

Response to inquiries surrounding the ESA listing of sturgeon possibly effecting commercial fishing operations in specific locations -

DNR Response: Areas identified as critical habitat are not sanctuaries.

As part of the ESA, the listing agency (NMFS) is required to identify critical habitat for the listed species. Potomac and Susquehanna rivers were identified for Atlantic sturgeon. DNR proposed adding a section of the Nanticoke River. This designation only affects actions with a federal nexus (USACE dredging permits, marine construction etc.). This does not impact commercial or recreational fishing regulations.

This language is from the NMFS announcement for the Atlantic sturgeon critical habitat designation:

*"Critical habitat does not create preserves or refuges. Instead, when a federal agency is carrying out funding or authorizing an activity that may affect the critical habitat, the federal agency works with NOAA Fisheries to avoid or minimize potential impacts to the species' habitat. The activity of the federal agency may need to be modified to avoid destroying or adversely modifying the critical habitat.*

*The proposed designation of critical habitat does not include any new restrictions or management measures for recreational or commercial fishing operations."*