

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

**The Westin Crystal City  
Arlington, Virginia  
Hybrid Meeting**

**May 1, 2024**

**Approved October 22, 2024**

**TABLE OF CONTENTS**

Call to Order, Chair Kris Kuhn .....1

Approval of Agenda .....1

Approval of Proceedings from January 23, 2024 .....1

Public Comment .....1

Consider Addendum VI on Maine Glass Eel Quota for Final Approval.....1

    Review Options and Public Comment Summary .....2

    Advisory Panel Report.....3

    Consider Approval of Addendum VI .....4

Consider Addendum VII on Yellow Eel Yellow Eel Coastwide Cap and Monitoring for Final Approval .....5

    Review Options and Public Comment Summary .....5

    Advisory Panel Report.....9

    Consider Approval of Addendum VII .....12

Elect Vice-Chair.....24

Other Business.....24

    CITES Update.....24

Adjournment .....25

**INDEX OF MOTIONS**

1. **Approval of agenda** by consent (Page 1).
2. **Approval of Proceedings of January 23, 2024** by consent (Page 1).
3. **For Draft Addendum VI, move to select under 3.1 Maine Glass Eel Quota, Option 1: Status Quo (9,688 lbs. quota) and under 3.2 Timeframe for Maine Glass Eel Quota, Option 3 (Three years, with the ability to extend via Board action)** (Page 4). Motion by Megan Ware; second by Doug Grout. Motion passes by consent (Page 4).
4. **Move to approve Addendum VI to the American Eel FMP, as modified today** (Page 4). Motion by Megan Ware; second by John Clark. Motion passes by consent (Page 5).
5. **Main Motion**  
**Move to approve under 3.1 Issue 1 Option 1 status quo** (Page 14). Motion by John Clark; second by Russel Dize. Motion substituted.  
  
**Motion to Substitute**  
**Move to substitute to replace “under 3.1 Issue 1 Option 1 status quo” with “under 3.1 Issue 1 Option 2 (202,453 lbs.)** (Page 15). Motion by Justin Davis; second by Rick Jacobson. Motion fails (3 in favor, 16 opposed) (Page 17).  
  
**Motion to Substitute**  
**Motion to substitute to approve under 3.1 Issue 1 Option 3 to set the coastwide cap at 518,281 pounds** (Page 17). Motion by Shanna Madsen; second by Dan McKiernan. Motion passes (12 in favor, 6 opposed) (Page 19).  
  
**Main Motion as Substituted**  
**Move to approve under 3.1 Issue 1 Option 3 to set the coastwide cap at 518,281 pound.**  
  
**Motion to Substitute**  
**Move to substitute to approve under 3.1 Issue 1 Option 5 to set the coastwide cap at 716,497 pounds** (Page 20). Motion by Lynn Fegley, second by Steve Train. Motion fails (7 in favor, 12 opposed) (Page 20).  
  
**Main Motion as Substituted**  
**Move to approve under 3.1 Issue 1 Option 3 to set the coastwide cap at 518,281 pounds.** Motion passes (15 in favor, 4 opposed) (Page 20).
6. **Move to approve:**
  - **For Section 3.1, Issue 2, Option 1 [Status Quo, >1% coastwide landings]**
  - **For section 3.5, Option 2 (3-year landings average for de minimis)**(Page 21). Motion by Lynn Fegley; second by John Clark. Motion passes (15 in favor, 2 opposed, 2 abstentions) (Page 21).
7. **Move to approve for Section 3.2, Option 1 (three years coastwide cap duration** (Page 22). Motion by Shanna Madsen; second by John Clark. Motion passes (18 in favor, 1 abstention) (Page 22).

8. **Main Motion**

**Move to approve:**

- **For Section 3.3, Option 1 (Status Quo);**
- **For Section 3.4, Option 1 (mandatory CPUE data collection)**

(Page 22). Motion by Jeff Kaelin; second by Lynn Fegley. Motion amended.

**Motion to Amend**

**Move to amend to replace Option 1 with Option 2 for section 3.3** (Page 22). Motion by John Clark; second by Doug Grout. Motion passes (16 in favor, 2 opposed, 1 abstention) (Page 22).

**Main Motion as Amended**

**Move to approve:**

- **For Section 3.3, Option 1 (Status Quo);**
- **For Section 3.4, Option 1 (mandatory CPUE data collection)**

Motion passes (18 in favor, 1 opposed) (Page 23).

9. **Move to approve Addendum VII to the American Eel FMP, as modified** (Page 23). Motion by Emerson Hasbrouck; second by Roy Miller. Motion passes by consent (Page 23).
10. **Move to approve an implementation date of January 1, 2025** (Page 24). Motion by John Clark; second by Joe Cimino. Motion passes (18 in favor, 1 opposed) (Page 24).
11. **Move to elect Jesse Hornstein as Vice-Chair** (Page 24). Motion by Joe Cimino; second by Lynn Fegley. Motion passes by consent (Page 24).
12. **Move to adjourn** by consent (Page 25).

**ATTENDANCE**

**Board Members**

Megan Ware, ME, proxy for P. Keliher (AA)	Kris Kuhn, PA, proxy for T. Schaeffer (AA)
Steve Train, ME (GA)	Loren Lustig, PA (GA)
Rep. Allison Hepler, ME (LA)	John Clark, DE (AA)
Renee Zobel, NH, proxy for C. Patterson (AA)	Roy Miller, DE (GA)
Doug Grout, NH (GA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Lynn Fegley, MD (AA, Acting)
Dan McKiernan, MA (AA)	Russel Dize, MD (GA)
Raymond Kane, MA (GA)	Shanna Madsen, VA, proxy for J. Green (AA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Chris Batsavage, NC, proxy for K. Rawls (AA)
Phil Edwards, RI, proxy for J. McNamee (AA)	Chad Thomas, NC, proxy for Rep. Wray (LA)
David Borden, RI (GA)	Ross Self, SC, proxy for B. Keppler (AA)
Justin Davis, CT (AA)	Doug Haymans, GA (AA)
William Hyatt, CT (GA)	Spud Woodward, GA (GA)
Robert LaFrance, CT, proxy for Rep. Gresko (LA)	Jeffrey Renchen, FL, proxy for J. McCawley (AA)
Marty Gary, NY (AA)	Gary Jennings, FL (GA)
Emerson Hasbrouck, NY (GA)	Dan Ryan, DC, proxy for R. Cloyd
Jesse Hornstein, NY, proxy for Sen. Kaminsky (LA)	Ron Owens, PRFC
Joe Cimino, NJ (AA)	Chris Wright, NMFS
Jeff Kaelin, NJ (GA)	Rick Jacobson, US FWS
Adam Nowalsky, NJ, proxy for Sen. Gopal (LA)	

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

**Ex-Officio Members**

**Staff**

Bob Beal	Caitlin Starks	Katie Drew
Toni Kerns	Emilie Franke	Kristen Anstead
Tina Berger	Chelsea Tuohy	Jainita Patel
Madeline Musante	James Boyle	Kurt Blanchard
Tracy Bauer	Jeff Kipp	

**Guests**

Travis Atwood , MEFA	James Cassin, NOAA	Micah Dean, MA DMF
Pat Augustine	Matthew Cieri, ME DMR	Danny Deraps, MSN
Mel Bell	Michael Clough	Adam Dragon, MEFA
Sue Bertoline	Allison Colden, CBF	Roman Dudus
Alan Bianchi, DC DMF	Margaret Conroy, DE DNREC	Paul Eidman, Reel Therapy
Jason Boucher, NOAA	Heather Corbett, NJ DEP	Fishing Charters
Colleen Bouffard, CT DEEP	Caitlin Craig, NYS DEC	Julie Evans, East Hampton Town
Michael Bowen, Cornell	Scott Curatolo-Wagemann,	Fisheries Advisory Cmte.
Univeristy	Cornell Cooperative Extension	Sheila Eyler, US FWS
Jeffrey Brust, NJ DFW	of Suffolk County	

Proceedings of the American Eel Management Board – May 2024

Peter Fallon, Maine Assn. of Charterboat Captains	Eric Marek, US FWS	Stephanie Richards, MD DNR
Corrin Flora, MA DMR	Todd Mathes, NC DMF	Harry Rickabaugh, MD DNR
Tom Fote, JCAA	Joe McDonald	Sefatia Romeo Theken, MA DFG
Anthony Friedrich, ASGA	Joshua McGilly, VMRC	Bryan Rosa, Origin Outfitters
Lewis Gillingham, VMRC	Jack McGovern, NOAA	Zachary Schuller, NYS DEC
Willam Gorham, Bowed up Lures	Kevin McMenamin, Annapolis Anglers Club	McLean Seward, NC DEQ
Harry Hornick, MD DNR	Jason McNamee, RI (AA)	Alexei Sharov, MD DNR
Stephen Jackson, US FWS	Meredith Mendelson, ME DMR	David Sikorski
James Jewkes	Nichola Meserve, MA DMF	John Sweka, US FWS
Fred Johnson	Steve Meyers	Rustin Taylor, Maine Elver Fisherman's Assn.
Amy Karlnoski, NYS Assembly	Chris Moore, Chesapeake Bay Foundation	Kristen Thiebault, MA DMF
Carrie Kennedy, MD DNR	Jeff Moore, NC DMF	Peter Whelan
Gregg Kenney, NYS DEC	Nicole Ogrysko, Maine Public Radio	Keith Whiteford, MD DNR
Andrew Konchek	Alexis Park, MD DNR	Patrick Whittle
Robert LaCava, MD DNR	Cheri Patterson, NH (AA)	Travis Williams, NC DEQ
Laura Lee, US FWS	Gregory Pavlov	Al Williams
Brooke Lowman, VMRC	Jennifer Pyle, NJ DEP	Daniel Zapf, ND DEQ
Michael Luisi, MD DNR	Jill Ramsey, VMRC	Jordan Zimmerman, DE DNREC
John Maniscalco, NYS DEC		

The American Eel Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia, via hybrid meeting, in-person and webinar; Wednesday, May 1, 2024, and was called to order at 3:00 p.m. by Chair Kristopher M. Kuhn.

### **CALL TO ORDER**

CHAIR KRISTOPHER M. KUHN: Good afternoon, everyone, welcome to the Atlantic States Marine Fisheries Commission American Eel Management Board. I'm calling this meeting to order. I'm Kris Kuhn, the Administrative Proxy for Pennsylvania, and current Chair of the American Eel Board.

Currently we have the Vice-Chair position vacant, but will be considering filling that role later in this meeting. Our Technical Committee Chair is Danielle Carty from South Carolina, and we have a new Advisory Panel Chair; Mitch Feigenbaum from Pennsylvania. Mitch is certainly not new to the AP or ASMFC participation, but I would like to welcome him into his renewed role as AP Chair.

I would also like to thank our previous AP Chair, Mari-Beth DeLucia with the Nature Conservancy, for her longstanding service and leadership in that capacity. Our Law Enforcement Committee representative is Rob Beal from Maine, and I'm joined here at the front table by Caitlin Starks and Dr. Kristen Anstead with the Commission, Law Enforcement Committee Rep Rob Beal, and AP Chair Mitch Feigenbaum.

### **APPROVAL OF AGENDA**

CHAIR KUHN: We have a full agenda here this afternoon, so let's go ahead and get started with this afternoon's business. The first order of which is Approval of the Agenda. Are there any proposed modifications to the agenda? Any hands online? Seeing none; the agenda is approved by consent.

### **APPROVAL OF PROCEEDINGS**

CHAIR KUHN: Next up, Approval of Proceedings from the January, 2024 Board Meeting. Are there any edits to the proceedings from the January, 2024 meeting of the American Eel Management Board? Okay, seeing none there again they are approved by consent.

### **PUBLIC COMMENT**

CHAIR KUHN: Now we'll move on to the Public Comment period. Are there any members of the public either here or online that would like to make comment pertaining to items that are not on today's agenda?

Again, this is only for items that are not on the agenda. Depending on time, you will be given additional opportunity to comment on motions for specific items to be covered in the agenda later in this meeting. Also, as a reminder to Commissioners and others making comments in the room, please move your microphone down and ensure that it is turned on when speaking, so we can hear you. Anyone wishing to make public comment at this time for items not on the agenda? Okay, seeing none

### **CONSIDER ADDENDUM VI ON MAINE GLASS EEL QUOTA FOR FINAL APPROVAL**

CHAIR KUHN: We'll go ahead and move on to the fourth item that is on the agenda, which is to Consider Addendum VI, pertaining to Maine Glass Eel Quota for Final Approval. Draft Addendum VI was approved for public comment in January, and today the Board meets to select management options and implementation dates, and provide final approval of Addendum VI.

Specifically, this includes deciding upon Maine's glass eel quota, and a timeframe for implementation. Caitlin Starks is going to start us off with a presentation. Following that I'll turn it over to AP Chair, Mitch Feigenbaum for an Advisory Panel report pertaining to, specifically Addendum VI. Then we'll take questions on the presentation

and report. Caitlin, we're ready for your presentation.

### **REVIEW OPTIONS AND PUBLIC COMMENT SUMMARY**

MS. CAITLIN STARKS: I'm going to go over Eel Draft Addendum VI, again this is on Maine glass eel quota and eel/elver management. I'm going to start with the background and statement of the problem for this Addendum, and then go over the proposed management options, the summary of the public comments, and then we'll go over to the AP Chair for the AP report, and finally the Board action for consideration today.

Draft Addendum VI was initiated in August, 2023, when the Board moved to initiate and addendum to address the Maine glass eel quota. Following that meeting the Plan Development Team, PDT, developed the Draft Addendum Document for public comment. Our public comment period was in February and March of this year, and then today the Board will consider those comments and take final action on this addendum.

If approved today, the implementation of the measures is expected in time for January, 2025. That timeline is important, and the reason for this Addendum is because Maine's commercial glass eel quota expires after this year, and so it needs to be reestablished for 2025 and beyond. The quota was set for 2015 through 2017 and 9,688 pounds by Addendum IV in 2014, and then Addendum V maintains the same quota, which was extended through Board action through 2024.

However, a new addendum was needed for fishing beyond 2024. Now I'll just go through the proposed management action. This is a pretty short and sweet Addendum, so the first couple options here, well one option, is related to the Maine glass eel quota level. Option 1 is status quo, that would be 9,688 pounds.

This is maintaining the same quota that has been in place since 2015. Before the Addendum was approved for public comment there was an additional option to consider reducing that quota, but the Board decided to remove that option from consideration. If no action is taken on this Addendum, then there would not be a quota for Maine in the Commission's FMP.

The next set of options is Section 3.2, and these address the duration of the quota that will be established at final action. Option 1 is for no sunset, and that would mean the Maine glass eel quota would just remain the same indefinitely, unless changed through another addendum or amendment. Then Option 2 is a 3-year duration after which the Board would be required to initiate a new addendum to establish Maine's glass eel quota for 2028 and beyond. Then Option 3 is a 3-year duration after which the Board could extend the same quota indefinitely via Board action. However, if a change to the quota is desired under this option, there would still need to be a new addendum and public input process. Now for the Public Comment Summary. During our comment period we had one virtual public hearing, and that was called at the end of February.

We had 23 attendees from the public, but no comments were provided during that hearing. We received 35 total written comments, and I want to note that this number is revised from what was in the memo in the materials, in order to account for all of the signatories that were signed on to a single comment, when there was more than one. We had 33 individual comments and 2 letters from organizations.

This table summarizes the support for each of the options in the Addendum, so 34 of the 35 written comments indicated support for the status quo quota option. Then for the quota duration, 6 indicated support for the no sunset option, and 1 favored Option 2, which would require a new addendum after 3 years.

In the comments that supported the status quo quota option, the rationales included that they are



seeing plentiful numbers of elvers in Maine, and that harvesters are easily able to fill their quotas early in the season. Some comments mentioned that they think the Maine fishery is already well managed and regulated, and also that the state has laws and conducts conservation efforts to allow harvest to continue without depleting the population.

A few folks also noted that Maine is unique, in that there are large amounts of habitat for eels in the state. Under Section 3.2 on the quota duration. For those that supported Option 1 for no sunset, the reasoning was just generally that the quota is working and it should stay in place. Then from the 1 comment that supported Option 2, which was from the Pasamaquoddy Tribe.

The letter expressed that the quota should be fully reviewed in 3 years, so that any necessary adjustments to that quota can be made based on changing conditions and information, and additionally that full review in 3 years would allow for an opportunity for the Commission to engage with and coordinate with the Tribe, with regard to this Maine glass eel fishery.

Then we have some additional comments that were not related to a specific option in the Addendum, but 3 comments said that Maine glass eel quota should be increased, rather than stay the same. They think that it wouldn't hurt the biomass, given the small number of fishermen, and also because there should be some credit given back to the fishery for dam removals and other habitat restoration projects.

Then 1 comment expressed that states without glass eel fisheries shouldn't get to vote on Maine's management, and 1 individual favored reducing or ending glass eel harvest, because of the species stock status. In the comment letter from the Pasamaquoddy Tribe, there were a few other points raised about the Commission's management.

First the letter stated that the Commission should consult with the Tribe before proposing any management actions that would affect American eel and other species in their region. It also noted the opinion that ASMFC and its partners should prioritize population and habitat restoration efforts in eel management over harvest quotas. I can pass it over to Mitch for the APs report.

#### **ADVISORY PANEL REPORT**

MR. MITCH FEIGENBAUM: I can report that 2 of 5 AP members present at our meeting were representing Maine. Both supported Option 1 on the quota, as well as on the quota timeframe. Two of the other 3 AP members either supported or offered no opinion about the views of their colleagues from Maine. Not only Maine's AP members, but attendees at the State Public Meeting report that glass eel runs are strong, and note that the quota is easily reached every year.

I apologize for the redundancy. They cite the reduction of adult eel fisheries and an impressive record of dam removal as proof of the state's responsible approach to species management. While the harvester community in Maine asks the Board to consider increases to the state's glass eel quota, this matter was not addressed by the AP, since it was not an option for consideration in the Addendum. Thank you.

MS. STARKS: Thank you, and I just have one more slide to wrap up. The first item for the Board's consideration today would be the selection of management measures, and then followed by the final approval of Addendum VI.

CHAIR KUHN: At this point we'll take questions on the presentation for Caitlin or Mitch on the AP report. Yes, Dan McKiernan.

MR. DANIEL MCKIERNAN: Could I get clarification on, Mitch, the third bullet referencing the reduction of adult eel fisheries in Maine. Does Maine prohibit yellow eel harvest?

MR. FEIGENBAUM: It is my understanding that they do. I know that when the rules were imposed in Maine to eliminate the silver eel fishery and adult eel harvesting, it was grandfathering that was implemented, and I don't know the status of that. Perhaps the folks from Maine could answer better.

CHAIR KUHN: Any additional questions in the room for Caitlin or Mitch? Okay, seeing none; do we have any hands online? Okay, we have a hand from a member of the public online, but we're going to go ahead and hold that until we get to motions. You will have an opportunity to speak once we get the motions.

#### **CONSIDER APPROVAL OF ADDENDUM VI**

CHAIR KUHN: If there are no more questions on the presentation or the AP report, let's go ahead and open it up to the Board for discussion on the presentation. Megan Ware.

MS. MEGAN WARE: I had sent staff a motion to get our conversation started today.

CHAIR KUHN: We're getting that up on the board now, it looks like it's up there.

MS. WARE: For Draft Addendum VI, **move to select under 3.1 Maine Glass Eel Quota, Option 1: Status Quo (9,688 lbs. quota) and under 3.2 Timeframe for Maine Glass Eel Quota, Option 3 (Three years, with the ability to extend via Board action).**

CHAIR KUHN: Okay, do we have a second? Doug Grout. Okay, Megan, as maker of the motion would you like to provide some additional comments?

MS. WARE: I would, certainly, support maintaining our existing quota, and prefer that to not managing this fishery under a quota, which would be what we get if we don't choose Option 1 today. Just to echo some of my comments from our meeting in January. There is no recommendation coming out of the

assessment for a reduction in Maine glass eel quota. Our young of the year survey trends have been steadily increasing.

The assessment is pretty clear that harvesting glass eels has a lower impact on the population, given the high net mortality at that life stage. In terms of the timeframe, I believe our system for reviewing the glass eel quota every three years has worked well, and I hope that that provides a little more comfort to the Board today, with the status quo quota. I like Option 3 from an efficiency standpoint, because it does allow for Board action if the Board decides to maintain the quota after three years.

CHAIR KUHN: Doug, would you like to provide some additional comments?

MR. DOUGLAS E. GROUT: No, Sir.

CHAIR KUHN: Okay, before we go to the Board for discussion on the motion, I'll now accept some public comments specific to the motion. Do we have any members of the public that would like to speak or make a comment specific to this motion? Any hands online? Okay, no hands online. Let's bring this back to the Board for discussion on the motion. Is there any discussion on the motion? Okay, seeing none.

I guess we're at the point where we can call the question. Is there a need to caucus before the vote? Caucus, we'll take two minutes. Okay, two minutes are up. Is there any need for further discussion, caucus? Seeing none; we'll try and do this the easy way. **Is there any opposition to the motion? Seeing none; the motion passes by consent.** At this time, we're ready to consider final approval of Addendum VI. Is there anyone willing to make that motion? Megan Ware.

MS. WARE: Yes, I am happy to make that motion. **Move to approve Addendum VI to the American Eel FMP, as modified today.**

CHAIR KUHN: Do we have a second? John Clark. Megan, would you like to speak to that?

MS. WARE: I don't have any comments.

CHAIR KUHN: John Clark. Okay, again we'll do this easy way. **Is there any opposition to the motion? Okay, seeing none, the motion is approved by Board consent.**

**CONSIDER ADDENDUM VII ON YELLOW EEL  
YELLOW EEL COASTWIDE CAP AND  
MONITORING FOR FINAL APPROVAL**

CHAIR KUHN: We'll go ahead and move on to Item 5 on the agenda, which is to Consider Addendum VII on Yellow Eel Coastwide Cap and Monitoring Requirements for Final Approval. Addendum VII was approved for public comment in January, and today the Board needs to select management options and implementation dates, and decide upon final approval of Addendum VII. Specifically, this includes deciding upon the coastwide cap, the management response to exceeding the coastwide cap, timeframe for how long the selected coastwide cap would remain in place, annual young of year abundance survey requirements, catch and effort monitoring requirements, and the American eel de minimis criteria. Caitlin Starks again is going to lead us into questions and discussion with a presentation, then we'll hear the AP report on Addendum VII from AP Chair, Mitch Feigenbaum. Caitlin, the floor is yours.

**REVIEW OPTIONS AND PUBLIC COMMENT  
SUMMARY**

MS. STARKS: This will be very similar in structure to the last presentation. I'll go over some background information and statement of the problem, the proposed management options, which are going to be a lot lengthier than the last presentation, and then the public comment summary before going to our AP Chair.

Addendum VII responds to the 2023 stock assessment, which maintains the depleted stock status and recommends reducing the catch of

yellow eels. To date the assessment hasn't been able to provide us with biologically based reference points for use for management, so instead the Board has managed eels, yellow eel, using a coastwide catch cap. That is based on historically yellow eel landings.

The most recent assessment is still unable to provide these biological reference points, but it did identify a tool that we could use to inform management of yellow eel, using fishery independent abundance indices and coastwide landings to provide catch advice. This is called I-TARGET and we'll talk about I-TARGET some more later.

This graph just shows the yellow eel abundance index, which is the dotted gray line, and the coastwide landings, which is the black line. You can see the decline in both of these indices over time. The Board initiated this Addendum, specifying in their motion that we should consider using I-TARGET to recommend various catch caps for the yellow eel commercial fishery, but not use I-TARGET, to set biological reference points or stock status.

This Addendum also considers some changes to monitoring requirements, based on recommendations from the Stock Assessment Subcommittee and Technical Committee. First the 2023 assessment indicated that biological sampling in the young of year surveys that's required, specifically the individual lengths and pigment stage, could be made optional, because these data haven't been able to inform coastwide trends in the stock.

Additionally, it notes that the catch per unit effort data that are provided by states, haven't been used in any of the stock assessments as was the intention for those data, because they have also not been indicative of trends in stock as a whole. As a reminder, this Addendum was initiated last August, and after the Board reviewed the 2023 benchmark. In the fall, the Plan Development Team put together the management options in the document, and we had our public hearings and comment period in

February and March, the same time as Addendum VI.

Today, we're also having the Board discuss the comments and consider final approval of the Addendum. Just to go over the management options. These are the five sections of the Addenda that we'll talk through today. We have options on the commercial yellow eel coastwide cap, and the management response to exceeding the cap, timeframe options for that cap, young of year abundance survey requirements, catch in effort monitoring program requirements, and then finally a de minimis status. Starting with the coastwide cap. Issue 1 under 3.1. This deals with the cap level itself. Our current cap is 916,473 pounds. That is based on the average landings from 1998 to 2010. This is our status quo option, and then there are four additional options, which propose a range of alternative harvest caps using that I-TARGET tool that was recommended in the assessment. Just a quick reminder on I-TARGET.

This is a trend-based tool for managing data limited fisheries, and it uses data from landings and abundance indices, and provides a range of catch limit recommendations, based on trends in catch, abundance and management goals. Essentially, the inputs into I-TARGET are the historical catch and abundance trends, where catch and abundance levels currently are, and then the target abundance of where we want to be.

Then as an output, I-TARGET provides us with a cap recommendation for getting to that target abundance level. In addition to those basics, there are these three variables in I-TARGET that need to be defined, in order to configure the tool. We have the reference period, the multiplier and the threshold. These are the knobs that the Board needs to adjust.

The reference period is meant to be a time period where the population is stable or at a desirable abundance level, and this is the time

period of abundance that we're comparing our target abundance to. The multiplier determines the level of abundance that management is aiming to achieve. If the multiplier is set to 1, that means you're aiming to achieve the same abundance from the reference period.

If you set the multiplier to 1.25 that means you are aiming to achieve an abundance level that is 25 percent higher than the abundance from the reference period, so that is how that functions. The threshold value is a portion of the I-TARGET value that is dependent on the goals of the fishery. A threshold value of 0.5 is a less conservative value, and generally results in higher catch cap, and a threshold of 0.8 is a more conservative value that generally results in lower catch caps, and that is our range for the threshold options.

The options that use I-TARGET to recommend the catch caps, there are two different reference periods that are considered, so those are shown in this graph in the blue and yellow shaded areas. The blue shaded area is the earlier reference period, which is 1974 to 1987, and in that period the abundance index was at a higher level.

That represents a more desirable abundance level, and then in the yellow areas there is a later reference period, which is the lower level of abundance, but still above abundance levels in the most recent decades. Then this table is showing the four proposed options for coastwide caps that use I-TARGET.

Option 2 and 3, which are highlighted in blue, they use the earlier reference period and a multiplier value of 1.25, so they are using the same multiplier value and reference period, which means they are aiming to achieve the same level of stock abundance. That is 25 percent greater than the stock abundance during that reference period. They differ in that Option 2 uses a threshold of 0.8, and Option 3 uses the threshold of 0.5. The 0.8 threshold results in a coastwide cap of 202,453 pounds, and the 0.5 threshold results in 518,281 pounds, and that is based on the conservativeness of those two options. Then Option 4 and 5 use the

later reference period, which is 1988 to 1999. They both use a threshold value of 0.5, but Option 4 uses a multiplier of 1.5 and Option 5 uses a multiplier of 1.25. This means these two options are aiming for two different levels of stock abundance. Option 4 is aiming for 50 percent higher than the abundance during the reference period, and Option 5 is aiming for 25 percent greater than that abundance level.

Then this graph just shows those four options for coastwide cap compared to the current coastwide cap, which is the black dashed line at the top, as well as the coastwide yellow eel landings since 2015. The next set of options are related to the management response for if that coastwide cap is exceeded.

Our status quo option is that if landings exceed the cap by 10 percent for 2 consecutive years, then the state's whose landings are greater than 1 percent of the coastwide total landings in those years, would be responsible for reducing their landings to come back down to that coastwide cap in a subsequent year.

Option 2 modifies this slightly, so that it would be a response by the states whose landings are greater than 5 percent of the coastwide landings being responsible for reducing their landings. That just changes the number of states really that would be responsible. To show that difference, in this table we have some yellow and gray shaded cells.

All of these cells are states that have landings greater than 1 percent of the coastwide landings in each year. Then just the gray cells are those states with greater than 5 percent of the total in each year. Moving on to our options for timeframe. Option 1 is that the cap would not have a sunset date, but that it would need to remain in place for three years, before being updated.

That three-year minimum timeframe was recommended, because less than three years of data wouldn't be as sufficient to evaluate the

performance of that cap. Then Option 2 is that the cap would again, not have a sunset date, so that it would have to remain in place for 5 years before being updated.

To clarify what updating the cap means under these options, it would be that additional years of data, whether it's 3 or 5, would be run through the I-TARGET tool as it is configured. It doesn't mean it would be able to change the reference period, multiplier or threshold values. Next are the options related to the young of year survey sampling.

Option 1 is status quo, and this would mean the states must continue to collect individual length and pigment stage during the young of year surveys. Option 2 is that the biological sampling of those two things would become optional, and that was recommended by the SAS in the 2023 assessment. For Section 3.4 we have two options regarding the fishery dependent catch and effort monitoring.

Option 1 status quo would maintain the requirement for harvester reporting of trip level, catch per unit effort data, and that was established by Addendum I. This means the states would continue to require those CPUE data and harvester reports, including soak time, number of units of gear fished and pounds landed. Then Option 2 would be that the states would no longer be required to collect those trip level CPUE data for yellow eel catch. The states would be able to continue that collection of the data if they chose to, and the majority of states indicated that they would likely continue collecting those data, even if it were voluntary. But as a note, this option does not apply to glass eel, it just applies to the yellow eel surveys. Then our last section is de minimis status options.

The Commission approved a new standard for the de minimis policy, and that is to use an average of three years of landings to evaluate whether a state meets the de minimis criteria. Our status quo option would be to continue using two years, which is what is currently in the eel FMP, and Option 2 would be to update the eel FMP to use the three-year average, which is now the Commission standard. If Option 1 is chosen, then our policy

indicates that the Board would need to provide a rationale for why two years is more appropriate for this species.

Now we can go through the summary of public comments on this Addendum. We had six public hearings during the comment period for Addendum VII in February and March, and combined the attendance across all of those hearings was 37 individuals, and 23 comments were provided at hearing. We also received a total of 10 written comments on the Addendum, 9 of which were from individuals, and one letter from the Maryland Watermen's Association.

This table just summarizes the support for the different options indicated by the comments. The main takeaway here is that the public generally supported the status quo option for the coastwide cap for yellow eel. Only one person commented in favor of the different option, which was Option 5. There was not a strong response about the other options in the Addendum.

Three people supported the status quo management response to exceeding the coastwide cap, 6 supported the timeframe option for 3 years before the cap is updated, and 3 supported the 5-year option. Then 3 people supported status quo for keeping the requirements for young of year biosampling, and 3 supported status quo for keeping the requirement for trip level harvester CPUE data, and 3 supported status quo for de minimis.

As you just saw, we got 28 comments in favor of the status quo coastwide cap, and the rationales given were that the fishery does not have an overfished or overfishing status, that effort and landings for yellow eel have declined because of the market and fishing cost, not because of decreased eel abundance.

The status quo option would allow for the fishery to grow back to previous levels if the market were to recover in the future. They also

commented that more data are needed for the years after COVID, when things came more back to normal. Then the 1 individual in favor of Option 5 noted that this option would also still allow for growth of the fishery, and wouldn't limit it too much.

Regarding the timeframe for the coastwide cap. There was more support for the 3-year option. General thinking behind that was that within three years the data could be improved, and the update to the cap would possibly benefit the fishery sooner rather than later. Then the 3 individuals in favor of the 5-year timeframe preferred having more years of data. For the young of year biosampling, the support was mainly for status quo, but there weren't really reasons provided for that. For the CPUE data collection options, the supporters of status quo did express some concerns about losing that information on the harvester CPUE, because they do think it's important for assessing the fishery. Then for the de minimis options, 3 were in support of status quo, but again no reasons were given. Then these are some additional comments we received during the period of public comment that weren't necessarily tied to certain options in the Addendum. Several folks commented that we do not need any changes for yellow eel management.

There was also a group that commented about the coastwide cap option, saying that even though they prefer status quo, they were skeptical that status quo would be the outcome of the Board's decision, so they wanted to emphasize that Option 5 was the next best option in their opinion. Then a few individuals mentioned that we need better data for assessing eel abundance, and that the CPUE data would be better if they were collected by fishermen who have more experience, and know how to catch eels.

There were also some comments that mentioned some concerns about illegal catch of undersized eel and foreign aquaculture markets, both affecting the U.S. industry in a negative way. There was also 1 person that commented that eel catch would be better if horseshoe crab harvest were allowed in

New Jersey, and another said that eel catch did significantly decrease when the female horseshoe crab harvest was banned. Now we'll go over to the AP Chair for the AP report.

### **ADVISORY PANEL REPORT**

MR. FEIGENBAUM: On the question of the coastwide cap Issue 1, 3 of 5 AP members favored status quo, questioning how a cap reduction could be justified in an era of historic low fishing effort, and with a stock status that does not find overfishing taking place. This was the dominant position of public comments made at the state meetings.

While supporting status quo, the AP member most closely connected to the processing and export industry acknowledged that Option 5 would cause little short-term disruption. At the same time this member warned that Option 2 is draconian, and could bring an end to the commercial fishery altogether.

One of Maine's AP members expressed no position on the coastwide cap options. The AP member from the NGO sector supported Option 3 for the coastwide cap, believing that the data supports a more precautionary approach, including some data from outside the ASMFC range. On Issue 2, the APs feedback was that the panel members had no preference between the two options.

As far as the sunset date, 2 AP members spoke in support of Option 1, meaning that the cap could be updated after 3 years, based on better data and improved modeling. The other AP members offered no comment on the issue. On the issues in Option 3.3, all AP members were in favor of Option 2, making optional the collection of individual lengths and pigment stages during young of the year surveys.

The APs unanimous position is based on assurances from ASMFC that surveys would continue to distinguish the age classes being sampled. For example, whether they are really

Year 0 surveys for glass eels, or Year 1 surveys, which scientists refer to as elvers. All the commercial fishermen use the terms interchangeably. On Issue 3.4, four of the AP members favor Option 1, status quo. They cited the importance of CPUE information in assessing data-poor species. They also noted support for this position in the public comments. The AP member with the longest tenure on the panel at the meeting, noticed that the Technical Committee has previously insisted that favorable catch data may not be used as a stock indicator, unless it's accompanied by CPUE information.

They questioned how ASMFC could justify an about face at a time of historically low effort, when CPUE information provides a unique view of stock status. One AP member supported Option 2 on the grounds that it was potentially distracting from other priorities in an era of limited resources. The AP members stated unanimously that they have no strong views on Item 3.5, and support Option 2 if that is the Commission's recommendation. The AP provided some additional feedback.

During the meeting concerns were raised by at least 1 panel member, as well as a public observer representing the processing and exporting sector, about the Commission's reliance on the stock status assessment, considering that it is the third different model used for assessing eel stock in three successive assessments.

The use of fishery dependent information in this stock status without any CPUE information, especially in an era of historic low effort was the source of other questions. There was a feeling that the abundance index mis-weights fishery independent data, or over-weights fishery independent data that come from areas of commercial fishing that comprise only part of the species vast U.S. range.

It gives low data surveys equal weight to data rich surveys. Finally, pointed out that the peer review comments in three successive assessments have demonstrated in the lack of reference points, all demonstrate the limited authority of the stock

assessments. That is the summary of the AP comments, thank you.

MS. STARKS: Just as we just did with Addendum VI, the Board actions for consideration today are to select management measures for Addendum VII, and consider final approval.

CHAIR KUHN: Thank you, Caitlin and Mitch on those presentations. At this time, we can take questions for Caitlin on the presentation and Mitch on his report. Bill Hyatt.

MR. WILLIAM HYATT: I have a question regarding Figure 11 that was in the materials that were sent out prior to the meeting. I think this was presented as sort of a truncated bar chart in your presentation earlier. I'm looking at that and interpreting it as only Option 2 is the only option that departs from the historical harvest pattern that was associated with the depleted condition today. I just want to make sure that I am interpreting that figure correctly, if there are any nuances that I should be aware of. Thank you.

MS. STARKS: Apologies, I'm trying to find Figure 7, so I can remind myself which one it is.

MR. HYATT: It was Figure 11.

MS. STARKS: Eleven. Okay, you were asking about Option 2, correct?

MR. HYATT: Correct, yes, I am interpreting that as the only option that departs from the historical pattern of harvest that is associated with the depleted condition we have today. The only option that departs from that is Number 2, and I'm seeking any clarification. Are there any nuances that I should be aware of in my interpretation of that?

MS. STARKS: The four lines, and actually, Madeline, I think there is a slide with this on it, if you want to pull it up, just so it is clear what I am talking about. This is the figure you were

referring to. Those four lines with the different colors are the results that I-TARGET would provide if that year vertical was the final year.

The black line is the catch landings trend. But the four different lines are just different results of I-TARGET based on different configurations of the tool. The red one at the bottom, which I think is the one you were talking about that is much lower than the others. That is just the tool using the configuration from Option 2, which is 1974 to 1987, 1.24 multiplier at a 0.8 threshold.

What that is telling us is, if you use those variables in a configuration of I-TARGET, it's recommending based on the abundance index, which is not shown in this graph, that the catch in each of those years should have been much lower than the catch that was actually caught in those years.

CHAIR KUHN: Does that answer your question, Bill?

MR. HYATT: Yes, thank you.

CHAIR KUHN: Thank you for the question, and thank you for the informative answer, Caitlin. Do we have any other questions? Yes, Craig Pugh.

MR. CRAIG PUGH: I guess I can make my point through this graph, or the other three-colored bar chart that you had shown earlier. The statements were made in the Advisory Panel, and I agree with them. They are shown very plainly in the black line here with the dots. You see the reduction towards 1989, and that would include relieving us of a female horseshoe crab.

That's when that happened, that's what happened. We've moved to a male and then other baits accordingly. I think Mitch could probably confirm what I'm saying timeline wise. He's been involved with this fishery as long as I have. The baits were not quite as effective, but we still use them, tried for a few years. It didn't really work out. Catch effort has gone down. But in no case can the catch effort imply abundance through this time period. The fact of the matter is, either the market went to



hell in a hand basket, and it has, and the baits are of a degrading quality.

CHAIR KUHN: Mr. Pugh, is there a question in there, I'm sorry to interrupt.

MR. PUGH: It made the history a little tougher for us to get through.

CHAIR KUHN: We're taking questions, is there a question in there? There will be time for comments later.

MR. PUGH: Fine.

CHAIR KUHN: Question, Justin Davis.

DR. JUSTIN DAVIS: Sorry, it must be getting late in the day, I had to navigate through all the empty soda cans and water glasses to get to my microphone here. I just want to make sure I fully understand the mechanics of the I-TARGET approach, and how it's going to potentially play out in coming years.

Under Issue 3.1, issue on the coastwide cap. If we adopt today any option other than status quo, we are officially adopting the I-TARGET approach that will become part of the FMP, and we will use I-TARGET to set coastwide cap in future years at whatever interval we decide to revisit it, but we will not have an opportunity to change the configuration of the threshold and the multiplier and those values, until the next benchmark stock assessment?

Is that when there would be an opportunity to adjust those dials? I'm trying to get a sense for, you know if we officially adopt I-TARGET today, how long will we be required to use the current configuration we adopt? When will there be an opportunity to change those settings? When would there be an opportunity to stop using I-TARGET if the Board wanted to?

MS. STARKS: Yes, thank you for that question. Essentially, if any of those other options is chosen, 2 through 5, it would mean that an

Addendum would be required to change the configuration of I-TARGET, or to stop using it in the future. If there were a benchmark stock assessment in 10 years, which is recommended, and things changed and you wanted to use a different configuration or a different management tool, then you could initiate an addendum after that point, or you could initiate an addendum any time. But it would be required to change the configuration.

CHAIR KUHN: Are there any other questions? Yes, Shanna Madsen.

MS. SHANNA MADSEN: Just a quick correction. Caitlin, I verified with my staff member. I know we only had one guy at our eel meetings, and that conversation was very long. But he selected Option 3 actually, it was not Option 5. Just a quick correction on that. I wanted to let the Board know that that is what was coming out of Virginia during our public hearings.

CHAIR KUHN: Yes, Lynn Fegley.

MS. LYNN FEGLEY: Would you mind returning to Figure 11. I'm just going to ask this question, to make sure that I understand and that everybody else understands. If whichever of these levels we decide to fish at, our goal is to get to 125 percent of whatever the reference period is that we choose. My question, I want to make really sure is that if we're fishing at the particular cap. Do we know, have any idea how long it will take to get us to that 125 percent or 150 percent of the reference period? I guess that is my question in a nutshell is, do we know, do we have any means to know. The reason I ask that is because there is a phrase in the peer review report that says that the management action will not necessarily create a population response. I just want to make sure that we're all clear on what we are going to get for a management response as we make this choice.

MS. STARKS: I think like all of the species we manage; the answer is no; we can't predict exactly how management is going to impact the population. With eel, as you know, there are a number of factors that affect the population and it's

coastwide stock. There are lots of things going on, and there is no population projection model.

CHAIR KUHN: Are there any other questions on the presentations, before we move into discussion? Okay, seeing none.

#### **CONSIDER APPROVAL OF ADDENDUM VII**

CHAIR KUHN: I'll open it up to the Board for discussion. Is there anybody that wants to discuss the presentations? Craig Pugh, do you want to finish up your thought?

MR. PUGH: Point being that the catch effort has no indicative conclusion as to abundance. If the effort is not there, how can the landings that entered into this have any meaning at all? That is as far as abundance. I guess that is my true question. Can you answer that for me, Caitlin? If there is, then that would be informative to me.

I know there has been quite a drop off in effort. But with that, we also see them in a bycatch, so a situation with our blue crab fishery that shows a heavy abundance of these, but yet we don't necessarily market them, but we see them quite often. They are a bit of a pain, because they consume our bait before the crabs do. At any rate, I guess that is more my question. Can you help me with that, because that is my conclusion, maybe I'm wrong. But if you can help me with that, I would certainly like to hear it.

MS. STARKS: Yes, I think I can help. We went back to this graph, because this is showing both the abundance index and the catch trend. Again, the catch is the black line, and that is what was on the last graph. But these two things are not related in our stock assessment model or in this I-TARGET model. But it's to show you how they line up with each other. What we were doing in the last graph is just simply showing how the actual catch would

have compared to I-TARGET recommendation of catch.

CHAIR KUHN: Yes, Russel Dize.

MR. RUSSEL DIZE: What Craig Pugh was talking about with the catch per unit effort. There is no catch per unit effort now in my area of the Bay. Everyone has had to quit, because it is very expensive to go out and try to catch eels without a market to sell them. If you look at the graph, once that graph goes down like that, that became when we could not sell the eels any longer.

You've got to look at that point. In my area, at Tilghman Island in the middle of Maryland's portion of the Bay, we had loads of people catching eels. Since, if you look at the graph and the time period. Since that happened, since we could not sell them anymore, it's gone down, because in my area we have no catch effort. Another thing, you've got to look at where the Technical Committee are getting their information. I looked into it a little bit. The four points in the Hudson River, which I can't say where they are, because I don't know. But if you go to the Hudson River and it's over a ten-year period, there may be nothing. In the set they do one in Maryland, one, and that is in the upper reaches of the Chesapeake Bay, Sassafras River. The Sassafras River is full of blue cats and snake heads, no eel, they're going to eat them up. Matter of fact, they're going to eat the rockfish up too. This whole thing is really swayed, because you can't get an accurate accounting for what is out there.

Like Craig said, we've got beacoups of yellow eel in our area, so many that we're complaining about it in our crabbing operations. I think this whole thing has been swayed one way, several factors. Craig pointed out the bait. Another factor is, you cannot sell the eels, so you are not going to catch them.

I think in your report you said you were not going to use the CPUE anymore. If you don't use that, how in the world can you tell what is out there, if you're not going to take the CPUE from it? I just don't understand that, because we've got no one catching them. If you don't have anyone catching

them, you're not going to be able to tell what the effort was. I don't understand the whole thing. Thank you.

CHAIR KUHN: Kristen, would you like to respond to that?

DR. KRISTEN ANSTEAD: Yes, all right just one point of clarification is that you aren't being punished for the current low catches by the I-TARGET method. These recent low catches, we acknowledge that is because of market, because of COVID, because of all those things. The index is what is determining how you're adjusting your catch recommendation.

Just to make sure that is clear to the Board is, like the 2020 low catches are not driving the low recommendation. As for the indices, I totally agree with you. I would love to have more indices for eel. The TC and the SAS would love to have more to consider to put into this tool. The ones that we took to make this abundance index that you see up there, were the best indices we had available to us.

Certainly, we were not cherry picking them, and we did look into the Hudson River issue as tasked by the Board, and it does have an effect on the overall trend of this. But the Hudson River is part of the coastwide stock, and it wasn't one of the Hudson River indices driving this, they all were telling the same story. They do have an effect, but they are also part of the stock, an important part of the stock, because they provide some historical data. I hope that helps answer a couple questions.

CHAIR KUHN: Yes, Russel.

MR. DIZE: But I would like to give you a scenario. I'm on several of the oyster we use on panels in Maryland. Also, Captained the Skip Jack, ran the Skip Jack for 28 years. If you go out dredging oysters, and you go on the oyster bottom. But I can take you to a thousand places where there is neither oyster, not one.

I say you should be taking your feedback where you're testing. If you feel you're not getting any, try something different. I mean I would fail as a waterman if I went out and it did the same thing every time, and you kept going down. I mean it doesn't make sense. If you come to the middle of the Chesapeake Bay, down into our area, you're going to find beau coups of yellow eel. But if you never test it, you're never going to see it. We can't prove it now, because we can't sell the eels. It's a no-win situation. I just think that this is a flawed scenario from start to finish. I'm very unhappy with it. Thank you.

CHAIR KUHN: Thank you for your comments and perspective, Mr. Dize. John Clark.

MR. JOHN CLARK: Yes, Mr. Chair, are you ready to start considering motions on this?

CHAIR KUHN: I was about to if there was no more discussion, but I did see one more hand here before yours, Shanna Madsen, and then we'll go into entertaining motions.

MS. MADSEN: It's just a quick, clarifying question, because I've heard this misconception a lot of times when discussing I-TARGET. Dr. Anstead, correct me if I'm wrong, but the current catch levels are not what is being considered in I-TARGET, or referenced in I-TARGET. You are actually referencing back to the average catch during the reference period, so I-TARGET isn't working in those periods of low catch that people are concerned with.

DR. ANSTEAD: That's correct. The significance of choosing a reference period is you are choosing the average catch during that reference period. If you use the older reference period, your average catch during that earlier period gets adjusted by the fishery independent index. We don't have any fishery dependent CPUEs in here. Depending on where your current index is, compared also to that reference period, is how it's adjusting that historic catch to make a catch recommendation.

CHAIR KUHN: Thank you for that question and explanation. I think we're at the point here where

we are exhausting our discussion, so let's go ahead and get into motions. I know John Clark had tried to offer one previously, so go ahead, John.

MR. CLARK: I don't think anybody will be surprised, considering the comments I've made about this Addendum in the past that I would **move to approve under 3.1, Issue 1, Option 1 that we go with status quo**. If I can get a second, I can speak to that.

CHAIR KUHN: Do we have a second? Russel Dize. Okay John, can you speak to that motion.

MR. CLARK: There are a bunch of reasons here. I think not just the fact that anybody who has fished commercially for eels, as mentioned as Craig and Russel have, that the yellow eel stock in the areas where it is fished, where the fishery is, is in very good shape. But I want to consider all the points here, so defining the stock as overfished was rejected by the Peer Review.

I appreciate all the work the Stock Assessment Subcommittee put into this, but the fact that when the assessment came out it was actually recommended, considering the stock overfished I thought was a gross overreach, and I was very heartened to see the Peer Review reject that, and continue the depleted. You know as we saw from 2019 to 2022 catches drop from 60 percent of the cap to 35 percent of the cap. I mean this is a market driven fishery. I would say, I know that Russel and Craig had spoken about the catch per effort being the problem. I think what it actually shows, when we look at what has been going on out there. I look at Delaware, where Craig said because of the lack of bait we've had a huge drop off in effort. We've had new people come in, they are not using as good a bait, but there are plenty of eels out there, because our catch per effort every year, which is not used in the assessment, has remained steady.

We also want to look at the attempts to link eel declines the parts of its range to overall declines

in the population that haven't occurred. Before I was a fish bureaucrat, I was actually a field biologist, and I worked with eels a lot. I did a lot of onboard sampling with commercial eelers, and I think that the eel biology, especially in the estuaries where the fishery is prosecuted, as I've said before, is very unique.

I could be out, you know we would go into a small gut, put out four or five pots, you would load up with eels. You might get that for two or three days, after that they're gone. You pull the pots. You leave it alone for a couple of weeks, you come back, the eels are back. It's just the way it is in the estuaries, the eels there don't stay very long there.

They pretty much mature. We rarely see eels older than five or six years old, whereas the eels that made it inland, like the huge eels they see in Lake Ontario. I mean that was a 20- to 30-year-old eel. Back when this whole process started to manage eels, the concern was that the extirpation of eels from Lake Ontario was the signal that the species was going extinct.

We haven't seen that happen. I think the indices in the Canadian Maritimes have been steady. What they're seeing up in Maine with the life cycle study, which is again at the northern end of the range, shows that there are still plenty of yellow eels out there. I wanted to point out in the assessment that the only survey that targets eels with eel gear actually showed a significant increase.

This is the Maryland survey that takes place in the Sassafras River. Even the decline mentioned for the stock, using the MARSS model, it said it straight in the stock assessment that although the MARSS model fit the yellow and young of the year time series suggested a slightly declining population, the 95 percent confidence intervals on population growth rate estimates overlap zero, suggesting a stable population.

You know we would be taking a very harsh measure here, I think, based on not too much. I think the whole I-TARGET method is almost as arbitrary as using the cap we have now, which is based on

landings. I don't see, you know we're going from one form of expert opinion to another form of expert opinion.

This one tries to objectify it a little bit more, but it's essentially that. Just got a couple more points here, so please, bear with me. I would say that separating the yellow eel and considering it overfished, or trying to reduce the cap, while leaving the glass eel quota status quo, is almost a cognitive dissonance here.

I mean you need yellow eels to go out and reproduce to produce glass eels, obviously. If there are plenty of glass eels out there, clearly the stock is doing something right to keep producing that. Even though in Delaware our catches have really dropped off. We're not the major player in eels that we were 15, 20 years ago, and mostly as Craig said, because of the female horseshoe crabs, which of course is another fraught issue. The fact is, is that lowering the cap will lead to bureaucratic burdens, and make it more difficult for the future of the people that want to get into this fishery. One of the things that is nice about eels in Delaware and other states, is it's an easy fishery to enter. It's pretty low capital investment to get started.

Every time we make one of these fisheries more difficult for young people to get into, you know we've got to start thinking about the next generations of commercial fishing, and give them some options to get into this that don't require them to try to get a gillnet license or a crabbing license transferred to them that could end up costing a lot of money.

I think for all those reasons, I certainly understand the work done and the trends with eels with the population. It would have been nice to see the population show some increases by now, but the fact is that it is basically holding stable. We have a market driven fishery that I'm mostly saying here, it's not broken let's not fix it. I'll just leave it at that for now.

CHAIR KUHN: Thank you, John, appreciate the detailed rationale for the motion. Given the thoroughness of your response and your rationale, I'll still go to Russel Dize to see if you want to add anything additional that is new to what John had just said.

MR. DIZE: I agree with everything John said. But I have a note here that in 2022, 300,000 pounds of glass eels were sent into Hong Kong. We had better get a handle on what's happening, because it is my understanding, and Ms. Starks can keep me straight on it, that all eels spawned in the Sargasso Sea, right?

If they all spawn there, that means that is 300,000 pounds of glass eels, and every pound of glass eels have 2,000 eels in it. Do the figuring on it. This is what is coming out. Where they're coming from, I don't know, but we should try to find out. I know that Haiti didn't catch 200,000 pounds of glass eels last year. That is what they say they caught. It's coming from somewhere else, and it would behoove us to find out where they are coming from for the industry to survive.

CHAIR KUHN: Appreciate those comments, so let's stay focused on the motion here with yellow eels. We heard the rationale, so I'll open it up for discussion on the motion. Justin Davis.

DR. DAVIS: I guess we might as well paint the corners here. I'm going to offer up a **substitute motion**, and that would be **to move to approve under 3.1, Issue 1, Option 2 coastwide cap set at 202,453 pounds** using the I-TARGET configuration recommended in the 2023 benchmark stock assessment.

CHAIR KUHN: Do we have a second? Rick Jacobson. Okay, Justin, would you like to provide rationale for your motion?

DR. DAVIS: Sure, thank you, Mr. Chairman. From my standpoint, I think the Board has two decisions in front of it today, the first being whether we want to adopt the I-TARGET approach for management, and if we do, what sort of settings we want to use

for the I-TARGET. Then given the depleted state of the stock, whether we want to take action today that is likely to provide conservation benefit in the immediate timeframe. For my standpoint, I think we should adopt the I-TARGET approach for management. I like it because it formalizes our goals and what we're trying to achieve, and provides a clear pathway for what to do to get to those goals. I think it makes the best use of the available information we have for this data poor species.

I think the settings recommended in Option 2 are appropriate. I think it's the appropriate reference period, that older time period, when it is obvious abundance was much higher. The multiplier, I like the 1.25 because it's not setting the goal too high, but the threshold is conservative at 0.8, so it suggests that we'll be conservative at least in the near timeframe to try to achieve that goal. From my standpoint also, of the options in front of us here, Option 2 is the only one that is likely to achieve conservation in the near term for this species that is depleted.

I can understand the viewpoint that because we don't have a robust stock assessment model that gives us estimates of biomass and reference points, and tells us you know what F is, and how F is impacting our ability to get those reference points. You know the stock is depleted. I think it is in need of conservation, and I think we should take action today that is likely to provide that conservation in the near term. For those reasons I support Option 2.

CHAIR KUHN: Thank you for that rationale. Rick Jacobson, the seconder, would you like to provide some additional rationale?

MR. RICK JACOBSON: I agree with everything that Dr. Davis has just said. Specifically identifying that the Peer Review did agree with the Working Group that the stock is in fact depleted. I also acknowledge that the Peer Review group, although at the timing by virtue

of the I-TARGET we could not conclude that the stock was overfished.

It also did not conclude that the stock was not overfished. It may in fact be. We strive to make our management decisions based on the best available science. However imperfect it might be, the I-TARGET approach does represent the best available science to us, and as a result of that, Option 2 represents the recommendation coming out of the I-TARGET that has the most likely opportunity to rebuild the stock, and that is why I am in favor of it.

CHAIR KUHN: Discussion on the substitute motion. Lynn Fegley.

MS. FEGLEY: I absolutely oppose this motion. I hope that the Board has heard a little bit what my colleagues who commercially fish for these animals around the table are saying. This is a really difficult problem, and I think everybody around the table would acknowledge that there are issues with American eel, and it needs some attention.

But I think everybody would also acknowledge, particularly in light of Option 2, that we are in a state right now where carrying capacity has changed. There are so many factors around us, particularly for American eel. Everything from habitat degradation, fish passage, climate change, that I just don't even know that it is realistic to think that we're going to get back to 1999. If I could get back to where I was when I graduated from high school, in a lot of ways I would be really excited about that. But it is not going to happen, and I don't mean to make light of it. But I think it's really important to, if we're going to take action on this animal, to set our goals in a reasonable way that are attainable, particularly because with this method, we really don't know that these catch targets are going to get us to where we want to go.

I think the I-TARGET is clever, but at the end of the day we're arguing over about 400,000 pounds of eel, and there are a lot of places where we could focus our attention, and maybe make a difference. I think it's also worth noting. You know one of my

issues also is that the terminal year for this is 2019, so we're in 2024.

We have basically been sort of doing this moratorium experiment for the last three years. You know we've been fishing at very low levels, and frankly I would like to see what those catch targets would look like. I would like to see the indices in the last three years, and see what those look like.

To just bring a finer point on it, that terminal year seems to coincide very well, coincidentally, with when the market fell out. That is really hard for our commercial fishermen in Maryland to wrap their heads around. You know this is a group of people who voluntarily took action a number of years ago, to curtail Maryland's harvest, to make sure that we were not going to exceed the cap.

I mean they really care about this resource. They are not catching the eels right now, so really, we're talking about removing opportunity more than revenue. But I'm a little uncomfortable. I fear that this sort of management that is a little bit nonsensical from the ground. I oppose this motion, thank you for hearing me out.

CHAIR KUHN: I saw Shanna Madsen.

MS. MADSEN: I'm going to kind of discuss both motions now they are up there. I would not support either of these motions. I was looking for a motion on Option 3. I believe that Option 3 affords us a lot of flexibility that the SAS and the Peer Reviewers actually allowed. In going back to the reports, the Peer Reviewers and the SAS noted that they really did not know what level to set the threshold at.

They begged us to keep the reference period, and they begged us to keep the multiplier. But they said, you can vary the threshold, because we don't know exactly what that threshold should be. For me, I would prefer to go with a less conservative threshold, which gives a nod

to my compatriots a little bit north of me, in that we're saying, we recognize this is a depleted stock, it is not an overfished stock. I understand the difference there, Mr. Jacobson, I see you over there.

But I think that setting to a higher threshold still curtails what the opportunity might look like. I also think that with any fishery you have that uncertainty of not knowing whether or not the actions that you take are going to result in an actual change in the index or in the fishery. But that doesn't mean we don't do them. With a stock that is depleted, I would have to say that I would support Option 3, just to kind of try to find some sort of balance in here and still have an I-TARGET that was recommended by the SAS and the Peer Reviewers. Thanks.

CHAIR KUHN: Thanks for that, Shanna. We've heard two in opposition, the maker and seconder provided rationale for the motion. At this point I think we're ready to call the question. Is there a need to caucus? All right, two minutes for caucus. Okay, two minutes are up. Where we are in the agenda right now is that I am not going to accept public comment on this motion at this time. We had a hearing on it, and we received public comments in written format. I would like to call the question. **All those in favor raise your hands.**

**MS. TONI KERNS: Connecticut, U.S. Fish and Wildlife Service.**

**CHAIR KUHN: All those opposed.**

**MS. KERNS: Sorry, and NOAA Fisheries. For opposed it is Rhode Island, Massachusetts, New York, New Jersey, Pennsylvania, Florida, Georgia, South Carolina, North Carolina, Virginia, District of Columbia, Maryland, Delaware, Maine, New Hampshire. Plus PRFC, sorry.**

**CHAIR KUHN: Any null votes? Abstentions? The motion fails 3 to 16, so now we're back to the main motion.** Shanna Madsen.

MS. MADSEN: I would like to make another motion to substitute. **Motion to substitute to replace**

**under Section 3.1, Issue 1, Option 3, the coastwide cap being set at 518,281.**

CHAIR KUHN: Do we have a second? Dan McKiernan. Okay, Shanna, would you like to provide some rationale in addition to what you had already provided on previous comments.

MS. MADSEN: Yes, I'm going to keep it short, since I already spoke to this. Again, I think that it is really important for us to be listening to the staff and the TC here. They have an entire section in one of the documents that they asked for from us regarding the fact that this is not how we normally respond to a stock being depleted.

Most of our depleted stocks actually have a moratorium. But again, recognizing that we're in a place where there has been some question about what the fishery is doing. I am comfortable with varying the threshold, which is what the SAS and the Peer Reviewers recommended if we wanted some flexibility.

CHAIR KUHN: Dan, any additional rationale? No, okay, discussion on the motion. Yes, Steve Train.

MR. STEPHEN TRAIN: I can reluctantly support this motion. I would rather have seen the original or Option 5, and let me explain this. It's not the eels I'm worried about it's the fishermen. I am a commercial fisherman; I understand fisheries behavior. Fishermen worry that they are being punished for not catching eels.

If this quota gets dropped too low versus staying where it was. If it stayed where it was, they would continue to fish to what the market needed. We might not land much. If they are worried, they are going to lose quota because they didn't land enough eels, they will catch 519,000 pounds. If it were 700,000 or 900,000, they might only catch 3. I worry that if you really want to protect the eels, you don't want to cut it low enough that they max it out. If this

is what we're going to get to allow this fishery to proceed I could support it, but I'm worried it's going to backfire.

CHAIR KUHN: Lynn Fegley.

MS. FEGLEY: I just didn't quite get my hand up fast enough. I would actually speak in opposition of this motion, mainly because, and I understand the reference period. But I have absolute concern. I would prefer to use the same criteria for I-TARGET, and set the reference period to that more recent reference period, because I believe it more reflects the ecological state of our world, and it's a more realistic goal, and that would be Option 5. I feel like that is something we can set our sights on.

Dr. Davis made the point that it formalizes our goal, it formalizes where we want to get to. It accommodates Mr. Train's comment about really treating this carefully. You know again, we're talking about opportunity, we're not talking about catch right now, and the perception that it is penalizing commercial fishermen for a catch, and this sort of disconnect in the life cycle of the animal. I would really like to see us get a handle on glass eels, and finally, I would really like to see the index of results for the last three years before it moved off the quota beyond that Option 5.

CHAIR KUHN: I saw a hand from Joe Cimino.

MR. CIMINO: I'm going to speak in favor of the motion. You know this is, I think a species with a life cycle that makes this tough to manage. But some of the comments around the table have really concerned me. We've all sat through the very important Climate Scenario Planning, and moving into greater uncertainty is very likely the future of fisheries management.

We're going to have to make tough decisions, and I think this is one where we're trusting the folks that have spent the most time looking at this, and giving the best available science and advice that they can on this, while still balancing the socioeconomic issues. I mean some of the conversations around the table sound like people are ready to hang up



their spurs and just give up, because we don't have great information.

But unfortunately, if we're going to sit around this table, we're going to have to make these tough decisions. I think this is the best balance, and the reason why I'm really supporting it is because I am trusting the folks that put in so much time and effort on this, and trying to support them and where they think we should go.

CHAIR KUHN: I saw a hand from Jesse Hornstein.

MR. JESSE HORNSTEIN: I want to speak in support of this motion. I think this is the right balance for this option. You know currently commercial harvest is about 350,000 pounds, so this option allows the commercial fishery to grow, should market conditions improve in the future. But it sets the cap at a level that is not three times or greater than what is recommended in the assessment, so it's a nice balance between the two. Option 2 would potentially shut down the fishery, and I think Option 5 or the status quo option would just potentially put the stock at further risk of depletion if those options were selected.

CHAIR KUHN: John Clark.

MR. CLARK: I'm opposed to this motion. Obviously, I spoke in favor of status quo. One of the things we keep talking about, best available science, one of the things I find extremely frustrating is that I've been either on the TC or on the management board on eels since 1997. Every time an assessment comes up it's like, okay, well we don't have data to say more than this limited amount about it.

We have these surveys, these fishery independent surveys, most of them which are not designed to catch eels, and they are limited in their appropriateness for using for eels, I think. You know every time it's like, well states need to go out and get more data. It doesn't

happen and we end up in this feedback loop where it's depleted.

We should do something. I mean we did something with the cap, which was based on the empirical data that we had from the fishery itself. We have taken actions based on the coastwide cap we have in place. I think if states are really that concerned about eels, they should look into doing more work on this.

I mean we're one of the few states that has consistently gone out and gotten otoliths from eels, gone to the commercial fishermen and seen what they are doing and gotten their samples of eels to get the data that is needed for these things. It's not done throughout the range. As I have said before, I think right now we have almost two different populations of eels.

I think eels, especially the further they get from the coast, these eels are having very huge difficulties. I mean as we've seen what has happened in Lake Ontario, whereas in the estuaries, especially the two where they are probably the biggest eel fisheries in the Delaware Bay and the Chesapeake Bay. The eels seem to be doing fine.

Now again, is that something that would allow us to just keep fishing the way we've been fishing? I think so, at the current levels that we're seeing, even up to the cap. I don't think that is going to be a problem. But that is my opinion, and I just wanted to weigh in that I'm just a little, to say that this is the best science when we just have five more years of the same stuff every time the assessment takes place.

CHAIR KUHN: We've had considerable discussion on this motion. Is there a need to caucus before we call the question? Seeing none; **we'll go ahead and call the question. All those in favor.**

**MS. KERNS: Rhode Island, Massachusetts, Connecticut, New York, New Jersey, U.S. Fish and Wildlife Service, Pennsylvania, North Carolina, Virginia, District of Columbia, New Hampshire and NOAA Fisheries.**

**CHAIR KUHN: All those opposed.**

**MS. KERNS: Florida, Georgia, South Carolina, Potomac River Fisheries Commission, Maryland, Delaware, Maine.**

**CHAIR KUHN: Any null votes, abstentions? The motion passes 12 to 7, so the motion now becomes the main motion.** We've had considerable discussion on this, is there a need for any additional discussion or a need for caucus, before we decide upon this motion that is on the board now? Lynn Fegley.

MS. FEGLEY: I'm just going to try it. I'm going **to move to substitute the main motion for Option 5.**

CHAIR KUHN: I'm sorry, I couldn't hear that, was that Option 5?

MS. FEGLEY: Yes, I second guessed myself, but yes, Option 5.

CHAIR KUHN: Do we have a second? Steve Train. Lynn, do you want to provide additional rationale from what you've already provided for your support for Option 5?

MS. FEGLEY: No, thank you, Mr. Chair, I've said all I can say.

CHAIR KUHN: Mr. Train.

MR. TRAIN: I think I explained my rationale for that on the last one.

CHAIR KUHN: Any discussion on the substitute motion? Adam Nowalsky.

MR. ADAM NOWALSKY: I would like to add that while I disagree with my state commissioners to my left on the last motion. I completely agree with the comments that Mr. Cimino made that we should listen to the people that know the most about this resource. I say that without any disrespect to the hundreds or thousands of hours of research, model work that has gone

into this, because they are doing the absolute best that they can.

But I can say this with almost 100 percent certainty, that the two people sitting around this table that know the most about the health of this resource, Mr. Pugh and Mr. Dize. I have no qualms sitting here today saying that to make a management decision based on industry making sacrifices on their own in the past.

Having their bait taken away from them, having their market taken away from them, and for us to respond to that by further punishing them and taking away opportunity, sends a completely wrong message of everything that we are here to do, in terms of both managing the resource, as well as being good stewards of the public that we are sent here to represent.

CHAIR KUHN: Any additional discussion on the substitute motion? Any need to caucus before we call the question? Seeing none; we'll get right to it. **All those in favor, please raise your hands.**

**MS. KERNS: New Jersey, Georgia, South Carolina, Potomac River Fisheries Commission, Maryland, Delaware, Maine.**

**CHAIR KUHN: All those opposed.**

**MS. KERNS: NOAA Fisheries, Rhode Island, Massachusetts, Connecticut, New York, Fish and Wildlife Service, Pennsylvania, Florida, North Carolina, Virginia, District of Columbia, and New Hampshire.**

**CHAIR KUHN: Any null votes, abstentions? The motion fails 7 to 12.** Now we're going to go back to the underlying motion, which is Option 3. Do we have a need for any discussion? Caucus? Seeing none; **we'll go ahead and call the question for Option 3. Have that up on the board. Okay, all those in favor for the motion up on the board, Option 3, raise your hands.**

**MS. KERNS: NOAA Fisheries, Rhode Island, Massachusetts, Connecticut, New York, New**

**Jersey, Fish and Wildlife Service, Pennsylvania, Georgia, South Carolina, North Carolina, Virginia, District of Colombia, Maine, New Hampshire.**

**CHAIR KUHN: All those opposed.**

**MS. KERNS: Delaware, Maryland, Potomac River Fisheries Commission, Florida.**

**CHAIR KUHN: Null votes. Abstentions. The motion passes 15 to 4.** Okay, so we still have a number of decision points that we have to come here to today, regarding the items that were covered in the presentation. I'm going to get right to asking for if anybody has any motions regarding the management response to exceeding the coastwide cap.

The timeframe for how long the selected coastwide cap would remain in place, annual young of year abundance survey requirements, catch and effort monitoring requirements and American eel de minimis criteria. Feel free to wrap some of those into a single motion if you so choose. Yes, Lynn Fegley.

MS. FEGLEY: I have a motion, and I'm going to grab two issues together, one is a little bit out of order, but they both apply a little bit to the status quo issue, so the **motion is to approve for Section 3.1, Issue 2, Option 1, which is the status quo that states over 1 percent of the coastwide landings will participate in the reduction, and then also to approve for Section 3.5, Option 2, which is that we will use the 3-year landings average for de minimis.**

CHAIR KUHN: Do we have a second? John Clark. Lynn, would you like to speak to that motion?

MS. FEGLEY: Just these are consistent with the Commission's de minimis policy. I think they're clear, I don't have a lot to say, except that they are straightforward and seem appropriate.

CHAIR KUHN: John Clark as seconder.

MR. CLARK: What Lynn said.

CHAIR KUHN: Okay, any discussion on the motion? Yes.

THAD ALTMAN: Our fishery is very market driven and quite variable, so with the reduction with this motion if it should pass, reducing the catch we feel like might be more appropriate to increase, instead of going to the greater than 1 percent the 5 percent, so Florida would be opposed to this.

CHAIR KUHN: Any additional discussion? Yes, Chris Batsavage.

MR. CHRIS BATSAVAGE: North Carolina is in a very similar situation with Florida regarding the 1 percent threshold.

CHAIR KUHN: Further discussion? Okay seeing none; is there a need to caucus? Seeing none; **go ahead and call the vote. All those in favor.**

**MS. KERNS: Rhode Island, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Georgia, South Carolina, Virginia, District of Colombia, Potomac River Fisheries Commission, Maryland, Delaware, Maine, New Hampshire.**

**CHAIR KUHN: All those opposed.**

**MS. KERNS: Florida, North Carolina.**

**CHAIR KUHN: Null votes, abstentions.**

**MS. KERNS: NOAA Fisheries and Fish and Wildlife Service.**

**CHAIR KUHN: The motion passes 15 to 2 to 0 to 2.** We still have a few items here to deal with, the timeframe on how long the selected coastwide cap would remain in place, as well as annual young of year abundance and catch and effort monitoring requirements. I see Shanna Madsen; do you have a motion?

MS. MADSEN: I do. I have **move to approve under Section 3.2, Option 1, a 3-year coastwide cap duration.**

CHAIR KUHN: Do we have a second? John Clark. Shanna, rationale.

MS. MADSEN: My rationale here is three years was kind of deemed appropriate by the SAS as a time for us to come back to the table and reassess what is going on with this stock. They didn't want anything shorter. But this tells us, I think an appropriate amount of time whether we have good news or bad news. I think it is important for us to have that check in every three years.

CHAIR KUHN: John.

MR. CLARK: Yes, I agree that the sooner we can check this again the better.

CHAIR KUHN: Any discussion on the motion? Is there a need to caucus? Okay, again seeing none, we'll go ahead and call the question. **All those in favor, please raise your hands.**

**MS. KERNS: NOAA Fisheries, Rhode Island, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Florida, Georgia, South Carolina, North Carolina, Virginia, Potomac River Fisheries Commission, D.C., Maryland, Delaware, Maine, New Hampshire.**

**CHAIR KUHN: All those opposed. Are there any abstentions?**

**MS. KERNS: Fish and Wildlife Service.**

**CHAIR KUHN: The motion passes 18 to 0 with 1 abstention.** Okay, so we're getting there. We still need to address the annual young of year abundance and survey requirements, as well as catch and effort monitoring requirements. Jeff Kaelin.

MR. JEFFREY KAELIN: I would **move to approve for Section 3.3, Option 1 and for Section 3.4, Option 1, status quo.**

CHAIR KUHN: Do we have a second? Lynn Fegley. Jeff, would you like to speak to that?

MR. KAELIN: Well, we're clearly in a very data poor situation with this fishery, and I can't see relaxing the requirements to continue to bring information to the table, particularly from the fishery dependent side of the equation. That is my rationale.

CHAIR KUHN: Lynn, no follow up? Okay, I see John Clark's hand up.

MR. CLARK: Yes, I would just like to make **a motion to amend on Section 3.3. I think at this point we can go with Option 2.** I know from doing much of the pigmentation staging and the sampling of glass eels over the year, it's pretty much the same thing year in year out sampling. I think we've got plenty of data from that. I don't think we need to do that, whereas I fully agree with Section 3.4 that we want to keep getting the catch per unit effort data. If I can get a second on that.

CHAIR KUHN: We have a **motion to amend the substitute**, second from Doug Grout. John, would you like to provide some rationale?

MR. CLARK: I think I jumped the gun and just did.

CHAIR KUHN: Additional rationale we'll say. None. Doug. Okay. Any need for discussion on the substitute motion or the motion to amend the substitute, rather. Okay, seeing none need to caucus? Okay we'll go ahead and call the question. **All those in favor raise your hands. All those opposed, abstentions. Any null votes? The motion passes 14 to 2 to 1 to 0, sorry with 1 abstention. Emerson.**

**MR. EMERSON HASBROUCK: Yes, we had our hand up late here, because we were still caucusing, so where did you have New York on this?**

**CHAIR KUHN: Just go ahead and tell us what your vote is. We didn't capture that.**

**MR. HASBROUCK: We would be in favor of it.**

**CHAIR KUHN: The motion passes 15 to 2 with 1 abstention. Okay, bear with us, we have a slight correction to the tally, so it's 16 to 2 with 1 abstention. Motion passes.** Okay, so now we're at, this becomes the main motion. Chris Batsavage.

MR. BATSAVAGE: I'm not going to offer a motion to amend or substitute, so they didn't count the votes in my head, but to speak in opposition to Option 1 for Section 3.4. We would prefer it be voluntary collection of fisheries dependent CPUE information as it was stated in the document that this has not been used really for any of the assessments. I think it does help inform management in some states, and those states can certainly continue to collect that information.

Just speaking from North Carolina's perspective. We do collect that information, it's probably more trouble than it is worth, quite frankly, in terms of just the administrative work to collect this information from what is left of our eel fishery. It would definitely speed up the process for our staff to get compliance reports in and other things like that. But yes, at least voice my opposition. I don't think other people will feel the same way as us, but at least get it on the record. Thanks.

CHAIR KUHN: Dan McKiernan

MR. MCKIERNAN: I would like to speak in favor of the motion, specifically reflecting the report that Caitlin gave yesterday about horseshoe crab use in some of these fisheries. I think it's important for us as fisheries managers to understand the waxing and waning effort levels in fisheries that use horseshoe crabs. That's why I would like to support this.

CHAIR KUHN: Okay, moving this along. Is there a need to caucus before we call the question? Okay, I think we're ready to do so. **All those in favor, please raise your hands. You may lower your hands. All those opposed. Any abstentions? Null votes, no, so the motion passes 18 to 1.** Okay, just checking with Caitlin and Kristen.

I think we've covered everything we needed to. Is there anything there before we get the final approval? We've covered what we need to do, so at this time we're ready to consider final approval of Addendum VII. Is there anyone willing to make a motion for that? Emerson Hasbrouck. Do we have a second? Roy Miller. Emerson, would you like to speak to the motion?

MR. HASBROUCK: I'll read it into the record first. **Move to approve Addendum VII to the American Eel FMP, as modified today.** I don't have anything to add, other than all the discussion that we've had this afternoon around this. I think we ended up in a compromised position.

CHAIR KUHN: Roy Miller. Any comments?

MR. ROY W. MILLER: Nothing further.

CHAIR KUHN: Yes, Doug Grout.

MR. GROUT: Just a question. Do we have to put in some dates for compliance at all, or does that come after we approve this?

MS. STARKS: You could do it as part of the same motion or afterwards.

CHAIR KUHN: Is there a need to caucus? Seeing no need to caucus, **is there any opposition to the motion? Okay, seeing none, the motion passes by Board consent.** We now need to set implementation dates. Is there anyone willing to make a motion regarding implementation dates? Lynn Fegley.

MS. FEGLEY: Just at the risk of maybe being a little tired at the end of the day, I'm just curious how we implement something that isn't actually happening.

But it's because we're not catching, we're not coming close to the cap. I guess it wouldn't be reasonable to implement it for the next fishing year.

MS. STARKS: I think I can try to help. If you were to make it effective immediately, I think that would mean this year you would have to have that cap in place, and then if you want to have it for the following fishing year, I think you would want it to be in place for January 1.

MS. KERNS: I guess you all can also consider that if the quota is going to be effective for next year you would say January 1 for the quota provisions, and if you wanted the sampling provisions to be effective for this year, then you could say those would be effective immediately.

CHAIR KUHN: In light of the guidance provided by Caitlin and Toni, is there a motion to set implementation dates? John Clark.

MR. CLARK: I would prefer to **set the implementation date as January 1, 2029, I mean 2025.**

CHAIR KUHN: Do we have a second? Joe Cimino. Any discussion on the motion? We'll give it a minute until it comes up on the board. Okay, the motion is up on the board, which is **Move to approve an implementation date of January 1, 2025.** Motion made by Mr. Clark, seconded by Mr. Cimino. **Is there any opposition to the motion? Okay, seeing none; the motion passes by Board consent.**

**MS. KERNS: Chris, do you have your hand up in objection?**

**MR. CHRIS WRIGHT: Yes, I think it should be implemented this year, so I vote no.**

**MS. KERNS: Okay, thank you.**

**CHAIR KUHN: Okay, since we have opposition, I'm going to ask for a raise of hands of everyone that is in favor of the motion. Please**

**raise your hand. Okay, motion passes 18 to 1.**

Bear with us, I think we're getting there. Caitlin would like to make one point of clarification before we move on.

MS. STARKS: I just want to make it clear that with this implementation date that means we will provide an updated cap for consideration before 2028. In 2027, we will rerun it with the three years of data that we have additional, and then provide a recommendation for 2028.

CHAIR KUHN: Okay, moving on.

### **ELECT VICE-CHAIR**

CHAIR KUHN: The next item on the agenda is to elect the Vice-Chair for the American Eel Management Board. Do I have any nominations? Joe Cimino.

MR. JOE CIMINO: I would like to **nominate Jesse Hornstein from New York for the American Eel Management Board Vice-Chair.**

CHAIR KUHN: Do I have a second? Lynn Fegley. Any discussion around the motion? **Is there any opposition to the motion? The motion passes by Board consent,** so welcome Jesse Hornstein.

### **OTHER BUSINESS**

CHAIR KUHN: At this point we're ready to entertain any other new business. Toni Kerns.

### **CITES UPDATE**

MS. KERNS: I think it was Russel earlier that had asked the question about the glass eels that are showing up in Hong Kong. I just wanted to let the Board know that Caitlin and I provide information for CITES reports that do go out. We provide the information on what the U.S. landings are. But in those CITES reports, oftentimes the United States gets accounted for a higher value of landings than what is actually coming out of the U.S.

It's just that because the eel transfer through a flight through the United States, sometimes we get

credited for those landings, even though they may be coming from Haiti or Costa Rica or the Dominican Republic, or anywhere else. We keep making recommendations that there is a start to finish tracking of where those eels are coming from to CITES.

(Whereupon the meeting adjourned at 5:00 p.m. on Wednesday, May 1, 2024)

We don't sit on CITES as the Commission. NOAA Fisheries does for the U.S. Government, I believe it is NOAA that does. We make those recommendations and we will keep doing so, but just to clarify some information on where those yellow eel are coming from. Those reports do come out of CITES, or glass eel, sorry. That's all.

CHAIR KUHN: Thank you for that, Toni. Roy Miller.

MR. MILLER: Mr. Chairman, I noticed when going through the meeting materials that there was a publication called Early Warning of an Upsurge in International Trade in the American Eel by Shiraishi and Kaifu, a publication that I found an apparent mistake in the first paragraph, because it says American eel, *A. rostrata* are classified as endangered. To the best of my knowledge, they have never been classified as endangered. I just wanted to point that out, thank you.

CHAIR KUHN: Yes, thank you for that point of clarification, and Caitlin has a response to that as well.

MS. STARKS: In that article it is referring to the IUCN classification, it is not classified that way in the United States, but IUCN does classify it that way.

#### **ADJOURNMENT**

CHAIR KUHN: Okay, I think that gets us to the end of our business. I appreciate everyone's participation this afternoon. Do we have a motion to adjourn? Second. This meeting is adjourned, thank you.