

A man wearing a blue jacket, a cap, and sunglasses is holding a large Atlantic sturgeon. The fish is silver with a dark dorsal fin and a long, pointed snout. The background shows a body of water under a blue sky.

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. ■

Atlantic Sturgeon and the Endangered Species Act

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."

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.

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.

Recreational Fisheries

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.

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.

Motor Boat Registration and Title Requirements

NJ Motor Vehicle Commission (MVC)

Registration

Most boats must be registered to operate on New Jersey waterways.

- All titled boats must be registered also.
- **Any boat (including jet skis and non-titled watercraft), mechanically propelled (incl. electric motors), regardless of length, must be registered.**
- Boats greater than 12 feet in length, regardless of propulsion means, must be titled and registered at an MVC office.

Boats and marine equipment which **need not be** registered:

- Those not based in New Jersey or operating here less than 180 consecutive days that are operating under a federally approved numbering system from another state
- Ship's lifeboats
- Non-motorized vessels used exclusively on small lakes and ponds on private property
- Racing vessels with New Jersey State Marine Police permit
- Non-motorized inflatable device, surfboard, racing shell, dinghy, canoe or kayak
- Non-motorized vessel less than 12 feet in length

Title

For use on New Jersey waterways, all boats more than 12 feet in length must be titled, with the exception of ship's lifeboat, canoe, kayak, inflatable, surfboard, rowing scull, racing shell, tender/dinghy used for direct transportation between a vessel and shore for no other purposes.

Boat Operator License (MVC)

An operator license is required to operate power vessels on fresh, non-tidal waters such as lakes, creeks and rivers. (Minimum age 16 years; with certain exceptions.)

For More Information:

New Jersey Motor Vehicle Commission
(888) 486-3339 toll free in NJ or
(609) 292-6500 from out-of-state
www.nj.gov/mvc/

Boat Safety Certificate (NJSP)

A boat safety certificate (from an **approved** boat safety course; see NJSP Web site, below) is required to operate a personal watercraft or power vessel, including electric motors, in NJ waters (tidal and non-tidal).

New Jersey State Police (NJSP)

(609) 882-2000
www.njsp.org/maritime

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

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

