MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

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Christopher M. Moore, Ph.D.
Executive Director

Ad Hoc Atlantic Sturgeon Committee Report

April 11, 2012

Agenda

3:30 PM	Introductions, review recommendations from Ad Hoc Atlantic Sturgeon Committee meeting that occurred Mar 19, 2012
4:00 PM	Discussion of potential management response by the MAFMC to reduce Atlantic sturgeon bycatch in mid-Atlantic fisheries
5:00 PM	Adjourn

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Ad Hoc Atlantic Sturgeon Committee
Meeting Summary

Meeting Date: March 19, 2012

Location: Four Points Sheraton BWI
Baltimore, MD

The first meeting of the Ad Hoc Atlantic Sturgeon Committee was held on March 19, 2012 from 10 AM until about 4:00 PM. The purpose of the meeting was to initiate discussion of a Council response to the listing of Atlantic sturgeon under the ESA.

Committee membership consists of Laurie Nolan (Chair), Howard King, Pete Himchak, Red Munden, Preston Pate, Steve Heins, Jack Travelstead, and Steve Linhard. All members were in attendance. Others in attendance included Council Chairman Rick Robins, Vice-Chair Lee Anderson, Council staff lead for the Committee, Jim Armstrong, as well as Phil Haring (NEFMC staff), Mike Pentony (NERO SFD staff), Kim Damon-Randall (Chief, NERO PRD), Julie Crocker (NERO PRD), Kate Taylor (ASMFC staff), Toni Kerns (ASMFC staff), and seven fishermen/fishing industry representatives.

Meeting materials included copies of the NMFS presentations, a letter from NMFS to the Council communicating the listing, the final rule for the ESA listing, and two technical reports (ASMFC 2007, NEFSC 2011). These are available on the

The Committee received presentations from Kim Damon-Randall and Julie Crocker that covered the listing determination and resulting Section 7 consultation process. The content of those presentations is not summarized here. FMPs managed by the MAFMC that are affected by the listing include: Monkfish (Joint with NE lead), Bluefish, Spiny Dogfish (Joint with MA lead), Squid/Mack/Butterfish, Fluke/Scup/Sea Bass. Most of the Atlantic sturgeon mortalities on an annual basis are associated with operation of the monkfish fishery.

There were numerous questions about the vulnerability of fishing operations and state agency field work to enforcement or litigation risk after the listing implementation date (April 6, 2012). Although the incidental take statements that cover federally authorized activities are not expected to be ready ahead of the implementation date,

if any takes occur that result in enforcement or litigation action, the ongoing consultation process is expected to (eventually) cover these activities and that would be expected to weigh heavily in the unlikely event of a court review. To the extent that federal funding supports state agency sampling operations, the Section 7 process is expected to protect those agency activities. An additional review of state-authorized fishing and state-funded agency operations is being conducted between PRD and the ASMFC.

Categories of Management Measures for BiOps. The representatives from PRD informed the Committee that a main purpose in their speaking to the Committee was to get feedback on candidate management measures that could be included in the Biological Opinions which precede issuance of the incidental take statements. None of these are binding and would be refined in a management response to the BiOps. It was pointed out that for federal fisheries, both otter trawls and sink gillnets encounter roughly the same number of Atlantic sturgeon, per year (a little over 1,500 fish, on average). However, gillnets are estimated to have a 20-27% mortality rate compared to 5% for otter trawls. Therefore, the candidate management measures discussed at the meeting mostly applied to gillnet operations:

- *Limiting Soak Time or Requiring Net Tending*
- *Reduced mesh size*
- *Increased twine size*
- *Effort controls*
- *Incentive Areas*
  - *Closed to gillnets but open to trawls*
- *Resuscitation of sturgeon*
- *Seasonal Area Closures or Restrictions*
  - *Known sturgeon aggregation areas*
- *Gear Modification*
  - *e.g., Monkfish low-rider net*

Comments from the Committee on this list of measures included questions about the availability of data on gear characteristics in the existing observer data and the potential for using information from current or future gear modification studies. The PRD personnel were receptive to using either source of information and expect that the Biological Opinions will be flexible enough to accommodate deliberative development of appropriate measures. There was discussion of a current project that has explored modifications to monkfish gillnets and it and other alternative gear configurations were supported as an alternative over complete closure of areas with historic Atlantic sturgeon bycatch.

Operational Strategy for Reducing Atlantic Sturgeon Takes. Section 7 consultations are typically conducted on an FMP by FMP basis, since that is the level at which fishing activities are authorized. However, because the attribution of sturgeon mortalities to FMPs is analytically problematic (See caveats in NEFSC 2011), another approach could be to develop an omnibus action to amend the Council's FMPs in a way that would seek to develop gear-specific management measures to be applied across fisheries and would be more effective and efficient in achieving the needed mortality reductions. Precisely what mortality reductions will be required will be known when the BiOps are issued. Advantages of an omnibus approach include the administrative efficiency of a single supporting document instead potentially several FMP amendments.

Advantages:

- Ability to refine/improve attribution of sturgeon mortality to specific fishing activities rather than accepting circumspect estimates of FMP-specific mortality that have been provided
- Re-initiation of Section 7 consultation once omnibus action is approved (sets the stage for non-jeopardy finding across FMPs)
- Efficiency associated with a single document vs. potentially several FMP amendments (this include more efficient use of Council, and NMFS staff resources)
- Improved coordination among affected entities within a single action

Dis-advantages (outcomes to avoid during omnibus development):

- Perception – that an omnibus approach would unfairly restrict some fishery operations and shunt needed mortality reductions away from primary sources of problem – either by area or fishery
- Perception – that a greater mortality reduction than necessary would be needed if done separately

Committee discussion supported this approach but the Committee did not officially endorse it, instead deciding to extend the discussion to the April Council meeting.

Advisory Panel for Atlantic Sturgeon. The Committee is anticipating the formation of an Advisory Panel (AP) to support development of an appropriate management response. *It was decided that drawing from the APs of affected fisheries could occur after the April Council meeting at which an overhaul of the Councils various APs is scheduled to occur.*

The meeting adjourned at approximately 4 PM.