

# Draft Addendum IV for Public Comment



American Eel Management Board  
October 2013

# Background

- FMP approved in 1999
- Board initiated Addendum II in 2006 to propose measures that facilitate escapement of silver eel on their spawning migration with the intent of halting any further declines in juvenile recruitment and eel abundance.
- In 2008 the Board delayed management on Addendum II in order to incorporate the results of the benchmark stock assessment in management.



# Statement of the Problem

- Stock Assessment completed and accepted for management in 2012.
- The Stock Assessment found the American eel population in U.S. waters is depleted.
- The Board initiated the development of Draft Addendum III in response to the Stock Assessment in August 2012.
  - Draft Addendum III for Public Comment included a range of options for the commercial glass, yellow, and silver eels fisheries and recreational fishery.



# Statement of Problem

- The Board approved Addendum III in August 2013.
  - 9 inch minimum size limit for commercial and recreational fishery
  - ½ by ½ inch mesh requirement for commercial fishery
  - 25 fish bag recreational bag limit (exemption for party/charter boats)
  - Pigmented eel restrictions
  - Silver eel fishery restrictions



# Statement of Problem

- At that time the Board initiated Addendum IV to include but not limited to addressing:
  - Coastwide glass eel quota
  - Adequate monitoring requirements
  - adequate enforcement measures and penalties
  - Transferability
  - Timely reporting
- Also to address NY silver eel weir fishery



# Draft Addendum IV

- Commercial Fishery Management Program
  - Glass Eel Fisheries
  - Yellow Eel Fisheries
  - Silver Eel Fisheries
- Law Enforcement Recommendations



# Glass Eel Fishery

- **Option 1 – Status Quo**

- Glass eel fisheries operate in Maine and South Carolina. States are required to maintain existing or more conservative measures at the time of implementation of the American Eel FMP. These measures prohibit the development of glass eel fisheries in the remaining states and jurisdictions. Addendum III restricts the development of pigmented eel fisheries in states that allow glass eel harvest.





# Glass Eel Fishery

- **Option 2 Closure of the fishery**
  - Immediate
  - Delayed





# Glass Eel Fishery

- **Option 3 – Quota based on landings**
  - Time period recommended 1998 to 2010
  - PDT does not recommend using landings data from 2011 and 2012 as these years were not representative of the historic operation of the fishery given the recent spike in demand for glass eels and illegal harvest of glass eels.
  - Maine would be allocated 5,233 pounds
  - South Carolina would be allocated 70 pounds

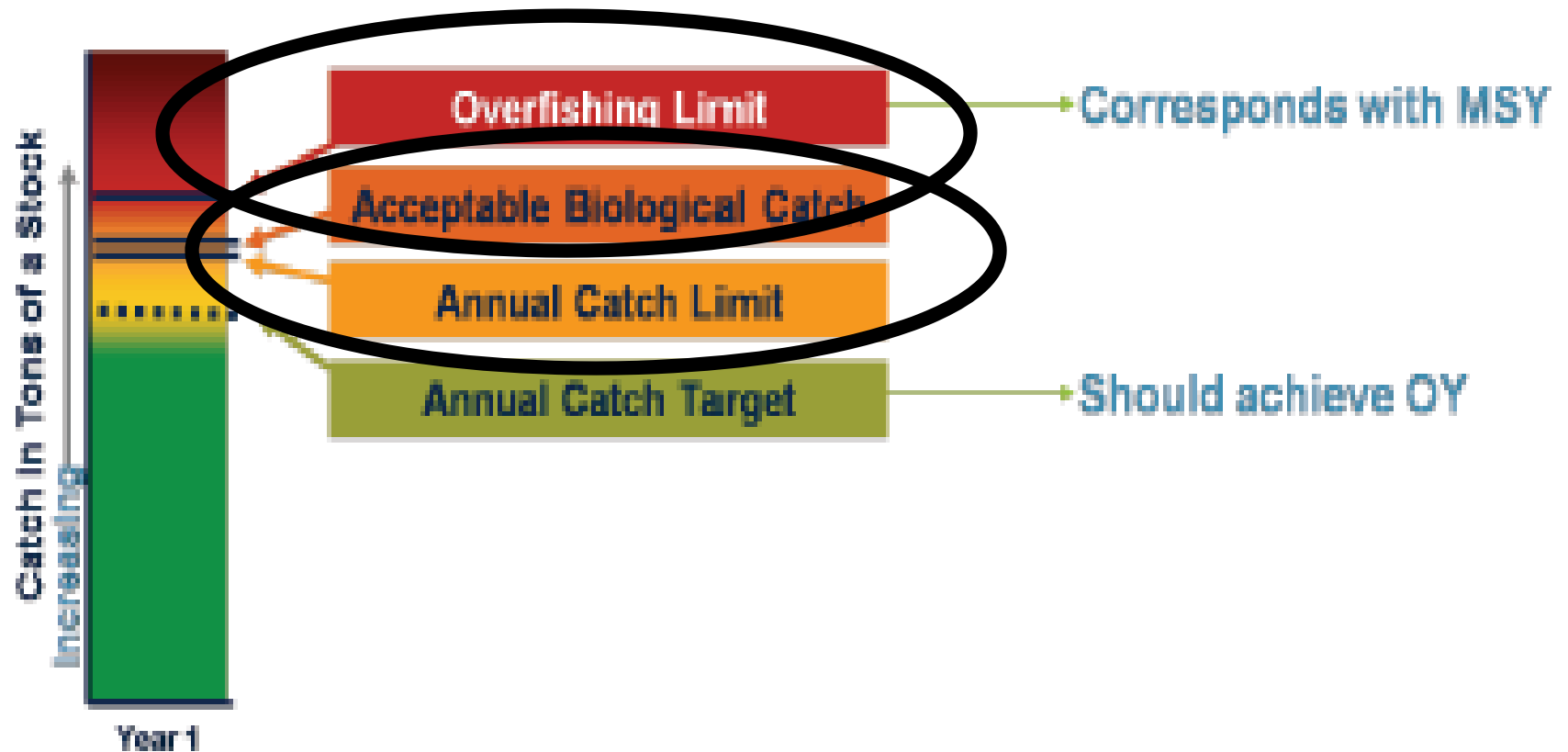


# Glass Eel Fishery

- **Option 4 – Quota based on ORCS Methodology**
  - Calculating Acceptable Biological Catch for Stocks that have reliable Catch Only Data
  - Menhaden Amendment 2



# Glass Eel Fishery



# Glass Eel Fishery

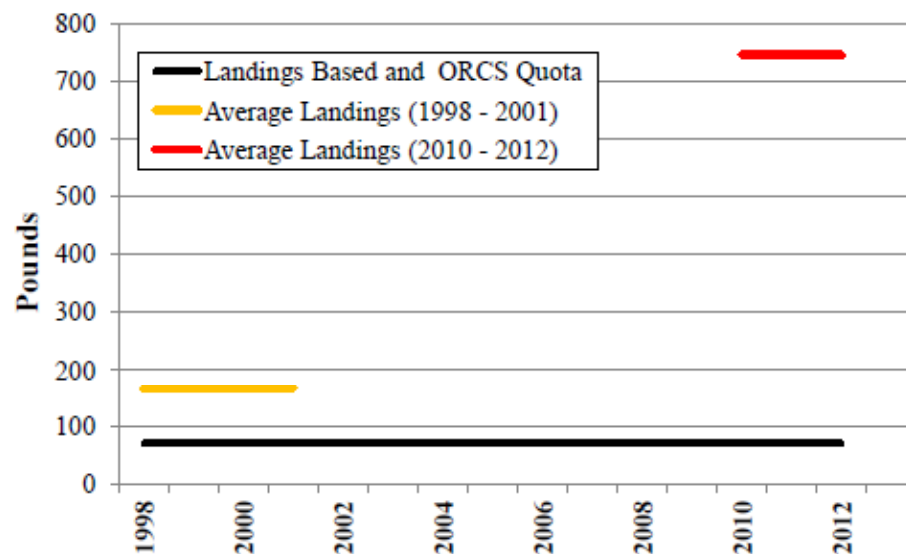
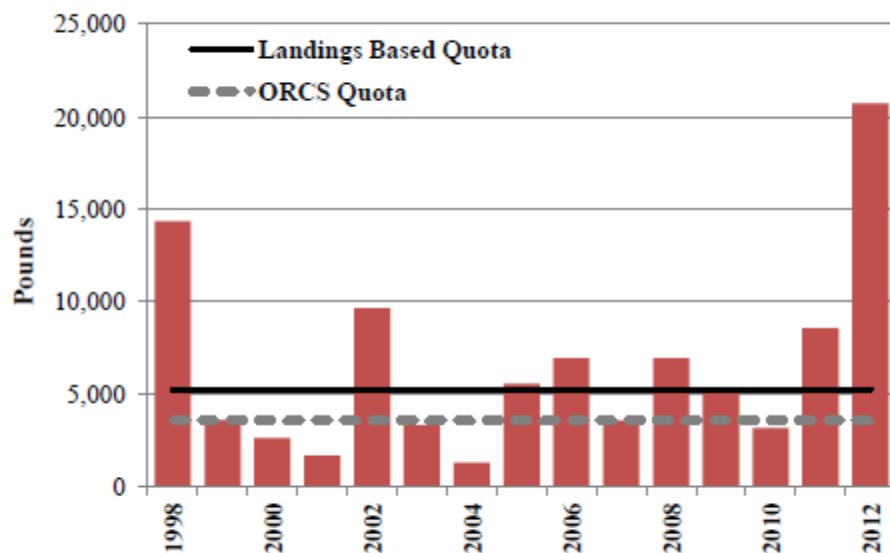
- Recommended time period 1998 - 2010

Acceptable Risk Level	Scientific Uncertainty	Management Uncertainty
Low	0.5	0.75
Medium	0.75	0.9
High	1	1



# Glass Eel Fishery

- **Option 4 – Quota based on ORCS**
  - Maine would be allocated 3,501 pounds
  - South Carolina would be allocated 71 pounds



# Glass Eel Fishery

- If a quota system is implemented the Board can choose to address Quota Overages and Quota Underages as well as allowances for research and aquaculture



# Glass Eel Fishery

- **Option 5 – Quota Overages**

- Equal Payback

- If overages occur, the state will be required to deduct their entire overage from the quota the following year, pound for pound.

- Quota Overage Tolerance

- A tolerance of up to 5% overage would be allowed without payback.
- If a state exceeds the quota above 5% the entire amount must be paid back



# Glass Eel Fishery

- **Option 6 – Quota Underages**
  - Up to 25% percent of the unused quota may be added to the states quota the following year.
  - Any quota that is rolled over can only be used in the year following the underage and cannot be carried over for any additional years





# Glass Eel Fishery

- **Option 7 – Research and Aquaculture Allowances**
  - Research set aside program
  - Glass eel harvest for aquaculture



# Glass Eel Fishery

- **Option 8 – Reporting Requirements**
  - daily electronic accounting to the state for harvesters and dealers in order to ensure accurate reporting of glass eel harvest
- **Option 9 – Monitoring Requirements**
  - states or jurisdictions with a commercial glass eel fishery must implement a fishery independent life cycle survey covering glass, yellow, and silver eels within at least one river system.



# Draft Addendum IV

- Commercial Fishery Management Program
  - Glass Eel Fisheries
  - Yellow Eel Fisheries
  - Silver Eel Fisheries
- Law Enforcement Recommendations



# Yellow Eel Fishery

- Currently commercial yellow eel fisheries operate in all states with the exception of Pennsylvania and the District of Columbia.
- Management measures selected by the Board in Addendum III will go into effect January 1, 2014.
- 9 inch minimum size limit for both the commercial and recreational fishery
- ½ by ½ inch minimum mesh requirement for the commercial fishery



# Yellow Eel Fishery

- **Option 1 – Status Quo**
- **Option 2 – Quota based on landings**
  - Three time periods were included
    - 1998 – 2010
    - 2000 – 2010
    - 2005 – 2010
  - Minimum allocated quota would be fixed at 2,000 pounds



# Table 5 page 12

	Quota Allocation			Difference From Current Harvest		
	1998-2010	2000-2010	2005-2010	1998-2010	2000-2010	2005-2010
Maine	19,437	15,582	9,992	80%	44%	-8%
New Hampshire	2,000	2,000	2,000			
Massachusetts	4,252	3,580	2,857	699%	573%	437%
Rhode Island	2,000	2,039	3,438		37%	132%
Connecticut	3,160	2,291	2,000	26%	-8%	-20%
New York	4,277	4,989	6,087	-91%	-89%	-83%
New Jersey	108,821	111,827	140,182	-3%	0%	25%
Delaware	112,168	108,884	95,053	107%	101%	75%
Maryland	287,940	289,961	333,763	-50%	-49%	-42%
PRFC	125,803	114,826	78,814	40%	28%	-12%
Virginia	101,128	91,668	76,519	-7%	-16%	-30%
North Carolina	85,820	84,058	54,931	29%	26%	-17%
South Carolina	2,000	2,000	2,000			
Georgia	2,000	2,000	2,000			
Florida	9,331	8,177	7,713	-21%	-31%	-35%
Total	868,766	842,288	816,711	-18%	-21%	-23%



# Yellow Eel Fishery

- **Option 3 – Quota based on ORCS Methodology**
  - Minimum allocated quota would be fixed at 2,000 pounds
  - Three time periods were included
    - 1998 – 2010
    - 2000 – 2010
    - 2005 – 2010



# Yellow Eel Fishery

Acceptable Risk Level	Scientific Uncertainty	Management Uncertainty
Low	0.5	0.75
Medium	0.75	0.9
High	1	1

	Management Uncertainty Acceptable Risk Level		
	Low	Medium	High
1998 - 2010	324,067	388,880	432,089
2000 - 2010	314,274	377,129	419,032
2005 - 2010	304,283	365,139	405,710





## Table 8 page 15

	Quota Allocation			1998-2010	2000-2010	2005-2010
	1998-2010	2000-2010	2005-2010	Percent Allocation based on harvest average		
Maine	8,747	7,012	4,497	2.25%	1.86%	1.23%
New Hampshire	2,000	2,000	2,000	0.02%	0.01%	0.01%
Massachusetts	2,000	2,000	2,000	0.49%	0.43%	0.35%
Rhode Island	2,000	2,000	2,000	0.21%	0.24%	0.42%
Connecticut	2,000	2,000	2,000	0.37%	0.27%	0.23%
New York	2,000	2,000	2,739	0.34%	0.35%	0.67%
New Jersey	48,969	50,322	63,082	12.61%	13.37%	17.29%
Delaware	50,475	50,475	42,774	13.00%	13.41%	11.72%
Maryland	129,573	129,573	150,193	33.37%	34.42%	41.17%
PRFC	56,611	56,611	35,466	14.58%	15.04%	9.72%
Virginia	45,508	45,508	34,434	11.72%	12.09%	9.44%
North Carolina	38,619	38,619	24,719	9.95%	10.26%	6.78%
South Carolina	2,000	2,000	2,000	0.00%	0.01%	0.00%
Georgia	2,000	2,000	2,000	0.01%	0.01%	0.01%
Florida	4,199	3,680	3,471	1.08%	0.98%	0.95%
Total	388,880*	377,129*	365,139*			

# Yellow Eel Fishery

- If a quota system is implemented the Board can choose to address Quota Overages and Transfers
- These options are only applicable if quota management is chosen
- **Option 4 – Quota Overages**
  - Pound for pound
- **Option 5 – Quota Transfers (state to state)**
  - Approved by Board, submitted by Dec 31



# Yellow Eel Fishery

- **Option 6 – Yellow to Glass eel transfers**
  - *This option is only applicable if the Board approves quota management for the yellow eel fishery as well as quota management for the glass eel fishery*



# Yellow Eel Fishery

- Under this option states or jurisdictions may petition the Board to transfer all or a portion of their yellow eel quota to a glass eel fishery in that state or jurisdiction, with the exception of states that receive the automatic 2,000 pound quota. These states would not be eligible to participate in these transfer management measures.



# Yellow Eel Fishery

- The petitioning state must develop a transfer plan that details the scientific analysis the transfer is based on and clearly show the transfer will not increase overall eel fishing mortality in the state.
- The Board should task the TC to develop a template of minimum standards for the transfer plans.
- Transfer plans are subject to TC review and Board approval.
- Transfer plans must be submitted by July 1st of the preceding fishing year.



# Yellow Eel Fishery

- For states interested in the development of a glass eel fishery but have minimal yellow eel landings to transfer, they would be allowed to petition based on a combination of
  1. historical landings in the yellow eel fishery,
  2. habitat improvements,
  3. enforcement capacity,
  4. monitoring requirements, and
  5. other conservation measures.



# Yellow Eel Fishery

- If approved, the state or jurisdiction is locked into that transfer and cannot transfer the quota back to a yellow eel quota.
- This is to promote stability in both the glass and yellow eel fisheries and to decrease the uncertainty that participants might have if either fishery was eligible for transfer at anytime.



# Silver Eel Fishery

- Under Addendum III:
  - *States and jurisdictions are required to implement no take of eels from September 1st through December 31st from any gear type other than baited traps/pots or spears (e.g. fyke nets, pound nets, and weirs). These gears may still be fished, however retention of eels is prohibited*
  - NY was granted a one year exemption from the requirements under Addendum III





# Silver Eel Fishery

- **Option 1 – Status Quo**
  - Current regulations would remain and the one year exemption would expire on December 31, 2014.
- **Option 2 – Extension of the sunset provision**
  - Timeframe as specified by the Board



# Silver Eel Fishery

- **Option 3- Effort Reductions/Time Closures**
  - No take of eels in the Delaware River and its tributaries within New York from August 15th through September 30th from any gear type other than baited traps/pots, or spears and weirs (e.g. fyke nets and pound nets).

Month	Average Landings
July	139
August	1,005
September	2,574
October	1,653
November	2



# Silver Eel Fishery

- **Option 4 – License Cap**

- The Delaware River weir fishery would be limited to those permitted New York participants that fished and reported landings anytime during the period from 2010 – 2013.
- Once issued, licenses are not eligible for transferability.
- Only one license can be issued per participant.



# Law Enforcement Recommendations

- LEC has weighed in on the ability to enforce management measures
- Commented on the enforceability of the current glass eel fishery, quota management, and time closures



# Draft Addendum IV

*August 2013 –  
October 2013*

Draft Addendum for Public Comment Developed



*October 2013*

Board Reviews Draft and Makes any necessary changes;  
Approves for public comment



*November 2013 –  
January 2014*

Public Comment Period



Current step in  
the Addendum  
Development  
Process

*February 2014*

Management Board Review, Selection of  
Management Measures and Final Approval



# ESA Update



American Eel Management Board  
October 2013

# ESA Petition

- April 2010 –petition submitted to list American eel on the ESA
- September 2011 - Positive 90 Day finding published; listing may be warranted
- Staff and funds have not been allocated for American eel status review
- In August 2012 a lawsuit filed by CESAR against FWS to make a 12-month finding on the petition by a date certain



# ESA Petition

- A Settlement Agreement has been approved by the court.
- Settlement requires USFWS to publish a 12-month finding by September 30, 2015.
- Expected to begin work on the status review in early 2014.
- Commission has provided data from the stock assessment for use in status review





# CITES Letter

- Consistent approach for export and import into the European Union
- Will not be allowing permits to import or export European eels until the end of 2014



# FMP Review



American Eel Management Board

October 30, 2013

# Status of the Fishery

- State reported landings of yellow/silver eels in 2011 totaled 1,041,929 pounds
  - 8% decrease from 2011
  - landings increased in the New England (ME and CT) and Southern Mid-Atlantic (PRFC, VA, and NC) regions
  - Landings declined in the Northern Mid-Atlantic (NY, DE, and MD) region
  - Landings from New Jersey, Maryland, and Virginia each totaled over 100,000 pounds of eel and accounted for 77% of the total coastwide commercial landings.



# Status of the Fishery

- Landings of glass eels were reported from Maine and South Carolina and totaled 22,215 pounds
  - 143% increase from 2011



	State Reported		NMFS
	Glass	Yellow	
Maine	20,764	10,425	31,586*
New Hampshire		0	168
Massachusetts		462	463
Rhode Island		1,478	1,485
Connecticut		3,560	2,501
New York		Not Available	32,295
New Jersey		105,913	111,810
Pennsylvania		No Fishery	
Delaware		54,304	54,304
Maryland		556,093	642,538
D.C.		No Fishery	
PRFC		90,037	
Virginia		141,232	128,997
North Carolina		66,580	66,580
South Carolina	1,451	0	
Georgia <sup>^</sup>		Confidential	
Florida		11,845	
<b>Total</b>	<b>22,215</b>	<b>1,041,929</b>	<b>1,072,727</b>

<sup>^</sup>Landings are confidential

\* Glass and yellow eel landings not differentiated.



# Status of the Fishery

- As of 2009, recreational data are no longer provided for American eel.
- This is a result of the unreliable design of MRIP that focuses on active fishing sites along coastal and estuarine areas and the high PSE.



# Status of Monitoring

- The FMP requires states and jurisdictions to conduct an annual young-of-the-year (YOY) survey to monitor annual recruitment each year.
  - Rhode Island and Florida had below average.
  - New Hampshire, New York, Virginia, and Georgia average.
  - Maine, Connecticut, New Jersey, Delaware, and Maryland had above average . All states had their highest YOY catch on record in 2012.
  - Florida had the lowest YOY catch of their time series.



# Changes to Monitoring Programs

- New Jersey – Due to a collapsing overpass, the site for mandated young of the year survey was not accessible in 2011, but monitoring resumed in 2012.
- Pennsylvania – A supplemental YOY electrofishing survey was initiated due to the lack of success in the Irish elver trap survey.
- DC- initiated a YOY/elver electrofishing survey due to the lack of success achieved with the Irish elver traps set in Rock Creek





# Changes to Management Programs

- None
- States will begin implementing regulations required under Addendum III in 2014.



# De minimis

- FMP stipulates that states may apply for *de minimis* status for each life stage if for the preceding two years, their average commercial landings constitute less than 1% of the coastwide commercial landings for that life stage.
- New Hampshire, Massachusetts, Pennsylvania, South Carolina, and Georgia requested *de minimis* status for their yellow eel fisheries.
- All states that applied for de minimis meet the de minimis standard.



# PDT Recommendations

- The PDT recommends the Board approve the *de minimis* requests
- The PDT requests all states collect biological data from landings
- The PDT requests that states work with the law enforcement to include information on any confiscated poundage from illegal or undocumented fisheries
- The PDT requests that states that do not regulate their personal use fishery, be required, at a minimum, to permit participants in this fishery and collect harvest data in order to provide an estimate of effort and catch.

