

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

**October 31, 2005
Marriot Seaview Resort & Spa
Galloway, New Jersey**

ATTENDANCE

Board Members

George Lapointe, Maine DMR	Leroy Young, Pennsylvania FBC
Dennis Damon, Maine Leg. Apptee.	Eugene Kray, proxy for Rep. Schroeder (PA)
Patten White, Maine Gov. Apptee.	Roy Miller, Delaware DFW
John Nelson, New Hampshire F&G	Bernard Pankowski, proxy for Sen. Venables (DE)
Dennis Abbott, proxy for Rep. Blanchard (NH)	Russell Dize, proxy for Sen. Colburn (MD)
G. Ritchie White, New Hampshire Gov. Apptee.	Bruno Vasta, Maryland Gov. Apptee.
Dan McKiernan, Massachusetts DMF	Jon Siemien, District of Columbia F&WD
William Adler, Massachusetts Gov. Apptee.	A.C. Carpenter, PRFC
Mark Gibson, Rhode Island DEM	Jack Travelstead, Virginia MRC
Mark McSally, proxy for RI Gov. Apptee.	Kelly Place, proxy for Sen. Chichester (VA)
Eric Smith, Connecticut DEP	Ernest Bowden, Virginia Gov. Apptee.
Lance Stewart, Connecticut Gov. Apptee.	Preston Pate, North Carolina DMF
Gordon Colvin, Chair , New York DEC	John Frampton, South Carolina DNR
Brian Culhane, proxy for Sen. Johnson (NY)	Robert Boyles, proxy for Sen. Drummond (SC)
Pat Augustine, New York Gov. Apptee.	Malcolm Rhodes, South Carolina Gov. Apptee.
Bruce Freeman, New Jersey DFG&W	Sen. Mitch Needelman, Florida Leg. Apptee.
Ed Goldman, proxy for Assemblyman Smith (NJ)	Tom Meyer, NMFS
Erling Berg, New Jersey Gov. Apptee.	Jaime Geiger, US FWS

Ex-Officio Members

Steve Gephard, Technical Committee Chair	Mitchell Feigenbaum, Advisory Panel Chair
Joe Fessenden, Law Enforcement Committee Representative	

ASMFC Staff

Lydia Munger	Bob Beal	Vince O'Shea	Carmela Cuomo
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Guests

Kyle Schick

There may have been others in attendance who did not sign the attendance sheet.

TABLE OF CONTENTS

MOTIONS	2
WELCOME & INTRODUCTIONS	0
BOARD CONSENT	0
PUBLIC COMMENT	0
ANNUAL REPORTS: 2005 REVIEW OF THE FISHERY MANAGEMENT PLAN	0
REVIEW OF OPTIONS PAPERS ON POTENTIAL CHANGES TO AMERICAN EEL MANAGEMENT ...	1
REVIEW OF DRAFT ADDENDUM I FOR PUBLIC COMMENT	21
UPDATE ON THE FEDERAL STATUS REVIEW AND ESA PETITION	26
OTHER BUSINESS	30
ADJOURN	31

MOTIONS

Move to accept the Fishery Management Plan Review.

Motion by Dr. Kray, second by Mr. Augustine. Motion carries.

Move to approve Draft Addendum I for Public Hearing with the following modifications:

Delete the words “specific eel permit” and substitute “to issue a permit to account for all eel fishing.” Divide option one into separate commercial and recreational plus personal use options. Discussion of options would be in accordance with ACCSP standards.

Motion by Mr. Adler, second by Mr. Lapointe. Motion carries.

**ATLANTIC STATES MARINE
FISHERIES COMMISSION**

64th ANNUAL MEETING

**AMERICAN EEL MANAGEMENT
BOARD**

**Marriott Seaview Resort & Spa
Galloway, New Jersey**

October 31, 2005

The meeting of the American Eel Management Board of the Atlantic States Marine Fisheries Commission convened in the Salon C of the Marriott Seaview Resort and Spa, Galloway, New Jersey on Monday, October 31, 2005, and was called to order at 11:05 o'clock, a.m., by Chairman Gordon C. Colvin.

WELCOME & INTRODUCTIONS

CHAIRMAN GORDON C. COLVIN: Good morning. I'd like to call to order the meeting of the American Eel Management Board. The agenda of the meeting has been distributed. And I do have two minor changes to the agenda to announce at this time. First, we will reverse the order of Agenda Items 5 and 6.

BOARD CONSENT

Secondly, under the subject of other business there will be a brief item regarding technical committee advice regarding the use of the young of the year indices and a workshop proposal. Are there any other issues to be raised on the agenda? Dr. Geiger.

DR. JAIME GEIGER: Thank you, Mr. Chairman. Under other business, sir,

may I add an item called habitat issues, please. Very briefly.

CHAIRMAN COLVIN: Done.

DR. GEIGER: Thank you.

CHAIRMAN COLVIN: Seeing no other suggestions is there objection to proceeding with the agenda as described? **The agenda is approved.** The next agenda item is the proceedings of the August 17, 2005, board meeting.

Those proceedings have been distributed. Is there a motion to adopt? Moved by Mr. Augustine; seconded by Mr. Alder. Objection to the motion? Without **objection the minutes are approved.**

PUBLIC COMMENT

The next item on the agenda is public comment. We'll accept public comment at this time on general issues. Of course we will also accept public comment on agenda items as they occur.

Is there any public comment to come forward at this time? Could we have the door closed, please. Thank you. I see no public comment at this time. Let's proceed to Agenda Item 4, annual reports, Lydia.

**ANNUAL REPORTS: 2005 REVIEW OF
THE FISHERY MANAGEMENT PLAN**

MS. LYDIA MUNGER: Thank you, Mr. Chairman. Staff has prepared a very, very brief overview of the 2005 review of the fishery management plan. In fact this overview is one slide. The 2005 FMP review reviewed the status of the fishery in 2004.

And the plan review team found that all

states and jurisdictions are in compliance with the fishery management plan and the following states qualify for and continue to meet or have applied for and continue to meet the requirements for de minimis status: New Hampshire, Massachusetts, Pennsylvania, the District of Columbia, South Carolina, Georgia, and Florida.

CHAIRMAN COLVIN: Any questions on the PRT report? Gene.

DR. EUGENE KRAY: I **move for acceptance of the report**. Does that require a motion, Mr. Chairman?

CHAIRMAN COLVIN: It does. Second by Mr. Augustine. Is there objection to the motion? Without objection the motion carries and the report is accepted. Lydia. We will now take Agenda Item 6, as I indicated, ahead of Item 5, review of the options papers on potential changes to American eel management.

REVIEW OF OPTIONS PAPERS ON POTENTIAL CHANGES TO AMERICAN EEL MANAGEMENT

We will have recommendations from our technical committee and advisory panel as we had requested at the last board meeting. Let me first recognize -- I think we're going to take these issue-by-issue, are we not? So we'll get the issues up and take those recommendations first from the technical committee, from Steve Gephard, and then from Mitchell for the advisory panel.

MS. MUNGER: Thank you, Mr. Chairman. Just a quick overview of what is being done here before the board right now. And a summary of all of this is being distributed to the board at the moment.

The board at the last management board

meeting back in August tasked the technical committee and the advisory panel with reviewing and summarizing the public comment on the public information document and providing a boiled down set of recommendations to the management board.

The technical committee and advisory panel both met last week and turned these recommendations around for you all to review today. And at the board's pleasure the staff will be summarizing the public comment on each issue and then you'll hear from the advisory panel and the technical committee on each issue, one at a time.

So, beginning with general comments, the overview of the public comment is that most of the public felt that no action was needed on the Eel Management Plan until the stock assessment is complete and that more data are needed. Many comments reflected the need for more public involvement overall, including public involvement in the young of the year survey site selection.

Many comments regarding the opinions on the health of the eel population were given and these comments seemed to be specific to geographic location. And it was noted by many comments that eel management should be conducted on a regional basis, not a coast-wide basis.

CHAIRMAN COLVIN: Thank you, Lydia. Steve. Mitchell.

MR. MITCHELL FEIGENBAUM: As the slide indicates, the AP focused its comments and recommendations on the specific issues without getting into the general but if I can say generally we did have two new members of the panel present at the meeting in Baltimore, Eric Buehl, who is here today, and Jake Kritzer, who is the

new vice chairman of the panel.

And I just want to say that we had a great meeting. We reached consensus on every point. And this board is to be commended on the non-traditional members that it added to the advisory panel because it added to a great dialogue.

CHAIRMAN COLVIN: Thank you, Mitchell, and we congratulate you on your and thank you for your willingness to accept the chairmanship of the panel. Steve.

MR. STEVEN GEPHARD: The technical committee makes two recommendations. The first is the support of the development of Addendum I to the fisheries management plan. We feel that these data that are proposed to be collected is essential to the management.

The second comment pertains to the, the second recommendation pertains to the public comment about managing eel on a river-by-river basis and we'd just like to remind the board that the management should be done on a unit stock basis and because of this very unique panmictic nature of this population which we sometimes overlook that coast-wide management is essential.

CHAIRMAN COLVIN: Any questions on those two technical committee recommendations? A.C.

MR. A.C. CARPENTER: With regard to the unit stock, I understand the nature of the animal but the fisheries which we will have control over through this commission are really a drainage basin specific fishery, or at least in our case it is a river specific but, even so, I think it's going to be the Chesapeake Bay, for example, drainage is going to be a single measurable

unit.

And conditions in the Chesapeake Bay may be entirely different than they are some of the other drainages, the Hudson, for example. Or we know that the situation in the Great Lakes is completely different. And I'm not sure how the fishery in the Chesapeake Bay can be related to the problem in the Great Lakes.

MR. GEPHARD: I think that the technical committee recognizes that fisheries are unique and that when managers are managing these fisheries they have to take into account the variation from region to region on how they try to achieve objectives.

However, it is important to note that at this time we believe we're dealing with one population of American eel and so if you're trying to protect spawning escapement or maintain a certain population size, it's not to suggest that necessarily all actions have to be applied at all locations exactly the same way. But we do need to keep in mind the full coast-wide population.

MS. MUNGER: With regard to Issue 1, the recreational possession limit, the summary of public comment, there were two main points here. One is that the reactions to the proposed changes which, to refresh your memory were lowering the possession limit, were inconsistent.

Some comments favored status quo; others favored lowering the possession limit. And the bulk of the comments reflected a need for an exception for the charter industry and for others who purchase eels for use as bait.

MR. FEIGENBAUM: You can see the slides and they do accurately reflect the consensus of the advisory panel. I think that the one point worth mentioning is that in the

public meetings and as well as at the advisory panel meeting and the technical committee meeting the issue comes up of there being some uncertainty in the regulations in various states as to whether the possession limit is a harvest limit or is it in fact a strict possession limit.

And the term was used that it's actually a creel limit so that if a person buys more than 50 eels from a bait shop which purchased those eels from a commercial fishery, would that purchase of more than 50 come under the possession limit or not?

And it seems clear that the public at this time is still unclear as to where the existing rules fit and clearing that up might help guide future modifications.

CHAIRMAN COLVIN: Thank you. Steve.

MR. GEPHARD: The technical committee feels that the issue of the recreational or the possession limit should be deferred until the assessment is completed. It's a complicated issue. There is lots of different things to consider and we think that action at this point is premature.

In regard to the second issue, we recognize that this is more of a management issue for the board. But we do feel that the data that would be collected as part of this is very important, that the harvest should be documented as part of the process.

CHAIRMAN COLVIN: Questions for the technical committee or the advisory panel? Thank you. Next issue.

MS. MUNGER: With regard to Issue 2, the silver eel fishery, there were a number of public comments that appeared multiple times, one that the existing silver

eel fishery is minimal. Other comments reflected that the directed silver eel fishery should be closed.

It was noted that where a silver eel fishery takes place, some comments stated that a fishery should be allowed to continue. And there were a number of suggestions offered for conservation of the silver eel life stage including maximum size by weight, a cap on participants at existing levels, and regulations on timing, season, gear and placement of gear.

CHAIRMAN COLVIN: Mitchell.

MR. FEIGENBAUM: The advisory panel overall has taken the position I think that reconciles A.C.'s comments with the technical committee's comments, that we favor management of the stock with an awareness of the wide range implications of the panmixia. At the same time we also support local decisions as to how to reach common goals.

With regard to the silver eels, the weight of the, the consensus of the advisory panel was formed largely on the fact that since no directed eel fishery exists in this country, with a few exceptions, that it might be appropriate to take directed silver fishery out of the mix because it would not be hurting an existing enterprise.

In keeping with that we did recognize that in those areas where the directed silver eel fishery does exist, which we know to be up in the Upper Delaware River in New York as well as some locations in Maine and a few pound nets in some of the estuaries, that the impact of those fisheries was not so significant that they need to be closed but perhaps capped or other actions taken so that that aspect of the fishery would not grow.

MR. GEPHARD: The technical committee is quite concerned about the harvest of silver eels because of the importance of this life phase to the population. But, it also recognizes the comments the public made about the minimal aspect of the silver eel fishery in this country.

So, the technical committee would certainly hope that there is a cap and there is restriction of any further development of silver eel fisheries in the United States, and hoping that the existing fishery would phase out, for lack of a better term, at some point.

In its second recommendation, the technical committee recognizes that perhaps one of the most effective ways of dealing with the capture of silver eels in eel pots would be to set a maximum throat diameter for the pots.

This may need a little bit more work but we feel that if that size was regulated silver eels would not be able to enter those eel pots and be harvested. The technical committee also recognizes that the board may wish to consider maximum size or weight as an option as well.

CHAIRMAN COLVIN: Questions.
Pat Augustine.

MR. PATRICK AUGUSTINE: Thank you, Mr. Chairman. By your statement the real question that has to be asked is, in the technical committee's opinion is the silver eel population in dire straits? In other words, you talk around the suggestion that we should consider doing something about it.

But in looking at the overall issues that are brought up by the Great Lakes, in particular, and some of the areas of identification that the population appears to be on a very sharp

decline, it seems to me if we're going to capture a restriction or expansion, if you will, of the adult population of eels, we've got to do something more than just skirt around the issue. And getting back to the basic question, is the silver eel population in dire straits?

MR. GEPHARD: Well, I think we need to rephrase the issue because the population, of course, that we're concerned about is the American eel population as a whole and the silver eel migration is in effect looking at the spawning escapement.

And so, certainly there is reason for us to be concerned about the American eel population and we all recognize we're awaiting the stock assessment for the species. But if you do recognize that the population has some problems then protecting that spawning escapement of these large eels that will no longer have a lot of natural mortality on them, that's really important.

I think that the challenge to the management board, then, is assessing the impact of the limited silver eel fisheries that are occurring now. If the silver eel fishery was widespread up and down the coast, then I think people would feel a lot more stronger in saying this should be regulated or restricted or even closed.

The fact that there is only two areas that now support silver eel fisheries, to our knowledge, and these fisheries are limited in scope, is more of a management issue for the management board.

And that's where the technical committee lacked a consensus in saying, well, those fisheries should be closed downright. We recognize that the fishery on silver eels is potentially dangerous.

CHAIRMAN COLVIN: Pat Augustine.

MR. AUGUSTINE: Thank you, Mr. Chairman. You said that the fishery itself is limited. Does that mean the number of participants? But does that mean their ability to catch more than they're catching now is limited or is it that their market to sell is limited?

In other words, even if you don't expand, you have greater catching capacity, what's the difference whether you have 50 people in the fishery or 2 organizations in the fishery?

MR. GEPHARD: I think that's a good question and such a good question that I won't be able to thoroughly answer it. I believe in the state of Maine that that silver eel fishery has been capped to the existing participants in that fishery so that fishery will not continue to grow.

It's not entirely clear to me what happens when those people get out of the fishery. I think the fishery disappears. I do not believe that they can pass those licenses on to family members, for example.

In the case of the New York Upper Delaware River fishery, it's my understanding that there is no actual cap, that the participants are now saying, nobody else is interested in prosecuting this fishery; when we're going the fishery is gone.

But I don't believe that there is any regulatory/statutory sunset put on that fishery. Your question about the market is a good one and I can't answer that, how much of a market there is for silver eels out there.

MR. FEIGENBAUM: Yes, Mr.

Augustine, first of all, I would just --

CHAIRMAN COLVIN: Mitchell, would you like to address the market question?

MR. FEIGENBAUM: Thank you, Mr. Chairman. Initially, I would point out the advisory panel recommendation does anticipate your question. Although we said that we do not think that the existing directed eel, silver eel, is such a threat that it needs to be closed, it, as well as all fisheries, should be subject conservation measures to make sure it doesn't grow out of control.

With regard to the question about the market, in fairness to the board I would concede readily that there would be actually as much if not more demand for that particular kind of eel than any other eel, at least from the perspective -- and I guess maybe I'm speaking as a member of the public and you all know my interest in the eel business, but this is a very valuable and prized eel.

MR. AUGUSTINE: Thank you, Mr. Chairman. I recall a presentation you had made in the last couple of years, several presentations you have made in the last couple of years, when you talked about the number of eels that you're actually processing, buying-selling, and the numbers scared the living hell out of me. I don't know if it bothered anybody else.

And then we heard the report from the Great Lakes folks and what they saw was happening to the eel population. So you answered my question. Steve, you did well. But the question still remains, what do we do about limiting quota?

And as long as there are people that can sell these, as you have indicated, Mitch, and

they're a very valuable commodity, I think somewhere along the line before this day is over we should be talking about limiting quotas of various age groups, in this case the silver eels to some degree. Thank you, Mr. Chairman.

CHAIRMAN COLVIN: I have Bruce Freeman.

MR. BRUCE FREEMAN: Thank you, Mr. Chairman. The question that I had perhaps is directed towards the advisory chairman and it is, do we have a substantial understanding of the fishery and the markets so that we have a complete picture of the entire fishery?

I know we asked states to put members on the advisory panel that had that background but do we feel comfortable that we have enough and sufficient membership on that group so we do understand all aspects of the fishery? You may need to be recognized through the chair.

MR. FEIGENBAUM: Okay, in answer to your question, I think that I understand that Mr. Augustine is concerned with some of the numbers that we presented in the past.

That does go to the fact, as we have represented, it is our belief that Delaware Valley Fish Company and South Shore Trading in Canada's harvests represent a large majority of all of the catches in North America. So by looking at those numbers, we believe you are getting a very good picture of the overall fishery.

With regard to your specific question, I have reached out to both the technical committee as well as the eel scientists in Canada and invited them into our shops and given them and told them we would like to work

together to look at the eels coming in from all the different basins because, although it would not constitute a "stock assessment," we think this would be a very simple and quick way of getting a real good understanding of what size eels are being harvested in different regions.

We have a very good idea of this, by the way, and I certainly wouldn't take the time of the group today to start speaking to what kind of eel is being harvested and in what water shed but I can tell the group that in half a day of effort a few scientists and representatives of our companies could get a very good handle on these numbers.

We grade all the eels -- and this is why. We grade all our eels by size and by type, to a large degree. And we have records of what total volume of eels are coming in. But going out, they're going to out in different sizes that tell us so much about the population.

CHAIRMAN COLVIN: I just want to emphasize that we can put Mitchell in a difficult situation here by pursuing discussions with him that are related to his business and his personal experience. And I would like to limit the discourse to questions that relate specifically to the deliberations and the advice of the advisory panel.

MR. FREEMAN: Thank you, Mr. Chairman. The reason I asked is that there are a number of recommendations, for example capping the silver eel fishery. And if we feel confident that we understand that fishery and the approximate numbers that these recommendations we could implement with reasonable certainty that they're not going to disrupt the existing market, that we do understand the totality of the fishery, and we could take reasonable action.

CHAIRMAN COLVIN: I appreciate that. I just wanted to make sure that we understand that we're having a dialogue with a technical committee chairman and not an executive of the company. Thank you. Is there, I think I had A.C. and then Roy.

MR. CARPENTER: Yes, my question goes to the maximum throat diameter for the eel pot concept. It says to research this. I'm assuming that you or do you already have a size diameter that would work?

And secondly, eel pots are generally baited and silver eels are not normally feeding, as I understand it, so I'm a little bit curious about the utility of that recommendation. What I am interested in, is there data on a minimum escapement size ring, in our case for our pound nets that do harvest silver eels, that would be necessary to protect that stock? And is there any research and any information available on that?

MR. GEPHARD: Thank you. Let me address the issue of silver eels potting, first, and we're going to touch on this in the next issue but I think it's instructive to get into it now a little bit, too.

The public comments were quite clear across the boards. Fishermen reported that silver eels do not pot. Whether it's they're literally not feeding or not, that remains to be determined but the consensus seems to be they do not pot.

However, the technical committee is aware from studies and data that the yellow eel pot fishery does harvest some silver eels. It's a small component of the overall fishery but, nevertheless, it's in there. In some places it may be as high as 15 percent.

So there may be differences of opinion of

exactly how vulnerable silver eels are to the pot fishery. Some of it, of course, may revolve around the fact that it can be sometimes difficult to identify exactly what a silver eel is.

Now, having said that -- oh, and I'll pause for a second to say that the two observations may not be mutually exclusive. There was one study in which pots were not baited but they were covered with burlap or something and silver eels went in them.

And there may be some speculation that silver eels are using pots as shelter, not as a feeding opportunity. Anyway, having said that, there are some data out there that relate eel girth to eel length.

We also have plenty of data that indicate what a silver eels is in terms of length. I don't have those data at my disposal right now. I can't report on that. But we believe that the data do exist so that we could come up with a relationship of a girth threshold, so to speak, of what a silver eel would be.

And, therefore, with enough development work, with a little bit of extra work, we could probably come up with a throat diameter that would exclude perhaps not 100 percent but certainly a significant number of silver eels from these pot fisheries. Now, the second part of your question involved an escape panel. Could you restate that, please?

MR. CARPENTER: Yes, we have a pound net fishery that operates primarily in the fall, well, the pound net fishery operates year around but the eel harvest is primarily in the fall. And the bulk of those eels are larger silver eels on their outward migration.

And I guess what I'm looking for is a minimum escapement size that I need for

that fishery or a maximum. How big does the diameter have to exceed in order to allow the silver eels to escape?

If you've got a minimum to prevent them from going in the pot, do I need something how much larger than that to allow them to escape without allowing all of the other fish to escape as well?

MR. GEPHARD: Right. And certainly part of that discussion would have to be learning what the targeted species are and what those size ranges are. But presumably, yes, that a size, an escapement panel could be provided to allow silver eels to escape.

MR. CARPENTER: We already have one that we're operating for other species and I need to know what the adjustment would be needed.

MR. ROY MILLER: Thank you, Mr. Chairman. The previous discussion answered most of my questions but, Steve, I'm just wondering is there a size that you can think of for a pot escapement that would allow silver eels to escape but still retain yellow eels? Is that something that is doable?

MR. GEPHARD: Again, I think the only way to make that sorting, so to speak, would be to keep the silver eels from going in there. The yellow, the smaller yellow eels would still be allowed to enter the pot and pot as normal but the silver eels could not enter the pot. Did I answer your question?

MR. MILLER: Yes, one follow up if I may. Is the average size of a silver eel in excess of what a yellow eel would be expected to be and to enter into a pot in a fishery, for instance?

MR. GEPHARD: For the most part I would say yes. It does get a little complicated because when does an eel become a silver eel. Certainly, we know that the animal goes under a physiological metamorphosis, shall I say, in the fall to prepare for the fall migration and at that point it becomes a silver eel.

A month earlier it may not be a silver eel but it may be about the same size. So, certainly, there is going to be some overlap. But we do have data from American eel researchers and those data are fairly clear on what constitutes a size threshold for a silver eel.

MR. FEIGENBAUM: Yes, Steve, I think one of the things that comes to mind here on the silver eel fishery and you started to get into it, was the unique change in the physiology of the animal.

And my suggestion, and it's not highlighted here, is that some research could be and should be I think especially usefully for certain tributaries in looking at chlorides, heavy metals, the content of that particular silver eel stage that is extremely amplified at the migration period due to the tremendous fat content and ovarian tissue development.

And we may gain a lot of insight into really identify of silver eel stages and the physiology but maybe some regional differences suggesting survival or basic pollution trends or fingerprinting.

So, you know from the silver eel analysis I'm much less interested in getting the physical prevention but rather looking at the histology of the animal, the physiology.

CHAIRMAN COLVIN: Any other questions on Issue 2? Let's move to Issue 3.

MS. MUNGER: Issue 3, seasonal

closures, if you remember from the public information document the initial issue framed a 90-day seasonal closure to be timed in the fall with the purpose of protecting the silver eel migration but the closure would have applied to all sectors of the American eel fishery.

A number of comments were received under this issue including that seasonal closures would actually not reduce your silver eel catch because silver eels do not pot and the majority of the eel fishery is a pot fishery.

It was noted by a number of respondents that the proposed closure would significantly impact the yellow eel fishery and other suggestions were made including closures during the hottest time of the year.

CHAIRMAN COLVIN: Thank you, Mitchell, the AP. Oh, I'm sorry.

MS. MUNGER: Additional comments received included more data are needed to support seasonal closures of any kind. It was noted that perhaps the fishery should be closed during the silver eel migration only or for the last part of the migration to allow some escapement of silver eels as opposed to a whole blanket 90-day period.

And there were comments that a specific closure on, for instance, possession of silver eels would be preferable to a closure of all eel fisheries during this migration period.

CHAIRMAN COLVIN: Now, Mitchell.

MR. FEIGENBAUM: Yes, the consensus view of the AP was not to support the 90-day closure that had been previously suggested in the PID. We do think that seasonal closures are a very important

aspect, potentially, of eel management.

And that's a conservation measure that should be considered in conjunction with all the conservation measures and best discussed under Item 7.

CHAIRMAN COLVIN: Thank you. Steve.

MR. GEPHARD: The technical committee recommendations that are on the screen right now, some of them are redundant from what, the discussion we just had. As I indicated there is considerable overlap because these seasonal closures, some of them, were really suggested as a way of conserving silver eels and that's why there is this overlap.

So, Recommendation Number 1 just recognizes that there are some silver eels in the pot landings. Recommendation Number 2 responds to the public's comment about the summer closure.

I think that the public's comments about the disruption of the yellow eel fishery is very valid and needs to be considered. But the suggestion that a closure be done in the middle of the summer for silver eels, the technical just recognizes that it just wouldn't have its intended effect.

Item 3 is again redundant from what we talked about earlier, the suggestion that we look into throat diameter restrictions for a pot as a way of conserving silver eels. And then Number 4 recognizes what I think most of the board realizes is that we really lack a lot of biological data on these fisheries and we need to do additional monitoring that would allow us to make stronger recommendations in the future.

CHAIRMAN COLVIN: Thank you.

Any questions on Issue 3? Seeing none, we'll go to four.

MS. MUNGER: Issue 4 was in relation to the collection of catch and effort data and many comments reflected that collection of more accurate catch and effort data is necessary. Many comments also stated in response to the question under this issue that a permit with mandatory reporting is the appropriate way to go about collecting these data.

A number of respondents indicated that dealers should, in addition to harvester reporting dealers should be required to report purchases from harvesters. And there was concern about the potential unreported harvest and cash market, especially for bait yields.

It was noted that catch and effort from the recreational and personal use fisheries should be documented in addition to catch and effort from the commercial sector.

CHAIRMAN COLVIN: Thank you. Mitchell.

MR. FEIGENBAUM: Yes, the panel reached a consensus that all commercial and recreational fishermen should be required to obtain an appropriate license needed to catch eels and that a condition of that license should be mandatory reporting.

And on the last point, fishermen and dealers should be involved in design of a reporting system, we were particularly mindful of comments that were made by the state of North Carolina in assessing the public comments that they already have quite an extensive reporting system.

And the state was quite concerned that

regulations or reporting requirements not become so onerous as to become ignored and therefore less effective. And we were particularly interested in that comment.

Going back to an earlier point, by the way, as far as the make up of the advisory panel and whether it's accurately reflecting the various interested in eels, I would comment, and it seems appropriate in this context, that there is not or at least the meeting there was not anybody with a strong interest in the recreational fishery at the advisory panel meeting.

CHAIRMAN COLVIN: Thank you. Steve.

MR. GEPHARD: The next item on the agenda for today's meeting is the Addendum I and the technical committee supports the development of this addendum and notes that it should be applied to commercial, recreational, and personal use sectors.

Again, echoing my comments from the last issue, these data are just essential to future assessments. And the second comment, again, we are supporting the requirement that dealers report their purchases from harvesters as well.

CHAIRMAN COLVIN: Thank you. Are there any questions with respect to Issue 4? Roy Miller.

MR. MILLER: Mr. Chairman, or perhaps Steve, I think we've already heard that a lot of the dealer purchases are from a firm that goes up and down the Eastern Seaboard. Who would that firm report to if we were to implement a dealer reporting system? Thank you.

CHAIRMAN COLVIN: I'm not

sure we have an answer for that one. Perhaps that's an issue that the addendum would need to address. A.C.

MR. CARPENTER: I would like to say that we have a fairly extensive database and reporting requirements and I'd very much be appreciated if you would consult with us before you came up with any new reporting requirements.

CHAIRMAN COLVIN: Lance.

DR. LANCE STEWART: Yes, just a comment about some indices here and I don't know if it's appropriate to mention at this time but states that have been doing the glass eel index survey work as a sort of a form of catch and effort data, I just have never had confidence in the ability to get up a least variable measure on that from year to year given the variability of the migrational tendencies in different estuaries at the different times. I mean it's almost impossible for anyone to go and get an index of glass eel immigration.

And this is much better stated as an index of the juvenile and adult population. But I'm just bring it up at this point whether that should even be continued because of its variability.

And a question if the states that have running records from year to year have ever done an analysis of how consistent that is or how variable it is. So, it may get us out of a lot of the state requirement to monitor by going to this different phase of catch effort.

CHAIRMAN COLVIN: I think that issue will come up under the item we've added under other business, Lance. Eric.

MR. ERIC SMITH: On the catch and effort reporting I wanted to make a point

that to be consistent with all the, how we've dealt with that issue with all the other fishery management plans, I think we ought to make sure that there is a strong integration of the technical committee input with ACCSP to make sure that we use that design for everything possible with eel.

And then if there is something additional that we're not getting out of the standard approach, then we ought to superimpose that in the eel plan. But we should be very leery about trying to set up a unique system for eels at the risk of having many such systems.

CHAIRMAN COLVIN: Thank you. We faced a decision whether we took Addendum I before we took this item and we decided to reverse and take it this way. Some of these issues are specifically pertinent to the Addendum I discussion. Bill Adler.

MR. WILLIAM A. ADLER: Thank you, Mr. Chairman. This question is for Lydia, and maybe my mind is failing here. We went out to public hearing with a public information document which is usually the term used when you're going to do an amendment. Now, so we did have an amendment and now we're doing the addendum?

CHAIRMAN COLVIN: Bill, we took a fairly comprehensive set of issues out for public discussion via the PID with the notion that we could do nothing, we could select one or more of those issues to proceed with an amendment or an addendum.

And to date we have chosen only to move forward specifically with an addendum on the issue of mandatory catch reporting which will come up in the next agenda item.

All of the issues are still on the table but the board deferred taking any action towards the further development of either an addendum or an amendment pending the input we're receiving now from our technical committee and advisory panel.

At the end of this presentation my expectation will be to ask the board whether they desire to proceed further with the development of any of these issues and depending on the nature of the response, whether such further process would be by means of an amendment or an addendum, depending on the magnitude of it.

MR. ADLER: Thank you, Mr. Chairman.

CHAIRMAN COLVIN: Any other questions? Let's go to the next issue. Thank you.

MS. MUNGER: Issue 5 dealt with habitat and there were a number of comments received on this issue, including comments that the lack of passage around barriers to migration is a major source of habitat loss for American eel.

Many respondents felt that more upstream and downstream passage facilities should be installed. And a number of comments reflected the belief that pollution and water quality are important issues for eels and that the loss and degradation of habitat is a larger factor in any potential population declines than fishing mortality.

There were concerns brought up public comment about the swim bladder parasite, *Anguillicola crassus*, and other comments that the, some comments reflected great concern about this parasite and other comments reflected that the parasite does not impact the population.

And there were comments received that the presence of waste in rivers over the historical time series may have created artificially high eel population levels in the past.

CHAIRMAN COLVIN: Thank you. Mitchell.

MR. FEIGENBAUM: Yes, well, the advisory panel did believe that the commission ought to do everything it can to improve and enhance eel habitat. We actually asked that a subcommittee be formed in order to develop more specific recommendations.

We had a day to deliberate and digest the public comments and we just did not feel that we could come up with specific recommendations on a consensus basis in such a short period of time, but it's an issue that we would like to follow up on.

We would request that the board require each state to provide an annual report on this issue, what is going on, what the different states are doing on the issue of passage and habitat. And we also felt that the commission ought to promote the use of underutilized habitats for the protection of eel.

The one thing that was pretty widely accepted among the members of the advisory panel that although there is so much focus on the issue of passage and dams that the issue of habitat is a much broader one and that we hope that the focus of all habitat discussions will incorporate the full scope of habitat issues and not just dams.

CHAIRMAN COLVIN: Thank you, Steve.

MR. GEPHARD: The technical committee's first recommendation recognizes that there is a wide variation among states on their reaction to the FERC re-licensing process. And some states are very proactive in requesting eel passage at FERC jurisdictional projects and some states appear not to be.

And so the technical committee used this opportunity to highlight this and to urge all states to investigate eel passage at dams where and when appropriate. Furthermore, the technical committee suggests it might be very constructive to hold a workshop on eel passage for FERC re-licensing projects.

And, in fact, you will notice that the term "diadromous species" is on the screen as well. And I recognize that this is the Eel Management Board meeting not shad and river herring, but understanding the nature of this commission we felt that it may be constructive for other species as well because the process for pursuing passage for eels at a hydroelectric dam is really the same process as other species. And so it may be something worth considering.

Now, the technical committee also recognizes that non-jurisdictional dams are still a problem for American eel, whether they be hydroelectric or just other types of dams and that the states should also investigate eel passage at these projects.

And, by the way, I'm mentioning the states in these recommendations. I want to recognize that our federal partners, the U.S. Fish and Wildlife Service and NOAA Fisheries have prescriptive powers in this and they're proactive on these issues but still I think we need to work as a team and recognizing that they are pursuing eel passage in some of these dams does not

preclude the need for the states to be involved in it as well.

Recommendation Number 4 recognizes that we still have lots of technical challenges to downstream migration, I should say downstream passage, at dams. And we need to promote research in this regard. And, finally, we also recognize that more research is needed in the effect of the swim bladder parasite on American eel.

CHAIRMAN COLVIN: Thank you. Questions. Bill.

MR. ADLER: Thank you, Mr. Chairman. So in other words the technical committee does recognize that if they are looking at the eel resource as being in trouble that this particular issue of the habitat degradation is a major cause and could be a major cause of the downturn? Do they recognize that?

MR. GEPHARD: I believe that it would be premature to say that we recognize this as, whether we'd call it a major reason in the downturn, I don't want to put words in the technical committee's mouth in that regard.

But, there is a few issues that are really important. Number 1 is that there is lots of habitat upstream of some very large dams that are now unoccupied and are not producing silver eels for the spawning escapement that if populated could be producing silver eels for the spawning escapement.

And so whether or not this is a cause for the recent downturn that we've observed, it certainly can help in the recovery of a species to get that habitat back into production.

Furthermore, if there is a source of mortality such as the downstream passage, for example, through hydroelectric turbines, if a species is in trouble, regardless of the role that that source of mortality played in the downturn, it's very helpful to minimize that source of mortality.

DR. KRAY: Thank you, Mr. Chairman. My colleague, Leroy Young, just told me that Pennsylvania leads the nation in dam removal projects going on through his Pennsylvania Fish and Boat Commission.

MS. MUNGER: Issue 6 of the public information document dealt with predation and there were a number of comments received under this issue, including concerns that the striped bass population could be causing an adverse effect through predation on American eel. And so the solution to this would be to relax harvest restrictions on striped bass.

There were comments received that the decline of other forage fish places more pressure on eel. There was concern reflected in the comments about cormorants and non-native predators and their impact on American eel.

And then a number of comments were received that indicated they didn't think predation was a concern at all. And there were also comments received that habitat loss increases the risk of predation for eels.

CHAIRMAN COLVIN: Thank you, Mitchell.

MR. FEIGENBAUM: I think the slide speaks for itself. I would highlight Number 2. The word "cormorants" came up in virtually every public meeting and was emphasized at our discussions last week.

As far as the non-native species, we also heard that there is particular concern throughout much of the U.S. range of eels for I think it was a blue catfish. And we just would like to bring that to the commission's attention.

CHAIRMAN COLVIN: Steve.

MR. GEPHARD: The technical committee has concerns and particularly shares the alarm with non-native predators but we point out that at this time we really lack data in a technical sense to show that predation is a major problem with American eel.

CHAIRMAN COLVIN: Thank you. I have a question in this instance, Steve, and it relates to the emphasis on cormorants. We know that there has been a fair amount of work done on cormorant feeding on fish in the Great Lakes, on Lake Ontario and not so much I think on the coast.

Did the committee have an opportunity to look at any of that work and get a sense of how important a prey item eels are for cormorants and when they're available from the Great Lakes work?

MR. GEPHARD: No, I can honestly say that no member of the technical committee shared those studies, which I'm familiar with. I know the studies to which you are referring but we did not look at those to determine.

And of course the issue there, too, is given the state of the eel population in the Great Lakes now whether in fact that would be a good study to reference. We just point out everybody looks out and they see cormorants eating eels. There is absolutely no doubt that cormorants eat eels. We just don't know the impact of that predation.

CHAIRMAN COLVIN: Any other questions on the predation item? Bill.

MR. ADLER: Thank you, Mr. Chairman. I agree that you have a lack of data showing predation. I disagree with any idea that it's not a major problem.

There has been, for instance, in Duxbury, Massachusetts, there was an incident -- and this actually was relayed to me as sea gulls rather than cormorants but I agree with the cormorant comment -- that the sea gulls were gorging themselves because these eels were coming up this run or this little brook or wherever they go and they couldn't even fly after they ate what they were picking up that was just there, scooping them up. And this was just one place.

So I think that there should be something done with getting some type of a handle on how bad the predation issue is because, once again, between the habitat and the water quality issues and the predation and the fishing that we can't bring back these eels if -- even if we stopped all fishing if all of these other issues are still there all we're doing is raising more food for the striped bass and the rest of them.

So I think that there should be an effort made by the technical committee to gather some type of a data, some type of figures, like they do for fishing on the what percentage of the problem is due to predation because I think it's a major one. Thank you.

CHAIRMAN COLVIN: Steve, briefly in response.

MR. GEPHARD: You said a couple of things and one of the things you said I couldn't agree with more and that is that we

need more data on this, that studies need to be done. I think that my inability to report data on predation here today doesn't reflect the technical committee's lack of effort on this behalf.

I think it reflects a lack of studies that have been done out there. As you can appreciate, predation studies are tricky to do and need to be undertaken by carefully constructed experimental designs.

And so we need, as a community here we need to encourage our scientific researchers at our universities and elsewhere to actually tackle this so that now the technical committee will have some data to report back to you. But, I suspect there is not a lot out there right now.

CHAIRMAN COLVIN: Kelly.

MR. KELLY PLACE: I'd like to offer some direct empirical observations on non-native predation on American eels that we've observed this year. We're running a bycatch study in the ocean, the bay and especially up the James River.

In the brackish portion of the James where we've caught more blue catfish by number than all the other species put together, except for menhaden, there hasn't been a day that has gone by that we haven't retrieved blue catfish that were throwing up eels.

We've taken a number of pictures of those. We haven't seen that type of regurgitation of eels from other species that we've caught in this. If you were to go further up the James River where they've also introduced another non-native piscivorous catfish, the flathead catfish, you will find probably an even worse situation.

And I would point out that when these fish were stocked in Virginia, I think in '72 or '74, they were not supposed to come into brackish water at all. And of course they have and they've moved to other river basins.

If you go up into the fresh water reaches -- and I can say that I've directly observed a far less abundance of eels in those reaches because I've fished those most of my adult life, recreationally or commercially -- I think it's a tremendous, a tremendous impact that is being had, especially from these two non-native predators which are in far more rivers than just the James.

And one other thing I would say is, can you say snakehead? And I'll leave it at that. And we'll provide that data if you want. That's not what we're trying to collect. We're working on other bycatch but we can't help but notice this. Thanks.

CHAIRMAN COLVIN: Thank you. I want to emphasize to the board where we are. And I've been also asking staff for assistance with respect to the question of available time. We are walking our way through the comments that we received at our request from our advisors.

And I'm asking the board to limit your discussion of that to questions with respect to the advice received. At the conclusion of this presentation -- and we have two more issues to get through -- we will then have to decide what if any action we wish to initiate with respect to any addendum or amendment development at this time.

And then we have another action item with respect to Addendum I and we must adjourn this meeting no later than one o'clock. So, I appreciate the many members of the board offering information but I need to ask you

now to limit your input to questions of the advice we're getting. Thank you. Are there any questions with respect to that advice? Thank you. Issue 7.

MS. MUNGER: Issue 7 was probably the most broad of the issues presented in the public information document in that it asked respondents to say if the population were found to be in decline what would you recommend as a conservation measure.

A number of comments were received under this issue, including that glass eel and elver fisheries should be closed, recommendations were made for increasing minimum size or along those lines increasing the mesh size for eel pots.

It was recommended to implement mesh size changes in phases or to allow escape panels so that people wouldn't have to purchase all new pots at the same time, recommendations that increasing the mesh size could negatively impact the bait fishery.

And it was noted that an increase in mesh size would in fact be preferable to a size limit by many respondents. There was desire to see conservation measures applied evenly along the entire coast.

And some comments thought that asking glass eel and elver fisheries to dedicate a percentage of their catch to upstream stocking or transplant would be a viable conservation measure. Some comments stated that eels should not be exported and there was support for harvest restrictions in many of the comments.

CHAIRMAN COLVIN: Thank you. Mitchell.

MR. FEIGENBAUM: Well, the

advisory panel started from the premise that it did not want to reach, could not reach consensus and come to firm recommendations until the stock assessment process is completed.

However, the panel did have a consensus that all existing regulations should be maintained. We do think that something that was not specified in the options in the PID was capping the number of participants in the fishery but we do think that's a conservation management that must be considered.

And Point 3, investigate survival and mortality rates of life stage with respect to size limits, is in a way our most important point because we think that consistent with our comments that I mentioned earlier that the board feels that the, the panel feels that eels should be regulated at all the life stages, hand-in-hand with this conclusion is the fact that in order to make good decisions about size limits we need to know more about natural mortality and survival rates of eels.

The panel notes that so much of the conversation regarding size limits coming from this process seems to be geared toward maximum size limits and this concern about protecting silver eels -- a concern and a goal which the panel shares -- but it does seem to the panel that there is not an equal emphasis on the discussion and logic and possibility of making part of the overall scheme size limits, minimum size limits, because, after all, minimum size limits are perhaps a tool to increase biomass.

And increasing biomass not only increases the number of fish in the water but possibly increases the amount available for escapement. Before we can make recommendations we feel we need to know more about how much will eels survive in

the natural so that we can measure against that information proposed regulatory measures.

Finally, we had said in Issue 2 that, I'm sorry, in Issue 3, that we thought that seasonal closures were among the managers' tools that ought to be considered as a conservation measure in the context of overall eel management.

However, when we got to Issue 7, it was clear that there would be no consensus at this time to recommend specific seasonal closures or not to recommend them. And, again, we are waiting for the stock assessment results.

CHAIRMAN COLVIN: Thank you. Steve.

MR. GEPHARD: The technical committee's first recommendation reflects its belief that the current glass eel fishery is not having a negative biological impact. The second recommendation recognizes that we really don't know how many glass eels it takes to produce a yellow eel and how many yellow eels it takes to produce a silver eel.

Those kind of data are available with other species. For example, with Atlantic salmon we know that if you have a certain number of fry in the river at a certain time you'll get a range of par and you'll get a certain range of smolts and that will likely yield a certain number of adult salmon.

We don't have that technical information for American eels and that's what we need to determine the effect of the glass eel fishery. We also lack the information to make recommendations on minimum size. We are requesting that the stock assessment subcommittee investigate the use of a yield per recruit model to determine what the

effects of changes in minimum size would be.

The last recommendation references some comments that were in the public record under Number 10 which was abbreviated for the lack of space. And we recognize that some of those have great potential. It's premature to recommend certain ones before the stock assessment is completed but we think that some of those are viable options.

CHAIRMAN COLVIN: Thank you. Any questions on the Issue Number 7 presentation? Lance.

DR. STEWART: Yes, Steve, and given the chairman's tolerance I just want to put a couple of ideas forth because of the listing of these concerns about glass eel index and closing down the different fisheries.

Looking back about five years ago I was extremely interested and somewhat involved in some of the early research on glass eel fisheries. And it appears to be that a connect here of a lot of this limitation of barrier fronts that eels may have to go through in certain rivering systems could be addressed by a strategy, whether it's realistic or not, but it has been thought and I wondered if the technical committee had ever heard this before, the aquacultural potentials of glass eel fisheries and a certain segment of glass eel fisheries be required to do this so that the elver stage is reached and then transport -- which is a recommendation in here of the conservation measures -- to some of the more remote areas of probable eel survival and population recruitment and success might be a reality.

So I'm looking at actually you know stimulating glass eel fisheries with a component of an aquacultural transplant

element that would really breach the dam barriers in the meantime before we get into rectifying that issue. So, you know, anyway, it's to your issue of what recruitment affects can be achieved by glass eel. And this way is a way of shortcutting it. Thank you.

CHAIRMAN COLVIN: Thank you. Steve, do you have a?

MR. GEPHARD: We recognize that transplantation has been a management tool used elsewhere, particularly in Ireland and that it would be something that the management board might want to consider. We also recognize that right now there aren't that many glass eel fisheries in existence so it's application would be limited at this time.

CHAIRMAN COLVIN: Other questions. Okay, Issue 8.

MS. MUNGER: Issue 8 was the final issue and this issue dealt with traditional uses of the American eel resource and basically asked the public to comment on whether they thought the use of eels for food, for bait, for other uses, if any of these uses were appropriate and also asked whether the public thought that a reduction of take of eel would help rebuild the resource.

A number of comments reflected that the end of use of an eel should not be a management consideration. And while some comments thought the eels should not be used as bait, other comments also thought that using eels as bait is appropriate.

A number of comments reflected that a coast-wide reduction of a prohibition on take would not help rebuild the eel resource. And there was support in the public

comment for upholding traditional uses of American eel by Native Americans.

CHAIRMAN COLVIN: Thank you, Mitchell.

MR. FEIGENBAUM: Yes, the advisory panel did take the view that all uses of American eel resource as a resource is valid as long as the population is viable.

CHAIRMAN COLVIN: Steve.

MR. GEPHARD: The technical committee viewed this as an allocation issue and just reiterated the need of reporting the data because we felt that without making any judgment on what uses were good or bad that collecting the data on how the harvest was used could be helpful in future management issues.

CHAIRMAN COLVIN: Questions. Thank you. I want to commend both advisory bodies for the good work they did in advising us. And I particularly want to commend our advisory panel for coming to consensus. It's always very, very helpful to boards when we have a consensus or near consensus recommendation from the advisory panel. Thank you and thank Mitchell for his effort in getting them there.

At this point the board needs to deliberate and consider whether it wishes to take any further action at the present time to initiate development of one or more amendments or addendums. Just some notes that I made that may help focus thought on it.

It appears that the general consensus advice is that significant change in management actions for, directed at reducing mortality or having some consequence to the conservation of the stock might best await the stock assessment. I think that's a fair,

would it not, Mitchell and Steve, be a fair overall summary of that advice?

I did note three items that we may want to consider from -- and there may be others and I'm not certainly limiting it to this but these were in my notes as we went through the recommendations -- three actions that could be considered: the first related to clarifying the question of the possession limit for those who purchase eels for bait; the second, consideration of capping the participation in the directed silver eel fishery; and the third item I noted was imposing a requirement that the states' annual reports include discussion of habitat and passage, of management issues in their respective jurisdictions. There may, as I say, there may well have been others but I at least would point those out to the members of the board.

The other note that I made which is something that doesn't require that level of action but might require anyway was the technical committee's recommendation for a workshop, an ASMFC workshop regarding consultation on upstream and downstream passage issues.

With that introduction let me open it up to board discussion. Is there any sense of any member of the board if they would like to proceed in any particular direction on these things? How would the board like to proceed? Bruce.

MR. FREEMAN: The question that I would ask is how soon do we believe a stock assessment document would be available? And then based on that there are several actions, Gordon, that you mentioned that could be taken, for example, limit the silver eel fishery, limit the glass eel fishery, which would essentially put a cap on what now exists.

But the question is, do we believe that stock assessment would be available fairly soon or is that going to take time? And if it's going to take quite a bit of time, it may be reasonable to take those actions that I mentioned.

CHAIRMAN COLVIN: I'm going to ask Lydia to give us the very brief Agenda Item 7 presentation now as it may be helpful to the board as they frame this issue so let's jump ahead to Agenda Item 7.

MS. MUNGER: Thank you, Mr. Chairman. Staff has prepared a one-slide overview of the stock assessment timeline, where that process is now. The two green items at the top, the data workshop and the assessment workshop, have already been completed.

In fact, the technical committee review of the assessment has already been completed. That was done last week at the technical committee meeting. The peer review is currently scheduled for December of 2005 which would make the assessment ready for board review in February 2006. And the peer review panel members are listed on this slide for board information.

CHAIRMAN COLVIN: Before I go back to Bruce let me ask if there are any questions of Lydia with respect to that schedule. Seeing none, Bruce. I'm sorry, George.

MR. GEORGE LAPOINTE: Do you think the schedule is going to hold? I mean, we've been working on improving our stock assessment process and it's just a valid question to say do we think it's going to hold? And my sense is the answer is yes but that's important for the board to recognize as well.

MS. MUNGER: Yes, George, the stock assessment timeline should not change at this point.

MR. LAPOINTE: Good. Thank you.

CHAIRMAN COLVIN: We're not going to guarantee to you what the peer review panel is going to conclude. Okay, Bruce, that should address your question and where would you like to go from there?

MR. FREEMAN: Well, from my perspective -- and we believe this is a reasonable schedule -- then it certainly would be reasonable to wait until we get the board review in February of 2006. However, if we find that there are considerable data that is missing it may be reasonable to take the actions I indicated.

My concern, Gordon, and I'm sure everyone else, is, look, we have a situation now where the glass eel and the silver eel harvest is very limited. To cap it at that level probably would be a wise thing to do.

The question is should we wait for the stock assessment where that action could be debated or perhaps do an addendum at this time simply to do it, get that out of the way, and then be concerned about other aspects?

CHAIRMAN COLVIN: Thank you, George.

MR. LAPOINTE: Thank you, Mr. Chairman. I think I favor as well waiting until February for a couple of reasons. One, we'll have the assessment and there may be other issues which I'll characterize as low hanging fruit which will be added to your list of three items. And we may want to do that in an addendum.

My sense is that the assessment will mirror the concern that got us started on the status, asking for the status review two years ago, you know, that we're going to have some things that are going to be high hanging fruit and they're going to be hard to get to.

So we may want, I would advocate waiting until February and we may want to do a short-term addendum, then, on the low hanging fruit and then initiate an amendment for the longer term issues. But the assessment would be necessary to make the, you know, distinguish between those two.

CHAIRMAN COLVIN: Well, let me ask the question just to force the issue. Is there any member of the board who would like to propose that we take action today to initiate some course of action in advance of receipt of the stock assessment anticipated in February? No hands going up. Lots of heads shaking.

So I think unless there is objection we've finished with this agenda item; we're going to defer further development of these issues -- and, by the way, I thought of a fourth that I overlooked with my first presentation was I think the advisory panel's suggestion that, for no backsliding, a no backsliding policy on the existing regs. So, we'll hold all that for our next meeting following receipt of the peer review. Mitchell.

MR. FEIGENBAUM: Briefly, Mr. Chairman, the advisory panel did also include a request that it be permitted to create a subcommittee to address habitat issues and to come up with a consensus on habitat recommendations; although in light of the technical committee's request for a workshop, and of course their meeting came after ours so we weren't aware that they'd be making that request, but presumably that the two could be merged, the workshop

could be merged so that both groups could participate in either during or as a side caucus during that, any such workshop, then the advisory panel could take this issue on.

CHAIRMAN COLVIN: Yes, thank you. And we will kind of have to take that up in that context along with the action plan discussion, see what we can afford to do in terms of meetings and workshops. If there is nothing further on that item let's move to Addendum I, Lydia.

REVIEW OF DRAFT ADDENDUM I FOR PUBLIC COMMENT

MS. MUNGER: Thank you, Mr. Chairman. Addendum I is being distributed for board review right now. The plan development team was waiting to hear from the technical committee at their meeting last week about some of the issues that you will find in this addendum.

But staff is prepared to do a brief presentation for board information. As far as the process and timeline for this addendum, the board initiated development of Addendum I at their last meeting in August 2005 and is reviewing the draft addendum today.

If the board were to approve this draft addendum for public comment today, the public comment period would take place over winter 2005 and into early 2006. And the board could review and approve the addendum, draft addendum in spring 2006 with implementation sometime in summer or fall of 2006 so that's the timeline base on when the board initiated the draft addendum.

In terms of the statement of the problem in this draft addendum, the fishery management plan currently includes actually a requirement for licensing and reporting

mechanisms for American eel and also lists in response to one of the board members' comments earlier the ACCSP requirements.

The stock assessment subcommittee, the technical committee and the advisory panel have all recommended trip level reporting of catch and effort as a potential action for the management board. And this reporting of catch and effort would apply under these recommendations to all sectors of commercial, recreational and personal use fisheries, the units of reporting of catch and effort would need to be standardized and it was noted in some of the recommendations that the reporting would have to take place on an annual basis.

Table, there are two tables in the draft addendum after the statement of the problem and before the two options. And they list actually the current license structure, reporting structure, in each of the states as reported by technical committee members last week.

And the board may wish to note that there are very different license structures and levels of reporting taking place amongst the states along the coast at this time, including that if the board wished to apply a recreational permit and mandatory reporting many states do not have a recreational saltwater license and most do not have mandatory reporting for the recreational sector.

But the plan development team wanted to present an overview of what currently exists in each state in terms of the license and reporting structure and whether harvesters or dealers report catch per unit effort and how frequently that reporting is conducted.

Based on the information presented to the plan development team the PDT developed

two options and these are actually on the last page of the addendum if you want to just flip to that page. Based on the recommendations of the technical committee, advisory panel and stock assessment subcommittee and in fact in a lot of public comment this issue came up of a specific eel permit with mandatory reporting requirements.

And the plan development team wishes to point out that the board may modify this option, add additional options, or remove this option if the board sees fit. This mandatory reporting program hasn't been fully outlined in this draft and that's because the plan development team was hoping for some board direction on this issue.

But it was noted that it would be important to require reports be completed each time a trip is completed, noting at minimum soak time, number of units of gear fished as well as pounds landed by life stage.

And as the advisory panel noted, the AP recommendation was that fishermen and dealers be involved in the design of such a reporting system to make the system as effective as possible but still convenient for harvesters to complete.

It's also noted by the plan development team that some states do have more detailed reporting programs than others and that this reporting system if it were designed would have to be done in conjunction with the cooperation of all the states and that these current systems would have to be taken into consideration.

Option 2 under the catch and effort monitoring program is a dealer permit with mandatory reporting. I know at least one board member mentioned earlier that the board would need to determine how that

would work because there are dealers that currently work in more than one state.

But this reporting would include purchases. And it was noted by the technical committee that this type of reporting represents an important validation of the catch and effort data but it does not necessarily provide as accurate a measure of catch and effort as does harvest or reporting.

And there was concern that or there was a recommendation that this would capture the portion of the bait market that is thought to be conducted on a cash basis and currently is either underreported or not reported at all.

And based on some of the recommendations of the technical committee and advisory panel these two options may have to be or may be recommended to be taken together. And, as I stated earlier, the plan development team is looking for direction on inclusion of additional options or removal of options as the board sees fit.

CHAIRMAN COLVIN: Thank you, Lydia. So we have a preliminary draft as provided by the plan development team. Is there any discussion or suggested changes to this document or action? Eric Smith.

MR. SMITH: Thank you, Mr. Chairman. In Option 1 if you will recall back through history I'll report myself, repeat myself on a number of reporting requirements in other plans.

In the first paragraph, the third line, where the recommendation is to institute a specific eel permit, many states issue permits for commercial fishing or personal use fishing in some cases that are not necessarily specific to the species and they do that so that they don't have to keep running back to the legislature every time a new species

pops to the fore.

I would urge that the wording there be revised so that it says "by instituting a permit that will account for eel fishing" so that it's left to the latitude to the state to best figure out how to implement it in its own state. Thank you.

CHAIRMAN COLVIN: Roy.

MR. MILLER: Mr. Chairman, I just wanted to point out that if we literally use the wording in Option 1 then we would be recommending a recreational permit system for eels, presumably in tidal waters, which would present a bit of a problem for states north of Maryland. Thank you.

CHAIRMAN COLVIN: Lydia.

MS. MUNGER: Thank you, Mr. Chairman. Roy just brought up an important issue that I did not comment on in the presentation. It's noted in the statement of the problem that in terms of a recreational permit and also in commercial harvest eels are harvested inland as much as they are in coastal waters and that would impact jurisdictions other than the ones that are represented by the management board in terms of inland agencies and that's something that the board may wish to consider.

One other thing under Option 1, the board may wish to consider splitting out the commercial and recreational and personal use sectors into separate options.

MR. LAPOINTE: On that issue specifically, could we rely on staff to break the, although the recreational permitting issue probably is one that we probably all want to revisit but just to break it out into a commercial reporting function and a

recreational reporting function?

And in the recreational component it would have to acknowledge the lack of licenses in most of our jurisdictions just so when we go out to the public it doesn't look like, you know, we've had a bucket over our head when we put this together. I hate when that happens.

MR. TOM MEYER: Thank you, Mr. Chairman. I'd like to know how this all relates to ACCSP. Tom Meyer. Do you want me to repeat the question? Okay.

MS. MUNGER: Thank you, Mr. Chairman. On Page 6 of the draft addendum underneath the bulleted reporting requirements as they currently appear in the FMP there is, there are paragraphs about the ACCSP data collection program.

For information purposes if the board feels that this is something that should be listed under an option instead of just in the information section, the plan development team would be happy to revise that to be such an option.

CHAIRMAN COLVIN: Other comments. I've heard two suggested changes but we do need to take action of one sort or another with respect to this proposed addendum so I guess what I'm looking for is a motion to get us started that we can then work with to -- Bill.

MR. ADLER: All right, Mr. Chairman, can I make a motion to take this public draft out to public hearing with the suggested adjustments to the options. Would that be appropriate, sir?

CHAIRMAN COLVIN: It would be. We need to be specific as to the suggested changes. And I think that they are

as follows: first the change suggested by Eric Smith to delete the words "specific eel permit" and substitute "a permit that would account for all eel fishing"; and George's suggestion that Option 1 be divided into a separate option that addressed perhaps as 1A commercial fishing and 1B recreational catch.

And I want to make sure Eric and George believe that that's fair and that that's an acceptable accounting. And now let's give us just a minute to get a motion that reflects all this up and then I'll look for a second. While that is happening, George Lapointe.

MR. LAPOINTE: I was going to offer a second and we'll do that when we're ready. To Tom's question, should we put in the two options just the information that the data reporting would be consistent with ACCSP right so people can see it right where it is. I think that would just help when we go out to the public and help with people who are interested as well.

CHAIRMAN COLVIN: Bill would that be acceptable to you?

MR. ADLER: That's fine.

CHAIRMAN COLVIN: All right, we'll reflect that as well in the motion and board discussion. Okay, Bruce.

MR. FREEMAN: Just prior to the motion I think some thought should be given. You mentioned or someone mentioned the issue of collecting information in fresh water which is out of our, it's within the state's jurisdiction but out of our, usually our group's authority so some thought seems to be, needs to be given to how we deal with that issue.

I mean I could see something coming down

to require a state to do it, freshwater may or may not do it and the state is deemed out of compliance. And I don't think we want to get into that. But, thought needs to be given how we deal with collecting the information we need not only in marine estuarine but in fresh water.

CHAIRMAN COLVIN: A.C.

MR. CARPENTER: In regard to dividing this between commercial and recreational options, I seem to get the impression that there are recreational fisheries that use commercial, what we consider commercial gear and that is the eel pot.

We define eel pots in our regulations as commercial gear and therefore require a licensing or permitting. I don't want to get into a recreational permit or license situation specific to eels and have to come up with this information.

It just, to us if it's a hook and line operation and there is a eel caught accidental to other fishing, then that's recreational eel harvest to me which is not the same thing as I think what this addendum is trying to get to. So if I can have a point of clarification that would be helpful.

CHAIRMAN COLVIN: I think that's a good point and I think it's consistent with the advice we had that this is intended to separate the commercial fishery from what has been characterized as the recreational and personal use fisheries.

And I think the intent is to put personal use with recreational in that separate category which I think addresses your issue, A.C. So that where it says up here on the board "divide Option 1 into separate commercial" and it would be "recreational plus personal

use" options.

Let me just pause and -- oh, we also need to add indication that the discussion of the options would incorporate reference to consistency with ACCSP. Okay, we have a motion up on the board. Bill Adler made the motion. I want to ask you, Bill, if that's what appears is consistent with your intent. If so would you read it into the record.

MR. ADLER: Yes, I will, Mr. Chairman. **Move to approve Draft Addendum I for public hearing with the following modifications: delete the words "specific eel permit" and substitute "to issue a permit to account for all eel fishing" -- second part -- divide option one into separate commercial and recreational plus personal use options; discussion of options would be in accordance with the ACCSP standards.**

CHAIRMAN COLVIN: Moved by Mr. Adler; seconded by Mr. Lapointe. Further discussion on the motion. Jaime Geiger.

DR. GEIGER: Thank you, Mr. Chairman. I'm still somewhat unclear about getting information and getting harvest information related to freshwater jurisdictions. Given the fact that the state is held accountable for this I'm making the assumption -- and this may be a leap of faith -- that regardless the state marine directors are held accountable but the state itself is still held accountable and it will be up to the discretion and interaction of the state to secure the necessary information from their freshwater counterparts. Is that a correct assumption, Mr. Chairman?

CHAIRMAN COLVIN: Well, that's what I assume and I think, you know, Bruce brought up a good point. It will, through the

course of the development and the receipt of comment and the board's subsequent deliberations on this addendum it will be incumbent upon all of us to address the question, how do we make that happen.

And I certainly have ideas about how we'll make it happen in New York. I suspect other board members do and we'll have opportunity to perfect them over time. Bruce.

MR. FREEMAN: Gordon, I would just ask -- I'm assuming that this will pass -- ask that staff just add some words to direct our attention to that possible problem in the draft document we take to public hearing.

CHAIRMAN COLVIN: I think there is something in there. We can make it a little more clear I think, Bruce, yes. Any other discussion on the motion? Leroy.

MR. LEROY YOUNG: I'm new to this but a question I have, would this apply, particularly this recreational issue, to states that have de minimis status? It would apply to every state?

CHAIRMAN COLVIN: My own gut reaction to that is that we may find if we define de minimis status for recreational fisheries that we all have it. The amount of information we have on recreational and personal use harvest is small but suggests that it's limited. So I think that may be something that we need to address in the course of public comment at the adoption stage. I'm not sure myself where it's going to end up.

MR. YOUNG: I'm just very concerned if we have a reporting requirement that results in substantial costs to the states for a fishery that we don't know if anybody even fishes for the animal, if

that's very wise. We'd have problems with it, I'm sure.

CHAIRMAN COLVIN: Further discussion. Vince. Are you ready for the question? Need a moment to caucus? No. All in favor please signify by raising your right hand; opposed, same sign; abstentions; null votes. The motion carries. Thank you. Lydia.

MS. MUNGER: Thank you, Mr. Chairman. Seeing as the board has just moved this draft document out for public comment, staff would like to know which states will be requesting public hearings on this.

CHAIRMAN COLVIN: Will anybody not be requesting a public hearing? Maybe that would be easier. South Carolina. Others? Okay. Pennsylvania? Okay, that's two. Thank you. That concludes Addenda Item 6 and we have already done 7 so I'll now turn to Jaime Geiger for an update on the federal status review and ESA petition.

UPDATE ON THE FEDERAL STATUS REVIEW AND ESA PETITION

DR. GEIGER: Thank you, Mr. Chairman. I believe that we have set in coordination with NOAA Fisheries, National Marine Fisheries Service we have set approximately three threat workshops to be held. And, Mr. Chairman, if you will just let me scroll through my computer I can give you the topics and the locations of those three workshops.

The first workshop will be held November 29th-December 1st, 2005, at our National Conservation and Training Center in Shepard's Town, West Virginia. The major topics covered at this workshop will include:

barriers to successful migration; changes in oceanic conditions; and harvest issues.

The second workshop, the Great Lakes-Canada workshop, will be held sometime within January 2006, the date has not yet been specified, but it will be held in or around Buffalo, New York.

Topics of discussion will be: barriers to successful migration in the St. Lawrence River drainage basin, as well as threats to other species such as, and other issues such as contaminants and loss and degradation of lake habitat. And, additionally, there will be a discussion of the importance of the St. Lawrence watershed to the reproductive capacity of the species.

The third workshop, the Gulf/Mississippi watershed workshop, is scheduled to be held in February 2006, the location to be determined. The topics of discussion there will be: barriers to migration will be discussed on a regional basis only; other threat factors to be discussed included disease issues and loss of coastal wetlands and dredging.

As of now we're still looking for a suitable location. I know there has been several discussions about possibility given the effect of the hurricanes and trying to reemphasize the importance of the Gulf Coast, possibly seeing if New Orleans will be ready to schedule that workshop. But, again, that's still subject to further discussion.

Mr. Chairman, those are the three workshop locations and dates with the various subject areas. I would, do want to say I really appreciate the involvement of ASMFC, the Gulf States Marine Fisheries Commission, and the Great Lakes Fisheries Commission and all their assistance to make this possible. Thank you very much.

CHAIRMAN COLVIN: Thanks, Jaime. How are you doing in terms of recruiting your experts for the workshops?

DR. GEIGER: Mr. Chairman, we are currently working with NOAA Fisheries to determine, again, the availability and the necessary number of experts to participate in this process. As you know, Mr. Chairman, we are having some issues related to funding right now, getting sufficient funding that may be required to get the right experts at the right workshop.

The funding issue is still unclear right now. Again and for the information of this board, we are getting more and more indications there may be a major rescission impacting the Fish and Wildlife Service related to hurricane relief.

That is the agencies will take across the board percentages out of each and every federal budget to pay for hurricane relief. We don't know the timing and the magnitude of this but, again, it does have a possibility to significantly impact any available funds to pay for any additional experts.

So, Mr. Chairman, again, I would make the case that certainly the Fish and Wildlife Service, NOAA Fisheries, is still looking for any kind of assistance that you all may be able to assist us in getting the right experts to these various threat workshops. Thank you.

CHAIRMAN COLVIN: Thanks, Jaime. And I know that we've had some discussion of this as a follow up to the conference call that we had and that we'll probably raise it for some brief discussion at least informally if not at the action plan discussion.

New York state and the Great Lakes Commission are also prepared to assist as we've discussed and hopefully some of our other partners can be called on if necessary.

It's important I think, essentially critical to the success of the review, that we get the right experts to the right workshop so that the threat assessment that is done is credible and complete. Any questions for Jaime on the status review? Thank you. Next, other business. The first issue, Steve, you have a presentation, a discussion, on young of the year workshop.

MR. GEPHARD: Thank you, Mr. Chairman. It's not a presentation. I just would like to raise a request from the technical committee. Lance raised the issue of the young of the year survey and maybe some problems inherent with that.

Some of these problems were brought to our attention by the stock assessment subcommittee during the assessment in which they found the young of the year survey of, I'm going to say, "limited value."

And I know that makes it sound real bad but they recognize that this young of the year survey has great potential for future work but the way that it has been executed to date limits its application. I mean one issue of course is the short period of time but the other issue is that there is a wide variance in how it's implemented from state to state.

And if I may be permitted to just make a quick comment on that, you know when we were all asked to do this starting in 2000 very few states really knew anything about capturing glass eels. None of us had eel biologists onboard.

We all took it on as an addition to other

responsibilities. But we've learned and it has been a good and constructive learning process. And so here we are five years later educated, experienced, but now recognizing that there are limitations in its applicability.

We began to discuss at our recent meeting what could be done to make these data more useful and immediately recognized that we just lacked the time to really get into it.

We need a stand-alone meeting, a workshop, if you will, to roll up our sleeves, maybe even consult with some experts on statistical analyses and these matters to help design, not to throw out and certainly not to eliminate the young of the year survey but to tweak it so that the data that is being collected from all the various states could be used in a meaningful manner.

And, therefore, knowing that budgetary issues are being considered shortly we request that such a workshop be considered in the budget of the upcoming year.

CHAIRMAN COLVIN: Thank you. Just I think my intention would be, and hopefully the board will support this, to bring this issue up at the action plan workshop discussion on behalf of the Eel Board to ask the commission to attempt to accommodate this strong recommendation from the technical committee with respect to a young of the year workshop.

Further, coming back to the issue addressed earlier about a workshop on the consultation process for upstream and downstream passage, that was a somewhat broader recommendation in that the technical committee suggested it include all diadromous fisheries that we're responsible for.

I believe it would be appropriate for the

chairman on behalf of the Eel Board to reach out to the commission through the science director, through the Management and Science Committee and the Habitat Committee to see if there can be some overall agreement on the appropriateness of that and what might be the best means to bring it forward since it's a broad, in fact, probably also should incorporate the Striped Bass Board, the Shad and River Herring Board and the Sturgeon Board in that as well.

So, that's my intention. If there is any, if any board member has any suggestions about how to approach that differently I'd be glad to hear them. But I think in the absence of objection that's how I'm going to proceed. And I thank Steve for that recommendation. I have one last other business item from Jaime Geiger on habitat issues.

DR. GEIGER: Thank you, Mr. Chairman. I believe you all have heard the chair of the technical committee speak eloquently about fish passage issues and how important fish passage is to upstream and downstream migration.

What I do want to do is make a plea to all commissioners again related to both FERC and non-FERC related actions related to fish passage. Certainly, on the non-FERC issues I think all of you are working just magnificently with both federal agencies and other private partners to open various river stretches to passage for a variety of anadromous and diadromous species.

The issue of FERC re-licensing, however, is what I'd like to address. Basically in the northeast and the southeast we have a one in a lifetime opportunity to really open fish passage for a variety of hydroelectric opportunities here.

In the northeast and southeast basically we have 50 re-licensing actions currently undergone. We have, again, an opportunity to work with each and every one of you, both National Marine Fisheries Service, Fish and Wildlife Service and the state agencies to make some realistic and appropriate changes in prescription to open up these hydroelectric and other dam facilities for effective and efficient upstream and downstream fish passage.

I would urge you, please, to take full advantage of this. This is an excellent opportunity to provide meaningful fish passage and, again, I know NOAA Fisheries and Fish and Wildlife Service stand ready to work with you.

But, again, a fully effective and efficient integrated partnership is what will make this work. So please, I urge you all to reach out. Let's make this happen. Because, again, fish passage is one of the most effective habitat tools we have.

And I'd hate to miss an opportunity, once in a lifetime, 50 FERC actions, not to do the right thing for the species. Thank you very much, Mr. Chairman.

CHAIRMAN COLVIN: Thank you. Is there any further business to come before the Eel Board today? Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: I just had a question of Dr. Geiger. Is this, does the process require you to consult with organizations like the Atlantic States Marine Fisheries Commission during the re-licensing or is that re-licensing an opportunity for interested agencies to come forward?

DR. GEIGER: Sir, can I ask Wilson

Laney to address that for us on behalf of the federal agencies, please, the official word?

DR. WILSON LANEY: Vince, my understanding is under Section 18 of the Federal Power Act the services, the National Marine Fisheries Service and the Fish and Wildlife Service, have prescriptive authority.

That means that we can under Section 18 provide FERC with basically what has in the past been a mandatory prescription for fish passage. Based on my experience in the southeast and the work that we did on the Roanoke River working with Dominion Generation, we normally consult with our state agency colleagues.

And our preference is to go to the utility with a consensus position that has been developed by the state and federal agencies in partnership. That's the way we like to do business and that's the way we have tried to do it. That's what we did on the Roanoke and hopefully we'll be doing on all the other projects that we are involved in.

There is another section, you know, 10J measures that again same principle holds. We want to be sitting at the table with our state partners and especially with those of you, all the partners who are involved in the ASMFC process because these species are all under ASMFC management.

And we feel like it's just critical for us to do that and we would urge all of the states to at least sit down and talk with Fish and Wildlife Service and National Marine Fisheries Service folks who are involved in these projects prior to you know sitting down at independent negotiations with the power companies, especially, because in some cases there have been efforts, you know, to divide and conquer.

In other cases there have been deals struck by state agencies, well meaning but sometimes not realizing I think what is at stake and not realizing the potential that they can recognize if they will go in there with a united front with everybody else.

EXECUTIVE DIRECTOR
O'SHEA: Thank you, Mr. Chairman.

OTHER BUSINESS

CHAIRMAN COLVIN: Thank you. Again, any further business today? I do have one announcement I've been asked to make and that is that those commissioners attending the Legislators and Governor's Appointee's luncheon which will occur immediately following this meeting in Salon C please bring your tent name cards with you. Vince, did you have a further announcement?

EXECUTIVE DIRECTOR
O'SHEA: That was it.

CHAIRMAN COLVIN: Okay, thank you. Hold it, sir. Hi, Kevin. You've got to come up to the microphone and get on the record if you don't mind.

MR. KEVIN McGRATH: Kevin McGrath from the New York Power Authority. My question is the technical committee has prepared the stock assessment and they're sending it to the peer review team. My question is what is the policy of the board relative to making that document public?

CHAIRMAN COLVIN: Lydia.

MS. MUNGER: Thank you, Mr. Chairman. That document does not become public until after the peer review.

CHAIRMAN COLVIN: Thank you. Mitchell.

MR. FEIGENBAUM: Yes, I was wondering if the board or the commission had a policy, any policy, that enables members of the public to have input into the stock assessment review process. Let me put it another way.

I was in attendance during the full technical committee meeting last week during which the stock assessment report was rolled out and discussed in a slide presentation. I was there the entire time.

I had a lot of input I wanted to make but I was told that that was really not the appropriate opportunity. I was also told I could not have a copy of the document. There were significant concerns that I had and tried to raise at that meeting and I was told that was not the proper forum.

I am concerned or curious, what is the proper forum for a member of the public who has such a great interest in this process who actually had an opportunity to see the slides and knows, has a great taste of what is going to be submitted to peer review, where is, what is the proper channels through which I make that input?

CHAIRMAN COLVIN: I'm going to look to Vince or Carmela to address that.

MR. ROBERT E. BEAL: Apparently they look to me, Gordon. I think, you know, the commission is always trying to improve their stakeholder input in the assessment process. And the way we've approached it so far is to include the stakeholders in the data workshops where we compile the data, we bring all the data together.

Then everything after that is modeling exercises and fairly technical work that the public only, you know the public involvement in stock assessment modeling has to date been fairly limited.

And then, you know, the next step is the peer review of the modeling effort and the data. And then following that it goes back to the technical committee and back to this management board for determination of what the management advice is.

CHAIRMAN COLVIN: We're not going to enter into protracted debate on the commission's stock assessment process here. That is the process we use. And I'll point out that none of the board members have seen this information at this point, either and don't expect to see it until following peer review.

If we want to have some discussion of that we can set the time aside at a future meeting or in a more appropriate venue which is not one species board. So I'm going to cut this off now as we're already well late for the luncheon and suggest that without objection we stand adjourned. Thank you.

ADJOURN

(Whereupon, the American Eel Management Board meeting adjourned on Monday, October 31, 2005, at 1:10 o'clock, p.m.)
