

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

**The Westin Crystal City  
Arlington, Virginia  
August 8, 2018**

**Approved October 22, 2018**

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1. **Approval of Agenda** by Consent (Page 1).
2. **Approval of Proceedings of February 2018** by Consent (Page 1).
3. **Main Motion**  
**Move to conditionally approve section 3.1, Option 2: Increase Maine’s Glass Eel Quota to 11,749 pounds pending the strengthening of Maine laws governing the elver fishery. Changes shall include, but not be limited to, the chain of custody of elvers from harvest to export thus ensuring the swipe card system cannot be bypassed. Maine would be required to report back to the Law Enforcement Committee which would make recommendations to the Eel Management Board at the 2019 Summer Meeting for Board consideration** (Page 16). Motion by Pat Keliher; second by John Clark. Motion substituted.  
  
**Motion to Substitute**  
**Move to substitute to accept Section 3.1, Option 1: Status Quo** (Page 18). Motion by Dennis Abbott; second by Roy Miller. Motion carried (Page 21).  
  
**Main Motion as Substituted**  
**Move to accept Section 3.1, Option 1: Status Quo.** Motion carried (Page 22).
4. **Move to adopt under section 3.2, Option 1, Status Quo for Glass eel Aquaculture provisions, with the additional language presented today by the Technical Committee to redefine the measures established by Addendum IV** (Page 22). Motion by Dan McKiernan; second by Pat Keliher. Motion carried (Page 22).
5. **Move to adopt under section 3.3, Issue 1: Coastwide Cap, Option 1: Status Quo with the updated landings of 916,473 pounds, and Issue 2: Management Trigger, Option 3: 2 Years of exceeding the coastwide cap by 10%** (Page 22). Motion by John Clark; second by Dave Borden. Motion carried (Page 23).
6. **Move to adopt Sub-Option 2B Under Issue 3 (Allocation) - 1% rule for states to reduce landings: All states with landings greater than 1% will work collectively to achieve an equitable reduction to the coast wide cap. Additionally, a workgroup of states harvesting over 1% will be formed to define 'equitable reduction' and to determine how a reduction process would work if a trigger is fired** (Page 24). Motion by Lynn Fegley; second by Rob O’Reilly. Motion carried (Page 25).
7. **Move to adopt an implementation date of January 1, 2019** (Page 25). Motion by Jim Gilmore; second by Tom Fote. Motion carried (Page 26).
8. **Move to approve Addendum V for American Eels as modified today** (Page 26). Motion by Lynn Fegley; second by John Clark. Motion carried (Page 26).
9. **Move to accept the Maine Glass Eel Aquaculture Proposal for the 2019 season, to grow out eels to the yellow eel life stage** (Page 34). Motion by Pat Keliher; second by Jim Gilmore. Motion carried (Page 35).
10. **Move to adjourn** by consent (Page 36).

## ATTENDANCE

### Board Members

Pat Keliher, ME (AA)	Roy Miller, DE (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Russell Dize, MD (GA)
Cheri Patterson, NH, proxy for D. Grout (AA)	Ed O'Brien, MD, proxy for Del. Stein (LA)
G. Ritchie White, NH (GA)	Lynn Fegley, MD, proxy for D. Blazer (AA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Steve Bowman, VA (AA)
Dan McKiernan, MA, proxy for D. Pierce (AA)	Rob O'Reilly, VA, Administrative proxy
Raymond Kane, MA (GA)	Bryan Plumlee, VA (GA)
Bob Ballou, RI, proxy for J. McNamee (AA)	Sen. Monty Mason, VA (LA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Mike Blanton, NC, proxy for Rep. Steinburg (LA)
Justin Davis, CT, proxy for P. Aarrestad (AA)	Steve Murphey, NC (AA)
Sen. Craig Miner, CT (LA)	Chris Batsavage, NC, Administrative proxy
Jim Gilmore, NY (AA)	Doug Brady, NC (GA)
Maureen Davidson, NY, Administrative proxy	Mel Bell, SC, proxy for Sen. Cromer (LA)
Emerson Hasbrouck, NY (GA)	Ross Self, SC, proxy for R. Boyles (AA)
John McMurray, NY, proxy for Sen. Boyle (LA)	Malcolm Rhodes, SC (GA)
Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)	Spud Woodward, GA (GA)
Heather Corbett, NJ, proxy for L. Herrighty (AA)	Doug Haymans, GA (AA)
Tom Fote, NJ (GA)	Krista Shipley, FL, proxy for J. McCawley (AA)
Loren Lustig, PA (GA)	Chris Wright, NMFS
Andy Shiels, PA, proxy for J. Arway (AA)	Mike Millard, 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

Jordan Zimmerman, Technical Committee Chair	Rene Cloutier, Law Enforcement Representative
Mari-Beth Delucia, Advisory Panel Chair	

### Staff

Bob Beal	Mark Robson
Toni Kerns	Jessica Kuesel
Kirby Rootes-Murdy	Mike Schmidtke

### Guests

Rachel Baker, NOAA	Nichola Meserve, MA DMF
Joe Cimino, NJ DEP	Derek Orner, NOAA
Pat Geer, VMRC	Jeffrey Pierce, MEFA
Deb Hahn, AFWA	Sara Rademaker, American Unagi
Jon Hare, NOAA	Jon Siemien, USFWS
Mike Luisi, MD DNR	Abden Simmons, MEFA
Chip Lynch, NOAA	Darrell Young, MEFA

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; Wednesday, August 8, 2018, and was called to order at 8:00 o'clock a.m. by Chairman Martin Gary.

#### **CALL TO ORDER**

CHAIRMAN MARTIN GARY: Good morning everyone. I would like to call to order the American Eel Management Board. My name is Marty Gary; I'll be your chairman for the proceedings this morning. The Vice-Chair for the American Eel Management Board is Lynn Fegley; Technical Committee Chair seated to my right is Jordy Zimmerman from Delaware.

The Advisory Chair is Mari-Beth DeLucia from Pennsylvania and the Nature Conservancy. We have two Law Enforcement Committee representatives. We have Mark Robson seated to my left, and also from Maine Rene Cloutier; and it's Major, correct, thank you Rene. Also a couple of fresh faces in our audience today, I know that the management board for menhaden yesterday was introduced, but it can't hurt to introduce a couple of our new folks around the table.

For Jim Estes of Florida, Krista Shipley is seated in the back representing Jim. Then to my left is Justin Davis; the new Connecticut Marine Director. Congratulations, Justin. Then for the Commonwealth of Virginia we have Bryan Plumlee, raise his hand and also we've got Senator Monty Mason. Welcome.

The most important introduction is our staff from ASMFC, Kristen Anstead who is our stock assessment scientist that helped us, and then Kirby Rootes-Murdy who is the species FMP coordinator for America Eel. They put in a tremendous amount of work for the meeting we have ahead of us.

Before we start last point, we have two and a half hours to get through our meeting this morning. If my math is correct we have ten presentations,

and we have seven votes to get through the Addendum. I will do my best to move us.

#### **APPROVAL OF AGENDA**

CHAIRMAN GARY: We'll start off with the approval of the agenda. Are there any modifications or additions to the agenda? Seeing none; the agenda is approved.

#### **APPROVAL OF PROCEEDINGS**

CHAIRMAN GARY: Next is the approval of the proceedings from the February, 2018 Board meeting.

Are there any modifications to those proceedings? Seeing none; the proceedings from the February, 2018 Board meeting stand approved.

#### **PUBLIC COMMENT**

CHAIRMAN GARY: Next is public comment for items that are not on the agenda. Kirby, did we have anybody that signed up? Nobody signed up so we'll move from there.

#### **UPDATE ON THE ILLEGAL GLASS EEL HARVEST IN MAINE**

CHAIRMAN GARY: All right, next up is an Update on the Illegal glass eel harvest in Maine. This will be co-presented by Pat Keliher and Rene Cloutier. Pat, I'll turn it over to you.

MR. PATRICK C. KELIHER: Good morning everybody. We are going to try to give some information here on what happened in Maine this spring. But I want to make it very clear that there is still a very, very active investigation going on in regards to the eel harvest. I will not be able to get into a lot of detail.

If you ask questions I'll probably have to defer to the Major; in regards to the investigation. But we may have to just say no comment at this time; depending on the question. This spring we started to receive some information in regards to the sale of glass eels with the use of cash. Cash

has been outlawed in the state of Maine for any transactions of elvers or glass eels.

As you all know, we've got a very good swipe card system in place. There is basically real-time monitoring of individuals quotas, and it has worked fantastic for the last several years. We deal with about 23,000 individual transactions during the course of the season; with very little problems associated with it, as far as technical issues.

Bluefin Data has been a fantastic partner in this; and it's worked great. We started hearing some rumors of cash sales at the end of the 2016 season; none of it was verified. About midway through this season we started hearing some additional rumors, and then Major Cloutier came to my office and reported to me that they had done a plain clothes sale, and that plain clothes sale confirmed the use of cash to go around the swipe card system.

Upon learning of that we expanded the investigation; and after about a week and a half time, after additional consultations with the Maine Marine Patrol, I used my emergency authority to close the fishery. I closed the fishery with over 600 pounds of quota left on the table; 600 pounds at \$2,700.00 a pound was a substantial economic hit to individual fishermen, but we did so to not only protect the resource but to protect the fishery.

To date, we have summonsed three different dealers, and issued 12 different tickets. This is an ongoing investigation as I said earlier, and the focus right now remains the harvester side of the equation, trying to determine which harvesters were selling for cash. We have a good list. That list happens to be just first names; names like Julie and Bob and Al doesn't really help us out a lot. But we're continuing to drill down on that. We have some tools available to us that are being utilized with our partnerships at the state police and with the FBI; because of potential money laundering issues associated with this. This is a fairly substantial investigation; and one that we're taking incredibly seriously and that I took

seriously with my actions to use my authority to close the fishery. With that I don't know if Rene has anything, the Major has anything he wants to add, but I would happy to try to answer any questions that somebody might have.

CHAIRMAIN GARY: Questions for Pat or the Major. Ritchie.

MR. G. RITCHIE WHITE: The three dealers, how many dealers are there, and are dealers all approximately the same size as to volume they handle or is there a wide variety of their volume?

MR. KELIHER: It's a wide range as far as volume that is handled. I would say there are four dealers that are the largest that probably deal with 60 to 70 percent of the overall amount of eels that are run through the swipe card system. I think we had 16, Rene, 16 active and 4 or 5 export. We have regular dealer licenses and then if you want to export them out of state, buy from the other licensed dealers and then export them out of state you have to buy an export license for the tune of \$5,000. There are five of those I believe that were active this year.

CHAIRMAN GARY: Additional questions. Go ahead, John.

MR. JOHN CLARK: Do you have an estimate of how much weight you were looking at here; in terms of how many glass eels this was and how it compared to your overall harvest?

MR. KELIHER: I've got to be careful how I answer this because of the investigation. There was just over 600 pounds of quota left, and the information that was brought to me by Marine Patrol based on estimates of cash sales, would have put us just at or maybe a tad bit over the quota.

CHAIRMAN GARY: Dan McKiernan.

MR. DANIEL MCKIERNAN: Pat, do you have reason to believe that there were permitted Maine fishermen involved with this, or were these non-permitted fishermen? If they were

non-permitted did some of the product maybe come from out of state?

MR. KELIHER: The information we have is they were all Maine licensed fishermen, permitted fishermen. We had some information. Did we have an out-of-state case this year, Rene? We did not have any out-of-state cases this year. We had some information that some licensed fishermen, tribal fishermen, may have gone out of state to try to bring product back; but there were no summonses issued.

Just to quickly add to that. The way they do this is having a swipe card and having a license, so when they're in possession of eels they're legal; because anybody without that license that possessed them on the way to that licensed dealer would have been illegal. What we're seeing is licensed activity here; not unlicensed.

CHAIRMAN GARY: Loren Lustig.

MR. LOREN W. LUSTIG: Could you please comment about the severity of the repercussions that the law would provide, if indeed we are presented with a guilty verdict? Is it sufficient pain that it is not just viewed as the cost of doing business?

MR. KELIHER: Those are all criminal, correct Rene? If you bypass the use of the swipe card it is actually a felony in the state of Maine. It's a \$2,000.00 fine, potential jail and a one year loss of license. But in Maine it is two strikes and you're out. If you have two violations in regards to the elver fishery, you lose your license permanently. It's a fairly strict penalty. One of the provisions that we are going to bring forward is a one strike and you're out penalty; so if anybody is caught going around the swipe card system, you would lose your license automatically for life.

CHAIRMAN GARY: Are there any additional questions? Before we move on there is one gentleman that came down from Maine who would like to speak; and I would like to provide him that opportunity. This is Representative

Jeffrey Pierce, representing the Maine Elvers Association. Jeff, if you could approach the public microphone, and if you could keep your comments to about two minute that would be appreciated.

MR. JEFFREY PIERCE: Good morning. My name is Jeffrey Pierce. I am here today on behalf of the Maine Elver Fishermen's Association. As many of you know the Maine Elver Fisheries had a few problems this year. However, the swipe card system did work. Some buyers tried to evade the system; but once this misconduct was suspected, law enforcement officials were able to compare dealer inventories to the electronic system to prove illegal activity.

This illegal activity was then stopped by Maine Marine Patrol. I am here today to assure this Board that the Maine Elver Fishermen's Association is dedicated to make sure that no illegal fishing or sale is in this fishery. We are currently working with the Department of Marine Resources, DMR, and members of the Maine State Legislature to strengthen the laws for exporters and dealers alike, to be in place for the 2019 season.

The Maine Elver Fishermen and women hope this Board takes into consideration all the hard work that has been done over the last five years in Maine; to make this fishery one of the most compliant on the eastern seaboard. Going forward with Addendum V, we ask this Board would choose Option 2 for the glass eel fishery for 11,749 pound quota, and we hope that Option 2 for the aquaculture fishery is approved. I will happily answer any questions at this time.

CHAIRMAN GARY: Thanks Jeff. Are there any questions for Jeff? All right, thank you Jeff, appreciate your comments.

**CONSIDER ADDENDUM V FOR FINAL APPROVAL**

CHAIRMAN GARY: Now we'll move on to our next agenda item, which is Consideration of Addendum V; which will be comprised of six

motions we'll need at the end, including one to approve the document.

Before we start, there were two supplemental materials, well one supplemental material, a letter from the state of Maryland outlining the results of their voluntary actions in 2017 to reduce harvest that resulted in, I believe, a 6.9 percent reduction. Hopefully everybody has had a chance to take a look at that.

Then Mitch Feigenbaum sent an e-mail to the Board members weighing in on his thoughts on aquaculture pooling options.

### **REVIEW OF OPTIONS AND PUBLIC COMMENT SUMMARY**

CHAIRMAN GARY: Hopefully everybody has had a chance to look at those. We're going to break down this discussion into three bullets. Kirby will start by reviewing the options and the public comment summary; that will be followed by reports from the LEC, the TC and the Advisory Panel. Kirby, I'll turn it over to you.

MR. KIRBY ROOTES-MURDY: As Marty mentioned, we have a lot to go through this morning; so I'm going to try to go through public comment as quickly as possible. In terms of my presentation outline, just a quick reminder of the status of the stock of the resource, I'll give you all information regarding preliminary 2017 landings data that we have. Then I'll go through the public comment and the management options. As you are all aware, we had a 2012 stock assessment, benchmark assessment that found that the resource is depleted. In 2017 we went through a process of updating the trend analysis for a number of those surveys; as well as looking at the landings data. The Stock Assessment Subcommittee once again reaffirmed that the resource is considered depleted.

In terms of 2017 yellow eel landings, based on the information we have as of July of this year, the coastwide total was 851,637 pounds; which is below our current coastwide cap of 907,671. I've included most of the states on this table up here,

not all states. Some that are not listed either have confidential data or their landings information is considered very preliminary and may change from this point on.

It should be noted that all these landings are preliminary; so they may change slightly between now and this time next year. All right so going over the public comments. The overview, we had 13 public hearings, about 145 attendees, and nearly all those attendees provided public comment.

In terms of written comment, received 104 total. There was one form letter that constituted the bulk of that; 87 signees on that form letter. There were nine organizational letters and seven from individuals. I'm going to go through each of these options that are in the document, and then the public comment specific to it.

For Maine's glass eel quota, as you all are aware there are two options right now. Status quo is maintaining Maine's glass eel quota at 9,688 pounds. Option 2 would increase it to 11,749 pounds; that was what their quota level was in 2014. In terms of the public comment, a majority of those who provided comment were in favor of Option 2.

It should be noted that much of those comments that were in favor of it came from the combined Maine public hearings. There were two public hearings in Maine, and for this table on the screen right now I combined both of them together. Reasons that were cited were many; specifically in their eyes the resource is not considered depleted that the swipe card system is working well, and the removal of dams in the state has opened up habitat and improved fish passage.

I recommend that you all if you haven't to read through the public hearing summaries for both public hearings that took place in the state of Maine. Most of the comments that were in favor of Option 1, status quo, came from the form letter; and they cited the stock assessment and the current total removals of eels as reasons for

maintaining the current quota. I will note that for the subsequent options for the yellow eel fishery, those kinds of comments or reasons were cited for that form letter many times.

The next issue item was the proposed options for the glass eel aquaculture plan provisions; there are two options under this item. The first is to either stay status quo that would be Option 1. Option 2 is to change the provisions, as you all are aware, to allow pooling up to 600 pounds for three contiguously bordered states, as well as remove the language specific to where those glass eels are harvested from and what their contribution is to the overall stock. In terms of public comment, a majority of the comments were in favor of maintaining the status quo. In terms of the public hearing comments, most of them came from Maine's public hearing. In terms of those that were in favor of pooling, they noted for the state of Maine that it would provide more stability in the elver fishery; as well as an aquaculture facility could possibly offset some of the need for glass eel harvest.

Again, I recommend reading through the public hearing summary for that. In terms of those that were in favor of Option 1, again they cited the stock assessment current removals as being a main consideration for why the status quo provisions should stay in effect. Next I'm going to go through the yellow eel options.

Remember that there are four different issue items under the yellow eel management and subsequent options under each of them. The first one is the coastwide cap. As you are aware there were four options. The first one was to either stay at the status quo of 907,671 pounds. That is what our current cap is at.

Option 2 would set the cap at 943,808 pounds, which is the median of the 1998 to 2016 landings level. Option 3 would set the cap at the mean of 1998 to 2016 landings, which would be 951,102 pounds, and then Option 4 would set the cap at 836,969 pounds, which is about a 12 percent reduction from the time series average, 1998 to 2016.

In terms of public comment on this issue item, the majority were in favor of Option 3. As you can see, most of the comments that spoke in favor of that came from the public hearings. Reasons that were cited included that the overage in landings for 2016 relative to the coastwide cap should be seen as a sign of abundance, and that increasing the cap is warranted based on that.

This option was the highest coastwide cap option available and that the current abundance of eels in certain parts of the coast, such as the Delmarva Region, has created some problems for fishermen who use crab baits. The prevalence of eels is providing some challenges for them. The second most popular option, in terms of public comment was Option 4.

As you can see, much of that came from the form letter. Again, reasons that were cited focused on the stock assessment and the removals of eels at all their life stages. Next issue item was management triggers. There were three options under this. Option 1 was status quo. As you're aware, we have two components of the management trigger right now; either exceeding the coastwide cap by 10 percent in a given year, or exceeding it for two consecutive years regardless of the overage.

Option 2 is to move to just having that one year exceedance of 10 percent as the trigger, and Option 3 is a two year exceedance of 10 percent as a trigger option. In terms of public comment on this, the majority of comments were in favor of Option 3, the two year trigger. Reasons that were cited were that it would provide the most flexibility and leniency in terms of evaluating the coastwide cap.

The second most popular option, in terms of public comment, came from the form letter; and it was specific to Option 1, maintain the current management triggers. The reasons cited for that were that the management triggers are sufficiently monitoring the resource currently, and may be a better proxy for determining if overfishing is happening. Next issue item is allocation. Remember there are five options

under this. I will try to go through these as quickly as possible. Option 1 as you're all aware, this is what the state-by-state allocations would be under Addendum IV if we went to state quotas.

Option 2 has two suboptions, and both of these would do away with having state-by-state quotas. Option 2A would create an equitable reduction scenario, where all states would have to take a reduction. Option 2B would apply a 1 percent rule, so those states that harvest less than 1 percent of the coastwide total would be held harmless, and those states harvesting above that would be responsible for the reduction.

Option 3 offered a modified set of quotas off of what was in the Addendum IV. There was specific criteria focused on landings in recent years, the last five years, and those minimally contributing states or those states that currently have 2,000 pounds would see their quota reduced. Whereas those states that have a higher harvest in recent years would see more of that quota go to them.

Option 4 had two suboptions; these were time series averages of yellow eel landings. Option 4A would set quotas based on the last ten years from 2007 to 2016. Option 4B would set quotas based on average landings over the recent five years. Then Option 5 similarly had two suboptions.

This approach would take a weighted time series average; so 50 percent would be devoted to the full time series of 1998 to 2016, and then the other 50 percent would be to either the most recent ten years or the most recent five years. For this option, or this issue item, we received probably the most dispersed comments.

The majority was in favor of Option 5B, but as you can see there were a number of comments that were also in favor of Option 4B. In terms of reasons cited for selecting or choosing these options, almost all public comment focused on, the option either gave their state the best quota

scenario, or it provided their state and others the potentially best quota option available.

The last issue item was the transfers. Option 1 would maintain that there is no ability to transfer quota if we went to a quota system after the calendar year ended, so after December 31 no transfers would be allowed. Option 2 would allow for transfers to extend up to 45 days after the season ends, so February 15. This is similar to what is in place with the black sea bass fishery management plan.

In terms of public comment, there were an overwhelming majority of people in favor of Option 2, extending the quota transfer provisions if we went to state-by-state quotas to allow up until February 15 for those to happen. Most of the reasons cited were the increased flexibility this option afforded the states, and doing the accounting and ensuring that they stayed within their quota. That wraps up the public comment that we received on this Addendum. I just have this slide up here now to show again that when we get to the Board's consideration of this draft Addendum V, this is the order we're going to go through each of these issue items, and then in turn vote on options on them. With that I'll take any questions.

CHAIRMAN GARY: John Clark.

MR. CLARK: Not so much a question, but a comment. You had up there the cap at 907, yet that has been revised to 916, right? At the hearings you told people it was 916,000 pounds was the actual status quo.

MR. ROOTES-MURDY: No, I didn't. What the 907,671 is the status quo. We can't revise a status quo based on new landings data. If you look at the same timeframe that was used to make that coastwide cap of 907, the updated data is now showing that that would be 916,000. If the Board wanted to select a coastwide cap option that differed from these, because of the range they could select 916,000, but it's not what the new status quo is. Does that make sense?

MR. CLARK: Okay, I got it. In other words, if we vote on straight status quo here it would still be 907; but if we wanted to use the actual revised status quo, which is the actual landings, it would be the 916, got it.

CHAIRMAN GARY: Jim Gilmore.

MR. JAMES J. GILMORE: Kirby, on the slide for the 2017 harvest you said that you didn't have all the landings, and some of them were still I guess estimates. I guess you're feeling that we're going to stay under the cap, or do you have any idea if we're going to go over it or not?

MR. ROOTES-MURDY: The states that we don't have landings on this table right now are Massachusetts, South Carolina and Georgia. South Carolina and Georgia have generally very, very low harvest of yellow eels. Massachusetts in the last ten plus years has had a very low harvest as well. I can't say whether or not that any of these state landings would be significantly revised; but based on the information we have right now, it doesn't appear that the coastwide cap would be exceeded for this year.

CHAIRMAN GARY: Further questions for Kirby? Rob O'Reilly.

MR. ROB O'REILLY: On that same theme. Kirby, can you comment on, there was a working group that met several times through conference calls, and one of the things that occurred was a revision, which I think about half the states needed to revise their landings. The reason I bring that up. Throughout the document there are certain elements of the Addendum which speak to the fact that it's a little different for American eel to gather those landings.

Although ACCSP helped an awful lot, and got us to the point where we finally all had landings that were in some cases, for about half the states I think, different from what is in Addendum IV. Nonetheless, this situation for American eel is one where in some states for example, it is not a marine waters situation. I'm just wondering if you can, I'll talk about that later too. But can you

comment on the process that was gone through with the working group to finally resolve what the landings actually were?

MR. ROOTES-MURDY: As Rob mentioned there was a working group that was formed to help develop this draft Addendum, and so last year 2017 in the fall through the early part of 2018, we went through a process of asking all the states to confirm the landings information that was laid out in Addendum IV, so the previous addendum. The states went through a process of being contacted by ACCSP to validate those landings.

For a number of states, including Virginia, it was determined that there was landings data that had not been considered before because of the inland fisheries versus marine fisheries agencies. There were a few states that saw their landings changed quite a bit; for others it was not significant. We have been working to get those updated landings into ACCSP, and so as of now we have the most up to date information we have on the yellow eel landings.

CHAIRMAN GARY: Additional questions for Kirby? Next up will be reports from the LEC, TC, and the AP. We'll start off with Mark Robson for the LEC. Mark, if you could take it over.

#### **LAW ENFORCEMENT COMMITTEE REPORT**

MR. MARK ROBSON: Good morning everybody. The Law Enforcement Committee had a teleconference on June 28. We provided written summary to you for the reading and some more details, so I'll just go over the highlights. But with regard to the Addendum, we focused our comments on two of the key issues for law enforcement questions; the first being the changing of the glass eel quota.

The Law Enforcement Committee consensus was that it had no real specific concerns regarding raising the quota or leaving it where it was that would impinge on any enforcement resources or capabilities. With regard to the aquaculture provisions, there were a lot of questions and some confusion about the proposal to have a

pooled aquaculture harvest allowance of 600 pounds for multiple states.

Given the nascent character of this industry, and the fact that it's currently only two states have any kind of legal harvest at this time. However, there weren't any necessarily complicated enforcement issue that we could foresee as a result of allowing this pooled harvest among contiguous states.

There could be some enforcement problems in those states where eels are being harvested and then moved across state lines to a facility as part of the pooled quota; particularly if that state didn't have any otherwise legal harvest. At this point they didn't foresee any overwhelming problems that couldn't be addressed. I think that really addresses the two main issues with regard to the Addendum, Mr. Chairman.

#### **TECHNICAL COMMITTEE REPORT**

CHAIRMAN GARY: Questions for Mark. All right then, we will then turn the next presentation to the Chairman of the Technical Committee, Jordy Zimmerman from Delaware, to provide the TC report.

MR. JORDAN ZIMMERMAN: Hello everyone. We met back in July to discuss Addendum V and a couple other issues; among those Maine's aquaculture proposal. Generally the TC recommendations regarding draft Addendum V. We discussed the language regarding maturity in the yellow eel fishery, a statement that was in the Addendum in your meeting materials, harvest overages, aquaculture pooling across states, and the language regarding minimal contribution regarding the aquaculture plan. The first issue before us that we discussed was the following statement. American eels reach maturity at a younger age and smaller size in estuarine water than in fresh water.

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. The TC recommended finding a different citation for the first statement, as the

cited work from John Clark who is a board member with us today, described landings information but did not address sex or size at maturity. I think there were some inferences made there. John, if you care to speak to those.

MR. CLARK: Yes, exactly Jordy. What I had done in the discussion, of course it's correct. I did not actually specifically address sex or size at maturity. But based on the information that I did get from the landings information about their sizes, and the ages we were seeing in the catch.

I made inferences in the discussion that the reason that we saw so few older eels in our estuarine catch is that they were maturing at those ages. That was all based on inference, and it was just because I had very little time to get this together for the Addendum. I did not do a full literature search. I'm sure there are other papers out there that might be better at addressing this concern.

MR. ZIMMERMAN: Yes, and I think there were several TC members that understood what you were saying and agreed with it. You know I looked around a little bit and there is some research that specifically deals with this; although I did not come across anything from the Mid-Atlantic region, but we can continue to look into that.

Regarding harvest, the TC was unable to assess the impact that yellow eel harvest overages or increased Maine glass eel quota would have to the resource. The TC generally recommends no increases to landings; given the most recent stock assessment update. Regarding these overages of the cap, the TC felt that seasonal restrictions could be used to address overages; and should be viewed on a case-by-case basis to determine the reason for overages, and potentially address them with one or more jurisdictions as appropriate.

I think most of you are probably familiar with some of the actions Maryland put in place this past year; to ensure we didn't go over the cap. That is generally what I'm referring to and the TC

is referring to in this statement. Pooling of harvest for aquaculture purposes, the language in Addendum V did not clearly specify that states can only contribute 200 pounds to 600 pounds of glass eel harvest.

It could potentially come from one state, the entirety, 600 pounds in its entirety. Again, we defer to the general feeling on the TC that given the stock status, any increase in landings at any life stage could negatively impact the stock. The TC also believes that the term “minimal contribution” in regards to the aquaculture plan; it’s too vague.

We have difficulty evaluating that when we’re asked to comment on these proposals. We crafted language to include in Addendum V in place of this afore mentioned language. I’m going to take the time to read this to you. Specifically, states in jurisdictions may develop a plan for aquaculture purposes. Under an approved aquaculture plan states and jurisdictions may harvest a maximum of 200 pounds of glass eels annually from within their waters for use in domestic aquaculture facilities. Site selection for harvest will be an important consideration for applicants and reviewers.

Suitable harvest locations will be evaluated with a preference to locations that have 1. Established or proposed glass eel monitoring. 2. Are favorable to law enforcement; and 3. Watershed characteristics that is prone to relatively high mortality rates. Watersheds known to have features such as impassable dams or limited upstream habitat, limited water quality of upstream habitat and hydropower mortality that would be expected to cause lower eel productivity, and/or higher glass eel mortality, will be preferred targets for glass eel harvest.

This is not an exclusive requirement, because there will be coastal regions with interest in the eel aquaculture where preferred watershed features do not occur, or are not easily demonstrated. In all cases the applicant should demonstrate that the above three interests were prioritized and considered.

We were given an update on the Maine Life Cycle Survey. Their location is the Cobbosseecontee Stream. Sampling gear for each life stage, with glass eels it was fykes, and they were located near the confluence with the Kennebec River, and they also monitored an eel ramp at the first dam. There are a total of three dams on this stream.

For the yellow life stage, it was a combination of baited pots and electrofishing. For the silver stage, again they employed fykes and some DIDSON monitoring at one of the dams. Some of the results, they had good catches of glass eels in both gear types. Yellow eel catches were better in 2017. They had made some modifications from 2016 to their sampling gear to reduce escapement.

No silver eels were captured in fykes nor identified from DIDSON monitoring. Three dams on the lower portion of the stream, which I mentioned previously, appear to be limiting eel expansion and catch further upstream. Sampling is planned for 2018, but may be impacted with some in-water work throughout the Basin; namely a bridge replacement and a siphon hose associated with that at West Harbor Pond.

The TC was satisfied with Maine’s effort in conducting the survey. We had one recommendation and that was increasing the number of pot sets and reducing the set time from 48 to 24 hours; to generate more useful CPUE and mark recapture data. I would like to expand on that just a little bit, because it is somewhat confusing.

Reducing soak time to generate more useful CPUE data, for those of you that aren’t familiar, baited pots in the eel fishery, once the bait is gone the eels start to leave the pot. The TC thought that reducing soak time may take care of that issue and give us a little bit better data on that. With that I’ll take any questions.

CHAIRMAN GARY: Thank you, Jordy for your report. Do you have any questions for Jordy? Pat Keliher.

MR. KELIHER: Jordy, thanks that was a great presentation. This is just a comment on your last slide. The recommendations for the TC on the Maine Life Cycle Study, we've accepted those recommendations and have already started to implement those this year.

CHAIRMAN GARY: I've got Rob O'Reilly and then Dan McKiernan.

MR. O'REILLY: One question is, the Technical Committee recommended no increase in landings, and we now know that the Addendum IV landings were incorrect. Was there a discussion about which set of landings that applied to? That is one question.

MR. ZIMMERMAN: We did not discuss that during the call.

MR. O'REILLY: Okay, second question if I may, Mr. Chairman. A different question is you just had information up about CPUE. Can the Technical Committee if they have data from a lot of the states, determine the difference between availability and abundance through CPUE? The reason I ask, I don't think in Virginia we have really, we're working on it.

We haven't really submitted catch per trip, catch per harvester over time, and then further you would want to look at the seasonality. Is there a way that depending on the seasonality, the months in the season that the Technical Committee would be able to tell us what is a distinction between abundance through CPUE and just availability?

The reason I'm asking is when I look through the Addendum V, it does at some point the states are going to have to figure out ways on a case-by-case basis the way it's listed in the document, to figure out what are the best methods to reduce harvest. Certainly if the Technical Committee can better in the future tell us about how to use CPUE, and Maryland seems to have gotten a leg

up on this with what they did in 2017 to reduce. Then we might be able to better manage our efforts that way. Has there been any discussion about that in the Technical Committee?

MR. ZIMMERMAN: We have not. To answer your question, this is my opinion. Since we have not discussed this at the TC level, I think Maine's Life Cycle Survey represents a little bit different situation than CPUE that is calculated from the commercial fishery. We have different variables that effect CPUE in the commercial fishery, fishing power and knowledge of the fishery, different bait types would probably be first and foremost, actually.

With this Life Cycle Survey, baited pots and conducted by fisheries biologists, bait can be standardize, soak times can be standardized. Conceivably we have less issue with the accuracy of the reporting. I think it's a start. I think the hurdle would be trying to get some kind of standardization in the commercial fishery, regarding reporting this type of information.

CHAIRMAN GARY: Dan.

MR. MCKIERNAN: In the Draft Addendum V there was two options under the glass eel for domestic aquaculture development; one is status quo and the other is pooling. But you appear to present a TC improvement over what's in Addendum IV. I guess my question is to Marty. Is it possible for us if we were to vote status quo under 3.2 that we could also adopt the new TC language? Is that the intent?

MR. GARY: That would need to be specified in the motion though, Dan. Additional questions for Jordy? John.

MR. CLARK: Thanks for the presentation, Jordy. Just a clarification on the language that was suggested by the TC for the Life Cycle Survey, you say that the harvest locations should have established or proposed glass eel monitoring. You're not talking about like the sites the states are already using for glass eel monitoring, or this would be just a site that even if they're taking

glass eels from there they would have to monitor the site?

MR. ZIMMERMAN: If I recall accurately, and Kirby or Kristen, correct me if I'm wrong; as they were on the call too. I think the general thought was if there is already a monitoring site established there, maybe that would help us deduce if this 200 pounds would be impacting the current stock, the current abundance in that particular watershed or river.

MR. CLARK: I guess follow up. In other words, a site that a state has been monitoring, if it met the other conditions you would recommend that as being a place to take the 200 pounds of glass eels for aquaculture?

MR. ZIMMERMAN: I think ideally yes, if we have some monitoring going on in that river to maybe offer ancillary information and inform this decision a little bit more; and the impacts of that decision.

CHAIRMAN GARY: Any final questions for Jordy? All right, thank you Jordy for your report.

#### **ADVISORY PANEL REPORT**

CHAIRMAN GARY: Our next report is Mari-Beth DeLucia for the American Eel Board Advisory Panel, Mari-Beth.

MS. MARI-BETH DeLUCIA: Hello. The AP met by phone on June 28, to talk about Addendum V, the Maine Aquaculture Proposal, and also to receive some updates on an international eel workshop. I'll just talk about the Draft Addendum V here until the next round. The Maine glass eel quota, one thing I probably should point out is there were only three AP members on the call.

I kind of split it out, since it was pretty easy to split out the options. Two members were in favor of Option 1, the status quo of the 9,688. There were some concerns about the poaching with the news of the illegal harvest, and also that raising the quota would go against the advice to reduce mortality on all the life stages from the 2012 stock assessment.

One AP member was in favor of Option 2, raising the quota to 11,749 pounds. They stated Maine's quick response in dealing with the illegal harvest, and that Maine has a good handle on the fishery. For glass eel for the aquacultural provisions, there was unanimous support from the AP for pooling of the aquaculture harvest allowance. The AP suggested it would spread the impact, and that 200 pounds are just not enough for a business to operate sustainably. There were some concerns noted that frustration that Option 2 did not include states pooling to complete a new Life Cycle Survey. I think they felt that Maine has to do it and that the wording didn't suggest that the other states pooling would have to do that Life Cycle Survey. Kind of following on the Law Enforcement Committee, the enforcement to transfer across state lines was a concern and how that would be handled. For the yellow eel the coastwide cap, two members supported Option 4, the 12 percent reduction of the time series from the 1998-2016 landings.

It's in line with the previous recommendations of the TC in 2014, and in light of the 2012 stock assessment. Both AP members second choice if Number 4 wasn't chosen would be Option 1, the status quo. One AP member supported Option 3, suggesting the historical fishery averaged closer to 2 million pounds annually, and genetics research indicating a significant breeding population.

Their second choice would be Option 2, median of the 1998-2016 landings. Regarding yellow eel management triggers, all AP members supported Option 3, the two-year exceedance of the coastwide cap by 10 percent. We all felt that it would buffer fluctuations in landings and make it easier for the states to manage the fishery.

State allocations on the yellow eel, one AP member indicated the preference for Option 1, status quo, and a strong opposition if I recall to Option 2. The other two AP members, including myself, had no preference due to the complexity. It made my head hurt to read it. Regarding the yellow eel transfer. All three e-mails supported Option 2, extending the quota transfers until

February 15, allowing more time for overages and get quota transfers; allowing the states more flexibility, basically. That's it, questions?

CHAIRMAN GARY: Questions for Mari-Beth? Lynn Fegley.

MS. LYNN FEGLEY: Just out of curiosity, can you elaborate on the reasons why the strong opposition to Option 2, which I believe is the no state-by-state quotas?

MS. DeLUCIA: which one was it, I'm sorry?

MS. FEGLEY: I think it was on the allocation, and it was strong opposition to Option 2, I think is what your slide says. That would have been Issue 3.

MS. DeLUCIA: It wasn't me. Do you remember, Kirby? I don't.

MR. ROOTES-MURDY: I don't recall.

MS. DeLUCIA: I don't remember a reason, just a strong opposition to it but I don't remember why.

CHAIRMAN GARY: John Clark and then Dennis Abbot.

MR. CLARK: Thank you, Mari-Beth. I was just curious. I didn't catch if you said it. The three people who were on the call, what is their relationship to the eel resource?

MS. DeLUCIA: Sure, one was Mitch Feigenbaum, and the other one was Dave Allen from Maine, and me.

CHAIRMAN GARY: Dennis.

MR. DENNIS ABBOTT: Thank you Mari-Beth for a good report. The one thing that struck me was the fact that you only had three folks, and I was wondering if Kirby or yourself could tell me how many members are there on the AP at the present time, without me looking it up.

MR. ROOTES-MURDY: Yes, I would have to look it up, but all states within the management unit, whoever declared interest, have the ability to have an AP member, Ball Park, at least 15.

CHAIRMAN GARY: Other questions for Mari-Beth? All right, thank you Mari-Beth for your report. Before we move into consideration for final approval of draft Addendum V, I do want to give the Board members one last bite at the apple to ask questions of Kirby, Mark, Jordy or Mari-Beth.

Just realize that this is your opportunity to assimilate information, get your questions answered. Once we shift into this next part, we want to focus all of your energy toward hopefully developing some motions to address these different options. I just want to give you one last chance if you haven't gotten a question answered. Justin.

MR. JUSTIN DAVIS: This is a question for the Technical folks. You know I understand when it comes to assessment of this species we're in kind of a data limited situation; and that there has been a recommendation to reduce harvest at all life stages.

I'm wondering if there is anything from the assessment or the literature that was reviewed as part of the assessment that would give any indication of whether future population status would be more or less sensitive to harvest at different life stages. For instance, would increased harvest at the glass eel phase versus the yellow eel phase be more likely to keep the population at a depleted status, or is there just no way of knowing?

MR. ZIMMERMAN: I think I understand what you're saying, and if we're going to exert more effort in one direction or the other regarding the eels life history and life cycle. I think there are plenty of people that could argue all three stages, argue for or against. But I think not taking the easy way out here, but I think it would be really hard to determine whether you're taking young of the year, whether you're taking something like

a silver eel that may have spent you know 20 or more years in a freshwater habitat.

We don't fully understand the impacts that the eel parasite, the swim bladder parasite is having. Would we be saving all these silver eels just to not make it back to the Sargasso and spawn? I mean interesting question, but one that I wouldn't feel comfortable giving you a definitive answer on.

CHAIRMAN GARY: I have Lynn Fegley.

MS. FEGLEY: Thank you to you all, and I'm not actually sure exactly who this question is for, but I'm still trying to wrap my head around the aquaculture pooling; and the glass eel piece remains a little bit mystical to me. I wonder in the aquaculture, is it difficult to purchase those glass eels from the current glass eel harvest in Maine? Maybe it's a question for Pat. Why is it necessary, I'm just wondering what is the advantage over the pooling of states to just purchasing those eels for aquaculture from harvesters in Maine?

MR. KELIHER: Lynn, I think some of those questions will be answered during the presentation on the Maine Aquaculture Proposal. It's not difficult to purchase those eels, it's just damn expensive. That is sort of what it comes down to. I think the idea is to, with these whether pooling or buying, just dealing with one state. The idea is to be able to, I hate subsidies, but subsidize an operation to help get it off the ground and get it moving forward.

CHAIRMAN GARY: Mike.

MR. MICHAEL BLANTON: Before we jump into the Maine glass eel quota issue. I guess I have a question, a clarification question for Kirby or maybe Toni about FMP convention. It's not so much about the quota itself, but about overages. If I refer back to Pat's presentation about the situation in Maine, it sounded like they had evidence that there was an issue last year also.

I know it's not useful sometimes to talk about hypotheticals, but for clarities sake. If the

investigation were to show that a significant harvest occurred in 2017, illegal harvest that resulted in an overage of their 2017 quota. I don't know, I guess I'm asking for clarification. If an overage is documented, and a large component of that overage is an illegal harvest, is a state held responsible for that or accountable for that in the next year, or are they indemnified against the penalty for illegal harvest that is well documented?

MR. ROOTES-MURDY: I'm trying to pull up right now Addendum IV, but my understanding is that the quota provisions generally are that if there is an overage it's a pound for pound payback. Where it gets a little confusing is regarding whether this is illegal harvest that's happening. We have this for a number of fisheries where if a legal harvest of say summer flounder, or say black sea bass are counted against the state's quota. We don't normally do that. But I'll maybe look to Toni if she has any other additional thoughts.

MS. TONI KERNS: We actually talked about this a little bit at Executive Committee, and it depends on the state. Some states will put illegal harvest towards their state quota, and others do not. It's something that we're going to collect information on what each state does, and then come back and have a conversation, including in that conversation NOAA.

Potentially the Fish and Wildlife Service, and particularly NOAA though for those species that are jointly managed. I would turn to Pat to ask him if the landings will be counted within the state's quota, because if it is then it would be a pound-for-pound overage. Since the '18 fishery has already occurred, then it would come out of '19s quota once we had the final information.

CHAIRMAN GARY: Pat.

MR. KELIHER: Thanks for the question, Mike. When Marine Patrol seizes any illegal eels, Marine Patrol Officers actually carry a swipe card. Because we don't know the source of those eels, and for bio-security issues if they came from out

of state from waters where we don't want bad stuff brought into the state of Maine.

We actually swipe those cards and actually sell them and libel that product. Those eels are then counted towards the overall quota. The situation that we had last year, it is as I said earlier, it is an estimate and I closed the fishery. We could have gone, you know we could have gone over there is no question.

But it is not known. If the investigation leads to a point where we have direct evidence of that weight, then we would report those eels as part of the catch, even though they were around the swipe card system. If we are over, then we would deduct that overage from the following year; as the FMP states.

CHAIRMAN GARY: Tom Fote.

MR. THOMAS P. FOTE: Toni, I'm happy to hear that we're basically doing that. We've had this problem ongoing, whether it is summer flounder, whether it is striped bass or dealing with illegal catches, and where do we basically take the quota off? Most of the time we just forgive it, especially the large ones where there was one a couple a million pounds, so we really need to figure out how we're going to deal with those issues.

CHAIRMAN GARY: Additional questions. John Clark.

MR. CLARK: This is just following up on the glass eel issue. I've been thinking about that contiguous states, and I saw that I think a lot of the attendees at the hearings were fine with the idea of states pooling quota. But I know informally I've heard that it probably wouldn't be real popular.

Like for Delaware to give 200 pounds to another state, Maryland, New Jersey or whatever. I'm just curious, for example with Maine. I saw New Hampshire and Massachusetts didn't have public hearings on this. I'm just curious if those states, if they were approached about 200 pounds of

glass eels going to Maine, if they would be favorable to something like that.

CHAIRMAN GARY: Cheri.

MS. CHERI PATTERSON: New Hampshire currently has rules in place that don't allow the harvest; so we would not be able to participate in that process.

CHAIRMAN GARY: Thanks, Cheri. Dan, did you want to comment on the Commonwealth, their perspective?

MR. McKIERNAN: Well, same deal. We have a \$10,000.00 fine for the possession of any elvers, so we wouldn't be able to harvest them. The question is would we do it on paper? We would have to take that back to our Commission.

CHAIRMAN GARY: Does that answer your question, John? All right, last call for questions. Ross.

MR. ROSS SELF: That pooling question sparked something, a fault, something Dan said. If three states were to pool their 200 pound aquaculture allocation, I guess the question is it expected that those 200 pounds of glass eels would come from each of those three states physically, or would one state be able to take 600 pounds from their territorial waters?

CHAIRMAN GARY: I'll turn this to Kirby.

MR. ROOTES-MURDY: Ross, as I think you're aware, the draft Addendum V leaves open the possibility that if this option were to be approved, those three states could determine how they wanted to handle that harvest. If they wanted to have it all take place in one state they could do that. If they wanted to have it spread across each of those three states they could also do that. It would be at those state's discretion what they want to put forward in a proposal for the Board to consider for approval.

MR. SELF: Thanks, Kirby.

CHAIRMAN GARY: I would like to move on, and given the time. We've been on schedule for the most part but go ahead and wrap up and move on to the next step, which is consideration of the final approval for Draft Addendum V. Before I do that just thank you to Mark, Jordy and Mari-Beth for their hard work, and also I was remiss in providing acknowledgements.

Rob O'Reilly reminded me that there are a lot of folks on the Board that contributed their time to the workgroup that met on multiple teleconferences to put together draft Addendum V for our consideration today. My final miss today was Sarah Ferrara is here for Representative Sarah Peake; so I wanted to welcome and thank you for your attendance.

#### **CONSIDER FINAL APPROVAL OF ADDENDUM V**

CHAIRMAN GARY: We'll move on to consideration of draft Addendum V. Again, we want to focus our energy on putting together – hopefully our questions have been answered – and developing some motions related to the options specifically. The first one up will be Under Section 3.1 proposed options for Maine's glass eel quota. We've got a couple of different options there, status quo, and we had one for Maine quota Option 2 of 11,749 pounds. I look for some proposal. Pat.

MR. KELIHER: I have a motion that I sent to staff; if we can get it on the board. If I get a second I'll give that some rationale. **Move to conditionally approve Section 3.1, Option 2: Increase Maine's Glass Eel Quota to 11,749 pounds, pending the strengthening of Maine laws governing the elver fishery.**

**Changes shall include but not be limited to, the chain of custody of elvers from harvest to export, thus ensuring the swipe card system cannot be bypassed. Maine would be required to report back to the Law Enforcement Committee; which would make a recommendation to the Eel Management Board at the 2019 summer meeting for Board consideration.**

CHAIRMAN GARY: Do we have a second to that motion? John Clark. Go ahead, Pat.

MR. KELIHER: There is a lot of history here. There is also a lot of new Commissioner's around the table since we've started to debate this issue. Maine has had a glass eel fishery for more than 40 years; and in fact because of the importance of this fishery locally, we ended 98 percent of our silver eel fisheries in the '90s.

Later in the '90s, we thought the gold rush had hit when the prices jumped to \$300.00 a pound for elvers. We're now at \$3,000.00 a pound for elvers. Maine responded back in the '90s by creating a limited entry system, controlling the amount of gear. In fact that resulted in 75 percent reductions of both licenses and gear.

Prices then dropped back to around \$50.00 a pound; and then the fishery went quiet. In fact people actually gave up their licenses during that timeframe. But you fast forward to 2012, Maine glass eel landings hit an all-time high of 21,610 pounds. I will be very frank here; it was probably closer to 40,000 pound, because of the cash sales associated with this fishery.

Maine spent a tremendous amount of time and energy tightening up the laws and regulations around this fishery; to ensure that the poaching problems were taken care of. Over the next two years we worked in concert with this Board. The Department of Marine Resources responded by instituting a voluntary reduction of 35 percent from the 18,000 pounds that was landed in 2013; and established a glass eel quota of 11,749 pounds, which we're asking to go back to today.

Maine instituted individual fishing quotas. Penalties were removed from civil and moved up to criminal. The two-strike provision that I talked about earlier was put into place; and we now have the ability to permanently revoke licenses. We now have a system in place that was bypassed this year; but it is one of the strongest reporting systems for any fishery that is in place today.

With the implementation of Addendum 4, the elver quota though was cut to another 11 percent; reducing our quota down to 9,600 pounds. Since the implementation of that glass eel quota, landings have tracked very close to that quota,; with the exception of one year where we had a very significant weather event in the spring, a very late winter and then significant weather events in the spring, which reduced landings down to 5,200 pounds.

Since 2014, we've been able to effectively track the individual quota with approximately 900 active harvesters each season; as well as the overall quota with greater accuracy and confidence, until some very greedy fishermen, who didn't think \$3,000.00 a pound was enough money. That has put us into the situation we're at today. Maine continues to invest heavily in this fishery. The Life Cycle Study that we have in place costs \$100,000.00 a year to operate.

We approve nearly \$60,000.00 in overtime during the spring for Marine Patrol activities; not to mention the investments in both science and policy. We also have provisions in Addendum IV in regards to habitat improvements; and the state decided not to bring anything forward on that. But I do want to make sure it's clear that tremendous work has been done on the habitat side. Since 2012, three dams have been removed; and another 20 fish passage facility have been built or improved. The state, in cooperation with the Maine chapter of the Nature Conservancy, also has done a tremendous amount of work cataloguing and inventorying the road crossing issues that we have. TNC has catalogued 25,000 road crossings; and to date 500 of those at the bottom of the drainages, the first in line as far as passage, have been restored.

All of this work has gained five to six thousand miles of access to habitat that was previously blocked. There is also an access bond, for road crossing improvements that has been put in place by the Department of Environmental Protection. They've earmarked 5.4 million for culvert upgrades; and they've awarded 72 grants.

There is an additional several million dollars that will be put on the table today. I put all this information on the table today, Mr. Chairman, to show this Board that the state of Maine takes fish passage and the promulgation of our elver fishery very, very seriously. With that in mind I would urge members of the Board to support this motion.

CHAIRMAN GARY: I'll open it up to discussion, but before we do the way the motion is written, do I understand that the earliest this could be implemented would be spring of 2020?

MR. KELIHER: That's correct.

CHAIRMAN GARY: I'll open it up for discussion to this motion, Board members. Tom Fote.

MR. FOTE: We got into this discussion early in the '90s when New Jersey had problems with the glass eel fishery, and we're always wondering how we basically would estimate what effect it was having. We still haven't come up with a great way of producing what the effects of harvesting 40,000 pounds of glass eels in one year will be; because it will take 20 years or 15 years before those eels, we see the effects of them when they go out to reproduce.

I'm always very cynical when we cannot estimate what damage, or what we are taking out of the resource; how it's going to affect the resource 20 years from now. It has always given me great concerns; especially on the glass eel side. I'm having a problem raising any quota on glass eels; until I know what the effects will be.

Because 20 years from now I will not be sitting around this table at that age, because I'm not going to be here at 92, unlike Dave Hart who was here at 92. But I'm not doing that and I don't want to leave that consequence to somebody else. I'm still skeptical about approving any increase in the glass eel harvest; until we have a better handle of what the problems were.

CHAIRMAN GARY: Roy Miller.

MR. ROY W. MILLER: I too share Tom's concerns with the proposal. I would like to state up front that I'm impressed with the efforts that Maine has gone through to strengthen their reporting; and their monitoring of this fishery, and their efforts towards enhancing fish passage. Nonetheless, our only advice from the stock assessment scientist through two assessment cycles was that this stock remains depleted. Also, we don't know what the effect of harvest of Maine glass eels would have on the rest of the east coast glass eel relative abundance; if any effect. The TC reiterated again today, they are not able to separate out those sources of pre-spawning mortality, to tell us which life stage is the more significant one; in terms of harvest, for those general misgivings, I kind of favor status quo.

CHAIRMAN GARY: Dennis Abbott.

MR. DENNIS ABBOTT: I applaud the work that Pat Keliher has done. In fact I sent him an e-mail when he closed the fishery for what he did. I think it was a good bold move. But it also shows the fact that there are problems in Maine. We were assured that the swipe card system would make all these problems go away; and they would be able to track things.

But with the value of the glass eel fishery being as high as it is, there is no doubt that there is going to be individuals who are going to try to beat the system; both in the state of Maine and outside of the state of Maine. You know everyone talks about the fact that there is poaching going on here and there.

I think we also know the difficulty that law enforcement officers in all states, and especially, well not especially in Maine, but in Maine what percentage of offenses do they catch the offender? You know it's always a very difficult task for them to make a case against anybody. I'm sure that the investigations were thorough; but in my mind there are surely a lot of bad actors out there that have beat the system. In

**view of that I would like to substitute motion to accept Option 1, Status Quo.**

CHAIRMAN GARY: Thanks Dennis, we have a substitute motion for status quo. Is there a second to that? Roy Miller. We have discussion on the motion. I'll go to Craig Miner and then John Clark.

SENATOR CRAIG A. MINER: I had some questions that I wanted to direct to Pat. But in light of this substitute motion it wouldn't be appropriate for me, I don't think, to direct those questions. I wonder if the maker of the motion would temporarily withdraw it to allow the people that had some questions trying to reach a decision on the original motion.

MR. ABBOTT: Thank you, Senator Miner. First of all the motion that has been made and seconded no longer belongs to me; and whatever questions you have, I think the Chair could decide whether they're appropriate or not. I think the Chair would allow you the latitude probably to ask whatever questions are on your mind. I'll leave that to the Chair.

CHAIRMAN GARY: Senator, I think we can entertain your questions.

SENATOR MINER: My first question has to do with whether there would be any new revenue generated to the state of Maine. I've kind of watched what's occurred in the state of Maine over the last five or six years in this fishery; and have been impressed. I think many of us around the table, in one way or another, have not either appropriated the dollars or have chosen other obligations, unlike the state of Maine. I think the state of Maine has taken the eel fishery very seriously. With this additional expanded harvest, is it anticipated that there might be some additional revenue to the state of Maine; as a result of the additional poundage?

MR. KELIHER: Not directly. Maine has already instituted an increase in license fees. We've already put in place; I mentioned the very high price of dealer license, especially the export license. There is also a surcharge on research

that is attached to the license as well; so those were all just put in place in the last four years. There are conversations about an additional license increase associated with this next set of laws that will be debated at the legislature. That would be the only new revenue to the department; based on any change that would be forthcoming.

SENATOR MINER: In terms of the illegal activity, is it anticipated that that may also include some increased penalty; certainly not for the one that has already occurred, I suspect, because I think that would be retroactive. But on a go forward basis, it almost seems like \$2,000.00 doesn't even equal a pound; based on the current structure of sales. Is it conceivable that that penalty would also increase within the timeframe between now and 2020?

MR. KELIHER: We have found that fines are not the deterrent in the state of Maine. We have revamped our penalty structure associated with license suspensions; and not fines. You get a \$2,000.00 fine at the port, somebody walks in and says I can only afford to pay \$10.00, and they go on a payment plan. They come to see me they lose their license.

We have an administrative process that allows us to very quickly take licenses and remove people from the water. Somebody with a say a 40 pound quota that is caught and receives a one-year suspension, well 40 times 3,000 is a significant penalty; and that's the approach that we take in the state of Maine. Just to reiterate, we do plan to put a department bill in that would go to a one-strike component for this fishery. There are a lot of really good people in this fishery. But I would hate for a few of the bad people to ruin it for everybody else.

SENATOR MINER: Thank you, and thank you Mr. Chairman.

CHAIRMAN GARY: We are getting a little bit tight on time; but what we're going to do is take three more. I have John Clark, David Borden and Cheri Patterson, and I would like to call the vote.

MR. CLARK: I didn't realize I would be a dueling Delaware second here. But I supported Pat's motion because I've seen this from the beginning of the Plan; when Maine did give up their silver eel fishery to have a glass eel fishery. They've always put enforcement high on the list of everything they're doing there. They've managed it; I think as well as it can be managed.

Obviously the lure of the money in this fishery is always going to be leading to the possibility of poaching. I would also like to point out that Canada still has a 10 metric ton glass eel quota that they harvest; which is 22,000 pounds. During the whole time that the glass eel fishery in Maine has been going on, since what the '80s, Pat, and we see in our yellow eel harvest that we've had fairly steady landings for at least 20 years, 25 years. I don't see this as being a problem for the eel population.

CHAIRMAN GARY: Dave Borden.

MR. DAVID V. BORDEN: Question, Mr. Chairman. Do we have the ability to calculate the production potential for reopening these areas; and that relates both to the – I'm going to make a statement after this – but it relates to the motion and the underlying motion. With alewife populations, we can basically calculate what the production potential is if we take down a dam. Do we have that ability with alewives?

CHAIRMAN GARY: I'm going to allow Kristen to answer this.

DR. KRISTEN ANSTEAD: That was not calculated as part of the 2012 assessment; so it was not redone as part of the 2017 update. In short, I'm not sure if we could do that. We could certainly try in a next benchmark capacity. I would just add that these young-of-the-year surveys that we have, which is kind of our indication of the glass eels along the coast, have only been in operation for about 10 years now. They're just kind of coming online as far as informative data.

MR. BORDEN: I totally agree with all the comments about Maine. Pat and his staff should

be applauded for all the efforts that they've exercised; particularly the enforcement branch I think is doing an excellent job up there. But the underlying problem with this, and I'm talking to both the motion and the underlying motion is I have a problem with trying to do this on a piecemeal basis. In my case I support the Dennis Abbott motion to basically maintain status quo.

I have a problem with trying to do this on a state-by-state basis. You know we're going to do Maine, and then we're going to have another state that's going to come forward. We should have an underlying policy of when we liberalize and how we liberalize; and I don't think we're there yet. The last comment I would make is I think this is still a data poor stock coastwide. I think the stock assessment needs improvements. I think we should have a fairly conservative strategy in place.

CHAIRMAN GARY: Cheri, you have the last word.

MS. PATTERSON: I just wanted to not reiterate what I've heard around the table already from Roy and across the table here. Also the TC, when the 9,000 and change pounds was considered. The TC wasn't for that amount; correct? They were for a less amount originally?

MR. ZIMMERMAN: I don't recall exactly. But generally from other discussions that I do recall that sounds probably pretty accurate.

MS. PATTERSON: Follow up, please.

CHAIRMAN GARY: Go ahead, Cheri.

MS. PATTERSON: I just wanted to indicate that while Maine has been doing a great job at monitoring their fishery that even at the 9,000 and change poundage that that was more than what was originally thought to be viable for a fishery.

CHAIRMAN GARY: All right, we're going to go ahead and call for the vote. I'll allow a couple minutes for caucus.

MR. ABBOTT: Roll call vote.

CHAIRMAN GARY: We have a request for a roll call vote. All right, we'll call for the vote. If Commissioners could take their seats please; we'll go ahead and start the roll call vote. All right, Kirby will start the roll call vote; north to south.

MR. ROOTES-MURDY: Maine.

MR. KELIHER: No.

MR. ROOTES-MURDY: New Hampshire.

MS. PATTERSON: Yes.

MR. ROOTES-MURDY: Massachusetts.

MR. MCKIERNAN: Yes.

MR. ROOTES-MURDY: Rhode Island.

MR. ERIC REID: Yes.

MR. ROOTES-MURDY: Connecticut.

SENATOR MINER: No.

MR. ROOTES-MURDY: New York.

MR. GILMORE: No.

MR. ROOTES-MURDY: New Jersey.

NEW JERSEY: Yes.

MR. ROOTES-MURDY: Pennsylvania.

MR. ANDREW SHIELDS: Yes.

MR. ROOTES-MURDY: Delaware.

MR. CLARK: No.

MR. ROOTES-MURDY: Maryland.

MS. FEGLEY: Yes.

MR. ROOTES-MURDY: District of Columbia.

MR. BRYAN KING: Yes.

MR. ROOTES-MURDY: Potomac River Fisheries Commission abstains. Virginia.

VIRGINIA: No.

MR. ROOTES-MURDY: North Carolina.

MR. CHRIS BATSAVAGE: No.

MR. ROOTES-MURDY: South Carolina.

DR. MALCOLM RHODES: Yes.

MR. ROOTES-MURDY: Georgia.

MR. DOUG HAYMANS: Yes.

MR. ROOTES-MURDY: Florida.

MS. KRISTA SHIPLEY: Yes.

MR. ROOTES-MURDY: National Marine Fisheries Service.

NATIONAL MARINE FISHERIES SERVICE: Yes.

MR. ROOTES-MURDY: U.S. Fish and Wildlife Service.

U.S. FISH AND WILDLIFE SERVICE: Yes.

**MR. ROOTES-MURDY: The motion passes 7 to 6 to 1 to 0. Correction, the motion passes 12 to 6 to 1 abstention, 0 nulls.**

CHAIRMAN GARY: Go ahead, Pat.

MR. KELIHER: I appreciate the comments in regards to the Technical Committee and the advice on this issue; and I certainly accept them. I do want to make sure or caution the Board that if we talk about enforcement issues in regards to a fishery to not let it move forward. Then we need to look seriously at every FMP that we have.

I'm going to use the offshore Area 3 in the lobster fishery, where there is zero enforcement. If we're going to stop fisheries from being promulgated or expanded upon because of enforcement issues, then we should shut the Area 3 lobster fishery down today. Just a word of caution when we start talking about enforcements and concerns in regards to enforcement. That is my editorial for the day.

CHAIRMAN GARY: All right, we're going to move to Section 3.2. Sorry about that. **The substitute becomes the main motion; so this is a motion to accept Section 3.1, Option 1, Status Quo. All in favor please raise your hands, opposed, abstentions, 1, so the motion passes 13, 5, 1 abstention, and 0 null.** Now we can move to Section 3.2; proposed options of glass eel aquaculture plans. There are two options here; status quo and pooling of harvest allowance across states and jurisdictions. Is there a motion that a Board member is willing to put forward? Dan McKiernan.

**MR. MCKIERNAN: Yes, I move that we adopt Option 1, Status Quo but with the additional language presented today by the Technical Committee; to redefine the parameters that were set up in Addendum IV.**

CHAIRMAN GARY: Staff is putting that up. Do we have a second to that motion? Pat Keliher. Get the motion up on the board before we open discussion. Dan, does that capture your thoughts? All right we'll open this up for a discussion amongst the Board members. Is there any discussion? None, it's that straightforward. Are you ready to call for a vote? I'll read this in before we call.

**Move to adopt under Section 3.2, Option 1, Status Quo for Glass eel Aquaculture provisions, with the additional language presented today by the Technical Committee to redefine the measures established by Addendum IV. Motion by Mr. McKiernan, second by Mr. Keliher, all those in favor please raise your hands; and raise them high, opposed, one abstention, PRFC. Any**

**null votes, motion passes 18 in favor, none opposed 1 abstention.**

Next up is Section 3.3, proposed options for Yellow Eel Coastwide Cap management triggers, and state-by-state allocations. In this situation, representing the Potomac River Fisheries Commission, I am a single person, and so Toni is going to get Bob; allow Bob to go ahead and run this portion so I can vote. Toni, you'll do it okay.

CHAIRMAN KERNS: Mr. Clark.

**MR. CLARK: I would like to propose a motion just to get the discussion rolling. I would move to approve for Issue 1, the Yellow Eel Coastwide Cap, Option 1 the Status Quo. However, with the revised poundage which is 916,473 pounds. Then for the Issue 2, the Management Trigger. I would like to go to propose Option 3, two consecutive years of exceeding the Coastwide Cap by 10 percent.** If I can get a second on that I would give my reasons.

CHAIRMAN KERNS: Seconded by Mr. Borden; and we'll give staff just a second to get it up on the screen. But John, if you would like to give your rationale while staff is doing that and then when you're done with your rationale, we'll make sure we have the right motion up on the board.

MR. CLARK: Based on what the performance of this yellow eel fishery for the past, over 20 years. I think this option adheres to what was recommended by the Technical Committee that we stick to the status quo for the actual cap; but recognizes that the status quo that was originally in the Plan was actually not the actual status quo.

I think the management triggers, having two years of over 10 percent, given the variation that we've seen in landings. This does give us the type of insurance that we wouldn't take any action to go to state-by-state quotas until we were seeing a steady increase in landings; to the point where we're surpassing a million pounds a year.

I think at that point we do have some issues to consider there. But I think this gives us a cap; with triggers that will work for our current fishery, which seems as I said to have been very steady for the past 25 years. We've seen many generations of eels come and go in that time, I think. I think we're doing okay here.

CHAIRMAN KERNS: We'll go to Justin Davis and then Tom Fote.

MR. DAVIS: I would just like to speak in support of the motion; for many of the same reasons that John laid out. I think certainly keeping status quo on the Coastwide Cap is in spirit with the discussion we've had so far today about staying conservative with this species; given the advice from the Technical folks about not wanting to increase harvest on any life stage.

I also agree that having the two-year exceedance at 10 percent provision, provides us with the greatest sort of protection over having to go to state-by-state quotas; which I think for several reasons we're not eager to take on that management program. I know for our state that would impose a sort of significant administrative burdens for a relatively small quota. I'm in support of this motion.

MR. FOTE: I look at what Maryland did this year about trying to correct part of the problem there. I think that's what we should be doing going forward; so I could support this. I also wanted to say something about the last motion. Pat, I was not in any way talking about law enforcement.

I wish I could do the yeoman's job that you do in Maine in New Jersey on a bunch of our species. It had nothing to do with me; it was just on the advice of the Technical Committee, because I think you're doing a great job. I wish we could do the same job you're doing on this. It has nothing to do with law enforcement in Maine; that was no part of my decision.

CHAIRMAN KERNS: Rob O'Reilly.

MR. O'REILLY: I do support the motion; Virginia supports the motion, and we have the actual landings; so with the help of the workgroup that was able to be accomplished, and very appreciative of the way the document characterizes the two-year trigger. I think that's very important. It doesn't mean that in the second year we won't have to work a little bit to figure out what's occurring in that second year as well. But having the first year complete, ACCSP has told us that at least by May, there is a pretty good certainty for the last year's landings. I think this two-year trigger is really wise.

CHAIRMAN KERNS: Any additional questions or comments? Russell.

MR. RUSSELL DIZE: I've seen this work. Being a fisherman my whole life and one of my good friends is a big fisherman in Maryland, an eel fisherman. This past year he was catching a record amount of eels; but he quit and went crabbing, and I said Tommy, what are you doing? He said well, we're saving those eels. We don't want it to go against the quota; because I can go crabbing and make as much money, and we'll have those eels for later on. This shows that the eel fishermen are thinking about quota.

CHAIRMAN KERNS: Without any other comments we will go ahead and vote on this. I will read it into the record. Move to adopt under Section 3.1, Issue 1: Coastwide Cap, Option 1: Status Quo with the updated landings of 916,473 pounds, and Issue 2: Management Trigger, Option 3: 2 years of exceeding the coastwide cap by 10 percent.

Motion by Mr. Clark, seconded by Mr. Borden, do we need any time to caucus? **Seeing no heads; all in favor raise your hand, any opposed, any abstentions, and any null votes? Motion carries 17 to 2, 0 abstentions and 0 null votes.** We'll move on to Issue 3; which is State Allocation. Lynn Fegley.

**MS. FEGLEY: I would like to throw a motion up to get the discussion rolling; and I would move to adopt Suboption 2B under Issue 3, and that is**

**the 1 percent rule for states to reduce landings. All states with landings greater than 1 percent will work collectively to achieve an equitable reduction to the coastwide cap. Additionally a workgroup of states harvesting over 1 percent will be formed; to define equitable reduction, and to determine how a reduction process would work if a trigger is fired.**

CHAIRMAN KERNS: Seconded by Rob O'Reilly. Lynn, would you like to speak to the motion?

MS. FEGLEY: Yes, thank you. American eels I think of all species, and in the spirit of the conversation that the Menhaden Board had yesterday, and our ability to work together. I think the administrative burden for state-by-state quotas is incredibly, it's expensive and difficult. If there's a fishery where we can make this work, I think this is the one. The state of Maryland, you know we are the big harvester.

We have a group of commercial eelers who are very progressive. This fishery means the world to them. They really are interested in figuring out a way to prevent a situation where we create winners and losers; in terms of allocation. Along with we've just adopted the two-year, 10 percent trigger.

I think that is incredibly helpful; because we'll know if we go over the harvest by 10 percent in one year, we are going to have a really good idea of what the conditions look like in the fishery; and some of the reasons why we went over 10 percent. I can say the state of Maryland will at that point work to figure out what we can do. I think that would be the time for states to get together and figure out how we would bring ourselves back down to the cap. I'm optimistic we can make this work for American eels.

CHAIRMAN KERNS: Are there any others that want to speak to the motion? Mr. Gilmore.

MR. GILMORE: I'm in support of the motion for all the reasons Lynn laid out; but on top of that I think it's a good model for a lot of things. I mean when we get into allocations and we're trying to use timeframes and different periods or

whatever. We've been there so many times. I think this is a good way to start looking at management into the future. When we have overages we have equitable reductions; and when we have increases, we have equitable increases, without figuring out what happened in 1822 or whatever it was. We support the motion.

CHAIRMAN KERNS: Mr. O'Reilly and then Mr. Keliher.

MR. O'REILLY: I just want to voice our support here in Virginia; and indicate that in the document, I think it said 80 percent of the harvest is falling in the Delmarva Region. That makes things very good for management. It is a little reverse of the Scup Model; where New York to Massachusetts.

For years the commercial scup fishery worked out proposals that they could take care of the fishery and have measures that were somewhat compatible. I can't speak exactly how everything's worked out there. But in this way if there are problems, you know we have the state's ability to work together to take care of those problems. I think it's a good proposal.

CHAIRMAN KERNS: Mr. Keliher.

MR. KELIHER: I think what Lynn has put together here is, as Mr. Gilmore said; it's a great approach for dealing with several issues into the future. But I think in this case what I saw and what I witnessed as part of the Working Group. If that's any evidence of the cooperation that we would get from these states, I think this is something that will work just fine to move the issue forward.

CHAIRMAN KERNS: Are there any other comments? Seeing none; is there a need to caucus? Seeing none; raise your hand if you are in favor. Do I need to read this? I'll read it really quick.

Move to adopt Sub-Option 2B under Issue 3 (Allocation) the 1 percent rule for states to reduce landings: All states with landings greater

than 1 percent will work collectively to achieve an equitable reduction to the coast wide cap.

Additionally, a workgroup of states harvesting over 1 percent will be formed to define "equitable reduction" and to determine how a reduction process would work if a trigger is fired. Motion by Ms. Fegley, and seconded by Mr. O'Reilly, all in favor raise your – do you have a quick question, Justin, clarification?

MR. DAVIS: Just a clarification. I was wondering if it should be clarified to say 1 percent of what, since you know greater than 1 percent. I take that to mean greater than 1 percent of coastwide landings?

CHAIRMAN KERNS: **Yes, we can note on the record that that is 1 percent of coastwide landings; and we'll make sure that the final Addendum will state that. All in favor raise your right hand, or any hand; opposed none, abstentions, 2 abstentions, any null votes, 0, so the motion passes 17 in favor, 0 against, 2 abstentions, and 0 null votes.**

Because of the option that we approved here, there are no state-by-state quotas; so therefore we would not need to take up transfers of state-by-state quota. We will need to do an implementation date for this document. If there is a suggestion, and I will note that for the document what we'll do, because the Workgroup will still have to put together a program. We'll go ahead and approve this document, or vote on approving this document today.

Then have an implementation date; and note in the document when we publish it that there will be additional information provided once the Workgroup has made a recommendation to the Board, and the Board has finalized that process. We will put that in the document when it's published to say that there will be additional information coming. For implementation, I look to the Board. Would January 1st work for all states, so the start of next year's fishery? I don't see any heads nodding no. Lynn.

MS. FEGLEY: I guess Rob and I were just having a sidebar. I wonder if it's worth implementing. I don't know if it matters when we get the final landings for 2018. That would maybe be May? Does that matter, so May 1? No, because that would be mid fishing year.

CHAIRMAN KERNS: I think that would be hard.

MS. FEGLEY: January 1 sounds good.

CHAIRMAN KERNS: If we can have a motion for something similar. Jim Gilmore.

**MR. GILMORE: Move to implement to adopt an implementation date of January 1, 2019.**

CHAIRMAN KERNS: Tom Fote second. Bob Ballou.

MR. BALLOU: Madam Chair, just a question, can you just quickly review the implementation steps that would be required; given the way the voting took place today?

CHAIRMAN KERNS: I'm trying to think if there has to be any individual changes in the state regulations. I don't know if any states actually have the coastwide quota in their books. I don't see any heads, so that will be a question to the states. Unless no one needs to put the quota in the books, then I don't think that you have to change anything. It's just basically an effective date then. **All in favor, or is there any objection to this implementation date? Seeing no objection the motion carries.** Now we look to have an approval of the document. Lynn.

**MS. FEGLEY: I would move to approve Addendum V for American Eels.**

CHAIRMAN KERNS: Mr. Clark seconds, any discussion? Seeing none; I'm going to try to see if there is any objection; otherwise we would need to do a roll call vote, since it is final action. If you need to abstain I can note that on the record. Lynn.

**MS. FEGLEY: Sorry Toni, I just wonder if that should say Addendum V for American Eels as modified today.**

CHAIRMAN KERNS: That will work, Lynn. Thank you. **Seeing no objection the motion carries.**

CHAIRMAN GARY: While I'm getting my bearings back, David Borden.

MR. BORDEN: I'll just make this quick comment before we totally leave this; and I want to use Maine as the example of it. Maine is doing exactly what every state around the table should be encouraged to do. They're putting the fiscal resources into the species that really need it. I personally think that what we need to do before we totally leave this. I think we need to task somebody with developing a policy and criteria to determine when and how states liberalize their eel regulations.

The policy should encourage activities and management of the species; including enforcement programs that expand the available habitat for all life stages of eels. I mean using Maine as the example in this whole exercise. I would think that if we had a policy like that that did that then it would make it much easier for us to deal with these types of issues; instead of dealing with them on a specific case basis.

CHAIRMAN GARY: Toni.

MS. KERNS: David, I think we can definitely have that workgroup. But I just want to remind the Board, and Pat alluded to this when he was talking. There are some options for states to petition the Board for additional quota; based on work that they're doing in their states, in particular for habitat changes.

While Addendum, I think it's Addendum IV that approved that methodology. There are not a lot of specifics in there; so for states to do that it might be a little bit of a heavy lift, and maybe this Workgroup could potentially help with putting in some guidelines or guideposts for that. But I do think that Maine would be a great candidate

state for that if they so wished to work through that process.

CHAIRMAN GARY: Go David.

MR. BORDEN: A quick follow up. Maine's doing it now. If we can have a policy that encourages this, let's say Maryland wants to do this, and they put the resource into it. It would just spread up and down the coast; if we had that type of policy. I agree with Toni there are existing provisions. But I think they could be clarified and put into a generic policy.

CHAIRMAN GARY: We've got some more comment that's fine. We'll go with Ritchie and then Pat.

MR. WHITE: I agree with David totally. I think what needs to happen is to expand that such that the Technical Committee then takes that into consideration; and comes back to us for the recommendation. The Technical Committee's recommendation clearly threw a lot of weight to the Board on this last decision that Maine didn't get their expansion. I think putting it in the framework such that they consider it; they say yes these extenuating circumstances are such that the Board needs to consider it.

CHAIRMAN GARY: All right, we're running low on time, Pat. But no, no, go ahead; last word for you.

MR. KELIHER: I appreciate David's comments, as well as Ritchie's. I think the concept is good. Maybe we should have this as an agenda item at the next Eel Board to talk about how the swipe might proceed.

#### **CONSIDER MAINE AQUACULTURE PROPOSAL**

CHAIRMAN GARY: It's a good idea. All right, we'll go on to our next item. Item 6 on the agenda, which is Consideration of a Maine Aquaculture Proposal. There will be two components to this agenda item; the proposal itself, and Sara Rademaker from American Unagi, and Pat Keliher will be co-presenters for this. That will be

followed by reports from the Law Enforcement Committee, Technical Committee and Advisory Panel. Sara, it's yours and welcome.

#### **MAINE PROPOSAL FOR 2019 FISHING SEASON**

MS. SARA RADEMAKER: My name is Sara Rademaker; I'm the owner of American Unagi. It's a Maine-based Aquaculture Company that has been taking Maine harvested glass eels and growing them out to market size for the domestic seafood market. We've been working on this business development over the last four years; and we're now commercializing, and we're here to request 200 pounds of aquaculture quota with the state of Maine.

I'll be going through parts of our application, and giving you a little bit of background on our company. I actually come from the aquaculture industry. I have been working with a variety of species both in the U.S. and also in Africa for the last 15 years. I came back to Maine with the intention of starting an aquaculture business; not initially with eels.

But I was looking for a species that could be grown in land-based aquaculture that ultimately had a connection to Maine. At the time, this was 2012, eels were hitting the headlines. What I saw with that species, you know we have a valuable fishery here in Maine, it's all getting exported. It's grown abroad, and we're importing more and more eels back into the U.S. each year.

To me I saw this as an opportunity for us to grow the species here. Europe has been doing it in land-based systems since the 1980s. Bring that technology to the U.S. and in that bring the value and jobs associated with that to our state. Also, we're ultimately producing a higher quality, more sustainable, ultimately traceable, accountable eel product; which just isn't the case with the stuff being imported. I started with a handful of eels back in 2014. We went to a pilot-scale facility at the Darling Marine Center in 2015. We put the first product into the U.S. market in 2016. It's gotten great feedback. We don't use any hormones or antibiotics in the process; and the

pilot-scale facility has allowed us to grow about a metric ton annually, and really test the production feasibility of this business. We've had a lot of support throughout the state from both state regulators, the Department of Ag; we've worked with USDA, Maine Sea Grant, the Maine Technology Institute, and Maine Aquaculture Innovation Center.

There is a lot of support in the state for a local aquaculture industry based on this fishery. It's really valuable to connect a seasonal fishery with year round production. With the success of the last couple years, we're now scaling that production. To go through the pieces of the application, which had been submitted, we are requesting 200 pounds for the 2019 fishing year. With Maine's fishery it is currently fished throughout the state; and we want to be able to fish those 200 pounds through several different watersheds, so that way we aren't taking those 200 pounds from a single river, but from multiple watersheds. That allows us also to work with fishermen throughout the region.

Given we already have a fishery in Maine, the state wanted us to follow for the most part all of the regulations of the current eel fishery; with a couple of exceptions that are going to be specific for our aquaculture quota. We'll follow the same timeframe of harvest, March 22 to June 7. The Aquaculture Quota will be required to be fished by already licensed harvesters.

Those will be identified ahead of the fishing season, and will be given an Aquaculture Quota Swipe Card that will be dedicated to our facility. They will be required to fish with the current gear types under Maine law, and all locations for their fishing has to adhere to any closures and limitations that are currently in the law.

The monitoring program that would be in place is going to be a swipe card system that would be specifically for the aquaculture facility. This is something that's we currently use, so our buying station has a swipe card, our transport vehicle and our facility. During the harvest season, at any given time we have accountability in the

number of eels that we have on any of our premises.

This would be the same thing for the aquaculture quota. Part of the daily reporting requirements of using the swipe card system is that any time eels come into our facility, we have to identify the harvester, the pounds harvested the place where they were harvested from, and the method. All of that data comes with our facility.

This is not only important to the state and regulatory, but for our business model traceability and accountability is really what the foundation of our product is. This all becomes really important. We're also talking and put into the state to do a facility status report post this season. We hold those glass eels for one to four months in an isolated acclimating system; so we go through a weaning process, which I'll get into if we've got time.

We would be able to post season tell the Maine DMR how many eels that made it through the entire acclimation period; what size they are and the numbers, and have a lot of that data available to the state. We're completely willing to share that. We would be under the same law enforcement regulations that are currently the standards. We would be required to do daily reporting. Our harvesters, our facilities would all be open to random inspections at any time; and we would have to have exactly the number of eels that we say we have. Our facility would be held to the same penalties and loss of licensure as the current laws hold. Additionally, as the Commissioner mentioned, and he showed this here, he can shut down a fishery and remove license at any given time for violations; so we would be held accountable for that.

We are building 120 metric ton facility. It's a European engineered design. This is a system that has been successful abroad; so we don't want to reinvent the wheel. We don't use hormones or antibiotics in the process of our grow-out, and we're targeting 150 to 250 gram product. We currently had been producing live

eel direct to markets, and that's been really great.

We've also looked at value added products. With the expansion of our commercial facility, we're going to expand that live market; but also going to value added production, all geared towards kind of that domestic seafood market. If I've got a little bit of time it might be helpful to just walk you really quickly through our production cycle; to help answer any questions as to what we do.

With eel aquaculture, when we get eels from the fishermen they go into a buying station; and this is standard for the eel fishery as is. But from a buying station they then go into our aquaculture facility; first going into a separate isolated system known as a glass eel system. This is a time for us to acclimate them to the production cycle; but also to go through a quarantine procedure, get them trained.

During that period we have those fish completely isolated from our production cycle. Eels, as I think some of you know, with the species they have highly variable growth rates. Some of our product comes to market in as little as six months, and some takes two years. Once they go through the acclimation period, they then go into our production facility; first going to a nursery system and then on to grow-out.

During this time we actually have up to two to three cohorts of eels. Part of that is again, because some of those eels come to market very early and some take longer. After the glass weaning, we do have a mixture of cohorts. But we have to grade and handle our eels every six to eight weeks; because of the highly variable growth.

That allows us at any given time we know exactly how much biomass is in our facility, and the number of eels. That's for our part how we manage our growth; and make sure that we have effective business. But it also allows us to be held accountable for the number of eels in our facility at any given time.

Ultimately, you know we're trying to produce a high quality product that is connected to our local fishery; and we see tremendous value in keeping the eels local. The fisheries regulations in the aquaculture industry in the U.S. have some of the strictest regulations; and ultimately we're held more accountable I think than a lot of places in the world.

The consumer's now care more about that than they did in the past. I think that the work that has been done to make our fisheries sustainable is now being recognized by the consumer base; much more than it was, even five years ago. That is really what we're working to produce a fish for, open to any questions, and thanks for the time.

CHAIRMAN GARY: Thank you, Sara that's my fourth exposure to your talk, and every time you're incredibly thorough. I certainly understood it I think the first time. Before we do that in the interest of time it might be beneficial to bundle and go through our LEC, TC and AP comments to this. But before I do that Pat, did you have anything you wanted to add?

MR. KELIHER: No, just that Sara you did a great job as always. I think just the key to remember here is Maine Marine Patrol has inspection powers. Unlike the conversations we had around the North Carolina proposal, we were able to get over those hurdles for North Carolina. Here a Marine Patrol Officer can go to any licensed facility within the state of Maine; declare a standby for inspection, and be able to look through that site, weigh eels if needed, and do whatever is needed from an enforcement standpoint.

#### **LAW ENFORCEMENT COMMITTEE REPORT**

CHAIRMAN GARY: I'll turn to the LEC and Mark for your comments.

MR. ROBSON: At the same teleconference call that I referenced earlier, we had a discussion about this specific proposal; and Ms. Rademaker was available to explain the program and answer some questions as well for the Officers on the call. We had 11 members participating in that

call. We summarized our comments in that written document that I referenced earlier.

Essentially, after hearing the report and hearing members of the LEC discuss how the state of Maine has the ability to enforce; particularly through the swipe card system, the monitoring and tracking of harvest specifically for an aquaculture operation. They were comfortable that given those Maine conditions for the swipe card system that would be separate for those aquaculture harvesters; and the ability to track at the facilities and monitor and inspect those facilities.

The LEC was comfortable that this would not present an enforcement issue of any significant appearance. In addition to that and I think it's been referenced earlier. The specific penalty provisions in place in Maine, particularly where a state has the ability to suspend or revoke licenses, are a very strong deterrent.

To the extent that other states may consider similar aquaculture programs, the LEC would encourage those states to take a look at those kinds of penalty provisions; because they do have a very strong deterrent value, as was indicated earlier in some cases more than a fine or a penalty might be. That summarizes our comments.

#### **TECHNICAL COMMITTEE REPORT**

CHAIRMAN GARY: Thank you Mark. I'll turn to Jordy for the TC comments now. I'm not sure if Kirby has those or not. Okay, excellent.

MR. ZIMMERMAN: As you all just heard, Ms. Rademaker came on with the TC, provided a similar presentation, very informative. If you guys recall, of the components required for this type of endeavor we went ahead and checked all the boxes that you see on the screen; pounds requested, location, method. I think we've just heard this again. To keep it short, the TC recommended approval of this proposal. We had a couple specific requests; data on survival or mortality within the facility if you will, and after the harvest season, but also before combining

with other cohorts, and some specificity which she mentioned in harvest areas, although it can generally be assumed these are the same areas of harvest as the commercial fishery. That is it. Any questions for the TC side of things on this? I would be willing to answer.

#### **ADVISORY PANEL REPORT**

CHAIRMAN GARY: Thank you, Jordy, we'll go ahead and let Mari-Beth add her comments for the AP; and then we'll open it up to all three groups along with Sara. Go ahead, Mari-Beth.

MS. DELUCIA: Sara presented to the AP as well; and all three AP members were in support of the Maine Aquaculture Proposal. They felt it was a good opportunity for the state; though not quite sure how this would happen, but in the future maybe reduce market demand and fishing mortality on glass eels. But I think that is way in the future.

CHAIRMAN GARY: Thank you, Mari-Beth. We'll open it up for questions to Sara or any of the three, the LEC, TC and the AP. We've got Dan McKiernan followed by Mike Millard. Go ahead, Dan.

MR. MCKIERNAN: There is definitely some support over here for this proposal. I'm kind of challenged by the history of this aquaculture quota concept. You know we all got a pretty big chuckle when Louis Daniel talked about bluegills eating these glass eels when they were drying up along the shores of some farm pond or something.

We knew what kind of pressure Louis was under, and so we developed this with this nonproductive watershed language. My question to the TC is did you all assess this based on the Addendum IVs language about nonproductive watersheds, and should that be an issue?

MR. ZIMMERMAN: We revised that language as you saw earlier; so we have that in place. Maine is I think what helped with our decision making is Maine already has a Life Cycle Survey in place. That was something that North Carolina didn't

have; and I don't believe has to this day. Those types of facts alleviated our concerns in that regard.

CHAIRMAN GARY: All right so let me get my order straight, I've got some hands so hold on, we'll go Tom Fote, Mike Millard, John Clark and Jim Gilmore. Go ahead, Tom.

MR. FOTE: Yes, I've just got a quick question. For one pound of glass eels, how much do you get, because I understand it's about a half a pound is what your product is, so how many half pound eels do you get out of the one pound of glass eels?

MS. RADEMAKER: For our commercial facility of 120 metric tons, we are anticipating needing 360 pounds of glass eels. That is about three pounds per metric ton.

CHAIRMAN GARY: Mike.

DR. MIKE MILLARD: Tom just approached one of my questions. I was wondering how much market product 200 pounds of glass eels produces. Sort of the follow up was my understanding was that the high price of elvers, \$2,700.00 a pound or \$3,000.00 a pound is due to the price that the product brings in Europe and Asia. Does that bring that same price here domestically, and are those kinds of dollars for a pound of glass eels is that worth it for you for a domestic product, or will you be changing the price structure of elvers?

MS. RADEMAKER: With regards to the price structure of the pounds of glass eels, because they are coming to our fishery to fill their farms abroad. The product that's coming back to the U.S. is from those same farms. We're actually able to compete competitively with that price structure. The economics that impact farms abroad also impact us. It also works to our production; if that answers at multi levels. You're basically asking do the economics of that high price allow us to be a successful business.

DR. MILLARD: That's correct. Are you paying \$2,700.00 a pound for glass eels and making your business go domestically?

MS. RADEMAKER: I have been paying market price, so as Pat mentioned it is hefty; and it makes the next level of commercialization when I become competitive to those other buyers. That becomes one of the challenges of going to this next level. Having this quota would be hugely beneficial in getting this industry going locally.

CHAIRMAN GARY: We have John Clark, Jim Gilmore, Russell Dize, and Andy Shiels. Go ahead, John.

MR. CLARK: Sara, I'm just curious. Following up on some of the production numbers, I guess then you're going to want these 200 pounds if the farm is successful, you'll need the 200 pounds annually to make this work. Given that males grow slower and are much smaller size, do you anticipate having to do any culling? What will you do with those little ones? Are they still big enough to market?

MS. RADEMAKER: With the 200 pound of aquaculture domestic quota, it's going to be annually applied for; so we'll have the opportunity to renew. But if there are other people who come into the market, we'll have to deal with that when it comes. With regard to the male concern that was part of the work that we've been doing the last couple years. We found the Europeans don't use hormones or antibiotics; they have a predominantly male production, and we've been able to find markets without any issue for our product.

CHAIRMAN GARY: Jim Gilmore.

MR. GILMORE: Maybe an odd question, Sara, and this is based upon a bad experience we had in New York with an aquaculture facility. You mentioned that you're using a European technology for the facility in Maine. Do you have the legal authority to use that technology, because that's what ended up closing a facility in New York?

MS. RADEMAKER: The engineering group that we've worked with has built these systems all over the world. As far as my understanding, I haven't specifically asked about that or brought that up; but I certainly will double check that thank you.

CHAIRMAN GARY: Russell Dize.

MR. DIZE: I think my question was answered, but I want to ask it again. Suppose another group wanted to start an aquaculture enterprise in Maine. What would Maine do about the 200 pounds it's allowed?

CHAIRMAN GARY: Pat, can you answer?

MR. KELIHER: Yes. This time around we did sort of an RFP to solicit interest in the 200 pounds. We made it clear to Sara and others that in future years if this passed, and say next year another farm came and said we would do the same thing on an annual basis. We will put out a request for interest. If more than one comes to the table, then we would have to talk with each individual about how we would split that particular quota.

CHAIRMAN GARY: Andy Shiels.

MR. SHIELS: This may be an obvious question, but is that 200 pounds in addition to the quota that was just determined, or is it being sub-sectioned out of the quota that was just determined by the vote a couple minutes ago?

CHAIRMAN GARY: It's an addition, I believe. Go ahead, Andy.

MR. SHIELS: Just so I'm clear then. These 200 pounds would be obtained in and among the same fishers that are working there now. The question that was asked earlier was would there be an economic advantage to the state of Maine by adding the quota. Is there an economic advantage to the state of Maine by allowing this extra 200 pounds?

In terms of taxes or revenue, and what is the permit fee for this compared to a collector and a dealer? Because we heard about the dealer is 5,000 pounds for a permit. I don't recall what a

collector pays, but what's the permit that the aquaculture operation would pay for the same opportunity?

MR. KELIHER: There would be with the success of an operation, any new business operation there certainly would be tax benefits to the state of Maine, contributing to the overall health of the general fund in the state. There would be very little realized from the Department of Marine Resources. This is a land-based aquaculture facility.

It's actually now land-based aquaculture is actually regulated to the Department of Ag, Conservation and Forestry. There is no cost associated with that. There is cost associated with ensuring they are in compliance with discharge permits and things of that nature associated with the Department of Environmental Protection.

But from the standpoint of DMR, no really increase in revenue. The way this will happen is we will determine who, while working with Sara we'll determine who would be harvesting for her. They would have a swipe card both for their individual quota associated with the commercial fishery, but a separate swipe card that we would use to track the harvest that would be going into that facility. There is no comingling of product with that individual harvester. They would sell their commercial quota and then bring the quota to Sara's facility. She is a licensed dealer through DMR, so she has the equipment. We would swipe those cards in and then we would know exactly how much weight that she has in the tank; based on those swipes.

CHAIRMAN GARY: Go ahead Andy, one more follow up.

MR. SHIELS: This company won't be doing the collecting themselves; they will be working with a Maine registered permitted collector, is that correct?

MR. KELIHER: That's correct.

MR. SHIELS: Okay, thank you.

CHAIRMAN GARY: We have two more and we need to wrap up. I've got the incredibly patient Doug Haymans. Doug, you get double time, because I think I messed up in the queue, and then Lynn Fegley and I would like to cut it off.

MR. HAYMANS: That's all right; because Andy was right on point where I was going. If it is additive, we just went through a lot of discussion on keeping Maine at status quo. I can't see adding additional glass eel quota, which is essentially what this is doing; if it's an aquaculture operation, which I'm supportive of aquaculture operations.

Why not buy them from the eels that are already going to aquaculture? Keep them in country rather than sending that 200 pounds international? I mean I'm supporting the plan. But I don't know that I can support adding an additional quota; which is what this is.

CHAIRMAN GARY: Lynn, you have the last word.

MS. FEGLEY: Yes, I think I am sort of in the same vein as the last few questions; and it really goes back to David Borden's point earlier. Sara, I think this is great. I commend you for really taking on an opportunity and being on the cutting edge of this form of aquaculture. I understand that building these facilities and making them work is no simple task.

But as a Board, to Dave Borden's point, we may want to consider this is a liberalization right, so we're going to have this either maybe more, this interest may grow and it may grow not only in Maine, but it may grow up and down the coast; especially if your company really takes off. I think looking forward; we really need to think about how this is going to work in the future.

CHAIRMAN GARY: We're over time now. I know we've got multiple hands coming up. Eric, you haven't said anything the whole meeting. I am going to let you have this last word. Then we're going to take it up for a vote.

MR. REID: If I understand this correctly that is a unique quota, because it is to a processor or a dealer not a fisherman. I think that's a unique quota set aside, or whatever you want to call it in Maine. Is that correct? It goes to the processor not to an individual fisherman and then the fisherman would receive the quota from a processor. Is that correct?

CHAIRMAN GARY: Pat, go ahead.

MR. KELIHER: That is correct. The Plan, the Addendum that is in place allows for states to apply for these 200 pounds in addition to the commercial quotas and harvest that has been put in place in two other jurisdictions. This is additive, but it's allowed by the Plan.

MR. REID: Okay, so basically the processor has the capability to set a price to the fishermen; that's the first thing. It doesn't necessarily have to be a market competitive thing. At 200 pounds that's only about half of your capacity. I don't know what 120 metric tons means. I mean I know what it means, but is it a day or is it a year, is it every 20 years? But where is the additional product going to come from that is going to fill that void? Thank you, Mr. Chairman, I do appreciate it.

MS. RADEMAKER: The 120 metric tons is annual production expected out of the facility. To support that we have to annually stock about 360 pounds of glass eels; so 200 pounds of that would be this aquaculture quota. The rest would be purchased from the current quota from Maine. We would be sourcing only from Maine.

CHAIRMAN GARY: Thank you all. All right in deference to the Atlantic Sturgeon Board, we do need to move this forward. We're looking for a motion on this proposal. Pat.

MR. KELIHER: I don't know if Kirby got the language. **I would move to accept the Maine Glass Eel Aquaculture Proposal for the 2019 season, to grow out eels to the yellow eel life stage;** and if I get a second I'll clarify.

CHAIRMAN GARY: Second by Jim Gilmore.

MR. KELIHER: Just so it's clear. Under the Addendum IV, under the glass eel language, the very end of that language shows eels harvested under an approved aquaculture plan may not be sold until they reach the legal size in the jurisdiction of operation; unless otherwise specified. Our legal size is obviously we allow for glass eel harvest.

In this case we're approving the aquaculture proposal, and making it very clear that it's growing out eels to the yellow eel life stage, which would be the market size. Other than that I don't need to give any additional justification. I think Sara did a great job explaining it.

CHAIRMAN GARY: Discussion on the motion. Dennis Abbott.

MR. ABBOTT: I don't have problems with this motion; but a question might arise. Would we possibly be here next year with further glass eel proposals; and at what point does it really become a problem of harvest, where each 200 pounds of eels represents about two and a half or so percent of Maine's present glass eel allowance? It's just a concern of mine that this was just going to be another way of increasing the harvest on eels. But I do like your proposal, and it is the thing to do. It's too bad we really couldn't see all of the eels end up being used in this way domestically rather than seeing them go to China; especially with the tariff situation.

CHAIRMAN GARY: Other comments. Go ahead.

MR. CLARK: Just a clarification. Following up on what Dennis said, so each year that you want to do this in Maine you're going to have to come back to the Board and ask for the 200 pounds for the following year, Pat?

MR. KELIHER: Yes that's correct, John. These have to be presented to the Board on an annual basis.

CHAIRMAN GARY: Other discussion. Ross.

MR. SELF: I just need some clarification on how. I'm not opposed to this aquaculture allocation. But how the action we took earlier applies to this by maintaining the status quo for the aquaculture allocation. Maintain those requirements that were in place under Addendum IV that those fish for aquaculture set asides came from essentially areas that could be shown not adding to the population.

Now, if we had adopted the pooling option it suspended that requirement. But by sticking with status quo, my interpretation of this is the fish taken for aquaculture need to come from areas that can be shown not to be having significant contribution to the population. What am I missing?

MR. ROOTES-MURDY: I think to what Ross is saying is that there is the Addendum V, which you all just voted on, and that changes the criteria slightly. I think to Ross's question whether this proposal meets that criteria, and that's really for the Board to determine or not, specifically regarding whether the glass eels are being taken from areas that are likely significantly contributing to the – well, sorry the language has been revised now and we can put that back up on the board if that is helpful for the Board to consider.

CHAIRMAN GARY: All right, are we ready to call for the vote? Is there a need for a caucus? Then we'll call. Am I hearing yes? We'll take a two minute caucus. Okay, we'll call the question if everybody could return to their chairs. I am going to vote on this so Bob and Toni, I would like to turn this over to you.

CHAIRMAN ROBERT E. BEAL: I'll just do it from my seat here. Could we put the motion back up? **All those in favor of the motion to support the Maine glass eel aquaculture proposal, please raise your right hands.** Those opposed like sign; abstentions, any null votes? We have one null vote.

The motion carries 16 in favor, no votes in opposition, no abstentions and 1 null vote. There

was, oh Pennsylvania was an opposition. Sorry Loren, I didn't see your hand. The final vote count is 16 in favor, 1 in opposition, 1 abstention, and Doug did you have a null, and 1 null vote. **Let me state the final, final count for the record; 16 in favor, 1 in opposition, no abstentions and 1 null vote, the motion carries, back to you, Mr. Chairman.**

**UPDATE ON THE NORTH CAROLINA  
AQUACULTURE PLAN: 2018 FISHING SEASON**

CHAIRMAN GARY: We have one last item on our agenda; it is Update on the North Carolina Aquaculture Plan. Chris, are you going to provide that and could you do so with expediency?

MR. BATSAVAGE: Yes I can thank you. This is just a quick update on the 2018 Fishing Year for the American Eel Farm Aquaculture plan in North Carolina. The American Eel Farm fished fyke nets for 5 out of 22 weeks during the open season; which is from January 1, through May 30.

The fishing occurred from the week of February 11 through the week of April 15, with all fishing effort in the bays and canals surrounding Lake Mattamuskeet, which is the mainland side of Pamlico Sound. Zero glass eels were harvested. However, there were a total of 270 glass eels and 2 elvers released during the season by the folks fishing.

The weekly glass eel catch totals ranged from 20 to 90 eels per week. As a result, 200 pounds of the glass eel quota under this plan remains. No citations were issued to the fishing operations associated with this permit; and the American eel farm indicated to staff that they will fish again next year under the current plan. With that I'm happy to answer any questions.

CHAIRMAN GARY: Questions for Chris. I'm sorry Pat, go ahead.

MR. KELIHER: Don't we have to approve the plan, Mr. Chairman? We don't. They just have to report out.

MR. GARY: Okay so that concludes all the items that are on the agenda. However, there is a CITES issue that's been brought up in the previous board discussions, and Kirby if you could help me out with that.

MR. ROOTES-MURDY: In the interest of time, it was a short presentation Mari-Beth had put together. But it might be best for this Board to consider it at the next Board meeting. It was just an update on a Workshop that took place; and when the next CITES meeting is to take place in the summer of 2019, prior to that the Board should possibly consider providing any guidance to European countries on potential listing of American eel on Appendix II.

CHAIRMAN GARY: If there is no objection we'll go ahead and defer that to the next meeting. Is there any other business to bring before this Board? David Borden.

MR. BORDEN: Just a quick point in the spirit of Pat Keliher's suggestion to add some items to the next Board meeting. I think this whole issue how we handle it should be discussed. We need really a generic policy; as Lynn suggested that applies to everyone. I think we would all benefit from that type of discussion. I would ask that it be added to the agenda.

MR. GARY: Any other items to bring before the Board? Dennis Abbott.

MR. ABBOTT: I would just like to thank you for the fine job of running this meeting today. You did a good job, on time and keeping things moving along at a brisk pace, thanks.

**ADJOURNMENT**

CHAIRMAN GARY: Well thank you, I'm still vertical, I think. With that we'll consider this meeting adjourned. Thank you all.

(Whereupon the meeting adjourned at 10:40 o'clock a.m. on August 8, 2018)