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May 7, 2018

Andrew Herndon
NMFS Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701

Dear Mr. Herndon,

The North Carolina Fisheries Association (NCFA) would like to take this opportunity to submit comments and information relevant to the 5-year review of the listing for the Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*) as endangered under the Endangered Species Act (ESA) in the Carolina Distinct Population Segment (DPS). The NCFA was adamantly opposed to the initial listing in 2012 and continues to oppose the listing in 2018. We would also like to reiterate the fact that the North Carolina Division of Marine Fisheries (NCDMF) addressed their opposition to the initial listing of two Atlantic sturgeon DPSs in a letter to the National Marine Fisheries Service (NMFS) dated December 17, 2010. In concurrence with the NCDMF, the NCFA believes that conservation measures enacted by the state of North Carolina in 1991 and the Atlantic States Marine Fisheries Commission (ASMFC) in 1998 through a fishing moratorium prior to the listing of Atlantic sturgeon as endangered were sufficient to recover the stock.

The NCFA would like to emphasize the socioeconomic hardships to the commercial industry as created by this listing have been devastating to the estuarine gill net fisheries in North Carolina, particularly in the Albemarle Sound. Closures due to Atlantic sturgeon interactions have accounted for 230 full days of lost fishing time during critical periods within two management units (A and C). Additionally, fishermen have been forced to avoid traditional fishing grounds that were identified as “hot spots” for Atlantic sturgeon activity due to partial area closures. This forced fishermen into smaller areas in a sacrificial effort by the fishermen to promote continued use of gill nets in the estuarine waters of North Carolina. Through the parameters set forth by Incidental Take Permit (ITP) No. 18102 for Atlantic sturgeon, the number of allowed sturgeon takes are unrealistic in terms of sustainability of the fisherman and the associated fisheries. Over the past five years, investment into the industry has been minimal and revenues from estuarine gill net fisheries have dwindled because of the inability to predict elongated participation due to the endangered listing of the species. The recruitment of young fishermen has suffered and the heritage of the industry has quickly faded.

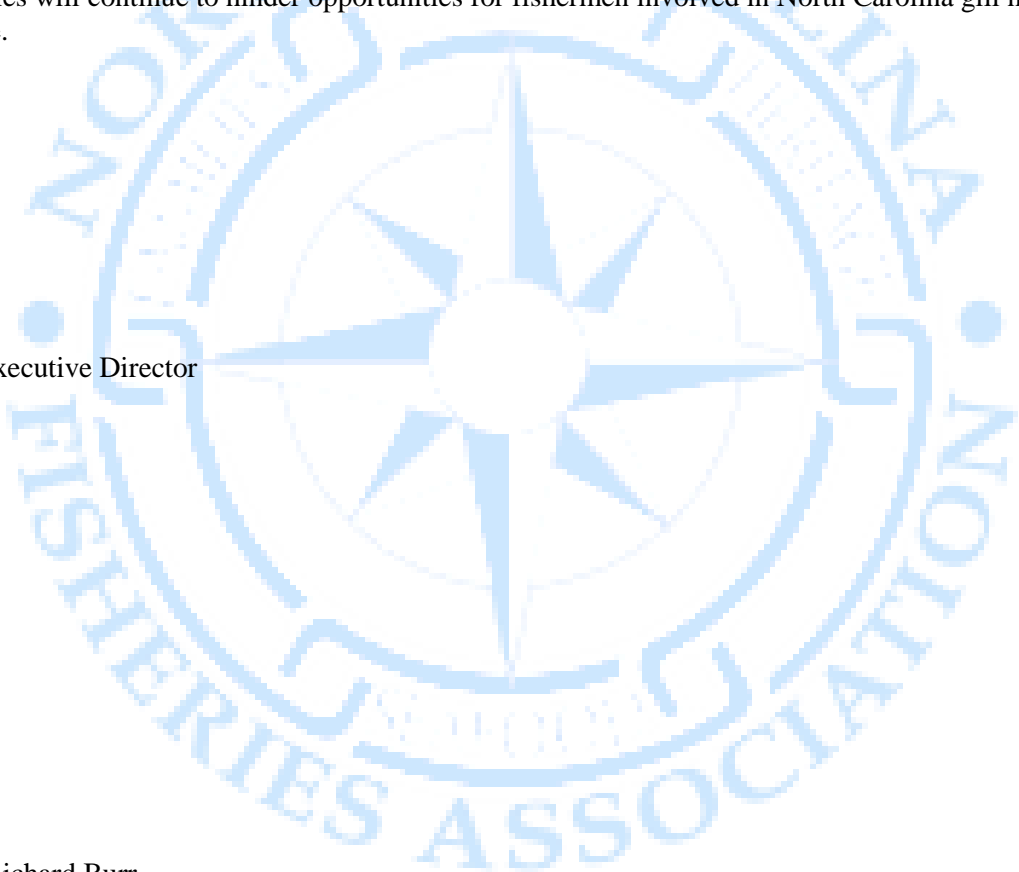
The continued endangered listing of Atlantic sturgeon will lengthen the burden on fishermen as the population continues to trend in a positive direction if forced to operate under the same parameters of ITP No. 18102 until it expires on July 17, 2024. Indications in data from the NCDMF Albemarle Sound Independent Gill Net Survey show that the likelihood of interactions will rise with each year that passes thus creating further uncertainty in the industry. Catch per unit effort (CPUE) of Atlantic sturgeon has steadily risen in the survey over the 25-year time series from 1991 to 2016 with a peak catch in 2013, one year prior to when ITP restrictions were implemented. Keep in mind that the state of North Carolina implemented a moratorium on Atlantic sturgeon harvest in 1991 and fisherman interacted with these species using gill nets over that same 25-year time series.

It is our understanding that by Atlantic sturgeon being listed as endangered under the ESA, it deteriorates the ability of the scientific community to conduct directed research on the species. We feel that this method of approach is counterproductive to the genuine purpose of fisheries management and research. Greater understanding of the status of each DPS and the overall coastwide stock through better data collection should be the ultimate goal. With low mortality rates in the North Carolina gill net fisheries, it would have been more reasonable to promote a collaborative effort to gather critical data on Atlantic sturgeon using the fisheries observer program put into place by compliance with ITP No. 16230 for Sea Turtles. With the current restrictions on gill nets more stringent than they have ever been and mortality estimates reasonably low, gill net interactions with Atlantic sturgeon have a minimal impact on the recovery of the overall stock.

The NCFA encourages the NMFS to thoroughly review all new data provided by the 2017 ASMFC Atlantic Sturgeon Benchmark Stock Assessment and Peer Review Report. According to the report, the Review Panel accepted the suite of analyses presented in the 2017 assessment report as a body of evidence supporting a stable to slowly increasing population of Atlantic sturgeon. However, we are concerned that efforts to assess the stock were hampered by lack of data, which could possibly indicate higher abundance. Again, we encourage better data collection and research due to the fact that this species will continue to hinder opportunities for fishermen involved in North Carolina gill net fisheries in the foreseeable future.

Sincerely,

Glenn Skinner, Executive Director



cc: Senator Richard Burr
Senator Thom Tillis
Representative Walter B. Jones
Secretary Wilbur Ross, U.S. Department of Commerce
Governor Roy Cooper
Secretary Michael Regan, N.C. Department of Environmental Quality
Director Stephen Murphey, N.C. Division of Marine Fisheries
N.C. Marine Fisheries Commission