



Atlantic States Marine Fisheries Commission

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MEMORANDUM

October 16, 2015

To: American Eel Management Board
From: American Eel Technical Committee
RE: Recommendation on Addendum IV Implementation Plans

Addendum IV to the American Eel Fishery Management Plan implemented a coast wide quota of 907,671 pounds for the yellow eel commercial fishery starting in 2015. Addendum IV also contains management triggers where if the coast wide quota is exceeded by more than 10% in a given year (998,438 pounds), or if the quota is exceeded by any amount for two consecutive years, then state-by-state commercial yellow eel quotas will be automatically implemented as detailed in Addendum IV.

As required by Addendum IV, states/jurisdictions submitted implementation plans for Technical Committee (TC) review that detail how a state intends to monitor and manage its quota if triggered. The implementation plans detail (1) the rulemaking process, (2) the current reporting structure for eels, (3) type of reporting used for monitoring quota, (4) a mechanism to account for quota overages, (5) a mechanism for quota transfers, and (6) any additional management measures planned to control harvest. Table 1 is a summary of all state/jurisdiction implementation plans, and Table 2 summarizes the current reporting structure within states/jurisdictions.

The TC met via conference call to review the implementation plans and formulated the following recommendations.

- 1.) The TC recommends that state/jurisdictions use harvester reporting to monitor state quotas because it minimizes concerns of double counting from harvesters in one state selling to dealers in another state. Also, using harvester reports should account for eels that are harvested for personal use or bait that would not be accounted for in dealer reports.
- 2.) To determine if the trigger is met, the TC recommends that updated landings be submitted to ASMFC by February 1st of each year, with a follow up submission of preliminary landings by March 1st. The TC notes that this is earlier than the compliance report due date of September 1st, but will allow the Board to assess whether the trigger has been met by its May Board meeting.

Table 1. Summary of state/jurisdiction implementation plans. Pennsylvania and the District of Columbia do not have a commercial yellow eel fishery, and therefore did not need to submit an implementation plan because they were not allocated quota in Addendum IV.

State	Rulemaking Process	Rulemaking Timeframe	Reporting to monitor quota	Overages and Transfers	Additional Measures Planned
Maine	DMR Authority	up to 100 days	Monthly harvester. Likely to use swipe card system	Y	Possible seasons and days out by 2017
New Hampshire	Director Authority	at least 1 month	Monthly harvester	Y	None, but can if needed
Massachusetts	MF Advisory Commission	by March 2016	Weekly dealer (personal bait not counted)	Y	Close H&L gear Sept 1-Dec 31
Rhode Island	Director Authority	30 day public comment	Dealer twice a week	Y	None, but can if needed
Connecticut	DEEP Authority	10 days public notice	Monthly harvester	Y	None, but can if needed
New York	DEC Authority	6 months	Monthly harvester (river/marine) and weekly dealer (marine)	Y	Closing pot fishery on Delaware River. Need adjustment to quota through transfers or management addendum.
New Jersey	Commissioner/Council Rulemaking	3-4 months	Monthly harvester	Y	Limited entry based on 2007-2014 harvest. Possible pot maximum, and seasons. Some through notice process while others up to two years.
Delaware	Legislature (resumes in Jan 2016)	Legislature Session Jan-June	Daily harvester	Legislature	None, but can if needed
Maryland	DNR Authority	100 days or 48h with public notice authority	Daily harvester	Y	Harvester permit by 03/2016 with reporting requirement
PRFC	PRFC Authority	1-2 months	Weekly harvester	Y	None, but can if needed
Virginia	VMRC Authority	1 month	Monthly harvester with dealer check	Y	Possible seasonal closures and possession limits. Quota trigger to implement weekly/daily dealer reports.
North Carolina	NCDMF Authority	Immediate	Monthly dealer and harvester log books	Y	Proactive reporting trigger program to weekly/daily and closure at 85% of quota.
South Carolina	Legislature, but permitting authority	Permit cycle June 30	Montly harvester and dealer	Y	Possible gear restrictions, seasons, catch limits, or closure
Georgia	Natural Resources Authority	Up to 90 days	Monthly harvester and dealer	Y	Likely close eel commercial fishery if state by state quotas are implemented
Florida	Executive Order Rulemaking	Governor-commission meets 5 times a year	Montly harvester, weekly harvester when 50% quota is reached	Y	None, but can if needed. Issue of harvester selling to dealers outside the state and potential double counting of quota

Table 2. Summary of the current reporting timeframes for American eel by state/jurisdiction.

State	Dealer Reporting	Harvester Reporting	Notes (identify any changes if quota is implemented)
ME	Elvers – daily report with swipe card program Yellow eels – monthly report of daily data	Elvers – monthly report of daily landings Yellow eels – monthly report of daily landings	Dealer reports used to track elver quota. Yellow eel dealers can report electronically or on paper the 10th of the following month.
NH	monthly (Dealers not required to report, but monthly harvester includes identification of dealer)	monthly	No eel dealers to date. Mandatory monthly reporting for commercial eel harvesters is required.
MA	weekly	daily reports sent monthly	The present system will have at least a one month lag in reporting and not all harvester transactions will be recorded by permitted dealers. The existing daily reporting through monthly reports for harvesters will need to be augmented to improve the timing of harvester reporting.
RI	twice weekly	quarterly/daily	Dealer landings are reported directly in SAFIS and harvester logbooks are entered in to ACCSP database quarterly as submitted. Both reporting mechanisms are required by law and per our commercial licensing agreement with the dealers/harvesters.
CT	weekly/monthly	monthly	Dealer - Eel are not typically sold through seafood dealers in CT
NY	weekly	monthly	Harvester logbooks (inland) and could also call harvesters to get information. ALL licenses under marine jurisdiction
NJ	monthly (as part of the harvester reporting - no forms from actual dealers)	monthly	Mandatory monthly reporting for commercial eel harvesters is required.
DE	DE has no dealer reporting at this time	monthly/daily	Harvesters landing American eel are required to report landings monthly via individual logbooks; if needed, mandatory daily reporting via IVR will be implemented.
MD	monthly	daily reports sent monthly	On average it takes just over a month from the time the harvest report is received until it is entered into our landings database. If a quota is implemented, daily reporting as prescribed by the Department will be required.

Table 2. Continued. State/jurisdiction reporting timeframes.

State	Dealer Reporting	Harvester Reporting	Notes (identify any changes if quota is implemented)
PRFC	none	daily reports sent weekly	Mandatory daily harvest reporting submitted weekly. Quota would be tracked by date the data was entered and by date of catch.
VA	Daily purchases sent monthly	daily harvest reports sent monthly	Currently in Place: Buyers and self-marketers required to obtain a specialized permit. All buyers and harvesters report daily records by the 5th of the following month. Quota Management: Trigger that permit holders and buyers would have to report more timely by a call-in process or by weekly reports.
NC	monthly (combined reports)		Single trip ticket with dealer and harvester information submitted monthly. We could implement a permit with a quicker reporting requirement if needed but might require a rule change that could take up to 2 years to complete.
SC	monthly (combined reports)		Monthly reporting of daily information from harvester and dealer. Very little harvest.
GA	monthly (combined reports with Harvester)	daily reports sent monthly	Single trip ticket with dealer and harvester information.
FL	None (for eels)	Daily reports sent monthly	Daily trip tickets with harvester information required monthly. We could change the permit to require quicker reporting, if needed.