

**MISSISSIPPI INTERSTATE COOPERATIVE RESOURCE ASSOCIATION  
EXECUTIVE BOARD MEETING**

**July 29-30, 2009**

**La Crosse Fish Health Center / Fishery Resources Office  
Onalaska, WI**

**Decisions and Action Items**

1. Minutes of the January 2009 MICRA Executive Board were approved.
2. O'Bara agreed to continue serving as MICRA Chairman until Chairman-Elect Reed is back to work and able to assume the responsibilities of Chairman.
3. The Executive Board decided to close the MICRA bank accounts in the Quad Cities and terminate services with Masterson accounting.
4. O'Bara will contact Masterson accounting to inform him of the Executive Board's decision to transfer MICRA's bank accounts and book keeping to Marion, request a final report for MICRA's accountants, and request the accountant provide MICRA's records to Conover on a date to be specified after the Executive Board meeting.
5. Conover will verify that he has access to view the new bank account on-line. If so, he will monitor the account to verify that the balance in the Quad Cities accounts are received in the Marion account.
6. Conover will develop a new MOU with Jerry Rasmussen to continue the current arrangement for preparation of *River Crossings* through 2010.
7. The Executive Board decided to have the Coordinator prepare briefing books for future Executive Board meetings:
  - MICRA Executive Board members will provide the Coordinator with written sub-basin and committee reports at least 2 weeks prior to meetings.
  - The Coordinator will e-mail briefing books to Executive Board members at least one week prior to meetings.
  - Executive Board members will be responsible for printing and bringing their own briefing book materials to meetings.
  - Briefing books will be posted on the MICRA website following meetings.
8. The Executive Board agreed to send a letter to the Fish Chiefs, with copies of all supporting documents, that recommends, based on the inconclusive results of the study, that all states which currently allow commercial fishing of shovelnose sturgeon within the sympatric range of the pallid sturgeon implement procedures to close commercial sturgeon fisheries as it seems apparent that this is the only way to eliminate harvest of pallid sturgeon and their hybrids. The Executive Board recommends, at a minimum, the timely implementation of the management strategies developed by the Sturgeon Working Group by any of the four states that decides not to close the commercial shovelnose sturgeon fishery within the sympatric

range. The states should also make a concurrent commitment to increased law enforcement and research to refine criteria for field identification of shovelnose sturgeon. The letter should also include language that addresses the following opinions of the Executive Board:

- Biologists encountered considerable variation in morphometric characters when collecting data from sturgeon carcasses in a laboratory environment. Executive Board members agree that phenotypic differentiation of shovelnose sturgeon will be very difficult to accomplish in the field environment.
  - Executive Board members agree that any commercial fishery for shovelnose sturgeon, regardless of the management strategies employed or the amount of law enforcement available, will likely result in some level of non-compliance as was demonstrated in this study.
  - The U.S. Fish and Wildlife Service has made known to MICRA its intent to propose a Similarity of Appearance Listing for shovelnose sturgeon. The Executive Board encourages states to take appropriate actions to keep management authority of shovelnose sturgeon with the states, rather than to cede this authority to the federal government.
  - Copies of all supporting documents and reports should be included with the letters to the Fish Chiefs. O'Bara will draft the letter.
9. The Executive Board will have a conference call with Illinois, Kentucky, Missouri, and Tennessee prior to mailing the letter to the MICRA delegates.
  10. Conover was requested to e-mail the Executive Board for approval to post the Sturgeon Working Group documents on the MICRA web site after the letter and supporting documents are delivered to the Fish Chiefs.
  11. The Executive Board decided to establish a \$1,000 "Early Professional" travel stipend to assist a biologist from a MICRA member states attend a professional/society meeting each year. Boxrucker agreed to develop a draft policy for consideration by the Executive Board. Goeckler will assist Boxrucker.
  12. The Executive Board obligated \$1,000 for the early professionals travel stipend in 2010. The funds will be used to provide travel support to the Catfish 2010 Symposium. Funding of the travel stipend for a meeting in 2011 will be discussed during the Executive Board's summer 2010 meeting.
  13. O'Bara will send a letter to the Fish Chiefs to inform them of the availability of the travel stipend for Catfish 2010. An announcement will be put in the *River Crossings* newsletter, AFS Division websites, sub-basin newsletters and web pages, and on the MICRA web site.
  14. O'Bara will organize a conference call with the AFS Rivers and Streams Technical Committees, Dave Day, and Ron Benjamin to further discuss MICRA's potential role in a Large Rivers Habitat Symposium at the AFS annual meeting in Pittsburgh, PA in 2010.
  15. Scholten will talk with Ron Nasser to find out more about the 3<sup>rd</sup> International Large Rivers Symposium and how MICRA can become involved with the Symposium.
  16. Conover will propose additional language to add to the MICRA Constitution and By-Laws to meet IRS requirements for MICRA to be considered 'an affiliate of a government entity.'

Wording will be added directly from IRS publication Rev. Proc. 95-48, 1995-2 C.B. 418, 1995-47 I.R.B 13 that addresses the distribution of MICRA's assets should the organization be dissolved. Wording will also be proposed to limit Executive Board participation to state and federal government agency personnel.

17. The Executive Board will send a letter to AFWA to inform them of the potential risk of paylakes as a vector for the spread of Aquatic Nuisance Species and the ANS Task Force's decision regarding this issue. The letter will describe the need for 1) a risk assessment of paylakes, 2) standardized state regulations to minimize risks associated with paylakes, and 3) outreach materials for paylake operators and users. Goeckler will draft the letter.
18. O'Bara will provide a response in August to the Missouri Department of Conservation's two letters inquiring about tagging requirements of hatchery-reared paddlefish as part of the basin-wide paddlefish stock assessment.
19. The Executive Board obligated an additional \$8,500 for management of the paddlefish coded-wire tag database through 2009 on the condition that the Columbia FWCO would be able to provide MICRA with a final database that contains all 2009 hatchery release and recapture data.
20. The Executive Board will notify the Paddlefish/Sturgeon Committee that the current level of funding for management of the paddlefish database will not be continued in 2010. The Committee will be asked to evaluate the objectives and successes of the 15-year study, determine current needs relative to cooperative paddlefish management at the Basin or sub-basin level, and to identify future needs and funding strategies for the coded-wire tag database.
21. The Executive Board will send a letter to the Fish Chiefs to inform them of the decisions regarding the coded-wire tag database and the basin-wide paddlefish stock assessment. Scholten will draft the letter.
22. The Executive Board agreed to send a letter to the U.S. Fish and Wildlife Service regarding the need for a standardized method for the genetic identification of shovelnose and pallid sturgeons. Scholten will draft the letter.
23. Conover will establish the URL 'MICRArivers' for the new MICRA website. MICRA will purchase multiple domain extensions for the URL (i.e., '.com', '.org', '.net', '.info', and '.us').
24. Executive Board members will review the draft travel policy provided in the briefing book for discussion at the winter meeting.
25. Conover and O'Bara will draft proposed modifications for the MICRA Constitution and By-Laws to address calendar year term dates for Executive Board and Committee Chairs, and responsibilities of the Chair-elect.
26. Conover will compile all proposed modifications to the MICRA By-Laws and provide them to the Executive Board for consideration at the winter meeting.
27. O'Bara and Schoenung will provide the Executive Board with recommendations for MICRA actions, if any, concerning the impending de-authorization of the Ohio River Ecosystem Restoration Program.

28. The Executive Board requested Conover to work with Mike Hoff to develop a draft Action Plan for the Mississippi River Basin for discussion at the winter meeting.
29. The Executive Board approved an MRBP request for Conover to develop the draft rapid response plan funded by NOAA. Conover was instructed to advise the Executive Board if he would not be able to complete the draft plan due to work load.
30. The Executive Board approved the UMRCC to nominate the next Chair-elect to the MICRA Executive Board.
31. Incoming Chairman Bobby Reed will follow-up with the Executive Board to set a time and place for the winter MICRA Executive Board meeting.

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**July 29-30, 2009**

**La Crosse Fish Health Center / Fishery Resources Office  
Onalaska, WI**

**Minutes**

**1) Call to Order (O'Bara)**

Roll Call

|                               |                 |                  |
|-------------------------------|-----------------|------------------|
| MICRA Chairperson             | Chris O'Bara    | present          |
| Chairperson Elect             | Bobby Reed      | absent           |
| Arkansas/Red River            | Jeff Boxrucker  | present          |
| LMRCC                         | Paul Rister     | Scholten present |
| MRNRC                         | Steve Adams     | absent           |
| ORFMT                         | Brian Schoenung | present          |
| Tennessee River               | Bill Reeves     | Scholten present |
| UMRCC                         | Ron Benjamin    | absent           |
| USFWS                         | Mike Weimer     | Hill present     |
| USGS                          | Michael Mac     | Delonay present  |
| ANS Committee (MRBP)          | Jason Goeckler  | present          |
| Freshwater Mussel Committee   | Don Hubbs       | absent           |
| Gamefish Committee            | Vacant          |                  |
| Paddlefish/Sturgeon Committee | George Scholten | present          |

A quorum of Executive Board members was present.

Introductions

Chris O'Bara, WV DNR  
Jason Goeckler, KS Department of Wildlife and Parks  
Tracy Hill, USFWS Columbia FWCO  
George Scholten, TN Wildlife Resources Agency  
Ryan Aylesworth, USFWS Region 3  
Lee Holt, AR Game and Fish Commission  
Aaron Delonay, USGS Columbia Environmental Resources Center  
Ron Benjamin, WI DNR  
Brian Elkington, USFWS Columbia FWCO  
Jeff Boxrucker, OK Department of Wildlife Conservation  
Greg Conover, USFWS/MICRA Coordinator  
Mike Hoff, USFWS Region 3  
Jerry Rasmussen, Natural Resources Management Associates

## **2) Chairman's Report (O'Bara)**

### Review of Agenda

O'Bara moved the Sturgeon Workgroup Report (Agenda Item #5) to Thursday morning to give members a chance to review the two reports in the briefing book. O'Bara also handed out a third document (*MICRA Sturgeon Working Group Recommendations – Attachment 1*) for Executive Board members to review prior to Thursday's discussion.

### Chairman-Elect

O'Bara reported that incoming Chairman Bobby Reed was not able to make the meeting. He is staying home with his wife who just had surgery. Reed has asked O'Bara to continue serving as Chairman until he returns to work.

### Review and Acceptance of January 2009 Meeting Minutes

Benjamin motioned that the minutes of the January 2009 MICRA Executive Board be approved. Boxrucker seconded the motion. The motion passed.

### Review of Chair Activities

O'Bara provided a written report (Attachment 2).

O'Bara reported that a criticism of MICRA that has been communicated to him is that the Executive Board does not keep the Fish Chiefs informed enough. O'Bara has sent updates to the chiefs following each meeting. His most recent update is included in the briefing book.

O'Bara reported that the AFS Northeast River and Streams Committee is interested in partnering with MICRA on a large rivers habitat symposium during the AFS Annual Meeting in Pittsburgh, PA during September 2010.

## **3) Coordinator's Report (Conover)**

The coordinator's report and budget update are provided in the briefing book.

### 2009 Member Dues

Most members that paid dues last year have paid 2009 dues. O'Bara provided further information on the following agencies:

- Iowa and West Virginia are expected to pay 2009 dues.
- Mississippi and Texas will not pay 2009 dues.
- Wyoming is working on paying 2009 dues.
- USGS-BRD is expected to pay 2009 dues.
- O'Bara did not invoice TVA or BOR.

### Book Keeping and Bank Accounts

Conover reported that he was unable to get a report from Masterson accounting prior to the Executive Board meeting, despite multiple requests. Conover has not received a monthly report or a copy of monthly bank statements from Masterson during 2009.

O'Bara reported that he has spoke with the accountant and that the problem with payments not being made has improved since the January meeting. O'Bara added that it has been difficult to work with Masterson accounting in Bettendorf, IA since the coordinator's office was moved to

Marion, IL. O'Bara requested the Executive Board's approval to close MICRA's bank accounts in the Quad Cities, to terminate services with Masterson accounting, and to relocate these services exclusively to Marion, IL.

Benjamin stated that the UMRCC always moves its accounts to the location of the organizations treasurer. Boxrucker stated that it makes the most sense to have these services located near the coordinator and that he saw no reason to not relocate.

Benjamin motioned that the MICRA bank accounts in the Quad Cities be closed, the MICRA funds be transferred to the new account in Marion, IL, and that the services with Masterson accounting be terminated. Scholten seconded the motion. The motion passed.

O'Bara will contact the accountant to inform him of MICRA's decision, request a final report for MICRA's accountants, and to ask that he provide MICRA records to Conover on a date to be specified after the Executive Board meeting.

Conover will verify that he has access to view the new bank account on-line, and if so, will monitor the account to verify that the balance from the Quad Cities accounts are received in the Marion account.

#### River Crossings

The Executive Board requested Conover develop a new MOU with Jerry Rasmussen to continue the current arrangement through 2010.

#### Ohio River Ecosystem Restoration Program

Conover provided an informational report on the program's sunset clause for de-authorization if no funds are appropriated under the authorization by the end of FY09. Conover stated that he wanted the Executive Board to be aware of the situation with this authorization as it is unlikely that such a large ecosystem restoration program for the Ohio River would be past in the future if the current program is de-authorized.

A proposal was made that MICRA could send a letter to the COE district commanders, with copies to Division and Assistant Secretary of the Army, inquiring why there have been no funds appropriated for ecosystem restoration in the Ohio River Basin. The Ohio River Basin states could include a list of shovel ready ecosystem restoration projects with the letter. The state Fish Chiefs could be requested to follow-up if MICRA does not receive a response.

Aylesworth reported that the FWS Region 3 office is identifying regional legislative priorities to discuss with the FWS Washington Congressional affairs office next week. Region 3 Fisheries ARD Mike Weimer has identified the Ohio River Ecosystem Restoration Program as a regional priority.

O'Bara requested that this issue be put in the Parking Lot until Thursday to allow him and Schoenung the opportunity to further discuss the issue and identify potential actions by MICRA that the Ohio River Basin states would support.

#### Briefing Books

The Executive Board members stated that the briefing book for the meeting was helpful and that they provide a good administrative record of MICRA's activities. The briefing books can also help when coordinators transition.

The Executive Board requested the coordinator prepare briefing books for future Executive Board meetings. A draft meeting agenda should be distributed and written Executive Board member and committee reports provided at least 30 days prior to the meeting so that electronic versions can be e-mailed at least one week prior to the meeting. Executive Board members will be responsible for printing and bringing briefing book materials to meetings. The briefing book should also be posted on the MICRA web site following the meeting.

#### **4) Review of January 2009 Action Items (Conover)**

Status of action items reported in briefing book. Most are complete; on-going items are on the agenda and will be discussed later during the meeting.

#### **5) Sturgeon Workgroup Report (O'Bara)**

In January 2007, the MICRA Executive Board was asked by the Paddlefish/Sturgeon Committee to consider petitioning the USFWS for a Similarity of Appearance Listing (SOA) for shovelnose sturgeon. In October 2008, MICRA delegates approved an approach proposed by the MICRA Sturgeon Working Group to address two fundamental issues regarding the commercial harvest of shovelnose sturgeon within the range of pallid sturgeon. This approved approach outlines a decision making process based on the results of a cooperative evaluation of the 2008-2009 commercial shovelnose sturgeon harvest in Illinois, Kentucky, and Missouri. Results of the cooperatively funded study were presented by biologists and researchers in June 2009 to the Working Group. Reports from the state biologist and researchers are included in the briefing book and have not been distributed outside of the Executive Board and Working Group. Recommendations from the Working Group were provided to Executive Board members at the meeting for review. The Executive Board was asked to consider the paddlefish/sturgeon committee's request.

The reports could be interpreted to either support or dispute the need for an SOA listing, depending on the position of the individual interpreting the results. The commercial fishers who participated in the study do not represent a random sample of commercial fishers that harvested sturgeon in the study area. In addition, the commercial fishers selected the specimens that were provided to the biologists. The results therefore are most likely a best case scenario and may not accurately represent the total harvest.

Fishermen harvested at least two fish that did not meet the IL criteria. The IL commercial fishers harvested illegal fish even knowing that 100% of fish would be looked at. Although these fishers completed the IL training and certification, they demonstrated an inability or unwillingness to correctly use the identification technique regulated in Illinois. Although the illegal fish were not determined to be pallid sturgeon, the fishers did harvest illegal fish that could have resulted in the harvest of pallid sturgeon.

There was some concern about interpretation and wording in the reports. The group considered an external review of the reports, but decided that such review is not necessary. The reports were provided to MICRA and do not represent MICRA position. The results will stand regardless of a review. Independent reviewers will focus on the technical aspects rather than sensitivity to specific wording or language by Basin states.

The Executive Board members took a look back at the decision criteria that were previously agreed to. The October 2008 document states “For the fundamental issues to be considered successfully addressed” the study finding must report that:

1. *A 100% accurate field identification technique was identified and commercial fishers demonstrated an ability and willingness to use this technique to ensure that no genotypic pallid sturgeon (i.e., LOD > 2.0) are harvested; and*
2. *Illinois certified commercial fishers, operating under Illinois’ newly implemented management approach (i.e. suite of management regulations, mandatory certification program, and field identification technique) correctly identified all genotypic pallid sturgeon and that no genotypic pallid sturgeon were harvested by Illinois certified commercial fishers.*

“For the fundamental issues to be considered not successfully addressed” the study findings must report that:

1. *Field identification techniques was not 100% accurate; or*
2. *Commercial fishers did not demonstrated an ability and willingness to use this technique to ensure that no genotypic pallid sturgeon (i.e., LOD > 2.0) are harvested; or*
3. *Illinois certified commercial fishers did not correctly identify all genotypic pallid sturgeon.*

Executive Board members did not agree on whether all criteria were met or not. The field technique was not 100% accurate at limiting the harvest to shovelnose sturgeon and commercial fishers did not demonstrate an ability and willingness to use this technique since illegal fish were harvested, however no pallid sturgeon harvested.

The Executive Board considered if the Paddlefish/Sturgeon Committee request is still relevant since the FWS has already informed MICRA that they are moving forward with a proposal for an SOA listing? It was agreed that the Fish Chiefs will want to receive a recommendation from the Executive Board and not just a summary of information.

The results demonstrate that under the best of circumstances, compliance will be an issue. If a state is not willing to except some level of non-shovelnose harvest, then the shovelnose sturgeon fishery should be closed. If a state is willing to accept some level of non-compliance, then it should implement the recommendations from MICRA as soon as possible. It would be of benefit to the states to close the shovelnose sturgeon fishery on their own and maintain management authority rather than to cede that authority to the federal government. If the FWS closes the fishery, the closure will likely be much more permanent than if the states do it on their own.

Boxrucker motioned that based on the Sturgeon Working Group’s findings, and in light of inconclusive study results, the Executive Board recommends that states close commercial shovelnose sturgeon fisheries within the range of pallid sturgeon as it seems apparent that this is the only way to eliminate harvest of pallid sturgeon and their hybrids. The Executive Board recommends, at a minimum, the timely implementation of the management strategies recommended by the Sturgeon Working Group by any of the four states that decides not to close the commercial shovelnose sturgeon fishery within the sympatric reach. The implementation of these management strategies is dependant upon a commitment to increased law enforcement and research to refine criteria for field identification of shovelnose sturgeon.

The recommendation from the Executive Board to the Fish Chiefs should also include language that addresses the following additional points:

1. Biologist encountered considerable variation in morphometric characters. It is the Executive Board's opinion that phenotypic differentiation of shovelnose sturgeon will be very difficult to accomplish in the field environment.
2. It is the Executive Boards opinion that any commercial fishery for shovelnose sturgeon, regardless of the management strategies employed or the amount of law enforcement available, will likely result in some level of non-compliance as was demonstrated in this study.
3. The U.S. Fish and Wildlife Service has made known its intent to propose a Similarity of Appearance Listing for shovelnose sturgeon and the Executive Board encourages states to take appropriate actions to keep management authority of shovelnose sturgeon with the states, rather than to cede this authority to the federal government.

The motion was seconded by Benjamin and was approved.

The recommendation should be provided in a letter to the Fish Chiefs, with copies of all supporting documents and reports. The Executive Board will schedule a conference call with Illinois, Kentucky, Missouri, and Tennessee once the letter is developed.

## **6) 2010 Catfish Symposium (O'Bara)**

The Executive Board considered a proposal from the January 2009 meeting to support a student's travel to Catfish 2010. The group agreed that there is a greater need to provide travel assistance to biologists from member states that are early in their professional careers (i.e., first 5-10 years). In general, these biologists have limited opportunities to participate in professional conference due to shrinking budgets and travel restrictions.

The group agreed that a policy and process are needed if MICRA is going to provide travel support. MICRA needs to identify some minimum criteria for applicants and guidelines for making a selection (i.e., who makes the decision and how is it made). Boxrucker was asked to draft a policy for consideration by the Executive Board. Goeckler was asked to assist.

Benjamin motioned that MICRA establish a \$1,000 annual "Early Professional" travel stipend to be awarded to one biologist from a MICRA member state each year. Schoenung seconded the motion. The motion passed.

The Executive Board agreed that during their summer meeting each year, a decision would be made regarding which meeting the travel stipend will be made available for during the next year.

Scholten motioned that the "Early Professional" travel stipend be used in 2010 for the Catfish 2010 Symposium. Benjamin seconded the motion. The motion passed.

O'Bara will send a letter to the Fish Chiefs to make them aware that MICRA will announce the "Early Professional" travel stipend for the Catfish 2010 symposium following the Winter Executive Board meeting. The travel stipend can also be announced on the MICRA website and in *River Crossings*, in sub-basin newsletters and websites, and in AFS Division newsletters.

## **7) Large Rivers Habitat Symposium (Benjamin)**

The LMRCC is planning the 3<sup>rd</sup> International Large Rivers Symposium with the Memphis District COE within a week of the 2010 AFS. The symposium will include a barge tour of habitat projects in the Memphis area. Does this affect MICRA's interest in hosting a large rivers symposium at the 2010 AFS annual meeting in Pittsburgh, PA?

The AFS Northeast Division Rivers and Streams Technical Committee has been asked to put together a symposium at 2010 AFS. The committee has approached O'Bara and asked MICRA to partner with them to host the AFS symposium. The scope of the AFS symposium would be more than habitat and include fisheries issues.

The Executive Board discussed the need for MICRA to have a presence at the 3<sup>rd</sup> International Large Rivers Symposium in Memphis, the possibility of holding an Executive Board meeting in conjunction with either of the meetings, and the likelihood that Executive Board members will not be able to attend both conferences.

Scholten will talk with Ron Nasser, LMRCC Coordinator, to find out more information on the 3<sup>rd</sup> International Large Rivers Symposium and how MICRA can be involved.

O'Bara will contact Dave Day and set up a conference call with Benjamin and other Rivers and Streams technical committees to further discuss AFS 2010 symposium.

## **8) MICRA's IRS Status (Conover)**

The UMRCC attorney's decision is that the UMRCC is a government affiliate and is exempt from filing Form 990. The decision is based on a number of factors including annual dues all paid by government agency and UMRCC not having employees. The WI Attorney General's office reviewed the decision and concurred.

The Executive Board agreed that MICRA meets the criteria outlined in the IRS publication and that based on the UMRCC experience, MICRA is exempt from filing Form 990. When AFS was requested by IRS to submit Form 990 for subunits, there was no requirement for past years.

What happens if IRS decides MICRA is not exempt? The group agreed that MICRA is making a good faith effort to follow IRS guidelines, and that the decision is reasonable based on UMRCC and AFS experiences.

Scholten motioned that the MICRA By-Laws be modified to incorporate some of the specific wording from the IRS publication, including language from section 4.03(e) referring to the distribution of assets if MICRA were dissolved. The By-Laws should also be modified so that only state and federal government agency employees are in decision making positions for MICRA. It will be necessary to address TVA, BOR, and tribes. Benjamin seconded the motion. The motion passed.

## **9) Midwest Natural Resources Group (Ryan Aylesworth)**

Two ecosystem summits were held by states during the 1980s that resulted in multiple documents. The EMP and LTRMP were products of these efforts. It sounds like the federal agencies are repeating actions that have already been completed.

MNRG has not coordinated with UMRCC. Rather than coordinate with the states, MNRG should make the states full partners in this effort. Initiating communication with MICRA was just the first attempt to work with the states.

Considerable work has been done on this already in the Upper Mississippi River Basin, but there is a larger need in the LMR and other sub-basin. The Upper Mississippi River Basin Commission dissolved during the 1970s. This may provide a good template.

There appears to be a need for senior level decision makers in these federal agencies to be informed of accomplishments and priorities from the field level. It may be more productive for the federal agencies to hear what needs are not being met in the different basins. MICRA is willing to provide MNRG with field level fisheries expertise.

MNRG is proposing to use their resources to take a lead role to bring everybody together, not necessarily take a lead role in developing policy for the Mississippi River Basin.

## **10) Great Lakes Regional Collaboration (Mike Hoff)**

How likely is that a similar plan for the Mississippi River Basin would lead to money to implement the plan? The opportunity to move money to the states may be driving the success of the Great Lakes plan. If that is the case, it is likely that other plans of national significance for other parts of the country could receive funds for implementation. Marketing of a plan is one of the more important components of a plan.

What contributed to the group's ability to develop the plan on such a short timeline? The Executive Order and other guidance established the deadline for development of the plan.

Given all the governing bodies and connectivity in the Great Lakes, is a similar plan a doable thing for the Mississippi River Basin? Yes, it may be more difficult but it is doable. Keeping the plan focused on only two or three key issues would help. It may be time to rethink ways of doing business, e.g. Mississippi River Basin Commission. The construction of the Great Lakes plan was driven by governors and commissions and the Executive Order created the interest at higher levels within states and agencies.

Was this a case of money looking for a plan? If that were the case, there may still be money looking for another plan in this era of economic recovery. There is always a risk of doing something and not having it pay off, however it doesn't take that long to develop a plan that is worth funding. Marketing and advocacy would be keys for success of receiving funding for the plan.

Were all 8 governors and congressional delegates supportive of the Great Lakes Regional Collaboration? Governors, yes; congressional delegations, some more than others. That is another reason to focus on only a couple of key issues.

There are existing plans that are not being funded, e.g., Ohio River Ecosystem Restoration Program and the Navigation and Ecosystem Sustainability Program. The National Fish Habitat Action Plan may be another example.

It is likely that successes from the Great Lakes Regional Collaboration would help create additional receptiveness to a Mississippi River Basin plan. This would be a brand new plan under this administration. There are many ways to dovetail the Mississippi River Basin with the Great Lakes. If MICRA were to consider developing a similar plan, it will be crucial to look at the end game and advocacy. The plan for marketing the plan may be more important than the plan itself.

The Executive Board tabled further discussion until new business.

### **11) Paylakes as a Vector for the Spread of ANS (Jason Goeckler)**

States have no jurisdiction once the fish cross the state lines. These commercially harvested fish are transported across the United States and interstate commerce is a federal issue.

Part of the Aquatic Nuisance Species Task Force's (ANSTF) decision was to refer the issue to AFWA for consideration. MICRA may want to send a letter to AFWA informing them of the issue, MICRA's disagreement with the ANSTF's decision, and request AFWA take a closer look at this issue.

There are issues in some states with commercially harvested fish being placed in ponds for two weeks and then being marketed as farm-raised fish.

A health certificate for all fish in interstate transport is needed.

Does any state have a regulation prohibiting commercial fishermen from transporting water? WI has a number of restrictions and requirements to try to prevent interstate transport of live fish. MN has never allowed the import of bait, and only allows harvest by licensed bait fish harvesters.

TN is aware of this issue and is concerned about impacts on the catfish fishery in addition to the ANS concerns.

There are additional actions that the MRBP could do to address this issue. The Prevention and Control Committee could develop language for standardized state regulations and the Outreach and Education Committee could generate outreach materials.

Scholten motioned for MICRA to send a letter to AFWA to inform them of the issue and to request AFWA take a closer look at this issue. Benjamin seconded the motion. The motion passed. Goeckler was requested to draft the letter for the Executive Board.

### **12) Arkansas Snakehead Update (Lee Holt)**

What if Arkansas was unsuccessful at eradicating snakeheads from the watershed? The agency's main intent was to knock them back. We didn't necessarily think the snakeheads could be eradicated, but are hopeful that they were.

One snakehead from outside the Piney Creek drainage has been collected after the eradication was completed. Biologist sampled the area and found no additional fish. The agency is hopeful this was just an isolated fish.

### **13) Gamefish Committee (O'Bara)**

O'Bara has asked a few people but has found no interest for a new Chair.

### **14) Native Freshwater Mussel Committee (Hubbs)**

A written report was provided by Hubbs. MICRA was a silver sponsor.

AR, OK, and TN have a commercial mussel fishery. TN reported that there is very little buying. This may be a good time for states to abolish commercial mussel fisheries if there is an interest to do so. IN and KS each have a moratorium on their commercial mussel fishery.

### **15) Aquatic Nuisance Species Committee / MRBP (Goeckler)**

The MRBP continues to make progress on the Triploid Grass Carp Program review. The Panel recently developed and distributed a fact sheet called '*A Review of the Regulation, Production, Triploid Certification, Shipping, and Stocking of Grass Carp*' to volunteers who have agreed to assist with the development of the Scope of Work for the review. The fact sheet is intended to clarify what the review is and is not intended to accomplish. The review committee is expected to hold their first meeting within the next couple of weeks. The review committee is comprised of the MRBP Executive Committee and volunteers from the FWS and private triploid grass carp producers.

The MRBP has submitted a project proposal to NOAA, Office of Oceanic and Atmospheric Research, Aquatic Invasive Species Program, to develop a model rapid response plan to address the introduction of an invasive fish species within the Mississippi River Basin. If NOAA funding is not realized the project will not be pursued in 2009. The Panel proposal include funding for a contractor to compile reference materials, identify useful components from existing rapid response plans, and compose a draft rapid response plan. The Panel would like to explore the possibility of the MICRA Coordinator serving as the contractor to compile the first draft of the plan if the NOAA funding is received. The proposal also includes funding for a meeting, if necessary, to assist with plan development. Once complete, the Panel will publish and distribute the model rapid response plan in electronic and hard copy format for use by member agencies.

O'Bara stated that he may have received notice from NOAA that the proposal was funded. He will follow-up with Conover following the meeting. Discussion was tabled until new business.

The Panel's next meeting will be held September 29-30 in Pittsburg, PA.

## 16) Paddlefish / Sturgeon Committee (Scholten)

Scholten reported that he has been very busy with planning for the AFS annual meeting in Nashville next month and he has been unable to make a lot of progress on committee issues. The committee had begun working on a paddlefish stocking protocol including three sections: genetics and propagation, tagging and marking, and disease screening. Scholten hopes to resume progress on this plan shortly after the AFS meeting, with a draft completed before the committee's January meeting.

Scholten said that the most immediate issue for the Executive Committee is to discuss the direction of the basin-wide paddlefish stock assessment.

O'Bara informed the Executive Board that he has received two letters from the Missouri Department of Conservation (MDC) inquiring about the paddlefish study. MDC would like something back from MICRA in August for their budgeting purposes.

Executive Committee members reported that relatively few states actively use the database. The LMRCC has a new paddlefish project starting this year and will need the database. The Ohio River Basin states used the database to develop a sub-basin management plan, but the database was not useful for estimating exploitation. Ohio Basin states use jawtags and maintain a database of Ohio River data. Jawtags cannot replace coded-wire tags for hatchery fish; Ohio River states now use elastomer tags to mark hatchery fish. Ohio Basin states are seeing 2-3% recaptures with jawtags.

The FWS has spent 23k on database management so far this year and is projected to spend over 31K by January; additional funds are necessary for them to continue with the database. Cost saving measures, such as asking states to enter data, have been implemented, but the project is labor intensive.

Is there somebody outside MICRA that would be interested in maintaining the database? There is a lot of money and effort in the MOR basin in restoration. Perhaps the COE would be willing to partner and share part of the cost. This may be something the COE would be interested in to evaluate success. COE money would probably come from integrated science program and it is doubtful the COE will not take money away from their endangered species work. Dennis Scarnechia has written management plans for ND and ID. He may also be interested in the database.

We need a strategy: Why are we doing it, etc. That will tell us if this is worth funding at some level and who are partners are. MICRA could fund at a partial level and states that use the database could be asked to pickup the rest. Moving money to FWS could be difficult for states.

Who would house the database if the project ended? Columbia could house the data.

It's clear that MICRA cannot continue to fund the database long-term. The Executive Board will send a letter to the Fish Chiefs to notify them that MICRA will not continue funding the paddlefish database at the current level after this year. Scholten was asked to draft the letter.

Discussion regarding additional funding for 2009 database management was tabled until new budget requests during new business.

Other committee discussion points:  
The new paddlefish book will be completed soon.

FWS Columbia is working on a mapping project with CITES office to assist with non-detriment finding. It would be helpful if biologists would let their Fish Chiefs know how valuable the report is to the states and that MICRA is supportive of this work.

FWS Columbia office has been in contact with DC regarding FOIA for MICRA data. There are privacy act concerns also.

There is a continued request to develop a basin-wide caviar database. If an SOA does occur, there will be considerably more pressure on paddlefish and the database will be all the more important.

MICRA may want to consider sending a letter to FWS regarding the need for a standardized method for genetic identification of sturgeon. This has been suggested by Recovery Team Leader. States need to know that anyone of the three labs would provide the same results. A letter from MICRA states supporting this may be beneficial. Scholten was asked to draft a letter.

## **17) UMRCC (Benjamin)**

The UMRCC held its 65<sup>th</sup> annual meeting in LaCrosse, WI in March.

John Sullivan (WIDNR) has been monitoring light penetration at LD 8 since 1988. On July 20th he recorded the deepest light penetration since he started this work. The estimated depth at which 1% of surface light penetrated was about 3.77 m or 12.4 ft. Light penetration was lower at LD 9 but still very high (2.9 m). The high light penetration is attributed to a combination of high SAV abundance (reduced sediment resuspension), little turbid inflows from tributaries (low flows), and zebra mussel filter feeding.

The UMRCC Vegetation ad hoc group monitored vegetation in pools 11 & 12 on July 28<sup>th</sup> & 29<sup>th</sup>. This was a true partnership effort with staff from Iowa DNR, Wisconsin DNR, Illinois DNR, The Nature Conservancy, Army Corps of Engineers and Fish & Wildlife Service participating.

ARRA money is keeping the Upper Mississippi River Basin states very busy. Due to the Environmental Management Program (EMP) several projects on the Upper Mississippi River were considered shovel ready and funded.

NESP included funding for environmental restoration in addition to navigation improvements. However, funding included restrictions for no new starts for environmental projects. The LTRMP is a continuing authorization under the EMP. The Corps would like to role LTRMP into the 10 year NESP authorization. States do not want this to happen.

Two silver carp have been documented I Pool7 and approximately 12 bighead have been documented in the WI/IA pools. Only young-of-year silver carp have been documented above LD 19.

### **18) LMRCC (Rister)**

Written report provided by Scholten stands.

### **19) MRNRC (Adams)**

No report provided.

### **20) ORFMT (Schoenung)**

The most recent ORFMT meeting was last fall. There was no spring meeting due to budget and travel restrictions.

Illinois and Kentucky have new fish chiefs, Steve Pallo and Ron Brooks respectively.

One of the largest issues for the Ohio River states has been setting uniform paddlefish harvest regulations. The regulations include a 32" minimum length limit and a November 1 – April 30 season. The regulations are nearly in place in all states, some changes are still needed in Indiana. Illinois has a suite of new regulations in place.

Hydroelectric proposals at locks and dams and multiple requests for hydrokinetics throughout the river are other large issues for Ohio River states. The UMR states have received multiple requests for hydrokinetic projects also. There may be a cumulative effects study conducted on the UMR.

Kentucky continues to study largemouth bass in embayments on the Ohio River.

Indiana is working with Purdue University on shovelnose sturgeon in the Wabash River. Indiana wants to move forward with Illinois and Purdue to develop a shovelnose sturgeon management plan for the Wabash River.

Pay lakes and catfish regulations are two issues of concern on the horizon.

A new cooperative project is the mapping of access sites on the Ohio River. Google Earth may host the information.

Ohio and West Virginia are about to the point of having the same regulations for all species except walleye. The Fisheries Technical Committee recommended several years back that no saugeye be stocked into Ohio River drainages.

### **21) Tennessee River (Reeves)**

Scholten provided a report for the Tennessee River Basin. He reported that the biggest issue is the FWS's inability to reach a non-detriment finding for paddlefish harvested from Kentucky Lake. The Tennessee Commission moved regulations back to where they were at in 2005 rather than following the regulations outlined in the management plan they had previously adopted. The FWS has told Tennessee they must have a plan to reach the regulations

recommended in the management plan for sustainable population to have the finding changed to non-detriment.

The caviar database is still a high priority need to link data from fishers and buyers throughout the basin.

## **22) Arkansas/Red River (Boxrucker)**

The submitted report stands as written.

SARP is funding a Red River/Sabine River GIS data inventory. They are encountering a problem with most fish data being old and not geo-referenced.

## **23) Proposed By-Law Changes (Conover)**

The Executive Board briefly discussed proposed changes to the By-Laws to address action item #9 from the January 2009 meeting. Additional changes were recommended for consideration including 1) a January 1 start date for the Chairman, Chairman-elect, and committee chairs to align the terms with the MICRA budget year (i.e., January 1 – December 31), and 2) responsibilities of Chairman and Chairman-elect. The group agreed that the Chairman-elect should be responsible for finding committee chairs to serve concurrent two-year terms with the Chairman. O'Bara will draft the recommended changes. Conover will compile all recommended changes and provide to the Executive Board for further consideration.

## **24) Travel Reimbursement Policy (O'Bara)**

O'Bara briefly presented the idea of a travel reimbursement policy for MICRA. He requested Executive Board members review the draft policy and discuss it further at their next meeting.

## **25) MICRA URL (Conover)**

Benjamin motioned that MICRA pursue commercial web hosting for its internet site, purchase the domain name 'MICRARivers.org' with additional extensions (i.e., '.net', '.com', '.info', and '.us'), and look to transfer the MICRA web site from the USGS server to the commercial server. Boxrucker seconded the motion. The motion was approved.

## **26) Budget Requests (O'Bara)**

The only budget request before the Executive Board is an additional \$8,500 for FWS Columbia to continue managing the paddlefish database through 2009.

Conover reported that MICRA's projected year end balance is approximately \$90,000 and recommended that the Executive Board maintain at least a \$50,000 balance from year to year to cover FWS funding for the MRBP which is often at least one year behind.

The Executive Board discussed the fact that the database is still valuable to many states. The Paddlefish/Sturgeon Committee and the states have not been informed that continued funding for the database is an issue. States that want to continue to use the database may need to fund the database or work with MICRA to find alternative funding. MICRA might consider funding some percentage of the database if it is determined to be of value and economically feasible.

The Executive Board agreed that if at all possible, MICRA should pay for all 2009 data to be included in the database. MICRA should make sure that all 2009 data will be entered and the database complete through 2009 if the additional funding is provided.

O'Bara will send a letter to the Fish Chiefs informing them that the current level of funding for management of the paddlefish database is not financially sustainable and will not be continued in 2010. In addition, the Paddlefish/Sturgeon Committee has been asked to identify future database needs and potential strategies for continued database management. The Committee has been asked to evaluate the objectives of the basin-wide stock assessment and to identify current interjurisdictional issues the committee should address.

Benjamin motioned that MICRA conditionally approve the additional \$8,500 for database management, pending confirmation that FWS Columbia will provide MICRA with a complete 2009 data set. Schoenung seconded the motion. The motion was approved.

## **27) Other New Business**

### Ohio River Ecosystem Restoration Program

Schoenung and O'Bara will discuss the Ohio River Ecosystem Restoration Program further after the meeting and will get back to the Executive Board if help is desired.

The Nature Conservancy is working at the Washington level to prevent the authorization from being de-authorized and will provide assistance if requested.

### Mississippi River Basin Action Plan

The Executive Board discussed the idea of an Action Plan similar to the Great Lakes Regional Collaboration presented earlier by Mike Hoff. The group agreed that this is a good idea and should be pursued. Conover was asked to work with Hoff to develop a draft Action Plan for review and further consideration during the winter Executive Board meeting.

A number of different resources should be considered when the draft is developed:

- UMRCC Strategic Plan (final revisions will be completed by March)
- Alaska fishery management plan
- SARP may have a completed Tennessee/Cumberland plan
- Big river habitat analysis

### MRBP Rapid Response Plan

Conover was asked if he would be able to work on both the draft Mississippi River Basin Action Plan and the MRBP Rapid Response Plan. Conover was willing to work on both projects but said that he may not be able to make much progress on development of a new MICRA web site. He was requested to begin working on both documents, but to advise the Executive Board if it becomes too much of a workload.

## SOA

Conover was requested to e-mail the Executive Board for approval to post the Sturgeon Working Group documents on the MICRA web site after the letter and supporting documents are delivered to the Fish Chiefs.

### **28) Installation of New Officers (O'Bara)**

Boxrucker motioned that the UMRCC nominate the Chair-elect to follow Bobby Reed. Schoenung seconded the motion. The motion was approved.

O'Bara was presented with an award for his service as Chairman over the last two years.

### **29) Schedule Winter Executive Board Meeting (Reed)**

Reed previously requested O'Bara to inform the Executive Board that he will likely need to schedule the winter meeting in the south, possibly New Orleans, due to the family medical issue he is dealing with. Reed will follow-up with the Executive Board to set a time and place for the winter Executive Board meeting.

## MICRA Sturgeon Working Group Recommendations

July 2009

The following recommendations are suggested by the MICRA Sturgeon Working Group for states that will continue to manage for a commercial harvest of shovelnose sturgeon in the sympatric range. It also is recommended that state agencies work cooperatively to implement these recommendations in timely manner.

### **Biological Associated Recommendations**

#### **Species**

##### Recommendation:

- Only shovelnose sturgeon are legal to harvest.

#### **Identifying characteristics**

##### Recommendations:

- A standard suite of characteristics should be set to identify legal fish. Sturgeon not meeting these criteria should be considered illegal.
- States currently allowing harvest of shovelnose sturgeon should adopt similar legal identifying characteristics.

##### Considerations:

Approach I: Fish with any of the following three characteristics are illegal to harvest under current law in Illinois.

1. Bases of outer barbels located slightly farther behind bases of inner barbels.
2. Belly completely lacking scales.
3. Length of inner barbels going at least 6.3 times into length of head

Approach II: Tennessee is considering a similar approach as a temporary measure. The following four characters are under consideration:

1. Belly entirely covered in large embedded scales.
2. All four barbel insertion points must be in a straight line perpendicular to the head.
3. Outer barbels must not extend beyond the mouth (as determined by a straight line drawn through the middle of the mouth, perpendicular to the head).
4. Outer barbels must be less than 1.5 times as long as the inner barbels.

### **Certification and Permits Associated Recommendations**

#### **Training and Certification**

##### Recommendation:

- Training and certification should be required for all shovelnose sturgeon commercial roe fishers. Only certified fishers can work in sympatric range.

##### Considerations:

- State based training and certification program.
- A MICRA training and certification program used states.

## **Law Enforcement Based Recommendations**

### ***Law Enforcement Training***

#### Recommendation:

- Law Enforcement agents should complete the same training program as the shovelnose sturgeon commercial roe fishers.

#### Consideration:

- State based or MICRA training program.

### ***Law Enforcement Effort***

#### Recommendations:

- States that continue to manage commercial shovelnose sturgeon fisheries should commit to increased Law Enforcement effort.
- States should focus enforcement efforts during the roe harvest peak
- A state enforcement summary on annual basis should be provided.

#### Consideration:

- Current enforcement efforts direct towards sturgeon issues should be ascertained before making a recommendation on minimum number of man days/river mile.

## **Legal Based Recommendations**

### ***Prosecution for Illegal Harvest***

#### Recommendations:

- States should work cooperatively as part of the Interstate Compact to enforce similar laws.
- Federal agents should work cooperatively with state agencies in enforcement efforts
- Possession of a pallid sturgeon by a certified roe fisherman should result in a lifetime suspension of roe license.

#### Considerations:

- Will states be able to suspend a roe permit if a licensed fisherman loses his permit in another state?
  - Wisconsin and Tennessee licenses can only be revoked or suspended by a judge
  - In Wisconsin, multiple citations will prevent future sales, but can't revoke a license
- Will legal process work in a timely and efficient manner

## **Fishery Management Associated Recommendations**

### **Seasons**

#### Recommendation:

- Season dates should be based on water temperature.

#### Consideration:

- Pallid sturgeon recovery team handling protocol begins to limit net soak times at water temperatures above 55 °F.

**Fishery Management Associated Recommendations: (continued)**

**Length Limits**

Recommendations:

- All states should have the same size limits.
- States should consider a slot length strategy.

Considerations:

- What is the smallest size for a gravid pallid sturgeon?
- 24"-32" slot length limit for shovelnose sturgeon
- What about reports of intermediates that develop into pallid sturgeon at larger sizes?
  - Intermediates were tagged in the LMR and recaptured at a later date. The fish had strong pallid characteristics when recaptured.
  - 12" is an adequate size to differentiate the species
  - Pallid sturgeon are allometric.
  - A 24" length limit should be adequate to differentiate intermediates

**Geographic Closures**

Recommendation:

- States should continue to identify important habitats to protect.

Consideration:

- Sensitive reaches (Chain of Rocks is currently closed 300 yards downstream). Tributary confluences with main river.

**Possession Requirements**

Recommendation:

- Ovaries must be whole, in tact, and inside the body cavity until the fish reach the point of sale

Considerations:

- Kentucky requires the eggs be kept intact and inside the body until the fish is at a HACCP certified facility.
- Illinois and Missouri both require ovaries to be whole, in tact, and left inside the body cavity while on the water
- Tennessee is the same but includes the adjacent banks

**Gill Nets and Individual Net Identification Requirements**

Recommendations:

- Gill Net Mesh Size: None
- Commercial roe fishers and researchers should attend nets between 9AM and 4PM, and no dead sets during this period (i.e., unattended nets).

Considerations:

- This issue was raised to attempt to quantify the ghost net issue.
  - Ghost nets can be a problem with researchers and resource agencies too. Attendance requirements would likely be more effective at reducing ghost nets.

## MICRA CHAIR REPORT

July 2009

### Meetings Attended representing MICRA

#### Mississippi River ANS Basin Panel (February 2009)

Location: San Antonio, TX

Purpose: Discuss Panel operations, grants, MICRA relationships, travel

#### Midwest Natural Resources Group (May 2009)

Location: Wabasha, MN

Purpose: Introduce MICRA

#### Shovelnose-Pallid Sturgeon Work Group) June 2009

Location: St. Louis, MO

Purpose: Finalize Project Report

### Accountant and Financial Issues

Status: Problems with timely payments and monthly bank statements were evident.

Action: Letter written and follow-up telephone conversations and e-mails with accountant and his support staff. Further discussion is warranted.

### Communication with Fishery Chiefs and Dues Notice

Status: Increase communication with Chiefs to improve MICRA image and solicit dues

Action: April 2009 Update on MICRA with letter for dues directly to Chiefs

### Change to Constitution:

Original: *Sub-basin board members shall be appointed by their six respective sub-basin groups. Entity board members (i.e., two Federal agency representatives) shall be elected for staggered two-year terms by a simple majority of MICRA member votes. Elections will be conducted by mail ballot.*

Proposed: *The MICRA Constitution and By-laws regarding federal agency representation. MICRA delegates shall elect by a simple majority vote, two federal agencies or entities to serve on the Executive Committee for consecutive 5-year terms.*

Action: Further discussion and forward to new Chair.

### Mississippi River ANS Basin Panel Activities:

Status: The Executive Board members agreed that closer oversight of the Panel is expected of MICRA as the hosting organization.

Action: Chair met with MRBP executive board and discussed issues. Oversight on lobbying agreed upon. Travel policy developed. Further discussion is warranted.

### Basin-wide Paddlefish Stocking Protocol

Status: The need for a basin-wide paddlefish stocking protocol is evident. Missouri DOC has asked for justification.

Action: A conference call was facilitated by Chair and Paddlefish/Sturgeon committee. Further discussion is warranted.

### Large Rivers Symposium

Status: *MICRA will continue to support Ron Benjamin to organize and plan a large rivers symposium hosted by MICRA at the 2010 AFS meeting in Pittsburgh.*

Action: Chair discussed symposium with other cooperators including NE Rivers and Streams Committee. Further discussion is warranted.

### Status of Paddlefish Management

Status: The USFWS-Division of Management Authority asked MICRA to produce a report on the status of paddlefish management in the Mississippi River. This was in a response to the EU to review the importation of paddlefish roe from the basin.

Action: The Chair and Bill James (IN) solicited input from all states on their paddlefish management program. A report was produced and sent to the USFWS-Division of Management Authority. This report was forwarded to the EU states.