Atlantic States Marine Fisheries Commission

ADDENDUM IV TO THE INTERSTATE FISHERY MANAGEMENT PLAN FOR AMERICAN EEL

ASMFC Vision:
Sustainably Managing Atlantic Coastal Fisheries

Approved October 2014

EXECUTIVE SUMMARY

The Atlantic States Marine Fisheries Commission's American Eel Management Board (Board) initiated the development of Addendum III in August 2012 in response to the 2012 Benchmark American Eel Stock Assessment, which found the American eel population in U.S. waters is depleted. The assessment found the stock is at or near historically low levels due to a combination of historical overfishing, habitat loss and alteration, productivity and food web alterations, predation, turbine mortality, changing climatic and oceanic conditions, toxins and contaminants, and disease. In August 2013, the Board approved some of the measures from Addendum III (predominately the commercial yellow eel and recreational fishery management measures) and split out the remainder of the management measures for further development in Addendum IV. As the second phase of management response to the stock assessment, this Addendum addresses further addresses the commercial glass, yellow, and silver eel fisheries. Specifically, this Addendum modifies the previous management program as follows:

Commercial Glass Eel Fishery Management Program (Section 3.1.1)

- Maine's quota for the 2015-2017 commercial glass eel fishing seasons will be set at 9,688 pounds annually and will be re-evaluated prior to the start of the 2018 fishing season.
- Any state or jurisdiction can request an allowances for commercial harvest of glass eels based on stock enhancement programs implemented after January 1, 2011, subject to TC review and Board approval.
- For any state or jurisdiction managed with a commercial glass eel quota, if an overages occurs in a fishing year, then that state or jurisdiction will be required to deduct their entire overage from the quota the following year, pound for pound.
- Any state or jurisdiction with a commercial glass eel fishery is required to implement daily trip level reporting with daily electronic accounting to the state for both harvesters and dealers in order to ensure accurate reporting of commercial glass eel harvest.
- Any states or jurisdiction with a commercial glass eel fishery must implement a fishery independent life cycle survey covering glass, yellow, and silver eels within at least one river system.

Commercial Yellow Eel Fishery Management Program (Section 3.1.2)

The commercial yellow eel fishery will be regulated through a coastwide catch cap set at 907,671 pounds. Under this cap, there are two management triggers. Upon reaching either of these triggers, the Board is required to alter the management program as specified below in order to ensure the objectives of the management program are achieved.

Management Triggers

1. The coastwide catch cap is exceeded by more than 10% in a given year (998,438 pounds).
2. The coastwide catch cap is exceeded for two consecutive years, regardless of percent over.

Management Response
If either trigger is tripped, then there would be automatic implementation of a state-by-state commercial yellow eel quota. The annual coastwide quota is set at 907,669 pounds, with allocations as specified in Table 1.

Commercial Silver Eel Fishery Management Measures (Section 3.1.3)
The Delaware River silver eel weir fishery is restricted to nine annual permits. These permits will initially be limited to those permitted participants that fished and reported landings from 2010 to 2013. Permits may be transferred.

Sustainable Fishery Management Plans for American Eel (Section 3.1.4)
Fishing Mortality Based Plan – Under an approved fishing mortality plan, states and jurisdictions may petition the Board for alternative management based on the current level of mortality that is occurring on their population.

Transfer Plan – If states or jurisdictions implement quota management for at least one fishery, then a state may develop a Transfer Plan to request a transfer of quota from one fishery to another (e.g. from yellow to glass) based on the life history characteristic inherent to that area (e.g. state, river, or drainage).

Aquaculture Plan - Under an approved Aquaculture Plan, states and jurisdictions may harvest a maximum of 200 pounds of glass eel annually from within their waters for use in domestic aquaculture facilities provided they can objectively show that the harvest will occur from a watershed that minimally contributes to the spawning stock of American eel.

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1. INTRODUCTION

The Atlantic States Marine Fisheries Commission (Commission) has coordinated interstate management of American eel (*Anguilla rostrata*) from 0-3 miles offshore since 2000. American eel is currently managed under the Interstate Fishery Management Plan (FMP) and Addenda I-III to the FMP. Management authority in the exclusive economic zone (EEZ) from 3-200 miles from shore lies with NOAA Fisheries. The management unit is defined as the portion of the American eel population occurring in the territorial seas and inland waters along the Atlantic coast from Maine to Florida.

2. BACKGROUND

2.1. STATEMENT OF THE PROBLEM

The Commission's American Eel Management Board (Board) initiated the development of Draft Addendum III in August 2012 in response to the 2012 American Eel Benchmark Stock Assessment, which found the American eel population in U.S. waters is depleted. The assessment found the stock is at or near historically low levels due to a combination of historical overfishing, habitat loss and alteration, productivity and food web alterations, predation, turbine mortality, changing climatic and oceanic conditions, toxins and contaminants, and disease. Draft Addendum III for Public Comment included a range of options for the commercial glass, yellow, and silver eel fisheries, as well as the recreational fishery. In August 2013, the Board approved some of the measures from Draft Addendum III for Public Comment (predominately the commercial yellow eel and recreational fishery management measures) and split out the remainder of the management measures (commercial glass and silver eel fisheries) for further development in Addendum IV. As the second phase of management in response to the 2012 stock assessment, the goal of Addendum IV is to continue to reduce overall mortality and increase overall conservation of American eel stocks. This Addendum addresses the commercial glass, yellow, and silver eel fisheries.

2.2. LIFE HISTORY

American eel (*Anguilla rostrata*) inhabit fresh, brackish, and coastal waters along the Atlantic, from the southern tip of Greenland to Brazil. American eel eggs are spawned and hatch in the Sargasso Sea. After hatching, leptocephali—the larval stage—are transported at random to the coasts of North America and the upper portions of South America by ocean currents. Leptocephali are then transformed into glass eels via metamorphosis. In most areas, glass eel enter nearshore waters and begin to migrate up-river, although there have been reports of leptocephali found in freshwater in Florida. Glass eels settle in fresh, brackish, and marine waters; where they undergo pigmentation, subsequently maturing into yellow eels. Yellow eel can metamorphose into a silver eel (termed *silvering*) beginning at age three and up to twenty-four years old, with the mean age of silvering increasing with increasing latitude. Environmental factors (e.g., food availability and temperature) may play a role in the triggering of silvering. Males and females differ in the size at which they begin to silver. Males begin silvering at a size typically greater than 14 inches and females begin at a size greater than 16-20 inches (Goodwin and Angermeier 2003). However, this is thought to vary

by latitudinal dispersal. Actual metamorphosis is a gradual process and eels typically reach the silver eel stage during their migration back to the Sargasso Sea, where they spawn and die.

Eels make extensive use of freshwater systems, but they may migrate to and from or remain in brackish and marine waters. Therefore, a comprehensive eel management plan and set of regulations must consider the various unique life stages and the diverse habitats of American eel, in addition to society's interest and use of this resource.

2.3. STATUS OF MANAGEMENT

American eel occupy a significant and unique niche in the Atlantic coastal reaches and tributaries. Historically, American eels were very abundant in East Coast streams, comprising more than 25 percent of the total fish biomass. Eel abundance had declined from historic levels but remained relatively stable until the 1970s. Fishermen, resource managers, and scientists postulated a further decline in abundance based on harvest information and limited assessment data during the 1980s and 1990s. This resulted in the development of the Commission's Interstate Fishery Management Plan (FMP) for American Eel, which was approved in 1999. The FMP required that all states maintain as conservative or more conservative management measures at the time of implementation for their commercial fisheries and implement a 50 fish per day bag limit for the recreational fishery. The FMP also required mandatory reporting of harvest and effort by commercial fishers and/or dealers and specific fisheries independent surveys to be conducted annually by the states.

Since then the FMP was modified three times. Addendum I (approved in February 2006) established a mandatory catch and effort monitoring program for American eel. Addendum II (approved in October 2008) made recommendations for improving upstream and downstream passage for American eels. Most recently, Addendum III (approved in August 2013) made changes to the commercial fishery, specifically implementing restrictions on pigmented eels, increasing the yellow eel size limit from 6 to 9 inches, and reducing the recreational creel limit from 50 fish to 25 fish per day.

2.3.1. INTERNATIONAL MANAGEMENT

Despite data uncertainties with European eels and American eels in Canada, both the European Union and the Department of Fisheries and Oceans Canada have taken recent management actions to promote the rebuilding of local stocks.

2.3.1.1. EUROPEAN MANAGEMENT

While American and European eels (*Anguilla anguilla)* are two separate species, the spawning grounds and early life history habitats are believed to overlap. Therefore oceanographic changes could influence both stocks. Currently, the European eel stock is considered severely depleted (ICES, 2013). Major fisheries occur in the Netherlands, France, Sweden, and the United Kingdom, with total 2012 commercial harvest in the EU estimated at 5.2 million pounds and recreational harvest estimated at 1.1 million pounds (Figure 1; ICES, 2013). In 2007, the European Union (EU) passed legislation which required EU countries to

develop and implement measures to allow 40% of adult eels to escape from inland waters to the sea for spawning purposes. In addition, beginning in 2008, EU countries that catch glass eel (defined as juvenile eels less than 4.7 inches long) were required to use 35% of their catch for restocking within the EU and increase this to at least 60% by 2013.

To demonstrate how they intend to meet the target, EU countries were required to develop national eel management plans at river-basin level. To date, the European Commission has adopted all plans submitted by 19 EU countries, plus a joint plan for the Minho River (Spain/Portugal). Management measures implemented though these plans vary from country to country, but are similar to most management measures considered or implemented in the U.S. The management measures include:

- Seasonal closures
- Size limits (11 – 21.6 inches)
- Recreational bag limit (2 - 5 fish/angler/day)
- Gear restrictions (banning fyke nets, increasing mesh size)
- Reducing effort (e.g. by at least 50%)
- Prohibiting glass, silver or all commercial fishing
- Commercial quotas
- Implementing catch and release recreational fisheries only
- Reducing illegal harvest and poaching
- Increasing fish passage
- Restocking suitable inland waters with glass eels

In 2013 the International Council on the Exploration of the Seas (ICES) completed an evaluation on the implementation of the national management plans (ICES, 2013a). ICES concluded that, given the short time since implementation, restrictions on commercial and recreational fisheries for silver eel has contributed the most to increases in silver eel escapement. The effectiveness of restocking remains uncertain (ICES, 2013a). ICES advises that data collection, analysis, and reporting should be standardized and coordinated to facilitate the production of stock-wide indicators to assess the status of the stock and to evaluate the effect of management regulations.

In response to the evaluation, European Parliament passed a resolution in September 2013 requesting the European Commission present new legislation to further conserve European eel populations. The new law must close the loopholes allowing the continued overfishing and illegal trade; evaluate current restocking measures and their contribution to eel recovery; require more timely reporting on the impact of eel stock management measures; and require member states that do not comply with the reporting and evaluation requirements to reduce their eel fishing effort by 50%. The European Commission's new legislative proposal, which is expected to be presented in early 2015, must aim to achieve the recovery of the stock "with high probability".

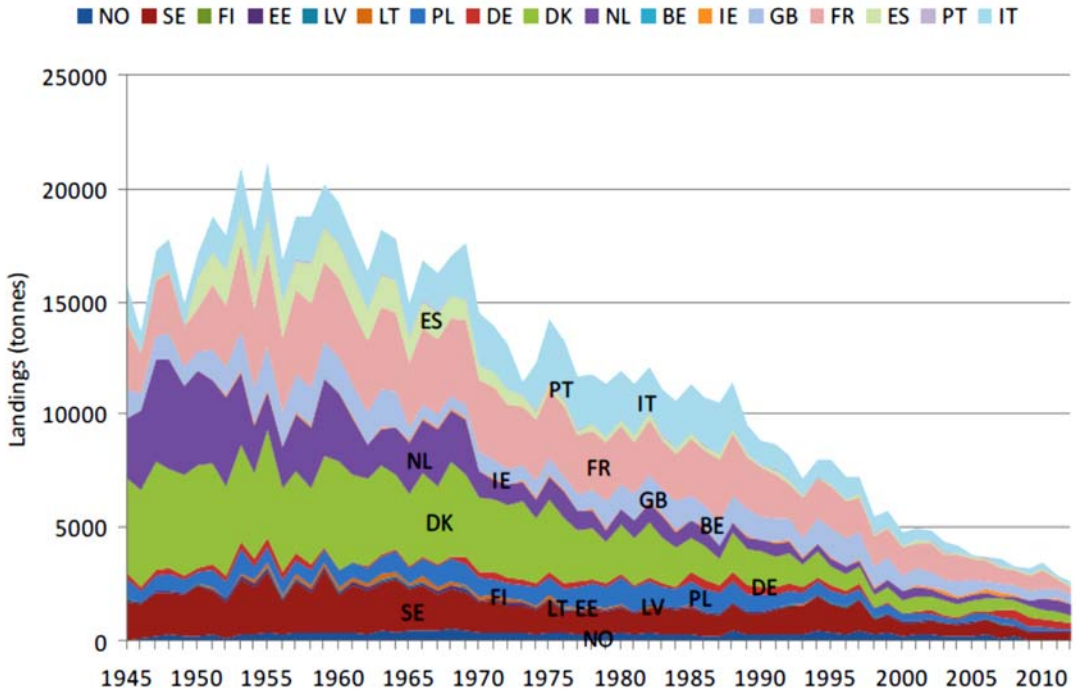

Figure 1. Total landings of European eel (all life stages) from 2013 Country Reports (Note: not all countries reported). NO = Norway, SE = Sweden, FI – Finland, EE = Estonia, LV = Latvia, LT = Lithuania, PL = Poland, DE = Germany, DK = Denmark, NL = Netherlands, BE = Belgium, IE = Ireland, GB = Great Britain, FR = France, ES = Spain, PT = Portugal, IT = Italy. *From ICES, 2013a.*

In November 2013, ICES completed an update on European stock status to provide management advice for the 2014 fishing year (ICES, 2013b). The update found that annual recruitment of glass eel to European waters has increased over the last two years, from less than 1% to 1.5% of the reference level in the "North Sea" series, and from 5% to 10% in the "Elsewhere" series[1], which may or may not be the result of the regulatory changes (Figure 2). However, despite recent increases, production of offspring is very low and there is a risk that the adult stock size is too small to produce sufficient amount of offspring to maintain the stock (ICES, 2013b). The biomass of escaping silver eel is estimated to be well below the target (ICES, 2013b). ICES continues to recommend that all anthropogenic mortality affecting production and escapement of silver eels should be reduced to as close as possible to zero, until there is clear evidence of sustained increase in both recruitment and the adult stock. The stock remains critical and urgent action is needed (ICES, 2013b).

2.3.1.2. CANADIAN MANAGEMENT

American eel are widespread in eastern Canada, but there are dramatic declines throughout its range, including Lake Ontario and the upper St. Lawrence. Although trends in abundance are highly variable, strong declines are apparent in several indices. The American eel was

[1] The North Sea series are from Norway, Sweden, Germany, Denmark, Netherlands, and Belgium. The Elsewhere series are from UK, Ireland, France, Spain, Portugal, and Italy.

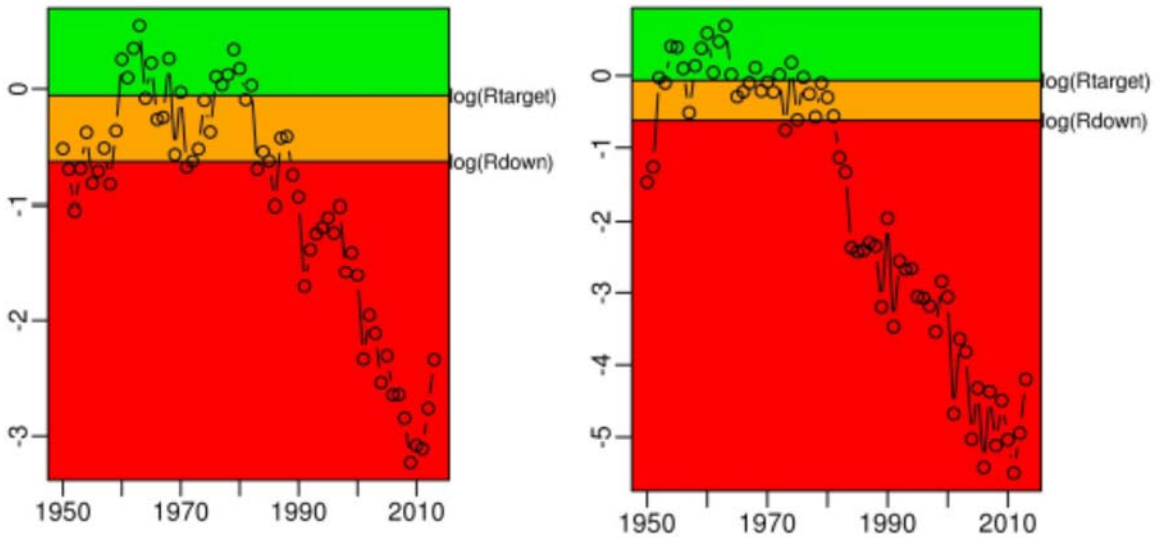

Figure 2. Trends in recruitment ("Elsewhere", left, and "North-Sea", right) of European eels with respect to healthy zone (green), cautious zone (orange) and critical zone (red). *From ICES, 2013b.*

first assessed by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) in 2006 and was designated as a species of "Special Concern." The status was re-examined by COSEWIC in 2012 and it was recommended to list the species as Threatened under the Canadian Species at Risk Act (similar to the U.S. Endangered Species Act). A National Management Plan for American Eel in Canada was developed by the Canadian Eel Working Group which specifies short and long term goals for recovery (DFO, 2010). One of the short-term goals of the plan is to reduce eel mortality from all anthropogenic sources by 50% relative to the 1997-2002 average. Long-term management goals include rebuilding overall abundance of the American eel in Canada to its mid-1980s levels.

Canadian commercial yellow and silver American eel fisheries occur in New Brunswick, Prince Edward Island, Nova Scotia, Newfoundland and Labrador, and Québec (Figure 3). Fishing occurs in both fresh and marine waters, but many rivers and coastal habitats remain unfished. Elver fisheries in Canada occur only in Scotia-Fundy and the south coast of Newfoundland. Overall total reported American eel landings in Canada declined through the early 1960s, increased to a peak in the late 1970s, and have since declined to the lowest level in recent history (Cairns et al, 2014). Winter recreational spear fisheries of yellow eels also occur in the Southern Gulf of St. Lawrence.

Recent management measures to meet the goals of the National Management Plan have included:

- Minimum size limits raised to 20.8 inches (Gulf region), 13.75 inches (Maritimes region) and 11.8 inches (southwestern New Brunswick, Newfoundland and Labrador)
- Reduction to seasons
- Area closures
- Buyouts of licenses
- Glass eel fisheries are not permitted in areas where fisheries exist for larger eels
- Enforcement of regulatory definitions on fyke nets

- Measures to reduce high grading
- License caps, limited entry, and license reductions
- Gear restrictions, including a 1" x ½" escapement panel
- Quota reductions, including 10% cut in glass eel fisheries

The first large-scale eel stocking experiment occurred in the Richelieu River, a tributary to Lake Champlain, in 2005. Since then, a total of seven million elvers have been stocked in Canadian waters. Stocking initiatives can be considered as a potential threat because their effects are uncertain, manifestation of some effects may only be apparent years after, and because of the documented negative effects of stocking of on other fish, particularly salmon (COSEWIC, 2012). Continuing habitat degradation, especially owing to dams and pollution, and existing fisheries in Canada and elsewhere may constrain recovery (COSEWIC, 2102).

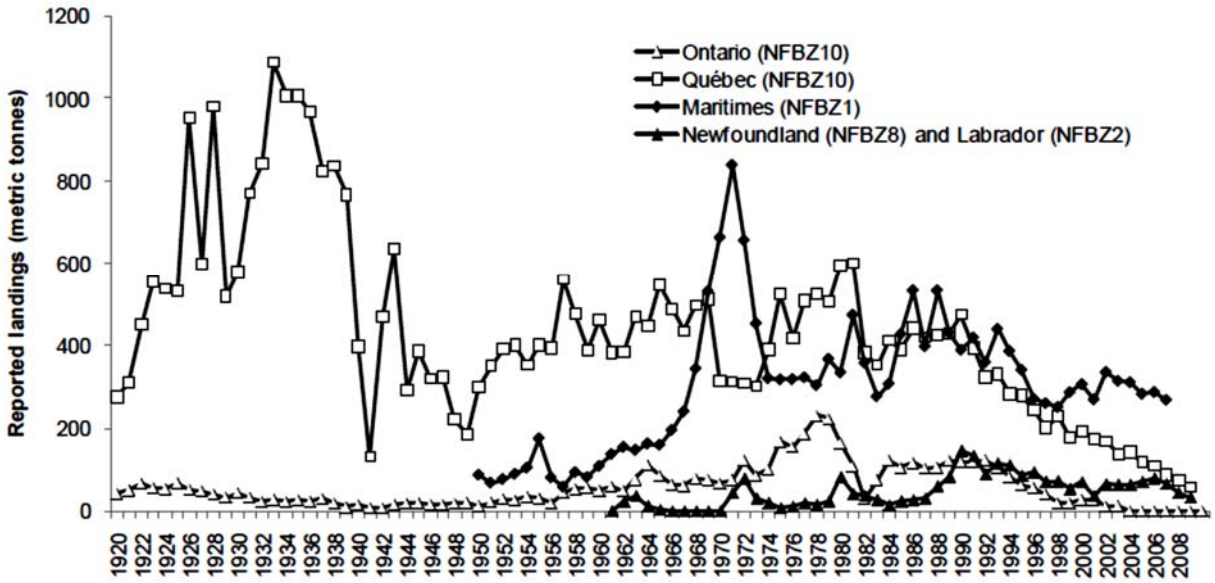

Figure 3. Reported landings of all life stages from Quebec, Ontario, the Maritime Provinces, and Newfoundland and Labrador from 1920 – 2010. *From COSEWIC, 2012.*

2.3.2. ENDANGERED SPECIES ACT CONSIDERATION

American eel were petitioned for listing as threatened under the Endangered Species Act (ESA) in April 2010 by the Center for Environmental Science, Accuracy, and Reliability (CESAR, formally the Council for Endangered Species Act Reliability). The U.S. Fish and Wildlife Service (USFWS) published a positive 90 day finding on the petition in September 2011, stating that the petition may be warranted and a status review will be conducted. CESAR filed a lawsuit in August 2012 against USFWS for failure to comply with the statues of the ESA, which specifies a proposed rule based on the status review be published within one year of the receipt of the petition. A Settlement Agreement was approved by the court in April 2013 and requires USFWS to publish a 12-month finding by September 30, 2015. The USFWS previously reviewed the status of the American eel in 2007 and found that, at that time, protection under the Endangered Species Act was not warranted.

The five factors on which listing is considered include:

1. Present or threatened destruction, modification, or curtailment of its habitat or range;
2. Over-utilization of the species for commercial, recreational, scientific, or educational purposes;
3. Disease or predation;
4. Inadequacy of existing regulatory mechanisms; and
5. Other natural or manmade factors affecting its continued existence.

2.4. STATUS OF THE STOCK

The Benchmark Stock Assessment was completed and accepted for management use in May 2012. The assessment indicated that the American eel stock has declined in recent decades and the prevalence of significant downward trends in multiple surveys across the coast is cause for concern (ASMFC, 2012). The stock is considered depleted, however no overfishing determination can be made at this time based solely on the trend analyses performed (ASMFC, 2012). The ASMFC American Eel Technical Committee (TC) and Stock Assessment Subcommittee (SAS) caution that although commercial fishery landings and effort have declined from high levels in the 1970s and 1980s (with the recent exception of the glass eel fishery), current levels of fishing effort may still be too high given the additional stressors affecting the stock such as habitat loss, passage mortality, and disease as well as potentially shifting oceanographic conditions. Fishing on all life stages of eels, particularly young-of-the-year and in-river silver eels migrating to the spawning grounds, could be particularly detrimental to the stock, especially if other sources of mortality (e.g., turbine mortality, changing oceanographic conditions) cannot be readily controlled.

In 2014 the TC and Stock Assessment Subcommittee (SAS) completed an update of the young of the year (YOY) indices included in the benchmark stock assessment. The FMP requires states and jurisdictions with a declared interest in the species to conduct an annual YOY survey for the purpose of monitoring annual recruitment of each year's cohort. The benchmark assessment included data only through 2010. Since that time some states have heard anecdotal information about increased recruitment as well as recorded evidence of increased recruitment in their fisheries independent YOY surveys.

Based on the update of the YOY indices, the TC found no change in the YOY status from the benchmark assessment with the exception of one survey in Goose Creek, SC (Table 1). YOY trends are influenced by many local environmental factors, such as rainfall and spring temperatures. While some regions along the coast have experienced high catches in 2011, 2012, and/or 2013, other regions have experienced average or lower catches. For example in 2012, Rhode Island and Florida had below average counts, with Florida having its lowest catch of their time series; New Hampshire, New York, Virginia, and Georgia had average counts; and Maine, Connecticut, New Jersey, Delaware, and Maryland had their highest YOY catches on record. The TC stresses high YOY catches in a few consecutive years do not necessarily correspond to an increasing trend since the YOY surveys can fluctuate greatly. Additionally, due to the limited extent of sampling, trends at the state level may not be reflective of what is actually occurring statewide or coastwide. The YOY indices were only one factor in the determination of the depleted stock status for American eel, so therefore there is no recommended change in the conclusions of the benchmark assessment

and the depleted stock status is still warranted. In November 2014, the International Union for the Conservation of Nature (IUCN) reviewed the status of American eel and listed the species as "endangered" on the IUCN Red List.

Region	State	Site	SA Result	Update
Gulf of Maine	ME	West Harbor Pond	NS	NS
	NH	Lamprey River	NS	NS
	MA	Jones River	NS	NS
	MA	Parker River	NS	NS
Southern New England	RI	Gilbert Stuart Dam	NS	NS
	RI	Hamilton Fish Ladder	NS	NS
	NY	Carmans River	NS	NS
Delaware Bay/ Mid-Atlantic Coastal Bays	NJ	Patcong Creek	NS	NS
	DE	Millsboro Dam	NS	NS
	MD	Turville Creek	NS	NS
Chesapeake Bay	PRFC	Clarks Millpond	NS	NS
	PRFC	Gardys Millpond	NS	NS
	VA	Brackens Pond	NS	NS
	VA	Kamps Millpond	NS	NS
	VA	Warehams Pond	NS	NS
	VA	Wormley Creek	NS	NS
South Atlantic	SC	Goose Creek	NS	↓
	GA	Altamaha Canal	NS	NS
	GA	Hudson Creek	NS	NS
	FL	Guana River Dam	NS	NS

Table 1. Results of the Mann-Kendall trend analysis applied to 2012 Benchmark Stock Assessment (SA) and updated YOY indices developed from the ASMFC-mandated recruitment surveys. Trend indicates the direction of the trend if a statistically significant temporal trend was detected (P-value < α; α = 0.05). NS = not significant.

2.5. STATUS OF THE FISHERY

The American eel fishery primarily targets yellow stage eel. Silver eels are caught during their fall migration as well. Eel pots are the most typical gear used; however, weirs, fyke nets, and other fishing methods are also employed. Yellow eels were harvested for food historically, today's fishery sells yellow eels primarily as bait for recreational fisheries. From 1950 to 2012, U.S. Atlantic coast landings ranged from a low of approximately 664,000 pounds in 1962 to a high of 3.67 million pounds in 1979 (Figure 4). After an initial decline in the 1950s, landings increased to a peak in the 1970s and early 1980s in response to higher demand from European food markets. In most regions, landings declined sharply by the late 1980s and have fluctuated around one million pounds for the past decade. The value of U.S. commercial yellow eel landings as estimated by NOAA Fisheries has varied from less than a $100,000 (prior to the 1980s) to a peak of $6.4 million in 1997.

State reported landings of yellow eels in 2013 totaled 907,671 pounds (Table 2) which represents an 17% decrease (~187,000) in landings from 2012 (1,104,429 pounds). Since 2000, yellow eel landings have increased in the Mid-Atlantic region (NY, NJ, and MD) with the exception of Delaware and the Potomac River. Additionally, yellow eel landings have declined in the New England region (ME, NH, MA, CT) with the exception of Rhode Island. Within the Southern region, since 2000 landings have declined in North Carolina but increase in Florida. In 2013, state reported landings from New Jersey, Delaware, Maryland, and Virginia each totaled over 80,000 pounds of eel, and together accounted for 86% of the coastwide commercial total landings.

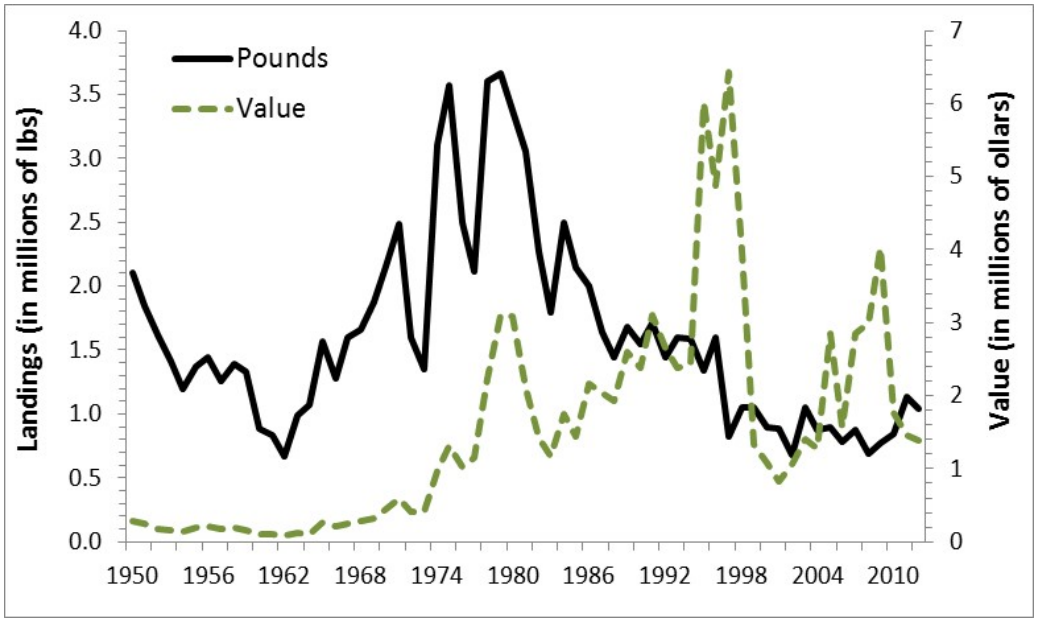

Figure 4. Total commercial landings (in pounds) and value (in millions of dollars) of yellow eels along the U.S. Atlantic Coast, 1950–2012.

Glass eel fisheries along the Atlantic coast are prohibited in all states except Maine and South Carolina. In recent years, Maine is the only state reporting significant harvest (Table 3). Harvest has increased the last few years as the market price has risen to more than $2,000 per pound, although in 2014 prices were recorded between $400 and $650 per pound. Glass eels are exported to Asia to serve as seed stock for aquaculture facilities. Landings of glass eels in 2012 were reported from Maine and South Carolina and totaled 22,215 pounds.

Because eel is managed by the states and is not a target species for the NMFS, landings information for states that rely on the NMFS estimates may be underreported. In addition, at least a portion of commercial eel landings typically come from non-marine water bodies. Even in states with mandatory reporting, these requirements may not extend outside the marine district, resulting in a potential underestimate of total landings. Despite concern about the level of under reporting, reported landings are likely indicative of the trend in total landings over time.

Table 2. Harvest (in pounds) by state of yellow eels from 1998 - 2013. * *Confidential*

Year	ME	NH	MA	RI	CT	NY	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	3867	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	3842	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	3676	1034	3,443	7,673	158,917	120,462	362,966	83,622	82,738	33,581			1,248	876,712
2007	9,309	70	2853	1230	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	8866	6,012	15,159	140,418	80,003	381,993	71,655	84,789	24,658	*		15,624	843,762
2009	2,525	83	1217	4855	630	13,115	121,471	59,619	324,773	58,863	119,187	65,481			6,824	778,643
2010	2,624	80	277	4642	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

Table 3. Harvest (in pounds) and value of the glass eel fishery in Maine and South Carolina from 2007 - 2013. **South Carolina landings are confidential.*

	Maine		South Carolina	
Year	**Landings**	**Value**	**Landings***	**Value**
2007	3,713	$1,287,485	No activity reported	
2008	6,951	$1,486,355	No activity reported	
2009	5,119	$519,559	No activity reported	
2010	3,158	$584,850	<500	<$100,000
2011	8,584	$7,653,331	<500	<$500,000
2012	20,764	$38,760,490	<5,000	<$2,500,000
2013	18,076	$32,926,991	<5,000	<$2,500,000

3. MANAGEMENT OPTIONS

It is important to emphasize the 2012 American Eel Stock Assessment was a benchmark or baseline assessment that synthesized all available fishery-dependent and independent data, yet it was not able to construct eel population targets that could be related to sustainable fishery harvests. This is not an uncommon result of baseline stock assessments. The development of sustainable population and fishery thresholds will be a priority of future stock assessment. Despite the absence of fishery targets derived from population models, it is clear that high levels of yellow eel fishing occurred in the 1970s and 1980s in response to high prices offered from the export food market (Figure 4). For all coastal regions, peak catches in this period were followed by declining catches in the 1990s and 2000s, with some regions now at historic low levels of harvest. Given high catches in the past could have contributed to the current depleted status, it is prudent to reduce mortality while enhancing and restoring habitat. This approach is further justified in light of the public interest in eel population conservation demonstrated by two recent petitions to list American eel under the Endangered Species Act and the recent listing by the International Union for the Conservation of Nature (IUCN) as endangered on the IUCN Red List.

The provisions of this Addendum are a compliance requirement and are effective upon adoption of the Addendum as specified by the Board. Management measures include all mandatory monitoring and reporting requirements as described in this Section.

3.1 COMMERCIAL FISHERY MANAGEMENT PROGRAM

The 2012 American Eel Stock Benchmark Stock Assessment recommended mortality should be reduced on all life stages. Therefore, this addendum implements management measures to reduce overall mortality in order to maximize the conservation benefit to American eel stocks. States /jurisdictions shall maintain existing or more conservative American eel commercial fishery regulations, unless otherwise approved by the Board. States may always implement more conservative management measures.

3.1.1 GLASS EEL FISHERY MANAGEMENT PROGRAM

The following apply to the glass eel fisheries operating in Maine and South Carolina, unless otherwise noted.

Quota Management (Maine Only)
Maine's commercial glass eel quota for the 2015-2017 commercial glass eel fishing seasons will be set at 9,688 pounds annually. The quota shall be re-evaluated after three years (prior to the start of the 2018 fishing season), incorporating any information collected through Maine's life cycle monitoring program (see below), as well as other available programs, as feasible. Maine's commercial glass eel quota (9,866 pounds) may be extended through Board action. Any other modification (e.g. increase) to the quota amount will be subject to the Commission's addendum process.

Quota management provides a more reliable method to track mortality, increases accuracy of harvest data, and reduces opportunities for illegal harvest. In 2014 Maine pro-actively implemented new regulations to manage the glass eel fishery through output controls (quota management) instead of input control (gear and licenses restrictions). The state worked with industry and tribal representatives to develop a quota (11,479 pounds) that was a 35% reduction from 2012 landings. In 2014, the state landed 9,688 pounds.

Quota Overages
For any state or jurisdiction with a commercial glass eel quota, if an overages occurs in a fishing year, then that state or jurisdiction will be required to deduct the entire overage from the state's quota the following year, pound for pound.

Glass Eel Harvest Allowance Based on Stock Enhancement Programs
Any state or jurisdiction can request an allowance for commercial harvest of glass eels based on stock enhancement programs implemented after January 1, 2011. Examples of stock enhancement programs include, but are not limited to, habitat restoration projects, fish passage improvements, or fish passage construction. Fish passage projects may focus on upstream or downstream passage or both. Stock enhancement programs must show a measurable increase in glass eel passage and/or glass eel survival. Harvest shall not be restricted to the basin of restoration (i.e. harvest may occur at any approved location within the state or jurisdiction). Harvest requests shall not exceed 25% of the quantified contribution provided by the stock enhancement program.

Requests for harvest must be in writing and include a description of the: stock enhancement program, fishery requested, monitoring program to ensure harvest is not exceeded, monitoring program to ensure stock enhancement program targets are annually met, adequate enforcement capabilities, and adequate penalties for violations. The stock contribution percentage may be based on, for example, the amount of available suitable habitat that will become accessible, passage numbers, or other appropriate metrics.

Requests must be submitted to the Board by September 1st of the preceding fishing year. The Board will review and consider approval of the requests after a TC review.. After the first

year of implementation the TC will evaluate the program and provide recommendations to the Board on the overall impact of and adherence to the plan. If the stock enhancement program cannot be assessed one year post-implementation, then a secondary review must occur within three years post-implementation. If changes to that habitat or fishway occurs in subsequent years, the Commission must be notified through the annual compliance report and a review of the harvest allowance may be initiated.

Reporting Requirements
Any state or jurisdiction with a commercial glass eel fishery is required to implement daily trip level reporting with daily electronic accounting to the state for both harvesters and dealers in order to ensure accurate reporting of commercial glass eel harvest. States or jurisdictions commercially harvesting less than 750 pounds of glass eels are exempt from this requirement.

Monitoring Requirements
Any states or jurisdiction with a commercial glass eel fishery must implement a fishery independent life cycle survey covering glass, yellow, and silver eels within at least one river system. If possible and appropriate, the survey should be implemented in the river system where the glass eel survey (as required under Addendum III) is being conducted to take advantage of the long term glass eel survey data collection. At a minimum the survey must collect the following information: fisheries independent index of abundance, age of entry into the fishery/survey, biomass and mortality of glass and yellow eels, sex composition, age structure, prevalence of *A. crassus,* and average length and weight of eels in the fishery/survey. Survey proposals will be subject to TC review and Board approval. States or jurisdictions commercially harvesting less than 750 pounds of glass eels are exempt from this requirement.

3.1.2 YELLOW EEL FISHERY MANAGEMENT PROGRAM

Currently, commercial yellow eel fisheries operate in all states with the exception of Pennsylvania and the District of Columbia. Management measures selected by the Board in Addendum III went into effect January 1, 2014. These measures included a 9 inch minimum size limit for both the commercial and recreational fishery and a ½ by ½ inch minimum mesh requirement for the commercial fishery.

The American Eel TC recommended commercial harvest be reduced from the 1998 – 2010 average (907,669 pounds), specifically a 12% reduction from the 1998-2010 average was seen as an acceptable precautionary approach (798,750 pounds).

Coastwide Catch Cap
The commercial yellow eel fishery is regulated through an annual coastwide catch cap set at 907,671 pounds (1998 – 2010 harvest level).

The use of a coastwide cap provides a flexible management system that responds to fluctuations in market conditions while providing a quantifiable conservation benefit to

American eels. One of the benefits of a catch cap is that it reduces the administrative and legislative burden of implementing a state specific quota system while still controlling the total amount of fishing mortality that is occurring annually. Additionally, a coastwide catch cap does not require a specific allocation by state or jurisdiction, which can be problematic due to the fluctuations in landings as a result of environmental and market conditions. However, under this system states and jurisdiction still need timely reporting in place to ensure that that the cap was not exceeded. Furthermore, a mortality cap may promote a derby style fishery, which could possibly flood the market and drive down prices.

Under the catch cap, there are two management triggers. Upon reaching either of these triggers, the Board is required to alter the management program as specified below in order to ensure the objectives of the management program are achieved.

Management Triggers

1. The coastwide catch cap is exceeded by more than 10% in a given year (998,438 pounds).
2. The coastwide catch cap is exceeded for two consecutive years, regardless of percent over.

Management Response

If either trigger is tripped, then there would be automatic implementation of a state-by-state commercial yellow eel quota. The annual coastwide quota is set at 907,669 pounds, with allocations as specified in Table 4. See Appendix A for a description on the allocation methodology. States and jurisdictions are required to approve regulations that would allow for implementation of a quota management program and timely monitoring of harvest no later than March 2016. This ensures if a management trigger is activated in the first year of implementation (2015) then the required management action could be taken. The quota management program must include a provision to address quota overages and allow quota transfers, as specified below. It is recommended monitoring and reporting requirements are sufficient to prevent repeated overages.

If the state-by-state quota system is implemented and a state or jurisdiction has an overage in a given fishing year, then the state or jurisdiction is required to reduce their following year's quota by the same amount the quota was exceeded, pound for pound. For states that qualify for the automatic 2,000 pound quota, any overages would be deducted from the 2,000 pound allocation.

If the state-by-state quota system is implemented then any state or jurisdiction may request approval from the Board Chair or Commission Chair to transfer all or part of its annual quota to one or more states, including states that receive the automatic 2,000 pound quota. Requests for transfers must be made by individual or joint letters signed by the principal state official with marine fishery management authority for each state involved. The Chair will notify the requesting states within ten working days of the disposition of the request. In evaluating the request, the Chair will consider: if the transfer would preclude the overall annual quota from being harvested, the transfer addresses an unforeseen variation or contingency in the fishery,

and if the transfer is consistent with the objects of the FMP. Transfer requests for the current fishing year must be submitted by December 31 of that fishing year.

The transfer of quota would be valid for only the calendar year in which the request is made. These transfers do not permanently affect the state-specific shares of the quota, i.e., the state-specific shares remain fixed. Once quota has been transferred to a state, the state receiving quota becomes responsible for any overages of transferred quota.

Under both the catch cap and quota systems all New York American eel landings (i.e. from both the yellow and silver eel fisheries) are included, until otherwise shown to preclude it. The Board has the ability to re-visit quota and allocation through subsequent addenda.

Table 4. Recommended Quota Allocation for the Commercial Yellow Eel Fishery. This quota would ONLY be implemented if wither management trigger is tripped.

	Initial Allocation	Final Quota
Maine	0.48%	3,907
New Hampshire	0.01%	2,000
Massachusetts	0.04%	2,000
Rhode Island	0.16%	4,642
Connecticut	0.19%	2,000
New York	4.26%	15,220
New Jersey	10.19%	94,899
Delaware	6.97%	61,632
Maryland	56.72%	465,968
PRFC	4.67%	52,358
Virginia	9.58%	78,702
North Carolina	4.94%	107,054
South Carolina		2,000
Georgia	0.11%	2,000
Florida	1.69%	13,287
Total	100%	907,669

3.1.3 SILVER EEL FISHERY MANAGEMENT PROGRAM

The following measures apply only to the commercial weir fishery in the New York portion of the Delaware River and its' tributaries. New York was granted a one year extension from the requirements as specified under Section 4.1.3 of Addendum III:

> *Section 4.1.3: States and jurisdictions are required to implement no take of eels from September 1st through December 31st from any gear type other than baited traps/pots or spears (e.g. fyke nets, pound nets, and weirs). These gears may still be fished, however retention of eels is prohibited. A state or jurisdiction may request an alternative time frame for the closure if it can demonstrate the proposed closure dates*

encompass the silver eel outmigration period. Any requests will be reviewed by the TC and submitted to the Board for approval.

The American Eel Benchmark Stock Assessment found "fishing on out-migrating silver eels could be particularly detrimental to the stock, especially if other sources of mortality (e.g., turbine mortality, changing oceanographic conditions) cannot be readily controlled." Conservation efforts on earlier life stages will only delay mortality and provide limited additional benefit to stock health if harvest occurs at later stages.

License Cap
The Delaware River silver eel weir fishery is restricted to nine annual permits. These permits are initially limited to those permitted participants that fished and reported landings from 2010 to 2013. Permits may be transferred thereafter.

3.1.4 STATE SPECIFIC SUSTAINABLE FISHERY MANAGEMENT PLANS FOR AMERICAN EEL

States or jurisdictions may petition the Board to allow for a state specific Sustainable Fishery Management Plan (Plan) for American Eel.

Currently, states and jurisdictions are allowed to petition the Board for an alternative management program, per Section 4.4 of the FMP. This section is not meant to replace Section 4.4 of the FMP, rather it provides guidance on specific types of alternative management the states can to request.

The objective of these programs is to allow states and jurisdictions the ability to manage their American eel fishery (glass, yellow, or silver) to both meet the needs of their current fishermen while providing conservation benefit for the American eel population. Three types of Plans (Fishing Mortality Based Plan, Transfer Plan, and Aquaculture Plan) are presented below. All plans must be submitted to the Board for their review and approval after TC review.

Fishing Mortality Based Plan
Under this scenario, states and jurisdictions may petition the Board for alternative management based on the current level of mortality that is occurring on their population. This Plan shall:

1. Require states or jurisdictions to assess, with some level of confidence, the status of eel abundance and current level of mortality (e.g. fisheries, natural, and other man-made) that is occurring on the American eel populations within their jurisdiction.
2. Once adequately documented, states or jurisdictions may allocate their fishing mortality to any American eel fishery (glass, yellow, or silver) even if the state does not currently participate in that fishery (i.e. a state would be allowed to open up a glass eel fishery if they did not currently have one due to the restrictions of the FMP). This could be applied for commercial, recreational, aquaculture industries and/or research set-aside purposes.

3. States may increase the fishing mortality rate provided it is offset by decreases in other mortality (e.g. though habitat improvements, increased fish passage, reduced turbine mortality, etc.) and there is an overall net gain to conservation (i.e. overall mortality is reduced, spawner escapement increases, etc...).

The format of the Fishing Mortality Based Plan is as follows:

1. Current regulations
2. Proposed change to regulations (e.g. request for fishery, fish passage restrictions, water quality improvements, etc...)
3. Description of fishing monitoring and enforcement capabilities
4. Description and supporting information on eel abundance and current mortality within state or jurisdiction
    a. Fishing mortality (including but not limited to commercial, recreational, sustenance, and bycatch)
    b. Natural mortality (including but not limited to predation and disease),
    c. Other man-made mortality (including but not limited to fish passage, turbines, habitat degradation, and pollution)
    d. Indices of abundance, age and size structure, and life cycle population metrics
5. Timeline for implementation of regulations, monitoring programs, or other activities
6. Description of conservation benefits of proposed regulatory changes or habitat improvements
7. Description of adaptive management program to evaluate success of proposed regulatory changes or habitat improvements

Transfer Plan

If states or jurisdictions are unable to assess the current level of mortality and abundance with certainty, and the state or jurisdiction implements quota management for at least one fishery, then a state may develop a Transfer Plan to request a transfer of quota from one fishery to another (e.g. from yellow to glass) based on the life history characteristic inherent to that area (e.g. state, river, or drainage). The request shall include: description of quota allocation by fishery; scientific analysis that the transfer will not increase overall eel fishing mortality, overall mortality, or reduce spawner escapement, with some level of confidence; description of monitoring program to ensure quota is not exceeded; and adequate enforcement capabilities penalties for violations.

Aquaculture Plan

States and jurisdictions may develop a Plan for aquaculture purposes. Under an approved Aquaculture Plan, states and jurisdictions may harvest a maximum of 200 pounds of glass eel annually from within their waters for use in domestic aquaculture facilities provided the state can objectively show the harvest will occur from a watershed that minimally contributes to the spawning stock of American eel. The request shall include: pounds requested; location, method, and dates of harvest; duration of requested harvest; prior approval of any applicable permits; description of the facility, including the capacity of the facility the glass eels will be held, and husbandry methods; description of the markets the eels will be distributed to; monitoring program to ensure harvest is not exceeded; and adequate enforcement capabilities penalties for violations. Approval of a request does not guarantee approval of a request in

future years. Eels harvested under an approved Aquaculture Plan may not be sold until they reach the legal size in the jurisdiction of operations, unless otherwise specified.

All Plans are subject to TC and LEC review and Board approval. The Fishing Mortality Based Plan must be submitted by June 1st of the preceding fishing year in order to provide enough time for review for the upcoming fishing season. Transfer and Aquaculture Plans must be submitted by June 1st of the preceding fishing year and approval will be determined by the Board by September 1st. Plans will initially be valid for only one year. After the first year of implementation the TC will evaluate the program and provide recommendations to the Board on the overall impact of and adherence to the plan. If the proposed regulatory changes, habitat improvements, or harvest impact cannot be assessed one year post-implementation, then a secondary review must occur within three to five years post-implementation if the action is still ongoing.

If states use habitat improvements and changes to that habitat occurs in subsequent years, the Commission must be notified through the annual compliance report and a review of the Plan may be initiated. Any requests that include a stocking provision would have to ensure stocked eels were certified disease free according to standards developed by the TC and approved by the Board.

4. LAW ENFORCEMENT RECOMMENDATIONS

The Commission's Law Enforcement Committee has previously weighted in on the enforceability of proposed American eel management options based on the *Guidelines for Resource Managers on the Enforceability of Fishery Management Measures (July 2009).* These Guidelines rated management strategies using standard terms as follows, from least to most enforceable: Impossible, Impractical, Difficult and Reasonable.

The LEC concluded that status quo measures for all eel fisheries is impractical for enforcement, specifically for the glass eel fishery given the enforcement challenges associated with the prosecution of the glass eel fishery in those states currently closed to harvest of glass eels. A significant amount of illegal harvest of glass eels continues outside the two states where harvest is currently allowed, and illegally harvested eels are being possessed and shipped via those two states. State and federal enforcement agencies are tasked to thwart the illegal harvest and export with reduced staff and resources. Given the monetary value of glass eels and the ability to move illegally harvested eels via legal shipments, enforcement agencies do not have, and are unlikely to obtain the resources necessary to effectively monitor and control a limited glass eel harvest.

The LEC finds that a quota system would be difficult to enforce because of the variety of management strategies associated with quota implementation, enforceability depends largely on how quota systems are managed. Increased complexity of quota systems will generally reduce enforceability. The enforcement of time/area closures for the silver eel fishery is considered reasonable.

The LEC reports continuing illegal harvest of glass eels or elvers in the two states where some legal harvest is permitted, and in a number of states where any harvest of eels below a minimum size is prohibited. This is not unexpected given the high dollar value associated with the fishery. Enforcement agencies are dedicating resources to monitor and enforce regulations through stepped up patrols, coordination with local enforcement authorities, and by communicating the importance of glass eel cases to judiciary officials. Specific changes to regulations or statutes that would enhance field enforcement and/or penalties are encouraged, and those that have been implemented (in Maine, for example) have improved the outcome of arrests and convictions. Because of the cross-state nature of illegal glass eel harvest, strengthening of extradition or bail provisions for criminal violations would enhance the deterrent effect of enforcement actions.

5. COMPLIANCE

All states must recognize Addendum IV through their approved management programs. States and jurisdictions are required to approve regulations that would allow for implementation of a state specific quota management program and timely monitoring of harvest no later than March 2016.

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Appendix A

Determining the coastwide quota and state-by-state allocation

The coastwide quota and allocation is determined through a five step process. First, the quota is initially set at the 2010 harvest levels (978,004 pounds). This year (2010) was chosen as the baseline as it represents the last year of data that was included in the benchmark stock assessment and the assessment recommends reducing mortality from this level. Second, a 16% reduction is applied, bringing the quota to 821,523 pounds.

Third, the average landings for each states and jurisdiction from 2011 – 2013 is calculated. This time period was chosen in order to maintain the current distribution on fishing effort along the coast. The averages for each state and jurisdiction are totaled and then the percent contribution by each state is determined.

Fourth, in order to increase equity in the distribution of the quota, the following criteria is then applied to each state or jurisdictions allocation:

1. States or jurisdictions be allocated a minimum allocated quota fixed at 2,000 pounds in order to provide all state's a quota level sufficient to cover any directed or bycatch landings without creating an administrative burden. The 2,000 pounds quota is not expected to promote a notable increase in effort in the fishery.
2. No state or jurisdiction is allocated a quota that is more than 2,000 pounds above its 2010 commercial yellow eel harvest.
3. No state or jurisdiction is allocated a quota that is more than a 15% reduction from its 2010 commercial yellow eel harvest.

Through this filtering method the quota is updated to 893,909 pounds.

Lastly, the difference between this amount (893,909 pounds) and the TC recommendation (907,669 pounds) is 13,762 pounds. This difference is split equally among the states that are negatively impacted by the quota in comparison to their 2010 commercial harvest (Rhode Island, New Jersey, Delaware, PRFC, and North Carolina) with the exception of Maryland given their high allocation. Each of the specified states is allocated an equal portion of the 13,762 pounds, not to exceed their 2010 landings. This results in a final coastwide of 907,669 pounds.

Table 1. Quota and allocation calculation process.

	2010 Landings	2011-2013 Harvest Average	Initial Allocation Based on Harvest Average	Initial Quota	After Filtering Method is Applied	Final Quota
Maine	2,624	5,104	0.48%	3,943	3,907	3,907
New Hampshire	80	134	0.01%	82	2,000	2,000
Massachusetts	277	450	0.04%	329	2,000	2,000
Rhode Island	4,642	1,750	0.16%	1,314	3,946	4,642
Connecticut	164	2,073	0.19%	1,561	2,000	2,000
New York	13,220	46,058	4.26%	34,997	15,220	15,220
New Jersey	107,803	110,058	10.19%	83,713	91,633	94,899
Delaware	68,666	75,249	6.97%	57,260	58,366	61,632
Maryland	511,201	612,665	56.72%	465,968	465,968	465,968
PRFC	57,755	50,446	4.67%	38,365	49,092	52,358
Virginia	78,076	103,433	9.58%	78,702	78,702	78,702
North Carolina	122,104	53,350	4.94%	40,583	103,788	107,054
South Carolina	2			0	2,000	2,000
Georgia	103	1,162	0.11%	904	2,000	2,000
Florida	11,287	18,231	1.68%	13,802	13,287	13,287
Total	978,004	1,080,160	100%	821,523	893,909	907,669