



# ATLANTIC STURGEON

## ENDANGERED SPECIES

By Russ Allen, Supervising Fisheries Biologist

### **HAVE YOU EVER...**


watched an Atlantic sturgeon  
spiral out of the water?

### **PERHAPS...**

you discovered one washed up  
on a beach...

### **OR MAYBE...**

you are among those who have  
never seen — or even heard of —  
these ancient aquatic creatures.



*Fisheries biologist Russ Allen releases  
a tagged juvenile sturgeon during the  
New Jersey Division of Fish and Wildlife's  
Delaware Bay Tagging Program.*

This prehistoric fish has now been officially listed as an endangered species. What follows is a brief overview on the new federal Endangered Species Act regulations for Atlantic sturgeon (also potentially river herring and American eel in 2013) and how New Jersey Division of Fish and Wildlife will manage these species while in state waters. Our agency is also initiating a recreational outreach program to better educate anglers about potential interactions with endangered species and also how to maintain compliance with Endangered Species Act provisions. ■

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### Atlantic Sturgeon and the Endangered Species Act

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Effective April 6, 2012, the National Marine Fisheries Service listed Atlantic sturgeon as endangered within most of its range, including the New York Bight which incorporates New Jersey State waters as well as all adjacent federal waters. For the Atlantic sturgeon listing, the New York Bight includes both the Hudson and Delaware watersheds.

The Endangered Species Act prohibits all "takes" (meaning to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect or an attempt to engage in any such conduct) of Atlantic sturgeon without proper federal permitting. Notice this broad definition of "take."

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Although one usually thinks of the Endangered Species Act more severely affecting commercial fisheries — which it does in this case — recreational anglers must also heed this listing.

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Immediately upon listing the Atlantic sturgeon, our agency began working with the National Marine Fisheries Service and the U. S. Fish and Wildlife Service to develop a formal *biological opinion* to preserve the functioning of our federally funded research programs (including key striped bass research) that might otherwise be adversely affected by listing sturgeon as endangered. This will allow New Jersey to have a specific number of takes of Atlantic sturgeon and sea turtles through December 2017 since our research surveys are addressed in the biological opinion.

The next priority was to develop a *habitat conservation plan* to cover recreational and commercial fishing activities in state waters. The plan includes information on New Jersey's fisheries and documents known information regarding interactions of endangered species. In addition, the plan describes methods for monitoring these fisheries and developing mitigation options for the future. Fish and Wildlife is close to finalizing our habitat conservation plan and will continue

to work with the National Marine Fisheries Service to determine specific take numbers for the affected fisheries.

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### Recreational Fisheries

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Some may think that the recreational fishing community would not be concerned about sturgeon or their endangered status. However, the recent listing of Atlantic sturgeon makes it illegal to take *any* Atlantic sturgeon without having the proper take permits from the National Marine Fisheries Service. This means New Jersey must have a habitat conservation plan in place to ensure that any takes of Atlantic sturgeon are properly recorded and summarized for reporting purposes. Fish and Wildlife is currently working with the National Marine Fisheries Service to finalize our habitat conservation plan. Recreational outreach and reporting will likely be important elements of the habitat conservation plan.

Although the majority of recreational takes are in the form of a disturbance (a boat traveling across a sturgeon's path or an incidental catch while striper fishing), some incidents may be lethal such as when a propeller delivers a severe strike or when there is a gut-hooked fish. There are major differences in the type of take and how they are handled by the National Marine Fisheries Service during this permitting process. Obviously, lethal takes may require changes to regulations in a quick and responsive manner.

As of this writing, river herring (alewife and blueback herring) and American eel were also being considered for listing under the Endangered Species Act. These additional listings could bring a new dimension to how Fish and Wildlife deals with endangered or threatened species, especially when this could impact our important fisheries.

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Our agency will continue to update anglers, as well as the general public, and to work within the framework of the Endangered Species Act to minimize impacts to New Jersey's angling community.

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## Implications and Outreach

So what does this mean to the average angler? Probably not much but the implications could be widespread should New Jersey be found out-of-compliance with the provisions of the Endangered Species Act.

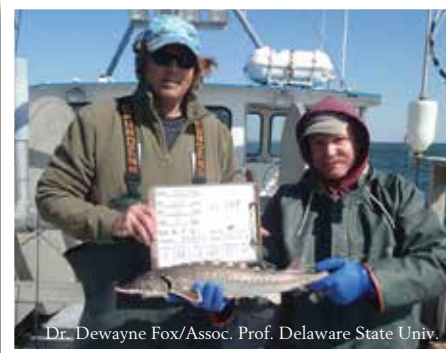
For instance, striped bass anglers using clam during the spring run unfortunately catch a few sturgeon in Delaware Bay as they move to their spawning grounds in the Delaware River. Since the Delaware stock is at an extremely low level, any sturgeon mortality is considered as a critical detriment to the survival of the stock.

We are still in consultation with the National Marine Fisheries Service to finalize our habitat conservation plan and determine the number of Atlantic sturgeon takes allowed for the recreational fishery. If New Jersey is allowed a low


number of takes and we exceed that allowance, immediately we must be in consultation with the National Marine Fisheries Service. They may consider, for example, restrictions on using clam as bait or a requirement for circle hooks be discussed as potential future strategies to help mitigate sturgeon takes, if needed. However, no such restrictions would take place without angler input.

While this example of one type of impact and a hypothetical subsequent management action is somewhat exaggerated just to illustrate the process, the results are nonetheless possible.

Let this information serve as Fish and Wildlife's kickoff to a new outreach program for anglers to report interactions with Atlantic sturgeon. Whether the sturgeon is sighted, caught or washed up on a beach, our fisheries biologists want to know.



Commercial fishermen Captain Kevin Wark, left, and Mike Lohr show a juvenile sturgeon captured during a Cooperative Research Project.

A new, quick reporting link on our website (NJFishandWildlife.com) allows anglers and non-anglers to keep us informed of American sturgeon takes. Or notify us by calling our office at (609) 748-2020 during normal business hours, especially if a sturgeon has washed up from either an accidental or natural death. This crucial data is essential as we move forward under the provisions of the federal Endangered Species Act. In advance, thank you for your assistance by working together to enhance the angler experience. 

For additional information on Atlantic sturgeon, please visit [www.state.nj.us/dep/fgw/pdf/2005/digmar16-27.pdf](http://www.state.nj.us/dep/fgw/pdf/2005/digmar16-27.pdf)

**Captain Kevin Wark displays a large Atlantic sturgeon captured in the Atlantic Ocean for research.**

