

**Summary of Public Comment and
Recommendations of the
American Eel Technical Committee and
American Eel Advisory Panel**

**Regarding the Public Information Document for Potential Changes to the
Interstate Fishery Management Plan for American Eel**

Prepared by the American Eel Technical Committee (Steve Gephard, CT, Chair) and the
American Eel Advisory Panel (Mitchell Feigenbaum, PA, Chair) for the American Eel
Management Board

October 31, 2005

GENERAL COMMENTS

Summary of Public Comment:

1. Do not undertake management action until the stock assessment is completed and more information is known. More data are needed.
2. Suggest that state agencies consult with fishermen on site selection for the required annual young-of-the-year surveys and on other aspects of the management process. There should be more public involvement overall.
3. Some of the comments indicated that the eel population is thought to be in trouble, some indicated that the eel population is thought to be healthy. These comments are specific to geographical location.
4. A number of comments indicated that eel management should be conducted on a regional basis, not a coastwide basis.

Technical Committee Recommendations:

1. The American Eel Technical Committee supports the development of Addendum I to the Interstate Fishery Management Plan for American Eel that will implement a mandatory trip-level catch and effort monitoring program for the American eel fishery.
2. Due to the panmictic nature of the American eel, management should be applied on a unit-stock (coastwide) basis.

Advisory Panel Recommendations:

All Advisory Panel Recommendations were specific to the eight issues that appeared in the PID.

ISSUE 1: RECREATIONAL POSSESSION LIMIT

Summary of Public Comment:

1. There was an inconsistent reaction to proposed changes in possession limit. In some states, comments reflected that the 50 eel possession limit should be lowered and in other places the comments reflect that the possession limit should not be changed.
2. Many comments reflect the need for an exception for the charter industry and others who purchase eels for use as bait rather than catching their own eels for personal use as bait. Perhaps there should be a storage permit or other documentation that allows people to prove that they purchased their bait eels.

Technical Committee Recommendations:

1. The Committee recommends that the Management Board defer changes to the recreational possession limit pending the outcome of the stock assessment peer review.
2. Based on public comment, the Management Board may wish to grant an exemption to the present possession limit for individuals who purchase eels for

use as bait. The Technical Committee's concern is that the harvest of those eels has been documented.

Advisory Panel Recommendations:

1. Recreational harvest does not have a significant impact on the American eel population.
2. The possession limit should not be changed.
3. There is currently no possession limit for those who purchase eels for use as bait. There should not be a possession limit for those who purchase eels for use as bait.
4. The AP is uneasy about the lack of data on the recreational fishery and the AP would like to ensure that these data are collected.

ISSUE 2: SILVER EEL FISHERY

Summary of Public Comment:

1. Comments received from the public reflect a belief that the directed silver eel fishery in the US is minimal. Comments from fishermen in New York stated that the fishery will ultimately end through attrition and the impact of this fishery is light. In Maine, the number of participants is limited by regulation.
2. Many comments reflected that the public feels the directed silver eel fishery in the US should be closed. The majority of these comments came from areas where a directed silver eel fishery does not currently exist.
3. Comments from areas where the directed silver eel fishery takes place reflect a belief that the silver eel fishery should continue.
4. Suggestions for management of the silver eel fishery include a coastwide maximum size limit (weight), capping participation at existing levels, and more regulations such as time, season, gear restrictions, and gear placement.

Technical Committee Recommendations:

1. The Technical Committee recommends restricting the further development of a directed silver eel fishery, allowing the limited existing fishery to continue at present levels with an ultimate end through attrition.
2. The Technical Committee recommends researching the adoption of a maximum throat diameter for eel pots to effectively implement a maximum size limit for the eel pot fishery. The Board may also consider implementation of a maximum size or weight for the American eel fishery.

Advisory Panel Recommendations:

1. The American Eel Advisory Panel supports strictly limiting the directed silver eel fishery to the current number of participants in the currently fished locations. The Panel also supports regulations on the type, placement, and seasonal use of gear used in the current silver eel fishery to allow and enhance escapement of silver eels.
2. The American Eel Advisory Panel does not recommend allowing new entrants into directed silver eel fisheries.

ISSUE 3: SEASONAL CLOSURES

Summary of Public comment:

1. The majority of the comments reflect that silver eels do not pot, so a seasonal closure of all sectors will not be effective at reducing silver eel catch.
2. Many stated that the proposed seasonal closure would severely impact the yellow eel fishery.
3. Seasonal closures should be timed during the hottest periods of the year when yellow eels do not tend to pot or survive as well once caught.
4. More scientific justification/data to support a proposal for seasonal closures.
5. Some comments stated that eel fisheries should be closed during the peak of silver eel migration while others stated that the fishery should be closed at the tail end of the migration.
6. A specific silver eel closure would be preferable to a closure of all eel fisheries.

Technical Committee Recommendations:

1. A small but significant segment of the eel pot landings are silver eels.
2. Summer seasonal closures would not be effective in terms of protecting silver eels.
3. A closure of all directed eel fisheries during the silver eel migration would effectively protect silver eels but would severely impact the yellow eel fishery. The Technical Committee therefore feels that silver eels can more effectively be protected by restrictions on size, weight, or throat diameter of eel pots.
4. With the addition of monitoring of the fisheries and the collection of biological information including the timing of outmigration, the Technical Committee would be able to provide stronger recommendations on the issue of seasonal closures.

Advisory Panel Recommendations:

1. The American Eel Advisory Panel does not recommend the 90-day complete closure as recommended by the American Eel Technical Committee. The panel does recommend that a seasonal closure of some length is one of the tools that should be considered under Issue 7: Conservation Measures.

ISSUE 4: CATCH AND EFFORT DATA

Summary of Public Comment:

1. Collection of more accurate commercial catch and effort data is necessary and should be required. A permit with mandatory reporting is an appropriate way to go about collection of these data.
2. Dealers should also report purchases from harvesters.
3. Some comments reflected concern about the number of harvested eels that are not recorded as landings due to the existence of a cash market, especially for bait eels, that may be underreported or may not be reported.

4. Catch and effort information from the personal use/recreational sectors is not documented and should be.

Technical Committee Recommendations:

1. The Technical Committee supports development of Addendum I to the Interstate Fishery Management Plan for American Eel that will implement a mandatory trip-level catch and effort monitoring program for the American eel fishery. The TC recommends that this program be applied to the commercial, recreational, and personal-use sectors of the fishery. Collection of these data is vital for future stock assessments.
2. The Technical Committee supports requiring dealers to report records of purchases from harvesters.

Advisory Panel Recommendations:

1. Commercial and recreational eel fishermen should be required to obtain the appropriate license that allows them to catch eels in their state. For both sectors, a condition of renewal for this license should be mandatory reporting of eel catch and effort.
2. States without a license structure for the commercial and/or recreational harvest of eels should implement such a license and/or permit.
3. Fishermen and dealers should be involved in the design of the reporting system.

ISSUE 5: HABITAT

Summary of Public Comment:

1. The lack of effective upstream and downstream passage around hydroelectric facilities and dams is a major source of habitat loss for American eel.
2. More upstream passes and downstream bypasses for eel should be installed.
3. Pollution and water quality are important issues for eels.
4. Loss and degradation of habitat are a larger factor in eel population declines than fishing mortality.
5. Some comments reflected concern about the swim bladder parasite, *Anguillicola crassus*, while other comments state that eels do have this parasite but the presence of the parasite does not have a serious impact on the population.
6. Observations were made that the presence of waste from fish processing and other plants on rivers may have created artificially high eel population levels in the past.

Technical Committee Recommendations:

1. The Technical Committee recommends that states investigate upstream and downstream passage at dams during relicensing of hydroelectric facilities.
2. The Technical Committee recommends that the ASMFC conduct a workshop on the process of consultation on upstream and downstream passage for all diadromous species during relicensing of hydroelectric facilities.
3. The Technical Committee recommends that states investigate upstream and downstream passage at non-jurisdictional dams and other stream barriers.

4. The Technical Committee recommends more research on the migration of eels, particularly in terms of what constitutes effective downstream passage of silver eels.
5. The Technical Committee recommends more research on the effects of pollution and the swim bladder parasite, *Anguillicola crassus*, on American eel.

Advisory Panel Recommendations:

1. The American Eel Advisory Panel encourages the ASMFC member states to improve and enhance American eel habitat. The Advisory Panel was unable to develop concrete habitat recommendations in the time allotted. The Panel requests that the Management Board appoint a subcommittee of the Advisory Panel (to include a member of the ASMFC American Eel Technical Committee and to work in conjunction with the ASMFC Habitat Committee) to further develop the Advisory Panel's American eel habitat recommendations.
2. The Interstate Fishery Management Plan (FMP) for American Eel identifies important eel habitat and habitat areas of particular concern, in addition to information on factors that present threats to eel habitat. The American Eel Advisory Panel recommends that the American Eel Management Board require each state to submit an annual report on ongoing and future habitat restoration and enhancement activities that address the recommendations and concerns of the FMP.
 - a. This information should be included in the annual compliance report. The current compliance report format includes "Section III. e. Review of progress in implementing habitat recommendations."
3. The American Eel Advisory Panel strongly supports the recommends that the ASMFC promote the use of underutilized habitats.
 - a. The Panel particularly encourages dam removal as an option where practical.

ISSUE 6: PREDATION

Summary of Public Comment:

1. There are too many striped bass in the system. Harvest restrictions should be relaxed on striped bass.
2. Comments reflected concern that the decline of forage fish species places more pressure on eel.
3. There are too many cormorants.
4. Non-native predators such as blue catfish and other species are a problem for eels.
5. Some comments reflected that predation is not a concern.
6. Concern that habitat issues such as loss of eel grass beds increase the risk of predation for eels.

Technical Committee Recommendations:

1. There is a lack of data showing that predation is a major problem with American eel.

Advisory Panel Recommendations:

1. The American Eel Advisory Panel would like the ASMFC to consider predation on eels when implementing changes to the management of other species.
2. The American Eel Advisory Panel noted that anecdotal information suggests that cormorants and non-native species such as flathead catfish and blue catfish are a serious problem facing the American eel resource.
3. The AP recommends that studies of the impact of cormorants and non-native species on American eel be added to the list of research recommendations contained in the Interstate Fishery Management Plan for American Eel.

ISSUE 7: CONSERVATION MEASURES

Summary of Public Comment:

1. Many comments stated that glass eel/elver fisheries should be closed.
2. A number of comments recommended increasing the minimum size. Specific size limit recommendations varied, but a number of comments reflected a desire to increase the minimum size.
3. A number of comments recommended increasing the minimum mesh size for eel pots.
4. Some comments also reflected a desire to implement mesh size changes in phases or to implement use of escape panels to avoid the need to purchase all new pots if the mesh size is changed.
5. There was concern that increasing the minimum mesh size for eel pots could negatively impact the bait fishery.
6. Many felt that an increase in mesh size would be preferable to putting a specific size limit on eels.
7. Some comments reflected a desire to see conservation measures applied evenly throughout the entire coast.
8. Glass eel/elver fisheries should be required to dedicate some percentage of their catch to upstream stocking/transplant.
9. Some comments reflected a belief that eels should not be exported.
10. There was support for harvest restrictions such as capping the number of participants or total landings in the eel fishery, implementing weekly closures, rotating closures of basins, and designating certain watersheds or basins as sanctuaries.

Technical Committee Recommendations:

1. The Technical Committee does not believe the current glass eel fishery has a negative biological impact on American eel stocks.
2. The Technical Committee recommends that additional research be conducted to validate the YOY indices against abundance at older life stages in effort to gain more stock assessment information to make a reasonable judgment about the impact of the glass eel fishery on the population.

3. The Technical Committee does not have the information to recommend changes to the minimum size. The Technical Committee recommends that the SASC investigate the use of a yield-per-recruit model to determine the effect of changes in minimum size on standing biomass.
4. The Technical Committee recognizes that management options such as limited entry, capping total landings, implementing weekly closures, rotating closures of basins, and designating certain watersheds or basins as sanctuaries, and other measures could be effective if the Management Board wishes to pursue reductions in fishing mortality based on the results of the pending stock assessment.

Advisory Panel Recommendations:

1. The Panel recommends that states/jurisdictions shall maintain existing or more conservative American eel commercial fishery regulations, including gear specifications, for all life stages. States with minimum size limits for commercial eel fisheries should retain those minimum size limits.
2. The Advisory Panel notes that controlling the number of participants in the commercial fishery is a conservation measure that the Management Board may wish to explore.
3. Research recommendation: Investigate survival and mortality rates of different life stages (leptocephalus, glass eel, yellow eel, and silver eel) with respect to implementation of minimum and maximum size limits. The Advisory Panel recommends that this recommendation be listed as high priority.
4. The Advisory Panel recommends that American eel fisheries within a watershed be managed as a total picture. States with fisheries for a particular life stage should implement conservation measures that protect other life stages.
5. Conservation measures will need to be applied by region or by state because the disposition of the fishery is different in different areas.
6. The Advisory Panel recommends an eel pot minimum mesh size of ½" x ½" coastwide.
7. The Advisory Panel recommends that the Management Board explore restocking projects as an option for eel conservation.

ISSUE 8: TRADITIONAL USES

Summary of Public Comment:

1. Many comments reflected that the end use of a harvested eel should not be a management consideration.
2. Some comments reflected a belief that eels should not be used as bait.
3. Some comments stated that using eels as bait is an appropriate use of the resource.
4. Some members of the public felt that a coastwide reduction of or prohibition on the take of American eel would not be helpful in rebuilding the resource.
5. There was support for upholding traditional uses of the resource by Native Americans.

Technical Committee Recommendations:

1. The Technical Committee continues its request that states report percentage of harvest used for food versus bait.

Advisory Panel Recommendations:

1. The Advisory Panel states that all uses of the American eel resources are valid as long as the population is shown to be viable.