

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

**Crowne Plaza Hotel Old Town
Alexandria, Virginia
May 5, 2010**

Approved May 2, 2102

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7. **I am pleased to nominate the gentleman from Maine, Mr. Terry Stockwell, as vice-chair of the American Eel Board (Page 3)**. Motion by Rep. Abbott; second by Malcolm Rhodes. Motion passes by Consent (Page 3).
8. **Adjournment by Consent.** (Page 5)

ATTENDANCE

Board Members

Terry Stockwell, ME, proxy for G. Lapointe (AA)
Pat White, ME (GA)
Doug Grout, NH (AA)
G. Ritchie White, NH (GA)
Rep. Dennis Abbott, NH (LA)
Paul Diodati, MA (AA)
William Adler, MA (GA)
Ben Martens, MA, proxy for Rep. S. Peake (LA)
Robert Ballou, RI (AA)
Seth Macinko, RI, proxy for Sen. Sosnowski (LA)
David Simpson, CT (AA)
Lance Stewart, CT (GA)
James Gilmore, NY (AA)
Pat Augustine, NY (GA)
Brian Culhane, NY, proxy for Sen. Johnson (LA)
Tom McCloy, NJ, proxy for D. Chanda (AA)
Tom Fote, NJ (GA)
Gilbert Ewing, NJ, proxy for Asm. Albano (LA)
Roy Miller, DE (GA)

Craig Shirey, DE, proxy for P. Emory (GA)
Bernie Pankowski, DE, proxy for Sen. Venables (LA)
Russell Dize, MD proxy for Sen. R. Colburn (LA)
Thomas O'Connell, MD (AA)
Bill Goldsborough, MD (GA)
Cathy Davenport, VA (GA)
Jack Travelstead, VA, proxy for S. Bowman (AA)
Louis Daniel, NC (AA)
Bill Cole, NC (GA)
John Frampton, SC (AA)
Malcolm Rhodes, SC (GA)
Robert Boyles, Jr., SC (LA)
Spud Woodward, GA (AA)
John Duren, GA (GA)
Jessica McCawley, FL (AA)
Brian Hooker, NMFS
Jaime Geiger, USFWS
Bryan King, DC FW
A.C. Carpenter, PRFC

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

Ex-Officio Members

Staff

Vince O'Shea
Robert Beal

Chris Vonderweidt
Kate Taylor

Guests

Keith Whitford, MD

The American Eel Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Crowne Plaza Hotel Old Town, Alexandria, Virginia, May 5, 2010, and was called to order at 11:30 o'clock a.m. by Chairman Patrick Augustine.

CALL TO ORDER

CHAIRMAN PATRICK AUGUSTINE: Good morning and welcome to the American Eel Management Board. Hopefully, you've all had an opportunity to review the agenda. Are there any additions, corrections or changes? Dr. Geiger.

DR. JAIME GEIGER: Mr. Chairman, I have two items under other business I would like to discuss, please.

CHAIRMAN AUGUSTINE: Please tell us what they are, Geiger?

DR. GEIGER: A petition to list American eel and an update on eel passage from Dr. Laney.

APPROVAL OF AGENDA

CHAIRMAN AUGUSTINE: Thank you very much, Dr. Geiger; they have been added to other business. Mr. Adler moved to approve. Are there any objections? Seeing none, the agenda is approved with those additions.

APPROVAL OF PROCEEDINGS

CHAIRMAN AUGUSTINE: You received your proceedings on your CD for February 3, 2009. We would entertain a motion to approve those proceedings.

Mr. Adler moves to approve; seconded by Dr. Geiger. Are there any objections? Seeing none, the proceedings are approved.

PUBLIC COMMENT

Are there any public comments to be made? We'll move on to the update of the American Eel Stock Assessment. Keith, are you ready?

UPDATE OF THE AMERICAN EEL STOCK ASSESSMENT

MR. KEITH WHITEFORD: Good morning. Before I get to the modified terms of reference for the stock assessment, I would like to give a brief update on the stock assessment and timeline. At the joint technical committee and stock assessment subcommittee meeting in September 2009, over 90 U.S. data sets were identified as potential data sources for the eel assessment.

Formal data requests were made in early 2010 for nearly all these data. A second data workshop is scheduled in June at which submitted data will be presented, reviewed and decisions will be made as to inclusion or exclusion of each data set for use in the stock assessment. In that fall an assessment workshop will be scheduled with potentially another assessment necessarily in early 2011. At this time the stock assessment subcommittee believes the full completion of the assessment will in the fall of 2011.

Now let's take a step back to the terms of reference. At the technical committee and stock assessment subcommittee meeting in September it was decided to not go forward with the inclusion of Canadian data in the assessment. The main reasons for this decision were twofold. First, that Canada was in the process of their own assessment we do not want to duplicate their efforts. We thought we could reference their landings as well as their report in our assessment.

Secondly, obtaining their data, updating their data, and fully understanding their data without active participation from a Canadian representative on the stock assessment subcommittee can and would be extremely challenging. To reflect that eel data from Canada will not be part of the assessment, U.S. Atlantic Coast was inserted in Terms of Reference 1 through 3.

This is the only difference between the terms of reference that were approved in February 2009 and the ones you see today. With that being said, the stock assessment subcommittee does believe an ideal future assessment would be a joint process with Canada and their representatives to assess the unit stock. Thank you.

CHAIRMAN AUGUSTINE: Thank you, Mr. Whiteford. Are there any questions? Dr. Geiger.

DR. GEIGER: Mr. Chairman, do we know when the Canadian assessment will be completed?

MR. WHITEFORD: I don't the exact date when it will be completed. They already had started the process during our meeting in September with the assumption that they would finish ahead of us so we could reference their assessment, but I don't have a definitive date.

CHAIRMAN AUGUSTINE: Does that answer your question, Dr. Geiger, or a follow-on?

DR. GEIGER: Well, for the board the United States has trilateral agreements with Canada and Mexico, and I believe those meetings are occurring next week, if memory serves correctly.

CHAIRMAN AUGUSTINE: That is correct.

DR. GEIGER: Certainly, having that kind of information will be beneficial to certainly brief our regional director who will attend those meetings. Thank you.

CHAIRMAN AUGUSTINE: Thank you for that, Dr. Geiger. Any further comments from the board? Seeing none, I would look for a motion to approve the updated terms of reference.

MR. TERRY STOCKWELL: **Mr. Chair, I would make a motion to approve the updated terms of reference for the American Eel Stock Assessment.**

CHAIRMAN AUGUSTINE: Motion by Mr. Stockwell; seconded by Gil Ewing. Any discussion on the motion? The question is ready to be called. The motion is move to approve the updated terms of reference for the American Eel Stock Assessment. Motion by Mr. Stockwell; seconded by Mr. Ewing. All in favor of the motion as read please signify by raising your hand; opposed raise your hand; any abstentions; any null votes. **The carries 17, zero, zero.** Thank you. Kate, would you please go ahead and give us an update on the FMP Review.

UPDATE ON THE FMP REVIEW

MS. KATE TAYLOR: The compliance reports were submitted this past fall and reviewed by the plan review team. This is a presentation of the fisheries management plan review as it was put together with the information given through the state-submitted or jurisdiction-submitted compliance reports. The status of the stock of American eel suggests that there is decreasing recruitment in the population and that there are localized declines in abundance for American eel.

As we just heard from the technical committee report, the commission has begun the stock assessment with an estimated completion date in 2011. This graph shows the commercial and recreational landings through 2008. Commercial landings here in blue generally declined through the eighties and nineties and have fluctuated without trend for about the past eight years.

The state-reported commercial landings for yellow and silver eel in 2008 were just under 800,000 pounds. This represents a 7 percent increase from 2007. Landings reported from the National Marine Fisheries Service totaled approximately 715,000 pounds for 2008. New Jersey and Maryland each landed over 100,000 pounds and comprised a total of 63 percent of the coast-wide landings.

There are commercial glass eel fisheries in both Maine and South Carolina. In 2008 a little over 6,000 pounds were landed. The majority of that was from Maine; only 0.1 pounds from South Carolina. This is a 62 percent increase from 2007, although there is a general declining trend in glass eel landings.

The recreational estimates for the American Eel Fishery are derived from MRFSS. The total estimated catch for 2008 was approximately 49,000 fish, which represents a 65 percent decrease from 2007. The majority of eels are released alive in the recreational fishery. Delaware and New Jersey accounted for over half the recreational catch, although catch was reported in nine other states listed here in decreasing order.

All the states have implemented the required provisions of the FMP. The following states requested de minimis states: New Hampshire, Massachusetts, Pennsylvania, D.C., South Carolina, Georgia and Florida. A state may apply for de minimis status if for the preceding two years their average commercial landings are less than 1 percent of the coast-wide commercial landings for the same two-year period.

All states that have requested de minimis status with the exception of Florida did qualify. The state of Florida has been granted de minimis status for the past nine years. In 2008 American eel landings in Florida were just over 15,500 pounds. This was almost three times higher than the five-year average. Using the de minimis standards this represents approximately 1.3 percent of the 2007 and 2006 average coast-wide landings.

The commercial season in Florida runs from about November to March. Landings in 2009 are available and were approximately 6,800 pounds. Estimates for 2010 are believed to be even lower and are estimated at approximately 3,000 pounds. Should coast-wide landings stay as they are, they would fall back down into the de minimis standard. The PRT recommends that all states and jurisdictions that have requested de minimis be granted de minimis status.

CHAIRMAN AUGUSTINE: Are there any questions of Kate? **We need a motion to approve the FMP Review.** Mr. Adler.

MR. WILLIAM A. ADLER: **So move.**

CHAIRMAN AUGUSTINE: Seconded by Dr. Daniel. Mr. Adler.

MR. ADLER: Would this include the de minimis vote or would that be separate?

CHAIRMAN AUGUSTINE: I think it would be just as easy to do at the same time, include the de minimis.

MR. ADLER: **All right, I would also move with that, that New Hampshire, Massachusetts, Pennsylvania, District of Columbia, South Carolina, Georgia and Florida be granted de minimis.**

CHAIRMAN AUGUSTINE: Thank you. Dr. Daniel seconded. Discussion on the motion? Any objection to the motion? I will read the motion: Move to accept the 2008 FMP Review for American eel and grant de minimis to the states of New Hampshire, Massachusetts, Pennsylvania, District of Columbia, South Carolina, Georgia and Florida. Motion by Mr. Adler; seconded by Dr. Daniel. We do mean 2008 or do we mean 2009?

MS. TAYLOR: It is the 2009 review of the 2008 reported landings.

CHAIRMAN AUGUSTINE: Thank you for that clarification. Any objection to the motion? Seeing none, **the motion passed by consensus.** We have a request for AP membership from North Carolina. Kate, would please announce the gentleman.

AMERICAN EEL ADVISORY PANEL MEMBERSHIP

MS. TAYLOR: Marius Bouw has been nominated to the American Eel Advisory Panel from the state of North Carolina.

CHAIRMAN AUGUSTINE: Thank you for that. Dr. Daniel, would you please make some comments to the board to kind of fill in our new advisor's background.

DR. LOUIS DANIEL: Certainly, Mr. Chairman. He is very active in our fishery. He is one of the truck drivers that kind of goes around and pick up all the eels. I think he would be a good addition to the advisory panel, and I would move his acceptance to the advisory panel.

CHAIRMAN AUGUSTINE: Do I have a second to that nomination? Seconded by Representative Abbott. Any discussion on the nomination? Is there any opposition to the nomination? **Seeing none, by consensus he is approved.**

ELECTION OF VICE-CHAIR TO THE AMERICAN EEL BOARD

CHAIRMAN AUGUSTINE: I have the pleasure of noting that Mr. Stockwell has been nominated as a candidate for vice-chair. Do I have a second? Who would nominate Mr. Stockwell, please.

REPRESENTATIVE ABBOTT: Thank you, Mr. Chairman. I know how interested you are in always making motions and seconding, but I have been prepared to make this motion all morning. What a struggle! **At this time I am pleased to nominate the gentleman from Maine, Mr. Terry Stockwell, as vice-chair of the American Eel Board.** Thank you.

CHAIRMAN AUGUSTINE: Thank you, Representative Abbott. I'm trying to follow the new procedure I learned this morning, and I am more confused than I ever was. Dr. Rhodes seconded that. Is there any discussion? Yes, John.

MR. JOHN DUREN: In reference to Mr. Abbott's phraseology of the nomination, I would like to point that there is more than one gentleman from Maine.

CHAIRMAN AUGUSTINE: Is there any objection to closing the nominations? **Seeing none, the Chair will cast one vote. Congratulations, Mr. Stockwell, to your new position as vice-chairman of the American Eel Board.**

OTHER BUSINESS

Dr. Geiger, would you please like to make your information available to us relative to the petition to list the American Eel.

DR. GEIGER: Thank you, Mr. Chairman. On April 30th the Fish and Wildlife Service received a petition to list American eel under the Endangered Species Act. The petitioner is the Council for Endangered Species Reliability. This petition was signed by the executive director of this council, Mr. Craig Manson, who incidentally happens to be a previous Assistant Secretary for Fish, Wildlife and Parks in the Department of Interior.

A similar petition was also sent to NOAA Fisheries. I have had a chance to discuss that with Pat Kurkul when she was here to make her aware of that as well. As you know, with agreements between the Fish and Wildlife Service and NOAA, the Fish and Wildlife Service will have the administrative lead on dealing with this petition.

For background the Fish and Wildlife Service issued a negative 12-month finding on a previous petition to list American eel on February 2, 2007. At this time I have no further details or information on the petition. As I get more information I will let you know. The process will be the Fish and Wildlife Service will determine if the petition is, first, valid.

The Service has 30 days to make this determination, and then the Service has 90 days to evaluate the petition. Under normal policy the Fish and Wildlife Service will request funding for the Washington Office to do the 90-day review. That is all the information I have at this time, Mr. Chairman.

CHAIRMAN AUGUSTINE: Thank you. Any questions from the board? Go ahead.

DR. GEIGER: All right, Dr. Laney has an additional piece of information related to American eel.

DR. WILSON LANEY: I just wanted to let the board know that as of this spring Dominion Generation has begun the operation of the two eel ways that were constructed on the Roanoke Rapids Dam. The south eel way opened March the 1st, and the north eel way opened April the 5th. Subsequent to those dates through about yesterday, they have captured over 200,000 eels at the Roanoke Rapids Dam.

If you're interested in seeing that structure and seeing the video of how it is operating, there is a website,

Mr. Chairman. It's kind of lengthy; I'll be happy to ready it here, but it might be best for me just to give it to staff and have it e-mailed out to the whole board. Let's just do that way. If you want it, board members, just come and see me and I'll give it to you.

CHAIRMAN AUGUSTINE: Thank you very much for that report and that e-mail address. Is there any further business to come before the board?

ADJOURNMENT

REPRESENTATIVE ABBOTT: **Motion to adjourn.**

CHAIRMAN AUGUSTINE: Motion by Representative Abbott to adjourn; seconded by Mr. Adler. Is there any objection? Seeing none, the motion to adjourn is approved.

(Whereupon, the meeting was adjourned at 11:47 o'clock a.m., May 5, 2010.)