

**PROCEEDINGS OF THE  
ATLANTIC STATES MARINE FISHERIES COMMISSION  
AMERICAN EEL MANAGEMENT BOARD**

**The Westin Alexandria  
Alexandria, Virginia  
February 4, 2016**

**Approved May 3, 2016**

Proceedings of the American Eel Management Board Meeting  
February 2016

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1. **Approval of Agenda by Consent** (Page 1).
2. **Approval of Proceedings of November, 2015** by Consent (Page 1).
3. **Main Motion: Move that the American Eel Board approves the North Carolina Aquaculture Plan as presented today** (Page 9). Motion by Louis Daniel; second by Pat Geer.
4. **Motion to Amend: Move to amend that the North Carolina Plan include the recommendations from the Technical Committee and within the plan it would be recognized that no export of the glass eel stage would be allowed; considered friendly amendment** (Page 13). Motion by Pat Keliher; second by Dennis Abbott. Motion carried (Page 13).
5. **Motion to Amend: Move to amend that year 1 will be exploratory to determine locations in which glass eels are present. At that time, NC will consult with the TC to determine the best methodology to determine usable abundance estimates** (Page 16). Motion by Louis Daniel; second by Bill Adler. Motion carried (Page 17).
6. **Main Motion as Amended: Move to approve the NC aquaculture plan and include the recommendations from the TC and that the plan would also include that no export of glass eel would be allowed and that year 1 will be exploratory to determine locations in which glass eels are present. At that time, NC will consult with the TC to determine the best methodology to determine usable abundance estimates.** Motion carried (Page 13).
7. **Move to approve the South Carolina's survey sampling proposal as presented today** (Page 18). Motion by Pat Augustine; second by Dennis Abbott. Motion carried (Page 18).
8. **Move to approve conservation equivalency management proposal from Maine as presented today** (Page 19). Motion by Pat Augustine; second by Bill Adler. Motion carried (Page 19).
9. **Move to adjourn** by consent (Page 24).

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**ATTENDANCE**

**Board Members**

Pat Keliher, ME (AA)	Loren Lustig, PA (GA)
Terry Stockwell, ME, Administrative Proxy	Leroy Young, PA, proxy for J. Arway (AA)
Steve Train, ME (GA)	John Clark, DE, proxy for D. Saveikis (AA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Roy Miller, DE (GA)
Cheri Patterson, NH, proxy for D. Grout (AA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
G. Ritchie White, NH (GA)	Bill Goldsborough, MD (GA)
Jocelyn Cary, MA, proxy for Rep. Peake (LA)	Ed O'Brien, MD, proxy for Del. Stein (LA)
Dan McKiernan, MA, proxy for D. Pierce (AA)	David Blazer, MD (AA)
William Adler, MA (GA)	Rob O'Reilly, VA, proxy for J. Bull (AA)
Robert Ballou, RI, proxy for J. Coit (AA)	Kyle Schick, VA, proxy for Sen. Stuart (LA)
David Borden, RI (GA)	Louis Daniel, NC (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Doug Brady, NC (GA)
Lance Stewart, CT (GA)	Ross Self, SC, proxy for R. Boyles, Jr. (AA)
Dave Simpson, CT (AA)	Malcolm Rhodes, SC (GA)
James Gilmore, NY (AA)	Pat Geer, GA, proxy for Rep. Nimmer (LA)
Pat Augustine, NY, proxy for Sen. Boyle (LA)	Jim Estes, FL, proxy for J. McCawley (AA)
Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)	Dan Ryan, DC, proxy for B. King
Russ Allen, NJ, proxy for D. Chanda (AA)	Mike Millard, USFWS
Tom Fote, NJ (GA)	Chris Wright, NMFS
J. Thomas Moore, PA, proxy for Rep. Vereb (LA)	Martin Gary, PRFC

**(AA = Administrative Appointee; GA = Governor Appointee; LA = Legislative Appointee)**

**Ex-Officio Members**

Mary Beth DeLucia, Advisory Panel Chair	Sheila Eyler, Technical Committee Chair
Mark Robson, Law Enforcement Representative	

**Staff**

Bob Beal	Mike Waine
Toni Kerns	Kirby Rootes-Murdy

**Guests**

Mike Luisi, MD DNR	Sherry White, US FWS
David Haskins, US FWS	Kelly Denit, NMFS
Wilson Laney, US FWS	Greg Murphy, PFBC
Jeff Pierce, MEFA	David Bush, NC Fisheries Assn.
Abden Simmons, MEFA	Bill Quinby, Mayflower Int'l, SC
Arnold Leo, E. Hampton, NY	Rachel Dean, Lusby, MD

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The American Eel Management Board of the Atlantic States Marine Fisheries Commission convened in the Edison Ballroom of the Westin Hotel, Alexandria, Virginia, February 4, 2016, and was called to order at 10:30 o'clock a.m. by Chairman John Clark.

**CALL TO ORDER**

CHAIRMAN JOHN CLARK: Good morning everybody. I would like to call the American Eel Board to order. I am Chairman John Clark from the fabulous first state.

**APPROVAL OF AGENDA**

CHAIRMAN CLARK: Our first item of business is to go through approval of the agenda. Are there any changes to the agenda? Seeing none; it will be considered approved.

**APPROVAL OF PROCEEDINGS**

CHAIRMAN CLARK: Next do we have any changes to the proceedings from November, 2015? Seeing none; we will consider that approved.

**PUBLIC COMMENT**

CHAIRMAN CLARK: Now we move on to Agenda Item 3, public comment. We have two people who have signed up to speak to us about issues not on the agenda. The first one is Mr. Bill Quinby.

MR. WILLIAM QUINBY: Good morning. My name is Bill Quinby; I am from Mayflower International. We are involved with fisheries projects and seafood trading for over 30 years. Eight years ago in March, 2008, I was asked to be a host for a group of five eel specialists from Japan and China.

They arrived in Charleston, South Carolina, with a big bag of eel feed to look into our fishing situation. Our states and federal government didn't have much of an aquaculture industry at that time. We looked at an abandoned shrimp

farm in Florida and they went home. A few years later the earthquake and tsunami hit Japan, and later an endangered species claim basically closed our eel fisheries and stopped any chance for economic development.

Today it is a time for the next amendment to the ASMFC management plan. It is time to allow states to catch enough eel to better understand what our resource is. Baby glass eels, elvers, yellow, silver eel, the attitude today seems to be don't catch the little ones; there won't be enough making it back to the Sargasso Sea, and we're leaving them to be prey for birds, and other fish and be at the mercy of our poor habitat.

States have yellow eel quotas, and these are the ones that have a greater chance to return to the Sargasso Sea to spawn. Markets for these eels are limited, mostly overseas. I would say that Maine is to be very much complemented for their eel management. However, just because glass eels are found around and harvested in the largest coastal state that we have should this preclude fishing in other states?

South Carolina, where I live, has a long history with eel; so far however their Department of Natural Resources refuses to make a plan. Today the entire state has only three fishermen and 23 nets in one small section of one river in the whole state. They are discarding 80 or 90 percent of their catch because they are over three inches long and not making it through a quarter inch mesh, as required by this eel Board. North Carolina is also to be complemented for proposing an aquaculture venture in their state, where people have invested in a system to grow eels.

Due to this management system they are restricted to fishing in areas where eels are least likely to appear, and restricted to 200 pounds of glass eel. According to mortality statistics that means about 180 pounds of these eels that

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would die anyway and never have been given a chance to survive.

When I was involved in the development of our Atlantic mackerel fishery a few years ago, and a lot of years ago there was a gentleman from New Jersey named Axel Carlson. He used to say, "This is America, we're privileged to live here where people have the right to go bankrupt." He was an interesting man.

In Europe they have a different outlook about eel. They have a sustainable eel commission. In talking with people there they question, what are we doing over here? Why aren't we developing an industry like Morocco? Instead of selling our baby eel to Asia and buying back over two hundred million dollars of eel products each year; is what we import into the United States. One UK gentleman told me that Europe is expected to harvest over 100 tons of glass eel this season. France alone has a quota of 53 metric tons.

CHAIRMAN CLARK: Mr. Quinby could you wrap it up please.

MR. QUINBY: Yes. Netherlands, Spain, Portugal, Denmark all have value added products and one Dutchman says that they can get up to a thousand dollars in value out of one large eel. I think it is important to know that Haiti also has a great 10 or 12 ton fishery. People are down there with flashlights in the rivers. Eels are unique. We prefer not to wait for the biennial meeting of ASMFC to utilize our resource.

Let's please not kick the can down the road further at this meeting. I would like to see someone propose a motion that gives each state an eel quota, an amount to be used as they see fit for glass eel, yellow eel, research, aquaculture, trading with other states; maybe something like a ton or 2,000 pounds per state just to get started. Mr. Chairman, it is essential to better understand this fascinating resource

and open the door to its sustainable future and development. Thank you.

CHAIRMAN CLARK: Thank you, Mr. Quinby. Next to speak we have, I believe it was Jeff Pierce of the Maine Elver Association.

MR. JEFFREY PIERCE: Thank you, Chairman Clark, members of the American Eel Board. I'll be brief. I would just like to ask the Board to consider restoring the yellow eel, glass eel quotas to the 2014 levels pending the next stock assessment. I hope you would consider this being an action item for the May meeting. Thank you.

### COMPLIANCE ISSUES

CHAIRMAN CLARK: Thank you, Mr. Pierce. That concludes our public comments. Before we get to our next agenda item, Delaware has an announcement and I would like to turn the floor over to our legislative proxy, Mayor Craig Pugh.

MR. CRAIG D. PUGH: Basically we've been charged with an update. Upon receipt of the noncompliance letter our governor received from the Secretary of Commerce to the State of Delaware. Our governor charged the chairman of the Senate Natural Resources Committee of our General Assembly with the job of bringing the issue to an accord.

The Chair of the Natural Resources Committee then selected the Delaware Secretary of Natural Resources and a representative of the shore communities with ties to local industry to work through the issues at hand. The product agreed on was a split of duties, essentially, where the Delaware Natural Resources would gain regulatory authority in regards to size limits of eels and gear restrictions for catching of eels recreationally and commercially.

Yet quota management and implementation would be left to the legislative process due to closed fishery statutes that already exist within our fisheries and may fall under this umbrella in the future, which in turn allows those most

involved within our state to have a voice in distribution of transfers of quota.

We believe that implies positive results from a fair and equitable process are gained through proven representative action. The Delaware legislature and the governor's office met this challenge by reconvening January of 2016. Our session closed in June of 2015; it reconvened just this January, in which only nine days were available for legislative action. This bill passed two natural resource committee hearings unanimously and passed both legislative houses unanimously by January 27, 2016.

That doesn't necessarily happen under adverse conditions; that only happens when parties needs have been met and are representatively voiced. I am pleased to announce that the compliance needs have been met. However, through this process other questionable conflicts have been brought to light, and Delaware's legislative body through this awakening would hope for fair and equitable treatment of what are considered major concerns going forward in the future.

CHAIRMAN CLARK: Thank you, Craig, and I would also like to turn it over to Bob Beal. Is he here? Okay, should we wait? Mike Waine will further discuss the compliance issues.

MR. MIKE WAINE: Bob was just going to inform the Board that the procedure for following up with Delaware coming back into compliance is that staff is reviewing that they've met those requirements that they were found out of compliance with, and we will be drafting letters to the Secretaries of Commerce and Interior, informing them that Delaware is found to be back in compliance and therefore the commission withdraws its noncompliance findings. I just wanted to let everybody know that we're in that process currently, given the new information from the state of Delaware.

## **REVIEW AND CONSIDER NORTH CAROLINA'S AQUACULTURE PLAN**

CHAIRMAN CLARK: Our next item on the agenda is to review and consider North Carolina's aquaculture plan. As the board is aware, North Carolina came to the Board. There is a potential aqua culturist in the state who has a facility, and has asked to be allowed to harvest 200 pounds of glass eels under the method outlined in Addendum 4. They asked for an expedited review of this, and we have now a report from the Technical Committee. I'll turn it over to Sheila Eyler.

### **TECHNICAL COMMITTEE REPORT**

MS. SHEILA EYLER: Just to give a quick overview of the proposal that came from North Carolina for the aquaculture plan that was submitted to the Technical Committee in December of 2015. There was a request from the American Eel Farm to harvest 200 pounds of glass eels with the harvest occurring in the spring of 2016. The harvest was going to occur from 10 primary sites and three alternative sites, and these consisted of short coastal rivers in North Carolina that have some level of human impact, and all of the sites have full or partial shellfish closures indicating that there are some water quality issues in those streams.

The proposal included three licensed harvesters that would be reporting daily what the harvest was for the glass eels, and there were various harvest restrictions listed in the proposal; including the limit of the number of gear per fisher to be used. Time out for harvesting and warrantless inspections will also be permitted.

The plan will have eels to be raised to a minimum legal size in North Carolina, which is 9 inches before they are to be sold. For the Technical Committee review we had to look at Addendum 4, what the requirements were for the aquaculture plan. The plan had to include the pounds requested, the harvest method and location that the applicable permits had been

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applied for and secured, a description of the facility and the husbandry methods, market description and monitoring of harvest and adequate law enforcement.

Another requirement of Addendum 4 is that the plan had to show objectively that the harvest will occur from a watershed that minimally contributes to the spawning stock of American eel. The Technical Committee reviewed the initial plan in December of 2015 and requested modifications of North Carolina, and they submitted a modified plan back to the Technical Committee for review in January of 2016.

All the components that were required in the plan have been included in the plan, but the Technical Committee had two specific concerns with the plan. One, the Technical Committee recommends that the glass eel harvest in North Carolina would follow the current recommendations from Addendum 3 for 25 pigmented eel tolerance per pound.

There is concern from some of the Technical Committee members that using the eighth inch mesh – that is what is spelled out in Addendum 3 – may not remove as many pigmented eels as necessary to meet the 25 pigmented eel tolerance per pound. The recommendation from the Technical Committee is if the Board is concerned about having more than 25 pigmented eels per pound that they reconsider the eighth inch stretch mesh requirement that is currently in Addendum 3.

Otherwise North Carolina if they follow that stretch mesh requirement, they may end up having more pigmented eels than is what is allowed in Addendum 3. Also the Technical Committee is requesting that if this plan is adopted, after the end of the first year we would like information on the harvesting that occurred, including the date, the number collected, the amount of effort, the location and water temperature from those sites.

The second component that the Technical Committee had to consider in their evaluation is whether or not the harvest came from watersheds that minimally contributed to the spawning stock of American eel. North Carolina provides no information or data on eel survival or reproduction within its state waters. At this time the Technical Committee cannot determine if this proposed harvest comes from a watershed that minimally contributes to the spawning stock, so we cannot make a recommendation based on this requirement. Moving forward, if this plan does get approved today by the Board, the Technical Committee requests that North Carolina collect additional data on young of the year abundance, particularly in these watersheds. We recognize that collecting additional data on abundance is not going to solve the question of whether or not these eels contribute to the spawning stock.

That requires really a coast wide assessment of the current reproductive ability of eels, and then what North Carolina's harvest would do to impact that. That is an effort significantly bigger than what is being proposed here in this aquaculture proposal. But at least having some information on young of the year abundance in some of these coastal streams would give us some idea of how much the harvest for aquaculture would be impacting the current populations in those coastal streams, and that concludes my presentation.

CHAIRMAN CLARK: Do we have questions for Sheila on the TC presentation and findings? Yes, Rob.

MR. ROB O'REILLY: I may have a couple of comments or questions really, but the question is on the mesh one-eighth inch mesh and concerns over pigmented eels being able to pass through. What was that based on? In other words, what is the basis for that sort of conclusion by the Technical Committee? That is one question.



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MS. EYLER: That concern was raised in particular because of the glass eel harvest that is happening in South Carolina. If they use the eighth inch fresh mesh it is my understanding that more than 25 pigmented eels pass through that in that state, so they have a hard time harvesting the glass eels to meet the Addendum 3 requirement of 25 pigmented eels per pound. Being that North Carolina is close to South Carolina we assume that the population would be similar.

CHAIRMAN CLARK: Follow up, Rob?

MR. O'REILLY: Was there a recommendation on an alternate mesh size or is it practical to have an alternate mesh size in that?

MS. EYLER: The Technical Committee does not have a recommendation at this time.

CHAIRMAN CLARK: The next question is from Loren Lustig, Pennsylvania.

MR. LOREN W. LUSTIG: I am presuming that this proposal is for one year. Is that correct? If the answer is yes that is correct, has there been any request or conversation relating to multiple year permits?

MS. EYLER: With the aquaculture plan in Addendum 4 it is a one year request and it is an annual request that needs to be renewed annually so there is not a multiple year request possibility for that plan. We have not received a plan for 2017 yet. That would be due in June of 2016.

CHAIRMAN CLARK: Are there any more questions for Sheila? Oh right over there, Cheri.

MS. CHERI PATTERSON: Sheila, I have noticed here that under one of the conditions of their licensing that they are or they may be required to report various conditions, various aspects of their fishing. Given that information, and if North Carolina actually does, and Lou, you can

jump in if you guys are requiring this reporting requirement under the commercial license. What other parameters is the TC recommending to have reported?

MS. EYLER: If I understand you correctly, from the harvester specifically we would like to have the date, the amount harvested, the location and water quality data that is associated with that.

#### **ADVISORY PANEL REPORT**

CHAIRMAN CLARK: All right if there are no further questions then thank you, Sheila for the TC report and we'll move on to the advisory panel report which will be given by Mary-Beth Delucia.

MS. MARY-BETH DELUCIA: I would like to give just a quick overview of an advisory panel report that was held through a conference call that we did in January of this year. The call focused on two major topics of concern to the AP, one of those being the current status of American eel markets here and abroad.

Also the second major topic would be the accountability of eels coming into an aquacultural facility. I'll start with the markets. One of the requirements in Addendum 4 is the identification of market information, and that was not included in the plan submitted for the aquacultural facility.

Many of the AP members had concerns about what markets actually exist for eels. The bait market has a lot of supply from wild catch. There are no existing culture markets, and the wild market is also depressed because of a lot of inexpensive European eels abroad. Another topic that was a big concern was it is hard to raise a small eel to food size, like what we would call sushi size in an aquacultural facility without bioactive additives, which are not actually legal in the United States.

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Because of the eels being confined so densely, most of them will end up male and they won't get very big. The AP was concerned that this was not addressed and all these eels will turn out to be pretty small eels. They were concerned about what market exists for that. There is also a market analysis included in your materials in Appendix 1 to supplement the plan that goes into the details about different life stages and the markets that currently exist for these eels.

As far as accountability goes, the AP was concerned about the tracking of the eel coming out of the rivers and actually going to the eventual markets. They thought there was good accountability up until getting into the aquacultural facility, but what happened after that was of concern. They would like to see more accountability for those eels, what happens to them once they're in that facility.

If they die they would like them to be kept for inspection by Marine Patrol. That should help with knowing where these eels end up. There were a few other comments. The timeframe that was required as part of Addendum 4 wasn't followed and some felt that the Board granted North Carolina extension and created unfair advantage with other states. That concludes my comments, Mr. Chairman.

CHAIRMAN CLARK: Thank you, Mary-Beth. Do we have questions? I saw Pat; you had your hand up.

MR. PATRICK AUGUSTINE: A very thorough report from the AP. I was looking for the documentation or justification for the statement that AP members were concerned with the high density grow-out system proposed in North Carolina's plan. I didn't see it cited. Was there a scientific body that presented papers to you that you were able to come to that conclusion?

I'm just trying to make sure we're going in the right direction, but I also want to be fair to what we've gone through with North Carolina's

proposal and how long we've belabored this and what the Technical Committee has laid on them to control what they're doing, so if you have an answer I would appreciate that.

MS. DELUCIA: I'll let Sheila back me up if I need it, but I do believe there are scientific papers out there, and I think there were some in the materials. I believe there are papers cited in the materials.

MR. AUGUSTINE: Well, I'm getting to that point where I didn't read that so thank you very much.

MR. WILLIAM A. ADLER: A couple of the points that the AP brought up sparked my thoughts on this. I heard it is a one year deal. I heard 200 pounds, and they apparently want to grow them into food size. Where the AP came in was they said it is hard to grow it to a food size. I'm just trying to think of the economic value of a company taking 200, for one year, taking 200 and taking time to grow them and whether it is economically feasible to be a success.

What brought me to that was the APs report on hard to grow them up. I'm a little confused how a one year plan is going to turn into an economic viability with 200, and then you have to grow them up. As we go on through the discussions here maybe somebody could explain to me how this is a viable operation.

CHAIRMAN CLARK: Excuse me, Bill; you were talking about the one year renewal for the harvest provision of the glass eels, the 200 pounds. Once they're in the facility you know they can just keep growing them out. They don't have to renew the permit. The eels they catch this year will presumably take several years, as you pointed out, to grow out to the legal size. But the permit is for taking the actual glass eels.

MR. ADLER: Once in one year, or every year?

CHAIRMAN CLARK: Right for this year my understanding of the addendum is that they

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would have to then, if they wanted to get more eels next year they would have to ask to get them again, the glass eels. Are there any more questions? I see Rob and Roy.

MR. O'REILLY: I guess I'm curious about the market conditions that were stressed by the AP, and I'm wondering. I don't have a point of reference except for about 20 years ago when the market changed pretty suddenly for a grow-out facility. I'm wondering now, is this a condition that has been prevalent over the last ten years, the European glut and the fact that the bait market is covered by other sources? Does that have like a ten year situation or what?

MS. DELUCIA: I'm actually not sure. Mitch is the Chair. That was put together by two members of the AP, and so I can't answer that question.

CHAIRMAN CLARK: Rob, if I recall I did speak to Marty and Mitch about that. I know Mitch has said he's got a warehouse full of frozen eels from last year right now, because the European market has been glutted. Apparently they take about 30 metric tons a year for their grow-out operations. Aquaculture of eels is big in Europe and they are pretty much full up now. They've been having very big harvest of their own glass eels. That was I think their concern is that there is just not really a market there.

MR. ROY W. MILLER: In listening to Bill Adler's comments and questions. This proposal raises a lot of questions for me. Fortunately I'm not being asked to invest in this proposal or I would have a lot more questions. Notwithstanding that considering that the stated intention is to raise these eels to nine inches and then presumably, which is a size eel that would compete with a bait market; probably not favorably.

I just don't understand the viability of this particular proposal, and therefore I have these nagging questions of what is the real goal here? What is the unstated agenda that we aren't hearing about? I just can't help but think that

there is an agenda that hasn't been presented is the real reason that is driving this proposal; and that concerns me Mr. Chairman.

CHAIRMAN CLARK: I would just say that the addendum just says that they have to have a market and they said they do have a market. It didn't really have us investigate that in any way.

MR. DENNIS ABBOTT: I am hearing all these questions about what the individual or individuals might be doing with the product after they grow it out or whatever. But I feel that is not our concern at this time. If I was the guy that had cornered Louis Daniel and talked him into bringing this forward, and someone asked me what my market was and what I was going to do.

I would say it is proprietary and probably none of anybody's business. Someone is making a business decision, and I think giving them one year to see if it is viable or whatever is perfectly a good thing at this point in time. I plan to support this idea, even though we've had questions in the past.

CHAIRMAN CLARK: I believe that point was brought up by the owner of this facility that he did say on the AP call that he does have markets and that is his private business there. Are there any further questions for Mary-Beth?

MR. ERIC REID: Is the only barrier to this project going forward us allowing them to take 200 pounds of eels, or if we say you can't take the 200 pounds could American Eel buy 200 pounds of eels from say, Maine, and move the project forward?

CHAIRMAN CLARK: Well, I believe that that was an option. I know this project has been brought before this Board several times and that question has been asked. I think if I understand the economics being such that it works a lot better if he can get the glass eels himself rather than purchase them. Is that correct, Mary-Beth? Any further questions?

**LAW ENFORCEMENT COMMITTEE REPORT**

CHAIRMAN CLARK: Seeing none; we will now move on to the presentation from the Law Enforcement Committee, Mark Robson.

MR. MARK ROBSON: I just have a few summary slides. The LEC met on a conference call, again on January 7. We had 18 enforcement members participating in that call, and for this particular issue we also had two additional enforcement representatives from North Carolina, as well as two management representatives from North Carolina to help explain the background on this proposal that they had received.

During that call the LEC as a body reviewed the elements of the plan, and we also had prepared a memo which has been provided to this Management Board summarizing the meeting and our recommendations from that. In brief summary, we support the plan as it was presented to us during that conference call.

There was a single comment regarding reporting requirements for any type of gear alteration or modification if fixed gear is used in the field for collection; that if there is any modification or alternation of those gear that there be an immediate reporting requirement to make sure that law enforcement is aware of any potential changes to the status of that gear.

There was discussion about the existing provisions in the plan for reporting and those were accepted as being a good thing to have. The LEC simply reiterated its support for having redundant reporting systems to the extent you can. In addition to the daily call-in provisions or daily reporting for net activity where they're collecting, we also understood that there was an opportunity to have regular trip ticket reporting, and that redundancy is a good way to kind of crosscheck the harvest of these glass eels for the operation.

There was just a general concern and a question asked of the North Carolina enforcement representatives about this proposal and whether it would generate any kind of strain or concern about enforcement time and effort that would be required to monitor this activity. The representatives from North Carolina that were on the call said that was a concern that they had discussed and had looked at.

But in this circumstance, because of the timeframes of the collection and the one year permit provision, and the fact that they already had personnel that were used to checking nets and gear that they were comfortable that they could handle this additional responsibility for the aquaculture operation. It just resulted in sort of a follow up with some of the other LEC members from other states for everybody to be constantly aware of.

It is something you'll see in our enforceability guidelines as well that even though this is a very limited case, if you have a significant change in a particular fishery management program or new or innovative programs like aquaculture, to be mindful of the potential for significantly increased law enforcement responsibilities, and to try to plan for that and make sure that they have the resources available to take on these new roles; and that concludes my report.

CHAIRMAN CLARK: Do we have any questions for Mark on the Law Enforcement Committee report? Yes, Pat.

MR. PATRICK C. KELIHER: Thanks for that report, Mark. Did the Law Enforcement Committee talk about or was there any discussion or viewpoints about potential loopholes within basically the chain of custody? The advisory panel did comment on the fact that they're concerned about the loss of chain of custody once they get to the facility. That also concerns me, having a very active eel fishery, knowing the intense effort from law enforcement that goes into this. But also having a program now that has a chain

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of custody model that is complete all the way to the airport, I am concerned about that loss of chain of custody. Once they're in the facility what happens if some are removed from the facility; especially at a glass eel stage. We're talking about this facility holding \$400,000.00 worth of glass eels potentially. I would want to ensure that once they're at the facility they cannot be removed from the facility.

MR. ROBSON: I can't recall if we had a specific discussion about chain of custody. We did have some discussions about, again the need for very timely reporting at the point of harvest to and then back so they know what was going to the facility. There was some discussion about shrinkage or loss of eels once they're in the facility and how to keep track of that or monitor that.

One of the comments was that despite a loss in the facility that would not allow them to go back and replace that loss, so there was that element of it. But beyond that I don't think we really discussed how much monitoring should go on of loss within the facility and making sure, for example that dead eels are kept for some period of time and checked. We didn't really have a specific discussion about that.

CHAIRMAN CLARK: Follow up, Pat?

MR. KELIHER: Mr. Chairman, I'm very supportive of the proposal as it is written, but if a motion is made I think we may want to consider ensuring that the product that is there, especially at the glass eel stage is not allowed to be removed; and ensure through U.S. Fish and Wildlife Service to ensure that in no way, shape or form would any of these be allowed to be exported at that stage.

CHAIRMAN CLARK: Any further questions for the Law Enforcement Committee? Okay not seeing any, thank you to our Technical Committee, Advisory Panel, and Law Enforcement Committee for the excellent reports. Perhaps at this point this is the second meeting in a row

we've discussed this proposal. This idea has come before us several times before that. Maybe it would be best to get a motion up here about this proposal, and then we could discuss it further from that point. Dr. Daniel, would you like to make a motion?

DR. LOUIS B. DANIEL: I would if I could just say one thing. **I would like to make a motion that the American Eel Board approves the North Carolina Aquaculture Plan as presented today.** If I get a second I would like to take the opportunity to address some of the concerns that were raised by the Technical Committee, the Advisory Panel and the Enforcement Committee before discussion.

CHAIRMAN CLARK: Pat Geer, second.

DR. DANIEL: Thank you, Mr. Chairman. I do know this has been a long and arduous road to get to this point. I appreciate the Board's indulgence. This is a big issue for North Carolina, particularly for our legislators and our General Assembly. I appreciate the efforts of the Technical Committee.

I hope you are equally appreciative of the efforts of my staff, particularly Todd Mathis and Jason Rock did an outstanding job, I believe, relaying to the Technical Committee the issues and responding to their concerns very quickly, and making those recommended changes that gave the Technical Committee some concern. We have no concerns or issues with implementing the requested additional information that the Technical Committee requested. In terms of the AP report, I don't want to get into any he said, she said type of statements.

But I have to agree with my friend from New Hampshire, Dennis Abbott that I am unaware of any time we've ever discussed market conditions or any of those types of things when we're developing quotas or items. I mean dogfish right now I think is bringing what, ten cents a pound? We manage our summer flounder fishery where

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we catch them when the price drops to a dollar with the market gluts.

I think though that let's look at the extraordinary variability in the value of this fish. I mean I've talked to some of the guys that have been eeling for a long time, glass eeling for a long time and the prices have ranged from like around \$30.00 a pound up to \$2,500.00 a pound. That is a pretty extraordinary variability.

What Mr. Allen does with the eels once they go into his facility is his business. He feels that he can address these issues. I know he doesn't want to harvest or grow all male eels, so if that is a problem that is an issue he's going to have to deal with in his facility. I agree with the advisory panel's concerns about accountability.

I do agree that they need to hold any dead eels, any eels that do not survive the process should be retained for review and they would count against the 200 pounds. I certainly agree that once the 200 pounds of glass eels have been harvested that the fishery is closed and there would be no further harvest to make up for any lost product during the year.

I don't necessarily agree that we had an unfair advantage. We came in and per this Board and per this Commission's standard operating procedures we requested a waiver on the time to submit our plan; because of timing issues that would have made us wait another year had the Board not approved us coming forward.

That was I believe a unanimous decision of this Board to allow that; and I would imagine that with that precedent set that if anyone else came in requesting a similar convention that we would approve that. To address the issue of an agenda that is not presented. I think that might be more occurring on the other side, Roy.

I think there are certainly folks that do not want this to be successful, for whatever reason and I don't know why. But with that said, I think this

is an excellent opportunity. We're importing hundreds of thousands of dollars' worth of eels into this country, but we're sending all the babies overseas.

Having this opportunity, if we're successful, could have significant positive impacts; not just on North Carolina but for other states as well that elects to go into this process. In terms of the Law Enforcement report, I agree with everything that was stated and certainly we intend on having a very close marine patrol presence.

I have a lot of officers that are in the general vicinity of the farm. We will be monitoring the farm very closely, making sure that what they say they caught is in the facility. I agree with Mr. Keliher that that product needs to stay in the facility until they are sold or otherwise dealt with. I don't believe that we will have those loopholes in chain of custody. We intend on being out in the field watching this, and it actually, two positives I think that you can take from this proposal is first it will provide awareness on this issue in North Carolina.

Right now there is no effort to determine if there is any glass eel harvest going on nefariously. This will actually result in that being monitored and looked at. The other thing that I believe is a positive here is that the facility that Mr. Allen has constructed I believe is state of the art. It has had multiple reviews by multiple different worldwide experts on this issue.

It kind of gives everyone around the table sort of a benchmark to shoot for so that you don't have folks coming in asking for 200 pounds of glass eels with a couple of kiddie pools in the garage somewhere. I think the Technical Committee has looked at this and certainly didn't appear to have any objection as to the quality of the facility.

If that is the bar that has been set, then it is going to take a lot of the heat off of us in the future as folks begin to request these 200 pounds. The

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final thing I would say is that I appreciated this provision being incorporated into Addendum 3 to allow for this. I believe that when we selected the 200 pounds, which I believe was unanimously approved by this Board as what would be allowed in aquaculture.

I believe that the intent of the maker of the motion, and certainly my vote was that was – now I don't want to say an inconsequential amount – but it was certainly a small enough amount that it didn't raise a lot of red flags and concerns about the impact to the stock. Granted determining that is a difficult task, and how to prove a negative, I don't know how you do it.

But I think the potential information that we can collect per the Technical Committee's recommendations that information far out exceeds, I believe, any negative ramifications of the plan. I would greatly appreciate your support on this motion, and I would also be happy to answer any and all questions that you have.

CHAIRMAN CLARK: I am sure there are plenty of people that would like to speak on this. I saw Jim's hand and anybody else that would like to speak to this issue please raise their hand. You can go ahead.

MR. JAMES J. GILMORE: First off I support the motion. I pretty much agree with a lot of what Louis said. I just wanted to raise one point, and it was actually back to what Dennis' comment and also you echoed it too, Louis. I agree, I don't think it is our business to be looking at markets and whatever; because we're supposed to manage fisheries, not markets.

However, a cautionary note and maybe a recommendation was that we not too long ago had an aquaculture facility that we didn't pay attention to the market and they didn't really have a good market plan. Then when the thing went belly up it came back to the state and we

had to deal with it. I think you may want to consider that.

If it does fail that you may end up having to deal with whatever. Now obviously glass eels have a high value, so you'll probably get a lot of takers to get rid of it. But that is something maybe you should consider in terms of the business side of this thing.

MR. BOB BALLOU: I have two questions; I think they're both to Louis if he would entertain them. The first is the context seems to be that this is a new facility that is looking to try and establish itself as a grow-out facility. But in the application it stated that it has been in operation for 13 years. The first question is what has been the 13 year history of this facility? What has it been doing?

Then I'll ask the second question while I have the microphone if it is okay, and that is in the same section of the application it refers to the fact that the facility has a capacity to grow out in excess of 900 pounds of glass eels. My second question is; is it your expectation that there would be annual requests for 200 pounds of eel until they reach capacity, which would be at about 900 pounds?

DR. DANIEL: Can I respond, Mr. Chairman? First the farm when it started – if you say 13 years I go with that – was a Mr. George Kuntz, and he had a group of folks that were working the farm and they were raising eels for bait. I know a lot of the eels that were raised there were going into the bait market. I don't know much about the food market, but he had that business up and running for a period of time until he got very sick, very ill.

I believe he is still living, but the farm lay fallow for several years until Mr. Allen came in and showed an interest in the farm and began the retrofitting that was required in order to do what he was hoping to do, which was growing out elvers. As far as I know that had not been occurring at the farm prior to Mr. Allen's efforts.

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In terms of the future that is hard to say right now. I would assume that there would be an interest if we are successful in reapplying for the 200 pounds.

But I think it would be important and by the time the Technical Committee and the Law Enforcement Committee and the Advisory Committee would review this request again, we would have a year under our belt and determine if any of these concerns and issues, or we didn't get the information that we had hoped to get, may sway or effect their decision on whether to grant it again. But I don't want to speak for Mr. Allen, but I would assume that the intent would be for this to be a recurring request.

CHAIRMAN CLARK: Our next question is from Tom Fote.

MR. THOMAS P. FOTE: We have a long history in New Jersey about having problems with glass eel fisheries and basically not supporting it. There have been bills tried to be put through the legislature for many years and there has been the overwhelming sentiment that we've had at those hearings that there is no support of harvesting glass eels in New Jersey and we do not support it anywhere else; a lot of the organizations. For those reasons I cannot support this bill.

MR. G. RITCHIE WHITE: I do support the motion. I think it is important that states do have an opportunity to get into this fishery beyond the state of Maine. I just want to make sure that the understanding is this Board is under no obligation to continue this year after year; that we will make a decision next year if another application comes in.

We should not be under the obligation of having to keep a business in business. If the request comes back in and says, gee 200 pounds isn't enough I need 400 now to operate my business. There is no obligation that we've helped this business start that would force us to continue it. I just want that on the record, so when we have

an application next year that that doesn't obligate us.

MR. KELIHER: Just a quick question to Louis and then I may have a motion to amend, Mr. Chairman. Louis, do you feel like the proposal has included all of the concerns and recommendations of the Technical Committee?

DR. DANIEL: I believe we have. I would have no problem with an amendment to the motion to make it clear that those recommendations from the Technical Committee are sacrosanct in the approval. I think what the Technical Committee requested was very reasonable in collecting that information.

I thought we had that information in there, but if we didn't the Technical Committee Chair probably know better what they need, and so I'm perfectly happy with us requesting Mr. Allen provide the information that the Technical Committee deems appropriate and necessary.

MR. KELIHER: **With that Mr. Chairman, I would like to make a motion to amend that the North Carolina Plan include the recommendations from the Technical Committee and within the plan it would be recognized that no export of the glass eel stage would be allowed.**

DR. DANIEL: I would consider that a friendly amendment if Mr. Geer agrees.

MR. GEER: I agree.

MR. KELIHER: Okay.

CHAIRMAN CLARK: Do we still need a second for that? Do we have a second? Okay.

MR. ABBOTT: Was that the import or export?

MR. KELIHER: Export.

CHAIRMAN CLARK: Is that the motion, Pat? Okay second by Dennis Abbott.



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EXECUTIVE DIRECTOR ROBERT E. BEAL: The maker and the seconder of the original motion have accepted these new words as a friendly amendment, which is kind of a quirk of ASMFC parliamentary procedures, so if there is no objection from the Board to doing that I think it is okay to incorporate that into the main motion. But we probably want to just check with the board to make sure no one objects to putting this additional language in the main motion; and then you won't have to vote twice.

CHAIRMAN CLARK: Does anybody object to including that in the main motion? **Seeing no objections; that will be included in the main motion.** There is a request to clarify.

MR. WAINE: In the TC report. They are still working on the motion so we'll let them do that. But basically there is a contingency that if the Board approves this plan the TC is requesting that North Carolina collect more data, specifically YOY abundance in the harvest rivers and water quality data. I just wanted to make the Board aware of that TC recommendation. I was just curious to know if this motion includes that contingency on approval.

DR. DANIEL: I have no idea what you just said.

MR. WAINE: Why don't we wait and pull the slide back up and I'll walk you through it one more time.

CHAIRMAN CLARK: Louis, the clarification is whether North Carolina would do young of the year sampling at the same sites where the harvest will be taking place for the farm, and also be doing the water quality data as recommended by the Technical Committee.

DR. DANIEL: We would get the water quality monitoring done at the sites where they're collecting the eels and then get the amount of eels for an abundance estimate, yes.

CHAIRMAN CLARK: Do you want to handle that, Sheila?

MS. EYLER: The Technical Committee had an additional request. Besides the data that was collected at harvest for this plan, for us to better assess how much the eels that are harvested impact the eel populations within those streams, we requested additional information be collected by either the company or by the state of young of the year abundance in those rivers in addition to the harvest; so that we have some data to consider if this proposal should come in front of us again next year.

We want to know how much the harvest is relative to the young of the year abundance in those streams. Are they taking all of the eels, are they taking half of them, a very small percentage of them? That is what we want to have some information so we could better assess that if the proposal came in front of us again next year. That request was contingent upon this plan being approved by the Board.

DR. DANIEL: I don't know if I can commit to that. I was under the assumption that they wanted to collect the information, the specific location by area. But if that means that I've got to send staff up into these rivers to start collecting this information in addition to what the company is collecting, I don't have the people or the ability to do that.

I guess the concern there would be, I don't know what success rates we're going to have in these locations. It may be that if we're seeing eels we could try to develop some agreement with the AEF to try to come up with additional samples that would be taken while they're at their locations.

But I guess those eels would have to be released, counted and released in order to collect that information. That is what I'm assuming, Sheila is that you would count them and measure them or count them and weigh them and let them go.

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That has not been an issue that I've discussed with the applicant, so I don't know precisely whether or not that is something I can commit to at this time.

CHAIRMAN CLARK: From what I am understanding then, I think what Sheila was saying is that the TC would want that to be a permit condition then for the taking of the glass eels by the eel farm is that they would sample during the entire glass eel run, right. You would have an idea of what those 200 pounds of glass eels represents compared to the entire influx of glass eels during the spring run.

MS. EYLER: Yes, Mr. Chairman that is correct. However, it would not have to be done by the eel farm necessarily; it could be done by the state. We were assuming it would be done by the state not necessarily the farm.

DR. DANIEL: I'm trying to get my head wrapped around the difference. If we're getting from Site 1 we're getting abundance information based on catch per unit effort, let's say it is of glass eels in these rivers. Then what does the Technical Committee expect to get, and I'm just asking I don't know the answer, of getting additional samples to further show that there are glass eels in that system? Most of these systems are pretty small.

CHAIRMAN CLARK: Yes, I understand. I think, Louis, it comes back to what the addendum says, which is objectively show that harvest will occur in a watershed that minimally contributes to the spawning population; and I guess on top of that I am assuming then that by gauging the number of glass eels coming in that would help to make that judgment.

MS. EYLER: Yes that is correct. Assuming that the harvest will happen in places where they can catch the most eels, it may not be a comprehensive season-long harvest or at least assessment of those glass eels coming into each watershed. That with this plan the harvesters

can move around to different watersheds to get the most eels that they can in the shortest amount of time. That doesn't necessarily give us much information on the relative abundance of eels in those watersheds and how that harvest compares to the overall influx of eels coming into those watersheds.

CHAIRMAN CLARK: How does this affect then the motion we have up on the board right now?

MR. KELIHER: Yes Mr. Chairman, I guess that is why I asked Louis if he was concerned about the Technical Committee's report before I put it in my motion to amend. The state of Maine doesn't even do this for each river that we harvest out of. Maybe a simpler way to do this would be to ensure that I'm sure North Carolina – and I'll look at Louis when I say this – is already doing a young of the year survey just as Maine does, just as every other state does.

Maybe it could be done in a representative river close to these sites where his staff could do an additional YOY survey to try to capture some additional information. I'm assuming the water quality samples wouldn't be a big deal, but I certainly understand from a staff constraint. Again, I was the one that made the original motion to try to get this into the document.

The idea was 200 pounds was, while not insignificant a poundage, as Louis said it was not something that was going to be a detriment to the overall stock. I would like to see some additional data collection come out of this, but I don't want it to necessarily also be overly burdensome on his state.

CHAIRMAN CLARK: At this point then would we have to amend the amended motion? I mean the glass eel surveys that every state is required to do are required to go for at least six weeks, so six weeks is the typical amount of time we expect the peak of an eel run to last. I don't know if that makes any difference to the considerations here or whether this is just something that was not

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anticipated by this whole plan here. Louis, do you want to further answer this?

DR. DANIEL: I hate for this to throw a monkey wrench into something. I didn't get the sense that this was going to result in a new program for North Carolina to try to address this issue. But you would have to know the contribution of every watershed on the Atlantic Coast to know if our watershed minimally contributes to the spawning stock. We are certainly never going to know that probably.

Was it really with the provision in the addendum to allow for this, was it really our intent knowing all of the things that come down on us that we have to do for compliance issues and such, and was it the intent to have this be such a difficult task? I don't think it was, but if it is the sense of the Board that the only way that I can get this done and get this approved by this Board is to commit to accommodating this request.

With no disrespect intended, I'm still not sure what it is going to mean to have this information for two little tributaries that are minute fractions of the total population. There will be issues, there will be management activities, and there will be data collection programs for other species that will have to be curtailed in order to collect this data. But I will do that. I will commit to this Board that we will work with the industry and Mr. Allen and the state to try to collect this information if it is the only way that I can get it done.

CHAIRMAN CLARK: We're going to take a five minute break if the Board will indulge us here so we can maybe straighten this out a little bit, and then come back. I had a lot of hands up already and so I'm sure we'll still have a lot to discuss on this issue. Could I ask the commissioners to please come back to the table? It looks like we're ready to get back to this motion. Okay we are now back in session and Louis, we hear you have an amendment to your motion.

DR. DANIEL: I'm going to try, Mr. Chairman. **I would like to move to amend that Year 1 will be exploratory to determine locations in which glass eels are present. At that time North Carolina will consult with the Technical Committee to determine the best methodology to determine useable abundance estimates.**

CHAIRMAN CLARK: Okay we have a motion up there do we have a second? Bill Adler. Bob, would you like to speak?

EXECUTIVE DIRECTOR BEAL: Just a question for Dr. Daniel as the maker of the motion. Louis, the intent is for this new language to replace the recommendations from the TC, but the export language would be maintained in the original motion. Is that correct?

DR. DANIEL: My intent was to accommodate all the TC requests except for the first year sampling for abundance and the export provisions that Mr. Keliher requested.

CHAIRMAN CLARK: Okay we have a new motion and I think we had a lot of people that were already wanting to speak to this issue before we got sidetracked there. Let me go back to where we were, and I think the first one I had was Rob O'Reilly.

MR. O'REILLY: My question and comments were taken care of what just occurred with the discussion about how this should go forward.

CHAIRMAN CLARK: Then I have Cheri Patterson.

MS. PATTERSON: Louis, I have a question in regards to whether North Carolina is in compliance with the fishery management plan in conducting young of the year surveys. I noticed it looks like you guys stopped those surveys in 2009, and now you're utilizing the Beaufort Lab Bridge Index to comply. Has the PRT accepted that change in young of the year survey so that you're in compliance with the fishery management plan?

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DR. DANIEL: That was done years ago when we made the request to use the Beaufort Bridge Index Survey as our young of the year index for glass eels. That survey is ongoing, actually going on right now; so yes.

CHAIRMAN CLARK: Next I have Dennis Abbott.

MR. ABBOTT: What I was going to say has long since passed so I pass.

MR. MICHAEL LUISI: An hour ago I was ready to cast a vote on this issue. I think most of the Board members around this table were prepared to approve a one year, so called now an exploratory effort to determine if this proposal is going to be successful. As we sit here and listen to the issues, all the issues that get brought up about contribution to the stock and business success.

Really to me what this boils down to is whether or not taking 200 pounds of glass eels from North Carolina waters is going to cause some significant hardship to the eel population. I don't know about all of you, but it has been quite some time since I've looked down at the scale and seen 200 pounds.

Now I am 6'3", so you have to factor that into it, but I think we're dragging something out that we need to just cast a vote on. I believe even that this amended motion is gracious. I know Louis' interest in getting this done is at stake here. I will support the amendment given Louis' commitment in Year 1, and I believe we should try to move this on as quickly as we can.

CHAIRMAN CLARK: Moving right along, I have Dr. Rhodes.

DR. MALCOLM RHODES: Listen I agree with all that has been said and we're in support of it. If I can borrow Pat Augustine's line, can we call the question on this?

CHAIRMAN CLARK: I only have two other people that wanted to speak, Pat and Ritchie. Did either of you have anything you wanted to add; because we don't, how about we call the question. Oh you do want to speak, my mistake, sorry about that, Ritchie. Okay and you, Pat?

MR. AUGUSTINE: I wanted to call the question, but I wanted to go ahead and just make a simple amendment to that and eliminate the young of the year and postpone it for a year. But he accomplished it with what he said. Definitely approve it and will support it.

MR. WHITE: I know this has been difficult and lengthy, but there are consequences in that we're setting precedents here. I think creating a good climate going forward so other states come in; that we're going to set it up correctly in the future. I think we've done the right thing. I guess I would just ask Louis, with your latest motion your intent then would be that after the first year that you would carry out the best methodology that the Technical Committee recommends.

DR. DANIEL: That would be my intent, Ritchie. First the Board would have to approve a second year harvest. I think one of the benefits here would allow us to determine which of these sites that have been reviewed by the Technical Committee actually contained eels; so that we're not sampling in areas where eels don't occur.

That way we can pinpoint our sampling, or Mr. Allen's group can pinpoint their sampling to collect the information that the Technical Committee needs. But I would like to have more discussion between my Technical Committee staff and the Technical Committee on precisely what kind of information we're trying to get and how to conduct those samples.

CHAIRMAN CLARK: Okay before I call the question I will give the states opportunity to caucus. Okay it looks like everybody is ready so

by show of hands, all those in favor please raise their right hand. Thank you and those against same sign. **I have one; any abstentions, any null votes? Seeing none; the motion carries 18 to 1 to 0 to 0.**

**We just voted on the amended motion so now we bring it into the main motion. Now we need to vote on the main motion. I think because we've already voted, why don't we just by show of hands once again; all those in favor? All those opposed, one, any abstentions, any null votes? Seeing none; the motion carries 18 to 1 to 0 to 0.**

DR. RHODES: Could you all just read the amended motion into the record so if we need to refer to it sometime in the future we have it totally clear, please?

CHAIRMAN CLARK: Certainly. I'm always confused anyhow, but this was very confusing. **The final motion is; Move to approve the North Carolina Aquaculture Plan and include the recommendations from the Technical Committee; and that the plan would also include that no export of glass eel would be allowed, and that year one will be exploratory to determine locations in which glass eels are present. At that time North Carolina will consult with the Technical Committee to determine the best methodology to determine usual abundance estimates. Motion by Dr. Daniel, seconded by Mr. Geer and the motion carried 18 to 1 to 0 to 0.**

EXECUTIVE DIRECTOR BEAL: Just for the record I think this amended motion still contains the language which includes the recommendations of the TC. Based on the conversation around the table it is clear that the young of the year surveys in all the potential rivers would not be conducted in Year 1, but that would be captured or addressed in the last clause, which is North Carolina would work with the TC in the out years should it be approved; to deal with the young of

the year surveys. Just for the record and everyone is comfortable with that language.

### **CONSIDER SOUTH CAROLINA'S SURVEY SAMPLING PROPOSAL**

#### **TECHNICAL COMMITTEE REPORT**

CHAIRMAN CLARK: Moving on now, we're to Agenda Item Number 5, which is to consider South Carolina's Survey Sampling Proposal and we have a report on that from Technical Committee Chair, Sheila Eyler.

MS. EYLER: The background to this is the states are required from the original FMP to conduct young of the year surveys, and South Carolina has sampled at their Goose Creek location since 2000 using fyke nets. But they have some concerns about using that gear at that location. It results in inconsistent data because of extreme tides, erosion, and now they have some concerns about personal health with the erosion and trees falling in that area.

Three years ago South Carolina installed an upstream fish pass or an eel passage ramp at this site at Goose Creek, there is a dam there and they've been offering that upstream eel passage facility along with the fyke nets for the past three years. They have three years of concurrent data. They have determined that the passage ramps are more effective at collecting YOY than the fyke nets are, so they are requesting that for their YOY survey requirement that they can switch the gear from the fyke nets to the eel passage ramp.

The Technical Committee reviewed this request and we support the gear change request for South Carolina, and feel that we could use a correction factor for the three years of overlapping data, so that we can use the past year's YOY index at Goose Creek in future stock assessments. That concludes our report, Mr. Chairman.

CHAIRMAN CLARK: Okay we've heard about the changes that South Carolina has requested. Can we get a motion to accept these changes?

MR. AUGUSTINE: Let's move this along. **I move that the Board approve South Carolina's survey sampling change proposal as presented.**

CHAIRMAN CLARK: Second, Dennis Abbott. I'm assuming we don't need any time here, so will everybody who is in favor of this please show so by raising their right hand. I'm sorry; I should have asked if there were any objections. Are there any of those who oppose this motion, none; any abstentions, any null votes? **Seeing none; the motion passes 18 to 0 to 0 to 0.** Okay moving on, our next agenda item is discussion to consider changes to Addendum 6 for yellow eel allocations. Before we call on Jim, I would like Mike Waine.

MR. WAINE: No, no we have one more; sorry.

#### **CONSIDER CONSERVATION EQUIVALENT MANAGEMENT PROPOSAL FROM MAINE**

##### **TECHNICAL COMMITTEE REPORT**

CHAIRMAN CLARK: Did I skip? My apologies, I'm moving ahead here. Agenda Item Number 6; Consider Conservation Equivalent Management Proposal from Maine, and once again I will turn that over to Sheila Eyler to give us the Technical Committee report.

MS. EYLER: There was a request from Maine to eliminate a two day closed harvest per week for their glass eel fishery. The fishery was previously managed by input controls prior to Addendum 4, which now manages a quota system in the state of Maine. The TC reviewed the request. We feel that because the eel harvest is currently controlled by a quota system that the days out for harvest are no longer necessary, and we support the elimination of the closed days for Maine.

CHAIRMAN CLARK: Thank you, Sheila. Can we get a motion?

MR. AUGUSTINE: Good presentation and good recommendation by the TC. **I move that the Board approve Conservation Equivalent Management Proposal for Maine as presented today.**

CHAIRMAN CLARK: Second by Bill Adler. **Are there any objections to this motion? Seeing none; the motion is approved.** Thank you.

#### **DISCUSSION TO CONSIDER CHANGES TO ADDENDUM 4, YELLOW EEL ALLOCATIONS**

CHAIRMAN CLARK: Now moving on to Agenda Item 7, which is discussion to consider changes to Addendum 4, Yellow Eel Allocations, and before going to Jim I am going to turn it over to Mike Waine to give us an update on what has happened in 2015 with yellow eel landings.

MR. WAINE: I'll just introduce the topic as we give Kirby a chance to catch up. Basically the Board passed a motion at their last meeting to bring up a discussion of Addendum 4, Yellow Eel Allocations on this February Board meeting agenda. Just as a reminder, Addendum 4 implemented a coast wide commercial catch cap of just over 900,000 pounds that is starting in 2015. In that addendum there are two management triggers.

If either of those management triggers are tripped, the fishery goes into an automatic allocation based on the percentage that were included in Addendum 4. Before we basically started into this discussion, I wanted to give the Board some sense about where we are with preliminary 2015 landings.

States and jurisdictions, and remember this is for commercial yellow eel landings. States and jurisdictions submitted preliminary landings by February 1st; this is earlier than we usually do this so compliance reports are due in September.

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Usually we give more time to get all these landings together, but they were able to submit preliminary landings and that as of right now are just over 760,000 pounds of landings occurred in 2015 for the commercial yellow eel fishery. As I mentioned, those are subject to change as states are still receiving reports.

We can continue to sort of monitor as reports come in, and give updates on the landings. We're hoping to get more finalized preliminary landings for the May meeting. But based on these preliminary landings there is a relatively low risk of exceeding that 10 percent cap coverage trigger of almost a million pounds. I just wanted to inform the Board that it is unlikely that we would hit that allocation trigger in 2015, so I think that that was helpful as the Board discusses a potential revisit to the allocations.

CHAIRMAN CLARK: Rob, you had your hand up, did you have a question before we go to Jim?

MR. O'REILLY: Mine is more in the comment range, when discuss perhaps some necessary changes.

CHAIRMAN CLARK: Okay Rob, in that case maybe we should go to Jim and see what New York's goals would be right now at this point.

MR. GILMORE: I originally requested this back at the November meeting, because based upon the projections at that time it looked like we might have been at crisis point when we got to this meeting; at least crisis point from at least New York's perspective. But from looking at the data, if we had hit the trigger and we went into quota management, I wouldn't have a fishery and I think there would have been major reductions in some of the other fisheries. The good news is, and this just came up and Mike went over it pretty well, was that the projections look like we're going to stay under the cap or under the trigger, so therefore the urgency of this is not upon us at this moment.

If we had hit that trigger again, as I had said at the November meeting, New York's fishery would have been shut down. I would have absolutely no fishery. To refresh everybody's memory we've been collecting data the last few years now, and we look like our projections back when we did the amendment for the addendum was we were probably harvesting 40 to 50,000 pounds, but we had not been collecting landings data.

Based upon that we only had a 15,000 pound fishery, and if you look at the distribution along the coast we were talking about, we had a quota that was less than 1 percent of the coastal landings. If we actually get to what our landings are, we're talking about 4 percent of the coastal fishery. It was getting to be a bit of a dilemma that we're harvesting a couple of percent of the coastal landings.

We're shutting our fishery down and other states, some of them are at 40, 50 percent of those landings and it made absolutely no sense, and I was going to probably get killed when I got back to my state. If we had hit the cap my intent was to try to get an addendum going to look at reallocations, but at this point in time I think we've got some breathing room.

However, I don't want to get to this same point again next year, because we'll be right back to the same problem. Again, me closing a fishery down at such a small percentage because of the data that we had, really makes no sense. Again, I had said in November that if we've got new data and we've got several years of new data that are showing that we need to make an adjustment, and I believe in the plan we had talked about that we would look at that in a three year timeframe. We have to do that.

But as I think I started years ago with fluke, the majority of the states are making out good and they don't want to look at it again. We're getting into a situation, and maybe this is a bigger policy question. We have several fisheries now where

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we've done allocations, and once those allocations are set they are etched in stone.

I mean fluke is the best example. Fisheries and all you guys that went to school for fisheries science, they are not fixed entities. They change. That is what our business is. We have to look at data over time and adjust those. Right now we're sort of violating one of the simplest principals in fisheries management.

Anyway, maybe to wrap this up, I really have no intent to try to push any kind of an addendum right now. I think we need to take a little bit of a step back and look at where we got to. Last year remember we were dealing with the listing, and that has been vetted and essentially we didn't have a listing, so we're probably in a different place than we were a year ago. I think we have two issues we need to discuss as we move forward.

First off I think we need to look at the cap. Again that cap was under the guise of what we were under the last stock assessment in a listing. I think we need to have some discussion about that as we move forward. Then secondly, again the bigger point for New York is that allocation. We really need to have some mechanism or policy to look at that. One suggestion I would have, and I'll end at this point. If we're going to be doing stock assessments every five years and we're going to go into quotas and allocations.

Maybe those allocations as a mandatory thing should be reevaluated on the same timeframe; that every five years we're looking at that based upon the last five years of data through the stock assessment, not trying to go back 20 or 30 years in history and look at what somebody landed and get into some argument over who has got the best data for a time period.

We need to look at the fisheries now and how they're moving forward. As I said, I'm not going to put any motion up for action at this point other than I would like to have this a continued

discussion for the next couple of meetings, so as we get through the summer and approach next year, if we're approaching the cap or ahead of the game, not reacting to it at the last minute. Anyway, I would like to hear any comments on that and disagreements or whatever. But at that point I'll leave it there and turn it back to you, Mr. Chairman.

CHAIRMAN CLARK: Thank you, Jim. I think those are great points and we definitely need to revisit this at our upcoming meeting. I definitely have gotten some hands up. Rob you were there and I've got Dan and Louis.

MR. O'REILLY: Last meeting I was along with Jim for different reasons asking for maybe a relook at this allocation system, and I've never been happy with the way that transpired. My memory is that we had some tables for Addendum 3, and I'm going to speak about Virginia, although other states this is shared by you too I'm sure.

We had allocations up to 98,000 pounds. A couple of well-intentioned efforts by a working group, so in the last run we had a different format; so we had three different formats we went by, Virginia ended up with 78,000 pounds. Now the reason I want to talk about that a little bit is part of our discussions early on was that no state should take greater than a 25 percent reduction.

I am not sure about the timeframe involved, but we're pushing up against it closely. That 78,000 pounds in 2010, which really is right near where the allocation is, was bounded four years back by a 94,000 pound average harvest; and since 2011 through 2014, the harvest is 108 plus thousand pounds.

The weak point is really 2010, and that is pretty close to where we ended up. Now, the working group couldn't do everything perfectly for any one. Everyone knows that but I wasn't on the work group. That is not the important thing. The



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important thing is I did have objections all throughout about this end result.

I continue, the other situation, which is unique I think was there is about 15,000 pounds that is allocated to states that may not even use them. But the idea was if you provide 2,000 pounds for states that haven't had any landings or very small amount of landings, then they're free to transfer those.

That is completely opposite of anything we usually do. Usually whether it is bluefish quota, summer flounder quota, black sea bass quota, a state that is in need goes to a state that has some to see if in fact that state does have some. There is about 15,000 pounds there. Clearly overall, the trend seems to be that we're going to take a much bigger reduction than even when this started with the way our fishery has been the last four years. We're staying under the cap. I think we're about third place on the coast, I think in terms of landings, which are nothing compared to the way things were in the past.

But nonetheless, I'm getting a lot of comments in Virginia and I wanted to bring this forward. I don't know whether discussions will solve this. The cap problem could probably have some nice discussions, but now we're talking again about allocation. My sense is that it may be worthwhile to come up with some proposal and send it forward to have it looked at; not to tie down the Technical Committee.

I'm very aware about the difficulties of what happens when either of those triggers is met. I think we have some time. I don't know whether there is any interest on the Board in having another look at this. I know that last time around Pat Keliher said, we arm wrestled over this. Well, I wasn't there to arm wrestle.

But I do appreciate the efforts that the committee did; don't mistake that for a second. I guess I'm just suggesting, perhaps that if there is interest from the Board I would like to hear it.

If this can be improved in some fashion, not just for Virginia, there may be some other states that have the same idea that a better approach is needed. Thank you for the time.

CHAIRMAN CLARK: Thanks Rob, I know it is a big concern with lots of states other than New York and Virginia.

MR. DANIEL McKIERNAN: Yes I'll be brief. I just want the Board to when we think about different quota scenarios in the future, I'm not necessarily looking for a reallocation for Massachusetts, but maybe a raising of the floor from minimal 2,000 pound fishery to something slightly higher; especially as we improve glass eel passage for some of our river systems, where we clearly have the ability to enhance the production of yellow eels.

We have a 2,000 pound fishery. We're very fearful in any year that we could blow that away by one or two fishermen reporting. If I want to get to 4,000 pounds, I don't think we need to increase the total U.S. quota by up to 1.8 million. I'm just suggesting that there ought to be a provision for the states that have the minimal amount to be raised to a more reasonable amount, and also based on enhanced passage.

DR. DANIEL: I find myself agreeing with Jim Gilmore and certainly have no concerns about addressing many of these issues that he and Rob and others mentioned. My question, I guess would be, we had a public comment earlier in the meeting, I think from the Maine Elver Fishermen's Association. They are making some requests as well. I am wondering if by going down this trail would we address those issues from the Maine Elver Society?

CHAIRMAN CLARK: I guess that would be up to the Board whether they wanted to pursue that.

MR. LUISI: Thanks Jim for not recommending any action at this point right now. I think it would be a difficult thing to revisit allocation before an

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allocation even presents itself to all of us. Now, I want to speak for the state of Maryland who all of you know is the majority stakeholder with the most allocation along the Atlantic Coast. However, I do want to make the point that all of the allocations and the impacts to going to a quota system within the state, those new allocations that states would have to manage based on tripping one of the triggers in the plan is relative.

While we're as the majority shareholder, the reductions based on our potential and historical landings, in the event that we have to manage that quota; I'm not even exactly sure of the percentage. But if we have to manage a quota at that percentage, there will be a great deal of impact. Even though it is a lot, it is still going to require season closures and potential other scenarios that we haven't even contemplated yet.

We were fearful that we may have had to do that this year. I think it is a good thing that we can all take a deep breath and give some thought to all of this. But I just want to make the point that reduction, fisheries under quota management whether they're big or small. The impacts I think we'll all feel, and it is relative in terms of those impacts.

CHAIRMAN CLARK: Rob, you had another follow up?

MR. O'REILLY: Yes. I've never seen 200 pounds when I look down at the scale, so I am a little reluctant to go against my Maryland counterpart here and offer some comments to what he just said. But that is exactly the situation Virginia finds itself in. Maryland certainly has had a great fishery in recent years; I mean no doubt about it.

But Virginia has as well, and yet we're really getting held to where we were five years ago, essentially that is what we're doing. Just like Jim Gilmore, you can imagine that if we get to this stage where a trigger is fired and we do have

these hard allocations, these quotas that there will be closures in Virginia as well.

I think probably, I would just like to ask everyone to think about that sort of situation, not so much for the promise of what eel harvest could be to have more in the bank; but to actually have a history of eel harvest that continues, where you find out you're going to be short with this type of situation.

MR. AUGUSTINE: I wish you two would kiss and make up and come join New York where you have none, and we need quota. We would love to have 600 pounds. We would love to have a little more than we've got. We understand when you've got quota and you have to cut it back you are going to feel the pain. But when you don't have it and you should have it, you really have to feel the pain. I think that is what is great about this group. We can back and forth and back and forth out loud to each other, and talk about our concerns; but at the other end.

When you're on one extreme it is wonderful. When you're on the other extreme, boy it hurts. I think the allocation thing no question is going to be a severe blow to some states. But consider it as a partnership, and I think that is really where it is at. We win some and we lose some. On striped bass I think you won a big one, Mike, the way it was presented; the effort you put in for the Board and so on. Yes I am glad to hear the comments, but let's hope we can get some more quota for New York. Thank you, Rob; we'll take some of those 600 pounds.

CHAIRMAN CLARK: Seeing no further comments; I think we all realize that when we did the cap instead of going to state-by-state quotas it was a way to avoid going to state-by-state quotas, but clearly there are some problems and we will definitely revisit this going on.

**OTHER BUSINESS**

CHAIRMAN CLARK: We are now on to our last item of business, which is Other Business. For that the Board would like to recognize Sheila Eyler, our outgoing Technical Committee Chair.

Sheila has done an excellent job as the Technical Committee Chair for the past three years, almost three years and she has led the TC through both Addendums 3 and 4? Just through 4. Okay and she has led them through Addendum 4, which as we're discussing now was a very difficult process, so our big thanks to Sheila for a great job. Thanks. (Standing applause)

**ADJOURNMENT**

CHAIRMAN CLARK: Is there any other business to come before the Board? Seeing none; can we have a motion to adjourn? Okay we're out of here.

(Whereupon the meeting was adjourned at 12:19 o'clock p.m. on February 4, 2016.)