



# Atlantic States Marine Fisheries Commission

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## MEMORANDUM

October 10, 2017

**To: Atlantic Sturgeon Management Board**  
**From: Max Appelman, Fishery Management Plan Coordinator**  
**RE: Status of Incidental Take Permits for Atlantic Sturgeon by State**

In 2012, Atlantic sturgeon was listed under the Endangered Species Act (ESA); the Gulf of Maine Distinct Population Segment (DPS) was listed as threatened, and the New York Bight, Chesapeake Bay, Carolina and South Atlantic DPSs as endangered. Individuals or fisheries planning to conduct an otherwise lawful activity resulting in the “take” (i.e., harass, harm, pursue, wound, kill, trap, capture, collect, etc.) of Atlantic sturgeon, whether or not deliberate, must possess a permit to perform that activity ([nmfs.noaa.gov](http://nmfs.noaa.gov)). Specifically, Section 10(a)(1)(B) of the ESA allows NOAA Fisheries to issue Incidental Take Permits (ITPs) to non-Federal commercial fisheries for the incidental take of Atlantic sturgeon. These permits also help to both improve monitoring of and reduce the amount of Atlantic sturgeon bycatch in commercial fisheries along the Atlantic coast.

As requested, states were surveyed for the status of Section 10(a)(1)(B) ITPs, including what gear types or fisheries the ITPs apply to and the rationale for the current status of the permit. Survey results are summarized in Table 1 and key points are described below:

- Gill net, otter trawl, and commercial shad fisheries are the primary gear types and fisheries identified in ITPs received, pending or being developed for Atlantic sturgeon.
- ITPs are being developed for multiple ESA-listed species which has prolonged development.
- Insufficient data or resources has limited some states ability to effectively develop an ITP for Atlantic sturgeon.
- Several ITPs received, pending and being developed, include implementation of data collection programs to improve understanding of Atlantic sturgeon distributions and bycatch, and to reduce interactions.
- Some states are not pursuing an ITP because they have had few (or zero) documented interactions with Atlantic sturgeon in its commercial fisheries in state waters or have implemented regulations in its fisheries that minimize interactions with Atlantic sturgeon (e.g., closed areas/seasons and gear restrictions).

M17-104

**Table 1. Status of Endangered Species Act Section 10(a)(1)(B) Incidental Take Permits for Atlantic sturgeon, by state.** Source: Atlantic Sturgeon Board Administrative Commissioners and members of the Atlantic Sturgeon Technical Committee.

State	Received, Pending, Developing	Gear/Fishery	Status Rationale
ME	N/A	N/A	Little to no interaction with Atlantic sturgeon in state fisheries.
NH	N/A	N/A	One fishery interaction with Atlantic sturgeon since 1980s.
MA	N/A	N/A	No problems with Atlantic sturgeon bycatch in state water fisheries.
RI	Developing	Trawl, Gill Net	Joint ITP for sturgeon, sea turtles and whales. Analysis regarding spatio-temporal sturgeon distribution and bycatch estimates are being explored.
CT	N/A	N/A	Atlantic sturgeon interactions reduced via implementation of gear restricted areas for otter trawls and sink gill net fisheries.
NY	Developing	Trawl, Gill Net	Provided funding to expand observer coverage through NOAA and NEFOP for state-only permit holders to improve bycatch data.
NJ	Developing		
PA	N/A	N/A	No interactions with Atlantic sturgeon in state water fisheries.
DE	Developing	Gill Net	Draft Atlantic sturgeon ITP is undergoing internal review.
MD	N/A	Gill Net, Pound Net, Fyke, Pots	Working on a conservation plan for various fisheries, but have insufficient data and resources to complete an ITP application in the near-term.
DC	N/A	N/A	No Atlantic sturgeon sightings in DC waters in over 30 years.
PRFC	N/A	N/A	
VA	Pending	Gill Net	Joint ITP for Atlantic sturgeon and sea turtles and including the implementation of an observer program to improve Atlantic sturgeon bycatch estimates.
NC	Received	Anchored Gill Net	10-year permit expiring July 2024.
SC	Pending	Shad Fishery	Application includes bycatch data demonstrating that changes in the shad fishery have reduced sturgeon bycatch.
GA	Received	Shad Fishery	
FL	N/A	N/A	

## Atlantic Sturgeon

Activity level: Low

Committee Overlap Score: Medium (SAS overlaps with BERP, Atlantic striped bass)

### Committee Task List

- TC – October 1<sup>st</sup>: Annual compliance reports

**TC Members:** Ian Park (DE, TC Chair), Lisa Bonacci (NY), Heather Corbett (NJ), Ellen Cosby (PRFC), Dewayne Fox (DSU), Greg Garman (VCU), Jeanne-Marie Havrylkoff (FL), Amanda Higgs (NY), Eric Hilton (VIMS), Chris Kalinowsky (GA), Wilson Laney (USFWS), Christine Lipsky (NMFS), Michael Loeffler (NC), Luke Lyon (DCMF), Elizabeth Miller (SC), Steve Minkinen (USFWS), Marta Nammack (NMFS), Bill Post (SC), Ray Rhodes (College of Charleston), Brian Richardson (MD), Tom Savoy (CT), Eric Schneider (RI), David Secor (UMCES), Chuck Stence (MD), Gail Wipfelhauser (ME), Kristen Anstead (ASMFC), Max Appelman (ASMFC), Katie Drew (ASMFC)

**SAS Members:** Laura Lee (NC, SAS Chair), Michael Celestino (NJ), Kiersten Curti (NEFSC), Jared Flowers (NC), Dewayne Fox (DSU), Edward Hale (DE), Amanda Higgs (NY), David Kazyak (USGS), Michael Loeffler (NC), Bill Post (SC), Eric Schneider (RI), David Secor (UMCES), Kristen Anstead (ASMFC), Max Appelman (ASMFC), Katie Drew (ASMFC)