

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



**ASMFC Terms, Limitations, Enforcement and Reporting  
Requirements for the Purposes of Permitting Importation of  
non-Indigenous Atlantic Sturgeon and the Development of  
Private Aquaculture Facilities**

Prepared by Atlantic Sturgeon Plan Review Team and Expert Advisors

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## INTRODUCTION

In order to remain consistent with the goals and objectives set forth in Amendment 1 to the Interstate Fishery Management Plan (FMP) for Atlantic Sturgeon, uphold the enforceability of the FMP, and to minimize the risks to wild stocks the following terms, limitations, enforcement and reporting requirements have been established as standard requirements to be met in order for the ASMFC Sturgeon Management Board to grant an exemption to the moratorium on possession and harvest of Atlantic Sturgeon for the purposes of importation of non-Indigenous Atlantic Sturgeon and the development of private aquaculture facilities resulting in interstate/intrastate commerce. As noted in the ASMFC's Breeding and Stocking Protocols (Special Report Number 22 and Special Report Number 68) only indigenous Atlantic Sturgeon will be considered for stock enhancement purposes. In accordance with the Adaptive Management process outlined in Amendment 1, the ASMFC may require additional requirements to those listed below as determined on a case-by-case basis. States may, at any time, elect for more conservative regulations governing the importation/possession of Atlantic Sturgeon.

## SECTION 1: TERMS

For the purposes of this document the term:

(A) **Aquaculture** means the controlled cultivation of the aquatic species in confinement, including breeding, spawning, rearing, and growing out either alone or in combination and marketing of the cultured product.

(B) **Broodstock** means Atlantic Sturgeon that are held for the purposes of spawning or rearing in captivity for the production of gametes, scientific study, and/or commercial sale of offspring.

(C) **Bullet** means fish with head/tail/guts removed, and fins cut off. A bulleted fish is measured from the head area to the tail area.

(D) **Facility** means any structure holding live Atlantic Sturgeon and/or eggs, either indoor or outdoor or both.

(E) **Non-Indigenous** means a non-native species or non-native genetic strain.

(F) **Pathogen** means a fish pathogen causing or associated with disease.

(G) **Poaching** means to illegally take Atlantic Sturgeon or any part thereof in violation of any state or federal law.

(H) **Roe** means the eggs/ovaries/caviar of Atlantic Sturgeon.

(I) **State of Concern** means a state/jurisdiction, under the purview of the ASMFC, in/to which transport, culture or sale of live Atlantic sturgeon or of Atlantic sturgeon product (whole or parts thereof) would occur (i.e. the receiving state).

(J) **Stock** means that portion of an Atlantic Sturgeon population sharing a common gene pool and a common environment.

(K) **Trading** means to engage in the exchange, purchase, or sale of Atlantic Sturgeon (whole or parts thereof)

## SECTION 2: LIMITATIONS

(A) Exemption applicants shall adhere to all International, State and Federal regulations (e.g. CITES, Atlantic Coastal Fishery Conservation and Management Act, ASMFC/Enabling Legislation, Magnuson Stevens Act, Lacey Act, Endangered Species Act, Federal Power Act, Anadromous Fish Conservation Act, Fish and Wildlife Coordination Act, Federal Water Pollution Control Act, Rivers and Harbors Act, National Environmental Policy Act, Coastal Zone Management Act, Federal Land Management and Other Protective Designations, Marine Protection Research and Sanctuaries Act, as well as State Authority Regulations) regarding importation and aquaculture licencing/permitting processes.

***\*\*\*NOTE: Any federal activity (those that are funded, authorized, or carried out by a Federal entity) that is likely to affect listed sturgeon (e.g. genetic interactions, competition, hatchery effluents) will be subject to Section 7 ESA consultation to determine whether or not the activity is likely to jeopardize listed sturgeon. Any non-federal activity that is likely to incidentally take listed sturgeon (e.g. genetic interactions, competition, hatchery effluents) will require an ESA Section 10 (a) (1) (B) permit in order to avoid violation of ESA Section 9 take prohibitions. And any activity that involves a direct take (e.g. research, enhancement) will require an ESA Section 10 (a) (1) (A) permit in order to avoid violation of ESA Section 9 take prohibitions. A list of ESA listed Sturgeon can be found in Appendix 1 as attached.***

(B) Exemption applicants promoting Atlantic sturgeon aquaculture for restoration or enhancement stocking shall adhere to the ASMFC's Breeding and Stocking Protocols (Special Report Number 22 and Special Report Number 68). Exemption applicants interested in stock enhancement of native/indigenous Atlantic Sturgeon populations for the purposes of stock restoration, shall submit a detailed stocking proposal as part of the exemption proposal. The stocking proposal shall include details on stocking goals and objective, methodologies, monitoring programs, and time lines for the proposed activity. Stocking proposals shall be reviewed by the ASMFC Atlantic Sturgeon Aquaculture and Stocking Committee prior to

approval of the proposed activity by the Sturgeon Management Board. In order to monitor compliance, States/jurisdictions will submit compliance reports to the ASMFC annually, no later than October 1 of each year.

(C) In order to minimize the risks to wild stocks exemption applicants must agree to develop and use best management practices (BMPs) devised to maintain specific pathogen free organisms. To support this requirement, exemption applicants must submit BMPs to the ASMFC as a supplement to the exemption proposal. The ASMFC Atlantic Sturgeon Aquaculture and Stocking Committee/Management and Science Committee will review, as appropriate, the BMPs and provide the Sturgeon Management Board with a recommendation prior to approval of the proposed activity by the Management Board.

(D) Broodstock collection poses potential risk to wild stocks if assessments of native Atlantic Sturgeon population status are uncertain or if such assessments have not been performed. In order for the ASMFC to assess the risk to wild broodstock, exemption applicants must submit information about the area of origin for broodstock collection and/or harvest. In addition, a statement about the status/abundance of the wild Atlantic sturgeon stock from which broodstock are to be collected and/or meat harvested should be supplied by appropriate governing fisheries management officials. This information must be provided as a supplement to the exemption proposal.

(E) The risk of escapement, which can result in hybridization, ecological impacts (i.e. shifts in predator-prey relationships, competition, and/or parasitism) as well as spread of disease can be potentially significant if facility design is not carefully planned to reduce such risk. In order to minimize this risk, exemption applicants must submit information about the distribution and abundance of wild sturgeon located in the vicinity of containment facilities. Exemption applicants must provide proof of contingency plans for acts of god and/or nature (i.e. hurricane impact on facility, flood impact, drought, bird predation, etc) as a supplement to the exemption proposal. In order to monitor escapement from containment facilities, all cultured Atlantic sturgeon or broodstock held for the purposes of grow-out will be marked to distinguish wild from cultured product (e.g. fin clipping, morphological characteristic marking, feed marking).

(F) Poaching activities will compromise the goals and objectives of Amendment 1 to the Interstate Fishery Management Plan for Atlantic Sturgeon as well as pose additional risk to wild Atlantic Sturgeon populations. As such, poaching of Atlantic Sturgeon is strictly prohibited (See Enforcement Requirements - Section 3(C)).

(G) In order to minimize impact of the proposed activity on habitat used by wild stocks, exemption applicants must adhere to all International, Federal and State regulations (e.g. Clean Water Act, Coastal Zone Management Act, Magnuson-Stevens Fishery Conservation and Management Act, Endangered Species Act), where applicable, which regulate habitat altering activities such as containment facility discharge, facility location, dam construction and

operations, dredging and disposal, and/or water quality modifications.

### **SECTION 3: ENFORCEMENT REQUIREMENTS**

For the purposes of this section, any importation/possession of Atlantic Sturgeon in violation of the following General Regulations/Prohibitions will be considered inconsistent with the Atlantic Sturgeon FMP. Any state allowing the importation/possession of Atlantic Sturgeon must agree at a minimum to the following regulations:

#### **(A) General Regulatory Measures (Standard for all States/Jurisdictions)**

1. Possession of Atlantic Sturgeon products (whole or parts thereof) shall/must be linked to a certificate of origin/shipment record. Transporters of Atlantic Sturgeon (whole or parts thereof) shall carry a copy of the certificate of origin and the individual shipment record for each shipment transported. The certificate of origin/shipment record will include at a minimum date of shipment, weight of shipment, name/address of importer/farm, name /address number of processor, name/address of transporter, and other information as required by state and/or law enforcement. This information will be retained and available for inspection by law enforcement for a minimum of five years.
2. Importation of non-Indigenous Atlantic Sturgeon must be certified by a Convention on the International Trade of Endangered Species (CITES) permit. This information will be retained and available for inspection by Law Enforcement for a minimum of five years.
3. Permits/licenses are required for all importers, exporters, farmers, and processors. Permit/license holders are required to file an annual report with the permitting/licensing agency detailing quantities sold or processed and other information as may be required by the permitting agency.
4. Facilities for processing wild Atlantic Sturgeon shall be physically separated from those processing cultured Atlantic Sturgeon.
5. All Atlantic Sturgeon products (whole or parts thereof) must be marked to distinguish wild from cultured Atlantic Sturgeon product (e.g. via biochemical markers; visual tags; labels, locked tags, and/or individual bar codes).

#### **(B) Prohibitions (Standard for all States/Jurisdictions)**

1. Trading of Atlantic Sturgeon roe is prohibited, unless otherwise stipulated in additional requirements section of framework addenda. Fertilized eggs destined for aquaculture or research purposes are exempt from this prohibition with appropriate permits.
2. Trading of Atlantic Sturgeon into the Commercial Aquarium Fish Trade is prohibited. Exceptions will be granted for research and educational display purposes through the issuance of scientific collecting or experimental permit(s) by the

- jurisdiction(s) where the collecting takes place and the facility is housed.
3. Aquaculture:  
Culture systems must be closed and may not discharge to surface waters of the state, or neighboring state, or United States.
  4. Removal of markers/tags/labels, except by processor/retailer, is prohibited.
  5. Wholesaling and processing without a license/permit is prohibited.
  6. Attaching markers/tags/labels to Atlantic Sturgeon from state waters is prohibited. Exemptions will be granted for the purposes of tag and release programs associated with research and monitoring programs.

(C) Penalties (Recommended Standard for all States/Jurisdictions)

1. In order to be in compliance with the Atlantic Sturgeon FMP and Amendment 1, states must accept as a minimum these Terms, Limitations, Enforcement, and Reporting Requirements. The ASMFC reserves the right to revoke granted exemptions, should applicant(s) be found in violation of the general regulations and/or prohibitions listed above. Such discretion will be left to the Sturgeon Management Board for final action.
2. The ASMFC strongly recommends that state(s)/jurisdiction(s) impose high fee penalties in an effort to reduce non-compliance with the general regulations and/or prohibitions listed above.
3. The ASMFC strongly recommends that state(s)/jurisdiction(s) impose forfeiture/revocation of licenses/equipment/gear penalties on any person(s) found in violation of the general regulations and/or prohibitions listed above.

#### **SECTION 4: REPORTING REQUIREMENTS**

(A) As specified in Section 5.1.2 of Amendment 1 to the Interstate Fishery Management Plan for Atlantic Sturgeon, States/jurisdictions will submit compliance reports to the ASMFC annually. Annual reports must include information on aquaculture operations authorized, status of regulations, disease-free certification status, scientific/educational permits issued, etc. In accordance with these reporting requirements, the ASMFC Sturgeon Technical Committee has developed a standard compliance report format for the Aquaculture Operations Authorized section of the annual compliance report (see attached Table 1).

(B) The Atlantic Coastal Cooperative Statistics Program (ACCSP) will be developing an aquaculture data collection program to be incorporated into existing ACCSP commercial and recreational catch/effort datasets. The ACCSP will evaluate current aquaculture data collection programs for possible integration into the ACCSP and develop additional programs, where required. A review of existing databases will be conducted to evaluate the extent to which aquaculture statistics are currently collected and in order to avoid duplication of effort. The ACCSP will develop a standard coastwide definition of aquaculture for statistical purposes, a list of minimum data elements to be collected by all program partners,

and a set of standards and protocols to be followed by all data collection programs collecting aquaculture statistics.



## ATTACHMENT

**Table 1: Format for Aquaculture Operations Authorized section of the Annual Compliance Report**

- I. Status of State/Jurisdiction Aquaculture Regulations
  - A. Current regulations
    - 1. Summary
    - 2. Affected parties (*types* of facilities, not a list of each one)
    - 3. Requirements
    - 4. Proposed amendments/addenda
  - B. Proposed regulations
    - 1. Summary
    - 2. Affected parties (*types* of facilities, not a list of each one)
    - 3. Requirements
- II. Authorized Aquaculture Operations
  - A. Full time
    - 1. Name
    - 2. Contact info
    - 3. Type of facility
    - 4. Culture methods
      - a. Brood stock collection
        - i. Number
        - ii. Size
        - iii. Weight
      - b. Filtration
      - c. Containment
        - i. Incidences of escapement
        - ii. Contingency plans to reduce risk of escapement
      - d. Harvest/sale
        - i. Number
        - ii. Size
        - iii. Weight
    - 5. Certifications/authorizations
      - a. Pathogen/Disease free status
      - iii. Annual fish health inspection report
      - iv. Certificate of health for new "lots" entering facility
      - v. Report of disease outbreaks
        - a). Explanation/Statement environmental etiology
        - b). Explanation/Statement contagious agent etiology
        - c). Explanation/Statement other causes of mortality
        - d). Explanation/Statement severity of mortality
      - iv. Disease Report
        - a). Agency/Contact to which report was submitted
        - v. Contingency plans to reduce spread of disease
      - b. Sale
        - i. Type of markers utilized
      - c. Other
  - B. Experimental/Educational
    - 1. Name

2. Contact info
3. Type of facility
4. Culture methods
  - a. Brood stock collection
    - i. Number
    - ii. Size
    - iii. Weight
  - b. Filtration
  - c. Containment
    - i. Incidences of escapement
    - ii. Contingency plans to reduce risk of escapement
  - d. Harvest/sale
    - i. Number
    - ii. Size
    - iii. Weight
5. Certifications/authorizations
  - a. Pathogen/Disease free status
    - i. Annual fish health inspection report
    - ii. Certificate of health for new "lots" entering facility
    - iii. Report of disease outbreaks
      - a). Explanation/Statement environmental etiology
      - b). Explanation/Statement contagious agent etiology
      - c). Explanation/Statement other causes of mortality
      - d). Explanation/Statement severity of mortality
    - iv. Disease Report
      - a). Agency/Contact to which report was submitted
    - v. Contingency plans to reduce spread of disease
  - b. Sale
    - i. Type of markers utilized
  - c. Other
6. Funding information
  - a. Funding source
  - b. Funding period
  - c. Option for renewal

APPENDIX 1

Table 1: ESA list of Sturgeon Candidates

Common Name	Scientific Name	Family	Listing	Area of Concern
Atlantic Sturgeon	<i>Acipenser oxyrinchus</i>	Acipenseridae	Candidate Species	Atlantic, Anadromous

Table 2: ESA listed Endangered and Threatened Sturgeon

Common Name	Scientific Name	Family	Listing	Area of Concern
Gulf Sturgeon	<i>Acipenser oxyrinchus desotoi</i>	Acipenseridae	Threatened	Gulf of Mexico, Anadromous
Shortnose Sturgeon	<i>Acipenser brevirostrum</i>	Acipenseridae	Endangered	Atlantic, Anadromous