

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish, Wildlife and Marine Resources, Bureau of Marine Resources

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Memorandum

To: ASMFC American Eel Management Board

From: James Gilmore

Subject: American Eel Commercial Yellow Eel State-By-State Allocation

Date: April 25, 2016

Background: Under Addendum IV, coastal harvest of yellow eels is managed under a coastwide cap. Quota management, with state-by-state allocation is triggered if the coastwide cap is exceeded by 10% in any one year; or if the cap is exceeded by any amount for two consecutive years. The individual state allocations were determined by a combination of landings from 2010; the State's average harvests from 2011 – 2013; and a set of rules that prohibited any state to be allocated a quota that was more than 2,000 pounds above its 2010 commercial yellow eel harvest. However, there were incomplete landings at the time for at least the state of New York which underestimated the actual harvest. The allocations were based upon these incomplete landings. New York performed outreach targeted at mandatory reporting requirements beginning in 2010, resulting in significantly improved reporting for yellow eels beginning in 2011. We believe our 2010 landings data, therefore, significantly under-represent our true landings that year.

New York along with all the other states in the fishery now have several years of more accurate landings data. It is an ASMFC operating principle that we use the most accurate data for management of our fisheries. However, no mechanism was included in Addendum IV to revisit allocation over a set period of time or when new data become available. This issue also exists with management of several other ASMFC quota managed fisheries (e.g., menhaden, summer flounder, bluefish). Provisions exist currently to re-evaluate allocations through the addendum process but this is voluntary and tends not to occur if the disadvantaged states are in the minority.

Proposals: As a result, New York is Proposing: (1) current reconsideration of the commercial yellow eel state-by-state quotas, and (2) consideration of a revisiting timeframe moving forward.

(1) Current Reconsidering Commercial Yellow Eel Quota

See Table 1 for examples of state-by-state allocation for options A-C.

Option A: Status quo from Addendum IV. A combination of landings from 2010; the State’s average harvests from 2011 – 2013; and a set of rules that prohibited any state to be allocated a quota that was more than 2,000 pounds above its 2010 commercial yellow eel harvest.

Option B: Allocation based on the most recent three years of data (i.e., 2013-2015).

Option C: Allocation based on the most recent five years of data (i.e., 2011-2015).

Option D: Allocation based on the most recent five years as a partial percentage and some historical landings timeframe as a partial percentage.

(2) Consideration of a revisiting timeframe moving forward

Option A: Status quo, no revisiting timeframe specified.

Option B: Revisit allocation every three years.

Option C: Revisit allocation every five years.

Recommendation: This proposal be circulated the ASMFC American Eel Board for review and discussion with subsequent initiation of an Addendum at the May, 2016 Board meeting.

Table 1. State-by-state allocation examples showing quotas for options A-C. Note landings data used to create Table 1 as for example only and need to be confirmed by the states/jurisdictions as final.

State	A: Addendum IV Status Quo	B: Recent 3 Yrs (2013 -2015)	C: Recent 5 Yrs (2011-2015)
ME	3,907	4,295	4,736
NH	2,000	34	71
MA	2,000	2,870	1,732
RI	4,642	1,985	1,619
CT	2,000	3,248	2,413
NY	15,220	38,710	39,876
NJ	94,899	87,192	90,350
DE	61,632	60,563	58,804
MD	465,968	522,422	515,725
PRFC	52,358	36,476	41,026
VA	78,702	88,734	88,552
NC	107,054	48,742	48,991
SC	2,000	-	-
GA	2,000	-	-
FL	13,287	12,227	13,318
Total	907,669	907,669	907,669

Table 2. Commercial yellow eel landings by state from 1998 through 2015. Source: Table 2 from Addendum IV, plus preliminary 2014 and 2015 state data. Note that all data need to be confirmed as final by the states/jurisdictions.

Year	ME	NH	MA	RI	CT	NY ¹	NJ	DE	MD	PRFC	VA	NC	SC	GA	FL	Total
1998	20,671	459	5,606	967	5,606	16,896	94,327	131,478	301,833	209,008	123,819	91,084		*	13,819	1,015,649
1999	36,087	245	10,281	140	10,281	7,945	90,252	128,978	305,812	163,351	183,255	99,939	*		17,533	1,054,121
2000	14,349	310	5,158	25	5,158	5,852	45,393	119,180	259,552	208,549	114,972	127,099	*		6,054	911,824
2001	9,007	185	3,867	329	1,724	19,187	57,700	120,634	271,178	213,440	96,998	107,070	*	*	14,218	915,585
2002	11,616	67	3,842	234	3,710	26,824	64,600	90,353	208,659	128,595	75,549	59,940	*	*	7,587	681,609
2003	15,312	36	4,047	246	1,868	3,881	100,701	155,515	346,412	123,450	121,043	172,065		*	8,486	1,053,119
2004	29,651	65	5,328	971	1,374	5,386	120,607	141,725	273,142	116,163	123,314	128,875			7,330	953,931
2005	17,189	120	3,073	0	341	25,515	148,127	110,456	378,659	103,628	66,701	49,278			3,913	907,000
2006	17,259	93	3,676	1,034	3,443	7,673	158,917	120,462	362,966	83,622	82,738	33,581			1,248	876,712
2007	9,309	70	2,853	1,230	885	15,077	164,331	131,109	309,215	97,361	56,463	34,486			7,379	829,767
2008	7,992	25	6,046	8,866	6,012	15,159	140,418	80,003	381,993	71,655	84,789	24,658	*		15,624	843,762
2009	2,525	83	1,217	4,855	630	13,115	121,471	59,619	324,773	58,863	119,187	65,481			6,824	778,643
2010	2,624	80	277	4,642	164	13,220	107,803	68,666	511,201	57,755	78,076	122,104	*	*	11,287	978,004
2011	2,700	129	368	1,521	20	56,963	129,065	90,631	715,162	29,010	103,856	61,960			25,601	1,216,986
2012	10,785	167	532	1,484	3,560	48,637	111,810	54,304	583,057	90,037	122,058	64,110		*	11,845	1,104,429
2013	1,826	106	2,499	2,244	2,638	32,573	89,300	80,811	539,775	32,290	84,385	33,980		*	17,246	919,953
2014	7,368	0	3,903	2,378	4,386	34,142	91,225	62,388	610,585	49,293	112,199	59,458	*	*	15,057	1,052,514
2015	4,130	0	2,502	1,538	3,052	53,389	90,000	44,708	470,532	31,588	78,727	57,791	*	*	5,632	843,589

¹ NY includes DE River Weir

*confidential landings

Mike Waine

From: Mitchell Feigenbaum <feigen99@yahoo.com>
Sent: Tuesday, April 26, 2016 12:43 PM
To: Mike Waine
Cc: JOHN CLARK; Patrick Keliher; Douglas Grout; J. Thomas Moore; REP. MIKE VEREB;
LOREN W.LUSTIG; LEROY YOUNG
Subject: Eel News.....

Hello Mike -

Hope you are well.

I have been monitoring the EU's efforts and intentions with regard to the upcoming CITES Convention of Parties. As you may know, the EU had earlier asked range states for all *anguilla* species to comment on a proposal to list all the *anguilla* species on Appendix II, based on look-alike concerns. This was discussed at the Sargasso Sea Commission symposium, where you provided thorough explanation of eel management in the U.S.

Today I learned that the EU has decided NOT to propose any listing for American eel. The EU will instead submit a request to the Conference of the Parties (called a "Decision") to study eel species further. If approved, it is my understanding that the CITES Animal Committee would issue a contract or create a working group to conduct the study. It appears the work would focus on identifying and curbing illegal trade.

I believe that your presentation and other information brought forward at the Sargasso Sea Commission symposium contributed to this decision. No doubt, the ASMFC eel board and officials from Maine and other states can make valuable contributions to the CITES process as it moves forward.

The EU's proposed Decision is attached in the link below:

<http://ec.europa.eu/environment/cites/pdf/cop17/eels.pdf>

A useful explanation on how CITES CoP works and Resolutions and Decisions:

http://awsassets.panda.org/downloads/what_is_cites_final_coc.pdf

I would appreciate if you could circulate this to the members of the eel board, TC and AP before next week's meeting.

Respectfully,

Mitchell Feigenbaum