

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

**Crowne Plaza - Old Town  
Alexandria, Virginia  
May 12, 2014**

**Approved August 7, 2014**

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1. **Approval of Agenda by Consent** (Page 1).
2. **Approval of Proceedings of February, 2014** by Consent (Page 1).
3. **Move to add a new option, glass eel quota based on enhanced passage initiated after January 1, 2013. Under this option states may earn glass eel quota via stock-enhancement programs that increase glass eel passage. The amount of quota earned shall not exceed an amount equal to Sub-option 1, 5 percent; 2, 10 percent; 3, 25 percent of the enhanced glass eel passage** (Page 27). Motion by David Simpson; second by Pat Augustine. Motion carried (Page 30).
4. **Move to add under Option 4 (glass eel quota based on landings) a sub-option that sets a minimum glass eel quota of 100 pounds per state** (Page 31). Motion by David Simpson; second by Pat Augustine. Motion defeated (Page 33).
5. **Move to remove Option 7 (glass eel aquaculture) from Section 3.1.1 in the document** (Page 33). Motion by Terry Stockwell; second by David Simpson. Motion defeated (Page 34).
6. **Move to insert in Section 3.1.1, Option 5, Sub-Option B: “A tolerance of up to 5 percent overage would be allowed if the current stock status is not depleted or overfished”** (Page 35). Motion by Douglas Grout; second by Rick Bellavance. Motion defeated (Page 35).
7. **Move to remove Option 5B (quota overage tolerance) and 6 under Section 3.1.1 (quota underages)** (Page 35). Motion by Louis Daniel; second by Dennis Abbott. Motion carried (Page 36).
8. **Move to request the technical committee review a watershed-based allocation scheme for glass eel quota and postpone options to Addendum V and proceed with yellow and silver eel options in Addendum IV** (Page 36). Motion by Dan McKiernan; second by David Borden. Motion defeated (Page 37).
9. **Move to include the working group allocation recommendation from their August memo to the board as an option to include the three highest landing years from 2002 to 2012 for Options 2 and 3** (Page 40). Motion by Russ Allen; second by Pat Augustine. Motion carried (Page 42).
10. **Move to modify Option 5 in Section 3.1.2 (quota transfers) to allow states with a 2,000 pound quota to participate in quota transfers** (Page 42). Motion by Dan McKiernan; second by Robert Ballou. Motion carried (Page 43).
11. **Move to modify Option 4 in Section 3.1.3 to remove the third sentence, “Once issued, licenses are not eligible for transferability”; and modify the last sentence to read, “This would result in a reduction of licenses”** (Page 44). Motion by James Gilmore; second by Pat Keliher. Motion carried (Page 46).
12. **Move to add Item Number 4 in Section 3.1.4: States would be allowed to harvest a maximum of 200 pounds of glass eels annually for the use in domestic aquaculture facilities (to grow out to the minimum legal size) if they can show that they can be harvested from a watershed that minimally contributes to the spawning stock of American eel** (Page 46). Motion by Pat Keliher; second by Ritchie White. Motion carried (Page 49).

13. **Move to approve Draft Addendum IV for public comment as modified today** (Page 49). Motion by Bill Adler; second by Pat Augustine. Motion carried (Page 50).
14. **Adjournment** by Consent (Page 50).

#### ATTENDANCE

##### Board Members

Pat Keliher, ME (AA)	Leroy Young, PA, proxy for J. Arway (AA)
Terry Stockwell, ME, Administrative proxy	Mitchell Feigenbaum, PA, proxy for Rep.Vereb (LA)
Steve Train, MD (GA)	Roy Miller, DE (GA)
Rep. Walter Kumiega, ME (LA)	David Saveikis, DE (AA)
Doug Grout, NH (AA)	John Clark, DE, Administrative proxy
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Bernie Pankowski, DE, proxy for Sen. Venables (LA)
G. Ritchie White, NH (GA)	Russell Dize, MD, proxy for Sen. R. Colburn (LA)
Dan McKiernan, MA, proxy for P. Diodati (AA)	Thomas O'Connell, MD (AA)
William Adler, MA (GA)	Bill Goldsborough, MD (GA)
Rep. Sarah Peake, MA (LA)	John Bull, VA (AA)
Robert Ballou, RI (AA)	Rob O'Reilly, VA, Administrative proxy
Rick Bellavance, RI, proxy for Sen. Sosnowski (LA)	Kyle Schick, VA, proxy for Sen. Stuart (LA)
David Borden, RI, proxy for B. McElroy (GA)	Catherine Davenport, VA (GA)
Rep. Craig Miner, CT (LA)	Louis Daniel, NC (AA)
David Simpson, CT (AA)	Ross Self, SC, proxy for R. Boyles, Jr. (AA)
Lance Stewart, CT (GA)	Patrick Geer, GA, proxy for Rep. Burns (LA)
James Gilmore, NY (AA)	Jim Estes, FL, proxy for J. McCawley (AA)
Emerson Hasbrouck, NY (GA)	Derek Orner, NMFS
Pat Augustine, NY proxy for Sen. Boyle (LA)	Sherry White, USFWS
Russ Allen, NJ, proxy for D. Chanda (AA)	Martin Gary, PRFC
Chris Zeman, NJ, proxy for T. Fote (GA)	Bryan King, DC

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

##### Ex-Officio Members

Joe Fessenden, Law Enforcement Committee Rep.	Marty Bouw, Advisory Panel Chair
Sheila Eyler, Technical Committee Chair	

##### Staff

Robert Beal	Kate Taylor
Toni Kerns	Marin Hawk

##### Guests

Proceedings of the American Eel Management Board Meeting May 2014

Wilson Laney, USFWS  
Steve Meyers, NOAA  
Patrick Moran, MA Environmental Police  
Jack Travelstead, CCA  
Tom Baum, NJ DFW  
Kelly Denit, NMFS  
David Pierce, MA DMF  
Leo Maher, CCCFA  
Hunter Maher, CCCFA  
Janice Plante, Commercial Fisheries News

Daniel Hightower, E&D Eel Co  
Arnold Leo, E. Hampton Baymens Assn  
Greg Wells, Pew Trusts  
Joseph Gordon, Pew Trusts  
Aaron Kornbluth, Pew Trusts  
Purcie Bennett-Nicherson, Pew Trusts  
John Pedrick, Bensalem, PA  
Paul Jacobson, Elec Power Research Intl.  
Jeffrey Pierce, Maine Elver Fishermen Assn.

The American Eel Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Crown Plaza Hotel Old Town, Alexandria, Virginia, Monday morning, May 12, 2014, and was called to order at 11:35 o'clock a.m. by Chairman Thomas O'Connell.

**CALL TO ORDER**

**CHAIRMAN THOMAS O'CONNELL:** Good morning, everybody. I would like to welcome to the American Eel Management Board Meeting today. My name is Tom O'Connell. For those of you that don't know me, I'm from Maryland. This is my first meeting that I will be chairing the American Eel. Thanks to Terry for the last couple of years for his work. Before we get started, I am going to hand it over to Bob Beal, our executive director, to just introduce a few new commissioners today.

**EXECUTIVE DIRECTOR ROBERT E. BEAL:** This is our first coast-wide board of the week, obviously, and I just want to introduce a few new faces that are around the table and around the room just so folks can introduce themselves and get to know each other and know who is sitting at the table representing which states.

As Terry Stockwell mentioned earlier, Emerson Hasbrouck from New York is here. He is the new governor's appointee from New York. As you noticed, Pat Augustine, who is not a new commissioner but is still here; and Pat is serving as the proxy for Senator Boyle, the legislative commissioner from New York.

Another relatively new face is Chris Zeman from New Jersey. Chris Zeman is serving as Tom Fote's proxy for this meeting. Tom Baum was also at the board this morning. Tom has been in the commission process for a long time but relatively new to the boards. John Bull is the new commissioner of the Virginia Marine Resources Commission. John is in the back. As he likes to say, he is trying to fill the shoes of Jack Travelstead. The last introduction is Sherry White from the U.S. Fish and Wildlife

Service. Sherry is the new Region 5 Assistant Regional Director. That's it, Tom, thank you.

**APPROVAL OF AGENDA**

**MR. O'CONNELL:** Thank you and welcome everybody that is new here today. Everybody should have an agenda in front of you. As you'll see, we have a few updates, but the primary focus of today's meeting is to review Draft Addendum IV for public comment, to go out for public hearing this summer.

The first two items on the agenda, the agenda and the last meeting's proceedings, are there any comments or questions regarding the agenda for today? Seeing none; the agenda will stand approved.

**APPROVAL OF PROCEEDINGS**

**CHAIRMAN O'CONNELL:** In regards to the proceedings from our February 2014 meeting; are there any questions or comment regarding those proceedings? I have one person from the public. Is it in regards to the February 2014 Proceedings, sir? Come up to the microphone, please.

**MR. DANIEL HIGHTOWER:** My name is Daniel Hightower. I'm a South Carolina eel fisherman. I'd just like to address a few of the implications of Addendum III.

**CHAIRMAN O'CONNELL:** Hold on one second; we're not yet at the public comment period. We're almost there; just hang on for a second. Back to the February 2014 Proceedings; are there any comments and concerns on those? Seeing none; those proceedings will stand approved.

**PUBLIC COMMENT**

**CHAIRMAN O'CONNELL:** Now we're at the public comment period. We do have two members from the public that signed up. Daniel Hightower; would you come up and state your name for the record again. These are for items that are not on the agenda.

MR. HIGHTOWER: My name is Daniel Hightower. I'm a South Carolina eel fisherman and I'd like to address some of the issues of Addendum III and the implications to the South Carolina fishermen. This year as a fisherman, I can speak on the numbers that I've caught and what I did. This year I caught a little over \$300,000 worth of eels at market price; and out of that I was able to keep less than 2 percent because of the eighth inch mesh regulations.

Now, my questions would be the eighth mesh as it pertains; Maine and South Carolina are two completely different fisheries. Maine, the majority having a glass eel catch and a very low pigmented eel catch; South Carolina being the opposite, I catch a thousand pounds of pigmented eels in three months to 10,000 glass eels in the river that we're regulated to at this time.

Now, if an eighth mesh regulation is used for two completely different states; I don't see how that can be effective' and also by reducing our catch by 98 percent, you know, how is that justified by the board. That is one of my first questions. The question is how in Addendum III is the pigmented eel fishery represented as a new and developing fishery when I hold in my hand an October 1974 issue of Trends Magazine where Randall Livingston was catching and raising these pigmented eels in his farm? I've given a couple of copies of these out and I can pass around if need be. Those are a couple of the issues that I would like to address. I don't know if you have any comments or answers for those.

CHAIRMAN O'CONNELL: Thanks, Daniel, I appreciate those comments. As we probably go through the meeting today, if the board members have questions, if you're hanging around, maybe we can bring you back up.

MR. HIGHTOWER: Absolutely; and one more thing. Maybe there could be an amendment to represent the states for that eighth inch mesh because as it pertains to elvers, when you use an eighth inch mesh, you know, we have an

elver fyke net permit, that is anything under six inches as defined. The eighth inch mesh regulates those six-inch elvers out of the catch, which inherently as you can see South Carolina is predominantly – that is our catch. That is why I'm here today just to represent the South Carolina fishermen and talk with you fine people.

CHAIRMAN O'CONNELL: Thanks a lot; I appreciate you taking the time. All right Jeffrey Pierce.

MR. JEFFREY PIERCE: I've got a couple of things. Reading the new Draft Addendum IV; there are a few things that are incorrect on the executive summary. The first paragraph you have a combination of historic overfishing – overfishing has not been determined in this fishery. Then on Page 1, in the background, it states overfishing again. Overfishing has not been –

CHAIRMAN O'CONNELL: Excuse me for one second, sir. This public comment is for items that are not on the agenda and Draft Addendum IV is. There will be an opportunity for public input on that. Do you have anything to say that is not on the agenda right at this point in time?

MR. PIERCE: I only have something that should be in this draft addendum, outboard migration and turbine mortality. It says in this addendum there that it cannot be easily corrected; that is not true. Through FERC L3, Article 15 and 16, with cooperation with U.S. Fish and Wildlife, NOAA and NMFS, they could encourage the hydroelectric facilities to do this.

CHAIRMAN O'CONNELL: All right, Kate Taylor is saying that we already have the authority in Addendum II and III to address those concerns. I'll talk to Kate maybe at break to see if we need to bring those up today or not.

MR. PIERCE: Well, it says in the addendum that this cannot be corrected; so it is inconsistent with Addendum III is what I'm trying to point out.

CHAIRMAN O'CONNELL: Okay, thank you. We'll take a closer look at that. Are there any other members from the public that didn't sign up that wanted to say a word? All right, seeing none, we'll move forward with the agenda.

**UPDATE ON 2014 MAINE ELVER FISHERY  
MANAGEMENT MEASURES**

CHAIRMAN O'CONNELL: We have an update on the 2014 Maine Elver Fishery Management Measures; Terry Stockwell.

MR. TERRY STOCKWELL: Pat Keliher is going to do it.

MR. PATRICK C. KELIHER: I'm just going to quickly do an update here. I think I've got eight or nine slides for the board. I'm going to talk about the quota system that we put in place – and that was allocated to individuals – the swipe card system, enforcement and monitoring, penalty provisions and the season to date.

We had two pieces of legislation that went through this year and were signed into law by the governor to ensure that we had everything in place for this season that is currently ongoing. LD 1625 authorized the commissioner to establish a rule to create an individual elver fishing quota for the state.

If you recall, we voluntarily put a 35 percent reduction in place that brought our total target down to 11,749 pounds for this season. It also allocates quota to the non-tribal license holders using a formula that takes into account prior years landing. The formula that we used towards taking the last three years, we averaged the best two years of the landings from an individual.

By doing that little bit of a math problem, you ended up with more or a higher number, if you will, for the individual based on what they would have had or would what would have shown for the 11,000. If we totaled them all up,

it would have been greater than 11,000. At the end of that calculation with the two-year average, throwing out their worse year, we then had to take an additional 41.8 percent from each individual.

Then a specific percentage of the overall quota is then allocated to each of the four federally recognized tribes. Out of that 11,000, approximately 2,581 were allocated to the tribes or 21.9 percent of the fishery. Just quickly, this just shows the quota that we have in place for the Passamaquoddy, Penobscots, Maliseets, and Micmacs; and at the bottom the non-tribal.

The first column shows the total quota for each of the jurisdictions. We subtracted a 5 percent buffer from that. Then the far right column shows the allocated pounds; again totaling up the poundage that would be allocated to each jurisdiction. The one component that is new for this fishery, which is new to the state, is the swipe card system.

We were, I would call it, cautiously optimistic going into this season that this would work as well as we had hoped; and it far exceeded our expectations. The way we implemented this system is we had all license holders, tribal and non-tribal – that is 949 individuals – were required to appear in person to pick up their transaction cards.

A marine patrol officer went over all of the laws associated with that transaction card and their individual quotas. Then everyone who received that card was then required to sign off. That signature was witnessed by a marine patrol officer. So if somebody came up to us, which we've had a few people say that they didn't know that was the law, we'd have them on record with a signature stating that they in fact signed off on this and were aware of the laws.

All license holders were given a summary of the law and the regulations pertaining to the elver fishery; and then the license holders were given a sheet that explained the use of their

transaction card. The transaction card looks like a simple credit card or the hotel cards that you would have here. We were concerned that just abuse coming in and out of the wallet or however they were going to hold them; that they would potentially start to fail, but to date we've only had one card fail and only one swipe card reader failed.

But that swipe card reader we think there may have been some thinking to try to get around how they were going to move forward; but it was not finally determined. We replaced the mechanics or the reader and everything now is moving forward smoothly. The other piece of legislation was LD 1723. This was more focused on enforcement and monitoring.

With harvesters, we established the requirements for the use of the swipe card when selling elvers. It requires the harvester to have in their possession, when they're fishing, their license, the transaction card and a photo ID. If they're missing one of those three, then they cannot move forward with the transaction.

The transaction card is deactivated by us when the quota is reached. I think as of today we've I think shut off around 60 cards for reaching their quota. We did reinstitute the 48-hour closed periods from noon Friday to noon Sunday. We also, at the request of the Passamaquoddies, put in a dipnet-only restriction for the St. Croix River, which is the border river between Maine and Canada.

The season was delayed until April 6<sup>th</sup>. It normally starts on March 22<sup>nd</sup>. The reason it was delayed is that the legislature took a little additional time. There was some back and forth right at the end, which meant that we could not get it finalized and then to the governor for signature in time. As far as the dealers with enforcement and monitoring, we created requirements for dealers to use the DMR-issued reporting equipment, which is the swipe card reader. DMR then provided the reporting software. Again, it has been working flawlessly.

The dealers must sync with the DMR Licensing System once every 24 hours in order to ensure that they don't buy from harvesters whose cards have been deactivated. The dealer must upload landings every 24 hours, as I said, by 2:00 p.m.; and then by 7:30 or 8:00 o'clock the following morning we will have a full report sent out to both Colonel Fessenden and myself and others within the landings' program and within the patrol.

The dealers may immediately be suspended for failure to report; and swipe card readers may be seized by a patrol. If we have an issue before – all of these swipe readers are state-owned; so if we have abuse of the system, we can put them out of business right then and there on the spot by just taking their equipment.

The supplemental buyers must keep a running tally of purchases. If elvers are in possession and don't match the records, the entire bulk pile may be seized. If we have a patrol officer who stops a truck and they say they've got 20 pounds on board and the officer looks and he thinks they have 25 pounds on board or 30 pounds on board, he can require them to immediately drive back to their fixed place of doing business and weigh the eels.

If it is a minor violation and they're only a few pounds over, then we will seize just that small amount of the poundage; but if it is a violation of ten pounds or more, we will seize the entire bulk pile and we will hold on to the money. We will go through the court proceedings; and then if we're deemed to be wrong, then they would receive part of those funds back.

All purchases must be made by check; so we went back to the no-cash sales. Elvers must be returned to the permanent facility for at least 60 minutes before shipping out of state; so all of those supplemental buyers who buy for the dealer with a fixed facility must come back to that location.

The one area that it looked we made a mistake on was the fact that if a dealer did not buy, they didn't have to sync. What was happening is we were turning off cards and somebody would still fish. Then they would go to a dealer that hadn't synced up for two or three days and they were able to then go ahead and sell those eels. In some cases they were going over their quota.

To rectify that situation, I signed an emergency rule and put that in place last week; and so even if they have not purchased any eels, they have to sync at zero pounds. The penalty provisions, as I reported to this board in the past, all of our penalties for the elver fishery are felonies now. They are a Class D crime with a \$2,000 fine.

The first offense is a mandatory one-year suspension of license. The second offense is your license is permanently revoked. Those two issues, the second offense, the two strikes and you're out has brought us into a very high level of compliance with licensed fishermen. The harvester who sells more than their quota must pay restitution to the state equal to the value of their overages.

Joe, which do we have, four people I think now who have gone over to date, four or five that have gone over for a total of about 15 pounds? We deal with that through an administrative process. One, they are notified by a marine patrol officer that they've gone over their quota. They have summoned; they know they will lose their license for the following year; and then we take them through an administrative process.

We know what they paid before or sold the eels for. They are then made aware of the fact that they have to refund that money to the state of Maine; and that money would go directly into our Eel and Elver Management Fund. I think there was one piece left unless I covered it. The last bullet, collective overage by non-tribal license holders or by any of the four federally recognized tribes is deducted from the

following year's allocation. That was the point that I brought up at the last board meeting.

Just a quick update on the season; despite the delayed start and the incredibly brutal winter – it was even brutal for me and I like winter – we've caught greater than 50 percent of the quota. If you broke it out, the non-tribal license holders have caught 57 percent of their quota to date. As I said, the swipe card is performing excellent.

Enforcement actions to date, before the season even started we implemented actions against 14 harvesters for reporting violations for the last three years for improper reporting. The in-state poaching has been very limited and compliance is very, very high by license holders. There is very little illegal activity.

Usually we see a lot of cases of poaching at fishways and other places; and that has been very minimal this year. We have 65 individuals who have reached their individual fishing quota and their cards have been deactivated. Four individuals have gone over their quota for 16 pounds. The real big case that we had in Maine is the fact that our Maine Revenue Service is looking at harvesters for not paying taxes.

The first one who went through; he underreported his income by \$700,000. He is now in the process of paying that money back in full and will be spending nine months in jail. The IRS hasn't taken care of him yet either; so that is just his first stop in the court system. There are many more individuals who will be going through that process.

I think we've also had three, Joe, or four cases of illegal eels that we know they have been brought in from out of state. They tried to sell to dealers and the marine patrol was able to make some really good cases. I think 50 or 60 pounds were confiscated and then liable through those cases. Very, very little activity compared to last year on eels coming in from out of state; but I think that is a direct result of the individual fishing quota and the swipe cards

that we've put in place. With that, Mr. Chairman, I will end my remarks.

CHAIRMAN O'CONNELL: Great overview; thanks, Pat. Are there any questions for Pat? Dan.

MR. DAN MCKIERNAN: Thank you, Pat; that was a great report. I have a few questions, but I'll start with the first one. Can you describe for us the typical transactions of eels relative to primary buyers and secondary buyers and tertiary buyers? To maybe get to the point; are your primary buyers also the folks who are shipping out of the airports or do you have multiple persons who take possession?

MR. KELIHER: We have a primary dealer or buyer who has a fixed facility. Then under that dealer license, he may have supplemental licenses. Those would be the people that he hires with trucks to go out buy on the rivers. Those individuals are buying; they also buy directly at their fixed facility, but all the eels have to come back to that fixed facility.

The shipping of eels out of state, some of our dealers, what they'll do is just turn around and sell their eels that they buy directly to another dealer for a profit and not deal with the export side of the business. I would look to the colonel to remind me that we probably have six to ten dealers who probably do export. It may be a little bit more, Dan, but that is what is ringing a bell right now.

REPRESENTATIVE SARAH K. PEAKE: A question on the enforcement; and thank you for your efforts to address cutting back on poachers in other states coming to Maine to sell their eels. I'm just curious if as the system has worked, if the swipe card is more to get at quota and if there is traceability as to the source and origin of those eels.

Interestingly, as I was reading the Cape Cod Times, our daily paper, in Barnstable County and for the Cape and Islands, in today's paper there was a poaching effort that was thwarted,

saving, according to the press, about 35 pounds of young and valuable eels. They had condensed them in a fishway; and it was just because a passerby asked these two guys what are you doing and they ran off. Here was 35 pounds of elvers; what are we doing to stop that from traveling north and over the border and finding its way to a dealer and being shipped out?

MR. KELIHER: I think that is a great question; and I think that's one of the biggest benefits of the individual fishing quota that we have in place now. An individual may have as low as three pounds or as high as a hundred pounds, depending on how good they have been within the fishery and the fishery that they have in the fishery.

An individual, whether he has three pounds or a hundred pounds, is very unlikely to want to take on illegally caught eels to sell them for half the money, especially because the value of eels – the price per pound has been fluctuating between \$500 and \$800 versus the \$2,000 a pound last year. That becomes a very good deterrent just in itself because the individuals don't want to lose the money.

It was easy last year to say, yes, I'll take your eels and mix them with mine, because they have to worry about reaching their quota too early; but now they have to worry about reaching their quota. As soon as we instituted that quota, the fishermen were instantly saying, okay, I get 20 pounds, this is what the value is. They were calculating in their mind very quickly what they could make that year. Anything that takes money away from them is something they don't really look very highly at.

MR. DOUGLAS E. GROUT: As a neighboring state, last year we put in a tremendous amount of effort in law enforcement. I think we ended up with 22 cases in our little thirteen miles of coastline. I also had an assaulted officer. Compare that to this year, we've had nothing.

Even though we've had just as much effort out there, two or three, sometimes four officers out every night checking, so obviously I'm sure some of this action that has been taken by Maine has helped us out; maybe the price, too, because the price isn't quite as high as it was last year.

It is less than half of what it was last year. I still would like to comment the state of Maine for taking these efforts, but also say that we're still putting a lot of effort on enforcement here for a very small amount of species.

MR. G. RITCHIE WHITE: A question for Pat just to follow up on what Sarah was getting into; is there tracking beyond the first dealer into the export system. What I'm thinking is could someone sell to the secondary dealer that you're talking about that is the exporter and bypass your recordkeeping system?

MR. KELIHER: No; because they have to keep a running tally on the truck and because that running tally must be maintained with the dealers themselves when they get to their fixed facility, I think the chain of custody and Maine monitoring those landings from harvester to supplemental to dealer is very, very strong. Now, once they leave the state, then it falls over to the U.S. Fish and Wildlife Service for their monitoring of what is being exported. I know the colonel has had many conversations with the U.S. Fish and Wildlife Service and dealing with that side of the monitoring. There may be loopholes, but I think we've tied it up in our end as best we can.

MR. ROBERT BALLOU: Thank you, Pat, for your excellent report. A question to you, Pat – actually I have two. The first is how have you covered what must be enormous administrative costs associated with developing and implementing this program?

MR. KELIHER: We established some funds over the past two years, which were very beneficial for elver eel management and enforcement. We were actually able to cover all the costs

associated with the swipe card system in particular. The swipe card system itself; the overall budget was not astronomical.

I think with all of the equipment we purchased, the swipe cards and some staff training, totaled around \$75,000. Now that we have that in place, we're already getting ready to transfer that technology over to our Urchin Fishery and our Scallop Fishery; and if that works and the governor is reelected and I have a job next year, my goal is to transfer it to all other fisheries.

MR. BALLOU: I have a second question. Do you collect information on the locations of the harvest; is that part of the system?

MR. KELIHER: The swipe card; even though the harvester maintains the swipe card itself, it is really for the dealer reporting. We still require the monthly harvester reporting where we get the information as far as harvest location. It is fairly rough information right now. The one thing that we have invested heavily in and has been very expensive is the new business management system for enforcement, for licensing and for harvester reporting and dealer reporting.

We're hoping that within the next two years we're going to have a system that will tie together with the swipe cards, and we will be able to do both harvester and dealer reporting at the time of sale so we can easily add that type of information into it. This is where, Bob, we have invested heavily and it has been very expensive. I think we have invested around \$400,000 to date in that system and we still have a couple of years of work to do.

MR. MITCHELL FEIGENBAUM: Mr. Chairman, I was going to address the questions asked by the Massachusetts delegates about traceable beyond the first dealer. Pat has addressed most of those points. First of all, I want to commend Pat and the state of Maine and everyone at DMR for all the great work they've done. I think that Pat is being a little bit modest about just how successful this program has been. I think it

has been well received by dealers. It has been accepted by the fishermen.

It has clearly changed the entire characteristic of the fishery as we move from one that has operated as a cash business with a lot of non-reporting to one that is much more professionalized and enforceable. I just want to point out in relation to that very question about the traceability; obviously our federal partners in the Fish and Wildlife Service are playing a critical role in helping to improve the fishery.

It was interesting to read through the law enforcement comments from prior to Addendum IV where it was suggested that the magnitude of the problem was such that perhaps the federal resources were not sufficient or state resources were not sufficient to keep up with the poaching efforts, but I think this year has demonstrated that a dedicated effort by jurisdictions working together really is capable of putting a fishery under control that was perceived to be out of control in the past.

I want to just conclude by saying I really hope that the Fish and Wildlife Service will continue to focus on this particular question of the export process. Basically, Maine has authority to regulate what a dealer does in the state buying those fish; but as we have now heard, that dealer can turn around to another dealer the very next day, someone who is not licensed, someone who is not even from Maine and can sell those eels to anyone they one.

Presumably those individuals would be subject to the same Fish and Wildlife Service reporting requirements, which includes 48 hours advanced notice of all shipments. It requires that the shipments go out of a particular airport. If a dealer is not, quote-unquote, on the radar screen, working in a state other than Maine where the local Fish and Wildlife officers might not even know there is a glass eel trade going on and that they're taking the eels to an airport other than the major airports where Fish and Wildlife has a consistent presence to check exports, a dealer can presumably go another

airport where there is just no one even present that is aware of these issues.

It has been a really great amount of progress in one year; but in terms of the issue of shore-to-plane traceability, we still have some work to do; and I look forward to sharing thoughts further with the state as well as with the Fish and Wildlife Service so that we can continue to tighten up and improve the fishery. Thank you.

CHAIRMAN O'CONNELL: Joe would like to provide a response to some of that input.

COLONEL JOSEPH FESSENDEN: The commissioner did a great job summarizing our effort up there. Truly, the officers and the whole department is a joint effort in pulling this off; and it has been very effective. I'm very pleased in how it went. One of the things – and Pat mentioned this kind of quickly, but I want to bring attention to it because a lot of peers in law enforcement have confidentiality issues with landing reports.

Maine up until last year, we weren't able to look at our landing records unless we had a good reason, probable cause or violation had been committed. The commissioner, working with the legislature, got authority for our patrol to look at landing records. It was absolutely incredible. I have been around for almost 40 years doing this, and last year was the first time I had the opportunity to look at landing records and compared dealer records with harvester records.

The discrepancies that were there within the elver fishery were significant, which allowed us moving forward with suspensions of 14 harvesters. They had a minimum of 25 pounds difference in elvers reported, minimum. Some of them were a hundred pound differences between the harvester and dealer landings. You may go back to your respective states and just consider giving some of that information up to law enforcement. It is confidential to us.

We don't use that information unless we can make a case and obviously to go to court. That information is made public during the trial, but certainly it really enhanced our enforceability of these laws. It is a heck of a resource for law enforcement, especially when you go from not having that information and then all of a sudden having this treasure load of information.

We actually hired an investigator last year at the beginning of the season. We're on year two with him right now. He was able to look at records and spent a lot of time bringing to my attention and the whole leadership's attention the records that were incomplete or inaccurate. It made a huge difference. Actually I think at the end of the day, I think our fisheries' data from Maine, harvested data will be improved across fisheries; not just elver fishing but all fisheries as a result of law enforcement having access to landing data. Thank you.

MR. JAMES GILMORE: Mr. Chairman, just to echo Mitch's comment, I think, Pat, you and the state of Maine should be commended. I think it is a great program. The question I really have is looking at the future, because this obviously has applicability to other fisheries, we're in the process of modernizing our permitting system and tracking, because we've had a lot of interesting things going on in New York.

You already answered one question is you have invested \$400,000 in this. The immediate question is, is that just the infrastructure; is that all staffing, whatever, and at some point – you probably don't have the numbers now; but if you could come up with what this program is costing you to implement and then what you think the operational costs would be; it would be a help for us as we're going into similar type things and modernizing our tracking. Thanks.

MR. KELIHER: Jim, I don't want to confuse – the \$400,000 that I'm talking about is our major program within the agency to modernize and implement a system across the three major areas for enforcement, licensing and landings. We call it the Maine Lead System. Associated

with that is the swipe card system. That was a separate budget of \$75,000, but we're hoping that we're going to be able to merge these two. I will be happy to share that information.

MR. MCKIERNAN: Pat, how frequently are fishermen observed in the field either in the act of harvest or just possessing them before dealers? My follow-up question is did you consider creating a logbook like a VTR so that the harvester writes something down that is somewhat permanent and is observed by an officer; and then if some of those eels disappear, you will be able to know where to go to investigate.

MR. KELIHER: We did consider a few different types of tracking requirements. Well, let me back up first. We've got 52 marine patrol officers in the state of Maine. You take off the top command staff and we've got about 30 individuals who are very active in enforcing the fishery on the ground before eels are brought to the dealers. That has always been the primary focus for marine patrol officers.

In the last year the colonel has shifted some of that priority, not all of it but some of it, back on to the supplemental dealers, because last year we were having a lot of problems with the supplemental dealers. We are spending more time actually going to the supplemental dealers weighing up their product to ensure that we have consistency and accuracy for what they're bringing into the field. To date, there has only been I believe two warnings, Colonel, written to supplemental buyers.

We have recently suspended one dealer, but that was for a reporting violation and not an accuracy violation. That has been the focus of the marine patrol. The work on the water, we have talked about having some sort of a record, some sort of a logbook. In fact, Mitch brought it up through his business about almost like the VTR would be a good example or even almost like what a truck driver would have.

We didn't implement that. There were some challenges in doing that, but it is something that we're continuing to look at to try to make sure that we've got a better record of what the harvesters are catching. Now, all of that said, though, when that harvester leaves that dealer, they have a receipt printed out.

That dealer has a receipt printed out, so we can go back to a dealer. If they have discrepancy in their landings and they come to us and say, well, that is not correct, we can go back to those dealers and we can look at what they purchased right from the lad in Boothbay and print out those receipts from our office now to be able to track it.

It gives some accountability to the harvester to say, "I need to follow and I need to look at what I'm landing and to make sure I'm tracking it." As I said, if they don't track it, they lose their license and now they're paying back. There is more work to do there, but I think we've a lot of strides forward.

CHAIRMAN O'CONNELL: I have got two more people; Rick and Dennis. I just want to point out that we started a few minutes early and we're right up to where we should be, starting early. Obviously, this effort by Maine is of interest to a lot of us as we struggle with these reporting issues back home. I'm sure that Maine would be happy to share and discuss with us after the meeting as well; so let's see if we can try to wrap these couple of comments up so we can move forward.

MR. RICK BELLAVANCE: Mr. Chairman, I'll be brief. I'm going to turn my hat a little from a commission hat to an ACCSP hat and just remind the commissioners that the ACCSP is funding a swipe card program starting in October this year. If anyone is interested, it might be worth a question for the Coordinating Council on Thursday.

MR. DENNIS ABBOTT: Mr. Chairman, like others I compliment the state of Maine for what they've done. I think they've done an

admirable job; and I don't say that to the state of Maine a whole lot in the past.

MR. KELIHER: Somebody write that down.

MR. ABBOTT: You've done a wonderful job, Pat. Do you foresee any problems in the future with dealing with latency and will there be any latency and will you be renewing permits for people who don't have a catch or have you considered where you would go in that area?

MR. KELIHER: Just quickly, I think with the price what it is so the latency probably won't exist; but what was taken off the books was the lottery system. If somebody does not renew their license, that license goes away. If they miss one year; they're done. If an individual is suspended and their privileges have been permanently revoked, they're also done. We don't have anything in place at this time to allow people to come back and reenter the fishery. It is a question that was discussed, but there was no movement at the legislature.

REPRESENTATIVE WALTER KUMIEGA: Obviously, reentry into a limited fishery I think is something we all struggle with; that is something we have to figure out is what to do – if somebody gives up their license or if they're revoked, what to do with that quota. Right now it would just go back into the pool and just be redistributed amongst all fishermen. We're going to have to figure out a way to allow for some entry at some point, because a good number of elver fishermen are older than I am.

MR. KELIHER: I'll be very quick. There has been a lot of talk about what Maine did and Maine DMR has done; but I'd be remiss if I didn't make a statement that this was a work of cooperation between the executive branch, my department and the legislative branch, which is Representative Kumiega's, which he is the House Chair of. If it was not for Representative Kumiega, we would not be here today. I want to just give kudos where kudos are due to Representative Kumiega.

CHAIRMAN O'CONNELL: It was a great job, definitely. Lance.

DR. LANCE STEWART: Just a comment that it is amazing to see it done so rapidly and so thoroughly. As far as the qualification and distribution; I was wondering if the technical committee within Maine, you're giving any mapping or distributional attention to what could be scientifically important to certain streams along the coast; timing as well headwaters, that sort of migrational information.

MR. KELIHER: I can't say whether my staff has shared it with the technical committee. I know there has been information brought forward. I think, Lance, that one of the areas that we need better focus on is a little bit better detail from our harvester reporting. We've got a really good idea regionally where the eels are coming from; but I think – and you and I have had these conversations before – really get down to the river-specific location; because as we know some river systems have a much higher value than others. I think that is some of conversation I'm having with staff about how to pinpoint that.

CHAIRMAN O'CONNELL: Okay, that has got through that agenda item and a really good discussion and great work on Maine's part and others that helped with that.

#### **TECHNICAL COMMITTEE REPORT**

CHAIRMAN O'CONNELL: We're going to move on to Agenda Item 5, which is a technical report from Sheila Eyer. At the October meeting, the board directed the technical committee and stock assessment subcommittee to update some of the key indices from the last assessment as well as an update on landings' data through 2013.

MS. SHEILA EYLER: Hopefully, I can keep this short. The technical committee was tasked to update some indices that included for us the harvest data and the young-of-the-year survey.

Those data were updated through 2013. We were not able to update any other indices that were used in the stock assessment besides those two. We also developed a lifecycle survey or at least a framework for a lifecycle survey; and I can give some of the details for that. It is still in a draft form.

The technical committee has not released that yet, but we do have do some information we can pass along to the board. Also we discussed the idea of scientific collection permits and kind of the threshold that should be considered for board action versus the amount of collection permits that could be handled at a state level.

This is the last meeting. Sorry, one second. All right, the presentation was from the February meeting; but I will update you with the harvest data for 2013; the harvest data that we received from all states through 2013. What we saw was an increase – well, the stock assessment period ended in 2010; and so we looked at 2011 through 2013 harvest data.

2011 showed the highest harvest landings since the stock assessment period began in 1998. Harvest levels dropped somewhat in 2012 and the levels again dropped in 2013; but the 2013 data – and we're missing North Carolina's reporting out for 2013, so that number might go up; but the 2013 level right now is in line with the average data from the stock assessment years.

With the young-of-the-year survey, we completed the data through 2013; and you should have received some information in your briefing materials about the young-of-the-year survey updates that we had done. What we found was that there was no significant trends in any of the young-of-the-year indices except for Goose Creek in South Carolina, which showed a decline in the indices.

We just want to point out that the young-of-the-year surveys are highly variable; so some states did see increases in young-of-the-year numbers in the last couple of years. Some

states saw a decline and a lot of the states saw the average number. Either regional or short-term changes in the young-of-the-year indices does not indicate that there is an increasing trend or increasing population for American eels. We just want you to take that into consideration.

Because we only looked at the young-of-the-year survey and the harvest data, we did not do a comprehensive review of all the indices for the stock assessment. The technical committee does not recommend any changes to the status of the stock, which remains depleted from the results from the 2012 assessment.

At this time the technical committee continues to recommend that harvest be reduced at all life stages. Moving on to the lifecycle survey, we were tasked to develop a survey to look at the potential for transferability between life stages; and we thought that having a lifecycle survey may be a way to address that.

The technical committee developed a framework for sampling and methodology to conduct lifecycle surveys. Those surveys consider both geographic region and watershed size. There was some interest in looking at smaller watersheds versus larger watersheds and how mortality might be different between those different size watersheds.

At this time the technical committee does not have enough information to determine natural mortality rates or transferability between life stages; which was a request by the board. If we could determine if there is a transfer from yellow eel to glass eel; we just aren't able to do that at this time, but the lifecycle survey should help us get closer to that answer.

And just a few more details about this survey; it is broken into four regions along the coast. What we'd like to see is that three watershed sizes per region get samples. Those would be a total of 12 lifecycle surveys along the coast. The lifecycle survey would include glass eel sampling, yellow eel sampling and silver eel

sampling. We have provided a memorandum. In the memorandum from the technical committee there is some information on the lifecycle surveys and the costs associated with those.

Some states would be required to do a full lifecycle survey. There are more states than surveys would be required; so the states that aren't implementing a full lifecycle survey, we would recommend that they at least do a partial survey; so looking at glass eel to yellow eel or yellow eel to silver eel within their jurisdiction.

To complete the lifecycle surveys, the technical committee staff would like more research done on OTC marking. It is otolith marking; and that would be a way to mark the glass eels to do population assessments. We also need additional training on aging as aging would be a very important component in doing the yellow eel and the silver eel surveys to get population assessments.

The final topic we discussed was the scientific collection permits. The Management and Science Committee had discussed scientific collection permits; and they had recommended that 1 percent of a harvest from a state be assigned to scientific collection permits as a maximum. The technical committee recommended that should be changed slightly; so it is 1 percent of an individual state's landings be assigned to a scientific collection permit for eel.

We also recommend that no new fisheries for eels occur so in a state where there is only a yellow eel fishery, we do not recommend to have the scientific collection permit for glass eels. Understanding that developing aquaculture is difficult without having access to glass eels because there is not propagation of eels in aquaculture facilities at this time, we felt there should be a separate permitting system for aquaculture needs, especially from a commercial standpoint.

If a quota system is developed for glass eels in the U.S., we suggest that the board set aside some part of that quota to be used for aquaculture. That would be annually renewable unlike the scientific collection permits which are usually definitive in the time that they're implemented. We suggest that the aquaculture permits could be used by any jurisdiction on the board, but they would require approval by the board. We would like the board to make the decision on who gets the quota for the aquaculture permits. That summarizes the information that we have from the technical committee. At this time we could take questions, I guess.

MR. WILLIAM A. ADLER: I just noticed in the handout the young-of-the-year update analysis, the charts, some are up, some are down, some are flat. It is like there is no real indication that anything is changing. I mean we have some places it is getting better, some places it is getting worse, some places – and is that pretty much what you're finding?

MS. EYLER: Yes, the technical committee found no trend with the young-of-the-year survey in the past three years in comparison to the stock assessment time period. We don't want to make any changes to the stock assessment of the population.

MR. ROB O'REILLY: I'm interested in the same as Bill from a different reason. Time keeps rolling on; and Virginia has expended about \$350,000 over time with the young-of-the-year survey; and I'm just wondering not so much when is it enough, but I'm wondering what mechanisms can be made available to utilize those surveys rather than hearing, as I have, for the fifth meeting now that there is really nothing linked from the young of the year further up. I saw the part in the life stage to look at the incremental change, I guess, from glass eel up to yellow eel, which right now that is wishful, and that is okay.

I mean you have to start somewhere; but maybe there is something here on the scientific

collection permits. In Virginia, of course, where we stand – and we talked about this the last time – it is no commercial venture whatsoever. However, perhaps there could be a thinking of this life stage getting a little more attention where similar to the good points of the RSA that are promoted by the council, you could have a situation where an academic institution wished to pursue the life stage and part of the sale of the eels went towards that type of funding.

Has something like that been talked about yet by the technical committee? I think that is the advance forward that may give us an idea about not only the life stage in certain areas, but it also may help bridge this gap where we're collecting now for about the 15<sup>th</sup> year a young-of-year survey and what we hear is the trends aren't there; and I have been hearing that for a while. The main question about the life stage and is it possible the scientific collection permits can somehow, instead of commercial sales, be pushed back into academic investigation?

MS. EYLER: The first point with the variability of the young-of-the-year surveys, I think that they've doing long-term surveys particularly in Europe with young-of-the-year eels. They found that even though it is variable on an annual basis, over a long-term period they're able to get some meaningful results.

In Europe they've been doing surveys since the 1950's. They have a significant time period of information there. The hope is that with additional information we will be able to see some trends at some point. We had a part of the addendum that included a research set-aside, which might address selling eels to get funding to do additional research. That right now is not in the addendum, but it is something that we could consider and potentially could be added back into the addendum.

MR. WHITE: If we adopt a coast-wide quota, I think you're saying that the technical committee would still be opposed to any new fisheries. I guess I need to understand why that decision is not a policy decision in that new

fisheries would not add any additional mortality. It would just determine who would be inflicting the mortality.

MS. KATE TAYLOR: The technical committee had discussed and has suggested no new fisheries continuously since the development of the benchmark assessment. The addendum would allow for the development of new fisheries provided that it is offset by decreases in mortality or increases in conservation and habitat enhancement in other areas so there was an overall net benefit to the population, which I will discuss in the next agenda item.

MR. WHITE: So you're saying that if we adopt a coast-wide quota, then that quota could be prosecuted by different states and not just the two states that now have it?

MS. EYLER: I think one thing the technical committee did point out is that we don't understand the habitat benefits, the differences in habitat between jurisdictions, so there may be more of a benefit of having a fishery for eels, for instance, in one place instead of another, if they're more successful in establishing themselves, say, in the Hudson River versus some of the small rivers in Maine. Because we don't understand that relationship, we don't encourage a new fishery for that reason.

MR. STOCKWELL: My question concerns the aquaculture permit and whether or not the technical committee considered any other alternatives other than taking a quota off the top of a coast-wide limit.

MS. EYLER: We felt like for the aquaculture permit to work, it had to be part of a quota system. Toward the end of the addendum there is sustainability permits that could potentially add glass eel harvest along the coast and add to the glass eel quota, which might offset some of the impacts it would have on the current states that have a glass eel fishery. Otherwise, we felt that it was adding a new fishery to the system.

MR. STOCKWELL: I will leave the rest of my comments for later in the afternoon.

MR. JOHN CLARK: Thanks for the report, Sheila. I was just curious as kind of a follow-up on Rob's question about the glass eel survey. One of the most striking things about the yellow eel landings has been the huge increase in Maryland's yellow eel landings since about 2010. I noticed that the Chesapeake and the Delaware Mid-Atlantic Young-of-the Year Surveys both had high levels around 2006/2007; and I was just wondering if the technical committee looked at any linkages between the glass eel indices and the yellow eel landings.

MS. EYLER: I don't think that we've looked at that specifically at this time. Obviously, there is likely a linkage, but we don't have good information on harvest versus effort data, so it is hard for us to assess that at this time.

MR. FEIGENBAUM: My first point is relating to the young-of-the-year surveys and Commissioner O'Reilly's questions about what is the value of the surveys when we hear time after time that there is no trend. I would refer my fellow commissioners to the fact that in the 2007 Fish and Wildlife decision not to list the eel as endangered; the authors pointed out that the lack of a downward trend in those recruitment surveys was a very important indicator of the reproductive capacity of the overall species.

Similarly, in the ASMFC Benchmark Assessment that was released that year, the stock assessment subcommittee had decided not to include young-of-the-year indices for precisely the reason that there were no trends indicated; but in the peer review process, that stock assessment was rejected. One of the grounds for the rejection was the fact that it did not include those young-of-the-year surveys.

The lack of a trend in the young-of-the-year surveys is just as meaningful in indicating that the species is not in collapse as it might be indicating that the species is not on the rise. In

summarizing the results of the three-year assessment that the technical committee made, Sheila was quick to point out that she wants everyone to understand that this does not mean that recruitment is on the rise a few years; but it could have just as well be said that the statistics and the trends – I'm sorry, these indices are also indicating that the fishery is not in the decline.

I just wanted to suggest that those young-of-the-year surveys are very important, but I think it is wonderful to see that the technical committee is actually endorsing to move in a more thorough direction, which is to do actual lifecycle surveys. I remember it was Wilson Laney at either the last meeting or two meetings ago made the very smart suggestion that we don't necessarily need to do a young-of-the-year survey in every state and it might be more effective to do good regional lifecycle surveys; and we can get a lot more bang for our buck.

I think that from what I'm hearing, the technical committee has really picked up on that concept. Hopefully, in the future we can see that we can tailor our young-of-the-year surveys to those that are effective and those that we can then link to other lifecycle surveys so we can get a better understanding of the relationship between the different lifecycles.

My second point will be brief. I'm just wondering – and it is not a point; it is actually a question for you, Sheila – in terms of this aquaculture allocation, you said very deliberately that the decisions as to whether to allocate glass eel quota for aquaculture would be made at the board level and not at the state level.

I'm wondering like where is that line drawn; would it be the board's position that we as commissioners would be hearing applications for aquaculture permits from individuals regardless of what state they're from or would that decision actually be passed down to the

state level? It is a question but obviously it is a little bit of a loaded question.

It seems to me that if this commission were to be put in the position of choosing winners and losers between various aquaculture applicants from within one state or from multiple states would be really a very challenging road for us to go on. I would suggest to my fellow commissioners that we should be very wary of that.

I understand that there are a lot of states and a lot of individuals from the various states that want to pursue aquaculture and want to get glass eel quota in order to do that. I look forward to participating in those discussions going forward; but hopefully a lot of those discussions will be passed to the state level; because once this commission tells a state what is an appropriate harvest level for a particular state, once we get beyond that point I think it would be very – it could become a little bit controversial to think that a bunch of commissioners in D.C. would then make the next decisions as to winners and losers. Thank you, Mr. Chairman.

DR. LOUIS B. DANIEL, III: Well, I don't have a motion at this meeting, so that's a good thing. The issue still remains a pretty not topic in North Carolina, however, the interest in trying to generate some level of glass eel harvest to try these aquaculture ventures. I just don't get the sense from the technical committee discussions that there is really any interest at the technical committee of pursuing that.

There is no thinking outside the box as I've been able to see to try to figure out a way to make it happen; and that kind of confounds me a little bit because of the potential that we know from other jurisdictions, particularly Europeans, where it does have a great potential to help us in terms of restocking and reintroducing eels if we were to have a problem.

I think the level of certainty in the stock assessment for eels is pretty low from my

understanding. I think as we move forward with this document – and we don't need to get into it today because it could last until this afternoon; but I think before we may have final approval on this document and it certainly has to go out to the public, I think we need to try to think a little more outside the box in terms of how we might make something like this happen. There is no doubt in mind that we can't come up with some kind of conversion rate from yellow eels to glass eels to try to provide some opportunity for these brick-and-mortar facilities.

I've talked with Mitch on several occasions. I know that there may be a long line of folks that would be interested in participating; I just don't know. But kind of like the eel issue in Maine that we just talked about, the swipe card system and the limited entry; you get what you get in a coast-wide allocation scheme; and if that is not enough, sorry; but at the same point providing some of those opportunities while at the time not greatly disadvantaging our yellow and silver eel fisheries is an important direction that I'm going to be looking for at the ultimate end of this addendum.

MR. PATRICK AUGUSTINE: Mr. Chairman, I listened to what Dr. Daniel said and I listened to what Mitch had to say. Then referring back to the status of the elver stock itself or the glass eel stock itself, when we talk about trends, there must be some kind of trend. I look at the number of glass eels or poundage of glass eels that has gone up in the last couple of years, 2012 and 2013, from about eight or nine thousand in 2011 up to 20,000 and 18,000; yet the report – unless I misunderstood it, the report showed that the survey for 2013 didn't show any change in quantity of glass eels out there.

Is it likely that we're missing them; we're not in the places where they're arriving and showing up? When you look at the incidental enforcement activities – I'll call them incidental because several people have gotten caught

recently – we're finding several pounds or many pounds of illegal glass eels being taken.

If we look at what we're doing with this addendum, we're going to wipe out supposedly if we go forward a glass eel fishery that takes 15 or 20,000 pounds versus the hundreds of thousands of pounds of glass eels that are being killed. The real question is are we really trying to curtail the harvest of glass eels?

Are we really trying to bring them back; because when you put up there a possible recommendation for an aquaculture permit and then possibly suggest that it is not a – or it is a board issue and not a state issue, I think we miss the point completely to Dr. Daniel's point. When the group came in and made the presentation two years ago and then came back again last year and the thought of taking roughly 750 pounds every year to grow out and turn them over to a profit for an enterprise without any indication as to how many of those are going to put back into the wild, it just seems to me from this particular point of view that line item should be taken completely out and not even be considered.

Relative to whether it should be a state issue or a board issue, there is no question if you have an existing fishery, whether it turns out to be menhaden and it turns out to be eels or what, it appears that if a state has control as to how they dole out their shares, whether it is recreational or commercial, it would be incumbent upon them to do what they would with it.

We have conservation equivalency in literally every single species of fish that we're dealing with; so to put it back on the board or put it up there as a possibility for the board to make the decision that they will dole out or make available any poundage for aquaculture or whatever I think is not in the best interest of what we're trying to accomplish. Relative to giving away other states' quotas, that is a tough one.

I think the way you do that is once you've prosecuted the fishery, as Florida and North Carolina and others have been very kind to New York with all our overages in bluefish and in menhaden, I think that's the way it works. I would assume if you wanted to have an elver fishery – I'm sorry, a glass eel fishery and an aquaculture, maybe you should go to our friend across the way there and ask if they would donate 750 pounds of their glass eels to the aquaculture industry.

That's a little ludicrous for an example, but that is what we're looking at. At the end of the day, what we're talking about is very subjective; it is not objective at all the way we're going. We have to remain as objective in this as we can. Thanks for welcoming me back; and I hope I'm not too talkative, but I'm not going to let you off the hook and I'm going to keep battling.

CHAIRMAN O'CONNELL: All right, Pat, we're going to have a job for you later on in the agenda, something you specialize in. Bob.

MR. BALLOU: Sheila, looking at the young-of-the-year updated analysis, the handout, I notice that the scales are very, very different, both comparing relative abundance indexes with regard to the various sites as well as the numbers caught with regard to the regions. Can you just quickly summarize in lay terms how we're supposed to look at these and understand those differences in scale.

MS EYLER: The numbers caught, there is a summary section for each region; so, for example, the Gulf of Maine is on the first page. Those for the summary data that were used in the stock assessment; we were not able to summarize the data on a regional level for this re-analysis. We did it per site and those are the smaller graphs that you see on the top of the page. When they do the summary, they still look at all the individual surveys and the index there of how much they have changed from one year to the next; and that gets rolled into this generalized survey.

MR. BALLOU: So if I could follow up; for example, comparing Southern New England and Delaware and Mid-Atlantic Coastal/Bay, I see that numbers caught is in the hundreds for Southern New England; it is in the single digits for Delaware and Mid-Atlantic. Can you just speak to how – are those comparable, those two?

MS. EYLER: What we're looking at is a change in index; so it is based on the sample location. Some sample locations catch large numbers of glass eels just by where they're located and other locations do not; so we're just looking at the change from one year to the next but not the actual numbers that are harvested.

MR. ABBOTT: Sheila, it is my understanding that eels originate in the Sargasso Sea; and from that point they get into the ocean – they're in the ocean and they move up the coast randomly and just land in particular rivers just by the way things are at the moment. What value is young-of-the-year when it can be so variable where glass eels can arrive in Delaware in greater abundance and New Hampshire at lesser abundance?

I look at the first page of the young-of-the-year, and I look at the Lamprey River in the upper right-hand corner, which is the place where they go up over the eel and where Doug's people catch them is just essentially down the street from me. I look at the relative abundance and it took really a good hike, which to me there is no logical scientific reason for that other than randomness. Looking at this really doesn't mean a whole lot to me.

MS. EYLER: I think inherently with the eel's biology you're going to have randomness on the coast. Another thing to keep in mind is that with recruitment it is going to take several years to see increased recruitment if we are protecting eels that are out-migrating just because of the time it takes for an eel to mature.

That also changes up and down the coast so the maturity stage or rate in the southern states is a shorter amount of time than in the northern part of the states. I think that leads to some variability. The ocean transport is an issue here; and so we really need to look at things from a coast-wide level and even more so than a regional level when we're looking at the young-of-the-year surveys.

MR. MARIUS BOUW: To Mr. Abbott there, just to let him know that we used to fish glass eels in Puerto Rico. The minute they turned on the sugarcane factories, the glass eels were gone. The minute the sugarcane factories were closed down; the glass eels came back within the next two or three days. A lot of it has got to do with the water quality.

They're very sensitive to water quality. That is the reason why probably in Maine you have an extra amount of glass eels whereas further south, Lake Okeechobee, for instance, the glass eels are very minimal because there is so much outflow of sewage and everything else that goes with it; the same in North Carolina.

DR. DANIEL: Just related to Dennis' point, which I think is astute, would just ask the question the level in which these glass eel samples are standardized and just thinking about the potential areas where various states might set their weirs or their dip nets or however they may be catching them; is their some way to standardize the volume of water filtered and make those comparisons or is it just we caught eels and we caught a hundred in an hour and there might be very different gear types; has that been standardized in the eel – or is that documented in the plan?

MS. EYLER: The methods for collection have been standardized, locations have been standardized; and if those need to be changed for a future assessment, we could do that.

DR. DANIEL: Yes; I was just curious. I just didn't remember when we were doing it if there was a specific way we were supposed to do it so that

they were comparable from jurisdiction to jurisdiction and the actual densities of eels that we're reporting so they are comparable.

MS. EYLER: The collection methods and processing methods have been standardized.

CHAIRMAN O'CONNELL: All right, are there any other questions for Sheila? Being that we're five to one, what I suggest we do, unless somebody objects, is that we break for lunch and we reconvene at 2:00 o'clock. We've got a lot of work to do.

(Whereupon, the meeting was recessed at 12:55 o'clock p.m., May 12, 2014.)

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#### MONDAY AFTERNOON SESSION

The American Eel Management Board of the Atlantic States Marine Fisheries Commission reconvened in the Presidential Ballroom of the Crown Plaza Hotel Old Town, Alexandria, Virginia, Monday afternoon, May 12, 2014, and was called to order at 2:00 o'clock p.m. by Chairman Thomas O'Connell.

#### **CONSIDER DRAFT ADDENDUM IV FOR PUBLIC COMMENT OVERVIEW**

CHAIRMAN O'CONNELL: Thanks for everybody getting back on time. Again, for those of you that may have just joined us in the public, we're on the American Eel Management Board. We are on Agenda Item 6, consider Draft Addendum IV for Public Comment. Kate Taylor is going to provide an overview and then we will have board discussion.

MS. TAYLOR: Just for a little bit of background; as you know the board approved the original FMP for American eel in 1999. In 2006 the board initiated Draft Addendum II to propose measures to facilitate escapement of silver eels on their spawning migration with the intent of halting further declines in juvenile recruitment in eel abundance.

At the annual meeting in September 2008 the board delayed management action on Addendum II in order to incorporate the results of the benchmark stock assessment into the management process. The board initiated a stock assessment, which was approved in May 2012. In response to the findings of the stock assessment, the board initiated Draft Addendum III, which was approved in August 2013 and did focus mostly on the commercial yellow and silver eel fisheries, as well as the recreational fishery.

Additionally at that time the board initiated this addendum, Draft Addendum IV, to focus on the coast-wide glass eel quota, monitoring requirements, enforcement measures and penalties, transferability, timely reporting and the New York Silver Eel Weir Fishery. Just as a reminder, additionally there is currently a petition under consideration by the U.S. Fish and Wildlife Service to list American eels under Endangered Species Act. The Fish and Wildlife Service is expected to have that decision to be released in September 2015.

Since the development of the FMP, landings of yellow eels have been around 1 million pounds. In 2013, thanks to the updated data provided by the states, we have the landings' information for 2013, which was about 900,000 pounds; and this was a 17 percent decrease in landings from 2012. Regionally there has been generally an increase in landings in the Mid-Atlantic Region in about the past decade and declining trends generally seen in the northern and southern portions of the range. That is kind of where we are with the status of the fishery in the U.S.

The board had also requested some information on management of European eels within the European Union as well as American eels in Canada by DFO. Just for reference, within the European Union the European eel stock is considered severely depleted. In 2007 the EU passed regulations to develop national eel management plans for all the EU countries at the river level basin.

The requirements of these plans was to allow for 40 percent of eels to out-migrate for spawning purposes. One of the other goals in the national eel plans was to use 60 percent of their catch of glass eels for those countries with a glass eel fishery for restocking purposes. However, in September 2013 the parliament has requested the European Commission to look at new regulations to help further stop the decline of the European eel. Specifically these new regulations are looking to close the loopholes that allow for continued overfishing and illegal trade of glass eels; also, to evaluate the current restocking measures that are in place within the EU countries at this time; and to assess whether there is actually any benefit of restocking to glass eel recovery; and also to require member states that do not comply with the reporting and evaluation requirements of the 2007 regulations, to reduce their eel fishing effort by 50 percent.

The European Commission is expected to review the new proposed regulations this summer. Also, just for reference for comparison to the U.S. landings; this shows the landings in Europe. Landings peaked at around 40 million pounds in the 1950's and 1960's. Major fisheries currently do occur in the Netherlands, France, Sweden and the UK. In 2012 the commercial harvest was estimated at about 5.2 million pounds and the recreational harvest at 1.1 million pounds.

Additionally, as Sheila mentioned earlier, the EU does have some information on recruitment going back to the 1950's; and this shows the general trend of the recruitment in the south and central region and then the northern region in Europe over the last fifty of sixty years. Looking to Canada, populations of American eel are widespread in Eastern Canada, but there have been dramatic declines that have been seen throughout the range, including Lake Ontario and the Upper St. Lawrence.

In 2010 there was a national management plan for American eel developed. The short-term of this plan was to reduce all eel mortality from all

anthropogenic sources by 50 percent relative to the 1997 to 2002 average. The long-term goal would be to include rebuilding overall abundance of American eel populations in Canada to its mid-1980's levels.

This is just showing the landings as reported by DFO. They declined through the early 1960's and increased to a peak in the late 1970's and has since declined to the lowest level in recent history. Kind of just overall, the international management of eels have looked at and implemented management measures similar to the measures that this commission has considered over the past decade, including seasonal and area closures, size limits, license cap, gear restrictions, lowering the recreational bag limit, trying to reduce effort, closing fisheries, working to reduce illegal harvest, trying to increase fish passage and also looking at restocking measures.

I'm kind of bringing you back to our stock here. Sheila previously mentioned the technical committee and SAS looked at the update trends in recruitment and found no change in the status of our stock, which leads us to the management options in Draft Addendum IV that the PDT has worked on over the past many months.

To begin with the glass eel fishery, Option 1 would be the status quo. Option 2 is the 2014 management measures. Under this option, the current 2014 fishing regulations for glass eel fisheries in Maine and South Carolina would become the new status quo and these would be required to be maintained going forward.

The board may choose to implement this option for one or both of these states; only for Maine, only for South Carolina or for both. That is something that comes up in the other options as we move forward. Option 3 is a closure of the glass eel fishery for Maine and South Carolina. This would either be delayed at the board's specific timeframe or an immediate closure. Option 4 is a quota based on landings; and there are three options.

The first is using the average landings from 2004 to 2013. The option for B is a 20 percent reduction from this 2004 to 2013 level. Option C would be to use the harvest reported in 2010. These sub-options are on Page 13 of the addendum. The total quota allocated to both Maine and South Carolina would be about 8,200 pounds to 3,300 pounds under the different options with about 95 percent allocated to Maine and 5 percent, the remainder, allocated to South Carolina.

Again, the board may choose to implement this option for either one or both of the states; and as we go through some additional options, you could implement those as well. Option 5 is dealing with quota overages. If the board implements quota management, they can consider options to address quota overages.

This would be equal payback. If the overages occur, the state will be required to deduct their entire overage from the quota the following year pound for pound. Then there could be an overage tolerance of up to 5 percent, which would be allowed without payback. Option 6 deals with quota underages; and this would allow states with a glass eel fishery up to 25 percent of the unused quota may be added to the state's quota the following year.

Any quota that is rolled over can only be used in the following year. It cannot be carried over for subsequent years. Just going back to the 5 percent overage allowance; it is not intended that this would allow or would be utilized every year. Consistent overages would require management action.

Option 7, as we previously began to discuss, is the aquaculture quota. Under this option the board may choose to allocate a percentage of the total quota for approved aquaculture purposes. This amount would first be deducted from the total glass eel quota; and then the remainder of the quota would be distributed as specified under the option.

There is an example that is given in the addendum. Also, as Mitch was kind of requesting some information earlier, it does allow the board to determine who would receive the quota; and there are specific measures under this option that states how requests for quota would be submitted to the board and then also reviewed.

Option 8 in the addendum deals with aquaculture permitting; and so any harvest of glass eels for commercial aquaculture purposes must be collected under an approved aquaculture permit issued by the state or jurisdiction that the collection will occur in and is subject to any monitoring and reporting requirements as specified by the jurisdiction.

This is an option that the board consider outside of the aquaculture quota if it decided to. Option 9 would increase the reporting requirements and specifically would implement daily trip level reporting with daily electronic accounting to the state for harvesters and dealers in order to ensure accurate reporting of glass eel harvest. The PDT stressed that this would likely be necessary if a quota system was implemented, as previously discussed earlier in the Maine Elver Fishery.

Option 10 includes recommendations for monitoring requirements; specifically, that states or jurisdictions with a commercial glass eel fishery must implement a fisheries-independent lifecycle survey covering glass, yellow and silver eels within at least one river system. The PDT and the technical committee has currently worked to develop some of those methodologies; and we could work with the state to implement those monitoring requirements and provide information as needed.

Moving on to the yellow eel fishery, Option 1 is the status quo. Option 2 would be to implement a quota based on landings. Based on the discussions from the board at previous meetings, the PDT has developed a criteria in the application of distribution of the quota. The

first is that states be allocated a minimum of a 2,000 pound quota.

This is not expected to promote a notable increase in effort, but will hopefully reduce some of the administrative burden in monitoring quota. The second criteria would be that no state is allocated a quota that is more than 10,000 pounds above its 2010 level. The third is that no state or jurisdiction is allocated a quota that is more than a 15 percent reduction from its 2010 harvest level.

Using these criterion will hopefully minimize some of the impact in quota allocations that reduce the variability in landings from year to year. There were three options for quotas that are presented under this option. The first is using the 2010 landings. The second is a 10 percent reduction from the landings; and the third is a 20 percent reduction from the landings.

The board received a handout at the start of this meeting with some revisions to the quota based on updated landings. Under this option there was an increase of a few hundred pounds to New Jersey, Delaware and Florida under the no reduction alternative, but the rest remain the same. Under this alternative the total coast-wide quota ranges from about 980,000 pounds to 870,000 pounds with the allocation percentages divided off as specified in the table.

Option 3 is a weighted yellow eel quota option. The PDT worked with a few volunteer commissioners to develop an alternative quota allocation method. Like the previous option, the total coast-wide quota is based off of the 2010 harvest level; and there are options for a 10 and a 20 percent reduction from that harvest level.

The differences under this option; the allocation to states is based on a weighted distribution. The three highest landings from the period of 2004 to 2013 were averaged by state. These were weighted at 30 percent. This was combined with the average landings by state

from 2011 to 2013; and this was weighted at 70 percent.

Under these options the total coast-wide quota ranges from 980,000 to about 780,000. Again, on the flipside of that handout, there are some revised quotas under this option that differ from what appeared in the draft addendum in the briefing materials. Roughly, North Carolina and Florida had their quotas reduced by around two to four thousand pounds; and that 6,000 pounds was distributed amongst the rest of the states just due to an error.

This revised table, if approved for the addendum, would go and be replaced in the draft addendum for public comment. Option 4 and Option 5 can be implemented if the board chooses a quota management system. Option 4 deals with quota overages. If an overage occurs, the state would be required to reduce their following year's quota by the same amount.

Option 5 is for quota transfers. States or jurisdictions implementing a commercial quota for American eel could request approval for a transfer of all or part of its annual quota to one or more states. The states that receive the automatic 2,000 pound quota would not be eligible to participate in this transfer. Option 6 focuses on a coast-wide catch cap. Again, this would be based off of the 2010 harvest levels like the previous options. Under this option states and jurisdictions would be allowed to fish until the cap is reached.

Once the cap or threshold is reached, all states and jurisdictions would be required to close all directed fisheries and prohibit landings. One of the benefits of the catch cap is that it reduces the administrative and legislative burden of implementing state-specific quota systems as described in the previous options while still controlling the total amount of fishing mortality that is occurring annually.

Additionally, a coast-wide cap does not require a specific allocation by state or jurisdiction,

which can be problematic due to the fluctuations in landings that occur as a result of environmental and market conditions. However, the PDT notes that under the catch cap system that timely reporting would still be needed, most likely daily and place to ensure that the cap was not exceeded.

Additionally, if the cap was exceeded, the only payback mechanism would equally impact all states involved in the fishery even if the overage occurred or was largely the result of one state. Also, a mortality cap may promote a derby-style fishery, which could possibly flood the market and drive down prices.

Lastly, implementation of a mortality cap could result in early coast-wide closures and eventual elimination of historic and profitable fisheries that are prosecuted later in the year. There is a graph in the document that shows the landings by month coastwide. Under these options for the coast-wide catch cap, as I mentioned, there is the harvest at the 2010 level, that 978,000 pounds; and then a 10 and a 20 percent reduction from that level.

Moving on to the silver eel options, as the board remembers, under Addendum III states and jurisdictions were required to implement no take of eels from September 1<sup>st</sup> through December 31<sup>st</sup> from any gear type other than baited pots and traps or spears. These gears may still be fished, but retention of eels was prohibited.

New York was granted a one-year exemption from the requirements under Addendum III; so that their fishery could be addressed in Addendum IV. Option 1 is the status quo. The current regulations would remain in effect and the one-year exemption would expire on December 31, 2014.

Option 2 would be an extension of the sunset provision at a timeframe specified by the board. Option 3 would be for a time closure and specifically no take of eels in the Delaware River and its tributaries within New York from August

15<sup>th</sup> through September 30<sup>th</sup> from any gear type other than baited pots and traps or spears and weirs; for example, fyke nets and pound nets.

The table here just shows the average landings by month and the impact that this option might have. Option 4 would be a license cap. Under this option the Delaware River Weir Fishery would be limited to those permitted New York participants that fished and reported landings anytime during the period from 2010 to 2013.

Once the license is issued, they would not be eligible for transferability; and only one license can be issued per participant. Additionally, the board had requested the PDT look at transferability and allowances for glass eel quotas for states that currently do not have them. The PDT analyzed many different options; and the best strategy that they had for addressing these two requests was the development of sustainable fishing plans.

Under these plans states or jurisdictions would be allowed to manage their American eel fishery through an alternative management program to meet the needs of their current fishermen while providing conservation benefits for the American eel population. The basis for these programs is the shad and river herring plans; and also kind of as an example, the European Union country-specific plans that they have developed overseas.

The technical committee does caution that the American Shad and River Herring Plans as well as the European Eel Management Plan were initiated recently and is difficult to evaluate the effect; but this would have the ability to support eel populations and also get information on the lifecycles and lifecycle monitoring for American eel.

Specifically under these plans states must be able to assess with some level of confidence the status of abundance and the level or mortality that is occurring within their jurisdictions. Once documented, states would be allowed to allocate that fishing mortality to any American

eel fishery that they choose, even if the states does not currently participate in that fishery. They also would be allowed to allocate it for aquaculture or research purposes.

States would be allowed to increase the fishing mortality rate provided it is offset by decreases in other mortality through habitat improvement, restoration programs, increasing fish passage so that that there is an overall net gain to conservation. Basically under this plan it would allow states, if they could assess their level of mortality, to then allocate it as they would like to either a glass, yellow or silver eel fishery or for aquaculture or restoration or research purposes.

It would also allow them to petition the board and technical committee to take into consideration any habitat improvements that the state has implemented and use that to increase their fishing mortality or increase their quota or increase whatever management measure they choose to implement.

There is also an option or kind of a sub-option under the state sustainable fishing plan for kind of a transfer plan to address transferability here. If states are unable to assess the current level of mortality and abundance with certainty, which the technical committee and PDT notes might be difficult for some systems; if that is the case and the board chooses to adopt quota management, then a state would be allowed to develop a specific sustainable fishing plan to request a transfer of quota from one fishery to another; so you could transfer from a yellow to glass eel fishery based on the life history characteristics inherent to that area.

Again, the states that are allocated a minimum of the 2,000 pound quota would not be eligible for this transfer provision. The law enforcement also weighed on some of the options under consideration in this addendum to provide information to the board.

The Law Enforcement Committee found that the status quo measures for all eel fisheries is

impractical for enforcement, specifically for the glass eel fishery given the enforcement challenges associated with the prosecution of the fishery in those states that currently are closed to harvest of glass eels.

A quota system would be difficult to enforce. Although enforceability depends largely on how quota systems are managed, increasing the complexity of the quota system would generally reduce enforceability. Keeping it simple is preferable. The enforcement of time area closures for the silver eel fishery is considered a reasonable alternative.

The Law Enforcement Committee recommends that specific changes to regulations to enhance field enforcement and/or penalties are encouraged by the states; and those that have already been implemented as we discussed earlier in the state of Maine really have improved the outcome of arrests and convictions within those states.

Additional, because of the cross-state nature of illegal glass eel harvest, strengthening extradition or bail provisions for criminal violations would greatly enhance the deterrent effect for enforcement actions. If approved for public comment today, the public hearings would be held over the summer with the board considering final approval at the August meeting. That is my presentation of the draft addendum. Thank you, Mr. Chairman.

#### **DISCUSSION AND ACTION**

CHAIRMAN O'CONNELL: Great job, Kate; a lot of information there. There are I think a total of 21 options currently in the addendum. I think just to try to facilitate our discussion, I think we should first focus on any clarifying questions of the options and then we can get into options that people feel like should be dropped or added. Dan.

MR. McKIERNAN: It may be a question or maybe a comment. When this goes to hearing, it seems to me that you want the public to say things like I want Option 1 or Option 2; but some of these options are not mutually

exclusive. I think especially in the glass eel section, I don't think those should all be independent options since clearly they're not.

Some of them are linked so is it possible to rewrite that section when something is not mutually exclusive to just make it a proposed plan provision so that the public doesn't zero in on choosing one or the other when actually you could choose of set of them.

MS. TAYLOR: That is very common in ASFMC documents. It says in the addendum for like Option 6, the quota overages, or Option 5, the underages, or Option 7, that it is applicable only if specific ones are taken; but the rest are not mutually exclusive and that is something that is easy to get across. It is done many public hearings so I can do that.

MR. McKIERNAN: I still think you should rewrite it. I don't think you should have ten options in something if you're not asking for the choosing of one. I think you should rename them as something other than options; call them proposals. Options to me is now I'm choosing. Do any folks feel that way?

MR. DAVID SIMPSON: This has come up before and I have suggested using the term "issue"; Issue Number 3 is quota management or monitoring as distinct from how are we going to allocate; so something think about. I find it confusing, too, when Option 10 really doesn't relate to Option 2; it is not an alternative; it is a different subject; so maybe "issue".

MR. O'REILLY: Mr. Chairman, not to that particular conversation; but since this is going to the public and originally is was going to be one addendum; I don't see a lot, in case I missed it, about Addendum III requirements. There is a statement in the management options that talks about these regulations will be implemented in combination with what was specified under Addendum III. That is on Page 10.

There is reference under silver eels to one of the adopted measures; but I think the public would benefit from know exactly what was passed under Addendum III somewhere in this document. In particular – and I know it is probably not even practical – since the technical committee has said many, many times that the objective is to reduce mortality at all life stages, I wonder if the technical committee has talked about the potential of the management options that were adopted under Addendum III as to what they may provide, even if it is not quantitative, towards reducing mortality at all life stages. Thank you.

CHAIRMAN O'CONNELL: Do you want to respond, Kate?

MS. TAYLOR: I just did want to point out that on Page 2 of the document it does specify what the provisions were in Addendum III. If you would like me to reiterate that paragraph later on in the document; I can work with you, Rob. Also, the technical committee did look at some of the impact that the Addendum III regulations would have; specifically that increasing the minimum size from six to nine inches really only has the result of delaying mortality. They did note, though, that the pigmented eel tolerance might have a significant impact; and they were interested to see how that would be implemented and what the effects of that requirement would be.

CHAIRMAN O'CONNELL: We'll follow up, Dan, and look and see if there is a better way to outline those options and to recognize the linkages between them based upon some of the input unless we hear otherwise. Jim.

MR. GILMORE: That was a great presentation, Kate. That was a great summary because I have been readying it half-heartedly the last few days and it got me focused. Actually two questions; the first one has to do with – and is just any of the quota options that we're talking about doing – is first off the Year 2010 was picked for the yellow eel, for example, and essentially –

but what is the confidence for each one of those?

I can tell you right now in New York the confidence in that data is really low; so we're now going to embark on quota based on bad data. It is the best data we have; I understand that. That is question number one is if we could really get a sense of what the confidence level of these data sets, whatever, because some of the states have very good programs for catching their landings.

Other states are working on them, which is us right now, but they're pretty poor, and then other ones may not be improving. That is question one; if we could somehow put some confidence level how good the data is. Secondly, if you look at the distribution of this, we have a disparate distribution again.

So here we go again; we're going to give – I think Tom is going to be quiet on this, but he is going to get 50 percent of the fishery. And then how are going to get out of that if we find out we improve our landings and then suddenly maybe some of the other states should be getting a higher landing; how are we not going to start another Holy War in two years when we start getting better data?

CHAIRMAN O'CONNELL: In regards to the first question, Kate or Sheila, do you guys have response?

MS. TAYLOR: You kind of did address that this is the best option that we did have. This is the option – the 2010 harvest data was that it is through our stock assessment process; so if we're going to have confidence in any of the data, it would be the best data that we could use versus data that was outside of the stock assessment process. Certainly, the board would have the ability to revisit allocation down the line if they so choose to do so through an addendum process.

MR. STOCKWELL: Mr. Chair, my comment was specific to the thread that Dan initiated and your summary resolved that. Thank you.

MR. RUSS ALLEN: Mr. Chairman, just to get back to Jim's question about using the 2010 data; that really strikes me as unfavorable for New Jersey fishermen considering that was our lowest year of landings since 2003. As you know, our effort has been down in New Jersey because of the lack of horseshoe crabs for bait; so it kinds of puts us in a little bit of damper there.

It takes me back to when we had the working group and we made recommendations back last August to this board; and we recommended that allocation be based on the average of the three highest landings from 2002 and 2012. I don't see too many of the working group recommendations in here; and I find that kind of misleading to everybody who has been involved with that working group.

I wasn't going to bring this up until we actually started talking about the quota; but I just feel that this iteration of this addendum is much different than the Addendum III. The options were a lot different and a lot different from what the working group recommended. I'm kind of having a hard time looking at this and saying, okay, we've picked 2010 because it is the last year of the assessment; and it kind of gets rid of all the historical perspective of the fishery itself, which was a little bit different five years before that.

I'm kind of distraught on that issue. I don't want to slow down the process, but to me – and I don't get too upset about these things too often – this was really a disservice to New Jersey on the one hand and probably some other states when they really go and look it. Other states profited from that; and that is kind of disturbing. Thank you.

CHAIRMAN O'CONNELL: I guess to maybe add a little comment to that is one of the things that we observed in Addendum III was there was a

great disparity in the impacts to the states; and these options were intended to kind of address some of that disparity. I think I would comment, Russ, is that if you feel like there are options that were previously presented to the board that are viable options that we can add them to this addendum and take them out to public comment.

DR. DANIEL: I'm not sure where we are in the deliberations, but just a couple of maybe clarifying questions. First, elver IDs, how do we know that the elvers that we're catching are – do we have a good cross-section of IDs and we know they're not myrophis or some other elver that is coming in; or especially when you start looking at the little bit larger eels, are we confident in our IDs?

Second, with Option 7, the aquaculture quota, I just want to make sure that I'm clear that any opportunity for, lack of a better example, the American Eel Farm to get involved in aquaculture of domestic eels would have to get quota from the existing glass eel quota that currently is held by Maine and South Carolina. I'm just making that is the only option that is there.

Then the final really more of a suggestion would be to strongly recommend that we remove quota underages, Option 6, and not have any provisions to roll over any underage of glass eel quota. That flies in the face of many of the requests that we've made in the past around this board asking for rollover; and the answer has always been we're never going to allow an underage to roll over on a stock that is overfished; yet we still don't allow rollovers on stocks that aren't overfished.

There is a real disconnect on how we handle this; and I think until we have a very clear discussion on this perhaps at the Policy Board on how we're going to do rollovers, if we've got a stock that is being considered for listing under the Endangered Species Act, I would strongly recommend we not allow quota underages to be rolled over.

CHAIRMAN O'CONNELL: You asked the question on where we are in the process; I thought we'd provide the board a limited amount of time to have some clarified questions, which these have been, and they we'll – you know, my suggestion is to take – we've got like four issues. We've got the glass eel fishery, yellow, silver and then the sustainable fisheries management plan – to try and take them one by one and agree to what options we want to include or exclude. Pat.

MR. AUGUSTINE: Mr. Chairman, as a follow-up to Russ' comment, he indicated that the working group had suggestions and some recommendations on averaging several years together. Were those years proven to be not reliable or doable or was it just put aside out of hand? He raised a legitimate question; and he appeared to be very sincere about it. It will affect us as it affects them and several other states. What years were you talking about if, Mr. Chairman, you could ask Mr. Allen that and found out what the response is from the technical committee would be helpful.

MS. TAYLOR: The working group recommendations were presented to the board; and based on the board discussions and how they were directing the PDT, there was clear direction to go forward with some other options implementing kind of a maximum and a minimum allocation threshold for the states, which is how the Option 2 allocations were developed.

Then working with commission volunteers, this is how the weighted option quota allocations were included in the document, which kind of takes some of the strategies that was included from the working group discussions. Overall, if you look at the amount of coast-wide quota, they typically all range from about a million to some around 700,000 pounds from the working group discussions, from the previous Addendum III options.

The ones included in here are 980,000 pounds to about 780,000 pounds; so they all kind of fall in that range. It is really just this allocation issue that there are many ways to look at it, which is why the commission volunteers who helped with this addendum requested that the mortality or catch cap be included as an option as well to get around that issue.

MR. AUGUSTINE: A quick follow-on, Mr. Chairman; it was a good answer, Kate, but you lost me somewhere in there. I'm still not – well, I'm not comfortable that the option that they put forward or the suggestion they put forth either was not clear enough to the board when we passed judgment on it and said throw it out, we don't want that, let's go another way.

When I happened to take a quick look down that way and the gentleman to my left was like, whoa, his eyes got big and his glasses almost feel off his head; so I'm not sure the answer was the one that would satisfy him let alone me, because it is still not clear if a three-year average of the three highest years would be more appropriate across the board – and we saw it as an example as we did here – it would seem to satisfy not only my quest for information but probably it would clarify it in the public's mind also.

I see this going down exactly the same place we went with summer flounder; and if we end up with any form of quota share, there are going to be winners and losers one more time. We did it with menhaden. One state ends up with 85 percent; others of us have to beg for transfer of quota. I really think to base this whole approach on one year of data to establish a quota is just – it is not acceptable. The follow-on would be with Dr. Daniel had suggested something about Option 6 and I'm also opposed to the same thing he was opposed to; and when he is ready to make a motion on that, I would be more than willing to offer a second to that section.

CHAIRMAN O'CONNELL: All right, Pat, Kate is going to provide a follow-up on this.

MS. TAYLOR: Just for clarification, the total coast-wide quota was based on the 2010 harvest level of 978,000 pounds; but the allocation options was based on the average landings in each state from 2004 to 2013. We looked at how much each state landed during that time period and then applied that to the coast-wide harvest of the 2010 harvest landings.

Also, just for reference, the public and the board has deliberated and considered and discussed other quota options in Addendum III and that was using the average from 1980 to 2011; 1990 to 2011; and 2000 to 2011; and so were three options plus reductions of 20, 30, 40 and 50 percent from those base years that the board has already looked at. Again, those quotas ranged from a million and a half pounds to 600,000 pounds.

MR. AUGUSTINE: Thank you; it satisfies my need and I think I have to pass it off.

MR. ALLEN: At the top of Page 16 it says the allocations are based on 2011 to 2013 landings and not 2004 to 2012. That is kind of what has thrown me.

MS. TAYLOR: I'm sorry, that is my mistake; the glass eels was 2004 to 2013. You're right, it is 2011 to 2013. It is different base years for the two different fisheries.

CHAIRMAN O'CONNELL: All right, we will keep going around; and if you guys want to add something to the draft addendum, this is the opportunity today. David.

MR. SIMPSON: I have a couple of motions relative to glass eel, 3.1.1, which I think the staff has. I might take them in opposite order from which I gave them. One of the things that seems to missing in the addendum is an opportunity for states that don't currently have a glass eel fishery to enter one. There is this sustainable fishery concept, but it is rather complex.

I don't think it fits – you know, it is crafted or modeled after the anadromous fisheries plans for alewives, bluebacks, American shad; but the catadromous eel, I don't think it fits that model well because the whole concept of sustainable fishery management for a state is that if you enhance spawning, you will enhance recruitment which will return to your waters; and you don't have that concept for the catadromous fish. Do you have the motion that I provided that you could put? I would like to add a new option under the glass eel quota based on enhanced passage initiated after January 1, 2013.

Under this option states may earn glass eel quota via stock enhancement programs that increase glass eel passage. In other words, if you remove a dam or you provide passage over an obstruction and can quantify the number of glass eels that then are able to continue their lifecycle, that some fraction of those – and I provided a range of alternatives from 5 to 25 percent, in 5 percent increments – that you would be able to harvest that portion.

My thinking, given the value of this resource, states could then use the revenue that could potentially be generated from licensing of such activity and reinvest it in further enhancement programs. That is my motion; and if I can get a second.

MR. AUGUSTINE: You've got it.

CHAIRMAN O'CONNELL: I've got Pat Augustine as the second; move to add a new option: **glass eel quota based on enhanced passage initiated after January 1, 2013. Under this option states may earn glass eel quota via stock-enhancement programs that increase glass eel passage. The amount of quota earned shall not exceed an amount equal to Sub-option 1, 5 percent; 2, 10 percent; 3, 25 percent of the enhanced glass eel passage.** Motion by Mr. Simpson; seconded by Mr. Augustine. Discussion on the motion? Kate asked if this

would require technical committee review, David.

MR. SIMPSON: I don't think so. I think when a state develops a proposal under this alternative, if it is passed, there will be discussion about what the technical requirements are of estimating the number of additional glass eels that now get to survive to the next life stage.

But to burden the addendum with all of what you saw in the sustainable fishery plan, I think it is too much now; and, frankly, is so burdensome that – I mean you're asking for things that the stock assessment couldn't provide; so it is kind of dead in the water. I'd like to get some public comment on the concept and then hopefully work out through – if it is successful, through individual applications for glass eel quota down the road.

MR. STOCKWELL: Thanks for the motion, Dave. Is your intent that this will be in lieu of Section 3.1.4 or an addition to? That is the state-specific sustainable fishery management plans.

MR. SIMPSON: That is sort of the board's prerogative. I didn't see the sustainable plan being workable. I thought this was a cleaner more understandable alternative; but I'd kind of like to hear the rest of the board's thoughts on that.

MR. KELIHER: Is it your intent, Dave, to be specific to only states to establish new fisheries or for a –

MR. SIMPSON: No, it would not; it would be any state. Whether they have a fishery now or not, if they make that investment and enhance passage, then they're earning some additional fishery potential.

MR. KELIHER: I think on the same line that Terry was going and based on your comments; I'm very uncomfortable with the language for the state-specific fisheries management plan similar that we have with river herring. I think you've made some really good points. My only

druthers is I'm also very concerned, as you might imagine, with the aquaculture language that is in place. This may be a good place to think about a friendly amendment to add language that would deal with state-specific changes to be able to access product or glass eels for state aquaculture.

MR. CLARK: I just had a couple of questions to the glass eel passage. I'm sorry if I missed it; does that include just like an eel ladder to allow glass eel passage?

MR. SIMPSON: Yes, any kind of stock enhancement that allows the eel to continue its lifecycle.

MR. CLARK: And then would the quota that you get just be applicable to that water basin that you're allowing the passage on?

MR. SIMPSON: No, I think it might actually have been more effective if it could happen there; but it might be more effective if it happened in another system that was dead-ended; so the glass eels in another area that is banging their head against a dam and are doomed, that might be the place to have that fishery.

MR. BALLOU: Dave, I'm trying to understand the intent here. It strikes me that it may be your intent to essentially establish a baseline and then allow harvesting on the surplus above that baseline. Is that indeed your intent? In order for this option to be exercised, would a state first have to establish what the current eel passage metric is and then be able to show that through the stock enhancement program that the state has enacted there has been an actual measureable increase in glass eel movement; is that your intent with this?

MR. SIMPSON: No, I that again reaches the level of so burdensome you couldn't achieve it; but the idea of a an eel passage, a particular project where you could sample the success of that passage, the number of eels passing over that, provide a good estimate of it and you would get 5 to 25 percent of that incremental

increase; so you're not burdened with trying to figure out throughout your entire state what glass eel numbers are year to year, because that is sort of the whims of nature anyway.

MR. ROSS SELF: Just for clarification; you used the term "earned quota"; I'm assuming you intend this to be additional quota on top of whatever the proposed quota may have been for the coast-wide glass eel fishery. It is not a reallocation of that existing quota; it would be additional quota on top of that?

MR. SIMPSON: That's right.

DR. DANIEL: I kind of support the concept here, but I think there are some pretty sticky problems. One, I go back to one of the original amendments where we had put in a placeholder for a glass eel interest, and that doesn't seem to hold a lot of water. I wonder how much this will.

But then the other thing that really concerns me is knowing that there might be a lot of public money involved in creating these passageways and then indicating for the intent of passing eels and then for a regulatory body like this to give those eels away to commercial enterprise is going to create some major political nightmares for us if we move forward with this.

MR. KELIHER: This is to increase upstream passage; what about downstream passage?

MR. SIMPSON: Well, if it leads to a dead end, it is not enhancing the stock; so I guess expected in any diadromous stock-enhancement program, if the accommodation isn't there for downstream passage, it doesn't ultimately benefit the stock. On the flipside I suppose if you knew that and as a state you were investing money anyway in passage so that you could provide eel biomass to a system, even if it didn't ultimately help the northwestern hemisphere stock, there might still be a reason for a state to do it and no harm to the coast-wide stock.

MR. ABBOTT: I think I like this motion, but I'm not sure that I really do because I can just see in the future if this was implemented that there would be a lot of mathematics and manipulations and how you calculate everything to allow yourself some quota. I think a simpler thing in my mind is to go back – not go back in time, but simply look at where we are.

Years ago we allowed the state of Maine and the state of South Carolina to harvest glass eels. I don't think that this board is bound by the actions of what was done in the past. We're in the year 2014; and if this board chooses to change things, I think that every state should be entitled to some amount of quota by their action.

The more I think about this, the more I think that we should be moving in that direction versus states doing things to earn what probably should be theirs or some part of it should be theirs. We essentially right now are using a coast-wide quota, which is Maine's quota. Whatever Maine is taking is essentially a proxy for a coast-wide quota.

I just don't see as we move forward that we disadvantage states like North Carolina, who would like the ability to harvest some amount of glass eels for an aquaculture project, they should have that opportunity and it shouldn't be restricted to one or two of the states that represent 15 along the Atlantic Coast. That is my speech for the day.

CHAIRMAN O'CONNELL: If the board wants the perspective of the technical committee person, we can ask Sheila for her input as well. Mitch.

MR. FEIGENBAUM: I actually want to build a little bit on the previous point and a point that Ritchie made this morning. It was very clear at our last meeting that we asked the technical committee to please embark on some watershed analysis and to offer some options or to at least give some guidance on the question

of what is the potential productivity of the watersheds in the different states.

The reason that the board had asked the technical committee to do this was precisely because of the concerns Dennis just raised. As fish managers we know that any watershed can sustain a certain amount of harvest and the fact that one state in the past has harvested glass eels and the fact that another state has harvested no glass eels really doesn't form the basis of sound science.

If there is going to be glass eel quotas and if there is going to be a coast-wide glass eel fishery, then first and foremost we should make sure that the allowable harvest in any state and in any watershed is sustainable based on the dynamics of that watershed. I was just one of several people who asked the technical committee to embark on that analysis.

According to Table 4 that has been handed out to us, basically six states are being told under the current options, notwithstanding the motion that is the board, but before this motion came up, we basically have an addendum that precludes six states from ever having any glass eel fishery simply because they didn't have significant adult eel fisheries in the past. Shutting those states out of the process seems to me not the kind of thing that could ever gain public support.

What could gain public support is if the technical committee would come back and say that the watersheds in Massachusetts comprise 10 percent of the watersheds in the United States; therefore, as a target for a quota-setting, they would be entitled to 10 percent of the quota. If it turns out that Maine comprises 25 percent of the available freshwater habitat for the species, then logically they would have 25 percent of the quota.

Now, that was only proposed as an option. I'm not saying that's the only way to go; but I'm very disappointed that the plan development team basically glossed over the issue or kicked

the can down the road to the future. We know that there are some very complex but nonetheless accessible mapping from both the Fish and Wildlife Service and some of the other federal agencies.

We can put together a document and the technical committee can review a document that gives this board at least a starting point as to what is the watersheds that are available in the different states. I don't see how we can go to the public and suggest that states may be entitled to open up a glass eel fishery in the future; but six of them can't because they didn't have adult eel fisheries in the past.

That is not conservation; that is not science-based fishery management. That is just simply relying on history and politics to make decisions. If I lived in New Hampshire, Massachusetts, Rhode Island, Connecticut, South Carolina or Georgia, I would be really troubled by this approach. If I lived in Maryland, I guess I'd be real happy with it.

CHAIRMAN O'CONNELL: All right, I have got two people signed up, and I think we've had a lot of discussion on this issue; that after the next couple of comments, we should consider voting it up or down. Bill.

MR. ADLER: In keeping with the idea that Pat brought up about is it upriver, downriver, in-river or where river, I also have a problem with the wording where it says because they did stock-enhancement program, they could get an increase; who determines that, yes, you've got stock enhancement; yes, you get some? Would it be the board that a state would come and say I did this, this, this, and this; and we would be the determining factor that, yes, you did it; so we're going to give you more quota or whatever comes down. Who determines that I guess is the question?

CHAIRMAN O'CONNELL: I'll let David address that.

MR. SIMPSON: The state would develop a proposal, make a case, it would be reviewed by the technical committee and approved or disapproved by the board. If Connecticut did an eel passage project, did some monitoring to calculate the passage that was achieved, which you would do in any kind of project to see if it worked; that would be your basis; you'd make your case; and it would be voted up or down by this body.

My point is I represent one of those states that has no alternatives under this addendum for a glass eel fishery; so this was one approach that I thought was viable, that sort of creates new productivity and uses a small fraction of it to provide a fishery. I do have a follow-up motion just for those who made the comment that would provide some minimal amount of allocation of glass eel to every state.

It would be a little bit of a reallocation – I'll just telegraph it – a hundred pounds per state as a concept so that, yes, the history-based allocation that has burned many of us in the past doesn't burn us in the future; that there isn't a punishment for being conservative and a reward for being more aggressive in terms of the fishery. This is one of the ideas and the others will follow up; so I hope people will support it.

CHAIRMAN O'CONNELL: David, just to clarify, it was asked earlier whether the technical committee would review these, and I think the answer was no; but it sounds like maybe it was just a misunderstanding of the question. It sounds like the intent of this is to have technical committee review it and then the board take final approval. Okay, she is seeing nodding heads. Are you guys ready to have a 30-second caucus?

(Whereupon, a caucus was held.)

CHAIRMAN O'CONNELL: All right, let's take the vote here. All right, all those in favor please raise your right hand; all those opposed please raise your right hand; null votes; any

abstentions. **The motion carries with two abstentions.** Dave, you have another motion you mentioned.

MR. SIMPSON: I did; I have one follow-up motion.

CHAIRMAN O'CONNELL: While we're waiting for this motion to be put on the screen, as it was mentioned earlier it is difficult for the public to absorb a large suite of options. We want this addendum to be comprehensive, but we also should be looking at if there are any options that the board feels is not acceptable at this time. As David goes forward with this next motion, let's stick with glass eels and try to work through that and then move forward with the yellow eel options.

MR. SIMPSON: This is the follow-up; and this would be under **Option 4, which is glass eel quota based on landings**; I think we need to broaden that a little bit; **so to add a sub-option that sets a minimum glass eel quota of 100 pounds per state.** I'd simply model this after the yellow eel idea that no state should get less than 2,000 pounds, which I thought was a pretty decent, smart thing to do. That is my motion and I hope I can get a seconder.

MR. AUGUSTINE: Seconded for discussion purposes, Mr. Chairman.

CHAIRMAN O'CONNELL: Go ahead, Pat.

MR. AUGUSTINE: A follow-up to that; I think it is the right thing to do. I'm just wondering because we've questioned the actual status of the stock whether or not this throws a wrinkle in the whole process. I mean we've talked about not knowing exactly what the glass eel population is. We've questioned the report that –

CHAIRMAN O'CONNELL: Pat, let me just get a second on the motion before we get a discussion going. Did you second it, Pat? I didn't see that; go ahead; sorry to interrupt you.

MR. AUGUSTINE: I did it fast so you wouldn't be able to stop me. No; as I said, I seconded it for discussion purposes because of the technical report saying that they weren't comfortable with the glass eel report and the status of the stock. On the other hand, as I was going to continue, it does give every state at least something to work with.

If you do not have a glass eel fishery now, as you go forward in developing these passages, as a follow-on to the previous motion that Mr. Simpson made; it only seems logical that this may in fact suggest to some of those states that they should try to enhance their passages and help the overall population.

MR. GILMORE: Just a quick question, Dave; would this be transferable to another state?

MR. SIMPSON: Yes; I think that is in another part of the addendum, but I would anticipate it is transferable. To clarify Pat's question, this would not be adding glass eel harvest. This would in effect be reallocation. Whatever the total number of pounds we set as a coast-wide cap on glass eel harvest, each state would get a minimum of a hundred pounds. The balance of it would go to the states that have existing quotas in the proportion that they historically have.

CHAIRMAN O'CONNELL: All right, Kate has got a question.

MS. TAYLOR: Just for clarification; you mentioned transferability was looked at in the document, but that was for the yellow eel fishery; so would you like transferability under this option? It seems that you would.

MR. SIMPSON: Yes.

MS. TAYLOR: Okay; and also would there be any other enforcement or penalty or monitoring requirements that would go along with the 100-pound quota?

MR. SIMPSON: I think all of those are necessary in this fishery in particular. Part of the logic is that all of our agencies are saddled with some level of enforcement burden in this fishery because it exists; and I think even if we closed, we'll still have an enforcement burden. Again, this would at least provide some level of fishery to sort of balance off the cost of enforcement that we're going to have anyway.

MR. DAVID BORDEN: I like the concept here, but I'm a little apprehensive about simply picking a hundred pounds. I can kind of align my thinking with a lot of the speakers, probably four or five speakers before this that all pointed out we really need some kind of more objective way of allocating a glass eel fishery.

I just remind everybody a lot of states – Rhode Island fell under this category – adopted a minimum size on eels when the initial threat of a developing fishery came out; so we acted proactively and essentially prohibited a glass eel fishery. A number of the other New England states in New England did that and I think a number of states in the Mid-Atlantic did that. The commission has a long-standing position of not penalizing states for acting in that manner. I think what we really need to do is to remand this back to the technical committee and ask them to come up with another set of allocation formulas that would be based on watershed or some other criteria that kind of addresses the equity issue.

MR. ROY MILLER: Mr. Chairman, assuming this one comes up for a vote, I'm going to vote against it using the same rationale I did over the previous vote. A number of years ago we had an enforcement nightmare in our state when there was a glass eel fishery. It took a number of years to get it regulated and get it outlawed.

I think this is a step back and causes the public to wonder what justification we had, say, 15 years ago in closing the glass eel fishery when now we're proposing that it is going to open while at the same time we're saying the species is depleted and in need of additional

management. I don't see where this is going in any direction other than additional harvest; and I'm going to oppose it for that reason. Thank you.

DR. DANIEL: If that were the reason, I would, too, Roy. Back in August I guess when the American Eel Farm first came and we were all intrigued about the potential for domestic aquaculture and have some product harvested here in the U.S., processed here in the U.S., and consumed here in the U.S. I think everybody for the most part agreed with that concept.

A lot of things happened between last August and now where we're still sort of where we were last August. It has been my intent and I think the intent of at least a few members of the board that we would like to see some domestic aquaculture move forward if there is viability there, if it can work.

I like the concept of the motion of getting everybody's foot in the door; but I know what the result will be is some states are going to just go out and try to harvest a hundred pounds at \$800, \$1,000, however much a pound; and that really defeats the purpose. I think if we're going to allow any glass eel harvest above and beyond what we currently allow, it should be for bona fide brick-and-mortar aquaculture facilities to test that model, to test that case that we all seem to be pretty intrigued with about nine months ago.

MR. KELIHER: Mr. Chairman, I was wondering why Mr. Abbott was being so supportive of Maine this morning and now I know because he wants to go to a state-by-state quota system and take it all away from us. I think what Dave Borden said does ring true to me is there is an arbitrary nature to this just going by a hundred pounds per state.

I think having the technical committee look at this a little bit differently to try to create some rationale may be a better approach. The concept isn't bad; and I think the idea of having something set aside for aquaculture in a state is

not that bad. Whether this is what it would get to is another question; but I think the technical committee doing a little additional work here wouldn't be bad. I think I'm going to vote against this.

MR. FEIGENBAUM: Mr. Chairman, briefly I would point out to my fellow commissioners that at the American Fishery Society Symposium on eels that is going to take place in mid-August; one of the presentations is going to be from a group of French scientists that are going to address the very question of how to establish a TAC for glass eels.

I think that this is going to prove very helpful to a lot of these questions. There is going to be a lot of information presented at that Quebec Symposium. I really encourage everyone to just spend five minutes on the web, pull up the agenda for that symposium and you will see how much really interesting information is going to be presented. I echo the comments of the last few speakers that we do need to at least take some initial steps to creative objective standards by quotas are set, especially if we're going to expand the fishery into other states. Thank you.

CHAIRMAN O'CONNELL: The technical committee has been referenced a couple of times if they've looked into this before; so I'm going to give a minute to Sheila to provide any perspective from her committee.

MS. EYLER: Yes; the technical committee has discussed this to some degree. Part of it comes out with the sustainable fishing plans that we have at the end of the document. We have an idea of watershed sizes; we have looked at that for each jurisdiction, but we really didn't feel the technical committee could come forward with a proposed quota by state for something like this. We really felt that had to be coming from the board.

MR. SIMPSON: I'll just say that the idea of an objective criteria for fair allocation of resources has been an elusive goal to the commission –

you know, think about summer flounder. I mean that's why I offered a very small entry level, get your feet wet type of amount that doesn't gouge a primary existing player or anyone else.

Some states won't participate and that is expected; others may want to. Again, I heard it said a couple of times, which is not accurate, this is not an additional harvest. This does not add an additional glass eel to the mortality rolls. This is a reallocation; and if it passes – well, I'll just leave it at that.

CHAIRMAN O'CONNELL: All right, I think we've had a good discussion on it. Let's take a 30-second caucus. Do you have a quick comment, Craig?

REPRESENTATIVE CRAIG A. MINER: Not a comment; just a quick clarifying question. Did I understand Sheila to say that the technical committee was looking for the board to make a decision when it came to setting this threshold?

MS. EYLER: Yes; we've suggested that there be a quota; but as far as allocation goes between the states, the technical committee did not weigh in on that.

(Whereupon, a caucus was held.)

CHAIRMAN O'CONNELL: All right, all in favor please raise your right hand; all opposed please raise your right hand; any null votes; any abstentions. **The motion fails six, nine, zero, three.** So sticking with glass eels, there are ten options currently in the plan. I suggest we kind of get focused right on those and see if there is any that we want to remove at this point in time. Terry.

MR. STOCKWELL: Mr. Chairman, I can generally support the wide range of alternatives and thank the PDT for all the work – and I know it was a bucket load of work that they did since our winter meeting. However, with the one exception of Option 7, the aquaculture quota, Dave's first motion I think was a good motion.

I'm not sure whether we're going to go – what the board is going to do if we put the Section 3.1.1 ahead.

If we do put it ahead for public comment, whether or not it will in fact be supported in the final action. Before lunch I asked Sheila if the technical committee considered additional alternatives for aquaculture quota, and she referred to that section. Dave has offered us another approach. I believe that either of these measures will allow for a more reasonable development of aquaculture opportunities, which as Louis said I think the board generally supports. Both of those measures would be far less punitive to the Maine and South Carolina fisheries than I believe Option 7 is. **I'm going to make a motion to remove Option 7 from Section 3.1.1. in the draft document.**

CHAIRMAN O'CONNELL: We've got a second by David Borden and let's get it up on the screen. All right, move to remove Option 7 (glass eel aquaculture) from Section 3.1.1. Seconded by Mr. Simpson. For the record, I'll correct it; the second was Mr. David Simpson. Louis.

DR. DANIEL: Yes; I think Option 7 says under this option the board may choose to allocate a percentage of the total quota for approved aquaculture purposes. I think that is precisely what we've been wanting to do if given the opportunity, and this does that. If we take this out, we have no mechanism to do anything for the bona fide brick-and-mortar aquaculture facilities. I don't think there is anything sacrosanct or lifelong about any quota allocation. We'll probably find that out in multiple species we'll be dealing with over the next year. I would speak strongly in opposition to the motion and ask the board to do the same.

MR. SIMPSON: The opportunity was just before the board in my view and was voted against; and so now I see this as instead of six or eight states getting a hundred pounds that one state wants several hundred pounds because I've only heard of one state that has come forward

with such a very specific use for this product. I oppose it on that ground.

MR. CLARK: Mr. Chair, just a question; with Option 8, would states still be allowed to issue aquaculture permits even if Option 7 is not in there for such as what Louis Daniel was talking about to have an aquaculture operation in their states? I'm just a little confused between these two options.

MS. TAYLOR: That is correct, that Option 8 just would require that glass eel harvest for commercial uses for aquaculture would not occur under a scientific collection permit; but the state would be using that through an aquaculture permit process.

MR. KELIHER: I guess this question is for Kate. Under the state-specific sustainable fisheries management plans; was there any talk about, because it is a state-by-state issue, utilizing yellow eel quota or allocation to somehow convert into glass eels so you could keep this specifically within a state as it relates to aquaculture?

MS. TAYLOR: Under the plan once the state assesses the mortality that was occurring, it would be able to allocate that mortality to any life stage that it wanted to. Additionally, as I mentioned, there was a transfer plan in there so that if the board did approve a quota for the yellow eel fishery, the state would be able to come forward and transfer that yellow eel quota to a glass eel fishery or a silver eel fishery or for aquaculture or research purposes.

MR. KELIHER: Mr. Chairman, I think that would accomplish what a state might want to do then as far as aquaculture within reallocating quota for aquaculture for that state.

CHAIRMAN O'CONNELL: There is one option, yes. Kate.

MS. TAYLOR: I just did want to remind the board that the states with the 2,000 pound quota would not be eligible for that.

MR. GROUT: Well, first of all, that was a point I was going to make to my good friend Commissioner Keliher's point. I look at this as an option that should be in there to be taken out to public hearing. I'm not sure how I'd feel one way or the other about it, but I think it would be pretty important to get public comment on this because aquaculture is something that I think has been stated this board has shown a support for domestic aquaculture programs; and this might be a way of doing it. There may be other ways.

I think the motion that was put forward by David Simpson also helps get at that; but we have got to wait until we get our eel passage projects in place, and that may take some time. This would be a way that the board could address the aquaculture needs on a quicker basis. I hope we keep this in there just for the public hearing.

CHAIRMAN O'CONNELL: That is everybody on the list; let's take a 30-second caucus and then vote on the motion.

(Whereupon, a caucus was held.)

CHAIRMAN O'CONNELL: All right, all those in favor please raise your right hand; all those opposed please raise your right hand; any null votes; abstentions. **The motion fails two, fifteen, zero, two.** Go ahead, Doug.

MR. GROUT: Well, I had a modification that I wanted to make to one of the options. It is Sub-Option 5B, the quota overage tolerance where we essentially wouldn't count anything above 5 percent overage. I have a lot of problems with that from a stock that is depleted. **What I would like to do is make a motion that would say that up to – a tolerance of up to 5 percent overage would be allowed without payback if the current stock status is not overfished.** If I can get a second to that, I'll provide my justification.

CHAIRMAN O'CONNELL: Doug, the stock's condition is currently depleted and not overfished.

MR. GROUT: Correct; so what I'm tying this measure is a future stock assessment that would say that our eel stock is not overfished.

CHAIRMAN O'CONNELL: Let's see if we have a second on the motion and then we'll have discussion. Let's get it on the screen. While we're getting it on the screen, Doug, Kate was just saying the current stock status is not classified as overfished; so this would be an allowable – is that clear? **All right, we have move to insert in Option 5, Section 3.1.1, Option 5, Sub-Option B: "a tolerance of up to 5 percent overage would be allowed if the current stock status is not overfished.** Follow-up, Doug.

MR. GROUT: Because of Kate's clarification, I would say not depleted or overfished. My point is to get to the point where we have a stock that is not overfished anymore or not depleted; the stock is good shape.

CHAIRMAN O'CONNELL: Does everything else look good on the motion, Doug?

MR. GROUT: Yes.

CHAIRMAN O'CONNELL: Is there a second on the motion; I've got Rick Bellavance. Move to insert in Section 3.1.1, Option 5, Sub-Option B: "A tolerance of up to 5 percent overage would be allowed if the current stock status is not depleted or overfished. Motion by Mr. Doug Grout; seconded by Mr. Bellavance. Discussion on the motion? Louis.

DR. DANIEL: Again, back to my comment – and I want to do something on Option 6 at some point, but we don't allow this for summer flounder. We don't have a tolerance of over the quota for anything else I'm aware of. Maybe we do, but I'm not sure why eels are so special. I don't think they are very special compared to some of the others – no, not bluegills. I didn't say that again. I mean if we're going to allow a

5 percent overage on our quotas, let's allow it for stocks that aren't overfished and be consistent.

CHAIRMAN O'CONNELL: Are there any other comments? All right, 30-second caucus.

(Whereupon, a caucus was held.)

CHAIRMAN O'CONNELL: All right, we'll take a vote. All those in favor please raise your right hand; all those opposed please raise your right hand; any null votes; abstentions. **The motion fails.**

DR. DANIEL: Yes; for the same reason I mentioned earlier on in the question session, Mr. Chairman, I'd like to make a motion that we remove Option 6, quota underages, from the document.

CHAIRMAN O'CONNELL: Seconded by Dennis Abbott. Remove Option 6 under the glass eel section. Go ahead, David.

MR. SIMPSON: I wonder if Louis would want to amend his own motion to strike Sub-Option 5B for the reasons you stated before and not have a tolerance. That seemed to be what you wanted to do; you didn't want to leave a tolerance in there.

DR. DANIEL: Yes; I don't want any tolerance on an overfished, depleted stock, for sure. Then I think down the road maybe in other plans we could – I think the Policy Board really needs to discuss this so that we're consistent in all our plans and have a guideline on how we deal with underages and tolerances for stocks that are overfished, overfishing occurring and any of those kinds of things.

Then I think if we're going to allow rollovers or tolerances for stocks that aren't overfished and overfishing is not occurring, then I think we need to allow it for all of them and not pick and choose. **I would be glad to friendly amend that motion to also remove 5B, which is similar to**

**the Option 6 motion, if that is okay with my seconder.**

CHAIRMAN O'CONNELL: Dennis is shaking his head that he is agreeable to it. Do other people want to speak on the motion? Doug.

MR. GROUT: I would like to third that motion.

CHAIRMAN O'CONNELL: All right, we've got move to remove Option 5B (quota overage tolerance) and 6 under Section 3.1.1 (quota underages). Motion by Dr. Daniel and seconded by Mr. Abbott. We had a brief a discussion; let's have a 30- second caucus.

(Whereupon, a caucus was held.)

CHAIRMAN O'CONNELL: All right, all those in favor please raise your right hand; all those opposed please raise your right hand; any null votes; any abstentions. **The motion carries unanimously.** All right, we're getting there. Are there any other changes to the options that are currently in and discussed today for the glass eel fishery? Ritchie.

MR. WHITE: I don't have an addition or a change, but I was hoping Dave Borden would, because I thought he was close to coming up with some language that could go back to the PDT to address this issue which seemed to have a fair amount of support on the board of some way of figuring out a way in which other states have some access to some quota. David, I hope you can come up with something.

MR. MCKIERNAN: **I would move to request the technical committee to investigate a watershed-based allocation scheme for the glass eel fishery quota and postpone all glass eel deliberations until Addendum V and proceed with the yellow and silver eel options.**

CHAIRMAN O'CONNELL: Just take a look at the screen, Dan, as it gets written to make sure it is correct. Dan, how does it look?

MR. MCKIERNAN: Yes, that's it.

CHAIRMAN O'CONNELL: All right, do I have a second on the motion; Mr. Borden. Move to request the technical committee review a watershed-based allocation scheme for glass eel quota and postpone options to Addendum V and proceed with yellow and silver eel options in Addendum IV. Motion by Dan McKiernan; seconded by Mr. Borden. Do you want to speak on the motion, David?

MR. BORDEN: I concur with the sentiment here, but I think most of the members sitting around the table want to get on with addendum, would like to move it along. I'm just trying to pick up on the thought that came up earlier. It seems like there is going a workshop in the next couple of months where a lot of these issues are going to get fleshed out.

Rather than just separate this issue out, it seems to me what we need to do is simply task the technical committee with evaluating this. They'll get back to us in a couple of months; we will have the results of the workshop; we put it all into one package and then send it out the door. That would be a slightly different strategy than what Dan put in the motion.

CHAIRMAN O'CONNELL: Sheila wants to provide a little perspective to kind of manage the board's expectations on what they can do.

MS. EYLER: The technical committee has looked at watershed sizes by state. We drew up a list of the watersheds within a state and how large the watershed is. We do not have an idea right now of impediments in the watersheds to know really what is accessible for eel habitat within that state. We also do not know what the historical range of eels was in each habitat. That is something that we're looking at for the ESA listing as well.

We do not have access to that information right now. What we could provide to you is a list of basic drainage area for eels that is the potential for a state; but that's really that we could do. If you wanted to make a quota based on those

numbers; that is all the technical committee is going to be able to get to you in the near future.

MR. SIMPSON: This is a question. What this would do is just maintain status quo for glass eel fisheries. There would be Maine's self-imposed quota; South Carolina, whatever they're doing; and we wouldn't change anything else; is that would happen if this motion passed?

CHAIRMAN O'CONNELL: We're getting different answers from the motion maker and the staff; so we need to clarify that. Kate.

MS. TAYLOR: Well, it would remove the glass eel options from the addendum; and so it would just continue on with Maine and South Carolina implementing those measures as they are. At some point if the glass eel options were brought forth, then in Addendum V they would be addressed.

MR. SIMPSON: So that would remove any possibility of the board considering lowering the overall removals from the fishing rate, all those opportunities will be foregone here. I think we've already received the analysis from the technical committee on this.

MR. ABBOTT: Mr. Chairman, I just think that there are two parts to this motion; and I don't really think they're related. I don't know that we shouldn't do – if we're going to vote on anything, we should divide the question and vote on the request about a watershed-based allocation scheme and then make a vote about whether to proceed with the addendum with only yellow and silver eels.

MR. AUGUSTINE: Mr. Chairman, rather than divide the question, I'd suggest that we defeat this motion. It is counterproductive to what we're trying to accomplish today. We're trying to move this thing forward. To delay it for any period of time other than wait for the conference results that are going to be coming along in a couple of months and burden the technical committee with anymore effort just

doesn't seem to make sense. I would move to call the question, Mr. Chairman, and hope you all vote it down.

MR. KELIHER: I will be happy to kind of hold the turn right here because I have a motion that may get at what Dave Simpson put on the table in a way that kind of melds some things together.

CHAIRMAN O'CONNELL: All right, do you guys want a brief caucus? Louis.

DR. DANIEL: That is intriguing what Pat has said; but I think we have folks that are interested in the aquaculture aspects of this plan. I don't know how many; I know one that is very interested. This provides an opportunity for the public to comment on this issue. Now we may come back after public comment and decide to do just that; but I think we owe it to the public and the folks that have been traveling to these meetings for the last year or two at least a sense of what the public thinks in regards to aquaculture and glass eels.

CHAIRMAN O'CONNELL: All right, all those in favor please raise your right hand; all those opposed please raise your right hand; any null votes; abstentions. **The motion fails.** Pat.

MR. KELIHER: Mr. Chairman, do we have the motion that Dave Simpson made earlier? That may help bring a little clarity to this. Lance Stewart brought it up at the past winter meeting; and we've brought this up several times. I believe I asked the technical committee the question regarding understanding that all habitats are not created equal.

Within the state of Maine and I'm sure within all of the other states, we definitely can show that there are glass eel runs where they are trying to move upstream into habitats that has no value for growing out eels into other life stages. If a state could demonstrate that, why couldn't we allow the harvest up to a minimum of a hundred pounds, whatever the number is? Why couldn't we try to develop some language

here that would allow that to happen? A state would have to demonstrate to the technical committee that they are going to harvest from low-value habitat that would not impact the overall abundance of eels coastwide.

CHAIRMAN O'CONNELL: Pat, what I'm thinking is – and it is up to the board – it seems like that could potentially fall under the sustainable fisheries management plan section that we haven't got to yet; and maybe as we work through these other issues, everybody can give some thought to that, and we can see if the board is interested in adding something like that to the sustainable plan section or not. All right, we're still on glass eels. Is everybody comfortable with where we are on glass eel options for public comment? Let's move on to an even easier one, right, yellow eels. I guess there are six options in there right now. Let's try to focus on those that we want to remove or add. Rob.

MR. O'REILLY: Mr. Chairman, I can't quite say I've kept up with all the changes from last August with the various tables have been produced; but there is a comment on Page 18 under weighted yellow eel quota that says additionally the technical committee does not recommend implementing the coast-wide quota above the 1998 to 2010 harvest. That is 907,671 pounds.

In looking at the past tables, which aren't in this document, I realize this, all of those were less than that amount. In looking at the three options under Option 2, really you have one that is under that amount and that is 2C. When you look at the three options under Quota Options 3 or Table 5, you do have two, Option 3B and Option 3C, that are less.

My comment is how important it is for us to go by that information of the technical committee of the 907,671 pounds. I'm not ready to excise an Option 3 yet, but I must say it is a big surprise when I saw that option. The way the weighting is done, it relies heavily on the

modern data because the 2011 to 2013 is 70 percent.

I want to hear from other commission members as to how they find this. I'm mindful of what Russ Allen said earlier, which was the working group was looking at an average of 2002 to 2012. In my case what I remember is I had asked at a previous meeting if 2012 could be considered. I'm not saying it is right or wrong to have 2013 here. I hope all the commercial data is in and that there is confidence in that; because it is May and sometimes that still is a little bit of a problem. Overall, I would like to hear more comments on Option 3; and then I realize even for Option 2, that has recent years as well.

CHAIRMAN O'CONNELL: Just to comment; I think the technical committee was clear to reduce harvest across all life stages. I don't know if Sheila is able to provide what that baseline period is, but we just identified some options in glass eels that allow that harvest to expand what it was prior to the last assessment as well; so it is something that the board is going to have to contend with as to what options are feasible to go out for public comment. John.

MR. CLARK: I know from looking at this and Tom has looked at it a lot, Rob, and it is just really difficult looking at the landings' data to find a reference period that would have worked for all states. I think that was part of the impetus behind looking at the weighted averages. I know from what Russ said and what Jim said, our state has the same problem where we had some good years, but they were several years back because of lack of bait.

I think when we look at the yellow eel landings, that they've been fairly steady since about 1996. That's one of the reasons I thought the catch cap would be the best idea because we wouldn't have to find a quota for each state and deal with that. I also don't think that – one thing that I would just like added to the addendum is under the discussion of the

European Eel Fishery, there is talk about the precarious state of that fishery, the actions they've taken in Europe; and then it is put there that they still landing 2012 over 5 million pounds of eels.

Whereas, under the American Eel Fishery it is not pointed out for the U.S. coast we only landed about a million pounds of eels. You put Canada in and 2012 we were still just about 2 million pounds for the entire coast of North America, from Canada all the down to Florida. I would just like that made more clear that by sticking with the 2010 landings as the cap or the amount that we working the quota from, we're not at a historically high level of catch or anything like that. I just would like that made a little more clear in the document. Thank you.

MR. FEIGENBAUM: Thank you, John, for making that important point. It is great to know that someone is really paying closely. I don't mean to be overcritical, Kate, but I also would like to take exception and ask the technical committee if they would please reconsider the statement that the status in Canada is showing dramatic declines over the entire range.

I don't think there is any evidence of that at all. I don't disagree that there has been a dramatic decline in the Upper St. Lawrence and Great Lakes Region; I don't believe there is evidence of – I mean, of course, the word "dramatic" is very subjective anyway; but I do think that conveys a little bit of a misleading impression about the fishery.

I just want to also point out one last thing. The reason that we're even talking about yellow eel measures again; if you recall at the end of the process when we agreed to Addendum III and put it out to public comment and then voted on it, we didn't resolve glass eel issues at that time. We asked the technical committee to go back and bring us glass eel options.

What the technical committee did – it wasn't the technical committee; it was the PDT – when the PDT met to talk about glass eel options and

they understood that many states wanted to open up the possibility of future glass eel fisheries, the PDT early in their deliberations had a vote or took the position that if you're ever going to convert to glass eel fisheries, you need to start with a yellow eel quota; the concept being that any state's ability to expand into the glass eel fishery should be premised on where they stand today in connection to the yellow eel fishery.

Now, it seems to me from some of the discussion that we've already had, that the mood of the board is really to move to a more objective measure for assessing what should be the appropriate level of harvest of glass eels; and it shouldn't be based on what was your historical yellow eel harvest.

If we agree with that, why are we revisiting the issue of yellow eel quotas when, as John points out, we're basically fishing at historical low levels? Our fishery of yellow eels is at or near historically low levels. Our stock assessment group says that our stocks are at historically low levels because they look at the catch data.

That is what the depletion-based model did. It looked at what are your catches, it smoothed it out with confidence intervals, and then said we're at a historically low level. Basically low population and low catch right now are just being considered synonymous. If we're at a historical level of low catch and low harvest, it seems like it is a fairly decent place for us to be.

As John was kind enough to point out, we're five times lower than where the traditional level of fishing in Europe was – I'm sorry, we're ten times lower in this country. John pointed out they're at 5 million pounds, but that is down from their historical levels, which were over 10 million. If we're going to move towards an objective basis for establishing glass eel quota at some point in the future, then is it really necessary for us to go forward with yellow eel quotas at this time when really there is only one state in the entire country that is harvesting anything even close to a significant amount of yellow eels. It is Maryland.

There is not another state in this country that is harvesting significant numbers of yellow eels. We've reduced this fishery to one of the smallest fisheries managed by ASMFC; and to keep going in that direction is really just – we're getting to the point where we're just going to kill the fishery because there is not a critical mass there to cover the overhead of running a fishery. Thank you.

CHAIRMAN O'CONNELL: And we do have a status quo option in the addendum; and just to defend staff a little bit, the statement commented earlier is directly from the DFO Report on the status of the Canadian eel population; so right or wrong, that is the reference for that. Russ.

MR. ALLEN: Mr. Chairman, I'm kind of with Rob on this trying to engage everybody's thought process before I make a motion. I just want to hear what people have to say about going back to the working group recommendations. I don't want to add a whole 'nother suite of options in there; so as Rob said if, say, Option 3 is removed from there, then it would be a good sign to maybe put that in there. I'm just trying to gauge and try to get some feedback from the board before we do that and wasting a half hour to an hour, which we don't have. Any opinions on that would be much appreciated.

REPRESENTATIVE KUMIEGA: There has been a lot of discussion that the catch data isn't good enough to really – so I wonder if maybe there should be an option, not that I feel comfortable making this motion, because this isn't that big of a fishery in Maine, but a motion to quantify cap and possibly reduce effort. That seems to be more – since we don't have good landings' data in a lot of states; maybe it should be an effort management at least for the time being.

CHAIRMAN O'CONNELL: Walter, Kate was asking to explain it a little bit more. What I got from that was that rather than a quota look at management options to quantify cap or reduce effort and go at it that way; correct? So if there

are any ideas on that front; that could be added to the draft addendum. Is there any other board input on the yellow eel options? Marty.

MR. BOUW: Just to give you an idea about the catches at the moment, I don't know what the technical committee looked at for the volume of eels at the moment. Actually, effort data is way down, probably about 60 percent. At the moment the stock assessment, the way I see it where we buy every week, is 60 percent small eels.

You can get 50,000 pounds of small eels next week if you want to. The big eels is very limited. The weather has a lot to do with it this year. Of course, even North Carolina was very, very cold; so it is in a very late stage of catching. A lot of people go back to crabs; they don't stay on eels. That's one of the causes I would like to bring up that the stock assessed for this year is a very, very rough year; but there are plenty of small eels; there is plenty of stock there.

CHAIRMAN O'CONNELL: Kate does have the working group options that were put forth previously if the board wanted to examine that. You do see some minor adjustments in some states. Go ahead, Russ.

MR. ALLEN: Well, for lack of getting any other information; **I'll be willing to make a motion to include the working group allocation recommendations from their August memo to the board, which was based on the average of three highest landing values from 2002 to 2012.** There is a table in that working group memo that has that. **That inclusion is for Option 2 and 3;** so it gives you a whole 'nother suite of options within there.

CHAIRMAN O'CONNELL: I think we're going to try to bring them up on the screen just so people can take a look at.

MR. ALLEN: The table that is in there isn't quite the same as the tables that are in the current addendum.

CHAIRMAN O'CONNELL: We'll get the motion on the board and see if can get a second. Pat, are you going to second it? Rob, do you have a comment while we're waiting for the motion to be written?

MR. O'REILLY: Yes; I just wanted to ask about the working group process. Was that to further the information that we had previously through 2010; because the three options from last August all concluded with 2010? Was that the genesis of the working group to get started on that?

CHAIRMAN O'CONNELL: Not being involved with the workgroup, I am not certain. Russ.

MR. ALLEN: The working group was put together because we couldn't come to any substantial decisions on anything at that point. We met a few times in June and July and then put this memorandum together that I believe was given to the board back at the August meeting. There were members of the board, there were technical committee members and AP members that were all involved.

CHAIRMAN O'CONNELL: All right, I've got the motion and let me read it: move to include the working group allocation recommendation from their August memo to the board as an option to include the three highest landing years from 2002 to 2012 for Options 2 and 3. Motion by Mr. Allen; seconded by Mr. Augustine. Is there discussion on the motion? John.

MR. CLARK: That option was one that was favorable to Delaware as well as New Jersey. I understand that, but I know that one of the problems we had, as I mentioned before, was that you don't want to just ignore what has been happening in recent years. I know, Russ, you've got the same problem we do, which is that female horseshoe crabs, when is that ever going to become legal again to use as bait, when are our eelers going to get that?

I look at our landings and they dropped 40 percent between 2007 and 2008 when you

couldn't get female horseshoe crabs anymore. That is the reason I don't really like any of these state-by-state quotas is because you just can't find an allocation that really works for all the states. Thanks.

MR. ALLEN: Yes; I agree with you on some points there, John, for sure. We will still have the 2010 base landings in the tables themselves in Addendum II and III. It is just the allocation that changes because the allocation was based on 2011 to 2013, which back at that time you were on the working group and we all decided that we – okay.

MR. CLARK: Like I said, my point was just that I don't think based on landings' data that we can get a really fair allocation that – I mean, I don't think Maryland should be penalized for the fact that the state has been able to take bigger harvests lately. That is why I thought a cap would be kind of the way to do it although I know a cap has plenty of problems also; but I just don't see a fair way to allocate – where every state is going to feel like they got a fair share of the quota.

MR. ALLEN: Well, to me that doesn't pertain to what the motion is. It is more for making a separate motion to get rid of the quota system itself. This is just a way to at least give the public to have a couple of options that we're not just talking recent; we're talking fairly recent in 2002 to 2012; and that's kind of what the working group decided on.

CHAIRMAN O'CONNELL: Is there any other discussion on the motion? Rob.

MR. O'REILLY: I'm pretending I'm taking an eye exam to read that up front there. (Laughter) I'm wondering how many of those totals are under 907.671 pounds? I see a 1 up there somewhere, so I know that is not. Again, that is just a reflection on what the technical committee advised that I mentioned before. I think we keep that in mind at some later date.

MR. ALLEN: I agree with you again; and it doesn't change the 2010 landings, which is still the same in those tables. All I'm looking for is that percent allocation column on the left-hand side after the state; that is the only thing that I want to see be put into the addendum and not the rest of those landings from all the different timeframes. It is kind of misleading having the table up there in the first place.

CHAIRMAN O'CONNELL: Yes, this is just basically a different allocation option; and the differences are this option provides more of a historical perspective; and those states that have more recent landings are more disadvantaged who have to take more dramatic reduction to get below the 2010 level. The options that were presented in the draft addendum today weight more recent harvest during the allocation. Doug.

MR. GROUT: Just a clarification, Russ; since you're focusing on the percent allocation; would this option still include the minimum 2,000 pounds for the states of Georgia, South Carolina and New Hampshire?

MR. ALLEN: Yes; that would have no change. The tables would remain exactly the same except you'd have those options for the allocation change; that's about it. It should read 2002 to 2012.

CHAIRMAN O'CONNELL: Move to include the working group allocation recommendation from their August memo to the board as an option to include the three highest landing years from 2002 to 2012 for Options 2 and 3. Motion by Mr. Allen; seconded by Mr. Augustine. Let's have a brief caucus.

(Whereupon, a caucus was held.)

CHAIRMAN O'CONNELL: All right, Kate just wants to clarify something that I think you guys know, but go ahead, Kate.

MS. TAYLOR: I just want to clarify that there are six different quota options currently in the

addendum; and so the addition of this will give 12 different quota options in the addendum.

MR. ALLEN: You're correct and I was trying to avoid that by doing some other things, but we didn't get anywhere.

CHAIRMAN O'CONNELL: All right, all those in favor please raise your right hand; all those opposed please raise your right hand; null votes; abstentions. **The motion carries.** Okay, still on yellow eels; any other changes? Dan.

MR. McKIERNAN: I'm concerned about Option 5 that prohibits states that have the minimal 2,000 pound quota from participating in transfers; and I would like to see that struck. I would like to see states that have the minimum 2,000 pound quota, if that goes forward, to be allowed to transfer.

CHAIRMAN O'CONNELL: Do you want to make that into a motion, Dan?

MR. McKIERNAN: **Motion to modify Option 5 to allow states with automatic 2,000 pound quotas to participate in quota transfers.**

CHAIRMAN O'CONNELL: Do we have a second to the motion?

MR. McKIERNAN: Can I explain it?

CHAIRMAN O'CONNELL: Let me get it on the screen and see if we get a second, Dan. We've got a second; Bob Ballou seconded the motion. Go ahead, Dan.

MR. McKIERNAN: As I read this, I can imagine a scenario where one of our law enforcement officers might uncover a commercial fisherman or a dealer who may not have reported and suddenly we have this unexpected overage of just a couple of thousand pounds, but it might be a hundred percent of our quota. We may have to call a state with an underage and say can we have fish for next year so we can have this minimal quota. At the 2,000 pound level, if

we don't take it, I just don't see the downside to flipping that fish to a state that needs it.

CHAIRMAN O'CONNELL: Move to modify Option 5 in Section 3.1.2 (quota transfers) to allow states with a 2,000 pound quota to participate in quota transfers. Motion by Mr. McKiernan; second by Mr. Ballou. Is there discussion on the motion? David.

MR. SIMPSON: I just want to be clear this doesn't in any way jeopardize us somehow going over the quota? I mean the 2,000 pounds came from other states; and so it is sort of conservation neutral doing this; is that right?

CHAIRMAN O'CONNELL: Yes; that 2,000 pounds would be accounted for in the annual quota. The reason that the PDT added this option was to remove the administrative burden of monitoring that level of harvest. This motion would allow those states to transfer that quota. Rob.

MR. O'REILLY: I have to oppose the motion. I think the basis for the pounds being allotted are for harvest opportunities. I know Dan makes the case that might occasionally pop up; but I really think that this is something that if it is not taken, then so much the better for the resource.

MR. MCKIERNAN: There are six states at 2,000 pounds; so the total aggregate amount to only 12,000 pounds on a quota that will be almost a million; so I think it is minimal. I urge you to support this.

CHAIRMAN O'CONNELL: Okay, a brief caucus.

(Whereupon, a caucus was held.)

CHAIRMAN O'CONNELL: All right, all those in favor please raise your right hand; all those opposed; any null votes; abstentions. **The motion carries.** We're still on yellow eels. Bob.

MR. BALLOU: Mr. Chairman, I don't have suggested addition or subtraction but just the

suggestion that we add information to the addendum that reflects state landings over the periods that we're using to calculate the allocations. I find Tables 4 and 5 a bit confusing, and I think the public might as well since they speak to the 2010 landings, then they speak to an allocation formula, which is based on a calculation of landings that I don't think shows up in the addendum. I think to ease the process of helping the public understand how those tables were developed, we should provide that information. Thank.

CHAIRMAN O'CONNELL: All right, staff are saying they can do that. Are there any other issues with yellow eel options in this draft addendum? Russell.

MR. RUSSELL DIZE: I would just like to give a little bit of history on what Maryland has done to conserve eels over the years. About 25 years ago or 20 years ago, we had a 3/8 by 3/8 mesh eel pot, which is the only way we can catch eels in Maryland. About 15 years or so ago we went to half by half, which that allows you as what the up-to-date Atlantic States Marine Fisheries Commission had voted on. We have had that for 15 years to conserve eels. Now, according to the technical committee the eels wander up and down the coast and they say, oh, we might go in that, we might go in Delaware Bay or Chesapeake Bay. Somehow or another we keep increasing in eels in Maryland. We're doing better and better. My belief is because we've taken the measures to control what we catch. Thank you.

CHAIRMAN O'CONNELL: All right, let's move on to silver eels. Jim.

MR. GILMORE: Mr. Chairman, I just wanted to go in a couple of things on the silver eel fishery and particularly into Option 4, but I just wanted to do a quick recap. Addendum III and IV, both the goals were to reduce harvest of all life states. This I think from the reports going back a year ago was considered a pretty small fishery.

None of the addendums talk about completely eliminating a fishery. However, here we are a few months later and we still have options that are going to completely eliminate this fishery. What I wanted to do was just a couple of facts; and then I just want to modify – through a motion a brief modification, which I think should be pretty quick.

First off, looking at this fishery, there are a few things we've learned in the last few months. Again, going back to the data, we're talking about 0.5 percent of the coast-wide landings. That is looking at a yellow eel fishery; because that is what this is. This is actually not a silver eel fishery. Most of the eels coming out, they're all yellow. Some percentage of them are going to out-migrate, but the majority of the eels are yellow eels.

The eels that the fishermen want to keep are the smaller eels. They actually don't care about the larger ones; so I'll talk to that in a second. The number of permits on this has varied, but we're only talking about at a height 15 permits; so, really, again, a very, very small fishery. Back in May of 2013 the AP concurred that this was a small fishery and just recommended that there be a cap put on it.

Then we got wrapped around the axle a little bit because there were some discussions about – and which were all unsubstantiated – about all these large females and impacts to the coastal population. None of this was realistic. I mean, we were talking a very, very small numbers. We got to August and we agreed to put options back in that would cap this fishery.

Again, now we've got to this addendum, and this addendum again has particularly all the options in there; but the one talking about a cap, Option 4, is still eliminating the fishery. I want to put a motion up to modify Option 4; but before I do that I simply want to add in that – and I think this has been stated before.

I think what we need to look at is the efforts that are going on across all the states that are

trying to get at the eel population. New York is looking at not in this addendum but with weir modification so we increase passage of some of the eels so that more are escaping into the ocean. Secondly, we would like to look at a manual release. Remember, these guys don't want the larger eels.

They want the small yellow eels; and if we can come up with a size limit based cutoff that above a certain size they would release those and we're getting more escapement of eels that are going to turn into silver eels; again a better conservation measure. Lastly, we have something called a New York Eel Project that is done through the Hudson River Estuarine Reserve where they have been doing monitoring on glass eels and they're doing fish passage.

They're essentially adding more things to this. We've got 250 volunteers and we're trying to get more money to get more eel passage upstream. We're looking at the other aspects of this and not just what is going on in the fishery; so a lot of work going on in New York and in the other states. Again, I'm trying to get this that we're preserving an artisanal fishery, very small; and we want to go with a cap and not a complete elimination of this fishery.

**My motion is I would move to modify Option 4 to remove the third sentence, "Once issued, licenses are not eligibility for transferability" and modify Sentence 4 to read "This would result in reduction of licenses".** All this does, Mr. Chairman, is essentially we will cap the fishery. As the addendum says, we will identify that number through the public process. I don't know what that is exactly now, but obviously less than the 15 we've had. Essentially it would be capped at that; we would monitor it; and then it would go on and we decide how to transfer those later on; but not eliminate the fishery completely. Thank you.

CHAIRMAN O'CONNELL: I've got a second from Pat from Maine. We'll give staff a second to finish writing it up. All right, move to modify

Option 4 in Section 3.1.3 to remove the third sentence, "Once issued, licenses are not eligible for transferability"; and modify the last sentence to read, "This would result in a reduction of licenses." Motion by Mr. Gilmore; seconded by Mr. Keliher. Is there discussion on the motion?

MR. LEROY YOUNG: I have a question for Jim. If this is a silver eel fishery but they're harvesting yellow eels; what are we really talking about? Is this part of the yellow eel quota or is it part of the silver eel harvest.

MR. GILMORE: Well, right now the way the addendum – it was listed as a silver eel fishery because some percentage of them will essentially out-migrate and then metaphase into silver eels. Again, we'd have to go back and if we put this back in the yellow eel fishery, I think it is going to complicate it more. Technically, the majority of the eels they are keeping, from my understanding, they're actually yellow eels; and why sorting them is more difficult is because none of them have silvered out at that point when they're catching them in the Delaware.

MR. FEIGENBAUM: I can support this motion although I do have to question whether weirs that are targeting out-migrating eels could be said to be anything other than targeting a silver eel fishery. But be that as it may, I think that New York has made a fair point about the fact that no other state has been asked to eliminate a fishery completely. That was an option.

Here there was no option that I believe would have allowed New York to keep that fishery; whereas, in the glass eel fishery I think status quo is it is still an option. But in any event, if I misspoke I apologize. I can support the motion and I just think it goes the point that watershed management and ecosystem management really needs to be our ultimate goal.

When states do open up the possibility of having glass eel fisheries, the folks in New Jersey and New York along the Delaware River

are going to realize that they really can't have a glass eel fishery on this river. It is just too wide, too deep of a river to support a glass eel fishery; so it's important I think as a group that we give states the flexibility to manage their fisheries in a logical way consistent with the geography and not just based on hypothetical principles.

CHAIRMAN O'CONNELL: And just to add to the background, all the other states were required to close during this period but given the cultural and historical perspective of the fishery; that is why the board allowed that one-year extension to allow more discussion on this issue. Rob.

MR. O'REILLY: I have a couple of questions. Jim, you had mentioned the licenses and 15 came out; but I see in 2012 there were only a dozen. In 2013; did that go up a little bit or was that just something that you were speaking about? A second question, just to get them both to you, would you mentioned briefly getting a size frequency and would you expect pretty good cooperation with that to maintain a yellow eel essentially fishery, as you mentioned?

MR. GILMORE: To the first question, Rob, for 2013 it was ten licenses we issued; and again this year we had another ten. We were going to try to put a number in here. I think the AP had recommended six; but we wanted to go out to the public again to get a better handle of how actual fishermen we have that are exploiting this versus how many guys are just getting permits.

Again, they're giving us landings' information so we can actually try to ferret out the guys that have actually been doing this many years as opposed to the guys who are just trying to come up with an option of using this later on. Secondly, the only limitation we in that, Rob, is defining that.

I talked to staff and I said could we get that length cutoff, whatever, defined, and they said that it is probably going to take a good year to get the data behind that and maybe – but from

what I understand from the fishery – and again we’ll get this at the public comment period is that, yes, that would be pretty good cooperation because that is the value in the fishery are those smaller eels and not the big out-migrators.

MR. CLARK: Jim, you say this this is a yellow eel fishery, but they are fishing during the time you expect silver eels to be out-migrating; so in addition to length data I would like to see some histological data from the gonads of these things to prove that these aren’t mature eels. I mean we know the silvering doesn’t occur all at once so they – I mean the time of year they’re fishing for these things – and I would just like to reiterate that there is a good reason biologically to close silver eel fisheries because we know those are eels that are heading out to spawn. I just want to leave it at that.

MR. MILLER: Jim, I’m trying to understand the language in the motion. It says once issued, licenses are not eligible for transferability; and yet it ends with this would result in a reduction of licenses. If licenses are transferable; how does it result in a reduction in licenses?

MR. GILMORE: My apologies, Roy. It probably would have been clearer if I had just rewritten the entire option. If you look at the addendum itself and if you go to Option 4, I’ll read that and maybe that will clarify it. If you do this replacement that says, “Under this option, the Delaware River Weir Fishery would be limited to those permitted New York participants that fished and reported landings anytime during the period 2010 to 2013. Refer to Figure 6 for the number of licenses issued annually of the active participants in the fishery.”

That next sentence was eliminated; that sentence is gone; and then only one license can be issued per participant; and then this would result in a reduction of licenses; the cap that we would put on results in the reduction of the licenses. Again, my apologies, I tried to do it quickly and it is confusing based upon the

sentences; but if you add those in, that is what ends up hopefully happening.

MR. BALLOU: Jim, I’m looking at this Figure 6 and it looks like the upshot, if this were to go forward, this particular option as you’re proposing to amend it, the reduction would be from about 12 to about 8 or nine; does that jive with – am I reading this correctly? I’ll pause and then I might have a follow-up. Is that what you mean by this will result in a reduction of licenses; that being a reduction from about 12 to about 8?

MR. GILMORE: Yes, Bob, that is correct; it could go lower, though. Again, we’re trying to find out the true number of traditional fishermen in this; so if it was only six or seven, we’d go down to that.

MR. BALLOU: And if I could follow up; so if something dramatic happened, relatively speaking – I mean we’re talking about throwing numbers here; but in 2010, and that is the number of participants in this fishery essentially doubled, if I’m reading this correctly; at least the number of licensed and close to being the number of licensed and active; so can you just speak to why the proposal here is to cap at the post-2010 levels versus the prior 2010 levels? Thank you.

MR. GILMORE: Most of that, Bob, we got from the public meetings. I think the larger of them that were actively fishing this were at the meeting; and essentially they said there is – you know, some years they get into the fishery to augment their income, whatever, and they’ve had good and bad years; so it seemed to be more of a socio-economic reason why this thing goes up and down.

We looked back to the late nineties and it was up to 15 permits, and some of those were the same guys; and there was like more guys fishing back then. Again, we’re trying to focus in on the guys that really use this more as a tradition and also as a consistent form of their income;

but that variability has been the cost of just year-to-year variations in economics.

CHAIRMAN O'CONNELL: All right, we've got a motion on the table and we've had some discussion. Let's take a 15-second caucus and vote on the motion.

(Whereupon, a caucus was held.)

CHAIRMAN O'CONNELL: All right, all those in favor please raise your right hand; all opposed please raise your right hand; any null votes; any abstentions, one abstention. **The motion carries.** Are there any other proposed changes to the silver eel section? Walter.

REPRESENTATIVE KUMIEGA: Under the state-specific sustainable FMPs; could New York reduce turbine deaths and use that as an equivalency, for example, to keep this fishery open?

MS. TAYLOR: Yes; that would be an option.

CHAIRMAN O'CONNELL: All right, unless somebody objects, we're going to move on to the sustainable fisheries management plan section. Are there any suggested changes, additions or eliminations to that? Pat.

MR. KELIHER: Mr. Chairman, I've got a motion and I can either send it to you or I can just read it quickly. **I would move to include Item Number 4 to 3.1.4: States would be allowed to harvest a maximum of 200 pounds of glass eels annually for the use in domestic aquaculture facilities if they can show that they can be harvested from a watershed that does not contribute to the spawning stock of American eel.**

CHAIRMAN O'CONNELL: We're going to get that onto the screen. One suggestion from staff is to maybe change the word "minimal" instead of "no impact to the stock" because it would be difficult to demonstrate there would be no impact. Are you okay with that change?

DR. DANIEL: Would the maker consider 750 pounds a friendly amendment?

CHAIRMAN O'CONNELL: All right, the motion to add Item Number 4 in Section 3.1.4: States would be allowed to harvest a maximum of 200 pounds of glass eels annually for the use in domestic aquaculture facilities if they can show that they can be harvested from a watershed that minimally contributes to the spawning stock of American eel. Motion by Mr. Keliher; second by Ritchie White. Is there discussion on the motion? Dan.

MR. MCKIERNAN: Is it necessary to clarify domestic aquaculture to mean grow out to minimum legal size?

CHAIRMAN O'CONNELL: Okay, we need to figure out a way to add that to the motion. Ritchie, are okay with that as well? Go ahead, Kate.

MS. TAYLOR: Just a question for clarification; this Option Number 4, would states be required to go through numbers one, two or three; where it says that states must be able to assess with some level of confidence the status of eel abundance and current level of mortality that is occurring on the American eel populations within their jurisdictions; and then once adequately documented, states would be allowed to allocate the fishing mortality – so would this just be kind of like a separate item and not really number four; but it would just kind of be a separate item that would allow this? Does that make sense?

MR. KELIHER: It does, Kate; it probably would be a separate item. My seat mate here wanted to know how do we define "minimally contributes"; and I think from my perspective that would be a proposal that would come through a state to the technical committee to make that determination.

MS. TAYLOR: That was my second question is if there would be technical committee review on these proposals?

MR. KELIHER: Yes.

MR. SIMPSON: I just need some insight into aquaculture. I can't picture how many large stainless steel tanks you'd need to grow out 200 pounds of glass eels to I don't how many tens of thousands of pounds of legal-sized product – do we have the proportions right? It just seems like that is a tremendous amount of little baby eels. Can anyone help me with the proportionality here?

MR. BOUW: Looking at actually the plan of Mr. Daniel's there, the 750 pounds, we probably could use about 66 tons by the time it was nine inches.

MR. SIMPSON: Sixty-six tons coming out of 750 pounds?

MR. BOUW: Yes; as for the 750 pounds, from baby eels up to a nine-inch eel, it would be the equivalent to about 66 tons, which is about 140,000 pounds. That is a big farm.

MR. WHITE: Well, just some thinking to Dave's question; it doesn't mean you have to do the 200 pounds – up to – and it doesn't mean that it is one aquaculture project. Maybe there are six.

MR. ALLEN: Just a quick question; a state is not limited to harvesting the 200 pounds and using it in its own state aquaculture facilities; they could go to any state? I just wanted to make sure that was clear.

MR. KELIHER: I wasn't considering any limitations here.

MR. MILLER: Mr. Chairman, with all due respect to Commissioner Keliher; I'm having some problems with this particular motion. One, I don't know how to define "minimally contributes". That is a value judgment. Two, I'm trying to picture what these runs would look like. Are talking culverts up into a trickle or what are talking about?

Because if the eels in our state can't get access to freshwater, as John Clark has pointed out, in estuarine waters; so just assuming they don't have access to freshwater doesn't mean that they can't contribute to the spawning stock. I guess I just don't understand the intent of the motion. Although I agree – I'm not opposed, let's put it that way, to the concept of using some quantity of glass eels to support aquaculture. Thank you.

MR. KELIHER: I'll use the young-of-the-year site that we have in Maine. West Harbor Pond is where we collect elvers for that young-of-the-year assessment. That pond has zero to no oxygen at lower levels and does not support any populations of juveniles or adults once they're up within that – there may be a few because there may be some way up in the upper part, but it does not contribute in any meaningful way. If we are going to move to a full lifecycle assessment, we would not use this site beyond what we do for glass eels at this time. I'm looking at some locations similar to that and not just picking a culvert. I don't know if that helps, Roy.

MR. MILLER: I don't really have a follow-up. I believe what Pat is telling me. There may be a particular situation where there is absolutely no potential for rearing eels upstream of some impediment; but even in that particular system, I have to wonder is there potential for rearing eels downstream of that impediment.

MR. GILMORE: Would these be transferable, Pat? Was that the idea of this, that we'd have transferability between the states?

MR. KELIHER: Yes.

DR. STEWART: I would like just to weigh in on this because I was heavily involved 20 years ago trying to get glass eels farmed in Connecticut. I fished them for two years in maybe twelve different streams; but most of them are little small tributaries. The biggest impediment I see as a lot of glass eel migration up is chlorine at

the mouths of some of these very nice upstream habitats.

You would see those glass eel runs; but in many of these little trickles, just I had mentioned to Pat, you can catch five gallons of glass eels, and there is no headwater pond. If there is one, it may be half an acre pond; and the rest of it is a trout stream. A lot of that is a dead-end situation so it is real from my observations; and whether you can find it and optimize on it, but I think we need to get started with some leniency on aquaculture for a trial basis.

MR. FEIGENBAUM: I'm going to echo John Clark's sentiments that were expressed by Roy Miller. By the way, I think I could support this motion; but the use of the term "minimally contributes" is really problematic. Eels make U-turns. They go into the freshwater; and if they find that it is not appropriate habitat, they don't just sit there and die. They go back into the estuary.

Dr. Brian Jessup, renowned eel scientist in Canada, has done the strontium calcium analysis on the otoliths of eels; and he can verify that the majority of eels in any system migrate between the freshwater and the saltwater throughout their life. A very sizable percentage of the eels live their entire life in the estuary and do not even ascend to the freshwater.

Dave Cairns is going to produce a paper at the Quebec Symposium indicating that probably less than 10 percent of all eel habitat in North America is even subject to fishing because, in fact, most of that habitat is in the estuaries.

While I do think that watershed analysis is vitally important for us to understand where are the eels being recruited to, the suggestion that watershed analysis will tell us that certain watersheds are more important than others – the eels in that habitat are more important than others, I can't agree with that. I might be able to support the motion; but some of the

premises that we're talking about here are just inaccurate; they are just inaccurate.

CHAIRMAN O'CONNELL: All right, let's do the 30-second caucus and I will read the motion.

(Whereupon, a caucus was held.)

CHAIRMAN O'CONNELL: Move to add Item Number 4 in Section 3.1.4: States would be allowed to harvest a maximum of 200 pounds of glass eels annually for the use in domestic aquaculture facilities (to grow out to the minimum legal size) if they can show that they can be harvested from a watershed that minimally contributes to the spawning stock of American eel. Motion by Mr. Keliher; seconded by Mr. White.

All those in favor please raise your right hand; all those opposed please your right hand; any null votes; any abstentions, two abstentions. **The motion carries.** Are there any other issues related to the sustainable fisheries planning section of the draft addendum? All right, Ritchie.

MR. WHITE: In the glass eel section, would it be possible to have under any of the quota options that show a poundage, that we could also show the technical committee's recommendation for a coast-wide quota; so that the people commenting on this, they can see that when they're deciding which option to take.

CHAIRMAN O'CONNELL: Under the yellow eel section there is a clear sentence that states what the technical committee recommendation is; but you're suggesting that something like that also be added to the glass eel section?

MR. WHITE: That's correct.

CHAIRMAN O'CONNELL: All right, moving forward, are there any comments on the law enforcement section? Pat.

MR. KELIHER: The colonel is coming up at a high rate of speed. I was reviewing the law

enforcement section on the way down; and I mentioned to Joe – I asked if he had a chance to take a look at that, and he said he did. He thought there needed to be further discussion with the Law Enforcement Committee and that may need to be updated; so I didn't know if the colonel wanted to comment on that.

COLONEL FESSENDEN: Actually we went over this a year or so ago; and since then we have developed this quota system in Maine. We're pretty excited about it; and I've been asked to put on a presentation tomorrow about the quota system and how it is working in Maine. I'd like to be able to present that and maybe talk to the committee tomorrow and see whether or not they'd like to review our comments and resubmit, maybe. Certainly, I'm just one member of committee and I have to go through the committee and talk about it. I just want to reserve that if I can.

MS. TAYLOR: The comments in the document were provided based on the LEC Conference Call in March, before the start of the glass eel season.

COLONEL FESSENDEN: I'm sorry about that; I thought we did those last year. I missed that call, evidently.

CHAIRMAN O'CONNELL: No problem. All right, are there any other comments on the law enforcement section? Bill.

MR. ADLER: **Mr. Chairman, is it appropriate to make a motion to approve document as amended for public hearing?**

CHAIRMAN O'CONNELL: Yes, it is.

MR. ADLER: **I'll so make that motion.**

CHAIRMAN O'CONNELL: Seconded by Pat Augustine. We got a motion moved to approve Draft Addendum IV for public comment as modified today. Motion by Bill Adler; seconded by Pat Augustine. Do you guys need to caucus? Is there discussion on the motion? Pat.

MR. KELIHER: Yes; it is just to clean up on Page 11 under Option 2, second paragraph. This refers to Maine DMR as Maine Department of Natural Resources and just needs to be correctly referenced that it is the Maine Department of Marine Resources.

CHAIRMAN O'CONNELL: We will make that change. Rob.

MR. O'REILLY: At the discretion of staff, in the document you had mentioned there was sort of a clear case for the yellow eel fishery; the recommendations of the technical committee – on Page 18, which starts with the PDT and ends with subsequent addenda and talks about 907,671 pounds; if that could go in the front on 3.1.2 as the second paragraph, I think the public would see it. Right now it is sandwiched into the weighted yellow eel quota; and it might not stand out as much. It is just a suggestion, if possible.

CHAIRMAN O'CONNELL: I think that is a good suggestion. Are there any other comments before we vote on this motion? Are you guys ready to vote? All right, all those in favor please raise your right hand; any opposed; null votes; abstentions. **The motion carries unanimously.**

#### ELECTION OF VICE-CHAIR

CHAIRMAN O'CONNELL: The next item on the agenda is elect a vice-chair. Pat.

MR. PATRICK GEER: I would like to nominate John Clark.

CHAIRMAN O'CONNELL: Do we have a second; Pat Augustine.

MR. AUGUSTINE: I make the second and move we close nominations and cast one vote for the gentleman across the way, Mr. Clark.

CHAIRMAN O'CONNELL: All right; are there any objections? Welcome along, John.

**OTHER BUSINESS**

Is there any other business coming before the board today? Mitch.

MR. FEIGENBAUM: Quick question and I don't know who I am addressing it to; maybe you, Bob. I understand that in the last several months the state of Florida issued elver harvesting permits for multiple fishermen. I was wondering if – I don't know if anyone is here from Florida – if there is any update on the status of that process.

I was under the impression, from talking to Bob, that Florida was aware that was not in compliance with ASMFC's Fishery Management Plan and that it was the intention of the Florida Legislature to just – it needed some time to pass the legislation to clean that up. I was wondering if that was the case.

MR. ESTES: That does not have to go through our legislature. We are going to our commission in September to request that we advertise a rule which we expect will be passed, assuming there are no problems in November.

**ADJOURNMENT**

CHAIRMAN O'CONNELL: Is there any other business? Is there any objection to adjourn? The meeting is adjourned.

(Whereupon, the meeting was adjourned at 4:50 o'clock p.m. May 12, 2014.)