From: Mitchell Feigenbaum
To: Tina Berger
Subject: [External] Comment of Mitchell Feigenbaum (Delaware Valley Fish Co.) for the Eel Management Board Meeting
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American Eel Management Board -

Over the years, successive ASMFC Technical Committee (TC) Stock Assessment Subcommittees ("SASCs") for American eel have faced challenging feedback from the Board, public and formal peer review panels. This not surprising, as the SASC's assessment begins with a litany of caveats about the difficulties of assessing American eel using existing approaches.

As is the case in 2023, the SASCs have generally attempted to fit American eel stock assessments into statistical models that were created for another fishery with a vastly different life cycle, a more limited range, repeat spawning and likely facing consistent fishing pressure.

With few to choose from and none clearly suited for American eel, the SASC has again relied on a new stock assessment model for American eel that uses commercial yellow eel harvests as a measure of abundance,

The SASC's continued efforts to create models for eel assessment, such as the MARSS yellow eel index and the and the landings information built into the I/Target, are inherently problematic because -

-Commercial fishing takes place in a small portion of the American eel's vast, panmictic range;

-Commercial fishing efforts for American eel at the yellow eel stage have declined dramatically over the past ten years, and have been almost non-existent since 2020 and Covid-19;

-Even of the few fishery-independent indices of yellow eel abundance built into the SASC's models, most if not all measure local populations in areas where commercial fishing is prevalent. This means the results dramatically underweight areas that are not fished.

Twice since the late 2000's, the U.S. Fish and Wildlife Service found that

American eel is neither endangered or threatened with endangerment. Notably, the Service relied heavily on recruitment data for American eel, not only sourced from the ASMFC state-mandated Young of Year ("YOY") surveys, but also from Canada.

Further, the Service was aware of powerful evidence of the "rescue effect" inherent in panmixia for American eel. Specifically, random dispersal of offspring from the singular breeding population to areas where adult eels have been blocked, overfished or otherwise compromised, facilitates the quick rebuilding of depleted local populations. This was evidenced by the dramatic restoration of eel populations on the Susquehana River and Roanoake Rapids once upstream passage was restored.

Notably, the Fish and Wildlife Service's reliance on recruitment data to assess American eel is consistent with ASMFC's science priorities. Before 2000, it was the TC that originated the mandatory YOY surveys for all states hosting a commercial eel fishery. In enforcing these YOY survey requirements, the Management Board can take comfort in knowing that the Fish and Wildlife Service views baby eel recruitment as "the best indicator we have of the species' overall reproductive health."

It is also notable that the TC supports continuation of the YOY reports, but not the requirement of additional analysis of samples. The Board and AP should take a close look at the entire YOY regime to maximize efficiency and meaningful results.

More than twenty years of ASMFC's YOY and other surveys reflect stable levels of American eel recruitment. This is now accepted fact by not only the Fish and Wildlife Service, but the Canadian Department of Fisheries and Oceans. ASMFC does not need another questionable American eel stock assessment based largely on yellow eel catch data to guide its management decisions. ASMFC has demonstrated prudent management of the species based on the totality of population trends and data.

The current coast wide cap for adult eel harvests is set at a level representing the low end of an annual harvest spectrum going back three or more decades. The fact that states have come nowhere near their cap levels in recent years is a reflection of fishing effort that was not merely low, but almost non-existent since 2020.

As the lingering effects of Covid abate, economies recover and commodity prices stabilize, the American eel fishery is poised to rebound, albeit modestly - within the low levels set by caps only a few years ago. Fishermen hoping to participate in the eel fishery during the country's recovery may find themselves shut out of this fishery if the Board were to

consider further changes to the FMP based on the SASC's latest assessment.

For now, ASMFC has no reason to impose further constrains on this niche fishery, which is already one of the smallest managed by the Commission. The American eel FMP and the ASMFC's evergreen processes already ensure that this species will convert to quota management if harvests merely reach the bottom end of historic levels.

Respectfully,

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