



MARK WILLIAMS  
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Mr. David Bernhart  
Assistant Regional Administrator  
Protected Resources  
NMFS, Southeast Regional Office  
263 13<sup>th</sup> Avenue South  
St. Petersburg, FL33701

Dear Mr. Bernhart:

Thank you for the opportunity to comment on the proposed endangered and threatened listing of Atlantic sturgeon under the Endangered Species Act (ESA). The Georgia Department of Natural Resources, Wildlife Resources Division and Coastal Resources Division, along with regional partners, has worked for many years to conduct biological assessments, disseminate information, and coordinate with organizations such as the Atlantic States Marine Fisheries Commission (ASMFC) in the conservation of Atlantic sturgeon. Indeed, much of the information pertaining to Atlantic sturgeon within the South Atlantic Distinct Population Segment (DPS) has been generated through these efforts. Conservation efforts, including the current harvest moratorium, are having positive results and an ESA listing of Atlantic Sturgeon is not warranted at this time. As Georgia is located within the boundaries of the South Atlantic (DPS) as defined in the proposal, the following comments pertain primarily to the South Atlantic DPS.

Comment 1. Population Abundance: The proposal does not include the most recent abundance data for populations within the South Atlantic DPS; thus current trends in population may not be accurately reflected. For example, the proposal states that, "Trammel net surveys, as well as independent monitoring of incidental take in the American shad fishery, suggest that the Altamaha population is neither increasing nor decreasing." This is not the case according to the most recent published and unpublished information. As stated in Peterson (2008), "The results of this study suggest that after nearly a decade of protection, the Altamaha River population of Atlantic sturgeon appears to be recovering, although the absence of adults older than age 17 suggests that the effects of over-fishing during the last half of the 20<sup>th</sup> century are still evident." According to Georgia's Atlantic sturgeon 2008 and 2009 Compliance Report to ASMFC, the 2009 abundance estimate of age-1 Atlantic sturgeon in the Altamaha River was nearly two times more than that of any year from 2004-2008. Moreover, recent efforts indicate that the 2010 abundance estimate of age-1 fish is more than five times higher than estimates from 2004-2008 (Doug Peterson, personal communication). In addition to the Altamaha system, other river populations appear to be increasing based on unpublished studies and observations by state researchers and the public. As documented in Georgia's most recent Atlantic sturgeon

Compliance Report to ASMFC, University of Georgia researchers collected more than 200 Atlantic sturgeon in the Satilla River in less than two years of sampling. This research also revealed the presence of juvenile fish measuring less than 50 cm, indicating that this is likely a self-sustaining, spawning population.

The 2007 Atlantic Sturgeon Status Review Team found the South Atlantic DPS had a moderate risk (<50% chance) of becoming endangered in the next 20 years. However, they did not provide a listing recommendation for the South Atlantic DPS as available science was insufficient to allow a full assessment of these populations. The 2007 status review committee, comprised of multiple federal agencies and assisted by numerous state agencies, could not find sufficient evidence to warrant listing of Atlantic sturgeon. Since that time, additional information has been published and/or made available indicating a potential increase in the only well-studied population (Altamaha) within the South Atlantic DPS. Additionally, the Satilla River has been found to contain a substantial number of fish, where few to none were thought to exist in the recent past.

Comment 2. The Threat of Bycatch: This document states at numerous points that bycatch in other fisheries is a significant threat to Atlantic Sturgeon. The document states, “However, bycatch is occurring throughout the range of the Carolina and South Atlantic DPSs of Atlantic sturgeon, and the bycatch mortality associated with the dominant fishing gear in the Southeast is relatively high.” Although offshore sink nets are used in northern DPSs, these fisheries do not exist in the South Atlantic DPS. Sink nets, also known as anchored gill nets, are used in the American shad fisheries in riverine areas of the South Atlantic DPS. However, in a recent three-year study of this fishery in the Altamaha system, few Atlantic sturgeon were encountered. As stated in Georgia’s Atlantic Sturgeon Compliance Report, less than 10 fish per year were estimated to be captured in the Altamaha River anchored gill net fishery during the three-year study. Additionally, all the fish captured during this study were juveniles and no injuries or mortalities were documented. The reason for low catch rates in this fishery is because the season for gillnetting shad occurs while adult Atlantic sturgeon are at sea and most juvenile fish are located in the extreme lower parts of the estuary. Thus, fishing activity is spatially separated from the Atlantic sturgeon population.

This document makes many references to the bycatch assessments in Stein *et al.* (2004), which primarily focused on northern, offshore fisheries that are very different from those within the South Atlantic DPS. They differ in types of gear, method of fishing, location of fishery, and time of fishery. Although some degree of offshore mixing of fish from different DPSs does occur, it is less likely that fish from the South Atlantic DPS, and more likely that fish from more northern DPSs, frequently inhabit areas where the majority of the fishing described in Stein *et al.* (2004) takes place. Therefore, when determining the risk of bycatch, this proposal should use the most recent bycatch information available from the South Atlantic DPS, which has been reported in ASMFC compliance reports and is more relevant to this DPS. The document also states, “The SRT concluded that bycatch presents a moderate threat to the Carolina DPS, while the threat of bycatch to the South Atlantic DPS was characterized as moderately low in each of the populations, with the exception of the Altamaha, where bycatch was deemed to pose a moderate

threat.” Recent action by the Board of Natural Resources has prohibited the use of gill nets for shad fishing in a large portion of the Altamaha River system. In light of this information, it is our opinion that bycatch in the South Atlantic is not a major risk to Atlantic sturgeon in the South Atlantic DPS.

Comment 3. Significant Extent of Range: By ESA definition, in order to list as endangered or threatened the condition must exist in “all or a significant portion of its range.” As stated above, the Altamaha River is considered to have a relatively large and increasing population. This system alone contains over 14,000 square miles of river drainage of the approximately 39,000 square miles of combined river drainage area contained within the South Atlantic DPS. Although population abundance estimates have not been generated in other systems, certain rivers appear to contain significant populations and other populations appear to have, at a minimum, persistent populations of Atlantic sturgeon, as indicated by the recent catch of fish from the Satilla River (Doug Peterson, personal communication). Therefore, it is our opinion that the population is neither threatened nor endangered within a significant portion of the South Atlantic DPS.

In conclusion, the Georgia Department of Natural Resources does not support the proposed listing of Atlantic sturgeon at this time. We do agree that the species should continue to be protected from harvest throughout its range. Thank you for the opportunity to provide comments, and we look forward to working collaboratively with NMFS and other federal agencies in the conservation of Atlantic sturgeon.

Sincerely,



Dan Forster  
Director, Wildlife Resources

Sincerely,



A.G. “Spud” Woodward  
Director, Coastal Resources

DF:lc

cc: Mark Williams, Commissioner  
John Biagi, Fisheries Chief, WRD  
Pat Geer, Fisheries Chief, CRD