

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

**Crowne Plaza Hotel Old Town  
Alexandria, Virginia  
February 3, 2009**

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1. **Approval of Agenda by Consent** (Page 1).
2. **Approval of Proceedings of October 23, 2008** by Consent (Page 1).
3. **Move to approve the stock assessment time line and terms of references for the American eel stock assessment.** (Page 2). Motion by Dr. Daniel; second by Dr. Kray. Motion carried unanimously (Page 2).
4. **Move to accept the 2008 FMP Review for American Eel and grant de minimis to the states of New Hampshire, Massachusetts, Pennsylvania, the District of Columbia, South Carolina, Georgia and Florida** (Page 5). Motion by Douglas Grout; second by Bill Cole. Motion carried (Page 5).
5. **Adjournment by consent.** (Page 5)

## ATTENDANCE

### Board Members

Terry Stockwell, Admin. Proxy, ME	Roy Miller, DE, proxy for P. Emory (AA)
Pat White, ME (GA)	Bill VanDusen, PA, proxy for Rep. Schroder (LA)
Sen. Dennis Damon, ME (LA)	Russell Dize, MD proxy for Sen. R. Colburn (LA)
Doug Grout, NH (AA)	Ernest Bowden, VA, proxy for D. Lewis (LA)
G. Ritchie White, NH (GA)	Louis Daniel, NC (AA)
Rep. Dennis Abbott, NH (LA)	Bill Cole, NC (GA)
Paul Diodati, MA (AA)	Mike Johnson, NC, proxy for Rep. Wainwright (LA)
David Simpson, CT (AA)	John Frampton, SC (AA)
Lance Stewart, CT (GA)	Robert Boyles, Jr., SC (LA)
James Gilmore, NY (AA)	Spud Woodward, GA, proxy for S. Shipman (AA)
Pat Augustine, NY (GA)	John Duren, GA (GA)
Brian Culhane, NY, proxy for Sen. Johnson (LA)	William Sharp, FL, proxy for G. McRae (AA)
Tom McCloy, NJ, proxy for D. Chanda (AA)	William Orndorf, FL (GA)
Tom Fote, NJ (GA)	Brian Hooker, NMFS
Gilbert Ewing, NJ, proxy for Asm. Fisher (LA)	Jaime Geiger, USFWS
Leroy Young, PA, proxy for A. Austen (AA)	Jed Brown, DC FW
Eugene Kray, PA (GA)	

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

### Ex-Officio Members

John Clark, Technical Committee Chair

Joe Fessenden, Law Enforcement Committee

### Staff

Vince O'Shea

Toni Kerns

Robert Beal

Kate Taylor

### Guests

John Clark, DE DFW

The American Eel Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Crowne Plaza Hotel Old Town, Alexandria, Virginia, February 3, 2009, and was called to order at 4:30 o'clock p.m. by Vice-Chairman Patrick Augustine.

### **CALL TO ORDER**

VICE-CHAIRMAN PATRICK AUGUSTINE: Welcome to the American Eel Management Board. I am going to sit in for A.C. Carpenter for a little bit. He is on a conference call that is very important; and being the vice-chair, I have been asked to sit in on his behalf. Again, I welcome you all to the board and welcome to any public we have out there.

### **APPROVAL OF AGENDA**

I am looking forward to an agenda approval; so if you would please take a look at your agenda, are there any additions, corrections or deletions? Is there any objection to the agenda? Seeing none, the agenda is approved as presented.

### **APPROVAL OF PROCEEDINGS**

Hopefully, you have all had a chance to look at your proceedings of the October 23, 2008, board meeting. Are there any additions, corrections or deletions? Are there any objections to the proceedings as has been presented? Seeing none, the proceedings are approved as presented.

### **PUBLIC COMMENT**

This is an opportunity for anyone in the public who would like to come forward to make a comment on any item that does not appear on the agenda for this meeting. Are there any public comments at this time? Seeing none, we will move on to Item 4, an update on the American Eel Stock Assessment. John, are you ready for that?

### **UPDATE ON THE AMERICAN EEL**

#### **STOCK ASSESSMENT**

#### **TECHNICAL COMMITTEE REPORT**

DR. JOHN CLARK: The technical committee had a conference call on January 6<sup>th</sup> to discuss the terms of

reference from the previous assessment review and to look at the ASMFC Guidelines about stock assessments to come up with terms of reference for the new assessment to be done on American Eel.

The recommended terms of reference are in the memo you have just been given, on the back side of that. Without reading each point there, the first term of reference is calling for more scrutiny of the datasets. The peer review in 2006 asked for more transparency from the technical committee as to which datasets were used, which were not used.

As you can see from the letter points under number one there, the term of reference here will ask us to be very clear about our evaluation of these datasets, why they were used, what the strengths and weaknesses of each set are if can get the standard areas of that. The second term of reference is to evaluate the models that are going to be used for the assessment.

This was another issue that came up in the last assessment as to which models were to be used and why were the models used that were in the assessment. The peer review asked for the data to be looked at in some other ways. Again, this is just a term of reference that will hopefully allow us to look at a bunch of models or for anybody looking at the assessments to see why the models were chosen that were used for the assessment.

As you can see under the second term of reference there, we have several criteria that will be used to judge and evaluate the models. Term of Reference Three is to recommend the stock status as related to the reference points. We would want the assessment to develop reference points to be used for management.

Out of the last assessment an Atlantic Coast Index was developed out of several of the yellow eel datasets that were used in that assessment. The glass eel time series at this point, perhaps we can get some reference points out of that that can be used for management. That's where that term of reference comes from.

The final one was to develop a prioritized list for future research data collection, and I am sure we will come up with several recommendations for that. As I said, these terms of reference were from the previous assessment and also they were evaluated in terms of the ASMFC Stock Assessment Procedures. Are there any questions about the terms of reference for the next stock assessment?

VICE-CHAIRMAN AUGUSTINE: Board members, do we have any questions for John? Seeing none, John, I think we accept what you have put forward and anticipate receiving some very solid information coming back.

### **STOCK ASSESSMENT TIMELINE**

DR. CLARK: I hope so. That would lead me to the next point on the assessment. At the conference call, discussing the timeframes of the people on the stock assessment subcommittee and the review process, the technical committee would like to ask the management board to put off the completion date of the stock assessment to the first half of 2011 rather than have the assessment due in 2010.

In addition to the logistic problems with having it done by 2010, there is a hope that we can possibly have this assessment reviewed by the TRAC. This would be an independent review of the assessment where it would be assessed by both American and Canadian biologists for that. To have that process take place, it was felt that the first half of 2011 would be a more realistic completion date for the assessment. Pat, if we could have the board let us know whether that would be acceptable, that would be great.

VICE-CHAIRMAN AUGUSTINE: Any questions from the board. Dr. Daniel.

DR. LOUIS DANIEL: I was just going to say I think they have done an excellent job coming up with the terms of reference and have no problem with the timelines. Pat, if it is appropriate, I would make a motion that the board approve the stock assessment timeline and the terms of reference.

VICE-CHAIRMAN AUGUSTINE: Dr. Daniel, would you also include the fact we're going to accept the recommended terms of reference all in the same motion as opposed to only just the timeline?

DR. DANIEL: I said timeline and terms of reference.

VICE-CHAIRMAN AUGUSTINE: Thank you very much. Do we have a second to the motion? Seconded by Dr. Kray. Discussion on the motion as presented? Any comments from the board; any comments from the public? Dr. Geiger:

DR. JAIME GEIGER: Mr. Chairman, again, I'm assuming that this is just what Louis put on the table. We're not making a recommendation or endorsement

of this review process or the selected review entity at this point in time, right Mr. Chairman?

VICE-CHAIRMAN AUGUSTINE: Is that your interpretation, Dr. Daniel?

DR. DANIEL: Yes.

VICE-CHAIRMAN AUGUSTINE: Yes, that it is, Dr. Geiger. Any further comments or questions? Do we need to caucus? Seeing heads shaking no, we will then go ahead and call for a vote. All in favor of the motion as presented please raise your right hand; opposed, the same sign; null votes; abstentions. The motion carries 17, 0, 0, 0. Thank you.

DR. CLARK: Pat, I just had a couple of other items from the technical committee conference call. David Cairns of Canada's Department of Fisheries and Oceans is organizing a working group through ICES, the International Council on Exploitation of the Seas, to examine the distribution of American and European eels in saline waters.

The technical committee supports this effort and several members of the technical committee will be working on this effort. We hope to have some good information from that, also. Finally, several members of the technical committee brought up how it would be very good to have an Eel Passage Workshop at some time here in the future and also an Eel-Aging and Commercial Eel Fishery Sampling Workshop, and it was brought up if we could just perhaps get the management board to endorse us doing that sometime here in the future.

VICE-CHAIRMAN AUGUSTINE: Do you want that in terms of a motion? Is there any objection to allowing the technical committee to go forward with that? Nodding of heads, so, yes, please go forward with that. Anything further?

DR. CLARK: That was everything from the technical committee. Thank you.

VICE-CHAIRMAN AUGUSTINE: Thank you, John. Mr. Beal then I am going to turn it over to Mr. Carpenter, our chairman.

MR. ROBERT E. BEAL: The last item on the technical committee's report was suggesting to use the TRAC Process for the peer review. Based on this recommendation, we have had some initial discussions with the National Marine Fisheries Service and in particular the Northeast Regional Office.

The TRAC Process is a joint process between the National Marine Fisheries Service and Canada. The planning timeline for that is pretty far out in the future, and it is usually three to five years out. I think the important part of this recommendation may be – and, John, please correct me I'm wrong – you know, the technical committee would like to have interactions with the Canadian folks on the eel stock assessment.

If there is a way to create that interaction between U.S. and Canada assessment biologists, as well as sharing some data and those types of things, and if we're not able to make on to the TRAC Process, then we can do an ASMFC external review or we can essentially embrace all the concepts of the TRAC Process without having to necessarily get on their schedule and have some potential delays in the stock assessment, I think we can work forward to that.

The TRAC Process is coordinated on the U.S. side of things through the Northeast Regional Coordinating Council. If this board really wants to push for the TRAC Process, we can bring that forward but I think we may be able to achieve a lot of the benefits of the TRAC Process but still use an ASMFC external peer review and have some flexibility. Maybe a minute or two of discussion on that would help Vince and I know what to bring forward to the NRCC.

CHAIRMAN A.C. CARPENTER: I apologize for being late. There was a commitment made by the board when we passed Addendum II last October that we would hold off any future action until the assessment was done in 2010. If going through the TRAC Procedure is going to delay that, I would prefer that we use the ASMFC external peer review.

That's speaking just for myself because I don't want to delay this any longer than we have to. I am sure that the technical committee had very good reasons for inviting the Canadians, but if Bob thinks that we can incorporate them in a less formal way that would be my preference. I would like to hear some discussion or comments around the table. Jaime.

DR. GEIGER: Mr. Chairman, certainly I am aware that in the ASMFC we have a standardized, defined process for peer review, if memory serves me correctly. I believe we either go to SAW/SARC and then pending and failing that we can go to an external ASMFC peer review, but we have a process in place which we conduct peer reviews, if I recall correctly.

If that, indeed, is the case, Mr. Chairman, then certainly I think it is incumbent to follow that established ASMFC process for peer review, but I

would just caveat that by given obviously the distribution of American eel to include Canadian scientists as well as linkages with our sister commission, the Great Lakes Fisheries Commission, on getting the right people for the peer review. Thank you.

CHAIRMAN CARPENTER: Any other comments from the board? I think we ought to follow the procedure of an external peer review, trying to call in as many of the Canadian cohorts and the Great Lakes Commission experts as we can and not get tied up with the state department in helping us out with this I think would be my preference.

DR. CLARK: I just would like to say, though, for the technical committee, the TRAC was not the main driver for that. The request for 2011 just had to do with workload and logistics, and it was thought that perhaps the TRAC would work into that, but we still would like the completion date put to 2011. Thank you.

CHAIRMAN CARPENTER: Anything else on this subject? The next item is the MOU with the Great Lakes Fishery Commission.

## **UPDATE ON MOU WITH THE GREAT LAKES FISHERY COMMISSION**

MR. BEAL: Mr. Chairman, very briefly, at the last meeting we were essentially waiting on feedback from the Great Lakes Commission on the draft of the MOU that has been put together. We did receive the feedback from the Great Lakes folks. They're recommending relatively minor changes. It doesn't change the intent or the direction that the MOU was going.

Mostly they just put in descriptive language of all the organizations that will be involved in the process. This board set up the procedure and essentially forwarded MOU on to the Policy Board unless there were major changes, so this is just an update to say essentially there were not major changes suggested by the Great Lakes folks. It appears that the Policy Board can take action on this document when they get together tomorrow. I think things are in good shape there.

CHAIRMAN CARPENTER: Thank you and since we will all be at the Policy Board, if anybody reads this and has a problem, we can address it tomorrow. The next item is the Eel FMP Review.

## **AMERICAN EEL FISHERY MANAGEMENT PLAN REVIEW**

MS. KATE TAYLOR: The compliance reports were submitted this past fall and reviewed by the plan review team in January. This is a presentation of the fishery management plan review as it was put together with the information contained in the compliance reports. The status of the stock for American eel; the available data from ICES, the stock assessment subcommittee for American eel and the peer review for American eel suggests that there is decreasing recruitment in the population and that there are localized declines in abundance for American eel.

As we just heard in the technical committee report, the commission has begun a stock assessment scheduled for completion in 2011. This graph shows the commercial and recreational landings from the National Marine Fisheries Service through 2007 with the blue line the recreational landings and the red line the commercial landings.

The commercial landings for yellow and silver eel in 2007 were just over 830,000 pounds. This represents a 13 percent increase from 2006. New Jersey, Delaware and Maryland each landed over 100,000 pounds and comprised a total of 74 percent of the coast-wide landings. Landings have not exceeded 1 million pounds since 1996.

Approximately 3,700 pounds of glass eels were landing in the state of Maine, although a fishery is still allowed in South Carolina. There has been a general decline in landings of glass eels seen over the past decade. Recreational estimates are derived from MRFSS. Total estimated recreational catch for 2007 was approximately 140,000 fish, which represents a 63 percent increase from 2996, and this is the first increase since 2003.

New Jersey accounted for over half of the recreational catch, although catch was also reported in nine other states. Fifty-nine percent of those fish were estimated to have been released alive. The plan review team found that all states have implemented the required provisions for the fishery management plan in 2007.

### **REVIEW OF *DE MINIMIS* REQUESTS**

The following states have requested *de minimis* status and the plan review team determined that these states met the qualifications for *de minimis*. They are

New Hampshire, Massachusetts, Pennsylvania, the District of Columbia, South Carolina, Georgia and Florida. Upon reviewing the annual compliance reports for 2007, the plan review team developed the following recommendations.

The PRC requests that state personnel highlight trends in annual reports. The PRT also requests that state personnel describe any circumstances that prevented sampling from occurring as required in the FMP and Addendum I or reasoning for sampling not occurring in a manner consistent with previous years.

Landings, effort and biological data are needed to complete the upcoming stock assessment. States are strongly encouraged to collect biological data from landings if it exists. The PRT also affirms the value of the young-of-the-year surveys and is adamant that they need to be performed on an annual basis. The PRT strongly recommends that all states and jurisdictions continue to implement young-of-the-year surveys. That concludes my report. Thank you, Mr. Chairman.

CHAIRMAN CARPENTER: Are there any questions for Kate? I have a question. When you said Maryland landings exceeded 100,000 pounds; does that include the harvest from the Potomac or is that Maryland harvest by itself?

MS. TAYLOR: I believe, Mr. Chairman, that was the landings that were reported from the state of Maryland alone.

CHAIRMAN CARPENTER: All right, because the Potomac River harvest by itself was 97,000 pounds and about 85 of that was landed in Maryland, so that may change that calculation if you group the three states together. I think we do need a motion to approve the FMP Report and the *de minimis*.

MR. RUSSELL DIZE: Mr. Chairman, in our area of the Chesapeake Bay, which is the middle part of Tillman Island, we probably have one of the better catching years for eels than we have had in the last ten. Our problem was selling the eels. The guys that were eeling had a tough time selling the eels because the markets overseas were limited. It would probably have been a larger catch had they been able to sell them at a good price. Thank you, Mr. Chairman.

CHAIRMAN CARPENTER: Thank you for that explanation. Is there a motion to approve the FMP Review and the granting of *de minimis*? Doug Grout.

MR. DOUGLAS GROUT: I move that we approve the 2008 FMP Review and the de minimis recommendations outlined in that review.

CHAIRMAN CARPENTER: Seconded by Mr. Cole. Is there any need for discussion on the motion? Is there any need for a caucus? Seeing none, all in favor say aye; all opposed, no. Are there any abstentions? The ayes have it and the motion carries.

## ADJOURN

Is there any other further business to come before this board? Seeing none, the meeting is adjourned.

(Whereupon, the meeting was adjourned at 5:00 o'clock p.m., February 3, 2009.)

## OTHER BUSINESS

CHAIRMAN CARPENTER: Is there any other business?

DR. DANIEL: A.C., just a point of information. I'm sure I'm not the only state that is having budget woes and was requested about a week ago to purchase a new eel sampling net for about \$500. I told them no, to stop, we're not going to continue to collect the eel information that we have been collecting and are going to rely on the bridge net survey.

That's a 25-year time series from the Beaufort Lab at NOAA where they have collected a good time series of elver data. It has been worked up and reviewed. We had had some discussions about whether even if we were sampling in the right location for these things. None of us were really adept at catching elvers. I just wanted the board and the commission to be aware that we will be relying solely now on the bridge net index rather than the North Carolina index. It is primarily due some pretty significant budget issues I am facing in North Carolina. Thank you, Mr. Chairman.

CHAIRMAN CARPENTER: Thank you for that update. I have a question for the staff that since my term is up, this meeting would be the term at which we change the chairmanship and I would like to turn the gavel back to our former chairman earlier this afternoon. Thank you very much and I look forward to sitting back out there.

CHAIRMAN AUGUSTINE: Thank you, Mr. ex-Chairman. Congratulations on a job well done over this last couple of years of pushing, prodding shoving this board to get to where we are right now. You have done yeoman work on it and have been a very good, solid leader to follow behind. I can measure up to your standards. Thank you.