

ATLANTIC STATES MARINE FISHERIES COMMISSION

REVIEW OF THE INTERSTATE FISHERY MANAGEMENT PLAN

FOR AMERICAN EEL
(*Anguilla rostrata*)

2011 FISHING YEAR



Prepared by the Plan Review Team

Approved by the American Eel Management Board
May 2012

**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)
<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 major 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 that all states and jurisdictions implement an annual young-of-year (YOY) abundance survey by 2001 in order to monitor annual recruitment of each year's cohort. In addition, the FMP requires all states and jurisdictions to establish a minimum recreational size limit of six inches and a recreational possession limit of no more than 50 eels per person, including crew members involved in party or charter (for-hire) employment for bait purposes during fishing. Recreational fishermen are not allowed to sell eels without a state license. Commercial fisheries management measures stipulate that states and jurisdictions shall maintain existing or more conservative American eel commercial fishery regulations for all life stages. States with minimum size limits for commercial eel fisheries must retain those minimum size limits, unless otherwise approved by the American Eel Management Board. Each state is responsible for implementing management measures within its jurisdiction to ensure the sustainability of the American eel population that resides within state boundaries.

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 the development of a draft Addendum with the goal of increasing the escapement of silver eels to the spawning grounds. In October 2008, the Management Board approved Addendum II to the American Eel FMP, with some modification. The Addendum places increased emphasis on improving the upstream and downstream passage of American eel and maintains the status quo on management measures. The Management Board chose to delay action on management measures in order to incorporate the results of the upcoming stock assessment.

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

II. Status of the Stock

In 2009, the Management Board initiated the start of a new assessment. After reviewing over 100 surveys and studies that catch eel, 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 in this assessment, 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. Also, 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 at determining if there was a statistically significant trend in the fishery-independent survey data and whether or not there was evidence for significant trends at the regional and coast-wide scales. The second approach involved a model called Depletion-Based Stock Reduction Analysis (DB-SRA) which uses trends in historical catch to estimate biomass trends and maximum sustainable yield. Both 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. The assessment passed peer review 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 abundance relative to the 1980s is very low for Lake Ontario and upper St. Lawrence River stock, and 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 and peaked in 1979 at 3,951,936 pounds. Harvest has declined since then, with the lowest harvest occurring at 641,225 pounds in 2002. Because fishing effort data is 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 not exceeded one million pounds since 1996¹. State reported landings of yellow/silver eels in 2011 totaled 1,131,575 pounds² (Table 1), which represents a 30% increase in landings from 2010 (872,663 pounds). Landings reported by NMFS totaled 1,168,596 pounds. In 2011, state reported landings from New Jersey, Maryland, and Virginia each totaled over 100,000 pounds of eel, and together accounted for 78% of the coastwide commercial total landings. Landings of glass eels were reported from Maine and South Carolina and totaled 9,128 pounds. Landings of glass eels have fluctuated from over 14,000 pounds in 1998 to a low of 1,282 pounds in 2004.

Table 1. 2011 Commercial Landings by state and Life Stage^{1,2}

	State Reported		NMFS
	Glass	Yellow	
Maine	8,584	3,425	9,391
New Hampshire			
Massachusetts		368	365
Rhode Island		1,521	2,038
Connecticut		80	60
New York		33,721	35,557
New Jersey		120,576	129,065
Pennsylvania			
Delaware		92,181	90,631
Maryland		655,650	731,622
D.C.			
PRFC		29,010	
Virginia		110,259	108,387
North Carolina		59,181	61,480
South Carolina	544	2	
Georgia[^]			
Florida		25,601	
Total	9,128	1,131,575	1,168,596

[^]Landings are confidential

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. The National Marine Fisheries Service (NMFS) Marine Recreational Fisheries Statistics Survey (MRFSS), which has surveyed

¹ Personal communication, National Marine Fisheries Service, Fisheries Statistics Division, Silver Spring, MD

² Harvest data for 2008 comes from the 2009 State Compliance Reports. All landings are preliminary and some are incomplete.

recreational catch in ocean and coastal county waters since 1981, shows a declining trend in the catch of eel during the latter part of the 1990s. As of 2009, MRFSS (now the Marine Recreational Information Program) data are no longer provided for American eel. This is a result of the unreliable design of MRFSS that focuses on active fishing sites along coastal and estuarine areas. In previous years the proportional standard error (PSE) has ranged from 0-100.1. 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.

Table 2. State commercial regulations for the 2012 fishing year.*

State	Size Limit	License/Permit	Other
ME		Harvester license. Dealer license and reporting.	Seasonal closures. Gear restrictions.
NH	6"	Commercial saltwater license and wholesaler license. Monthly reporting.	50/day for bait. Gear restrictions in freshwater.
MA	6"	Commercial permit with annual catch report requirement. Registration for dealers with purchase record requirement.	Nets, pots, spears, and angling only. Mesh restrictions. Each of 52 coastal towns has its own regulations.
RI	6"	Commercial fishing license.	
CT	6"	Commercial license. Dealer reporting.	Gear restrictions
NY	6"	Commercial harvester license and reporting. Dealer license.	Gear restrictions.
NJ	6"	License required.	Gear restrictions.
PA	NO COMMERCIAL FISHERY		
DE	6"	License required.	Commercial fishing in tidal waters only. Gear restrictions.
MD	6"	Licensed required with monthly reporting.	Prohibited in non-tidal waters. Gear restrictions.
DC	NO COMMERCIAL FISHERY		
PRFC	6"	Harvester license and reporting.	Gear restrictions.
VA	6"	Harvester license required. Monthly reporting.	Mesh size restrictions on eel pots. Bait limit of 50 eels/day. Seasonal closures.
NC	6"	Standard Commercial Fishing License for all commercial fishing	Mesh size restrictions on eel pots. Bait limit of 50 eels/day. Seasonal closures.
SC		License for commercial fishing and sale. Permits by gear and area fished. Monthly reporting.	Gear restrictions.
GA	6"	Personal commercial fishing license and commercial fishing boat license. Harvester/dealer reporting.	Gear restrictions on traps and pots. Area restrictions.
FL		Permits and licenses.	Gear restrictions.

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

Table 3. State recreational regulations for the 2012 fishing year.**

State	Size Limit	Possession Limit	Other
ME	6"	50 eels/person/day	Gear restrictions. License requirement and seasonal closures (inland waters only).
NH	6"	50 eels/person/day	Coastal harvest permit needed if taking eels other than by angling. Gear restrictions in freshwater.
MA	6"	50 eels/person/day	Nets, pots, spears, and angling only; mesh restrictions. Each of 52 coastal towns has its own regulations.
RI	6"	50 eels/person/day	
CT	6"	50 eels/person/day	
NY	6"	50 eels/person/day	Additional length restrictions in specific inland waters.
NJ	6"	50 eels/person/day	
PA	6"	50 eels/person/day	Gear restrictions.
DE	6"	50 eels/person/day	Two pot limit/person.
MD	6"	No possession limit in tidal areas; 25/person/day limit in non-tidal areas	Gear restrictions.
DC	6"	10 eels/person/day	
PRFC	6"	50 eels/person/day	
VA	6"	50 eels/person/day	Recreational license. Two pot limit. Mandatory annual catch report. Mesh size restrictions on eel pots.
NC	6"	50 eels/person/day	Gear restrictions. Non-commercial special device license. Two eel pots allowed under Recreational Commercial Gear license.
SC	6"	50 eels/person/day	Gear restrictions and gear license fees.
GA	None	None	
FL	None	None	Gear restrictions.

** 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 for the purpose of monitoring annual recruitment of each year's cohort. In 2011, the states of Maine, New Hampshire, New York, South Carolina and Georgia had average or below average YOY survey counts. However, the catch of glass eels was poached on six separate nights in Maine, which may influence the overall results. The states of Rhode Island, Connecticut, Maryland, and Virginia had above average YOY survey counts. A total of 30,874 young-of-the-year American eel were observed in Rhode Island's 2011 recruitment survey, which was the highest on record.

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

High Priority

- Accurately document the commercial eel fishery so that our understanding of participation in the fishery and the amount of directed effort could be known.
- 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 establishment of sustainable reference points for eel are required to develop a sustainable harvest rate in addition to determining whether the population is stable, decreasing, or increasing.
- Research the effects of 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 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 required 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. In addition, the FMP requires all states and jurisdictions to establish a minimum recreational size limit of six inches and a recreational possession limit of no more than 50 eels per person, including crew members involved in party or charter (for-hire) employment, for bait purposes during fishing. Recreational fishermen are not allowed to sell eel without a state license permitting such activity. Commercial fisheries management measures stipulate that states and jurisdictions shall maintain existing or more conservative American eel commercial fishery regulations, including gear specification contained in Table 2 of the FMP, for all life stages.

Since 2008 delegates from the Atlantic States Marine Fishery Commission have met with representatives from the Great Lakes Fishery Commission, U.S Fish and Wildlife Service, and NOAA Fisheries to work together to improve American eel management. The groups agreed to jointly develop a Memorandum of Understanding that would outline a strategy to work together to more effectively manage this international resource.

Proposed Endangered Species Act Listing of American Eel

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). USFWS published a positive 90 day finding on the petition in September 2011, stating that the petition may be warranted and a status review will be conducted. CESAR filed a lawsuit in August 2012 against 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. The settlement requires USFWS to publish a 12-month finding by September 30, 2015. The USFWS previously reviewed the status of the American eel in 2007 and found that, at that time, protection under the Endangered Species Act was not warranted.

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

The following monitoring program changes occurred in 2011:

- New Jersey – Due to a collapsing overpass, the site for mandated young of the year survey was not accessible.
- North Carolina –NCDMF relies solely on the NOAA Beaufort Lab bridge net index to meet their mandated YOY survey requirement. The NOAA Beaufort Lab bridge net survey data has been requested but elver numbers for 2011 are currently unavailable due to a backlog of processing the samples.

The following regulatory changes for 2012 were documented in the compliance reports:

- Maine – The closed season changed from noon Friday – noon Sunday to noon Tuesday – noon Wednesday and noon Saturday – noon Sunday.

The PRT reviewed the state compliance reports for 2012. The PRT finds that all states are currently implementing the required provisions of the American Eel Fishery Management Plan, with the possible exception that the state of Maine did not submit a proposal in advance of implementing a regulatory change (closed days, see above) as specified under Section 4.4.1 of the Plan to ensure the proposed measures are as conservative or more conservative than the regulations at the time of FMP implementation. The PRT cannot comment on if this change is conservational equivalent. The PDT requested any changes be reviewed by the Technical Committee and Advisory Panel prior to Board approval.

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.

In 2011, the states of Massachusetts, Pennsylvania, South Carolina, Georgia, and Florida and the District of Columbia requested *de minimis* status for their yellow eel fisheries. Qualification for *de minimis* was determined from state reported landings found in compliance reports. Based on landings, the states of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, South Carolina, and Georgia and the District of Columbia qualify for *de minimis* for their yellow eel fisheries. Based on landings the state of Florida does not meet the *de minimis* requirement. The state's average commercial landings for 2010 and 2011 were 3.2% of the total coastwide commercial landings for that same time period. The state currently implements all the requirements of the FMP despite being granted *de minimis* in previous year.

VII. Recommendations/Findings of the Plan Review Team

1. The PRT recommends *de minimis* be granted to the states of Massachusetts, Pennsylvania, South Carolina, Georgia, and the District of Columbia.
2. 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.
3. Landings, effort, and biological data are needed to complete stock assessments. The PRT continues to express concern over the lack of data available for states to report landings by life stage. States are strongly encouraged to collect biological data from landings.
4. The PRT affirms the value of the young-of-the-year surveys and is adamant that they need to be performed on an annual basis. The PRT strongly recommends that all states and jurisdictions continue to implement the young-of-the-year survey.