

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

**The Westin Crystal City
Arlington, Virginia
February 6, 2018**

Approved August 8, 2018

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1. **Approval of Agenda** by Consent (Page 1).
2. **Approval of Proceedings of October, 2017** by Consent (Page 1).
3. **Move to strike the following language from the Draft Addendum V, based on the Stock Assessment Subcommittee’s questioning of the statement. Given the American eel’s panmictic life history, if the fishery were causing a population decline that population decline should be evident in all areas of its range, especially the areas of maximum exploitation** (Page 12). Motion by Cheri Patterson; second by Lynn Fegley. Motion carried (Page 12).
4. **Move to establish a transfer cutoff date of no more than 45 days after the fishing season ends, February 15** (Page 13). Motion by Rob O’Reilly; second by Michele Duval. Motion carried (Page 14).
5. **Move to delete Option 3 of Issue 3, Modified Addendum IV Quotas, which discusses minimum landings to states** (Page 14). Motion by Cheri Patterson; second by Sen. Craig Miner. Motion failed (Page 15).
6. **Move to set an option for the coastwide cap that is a 12 percent reduction from the baseline harvest of 1998 to 2016; which would be 836,969 pounds** (Page 16). Motion by Bob Ballou; second by Ritchie White. Motion carried (Page 16).
7. **Move to approve Addendum V as modified today** (Page 20). Motion by Eric Reid; second by Emerson Hasbrouck. Motion carried (Page 21).
8. **Move to approve the 2017 FMP Review of the 2016 fishing year and approve de minimis requests for New Hampshire, Massachusetts, Pennsylvania, District of Columbia, South Carolina, Georgia and Florida for yellow eel** (Page 22). Motion by Roy Miller; second by Jim Gilmore. Motion carried (Page 22).
9. **Move to nominate Ms. Lynn Fegley as Vice-Chair** (Page 23). Motion by Cheri Patterson; second by John Clark. Motion carried (Page 23).
10. **Move to adjourn** by consent (Page 24).

ATTENDANCE

Board Members

Pat Keliher, ME (AA)	Roy Miller, DE (GA)
Sen. Brian Langley, ME (LA)	Rachel Dean, MD (GA)
Stephen Train, ME (GA)	Ed O'Brien, MD, proxy for Del. Stein (LA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Dave Blazer, MD (AA)
Cheri Patterson, NH, proxy for D. Grout (AA)	Lynn Fegley, MD, Administrative proxy
G. Ritchie White, NH (GA)	Rob O'Reilly, VA, proxy for J. Bull (AA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Cathy Davenport, VA (GA)
Dan McKiernan, MA, proxy for D. Pierce (AA)	David Bush, NC, proxy for Rep. Steinburg (LA)
Raymond Kane, MA (GA)	Steve Murphey, NC (AA)
Jason McNamee, RI (AA)	Michelle Duval, NC, Administrative proxy
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Doug Brady, NC (GA)
Mark Alexander, CT (AA)	Ross Self, SC, proxy for R. Boyles (AA)
Sen. Craig Miner, CT (LA)	Pat Geer, GA, proxy for Rep. Nimmer (LA)
Jim Gilmore, NY (AA)	Spud Woodward, GA (GA)
Emerson Hasbrouck, NY (GA)	Doug Haymans, GA (AA)
John McMurray, NY, proxy for Sen. Boyle (LA)	Jim Estes, FL, proxy for J. McCawley (AA)
Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)	Chris Wright, NMFS
Heather Corbett, NJ, proxy for L. Herrigty (AA)	Sherry White, USFWS
John Clark, DE, proxy for D. Saveikis (AA)	Martin Gary, PRFC
Craig Pugh, DE, proxy for Rep. Carson (LA)	

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

Ex-Officio Members

Rene Cloutier, Law Enforcement Representative

Staff

Bob Beal	Kristen Anstead
Toni Kerns	Jessica Kuesel
Kirby Rootes-Murdy	Mike Schmidtke

Guests

Rachel Baker, NOAA	Derek Orner, NOAA
Bob Ballou, RI DEM	Jeffrey Pierce, MEFA
Chris Batsavage, NC DMF	Jon Siemien, USFWS
Jeff Brust, NJ DFW	Terry Stockwell, NEFMC
Joe Cimino, VMRC	Mike Tolhurst, MCCF
Colleen Giannini, CT DEEP	Jack Travelstead, CCA
Arnold Leo, E. Hampton, NY	Darrell Young, MEFA
Chip Lynch, NOAA	Angela Young, MEFA
Paul Nitsche, NEFSC	Chris Wright, NMFS

The American Eel Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia; February 6, 2018, and was called to order at 4:19 o'clock p.m. by Chairman Martin Gary.

CALL TO ORDER

CHAIRMAN MARTIN GARY: Welcome everyone to the American Eel Management Board. Hi, my name is Marty Gary; I'm with the Potomac River Fisheries Commission and I'll be your Chair. Before we start our meeting today I would like to defer to our Executive Director Bob Beal. We have a couple new folks at the management board table.

EXECUTIVE DIRECTOR ROBERT E. BEAL: I just want to make a couple quick introductions; two new Administrative Commissioners and one new Governor's Appointee, who used to be an Administrative Commissioner. From North Carolina there is a new Administrative Commissioner; Steve Murphey. Steve is in the audience. I think, Steve are you back there? There he is there is Steve Murphey sitting behind the delegation from North Carolina. Welcome Steve, we're glad you're here.

From Georgia, Doug Haymans is the new Administrative Commissioner from Georgia. He's taking Spud Woodward's position. Don't let Spud's presence here fool you; he's not in his old job, he's in a new position. He's now the Governor's Appointee from Georgia; so he switched seats but he came back for more. We're glad to see all you here, thank you. That's it, Mr. Chairman.

CHAIRMAN GARY: Thank you, Bob. Before we start, thanks to Herring Board Chairman Pat Keliher and Dr. Pierce for getting us back on time and giving us an extra 11 minutes; it's our last meeting of the day and we've got a lot of ground to cover.

APPROVAL OF AGENDA

CHAIRMAN GARY: Our first item of the day is the approval of the agenda. Does anyone have any changes to the agenda? Seeing none; is there any objection to approving the agenda as presented? Seeing none the agenda is approved.

APPROVAL OF PROCEEDINGS

CHAIRMAN GARY: The next item is the approval of the proceedings from the October, 2017 meeting. Are there any changes to the proceedings of that meeting? Is there any objection to accepting the proceedings of the October, 2017 meeting? Seeing none; those proceedings are approved. The next item is public comment.

PUBLIC COMMENT

CHAIRMAN GARY: I understand nobody has signed up; but just to double check, is there anyone in the audience that would like to offer public comment on items that are not on the agenda?

CONSIDERATION OF DRAFT ADDENDUM V FOR PUBLIC COMMENT

CHAIRMAN GARY: Seeing none; we'll move on to our next item, Consideration of Approval of Draft Addendum V for Public Comment with potential management action. We have two components to this. The way we would like to proceed is a presentation from Kirby; followed by questions only, followed by a presentation by Kristen from the Stock Assessment Subcommittee with questions only. Then we'll go to Board discussion; Kirby.

PRESENTATION OF MANAGEMENT OPTIONS

MR. KIRBY ROOTES-MURDY: Marty laid out pretty much how I'm going to go through the presentation. First, in terms of the Draft Addendum V, there is a statement of the problem. I'm going to briefly outline that; the potential time table for this document moving

forward, and overview of the management options.

If there are any questions after I go through that because it will be the bulk of my presentation, I'm happy to answer it and then as Marty said we'll turn it over to Kristen. She'll present the Stock Assessment Subcommittee's response on a couple of the questions that the Allocation Working Group posed; answer any questions that you all have on that and then move to Board discussion.

On the statement of the problem, the Board decided to initiate management action back in October of 2017; largely around two issues. On yellow eels there was concerns raised about the current management triggers as spelled out in Addendum IV, and the potential implementation of state-by-state quotas due to the coastwide overage of the coastwide cap based on 2016 landings information.

The other component is regarding the glass eel fishery. The Board took action to set Maine's glass eel quota for the 2018 season. The Addendum IV laid out what the quota was for 2015 through 2017; but required that the Board reconsider that quota prior to the 2018 season. The Board has already dealt with what the quota will be for this year; but moving forward the Addendum puts forward options regarding how to either maintain or increase that potential quota.

At the bottom of the slide lays out that specific motion that also specifies that the Addendum the Board initiated would start, in terms of any new management during the 2019 fishing season. Regarding the potential timeline for this draft document, the Board initiated it in October. Today the Board will consider approval of Draft Addendum V for public comment.

If the Board decides to approve the document today for public comment, public comment would start this month and go through March; at which point public comment would end and

the Board would then take final action on this document at the May, 2018 board meeting. First I'm going to go through the glass eel specific portion of the document.

There are two sections that are dealing with glass eel management. The first is regarding Maine's glass eel quota. The second, based on the Allocation Working Group's discussions is the proposal to consider changes to the aquaculture allowances. Currently Addendum IV lays out that states may request the Board's approval of aquaculture plans for domestic aquaculture purposes of harvesting up to 200 pounds for use in those aquaculture facilities.

In dealing with the first part of that section 3.1, Options for Maine's Glass Eel Quota, it's pretty straightforward. There are just two options that are put forward in the document; starting on Page 11. The first is to either maintain Maine's glass eel, Option 1 at its current level of 9,688 pounds. The second option would be to increase Maine's glass eel quota back to the 2014 level of 11,479 pounds. This would be about a 19 percent increase in the quota from recent years; 2015 through 2017. But it's important to note that it's also a 35 percent decrease from what the quota was prior to 2014. In 2012 the quota level was around 21,610 pounds. Additionally in that section the state of Maine sites the implementation of the swipe card program as part of the reason for why an increase in the quota is warranted.

The swipe card program has improved tracking of landings and reduced poaching; and that is given as justification for a potential increase in the quota level. The second section is regarding proposed changes to the aquaculture plan. The first would either maintain the status quo provisions that are laid out in Addendum IV that allow for states, as I mentioned before, to request up to 200 pounds of glass eel harvest for domestic aquaculture purposes.

The second option I'll get into now; and it allows for the pooling of harvest allowances across states and jurisdictions. There are a

number of components to this; and hopefully you can read it on the screen. But what this option lays out is that up to three contiguously bordered states and/or jurisdictions would be allowed to pool that 200 pound allowance; up to a maximum of 600 pounds.

Those 200 pounds that traditionally would be attributed to just a single state, under this option would need to be harvested from each of the individual states; unless a strong argument is made that it would be preferred that they were all pooled and harvested from a single watershed system.

Additionally, because the pooling of this harvest is up to 600 pounds and below 750 pounds, which was a threshold laid out in Addendum IV; regarding the requirements that if harvest was above that a life cycle survey needed to be implemented. Because it's below that threshold, states and jurisdictions pooling under this option would not be required to implement a new life-cycle survey.

An additional change that this option puts forward is that states would no longer need to demonstrate that the harvest of glass eels would only occur in watersheds that minimally contribute to the spawning stock of American eels. Those were the two sections for the glass eel proposed options.

I'm going to move on to the yellow eel proposed management sections; and there are four issue items under Section 3.3. The first is regarding the coastwide cap. There are three options specific to that. The second is regarding the management triggers. There are three options specific to that.

The third is regarding allocation. There are five options that are put forward; including three with suboptions and the last is regarding transfer provisions and there are two options. Before I get into those issue items under Section 3.3, it is important for the Board to know that there has been an update in the commercial landings information.

When the Allocation Working Group had their call towards the end of November, it was pointed out that there were issues with a number of the states landings information. Based on that feedback, staff coordinated and worked with ACCSP staff and all the states to confirm the landings data that we currently had on file; or to submit new landings information that was a correction of what we had on file, no later than the beginning of January, 2018. We now have new landings information for the yellow eel fishery that differs from what was presented to the Board back in August; and also differs from what is included in the stock assessment report. The updated landings indicate that the coastwide landing in 2018 were 943,808 pounds. That is still above the coastwide cap; and it's an increase from what was previously reported by approximately 15 to 20,000 pounds.

I've tried to include on the screen what these updated landings look like for the last five years. Similar to how we've presented the landings information in the document, we've excluded the states of New Hampshire, Georgia, and South Carolina due to low landings or confidentiality issues. But as you can see at the bottom of this slide, it lays out what the coastwide totals are.

As you can see for 2016, we have the new number that is again still above the coastwide cap. Moving on to the Issue Item 1; Proposed Management Options for the Coastwide Cap. The first option is to maintain the cap at its current status quo level of 907,671 pounds. Option 2 would move to set the cap at the 50th percentile or the median of the 1998 to 2016 landings period; which is 943,808 pounds.

Option 3 would set the coastwide cap at the mean of the 1998 to 2016 landings level. That would be 951,102 pounds. It's important to note that because we have updated landings information that we requested from the states, and again that differs from the information that

has been presented to the Board over the last six months.

It revises the average landings data that was used to set the coastwide cap in Addendum IV. The new revised coastwide landings average from 1998 to 2010 increases from the status quo level of 907,000 up to 916,469 pounds. The second issue item is regarding the management triggers. Again, these are holdovers from Addendum IV.

The status quo would maintain those two management triggers; the first being that if the coastwide cap is exceeded by 10 percent in any given year that would constitute triggering state-by-state allocation. The second management trigger was regarding if the coastwide cap is exceeded for two consecutive years, regardless of the poundage that would trigger state-by-state allocation.

For Option 1, 2 and 3, before I even get to those two. It's important to note that there is an interaction that would take place between what is specified by this Board in Issue Item 1, and the subsequent management triggers that would come from that. If the coastwide cap is set at a different level, based on the options in this document, it's important to note that that could change what those management triggers are; in terms of the 10 percent overage for one year.

Getting back to the options for Issue 2, Option 2 under Issue Item 2 is a one-year trigger. That would just be instead of having two components, it would just be if the coastwide cap is exceeded by 10 percent in a given year that would trigger state-by-state allocation. Option 3 would increase it to two years of exceeding the cap by 10 percent.

As I was trying to point out that the interaction between Issue 1 and Issue 2 is that if the coastwide cap is set at a potentially higher level, either Option 2 or 3 under Issue Item 1. The management trigger could rise to 1.04 million pounds; which would be about a 4.7 percent

increase from our current status quo management trigger. The third issue item is regarding allocation. There are five options under this. The first one would be status quo; state-by-state quotas. Those are laid out in Addendum IV. We've also included them in this document for reference. Option 2 is no state-by-state quotas with 2 suboptions under it. Option 3 puts forward modified Addendum IV quotas. Option 4 lays out two suboptions that are based on time series average of yellow eel landings over two different time periods.

Option 5 is an allocation scheme that is based on a weighted time series average of yellow eel landings over two time periods. Moving on to Issue Item 3, Option 2, where there would be no state-by-state quota. The Suboption 2A puts forward the idea of an equitable reduction; where states would collectively develop measures to achieve the needed reduction if the coastwide cap is exceeded, and the management trigger is in turn also exceeded.

It's important to note that as the document lays out for that option there isn't a specific process for how that equitable reduction would be determined. It just lays out that collectively the states would develop measures to achieve the needed reduction. Option 2B moves forward with a 1 percent rule; where only those states that are harvesting above 1 percent of the coastwide landings would be responsible for the reduction.

Those states in the above the 1 percent rule would collectively work to develop measures to achieve that needed reduction. But again, it does not specify how that process would play out. Option 3 puts forward modified Addendum IV quotas. I'm going to try to lay out as simply as possible, and again these start on Page 17, how these adjusted quotas were calculated.

States assigned quota not exceeding the 2012 to 2016 average landings by more than 25 percent. The previous 2,000 pound minimum quota that was established for New Hampshire,

Massachusetts, Connecticut, South Carolina and Georgia, would be redistributed to the remaining states.

All of those previous states would have their previous quota reduced to 1,000 pounds. Maine's quota would be set at the 2012 to 2016 average landings level of 5,952 pounds. With these changes the remaining quota above would be added to the state quotas of New York, Maryland, and Virginia with an additional amount added to Maryland's quota that is directly tied to those states that previously had a 2,000 pound minimum quota.

Here on this slide it lays out, and on Page 20 in the document it has the table for where you can find what the average landings were for those states from 2012 to 2016; what their Addendum IV allocation is, how their average harvest compares to that Addendum IV quota, what the Addendum V Option 3 quota is relative to Addendum IV quota, and then also how that new quota compares to their previously specified quota.

Next we have Option 4 that lays out the simple average of time series of the yellow eel landings. The first one puts forward average landings over the most recent ten year period; so 2007 to 2016. That is Option 4A. Option 4B is average landings over the most recent five-year time series; 2012 to 2016.

On this slide here we have the first one, the average landings over ten years. As you can see, it lays out what the Addendum IV allocation is in a percentage, what the Addendum IV allocation was in pounds, what the new percentage allocation would be under this option, and in turn what the new quota would be under this option for the state. This is for 4A, the ten-year averaged yellow eel landings. Option 4B is for a five-year average landings amount. Similar to the previous one, it lays out how percentage allocation and the quota would change under this option; relative to what's in place under Addendum IV.

Option 5 is a weighted-time-series average of yellow eel landings over those two time periods. Suboption 5A takes 50 percent and is weighted 50 percent towards the full time-series average of 1998 to 2016, and 50 percent of the recent ten-year average, 2007 to 2016. Option 5B lays out what the weighted average is of the full time series 1998 to 2016, and 50 percent of the most recent five year, 2012 to 2016.

These options are laid out on Page 24. It's important to note that I've also included the math for how these weighted averages were calculated in Appendix 2. Similar to Options 4A and B, these slides lay out what the percentage allocation is for each of the states under Addendum IV, and then how they change under these options in Addendum V.

This is for weighted full time series 50 percent and 50 percent weighted towards the recent ten years, 5B 50 percent to the full time series and 50 percent to the most recent five years. The last issue item under the Addendum is regarding the transfer of provisions. There are two options. The first would maintain the current transfer provisions that are laid out in Addendum IV. There are no transfers that are allowed after December 31st. Option 2 provides the option to extend transfers through April 1 through the following fishing season. The reason this option was put forward by the Allocation Working Group was due to some of the concerns of reconciling landings data through the following fishing season; and if state-by-state quotas were implemented the need to try to reconcile that into the current year. It is important to note that among the Commission's FMPs right now, this would be a first in terms of having the ability to transfer quota after the ending of the fishing year, while also specifying a new cutoff date.

We have for a number of FMPs the ability to have transfers take place after the fishing year ends; but without any sunset clause or any cutoff date. For sea bass and for scup, it specified that transfers can happen up to 45

days after the fishing season ends. This would obviously be longer than that. With that I will take any questions the Board has on the options or issue items in the document.

CHAIRMAN GARY: Questions for Kirby? Rob O'Reilly.

MR. ROB O'REILLY: Thank you, Kirby. I guess I'm just wondering; Addendum IV is a reference for us. Were most of the data problems that states had, and if I recall there were three states perhaps that had the same data for Addendum IV that moved over to Addendum V, but a number of states had different data. Were most of the data situations that were problematic involved in the later years after 2010 or were there also some data inconsistencies from the 1998 through 2010 period?

MR. ROOTES-MURDY: Thanks Rob, for your question. I can't remember the specifics for all the states that provided revised data. I do know that some of them did revise their historical data prior to say the last five years; but it varied across the coast. Some states needed to use averaging for earlier part of the time series; because they don't have great confidence in individual year's landings data. But it really varied state to state.

CHAIRMAN GARY: Additional questions; Bob Ballou.

MR. ROBERT BALLOU: Kirby, I'm trying to read through the document and make sure the document is clear enough on what the two options represent regarding the Maine glass eel quota issue. Option 1 is very clear; in that it is the level that has been in place since 2015, and if I'm not mistaken it's based on 2014 landings that's 9,688.

The Option 2, 11,479, the document says that this quota level was specified for 2014, and was a 35 percent reduction from 2012. I'm not sure really what that means, and I'm concerned the public won't have a good sense as to what that

Option 2 is about. For example, what does it mean to say specified for 2014? Can you add some more clarity as to what that option is intended to represent?

MR. ROOTES-MURDY: I will take a stab at it, and I might turn to Maine to provide a little bit more clarity. They had a quota that they specified for the 2014 fishing season that was a reduction from their 2012 landings level. I believe part of that was due to some of the requests by the Addenda at the time; Addenda III and IV to reduce fishing mortality across eels on all life stages, and so it was a 35 percent reduction in landings level from 2012, in terms of what the 2014 quota was. The 2015 through 2017 quota level was further reduced from that 2014 quota.

CHAIRMAN GARY: Pat, did you want to add anything to that?

MR. PATRICK C. KELIHER: Sure. The only thing I think I would add is that Kirby has referenced several times about this 35 percent reduction; 2012 was when we hit the all-time-high landings of 21,000 pounds. There was tremendous concern around this table in regards to the future of this fishery.

Obviously I don't need to relive all the problems we had. But there was a wild west happening out there and we needed to constrain what was happening. One of the measures we took was a voluntary 35 percent reduction; it took two years to get to it. We did that from the 18,000 pound harvest, which dropped us to that 11,000 pound number.

There was that first year we had the 11,000 pound quota, we had harsh winter, a lot of icing, spring freshet problems. We didn't achieve that quota, we didn't reach that quota. We caught 9,000 pounds. We were in the process of the Addendum, and then the Board said well, you didn't catch it so we'll freeze you at that level. It probably could have been clearer in the document; but I've lived it so much that I've read it so much that probably I

wasn't thinking about it from a public perception; but I do take your point.

STOCK ASSESSMENT SUBCOMMITTEE REPORT

CHAIRMAN GARY: Additional questions for Kirby. Seeing none; we'll now transition to Kristen's report from the Stock Assessment Subcommittee. Kristen.

MS. KRISTEN ANSTEAD: Several questions were posed to the SAS by the Working Group. We met via conference call to go over these questions that were posed. They were of a technical nature, so this went to the SAS rather than the TC. We received a presentation much like the one you saw today. The SAS has not reviewed the full document, nor has this been sent to the TC. Before I get into it, I would say one of the first comments from the SAS was that they recommend the TC review the draft addendum before public comment. The first question to the Working Group was to provide feedback on the accuracy of the following statement.

I'll just read the statement. American eels reach maturity at a young age, and smaller size in estuarine waters than in fresh water, and the 19 year time series of landings likely represents at least two generations of estuarine yellow eels that have been exposed to the yellow eel fishery. Given the American eels panmictic life history, if the fishery were causing a population decline that population decline should be evident in all areas of the species range, especially the areas of maximum exploitation.

The SAS agreed that the statement was incorrect. They cited that stocks declining usually decline from the edges inward; and that we don't manage the full range of this species that we don't actually know what's going on some of the big stream edges of this population south of Florida or north of Maine.

Additionally, the assessment tracks trends in the estuarine waters, not in freshwater areas. There is a whole other population we don't have information on; and that detecting hyper

stability can be difficult for data-poor species. There just isn't enough information to kind of make that determination.

It also does not consider how sex ratios and maturity varies along the coast. We continue to go back to the stock assessment and say that "no trend" in a lot of these abundance indices does not mean that they're not increasing. It just means that they're not increasing or decreasing. It doesn't mean that it's meaningless information.

We did see a lot of variety along the coast in many abundance indices. This was another place that the SAS chimed in that the TC really could have something to add to this conversation; had they had the opportunity to review the document, and this statement. Then lastly, when it came to the statement they did want to restate that the stock is stable; but it's stable at low and depleted levels.

The second question that we discussed was for the new proposed coastwide landings cap above the status quo, what are the implications for the stock if the coastwide cap is set at a different, higher level than its current level? The SAS responded with that none of these proposed options that 12 percent reduction from the time series average that was suggested the last time they reviewed this for Addendum IV.

At that time the SAS and the TC did meet; and they recommended a decrease of mortality at all life stages, and they suggested a 12 percent reduction from the '98 to 2010 baseline average, and that number is in parentheses. They thought that was precautionary; and I'll go into in a second why that number was chosen.

At that time the Board still chose the time series average, again this stock is data poor and we have a depleted status. But we don't have reference points, we don't have a model. We have a bunch of abundance indices. We have time series. We can't do projections. We don't have something to measure this against; but that the current level of harvest may not allow

for rebuilding. This is not a table that the SAS reviewed. This is something that I made for your reference for that 12 percent reduction. This is coming from the 2014, and some of this table was in the TC response to the last Addendum. The 12 percent reduction represented the CVs from the 1998 to 2010 harvest.

At that time the TC and SAS recommended a 12 percent decrease; because it would provide a measurable harvest reduction. I calculated that up here for you. This is the baseline harvest for 1998 to 2010; which is what it was last time at Addendum IV. You have your cap in the first column, and what the harvest should be with a 12 percent reduction.

I revised that same value for the new landings; since the landings have been updated to be a higher value. With the 12 percent reduction the Addendum IV cap would be around 806,000 pounds. If you take the different time series that is suggested by this proposed Addendum, that would still be 836,000 pounds. That's just for your reference what the 12 percent reduction is.

Again, the SAS didn't review this, but it is consistent with their advice last time. Question 3, in considering changes to the current management triggers, what is the impact of the resource if the current coastwide cap is exceeded by two current management triggers? Those are listed there. The SAS responded that the assessment is just not quantitative enough to answer this question.

But that given the depleted status, increasing harvest will hamper rebuilding possibilities; that stock status in unchanged. This remains a low, depleted stock, and also the SAS is now unclear about the Board's management goals. It would be easier to respond to some of this if it was clear whether we are trying to keep the stock at the current depleted status at current levels, or if we would like to rebuild, and what we're willing to take, how risky we're willing to be around those estimates.

Finally, what type of guidance can the SAS and TC provide the Board in addressing overages in the coastwide cap? The SAS felt that this was an allocation issue, not a biological population issue, and that it depended on your rebuilding targets or if you intend to rebuild the stock. We couldn't fully answer that question. Finally, we did discuss the aquaculture plan. While it does not increase harvest of glass eels along the coast, the quota remains the same as 200 from each state.

It does increase access to this quota that a state that previously didn't have the ability to have aquaculture can now still use their quota. Potentially glass eel harvest is going up. Doing this without requiring any extra data was discouraging to the SAS. You know we're bringing the quota up for an aquaculture facility, up to 600 falls under the 750 pounds that would require life survey.

Understanding that's very difficult to implement, we still may be increasing catch without any additional data coming out of it that will help us better answer these questions in the future, if they come back to the SAS or the TC. With the depleted status, harvesting more eels at any stage will not improve the stock and may be detrimental. With that I will take any questions.

CHAIRMAN GARY: Thank you Kristen for your report, are there questions for Kristen?

MR. JOHN CLARK: Thank you for that report, Kristen. The first response you gave to the statement about the life history; while I was responsible for putting that in the Addendum in the first place, and I had some questions about the response, which I won't go into all of them here. But one that kind of surprised me was that the SAS reiterated this idea that the eel stock is declining from the edge.

This of course goes back years and years to before we even had the eel plan, with the problems that we're seeing up in Lake Ontario

and the St. Lawrence. It's I know been a huge argument, even up in Canada, because of course while there were those huge declines in Lake Ontario, in the Gulf of St. Lawrence eel stocks are in excellent shape.

In fact, I just saw this recent magazine article where Dr. Cairns, Dave Cairns who is probably the top eel expert anywhere of American eels has said that the stock in the Gulf of St. Lawrence that the stock is three times what they were 20 years ago. Based on that and back when the assessment was first done in about 2004, and this idea was brought up.

I thought that idea had kind of been put by the wayside, just because of the unique life history of eels. That is one of the reasons I brought that up in that point is that the life history as such is what mechanism would there be for the life history of eel with the leptocephali drifting on the Gulf Stream to have an extinction occurring from the edges and not throughout the range?

MS. ANSTEAD: I think that could certainly be worth the discussion that the SAS has, as well as the TC, and that is the first point where they wondered why this hadn't gone to a broader crowd or been able to review the document in its entirety.

CHAIRMAN GARY: Additional questions for Kristen? Rob.

MR. O'REILLY: Thank you Kristen and I watched your math exercise there. I'm a little surprised; because for some reason starting back in 2013, I thought the TC was recommending a 10 percent reduction. But I guess not, and that that 12 percent is the CV of the 1998 through 2010 data. But what is the CV of the 1998 through 2016 data? It probably is pretty close, but at the same time I'm wondering.

You mentioned the precautionary element that we all talked about back then. Does the fact that the landings from 2011 to '16 still within the range of the cap and everything else, and

the idea that when you went through the assessment process. You know more or less there were some trends down, indices down, some up. Everything is still in a situation where it's depleted stock. But clearly does the precautionary element change at all in your mind?

MS. ANSTEAD: I'm sorry, I should have been more clear with that table. I did recalculate the CVs, and they are still 12 percent, even with the updated landings for all three of those boxes, 12 percent is the CV. Again, we did not debate that specific table; we merely discussed how the stock assessment update did not indicate there has been a big shift since the benchmark that status is the same.

Therefore, advice from the SAS was pretty much the same as well. I think that would require a full TC conversation on the precautionary side, but the SAS did say that their recommendations are similar to the Addendum IV, so that would have been the 12 percent.

CHAIRMAN GARY: We have a question from Dan McKiernan.

MR. DANIEL MCKIERNAN: In one of the previous slides there was a statement that the 600 pound combined allocations of glass eels would not increase the overall allocation. Does that assume that every state has a 200 pound allocation?

MS. ANSTEAD: I think every state has the ability to harvest 200 pounds for aquaculture purposes; and so that hasn't changed, even under the new proposal. Every state still has 200 pounds to deal with; whether they allocate it to one facility or two facilities, it is 200 pounds. The argument from the SAS was potentially increasing harvest, because maybe more people can access that quota now.

MR. MCKIERNAN: If I could respond. In Massachusetts we have a \$10,000.00 fine established by statute for taking glass eels. It's

really not possible for my state, unless legislation were to be passed, to take part in that 200 pound allocation. I suspect New Hampshire is in the same boat. They have very severe penalties; so if a third state was then asking for 600 pounds that definitely is an increase of the overall allocation. From a state-to-state basis, some of our states are simply out of this game completely of glass eels by statute.

CHAIRMAN GARY: Additional questions for Kristen; Lynn.

MS. LYNN FEGLEY: Thank you Kristen for all of your work on this. I just wanted to state that I think the intention of that question that was asking about the impacts of exceeding the cap over two years, really had to do with what is the magnitude of change in harvest that is going to impact this population?

I am very cognizant that we don't have the answers to those questions right now; because the species is data poor. But when we're looking at the difference between the recommended cap years ago of 700 and something thousand pounds, and the current cap of 907, I wonder if that difference of less than 200,000 pounds is really the difference between depleting further, maintaining biomass or rebuilding?

I would challenge going forward us to find the data. I would challenge the TC to maybe look at alternative methods; and as this Board starts to consider management goals, what is our goal? Is it to maintain stable biomass? Is it to rebuild? The rebuilding question is a puzzle to me; because when I look at the indices in the stock assessment, the 30 year and the 40 year, there is not that much of a change over those decades.

The increase is really right back there at the very beginning of the time series. You can't really know if that was the tail of a downhill or if it's just a spike. It's hard for me, looking at the numbers, to understand what exactly we would be rebuilding to. I think some advice from the

TC on what would we consider if we're looking at rebuilding. How would we do that math?

MS. ANSTEAD: As you know, we struggle with a lot of these questions; because we just don't have the data or the model to answer them in a quantitative way. You know data needs certainly go into that and I know we've brought that up before, you know addressing some of those research recommendations and tagging on more data requests when we increase the cap. I will say another comment that came up on the SAS is that it hasn't been long since we put in Addendum IV, and so we haven't given it much opportunity to see what we've done differently, as far as the stock is concerned, from now until then. We only have one or two years of data since then, so we don't know how it's even reacted in its entirety to these changes, since they haven't been in place for very long. We haven't let the aquaculture be proven or disproven as successful, or the cap really.

CHAIRMAN GARY: Are there any additional questions for Kristen? All right seeing none; our next step would be Board discussion of Draft Addendum V. Before we do that I know there are some folks from the Maine Elvers Association that traveled down here; and I think this would be an appropriate time to allow them a minute or two at the table, and I believe Jeff Pierce. Are you here? You could take the microphone.

MR. JEFFREY PIERCE: Good afternoon Chairman Gary, members of the American Eel Board. My name is Jeffrey Pierce. I'm here on behalf of the Maine Elver Fishermen's Association. Thank you for allowing me to make comment on Addendum V. I'm here to urge the Board to support an 11,749 pound glass eel quota as an option in this upcoming Addendum.

Raising the quota to 11,749 pounds is justifiable as we look at the history of this fishery. The elimination of harvesting pigmented eels, the state of Maine has a small yellow eel fishery. The state of Maine no longer allows the

harvesting of silver eels, which we haven't for years. Maine also has addressed poaching in a very successful manner.

Maine has successfully implemented swipe cards; which now track every elver from stream to exporter. The state of Maine's management of this glass eel fishery is what success looks like. It would still be a reduction from the 2012/2013 seasons with recorded landings of 18,000 and 20,000 pounds.

We at MEFA hope that the quota from Maine's elver fishery would be restored to the 2014 quota. Addendums always have provisions to reduce quota, but rarely provisions to increase quota when things improve, such as the great work that has been done in Maine to improve and open up over 20,000 acres of habitat through dam removal and fish passage projects. We would also ask that this Board consider the aquaculture option, as these are new and emerging markets. Thank you for your time.

CHAIRMAN GARY: Thank you, Jeff. Our next step is Board discussion of Draft Addendum V for public comment. Before we do that I would just remind the Board that at the October meeting the Board voted unanimously to move this Addendum forward, develop it, create the Working Group, get their input, and as Kirby described it today.

Now our challenge is to describe this and what we're going to need from the Board today is focused on what you want to see in that plan as it goes forward. Assuming that we do approve it today, what do you want deleted, added or modified? We'll need motions for all of those, unless the modifications are not substantive. With that we'll go ahead and start our discussion of Draft Addendum V. Bob.

MR. BALLOU: Either we have a third option for the Maine glass eel quota, or we have some transposed numbers. I think the number in the draft addendum for Option 2 is 11,479. We have a letter and we just heard Mr. Pierce advocating for 11,749. I'm going to assume that

the draft document is accurate and that there has been a transposition of numbers by the advocates. I just want to make sure that's the case and we're not talking about a third option here. My first point is just to clarify that the number in the document is the accurate number.

MR. ROOTES-MURDY: To the best of my understanding right now, Bob, but we can double check that.

MR. KELIHER: I'm sorry, I was just looking at some notes that I made and doing some quick math on our reductions, and I came up with 11,749 as well when I did it. We may have two numbers switched.

MR. BALLOU: If I could follow up, Mr. Chair.

CHAIRMAN GARY: Yes, Bob.

MR. BALLOU: Thank you for that clarification. I think it will be important to get that number correct. Then I think just to follow up on my earlier point. I think it would behoove the public to just provide a little bit more in the way of background; in terms of how the Maine elver fishery has evolved, you know the fishery as it intersected with management, because it sounds to me, and Pat thank you for that answer earlier that there were some self-imposed quotas that Maine instituted, if I'm not mistaken.

It's not really clear from the document that that is what happened; which was then followed by Board action that codified the quota at a lesser amount. To help the public in trying to understand what this option is about, I would suggest, so this is just a qualitative suggestion. I don't have any specific language. It's just to perhaps put a little bit more in this document that walks the public through the evolution of the Maine glass eel fishery, to help them better understand how these two options relate.

CHAIRMAN GARY: Additional comments hopefully focused on changes that you would like to see. John.

MR. CLARK: Under 3.3, Issue 1, The Coastwide Cap, the comment that the SAS actually evaluated in their statement. As I mentioned I do want to discuss it further. But being that it is controversial, I would think it would be a good idea just to take that whole statement out of the Addendum; the one that American eels reach maturity at a younger age. That whole point that was found incorrect by the SAS, like I said I want to discuss it further but don't think it needs to be in the Addendum.

CHAIRMAN GARY: To remove that language that John, you mentioned, we need a motion to strike that language, so if somebody would make a motion to that effect. Cheri.

MS. CHERI PATTERSON: **You can't hear me yet? I would like to move to strike the following language from the Draft Addendum V, based on the Stock Assessment Subcommittee's questioning of the statement: Given the American eel's panmictic life history, if the fishery were causing a population decline that population decline should be evident in all areas of its range, especially the areas of maximum exploitation.**

CHAIRMAN GARY: Do we have a second to the motion? Lynn. **Is there any discussion? Is there any opposition to this motion? Seeing none; the motion passes.** Moving on, Lynn Fegley.

MS. FEGLEY: I'm just wondering to Dan's point about the pooling of harvest where some states the harvest of glass eels is absolutely prohibited, and so you would have states with no glass eel harvest essentially seeding their 200 pound allocation to a neighboring state. I think it might be good for the public to understand a little bit about that; if there could be a little bit of language added.

CHAIRMAN GARY: All right additional comments; Rob O'Reilly.

MR. O'REILLY: Is this open season on everything there?

CHAIRMAN GARY: It is.

MR. O'REILLY: Okay, I guess when Kirby went over the options that there is really not anything in place for how it would be moving forward. I don't remember the exact numbers, whether it was 5A, 5B, the 1 percent, all of that. But there is nothing in place really to decide how things move forward.

It might be better to say whoever it's going to be, the Technical Committee, perhaps the Working Group; just some assurance to the public that it's not as if it's not going to be taken care of. That is one comment. The second comment, I would like to comment on the transfers. I think we've heard throughout, whether it's transfer, allocation, whatever the situation is that there have been data problems.

There is no doubt about it. However, it does seem that those data problems have been reconciled; and Kirby gave everyone enough time to do that. States that didn't already have the same data traveled from Addendum IV to Addendum V did provide more information. We can't now say that the data that are there through 2016 are inconsistent.

What we can say, as far as transfers is that there still can be situations, especially with the late fall fishery that it may make it difficult to have a calendar year transfer. For that reason, when the Working Group met, I did suggest April 1. The reason I suggested April 1 is I know by April 1 all the data we have offshore and inshore that's it. That is the cutoff for us. But it doesn't have to be April 1. I recognize that Kirby put up scup and black sea bass, which have 45 days and carryover to February 15.

That probably would work in my opinion as well; at least it gives that extra time for the

state that wishes to transfer to realize that the data are pretty sound, rather than doing projections at some point earlier in the same calendar year of a transfer where they're unsure. **I would think probably to be consistent that I would move that we establish the transfer period for 45 days following the previous calendar year. I think that was February 15, if I'm not mistaken.** I would like to make that motion.

CHAIRMAN GARY: We'll try to get that up on the screen.

MR. ROOTES-MURDY: Yes, give us a second Rob, to get it up on the screen for you.

CHAIRMAN GARY: While we're waiting for that to go up, can I cue up a couple of other folks that are interested again looking at changes, additions, deletions, and modifications; anyone? All right, we'll wait. There is a second to the motion; Cathy Davenport. The motion is Move to establish a transfer cutoff date of no more than 45 days.

We can't have a second from the same state; Cathy and Rob are from Virginia. I'm looking for that second again; Michelle Duval. All right, now we can read it in. Move to establish a transfer cutoff date of no more than 45 days after the fishing season ends, February 15; motion by Mr. O'Reilly, seconded by Dr. Duval. Discussion, Cheri.

MS. PATTERSON: One of the main points that the Workgroup came up with is that there still could not be data that has been received by some states by this deadline; and that data quality are assessed at the time that the data are available to ACCSP, which is at that April deadline. It's actually a little bit before the ACCSP deadline. This would ensure that any data that are assessed are correct for transfers or for quota.

CHAIRMAN GARY: Additional discussion, Rob.

MR. O'REILLY: Cheri is correct. We had that discussion. I think what ACCSP told us that by May 1 they would have more or less final data. There is always some amount of delinquent. I just don't think we can get it any later than what's up there and that's why I made the motion. I think it gives a little bit of tolerance.

Generally when you make transfers you're doing some type of projection, and you're usually being conservative anyway. When you transfer quota you're making sure that you don't implicate yourself in a problem with an overage. Although I recognize what ACCSP said, I think that probably this is as close as we're going to be able to come to having tolerance that is necessary; you know given the way the fishery is prosecuted, especially in the late fall.

CHAIRMAN GARY: Additional discussion. **Is there any opposition to the motion? Seeing none; the motion passes.** All right, we're moving on. Are there any other items that the management board sees? Cheri Patterson.

MS. PATTERSON: **I would like to move to delete Option 3 of Issue 1; where there is discussion of reduction of minimum landings to five states.** Amendment 4 provided a minimum of 2,000 pounds for the states that have had low landings. To take those landings and reduce them even more continues to prevent fisheries that had been there or that may be developing in the future. Just keep in mind that if there are no fisheries in these five states that the quota can be transferred to other states.

CHAIRMAN GARY: Cheri, can you clarify which option we're referring to in the document?

MS. PATTERSON: Option 3. I'm sorry; Issue 1, Option 3. It's the allocation, Issue 3, sorry.

CHAIRMAN GARY: All right, we're going to go ahead and get that up on the board. Do we have a second to that motion; Craig Miner, all right discussion, Lynn?

MS. FEGLEY: I would oppose this motion. You know this is allocation. It's an extremely difficult topic; and I fully understand the sentiment of cutting that base allocation for the low harvest states, to leave room that there wouldn't be as much room for them to develop fisheries. But on the other hand that base allocation, the higher you make it the bigger the cost to fishermen who are earning livings now.

It's allocation. It's very difficult. I think for full disclosure in the Work Group, with the inception of Option 3 the idea was to maintain that spirit of the Addendum IV allocation. But to redistribute the quota more equitably and initially the thought was to leave these low harvest states; to leave them alone and not bind them to a quota, because they have such little impact on the harvest as a whole.

Essentially it's taking a little bit of a play out of the menhaden book. But none of us really have the stomach to do that for another species. The idea was to give low harvest states quota that they would have ownership of. I can see the point that it's less; but I also think that there are other options that extremely create great problems.

There are options that give certain states a quota of 2 pounds. There are options that reduce the state of Maryland by over 30 percent. I think given that broad range, at the end of the day with allocation that's what we do. We create winners and losers; and I think we owe it to the public to take all of the options out for comment.

CHAIRMAN GARY: Would anybody else like to speak to this motion? Dan.

MR. McKIERNAN: I just have a question. Did the Working Group consider a system analogous to what we have in black sea bass and scup; where underages are redistributed to states with overages, based on the proportional shares that the states with overages have?

MR. ROOTES-MURDY: Yes, thanks for the question, Dan. My recollection was while there might have been some discussion; I don't believe that the Allocation Working Group flushed out an option to mirror what we have in place for black sea bass and scup for the yellow eel fishery.

MR. McKIERNAN: If I could follow up. Well the advantage to that is states that aren't using their quota, it would automatically get placed back into the mix and available to those states with overages. I think it is certainly better than a system where we start getting phone calls; you know late in the season.

As much as it's rewarding to be able to give your friends some fish when they need it, it seems like it's a system that ASMFC could do without; in terms of the first state that makes the call gets the fish. I don't know if there is a way to get that into the Addendum or not.

MR. ROOTES-MURDY: As Marty laid out; you know if that is an option you want to see in the document, this would be the time now to add that in, to make a motion to add that in. I will point out that when the Allocation Working Group did discuss this as staff, I did bring up that the black sea bass transfer system is not a perfect one; and that we spend much of the later part of the fall into the winter trying to reconcile some of those landings. For summer flounder, scup, black sea bass we have some of the best reporting in place. We know that the eel fishery is not quite on the same level. As staff, I did express some concern that trying to mirror it might not be quite the same.

CHAIRMAN GARY: We still have the motion on the table; and Dan we may come back if you want to make that motion. Do we have further discussion on this motion? Michelle.

DR. MICHELLE DUVAL: I have to agree with my colleague from Maryland; regarding I think we really owe it to the public to take all of the options with regard to allocation out for public

comment. We spent a long time on all of these. As Lynn has stated, this is a difficult issue.

I think it bears noticing that there are some other options in there that would provide those states even less than the 2,000 pound allocation that is available under the current Addendum IV quota. I think the Working Group did a really good job of paring things down to a reasonable range of alternatives to use some Magnuson Act language; but I am not going to support this motion.

CHAIRMAN GARY: Okay are there any additional comments? Ready for a vote then; is there a need to caucus? We're ready for the vote? **All those in favor of this motion raise your hand. All those opposed; abstentions, null votes. The motion fails 4, 11, 2.** All right we'll move on; additions, deletions, modifications, Bob.

MR. BALLOU: Kirby, and I apologize, I should have asked Kirby this question earlier. Did the Rec Working Group consider lowering the coastwide cap; namely to a level that I think I heard Kristen refer to, which would be consistent with the Technical Committee's recommendation as adjusted, based on the updated landings? The number I think I got from her presentation was 836,969. Did the Rec Working Group; in their recommendation was there any discussion to returning to that recommended Technical Committee level for the coastwide cap?

MR. ROOTES-MURDY: Thank you for the question, Bob. My recollection was that the Allocation Working Group did not discuss a coastwide cap below the current status quo level.

MR. BALLOU: My follow, Mr. Chair is I'm wondering if this is a disservice to the public; to not offer. Although I realize it may not be warmly received by a number of Board members. If I'm not mistaken, we are still right now essentially under a recommendation to lower the coastwide cap. Kristen was kind

enough to offer that adjusted number of 836,969.

I'm going to put that in the form of a motion that that should be added as an option to the document; and explained in the way that essentially it should be explained, consistent with the recommendations that this Board received from the Technical Committee several years ago, which as I understand remain relevant. I would like to move to add that option to the Addendum for consideration. I hope staff captured that. If not, I'll try to further clarify.

MR. ROOTES-MURDY: Just wanted to be clear. **Your motion is to set an option for the coastwide cap that is a 12 percent reduction from the baseline harvest of 1998 to 2016; which would be 836,969 pounds.**

MR. BALLOU: I couldn't have said it any better.

CHAIRMAN GARY: There is a motion; do we have a second, Ritchie White, discussion on the motion. There is no discussion on this motion; Michelle Duval.

DR. DUVAL: I mean certainly that is a reasonable option. It is consistent with technical advice received in the past. I certainly don't have a problem including it to take out to the public; but I suspect that it may not necessarily be an option that the Board is willing to entertain as a final option down the road when we get there.

CHAIRMAN GARY: Is there any other discussion by the Board? Is there any opposition to this motion? All right let's have a vote then. **All those in favor of this motion raise your hands. All those opposed raise their hands; abstentions, zero. The motion passes 15, 2, 0;** on with further discussion on Draft Addendum V. Colleen.

MS. COLLEEN GIANNINI: Hi, I'm hoping that maybe somebody who was on the Working Group can just help me explain the rationale for

the approach on Page 19; under Option 3, the last paragraph where three-quarters of a percent of the coastwide cap was set aside, divided, and then reduced.

MS. FEGLEY: Yes, I can take it. One of the things, the idea here was if you envision if you look at the table that shows how the quotas compare to the last five years of harvest. If you take the Addendum IV quotas and you compare them to the last five years of harvest, there were three states that took a reduction.

The intent of this was to mitigate those reductions by those three states. Basically all that did with that division, we took that 0.75 percent, set it aside, divided it among the small harvest states, and then just rounded down, and then just allocated that extra which was a couple. It wasn't maybe not even, I can't remember the number but it was maybe 1,000 pounds, back to the state of Maryland to help mitigate their reduction. That's all it was.

CHAIRMAN GARY: Colleen, did that answer your question?

MS. GIANNINI: Yes, thank you.

CHAIRMAN GARY: Michelle.

DR. DUVAL: I guess maybe just a quick circling back to the pooling of the 200 pound potential aquaculture allocation; and the point that Dan was making earlier about for Massachusetts it would require a statutory change in order to allow for any glass eel harvest, if I understand that correctly, without the \$10,000.00 fine. It seems to me that it might not be possible; based on that statutory language for a 200 pound aquaculture allocation that Massachusetts itself is unable to apply for, could be allowed to be used in this pooling fashion.

I mean I understand we have the language in there with regard to making an argument for allowing for all of that pooled harvest to potentially be used in one watershed, or in one

state. Maybe the question that I'm trying to get to is, so a state that has that type of statutory restriction could not be forced into entering into one of these pooling agreements. Is that correct?

MR. McKIERNAN: Yes that was my concern. I guess when I think of the 200 pound allowance among all states, I never really thought of that as a cumulative allocation of glass eels; because if it was I wouldn't think twice about sending eels up to Maine. But we don't look at that as a foregone allocation, because our state has a prohibition as does New Hampshire's. I am not comfortable with this notion that that is foregone allocation.

CHAIRMAN GARY: Question to any of the other Board members. Do any of the other states have a similar potential statutory impediment as Massachusetts described; and as Michelle brought up that you're aware of? Craig, can you talk to it?

SENATOR CRAIG A. MINER: Under our current law we have a statutory prohibition against the taking of glass eels. I'm not aware that we have any fines such as laid out in Massachusetts.

CHAIRMAN GARY: John.

MR. CLARK: That was part of Addendum III right, is we had to have a nine-inch minimum, so all states other than Maine and South Carolina I think effectively have a prohibition on taking glass eels. But the point of this is that if states decide they want to do this for aquaculture, which is allowed by Addendum IV. They could still do that under Addendum V, except states could pool those 200 pounds that Addendum IV says they can apply for.

CHAIRMAN GARY: Cheri.

MS. PATTERSON: Yes the state of New Hampshire also has that limitation for harvest under nine inches.

CHAIRMAN GARY: Pat Geer.

MR. PAT GEER: I believe all the states have a 9-inch minimum; so as John said, it's de facto with the exception of the original management plan said that only the states that had a glass eel fishery at the time. I know this is a little bit different; because this is aquaculture. I think what we're trying to do is avoid having what we had to do for the North Carolina plan, having countless meetings where we're discussing this, so make it more general. But I'm not sure if that is going to work having three states do this as a consolidation.

CHAIRMAN GARY: Ross was that just an acknowledgement or did you want to?

MR. ROSS SELF: My recollection of that discussion was that there would be that potential for a 200 pound aquaculture allocation for each state. But the pooling of those allocations was not, in my recollection of the discussion, was not shipping 200 pounds of glass eels from New Hampshire somewhere.

It was allowing a state that needed to accumulate some aquaculture allocation to borrow those allocations from other states; and all those glass eels would come from within that jurisdiction. Hence the concern about the 750 pound trigger, so that a state that had a prohibition there would still be the option for them to let somebody have their allocation, because they couldn't use it. That was my understanding of what we discussed.

CHAIRMAN GARY: I had Michelle and then Pat Keliher.

DR. DUVAL: Just a follow up. Obviously everyone has got the 9-inch minimum size limit in there. I mean for us, for North Carolina, our Commission had to provide a declaratory ruling in order to allow an aquaculture facility to actually harvest and possess eels that are under that limit. But I think there is a difference between something that is in rule versus statute. I think that was really what I was getting at; is that are there statutory

impediments that would prevent that pooling. Based on what Ross and others just said, it doesn't sound like that is necessarily an impediment.

MR. KELIHER: I certainly understand the point that Dan and others have made about their statutes. If the Commonwealth of Massachusetts wanted to move forward with the development of an aquaculture facility, and there was an economic benefit and the driver to push in that direction.

The state would have that flexibility to change that law or change that rule. I think that is really the intent of this. It's not to be restrictive; it's to say, here is an opportunity for a state if it wanted to work with another state to be able to pool their resources. If it doesn't work for a state they don't have to.

If it does then there is a benefit here for them to change their rules, if there is again that economic benefit back to that state through partnerships or whatever the issue may be. I think there is very real interest in this country to see the development of aquaculture. It would be great to see the value added side of this. Leave those Asian countries and be done here in the United States, and to try to find a way to help enable that to happen, was the intent of this addition.

CHAIRMAN GARY: Are there any additional comments on this concept? I want to look to staff. I was trying to sort through that to see whether or not this causes any issues for this narrative to remain in the document; based on what we've heard.

MR. ROOTES-MURDY: I think Michelle pointed out kind of well what we're trying to clarify here. If states have statutory language that would provide impediments to this versus if they have rules in place right now on prohibition of harvesting glass eels below 9 inches. It would be helpful for developing this document further.

If the will of the Board is to have this option in here to clarify how moving forward states who currently have language in their either statutes or regulations may seek to change those to allow for this option to move forward, or how it would work for those states who can't make those changes or are planning not to.

CHAIRMAN GARY: Dan.

MR. MCKIERNAN: I'll be quick. Yes Pat is right. His perspective is correct here. I guess I feel a little frustrated; because the North Carolina experiment to my knowledge has failed, in terms of production. If somebody came forward and said, you know I've hit the wall here on 200 pounds. Is there any way we could grab 200 pounds from adjacent states and make a viable operation? I would feel a little more sympathetic. But right now I think we're jumping the gun.

CHAIRMAN GARY: Is there any further discussion? I guess the question again, is there a concern on the Board to the point where we might consider modification or removal of this component? Is there any desire on the Board to do so? Craig.

SENATOR MINER: I would like to speak on behalf of leaving it in there. I don't know what the synergy is. I don't know what the magic number is in terms of an appropriate aquaculture model. But let's say it is some number beyond 200 pounds.

If there are three states that have statutory prohibitions to developing this kind of a fishery, yet from a scientific perspective and from a business perspective putting three states allocation together somewhere makes sense. Then I think going out to the public now with it in there would allow us a pathway in the future. If we don't have it in there, then we're kind of trying to create something after we've just gone out to the public. I would request that it stay in.

CHAIRMAN GARY: Is there any advocacy for removing this narrative; or modifying it in some way? If not then we'll see if we can find a way

to keep this intact. I think Kirby what you were suggesting is some additional clarification; based on some of those concerns that we can build in to address this. If that meets the Board's satisfaction we'll move on with any additional ideas, concerns, additions or deletions. David.

MR. DAVID E. BUSH, JR.: While I'm certainly not an advocate of I guess reallocating things on a whim. I know that we have some options that we have to keep; and one of them is status quo, as far as allocation or triggers. If we do go to an allocation scheme, you know some of these numbers are pretty scary on the first pass. Then I understand the more weighted approach and the three-quarters of a percent helps to minimize such an acute impact.

But I don't know what will be the appropriate language to add. While this might not be the biggest fishing on the east coast, it's probably a very huge fishery to certain folks. Maybe there might be some, I don't know some interest on the Board to possibly find a way to, if we do get to this path, if this is what we have chosen, a way to phase it in rather than well you're one year, two boom next year.

You guys get 108, you guys take a 62 percent loss, and we'll see you next week. You know some way to sort of ease that transition. I would hate to see any state have to take even a 20 percent cut. You know we've done it repeatedly, but anyway. Any help I could get possibly. If there is any interest in doing that I would appreciate it.

CHAIRMAN GARY: Any other thoughts, comments about the Draft Addendum V? One question Kirby and I are discussing is there was some concern around the table about having the SAS review the document one more time before we put it out to the public; sorry the Technical Committee. Is that desirous of this Board, or is this Board comfortable with approving the agenda with the modifications we've moved forward today? Would anybody like to comment on that? Pat Keliher.

MR. KELIHER: I think those two things can happen in parallel. I would like to see the document move out to the public and then have the TC review the modified document; and then that can be part of the overall discussion when we come back.

CHAIRMAN GARY: Ritchie.

MR. G. RITCHIE WHITE: I was just questioning timing; if we were going to send it back to the Technical Committee then what would the timing be?

MR. ROOTES-MURDY: Thank you Ritchie for the question. The next Board meeting we would have scheduled right now is in May. Unless the Board wanted to move to try to have a conference call to review the document again prior to public comment period starting, the plan moving forward would be to modify the document today based on the Board's feedback, and start public comment period without an additional review by the Board. It's at the pleasure of the Board on how you want to proceed.

MR. WHITE: Follow up. How would that then proceed timing for a finished product?

MR. ROOTES-MURDY: I think if the Board was interested in seeing a modified version of the document before it went out for public comment that would change the time table. We may still be able to get it out for public comment; and public comment period to happen before the May meeting.

That is assuming that there was a quick modification to the document and a short period for the Board to have an additional time to look at it. The question then becomes if there is an interest in having a conference call of the Board to clarify and specify that all Board members are fine with it; or if it would simply be an e-mail review and sign off.

CHAIRMAN GARY: Pat.

MR. KELIHER: I was going to quickly try to find it. I haven't, so I'm going to ask Kirby. Any delay beyond that where does that leave the state of Maine, as far as our quota for this coming year, unlimited? There are a few elver fishermen in the back of the room I might have just made happy with that.

MR. ROOTES-MURDY: Pat, as you remember, we at the annual meeting specified Maine's glass eel quota for 2018. This Addendum is specific to changes in management starting in the 2019 fishing season.

CHAIRMAN GARY: Lynn.

MS. FEGLY: The technical review wouldn't change the options as they're written, right? It would just change language in the background and in some of the rationales; is that correct? But the options themselves wouldn't change.

MR. ROOTES-MURDY: It would be kind of at the please of the Board how to specify the Technical Committees review of the document. Part of the reason why as staff we had the SAS review the document, in terms of the questions that were posed was due to the very specific nature of that to the conditions of the stock, how things would respond on the stock level to changes in harvest levels. In terms of having the Technical Committee review the document, it's at the Board's discretion how you want to specify that TC tasking. Otherwise, it would just go to the TC as we do with all of our technical documents, and have them provide any comments and recommendations during the public comment period.

CHAIRMAN GARY: I have Eric Reid and then Ritchie White.

MR. ERIC REID: **I would like to make a motion to approve Addendum V as modified today for public comment.** I don't like the thought of having. I'm sorry if I get a second, maybe I'll give my rationalization.

CHAIRMAN GARY: Second by Emerson Hasbrouck.

MR. REID: Okay thank you Mr. Chairman. I don't like the idea of sending a document out to the public and to the TC at the same time. That makes me really uncomfortable. I'm sure to the delight of everyone, I think we only took out one thing, which was some language, and then we've added a bunch of stuff in here. I don't really see why the TC has to get back into this before we go to the public; that's my motion and let's get moving.

CHAIRMAN GARY: We have a motion and a second; do we have further discussion on this? Seeing none; do we need to caucus? I'll give you one minute. Are you ready to call for the vote? Before we offer that up, I was just talking to Kirby. For those individuals on the Board who made additions.

It would be very helpful for staff if they would commit to take some time to help staff; and I can help moderate that to work with them to incorporate the language as they intended. As long as everybody is amenable to that we'll go forward with the vote. We have a motion; sorry I don't have my screen up, to approve Draft Addendum V for public comment as modified today.

Motion by Mr. Reid; seconded by Mr. Hasbrouck, all those in favor please raise your hand. All of those opposed please raise your hand; abstentions, the motion passes unanimously.

**CONSIDER 2017 FISHERY MANAGEMENT PLAN
REVIEW AND
STATE COMPLIANCE REPORTS**

CHAIRMAN GARY: All right our next item on the agenda is the Approval of the 2017 Fishery Management Plan Review and State Compliance Reports; and Kirby will lead this discussion.

MR. ROOTES-MURDY: I'll try to go through this quickly as we're a little bit behind schedule; and

I would like to try to get us to end on time if possible. All right so the outline, I'm just going to go through the status of the FMP, stock status as you're all familiar with, status of the fishery, state compliance with the FMP and Plan Review Team recommendations.

As you all are aware, there were no new addenda that were initiated in 2016. Another plan for the America Eel Aquaculture Farm was submitted and approved for the 2017 fishing season. Just so you all are aware again for these FMP reviews, we have a one-year lag, so we're talking about how things played out in 2016.

Again, the FMP specifies per Addendum IV that any state that harvests over 750 pounds of glass eel a year must implement a fishery independent life cycle survey. Maine implemented this survey starting in 2016. No data was collected in 2016; due to staffing issues and that has been rectified and the Technical Committee anticipates receiving an update on the 2017 survey results later this year. I will go through this briefly again. The stock status per the 2017 stock assessment update, the American eel stock status remains depleted as we have no reference points to base management on. There has been no update from that level that was laid out in 2012. It's important to note that in the fall of this year, given the depleted status and interest in addressing some of the management concerns, the Board initiated an addendum to consider alternative allocations for the coastwide cap management trigger and state-by-state allocations for the yellow eel and glass eel fisheries.

In terms of the status of the fishery on the commercial side, I'm reporting out here what the landings were as was reported through the compliance reports. Please note that these numbers do differ from what I went through in Addendum V. They are in turn old. State reported landings of yellow and silver eels were 885,000 pounds in 2015 and 937,000 pounds in 2016.

It was an increase from 2015 to 2016, and Maryland and Virginia accounted for the bulk of the harvest at about 72 percent. Landings of glass eels were reported from Maine and South Carolina; and we aggregate those together. In 2015 it was 5,442 pounds, and in 2016 it was 9,339 pounds. Again, South Carolina harvests a very small number.

In terms of the recreational fishery, as of 2009 recreational data was no longer provided for American eels in the compliance reports. This is due to the unreliability of intercepting anglers who fish for eels; and the associated high PSEs with those estimates. I'm going to go through very quickly the glass eel, yellow eel, and silver eel regulations.

Because there were no changes and no noted change in state regulations, the PRT found no issues there on the glass eel front. Regarding the yellow eel there were no changes in management measures, as reported in the Compliance Reports. Again, the PRT noted no issues on yellow eel regulations.

Regarding the silver eel regulations the same. There were no changes in regulations, and in turn the Plan Review Team noted there were no issues. In terms of other management measures, there were no other additional changes in regulations. In terms of considering other management measures and potential issues, the PRT when they did their review did note that the District of Columbia had not submitted a compliance report.

We have an update to this. As of yesterday afternoon we did receive a compliance report from DC, and they continue to not have a commercial fishery or commercial landings, or recreational data. Regarding de minimis, the FMP stipulates that states may apply for de minimis status for each life stage; if the preceding two years their average commercial landings constitute less than 1 percent of the coastwide commercial landings for that life stage.

New Hampshire, Massachusetts, Pennsylvania, South Carolina, Georgia, and Florida requested de minimis status for their yellow eel fisheries. All states that applied for de minimis status for yellow eels met the 1 percent landing criteria. The District of Columbia also met that criteria, but did not specify an interest in continuing de minimis status.

South Carolina requested de minimis status for glass eels, but did not meet the 1 percent landings criteria. Lastly, in terms of Plan Review Team recommendations, the PRT had the following items to bring to the Board's attention. First the state compliance reports noted no issues in terms of regulations, or issues with the FMP. But in terms of considerations, currently the plan lays out that states should provide an estimate of the percent of harvest that goes to food versus bait. It was noted on the Plan Review Team call that this is a challenging estimate; one that isn't very reliable, and that it isn't clear that it's being used for management purposes, and so there should be the consideration of possibly doing away with it. There was also a recommendation that states should continue to work with law enforcement agencies to include information on illegal or undocumented fisheries for eels. The PRT also requested that the state of New York work to separate their yellow and silver eel landings.

As you know Addendum IV laid out that the allocations didn't count for eel landings in New York that did have silver eels in them. Then there was also request by the Plan Review Team that states should try to quantify upstream and downstream passage changes; and then provide that information to the Technical Committee for review, as there have been some changes in both upstream and downstream passages in a number of states. With that I'll take any questions on the FMP Review or state compliance reports.

CHAIRMAN GARY: Barring any questions, do we have a motion to accept the 2017 FMP

Review and Compliance Reports and the de minimis requests? Roy Miller.

MR. ROY W. MILLER: So moved, Mr. Chairman.

CHAIRMAN GARY: And a second, Jim Gilmore. The motion is to approve the 2017 FMP Review of the 2016 Fishing Year and approve de minimis requests for New Hampshire, Massachusetts, Pennsylvania, the District of Columbia, South Carolina, Georgia and Florida for yellow eel.

Motion by Mr. Miller; seconded by Mr. Gilmore, all those in favor please raise your hand. I should have asked if there were any objections; any objections? Learning every minute, and the motion passes unanimously.

ADVISORY PANEL REPORT

CHAIRMAN GARY: Next up is the Advisory Panel Report, and Kirby will offer that.

MR. ROOTES-MURDY: I'll again try to be brief on this. The AP met back in December of 2017. They received an update on the 2017 Stock Assessment Report, recent Technical Committee work, and an update on recent Management Board activities. You all are aware of the Stock Assessment Update Report.

Jeff Brust of the SAS provided that. There were questions that were posed on whether fishing license data information dating back to the 1970s could be used to ascertain the stocks size in a more historical context. It was pointed out that many states did not actually have license data information on eels until the 1990s.

The AP encouraged the Stock Assessment Subcommittee to collaborate with Canada's Division of Fish and Oceans to conduct a range-wide stock assessment. Regarding recent Technical Committee work, my colleague Kristen Anstead presented on the Aging Workshop that took place in January of this year; at least the planning that was going into

that recent analysis on the young of year surveys, and nematode research that has been conducted by Zoemma.

Information on each of those reports can be found in the Advisory Panel summary that was included in meeting materials. Then next regarding recent Board activity, as staff we highlighted the recent Board approval of North Carolina's aquaculture proposals and the Board's initiation of Draft Addendum V. One AP member requested that the Addendum consider an option for pooling of glass eel aquaculture harvest among multiple states; and that that interest stemmed from the high market price for glass eels. The AP, it was noted, will have an opportunity to comment on the Draft Addendum V during the public comment period, and that that AP report will be presented to the Board at their next meeting.

Lastly, Mari-Beth DeLucia, the AP Chair brought up that the IUCN is going through a reassessment of the American Eel resource in 2018. The IUCN currently lists American eel on their red list. That designation is used for American eel and a number of species to guide the prioritization of conservation initiatives by governments, NGOs, and scientific institutions.

It is also important to note that the IUCN does not have management authority; but can influence public perception and international trade. It was highlighted that any new information that comes out of that will be shared both with the Advisory Panel and the Board once available. With that I'll take any questions.

ELECTION OF VICE-CHAIR

CHAIRMAN GARY: We'll move on to Item 7 on the agenda, the election of a Vice-Chair. Do we have a motion? Cheri Patterson.

MS. PATTERSON: Yes, I would like to move to nominate Lynn Fegley as Vice-Chairperson to the American Eel Management Board.

CHAIRMAN GARY: Do we have a second; John Clark? **Is there any objection to this nomination? Lynn Fegley, welcome to the American Eel Board; you're the Vice-Chair.** Our last item is Other Business; before we do that I did have a question for staff. Perhaps this would trickle over to Sherry with U.S. Fish and Wildlife Service. I recall at the October Board meeting a brief update on CITES. I'm just wondering, is that something that would manifest itself say at the next Board meeting; or are we looking further down the line on that Kirby?

MR. ROOTES-MURDY: Maybe I'll take a first stab and then Sherry can clarify my comments. As staff we were notified that CITES is going to go through a process in 2018 of evaluating trade of American eel. That means that they're going to look at landings data; not just in terms of what was caught in the U.S. but what was also exported out of the country. They will be likely in contact with us again to try to make sense of any discrepancies they find there. In terms of the time table of when we're expecting that follow up, it's yet to be determined. We don't have a set date yet.

MS. SHERRY WHITE: That's correct, Kirby. I think that you summed that up just right. We'll let you know if we do hear any more information on timing on that.

ADJOURNMENT

CHAIRMAN GARY: Thank you Kirby and thank you Sherry. Is there any other business to come before this Board? Seeing none; we are adjourned, and thank you for your infinite patience.

(Whereupon the meeting adjourned at 6:06 o'clock p.m. on February 6, 2018)