

ATLANTIC STATES MARINE FISHERIES COMMISSION

REVIEW OF THE INTERSTATE FISHERY MANAGEMENT PLAN

FOR AMERICAN EEL
(*Anguilla rostrata*)

2014 FISHING YEAR



Prepared by the Plan Review Team

Approved by the American Eel Management Board
November 2015

**REVIEW OF THE INTERSTATE FISHERY MANAGEMENT PLAN
FOR AMERICAN EEL
(*Anguilla rostrata*)**

I. Status of the Fishery Management Plan

<u>Date of FMP approval:</u>	November 1999
<u>Addenda:</u>	Addendum I (February 2006) Addendum II (October 2008) Addendum III (August 2013) Addendum IV (October 2014)
<u>Management unit:</u>	Migratory stocks of American Eel from Maine through Florida
<u>States with a declared interest:</u>	Maine through Florida, including the District of Columbia and the Potomac River Fisheries Commission
<u>Active committees:</u>	American Eel Management Board, Plan Review Team, Technical Committee, Stock Assessment Subcommittee, and Advisory Panel.

The ASMFC American Eel Management Board first convened in November 1995 and finalized the Fishery Management Plan (FMP) for American Eel in November 1999 (ASMFC 2000a). The goal of the FMP is to conserve and protect the American eel resource to ensure ecological stability while providing for sustainable fisheries. In support of this goal, the following objectives are included:

The FMP requires all states and jurisdictions to implement an annual young-of-year (YOY) abundance survey to monitor annual recruitment of each year's cohort. In addition, the FMP requires a minimum recreational size and possession limit and a state license for recreational fishermen to sell eels. The FMP requires that states and jurisdictions maintain existing or more conservative American eel commercial fishery regulations for all life stages, including minimum size limits. Each state is responsible for implementing management measures within its jurisdiction to ensure the sustainability of its American eel population.

In August 2005, the American Eel Management Board directed the American Eel Plan Development Team (PDT) to initiate an addendum to establish a mandatory catch and effort monitoring program for American eel. The Board approved Addendum I at the February 2006 Board meeting.

In January 2007, the Management Board initiated a draft addendum with the goal of increasing escapement of silver eels to the spawning grounds. In October 2008, the Management Board approved Addendum II, which placed increased emphasis on improving the upstream and downstream passage of American eel. The Management Board chose to delay action on management measures in order to incorporate the results of the 2012 stock assessment.

In August 2012, the Management Board initiated Draft Addendum III with the goal of reducing mortality on all life stages of American eel. The addendum was initiated in response to the findings of the 2012 Benchmark stock assessment, which declared American eel stock along the US East Coast as depleted. The Management Board approved Addendum III in August 2013.

Addendum III requires states to reduce the yellow eel recreational possession limit to 25 eel/person/day, with the option to allow an exception of 50 eel/person/day for party/charter employees for bait purposes. The recreational and commercial size limit increased to a minimum of 9". Eel pots are required to be ½"

by ½” minimum mesh size or have at least a 4” by 4” escape panel of ½” by ½” mesh escape panel. The glass eel fishery is required to implement a maximum tolerance of 25 pigmented eels per pound of glass eel catch. The silver eel fishery is prohibited to take eels from September 1st to December 31st from any gear type other than baited traps/pots or spears. The addendum also set minimum monitoring standards for states and required dealer and harvester reporting in the commercial fishery. The Board chose to act on glass eel management measures in Addendum IV, which comes into effect in the 2015 fishing year.

II. Status of the Stock

In 2009, the Management Board initiated the start of a new assessment. After reviewing over 100 surveys and studies, the American Eel Stock Assessment Subcommittee selected 19 young-of-year surveys and 15 yellow eel surveys along the East Coast for use as indices of abundance in the assessment. Despite the large number of surveys and studies available for use, the American eel stock is still considered data-poor because very few surveys target eels and collect information on length, age, and sex of the animals caught. Additionally, eels have an extremely complex life history that is difficult to describe using traditional stock assessment models. Therefore, several data-poor methods were used to assess the American eel resource.

The first set of analyses (trend analyses) aimed to determine if there was a statistically significant trend in the fishery-independent survey data and whether or not there was evidence for significant trends on the regional and coast-wide scales. The second approach involved a Depletion-Based Stock Reduction Analysis (DB-SRA) model, which uses trends in historical catch to estimate biomass trends and maximum sustainable yield. Both the trend analyses and DB-SRA results indicate that the American eel stock has declined in recent decades, and the prevalence of significant downward trends in multiple surveys across the coast is cause for concern. Therefore, the stock status for American eels is depleted. The Benchmark Stock Assessment was peer reviewed in March 2012 and was approved for management use in May 2012.

In 2003, declarations from the International Eel Symposium (AFS 2003, Quebec City, Quebec, Canada) and the Great Lakes Fisheries Commission (GLFC) highlighted concerns regarding the health of eel stocks worldwide. In 2010, Canada Department of Fisheries and Oceans (DFO) conducted a stock assessment on American eels in Canadian waters and found that region-specific status indices show that abundance is very low in comparison to levels in the 1980s for Lake Ontario and upper St. Lawrence River stock, and is either unchanged or increasing in the Atlantic Provinces. A joint stock assessment by both Canada DFO and the Commission was recommended by the American Eel Stock Assessment Subcommittee as an approach for the next assessment.

III. Status of the Fishery

American eel currently support commercial fisheries throughout their range in North America, with significant fisheries occurring in the US Mid-Atlantic region and Canada. These fisheries are executed in riverine, estuarine, and ocean waters. In the US, commercial fisheries for glass eel/elver exist in Maine and South Carolina, whereas yellow/silver eel fisheries exist in all states and jurisdictions with the exception of Pennsylvania and the District of Columbia.

Although eel have been continuously harvested, consistent data on harvest are often not available. Harvest data from the Atlantic coastal states (Maine to Florida) indicate that the harvest fluctuated widely between 1970 and 1980, but showed an increasing trend that peaked in 1979 at 3,951,936 pounds. Harvest has declined since then, with the lowest harvest of 641,225 pounds occurring in 2002. Because fishing effort

data are unavailable for the entire time series, finding a correlation between population numbers and landings data is difficult.

Commercial

Commercial landings have decreased from the high of 3.95 million pounds in 1979 to a low of 641,000 pounds in 2002, and have only recently begun to exceed one million pounds. State reported landings of yellow/silver eels in 2014 totaled 1,052,514.40 pounds¹ (Table 1), which represents a 4.4% increase in landings from 2013 (1,008,003 pounds). Yellow eel landings increased in Maine, Massachusetts, Rhode Island, Connecticut, New Jersey, Maryland, PRFC, North Carolina, and South Carolina, and declined in New York, Delaware, and Florida. In 2014, state reported landings from Maryland and Virginia each totaled over 100,000 pounds of eel, and together accounted for 69% of the coastwide commercial total landings. Landings of glass eels were reported from Maine, South Carolina, and Florida and totaled 12,515 pounds.

Table 1. 2014 Commercial Landings by state and Life Stage¹

	State Reported	
	Glass	Yellow
Maine	9,690.19	7,368.4
New Hampshire	No Fishery	0
Massachusetts	No Fishery	3,903
Rhode Island	No Fishery	2,378
Connecticut	No Fishery	4,386
New York	No Fishery	34,142
New Jersey	No Fishery	91,225
Pennsylvania	No Fishery	No Fishery
Delaware	No Fishery	62,388
Maryland	No Fishery	610,585
D.C.	No Fishery	No Fishery
PRFC	No Fishery	49,293
Virginia	No Fishery	112,199
North Carolina	No Fishery	59,458
South Carolina	Glass: 245.43 Elver: 1,614.8	Confidential
Georgia	No Fishery	Confidential
Florida	Glass: 311 Elver: 654	15,057
Total	G: 10,246.62 E:2,268.8	1,052,514.40

¹ Harvest data for 2014 comes from the 2015 State Compliance Reports. All landings are preliminary and some are incomplete.

Table 2. State commercial regulations for the 2014 fishing year.*

State	Min Size Limit	License/Permit	Other
ME	Glass no min size	Daily dealer reports/swipe card program; monthly harvester report of daily landings. Tribal permit system in place for some Native American groups.	Harvester license lottery system.
	Yellow 9"	Harvester/dealer license and monthly reporting. Tribal permit system in place for some Native American groups.	Seasonal closures. Gear restrictions. Weekly closures.
NH	9"	Commercial saltwater license and wholesaler license. No dealer reports. Monthly harvester reporting includes dealer information.	Gear restrictions in freshwater.
MA	9"	Commercial permit with annual catch report requirement. Registration for dealers with purchase record requirement. Dealer/harvester reporting.	Traps, pots, spears, and angling only. Mesh restrictions.
RI	9"	Commercial fishing license. Dealer/harvester reporting.	Gear restrictions.
CT	9"	Commercial license (not required for personal use). Dealer/harvester reporting.	Gear restrictions.
NY	9"	Harvester/dealer license and reporting.	Gear restrictions. Maximum limit of 14" in some rivers.
NJ	9"	License required. No dealer reports. Monthly harvester reporting includes dealer information.	Gear restrictions.
PA	NO COMMERCIAL FISHERY		
DE	6"	Harvester reporting, no dealer reporting. License required.	Commercial fishing in tidal waters only. Gear restrictions.
MD	9"	Dealer/harvester license and monthly reporting.	Prohibited in non-tidal waters. Gear restrictions. Commercial crabbers may fish 50 pots per day, must submit catch reports.
DC	NO COMMERCIAL FISHERY		
PRFC	9"	Harvester license and reporting. No dealer reporting.	Gear restrictions.
VA	9"	Harvester license required. Dealer/harvester monthly reporting.	Mesh size restrictions on eel pots. Seasonal closures.

Table 2 (cont'd). State commercial regulations for the 2014 fishing year.*

State	Min Size Limit	License/Permit	Other
NC	9"	Standard Commercial Fishing License for all commercial fishing. Dealer/harvester monthly combined reports on trip ticket.	Mesh size restrictions on eel pots. Seasonal closures.
SC	Glass no min size	Fyke and dip net only permitted. Dealer/harvester monthly combined reports on trip ticket.	Max 10 individuals. Gear and area restrictions.
	Yellow 9"	Pots only permitted. Dealer/harvester monthly combined reports on trip ticket.	Gear restrictions.
GA	9"	Personal commercial fishing license and commercial fishing boat license. Dealer/harvester monthly combined reports on trip ticket.	Gear restrictions on traps and pots. Area restrictions.
FL	9"	Permits and licenses. Harvester reporting. No dealer reporting.	Gear restrictions.

* For specifics on licenses, gear restrictions, and area restrictions, please contact the individual state.

Recreational

Available information indicates that few recreational anglers directly target eel. For the most part, hook-and-line fishermen catch eel incidentally when fishing for other species. Eel are often purchased by recreational fishermen for use as bait for larger gamefish such as striped bass, and some recreational fishermen may catch their own eels to utilize as bait.

The National Marine Fisheries Service (NMFS) Marine Recreational Information Program (MRIP, formerly the Marine Recreational Fisheries Statistics Survey) shows a declining trend in the catch of eel during the latter part of the 1990s. As of 2009, recreational data are no longer provided for American eel, due to the unreliable design of MRIP that focuses on active fishing sites along coastal and estuarine areas.

Table 3. State recreational regulations for the 2014 fishing year.*

State	Size Limit	Possession Limit	Other
ME	9"	25 eels/person/day	Gear restrictions. License requirement and seasonal closures (inland waters only). Bait limit of 50 eels/day for party/charter boat captain and crew.
NH	9"	25 eels/person/day	Coastal harvest permit needed if taking eels other than by angling. Gear restrictions in freshwater.
MA	9"	25 eels/person/day	Nets, Pots, traps, spears, and angling only; mesh restrictions.
RI	9"	25 eels/person/day	
CT	9"	25 eels/person/day	
NY	9"	25 eels/person/day	Maximum limit of 14" in some rivers. Bait limit of 50 eels/day for party/charter boat captain and crew.
NJ	9"	25 eels/person/day	Bait limit of 50 eels/day for party/charter boat captain and crew.
PA	9"	25 eels/person/day	Gear restrictions. Bait limit of 50 eels/day for party/charter boat captain and crew.
DE	6"	50 eels/person/day	Two pot limit/person.
MD	9"	25 eels/person/day	Gear restrictions.
DC	9"	10 eels/person/day	
PRFC	9"	25 eels/person/day	
VA	9"	25 eels/person/day	Recreational license. Two pot limit. Mandatory annual catch report. Gear restrictions. Bait limit of 50 eels/day for party/charter boat captain and crew.
NC	9"	25 eels/person/day	Gear restrictions. Non-commercial special device license. Two eel pots allowed under Recreational Commercial Gear license. Bait limit of 50 eels/day for party/charter boat captain and crew.
SC	9"	25 eels/person/day	Gear restrictions. Permits and licenses. Two pot limit
GA	9"	25 eels/person/day	
FL	9"	25 eels/person/day	Gear restrictions. Wholesale/Retail purchase exemption applies to possession limit for bait.

* For specifics on licenses, gear restrictions, and area restrictions, please contact the individual state.

IV. Status of Research and Monitoring

The FMP requires states and jurisdictions with a declared interest in the species to conduct an annual young-of-the-year (YOY) survey to monitor annual recruitment of each year's cohort. In 2014, the states of Maine, New Hampshire, Rhode Island, Connecticut, Delaware, Maryland, and South Carolina had above average YOY counts. Maine measured second highest in the time series. New Hampshire, Rhode

Island, and Delaware show above average YOY counts, though counts are lower than those of 2013. Connecticut counted higher YOY than in 2013, but levels remain below a spike seen in 2012.

In 2014, Massachusetts, New York, New Jersey, PRFC, Virginia, and Florida had below average survey counts. Massachusetts showed the second lowest survey counts of the time series, and New York and Florida had the lowest survey counts in the time series. PRFC counted slightly average YOY at one location, but an all-time low at the other of its two locations. Pennsylvania, D.C., North Carolina, and Georgia do not have YOY surveys, but instead have yellow eel surveys.

The FMP does not require any other research initiatives in participating states and jurisdictions. Nonetheless, the American Eel TC has identified several research topics to further understanding of the species' life history, behavior, and biology. Research needs for American eel include:

High Priority

- Accurately document the commercial eel fishery to understand participation in the fishery and the amount of directed effort.
- Investigate, develop, and improve technologies for American eel passage upstream and downstream at various barriers for each life stage. In particular, investigate low-cost alternatives to traditional fishway designs for passage of eel.
- A coastwide sampling program for yellow and silver American eels should be formulated using standardized and statistically robust methodologies.
- Regular periodic stock assessments and the establishment of sustainable reference points for eel are required to develop a sustainable harvest rate and to determine whether the population is stable, decreasing, or increasing.
- Research the effects of the swim bladder parasite *Anguillacolla crassus* on the American eel's growth and maturation, migration to the Sargasso Sea, and the spawning potential.
- Evaluate the impact, both upstream and downstream, of barriers to eel movement with respect to population and distribution effects. Determine relative contribution of historic loss of habitat to potential eel population and reproductive capacity.

Medium Priority

- Investigate survival and mortality rates of different life stages (leptocephalus, glass eel, yellow eel, and silver eel) to assist in the assessment of annual recruitment. Continuing and initiating new tagging programs with individual states could aid such research.
- Tagging Programs: A number of issues could be addressed with a properly designed tagging program. These include:
 - Natural, fishing, and/or discard mortality; survival
 - Growth
 - Validation of aging method(s)
 - Reporting rates
 - Tag shedding or tag attrition rate
- Research contaminant effects on eel and the effects of bioaccumulation with respect to impacts on survival and growth (by age) and effect on maturation and reproductive success.
- Investigate fecundity, length, and weight relationships for females throughout their range; growth rates for males and females throughout their range; predator-prey relationships; behavior and movement of eel during their freshwater residency; oceanic-behavior, movement, and spawning location of adult mature eel; and all information on the leptocephalus stage of eel.
- Assess characteristics and distribution of eel habitat and the value of habitat with respect to growth and sex determination.

- Identify triggering mechanism for metamorphosis to mature adult, silver eel life stage, with specific emphasis on the size and age of the onset of maturity, by sex. A maturity schedule (proportion mature by size or age) would be extremely useful in combination with migration rates.

Low Priority

- Perform economics studies to determine the value of the fishery and the impact of regulatory management.
- Review the historic participation level of subsistence fishers in wildlife management planning and relevant issues brought forth with respect to those subsistence fishers involved with American eel.
- Examine the mechanisms for exit from the Sargasso Sea and transport across the continental shelf.
- Research mechanisms of recognition of the spawning area by silver eel, mate location in the Sargasso Sea, spawning behavior, and gonadal development in maturation.
- Examine age at entry of glass eel into estuaries and fresh waters.
- Examine migratory routes and guidance mechanisms for silver eel in the ocean.
- Investigate the degree of dependence on the American eel resource by subsistence harvesters (e.g., Native American Tribes, Asian and European ethnic groups).
- Examine the mode of nutrition for leptocephalus in the ocean.
- Provide analysis of food habits of glass eel while at sea.

V. Status of Management Measures and Issues

The FMP requires that all states and jurisdictions implement an annual young-of-the-year (YOY) abundance survey by 2001 in order to monitor annual recruitment of each year's cohort. Addendum III requires a 9 inch minimum size restriction in the commercial and recreational yellow eel fisheries, as well as the use of ½ by ½ mesh in the commercial yellow eel pot fishery. The recreational bag limit is 25 fish/angler/day, and the silver eel fishery is restricted, as is the development of pigmented eel fisheries.

Proposed Endangered Species Act Listing of American Eel

The USFWS reviewed the status of American eel in 2007 and found that, at that time, protection under the Endangered Species Act was not warranted. The issue rose once again when American eel were petitioned for listing as threatened under the Endangered Species Act (ESA) in April 2010 by the Center for Environmental Science, Accuracy, and Reliability (CESAR, formally the Council for Endangered Species Act Reliability). The USFWS published a positive 90 day finding on the petition in September 2011, acknowledging that the petition may be warranted and that a status review would be conducted. CESAR filed a lawsuit in August 2012 against the USFWS for failure to comply with the statutes of the ESA, which specifies a proposed rule based on the status review be published within one year of the receipt of the petition. A Settlement Agreement was approved by the court in April 2013, which required the USFWS to publish a 12-month finding by September 30, 2015. In the published finding, the USFWS determined that a listing under the ESA was not warranted.

VI. Current State-by-State Implementation of FMP Compliance Requirements

The PRT reviewed the state compliance reports for 2014. The PRT found the following issues with states implementing the required provisions of the American Eel Fishery Management Plan:

- Connecticut's implementation of escape panel gear requirement of Addendum III was delayed due to an oversight. Steps have been taken to bring gear into compliance by October 31, 2015.
- Massachusetts does not prohibit hook and line as a commercial gear from Sept 1 – Dec 31, but MA questions the need for restricting this gear because outmigrating silver eels do not feed.

- Delaware has not implemented the requirements of Addendum III. ASMFC found Delaware out of compliance with the American eel FMP at its [August 2015 meeting](#), and forwarded that finding to the Secretaries of Commerce and Interior. NOAA fisheries agreed with the Commission finding and announced a moratorium on fishing, possession, and landing of American eel within Delaware waters effective March 18, 2016, unless the Commission determines DE comes back into compliance prior to that date (Appendix 1).
- The District of Columbia still has a 6” minimum size, but is in the process of changing to a 9” minimum size for its recreational fishery.
- The Board exempted Florida from establishing size and bag limits until there is evidence that a fishery exists. In 2013 and 2014 glass eel harvest occurred, but FL imposed a 9” min size in both the recreational and commercial fisheries to end the emerging glass eel fishery in 2015.
- Florida does not have a regulation preventing harvest of eels from pound nets from September 1 through December 31, but the state is unaware of any active pound net fishery in the past 10-15 years.
- New Hampshire and New Jersey do not have dealer reporting, but harvesters report some information on dealers. Delaware, the Potomac River Fisheries Commission, and Florida do not have dealer reporting.

The following monitoring program changes occurred in 2014, in addition to those implemented with Addendum III:

- New Hampshire – An Irish elver trap was installed on the Lamprey river and a box trap was installed on the Oyster river in order to expand the YOY monitoring program.
- Pennsylvania – In lieu of the YOY survey, PA continues to conduct the small yellow eel survey.
- District of Columbia – A pre-existing backpack electrofishing survey served to replace the YOY survey in 2012, and continues to be conducted.
- Georgia – Due to changes in the American eel FMP, Georgia ceased to conduct the YOY survey in 2014. It was replaced with a pot survey designed to capture information on yellow-phase eels occurring in the Altamaha River. GA has decided to cease creel survey sampling on the Satilla River starting in 2015 and solely concentrate on sampling on the Altamaha River.

The following regulatory changes for 2014 were documented in the compliance reports, in addition to those implemented with Addendum III:

- Maine- Authority was established to suspend or revoke glass eel fishing licenses for violating glass eel fishing laws.
- Massachusetts increased the penalty for harvesting or possessing undersized eels from \$100 to \$10,000.

Section 4.4.2 of the FMP stipulates that states may apply for *de minimis* status for each life stage if (given the availability of data), for the preceding two years, their average commercial landings (by weight) of that life stage constitute less than 1% of the coastwide commercial landings for that life stage for the same two-year period. States meeting this criterion are exempted from having to adopt commercial and recreational fishery regulations for a particular life stage listed in Section 4 and any fishery dependent monitoring elements for that life-stage listed in Section 3.4.1.

Qualification for *de minimis* is determined from state reported landings found in compliance reports. In 2014, New Hampshire, Massachusetts, Pennsylvania, the District of Columbia, South Carolina, and Georgia requested *de minimis* status for their yellow eel fisheries. All states that applied for *de minimis* of the yellow eel fishery meet the *de minimis* criteria. The state of South Carolina requested *de minimis* status for its glass eel fishery, but does not meet the 1% landings criteria for this life stage.

VII. Recommendations/Findings of the Plan Review Team

1. The PRT recommends the Board consider state compliance issues as detailed in Section VI.
2. The PRT recommends *de minimis* be granted to New Hampshire, Massachusetts, Pennsylvania, the District of Columbia, South Carolina, and Georgia for their yellow eel fisheries.
3. The PRT requests that state personnel highlight notable 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.
4. The PRT requests that states collect biological data from both commercial and recreational landings.
5. The PRT requests that states provide estimates of the percent of harvest going to food versus bait, and of exports by season. The PDT requests that states work with the law enforcement agencies to include information on any confiscated poundage from illegal or undocumented fisheries.
6. The PRT requests that states work with the law enforcement agencies to include information on any confiscated poundage from illegal or undocumented fisheries.
7. The PRT requests that states that do not regulate their personal use fishery be required, at a minimum, to permit participants in this fishery and collect harvest data in order to provide an estimate of effort and catch.

Appendix 1: NOAA Fisheries non-compliance finding and announcement of a moratorium on fishing, possession, and landing of American eel within Delaware waters effective March 18, 2016, unless the Commission determines DE comes back into compliance prior to that date



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 EAST-WEST HIGHWAY
SILVER SPRING, MARYLAND 20910
TELEPHONE

SEP 18 2015

Mr. Robert F. Beal
Executive Director
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N
Arlington, VA 22201

Dear Mr. Beal:

In accordance with the delegation of authority under the provisions of the Atlantic Coastal Fisheries Cooperative Management Act (Act), 16 U.S.C. §§ 5101 et seq., from the Secretary, NOAA's National Marine Fisheries Service (NMFS) completed its independent review of the Commission's determination and concurs with the Commission that the State of Delaware is not in compliance with the Interstate Fishery Management Plan for American Eel (Plan). NMFS also finds that the management measures Delaware failed to implement are necessary for the conservation of American eel.

I have notified the State of Delaware of NMFS' finding by letter (enclosed). A moratorium on fishing for, possession of, and landing of American eel within Delaware waters will be imposed effective March 18, 2016.

We chose the March implementation date after consulting with the relevant staff from Delaware, and reviewing the facts of this situation, including the Commission deliberations from this past August. Based upon our analysis, we found that a March implementation date is appropriate for two principal reasons. First, a March 18 closure date will give Delaware the time necessary for its legislature to bring these regulations back into compliance. Second, although the involved measures are necessary for conservation, the immediacy of that need is less critical given that Delaware's fall eel fishery appears to not target eels that are the subject of Addendum III's protection.

Delaware indicated to us that they expect to have appropriate regulations protecting American eel in place by early next year. If the State of Delaware does enact such measures, and the Commission determines that the measures are compliant with the Plan, under the Act, the Commission would immediately notify the Secretary that the State is in compliance with the Plan. If NMFS concurs, the moratorium in the state waters of Delaware will be rescinded. If Delaware is unable to put in place appropriate regulations prior to March 18, 2016, then a federal moratorium on eel fishing in Delaware waters would be immediately implemented and continue until the Secretary concurs with a determination from the Commission that the State has come into compliance with the Plan. I encourage the Commission to continue to monitor Delaware's process to implement the Plan.

If you need additional information on this determination, please contact Alan Risenhoover, Director of the Office of Sustainable Fisheries, at 301-427-8500, or by mail/e-mail at 1315 East-West Highway, Silver Spring, Maryland 20910/alan.risenhoover@noaa.gov. I look forward to continuing to work with you on this matter.

Sincerely,

Eileen Sobock

Enclosures



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THE ASSISTANT ADMINISTRATOR
FOR FISHERIES

