. Do those criteria come with funding; and how do you deal with the fact that you

have recovery criteria that nobody has the money to monitor toward? Is the money taken into account when you develop those criteria?

MS. CROCKER: We do need to identify a cost of recovery; and the recovery actions are typically broken down as to who we expect would carry those out. The recovery plan wouldn't come with any new funding. That is always a concern; is to how to actually get all of this done in the current climate.

CHAIRMAN NOWALSKY: Justin Davis.

MR. JUSTIN DAVIS: Thanks Julie for that presentation. There was a bullet in one of the slides relative to recovery plans that talked about site-specific criteria, or site-specific objectives. I guess my question was just what constitutes a site; and we were talking about an individual river system or the whole Atlantic coast. I'm just kind of curious about what sort of spatial scale you're talking about there when referencing site-specific things.

MS. CROCKER: I think that is in reference to the recovery actions; that the recovery actions need to be specific. For example, I have an example of threat-based criteria for the Green Sturgeon Recovery Plan. It says volitional passage is provided for adult green sturgeon through the Yolo and Sutter bypasses. That activity and location specific portion is important to identifying the recovery actions; so that they're specific and can actually be acted upon.

CHAIRMAN NOWALSKY: Next I have Chris Batsavage.

MR. CHRIS BATSAVAGE: Julie, with the green sturgeon you gave an example for their recovery plan of trying to recover three generations of green sturgeon. I guess to get a sense of how that would look

for Atlantic sturgeon if there were something similar in place for Atlantic sturgeon. How many years would that represent; as far as trying to recover three generations of sturgeon? I'm trying to get a sense of when this is put together; how many years would we expect it to take, in order to hit some of the recovery criteria for in the plan?

MS. CROCKER: Sure, I don't know enough about the differences between green sturgeon, Atlantic sturgeon to say would we use these comparable criteria or not. But looking at recovery plans in general; they typically look at somewhere between 25 and 100 year horizon. Looking at a long horizon with very significant price tag attached to them is not unusual.

CHAIRMAN NOWALSKY: John Clark.

MR. JOHN CLARK: Thank you for the presentation, Julie. I'm just wondering how this ties in. I know the recent actions that are proposed by the Fish and Wildlife Service and with NOAA Fisheries; about the ESA, and just reiterated the delisting criteria be the same as listing criteria. When you gave the example again about the green sturgeon, you were talking about actual numbers of fish.

Yet with the Atlantic sturgeon there was no population actually estimated, was there when they were listed. Would you be looking at coming up with a population targets for Atlantic sturgeon; given that wasn't used to list them, or is it more different type of measures you'll be using when you consider delisting?

MS. CROCKER: That is going to be one of the things that we're going to be looking for input and advice and comment from; is really to consider what makes the most sense for those recovery criteria, and matching them up to what the available information is. We don't want to set a set of recovery criteria that is so quantitative that they can never be reached; because we don't ever expect to have that information. We will need to match the

recovery criteria to the types of information that we have available.

CHAIRMAN NOWALSKY: Okay with no further hands up; I want to thank Julie for her time here with this presentation. For the benefit of the Board that Federal Register Notice, as well as the Recovery Outline that the presentation was based on, is in the meeting materials. I'm sure this will continue to be on this Board's radar for some time to come. Thank you again.

**REVIEW TECHNICAL COMMITTEE REPORT
REGARDING HIGHEST PRIORITY DATA
SOURCES FOR STOCK ASSESSMENTS**

CHAIRMAN NOWALSKY: We'll now move on to the next agenda item; which is a TC report regarding the highest priority data sources for stock assessments, and that presentation is coming from Katie Drew. Katie.

DR. KATIE DREW: I'm going to review the report that the TC has put together on addressing these Board tasks. At the last meeting after we presented the stock assessment; the Board asked the TC to identify the datasets that are most important to Atlantic sturgeon stock assessment, and to develop recommendations about where to focus state resources, in order to improve the data quality and improve the assessment quality for this species.

The 2017 Benchmark Assessment obviously contained a detailed, prioritized list of research recommendations. But these were really sort of an ideal world list; that is there was really no consideration of funding constraints or other time constraints. It was just like this is what we would like in an ideal world.

In order to address the Board tasked them to sort of provide some new information or

new context to these recommendations. The TC reprioritized this list; to identify sort of the most cost effective actions, or to recognize how can we get the most bang for our limited buck with these recommendations.

That is sort of the context of the recommendations that we're presenting in this memo; compared to the more detailed, extensive list in the assessment report itself. I'm just going to go through the actual recommendations and touch briefly on each one of them. I think our first recommendation was to encourage data sharing among partner agencies and academic institutions.

One of the strengths of this assessment was the ability to pull in data from a number of different sources; including a lot of sources that we don't always go to in a traditional stock assessment. But I think limited data, and I think difficulties in getting some data also held us back in certain areas, and in certain aspects of this assessment.

The TC reiterates its support of encouraging data sharing across a number of different agencies; and making that more easy for everyone to do. Our second recommendation was to continue to conduct the fishery independent surveys; that were used to develop indices of abundance for Atlantic sturgeon, either the ones that are existing now or the ones that were identified as being good potential indices with more years of data.

In addition, states should consider modifying existing surveys to be more effective at monitoring sturgeon; so identify strata or areas or methods that your current surveys could change slightly to be more effective at actually catching sturgeon. These are the high priority indices that we identified. The ones in green are the ones that were actually used in the assessment to track abundance. The ones in blue are ones that we identified as good potential indices; but that just needed more years of data in order to be reliable for this

long-lived species. It's a combination of juvenile and adult indices here.

Our third recommendation was to continue to acoustically tag Atlantic sturgeon; and maintain the receiver arrays. The tagging model was our primary source of information on mortality rates; and so in order to be able to monitor the current mortality levels of, are we killing too many sturgeons for whatever reasons. We need to be able to continue to collect data from these tagged sturgeon; and these receiver arrays.

Our fourth recommendation was to collect and improve data collection on the incidental catch of Atlantic sturgeon; and the fifth one was to collect data to quantify the numbers of Atlantic sturgeon killed by ship strikes each year. Bycatch and ship strikes were two of the main sources of anthropogenic mortality that the Stock Assessment Subcommittee identified as a concern for Atlantic sturgeon; and both of those are not well monitored under our current data collection.

Getting more data on these sources of mortality is very important. Our sixth recommendation was to continue processing genetic samples; to update and improve the DPS definitions, especially in the less well represented areas like the Carolina DPS and the South Atlantic DPS, to get a better handle on the genetics of this species, and the correct DPS definition.

Our seventh recommendation and I guess our final recommendation; was to consider sort of a snapshot approach to this fishery independent and fishery dependent monitoring that we've recommended, to sort of think outside the annual monitoring box, if you will. A lot of the expense of monitoring programs comes from the fact that you need to do this stuff every year.

But for sturgeon, which is long-lived, slow to mature, we're not expecting to see big changes in the population from year to year. A short-lived species like herring you want to be monitoring that every year; because you're going to see changes. For sturgeon, if we take a snapshot of the population every five years or every ten years; when it comes to things like recruitment or spawning stock surveys, we can still get a handle on how that population is progressing, but it can be more cost effective and a better use of resources.

This can also let us take advantage of short-term funding opportunities; so SK grants, things like that where an SK grant isn't going to fund a long-term monitoring program, but it can fund a two to three year study of spawning stock biomass in a river. Then come back in another five or ten years and say how are we doing compared to that original study? This is also a good chance to partner with academic institutions.

These can be good grad student projects; to get somebody to work on this, and get a good product for a short term, and then come back to it repeatedly over time. But just keep in mind that maintaining those consistent methods across the snapshots is critical; so that we can compare down the road what happened in this year with two years from now, five years from now, ten years from now. But in a sort of a limited funding situation, this can be a good alternative for something like sturgeon; where again we're not expecting to see big swings in population abundance, or even the fishery dependent pressure like bycatch. Characterizing bycatch or ship strikes could be a snapshot approach as well. The TC just wanted to highlight a couple of things out of this; basically Number 1, the permitting process does make some of these recommendations more difficult. Both permitting for things like maintaining receiver arrays in the ocean, but also things like just getting the ability to handle a sturgeon; because of the ESA listing can be difficult.

States need to make sure they're staying on top of that and are proactive with that kind of issue. Of course, I think there was some concern from the TC about unfunded mandates; that state budgets are already strained. Producing mandates to come up with a new sturgeon spawning stock survey in a state without the associated funding is going to mean difficult choices for states agencies, in terms of taking funding away from other surveys from other projects.

This was definitely a concern; and why the TC, I think, focused on how you get the most bang for your buck with what we already have? But you know there are some positive things happening that we do have improved bycatch monitoring through the Section 10 process in some states; and it provides, so states are working on getting better data for some of these fisheries.

There is a Sturgeon Carcass Report out of Delaware State University to improve the ship strike mortality estimates; so basically just throwing a bunch of dead sturgeon in the river and see how many of them are actually reported, so that we can know if people are telling you we saw five ship strike sturgeon. Is that 5 percent of the ones that were there? Is that 100 percent of the ones that happened?

There is also work being done; to process the back log of genetic samples from some of our underrepresented DPSs. Just to end on a positive note. Some of this work is going on; and should when we get to the next benchmark, help improve that as well. But there is definitely more work to be done. With that I'll take questions.

CHAIRMAN NOWALSKY: The take away from this is as a result of the last benchmark assessment and the presentation that we had; there were questions from the Board about what more can we do. Obviously, given the information we have in the last

presentation, we would all like more information about this.

But funding seems to continue to be the inhibiting issue here; to get to where we would all like to see a lot of this. Action here today, there is no action here required by the Board. We have recommendations that have come from the TC. There is the opportunity for the Board to codify any one of those as an actual requirement.

If it is the will of the Board to do so today, or again just take the information presented so far, as well as information you get from questions or discussion that comes out. Take that home; and then see what could possibly be done. With that I'll turn to the Board for questions, comments, discussion on this agenda item. A show of hands, I've got two. We'll start with John Clark.

MR. CLARK: Thank you, Katie. Just curious on the surveys that were rejected for the time series, too short, did the TC want those surveys to continue?

DR. DREW: Yes that was the TCs recommendation is that when identifying the priority surveys; the ones that were identified as having potential but being too short, should definitely be continued so that they could be folded into the assessment at a later date.

CHAIRMAN NOWALSKY: Pat Geer.

MR. PAT GEER: Mine is more of a comment. I think using the fisheries independent surveys to gather some of this information is a great idea. There are a lot of surveys out there. You listed dozens of them. A lot of those already have to have incidental take permits. If we ask them to go ahead and modify or add a new strata to target sturgeon; ironically they're going to catch more sturgeon, which ironically will go over their ITP.

That has to be addressed somehow; and it's happened in some states already, where they're seeing an increase year after year in what they're catching in their surveys. They have to go back and ask for an increase in their allowable take.

CHAIRMAN NOWALSKY: Further discussion or comments; hopefully this information from this last tasking has been helpful to the Board. Again, we can take some of this information home; and hopefully translate it into some results. Thank you for the presentation, Katie.

**CONSIDER APPROVAL OF THE 2018
FISHERY MANAGEMENT PLAN REVIEW
AND STATE COMPLIANCE**

CHAIRMAN NOWALSKY: Next turn to our next agenda item; which at the end will require Board action and that will be Consider Approval of the 2018 Fishery Management Plan Review and State Compliance. Max will be giving us that presentation.

MR. MAX APPELMAN: This year's FMP Review actually covers the 2016 fishing year; because compliance reports are due at the end of the year covering the previous year's fishery. There is sort of this lag in the reporting period and when the actual review report is developed. This is the 2018 review of the 2016 fishing year.

First was status of the FMP and fishery. The fishery is still under moratorium; implemented through Amendment 1 in '98, and then carried into the EEZ in '99. The moratoria are expected to remain in effect until 20 year classes of spawning females are established. Moving to status of the stock, we know that all five DPS of Atlantic sturgeon were listed under the ESA in 2012, four of which were listed as endangered, and one the Gulf of Maine DPS listed as threatened.

Then in 2017, NOAA published two final rules designating critical habitat for Atlantic sturgeon. There are two documents there; one covering the Gulf of Maine/New York Bight, and Chesapeake Bay DPS, and the other for the Carolinas and South Atlantic DPS. Also in 2017, the Commission's benchmark stock assessment went through peer review. Results indicate that the population remains depleted; relative to historic abundance.

However, on a coastwide scale the population appears to be recovering slowly; since the '98 moratorium. Still the population experiences mortality from several sources; but the assessment indicates that total mortality is sustainable. Bycatch was identified as the primary source of fishing mortality; and it may be hindering population recovery. Sturgeon are most susceptible to mortality from gillnet and trawl interactions. Unfortunately total losses from bycatch are largely unknown; due to low to nonexistent rates of observer coverage in most fisheries that may encounter sturgeon. The Plan Review Team reiterates the importance of mandatory reporting or observer coverage; to effectively monitor Atlantic sturgeon bycatch in state fisheries. Ship strikes were also contributing to mortality; and were identified as an emerging issue in the assessment. Sturgeons are particularly vulnerable to ship strikes when there is a lot of cargo vessel traffic occurring in these relatively shallow shipping channels; where sturgeon routinely pass through between their ocean habitats and spawning grounds.

Moving on to ESA Section 10, Incidental Take Permits. Based on the compliance reports, a few states have received their ITPs for its fisheries; but most of the states are in the application development stage, or have just recently submitted applications. The recommendation from the PRT is familiar. It's just to continue to coordinate with the Commission regarding the status of those permits.

We've summarized the status of those permits in the report; and if you just take a look and let us know that we're up to date that would be helpful. Moving to aquaculture, so the U.S. Fish and Wildlife Service still maintains Atlantic sturgeon at three of its research facilities. Again, this is the reporting period through 2016; so these numbers up on the screen are accurate up through 2016.

Also, Maryland DNR had sturgeon captive at a number of its facilities for various research initiatives; but those activities have been terminated, due primarily to the lack of funding. Currently there are no plans to culture sturgeon in the future. LaPaz LLC, this is a commercial aquaculture company based out of North Carolina, was granted permission through Addendums II and III to import Canadian sturgeon for the purpose of commercial production.

However, recently LaPaz has shifted their focus away from the species; and is no longer in possession of Atlantic sturgeon. The majority of the fish were culled or euthanized. A handful was sold to Horse Creek Aqua Farm; which is located in Florida and covered under Addendum I to the FMP. Right now they are holding onto 117 fish as of 2016.

The remaining fish were donated to West Virginia University; to be used in various research activities. The PRT expressed some concerns about this regarding the transfer of fish to facilities outside of the Commission's jurisdiction; since West Virginia is not a Commission member state. The disposition of these fish is not well documented.

Regarding compliance in 2016, following review of the compliance reports the Review Team determined that all states and jurisdictions had implemented management and monitoring programs consistent with

the management plan. Up on the screen are the various reporting requirements for your reference. I'm happy to take any questions, Mr. Chair.

MR. NOWALSKY: Very good, thank you, Max. We can entertain questions and/or any discussion. We will need a motion from the Board to approve this review. John Clark.

MR. CLARK: Thank you, Max. I guess this question actually would kind of go to Julie; because it's about the Section 10 permits. I'm just curious for the ones that have been issued so far. Do all of them require onboard observers for the fisheries that have received Section 10 permits?

CHAIRMAN NOWALSKY: Julie?

MS. CROCKER: None of the permits that have been issued to date have come out of my office; I think they've all come out of the Headquarters Office, so I'm not familiar with the specific requirements. I believe that there is some observer, or it was a commitment from the states for an observer requirement for those fisheries. But I'm not familiar with the details.

CHAIRMAN NOWALSKY: Next up I had Mike Millard.

MR. MIKE MILLARD: Max, just an update as the Director of the Services Fisheries Center in Lamar, PA, I can tell you we have zero Atlantic sturgeon on station anymore.

CHAIRMAN NOWALSKY: Any further questions or discussion? Seeing none; I'll entertain a motion to approve the FMP review. **Tom Fote, making that motion, yes, so we have a motion from Tom to approve the FMP Review. Move to approve the 2018 FMP Review for Atlantic sturgeon. Max, given your earlier comments about this is for the 2016 fishing year. Do you believe it would be helpful to include that in the motion, to call it the 2018 FMP Review of the 2016 Atlantic sturgeon fishing year?**

MR. APPELMAN: I think review covers the fact that it's the 2016.

CHAIRMAN NOWALSKY: Okay, everybody is clear on that then? Was that a second from Pat Geer? Is there any discussion on the motion? I can't imagine there would be any; but any public comment on the motion? **Seeing none; is there any objection to the motion as presented? Okay seeing none; that Review stands approved,** and that will move us along to the next agenda item. Tina Berger. Good morning, Tina.

REVIEW RECOMMENDATION TO DISBAND THE ADVISORY PANEL

MS. TINA BERGER: Good morning, thank you, Mr. Chairman.

CHAIRMAN NOWALSKY: We'll now turn to Tina for some discussion about the Advisory Panel.

MS. BERGER: The Advisory Panel was established over 20 years ago; and that was sort of the last time they met, when they provided input on Amendment 1. Given the fishery has been under a moratorium, we've kept them abreast of emerging issues, but they have not met since 1998. The membership is whittled down; and given that the assessment showed very little change in the stock status, we don't see the need for the Advisory Panel to be maintained, at least at this point.

Staff's recommendation would be for the Board to disband the Advisory Panel. We can always reestablish a panel when and if that is necessary. If the Board chooses to maintain it we'll do so. But we just thought it doesn't make sense to maintain a primarily defunct AP. Thank you.

CHAIRMAN NOWALSKY: I'll turn to the Board for discussion, comments. Again, this

would be the consideration of a motion if it was the will of the Board to act on this. Pat Geer.

MR. GEER: Just a question for Tina. There were no members of the AP who wanted to comment on the ESA listing?

MS. BERGER: I'm going to punt that back to Max. I don't know if he reached out to the AP on that.

MR. APPELMAN: The ESA listing was before my time. But it's my understanding that they did not meet as a panel of the Commission to provide their comment on the listing; that they were made aware of the opportunity to provide comment, and might have done so as individuals.

CHAIRMAN NOWALSKY: I think it would really be at the discretion of this Board; whether there were issues that we wanted to specifically charge our AP with trying to get comment on, given the timeframe since they've last met. I think that would need to have some review by the states of their current AP memberships as well. I'm guessing most are likely not up to date. Lynn Fegley.

MS. FEGLEY: I was just wondering if it would be useful for the Board to have an AP panel to provide input on the 5-year review, since Julie said she was going to be looking for comment. I don't know if that would help, Julie your efforts. I'm just curious if that would be something they could do.

CHAIRMAN NOWALSKY: Again, I think that would be, I think Tina and staff have brought the issue before us is that we've not had a formal AP meeting for this species in a very long time. The question is; what do we do? Staff made a recommendation. Again, it's the will of this Board if we feel that there is the need for the AP to continue. Then in that case, I think it would be worthwhile in making sure we get the AP up to date; as well as finding tasks and

specifically engage them moving forward, would be my thoughts. Ritchie White.

MR. G. RITCHIE WHITE: I'll make a motion to disband the Atlantic sturgeon Advisory Panel at this point.

CHAIRMAN NOWALSKY: Motion made by Ritchie White; seconded by Ray Kane. I had a couple other hands go up; so let me turn to them for discussion. First I'll ask Ritchie if he feels any further comments needed on his part; shaking his head no. I had hands up from Roy Miller and Tom Fote. Roy.

MR. ROY W. MILLER: I kind of like Lynn's suggestion of considering an Advisory Panel to provide comments for the 5-year review. Otherwise, the obvious question is who would do that review? Would it be just the Technical Committee without input from any advisory panel? Perhaps you have an answer to that Mr. Chairman.

CHAIRMAN NOWALSKY: I do not personally. I'll look to my right to see if there is any input on who would do that. Max is going to give that a go.

MR. APPELMAN: I'll just make the Board aware of how we went about this in the past with the ESA listing; and most recently with the Critical Habitat Designation. What happened is that the Technical Committee did not formally as a group provide comment or review on those draft reports.

Instead, staff reached out on behalf of NOAA reached out to the Technical Committee to ask for a handful of members to take their own time to provide a review on those documents. That is sort of the approach that we see happening with any other ESA related documents down the road.

CHAIRMAN NOWALSKY: Next up I had Tom Fote.

MR. THOMAS P. FOTE: With the implementation of Atlantic Coast Conservation Act, it was important that one of the charges that a bunch of us made was that we would have advisors to every board from the community; the recreational, commercial and the environmental community on the Boards.

Except the Board hasn't met in 20 years, I'm a little hard pressed to push to continue running a Board. Even though I feel strongly that we should have an AP Board for every species; it just basically says we're not going to have the Board for the sturgeons, since nobody has met in 20 years. I don't know.

CHAIRMAN NOWALSKY: Are there any further comments on the motion before us? Seeing none; I'll give the Board 30 seconds to caucus. We've had a moment to caucus. Before we vote on this I'll just simply ask if there is any comment from public on this. Prior to the voting I did see a hand go up from the Board. Maureen.

MS. MAUREEN DAVIDSON: As you know I'm kind of new at this. I would like to ask, if this Panel hasn't met in 20 years, is it because the Panel as a group itself chose not to meet or were they not called to meet by the Commission?

CHAIRMAN NOWALSKY: I'll go to Toni.

MS. TONI KERNS: They haven't been called upon to meet; because we haven't had any actions to bring forward to the Panel, because there has been a moratorium for the last 20 years.

MS. DAVIDSON: Any actions that have been taken for Atlantic sturgeon since 1998, the Panel was not just called to participate.

CHAIRMAN NOWALSKY: This Board has not had any management actions. Obviously there have been actions that have taken place at the Federal level. This Board has not asked formally

for the AP to provide comment through the Board to the entities that are enacting those actions. Those AP members that remain have had the ability to, and I'm sure some have, directly commented on it. But we as a Board have not asked them to provide us and then provided that comment on.

MS. DAVIDSON: Thank you.

CHAIRMAN NOWALSKY: **Okay, so let's go ahead and take a vote on this. Move to disband the Atlantic sturgeon Advisory Panel; motion by Mr. White, seconded by Mr. Kane. All those in favor please raise your right hand. Thank you, you can put your hands down. All those opposed, abstentions, null votes; motion carries 17 to 0 to 0 to 0.**

ADJOURNMENT

CHAIRMAN NOWALSKY: Is there any further business to come before the Board today? Seeing no further business; and having completed the agenda as it was presented, this Board stands adjourned, thank you very much.

(Whereupon the meeting adjourned at 11:40 o'clock a.m. on August 8, 2018)