



Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201
703.842.0740 • 703.842.0741 (fax) • www.asmf.org

MEMORANDUM

May 21, 2013

To: American Eel Management Board
From: Law Enforcement Committee
Subject: Draft Addendum III Enforcement Comments

During its regularly scheduled meeting on May 20, 2013, the Law Enforcement Committee (LEC) of the Atlantic States Marine Fisheries Commission reviewed management options for reducing harvest of American eel as outlined in Draft Addendum III. We offer the following comments on the enforceability of the various management strategies in the document. In general the LEC has restricted its deliberations to considering enforceability, consistent with its *Guidelines for Resource Managers on the Enforceability of Fishery Management Measures (July 2009)*. These Guidelines rated management strategies using standard terms as follows, from least to most enforceable: Impossible, Impractical, Difficult and Reasonable.

Glass Eel Harvest

Option 1 – Status Quo

Under this option the current regulations for glass eel fisheries will remain in place.

Enforceability is considered Impractical for this option. The LEC has commented previously on the enforcement challenges particularly associated with the fishery in those states currently closed to harvest.

Option 2 – Closure of glass eel fisheries

Under this option no glass eel fisheries will be allowed to operate within state and jurisdictional Waters

Sub-Option 2a – Immediate closure

Sub-Option 2b – Delayed closure

Enforceability is considered Reasonable for this option.

Option 3 – Glass eel quota

Under this option glass eel harvest for states and jurisdictions with a glass eel fishery will be regulated annually through a quota system.

Enforceability is considered Difficult for this option. Because of the variety of management strategies associated with quotas, enforceability depends largely on how quota systems are managed. Increased complexity of quota systems will generally reduce enforceability.

Option 4 – Dealer Requirements

Under this option states with a glass eel fishery would be required to implement a trip level ticket system for harvesters and dealers in order to ensure accurate reporting of glass eel harvest.

The LEC supports this option and affirms that increased reporting standards and/or frequency significantly enhance enforcement of harvest regulations that are implemented for a fishery.

Option 5 – Pigmented eel tolerance

Enforceability is considered Impractical or Difficult for this option. The LEC had questions about the definition of pigmented eels that would apply. Enforceability would be complicated by the lack of a clear definition and also by the difficulty of assessing the amount of pigmented eels in a catch under a specified tolerance level.

Yellow/Silver Eel Harvest

Option 1 – Status Quo

Under this option the current regulations for yellow eel fisheries will remain in place.

The LEC did not identify significant concerns with enforceability of the current regulatory structure for Yellow Eels.

Option 2 – Increase Minimum Size

Under this option states and jurisdictions would be required to adopt a new minimum size limit for all yellow eel fisheries

Enforceability is considered Reasonable for this option. The LEC has previously commented on challenges of measuring live eels, but a minimum size limit is currently in effect and is enforced. To be most effective minimum size limits should be implemented in concert with gear (mesh size) restrictions.

Option 3 – Gear Restrictions

Under this option states and jurisdictions would need to implement gear restrictions in their commercial yellow eel fisheries.

Enforceability is considered Reasonable for this option, especially when implemented in concert with minimum size limits.

Option 4 – Coastwide Quota

Under this option yellow eel harvest for states and jurisdictions with a yellow eel fishery will be regulated annually through a quota system.

Enforceability is considered Difficult for this option. Because of the variety of management strategies associated with quotas, enforceability depends largely on how quota systems are managed. Increased complexity of quota systems will generally reduce enforceability.

Option 5 – Reporting Requirements

Under this option states and jurisdictions with a commercial yellow eel fishery will be required to implement a trip level ticket system for dealer and harvester reporting.

The LEC supports this option and affirms that increased reporting standards and/or frequency significantly enhance enforcement of harvest regulations that are implemented for a fishery.

Option 6 – Two Week Fall Closure

Under this option, states and jurisdictions would be required to close their directed yellow eel pot/trap fishery for two consecutive weeks between September 1st and October 31st. The state or jurisdiction may specify when the closure occurs, however it must occur after the estimated start of each state's silver eel migration. All eel pots/traps, as defined by the state, must be removed from the water during this two week closure.

Enforceability is considered Reasonable so long as gear is required to be removed from the water during the closure. The LEC points out that a brief closure period such as this is enforceable at the harvester level, but not at the dealer level.

Silver Eel Harvest

Option 1 – Status Quo

Under this option the current regulations will remain in place.

The LEC did not identify significant concerns with enforceability of the current regulatory structure for Silver Eels.

Option 2 – Seasonal Closure Restrictions

Under this option states and jurisdictions would be required to implement no take of eels during the fall from any gear type other than baited traps/pots

Enforceability is considered Reasonable for this option.

4.2 RECREATIONAL FISHERIES

Option 1 - Status Quo

The LEC did not identify significant concerns with enforceability of the current regulatory structure for the recreational fishery.

Option 2 - Reduce recreational bag limit

Enforceability is Reasonable for this option. The LEC points out that harvest and possession limits should be the same.

Option 3 – Party/Charter (For-Hire) Exemption

Under this option, party/charter (for-hire) activities would be exempt from the 25 fish per day bag limit. Crew members involved in for-hire employment would still be subject to the current 50 fish per day bag limit and six inch size minimum for bait purposes during fishing, as specified under the American Eel FMP.

Enforceability is considered Reasonable for this option.

The LEC appreciates the opportunity to provide advice regarding future management options for the American eel fishery.