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MEMORANDUM

TO: N.C. Marine Fisheries Commission

FROM: Louis Daniel III, Director
Division of Marine Fisheries, NCDEQ

DATE: Feb. 16, 2016

SUBJECT: Declaratory Ruling Request – Additional Information

As the members may be aware, at the ASMFC February 2016 Winter Meeting, the American Eel Management Board approved the N.C. Aquaculture Plan for American Eel (Plan) with an 18-1 vote. The motion passed by the board was: *“to approve the NC aquaculture plan and include the recommendations from the TC and that the plan would also include that no export of glass eel would be allowed and that year 1 will be exploratory to determine locations in which glass eels are present. At that time, NC will consult with the TC to determine the best methodology to determine usable abundance estimates.”*

Specific recommendations from the Technical Committee (TC) were:

- 1) N.C. should follow the 25 pigmented eel tolerance per pound of glass eels as stated in Addendum III. However, the States of South Carolina and Maine seem to be enforcing this tolerance in different manners. South Carolina requires fishermen to pick out pigmented eels from their catch, whereas Maine defines a pigmented eel as an eel that will not pass through a 1/8 inch non -stretchable mesh (anything that passes through the 1/8 inch mesh is considered a non -pigmented eel).
 - **The Board briefly discussed the issues surrounding the use of a 1/8-inch non-stretchable mesh, but did not make any changes to the Plan. N.C. will require the American Eel Farm to use a 1/8 mesh to cull pigmented eels.**
- 2) Eels weighed at the facility should be reported to the nearest 0.10 lbs. instead of 0.25 lbs.
 - **The final version of the Plan was changed to require American Eel Farm to report harvest of glass eels to the nearest 0.10 lbs.**

- 3) N.C. should be required to report back to the TC at the end of the first year with harvest data, including date, location, number of glass eels harvested, effort, and water temperature.
 - **These data were already required for the fishermen to collect with the exception of water temperature data. The harvest, effort, and water temperature data will be used to generate a report for the TC.**

- 4) The language regarding harvest of adult female eels from the Chesapeake Bay should be removed in the section regarding the justification of minimal contribution.
 - **The language regarding harvest of adult female eels from the Chesapeake Bay was removed from the final version of the Plan.**

Additionally, the TC recommended, if the Plan was approved, for the American Eel Management Board to require more biological data to be collected including young-of-year abundance surveys and water quality data for the waterbodies where harvest is proposed to occur.

The motion passed by the board modified this recommendation so that the first year will be exploratory to determine locations in which glass eels are present. If a new aquaculture plan is submitted after this season the state will need to consult with the TC to determine the best methodology to collect useable abundance estimates.