

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

**Crowne Plaza Hotel Old Town
Alexandria, Virginia
February 7, 2008**

Board Approved May 6, 2008

TABLE OF CONTENTS

Call to Order	1
Approval of Agenda.....	1
Approval of Proceedings.....	1
Public Comment.....	1
Review of Annual Reports.....	1
De minimis requests.....	2
Update on the MOU between ASMFC and Great Lakes Fishery Commission	3
Update on Addendum II.....	3
Other Business/Adjourn.....	4

INDEX OF MOTIONS

1. **Approval of Agenda by consent** (Page 1).
2. **Approval of Proceedings of August 14, 2007** by Consent (Page 1).
3. **Motion to approve 2007 Plan Review Team Report and 2007 fishery Management Plan Review** (Page 2). Motion by Mr. John I. Nelson; second by Mr. Robert Boyles. Motion passes by consent (Page 2).
4. **Move to approve *de minimis* status for 2008** for the states of Massachusetts, Pennsylvania, South Carolina, Georgia, Florida, and the District of Columbia (Page 3). Motion by Mr. John I. Nelson; second Pat Augustine. Motion carries by consent (Page 3).
5. **Adjournment by consent.** (Page 4)

ATTENDANCE

Board Members

Terry Stockwell, ME, proxy for G. Lapointe (AA)	Bernard Pankowski, DE, proxy for Sen. Venables (LA)
Sen. Dennis Damon, ME (LA)	Timothy Targett, DC (GA)
John Nelson, NH (AA)	Harley Speir, MD (AA)
William Adler, MA (GA)	Russell Dize, MD, proxy for Sen. Colburn (LA)
Najih Lazar, RI, proxy for M. Gibson (AA)	Bill Goldsborough, MD (GA)
Gil Pope, RI, proxy for Rep. Naughton (LA)	Ernest Bowden, VA, proxy for Del. Lewis (LA)
Eric Smith, CT (AA)	Catherine Davenport, VA (GA)
Dr. Lance Stewart, CT (GA)	Jimmy Johnson, NC, proxy for Rep. Wainwright (LA)
James Gilmore, NY (AA)	Malcolm Rhodes, SC (GA)
Pat Augustine, NY (GA)	Robert Boyles, SC (LA)
Brian Culhane, NY, proxy for Sen. Johnson (LA)	John Duren, GA (GA)
Peter Himchak, NJ, proxy for D. Chanda (AA)	Bill Sharp, FL, proxy for G. McRae (AA)
Frank Cozzo, PA, proxy for Rep. Schroeder (LA)	April Price, FL (GA)
Leroy Young, PA, proxy for D. Austen (AA)	Jaime Geiger, USFWS
Roy Miller, proxy for P. Emory, DE (AC)	A.C. Carpenter, PRFC, Chair

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

Ex-Officio Members

Staff

Robert Beal
Erika Robbins

Chris Vonderweidt

Guests

The American Eel Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Crowne Plaza Hotel, Alexandria, Virginia, February 7, 2008, and was called to order at 12:15 o'clock p.m. by Chairman A.C. Carpenter.

CALL TO ORDER

CHAIRMAN A.C. CARPENTER: It being 12:15 we would like to call the Eel Management Board to order. For those on the Board, I think we do have a quorum present.

APPROVAL OF AGENDA

CHAIRMAN CARPENTER: I will move into the approval of the agenda. Are there any additions or deletions to the agenda or modifications to the agenda requested?

APPROVAL OF PROCEEDINGS

CHAIRMAN CARPENTER: Seeing none, we will move to the minutes. The proceedings from the August 14th Board meeting were provided on the CD. I'm guessing everybody has had a chance to review those. Are there any additions, deletions or modifications to the minutes? Seeing none, is there a motion to approved? Bill Adler moves; seconded by Senator Damon. Are there any objections to approval of the minutes? Seeing none, we have dispensed with that and they are approved.

PUBLIC COMMENT

CHAIRMAN CARPENTER: Under public comment, it is the practice of the Commission to allow public comment. We didn't have a sign-up sheet this time, but if there are any members of the public who like to address the Board on any issues not covered under the agenda, please come forward. Seeing none, the next item on the agenda is the review of the annual reports, and I'm going to ask Erika to please give that presentation.

REVIEW OF ANNUAL REPORTS

MS. ERIKA ROBBINS: Thank you, Mr. Chairman. The compliance reports were submitted this fall and reviewed by the Plan Review Team this winter. This is a presentation of the Fishery Management Plan Review and the Plan Review Team Report as it was put together with the information given through the compliance reports.

The status of the stock for American eel, the available data from ICES, the Stock Assessment Subcommittee for American eel and the peer review for American eel, the available data suggests that

there is decreasing recruitment in the population and that there are localized declines in abundance for American eel.

This is a graph of commercial landings from the National Marine Fisheries Service from 1980 through 2006. Commercial landings for yellow and silver eel in 2006 were over 730,000 pounds. New Jersey, Delaware and Maryland each landed over 100,000 pounds and comprised a total of 69 percent of the coastwide landings.

Recreational estimates are derived from the MRFSS Survey. Total estimated for the year 2006 was 85,969 fish, with 77 percent of those fish estimated to have been released alive. This is a decline from 2005 total catch. It was noted that American eel is a popular bait for recreational fishermen and some fishermen choose to catch their own. They may even get their fish as bait from a dealer.

American eel are currently managed under the American Eel FMP with an Addendum I that will be implemented in 2007 or Addendum I was implemented in 2007. Addendum I requires a catch-and-effort monitoring program within each state, either at the dealer or harvester level.

We're currently developing Draft Addendum II. The purpose of Draft Addendum II is to increase silver eel escapement to the spawning grounds. The Technical Committee and Advisory Panel have initially reviewed Draft Addendum II and have requested additional information from the Stock Assessment Subcommittee.

The Stock Assessment Subcommittee is completing their analyses, still. We lost half of the Stock Assessment Subcommittee due to changes in staff personnel, and this has required additional work by the group. We hope to have the draft addendum to the Board for approval in May.

We are also currently developing a Memorandum of Understanding with the Great Lakes Fishery Commission. This has been approved by the Board. Staff from the Great Lakes Fishery Commission and ASMFC has been drafting this document. It has been completed at the staff level, and it has gone out to the subgroup that was identified by this Board to review the document and make changes prior to the entire Board's approval.

The subgroup is composed of the chairman, Mr. Carpenter; George LaPointe; Robert Boyles; and a representative from the Fish and Wildlife Service and the National Marine Fisheries Service. The Great

Lakes Fishery Commission has their own subgroup composed of representatives from the Canadian government and their commission.

The Plan Review Team found that all states have implemented the required provisions of the Fishery Management Plan in 2006. The following states requested *de minimis* and the Plan Review Team determined that these states met the qualifications for the *de minimis*. They are Massachusetts, Pennsylvania, South Carolina, Georgia and Florida.

Upon reviewing the annual compliance reports for 2006, the Plan Review Team developed the following recommendations. The first recommendation is that the Plan Review Team requests that states highlight notable trends in their annual reports. The second is that landings, effort and biological data are needed to complete stock assessments.

The plan review team continues to express concern over the lack of data available for states to report landings by life stage, and states are strongly encouraged to collect biological data from landings. We've have recently a few states initiate their own biological sampling. The most recent was New Jersey. The plan review team commends them for these efforts.

Third, the young-of-year indices need to be completed on an annual basis. States should continue to implement the young-of-year surveys. They are in their seventh year now, and we are excited that we're going to be developing our own time series of data for young-of-year recruitments of the Atlantic coast.

The fourth recommendation is that the compliance reports should be completed in the requested format. This ensures that states do not accidentally omit information that is required by the Fishery Management Plan. The fifth is that in 2007 states were required to report harvest and effort data. The Plan Review Team requests that states attempt to validate the accuracy of this reported data, providing qualitative information about the validity of this reporting. Thank you.

CHAIRMAN CARPENTER: Are there any questions for Erika? In the absence of any from the Board, Mr. Leo.

MR. ARNOLD LEO: Thanks. Very quickly, Erika, I thought – maybe it's my commercial fisherman's hearing, but I thought I heard you said that there was evidence of stock recruitment improving and of local abundance, but then I read on the paper that it says the exact opposite.

MS. ROBBINS: If that's what I said, I misspoke. There is evidence of declines in recruitment.

MR. PETER HIMCHAK: Mr. Chairman, I just had one comment on any states that are interested in aging the eels, that a good avenue of potential funding is through the ACCSP. We're trying to move that species up higher on their priority by their species matrix. They entertain proposals starting in July.

CHAIRMAN CARPENTER: Thank you, Pete, I think we can all take advantage of that. It's customary to accept these reports in the form of a motion. John Nelson has his hand up.

MR. JOHN I. NELSON, JR.: So move, Mr. Chairman.

CHAIRMAN CARPENTER: Seconded by Mr. Boyles. Is there any discussion? Any objection to the motion? Seeing no objection, the motion is approved. The next item that we have is the *de minimis* issue. Can you review the states that have requested *de minimis*?

DE MINIMIS REQUEST REVIEW

MS. ROBBINS: The states of Massachusetts, Pennsylvania, South Carolina, Georgia and Florida have requested *de minimis*, and the Plan Review Team has agreed that they have met the qualifications.

CHAIRMAN CARPENTER: I believe the District of Columbia had requested last year for 2007; and as far as I know, that was a continuous request; wasn't it? They have no commercial fishery.

MS. ROBBINS: Right, they haven't made a formal request this year for it.

MR. WILLIAM A. ADLER: Thank you, Mr. Chairman. The requests for *de minimis* status here; shouldn't it read 2008 or are we going back to last year?

MS. ROBBINS: The reports are for 2006. They are submitted towards the end of 2007, so this is for the 2007 fishing year. It appears that we're a year behind, but the reports for 2007 will not be submitted until September of this year.

MR. ADLER: Okay, but, I mean, aren't you *de minimis* going into the coming year so you don't have to do as much reporting or it comes in afterwards?

MR. ROBERT E. BEAL: Thank you, Mr. Chairman. I think the timing of the eel compliance reports and FMP reviews and presentations to the Board is late in the year and it spills over into the next year, but I think that what Bill is suggesting is correct in that the states are requesting *de minimis* status so that as they move forward in their '08 fisheries they don't have to implement additional regulations or they can maintain their current regulations if they *de minimis*.

I think it's fair to assume that these states, even though the requests technically are for 2007, they would also like it for 2008 if they qualify, and the Board can probably grant that status if you so choose.

CHAIRMAN CARPENTER: I think that would be my understanding, and I would like to D.C. to that list in their absence here today. I do know that they are *de minimis* and have no commercial fishery; so if I could ask somebody to amend the motion to include that, I would appreciate it.

MR. PATRICK AUGUSTINE: I would like to amend the motion to include D.C. Maybe we can just add that?

CHAIRMAN CARPENTER: Yes, if you could now make a motion to that effect because we really don't have a motion on the floor yet. Mr. Nelson has made the motion and Pat Augustine has seconded the motion. The motion is move to approve *de minimis* status for 2008 for the states of Massachusetts, Pennsylvania, South Carolina, Georgia, Florida, and the District of Columbia. Are there any objections to the motion? Seeing no objections, the motion carries.

As Erika said, we are working on an MOU with the Great Lakes Fishery Commission and the Canadians, and I am going to ask Erika to update us with a little more information on this at this time.

UPDATE ON THE MOU BETWEEN ASMFC AND GREAT LAKES FISHERY COMMISSION

MS. ROBBINS: Staff from the Great Lakes Fishery Commission and the Atlantic States Marine Fisheries Commission has been drafting this MOU following advice given by our respective boards. Right now we have drafted a Memorandum or Understanding that would be an agreement between the Atlantic States Marine Fisheries Commission, the Great Lakes Fishery Commission and other signatories, which is federal agencies and Canadian agencies.

We are currently working with our subgroups to identify whether we've drafted the correct language, if it's satisfactory to what we think the Board's

direction was. We are also working with the federal services to identify persons within the State Department, if we need to move through those channels, so that once our boards agree or decide upon the version of the memorandum of understanding that they'd like to undertake, we can move it as quickly to the State Department as we can, if necessary.

CHAIRMAN CARPENTER: I have seen a draft of this and I think it has the right tone and sufficient information for us to work with our counterparts toward complementary plans along the East Coast of the United States. I think the staff that's working on this have got the right idea, and we hope to have this back to you at our May meeting. I'm looking for a nod from Erika, but I think this will be back on the agenda for our May meeting. Are there any specific questions that anybody might have or comments they might want to make? Yes, John, go ahead.

MR. JOHN DUREN: Does the Great Lakes Commission also interact with Canada?

MS. ROBBINS: The Great Lakes Commission has representatives from the Canadian Provinces and Canada DFO and other Canadian federal agencies on their commission.

CHAIRMAN CARPENTER: They operate under a treaty, if I'm not mistaken. I think that's why the State Department is going to get involved with this before it's over. Erika, can you continue with the Addendum II update, please.

UPDATE ON ADDENDUM II

MS. ROBBINS: As I mentioned in my previous presentation of the FMP review and report, the Stock Assessment Subcommittee that is working to develop a model for American eel populations, a life history table for American eel, has lost half of its membership due to changes in staff. We have added an additional member, who was an original member but changed states and stopped working on the committee while she was moving from Rhode Island to Virginia.

We hope to have this completed in time to provide data to the Technical Committee and the Advisory Panel to form their decision-making and ability to comment on the draft addendum before it comes to the board in May.

OTHER BUSINESS/ADJOURN

CHAIRMAN CARPENTER: It looks like we've got more work to do in May than we did today. Is there any question with regard to Addendum II? Let's move on to other business; is there any other business to be brought before the Eel Management Board today? This is your last chance; otherwise, we will entertain a motion to adjourn. I hear several versions of that, so we are now adjourned.

(Whereupon, the meeting was adjourned at 12:28 o'clock p.m., February 7, 2008.)

- - -