

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

**November 10, 2004  
Wentworth by the Sea  
New Castle, New Hampshire**

**ATTENDANCE**

**Board Members**

- |   |  |
|---|--|
| Lew Flagg, Maine DMR                          | Eugene Kray, proxy for Rep. Schroder, PA   |
| Sen. Dennis Damon, ME Leg. Appointee          | Dick Snyder, proxy for Doug Austen, PA FBC |
| Dennis Abbott, proxy for Rep. Blanchard (NH)  | Roy Miller, Delaware DFW                   |
| John Nelson, New Hampshire Marine Fisheries   | Bruno Vasta, Maryland Gov. Appointee       |
| William Adler, Massachusetts Gov. Appointee   | Russel Dize, proxy for Sen. Colburn, MD    |
| Dan McKiernan, Massachusetts DMF              | Howard King, Maryland DNR                  |
| Vito Calomo, proxy for Rep. Verga (MA)        | Ira Palmer, District of Columbia F&W       |
| Everett Petronio, Rhode Island Gov. Appointee | A.C. Carpenter, PRFC                       |
| Lance Stewart, Connecticut Gov. Appointee     | Preston Pate, North Carolina DMF           |
| Eric Smith, Connecticut DEP                   | David Cupka, South Carolina Gov. Appointee |
| Brian Culhane, proxy for Sen. Johnson (NY)    | Robert Boyles, South Carolina DMR          |
| Gordon Colvin, New York State DEC             | John Duren, proxy for GA Gov. Appointee    |
| Pat Augustine, New York Gov. Appointee        | Spud Woodward, Georgia DNR                 |
| Tom Fote, New Jersey Gov. Appointee           | Jaime Geiger, USFWS                        |
| Dick Herb, proxy for Assemblyman Smith (NJ)   | Tom Meyer, NMFS                            |

**Ex-Officio Members**

- |                    |                            |
|--------------------|----------------------------|
| Pat Geer, TC Chair | Joseph Fessenden, LEC Rep. |
|--------------------|----------------------------|

**ASMFC Staff**

- |          |              |              |
|----------|--------------|--------------|
| Bob Beal | Lydia Munger | Vince O'Shea |
|----------|--------------|--------------|

**Guests**

- |                                     |                                  |
|-------------------------------------|----------------------------------|
| Mitchell Feigenbaum, DE Valley Fish | Matt Cieri, Maine DMR            |
| Thomas J. Healy, USFWS              | Harold Mears, NMFS               |
| George Lapointe, Maine DMR          | Peter Burns, NMFS                |
| Linda Mercer, Maine DMR             | Douglas Grout, New Hampshire F&G |
| Wilson Laney, USFWS                 | Clare McBane, New Hampshire F&G  |
| Dick Anderson, CCA, Maine           |                                  |

*There may have been others in attendance who did not sign the attendance sheet.*

## TABLE OF CONTENTS

WELCOME & INTRODUCTIONS .....	4
BOARD CONSENT .....	4
PUBLIC COMMENT .....	4
REVIEW & APPROVAL OF THE 2004 FMP REVIEW .....	6
REVIEW OF THE DRAFT PUBLIC INFORMATION DOCUMENT.....	7
REVIEW AND APPROVAL OF NOMINATIONS TO THE STOCK ASSESSMENT SUBCOMMITTEE ..	23
SELECTION OF A PEER REVIEW PROCESS FOR THE UPCOMING STOCK ASSESSMENT.....	26
REVIEW AND APPROVAL OF NOMINATIONS TO THE AMERICAN EEL ADVISORY PANEL .....	27
INFORMATIONAL PRESENTATION ON THE EEL TRADE .....	28
UPDATE ON THE FEDERAL STATUS REVIEW OF THE AMERICAN EEL STOCK .....	30

## MOTIONS

**Move to approve the FMP Review report including the requests for *de minimis* status.**

Motion by Mr. Cupka, second by Mr. Nelson. Motion carries without objection.

**Move that the Board approve the PID with suggested changes today for the purpose of going to public meetings and gathering public comment.**

Motion by Mr. Colvin, second by Mr. Flagg. Motion carries.

**Move to approve the Stock Assessment nominees recommended.**

Motion by Mr. Colvin, second by Mr. Nelson. Motion carries.

**Move to accept the recommendation of the technical committee for an external peer review panel administered by ASMFC.**

Motion by Mr. Nelson, second by Mr. Carpenter. Motion carries.

**Move to approve the nomination of James Trossbach and David Allen to the Eel Advisory Panel.**

Motion by Mr. Cupka, second by Mr. Augustine. Motion carries.

**ATLANTIC STATES MARINE  
FISHERIES COMMISSION**

**AMERICAN EEL MANAGEMENT  
BOARD**

**Wentworth by the Sea  
New Castle, New Hampshire**

**November 10, 2004**

---

The American Eel Management Board of the Atlantic States Marine Fisheries Commission convened in the Wentworth Ballroom of the Wentworth by the Sea, New Castle, New Hampshire, on Wednesday, November 10, 2004, and was called to order at 8:00 o'clock a.m. by Chairman Jack Travelstead.

**WELCOME & INTRODUCTIONS**

CHAIRMAN JACK  
TRAVELSTEAD: Good morning. Welcome to the American Eel Management Board. The first item on the agenda is approval of the agenda.

**BOARD CONSENT**

I have one change, and that is under other business Mr. Tom Healy, with the U.S. Fish and Wildlife Service, Region 5, Office of Law Enforcement, is here today and has asked to make a presentation on the eel trade.

He has some information I think you'll be interested in. So we're going to try to get through the agenda in time to give him an opportunity to speak under other business.

We also need to add another item, review and approval of nominations to the American Eel Advisory Panel. That will be

an action item, and we'll make that the first item under other business.

Are there any other changes to the agenda? Is there objection to approval of the agenda? Seeing none, the agenda is approved as amended.

You were provided with a copy of the proceedings of the August 17th management board meeting. Are there any corrections to those minutes? Seeing none, the minutes stand approved as presented.

**PUBLIC COMMENT**

Item 3 is public comment. Can I see a show of hands of individuals who would like to speak at this time. Yes, sir, come right on up. We have a public microphone over to your right.

MR. MITCHELL FEIGENBAUM: Good morning. Thank you. My name is Mitch Feigenbaum. I'm with Delaware Valley Fish Company of Norristown, PA. I'm a member of the advisory panel for eels. I want to speak briefly on two or three points.

First, one of the agenda items for today is the nomination of Barry Kratchman to the stock assessment committee. Mr. Kratchman is my business partner who is very much devoted to the subject and issue of eels. He couldn't be here today. He asked me if I could read this statement. It's less than a page.

“Good day, Chairman Travelstead and board members: Many of you may know who I am from my public comments at the prior board meeting. For those who do not, I am the president of Delaware Valley Fish Company, an

eel export company established in 1972.

“For 30 years I have been involved in every aspect of the eel industry, from retrieving stray eels on the warehouse floor at Age 11, sorting eels at 20, purchasing eels at 30 to compiling catch data for this board at Age 40.

“My duties run from the mundane to the complex. It is a 12-month a year commitment and has been for my entire adult life. Recently Gene Kray from Pennsylvania nominated me for a position on the stock assessment subcommittee for eels.

“I asked for this opportunity after reviewing various reports, including the PID, and discovering that the committees find the data on eel populations to be fragmented and/or incomplete.

“This is very worrisome since it is this data that the technical committee will utilize to make recommendations on potentially significant changes to the fishery. I’ve spoken with Pat Geer and Bob Beal to explain the unique information that I possess which would be invaluable to the stock assessment process.

“For example, the technical committee’s official response to the catch data recently supplied by Delaware Valley Fish indicated a need to correlate our catch information with various measures of fishermen effort.

“I would respectfully submit that I am in an ideal and unique position to help prepare such an analysis based on my intimate familiarity with virtually every eel fisherman in North America, all the

other eel buyers, as well as the market conditions, in addition to some more obscure but highly relevant factors such as the availability of bait, the impact of severe weather, water temperatures and tides, et cetera.

“I hope this board will take full advantage of my desire to participate in the eel stock assessment, that it may ultimately formulate pertinent and appropriate recommendations.”

I’ll give you a copy of that. Just touching on that very briefly, and I will be brief -- I learned my lesson from the last time I spoke -- I have been named to the advisory panel, and Barry has received at least some preliminary indication that at least some people in influence feel that the kind of information he’s offering to provide would be best provided through the advisory panel.

We hope that Barry can actually have a seat on the stock assessment subcommittee directly because of the detail of information he’s ready to provide; however, if in fact the board finds that our input needs to be restricted to the advisory panel, then I would ask that the board or Lydia follow up on something that was committed to two meetings ago.

At that time, two meetings ago, Barry and I were assured that although the advisory panel had been highly inactive for many, many years, and understandably so since there was nothing pending at that time, that as we now begin taking some more substantial action, that that advisory panel would be reconstituted and reinvigorated.

I know that Lydia sent along a questionnaire to all the advisory panel members to see what continuing interest they have. I don’t

know the results of that, but I would specifically ask that at the next meeting of this board, if the advisory panel could be convened to at least organize itself so that we can meaningfully participate, we'd appreciate that.

Just in conclusion, I want to reiterate to everyone that we strongly feel we have better information. We might not have better analysis, but we have better information than any other source in North America when it comes to the eel catches and the eel population.

We beseech the board, the subcommittees, the panels to please take advantage of us, take advantage of our knowledge. We want to participate and cooperate. Thank you.

CHAIRMAN TRAVELSTEAD:  
Thank you, Mitch. Anyone else from the public wish to speak at this point? Seeing none, let's move on to the next agenda item, review and approval of the 2004 FMP review. Lydia, you're going to take us through that.

#### **REVIEW & APPROVAL OF THE 2004 FMP REVIEW**

MS. LYDIA MUNGER: Thank you, Mr. Chairman. The review of the 2004 FMP review is rather brief, so I didn't prepare any PowerPoint slides. The newest update to the FMP review is in conjunction with technical committee members. Staff and the PRT have developed tables summarizing state regulations.

Multiple PRT and technical committee members thought that this was a valuable addition to the FMP review. There are no states out of compliance with the Eel FMP for the 2003 fishing year. There are a number of states who have requested and qualified for *de minimis* status, which the

board will need to approve.

The states are New Hampshire, Massachusetts, Pennsylvania, South Carolina, Georgia, Florida and the District of Columbia. There is one correction to the FMP review. In that section it states that the *de minimis* status would be based on the landings from the 2002-2003 fishing years.

That's actually incorrect because the commercial landings weren't available for 2003 from the National Marine Fisheries Service at the time this report was written, so that *de minimis* status is in fact based on the 2001-2002 landings.

CHAIRMAN TRAVELSTEAD:  
Any questions of Lydia on the review? David.

**MR. DAVID CUPKA: I would make a motion that we accept the plan review, Mr. Chairman.**

CHAIRMAN TRAVELSTEAD: Is there a second to the motion? Seconded by John Nelson. Any discussion on the motion to approve the FMP review? Pres.

MR. PRESTON PATE, JR.: Jack, does that motion include the *de minimis* request from the southern states?

CHAIRMAN TRAVELSTEAD:  
David.

MR. CUPKA: Did he ask if it includes *de minimis*? Well, that's part of the report. I know yesterday we did it separately in a couple of them yesterday. We can do it either way. It is part of the report.

CHAIRMAN TRAVELSTEAD:  
Bob, is there a need to do a separate motion

for *de minimis*; or, if you approve the report, you're approving?

MR. ROBERT E. BEAL: It can definitely be done in one motion. It probably should be clearly stated, FMP review including request for *de minimis* status or something like that.

**MR. CUPKA: All right, so it does include *de minimis* then.**

CHAIRMAN TRAVELSTEAD: Okay, any comments on the motion? **Any objection to the motion? Seeing none, the motion is approved.** Next agenda item, Item 5, review the draft public information document, discussion of potential management changes for American eel. Lydia.

#### **REVIEW OF THE DRAFT PUBLIC INFORMATION DOCUMENT**

MS. MUNGER: Thank you, Jack. Staff has prepared a presentation that will detail the background information and specific public comment issues that currently appear in the draft public information document as developed by the plan development team.

There are extra copies. The document was circulated on the CD-Rom, but if you need an extra copy, there are copies available at the back of the room. In August 2004 the board tasked the plan development team with revising the draft PID to address the recommendations made by the board at the August meeting.

The purpose of the draft PID is listed in the document as, "to inform the public of the intent of the ASMFC to gather information concerning the American Eel Fishery and provide an opportunity for the public to

identify major issues and alternatives for eel management."

The background sections of the draft public information document discuss general information about the American eel and eel fisheries and includes the goals and objectives of the FMP. There is a discussion reviewing available data on the American Eel Fishery.

This section has been significantly expanded to include a review of literature containing data from the Chesapeake Bay. The background sections discuss the subjects and results of the March technical committee meeting and give a brief overview of commercial and recreational fisheries for American eel as well as a paragraph on status of the stocks.

The background section has been expanded to more fully describe the current issues facing the American eel stock. Now moving into the issues that are presented for public comment in this draft document.

The discussion on some of these issues has been expanded in the new draft and one additional issue has been added. I'll cover that one at the end. So first we're going to start with Issue 1 -- and I'll try to highlight where the issues have been expanded and elaborated upon.

Issue 1 deals with the recreational possession limit. The limit is currently placed in the FMP at 50 eels per person per day for personal use as bait in other fisheries. The technical committee recommendation is to reduce this recreational possession limit from 50 to 25 eels per person per day.

Any change to the recreational possession limit could be implemented through an

addendum to the FMP. There are two public comment questions appearing with this issue and they're intended to guide public comment on this issue.

And the question are: Does the public believe the recreational possession limit for American eel should be changed or should remain the same? The second questions is if the recreational possession limit were changed, what does the public believe the limit should be changed to?

Issue 2 deals with the technical committee recommendation to implement a closure of all directed silver eel fisheries. This change would require an amendment to the FMP for implementation. The question intended to guide public comment on this issue is does the public believe that all directed silver eel fisheries should be closed?

The third issue in the draft PID deals with the technical committee recommendations to implement seasonal closures that would include closures for all eel life stages. This change would need to be implemented through an amendment to the FMP.

The technical committee outlined these closures as 90-day seasonal closures that would be timed to correspond with the traditional period of silver eel out-migration. This time period generally takes place during the fall months, though it can begin as early as August and run through January.

The closure would ultimate protect all life stages of eels during what is traditionally a period of peak effort. The questions designed to guide public comment on this issue are: does the public believe that a seasonal closure for all life stages of eels should be implemented? And if so, during what time of year does the public believe this seasonal closure should take place?

Issue 4 deals with improved collection of both catch-and-effort data for the recreational and commercial fisheries. This issue could be implemented through an addendum to the FMP.

The technical committee recommendation on this issue discussed a specific commercial and recreational harvester and dealer permit or license for each state. This permit would be associated with a mandatory reporting requirement.

In addition to the objective of improving available data on catch and effort for the eel fishery, this system also has the potential to provide detailed information on how much of the total catch of American eel is used for food versus the percentage used for bait.

In the draft document, there are four public comment questions for this issue. The first is does the public believe that collection of more accurate catch-and-effort data is necessary? If so, does the public believe that a permit is an appropriate way to collect these data?

Does the public view the use of American eel as bait in fisheries for other species as an obstacle to the restoration of the American eel resource? And if so, does the public feel that a coast-wide reduction of or prohibition on the use of American eel as bait in other fisheries will be helpful in rebuilding the American eel resource?

Issue 5 deals with habitat, and this is one of the issues that has been expanded based on the discussions at the August board meeting. Habitat concerns can be detailed in an addendum or an amendment to the FMP.

The technical committee described concerns relating to upstream and downstream eel

passage, including monitoring of effectiveness of passage measures that are put in place. Included in this issue is an evaluation of various downstream passage methods such as bypass facilities and suspension of operation.

In addition to eel passage, habitat concerns such as low oxygen, extremes of Ph, water temperature, food availability, the swim bladder parasite *Angitia colacrisis*, and chemicals such as PCBs, heavy metals and endocrine-related toxicants are mentioned in the draft PID.

The questions designed to guide public comments on this issue are: What does the public view as the primary habitat issues facing the American eel stock? Does the public have any recommendations for adjusting the habitat issues facing the American eel stock?

The last issue is the newest issue. Issue 6 deals with predation. This is, like I said, the newest addition to the draft PID. Predation concerns can be detailed in an addendum or an amendment.

The technical committee described concerns relating to predation on eels by non-native fish species. The management board wished to elaborate and include native fish species as well as bird and other species that may be a significant source of mortality for American eels.

The questions designed to guide public comments on this issue are: Describe the public's knowledge of impacts of predation on the American eel stock; and does the public have any recommendations for addressing the predation issues facing the American eel stock?

So, what does the board need to decide

today? Keeping in mind that the benchmark stock assessment is due to be completed in 2005, also it's due to be peer reviewed in 2005, the board may do one of three things.

The board may hold on taking any action until the stock assessment is complete, waiting to see the results of the assessment before deciding which action to take. The second option is to decide to move forward with an addendum to address those issues that can be addressed through an addendum, noting that this process is not as intensive as the amendment development process.

The board may also elect to begin development of an amendment to address one or all of the issues in the draft PID as well as additional issues as the board sees fit. And at this point, if the board does decide to move forward with the PID, the board may wish to make modifications to the document before it is approved.

CHAIRMAN TRAVELSTEAD: Okay, you've heard a summary of the PID and some of the options that are available to you. Are there comments? Gordon.

MR. GORDON C. COLVIN: I have a question for Lydia. I'm wondering if there isn't another option available, and that option would be the approval of the PID for public distribution, public hearings, solicitation of public input; and then following an analysis of that input, further decision by the board on a course of action.

CHAIRMAN TRAVELSTEAD: Bob, do you want to say anything?

MR. BEAL: I think that can be done, Gordon. It will have to be very clearly stated in the document what the intent of that document is. In other words, have to stated that we're out soliciting

public comment; we may do one of two things with that public comment, either use that public comment to complete an addendum without going back out to the public; or, if the board chooses to go through the amendment process, there will be another round of public comment. It just needs to be very clearly stated up front in the document what the purpose of it is.

MR. COLVIN: Thank you. My impression was that the board might ultimately decide to go in both directions; that is, following the receipt of public comment on the array of issues presented in the PID; that one or more of those issues, if selected by the board for further action, might take us in the direction of an addendum; whereas, other issues might best be set aside; and, following receipt of the updated stock assessment next year, could be packaged into an amendment along with the updated stock assessment information.

In fact, I sort of thought that's where we were headed from the outset. I'd like to just speak in support of that approach to things. There are measures in here that can be addressed through addendum, and there are others that might best appropriately wait for more development.

Let me also say, while I have the mike, that I want to thank Lydia and the plan development team. I think they've done an excellent job of scoping these issues and pulling together a substantially improved PID.

Frankly, I think it is sufficient to justify putting out for public comment without yet making a motion, but liking to hear some more discussion. My personal viewpoint would be to proceed as I kind of suggested a few minutes ago.

CHAIRMAN TRAVELSTEAD:  
Tom.

MR. FOTE: I agree with Gordon, but before we would do that, I'd like to comment at some point, when we're ready, on some of the questions that we're going to ask in the document.

I think we need to get at some of the finer points, and the way we're asking some of those questions won't get at the information that we need, so I'd like to discuss that when it's appropriate.

CHAIRMAN TRAVELSTEAD:  
You're suggesting you'd have some changes you want to make to the PID, to alter some of the questions?

MR. THOMAS FOTE: Yes, when it basically looks at the 25-bag limit and we're at a 50-bag limit, because some of the questions we really need to get at is how people buy eels.

You know, we're talking about what is your possession limit that you basically have at a certain point. But the people that I know of that I deal with that basically fish eels a lot, they buy eels at 500 or 600, store the eels, have in their possession when they go out fishing 25 or 50.

Is this really -- if we change the bag limit, the possession limit, is that really going to make any difference in the amount of eels they purchase, or is it just going to make them make two trips to a store to buy the same number of eels?

And that's what I'm looking at. We need to word the questions somehow to get those answers, because, truthfully, I'm looking at whether we go to 50 or 25, it's not going to make a difference in the overall, what they

purchase. It's just how many trips, how much gas they burn, and so that's what I'm trying to get at.

CHAIRMAN TRAVELSTEAD:  
Okay, Everett.

MR. EVERETT A. PETRONIO, JR.:  
Thank you. I'd like to echo Tom's comments. I also have friends and people in Rhode Island that I know who purchase eels in large quantities to avoid having to travel back and forth to a bait center where they could purchase the eels.

Often they're bought -- especially as you get towards the end of the year, the tackle shops start to close so people will buy 100-200. I mean, I'm not aware of 500, but that's certainly a possibility.

So the question becomes -- at the end of the day they're purchasing the same number of eels, but eels lend themselves to being stored very well at a dock, and so the 25 or 50 could be a real concern to a lot of recreational fishermen.

CHAIRMAN TRAVELSTEAD: It sounds to me like you want a question in the document that asks recreational fishermen whether a possession limit would merely alter your purchasing of eels as opposed to actually reducing the number that you use, something along those lines. Everett.

MR. PETRONIO: Yes, if I may respond, I would like to see it phrased differently and not talk in terms of 25 versus 50, but what type of possession limit would still meet your needs as far as buying eels, but still trying to get where we're going. I'm sure that everyone wants to be effective in helping restore eel stocks.

CHAIRMAN TRAVELSTEAD:

Okay, thank you. A.C. and Bill.

MR. A.C. CARPENTER: Mr. Chairman, I'd like to speak in favor of the idea of waiting on any further development of this until after we get the stock assessment done next year. I think that rushing out to the public now with a series of questions, some are very broad, and the technical detail behind some of these questions are somewhat limited.

I think we'd be in a much better position if we waited the one year to get the stock assessment done, and we would then have a scientific basis to proceed. Many of these questions will come back, I'm certain, but I think the document would be much stronger, and we'd be in a much stronger position to move quicker through this process and less confusion for the public.

CHAIRMAN TRAVELSTEAD:  
Thank you. Bill.

MR. WILLIAM A. ADLER: Thank you, Mr. Chairman. Going back to the 50 and the 25 number, it might be helpful, if you do go out with this, to just mention the two different situations you've got here.

Because, in one case you're talking about perhaps catching and bringing in 50 or 25, and the public is going to say, well, I don't catch them, but I go and buy them, so an identification of those two scenarios, that you know that they exist, would help them.

Otherwise, at the public hearing you're going to hear, well, I don't catch them; I buy them, so what about me. You could take care of that by putting a sentence or two in that paragraph.

CHAIRMAN TRAVELSTEAD:  
That's a good point. Tom.

MR. FOTE: Yes, and after thinking about, this I'm looking at -- as we usually do the only thing we really most of the time can manage is fishermen, and we can't manage habitat issues, but I really would like to get some more information -- and that's why I'm thinking what A.C. has just said.

It isn't really the harvest that's being affected, or is it because of other reasons that the eel populations are basically affected. I know we have to control the catch, but we should be clear in the document when we go out that this is not the overall problem, or is it the overall problem.

It would make it a lot easier to sell this if we figure it out. But I know in some instances there's strong feelings that it's not what we harvest for consumption or for bait, but what's happening in other situations with dams, power plants and everything else that's affecting it.

I'd like to make that clear in the document at least for the public, so we at least give them -- you know, we've got six questions on how we stop harvest and only one question on the environment, and that kind of always looks a little weighted.

CHAIRMAN TRAVELSTEAD: Thank you. Is there anyone else who has any suggested changes to the PID document? A.C.

MR. CARPENTER: Well, if we're going into -- I thought we were going to decide whether we were going to have the document go forward yet, but apparently that decision is on track here.

CHAIRMAN TRAVELSTEAD: Well, we're going to get motions on all of it eventually, but since we have the document

in front of us, I want to make sure it's perfect if in fact we're going to decide to do something with it.

MR. CARPENTER: All right, in that case Mr. Chairman, Issue Number 3 is titled, "Seasonal Closures for All Life Stages." When I first read that, I got the impression that we were talking about a seasonal closure for silver eels, maybe a seasonal closure for the elver fishery, maybe a seasonal closure for the yellow eel fishery.

The only reference in terms of the question deals with timing for the silver eel. Are we talking about just a fall closure for the benefit of the silver eel; or, are we talking about all life stages at different times of the year, and that's unclear to me?

MR. PATRICK GEER: Okay, the technical committee, because it's sometimes difficult to determine what a silver eel is during certain times of the -- you know, during the fall, depending on what state you're in, so the purpose was to select a period when you know that eels are migrating out.

I think it's a 90-day period, so it's to close it for all eels, eel harvest at that time because it's -- I know in Virginia, for instance, it's very difficult to -- the eels haven't started metamorphosing yet when they start migrating down the river, so it's hard to tell if it's a silver eel or not.

MR. CARPENTER: Well, perhaps it's as simple as saying a seasonal closure for all gears as opposed to all life stages. The eel is one of the species that has definite life stages that are identified and referred to and are pretty well known.

If what you're talking about is a total closure for a 90-day period for all harvest,

regardless of life stage, that's, to me, a clearer way to do it. If you're taking the pots and the gear out of the water, then you have accomplished what you want without complicating the issue of life stages.

I think with a heading like "Seasonal Closure for all Life Stages", one could interpret that you're going to have three different seasonal closure depending on which life stage you're talking about. I think it's a semantic issue.

CHAIRMAN TRAVELSTEAD: A.C., how about if we just eliminate the words "for all life stages" and just say "Seasonal Closures?"

MR. CARPENTER: I think that would clear that up. Mr. Chairman, if I can, on Item Number 4, the catch-and-effort issue, I think if we're going to ask the question, "Does the public view the use of American eel as bait in fisheries for other species as an obstacle" then I think we should also include the question, "Does the public believe the use of eels for human consumption is an obstacle."

I have argued this point before, that once the eel is removed from the system, it doesn't make any difference whether I'm eating it or a crab is going to eat it. It's one out of the system and it is gone.

It is purely an economic decision that I think the marketplace is much better adapted to handle than we are. I would like either the reference to the bait fishery removed or certainly the human consumption included in that question.

CHAIRMAN TRAVELSTEAD: All right, any other comments on the PID? Dick.

MR. DICK SNYDER: Jack, I'd like to go back to Issue 1. I can't fully appreciate the situation of purchasing eels for bait, so I want to separate that from the recreational angler. I welcome informed public input, but I think in terms of the impact of changing a creel limit, I sense at least in Pennsylvania our anglers are much more conservative than when I started a few years ago.

And just with the opportunity to reduce harvest, I think anglers -- again, this is just from the recreational aspect -- would jump at the chance, thinking there is going to be a halving of harvest.

I would like to see some kind of information in there as to the perceived impact or at least a distribution of angler catch to give anglers a basis to make a decision rather than going on gut feeling.

And, again, I'm only looking at the recreational angle of harvesting in the wild, not on the bait part, because I have no feeling there. Otherwise, I think this is a leading question, and I would wonder about the utility of the response if it's not founded on more technical information.

CHAIRMAN TRAVELSTEAD: Other comments? Everett.

MR. PETRONIO: Thank you. In looking at the last question under Issue Number 4, which kind of has an A and B part, it talks about does the public view of the use of American eel as bait as an obstacle to restoration.

We then go to, if so, does the public feel that a coast-wide reduction or prohibition on the use of American eel would be helpful in rebuilding the eel resource. I think that type of question is something that is so much

better answered after we have the stock assessment in hand.

It strikes me as very, very speculative to be asking this question when the technical committee nor anyone else has any good handle on the status of the stock, so I think that this is either premature or needs to be modified somehow. Thank you.

CHAIRMAN TRAVELSTEAD:  
Any other comments from the board members? Gordon.

MR. COLVIN: I just want to express a concern about what folks' expectations might be for the stock assessment. You know, I sat here yesterday, and I heard a report from the lobster technical committee about what is going on in the status of the update to the American lobster stock assessment and the results of a review of our lobster models by a panel of probably the most impressive stock population modeling scientists in the world of our data base, and what was interesting and intriguing to me is for all the information we have about lobsters and have been collecting over the years, this group of very distinguished scientists expressed very strong reservations about our data and its use to support the models by which we conduct the lobster stock assessment.

If that's where we are with lobsters, I think we need to really have some kind of a reality check on what we expect out of the eel stock assessment update. If we think that our questions will be answered and there will be no uncertainty and we will know what we have to do in terms of management of eels, we are wrong.

I think we can do well, and I hope Patrick will address this, but I think the notion of we ought to wait until we have all the answers

from the stock assessment is not really a good connect here.

I personally -- and many of you who have been part of this board understand where I'm coming from -- think that waiting for a stock assessment is not a reason to wait on starting this process.

Let me just also point out to those who are new to the board that we started on this road that we're on with this PID one year ago at the annual meeting in New York, when we were presented with some information by our partners in the Great Lakes Fisheries Commission who expressed very strong concerns to us about the urgency of the need to reconsider the direction of management of American eels throughout the North Atlantic Basin.

I would be very disappointed to see that after a year we had done nothing but decide to wait for another year before we even took the step of going out and presenting what we do know to the public and asking them for some input on it.

I think that would be very disappointing. There is stuff in this PID that we ought to be doing. There is stuff in this PID that we ought to at least be getting some dialogue going about, whether we start doing it or not.

I don't think any of us, if we stopped and thought about it, would disagree with the need to proceed on Issue 4 on catch-and-effort data.

I don't think any of us would disagree on the need to proceed and take a very hard look at the habitat stuff and to see what role we can be taking as a commission and as 15 states in advancing American eel habitat protection and conservation.

The other issues I think are important to engage the public on, engage the users on, and I'm not quite sure what we're afraid of in terms of opening that dialogue. I think the time has come to do it.

And as a consequence, Mr. Chairman, I'd like to make a motion now if you don't mind. **I would like to move that the Eel Board approve this addendum with the changes that have been suggested by members today for purposes of holding public hearings and collecting public input.**

CHAIRMAN TRAVELSTEAD: You've heard the motion. Is there a second to the motion?

MR. LEWIS FLAGG: Right here.

CHAIRMAN TRAVELSTEAD: Seconded by Lew Flagg. Comments on the motion?

**MR. COLVIN: Mr. Chairman, it was pointed out to me that I said "addendum" and I meant "PID."**

CHAIRMAN TRAVELSTEAD: Okay, yes, that's an important distinction. Let's take comments on the motion while the staff is putting it on the board. Roy and then Tom.

MR. ROY MILLER: Thank you, Mr. Chairman. Having listened to the previous discussion prior to Gordon's motion, I was wondering if you could clarify for me exactly which issues we will now change concerning the document in front of us.

CHAIRMAN TRAVELSTEAD: You want Gordon to do that or you want me

to do that?

MR. MILLER: Your pleasure, Mr. Chairman.

CHAIRMAN TRAVELSTEAD: Well, where did Lydia go? I was taking some notes, but I can't tell you that they're complete. Clearly, we wanted to make some additions to Issue 1 on the possession limit, the issues of harvesting for bait versus purchasing for bait, add some questions there.

Someone asked for some additional data to sort of justify the possession limits that were described there. You can add to these when I finish. Under Issue 3 we wanted to shorten the title there so that we're just referencing seasonal closures without respect to all life stages, but basically talking about a 90-day seasonal closure.

Under Issue 4, there was the suggestion that we also ask the question about how the public feels about human consumption and whether or not that is an obstacle to restoration of the eel. That was the extent of my notes. You probably have a lot more.

MS. MUNGER: Thank you, Jack. I don't have a lot more. Under Issue 4, the last question -- and we just discussed that in terms of -- pardon me while I flip to the correct page -- in terms of the last two questions, under Issue 4, does the public view the use of American eel as bait or as human consumption as an obstacle, so changing those questions.

And also there was a statement that Question 4 might be better answered after the assessment, and what I have is that the person who made that statement was asking for modification to that question. I was wondering if I could get some clarification

for the PDT on that statement, or if the other comments that have been made with regard to those questions are sufficient.

CHAIRMAN TRAVELSTEAD: It was Everett who had suggested some changes there. Do you want to comment?

MR. PETRONIO: I had suggested that -- my comment went more to the timing, and that this perhaps would not be appropriately included given our limited info. From what I understand, I guess I'm waiting for it to go, and that may not come, so if it's the board's pleasure, it could remain included.

For my purposes, I guess I'd like to hear some more discussion from other members of the board as to whether they think it's appropriate at this time. I was just making the point that I thought it was a little premature.

CHAIRMAN TRAVELSTEAD: Yes, thank you. Roy, does that answer your question?

MR. MILLER: It does, Mr. Chairman. I don't know if we've totally fleshed out these changes, but I have a general gist of it. Thank you.

CHAIRMAN TRAVELSTEAD: Okay, Tom then A.C.

MR. FOTE: Again, looking at the habitat section, I consider that one of the most important sections, yet it's really not that extensive, and it's kind of short there.

You know, when the Great Lakes came to us, what I got out of as part of that discussion, a lot of it was habitat concerns or habitat, whether it's impingement of something else like that.

I think that needs to be clearly stated in the document as what is causing part of the eel population collapse. It is not just catching, it is basically impingement, and everything else, or it's chemicals or whatever.

And it needs to be more clearly stated in this document because we're trying to get information. We're also trying to inform the public, because if we inform the public, they will help us in getting some of this corrected out there, some of this addressed.

So I see this more as a tool not only to inform what's going on, but also to get them activated and to say if you want to protect the eel populations, we need to do certain things about dams, rivers and everything else, and that's why I need a little stronger section than this, because we basically, as I said before, we go after fishermen.

My concern is a lot of times, because I know I can only control them, is the habitat issues that are basically affecting a lot of these fish populations more so than sometimes the catch.

CHAIRMAN TRAVELSTEAD: We have a motion on the floor for consideration, so make sure you direct your comments there as well. A.C., Lance, and Gordon.

MR. CARPENTER: My comments were more to the specifics of the plan, not to the motion itself.

CHAIRMAN TRAVELSTEAD: Another suggested change?

MR. CARPENTER: Yes.

CHAIRMAN TRAVELSTEAD: Go ahead.

MR. CARPENTER: I think Issue 4, the catch-and-effort data, I totally agree with Gordon is absolutely necessary, and we currently require all of the catch-and-effort data to be submitted.

I think the part of the problem comes in with mixing catch-and- effort section with questions about the use of the product once it's harvested. I think that the last question on that Section 4 that says, does the public feel that a coast-wide reduction"; maybe if it said a "coast-wide reduction in harvest", strike out how the stuff is going to be used, "would be helpful in rebuilding the American eel stock", then I think you have a question they can comment on.

That question could also be asked in relationship to the 90-day closure, so my problem with the document at this point is the implied assumption that we know or the public knows that an eel taken for bait hasn't got as much value as one taken for any other purpose.

I keep coming back to that, that it's an economic issue, and if the public feels very strongly that we should eliminate the bait fishery, then we really don't need the recreational possession limit that I've heard about so much discussion here a few minutes ago, about whether they buy it or they catch it themselves.

So I think those two issues are still pretty cloudy in this document and confusing. I don't have any suggestion other than maybe in that catch-and-effort section, if you asked the question does the public view the disposition of the eels taken as an important issue rather than specify the bait or the human consumption.

CHAIRMAN TRAVELSTEAD: Any objection to those changes? I think

you've really sort of clarified the question. I think you're suggesting moving them over under Issue 3 where we're talking about seasonal closures so --

MR. CARPENTER: I think it applies equally in both places.

CHAIRMAN TRAVELSTEAD: Okay, other questions?

MR. ERIC SMITH: I have a question. I think I like the direction this is going in, and I would suggest that Question 3 and 4 under Issue 4, neither one of those questions are appropriate under a catch-and-effort data section, and we may actually want to add an issue in there and put those two questions in and the similar ones that say use of the resource -- use as bait, is that appropriate? Use as food, is that appropriate? Is either one of them an obstacle to management?

They seem like things that are like terms and they don't fit in any one of these other issues. They certainly don't fit in catch-and-effort data now that I've heard this debate. I would suggest that a newly numbered issue somewhere in there that we deal with the resource use question.

CHAIRMAN TRAVELSTEAD: I think that's a good suggestion. Other comments on the motion? I had Lance and then Gordon.

DR. LANCE STEWART: Thank you, Mr. Chairman. I just won't hesitate to say this because I think it's very important. As I look at the whole history of the eel board and how this document has evolved, one thing I recall is the tremendous momentum this fishery had and repercussions of the glass eel fishery.

And essentially that was established along our whole coast as a very economic entity to promote aquaculture. I think one of the most efficient ways of utilizing a very unique segment of this stock that makes migration of all those glass eels, so I think a very efficient method of producing food, not bait, is completely left out of this document.

I don't know whether in the stock assessment we're going to separate aquaculturists, if there are any left along the Atlantic Coast. But, certainly, in Canada it's a prime option; and as the market was developed within the domestic U.S. circles, the Asian aquaculture of eel has taken off and continues to be very successful.

So what my concern is that one whole segment of an educational process for the public is missed by this very important and very unique species, and I think we owe somewhat of a service to an industry, if it is still trying to survive, to include it in ramifications of a PID.

CHAIRMAN TRAVELSTEAD:  
Okay, thank you. Gordon.

MR. COLVIN: Thank you, Mr. Chairman. First of all, for the record, the changes to the PID that you and Lydia read are in fact the changes that are in my notes and were reflected in my original motion.

Secondly, the comments of the last three speakers have suggested the prospect for the addition of essentially an Issue 7, which identifies the more or less traditional or recent uses of harvested eels, glass eels for aquaculture, harvested yellow eels for bait and food, harvested silver eels primarily for food, and a series of questions that might address the economic and social benefits.

I want to stress both and people's comments

about those relative values to take into account and the management program, I think might be a useful addition to the PID in that way.

I would support the notion of supporting an Issue 7 that would briefly characterize those traditional uses and asks questions along the lines of the third and fourth questions under Issue 4 more broadly about all of the described uses, if that meets with general consensus around the table.

CHAIRMAN TRAVELSTEAD:  
Okay, is there any objection to that suggestion? All right, I think we've got consensus on that point. Any other speakers on the motion? John.

MR. JOHN DUREN: This is a comment about the language of the motion. According to our process flow chart, the phase we are approaching is public information meetings rather than hearings, and I would ask Gordon if he would agree to change that from public hearings to public meetings.

The hearings would take place after a draft amendment is proposed. Then my other question is, assuming that we vote in favor of this motion, will the word "draft" then be removed from the title on this document?

CHAIRMAN TRAVELSTEAD:  
I'm sure the answer to your last question is, yes, it will be removed after the staff makes the appropriate amendments that we've all agreed to here today. And, Gordon, are you in agreement to change the word "hearings" to "meetings" in your motion?

MR. COLVIN: Absolutely.

CHAIRMAN TRAVELSTEAD:  
Okay, any further comments from the board

on the motion? Lew.

MR. FLAGG: Thank you, Mr. Chairman. I just want to state that we're very much in support of this motion. I do believe that the American eel resource is in trouble, and I think that it's incumbent upon us to start this process at the earliest opportunity, so that we can try to turn the situation around in terms of this particular problem with the American eel resource. Thank you.

CHAIRMAN TRAVELSTEAD: Thank you, Lew. I want to take some brief comments from the audience. We do have a little bit of time left. Mitch, you've had your hand up.

MR. FEIGENBAUM: I guess I'll limit it to one, I think the most critical point, and I apologize to Gordon for whispering in his ear, because I didn't know if I was going to get the mike. I think that A.C. makes a very fair point about conservation is a different issue than the value judgments of the economic uses of fish.

I think that from a scientific standpoint, the PDT needs to incorporate one more question or one more issue into this process, and that is whether the public and/or science feels that size limits as a conservation tool will have a positive impact on the stock.

I think it's important to realize that up in Canada, really the very backbone of the integrated eel management process that's taking place is to use targeted closures to avoid silver eel migration, but also take into account the idea that if you take one pound of extra small eels -- that's an eel under 100 grams

-- or one pound of a large eel, which is just one eel, you've potentially taken four breeders out of the system as opposed to

one, so that in fact putting aside the economic and values judgments that we make -- and they are put aside because in fact small eels are not just used for bait, but in the Mediterranean countries we export tens of thousands of pounds of the same eels that are used as bait, we export for food so there the market has to just find itself.

But from a conservation point of view, I think that size limits ought to be considered. I just would add as a matter of fact to the gentleman over there, as far as I know, there is right now only one large-scale commercial aquaculture facility left in North America, and that's ours.

And, we have volunteered and are working with scientists up at Huntsman Institute in Canada to try to see how aquaculture can be used as part of enhancement programs, as part of also again restocking or otherwise part of the solution to eel questions.

CHAIRMAN TRAVELSTEAD: Thank you. Are there any other comments from the public? Seeing none, it's back to the board. Mitch has made a suggestion that we consider size limits, and I didn't see that anywhere in the document. Would there be any objection to adding size limits under Issue 3 where we talk about seasonal closures? Tom.

MR. FOTE: I'm not sure at this time whether it's appropriate. I'm trying to get a hand. Probably the question to ask is what size eels do you use so we can get a handle on what --

CHAIRMAN TRAVELSTEAD: How do you measure them? How do you get them to sit still?

MR. FOTE: The people that purchase eels for bait, they know what size

they want and, you know, you get the look at whether it's a foot long or whether it's a two-foot long or whether, if you're rigging them, it's a six-inch eel.

You can just tell that by sight. You don't put them on a board to measure them. But you're right, if we started putting size restrictions, it would be interesting seeing guys measure eels on the boats. I'll leave it at that.

CHAIRMAN TRAVELSTEAD:  
Russell.

MR. RUSSELL DIZE: Jack, on size, Maryland regulates the size of the eels by the mesh of the wire used on the trap. You don't measure the eels, you just regulate the size of the mesh of the wire. And, also, I don't know whether this board should be interested in whether it's sold for human consumption or whether it's sold for bait. For instance, one of our eelers in my locality, he catches eels and he saves them in a live box.

Twice a week he delivers them up to Tom up in New Jersey. That's where most of his eels -- that's like sometimes a 4.5 hour drive to deliver those eels; and when you start putting limits on a fisherman, I mean, a sports fisherman of 25 or 50, then the guy that's buying these eels so he can fish all week with them, you've kind of put him in a awkward situation. And that's another problem. I don't think we should worry about whether it's human consumption or bait. I really don't. Thank you.

CHAIRMAN TRAVELSTEAD:  
Thank you, Russell. Other comments on the size? Eric and then Lew.

MR. SMITH: Again, this is partly structural, and I would ask Gordon to think

about embodying this in his motion. It seems like the size limit is just the tip of the iceberg in terms of other conservation measures.

Issue 1 could be a conservation measure, a possession limit. The silver eel fishery, Issue 2 is seasonal closures; Number 3, and then you get into other things. We might benefit from having another issue that says "other conservation measures", and then ask a question what about a size limit, what about overall controls on mortality, what about gear restrictions.

Those are the three I just thought about just as we're hearing these comments. I don't see them anywhere here, so this might benefit from at least eliciting responses from the public on those kind of management strategies if the stock assessment suggests we really need to do those.

CHAIRMAN TRAVELSTEAD: Is there any objection to Eric's suggestion; that is, to include another section on other controls of fishing mortality where we solicit public comment on gear restrictions, size limits, and other measures?

MR. SMITH: And direct controls on mortality.

CHAIRMAN TRAVELSTEAD:  
Direct controls on mortality. Any objection to that? I don't see any, so I think we have consensus on that point as well. Okay, we're back to the main motion now. I think we've heard enough on this. Everybody reached a point where we can vote? Do you want to caucus? A.C.

MR. CARPENTER: I've got one more question. We've had quite a number of additions and alterations to this. Would we be afforded the opportunity to see the

staff's interpretation of all our comments before we actually went to public hearing; or, to comment on them? Can we have a draft?

CHAIRMAN TRAVELSTEAD:  
Yes, I think so, sure.

MR. CARPENTER: A period of comment back to the staff before we actually start scheduling meetings.

CHAIRMAN TRAVELSTEAD: A number of you have suggested changes which everyone has agreed to, but when you get the draft of it, if it's not exactly how you wanted it expressed, call the staff and we'll see what we can do.

Is there a need to caucus? Apparently not. **All those in favor of the motion, please raise your right hand; opposed, raise your right hand; one; any abstentions; null votes. Seeing none the motion carries.**

That approves the document. Since we're going to hold public hearings, are there any further suggestions from the board? I think, Gordon, you made some points earlier about whether we -- I think there is a need to inform the public what our intent is now that we've approved the PID.

Is it that we want to solicit their comments and then wait for the stock assessment? Is it that we want their comments and we're going to proceed with an addendum on certain items, an amendment?

I think we still need a motion that sort of clarifies the board's intent along those lines just so that we keep the public informed as to why we're doing this. Any thoughts on that? Gordon.

MR. COLVIN: Thanks, Mr.

Chairman. I guess my assumption would be that the kind of the process would be that once we've fleshed out the PID to reflect today's discussion and the board members are all satisfied with the content that we would be in a position to distribute the PID along with some kind of a message from the board that reflects to the public our intentions.

I believe our intentions are to solicit widespread public input on the issues in the PID, so that the board can consider in the next year whether or not to develop an addendum that addresses one or more of those issues, and/or to also consider the development of an FMP amendment that addresses some of these issues in conjunction with the updated stock assessment that will occur in 2005.

And typically the commission often does this by virtue of a press release that accompanies the distribution of the PID and the scheduling of public meetings. I personally think that would be an appropriate way of doing it.

I'm certainly open to other suggestions. If you think a motion is in order, Mr. Chairman, I'd be happy to offer one, but perhaps there's just general agreement on this process.

CHAIRMAN TRAVELSTEAD:  
Yes, is there anyone who objects to that sort of method of attack? Bob.

MR. BEAL: Obviously, I don't object, but, Gordon, your intention is that this round of public hearings would serve potentially as the round of public hearings for an addendum, and then the board would be able to make a final decision on the addendum items at its next meeting, if they chose to do that?

And this round of public hearings would also serve as the first round of public hearings in the development of an amendment, and we would go out to a second round of public hearings on the amendment issues, if that's the course of action the board chose to take?

MR. COLVIN: Bob, that's a little different than what I had in mind because my thought would be that with the possible exception of what I think is Issue 4, the reporting item, even for purposes of developing an addendum, some of these items probably would need to be laid out more explicitly in formal hearings held on a draft addendum.

So my thought is that -- and I think this is consistent with the perfection of the motion -- that what we're really talking about here are not public hearings that would support adoption of an addendum directly, but that there would need to be an intermediate step after we had public meetings and got public input from other sources.

I think the meetings aren't -- and we need to think about this, but I think the meetings may not be the only way or even the best way to get all the public input we need on this PID, but that we would face a decision sometime fairly early next year, after that input was received, on selecting one or more of these issues to develop a specific addendum on, and then having a series of hearings on that addendum. That's what I had envisioned.

CHAIRMAN TRAVELSTEAD:  
Does that help?

MR. BEAL: Yes, that's fine. The only reason I was asking is just to make sure that we put the correct language in the

document but, yes, that's fine.

CHAIRMAN TRAVELSTEAD:  
Tom and Bill and then Bruce.

MR. FOTE: And also I would like -- if we're going out to the public with this, this is different than glass eel hearings we had years ago, so I really look at doing more -- and, again, a lot of the people aren't familiar that will be showing up at these hearings -- do a real life stage, show what happens with eels as part of the information that goes around with this document. Tell them that it takes 17 years for them to grow out and basically spawn and things like that. I think we need to make sure that information is included in this document.

CHAIRMAN TRAVELSTEAD:  
Some basic life history, descriptive material? I'm sure staff can provide that. Bill.

MR. ADLER: Thank you, Mr. Chairman. I think Gordon covered it with regard to addendums and public hearings. I think that was my comment.

CHAIRMAN TRAVELSTEAD:  
Okay, thank you. Bruce.

MR. BRUCE FREEMAN: Thank you, Mr. Chairman. This situation we're faced with eels seems very similar to what we're faced with horseshoe crabs. If you recall a few years ago, basically the same issues, and initially we needed to find out what the harvest was, who the people were.

We spent the first two years doing that; and then parallel with that, moved forward to put in or to at least go to public hearing as actions that could be taken to conserve the resource.

I think that if we follow that same format, we'll probably really need to start getting handles on the harvest, the catch per unit of effort, people involved, and then move forward from that as to what actions need to be taken.

CHAIRMAN TRAVELSTEAD: Yes, the horseshoe crab is quite vivid in my memory. Jaime.

DR. JAIME GEIGER: Thank you, Mr. Chairman. Certainly, I think this is of great interest to a variety of outside partners, especially outside of the commission area. Is it appropriate to send a copy of the PID to, for example, the Great Lakes Fisheries Commission, and also invite their comment and their suggestions on this as well? Thank you.

CHAIRMAN TRAVELSTEAD: I was thinking that probably was what Gordon had in mind when he suggested there were other methods of procuring public input to the process.

MR. COLVIN: Absolutely, and I think that their staff has contributed to the PID and to our technical committee and they expect to continue to do so.

CHAIRMAN TRAVELSTEAD: Okay, do we have consensus then on Gordon's suggestion as to how we'll proceed? Is there any objection? Okay, seeing none, we do have consensus.

I think that finishes Item 5 and we're right on schedule. We want to move to Item 6, review and approval of nominations to the stock assessment subcommittee. Lydia, you have some information on that.

## REVIEW AND APPROVAL OF NOMINATIONS TO THE STOCK

## ASSESSMENT SUBCOMMITTEE

MS. MUNGER: Yes, I do, thank you, Mr. Chairman. Staff has prepared a couple of slides for the board to look at while I speak. The stock assessment for American eel is to be completed and peer reviewed in 2005.

Staff circulated a request for nominations from the American Eel Management Board members for nominees to the stock assessment subcommittee. Before the nominations are reviewed, the board may wish to review the following passage -- and this is from the orientation manual for ASMFC technical support group membership.

This passage can be found on Page 2 of the manual under the heading, "Species, Stock Assessment Subcommittees." The passage reads as follows, "The stock assessment committee and the technical committee shall jointly appoint individuals with appropriate expertise in stock assessment and fish population dynamics to a species stock assessment subcommittee."

Seven nominations were received for the stock assessment subcommittee and six appointees are being recommended. **The nominations include the two existing stock assessment subcommittee members, Laura Lee from Rhode Island and Vic Vecchio from New York.**

**Additional nominations include Michelle Burnette from Rhode Island, a member of the American Eel Technical committee; Keith Whiteford from Maryland and a technical committee member; Jeff Brust from New Jersey who specializes in stock assessment work for New Jersey; Matt Cieri from Maine who specializes in stock assessment work from Maine and has**

**significant eel population dynamic experience.**

The last nomination is Barry Kratchman from Pennsylvania, from the Delaware Valley Fish Company. No documentation was submitted for Mr. Kratchman to show that he has expertise in stock assessment or fish population dynamics.

**CHAIRMAN TRAVELSTEAD: Do we have a motion to approve the nominations from Gordon? Seconded John Nelson.** Discussion on the motion. The motion is to approve the nominations that were listed on the screen. Discussion on the motion? Bill.

MR. ADLER: Just a question on the last name that you mentioned, what was that again? That's not on the list, right?

CHAIRMAN TRAVELSTEAD: Correct.

MR. ADLER: The information for that person wasn't under the stock assessment criteria?

MS. MUNGER: Staff did not receive any documentation that shows this person has the qualifications that are outlined in the guidance document to serve on the stock assessment subcommittee.

MR. ADLER: Okay, so it's like he's not on there?

CHAIRMAN TRAVELSTEAD: Correct. Any further discussion? Bruce.

MR. FREEMAN: Has staff contacted the individual to see if that in fact was omitted?

CHAIRMAN TRAVELSTEAD: I

think Bob can help us with this issue.

MR. BEAL: I spoke with Mr. Kratchman yesterday regarding this issue. He was interested in continuing or actually being appointed to the stock assessment committee even after I explained the criteria; however, I think his background is more suited to generating data or supplying data to the stock assessment.

The stock assessment committee folks are the guys who crunch the numbers and do the spreadsheets and models and those sorts of things.

I asked him to participate in the data workshop portion of the stock assessment development where all the technical committee members and members of the industry get together and compile all the data that will be used in the stock assessment, so I have spoken to Mr. Kratchman about this.

CHAIRMAN TRAVELSTEAD: Thank you. Bruce.

MR. FREEMAN: My concern is normally we can't find enough people to be interested. That's always our problem on anything. And the fact we have interested people, I think is wonderful. What concerns me is people willing to devote time and energy to the process, and for some reason or another we don't include them.

In this instance there seems to be one company has a tremendous amount of valuable information that we need that can be very useful. Their expertise on the eel fishery I think can add tremendously to what we know, and I feel very uncomfortable of not including these people.

Now, as Bob indicated, if there's other

functions that he could serve on more useful than the stock assessment committee, I think we need to take and accept that person's time any way we can.

CHAIRMAN TRAVELSTEAD: I have several hands now, including George in the audience. George, why don't you come up and then we'll get to the other board members.

MR. GEORGE LAPOINTE: Thank you, Mr. Chairman. In addition to not having the information from this individual, I think the board has an important consideration we need to look at, and it's broader than the eel board.

And that is that we try to get people with technical expertise, and we try to get people who aren't engaged in the management process or the industry process on our stock assessment committees.

We then have a public input process and an advisory process to get that other kinds of input. I mean no disrespect by the individual, but we try, strive -- we don't have board members on the stock assessment subcommittee because we have a different role.

I think that's a really critical point for the board to consider as well. And, again, no disrespect meant to this individual. Do we want their data? You bet we do. Do we want their information? You bet we do. But this is the wrong place for that input. Thank you.

CHAIRMAN TRAVELSTEAD: I want to echo George's comments. There is nothing here that is meant in the way of disrespect to Mr. Kratchman, but there are very clear rules in our guidelines as to the qualifications that are necessary to serve on

the stock assessment subcommittee.

I know a lot of very highly skilled scientists who aren't qualified to sit on a stock assessment subcommittee. It takes special skills to sit there. The others sit on a technical committee or advisory panel. Just keep that in mind. Lew, you had your hand up.

MR. FLAGG: Yes, thank you, Mr. Chairman. I wanted to make a comment relative to this particular issue. It seems to me that -- and I certainly appreciate the fact that this company has apparently a fair amount of data that would be helpful in the development of an addendum or an amendment to the American Eel Plan.

It seems to me, though, one of the things that we tried to do, when we originally formulated the American Eel Plan, was we all recognized that the states were data poor and that we needed to concentrate on collecting data on the eel fisheries within our respective states.

It seems to me that the appropriate course to take with respect to the industry folks is they should be going to the states where they do their business and where they do their harvest, and that data should be going to the state commercial statistics people, and then come back through the states to the -- through the technical committee to be used.

I'm concerned about the fact that if we go this route, that we're really subverting a process that we were trying to implement with the states, and that is to encourage industry to get together with their state commercial statistics people to provide the information on a real-time basis so we could do the appropriate management.

I think that's the appropriate role and the

route for this industry to take is to go to the various states in which they do business and where they harvest and provide the information that we've been crying for for a number of years.

CHAIRMAN TRAVELSTEAD: I couldn't agree more. Gordon.

MR. COLVIN: Mr. Chairman, I move the previous question.

CHAIRMAN TRAVELSTEAD: That means we vote on the motion, right? Okay, I'm going to do that. Is there a need to caucus? We'll take a minute to caucus and then we'll vote on the motion.

(Whereupon, a caucus was held.)

MR. DUREN: Mr. Chairman, would you clarify which nominations we are voting on.

CHAIRMAN TRAVELSTEAD: Can staff put that back up on the screen, please. There we go. Barry, you've already submitted a letter on this issue at the beginning, and the motion has been called and we're in the process of caucusing, so I'm sorry, I can't take any additional comment. Are we finished caucusing? Roy.

MR. MILLER: Mr. Chairman, thank you. Is it clear that it is just the six that are before us?

CHAIRMAN TRAVELSTEAD: I hope it is. **All those in favor of the motion, please raise your right hand; opposed, like sign; any abstentions; any null votes. The motion carries.** Thank you. Item 7, selection of the peer review process for the upcoming stock assessment.

#### SELECTION OF A PEER REVIEW

#### PROCESS FOR THE UPCOMING STOCK ASSESSMENT

MS. MUNGER: Thank you, Mr. Chairman. It's up to the board to choose the peer-review process that the American eel stock assessment will go through. Three options are available to conduct the peer review of the American eel stock assessment.

The board may choose to utilize the SAW/SARC process or the SEDAR process to convene a commission external stock assessment review panel or to conduct a formal review using the structure of existing organizations such as the American Fishery Society, the National Academy of Sciences and ICES, the International Council on Exploration of the Sea.

Due to the broad range of the species, the nature of the panmictic stock and the data poor index-based assessment that will likely be conducted, the technical committee and stock assessment subcommittee members have recommended an external commission stock assessment review panel.

This type of peer review panel -- one of the reasons that this type of panel was suggested was that it would enable the panel to be composed of individuals familiar with the type of assessment that will likely be conducted.

CHAIRMAN TRAVELSTEAD: Pat, do you want to say anything additional?

MR. GEER: No, that's fine.

CHAIRMAN TRAVELSTEAD: Comments, recommendations? John.

MR. JOHN I. NELSON: Mr. Chairman, do you need a motion to

**accept the recommendation of the technical committee? I so move.**

CHAIRMAN TRAVELSTEAD: Is there a second to the motion? Seconded by A.C. Carpenter. Comments on the motion? Eric.

MR. SMITH: I just missed a beat there. The recommendation of the technical committee was which one of those three options?

MS. MUNGER: External peer review process.

MR. SMITH: External.

MS. MUNGER: External peer review panel, excuse me.

MR. SMITH: That ASMFC administers, not the SAW? Yes, thank you.

CHAIRMAN TRAVELSTEAD: Everyone clear on that? Pres.

MR. PATE: Lydia, do you have any idea about who the external peer reviewers would be? If we're looking for people that are familiar with this process, we may have just put them on the stock assessment subcommittee.

CHAIRMAN TRAVELSTEAD: Pat.

MR. GEER: There's a wealth of eel biologists in stock assessments, especially Canadians and Europeans. The ICES group is another source of people we can use, so there is a wealth of eel biologists/stock assessment biologists as well.

CHAIRMAN TRAVELSTEAD: Okay, any other comments on the motion?

Ready to vote? **All those in favor of the motion say aye; opposed, no. The motion carries.** Other business. Nominations to the advisory panel.

### **REVIEW AND APPROVAL OF NOMINATIONS TO THE AMERICAN EEL ADVISORY PANEL**

MS. MUNGER: Thank you, Mr. Chairman. At the beginning of the meeting, a sheet of paper or a few papers were handed out, and this paper consists of a memo that lists two new nominees to the American Eel Advisory Panel, as well as a list of the current advisory panel membership.

**The new nominees are: James Trossbach, a commercial eel pot fisherman representing the Potomac River Fisheries Commission; and David Allen, a recreational fisherman from Maine.**

CHAIRMAN TRAVELSTEAD: Tina.

MS. TINA BERGER: **And late in the day on Thursday or Friday, we also received a nomination of Laura Rose Day from the state of Maine.**

CHAIRMAN TRAVELSTEAD: **Is there a motion to approve the nominations? David.**

MR. CUPKA: **So moved, Mr. Chairman.**

CHAIRMAN TRAVELSTEAD: Motion made by David Cupka to approve the nominations; seconded by Pat Augustine. Any comments on the motion? Bill.

MR. ADLER: Actually, it's more of

just over the whole issue. Is the gentleman that we said wasn't qualified to be on the subcommittee, is he on this or where is he?

CHAIRMAN TRAVELSTEAD: The gentleman who has spoken a couple of time, Mitch Feigenbaum, is his partner, and Mitch is on the advisory panel; correct?

MR. FEIGENBAUM: Yes.

MR. ADLER: Thank you.

CHAIRMAN TRAVELSTEAD: Lew.

MR. FLAGG: Thank you, Mr. Chairman. I believe the nomination for Laura Rose Day is for sturgeon, so it's just the two, as I understand it.

CHAIRMAN TRAVELSTEAD: Okay, we'll make that clarification. Any further comments? **All those in favor of the motion say aye; opposed, no. The motion carries.** Tom.

MR. FOTE: I know on some of our advisory committees, we basically put on members of the environmental community when we basically deal with environmental issues. I think because we're dealing with a lot of environmental issues out there, would it be appropriate to look at some of the organizations that deal with power plants and things like that and ask them to be members of this committee?

CHAIRMAN TRAVELSTEAD: States are free to make nominations to the advisory panel I think at any time, so if you have if you have someone in mind. There is a nomination process is what I'm saying.

MR. FOTE: Yes, but there is also some times that we basically put on a

member that has not come up from the states but just that we wanted their expertise, and it was like an at-large member.

CHAIRMAN TRAVELSTEAD: Come up with a name, we'll consider it. The last item on the agenda is a presentation by Tom Healy with the Office of Law Enforcement of the U.S. Fish and Wildlife Service, Region 5. Gordon.

#### INFORMATIONAL PRESENTATION ON THE EEL TRADE

MR. COLVIN: While Special Agent Healy is getting started, Mr. Chairman, I wonder if we could just get, at the end of this presentation, a very brief update from Jaime on where the services are going in follow up to their correspondence to the board. Thank you.

CHAIRMAN TRAVELSTEAD: Absolutely yes, thank you.

SPECIAL AGENT TOM HEALY: Good morning. Thank you, Mr. Chairman. I'm going to give, because of the time, a shortened review of a presentation I was asked to give to the LEC on the eel trade.

I'd like this committee to keep in mind that this is just the live eel trade and does not cover products because those are something that we don't keep track of. It also covers some imports from Canada.

We talked about biology for the LEC yesterday so they knew what eels were. I'm going to start off with Atlantic states landings. No where our landing data showed a general decline in landings from the Atlantic states from 2000 and 2002; however, Delaware Division of Fish and Wildlife reports a large increase in landings in 2003, up over 150,000 pounds. That's up

some 74 percent from 2002.

The global and U.S. landings, U.S. landings make up roughly 35 to 40 percent of the world's total eel landings from '97 to 2000. The 2001 and 2002 data is not there because we were unable to get it from tracking.

U.S. imports of live eels is much higher than our exports, as you can see, and most live eels are coming from Canada. Export data shows that the live eel trade has increased well over 3,000 percent since 2000.

One thing I'd like to quickly mention, these figures were put together for me by our intelligence unit in Washington, and they want to caution that this number -- there is probably some double counting here from eels that are imported from Canada and then re-exported from U.S. ports.

This shows that most exports are declared by weight with the exception of the port in New York, which actually has everybody declaring by individual animals. But since roughly 2000, there has been roughly 1.2 million American eels exported from the United States.

The main importing countries for American eels are Italy, Belgium, and Portugal. The main ports that are used to export eels, mainly New Jersey, which makes up 74 percent of all eel exports declared by weight. And they're shipped out via air cargo.

New Jersey averages one to two shipments per week and mostly adult eels. Boston makes up roughly 22 percent, and I would kind of caution that's probably where a lot of the Canadian eels are leaving the United States.

Other ports that export eels are Calais, Maine, and Honolulu, Hawaii. I tried to

make a field trip out there to personally do that, but I wasn't able to. At least it was interesting to us in the LEC, the export season seems to have gotten longer.

Up until 2002 most exports occurred in the spring, April to June; and fall, September to November. Starting in 2003 exports occurred throughout the year from April to December. And in 2004, so far they've occurred from January through September with the exception of February and August. And roughly that's what I was asked to come up and present to you, just a short data on the exports and imports.

CHAIRMAN TRAVELSTEAD: Thank you very much. Any questions at this point? John.

MR. NELSON: Was it 2003 that was -- that looked like it was a substantial reduction in the exports, but then the two years bracketing that seemed to be relatively stable, and I was just wondering why there appears to be an anomaly?

SPECIAL AGENT HEALY: I'm trying to find that slide back up here. I'm sorry, your question?

MR. NELSON: Well, I was just interested in the difference between '03 and '02 and '04. It seems like that '02 and '04 represent a fairly consistent pattern, and then all of a sudden you've got a substantial drop and then an increase again. Is that recordkeeping or what -- what do you attribute to that?

SPECIAL AGENT HEALY: No, but the number of shipments aren't that great, so this was just what was in our computer system. I was asked on short notice to put this together for the LEC, so we'd have to go back and look at that again.

I would think that would be the crash of the market, especially when elver prices dropped dramatically.

CHAIRMAN TRAVELSTEAD: All right, thank you, Tom. We're quickly running out of time. I do want to hear from Jaime an update that Gordon requested, but I thank you Mr. Healy for joining us today and appreciate the information you have provided. Yes, Roy.

MR. MILLER: Very quickly, I was wondering if I could request a copy of that PowerPoint in black and white from the law enforcement section from Tom. Thank you.

SPECIAL AGENT HEALY: Sure, the commission has it on their laptop, so I have no problem if it's just printed off and distributed.

**UPDATE ON THE FEDERAL STATUS  
REVIEW OF THE AMERICAN EEL  
STOCK**

CHAIRMAN TRAVELSTEAD:  
Very good, thank you. Jaime.

DR. GEIGER: Thank you, Mr. Chairman. As you know, we are engaged with our National Marine Fisheries Service colleagues in committing to a status review. In response to Gordon's question, again, obviously, many of you know that we're currently -- as many federal agencies are with the exception of the Department of Defense, we're currently under a continuing resolution right now, so we don't have in effect an FY-05 budget.

However, it is fully our intention to initiate, in cooperation and collaboration with our National Marine Fisheries Service colleagues, initiation of a status review in FY-05, if at all possible. Thank you.

CHAIRMAN TRAVELSTEAD:  
Okay, I think that brings us to adjournment. I would point out that this is my last meeting as chair of this board, and our very capable vice chairman, Gordon Colvin, will be taking over at the next meeting.

I told Gordon last night I felt like in the last two years, all I've done is get the horse to the starting gate and now he's got to get on it and ride around the track, so we'll see what happens. Pat.

MR. PATRICK AUGUSTINE:  
Thank you, Mr. Chairman. Two points, one is in view of the fact that this whole process started just a little over a year ago, I think you have led a very, very strong movement to do what has to be done.

I think to go from nothing to something this comprehensive in that short period of time reflects well on you and your direction, and the support from Patrick and from Lydia. For that, we owe you big time. And, secondly, I move to adjourn.

(Whereupon, the meeting was adjourned at 9:33 o'clock a.m., November 9, 2004.)

- - -