

South Atlantic Fishery Management Council

**Protected Resources Committee Meeting**

June 13, 2013, 1:30-3:00 PM

Hutchinson Island Marriott Hotel and Resort, Stuart, Florida

**USFWS Briefing Statements to Council and Committee**

**American Eel Appendix II CITES Proposal**

The U.S. Fish and Wildlife Service (USFWS or Service) published a notice in the Federal Register on April 11, 2012, indicating that it was considering, but was still undecided, whether to submit a species proposal for American eel (*Anguilla rostrata*) and all other *Anguilla* species presently not included in CITES appendices during the 16<sup>th</sup> Conference of the Parties (CoP16) to the CITES Convention in Thailand during March, 2013. After consideration, the Service did **not** take a proposal forward; however, the Service continues to monitor the international trade situation with American eel, especially the increasing value of glass eels, and has concerns about its sustainability, given the high value (\$2,500 per pound) and incentive for illegal fishing. It is anticipated that when USFWS solicits public input for proposals that the United States may take forward to CoP17, some NGOs will again suggest a proposal be submitted for American eel. The European Union countries remain keen to see the US take action to conserve this species.

**Background:** The Species Survival Network (SSN) and World Wildlife Fund (WWF) recommended that the United States propose the American eel (*Anguilla rostrata*) and all other *Anguilla* species that had not previously been included in the Appendices, for inclusion in Appendix II. The European eel, *A. anguilla*, was included in Appendix II at CoP14 (2007). Both proponents believe that there is a strong case for including the American eel in Appendix II. The WWF asserted that inclusion at the generic level [of all *Anguilla* species] is merited because of their similarity of appearance, and they encouraged the United States to consider submission of an Appendix-II proposal for the American eel or for the genus *Anguilla*.

The American eel inhabits fresh, brackish, and coastal waters along the Atlantic Ocean from the southern tip of Greenland to Brazil. It is a catadromous species, which is a species that inhabits fresh water and only migrates to salt water to spawn. After the adult eels spawn and die, the young larval or leptocephalus-stage eels continue to develop as they drift as part of the oceanic plankton community. After 1-3 years, the leptocephali metamorphose into glass eels, and subsequently to elvers, and can move about freely under their own power. Glass eels enter estuarine waters from the ocean, via inlets, and most continue to migrate until they reach freshwater tributaries, where they live for 5 to 20+ years until the proper combination of physiological changes and environmental cues result in the eels' spawning migration. However, some eels complete their maturation in brackish waters before returning to the Sargasso Sea to spawn. Eels that travelled upstream to freshwater will migrate downstream to the ocean and continue on to the Sargasso Sea spawning grounds. American eels metamorphose into several

stages during their lifetime: glass eels, elvers, yellow eels, and finally silver eels. The species has several life-history characteristics that make them particularly vulnerable to overexploitation. They are long-lived with a large body size; age of sexual maturity may vary depending on whether they fully migrate to freshwater, but generally occurs late in life; all of each female's offspring are produced at one time; and young eels experience high mortality rates.

Historically, American eels were abundant in Atlantic coastal streams, constituting more than 25 percent of the total fish biomass. Eel abundance had declined from historic levels, but remained relatively stable until the 1970s. Harvest data and limited stock-assessment data indicate that stock abundance continued to decline throughout the following decades. In November 2004, the Service and NOAA were petitioned to list the American eel under the ESA. In February 2007, after an extensive review of the best available scientific and commercial information, it was determined that listing the American eel under the ESA was not warranted (72 FR 4968). The Service was again petitioned to list the American eel on April 30, 2010, by the Council for Endangered Species Act Reliability (CESAR). On September 29, 2011, the Service published a 90-day finding (76 FR 60431) that the new information in the petition and the Service's files presents substantial information that a listing may be warranted. This new information suggested climate change may be impacting ocean conditions in the Sargasso Sea such that eel recruitment may be affected. The 90-day finding initiated a status review to determine if a listing is warranted. The status review is still ongoing and will be completed no later than September 30, 2015 to comply with a court approved settlement agreement.

The Atlantic States Marine Fisheries Commission (ASMFC) undertook a stock assessment for the American eel (approved for management use in May, 2012), and determined that the species is *depleted* in US waters. The stock is at or near historically low levels. This is likely due to a combination of historical overfishing, habitat loss due to damming mainstems and tributaries of rivers, mortality from passing through hydroelectric turbines, pollution, possibly parasites and disease, and unexplained factors at sea. A depletion-based stock reduction analysis (DB-SRA) was conducted by the ASMFC Stock Assessment Subcommittee (SASC); results suggested overfishing has been occurring since the 1980s. However, while it is highly likely the American eel stock is depleted, the overfishing and overfished status in relation to the biomass and fishing mortality reference points cannot be stated with confidence (see ToRs 2, 3 and 5).

In a situation that may affect trade in American eels, the European Commission (EC) 12 decided on December 6, 2010, to extend a temporary import and export ban on European eels that was effective November 1, 2010. The Committee on Trade in Wild Flora and Fauna, assisting the EC in implementing CITES, decided to extend the ban of export and import of European eels following the unanimous recommendation from its scientific advisory body, the Scientific Review Group (SRG). This ban was to stay in place until the SRG reassessed the situation at the end of 2012. Service staff have contacted the SRG to ascertain its reassessment of the issue. Continuing the import and export ban of the European eel could increase demand for the American eel as a replacement species in international trade for the European eel.

The Service is pursuing consultations with other range countries, our Regional offices, and the ASMFC representatives who are coordinating with the States on this issue to better understand the status of the stock and the domestic and international trade in the species. At this time, the

United States remains undecided about proposing the American eel or other *Anguilla* species for inclusion in Appendix II, pending these consultations and further analysis of the American eel stock assessment report from the ASMFC.

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### **American Eel Status Review**

The Service was petitioned to list the American eel most recently on April 30, 2010. The Service reviewed the petition and published its 90-day finding on September 29, 2011. The finding found that new information in the petition and the Service's files presented substantial information indicating that the listing of the American eel may be warranted, and initiated a status review of the species, which is still ongoing. Due to insufficient resources, the Service did not complete the status review within the mandated statutory timeframe, and on August 7, 2012, CESAR filed a legal action to compel the Service to publish a 12-month Finding. The parties to the litigation reached settlement and a Stipulated Settlement Agreement was filed April 24, 2013 stating the Service will complete the 12-month status review no later than September 30, 2015. The 12-month status review will have one of three results listing is:

(a) not warranted; (b) warranted; or (c) warranted but precluded by other pending proposals....”

If listing is warranted, the Service will combine the 12-month finding with a proposed rule to list as threatened or endangered and evaluate whether designating critical habitat for the American eel is prudent and determinable. The Service's Northeast Region has the lead for conducting the status review, and has advised that they will be preparing a project plan this summer that will outline the new lead biologist for the review and the specifics of how the Service will complete the status review by the settlement agreement deadline.

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### **NW Atlantic Loggerhead Sea Turtle**

The Service published a Federal Register notice March 25, 2013, proposing to designate Critical Habitat for the northwest Atlantic distinct population segment (DPS) of loggerhead sea turtle (*Caretta caretta*). Under the proposal, Critical Habitat would be designated on approximately 740 miles of shoreline in six states. The deadline for comments was May 24, 2013. The public comments received can be viewed at [www.regulations.gov](http://www.regulations.gov) – type the Docket No. (FWS-R4-ES-2012-0103) on the Search line. Once you get to that Docket page, click on Open Docket Folder on the right about mid-way down the page.

The USFWS-proposed Critical Habitat is only for the nesting beaches. A draft economic analysis is under preparation and is anticipated to be published in early July. The Critical Habitat Proposed Rule from the National Marine Fisheries Service, for marine habitat, is also expected in July. Service Endangered Species staff advise that the USFWS proposal will not affect any fishing activities. Designation of Critical Habitat is not anticipated to apply any additional regulatory control beyond what was imposed at the time the species was listed.

Council members may wish to access and review the outreach materials for the proposal, which are posted on the Jacksonville, FL, USFWS website for the Proposed Rule, as they address many of the questions which have been posed regarding the proposal. The materials may be accessed at:

[http://www.fws.gov/northflorida/SeaTurtles/2013\\_NWA\\_Loggerhead\\_CH/20130322\\_faq\\_Questions-n-Answers\\_proposed\\_loggerhead\\_critical\\_habitat.html](http://www.fws.gov/northflorida/SeaTurtles/2013_NWA_Loggerhead_CH/20130322_faq_Questions-n-Answers_proposed_loggerhead_critical_habitat.html)

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