

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

**May 10, 2006
Doubletree Hotel Crystal City
Arlington, Virginia**

ATTENDANCE

Board Members

Terry Stockwell, Maine DMR
Dennis Abbott, New Hampshire
G. Ritchie White, New Hampshire
Paul Diodati, Massachusetts DMF
William Adler, Massachusetts
Vito Calomo, Massachusetts
Mark Gibson, Rhode Island DEM
Everett Petronio, Rhode Island
Gil Pope, proxy for Rep. Naughton
Eric Smith, Connecticut DEP
Lance Stewart, Connecticut
Gordon Colvin, **Chair**, New York DEC
Pat Augustine, New York
Brian Culhane, New York
Tom McCloy, New Jersey DFG&W
Erling Berg, New Jersey

Leroy Young, Pennsylvania FBC
Roy Miller, Delaware DFW
Bernard Pankowski, proxy for Sen. Venables (DE)
Russell Dize, proxy for Sen. Colburn (MD)
Bruno Vasta, Maryland
Ernest Bowden Jr. proxy for C, Davenport, (VA)
Jimmy Johnson, proxy for Rep. Wainwright (NC)
John Frampton, South Carolina DNR
Robert Boyles, South Carolina DNR
Malcolm Rhodes, South Carolina
John Duren, Georgia
Susan Shipman, Georgia DNR
April Price, Florida
Gil McRae, Florida FWC
Tom Meyer, NMFS
Jaime Geiger, USFWS

Ex-Officio Members

Steve Gephard, Technical Committee Chair
Mitchell Feigenbaum, Advisory Panel Chair

ASMFC Staff

Bob Beal
Vince O'Shea

Brad Spear
Julie Nygard

Guests

Jeffrey Leahey
Nancy Skancke
Kevin McGrath
Wilson Laney
Tom Fote
George Lapointe

Charles Sensiba
Karl Blankenship
Timothy Targett
Lindsey Moore
Bob Ross

TABLE OF CONTENTS

WELCOME/CALL TO ORDER.....	3
PUBLIC COMMENT.....	3
TECHNICAL COMMITTEE FOLLOW-UP ON PEER REVIEW REPORT.....	5
UPDATE ON THE FEDERAL STATUS REVIEW AND ESA PETITION.....	10
OTHER BUSINESS/ADJOURN	10

MOTIONS

MR. AUGUSTINE: So moved8
CHAIRMAN COLVIN: Second by Dennis Abbott. Is there any further discussion on the motion? The motion is to move to charge the Eel Stock Assessment Subcommittee with acting on the five recommendations made in the Technical Committee Report for presentation at the October annual meeting. Is there discussion on the motion?8

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The American Eel Management Board of the Atlantic States Marine Fisheries Commission convened in the Washington Room of the Doubletree Hotel Crystal City, Arlington, Virginia, Wednesday morning, May 10, 2006, and was called to order at 9:15 o'clock a.m. by Chairman Gordon Colvin.

WELCOME/CALL TO ORDER

CHAIRMAN GORDON COLVIN: Let's see if we can get this meeting started. I'll call the meeting of the American Eel Management Board to order. You have before you the draft agenda of the board meeting. Are there any additions or changes suggested to the agenda?

MR. TOM MCCLOY: I was just curious if there was a spot on the agenda where we going to be talking about an update on the state proposals for the mandatory reporting under Addendum I.

CHAIRMAN COLVIN: That is not on the agenda. Tom, it's a little premature, because the proposals were only due on the first of May and I think they're probably just about all in, but the Plan Review Team needs time to compile them and review them and then discuss them.

I would anticipate some feedback coming from them and then a discussion at the next board meeting.

MR. MCCLOY: I just wanted to express the point that I did at the last meeting, where the sooner we get that information back, the better off we're going to be in New Jersey to move forward.

CHAIRMAN COLVIN: Any other agenda suggestions? Without objection then, we'll proceed according to the proposed agenda. The next item is the Proceedings of the February 22, 2006 Board Meeting. Having seen the proceedings, is there a motion to approve? Motion by Pat Augustine and seconded by Bill Adler. Is there objection to the motion? Without objection, the proceedings are approved.

PUBLIC COMMENT

We're now at the point on the agenda for public comment. I will recognize Mitchell, who has asked to have something to say to us in a personal capacity at this time and I'll recognize him from his seat as AP Chair to do that and then I'll ask if there's any other public comment.

MR. MITCHELL FEIGENBAUM: I appreciate the opportunity to speak. I have had an opportunity to see the agenda for today and particularly the Technical Committee and Stock Assessment Subcommittee follow-ups, based on the Peer Review Advisory Report.

I'm pleased to see that that's taken place and I would just like to speak very briefly a little bit about what's going on in the eel fishery, particularly as it relates to that process. The eel fishing season has begun for 2006 and once again, we see that the recruitment of glass eels into those areas where there is a commercial glass eel fishery remains quite robust.

Catches are at or above the pace of last year in both Canada, Nova Scotia, as well as in Maine, and that's despite the fact that the price of the glass eels has dropped almost three or fourfold since last year.

Last week, the Committee for Endangered Species in Canada made their official announcement regarding their assessment of the eel stocks in Canada and they recommended that the stock be assessed as of special concern.

There are basically four categories in Canada: not endangered, special concern, threatened, and endangered. This assessment of the people in the industry that have followed this process for almost two years and are intimately familiar with the data and I can only speak for myself and my company and we feel it was a fair assessment, recognizing that this is a fishery that ought to be managed carefully and prudently.

At the same time, we feel that that assessment represents the balance between the fact that there are concerns and the fact that it is still a very prolific species throughout much of its range.

Of particular note in that assessment is the fact that the COSEWIC noted specifically that although the indices are somewhat not long term, that nonetheless the recruitment indices throughout Canada seem to show that the recruitment remains stable.

I mention that because I see in the Technical Committee document that was handed out, and I appreciate that I was provided a copy before today, that one of the recommendations mentioned by the Peer Review Panel that will be taken up by the Technical Committee is to reconsider an

update of certain data sets including and it says generally glass eel research datasets.

For some time, I have been trying to persuade both the Technical Committee, their Stock Assessment Subcommittee, and the folks at the Fish and Wildlife Service, who are clearly going to be relying on this stock assessment to some degree, that that this area represents, in my opinion, a gaping hole in the stock assessment.

We understand and I think there's almost a consensus that has emerged that the biggest eel problem in the continent is in Lake Ontario, the fact that the big eel population is down and the recruitment is likewise down.

Dr. Castleman, the leading eel scientist on the continent really, or at least the leading proponent of change, has offered the hypothesis for the past five to ten years that the diminishment of that Lake Ontario stock is a foretelling of a collapse in recruitment that can be expected to take place throughout the range at some point in the future.

The point that we tried to make is that the collapse of the stock in Lake Ontario dates back almost twenty years. We know, based on the life cycle of the eel, that the time back to sea for spawning and the return of the spawn to the rest of the range that if that theory was correct we would be seeing these significant declines at this point and frankly, we are not seeing those declines.

That's not to say that there is no problem or no cause for concern, but we feel that any action on eel and any proper assessment of the stock must take into account what is the status of the recruitment and so I'm pleased to see that the Stock Assessment Subcommittee will take another look at this

and hopefully incorporate that data into the benchmark assessment.

Finally, I would point out a matter of a little bit of concern, which is that under long-term tasks the Stock Assessment Subcommittee Recommendation Number 2 says adding datasets that were not included in the 2005 assessment.

I will point out, and I'm glad that a record is being made, there is recruitment data that was presented in Baltimore, and albeit it may not have been in a particular form, that relates to this issue of recruitment that was not included in the assessment.

This information has been brought to the attention of the subcommittee and it's been brought to the attention of the Technical Committee and it's been brought to the attention of the Fish and Wildlife Service numerous times.

These are not minor datasets. These are major recruitment datasets and so when the board goes into the agenda item of reviewing the subcommittee's recommendations, I would strongly request and urge that Agenda Item 2, Adding Datasets That Were Not Included, be moved to a task to be completed by October 2006 and not put off as a long-term task to be incorporated in some future benchmark assessment. Thank you.

CHAIRMAN COLVIN: Thanks, Mitchell. Is there any other public comment at this time? Yes, sir.

MR. JEFF LEAHEY: Good morning. My name is Jeff Leahey from the National Hydropower Association and thank you for taking my comment. I basically have a process question and this may be premature, considering the next item on the agenda.

It's our understanding that the stock assessment was accepted at the last board meeting, but not necessarily approved and we were just wondering what the distinction means and how that affects your reliance on that document if you're going to go forward and make any changes to fishery management plans.

CHAIRMAN COLVIN: I believe that the record will show, and I know we've recently corresponded with EPRI on the same issue, that the action of the board at the last meeting was to accept the report of the Peer Review Panel. Accepting the Peer Review Panel's Report does not necessarily mean that we have adopted the stock assessment. There's a distinction and I think it's made clear in the letter. I don't know that that letter has been distributed yet, but it will be shortly and I think it will be clear on the record at that time. Is there any other public comment?

MR. PAT AUGUSTINE: In reference to Item 2 that Mitchell had mentioned, from the Technical Committee is it a protocol problem or was it --

TECHNICAL COMMITTEE FOLLOW-UP ON PEER REVIEW REPORT

CHAIRMAN COLVIN: Pat, if I can, we're going to have a report of the Technical Committee momentarily and all this will be covered. Without seeing any other hands with respect to public comment, we will proceed to the next agenda item, which is the Technical Committee Report on the Follow-up on the Peer Review and the Technical Committee's response to the charge made by the board at its last meeting.

MR. STEVE GEPHARD: Good morning, everyone. I'm going to start off reviewing the recommendations made by the Peer Review Panel and then I will follow up with

the Technical Committee's response to that or proposed recommendations.

Here are a few slides on we're going to have nine recommendations that the Peer Review Panel made. The first one is to update the background literature of American eel for a more comprehensive and current view of their life history and assessment.

This also includes information from ICES, which for those of you who read the Peer Review Panel, they mentioned specifically -- These slides do not mention ICES specifically, but that's inferred in this Number 1 recommendation.

Second, explore datasets not available during the dataset process and there were some datasets, as Mitchell and others have referred to, that were not made -- Well, Mitchell was referring to some that were available at the time, but not accepted, and then there are some other datasets that were not available at the time and so we need to explore these or the recommendation was to explore these.

Third, provide a list of the known datasets that were used and were not used and offer an explanation of why in fact some were used and some were not.

Number 4 refers to two specific glass eel indices from the central part of the range that should have, in their minds, been included as a measure of recruitment. Item 5 asks to report both arithmetic and geometric means, along with the relevant error estimates for all indices. In the case of the stock assessment, in some cases just the arithmetic mean was used or just the geometric mean was used.

Item Number 6 is there were some data presented late in the process that the Stock

Assessment Subcommittee felt that it did not have time to incorporate into the body of the stock assessment and therefore -- To be totally transparent about the whole thing, it needed to be shown and so they were put in an appendix and the Peer Review Panel felt that those data should be analyzed and incorporated into the body of the assessment.

Recommendation 7 is to generalize linear models or other statistical models to standardize and explore trends in both independent and dependent data. This is an approach that the panel felt would be a more powerful way of looking for trends than was used in the report.

The Recommendation 8 refers to ASPIC. The Stock Assessment Subcommittee explored using ASPIC and concluded it was not appropriate, whereas the Peer Review Panel felt that it had merit and recommends that the Stock Assessment Subcommittee revisits this issue, at least for the next assessment.

Recommendation 9 is to develop options for regional coastwide management reference points and you can see these four bullets. Some possible approaches to these reference points are independent data, core trial approach, F proxies, using the state young of the year surveys.

Everybody agrees that this is some valuable data. Everyone is sort of struggling to figure out how to incorporate them on such a short time frame and so they're suggesting that they be used as presence or absence of recruitment failure and the last bullet just, of course, says other approaches that may become apparent.

Now, when the Stock Assessment Subcommittee and Technical Committee

reviewed these recommendations, as charged, they segregated their recommended responses into two categories. One is a short-term response, which those responses would be available by the annual meeting this fall and the other group would be for long-term action, which would be for the next benchmark assessment. The time frame on that is unclear, but for the first one, it is clear that it would be for this fall.

Let me walk through these, the Technical Committee recommendation on how we respond to them. Number 1, we agree that the existing databases that were in the report -- We'll reconsider and update them whenever possible, at least until 2004 and hopefully, in many cases, to 2005, making these databases even more useful.

Number 2 is reconsider and update the databases found in the appendix and they're listed here, the Delaware Trawl Survey in particular and the Glass Eel Research Datasets in New Jersey. These datasets fall into sort of a unique category.

We knew about them, but because they came in late, they were only put in the appendix and now, with some extra time, the Technical Committee agrees that those can be reconsidered and incorporated into the body of the report.

Number 3 is evaluate the contribution of indices to the assessment and stock status using some of these methods suggested by the Peer Review Panel. This would include the general linear models and others to look for trend analysis and so this is looking at the same data using different techniques and hopefully this can improve the analysis and conclusions of those data.

Number 4 is review the ICES documents that are available on American eel and

European eel. There could be some relevant information on the approaches that they've used in ICES that were not considered in the current stock assessment.

Number 5 is make recommendations regarding the development of management reference points. Reference points, in the case of American eel, are tricky because of the short-term nature of the datasets, but we agree that we can review this process or review this point and try to make some recommendations on at least management, if not biological, reference points that can assist with management decisions.

Those are the points that the Peer Review Panel made that the Technical Committee recommends that the Stock Assessment Subcommittee be charged with for the fall meeting.

This slide shows the recommendations that we feel need to be put off for another time: The development of an ASPIC model, adding datasets that were not included in the original assessment and with this, we mean truly new datasets. In order to bring a dataset into this process, it needs to be vetted at a data workshop and bring everybody back together and basically start all over. We feel the timing is such that it just is really not practical to embark upon that process again at this point.

We also suggested that a complete literature review and an update also be held off. One comment I can make about both Point 2 and 3 is that we risk sort of chasing our tail on this. With American eel, there's so much being done that in some senses a document is almost obsolete the minute the ink is dry.

By the time a report is accepted, there's new research that's been out there and there's new developments in life history and more

datasets are coming forward and so we feel that at this time doing these three things in time for October would not be feasible nor particularly productive. Thank you.

CHAIRMAN COLVIN: Thank you, Steve. At this point, I would entertain any questions that board members might have with respect to the recommendations that the Technical Committee is offering for further action on the board's charge from its preceding meeting. Are there any questions for Steve?

MR. AUGUSTINE: It sounds like the Technical Committee has addressed all of the concerns of the peer review?

MR. GEPHARD: We believe so.

CHAIRMAN COLVIN: Steve, I think the Technical Committee and the Stock Assessment Subcommittee have done an excellent job in responding to the charge we made, as evidenced by the fact that we have no questions for you. Good job and thank you.

I note that the report of the Technical Committee recommends that the Stock Assessment Subcommittee be charged with undertaking the five tasks identified in their report and reporting back to the board at the annual meeting in October and further, that in order to do that the Stock Assessment Subcommittee has indicated that it needs two stand-alone meetings and one joint meeting with the Technical Committee.

Before I call for a motion on the committee's recommendation, I want to ask if the current plan and budget is sufficient to incorporate those, Julie.

MS. JULIE NYGARD: Yes, we believe that we can do this.

CHAIRMAN COLVIN: That's good news. I was just about ready to reach for New York's wallet to help out, but I'll just put it right back, but it's there if we need it and as you know, Director Barnhart has assured us that we'll step up if we need to to get this work done. With that, may I ask if it's the pleasure of the board to act on the recommendations of the Technical Committee?

MR. AUGUSTINE: I move that the board takes action as recommended by the panel.

CHAIRMAN COLVIN: I think that we're looking for a motion to charge the Stock Assessment Subcommittee to complete the five recommendations and report at the fall meeting.

MR. AUGUSTINE: So moved.

CHAIRMAN COLVIN: Second by Dennis Abbott. Is there any further discussion on the motion? The motion is to move to charge the Eel Stock Assessment Subcommittee with acting on the five recommendations made in the Technical Committee Report for presentation at the October annual meeting. Is there discussion on the motion?

MR. FEIGENBAUM: I just want to address this issue, speaking as a member of the public and just to remind the board, I'm the chairman of the Advisory Committee. I can't speak for the Advisory Committee on any of these issues, since we've not spoken about them and Gordon is absolutely correct about that.

Nonetheless, anyone who has participated in our deliberations of our advisory panel in the past will know that I was a very strong

supporter of many of the recommendations in the last PID and I'm trying to sell to the fishing industry, as well as to others interested in the species, the notions of taking responsible management measures and I'm trying to work collaboratively with the Technical Committee and this board to find the right formula for keeping this species healthy in the future.

Part of that task requires me to be able to state to that committee or in that committee forum that the information on which we're making decisions or being asked to comment on proposed decisions is good information and so in terms of commenting on these issues here, first of all I wanted to be clear that my reaction is generally very favorable to what's being proposed here and please don't misunderstand that.

I do want to just address again this Point Number 2 in the long-term goals, because it really does play not only into my interests as an individual, in my personal capacity, but also as to the work that the Advisory Panel is ultimately going to be asked to do based on the revamped stock assessment.

My point substantively is this. Steve was fair to say that there was some data brought forward in the Baltimore data workshop that was considered and not used and it's not my suggestion at this time that we're to use this or any other forum to ask the Stock Assessment Committee to reevaluate the decision not to use certain data.

I'm speaking simply of data that was presented at that workshop and I have the record and the documents with me that I believe still have not been incorporated or even looked at by the Stock Assessment Subcommittee. I may be incorrect.

They state generally that one of the things they plan to update the assessment with in the short term is some of this glass eel data and that's a very general term. I am aware of very specific and important glass eel recruitment data that was presented in Baltimore and it was only presented in the document to reform and I do believe that the chairman of the subcommittee towards the end of that meeting asked anyone bringing forward data to produce it in a recorded form, on a CD or in a spreadsheet.

From conversations I participated in or discussions at the subsequent Technical Committee meeting on their draft report, it was brought out that the information never came forward to them in that particular electronic form and therefore, it was not considered and therefore, it would not be considered.

At that time, the same point was made as Steve made today that it would just be like starting over again to ask us to look at that data. I would point out there's really only three or four significant datasets.

There's not an endless supply of minor datasets out there that have not been considered, but rather there are three or four major eel studies and datasets that were discussed in Baltimore that were not reduced to electronic form simply because the right invitees were not invited to that meeting.

Many invitees were there. One of the invitees brought with them a summary of the major datasets in Canada, but did not proffer the information in an electronic form and in fact, was asked not to participate in the last day of those meetings when perhaps those datasets would have been elaborated on.

I just want to make clear for the record that my objection that I raised earlier to deferring

the consideration of information does not pertain to information that was discussed but just rejected and I assume Steve was talking about the Delaware Valley data, which we have offered to make available to the Stock Assessment Subcommittee, before which the subcommittee has decided they have no significant use and we accept that.

This is independent scientific research on glass eel recruitment in Nova Scotia, significant scientific independent research on the Gaspe Region in Canada, all of which paint a very interesting and compelling picture about the state of recruitment for this species.

If the process goes forward between now and October of 2006 where the Stock Assessment Report is redone, but that data is once again ignored or overlooked, I feel that the public's confidence in the ultimate report will be diminished. Thanks for letting me speak.

CHAIRMAN COLVIN: Any other comments on the motion? Are you ready for the question? Is there a need to caucus? Seeing none, we'll take the question. All in favor please signify by raising your right hand; opposed same sign; abstentions; null votes. **The motion carries.**

Is there any other business to come before us on the issue of the Technical Committee's follow-up on the Peer Review Report? The next agenda item is Update on the Federal Status Review and ESA Petition. Dr. Geiger, anything new to share with us today?

UPDATE ON THE FEDERAL STATUS REVIEW AND ESA PETITION

DR. JAMIE GEIGER: Thank you, Mr. Chairman. What I can say is the National Marine Fisheries Service and the Fish and Wildlife Service are currently in the process

of completing the twelve-month finding for the American eel. We hope to have publication in the Federal Register in late June.

Our next step will be to work with the American Eel Technical Committee to determine how best to prepare the status review document requested by the commission. Thank you, Mr. Chairman.

OTHER BUSINESS/ADJOURN

CHAIRMAN COLVIN: Question for Dr. Geiger? Seeing none, I believe that brings us to the end of the published agenda. Is there any other business to come before the American Eel Board today? Without objection, we stand adjourned.

(Whereupon, the meeting adjourned at 9:50 o'clock a.m., May 10, 2006.)

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