

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

**Crowne Plaza Hotel Old Town  
Alexandria, Virginia  
May 6, 2008**

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2. **Approval of Proceedings of February 7, 2008** by Consent (Page 1).
3. **Motion to move the MOU forward to the ISFMP Policy Board for approval** (Page 1). Motion by Bill Adler; second by Eric Smith. Motion passes (Page 1).
4. **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, DE (GA)
Doug Grout, NH (AA)	Roy Miller, MD (AA)
Ritchie White, NH (GA)	Russell Dize, MD, proxy for Sen. Colburn (LA)
Paul Diodati, MA (AA)	Tom O'Connell, MD (AA)
Vito Calomo, MA, proxy for Rep. Verga (LA)	Ernest Bowden, VA, proxy for Del. Lewis (LA)
William Adler, MA (GA)	Kyle Schick, VA, proxy for C. Davenport (GA)
Mark Gibson, RI (AA)	Steve Bowman, VA (AA)
Sen. V. Susan Sosnowski, RI (LA)	Jimmy Johnson, NC, proxy for Rep. Wainwright (LA)
Eric Smith, CT (AA)	Louis Daniel, NC (AA)
Dr. Lance Stewart, CT (GA)	John Frampton, NC (LA)
Sen. George Gunther, CT (LA)	Malcolm Rhodes, SC (GA)
James Gilmore, NY (AA)	Robert Boyles, SC (LA)
Pat Augustine, NY (GA)	John Duren, GA (GA)
Brian Culhane, NY, proxy for Sen. Johnson (LA)	Spud Woodward, GA, proxy for S. Shipman (AA)
Tom McCloy, NJ, proxy for D. Chanda (AA)	Bill Sharp, FL, proxy for G. McRae (AA)
Erling Berg, NJ (GA)	April Price, FL (GA)
Frank Cozzo, PA, proxy for Rep. Schroeder (LA)	A.C. Carpenter, PRFC, Chair
Leroy Young, PA, proxy for D. Austen (AA)	Bryan King, DC DEP
Roy Miller, proxy for P. Emory, DE (AC)	Steve Meyers, NOAA

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

### Ex-Officio Members

Laura Lee  
Mitchell Feigenbaum

### Staff

Robert Beal  
Erika Robbins

Brad Spear

### Guests

Kelly Mahoney, RI Senate Policy Ofc.  
Brian Hooker, NMFS  
Jack Travelstead, VMRC  
Joe Mello, NMFS  
Brian Gervelis, NMFS  
David Simpson, CT DEP  
Dan McKiernan, MA DMF

Eric Thodey, DC DEP  
Christopher Holmes, NMFS  
Bill Windley, MD SSA  
Jim Trossbach, ASMFC Am. Eel AP  
Bill Legg, ASMFC Am. Eel AP  
Arnold Leo

The American Eel Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Crowne Plaza Hotel Old Town, Alexandria, Virginia, May 6, 2008, and was called to order at 9:45 o'clock a.m. by Chairman A.C. Carpenter.

### **CALL TO ORDER**

CHAIRMAN A.C. CARPENTER: Ladies and gentlemen, if I could call the American Eel Management Board to order, I would like to welcome everybody and note for the record it appears that we do have a quorum present. There will be sign-in sheet going around. Please pass that along as it goes around.

### **APPROVAL OF AGENDA**

CHAIRMAN A.C. CARPENTER: The staff is passing out slight changes to the Draft MOU just to give you a few minutes to be able to look at that before we get to that on the agenda. The next item on the agenda here is the board consent to the agenda. Are there any additions or changes that anybody wants to make to the agenda? Seeing none, then we will accept the agenda as printed.

### **APPROVAL OF PROCEEDINGS**

CHAIRMAN A.C. CARPENTER: The proceedings from our February 7, 2008, board meeting, are there any additions, subtractions or changes to those? Seeing none, we will accept those as distributed.

### **PUBLIC COMMENT**

CHAIRMAN A.C. CARPENTER: Public comment, this is an opportunity for anyone here who have comments which are not already dealing with an issue on the agenda. Issues that are on the agenda, there will be public comment offered at that time.

### **MOU WITH THE GREAT LAKES FISHERY COMMISSION**

CHAIRMAN A.C. CARPENTER: Seeing no public comment at this time, we will move on to the Memorandum of Understanding. I'm going to give everybody just a few minutes to look over the changes that have been handed out before we move along with this. I have just been handed this myself so let me take a look at it.

MS. ERIKA ROBBINS: I would like to draw your attention to one specific addition in the MOU. Most

of it is wordsmithing that was done by our counterparts at the Great Lakes Fishery Commission, but there has been an addition under Article 1 on the second page of the document.

CHAIRMAN CARPENTER: Has everybody had a chance to look this over? Erika, you have commented about one thing; is there anything else that you want to call to the attention of the board members with regard to this?

MS. ROBBINS: No.

MR. ERIC M. SMITH: Thank you, Mr. Chairman. I have a couple of questions. There is no mention in here either in the list of signatories or in the document itself about the Maritime Provinces. Could you remind me, were they invited to participate and chose not to or is that possibly because we're spoken so closely with the Great Lakes Commission? Their commission and our commission have got a great interest in the species; I know from my boss, in his dealing with the Association of Fish and Wildlife Agencies, which, of course, covers the U.S. and into the Canadian provinces.

If they haven't been invited, I think that's something that we ought to make the inroad or the invitation, but if they have and there's something here that I don't understand, I'd look for the clarification.

CHAIRMAN CARPENTER: My recollection is that was a decision that the – I think they were invited, but they are letting the Fish and Wildlife Service for – let me ask Erika.

MS. ROBBINS: Canada DFO is representing the Maritime Provinces so far. I am not sure how Canada DFO has interacted with the provinces as far as this memorandum goes, but I can ask that question to them.

CHAIRMAN CARPENTER: Are there any other comments with regard to the MOU? This is an item that has been before the board now for I guess a couple of times, and we are looking for final action on this item today. Is there anyone who would like to offer a motion to move this forward to the Policy Board because it would ultimately have to be approved by them? Bill Adler.

MR. WILLIAM A. ADLER: All right, I'll make that motion to move this document to the ISFMP Board.

CHAIRMAN CARPENTER: And a second on that is Eric Smith. Is there any discussion? Is there any objection? Seeing none, the motion is approved. For

those people who worked on this, for our staff and the Canadians, we do want to express our appreciation and thanks for a lot of negotiations and conversations that went back and forth and e-mail. Bob Beal.

MR. ROBERT E. BEAL: Just real quick on this, since the commission is considering this being a formal full signatory, we will need to move this to the formal business session of the commission. The Policy Board is probably the best place to talk about the timing of that. But since it's going to the Great Lakes Commission and a few other folks that are going to consider it and potentially sign on as signatories, there may be modifications to this document as time goes on.

There may editing that we're going to have to figure out how to deal with even after we approve it. Hopefully, there won't be a whole lot of new changes and creative wording that goes on, but since there are so many parties involved, you never know what can happen. It's just one of those things.

CHAIRMAN CARPENTER: Well, it would be my suggestion that this Eel Board has adopted it and recommended it to the Policy Board; that editorial changes or wordsmithing changes could stay at either the Policy Board or the Full Commission level. I don't think it would need to come back to the board level would be my gut feeling. Unless someone else wants to bring it back to this level, I think that's the way we'll proceed.

## **DRAFT ADDENDUM II**

With that, I think we're ready to begin conversations about Item Number 5, Draft Addendum II. Erika has a presentation for us and we'll the turn the mike over to her.

### **PRESENTATION**

MS. ROBBINS: Thank you, Mr. Chairman. This is a presentation of Draft Addendum II for American Eel. The development of this addendum began in October of 2006. The board initially approved the development process first by asking the PDT to come up with management options and then from there moving on to a draft addendum.

Currently American eel are managed under the Fisher Management Plan and Addendum I. Addendum I created initial monitoring requirements for the states and jurisdictions, but the goals of the FMP are to protect and enhance the abundance of American eel in inland and territorial waters and contribute to the

viability of the spawning population. The second goal is to provide for sustainable fisheries by preventing overharvest of a life stage.

The addendum was initiated because the board recognized that there was a problem since yellow eel abundance is declining in recent years according to several sources and stock abundance is at an all-time low or near all-time lows. The purpose of this addendum would be to facilitate the escapement of silver eels or maturing adult eels to the spawning grounds in the Sargasso Sea.

The most recent work on the status of American eel from the Fish and Wildlife Service, the ICES group, the peer review panel and stock assessment subcommittee suggests that there is decreasing recruitment to the American eel population in the United States and localized declines in abundance.

There are currently fisheries throughout the coast. In Maine and South Carolina there is a glass eel fishery, which is the incoming juvenile eel to our coastline, and yellow eel fisheries, which also may include silver eels, which exists in all states except Pennsylvania and D.C. In 2006 New Hampshire, South Carolina and Georgia reported on landings of eel. These fisheries are mainly pot fisheries with the exception of Maine and New York where there are weir fisheries in addition to pot fisheries.

This is a graph of the commercial landings from 1980 to 2006. One thing to remember, when looking at commercial landings for American eel, that this fishery is largely driven by the market, so this effort changes based on the market price for eel and we cannot use landings as an estimate of how the population is doing.

In the draft for Addendum II we have four management options. They are gear restrictions, size limits, a seasonal closure and recommendations for the FERC relicensing process. When looking at these management options, we used three tools to guide our understanding or developing our comments from the advisory panel and the technical committee, and we hope that board will find them useful, too.

We have a theoretical mesh retention, which estimates the size of eel that would be allowed to go through a mesh or throat opening. We looked at a range of sizes – we focused on a range of sizes from 16 to 29 inches, and listed in the table are the corresponding diameters that would an eel of that size to pass through. If you'd like me to flip through these slides during your discussion, please just let me know.

We also used a length-weight relationship where we can relate the weight of an eel to a length. That was used also in our SLYME model, which was used to estimate how a maximum size limit could affect estimates of eggs produced per recruit to the spawning grounds. We looked at the size range from 19 to 28 inches. This is an estimate of increases to eggs per recruit.

The first management option we're going to look at is gear restrictions. Option 1 under gear restrictions would be a status quo, and Option 2 would be a limited diameter of the throat opening. First size limits there are four options; status quo; the second is to sort catch with a grader. Third is implement a maximum weight, and the fourth is to implement a maximum length.

The stock assessment subcommittee took a look at recent commercial catches in New Jersey, Delaware, Maryland and Florida to estimate how commercial catch would be reduced if we were to implement a maximum weight or a maximum length. The technical committee, which will speak later, recommends a maximum length of 19 inches, which corresponds to 0.436 pounds.

At a maximum size limit of 0.436 pounds, approximately 67 percent of Florida's current commercial harvest would be considered illegal. For the state of Maryland it would be approximately 40 percent; for the state of Delaware it would be a little less than 30 percent; and for the state of New Jersey it would be almost 80 percent.

For a maximum length at 19 inches approximately 46 percent of Florida's current commercial harvest would be considered illegal. Approximately 12 percent of Maryland's harvest would be considered illegal; and for Delaware it would be about 8 percent; and for New Jersey it would be closer to 54 percent.

The third option was a seasonal closure. There are three different periods besides status quo; either a 90-day closure, a 60-day closure, or a 30-day closure. We have a table that was put together by the technical committee which estimates an out-migration schedule. We have an estimated amount of time or a period of time when we expect to see silver eels out-migrating to the spawning grounds. It varies along the coast. In the areas where it's unknown is listed, but the black areas depict when we expect to see silver eels out-migrating.

The fourth option is a recommendation for FERC relicensing, and if you'll forgive me I'm going to read this directly from the document as it's rather

long. Currently there is no recommendation for the FERC process, but the document has an option to include a recommendation that would say that the commission recognizes that many factors influence the American eel population, including harvest, barriers to migration, habitat loss and natural climatic variation.

The commission's authority through its member states is limited to controlling commercial and recreational fishing activity. However, to further promote the rebuilding of the American eel population, the commission strongly encourages member states and jurisdictions, as well as the U.S. Fish and Wildlife Service, to consider and mitigate, if possible, other factors that limit eel survival.

Specifically, the commission requests that member states and jurisdictions request special consideration for the American eel in the Federal Energy Regulatory Commission relicensing process. This consideration should include but not be limited to improving upstream passage and downstream passage and collecting data on both means of passage.

CHAIRMAN CARPENTER: Are there any questions for Erika? Mitch.

MR. MITCHELL FEIGENBAUM: Erika, if you could go back to the slides where you talked about the consequence of the 19-inch limit on Delaware and Florida and you went through the numbers of quick. You showed two different slides, but I didn't understand the distinction.

MS. ROBBINS: The first slide shows how catch would change according to a weight limit, so we're looking at the actual poundage that would change of landings. The second slide was for the number of fish that would be lost in landings.

MR. FEIGENBAUM: Okay, can you just go over the number in terms of weight? I mean, I see 67 percent in Florida, but you had mentioned the other states and you went through it pretty quickly.

MS. ROBBINS: In Maryland it would be approximately 41 percent in weight. In Delaware it would be less than 30 percent, closer to 29 or 28 percent. In New Jersey it would be almost 80 percent.

MR. FEIGENBAUM: I don't know if this is a question for you or for Laura, but can you tell us where those numbers were derived from?

MS. ROBBINS: If Laura would like to add to what I say, New Jersey, Delaware, and Maryland currently sample their commercial fisheries to get estimates of the number of fish collected at each size and length and the sex within their fisheries.

MR. FEIGENBAUM: And can I just fairly state that the consequence in terms of weight – because you had given us numbers for length as well, in terms of the amount of impact on commercial fishing, the impact in terms of percentages would be much higher in weight as opposed to length – I’m sorry, as opposed to numbers, number of eels?

MS. ROBBINS: Yes.

MR. FEIGENBAUM: And can you just go through that one again?

CHAIRMAN CARPENTER: That was handed out so you have those numbers right there.

MR. FEIGENBAUM: Okay.

CHAIRMAN CARPENTER: And for the record the sheet that was handed out as we began is different than what was in the packet. There were some corrections so we are working off the sheet that was handed out and not what was in the packet. Are there other questions for Erika? Mark Gibson.

MR. MARK GIBSON: I noticed that in these two graphs the maximum size limits evaluated go as low as 16, but in the EPR evaluation you stop at 19, so there is no EPR benefit of going below 19 because of size at maturation or something?

MS. LAURA LEE: Actually, Mark, we did look at lower size limits. Originally we had done all the modeling in metric, and I think we started out looking at 520 as a minimum size limit, so we maybe we should look at inches. We just directly converted and didn’t think about looking at lower, but the increase continues. I think at 16 inches, the relative percent gain is like 238 percent.

MR. GIBSON: That curve in Figure 1 would continue to go up?

MS. LEE: Yes.

MR. FEIGENBAUM: Laura, in follow up to the last question, you said you had considered a different minimum size, but am I correct that means you’ve considered evaluating for lower sizes, but you were doing the evaluation where that lower size would be a maximum size limit? You didn’t run SLYME on

lower – like having a limit where you can’t catch anything – like these six- and eight-inch limit that we currently have in the various states; you didn’t run SLYME where you applied SLYME to like raising that to eight to ten or ten to twelve/ When you were just talking about minimum, you meant you had lowered the evaluation of an upper size limit; am I correct?

MS. LEE: Yes, Mitch, we only looked at – sorry if I misspoke – we only looked at maximum size limits. The model didn’t incorporate the current minimum size limit of six inches, but that didn’t change.

CHAIRMAN CARPENTER: Any other questions? All right, the technical committee – hello, John.

MR. JOHN CLARK: Sorry about the delay.

CHAIRMAN CARPENTER: Well, you’re right on time. That’s assuming that you’re ready to give us your report. Perhaps if you want to get yourself together for a few minutes, we can skip to the advisory panel and have their report while you get yourself together.

MR. CLARK: Thank you, I appreciate that.

#### **ADVISORY PANEL COMMENTS**

CHAIRMAN CARPENTER: All right, Mitch, the advisory panel’s comments, I know that there was a conference call last week, I guess it was, and we’d appreciate you bringing us up to date on that conference call.

MR. FEIGENBAUM: Thank you, A.C., and thanks to everyone present for letting me speak today. In the past there has been a modest issue of when I speak – I guess everyone knows my name is Mitch Feigenbaum. I represent the Delaware Valley Fish Company. I don’t represent them; I’m a part owner of that company, and I have some strong opinions about the draft addendum that I would like to speak to, but I’m going to do so after this presentation on behalf of the AP.

I will reserve some of my comments because I don’t want to create the suggestion to anyone on the board that I’m speaking for the AP in all of my thoughts. On behalf of the AP, I would simply raise the following points. First of all, the AP does not endorse the 19-inch maximum size for the catching of eels. The comments of the AP were unanimous on this point. There were indications from multiple commercial fishermen, including myself, that this 19-inch limit would mean the end of the commercial



fishery in North America – I’m sorry, in the United States. There are really just no ifs, ands or buts about that.

When we were having our conference call, we did not have the numbers that were passed around in Figures 2 and 3 that are before you. We saw a set of figures that indicated the impact on the commercial eel landings would be much softer than these. At the beginning of that conference call, Erika was kind enough to correct that issue, but nonetheless we all went into that phone call having seen that at 4.36 approximately 20 or 25 percent of New Jersey’s catches would be considered illegal.

But now we hear today, which Erika had confirmed during the conference call, that in fact over 80 percent of the commercial landings in New Jersey would be affected. We’ve heard that likewise 67 percent Florida, 41 percent Maryland, 29 percent Delaware – and I know John and have great respect for him and I’ll talk to him separately about how we got to that number. I would have bet it would have been much higher than that.

But in any event the panel did not accept the recommendation. We steadfastly rejected it. But very importantly, the panel expressed its belief that there is an effective eel management plan out there, and the effect of the eel management plan that is out there involves having regulations set on a regional basis based on the fishery in a particular region. For instance, this management plan would have no impact on the fishery in Maine and yet it would, in one day, put out of business the weir fisheries in upstate New York.

CHAIRMAN CARPENTER: Mitch, excuse me a second. All of that must have come up after I dropped off of the call. I did listen to a good part of it and I don’t recall any of that.

MR. FEIGENBAUM: Yes, that was just discussed at the end, but I’ll end my comments there. On the substantive issue I’ll leave my comments there. The panel also said that any size limits, whether they’re upper size limits or lower limits, they would like enforced by a gear restriction and not an actual requirement that they measure eels on their boat or their wharf.

The suggestion was that a sorter be mandated to enforce any size limits, a grader with a set spacing that would achieve whatever the goals are. Whatever the rule is, it should be enforced with a grader. As I recall, the only other consensus statement of the panel was that – and I’m not positive it was

consensus and Erika will correct me if I’m wrong. I’m speaking in good faith.

But on the FERC relicensing issue there was some comment that the number of non-hydro dams, the number of dams and blockages in America that are not subject to FERC exceeds the number of hydro dams that are subject to FERC by almost ten or more fold. There are tens if not hundreds of thousands of habitat obstructions by way of non-hydro dams.

The statement that was suggested in the draft addendum, the panel did not object to the statement, but the panel felt that the statement should be supplemented with some kind of expression of concern to the various member states that non-hydro impediments to eel passage be addressed as well as the hydro dams. I think that pretty much sums up the official comments of the AP.

CHAIRMAN CARPENTER: Thank you, and you will be given an opportunity, after we get through some of these other items here on the agenda, to speak as yourself individually. I did listen in on about half of the conference call. One of the things that I did do at that time was to invite any of the members of the AP that could come, to come today, and I’d like to extend an invitation to those members of the AP that would like to supplement Mitch’s report the opportunity to speak at the public mike now, if there is anybody.

Is there anybody from the AP that would like to add some comments? Mr. Trossbach. It’s a rare event that we have several members of the AP that are here in addition to the chairman, so I thought we’d take advantage of that opportunity.

MR. JIM TROSSBACH: Jim Trossbach; I’m a member of the AP. But, again, like Mitch said, this is just a personal opinion on this. I would like to see the board stick with Draft Addendum II as the out escapement and migration of silver eels and try to work through that before we get any further into anything else.

CHAIRMAN CARPENTER: Thank you. Anybody else? Any questions?

MR. RUSSELL DIZE: Thank you, Mr. Chairman. I would just like to ask if the two representatives from Maryland, Bob Evans and Bill Legg, were they on the conference call?

MR. FEIGENBAUM: I know that Bill Legg was on the conference call and I believe that Bob was, but I’m not sure. Actually, I’m not even sure of either of

them, but I'm almost that Bill Legg was on. Maybe Erika can confirm that.

MR. DIZE: The reason why I asked is this would completely devastate our commercial fishery in Maryland. Maryland has done a good job in protecting our eels by raising the size mesh of the pots, so that we have an eel fishery that's coming back really large now. I mean, in areas that haven't been fished in the last ten years, they're now fishing.

It says that Maryland would be down 40 percent but more like 60 percent. If you went to this 19 inch, it would be devastating to us. I think Maryland has done a good job of managing their eel fishery by the size mesh of the pots where the pot mesh can be enforced. It's not like they haven't taken steps in protecting their eel, and now we have an uprise of eels. We're catching more eels than we have caught in years. Thank you, Mr. Chairman.

CHAIRMAN CARPENTER: Thank you and let me remind the board that we're not really here to debate the merits of each individual option, but this is to approve this to go out for public hearing. We will be having a schedule of public hearings to go into the merits of all of these options that are presented here.

#### **TECHNICAL COMMITTEE COMMENTS**

CHAIRMAN CARPENTER: With that, I guess we'll move back to the technical committee. John, are you ready?

MR. CLARK: Yes, I just want to check the presentation was already given about the model and how we arrived at the 19-inch size limit? Okay, my comments are fairly brief. The technical committee did discuss the SLYME model at great length during our last meeting in March. The committee decided that given the uncertainty in the model, an estimated increase in egg production of at least a hundred percent would be the best way to proceed to ensure that any size limit recommended would produce a real increase in eggs out there.

Based on this precautionary approach the technical committee recommended the 19-inch size limit as that was the maximum size at which the model showed that we could expect an increase in egg production of at least a hundred percent. The technical committee was fully aware of the impact on the fishery an 19-inch size limit would have, but the mandate of the technical committee is to consider the science when making the recommendations. Based on the science, this is why we agreed on the 19-inch size limit.

#### **LAW ENFORCEMENT COMMENTS**

CHAIRMAN CARPENTER: Thank you, John. Are there any questions for the technical committee report? Seeing none, we will then move to the law enforcement report.

MR. JOE FESSENDEN: I guess that was good timing. I am at the law enforcement meeting across the hall. Actually, on eels we have talked about them quite a bit, and the problem is actually handling eels to measure them. It's not a good way of checking an eel and put measurement on them. We did look at the grader.

Aaron Hurd from Delaware brought a grader at our last meeting. We checked that out and that's certainly something that the industry could use and it would work well for watermen or fishermen, but it's really not practical for law enforcement. We really support the gear restrictions that are in the plan. I think law enforcement certainly can enforce gear restrictions and closed seasons as probably the best way to go. But actually measuring eels would be very difficult for law enforcement. I'll be glad to answer any questions.

#### **PUBLIC COMMENT**

CHAIRMAN CARPENTER: I can't imagine that it's going to be difficult to measure them, but if you say we'll take your professional opinion of that. Thank you, Joe. I think that's getting pretty close now to the discussion and approval of this. What I'd like to do at this point, before the board gets into its discussion of approval of Draft Addendum II, is ask if there are any public comments specific to the Draft Addendum II that I think we could take. I think you asked for the opportunity to do that, Mitch. Is there anyone else in the public that wants to address the board now? Mr. Leo.

MR. ARNOLD LEO: Arnold Leo, consultant for commercial fisheries, Town of East Hampton. Just a couple of comments. One is looking for a 138 percent improvement seems to be like way out of line with the sort of improvement that we normally look for when we're trying to improve stock recruitment or the population of a species. I mean, something more along the line of a 50 percent increase would seem reasonable, but 138 percent, as already has been mentioned, would immediately destroy the commercial fisheries for eels in many states, if not all.

Another thing that occurs to me is that – well, like the law enforcement gentleman pointed out – you know,

I've fished pound traps in Gardiner's Bay and measuring eels when you're out on the water, virtually it can't be done. Then when you're trying to measure them at the packing house, you may end up chasing them around on the floor.

Then what do you do when you're in the packing house having measured an eel that isn't the right length? I mean, this is not a workable approach, you know, a size limit. And, finally, just a third comment, I think this is under the law enforcement category. There is well-known poaching of undersized glass eels for bait use. I think that's strictly an enforcement problem. If you're taking hundreds of glass eels to use as bait, you're definitely reducing the population that might otherwise grow up and go back to the Sargasso Sea. Thanks.

CHAIRMAN CARPENTER: Thank you, Mr. Leo. Mitch, I think you had asked for the opportunity to speak personally.

MR. FEIGENBAUM: Thank you, A.C. As the chair of the AP, you already heard me express the view of the panel that an upper size limit is not endorsed and would not be endorsed by the public. I would point out that was a decision made by consensus of the panel, which included environmental groups, hydro companies and commercial eel fishers that fish the entire spectrum of the eels' life stage.

As a buyer/processor I can tell you that a 19-inch size limit will end the commercial eel fishery. I thank Erika for updating us on the numbers that I think did speak for themselves. It's very important to me, as someone who has been trying his hardest for three or four years to work with as many as the interested members of this panel and eel as possible, to communicate clearly that my companies and most of the fishermen that we deal with – and that's hundreds on an annual basis – do not wish to be seen as obstructionists; whereas, simply knee-jerk rejecting any suggestion that would help address the concerns about eels that the scientists have expressed.

Actually during the meeting of the AP – and this is after you hung up, A.C., but I was given some really good advice by Laura and Erika and the rest of the panel, and I was told that I can ask – on behalf of the panel I was told I may express – and the word that was suggested to me was “curiosity”.

The last time I made a presentation to this board about three meetings ago in the context of the amended stock assessment report, the panel had expressed the desire that the exercise that took place leading up to today's recommendation, that that

exercise include the discussion of raising the lower size limit, the minimum size, as well as the maximum. The AP did not want to take any option off the table.

Yet, as I studied the record, very, very clearly leading up until today, there has just been no discussion about the minimum size. Now the TC and the PDT suggested that was not their mandate to look at that, and yet in prior meetings of this board I believe that it was the TC that recommended to the board to only look at the maximum size limits.

When I had questioned Mr. Cieri on that very point, he said it was an oversight, and that's on the record. He said that they weren't saying only to look at maximum size limits. We all share the same goal. The goal is to increase the escapement of mature eels so that the spawning stock will remain viable and the fishery will remain sustainable.

Raising lower size limits increases biomass. An increase in biomass with a stable catch rate increases spawners. It increases escapement. It serves the exact same goal as a maximum size limit. I believe and some members of the AP believe that somewhere during the process that has led to this addendum that option has just been ignored. It hasn't been considered and discounted or it hasn't been considered and rejected. The science has not taken place.

I asked Laura the question did we apply SLYME to raising a minimum as well squeezing down the maximum, narrowing the range of fish that can be caught, can have the same kind of effects, statistically the exact same effects as simply focusing on the maximum? Yet, as I said before, the AP has given me permission to express curiosity to the board or to the TC why isn't it being done?

I stated during our AP meeting that as the chairman of the panel, I had only one request. It's one that I've repeated to this board in the past, and it was simply to have the opportunity for a few hours, a half a day, to sit down with members of either the TC or the PDT in a collaborative way to talk about all the options, all the tools in the management tool box.

I stated very confidently, on several occasions, that if the board would indulge that process, which might seem a little out of the ordinary for the way ASMFC processes work, but if it would indulge that process, with the people that we have on the AP and the people we have on the TC, I am convinced the TC and AP could come back to here, to this board, one meeting from now with a draft addendum that both

the panel and the TC could endorse. If not, it would be a much closer call than this.

It was explained to me that the time and money that would be necessitated to have such a meeting would be difficult to come up with in these tight budgetary times, but I would respectfully suggest that we'd go out to public with this addendum, the money and time that's going to be spent going to all the different states to hear what you've heard today, which is that these restrictions would end the commercial eel fishery, they would be more onerous than necessary.

That's what is going to come back, and, respectfully, I think that knowing the way this board works, that will not be accepted to just put a fishery completely out of business. Why not wait one more meeting and let the PDT and the AP have a discussion and let us come up with an addendum that you can hear? It can be done. The AP, which won't be me by the way – this is my last meeting as the chair – but our chair and the TC chair could put up on that board an addendum to go to the public that both endorse.

Then I would go to all the meetings like I did the last time with Lydia years ago. I went from state to state to state because all the fishermen come out to these meetings. They look to me at Delaware Valley Fish to give a balanced opinion, and I would sell that on behalf of the AP and on behalf of the board.

The goal of this group is to promote fishing sustainability and to do that on a scientific basis. Heather Bell, on behalf of the Fish and Wildlife Service, in issuing the decision on the endangered species petition, made a very clear claim. In addition to others she said the single – this is what she said – the single best indicator of recruitment is glass eel production annually.

We all know that the population declines that we have experienced, particularly in the Great Lakes, they're based on all kinds of factors, pollution, loss of habitat, disease. Glass eel recruitment, the number of glass eels coming back is an indicator of what the spawning biomass is like.

And as Heather Bell pointed out in the petition – in her decision, I should say, as the Fish and Wildlife Service pointed out, the best indices of glass eel production in North America do not show a decline. This is almost 25 years after we saw the precipitous decline of eel in the Great Lakes. Right now in Maine – and I'm sorry Gail Whipplehouser isn't here –

CHAIRMAN CARPENTER: Mitch, let me ask you to go through your points a little bit quicker.

MR. FEIGENBAUM: Okay, two more minutes at the most.

CHAIRMAN CARPENTER: All right, let's stick on this addendum. You've come up with one suggestion.

MR. FEIGENBAUM: On to the addendum, I'll wrap it up. I have in my notes I would point out the entire addendum is based on the SLYME model. The author and main proponent of the SLYME model is Dr. David Cairns of Prince Edward Island, someone I know very well and have collaborated on multiple eel science projects with.

David Cairns provides scientific advice to eel managers not only in Prince Edward Island but the entire east coast of New Brunswick. Based on Dave's advice, those managers have all sought to increase minimum sizes. This is a gentleman who knows more about SLYME and the impact of regulations on spawner recruitment than anyone. John Castleman of the Great Lakes, who is really the dean of eel science, similarly feels that size limits should be – minimum sizes should be increased.

CHAIRMAN CARPENTER: Mitch, I thank you and I hate to –

MR. FEIGENBAUM: One more minute.

CHAIRMAN CARPENTER: One more minute and then we've got to move on.

MR. FEIGENBAUM: In the Draft Memorandum of Understanding it specifically says Canada has developed a Draft National Management Plan for the American Eel, underlined, consistent with the vision of the plan for regional and watershed-based implementation plans. The GLFC is supporting development of a recovery framework.

Regional and watershed-based implementation plans is what the AP officially, as well as Delaware Valley Fish Company, on behalf of all the commercial fishermen, or most of them, have been advocating for the last few years. This addendum rejects regional and watershed-based implementation plans. This draft addendum suggests a one-size-fits-all approach to a complex, diverse and very varied fishery.

I would respectfully ask that the board not approve the addendum today and let us come back at the next meeting, after some joint efforts between the AP and the TC and the plan development team, and we will put together an addendum that will knock the socks

off this board and will put this issue moving forward instead of just a big circle.

CHAIRMAN CARPENTER: Okay, thank you, Mitch. Before we move on, I think John asked to respond to a few of the comments.

MR. CLARK: I want to respond briefly to one of the points that Mitch brought up about the minimum size limit. Mitch, we were made aware of that proposal and we did discuss it briefly at the meeting. The consensus of the technical committee was that we would get more escapement and a more concrete chance of getting the escapement we were looking for what a maximum size limit.

As to the gentleman that brought up the 138 percent increase being unreasonable, unfortunately the way the model was to get to that point that the technical committee thought we could really see a definitive increase in egg production, the numbers jumped quite a bit, didn't they, Laura, from like from a 22-inch size limit down to the 19-inch. I mean, part of that was just the way the model worked was to get the type of increase that we thought was necessary, that was as big as we could go and still be over a hundred percent on the potential increase in eggs. Thank you.

CHAIRMAN CARPENTER: Thank you. Are there any comments from the board? Mark.

MR. GIBSON: Thank you. That clarification was helpful for us over on this side. If I could sum that up by interdicting fishing mortality at the closest point to migration to the spawning grounds, you're likely to be much more effective than at a very small size limit. With extended longevity a whole lot of things can happen in between. Is that the basic philosophy?

MR. CLARK: Right, that was the thought.

MR. GIBSON: Okay, but the speaker is correct, though, that all else being equal, if you eliminate fishing mortality at small sizes and all else being equal, you get more eggs per recruit out the pipeline as well.

MS. LEE: Yes, you're correct, as long as everything else being equal, there is no increase in effort along the way.

CHAIRMAN CARPENTER: You have all of the options and the criteria before you. Doug, would you like to make a comment?

MR. DOUGLAS GROUT: Yes, just a quick question for John only because I'm just getting into eel management here. The goal of having a hundred percent increase, was there any basis behind choosing that figure?

MR. CLARK: Just in the sense that given there was a lot of uncertainty in the model, we wanted to look for an increase in egg production that we thought might give us a sizable increase down the line. The stock assessment subcommittee emphasized to us how much, you know, uncertainty – and a lot of this is because we still just don't the data we need to make these models really work the way we'd like to see them work.

But, in any event, the consensus of the technical committee was just the way the model worked out, it looked like that if we could get that type of egg production increase, we probably had a much better chance of seeing a real increase in the eel population down the road than some of the higher size limits that would still impose quite a hardship on the fishery would not increase eggs to that extent. That was just what we came around to.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Yes, real quick, Mr. Chairman. In response to the difficulty in measuring an eel, I was wondering, John, is there a girth equivalent to, say, an 19-inch eel and did the committee look at that, and does that show any promise of maybe being an efficient way to measure adult eels that you're trying to protect?

MR. CLARK: There is a length-girth relationship that we looked at, and I believe it is in the addendum that's got to be about a one-inch diameter restrictor if that was put in the throats of the eel pots. I know the advisory panel thought that would have a lot of problems, but theoretically it's possible to prevent the eels from coming in by putting the restrictor in the throat of the pots.

MR. LEROY YOUNG: How does the technical committee feel about this proposal to have the advisory committee work together with you? Have you discussed that issue?

CHAIRMAN CARPENTER: Let me respond to that first respond to that first. I think the idea that we would have the advisory panel work with the technical committee is probably a useful idea at times, but I'm really concerned at this point about delaying this process. It seemed to me that the notes that I had, if we were to add an option of increasing the minimum size limit, that would address much of

Mitch's concerns, and it can simply be added under size limit options as one of the things to discuss.

What I haven't done is I haven't talked with Laura and John about the possibility of being able to try to give some analysis of what that might be in a timely fashion before we're ready to go out for public hearing. I see that as more of an issue than another meeting of a committee. As long as we're on that subject, I would ask the technical committee and the stock assessment subcommittee chairs to give us an idea of the implication of adding an Option 5 under size limits to increase the minimum size limit along the coast; what that analysis might take in terms of time and effort.

MS. LEE: The model right now is set up in Excel and actually will be fairly easy to modify it to look at raising the minimum size limit.

CHAIRMAN CARPENTER: Does any board member have an objection to adding a minimum size limit as an option under the size limit documents that we've got ready? I see a lot of heads nodding yes around the table. Do we need a motion to add an option or just consensus of the board?

I think we have consensus of the board to add that option as one, and I would suggest that we would look – I think most of the states now have a six inch. I think what we would want to look at would probably be an eight and a ten just so that the technical committee or the stock assessment committee doesn't have to do a complete range. I know that your time is limited, and I think if we could get some kind of table that would give us a feel for what changing the minimum size limits would be.

MR. YOUNG: So in essence is what we're talking about here a slot limit or just a minimum size limit?

CHAIRMAN CARPENTER: I think we'd be talking the slot limit. I think both ends of this should be on the table here. Part of the public comment period is to be able to look at those options, because you are already looking at a slot limit with a six-inch minimum and the 19 inch maximum. I think we're still looking at a slot limit.

MR. YOUNG: So wouldn't it make sense to also move that upper size limit and see what happens there at the same time?

CHAIRMAN CARPENTER: Well, I would hope that we would get that same run that we're getting now with the six inch and also the eight and ten-inch minimum. Erika has got a suggestion.

MS. ROBBINS: Right now in the draft addendum process the document doesn't contain any specific size limits. If you would like the document to go out to public comment now without an analysis, it's possible to have that analysis later when we have the board's ability to make a decision with that.

So we could go out to public comment with an option in here to have a slot limit for the commercial fishery and have the analysis ready when the board looks at the document again, but not delay it for public comment. If you feel that it's valuable for the public to see the analysis, then we would need to wait, I would say, probably three months that it would take to get the analysis complete.

CHAIRMAN CARPENTER: Does that give you your answer?

MR. YOUNG: It seems to me that the public would want to see what the results were to make meaningful comment on what this might mean. I mean, in looking at some of these graphs, the maturity percentage increases quickly as you move above 19 inches. So what would 10 inches and 20 inches mean or 8 inches and 21 inches? I don't know and I think if we're talking about slot limits, it would be interesting to know are there other options that would be more acceptable to the commercial fishermen that would give us the same – meet the same objective.

CHAIRMAN CARPENTER: I think we're headed down a path of delaying this process for several months before we go out to public hearing, but I do think it's an exercise that may be well spent in time and effort. I had Eric on the list and then Lou Daniel.

MR. SMITH: Mr. Chairman, I like the tone of your last comment because as much as I'd like to get on with this, there are a couple things going on here that I think management in the long run would benefit with the kind of approach that you just described, so I appreciate that. As Mitch spoke and I listened intently to his comments, I went back and looked at the goal of the plan.

The charge of board was to facilitate an increase in the number of silver eels able to move out to the ocean to spawn. There is obviously a couple of ways to get there. You can increase biomass at the lower end and hope for a good survival rate; or, you can provide escapement just before the time that they would otherwise start out and, in other words, cut the fishing at that point and let the maximum escape.

The technical committee and the PDT views that you are more successful in number two, and I understand

that argument, but it doesn't mean that the other one isn't of value, too. I like where we're going with this to analyze the effect of both. I think Leroy is quite right that you really have to – as much as it does delay us, you have to have a sense of what the relative value of each of these approaches is because at the final analysis we may want to do some of each.

Having said that, I offer what I think is a cautionary note. One of the things Mitch said on behalf of the AP was that they would like to have the maximum size be somewhere in the range of 23 to 26. If you look at the egg production histogram, you get nothing out of that. You're right at the same way as if you did nothing.

If that's the goal of the advisory panel, either we won't have any effective management by means of a maximum size or they're going to have to learn to live with their disappointment because you just can't meet that goal. I don't want to raise false hopes by saying if we wait three months and we get the analysis of the minimum length and we come back, that everybody is going to be real happy.

Having said that, I don't know the money issue, but if we're going to take three months to analyze the minimum length approach, I would just ask the chairman to maybe huddle with staff and try and figure out if we can have that collaborative meeting. It may be that we talk early and have a more successful addendum if we use that approach. You're right, Mr. Chairman, sometimes it works and sometimes it doesn't, and sometimes we say, "God, why did Smith do that and then two days later he took a powder on us." I hope you won't say that, but it just seems like we might –

CHAIRMAN CARPENTER: That sounds like a short timer to me.

MR. SMITH: And I will conclude my remarks, Mr. Chairman.

DR. LOUIS DANIEL: Just I guess another cautionary comment would be dealing with the bait and by increasing the size limit how that would impact the bait producers. I know we've got one at least in North Carolina trying to get right at the smallest eels they can get that are within the size limit.

I don't know if we have a bait person on the AP. I'm not even sure how you determine how many eels are actually used as bait. I don't think they're on a trip ticket. I don't know how they're accounted for. But

as you start raising size limits you're going to impact a whole different sector.

CHAIRMAN CARPENTER: Thank you. I think about the only comment that I can make is that I've gone on our elver survey, and a six-inch eel is not a very big eel. It really is still quite tiny. I think that we should at least evaluate it and look at other options. I had Lance Stewart next.

DR. LANCE STEWART: Thank you, Mr. Chairman. I'd just like to remind the board that I have some real concerns about any size limits on eels, and that's because the species are so different. We all have a mentality about home return. I'd just like to remind the board that is an Atlantic Basin stock recruitment process; that all the eels from the Caribbean, from Canada, from Newfoundland to the Sargasso. The European eels do.

It's a panmixic population. It means that there is no real source of reproductive contribution. It has a center of distribution and then the oceanographic currents, which distribute the glass eels as they mature in the water column, is the real functional recruitment process. Our attempting to raise size limits and have a minimum size may not have any effect whatsoever on recruitment. I mean, I'm just trying to bring the consciousness of the board into the realities of this species.

I kind of agree with Mitch in the terms of a determinant of the success of a basin-system population, it's all in the glass eel recruitment, which again is hit and miss. It's an oceanographic process. But if you have indicators that have glass eel production and you stick with your silver eel protection, you know, very strictly, then that's what we should do and not this mix of threatening all sorts of industries going out of business. Those are my comments.

CHAIRMAN CARPENTER: Thank you, Lance. I think there is an alternative to simply the glass eel production, and that is that we have for going on six or eight years now a concerted coast-wide effort to measure young-of-the-year recruitment for the east coast. I think that in time is going to begin to find some useful measure that the technical committee and the stock assessment committees will be able to work into this thing.

DR. STEWART: Can I follow up on that? Again, having worked very closely with the glass eel industry in the early nineties and visited several locations from Delaware, New Jersey, up to Maine, I don't think the states will ever be able to get an index of glass eel recruitment strength. The variabilities

between every single stream and the natural flux just can't be captured.

So, again, I have my strong reservations that we as a management capacity can really put our finger on it. Just again a caution realistically from my standpoint that – but you can get relative value. I mean, if glass eels are strong – of course, we have no glass eel fishery now to really monitor.

That, again, I think is going to be a deficiency of states to be able to really put the effort out there to get a good handle on what glass eel recruitment is. But if it's relatively strong, then the population should be good. But, again, it should be assessed in a regional river basin drainage system context and not just up the coast and all up the coast.

CHAIRMAN CARPENTER: Thank you. One more comment from the audience and then I'm going to bring this back to the board to dispense with the discussions here. Mr. Leo.

MR. LEO: Just quickly, I mean if we're going to revisit this addendum, it occurs to me that a combination of methods of curtailment, including the slot size and, say, a 30-day closure ought to be examined, too. I mean, suppose we can get a 26-inch maximum size, a 10-inch minimum size and a 30-day closure, I mean, it may not make us all thrilled and happy but it at least might keep the commercial fishery from absolutely going right under. Thanks.

CHAIRMAN CARPENTER: Thank you. I think now all of those options will be on the table.

MR. PATRICK AUGUSTINE: You're looking for a motion; aren't you?

CHAIRMAN CARPENTER: I don't know if I'm looking for a motion or I'm looking for some direction here. It seems to me that the discussion has been to add an option. We've heard from the technical committee and staff that an analysis of that additional option probably is going to take us at least until the August meeting.

I think what we should really do is give the technical committee and the staff the time to work with that, see about the possibility of a meeting with the key staff people and the AP – at least the chairs of that group or at least a conference call as something that we can possibly work with in the interim. With that, I'm going to suggest that we delay action on this item until our August meeting. Unless I hear some objection, I think that's going to be the course of action that we're going to take.

MR. AUGUSTINE: I see some nods around the table.

CHAIRMAN CARPENTER: I see a hand up. Bill Adler.

MR. ADLER: Thank you, Mr. Chairman. I'm not opposed to your suggestion. On Page 13 of the addendum, one of the things that has been clearly mentioned is the fact that other than fishing, that the dam issues are very instrumental in the eel population factors. This section of Option 2 here; is that strong enough – or I shouldn't probably say strong enough. That encourages states and jurisdictions to do something about fixing the dam structures.

I would love to see the states, on their own, go after looking at the runs and dams in their state and say, "Look it, let's help this eel out by fixing the ones we have or doing something." This does not mandate – and I'm not trying to mandate it to the states, but is this strong enough to encourage the states to really go at that particular section of eel restoration?

CHAIRMAN CARPENTER: Thank you, Bill; I'm going to ask Erika to reply to that at this time.

MS ROBBINS: The plan development team worded it as strongly as they thought they could under the commission's mandate for managing fisheries. I would return the question back to the board members who have experiences in their own states in managing their fisheries and working with hydropower companies and the FERC relicensing process within their state, if they feel that it's strong enough for them or if they feel that it should be worded differently.

CHAIRMAN CARPENTER: And to that end I think that now that we're on a path that this is going to come back to us again in August, commissioners who want to comment on that write directly to the PDT and give them your suggestions. I think they'll have the latitude to incorporate what we believe the consensus is.

DR. STEWART: Thank you, A.C. I'd just like to bring it up to the board that there was recently a fish passage workshop that the Habitat Committee conducted in Jacksonville, Florida. I couldn't attend, but that would be a very important thing to compliment the eel and obviously the shad and river herring, but the results of that workshop almost should be appended to this addendum because it does give the specifics of what systems work, and it would probably give a state-wide review. I don't know



what the status of getting our document out from that workshop is, but it would be very complimentary.

MR. GEORGE D. LAPOINTE: Thank you, Mr. Chairman. I was going to mention just what Lance did. We did just hold a passage workshop in Jacksonville, Florida. There were eight commissioners there and there were 70 other people. They discussed fish passage broadly. There is much being done about fish passage in our individual states.

We're going to get a report from the Policy Board, but I will tell you that report is going to take a while to put together because there were a lot of suggestions in it. We need to pay attention to that. Many of our states are working on – I think all of our states are working on fish passage, and a number of us have been working on eel passage, which is a newer part of fish passage than the more traditional fish passages are.

The states are doing that to the best of their ability. It takes a lot of staff and a lot of time and funding. I don't it's lost on anybody that we need to work on those issues, and we need to prioritize within our states about which particular dams and particular projects are the most important ones to work on.

CHAIRMAN CARPENTER: George, your comments seem to me to be much broader than just eel, and I guess my question from the eel perspective is should there be something added to this document or should the overarching policy board issues control and not complicate a fisheries management plan?

MR. LAPOINTE: There are certainly issues that are much broader than eel. I apologize, I was half paying attention and half wasn't. I know that the addendum talks about the FERC process. Understanding that you may or you're likely to not take action on this, we may want to make sure that there's reference to non-FERC dams as well, because that's a different set of circumstances, just to highlight that within the addendum.

MR. JOHN DUREN: I agree with all the comments about fish passage, but most of the obstructions to fish passage are old. There haven't been many new ones built in recent decades. There seems to have been a decline in the eel population in recent decades, and so I think we need to consider what is going on or try to understand what is going on in the eel fishery independent of the obstructions to migration.

MR. GROUT: Mr. Chairman, I just want to agree with George's point that I think it would be good to

have some statement here on not only FERC-licensed dams but also other dams. I believe it's a good tool to have when you're going to relicensing to say we have a management plan that is encouraging fish passage at these sites to help out. I would definitely agree with George's point.

CHAIRMAN CARPENTER: I think we will expand that section of the draft.

MR. GIBSON: Mr. Chairman, I just wanted to make sure that we had given enough guidance to the technical committee and PDT on this. I guess it's a slot limit option or attaching minimum sizes to the bottom end of the options that we have. I note that in the regulation we already have six-inch minimum sizes commercially and recreationally in a lot of states, not in all of them.

I'm assuming that for the purposes of work they've done at this point, they had to make some assumptions about the selectivity pattern by age or size across the coast, and it's just a matter of ratcheting that forward in time to cover more ages. I guess the question I'm asking is do you have enough guidance as to how to evaluate this progressive slot before we send them back and then have them come back in August and go, well, we really weren't sure what to do with that?

CHAIRMAN CARPENTER: I'm going to let them respond to that.

MS. ROBBINS: My understanding of what the board requested of the plan development and the technical committee and the stock assessment subcommittee would be to look at a combination of a maximum size limit and increasing the current minimum size limit from six inches up to eight to ten inches, so we've got a range from six to ten inches in combination with the 19 to 29-inch maximum that we've already looked at. Is that the understanding?

MR. GIBSON: That helped. What happens to states that don't have minimum sizes; do they just stay where they are and you have to do some kind of calculation to account for them?

MS. ROBBINS: The way the model is currently operating there is a fishing mortality included in the model to account for the glass eel fishery that occurs in South Carolina and Maine.

MR. YOUNG: To the issue of blockages, the reason that the Pennsylvania Fish and Boat Commission – at that time the Pennsylvania Fishery Commission was formed in 1866 was to restore American shad to the

Susquehanna River. We're still working at it. One of the questions I asked at the fish passage workshop was are there any examples – and these are all the experts that were at this meeting – anywhere on the east coast where we have successfully restored a population of diadromous fish using fishways? There was no response.

If we want to get to the heart of this issue, I think we need to make a strong statement that dam removal is the top option. We are wasting a lot of money, spend a lot of time and not fixing the problems. I think that's one way we have to move. We are just frustrating ourselves. We're not telling the truth to the public when we put out to them that we're going to restore fisheries with fishways. We are fighting an uphill battle.

A lot of times with these FERC projects, we pass fish upstream and we can't get them back downstream. We may be actually harming the populations by moving them upstream. I have strong opinions about this, but I think they're well founded and something that we need to really work hard at. We've removed over 130 dams in Pennsylvania. It's difficult sometimes but very necessary if we really want to be successful in restoring these populations.

CHAIRMAN CARPENTER: Leroy, let me suggest that I had a quick conversation, and I think that you'll be please in August to see that dam removal will be one of the options or one of the preferred options under the new plan. With that, I'm going to say that we have discussed the Addendum II to improve it.

We're going to see it again in August, and I'm ready to move on to other business. I have a couple of things under other business. I'd like to first recognize Brian Hooker. Brian is with the National Marine Fisheries Service, and he is our newest board member serving from the National Marine Fisheries Service or NOAA. Welcome, and this is what you've got yourself into.

I'd also like to thank Mitch for his service as AP Chair. It's a difficult task and he has given it his all, and we do appreciate his service to the commission. Quickly, before we adjourn, John, you had some other business under the technical committee that you wanted to bring up.

MR. CLARK: Yes. The technical committee would just like to ask the management board to consider a couple of items that we've discussed at our past meeting. The assessment for eels is due to be redone in 2010. We'd like approval to proceed with that. Most of the data sets used in the previous assessment

were initiated after the management plan was approved in 2000. This will have five more years of data and hopefully we'll have a better indication of the stock status with the extra data.

There are also plans to work with Canada on the upcoming assessment, which will hopefully give a clearer picture of stock status throughout most of the range. A lot of the discussion today, of course, pointed out some of the limitations that we have in our data. Even with five more years of data, it's still going to be limited because very few states have added eel sampling surveys since the last assessment.

The committee also agreed that the next assessment should use the method that makes the best use of the limited data available to do an assessment of eels. That was one of the items the technical committee wanted brought up to the board. The second one was the technical committee was also in complete agreement about the need for another aging workshop for eels.

We noticed in several states there were differences in the ages we were seeing between eels aged with whole otoliths and with sectioned otoliths. Once again, going back to the assessment, how important it is to have good aging on this, the last time we had an aging workshop was in 2000. Since that time there has been a lot of turnover in the technical committee.

It would be really good to get everybody together that is aging eels so we can try to work out some of these difficulties and hopefully get everybody doing the same methods when it comes to aging the eels. In addition, several of the members of the technical committee mentioned that they had plans to start gathering biological data from the commercial catch in their states. This was very welcomed news. This will really be great to get more data from the commercial catch.

We thought this workshop could also include a review of the commercial sampling methods, the data that we'd like to see. We'd have the stock assessment subcommittee, like Laura there, to make sure that everybody understands what we need from the commercial sub-sampling. And, of course, we'll be doing a lot of going over the aging. We would like the management board to recommend that we do the assessment and also have the aging workshop. Thank you.

CHAIRMAN CARPENTER: Thank you, John. I think the board would certainly agree, but I foresee that there is a lot of work in there that we're going to need to get in the commission's work plan through

the Policy Board to have any funding for this type of activity in the future. I'm just kind of groping here a minute, but I think that without objection the Eel Board would recommend that the technical committee be prepared to do this work, but in the interim we do need to approach the Policy Board to make sure that the strategic plan and the funding is in place to have the necessary meetings that are going to be required. We'll work with the Policy Board in that regard.

### **OTHER BUSINESS**

CHAIRMAN CARPENTER: Is there any other business to come before the board? Seeing none, is there a motion to adjourn?

### **ADJOURN**

CHAIRMAN CARPENTER: Bill Adler and Senator Damon. We are adjourned.

(Whereupon, the meeting was adjourned at 11:15 o'clock a.m., May 6, 2008.)