

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

The Westin
Annapolis, Maryland
Hybrid Meeting

October 22, 2024

Approved August 5, 2025

TABLE OF CONTENTS

Call To Order, Chair Kris Kuhn	1
Approval Of Agenda	1
Approval Of Proceedings.....	1
Public Comments.....	1
Review And Provide Feedback On Cites Actions And Committee Work.....	1
Consider Approval Of Fishery Management Plan Review And State Compliance Reports For 2023 Fishing Year	13
Other Business / Adjournment.....	16

INDEX OF MOTIONS

1. **Approval of agenda** by consent (Page 1).
2. **Approval of Proceedings of May 2024** by consent (Page 1).
3. **Motion: Move to approve the American Eel FMP Review for the 2023 fishing year, state compliance reports, and *de minimus* status for New Hampshire, Massachusetts, Pennsylvania, D.C., and Georgia** (Page 16). Motion made by Cheri Patterson; second by Steve Train. Motion passes by unanimous consent (Page 16).
4. **Move to adjourn** by consent (Page 16).

ATTENDANCE

Board Members

Pat Keliher, ME (AA)	John Clark, DE (AA)
Rep. Allison Hepler, ME (LA)	Roy Miller, DE (GA)
Steve Train, ME (GA)	Carrie Kennedy, MD, proxy for Lynn Fegley (AA)
Cheri Patterson, NH (AA)	Russell Dize, MD (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Jamie Green, VA (AA)
Doug Grout, NH (GA)	Sen. Danny Diggs, VA (LA)
Dan McKiernan, MA (AA)	Chris Batsavage, NC, proxy for Kathy Rawls (AA)
Rep. Jennifer Armini, MA (LA)	Chad Thomas, NC, proxy for Rep. Wray (LA)
Ray Kane, MA (GA)	Jerry Mannen, NC (GA)
Phil Edwards, RI, proxy for J. McNamee (AA)	Ross Self, SC, proxy for Blaik Keppler (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Mel Bell, SC, proxy for Sen. Cromer (LA)
David Borden, RI (GA)	Malcolm Rhodes, SC (GA)
Justin Davis, CT (AA)	Doug Haymans, GA (AA)
Rep. Joseph Gresko (CT) (LA)	Spud Woodward, GA (GA)
Robert LaFrance, CT, proxy for Bill Hyatt (GA)	Erike Burgess, FL, proxy for J. McCawley (AA)
Jesse Hornstein, NY, proxy for Marty Gary (AA)	Gary Jennings, FL (GA)
Emerson Hasbrouck, NY (GA)	Ingrid Braun-Ricks, proxy for Ron Owens, PRFC
Heather Corbett, NJ, proxy for Joe Cimino (AA)	Daniel Ryan, DC
Jeff Kaelin, NJ (GA)	Chris Wright, NMFS
Kris Kuhn, PA, proxy for T. Schaeffer (AA)	Rick Jacobson, USFWS
Loren Lustig, PA (GA)	

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

Ex-Officio Members

Danielle Carty, Technical Committee Chair	Rob Beal, Law Enforcement Committee Rep.
Mitch Feigenbaum, Advisory Panel Chair	

Staff

Bob Beal	Caitlin Starks	Katie Drew
Toni Kerns	Jeff Kipp	Jainita Patel
Tina Berger	Tracey Bauer	Chelsea Tuohy
Madeline Musante	James Boyle	Emilie Franke

The American Eel Management Board of the Atlantic States Marine Fisheries Commission convened in the Capitol Ballroom via hybrid meeting, in-person, and webinar; Tuesday, October 22, 2024, and was called to order at 4:00 p.m. by Chair Kris Kuhn.

CALL TO ORDER

CHAIR KRIS KUHN: It's four o'clock, let's go ahead and get started with the American Eel Management Board. Welcome to the Atlantic States Marine Fisheries Commission American Eel Management Board, I'm calling this meeting to order. I'm Kris Kuhn, the Administrative Proxy for Pennsylvania and current Chair of the American Eel Board.

That's all we need is for Toni to pound something on the table to get everybody to take your seat, so I appreciate that. We're going ahead to get started. Our Vice-Chair is Jesse Hornstein from New York. Our Technical Committee Chair is Danielle Carty from South Carolina, Advisory Panel Chair, Mitch Feigenbaum from Pennsylvania, and Law Enforcement Committee representative Rob Beal from Maine.

APPROVAL OF AGENDA

CHAIR KUHN: I'm joined here at the front table by Caitlin Starks and Dr. Kristen Anstead with the Commission, and Deborah Hahn from the Association of Fish and Wildlife Agencies. Let's go ahead and get started with this meeting's agenda. The first order of business is Approval of the Agenda. Are there any proposed modifications to the agenda? Okay, seeing none around the room, don't know if there are any Commissioners online. No hands online, so seeing none; the agenda is approved by consent.

APPROVAL OF PROCEEDINGS

CHAIR KUHN: The Board didn't meet during the ASMFC summer meeting, so next we're considering approval of the proceedings from the May 2024 Board meeting. Are there any edits to the proceedings from the May 2024 meeting of the American Eel Management Board? Okay, I don't see

any around the room, assuming there is no one online. The proceedings from the May 2024 meeting are approved by consent. Okay, moving on to Public Comments.

PUBLIC COMMENTS

CHAIR KUHN: Are there any members of the public, either here or online that would like to make comments pertaining to items that are not on today's agenda? Again, this is for items specifically not on today's agenda. We have one action item on today's agenda, and that is to consider the approval of the Fisheries Management Plan Review and state compliance for 2023 fishing year.

Depending on time the public may be given the opportunity to comment on that consideration later in this meeting. Also, as a reminder to Commissioners and others making public comments in the room to please move your microphone down and be sure that it is turned on when you're making comments so we can hear you. Are there any comments from the public today? James Fletcher online.

MR. JAMES FLETCHER: Thank you, Sir. Not mentioned, the electromagnetic lines affecting the larval movement from the Sargasso Sea back up to the rivers and zones of the whole east coast has not been addressed. Someone should have the ability to simply put some larvae in a tank and watch what the effects of the electromagnetics does to them.

If those transmission lines are not shielded 100 percent, no leakage, we will not have an eel fishery on the east coast in 10 years. Thank you for your time. I would mention that the nano and microplastics also affect the larval eels, but it will take you all 10 years to look at that and I'll be dead and gone. James Fletcher, United National Fishermen's Association. Again, thank you for your time.

REVIEW AND PROVIDE FEEDBACK ON CITES ACTIONS AND COMMITTEE WORK

CHAIR KUHN: Thank you for the comment, Mr. Fletcher. Okay, moving on to Item 4 on the agenda,

which is to Review and Provide Feedback on CITES Actions and Committee Work. CITES being the Convention on International Trade and Endangered Species of fauna and flora.

As you may recall, the CITES Standing Committee formed a workgroup pertaining to eels, which will provide recommendations to the Standing Committee in early 2025, and any eel species that could potentially impact the United States eel fishery. To get us started we're going to hear a presentation from Deborah Hahn from AFWA, the Association of Fish and Wildlife Agencies, regarding CITES actions and committee work. Deborah, we're ready for your presentation.

MS. DEBORAH HAHN: Thanks, Kris, I appreciate some time on your agenda and the opportunity to have this conversation. I am the International Relations Director for AFWA, or the Association of Fish and Wildlife Agencies. My role really exists because treaties and conventions like CITES that we're going to talk about here, pose opportunities and challenges to the management and conservation of U.S. native species, and therefore they pose challenges and opportunities to the agencies that manage those species.

I really tried to bring back information from a number of international forums to the states and provinces and territories and talk about whether there are actions we need to take, meetings we need to attend, positions we need to develop, so that those voices are heard in those international forums. For CITES in particular, AFWA has a CITES Technical Workgroup that was created by a state Fish and Wildlife Agencies back in the early nineties.

That group works in order to have the state agencies represented in CITES forums where there are just too many meetings and too many topics for individual states to participate effectively. The states decided that having one member from each of the state regional associations to formulate this workgroup was the best way to have their voices heard and be represented.

Buddy Baker is the representative for the Southeastern Association of Fish and Wildlife Agencies, Gorden Batcheller for the Northeast Association, Carolyn Caldwell for the Midwest and then Stewart Liley for WAFWA, or the Western Association. Toni asked me to come today and give you a brief overview of what CITES is and what conversations are going on within the CITES community right now around American eel. Those include potential CITES listings in one of two appendices, and then a resolution that is being developed, a genus-level resolution on eels that is being developed through CITES.

I'll get into those, but first I'll talk a little bit about the treaty itself. It came into force in 1975. There are currently 184 countries that are signatories to the convention, that includes 183 individual countries and then the European Union as a block. Really at its core, the intent of CITES is to ensure that international trade in plants and animals does not threaten the survival of the species in the wild.

I would like to emphasize that it's international trade, it has no impact on domestic trade. What exactly does CITES do? Well, it regulates the export, reexport and import of live plants and animals, dead plants and animals, and their parts and derivatives, for those species that are listed in one of three appendices. Each country has an implementing agency, and here in the U.S. that is the U.S. Fish and Wildlife Service.

They get their authority and also the language on how to implement CITES is found within our Endangered Species Act. Again, CITES represents or regulates international trade, and that international trade requires permits and certificates. The two things that you typically need to prove are one, that the trade is not detrimental to the survival of the species that is being traded, and that it was legally acquired by the laws of the country in which it is being traded from.

Then these permits and certificates are required to be presented when entering or leaving a country. I keep mentioning these appendices and I just want to mention exactly what they are. We've got

Appendix I here, where no commercial trade in a species is allowed. You can have limited non-commercial trade for things like scientific research or zoos.

These species in this appendix might include the white rhino or sturgeon, for example. If you move to Appendix II, that is where most of the species are found. You can see quite a large number of plants and animals that are listed in Appendix II. Commercial and noncommercial trade are allowed again through that permit and certificate system.

Then you come to Appendix III, which is a little bit different, and we'll talk more about that, but commercial and noncommercial trade are also allowed, but with an Appendix III you only are required to have a legal acquisition finding. Species in the U.S. that are listed in Appendix II might include bobcat, black bear, a suite of turtle species, American ginseng.

Appendix III, our hellbender is listed in Appendix III for example. One more thing I want to mention. In order to get put in one of these appendices, CITES has developed a set of biological and trade criteria that it uses to determine whether a species should be listed. At each regular meeting of the parties, this is called a Conference of the Parties, and one is happening next year in 2025, and that's why we're having this conversation.

At each of these, parties will submit proposals to amend the appendices, which means to either put a species in an Appendix I or in Appendix II, move them between it or remove them. This is the process for getting species in or out of Appendix I and Appendix II. At those meetings, those Conference of the Parties, there will be discussion about the proposal, and they will either adopt it by consensus or by a two-thirds vote. Now Appendix III is slightly different. In order to list a species in Appendix III, it is a unilateral decision of an individual country and does not require the approval of a Conference of the Parties or other signatories.

I would like to just talk a little bit more about Appendix II and Appendix III, because those are the two appendices that American eel is being considered for listing in. I mentioned that Appendix II allows commercial and noncommercial trade, it does not ban trade. It only regulates again international trade, so any trade in American eel that will be leaving the United States.

It is not necessarily a list of species that are threatened with extinction, but a list of species that may become so if trade is not regulated and monitored. This appendix also includes lookalike species, and these are species that are listed because they look like a species that meets the criteria for these appendices, even if they don't.

Here in the U.S. River Otter and bobcat are two examples of lookalike species that don't necessarily meet the biological and trade criteria of CITES but are listed because they look like a species that does. These listings are decided every two or three years at a Conference of the Parties, which again as I mentioned coming up here in December.

The requirements, if a species were listed, if American eel were listed in Appendix II, it would require that the U.S. Fish and Wildlife Service, who is the agency that implements CITES, to determine that the trade is not detrimental to the survival of American eel. They would make an NDF or a non-detriment finding.

To make a positive NDF, we often see that Fish and Wildlife Service reaches out to you. The state Fish and Wildlife Agencies, to ask for your data, your information, and your opinion on whether that trade is not detrimental to the survival of the species. The other piece that is required in Appendix II is a legal acquisition finding.

Again, stating that the species was legally acquired by the laws of the U.S. whether those are national or state agency laws. I mentioned bobcats and river otter before. The way that the U.S. Fish and Wildlife Service deems that they are legally acquired is by the use of a tag. Each skin and each bobcat pelt that leaves the country has a tag on it that is put on by

the states and trappers, and then it is deemed legally acquired.

I know this, Toni and I have talked about the legal acquisition finding a bit, and that is just one example of how legal acquisition finding is determined. I'll mention that with ginseng there are often many states have online harvester reporting that is done. That is often used for legal acquisition finding that a system that documents the harvest through an online reporting system.

A recent example that we're still working through, at the last Conference of the Parties a number of turtle species were listed and snapping turtles one of them. We've had some difficulties moving snapping turtles, and some of the asks for legal acquisition for that species were when and where the species was harvested, harvester licenses, signed statements from the suppliers as to where they got their supply, because those turtles are mixed together, if you will, prior to international export. I think those are just a couple examples. We don't necessarily know exactly what would be required, because it's not listed yet, required for American eel. But those are some of the things that have been required in the past.

Appendix III, for this appendix I mentioned that this is a unilateral decision by a country, and Fish and Wildlife Service is considering and has reached out to the states, asking their opinion on Appendix III. I know Toni and others and Pat have been very involved in those conversations. The intent of an Appendix III listing is to get assistance from other countries on regulating harvest and to gather data about harvest levels, typically.

For this appendix, a non-detriment finding is not required, but a legal acquisition finding is required. Again, some proof of legal acquisition, which would likely include some sort of chain of custody process, be developed, if it isn't already developed within each state. I think I might just pause there for one second if you want, or do you want me to continue and just move into the resolution piece? Okay.

MS. KERNS: Thank you, Mr. Chair. Caitlin and I wanted Deb to come today to give us some information on this, because we have been speaking with Fish and Wildlife Service a little bit about concerns we provided the Board through, I think an e-mail in early summer, some concerns that we had had about on Appendix III, and we recently had a conversation with Fish and Wildlife Service that they let us know that they were also considering Appendix II. That was not, I believe, in the original letter that was sent to AFWA asking for comments on Appendix III.

We're hoping that in addition to the letter we sent before, if there are any concerns or questions that states have about the listing or potential listing of an Appendix III or Appendix II for eel, that you share those concerns with us either today or in the future. Fish and Wildlife Service has said that they will be reaching out to each individual state to have a consultation with you all on these. We let them know that everybody has different fisheries, different regulations around their fisheries.

We are not sure if any of these listings will be for all American eel, will it be just for yellow eel? Will it be just for elvers? Because all of those things could potentially could be on the table, based on information that we had. We're really looking for anything that you would like us and AFWA, because Deb has been instrumental in helping us get these concerns to Fish and Wildlife Service, but to let us know what your concerns are, so we can make sure that they are raised and addressed.

MS. HAHN: I'll say one thing to add there is that for an Appendix II listing, that is a process that got started, because the Fish and Wildlife Service has a series of Federal Register Notices that they published before a Conference of the Parties, asking for public input. That happened in May, and there was a recommendation to list American eel in Appendix II.

That is now on the table. That is something that is going to be decided in the coming months, and I'll talk a little bit more about that calendar, but that decision, and if a proposal would be submitted that would be submitted in June of 2025. That is kind of

a timeline, and Appendix III is slightly different, because it is a unilateral decision. The Fish and Wildlife Service can decide to list a species in Appendix II anytime, any time of the year, and it doesn't really have a timeline associated with it. But I'm happy to answer any questions now or finish up.

CHAIR KUHN: Yes, that sounds like a good approach. We'll take some questions on this topic before we move on. I see John Clark.

MR. JOHN CLARK: Thank you for the presentation, Deborah. I'm just curious, I mean it seems to me 20 years ago they started a process of listing American eel under CITES, and I think at the time the process just ended. We received a letter from the Fish and Wildlife Service just yesterday about the potential to list it under CITES. Where is the impetus coming from this time to list it?

MS. HAHN: Yes, good question. American eel has been discussed and recommended for a listing in the last three or four years through CITES, and most of the time it comes from NGOs. I believe the recommendations this time that were for an Appendix II listing were from Wildlife Conservation Society, Center for Biological Diversity, and a few others.

That is where the Appendix II is coming from, sort of pressure from the outside. There are also conversations we've been having with the European Union, because the European eel is listed, and so people continue to raise the lookalike issue, and how we deal with that at certain life stages, so that is another piece of it.

For Appendix III, I can't speak for Fish and Wildlife Service as to their intention or why they decided to raise the possibility of an Appendix III right now, so we would have to ask them exactly kind of where they stand, and I don't know, Toni, if they shared with you any of their interest in Appendix III or not, but that one I would have to get them to answer more specifically.

CHAIR KUHN: Next we have Pat Keliher.

MR. PATRICK C. KELIHER: Deb, thank you for coming today and sharing this information. If you don't deal with CITES all the time and you're in and out of looking at the requirements it becomes confusing. Can you just clarify for me the difference between Appendix II and Appendix III as it pertains to inspection by U.S. Fish and Wildlife. Do they both require inspection for export?

MS. HAHN: Yes, they do, and they would both require a permit. It would just be that the permit for Appendix II is a slightly more onerous permit because it requires a non-detriment finding and a legal acquisition, where for Appendix III for export it would require a legal acquisition finding and also a permit as well.

MR. KELIHER: You know we stated in our letter from back in June the delay issue associated with this. Most exports are not with live animals, I would assume. I'm sure there are some live animal exports that we're dealing with here, but the delay in the exports is something that is really concerning. We've raised this issue with U.S. Fish and Wildlife Service. Since my good friend, Rick Jacobson is in the far corner of the room, who wants to stay as far away from this issue as he possibly can knows, I am very concerned about the liability associated with the delayed shipments of eels, based on an inspection. It is clear that something that is going to be held up for even six or seven hours could cause huge mortality events for those shipments. It's an issue that I've already put on the table, and we are going to need to continue to make sure that U.S. Fish and Wildlife Service are aware of that.

This Board should understand, we're not talking about just glass eels here, this could also impact the yellow eel fishery as well, for exports on yellow eels. This is a bigger issue than just the Maine elver fishery, and something we're going to need to make sure we stay very engaged in. But thank you, Deb, thanks again for coming, I appreciate it.

MS. HAHN: Yes, thanks, Pat, and it's definitely a real concern, because we know we have a lot of data on how long it does take to get permits approved.

MR. KELIHER: Please, tell your new President of AFWA that I'm expecting her to be very engaged on this issue.

MS. HAHN: Judy is on top of it. But yes, and I will say that I would doubt that an Appendix II or Appendix III listing would focus on elvers versus, I don't think there would be a differentiation, I think it would be all exports of any life stage of an American eel.

CHAIR KUHN: Okay, next we have Eric Reid.

MR. ERIC REID: Thank you for your presentation. My question is, once something becomes listed, whether it's Appendix II or Appendix III that's one thing. What is the process to delist something that is on the list?

MS. HAHN: That is a tough one. Appendix II, it requires a vote at the Conference of the Parties, and requires a proposal for delisting or downlisting, and a vote at the Conference of the Parties either of consensus or two-thirds majority. You know, I have to be honest, you don't get many, I can't off the top of my head think of any examples of delisting that weren't related to extinction of a species.

It's very difficult to delist or downlist a species in an Appendix II or Appendix I. Appendix III, that is a unilateral decision by the United States to remove it. We have had challenges getting things off the list and it's a little unclear exactly the process of whether they have the authority to do that. It's a bit challenging, to be honest.

CHAIR KUHN: I think I saw a hand from Ross Self earlier.

MR. ROSS SELF: Thank you, Mr. Chairman, my question has been addressed. I appreciate it.

CHAIR KUHN: Robert LaFrance.

MR. ROBERT LaFRANCE: I guess my question is about, what responsibilities do the states have, in terms of being able to demonstrate that the fish

would be legally taken? What records have to be provided, how does a state go about doing that?

MS. HAHN: Yes, it's a great question, and we don't, I know Toni and others have asked for a bit more detail on what the Fish and Wildlife Service would require, and we don't know it for certain. But past examples include when and where the species was harvested, harvester licenses, chain of custody.

Signed statements from suppliers that they got this shipment of eels from X, Y and Z, who are licensed harvesters, who harvested within the season, et cetera, et cetera. I wish I had a really solid answer for you, but definitely some sort of chain of custody process that we want some more information on, I know, Toni.

MS. TONI KERNS: This was one of our biggest concerns, Rob, and we asked that direct question of Fish and Wildlife Service and I don't think we will get a response on this. They said it will be up to the individual applying for the permit to provide the appropriate documentation. I suggested back that we get a list of documentations that that individual could provide.

Because it doesn't seem fair for an individual to not know what they are supposed to provide and try to apply and get a permit in a timely fashion, when they have no idea what they are supposed to be giving them. Eric, we also asked directly what would constitute a delisting and are awaiting a response for that as well.

CHAIR KUHN: John Clark.

MR. CLARK: Thank you for letting me have a follow up question. Just curious, is this discretionary on the part of the Fish and Wildlife Service, especially Appendix III? I mean is there something in the law that requires them to pursue this action, or did they just decide that there is enough information that they want to pursue this?

MS. HAHN: Yes, it's discretionary, each country can make a decision on what they would like to list in Appendix III. There is no requirement for them to

do so. Appendix II, you know another country like Canada, for example, could, they won't but they could bring a proposal for listing American eel, so another range state could bring it.

MR. CLARK: I meant more in terms of are they required to take action based on, you said there were petitions to list this. Do they have like under the Endangered Species Act, I know they get to the point where they have to do a 90-day finding of something. Is there any requirement under this?

MS. HAHN: No.

MR. CLARK: This is 100 percent on them right now that they are deciding to do this.

MS. HAHN: They do have a process, once they hear from the public, they go through a due diligence process in investigating each species. I don't know, there were hundreds of species recommended. But it's not required by law, they have their own process they go through, which is what they are going through. The Appendix III is totally separate and of their own discretion.

CHAIR KUHN: Okay, are there any more questions on Appendix II, Appendix III before we move, okay, I see Jeff Kaelin.

MR. JEFF KAE LIN: I thought maybe Pat might ask this, but I know that there is a company in Maine that is growing out elvers into glass eels, and I understand, somebody told me that she has in her tanks as many yellow eels as are harvested normally in the Atlantic. What would be the difference in the treatment of eels that were raised and in the channels of trade versus those that are wild caught? Is there a distinction or is just an eel an eel, as far as CITES would go?

MS. HAHN: I guess Toni shared that she doesn't export, but at the same time in answer to your question, they would be slightly different, but you would have to prove where the stock came from. It's not necessarily so you could either take stock from the wild or you could be breeding, depending on the species.

If you were taking anything from the wild that would have to be proven to be non-detrimental, or you would have to prove that you have a closed system and that you weren't taking the species from the wild. It would be slightly different if you weren't taking the species from the wild. It would be slightly different if they were exporting internationally, but if they are taking species from the wild then it wouldn't be highly different.

MR. KAE LIN: No, that's okay, she may not be exporting now but she may someday, who knows?

CHAIR KUHN: Carrie Kennedy.

MS. CARRIE KENNEDY: I'm going to show my ignorance and ask, if something gets listed in Appendix II or Appendix III for the United States, does that hold other countries accountable to the same requirements in exporting of similar species?

MS. HAHN: Great question. For Appendix II it does, so if it is listed in Appendix II, Canada, the Dominican Republic, Haiti, others who are exporting American eel would have to have the same permits and certificates. The slight difference is, say for a legal acquisition finding, it is really up to the country what they require in order to prove that.

You might not have the same amount of rigor, let's put it that way, or the same amount of information requested by different countries. But if it abided by that country's laws, then they would still get a permit. For Appendix III there would be no requirements for any other country to do anything other than require that when they import American eel it has that CITES permit. But Appendix III is only for the U.S.

CHAIR KUHN: Okay, any final questions before we move on. I see Pat Keliher.

MR. KELIHER: With your indulgence, Mr. Chair, I would just like to ask the members of the Board if any other state besides Delaware received a letter from the U.S. Fish and Wildlife Service. Mass has. Okay, great, thank you. Mine must be in the mail, lost in the mail.

CHAIR KUHN: Steve Train.

MR. STEPHEN TRAIN: I wasn't going to ask, but after the last question maybe it's my ignorance. If you don't mind, so if there were one or two countries that are having trouble managing a fishery, they could say, well we can't manage our fisheries, so we just need to find a way to close this. We'll ask CITES to do something, and the countries that are managing their fishery will get punished. Is that what I understand could happen?

MS. HAHN: Yes, I haven't really thought about it that way before. Certainly, if the Dominican Republic, for example, although they have a pretty good handle on themselves, but if they decided that an Appendix II listing of eels would be helpful for them in managing their fishery, however they would want it, whether that's managing it to a closure or managing it for something else.

They could put forward a proposal. They would have to speak with all the range countries and have a conversation. They couldn't just do it without having a conversation with the U.S. and Canada, and others. But yes, I suppose that could be one way to look at it if a country tried to do that. I don't think that happens too often, but it's not out of the realm of possibility.

CHAIR KUHN: That is a good question. I think we're all learning about this process certainly, as we go through this. We'll go ahead and move on at this point with the remainder of Deborah's presentation.

MS. HAHN: Thanks, Kris, thanks for all the questions. The final thing I wanted to talk about was another part of a conversation in CITES that is talking about developing a genus-level resolution on eels. This resolution is being developed through the Policy Arm of CITES, which is called the Standing Committee.

That Standing Committee created a working group at its last meeting. AFWA has a seat on that working group. Buddy Baker and Gordon Batcheller, Roy mentioned earlier, are the representatives that sit

on that working group, and they are the ones that we're going to be able to work through to provide recommendations, edits, et cetera, so that we can influence the text of this resolution.

Unfortunately, I was really hopeful that we might have a draft to go on and kind of share a bit more information with you here, but we do not have a draft yet. That working group is probably slowly going to work through e-mail, but if there is a virtual meeting that comes up, we'll let you know if there is opportunity to participate.

The working group will meet until sometime in December, where at that point they will need to submit a draft resolution to the Standing Committee for consideration at their February meeting from February 3 through 8. What that means is if at that meeting the parties and the observers will consider the draft resolution, they may create an in-session working group to further refine it. But a resolution will come out of that meeting that would then be forwarded to the Conference of the Parties for their approval at the end of 2025. We have a number of opportunities to influence the text of this resolution.

Through the working group first off and working with you guys. At the actual Standing Committee in February. AFWA will be there, there will likely be probably myself and Gordon Batcheller. But as always, Atlantic States Marine Fisheries Commission or an individual state is always able to attend these meetings as an observer, where you can take the floor if called on by the Chair, and you can make interventions and participate in those working groups.

That is always an option. It doesn't just have to be us, but we will be there. Then of course, once it gets to the Conference of the Parties, there is another opportunity within that meeting. It gets a little bit harder at that point to change text, so really the working group and the Standing Committee will be our focus.

What is a resolution? CITES has this broad, generic text that provides a basic framework of how the

Convention functions and what it does. But there are parts of it that are fairly broad in nature, and so every now and again resolutions are developed to provide guidance, to provide a set of rules, to really kind of narrow down implementation.

Resolutions are one way of doing this. They are intended to be fairly permanent, so a resolution is anticipated to last for a number of years, and it can be revised over time every two to three years at that Conference of the Parties. Since I don't have a draft to share with you, the text on the screen is the resolution around marine turtles, and I shared that because I feel like the way that the eel resolution is probably going to go is going to be fairly similar.

As you are all familiar with, you have a set of whereas statements and then recommendations. Most of these recommendations will likely focus around improving collaboration and sharing data and enhancing monitoring, and convening workshops, and discussing cooperation around law enforcement. How do the parties work together to improve and enhance the conservation of eels, and that is all eel species, whether you're listed in CITES or not?

None of these things will be necessarily required, but it will be recommendations that the U.S. will bring back and consider how we might implement those and how we might help implement the resolution. It is important that we're comfortable with the text. I do think it is going to be fairly high level and it's not going to be a heavy lift for all of you, because you have the management and the reporting and things like that.

It will be interesting. We've been in a lot of conversations with Canada, who at the moment are not supportive of an Appendix II listing of eels. They are, as many of you know, going to open their fisheries again soon, and they'll have, from what I can understand in our conversation, some fairly strict measures around requirements and reporting et cetera. For them, an Appendix II listing really wouldn't be something highly useful, so I think that is good for us, depending on where all of you land

on what your recommendation would be around Appendix listings for eel.

The final thing I wanted to mention is just kind of our timeline here for all of this. This slide sadly is now out of date as of this morning because we finally found out when the Conference of the Parties is going to be, so that makes the dates on here much more solid. If we're working backwards, November 24 to December 5 of 2025 will be the Conference of the Parties, where the parties would vote on a listing proposal if one is brought forward all for Appendix II, not for Appendix III. That is November/December 2025. Where we are, if you step back from that the document submission deadline, so if a proposal were to be put forward for listing, it would need to be submitted by June 27 of 2025. That is kind of where we are with the Appendix II listing.

In the most current state what we want to do is we want to influence that text to the resolution before December, and hopefully we'll have a draft soon to share with you. We also anticipate that the next Federal Register Notice that U.S. Fish and Wildlife Service will put out will come out in November or December.

What that will be, will be a table that lists all those hundreds of species that the public recommended for listing, including American eel, and it will put each species in a category that would be likely, unlikely, or undecided on whether they were bringing a listing proposal forward. If history is any indication, and especially in an election year, many of the species will be in the undecided category, so it won't be super helpful for us to know exactly where they are.

But it does provide an opportunity, a 60-day comment period. We should talk at that point about what information do we want to share publicly on the conservation and management of eels. You know, does this Board, does the Atlantic States Marine Fisheries Commission want us to come forward with a position at that time to either support or not support, or do we say nothing?

Those are the kinds of things we're going to want to talk about, and we'll have some time to do that once we have that Federal Register Notice, at that time. Then we have the February meeting of the Standing Committee that will finalize the eel resolution, and that is February 3 to the 8th. That June/July 2025 Federal Register Notice will be kind of another step in the Fish and Wildlife Service process.

That will also be announcement of a public meeting, but at that point the ship will have sailed on resolutions and proposals, so that will be another opportunity to weigh in, but much later than we want to, so that is why we're working already in those conversations. You can go to the last slide, and Toni, that is it for me, more than enough. My contact and Buddy and Gordon's as well should anyone want to reach out to us.

MS. KERNS: I think Deb just provided one piece of information that will be essential for staff to have direction from the Board. But the Fish and Wildlife Service will have that Federal Register Notice in November or December, and if the Commission wants to send a letter of comment during that 60-day period.

It may or may not fall within a Board timeframe, depending on the timing of it. If it comes in November, 60 days would likely not fall on the Board meeting timeframe, and even if it does it is right at the end of that 60-day timeframe, so you would need to have a better understanding, probably through e-mail discussion with the Board on whether or not we want to provide any comments on support, not support of any potential listing. Just to keep that in the back of your mind if we need to put together a call we can also do that during that timeframe.

CHAIR KUHN: Thanks for that, Toni, I think given the importance of this issue and the timeline is presented to us, certainly we need to be thinking about how we might respond to this in the near term and thank Deborah for a very informative presentation and good robust discussion around the table. Do we have any additional questions,

discussion regarding the CITES resolutions and timelines that were described at the end of the presentation, or if there was anything that we missed early on regarding the appendix's listings? Dan McKiernan.

MR. DANIEL MCKIERNAN: Pat asked who received the letters, and I received mine at 8:30 this morning, and there were two attachments, one was the letter to me and the second is an announcement of a webinar on November 6 from 11 to 12 p.m. and it appears to be an invitation for states to participate in this webinar. Just letting you know, I haven't seen this in the description of the process, but I'm sharing that.

CHAIR KUHN: Pat Keliher.

MR. KELIHER: Yes, our first order of business may be a letter to them to say, you know giving more advanced notice to the state that it has not been received by myself or any of my staff. I did a November 6 webinar for the states to participate in, there is not a lot of short notice, which is not great from my standpoint. Deb, you mentioned the resolution and the meeting on the resolution in February, where is that? You said others can participate in that.

MS. HAHN: Yes, anyone is always welcome to participate as an observer, and we can help you through that process. It is in Geneva, Switzerland, February 3 through 8.

MR. KELIHER: I mean I'm always up for a road trip.

MS. HAHN: Yes, good road trip.

MR. KELIHER: This is a 20-million-dollar fishery for the state of Maine, so obviously others may be interested, but I certainly would be interested in talking about that.

MS. HANN: Great.

CHAIR KUHN: Do we have any other questions? Did I see at the end of the table, or did I imagine, Rick, did you raise your hand?

MR. RICK JACOBSON: I think I've retreated to the shadows.

CHAIR KUHN: Okay, understood. Any other questions, discussions on this subject? Rick's back.

MR. JACOBSON: Yes, actually I have a question for you, Mr. Chairman, well number one, Deb, thank you very much. I miss working with you and the CITES Technical Committee, it was a lot of fun when we did it together. But I do have a question for the Board. I do have an avenue to reach out to the International Affairs Program also, that might be a little different than AFWA and the Commission. If there is a problem with Commission members not receiving letters from International Affairs, I would be happy to reach back out to them.

I know that we did communicate with the International Affairs Office a little over a month ago. Their original plan had been to reach out to members of the American eel Technical Committee. We advised that that would be more appropriate for those letters to be sent to the members of the management board themselves. That sounds like some of that has happened already, but if it is not consistent across the Board, I would be happy to communicate something along those lines if it helps the Board's work.

CHAIR KUHN: Thanks for that, Rick, I don't want to presume for the Board but from my perspective I think that would be very helpful, because it seems like a number of states and jurisdictions have not received letters. If you could do that, unless there is opposition from the Board, I don't see any, so Rick, please, help facilitate that for us. Is there any other questions or discussion on the CITES topic on our agenda for today? Eric Reid.

MR. REID: Sorry, I got my head lost in a calendar about possibly drafting a letter or having a position statement by this group in time for whatever the deadline might be. What is the timeline for that? Is that something we should start thinking about like today?

MS. KERNS: That is in response to whatever is in the FR Notice. I mean I think Deb has alluded to oftentimes that most species are listed as undecided. If this Board has a position, regardless of how it is, then we can send a letter doing that. If there is a position that this Board has, if you're not opposed to listing, but you have concerns about X, Y, Z things, about the process.

Whatever it is that the Board wants to address, we can do so. But it would be technically in response to this decision on it's going to list for Appendix II, list for Appendix III. I don't know if Appendix I would even, they told us Appendix I wasn't being considered, so hopefully that doesn't show up.

MS. HAHN: I would just add, I think you have the information you need right now to a degree. I didn't know they were having a webinar, so you may get more information there, I'm not sure. But I think this ability to respond to the Federal Register Notice that comes out either in November or December, will really be around Appendix II.

I think you have most of the information you're probably going to have, to make a decision on whether you want to send a letter, whatever it says, asking for more clarification, stating a position or not. I think it's something you can start thinking about, and anytime we get more information, you know we'll be sharing it as quickly as we can if something changes. But at this point, I think you have a lot of the information you are going to have.

CHAIR KUHN: Eric, does that answer your question or alleviate any concerns there? I mean it sounds like we have the information in front of us that we're going to get before the deadline, in order to make any decision as to whether or not a letter is warranted.

MR. REID: Quite frankly, Mr. Chair, my concerns are not going to be alleviated, period. It's a one-way street. When you get listed it's a one-way street. I am concerned about my constituents on this Board, and I just want to make sure that our comment is prepared and ready to go when it's time. That's all.

CHAIR KUHN: Appreciate that, Eric, so any other comments from the Board on a path forward with a letter? I mean it sounds like we could start to think about that now, perhaps draft something at this point and have that ready to go.

MS. KERNS: We can do that if the sentiment is the same for the rest of the Board as Eric, then that is very easy for us to do.

CHAIR KUHN: Yes, I'm sensing a similar notion from around the table, but I don't want to presume anything, so, is there opposition to advancing a letter at this point? I don't see any, does that provide enough direction to staff to take this?

MS. KERNS: We can draft a letter to oppose, and we can continue with some of the questions that were in our other letter, that is where our concerns are, and we have time between now and then to have iterations go back and forth with members of the Board.

CHAIR KUHN: Pat Keliher.

MR. KELIHER: I share the sentiments of my friend across the table, Mr. Reid. When it comes to any kind of listing, I think the one thing that we need to keep our eye on though is the resolution that Deb spelled out. That resolution is a much less threatening piece, but actually puts much needed information on the table for U.S. Fish and Wildlife Service and other parties, about how our fisheries are conducted.

Maine has already submitted a letter to U.S. Fish and Wildlife Service, as has AFWA and the Commission, with a lot of the basis of the information that is needed. I think as Toni and Deb have said, we've got what we need in hand to craft, I think a strongly worded letter. But I don't want to lose sight of the resolution and the trip to Switzerland.

MR. REID: I'll put my skis in a truck, and I'll be ready to go with you, so no problem.

CHAIR KUHN: Deborah has a response for that.

MS. HAHN: Yes, and I appreciate that, Pat, and I think that is true. I mean the interesting thing about all this is how everything plays off one another, and it's kind of a bit of a game of chess. The Appendix II listing is the most restrictive, the most restrictive right. It's the hardest to get removed, it is the most restrictive, it has the most requirements. Then you move back to Appendix III, a little less, but still concerns about timing of permits and things like that. Then you move back to a resolution, and I think in some respects I would like to think of putting time into developing a robust resolution that CITES parties within that working group are very excited about, that would then say, okay well we shouldn't list the species before we enact the actions decided in this resolution.

That resolution would not even be approved 'til December of next year. I think you're right, and I don't think we should lose sight of the resolution, and we'll really want your input on that, so that we can have something that is really, you know of a good quality, that maybe we can use that as our chess piece of saying, well let's not move forward with these other pieces.

MR. KELIHER: If I may, Mr. Chairman. Deb, does the U. S. State Department participate in this process? I'm on a federal or excuse me, an international Atlantic salmon body as a nonfederal Commissioner, and the U. S. State Department participates in that process. Do they participate in this process?

MS. HAHN: They do. Yes, Fish and Wildlife Service is the lead, but State is there, Forest Service, USDA, NOAA, all the federal agencies participate.

MR. KELIHER: That's good to know, thank you. The U.S. State Department has certainly, when it comes to salmon issues really tones down some of the government interactions with other countries from a salmon perspective, so I was just curious, and it may be an avenue here as well for us, politically, so thank you.

CHAIR KUHN: Caitlin, Toni, do you have enough information feedback from the Board to initiate a draft letter? Okay, thank you.

**CONSIDER APPROVAL OF
FISHERY MANAGEMENT PLAN REVIEW AND STATE
COMPLIANCE REPORTS FOR
2023 FISHING YEAR**

We'll move on to the next Item Number 5 on the agenda, which is to Consider Approval of the Fisheries Management Plan Review and State Compliance for the 2023 Fishing Year. Caitlin is going to lead us into questions and discussions with a presentation. Caitlin, the floor is yours.

MS. CAITLIN STARKS: In this presentation, I'll go over the status of the FMP, the status of the stock, status of the fishery and the PRT review of state compliance with the FMP provisions, and then wrap up with PRT recommendations. To start, these are the FMP and addenda provisions that apply to all states with eel fisheries.

All states are required to implement a young of year survey and maintain regulations as strict or stricter than what was in place before the FMP was implemented. The FMP addenda also require trip level CPUE data reporting, allow for the development of sustainable fishery management plans in order to deviate from the FMP requirements, and provide the aquaculture allowance of 200 pounds of glass eel per state with Board approval. For any alternative fishery management plan the state must scientifically demonstrate that it will not increase overall fishing mortality.

Specific to the glass eel fisheries, there is a maximum tolerance of 25 pigmented eel per pound of glass eel harvest, and the FMP establishes Maine's glass eel quota, which has been 9,688 pounds since 2015. The glass eel fishery also requires daily trip level reporting, and Maine does this through their electronic monitoring program, which allows them to track landings from harvesters to dealers and to export, and they are also required to conduct a lifecycle survey that covers all life

stages. Addendum VI was approved this past May, and it maintains that quota for Maine's glass eel fishery. There have been no other changes to the FMP requirements for glass eel. For yellow eel, the FMP requires a minimum size of 9 inches and a 1/2-inch by 1/2-inch minimum mesh size on eel pots or traps.

Addendum III required the recreational bag limit of 25 eel per day, with the allowance of 50 fish per day for for-hire captains and crew, and Addendum IV established the coastwide commercial harvest cap for yellow eel, which was updated by Addendum V, and also the 10 percent overage trigger for management.

I just want to note here that the commercial harvest cap will decrease to 518,821 pounds starting in 2025 under Addendum VII. For silver eel, the FMP requires a closure from September 1 through December, during which no eel take is allowed, except for from baited traps, pots, and spears. The Delaware River was granted an exemption from this requirement, and it is currently now restricted to only nine permits.

Maine is the only state with an aquaculture plan, and the first year of aquaculture fishing in Maine was 2019, and in 2023, 200 pounds were harvested for aquaculture. However, 2024 Maine has submitted their proposal that was approved for another 200 pounds of glass eel, and Maine continues to allocate that to American Unagi.

The status of the stock for eel is based on the benchmark stock assessment, which was peer reviewed in 2022, and accepted for management in 2023. The assessment concluded that the stock remains depleted or at or near historically low levels due to a range of factors. The assessment also noted that the yellow eel abundance has continued to decline since the last assessment, and the stock assessment does not provide an overfishing or overfished status for eel. The Board responded to the assessment results through Addendum VII, approved in May, which lowers that coastwide cap for yellow eel.

This is, as a reminder, the abundance index trend from the benchmark assessment with the upper- and lower-95 percent confidence intervals. These are the annual landings estimates dating back to 1950. The coastwide cap is shown on the graph here by the dashed red line, starting after 2013 when it was established.

In 2023 the commercial landings in the FMP Review are provided by the state compliance reports, so they are still considered preliminary. But the 2023 coastwide yellow eel landings were just shy of 296,000 pounds, which is a 10 percent decrease from 2022, and represents 32 percent of the coastwide harvest cap.

Maryland, Virginia, and New Jersey made up 80 percent of the total coastwide harvest in 2023, and for glass eel Maine harvested 9,510 pounds in 2023. South Carolina also has glass eel harvest, but the data is confidential. Moving on to the PRT or Plan Review Team's review of the state compliance reports.

The PRT reviewed all of the compliance reports and found no issues with state implementation of the glass eel requirements. With regard to yellow eel provisions, the PRT noted one issue, which is that New York's regulations for the minimum mesh size are not consistent with the requirements of the FMP. This was raised last year, and New York is currently in the process of correcting their regulations to be consistent with the FMP. For silver eel the PRT noted two small issues, which is that Delaware and Georgia have not implemented regulations preventing harvest of eels from pound nets from September 1 through December 31.

Delaware has no reported pound net landings for over 50 years and will plan to address this the next time changes are made to their eel regulations, and Florida is also unaware of any active pound net fishery in the past decade or more. To qualify for de minimis status for eel a state's average landings for the two proceeding years must be under 1 percent for a particular life stage.

New Hampshire, Massachusetts, Pennsylvania, D.C., Georgia, and Florida all requested de minimis status for yellow eel, and all of the states except for Florida qualify, but Florida's average landings for 2022 and 2023 are just slightly greater than 1 percent of the coastwide landings at 1.1 percent. In addition to considering the state compliance notes that are in Section 7 of the FMP Review, the PRT also recommends that de minimis status be granted to Massachusetts, New Hampshire, Pennsylvania, D.C., and Georgia for their yellow eel fisheries.

The PRT maintains the recommendation that the Board reevaluate the requirement for states to provide estimates of the percent of harvest that goes towards food versus towards bait. There is a high level of uncertainty and subjectivity inherent in that data, and the PRT noted that this information does not currently impact regulations, and it is unclear of what the benefit for management is.

The PRT also requests again that the Board consider tasking the Committee on Economics and Social Sciences or the CESS to conduct an analysis of market demand for all of eel life stages specific to food versus bait markets and looking into international market demand. Then lastly, the PRT recommends the Commission and U.S. Fish and Wildlife continue to work together to annually look at the domestic landings data and export data for eel across all life stages. I can take any questions.

CHAIR KUHN: Thanks, Caitlin, for the presentation. Any questions regarding the presentation? I see Cheri Patterson.

MS. CHERI PATTERSON: I don't have specific questions; I just would like to have a slight change on the report. On Page 8, under the status of research and monitoring on the second paragraph you have that Connecticut monitors the Lamprey River, and if you can move the Lamprey River to New Hampshire I think we would both be happier.

MS. STARKS: Thank you, Cheri.

MS. PATTERSON: If you would like to have a motion brought forward then I can do that if they bring it up in the future.

CHAIR KUHN: John Clark.

MR. CLARK: Just wanted the PRTs recommendation to ask the CESS to take a look at the markets and all that. It seems like a very good idea to me. Does the Board have to request that or is that something that just based on this PRT Review will happen?

MS. STARKS: I think it would be helpful for the Board to agree to that tasking.

MR. CLARK: Does it need a motion or is it just kind of a recommendation from the Board? I would like to make that recommendation if the rest of the Board is okay with it then I guess we can proceed that way.

MS. STARKS: Yes, I think just a recommendation would be fine.

CHAIR KUHN: This is pertaining to Item Number 4, John, correct?

MR. CLARK: Right, it was the recommendation to have the Committee on Economics and Social Sciences take a look at it.

CHAIR KUHN: This has been recommended to the Board before, and John makes a recommendation that we move forward with that. Is there any opposition from the Board to move forward with that recommendation? All right, I don't see any. Do you have what you need, Caitlin? Any additional questions for Caitlin? Pat Keliher.

MR. KELIHER: Are we going to move forward, is the idea we're going to move forward with all the recommendations from the PRT? I know that the comparing exports with U.S. Fish and Wildlife Service is, I think critically important. Last year if you all remember, there was a paper from a researcher from Japan, who we actually just recently met with, who lumped in all North American exports.

It was very confusing, because it looked like if you were reading it quickly that the U.S. was exporting hundreds of thousands of pounds of elvers, when it was being captured, I think, with what was going on

probably mostly in Canada. I think having that comparison done is going to be really important.

MS. STARKS: I think we can do that, and I believe the sentiment from the Board probably matches yours.

CHAIR KUHN: Any additional questions, comments on the presentation the Plan Review Team recommendations. All right, anything online? Oh, yes, Carrie Kennedy, oh, I'm sorry, Ingrid.

MS. INGRID BRAUN-RICKS: No worries. First off, thank you, Mr. Chair, and also thank you, Caitlin and the American Eel PRT for preparing the 2023 FMP Review. I had a question whether or not on the first page under management summary, whether or not Addendum VI and VII should be included on that, or if that is something that goes in later FMPs, when those addenda are really specifically.

MS. STARKS: Thanks for the question, so this is the FMP Review for the 2023 fishing year, so I didn't include it in the list, because it's not relevant management for that year. But it will be in future reports.

CHAIR KUHN: Okay, I don't see anymore questions, so is anybody prepared to make a motion with respect to the FMP Review and the state compliance? Cheri Patterson.

MS. PATTERSON: **Move to approve the American Eel FMP Review for the 2023 fishing year, state compliance reports, and de minimis status for New Hampshire, Massachusetts, Pennsylvania, D.C., and Georgia.**

CHAIR KUHN: Do we have a second? Steve Train. Okay, Cheri, as the maker of the motion do you have any comments on that?

MS. PATTERSON: No, just moving forward with the key motion.

CHAIR KUHN: Okay, is there any discussion on the motion? Is there any need to caucus on the motion? Seeing none; I'm going to try and do this the easy

way. Is there any opposition to the motion? Okay, seeing none; the **motion passes by consent**.

OTHER BUSINESS / ADJOURNMENT

CHAIR KUHN: Okay, that takes us to Other Business. Is there any other business to come before the American Eel Management Board today? Seeing none; do we have a motion to adjourn? Pat Keliher, Cheri seconds. Okay, this meeting is adjourned, thank you very much.

(Whereupon the meeting adjourned at 5:10 p.m. on October 22, 2024)