

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

**The Westin Crystal City
Arlington, Virginia
Hybrid Meeting**

January 23, 2024

Approved May 1, 2024

TABLE OF CONTENTS

Call to Order, Chair Kris Kuhn..... 1

Approval of Agenda..... 1

Approval of Proceedings from 1

Public Comment 1

Consider Approval of Draft Addendum VI on Maine’s Glass Eel Quota for Public Comment 1

Consider Approval of Draft Addendum VII on Yellow Eel Coastwide Cap and Monitoring Requirements for Public Comment 7

Consider Approval of Fishery Management Plan Review and State Compliance Reports for the 2022 Fishing Year..... 17

Review and Populate Advisory Panel Membership 18

Adjournment 19

INDEX OF MOTIONS

1. **Approval of Agenda** by consent (Page 1).
2. **Approval of Proceedings of October 19, 2023** by consent (Page 1).
3. **Move to remove in Section 3.1, Option 2: Reduce Maine’s glass eel quota by 21.8%** (Page 5). Motion by Megan Ware; second by Eric Reid. Motion passes (14 in favor, 3 opposed, 2 abstentions) (Page 7).
4. **Move to approve Draft Addendum VI for public comment, as modified today** (Page 7). Motion by Megan Ware; second by Cheri Patterson. Motion passes by consent (Page 7).
5. **Move to remove Sections 3.1 and 3.2 from the draft addendum VII and postpone further action on the coastwide cap options until coastwide landings reach 600,000 lb. in a given year** (Page 14). Motion by John Clark; second by Russel Dize. Motion fails (1 in favor, 18 opposed) (Page 16).
6. **Motion to remove Section 3.1, option 2** (Page 16). Motion by John Clark; second by Megan Ware. Motion fails (8 in favor, 11 opposed) (Page 16).
7. **Move to approve Draft Addendum VII for public comment, as modified today** (Page 16). Motion by Cheri Patterson; second by Shanna Madsen. Motion passes by consent (Page 16).
8. **Move to approve the American Eel FMP Review for the 2022 fishing year, state compliance reports, and *de minimis* status for New Hampshire, Massachusetts, Pennsylvania, D.C., and Georgia** (Page 18). Motion by Ingrid Braun; second by Lynn Fegley. Motion passes by consent (Page 18).
9. **Move to approve Sara Rademaker and Timothy LaRochelle to the American Eel Advisory Panel** (Page 19). Motion by Megan Ware; second by Dan McKiernan. Motion passes by consent (Page 19).
10. **Move to adjourn** by consent (Page 19).

ATTENDANCE

Board Members

Megan Ware, ME, proxy for P. Keliher (AA)	Kris Kuhn, PA, proxy for T. Schaeffer (AA)
Rep. Allison Hepler, ME (LA)	Loren Lustig, PA (GA)
Cheri Patterson, NH (AA)	John Clark, DE (AA)
Doug Grout, NH (GA)	Roy Miller, DE (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Dan McKiernan, MA (AA)	Lynn Fegley, MD (AA, Acting)
Raymond Kane, MA (GA)	Russel Dize, MD (GA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	David Sikorski, MD, proxy for Del. Stein (LA)
Phil Edwards, RI, proxy for J. McNamee (AA)	Shanna Madsen, VA, proxy for J. Green (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Chris Batsavage, NC, proxy for K. Rawls (AA)
Justin Davis, CT (AA)	Chad Thomas, NC, proxy for Rep. Wray (LA)
William Hyatt, CT (GA)	Ross Self, SC, proxy for B. Keppler (AA)
Craig Miner, CT, proxy for Rep. Gresko, CT (LA)	Malcolm Rhodes, SC (GA)
John Maniscalco, NY, proxy for M. Gary (AA)	Spud Woodward, GA (GA)
Scott Curatolo-Wagemann, NY, proxy for E. Hasbrouck (GA)	Erika Burgess, FL, proxy for J. McCawley (AA)
Amy Karlnosky, NY, proxy for Assemb. Thiele (LA)	Gary Jennings, FL (GA)
Joe Cimino, NJ (AA)	Dan Ryan, DC, proxy for R. Cloyd
Jeff Kaelin, NJ (GA)	Ingrid Braun, PRFC, proxy for M. Gary
Adam Nowalsky, NJ, proxy for Sen. Gopal (LA)	Chris Wright, NMFS
	Rick Jacobson, US FWS

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

Ex-Officio Members

Staff

Bob Beal	Caitlin Starks	Katie Drew
Toni Kerns	Emilie Franke	Kristen Anstead
Tina Berger	Chelsea Tuohy	Jainita Patel
Madeline Musante	James Boyle	Kurt Blanchard
Tracy Bauer	Jeff Kipp	

Guests

Debra Abercrombie, US FWS	Sheila Eyler, US FWS	Todd Mathes, NC DEQ
Meredith Bartron, US FWS	Glen Fernandes	Joshua McGilly, VMRC
Jessica Best, NYS DEC	Lewis Gillingham, VMRC	Jason McNamee, RI (AA)
Alan Bianchi, NC DMF	Harry Hornick, MD DNR	Nichola Meserve, MA DMF
Jeffrey Brust, NJ DFW	Jesse Hornstein, NYS DEC	Brandon Muffley, MAFMC
Matthew Cieri, ME DMR	Ashley Kennedy, USFWS	Alexis Park, MD DNF
Jessica Clawson, FL FWC	Blaik Keppler, SC (AA)	Marisa Ponte, NC DEQ
Margarret Conroy, DE DNREC	Robert LaFrance	Will Poston, Stellwagen Bank
Caitlin Craig, NYS DEC	Michael Luisi, MD DNR	Charter Boat Assn.
Julie Evans	Chip Lynch, NOAA	Jen Pyle, NJ DEP

Guests (continued)

Sarah Rademaker, Amer. Unagi
Jill Ramsey, VMRC
Jeff Renchen, FL FWC
Tajrian Sarwar, NYS DEC
Dara Satterfield, US FWS
McLean Seward, NC DMF

William Sheldon
Anne St. John, US FWS
John Sweka, US FWS
Corrine Truesdale, RI DEM
Taylor Vavra, Stripers Forever
Mike Waine, ASA

Craig Weedon, MD DNR
Keith Whiteford, MD DNR
Darrell Young, MEFA
Jordan Zimmerman, DE DNREC
Renee Zobel, NH FGD

The American Eel Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia, via hybrid meeting, in-person and webinar; Tuesday, January 23, 2024, and was called to order at 4:30 p.m. by Chair Kristopher M. Kuhn.

CALL TO ORDER

CHAIR KRISTOPHER M. KUHN: Good afternoon, everyone. Welcome to the Atlantic States Marine Fisheries Commission American Eel Board. I would like to call this meeting to order. I'm Kris Kuhn; I'm the Administrative Proxy for Pennsylvania, and today I'm going to begin Chairmanship of the American Eel Management Board, so please bear with me as I transition into this new role.

I want to thank Phil Edwards for his service and leadership in this capacity previously. We currently do not have a Vice-Chair for this Board, but when the time comes to seek a nomination, please let us know if you're interested. Our Technical Committee Chair is Danielle Carty from South Carolina. Advisory Panel Chair is Mari-Beth Delucia with the Nature Conservancy, and our Law Enforcement Representative is Rob Beal from Maine. I am joined at the front table here by Caitlin Starks and Dr. Kristen Anstead.

APPROVAL OF AGENDA

CHAIR KUHN: We'll go ahead and get started with today's meeting, and the first order of business is Approval of the Agenda. Are there any proposed modifications to the agenda? Seeing none in the room, are there any hands online? Okay, seeing none; the agenda is approved by consent.

APPROVAL OF PROCEEDINGS

CHAIR KUHN: Next, we'll move on to the approval of the proceedings from the October, 2023 Board meeting. Are there any edits to the proceedings from October, 2023? All right, seeing none again, the proceedings from 2023 are approved by consent.

PUBLIC COMMENT

CHAIR KUHN: Next up is public comment. Are there any public comments pertaining to items that are not on today's agenda? Again, items not on today's agenda. Yes, Sara Rademaker.

MS. SARA RADEMAKER: Good afternoon. I thank you for the opportunity to speak. I just wanted to quickly introduce myself. My name is Sara Rademaker; I am the owner of American Unagi, the aquaculture farm that is up in Maine. I just wanted to share a couple of quick updates on the farm in Maine.

Ten years ago, I started with this idea to grow eels in Maine, and now we have the largest eel aquaculture farm in North America, and it is being watched globally. I've had a lot of reach out to people around the world who are very encouraged to see what we've doing in the U.S. Much of the success of this business has been because of the aquaculture quota that was approved back in 2018 by the Atlantic States. From that we've been able to build out this operation year over year, and now we can take 500 pounds of glass eels and grow them out to 500,000 pounds of adult yellow eels.

That is only 5 percent of the U.S. market right now, so we're still importing around 11 million pounds of product from China. There is a lot of opportunity up in Maine with our success to build more aquaculture facilities. I just wanted to thank the Atlantic States for the continued support and approval of our aquaculture quota, and also invite any of you who are interested to come see our facility up in Maine, to please reach out. Thank you.

CHAIR KUHN: Thank you, and I'll remind myself, because I didn't have it down when I said thank you, but I'll just remind Commissioners and others when making comments, to move their microphones down so we can hear you.

CONSIDER APPROVAL OF DRAFT ADDENDUM VI ON MAINE'S GLASS EEL QUOTA FOR PUBLIC COMMENT

CHAIR KUHN: Moving on to Item Number 4 on the

agenda, which is to Consider the Approval of Addendum VI on Maine’s Glass Eel Quota for Public Comment.

This is an action item, and we have two primary considerations to decide upon today, based on Board motions from 2023, August of 2023, and those are options for Maine’s glass eel quota and then the timeframe for Maine’s glass eel quota. Caitlin Starks is going to start us off with a presentation, and following that we’ll take questions on the presentation. Caitlin.

MS. CAITLIN STARKS: In my presentation I’m going to start off with a timeline for the development of this addendum, the problem statement and background, and then cover the proposed management options and end with next steps. Draft Addendum VI was initiated in August, 2023, when the Board moved to initiate an addendum to address the Maine glass eel quota.

Following that meeting the Plan Development Team or PDT developed the draft addendum document for public comment, and today the Board will consider approving the document for public comment. If it is approved, we would have the public comment period and hearings in February, and the Board would be able to consider this action for final action in May.

That would allow enough time for the implementation of the measures before January, 2025. The statement of the problem and reason for this addendum is that Maine’s commercial glass eel quota needs to be established for 2025 and beyond. The quota was set for 2015 through 2017 at 9,688 pounds by Addendum IV, and then Addendum V maintained that quota, which has been extended via Board action through 2024.

However, fishing beyond 2024 requires an addendum, so Draft Addendum VI is addressing this issue by considering implementation of a Maine glass eel commercial quota for 2025 and beyond. Since 2015, when the quota was implemented, Maine’s annual glass eel landings have remained

below that quota.

The fishery is monitored using a swipe card program to track individual fishing quotas daily, and track glass eel catch with associated weights from dealer purchase to export. As a condition of the glass eel fishery, Maine also conducts life-cycle monitoring. They’ve conducted the young of year eel survey since 2001, and the yellow eel/silver eel survey since 2018. In those young of year data there has been a linear increasing trend. For the glass eel elver catch per unit effort for the fishery, that has also been calculated since 2016. For some visuals, this is the annual Maine glass eel landings shown by the columns and the ex-vessel value shown by the black line.

Then on the next slide here it’s the Maine glass eel young of year survey results for each year with catch on the Y axis and the linear trend shown by the dashed line. Then this graph compares the young of year survey results with the harvester CPUE. The top line is the CPUE, and the bottom is the YOY survey catch.

The trend in these two datasets have tracked each other pretty closely for the available time period. I’ll move into the proposed management options. For quota levels the PDT developed two options, and Option 1 is status quo, which would be 9,688 pounds. Then Option 2 is to reduce the Maine quota by 21.8 percent. That 21.8 percent is derived from the yellow eel draft addendum, which we’ll talk, about later, and it’s equivalent to the smallest percent reduction that is being considered for yellow eels in their coastwide cap.

Option 2 would result in an annual quota of 7,576 pounds. The rationale for this option was responding to the stock assessment results, which indicate the stock’s depleted status, and they chose to go with the smallest reduction for yellow eel, as this percent reduction for glass eel, given glass eel experience a higher natural mortality rate than yellow eel, and are therefore thought to have a lower relative impact to the coastwide population than yellow eel harvest does.

The second set of options in Section 3.2 are regarding the duration of the quota that is established at final action. Option 1 would be no sunset, meaning the quota would remain the same indefinitely, unless it's changed through another addendum or amendment. Option 2 is a three-year duration, after which the Board would have to initiate a new addendum to establish Maine's glass eel quota for 2028 and beyond.

Then Option 3 is a three-year duration, where after that period the Board could extend the quota indefinitely via Board action. If a change to the quota is desired under Option 3, then a new addendum would be needed. As I mentioned at the outset, after the Board considers this draft addendum for approval for public comment.

If we have approval, the public hearings and comments could occur this February, and the Board would be able to consider those comments and the draft addendum for final approval at the spring Commission meeting, and that Maine would be able to implement the quota for 2025. With that the Board action for consideration today are whether the Board wants to make any modifications to the draft addendum before it goes out for comments, and then to consider approval of the draft addendum for public comment. I can take any questions.

CHAIR KUHN: Any questions for Caitlin? Shanna Madsen.

MS. SHANNA MADSEN: I actually have a couple of questions. I'm going to start off with the quota questions, and then I also have a couple of questions about the timeframe, so just cut me off if I'm going too long. My first question in regards to the quota is, I was a little bit confused in seeing Option 2, a reduction. I think I was confused, because I guess my question is, didn't the assessment say that the abundance of yellow eel is what is driving the depletion of the stock currently?

MS. STARKS: I'm not sure it said what is driving it, but it's where the assessment is noting a decline in relative abundance.

MS. MADSEN: Okay, and then secondarily, I guess I was also surprised, because I was reading some of the memos, the previous memos from the yellow eel PDT, which actually recommended that like an option essentially, of trying to pursue some sort of switch from yellow eel fishing to glass eel fishing, because of the mortality rates on glass eels are so much higher natural mortality. Was I also correct in that? Was that a recommendation as well of the other PDT?

MS. STARKS: The other PDT did discuss that, and ultimately decided not to put forward any options related to that idea.

MS. MADSEN: Oh, one more. I forgot about my timeframe question. I was a little confused on the timeframe question for Option 3 that you had up there. I think for Option 3 you said that the Board can extend the quota indefinitely. But the way that I read this was that the Board can extend a quota for up to three years at a time.

Then the way that I read this is sort of like a spec-setting process, where after those three years we would come back and determine whether or not we wanted to continue with that quota, based off of some data that the TC would be providing us, I'm guessing. It just seemed like what was on the screen was different than what I was at least interpreting Option 3 in the document to say. I just wanted to kind of get clarification on that.

MS. STARKS: Yes, thanks for that question. It does say in the Addendum draft that this would allow the Board to extend the quota for up to three years at a time, until the provision is modified by another addendum or amendment. I think it would be up to the Board to ask for the Technical Committee to provide some kind of update for them to consider when they are considering extending the quota.

MS. MADSEN: Okay, so Option 3 isn't an indefinite extension of quota, it's just every three years. The other question I had is, I was reading through the PDTs recommendations on these timings, and it seemed like they wanted to go with Option 2, because they felt like it was important for us to

review the quota every three years in some time frame.

If we would like to make a motion to essentially clarify in Option 3 that we would come back after those three years, and make some considerations before we move forward with extending the quota for another three years, or changing the quota, whatever that ends up looking like. I feel like that would sort of get to their concerns with Option 3, and I would be happy to add something along those lines whenever it is appropriate.

CHAIR KUHN: Okay, we have another question, Lynn Fegley.

MS. LYNN FEGLEY: I just want to start by saying that I have no problem with this going out for public comment. But I'm really struggling to put all the pieces together with eels, I admit it. I wanted to ask a question about the paper that was brought to our attention by Shiraishi and Kaifu entitled An Early Warning of an Upsurge in International Trade in the American Eel.

That seems to say that they are concerned about the impacts of large amounts of glass eels being sent over, being imported into Asia, potentially having an impact on the range-wide population. The TC is clear that this shouldn't affect our decision on the glass eel quota, but I'm really trying, I understand the point about the mortality being very high on glass eel, so that is where the mortality should be focused.

But then we have people saying that maybe the glass eel fishery, the glass eel catch could be a negative impact on the coastwide or the global range of the animal. Which is it? I mean glass eels become yellow eels, become silver eels, produce baby eels. I'm really trying to understand, just in order to answer cogently to people who ask me, should we worry or not about the increasing harvest of the young eels globally?

DR. KRISTEN ANSTEAD: I'll take that one. The TC did bring this paper up for discussion, and it was mostly just kind of to flag it that there seems to be

evidence that there has been a lot of export of glass eels. Now, you might have noticed in the paper the exports being attributed to the U.S. is higher than our current quota, and that is because the way that the exporting works sometimes, we get exports from like the Caribbean, and then they get attributed to the U.S.

Out of eel moving through the U.S. that then get attributed to us. I just want to be clear that there is no concern that we're exporting like a weekly harvest of U.S. eel. Second, I think that there was a concern that a huge increase in glass eels from the Caribbean could potentially affect the stock range wide.

That is something to consider, because there is always this opportunity on the table to do a range-wide assessment, and events like this would support a movement to considering this on a larger scale. But it's true that the mortality on glass eels isn't as concerning as it is on the yellow eel stage. But certainly, if the data in that paper are true, it's something we should consider when we're talking about the future of eel.

CHAIR KUHN: Thank you for that question and response, appreciate it. Are there any hands online? Okay, if there are no more questions on the presentation, let's open it up to discussion around the table before we move on to any motions. Is there any discussion? Megan Ware.

MS. MEGAN WARE: I had two suggested modifications to the intro of the document. I don't think those would require a motion, and then I had sent a motion to staff. But I'll start with the two suggestions. The first is on Page 5, Section 2.4, status of the stock. That first paragraph talks about the assessment and the recommendation for the reduction in the yellow eel fishery.

Given this addendum is on the glass eel fishery, I think a pretty logical question from the public will be, what was the recommendation coming out of the assessment for glass eels. My understanding is there no recommendation for reduction in F, so I would ask that that be added to that paragraph.

Then on that same page, the next paragraph, it talks about the MARS models that were used. I'll just use the YOY sentence as an example. But the Addendum said a declining trend in coastwide YOY abundance was observed. I think when I went back to the assessment report, the assessment is, I'll say a little more nuanced in this statement that it reads.

It says, there is a slightly declining trend, but that the confidence intervals overlap 0, which would indicate a stable population. I think there are kind of two different things you could take away from the Addendum versus the assessment. I would just ask that those get federal lined, maybe just take the sentence from the assessment and put that in there.

CHAIR KUHN: This change is acceptable?

MS. STARKS: Yes, I'm clear on those changes, so as long as that is the will of the Board, I can do that.

CHAIR KUHN: Yes, Shanna Madsen.

MS. MADSEN: I think I'm going to try and do the same thing that Megan did, not make a motion but just a recommendation. I think that if in Option 3 we clarified that we would come back to the table after those three years. Essentially, I think the types of information that I was anticipating the Board receiving, before deciding on either extending the quota or going into an addendum process, with essentially the information that you presented today, and was presented in this addendum.

I don't think I need to see an addendum in order to make that consideration. I think that the Board can look at this sort of information that they are doing now, and make that consideration then, without having to go through the whole addendum process for something as simple as dealing with quota.

CHAIR KUHN: Are there any objections to that change? Yes, we have a hand online, Eric Reid.

MR. ERIC REID: I have a question. Honestly, I'm not all that thrilled about the 20 something percent

reduction in Option 2. But my question would be, what would be the impact on that to the Unagi set-aside. Let's call it the Unagi set-aside, because that is what happened. Will their 500 pounds become 400 pounds, or how does that work, or how would that work?

MS. STARKS: I'm not sure I have an answer to that question, Eric. But it looks like Bob or Toni does.

MS. TONI KERNS: Eric, if you're referring to the 200 pounds that we set aside for aquaculture, that would not be impacted. Are you referring to a different set-aside?

MR. REID: No, no, I thought Ms. Unagi herself said it was 500 pounds turned into something else. But if it was only 200, maybe I didn't hear her correctly. But I just was wondering if the overall quota goes down, does it affect the RSA? You're saying no. Thank you.

MS. STARKS: I have a clarification to that point, I believe. American Unagi gets their 200-pound allocation from Maine through the aquaculture program in our FMP. Then they are also able to buy glass eels from the industry.

MR. REID: Okay, great, thank you.

CHAIR KUHN: Any other comments, questions around the table? Anyone at the point where there is time for a motion? Megan Ware.

MS. WARE: I am pretty concerned that there is an option in the document for a 21.8 percent reduction when there is no recommendation coming out of the assessment for a reduction in F. I don't see the statement problem in the addendum acknowledging a need for a reduction in F, and the economic impacts of this are pretty severe. I had sent a motion to staff. I'll read it into the record. I would appreciate a second for an opportunity on rationale. **Move to remove in Section 3.1, Option 2: Reduce Maine's glass eel quota by 21.8 percent.**

CHAIR KUHN: Thanks for that, do we have a second? Eric Reid seconds.

MS. WARE: I was able to listen in to both of the PDT meetings on this. I heard many PDT members struggling to identify and justify a quota reduction. As the PDT memos note, there is no specific recommendation coming out of the assessment to reduce F in the glass eel fishery. Maine surveys are actually increasing, and I think this reflects a lot of the efforts that the state has put into improved connectivity in the state.

The identification of any amount or percent reduction at this point is arbitrary. I understand that our next topic is considering the yellow eel fishery, and they are facing potential reductions in the catch cap. That said, I don't find that a compelling argument or justification for a 21.8 percent reduction in Maine's glass eel quota.

The assessment is very clear that harvesting glass eels has a lower impact on the population, given that high natural mortality rate. To quote the assessment here, "The glass eel fishery could withstand a greater amount of fishing mortality than the yellow eel fishery." The addition of fishing mortality to natural mortality at the glass eel stage has a much lower relative effect on total mortality compared to the addition of fishing mortality, natural mortality at the yellow eel stage. The economic impacts of this cannot be understood, based on 2022 numbers.

I estimate that this is about a four-million-dollar impact in just ex-vessel value to the state. This impacts not only those who are licensed with DMR, but also our tribal nations in Maine. By law they get a portion of our Maine glass eel quota. I am concerned that with this option in the document, Maine, which has no recommendation for a reduction whose surveys are increasing, is really facing the biggest socioeconomic hit here. I would ask that the Board take this option out ahead of public comment, thank you.

CHAIR KUHN: Eric Reid, as seconder, would you like to provide any additional rationale for the motion?

MR. REID: Ms. Ware covered it really well, but the socioeconomic impact is, you know these aren't 90

footers, glass eel fishing these are artisanal fishermen and tribal fishermen, and I think that there is really no basis for it in the problem statement. It's a regulatory housekeeping issue not a biological issue.

I just don't see Option 2 being anywhere near proper for this document. There are other options for timing and et cetera, et cetera. But Option 2 doesn't belong in this document, it's not fair to the state of Maine, and it's not necessary to the biology of the eels themselves. Thank you.

CHAIR KUHN: Thank you, Eric, Bill Hyatt.

MR. WILLIAM HYATT: This isn't a substantive comment, but I just wonder if somebody from the Commission might speak to the history of sending out addendum with only a single option.

MS. KERNS: I think we've done it before. There is no regulations or information that say you can't. We've done it in the past, in this fishery maybe last time. We did maybe one other option the last time for glass eel. But we have done it in other fisheries.

CHAIR KUHN: We're starting behind schedule, but are there any members of the public that would like to make comment on this motion? Okay, seeing none; discussion on the motion. Adam Nowalsky.

MR. ADAM NOWALSKY: Given that we have an annual quota for Maine's commercial glass eel fishery in place already, without a finite end date for it. What would be the purpose of even continuing this addendum if we removed this option? I understand that there is a section here about the timelines here with the three years. But essentially, by taking this out it would seem that our message is, we intend to keep the Maine commercial glass eel quota status quo, period, and we would just bring forward another addendum. To what purpose does this even serve if we take this out?

MS. STARKS: If it is removed and the action is not approved, then Maine would not have a quota for 2025. That is kind of an alternative option to

remaining status quo, if you will, with the quota number that they have now.

CHAIR KUHN: Any additional discussion? John Clark.

MR. JOHN CLARK: While I don't think there would be any reason to put this on Maine, this type of reduction. Keeping it in the addendum, I don't see there is any problem with that. Probably reduced the cognitive dissonance for people looking at this, especially yellow eel fishermen.

They are seeing some of these caps are like miniscule, and yet the message is that you can catch as many glass eels as you want. That doesn't have any impact on the yellow eel stock, which obviously, a lot of glass eels grow up into yellow eels. I don't see any problem with keeping it in there, I really don't think it's going to be something that will affect Maine. I doubt that will happen. But you know just in the sense of fairness, to have that in there, since yellow eels are possibly facing a cap cut. Then just to show the public that we're looking at the same type of options across the board for eels.

CHAIR KUHN: Shanna.

MS. MADSEN: I think this question is for Megan. Megan, could you maybe enlighten the Board on what a public hearing would look like if you're going out and saying that you are going to potentially reduce Maine's glass eel quota by 21 percent?

MS. WARE: Sure. I would expect a very lively public hearing. I would be requesting marine patrol at this hearing. I'm not trying to make light of the situation. This is not an insignificant option to be bringing out for public comment. I mean this is potentially catastrophic here for the fishery. If the Board is not serious about this option, I would ask that we remove it.

I think if the Board isn't serious, and the only reason to keep it in is to say, oh, we want a range or we want the yellow eel fishery to see that we're considering something else. I don't find that a

strong enough justification for people to feel like their livelihoods are threatened.

CHAIR KUHN: Any additional discussion on this motion? Nothing online? Okay, I guess we're ready to call the question. Is there a need for a caucus? We'll go two minutes for caucus. Okay, two minutes is up. We'll go ahead and call the question. **All those in favor, please raise your hands. Okay, you can put your hands down. All opposed. Three opposed. Any null votes? Abstentions? (NOAA Fisheries abstains). Motion passes, 14, 3, 0 to 2.**

Okay, so we still need to account for the timeframe, correct? The timeframe aspect of this. We'll go back to the table to discuss the options for the timeframe. Are there any modifications for the timeframe motion at this time? Is there anyone willing to make a motion regarding the timeframe options, just for the approval of the addendum, rather. Megan Ware.

MS. WARE: I would think it would be **move to approve Draft Addendum VI for public comment, as modified today.**

CHAIR KUHN: Seconded by Cheri Patterson. Okay, we'll try and do this the easy way. **Is there any opposition to the motion? Seeing none; motion passes by consent.**

**CONSIDER APPROVAL OF DRAFT ADDENDUM VII
ON YELLOW EEL COASTWIDE CAP AND
MONITORING REQUIREMENTS FOR PUBLIC
COMMENT**

CHAIR KUHN: Okay, so we'll go ahead and move on to Item 5 in the agenda, which is to consider the approval of Draft Addendum VII on yellow eel coastwide cap and monitoring requirements for public comment. We have multiple considerations in this draft addendum. Caitlin Starks is again going to lead us into questions and discussion with the presentation, then we'll take questions on the presentation. Caitlin, the floor is yours.

MS. STARKS: At the start I'm just going to note that this is a much longer one, so please hang in there.

In this presentation I'm going to start off with the timeline and background information on this addendum, including the problem statement, recent data and monitoring requirements relevant to the option, and then I'll go over the proposed management options, which address the yellow eel coastwide cap and management response to exceeding the cap, the young of year survey requirements and catch and effort reporting requirements. Then we'll talk about the next step. As a reminder, this addendum was also initiated in August, 2023, after the Board reviewed the 2023 benchmark stock assessment. Then this fall the Plan Development Team drafted management options and put this document together. Now here we are in January, and today the Board will consider Draft Addendum VII for public comment.

Back in August, the Board approved the recent benchmark stock assessment for American eel for management use, and this assessment found that the American eel stock is depleted, and it recommended that yellow eel catch be reduced. In response to the stock assessment findings and recommendation, the Board initiated Draft Addendum VII to address coastwide catch of yellow eel, by using the recommended tool in the assessment called I-TARGET to recommend a range of catch cap.

This addendum addresses the poor stock condition of American eel, and the fact that the assessment has not been able to provide biologically-based reference points upon which to base management of yellow eel, and instead the current coastwide cap that we have is based on historical landings.

While the 2023 assessment still hasn't provided biological reference points, it did identify a trend-based tool that could be used to inform management, which is I-TARGET, and I-TARGET uses only the time series of coastwide landings and the fishery independent abundance indices to provide catch advice.

This graph is showing the yellow eel abundance index, which is the dotted gray line, and the coastwide landings, which is the black line, and this

is showing you the decline in both the abundance index and landings over time. The Addendum also considers some options to change some monitoring requirements, based on recommendations from the Stock Assessment Subcommittee and Technical Committee.

The PDT taking these recommendations thought it was worthwhile to group these together with the yellow eel options in this addendum. First, the 2023 assessment indicated that the biological sampling that is required is part of the state young of year surveys, specifically the individual length and pigment stage, that those could be made optional, because the data have not been able to inform trends in the stock.

Additionally, a note that the catch per unit effort data that are provided by the states have not been used in any of the stock assessments until now, as was intended for those data, because they are not indicative of trends in the stock as a whole. Moving into the review of the options, the proposed options are organized in the document by issue, starting with options on the coastwide yellow eel harvest cap, and the management response to exceeding that.

Then the timeframe for the yellow eel provision, followed by options for the young of year survey and the catch and effort monitoring requirement. Section 3.1, Issue 1, deals with the yellow eel coastwide harvest cap. Our current cap is 916,473 pounds, and that's based on the average landings from 1998 to 2010. This is our status quo option. There are four additional options, which propose a range of alternative harvest caps using the I-TARGET tool with different configurations based on management goals. As a reminder, when using I-TARGET, there are these three variables or knobs that can be adjusted to configure the tool, and these are the reference period, multiplier, and threshold. The reference period is meant to be a time period where the population is stable, or at the desirable abundance level. Then the multiplier determines the level of abundance that the management is aiming to achieve.

If the multiplier is set to one, that means you're aiming to achieve the same abundance from the reference period that's set, and if you use a multiplier of 1.25, that means you are aiming to achieve an abundance level that is 25 percent higher than what it was during the reference period. Then our last one here is the threshold value, and that is a portion of the I-TARGET value that depends on the goals of the fishery.

A threshold of 0.5 is less conservative, and would generally result in higher catch cap, whereas a threshold of 0.8 is a more conservative value, and that was what was recommended by the Northeast Fishery Science Center when they used or evaluated the use of this tool. Just another note. When the Stock Assessment Subcommittee recommended using I-TARGET, they recommended that the Board use the threshold value rather than the other two knobs, to adjust the configuration in setting management.

In the options, okay it's really difficult to see on the screen, so I apologize. But in the options that use I-TARGET to recommend a catch cap, you'll see that there are two different reference periods that are used. These are identified by the orange and blue shaded areas, which are really hard to see. But these two reference periods were based on distinct regimes that were identified in the stock assessment.

The blue area, which is the earlier reference period from 1974 to 1987, in that reference period the abundance index was higher, representing a more desirable abundance level, and then the later reference period, which is in an orange square, is a period of lower abundance, but still above the abundance in our most recent decade.

This table is showing the four proposed options for a coastwide cap, based on I-TARGET. Option 2 and 3 both use the earlier reference period, and they both use a multiplier value of 1.25, meaning they are both aiming to achieve stock abundance that is 25 percent greater than the abundance during that earlier reference period.

They differ in that Option 2 uses a threshold of 28, which is again the more conservative threshold, which would result in a coastwide cap of 202,453 pounds, and then Option 3 uses a threshold of 0.5, which is the less conservative threshold value resulting in a coastwide cap of 518,281 pounds.

Then Options 4 and 5 use the later reference period, which is 1988 to 1999, and they both use a threshold value of 0.5, which is the less conservative threshold. However, Option 4 uses a multiplier of 1.5, and Option 5 uses a multiplier of 1.25. This means these two options are aiming for two different levels of stock abundance.

Option 4 is aiming for a 50 percent greater abundance than the reference period, and Option 5 is aiming for 25 percent greater than that reference period. To try and better explain how these options compare to each other, this is how they compare in terms of the abundance level they are aiming to achieve. The target abundance increases from the bottom up. Options 2 and 3 both aim for the highest level of relative abundance, and then Option 5 aims for the lowest relative abundance, and Option 4 is between those.

In this graph you can see the coastwide caps that would result from each of these options, compared to the current coastwide cap and the coastwide yellow eel landings since 2015. Our current cap is the black dashed line at the top, and that has not been exceeded since 2016. Then of the alternative options, Option 5 would result in the highest cap, and landings have not exceeded that level since 2018.

Functionally it has the least potential to reduce fishing mortality. The caps under Option 3 and 4 are pretty similar, they are the yellow and green dot/dash lines in the middle, and the landings have not exceeded those levels since 2019. Then Option 2 produces the lowest coastwide cap, and landings have exceeded this cap in all years since 2015. Functionally, it has the most potential to reduce fishing mortality.

As a reminder, that Option 2 is the recommended

option that the SAS put forward in the stock assessment document. Now we'll move on to the management response to exceeding the coastwide cap. The status quo option is that if landings exceed the cap by 10 percent for two consecutive years, then the state's whose landings are greater than 1 percent of the coastwide landings in the years when that cap is exceeded, will be responsible for reducing their landings to achieve the coastwide cap in the subsequent year.

Our Option 2 in this document would modify this response, so that the states whose landings are greater than 5 percent of the coastwide landings would be responsible for reducing their landings to achieve the coastwide cap in the subsequent year. This option is responding to the fact that as total landings of yellow eel have declined drastically over the past few years, states with very minimal landings are still winding up contributing more than 1 percent of the total coastwide landings.

Just for a visual, the shaded cells in this table, which apparently do not show up on this projector. Okay, that one shows it. This shows the states whose landings were greater than the 5 percent of the coastwide total in each year since 2014. Now I'll move on to the options on the timeframe for these yellow eel cap provisions.

The PDT developed two proposed options for consideration. Option 1 is that the cap would not have a sunset date, but that it would have to remain in place for three years before being updated. The three-year minimum timeframe is recommended, because less than three years of data with the cap in place would be insufficient for evaluating the performance of that cap.

Then Option 2 is that the cap would again not have a sunset date, but that it would have to remain in place for five years before being updated. Five years is also recommended as more years of data would make a more robust dataset to look at that cap. I want to note here that when it says update the cap, we are talking about adding additional years of catch and index data, and running that through the I-TARGET tool as it is configured by

approval of this Addendum, if that's the way it goes. It would not allow for changes to be made to the reference period multiplier and threshold that are set through this action. If changes to those items, or the configuration of I-TARGET is desired, then that would require a new addendum, and that is under either of these options.

That is the end of the provisions related to the cap, and then these are the options related to the young of year survey sampling. Option 1 is status quo, which would mean the states must continue to collect individual length and pigment stage data during the young of year surveys. Then Option 2 is that the biological sampling of length and pigment stage would become optional.

As I mentioned, this was the recommendation from the Stock Assessment Subcommittee and the Technical Committee in the 2023 assessment, and that would ease the monitoring in some of the states. Next are options related to the fishery dependent catch and effort monitoring. Option 1, status quo, is that the requirements for harvester reporting of trip level CPUE data, which was established by Addendum I, would be maintained.

This means the states would continue to require trip level CPUE data and harvester reports, including soak time, number of units of gear fished and pounds landed. Then Option 2 is that the states would no longer be required to collect trip level CPUE data for yellow eel catch. The states of course would be able to continue to require those data if they choose to do so, and the majority of states, when we ask the Technical Committee, indicated that they would collect these data, even if it were voluntary.

Then as a note, this option is specific to yellow eel, it does not apply to glass eel fisheries, so more to the young of year survey options, this was proposed to ease the monitoring burden on states, since there are no plans to use those catch per unit effort data for the assessment. The Technical Committee has no concerns with making this an optional requirement, optional data.

That was the last of the options that were included

in the draft document that you received in the materials. However, I wanted to offer for the Board's consideration the potential to add options to this Addendum that address the Commission's new de minimis policy, which was modified in November, 2022.

In that new policy the standard is that a state can be considered de minimis if the average landings for the last three years is less than 1 percent of the coastwide landings. However, the American eel FMP uses the average landings of the last two years to evaluate the states qualification for de minimis status. The new Commission policy doesn't automatically update the de minimis criteria for any of our species FMPs, so that change has to be made through an addendum or an amendment for each species.

It is also not required that the Board adopt the new standard for American eel, but if the Board wants to keep using two year-average landings rather than three years, then it needs to provide a rationale as to why two years is more appropriate for eel than three years. If the Board does want to add options to address the de minimis policy, then these are two draft options for consideration that could be easily thrown into the Addendum. Status quo would be to continue using the average landings for the preceding two years to evaluate de minimis status, and again, it would need to include a rationale as to why. Then Option 2 would be to update the criteria to apply the Commission policy to eels, meaning that a state would be de minimis if the average landings for the last three years is less than 1 percent of the coastwide landings.

Thanks for hanging in there, that wraps up all the options, and then this is our potential timeline again for next steps. If the Board approves this for public comment today, we would start the public comment period and state hearings in February, and the Board would be able to consider Draft Addendum VII for final approval in May at the spring meeting, and then would determine the implementation dates for the different provisions of the Addendum.

With that, these are the Board actions to consider.

First the Board should consider any modifications to the document, including whether or not to add these de minimis policy options. Then consider approving the document Draft Addendum for public comment. With that I can take any questions.

CHAIR KUHN: Questions for Caitlin. Megan Ware.

MS. WARE: I just have two questions. My first is under 3.2 timeframe. You were kind of getting at it with your slide there. Maybe this reflects that I don't totally understand I-TARGET. But if the timeframe, the threshold and the other value are not changing, does that mean the catch cap is also not changing with new data, or it is?

MS. STARKS: The catch cap would be updated if you add additional years of data from the abundance index and the coastwide landings data into the I-TARGET tool. It would take those two things into account and produce a new catch cap.

MS. WARE: Okay, thank you, and then my second question was on the catch and effort monitoring section. Under Option 2 it says states would no longer be required to mandate that harvesters or dealers report certain things, one of them is pounds landed. I assume that is harvesters or dealers, not both, and if that is the case, then I just want to clarify that.

MS. STARKS: Just to clarify, the requirement to report landings, pounds of landings, would still remain for either harvesters or dealers as was in the Addendum I language. But it wouldn't be per trip or per year type. You wouldn't have to report it separately for each of those different pieces of effort data, if that makes sense.

MS. WARE: As an example, our harvester would still need to report total pounds landed, I'll say monthly, or whatever the reporting timeframe is, but not per trip or gear type.

MS. STARKS: Yes.

MS. WARE: Okay. I think we could better clarify that, maybe, in Option 2, but I'll see what others

have to say.

CHAIR KUHN: Thanks, Megan and Caitlin, Erika Burgess.

MS. ERIKA BURGESS: I had a question about 3.2 as well, the timeframe for yellow eel provisions. This was more of a philosophical type question. This Addendum would put in place something that says the cap cannot be updated for either three or five years. Technically, is it possible to hold the Board to something like that? What would prevent a Board from coming in and saying, in Year 2 or Year 4, depending on which option is chosen, that they wanted to make changes. Is that even feasible?

MS. STARKS: Yes, so without a new addendum it would remain in place for three years. But if the Board were to initiate a new addendum to change that management program, it could change the coastwide cap earlier.

CHAIR KUHN: Any additional questions? Lynn Fegley.

MS. FEGLEY: Mr. Chair, I'm not sure if this is a question or a comment, so cut me off if it's inappropriate. But I think for the I-TARGET, it would help people to understand, and I don't have a specific language modification, but if you take that, I'm looking right now at Figure 11 in the Addendum, that shows the different iterations of I-TARGET.

The lowest version, as I understand, the options for the 200 something thousand catch cap is the last time, it's the terminal year of that time series. But that catch cap was calculated across the time series, and starts at a level that is higher, maybe close to 500,000, if I'm making sense. I think it would help the public to understand that it is the index and the landings that are driving the changes in that I-TARGET. We're going to choose to set a cap somewhere, but that cap would be changing if we were to run it, based on what the index and the landings show.

I only say that, because I think it will help people understand, and if we can see that there is some sort of change in a positive direction, you know

maybe that would provide some motivation for the Board to initiate that addendum. I don't know. It's really hard to wrap your head around the fact that you are sort of watching this time series of a cap, and we're setting it at a terminal year. Somehow, I think there is some language to help clarify that a little bit.

MS. STARKS: Thanks, Lynn, I think I can work on kind of clarification of that in this document.

CHAIR KUHN: Shanna Madsen.

MS. MADSEN: I think we might be getting into comment zone. First of all, I want to say, I completely agree with Lynn. I think that would really, really help this document to shine a little bit more. I think the public is going to have a hard time understanding what I-TARGET is, and its actually kind of simple in its essence, so it just needs some more wording to kind of help that along, in my opinion.

The other thing that I didn't notice in the document, and if I'm wrong, Caitlin, please feel free to kick me. But I think it's kind of important to give that back recommendation that was, if we were going to vary anything we should be varying the threshold, yes, the threshold, but not the reference period for the multipliers. I think it would be really useful in 3.1, and I think we should also say it in Option 3. I think you guys do a good job in Option 2 of laying out what the SAS recommendation was, and the SAS said to us, you know please keep these two things, but if you want to modify, this would be a really good way to do it. I think it's important for us to note that in this document.

CHAIR KUHN: Lynn Fegley.

MS. FEGLEY: I do have a question now, based on what Shanna just said. When this decision is made, does the Board have the opportunity to pick a cap within the range of what is presented, or will the Board be restricted to picking a cap based on particular knobs, if you get my question?

MS. STARKS: I believe the Board would be able to

pick a cap that falls within the range of cap values, so that 916,000 that we have now, and the lowest one is 202 thousand something. I think if it were in that range, even though it's not produced by I-TARGET, it would still be on the table, because our current cap is not based on I-TARGET.

CHAIR KUHN: Any additional discussion here? John Maniscalco.

MR. JOHN MANISCALCO: Caitlin's response kind of confused me. I mean I thought we were trying to be driven by the I-TARGET, and by setting those knobs into the future, just responding to how landings and index values changed over time, and choosing some other cap and ignoring the I-TARGET advice doesn't make a lot of sense.

I thought we were trying to kind of set a base for what we're doing. I understand the Board usually has the discretion to kind of set a cap, given the spread of options that we put out for public comment, but I guess I would discourage that and it sounds counterproductive. I don't know if there is a way to kind of force the Board to use the knobs that we set, rather than give us that discretion to use a little bit too much discretion.

CHAIR KUHN: Thanks, John, I'm not sure I know the answer to that one. I mean you could pick between the range right now. But I understand where you're coming from with that sticking to the set values that come out of the black box, so to speak. Is there any additional discussion? Do you have some comments on that, Caitlin?

MS. STARKS: Yes, I can just add that that ability for the Board to pick a cap between those two values is just an artifact of the way all of our Commission documents work. It is possible for the Board to choose any option that falls within the range that goes out for public comment, and that also includes combining things across options, or issue.

CHAIR KUHN: We'll move this along a little bit. Are there any additions that the Board would like to see for de minimis or other modifications to the Addendum? Shanna.

MS. MADSEN: I just think that Lynn and John have pointed out something that maybe should be in the document, to let the public know that that is, and I realize this is something that we can do for all of our species. If we can just pop something in there that does exactly that. Then my other comment is, I think that what you guys have prepared for another set of options for de minimis is sufficient. I was happy with those, and I'm okay adding those to the document.

MS. STARKS: That language is already in the document about being able to combine and pick between the range.

CHAIR KUHN: Seeing no other discussion around this, is there any motions that we could entertain here at this time? Erika Burgess.

MS. BURGESS: I'm assuming we need a motion to add the change for de minimis requirement.

MS. STARKS: I believe we could do it without a motion if there is agreement among all of the Board.

CHAIR KUHN: Is there any disagreement to Erika's comments there, any addition? Okay, we'll just go ahead and add that. Okay, Shanna.

MS. MADSEN: Caitlin, I did find that section under 3.0. I think what John is getting at is still something maybe important for us to say, like yes, you can choose from the range of options. However, they may not be supported by some configuration of I-TARGET. Because I think that is an important distinction to make.

CHAIR KUHN: Toni.

MS. KERNS: That is the status quo option, so that is pulling from the range of options. We can try to add some language in there. But the status quo option is just an arbitrary value that the Board chose the last round. You're taking the arbitrary value and then using a reduction, if it were a reduction. It could be anywhere between what the current value is and the lowest value in the options,

because you are combining those two. You're using the rationale of status quo with the reductions of I-TARGET.

CHAIR KUHN: It seems like what we're discussing here are modifications to the addenda for clarification, say not necessarily in my interpretation the options. Is there any additional discussion on clarification? Shanna.

MS. MADSEN: Sorry, just a question to Toni's point. Toni, what does that mean if we selected something outside of the I-TARGET values for the other sections of the document that discuss timing of when we would look at the cap in relation to I-TARGET?

MS. STARKS: I believe it would mean that whatever level is set, if it is not set using I-TARGET then it would just remain in place indefinitely, because it is saying in those two options that it has to remain in place for three years if you're using I-TARGET.

CHAIR KUHN: Are there any motions to modify the options? Okay, seeing none, we need a motion to approve the document. Is someone willing to make that motion? John Clark, seconded by Shanna Madsen.

MR. CLARK: No, I'm not willing to do that. I was going to propose something different.

CHAIR KUHN: Oh, okay. My apologies.

MR. CLARK: Sorry about that for the confusion. I wanted to **move to postpone further action on the coastwide cap options until coastwide landings reach 600,000 pounds in a given year**. If I get a second, I can speak to that.

CHAIR KUHN: Do we have a second? Sorry, Russ Dize second. Do you want to speak to your motion?

MR. CLARK: Yes, I find this whole process has been very upsetting to a lot of people that have been, obviously to a lot of yellow eelers, but in addition, I just think it's very unnecessary at this time. This is a market driven fishery. We've seen landings, as

pointed out in the presentation, we were above the coastwide cap as recently as 2016, and the last few years we've been well below 500,000 pounds.

If we look at the catch in the fisheries, we would see that the catch per unit effort, especially in the Chesapeake, which Maryland is the bulk of the landings, has actually been going up. As it has been pointed out, over the decades that we've been looking at eels, we actually have, it almost looks like two different populations of eels, the estuarine eels, which is where all the fisheries are prosecuted, and then eels in fresh water.

Their fates do seem to be differing, where the freshwater eels are in much bigger trouble than estuarine eels. I think, as was just pointed out with the glass eels, the fact that we're talking about the recommended option in here from this I-TARGET method is an enormous cut in the coastwide cap.

I know this is just a proposal at this point, but it's bringing a lot of consternation to those who do fish for eels. As I said, based on the fact that this is a fishery that is market dependent, and it doesn't look like the market is coming back anytime soon. I would just say, our current system is not broken, and this is not the fix that we need, and I would just leave it alone at this point.

CHAIR KUHN: Russ Dize, as the seconder, would you like to add any comments to that?

MR. RUSSEL DIZE: I think if you look at the graph, and what John was talking about is that our line of catch is down. But the reason is, because there is no market. In their area, I'm a fisherman, in our area of the Chesapeake Bay we've got so many eels, yellow eels that someone handlining or still fishing for perch, have a hard time catching the perch, because we've got so many eels.

You can throw an eel trap over and you're going to fill in a matter of hours. The problem is, we can't sell it. All of our commercial guys that were selling eels have quit, again selling, they had to do something else. I agree with John that the problem isn't here, and I think you'll find out where they are

taking their samples, in the Hudson River, in Maryland in the upper Bay, we have an abundance of blue cats and snakeheads. You're not going to get a very good sample in those areas. I understand you have to have ten years of sampling before you can have that to be what you're going to go by. I think it's time you moved the sampling to another part of another area on the coast, because we may never have any more eels in the Hudson River, and in the Sassafas River in Maryland. But down our way, we've got Bou coups of eels.

CHAIR DIZE: Erika.

MS. BURGESS: I had a question for clarification, but I see that staff has modified the motion, although the motion has already been seconded, so it belongs to the Board. I don't know if that is in order to do that. My question was, whether the actions in the Draft Addendum under consideration regarding monitoring would still move forward. John, is that your intent?

MR. CLARK: Yes, Erika, I just wanted to postpone action on the cap. Thanks.

CHAIR KUHN: Any other discussion on the motion? John.

MR. CLARK: Toni said that I needed to say that into the record, so yes, my intention is that all other parts of the Addendum would move forward, and just postpone action on the cap part of the options.

CHAIR KUHN: Do we have any public comments on the motion? Dan McKiernan.

MR. DANIEL MCKIERNAN: My question is, you know John's proposal is an interesting one. But couldn't he bring up that same motion after this goes to public hearing? I mean I guess I would like to have a chance to talk to my TC members. I'm kind of intrigued by it, but couldn't you make that same motion at the next meeting?

CHAIR KUHN: John Clark, response.

MR. CLARK: Yes, Dan, if I can channel my inner Tom

Fote. I've been on eels for such a long time that I remember back in 2008, I was on the Technical Committee, and we had come up with a life table method for trying to reduce yellow eel mortality by coming up with a slot that could be harvested, so you would have to let go eels that were smaller than the slot eels that were larger, to get more escapement.

It did go out to the public that way, and then the Board just rejected going with the life table type of reductions that would have been required there, and just approved the other parts of the addendum. It could be done that way, I just wanted to put on the record I'm just very skeptical of some of these cap numbers that are coming up.

CHAIR KUHN: Shanna Madsen.

MS. MADSEN: As much as I love John, and as much as I love the first state, I have to say I'm going to oppose this motion. In going through the stock assessment, I think one of the things that really hit home for me is this one sentence that says, the SAS thinks the continued fishing pressure on a depleted stock is likely contributing to the continued decline in abundance seen over several assessments, being the 2012 one, the 2017 one and the 2013 one. I think that we're being incredibly irresponsible by not taking this out to public comment. At least having the discussion on what these I-TARGET limits look like, and what could potentially be feasible. We're at the point where we have been asked several times by our SAS, by our TC, to reduce fishing pressure on this specific life stage of eels. Every single time we have declined and/or have raised the cap. I can't support this motion.

CHAIR KUHN: Joe Cimino.

MR. JOE CIMINO: I echo Shanna's comments on both trying to be supportive, but also, you know there has to be some need for concern here. This is a species that's life history is very complicated. Our understanding of its population is very complicated. It's one that's been discussed for listing at times. To just push this off for a future date on a poundage that isn't even something that would hurt our

commercial fisheries at this point. I would much rather see this go to public comment as is. I think there are darn good reasons for it, so thank you.

CHAIR KUHN: Rick Jacobson.

MR. RICK JACOBSON: I agree with some of the comments that have been offered that I do not support this motion. Given the status of the stock, and the declining status over the years. I do believe that we need to go out for public comment with these sorts of options. We've given due diligence into analyzing what may be drivers to the abundance issue.

This is the best science we have available to us at this time. Add to that, if we were ultimately to conclude that this is the right time to lower the coastwide cap, no better time to do it than during a period when the actual harvest is decreased, and it's easier to accept that change. I can't support the motion at this time.

CHAIR KUHN: Okay, we've had considerable discussion on this item. I think we're ready to call the question. Assuming there is going to be a need to caucus, so we'll go with two minutes for caucus. Okay, we had two minutes. Let's go ahead and wrap this up. Before I call the question, I'm going to read this motion back into the record. Move to approve Sections 3.1 and 3.2 from the Draft Addendum, and postpone further action on coastwide cap options until coastwide landings, did I say, I'm sorry.

It looks like I read that wrong., so I'll start over. Apologies. **Move to remove Sections 3.1 and 3.2 from the Draft Addendum, and postpone further action on the coastwide cap options until coastwide landings reach 600,000 pounds in a given year.** Motion made by Mr. Clark and seconded by Mr. Dize. **All those in favor, raise your hand. All those opposed. Any null votes, abstentions? The motion fails, 1 to 18 to 0 to 0.** John Clark.

MR. CLARK: I'll take another crack at this. How about, I would like to make a **motion to remove**

Section 3.1 Option 2, that is the lowest cap value in the document.

CHAIR KUHN: Thank you, John, do we have a second? Megan Ware. John, would you like to provide some additional rationale?

MR. CLARK: Obviously the Board has made it clear that they would like the coastwide cap options to go out to the public. I just think this one would have zero possibility of ever passing the Board, and is probably the one that would be most concerning to the eel fishermen. Sort of the similar reasoning that was used for the glass eel addendum. It's why would you take something out that really is just going to cause a lot of concern and worry, when it's not something that we probably want to consider as a Board?

CHAIR KUHN: Megan Ware, any additional comments?

MS. WARE: Seconded for discussion, so John could provide his rationale.

CHAIR KUHN: We're running behind, obviously. Let's go ahead and take any comments in support of John's motion. Lynn Fegley.

MS. FEGLEY: I would go ahead and support this. I recognize that this is what was recommended by scientists. But I will say that while I do, I have concern about the potential recruitment overfishing of yellow eels. But I also have concern that we really have very little understanding for analysis of the levels of fishing mortality that are happening on glass eels, and glass eels become yellow eels.

We also have an issue in Maryland, where we have the highest catch per unit effort in the history of our time series, and I understand that's a local view. It's a concentration. But a 200,000-pound catch cap is essentially a moratorium. I mean you might as well go there if you're going to go to 200,000 pounds. While I am in the camp of making a move on this fishery and not ignoring the problem, I could support moving this lowest option.

CHAIR KUHN: I'll take one more comment in

support if there are any, that differs from the rationale Lynn provided. Okay seeing none; is there any comments in opposition to that before we call the question? Okay, assuming again there is going to be a need for caucus. Need for caucus? Okay, I'm not seeing any, yes. We'll take one minute. I'm going to read the motion back into the record before we call the question. Motion to remove Section 3.1, Option 2. Motion by John Clark, second by Ms. Ware.

All those in favor, raise their hands. Okay, you may lower your hands. All those opposed, okay lower your hands. Null votes, abstentions. Okay, the motion fails 8 to 11, 0, 0. Okay, are there any additional modifications to the Draft Addendum for public comment? Seeing none; do we have a motion to approve the Draft Addendum for public comment? Cheri Patterson, seconded by Shanna Madsen.

MS. CHERI PATTERSON: I'm just going to read it. **Move to approve Draft Addendum VII for public comment, as modified today.**

CHAIR KUHN: Shanna, any additional comments? Okay, we'll try this the easy way, maybe. **Is there any opposition to this motion? Okay, seeing none; the motion passes by consent.**

CONSIDER APPROVAL OF FISHERY MANAGEMENT PLAN REVIEW AND STATE COMPLIANCE REPORTS FOR THE 2022 FISHING YEAR

CHAIR KUHN: Okay, we have two items remaining on the agenda, so let's move on to Item 6 on the agenda, which is to Consider the Approval of the Fisheries Management Plan Review and State Compliance Reports for 2022 Fishing Year. Caitlin.

MS. STARKS: I'm going to make this briefer than it was supposed to be. But I'll quickly go over the status of the fishery and then the PRT Review, the State Compliance and their recommendations. I'm going to skip through these first couple slides just showing on the screen. These are the glass eel fishery regulations in place under the FMP, and there haven't been any changes in recent years.

These are the yellow eel fishery regulations, and then these are the silver eel fishery regulations. Then in addition, there are other management measures in place, including the catch in effort reporting, sustainable fishery management plans, and then there have not been changes in those as well. Just an update, Maine has used the aquaculture plan provision. They've submitted a continuation of the aquaculture plan for 2023. That was approved by the Board in August, 2022, and 200 pounds were harvested by America Unagi in 2022.

For commercial landings, the state reported landings of yellow and silver eels were around 334,653 pounds in 2022, and that is a 2 percent increase from 2021. States that contribute 91 percent of the coastwide harvest are Maryland, Virginia, New Jersey and New York. Maine's glass eel harvest in 2022 was 9,459 pounds.

South Carolina also has minimal glass eel harvest, but it's confidential. I'm not going to continue reporting on recreational eel fisheries, because as we discussed, the design of MRIP is not geared to inland fisheries, so we don't have any estimates. Unless this changes, I will no longer report on that.

This is the PRT Review of the compliance reports. They found no issue with the glass eel fishery. Then with regard to the yellow eel provision, the PRT noted one issue, which is that New York's regulations for a minimum mesh size are not consistent with the requirements of the FMP. Addendum III requires states and jurisdictions to implement a 1/2 inch by 1/2 inch minimum on the mesh size that is used in the commercial yellow eel pots.

Addendum III allows states to use an escape panel constructed of that mesh size for three years, in order to reduce the financial burden on this fishery for those gear changes. However, that provision for the three-year escape panel thing has expired. Now all the yellow eel pots should be required to use the minimum mesh size, regardless of the presence of an escape panel.

New York's regulations still allowed the pots to have the escape panel instead of using the minimum mesh size, so therefore New York should update those regulations to require the minimum mesh size for all yellow eel pots to meet that FMP requirement. For silver eel the PRT noted two small issues, which are that Delaware and Florida have not implemented regulations that prevent harvest of eels from pound nets from September 1 through December 31.

However, Delaware has not had any reported pound net landings for 50 years, and they will be able to address this issue the next time they have to make a change to their eel regulations. Florida is also unaware of any active pound net fishery in the past 10 to 15 years. As discussed earlier, the de minimis threshold for eel is that average landings for the two preceding years must be under 1 percent of the coastwide landings for a particular life stage. For this year, New Hampshire, Massachusetts, Pennsylvania, D.C., Georgia and Florida all requested de minimis status for yellow eels. While the rest of the states qualify, Florida's average landings for 2021 and 2022 are greater than 1 percent of the coastwide landings, and it is 2.25 percent of the coastwide.

The PRT recommends that the Board consider those compliance issues that they noted, and then they also recommend that New York separate the yellow and silver eel landings in their reporting. The PRT maintained the recommendation for the states to quantify upstream and downstream passage, and provide information to the TC for evaluation regularly.

To address this, they suggested making a section in the compliance report, so that the states are reporting on this annually. The PRT also recommends the Board engage the Committee on Economic and Social Sciences to conduct an analysis of market demand specific to the food versus state markets and international market demand, and also recommends working with U.S. Fish and Wildlife to compare the U.S. landings and the exports. With that I can take any questions.

CHAIR KUHN: Any questions for Caitlin? Okay, if there are no more questions, Doug Grout.

MR. DOUGLAS E. GROUT: I just wanted to ask, Mr. Chairman, has there been any reason that New York has not passed those changes to the minimum mesh size, and if not, are there plans to change those in the near future?

CHAIR KUHN: Would you like to address that, John?

MR. MANISCALCO: Yes, thank you, just an oversight, and we will address it as quickly as possible to our regulatory.

CHAIR KUHN: Are there any modifications to the FMP as presented? Is someone willing to make a motion to accept the FMP Review? Ingrid Braun.

MS. INGRID BRAUN: **Move to approve the American Eel FMP Review for the 2022 fishing year, state compliance reports, and de minimis status for New Hampshire, Massachusetts, Pennsylvania, D.C., and Georgia.**

CHAIR KUHN: We have a second by Megan Ware, sorry, Lynn Fegley. They are sitting somewhat close together. Any comments on that? Okay, it's getting late, my apologies. **Is there any opposition to the motion? Seeing none; the motion passes by consent.**

MS. STARKS: I just wanted to clarify that if, unless I hear any objections, I will add a section to the compliance reports for the states to report on their upstream and downstream passage.

CHAIR KUHN: Thanks for that clarification, Caitlin.

REVIEW AND POPULATE ADVISORY PANEL MEMBERSHIP

CHAIR KUHN: Moving on to the last item on the agenda. It is to Review and Populate the Advisory Panel membership, and for this I am going to turn it over to Tina Berger.

MS. TINA L. BERGER: Thank you, Mr. Chair, I offer

for your consideration and approval two nominations to the American Eel Advisory Panel, Sara Rademaker, sorry, Sara, an eel aqua culturist, and Timothy LaRochelle, a commercial net fisherman. Both are from Maine, and they replace two previous advisors on the panel who are no longer active in the fishery. Thank you.

CHAIR KUHN: Thank you, Tina, do we have a motion regarding the nomination? Megan Ware. Second, Dan McKiernan.

MS. WARE: Move to approve Sara Rademaker and Timothy LaRochelle to the Eel Advisory Panel.

CHAIR KUHN: Would anyone around the table like to make a comment? Okay, seeing none; **is there any opposition to the motion? Seeing none; the motion passes by consent.**

ADJOURNMENT

CHAIR KUHN: At this point is there any other business to come before the American Eel Management Board today? Seeing none; do we have a motion to adjourn? Justin Davis, second Cheri Patterson. Thank you, this meeting is adjourned.

(Whereupon the meeting adjourned at 5:54 p.m. on Tuesday, January 23, 2024)