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# LANDINGS News & Views from Maine's Lobstering Community

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September 2021 | Vol. 29, No. 9

# THE MAINE LOBSTERMEN'S ASSOCIATION FRUSTRATED BY NEWLY PUBLISHED WHALE RULE

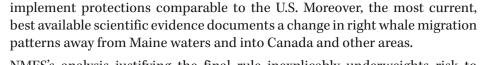
On August 31, the National Marine Fisheries Service (NMFS) released the longawaited final rule which outlines measures for the Northeast lobster fishery to reduce the risk of entangling right whales by 60%. The Maine Lobstermen's Association (MLA) is committed to action to recover the North Atlantic right whale but the species cannot rebuild without a conservation plan supported by scientific evidence and comparable measures implemented in Canada and the

U.S. shipping industry. The MLA remains extremely concerned that NMFS is placing an unwarranted burden on the Maine lobster fishery.

The U.S. lobster fishery implemented new regulations more than a decade ago which have reduced known right whale entanglement in U.S. lobster gear by 90%.

"According to NMFS data, the Maine lobster fishery has not had a documented entanglement with a North Atlantic right whale in over 17 years and has never been known to kill or seriously injure a right whale," said Patrice McCarron, executive director of the MLA.

By comparison, an historic number of right whales have died in Canadian waters over the past five years and Canada has yet to



NMFS's analysis justifying the final rule inexplicably underweights risk to right whales in Canada by ignoring observed trends in right whale mortality. NMFS cannot point to evidence that the required measures will achieve the in-

tended goal because they have not properly assigned risk from the sources of harm to right whales.

"NMFS has mandated that Maine lobstermen reduce risk to right whales by an additional 98% over the next ten years based on the worst-case scenario instead of using best available data and realistic assumptions," noted McCarron, "The final rule is just the first round of economic impacts and future restrictions will likely destroy Maine's iconic lobster fishery." The MLA does not believe the scientific record supports implementation of the 10-year federal plan.

The MLA has three overarching concerns with the final rule. First, the Lobster Management Area 1 (LMA1) Seasonal *Continued on page 5* 



*The LMA 1 closure will do little to protect the endangered right whale. NOAA image.* 



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## KNOTTY DISCUSSIONS OVER WEAK POINTS IN FINAL WHALE RULE

#### By Melissa Waterman

In July, the National Marine Fisheries Service (NMFS) published the Final Environmental Impact Statement (FEIS) with NMFS's preferred alternative for the whale rules, which will amend

the Large Whale Take Reduction

Plan. While this is not the Final Rule, it provides a strong indica-

tion of which measures will likely

of force, according to NMFS, will

allow most right whales to break

free of the line relatively quickly if

they encounter vertical lines.



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be in the Final Rule. As expected, the FEIS preferred alternative would require lobstermen to insert 1,700-pound weak points in their vertical lines. Including weak points that break at 1,700 pounds

> Photo courtesy of Emily Sawchuck Photography.

Many lobstermen have asked what exactly constitutes a weak point or weak rope. The Department of Marine Resources (DMR) has spent the last three years working with lobstermen to iden-

Continued on page 4

MLA UPDATE

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# LOBSTERMEN'S

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The advertising deadline is the second Monday of each month. **Please contact** Melissa Waterman (melissa@mainelobstermen.org

# COASTAL OUTLOOK Thoughts from MLCA President Patrice McCarron

September is a time of shorter days, tints of red in the tree leaves, and a general exodus of tourists and summer visitors from the state. It's also the time that the Maine lobster fishery cranks up into high gear as lobstermen bring lobsters by the thousands across Maine's wharves. After a summer of high temperatures and steady demand, the fall will continue to be a busy period for lobstermen and the businesses they support.

The question many of those businesses are pondering is what will be in the final whale rule, due out from the National Marine Fisheries Service (NMFS) "any day now." Based on the Final Environmental Impact Statement (FEIS) released by NMFS in July, the rule is expected to include most of the conservation equivalencies proposed by Maine's lobster zone councils with regard to the number of traps to be required on trawls outside the exemption

line, and the number and location of the 1,700 pound weak points in vertical line. The final rule will likely also contain a much-criticized closure in Lobster Management Area 1 (LMA1) and a new system of gear marking that would make the majority of Maine's system, instituted last year, non-compliant. However, we won't know the exact measures until the Final Rule is published.

The Maine Lobstermen's Association (MLA) coordinated with Maine DMR and the Maine delegation to raise concerns with NMFS and the Office of Management and Budget - where the final review of the new rule takes place — over the most troubling aspects of the draft final rule outlined in the FEIS. MLA submitted written comments to NMFS and met with OMB questioning the need and size of the LMA1 closure, requesting that Maine's new gear marking system remain in place unchanged, and seek-

ing to establish a simple process to allow additional conservation equivalencies to be adopted in the future.

Rope that breaks at 1,7000 pounds of pressure has also been on the minds of staff at the Maine Department of Marine Resources (DMR). Erin Summers, DMR director of biological monitoring, has overseen a three-year project looking at all aspects of weakening vertical lines. "Our goal was to allow lobstermen to use existing gear with weak points, rather than everyone having to buy new and experimental ropes," she said. That meant finding ways to make rope typically used by Maine lobstermen break at 1,700 pounds. Lobstermen typically knot or splice their rope to match depths as they move gear inshore and offshore throughout the season. It is still unclear whether NMFS will allow knots to be one of the approved methods for weakening rope.

While the whale rule will have decided effects on the lobster fishery in Maine and other New England states, researchers are finding that the right whales have altered

their migration patterns as the marine environment warms. Many now congregate in an area south of Martha's Vineyard and Nantucket which, as we note in this issue of Landings, is also the area in which commercial wind farms are scheduled to be constructed. A new analysis, published in the journal Endangered Species Research, indicates that between December and May each year almost a quarter of the right whale population may be present in that region.

Meanwhile, in Canada a new study shows that a broad range of marine species, including whales, dolphins, and porpoises have died or been injured in the Gulf of St. Lawrence during the past fifteen years, the same area in which endangered North Atlantic right whales have died in unprecedented numbers since 2017. The report by the Canadian Marine Animal Response Society (MARS) noted that only 7% of whale incidents in the region involved right



Fall means Maine lobstermen move into high gear. MLMC photo.

whales. The vast majority - 93% involved minke, humpback, fin and endangered blue whales. "Based on current trends, the number of reported incidents is projected to increase, particularly for dead cetaceans," the report predicted.

The multitude of changes that Maine lobstermen are facing is challenging, to say the least. Yet certain elements of the fishery give it a resiliency that other fisheries lack. We look at some of those unique characteristics of the fishery, among them the prohibition on license sales or transfers as well as predominance of small boats working inshore. The link between lobstermen and the communities in which they live remains remarkably strong in Maine, particularly in the Downeast region. Any disruptions to the fishery will cause severe social as well as economic ripples throughout the coast.

This month in our health series we

nea affects nearly 27 million people in the country, many of whom don't know they have it. Sleep apnea causes the throat to close many times during sleep, depriving the individual of oxygen and having long-term repercussions to overall health. It's characterized by loud and inconstant snoring, the kind that wakes the neighbors. Learning if you have sleep apnea can be done by a sleep evaluation, either at a sleep center or at home.

Finally, part of the lure of lobstering is the excitement of hauling the trap. Every lobsterman hopes for a trap bursting full of legal lobsters but sometimes they find other creatures have wandered into the parlor. Landings thanks the lobstermen who contributed photos of the various species they have uncovered in their traps this summer.



focus on the condition known as sleep apnea. Sleep ap-

or 967-6221) for more information.

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# FEDERAL DEADLINE FOR SWITCHING TO ELECTRONIC VTR'S **IS EARLY NOVEMBER**

#### GARFO press release

#### Deadline coming soon

Beginning November 10, 2021, GARFO-permitted commercial fishing vessels will be required to have an electronic device onboard the vessel at the time of the trip and submit completed reports electronically within 48 hours of the end of a trip. This also applies to vessels holding only a NEFMC for-hire permit. This does not apply to vessels holding only an American lobster permit. Vessel trip reports will switch from paper to electronic submissions on that date.

Vessels issued for-hire permits for New England Fishery Management Council-managed fisheries (i.e., Northeast multispecies) will also be required to use eVTR and report within 48 hours of the end of a trip.

Vessels issued a for-hire permit for Mid-Atlantic Fishery Management Council species or a private recreational vessel tilefish permit already submit vessel trip reports electronically.

Paper vessel trip reports will no longer be distributed by GARFO nor be accepted for any trip beginning on or after November 10, 2021.

See our webpage (www.fisheries.noaa.gov/ new-england-mid-atlantic/resources-fishing/ resources-fishing-greater-atlantic-region?utm\_ medium=email&utm\_source=govdelivery) for more information on the requirements.

#### How to Report

GARFO, our partners, and several companies have developed applications that meet our eVTR reporting requirements. There are software apps for virtually all smart phones, tablets and computers.

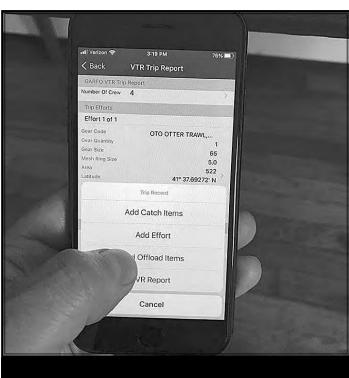
An up-to-date listing can be found on our

Electronic Vessel Trip Reporting Software Options web page (www.fisheries. noaa.gov/new-england-mid-atlantic/resources-fishing/electronic-vessel-trip-reporting-software-options?utm\_medium=email&utm\_source=govdelivery) along with instructions on how to use GARFO's apps and links to partner apps.

#### More Information and Resources

#### **Port Agents**

Based in offices from Maine through Virginia, Port Agents are available to provide remote and in-person eVTR app assistance to individuals or small groups



There are several application options available for fishermen to choose from. GARFO photo.

throughout the region.

You may contact a Port Agent directly, or through our Vessel Reporting Help Desk at (978) 281-9188 or nmfs.gar.reporting@noaa.gov.

#### Webinars

GARFO held a series of instructional webinars for vessel operators. These webinars were for commercial and multispecies for-hire vessel operators and will be scheduled geographically according to Port Agent coverage areas. Recordings of these training sessions are available and posted on our webpage.

#### **Other Resources**

To keep in touch on the latest information regarding eVTR implementation and other vessel reporting topics you can sign up for our bulletins. To sign up or to update your existing subscriptions, go to our sign up page. Once you are on the sign up page follow these directions:

Bulletins are listed under the Regional Updates subscription topic. Under the New England/ Mid-Atlantic Updates sub-topic, click the + sign to expand the list, and select eVTR and VMS updates. Then click submit at the bottom.

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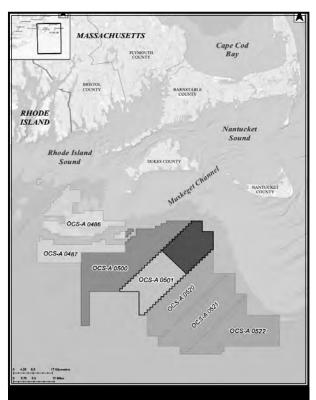
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# RIGHT WHALES CONGREGATING WHERE WIND TURBINES WILL BE

#### By Melissa Waterman

North Atlantic right whales are congregating and finding food in a new area: southern New England waters where offshore wind energy projects are sched-



Southern New England offshore lease sites, slated for wind energy developments, are also used by right whales. BOEM image.

uled to be built. A new analysis, published in the journal Endangered Species Research, suggests that concrete actions to protect the right whales will be necessary for the population's survival.

Marine mammal researchers at the New England Aquarium, the Northeast Fisheries Science Center (NEFSC), and the Center for Coastal Studies examined aerial survey data collected 2011-2015 and 2017-2019 to quantify right whale distribution, residency, demographics, and movements in the region.

The changing behavior of right whales shows offshore energy planning cannot rely on historic migratory patterns, the paper's authors wrote.

"Monitoring and mitigation plans should include protocols for the likely presence of right whales throughout the year. Their increasing summer and fall presence deserves special attention since this will overlap with the current schedule for pile driving for turbine foundations in the next few years, the phase of construction considered to have the greatest acoustic impact, which could potentially affect right whale behavior," according to the paper. "Management and mitigation procedures should be adapted and reevaluated continually in relation to right whales' use of the area."

The New England Aquarium used systematic aerial surveys, and NEFSC and the Center for Coastal Studies directed surveys conducted in areas where right whales were present to document aggregations of right whales. Aerial photographs were matched to catalogued individuals registered in the North Atlantic Right Whale Consortium Sighting Database. A total of 327 unique right whales were photographed in the area by the teams over the study period. The analysis indicated that between December and May almost a quarter of the right whale population may be present in the region.

The study also found that the residence time for individuals in the southern New England area during the winter and spring has increased three-fold to an average of 13 days over the last decade. Up to 23% of the right whale population was estimated to be using areas designated for offshore wind development off Nantucket, Martha's Vineyard and Rhode Island from December to May. That figure included 30% of the population's females.

"The regular presence of right whales in southern New England deserves more attention," the authors wrote. "The effects of offshore wind development on right whales are unknown, but this enormous development could have a local impact on right whales at a critical time when they are becoming more reliant on the region."

#### Rope continued from page 1

tify operationally feasible solutions to weaken rope to this standard. DMR then tested and amassed data to document which methods meet the requirement. Erin Summers, DMR director of biological monitoring, oversees the department's efforts.

"We've tested different manufacturers and diameters of rope, different ways to splice, and different types of knots to evaluate ways to reduce the breaking strength of lines already used in the lobster fishery. We're working with companies on manufacturing plastic weak points that can be inserted in the rope and run through the hauler. NMFS will use the data we provide to decide what will be on the approved options list [for the implementation of the final rule]," Summers said. DMR developed the protocols for the tests of various weakpoint connection types, which are now being used by all the states and NMFS.

"Our goal was to allow lobstermen to use existing gear with weak points, rather than everyone having to buy new and experimental ropes," she said. That meant finding ways to make rope typically used by Maine lobstermen break at 1,700 pounds.

Rope manufacturers are not currently making fishing rope that specifically breaks at 1,700 pounds unless it is a very small diameter, which adds to the urgency of developing practical weak points to comply with the implementation date of the rule when it comes out.

One of the simplest ways to weaken a fishing line is to put a knot in it. Most lobstermen either knot or splice rope together to transition from sink rope at the surface to float rope at the bottom of the vertical line, to alter its length as they move their traps throughout the season, or for gear maintenance at sea, thereby inevitably weakening their line. Yet the current whale rules require ropes to be as knotless as possible, pointing to the risk that a knotted rope might get jammed in the baleen of a whale.

While NMFS acknowledges that Maine DMR has demonstrated that "splices and knots introduce weakness into buoy lines," the agency conducted an expert review this summer to determine whether using knots as weak points poses additional risk to right whales. NMFS convened an advisory group in three virtual meetings this summer on the subject of knots and their potential risk to whales during an entanglement. That advisory group will make a recommendation to NMFS later this fall on whether or not knots may be used as an authorized weak point to comply with regulations in the Final Rule.

Some Massachusetts lobstermen use a weak point sometimes called a South Shore sleeve. The sleeve is a hollow braided rope that is fed over the top of regular fishing line that has been cut. The sleeve tightens as it pulls against the two ends of the cut rope and is designed to break at the required pressure. According to Summers, the few lobstermen in Maine who have tried the sleeve



#### HY-LINER ROPE COMPANY ST. GEORGE, MAINE

experienced problems with the rope slipping. The sleeve also has difficulty working properly when attached to two different diameter ropes. "It hasn't gained traction here," Summers said.

Additional research conducted by DMR placed load cells on lobster boats to determine the hauling strain of gear. The results have led DMR to conclude that putting 1,700 pound weak points in the bottom half of the vertical line is not safe for many fishermen while hauling. The department is also working with marine companies to create molded plastic weak points (about the size and shape of a 1"chain link) that will pass through a hauler without problems and will break at 1,700 pounds.

"We are looking at simple solutions that lobstermen can use. We are gathering enough data so that those will be approved by NMFS," Summer said. "The breaking strength data and field testing with fishermen in Maine go a lot further in these discussions than all the anecdotes in the world."

The Final Rule was published on August 31 and gives an implementation date of May 1, 2022. The issue for lobstermen, however, is when a list of approved weak points will be completed.

Whale rule continued from page 1

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Restricted Area is much larger than it needs to be to reduce risk from the Maine lobster fishery. Second, NMFS has made drastic, last minute changes to the gear marking requirements for Maine which will likely require lobstermen to purchase a second set of buoy lines to fish legally-marked gear. Third, the final rule lacks the flexibility for lobstermen to innovate and propose equally protective yet less costly approaches.

The MLA wrote to NMFS and met with the White House Office of Management and Budget's Office of Information and Regulatory Affairs in late July to urge the federal government to tailor the size and duration of the Area 1 closure, streamline the approval process for conservation equivalencies, and not make last-minute changes to Maine's gear marking system. The MLA's concerns were

Maine lobstermen ...take pride in their longstanding sustainable fishing practices, which include more than two decades of implementation of successful measures to protect whales.

echoed by the Maine Department of Marine Resources (DMR) and Maine's Congressional delegation. MLA is disappointed none of these reasonable requests were accommodated. Summary prepared by MLA 2021.08.31



"We are extremely frustrated by last minute changes to gear marking without any input from Maine lobstermen, and that the closure is much larger than it needs to be to protect right whales. According to the state, reducing the size of the closure in December and January would have a negligible impact on conservation benefit to right whales," noted McCarron.

The MLA is committed to supporting both the continued viability of the Maine lobster fishery and the recovery of the North Atlantic right whale through management measures that cost- effectively address documented risks based on the best available science. Maine lobstermen are world leaders in conservation and stewardship. They take pride in their longstanding sustainable fishing practices, which include more than two decades of implementation of successful measures to protect whales. Since NMFS formed the Atlantic Large Whale Take Reduction Team (TRT) in 1997, the MLA has been fully engaged in work to reduce the potential risks to right whales from entanglement in fishing gear.

For more information about the whale rules, visit the NMFS ALWTRP web page at www.fisheries.noaa.gov/new-england-mid-atlantic/marine-mammal- protection/atlantic-large-whale-take-reduction-plan.

# MAINE LOBSTER FISHERY TRAITS RARE IN MODERN FISHERIES

#### By Melissa Waterman

Each day Maine lobstermen roll out of bed in the pre-dawn hours, make their way to the wharf, collect their sternmen and row out to their boats. They bait

up, if they haven't done so the previous day, and start out to sea as the sun breaks the horizon. For many hours they haul individual traps, empty and rebait the trap, and move on to the next.

This has been the pattern since lobstering first began in Maine, today aided with certain improvements, such as combustion engines and hydraulic haulers. Other elements of the fishery have remained constant as well, such as the regulation that all commercial lobster boats are operated by the license holder, that dragger-caught lobsters cannot be landed in Maine, that lobster licenses cannot be sold or transferred to others.

The latter regulation has stands out in comparison with other states' lobster fisheries. In Massachusetts, for example, permits for various species including lobster can be bought and sold. A Massachusetts Coastal Access Permit for offshore lobster, fluke, scup, sea bass, shellfish, sea scallop and squid was listed for sale for \$75,000 in late August. Another, for Massachusetts Coastal Lobster Area 1, was offered for \$23,500.

"The fact that there is no transfer of Maine lobster licenses is key to the character of the fishery," explained Joshua Stoll, assistant professor of marine policy at the University of Maine. Stoll, originally from Harrington, understands deeply the unique qualities of the Maine lobster fishery. "It supports thousands of small boats and vibrant coastal communities. And this is becoming increasingly uncommon."

If a license to fish can be bought or transferred to another, then the local communities inevitably lose, according to Stoll. "When the license is transferable,

then the person can monetize the license. Local people can't pay for it, but an out-of-state person or company can. Eastport and Stonington won't be the places the licenses are, it will be Boston or New York. The pattern is like the law of gravity — it pretty much happens all over," he said.

Management of the Maine lobster fishery has been shared since 1996 between the state, through the Department of Marine Resources (DMR), and seven regional lobster zone councils. The zone councils have the ability to set limits on the number of new entrants to their zone, the number of traps allowed per lobsterman, and other rules that control fishing effort. That such local control is still in effect, despite an unprecedented increase in landings and value in the last two decades, is unusual, according to Carl Wilson, director of DMR's Science Bureau.

"The lobster fishery is very large and yet is still largely small boats, fishing near shore, and community-based. Its relative stability while increasing in landings in not the norm," Wilson said. "Many other high-value fisheries have gone to quota systems."

He credits some of the lobster population's strength over the past decades to the conservation ethics of Maine lobstermen. Such practices as V-notching females, returning egg-bearing females and short and large lobsters to the water, and escape vents in the traps are deeply embedded in the fabric of lobstering. "These conservation measures wouldn't work if people didn't believe in them," he pointed out.

The pressures of change — from warmer waters, new regulations designed to protect right whales, fluctuating market demand — threaten to alter that fabric in the future.

"These pressures will test the very character of the fishery going forward," Wilson said. "Right now the lobster fishery is fished hard. The race to catch lob-

sters and that ethos are in a fine balance. If people believe in the rules for the fishery, then those tenets should continue if the resource goes down. At least that's the question and the hope."

In his academic work, Stoll has investigated different aspects of Maine lobstermen's resiliency in the face of economic and regulatory pressures. "During the last 35 years rarely if ever is the fishery dealing with one crisis at a time. There are always many things," he said.

Stoll found that lobstermen have built up a lot of social and political capital at all levels of governance and that capital has helped them cope with a barrage of multiple pressures. Currently the pressures are many. "Threats today include the slow creep of privatization of the marine resource and commodifying access to it," Stoll said. "That can quickly marginalize the small-scale fishery and coastal communities."

One of the enduring traits of the Maine lobster fishery, which was well documented by Professor Jim Acheson in his 1987 book *The Lobster Gangs of Maine*, is that it remains linked to place and family. Acheson noted at the time the tightly meshed nature of the small lobstering harbors along the coast, where multiple generations pursue fishing and relatives work in related businesses. That web of relationships anchored in one place adds to the resiliency of the fishery.

Yet at the same time, as University of Maine lobster researcher Robert Steneck and others pointed out in a 2011 article published in Conservation Biology, lobstering communities are in a "gilded trap." An abundance of lobster and a lack of access to other fisheries motivates more to enter the fishery and for those in it to continue to invest in boats and gear. "Gilded traps are a type of social trap in which collective actions resulting from economically attractive opportunities outweigh concerns over associated social and ecological risks or consequences. Large financial gain creates a strong reinforcing feedback that deepens the trap," the article stated. Should the lobster population decline sharply, no amount of community resiliency could buffer the economic impact.



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V-notching female lobsters is one of the

practices that makes the Maine lobster

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"I'm leery about predicting the collapse of the lobster fishery," Stoll said. "Since 2000, the fishery has done nothing but grow. It has shown great innovation."

"If a lobsterman is given the opportunity to stay on the water, he will find ways to remain successful." Wilson recounts the conversation he had with a younger Downeast lobsterman recently. "He was pretty clear. 'I want to know what's coming so that I can learn to adapt because I am going fishing.' He simply wants information so he can plan for his future."

*Next month: Regulations, management foster diverse fleet, economic success in Maine lobster fishery* 

# Maine Lobstermen's Association

Advocating for a sustainable lobster resource and the fishermen and communities that depend on it since 1954.

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## STEAMING AHEAD

#### The Final Whale Rule is finally out.

The amendments to the Atlantic Large Whale Take Reduction Plan have been several years in the making. It was 2017 when NMFS first announced that the right whale population had been declining since 2010 and that we all needed to work together to help the species recover. That was also the year that the first massive die-off of right whales occurred in Canada. Two years later NMFS dropped the bomb that it would require the lobster fishery to reduce risk of gear entanglement by 60%.

As it turns out, when NMFS called for all of us to work together to help the right whale population recover, what they meant was for the lobster fishery to do so.

Since then the MLA has been working nearly non-stop on this issue. While there are a few things in the final rule that turned out as expected, overall I am extremely frustrated by it.

NMFS adopted the majority of the conservation equivalencies proposed by Maine's lobster zone councils, but not all of them. Zones C, D, and E had proposed going to 20-trap trawls with two weak inserts in the endline outside of 12 miles. Instead, the final rule requires all LMA 1 lobstermen fishing outside of 12 miles to fish a minimum 25-trap trawl with one weak insert in the endline. NMFS

did not provide any good reasons for not adopting such commonsense measures.

As you know, NMFS blindsided Maine's lobster industry when it included the vast 967-square-mile closure in LMA 1. The closure runs the length of Zones C, D and E along the Area 3 line. This closure had not been brought up at all during the earlier scoping process for the rule. When it turned up in the Proposed Rule, the MLA offered alternative options in our comments. NMFS responded that the MLA had provided "a novel idea that could have been assessed if it had been received during scoping." NMFS never acknowledged that the idea for the closure did not exist at that time!

In early July, NMFS published the Final Environmental Impact Statement (FIES) on the rule where it first revealed what it intended to include in the Final Rule. In addition to keeping the LMA 1 closure, NMFS delivered a second punch by adopting a gear marking strategy that had not been included in the proposed rule.

Maine DMR worked closely with the Maine lobster industry and NMFS to develop and implement a new gear marking strategy to differentiate Maine lobster gear with purple marks which are different from those used in other states. Maine also required that gear fished outside the exemption line be marked with a 6-inch green mark. stermen who fish in state waters, however those who fish in federal waters will be required to have four twelve-inch green marks located within six inches of each purple mark. Translation: you will likely need two full sets of endlines one with just purple marks for state waters, and a second set with purple and green marks for federal waters.

The MLA wasted no time after reading the FIES in sending written comments to NMFS outlining our strong concerns over the LMA 1 closure and the new gear marking proposal.

The MLA also followed the rule to the White House Office of Management and Budget's Office of Information and Regulatory Affairs (OIRA), its last stop before final publication. We met with OIRA to urge them to make changes to the final rule to reduce the size and duration of the Area 1 closure, streamline the approval process for conservation equivalencies, and not make last-minute changes to Maine's gear marking system. The MLA raised our concerns with Maine DMR and the Congressional delegation, both of which also elevated these issues with NMFS and OIRA.

Needless to say, I am extremely angry by the last minute changes that NMFS has made to Maine's gear marking system without any input from Maine lobstermen, and that the closure is much larger than it needs to be to protect right whales. DMR ran some numbers

to present to OIRA which showed that reducing the size of the closure by not including Zone E during December and January would have a negligible impact (.4%) on conservation benefit to right whales.

The implementation date for all of the gear-related changes is May 1, 2022, but the LMA 1 closure will be in effect for this year's fishing season, starting in October.

We have provided a table in this paper with a summary of the measures required in the Final Rule. I know that you are not going to be happy with them. I certainly am not.

This process has been extremely frustrating, but I promise you that MLA will continue to fight to improve the poor science that serves as the foundation of these rules. We will continue to work closely with our members, our legal team, the state of Maine, and the Maine delegation to keep the Maine lobster fishery from being erased.

Remember, this Final Whale Rule is only Phase I of a tenyear plan to implement a 98% risk reduction in our fishery. We now know what this first 60% risk reduction means for our fishermen. We are scheduled for another 60% risk reduction in 2025, and up to an 87% risk reduction in 2030. We have a long road ahead of us, but we will continue the fight! As always, stay safe on the water.



M. Fleming photo.

MLA Board of Directors new meeting schedule will start in September



NMFS adopted an entirely different gear marking plan in the Final Rule. Gear marking will not change for Maine lob-





#### WHALE CASE UPDATE, DC DISTRICT COURT

With NMFS's publication of the Final Biological Opinion in late-May, the case pending in DC District court became active again. Immediately following the release of the Biological Opinion, NMFS filed a motion asking the judge to end the case. The Plaintiffs, four national conservation groups, opposed NMFS's request, arguing that the Biological Opinion is not satisfactory and asking the judge to rule that the operation of the lobster fishery is unlawful. The Maine Lobstermen's Association (MLA) and other intervenors opposed the Plaintiff's position. The MLA argued that NMFS has completed the work required by the court and that the plaintiffs should file a new complaint if they have concerns with the new Biological Opinion.

On August 5, Judge Boasberg held a Status Hearing to discuss next steps in the court case. The Judge reviewed the arguments filed by the parties and did not grant the Plaintiff's request for the court to take immediate action. Instead, he ordered the Plaintiffs to file a supplemental complaint. The defendant (NMFS), the MLA and other intervenors did not oppose the judge's order.

NMFS and the Plaintiffs must each file a Status Report with the court by September 3. The judge has ordered that the Plaintiffs advise the court on whether they will file an amended complaint and a proposed timeline if they plan to move forward, and for NMFS to provide a progress report on issuance of the Final Rule.

#### MLA RAISES CONCERNS OVER DRAFT FINAL RULE

On July 2, NMFS published a Final Environmental Impact Statement (FEIS) analyzing alternative modifications to the Atlantic Large Whale Take Reduction Plan. The FEIS includes NMFS's "preferred alternative" for the Final Rule and provides the analysis which serves as the basis for the agency's decision.

While the FEIS provides a strong indication of what to expect when the Final Rule is published, NMFS's preferred alternative must undergo a final review by the Office of Information and Regulatory Review (OIRA) within the Office of Management and Budget (OMB) in the President's Office; OMB which received the Final Rule on July 17. There is a minimum 30 day "cooling off" period from the date of publication of the FEIS before NMFS can issue its Record

## Many thanks to these fine businesses, the MLA's Keeper members!

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of Decision which will finalize the provisions of the Final Rule. The Record of Decision explains the agency's decision, describes the alternatives the agency considered, and discusses the agency's plans for mitigation and monitoring, if necessary. Once that has been issued, NMFS can file the final rule with the Federal Register.

NMFS's preferred alternative in the FEIS included three key provisions which were of concern to MLA:

- The boundaries and timing of the LMA1 Seasonal Restricted Area are not aligned with right whale sightings or hot spots to avoid unnecessary adverse economic impacts.
- The proposed gear marking system is different than what Maine implemented in September 2020. It is too complex and would impose significant cost.
- There is no provision to allow for future conservation equivalencies without going through a complex rulemaking process.

The MLA sent written comments to NMFS on July 28 outlining these concerns and was granted a meeting with OIRA on July 29 to request that the agency address these issues before the whale rule is finalized. The MLA also raised these concerns with Maine DMR and the Maine Congressional delegation. DMR sent written comments on the FEIS to NMFS on July 29 and met with OIRA on August 13. The Maine Congressional delegation wrote to the Secretary of Commerce and the Director of OMB on August 21 to further elevate these concerns.

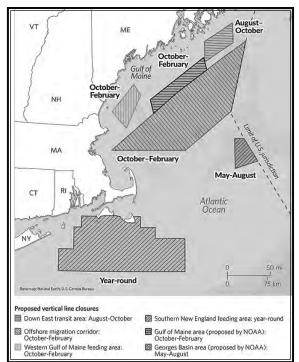
Of note, environmental organizations also met with OIRA. A group of five environmental organizations (Humane Society, Whale Dolphin Conservation Society, Center for Biological Diversity, Conservation Law Foundation, Defenders of Wildlife) met with OIRA on August 9 and Oceana met with them on August 21. As of *Landings* publication date, the Final Rule has not been published.

# PEW SUBMITS PETITION FOR EMERGENCY ACTION TO PROTECT RIGHT WHALES

On July 22, the Pew Charitable Trusts submitted a petition to the Secretary

of Commerce seeking immediate closure of multiple areas of the northeast lobster fishery. Pew filed a similar petition in June 2020 to which NMFS did not respond. Pew's petition claims that the recently published Biological Opinion and measures proposed by NMFS for the Final Whale Rule are "grossly inadequate for protecting right whales." Pew also lauds Canada's recent efforts to protect right whales.

Pew's request to NOAA includes several closures off the Maine coast, including a Downeast closure from August to November, a



western Gulf of Maine closure around Jeffrey's Ledge from October to January, the LMA 1 closure proposed by NMFS in the draft whale rule from October to February, as well as two closures in Area 22 and a year-round closure south of Nantucket.

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The Maine delegation fired back with a letter to the Secretary of Commerce on August 18 that Pew's proposal "would provide limited protections for right whales while causing significant economic harm to Maine's lobster fishery."

#### NMFS TO REDUCE RISK IN GILLNET AND OTHER ATLANTIC TRAP/ POT FISHERIES IN 2022

NMFS has announced the start of Phase 2 of its efforts to reduce risk to right whales from U.S. commercial fisheries, as called for in its recent Biological Opinion. NMFS will begin a series of Scoping meetings in September to solicit input on measures to reduce risk in U.S. East Coast gillnet, Atlantic mixed species trap/pot, and Mid-Atlantic lobster and Jonah crab trap/pot fisheries to meet the goals of the Marine Mammal Protection Act and the Endangered Species Act.

Phase 1 addresses the Northeast lobster/Jonah crab trap/pot fishery and is currently in review at the Office of Information and Regulatory Affairs (the whale

rule). The Final Rule is expected to be published by September.

NMFS has scheduled seven scoping meetings via webinar to be held from 6:30 to 8:30 p.m. on September 9, September 14, September 21, September 23, October 5, October 12 and October 14. The October 14 is targeted to Maine, NH, Mass. and RI gillnet fisheries, but anyone is welcome to attend any meeting. You must register online to attend a scoping meeting. The link is available through the ALWTRT webpage.

Alternatively, NMFS Greater Atlantic Regional Fisheries Office (GARFO) has office set up three "call-in" days to share input on scoping for the Phase 2 whale rules. Call-in days are scheduled for October 1 from Noon to 6 pm, October 4 from 8 a.m. to 3 p.m. and October 12 from 10 a.m. to 4 p.m. Call 978-282-8479 to participate.

#### MISGUIDED RIGHT WHALE CAMPAIGN

The Maine lobster fishery was the target of yet another misguided campaign to protect right whales. A group called Mainers Guarding Right Whales funded billboards in Massachusetts aimed at dissuading tourists heading to Maine from enjoying Maine lobster. DMR Commissioner Patrick Keliher criticized the campaign, calling it a "PR stunt" that oversimplifies the complex challenge of transitioning to ropeless fishing. The Maine Lobster Marketing Collaborative stated, "It's unfortunate that this campaign ignores the decades of cooperation from Maine lobstermen and proactive changes they have made to protect right whales." It further noted that this campaign "provides confusing and sometimes inaccurate information for consumers who are trying to make good choices in the foods they eat."

# NMFS REQUIRES VTRS TO BE REPORTED ELECTRONICALLY ON NOVEMBER 10

Beginning November 10, 2021, GARFO-permitted commercial fishing vessels will be required to have an electronic device onboard the vessel at the time of the trip and submit completed reports electronically within 48 hours of the end of a trip. This does not apply to vessels holding only an American lobster permit.

Paper vessel trip reports will no longer be distributed by GARFO nor be accepted for any trip beginning on or after November 10, 2021.

Port Agents are available to provide remote and in-person eVTR app assistance to individuals or small groups throughout the region. In Maine, contact Pam Thames at 978-290-2974 or email pam.thames@noaa.gov. Or reach out to NMFS Vessel Reporting Help Desk at 978-281-9188 or email nmfs.gar.reporting@noaa.gov.

For more information on these changes and a list of approved Electronic Vessel Reporting software options (Fish Online iOIS, Fish Online Web, FLDRS, eTrips Mobile V2, e Trips Online, eLog and Deckhand Pro), visit the GARFO website at *www.fisheries.noaa.gov/new-england-mid-atlantic/resources-fishing/vessel-trip-reporting-greater-atlantic-region.* 

# ATLANTIC STATES MARINE FISHERIES COMMISSION LOBSTER MANAGEMENT ACTIONS

The Atlantic States Marine Fisheries Commission (ASMFC) American Lobster Management Board initiated a change to the lobster management plan (Draft Addendum XXIX) to consider implementing electronic tracking requirements for federally-permitted vessels in the American lobster and Jonah crab fishery, with the goal of collecting high resolution spatial and temporal effort data.

A number of challenges facing the fishery (e.g., rising water temperatures, pro-

ary and staff resource needs, will be further discussed as the Draft Addendum is developed.

The Lobster Board also discussed a progress report on the development of Draft Addendum XXVII on Gulf of Maine/Georges Bank resiliency, a Jonah Crab pre-assessment report and recommendations on initiating a stock assessment from the Jonah Crab Technical Committee (TC) and paths forward for



The Lobster Board discussed the biological resiliency of the lobster stock. MLMC photo.

(TC), and paths forward for developing a management strategy evaluation (MSE) for the lobster fishery.

Draft Addendum XXVII aims to proactively increase biological resiliency of the Gulf of Maine/Georges Bank (GOM/GBK) stock. The Plan Development Team (PDT) provided draft management options and considerations for developing a trigger mechanism that would automatically implement management measures to improve the biological resiliency of the GOM/GBK stock if the trigger is reached. The Technical Committee (TC) also provided preliminary recommendations for defining management triggers based on indices of abundance and identified management measures most likely to increase stock resiliency, such as changes to minimum and maximum gauge sizes. The TC is currently developing a projection of the impacts of various gauge size changes on the stock and the fishery. The Board will consider Draft Addendum XXVII for public comment in October 2021.

The Jonah Crab TC Chair advised the Lobster Board that there is no range-wide assessment of Jonah crab stock and there has been limited science-based advice available to support management of the fishery. The TC recommends moving forward with a stock assessment to help answer questions about the status and sustainability of the resource and provide more information with which to manage the fishery in a shorter timeframe. The Board agreed with this recommendation and approved the initiation a stock assessment for Jonah crab to be completed in 2023.

The Board also discussed proposed paths forward for the development of a management strategy evaluation (MSE) for the lobster fishery. Considering current workloads for Draft Addenda XXVII and XXIX, the Board affirmed its decision in May to delay discussing next steps for MSE until its next meeting.

#### NMFS Whale Plan Update to ASMFC

Colleen Coogan from GARFO provided an overview of North Atlantic right whale mortalities and gear interactions by fishery and gear type along the Atlantic coast. She also updated the states on the agency's efforts and those of the Atlantic Large Whale Take Reduction Team to develop recommendations to modify the Atlantic Large Whale Take Reduction Plan (ALWTRP) to reduce risk to North Atlantic right whales in a number of fisheries. There are two rulemakings in process. Phase I focuses on the Northeast American lobster and Jonah crab trap fisheries and is in its final stages of rulemaking. Phase 2 focuses on a number of additional fisheries, including gillnets on a coastwide basis and Atlantic mixed species trap/pot fisheries, and is in the initial scoping phases. A video of this presentation is available online at https://www.youtube.com/wat ch?v=0D5YwDtajw8&feature=youtu.be

#### ASMFC MENHADEN MANAGEMENT UPDATE

tected species interactions, reduced recruitment) present a critical need for the collection of enhanced spatial and temporal data via electronic tracking devices in the offshore fishery. The stock assessment models that estimate exploitation and abundance for American lobster could be greatly improved with these data, as they would provide size composition data at a finer resolution than what is currently available. Additionally, the models used to assess the location of vertical lines in the fishery and their associated risk to endangered right whales could be substantially improved with vessel tracking data, which could impact federal risk reduction requirements for the fishery. Better understanding the footprint of the U.S. lobster fishery also will be vital to ocean planning efforts to minimize spatial conflicts with other ocean uses such as aquaculture, marine protected areas, and offshore energy development, as well as provide fishery managers tools to help maintain industry fishing grounds. Furthermore, vessel tracking could improve the efficiency and efficacy of offshore law enforcement efforts.

Draft Addendum XXIX will propose specifications for tracking devices to ensure the collected data meet both management and assessment needs. These specifications include data reporting rates, preferred technologies, and minimum standards for tracking devices. Implementation timelines, as well as budgetThe Commission's Atlantic Menhaden Board initiated an addendum to the menhaden fishery management plan (Amendment 3) to consider changes to commercial allocations, the episodic event set aside (EESA) program, and the incidental catch and small-scale fisheries provision. This action responds to the recommendations of a Board work group charged with evaluating provisions of the current management program and providing strategies to refine those provisions.

Amendment 3 in 2017 established commercial fishery allocations, allocating a baseline quota of 0.5% to each jurisdiction with the rest of the total allowable catch (TAC) allocated based on historic landings between 2009 and 2011. The work group report outlined the shift in landings in recent years, with some states landing significantly more quota (through transfers and other FMP provisions) than allocated. The draft addendum aims to align state quotas with recent landings and fish availability while ensuring all states have access to the resource, reduce dependence on quota transfers, and minimize regulatory discards.

The addendum will also propose changes to the EESA and incidental catch/ *Continued on page 10* 

#### MLA Update continued from page 9

small-scale fisheries provisions. Both provisions have been impacted by recent trends in landings, most notably in New England where states rely on the EESA to keep their commercial fishery open while working to secure quota transfers. The increasing abundance of menhaden in New England has also led to a rise of landings under the incidental catch and small-scale fisheries provision once commercial quotas have been met. The Board will explore options to promote accountability such as capping the total amount of landings under this category or to count these landings against the TAC. Management alternatives for the incidental catch/small-scale fisheries will also consider changes to the current eligibility of gear types. The management document will also seek to maintain flexibility to respond to management needs in the future. The Board will consider the Draft Addendum at the Annual Meeting in October and provide feedback, if needed, to further develop the document.

The Board discussed feedback from the Technical Committee (TC) and Ecological Reference Point Work Group (ERP WG) on options to develop spatially-explicit modeling approaches for menhaden. The TC and ERP WG highlighted that pursuing any of the spatially-explicit approaches would likely extend the timeline to complete the next benchmark assessment, currently scheduled for 2025, though the length of additional time needed would depend on the management objectives and modeling approach. The Board will provide guidance on priorities for the next benchmark and potential spatial modeling efforts at the Annual Meeting in October.

#### NMFS WIND ENERGY DEVELOPMENT WORKSHOP WITH ASMFC

Peter Burns from GARFO and Andy Lipsky from the Northeast Fisheries Science Center provided updates on NOAA Fisheries' role in the offshore wind development process, including data exchange, regulatory process, survey mitigation, and research on interactions of offshore wind on NOAA trust resources. The presentations can be found at www.asmfc.org/files/ Meetings/2021SummerMeeting/WindEnergyDevelopmentWorkshop.pdf.

#### ASMFC EXECUTIVE COMMITTEE WELCOMES JANET COIT

The ASMFC Directors welcomed NOAA's new Assistant Administrator for Fisheries Janet Coit. Chair Patrick Keliher expressed his excitement to have someone of Ms. Coit's caliber and experience with East Coast fisheries issues (as past director of Rhode Island Department of Environmental Management) to be working with the states at the federal level. Her knowledge of the inner workings of state fisheries management combined with her understanding of the Commission's process will make her a great partner for the states. Ms. Coit talked about some of her priorities for state/federal cooperation on the Atlantic coast, including issues associated with wind energy development, the East Coast Climate Change Scenario Planning Initiative, Atlantic large whale protections, and finding ways to minimize bycatch. Paul Doremus presented NOAA's budget and priorities for FY 2021 and 2022.

#### 2021 HERRING SEASON UPDATE

The Area 1A (inshore Gulf of Maine) Atlantic herring fishery closed on August 3, 2021 when 92% of the Season 1 (June 1 - September 30) allocation was projected to have been harvested. Vessels participating in other fisheries may not possess more than 2,000 pounds of Atlantic herring per trip per day harvested from Area 1A. In addition, all vessels traveling through Area 1A must have all seine and mid-water trawl gear stowed. The ASMFC Atlantic Herring Management Board is expected to reconvene in September via conference call to set effort controls for the 2021 Area 1A fishery for Season 2 (October 1 December 31). An announcement will be issued once the meeting is scheduled.

The Area 1A Atlantic herring season opened on June 13. The Area 1A sub-annual catch limit (ACL) is only 1,453 metric tons (mt) after adjusting for the carryover from 2019, the 30 mt fixed gear set-aside, and closing Area 1A when landings reach 92% of the sub-ACL. ASMFC has allocated the Area 1A across two seasons: 72.8% (1,058 mt) available for season 1 (June 1 – September 30) and 27.2% (395 mt) available for season 2 (October 1 - December 31).

2021 Atlantic Herring Landings For data through August 19, 2021							
Area	Quota 2021	Landings 2021	% Quota Caught				
1A*	1,579	1,193	75.5%				
1B	239	.50	.2%				
2	652	181.5	28%				
3	2,181	2,221.4	102%				
Total	4,681	3,596	77%				

#### ATLANTIC HERRING SPAWNING CLOSURE

ASMFC announced the start of the eastern Maine Herring Spawning Closure effective August 28 through October 9. There are currently no samples from the Eastern Maine spawning area to determine spawning condition so the closures are for 6 weeks based on predetermined dates.

ASMFC approved a forecasting method that relies upon at least three samples, each containing at least 25 female herring in gonadal stages III-V, to trigger a spawning closure. However, if sufficient samples are not available then closures will begin on predetermined dates. The default spawning closure dates from







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the western Maine and the Mass/NH closure is September 23 to November 4.

#### 2021 MAINE MENHADEN SEASON

Maine's Incidental Catch and Small Scale (ICSS) menhaden fishery has been underway since July 5. Under the ICSS, menhaden may be harvested Mondays, Wednesdays, and Fridays with a daily landing limit of 6,000 pounds or 17 barrels, and electronic daily trip reports are due weekly by Sunday. Harvesters are limited to one landing per day, and all fish must be immediately stored in crates, barrels or totes.

Maine's episodic event set aside (EESA) fishery lasted five days (June 25 to July 2) with a weekly vessel limit of 14,000 pounds or 40 barrels to catch a quota of approximately 4.28 million pounds. The state allocated menhaden fishery lasted only six days (June 14 to June 23) with four harvest days on Mondays, Tuesdays, Thursdays and Fridays with a weekly limit of 23,800 pounds (68 barrels) to land a quota of 2.19 million pounds.







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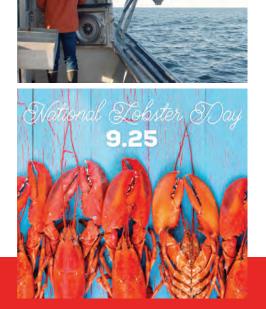
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# **MARKETING UPDATES**

Lobsterman Mike Sargent helped the MLMC highlight key messages about Maine Lobster through an article in Thrillist, a popular food and travel media outlet. The piece educates readers on the sustainability measures that are central to the success of the fishery, the importance of the industry to coastal communities and the multi-generational nature of the fishery. Over 8 million readers had the chance to see these positive messages about Maine Lobster.

The U.S. Senate has designated September 25 as National Lobster Day once again. The holiday creates a hook that the MLMC uses to generate media coverage and gives restaurants nationwide another reason to feature Maine Lobster. This year, the MLMC's first ever Maine Lobster Week will give consumers a chance to order innovate lobster meals at their favorite Maine restaurant or through online shippers.



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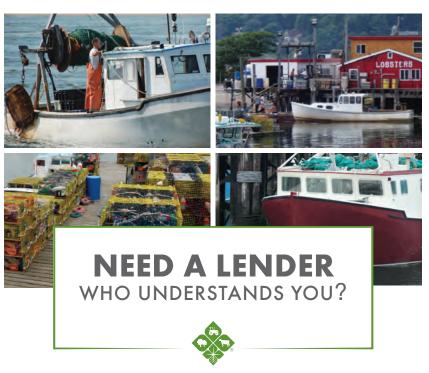






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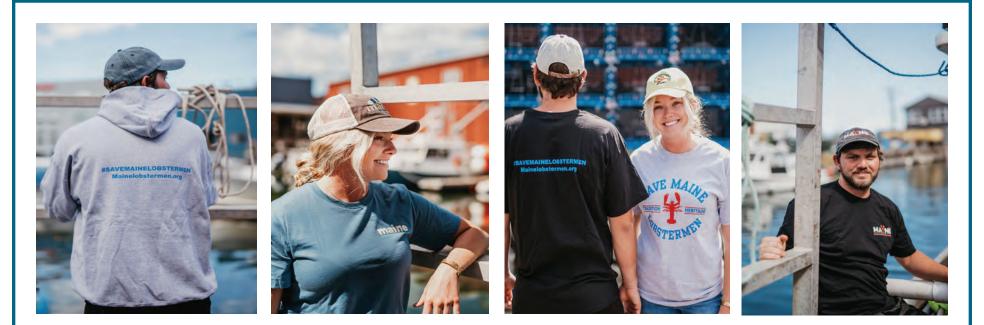






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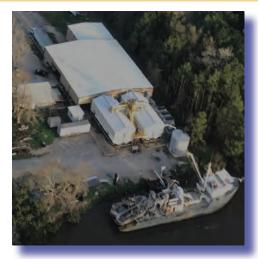
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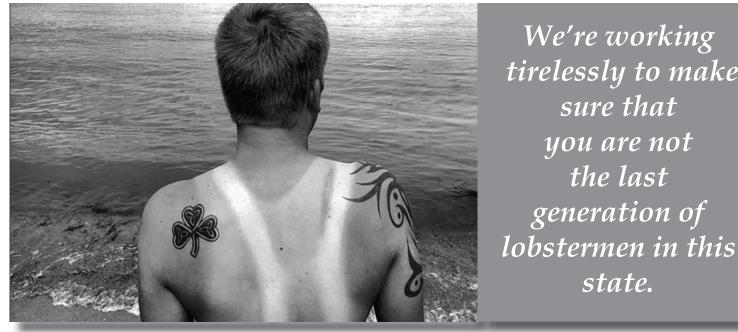
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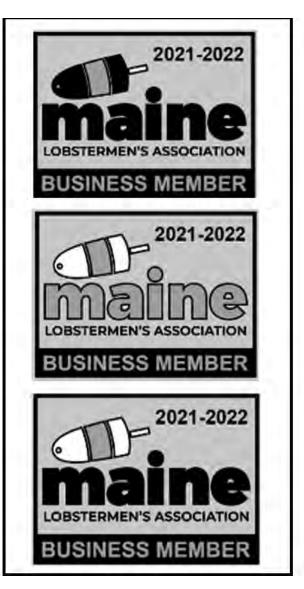
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**National Fishermen,** North Hollywoood, CA -- Special annual subscription rate for \$12 for 12 issues. 800-959-5073

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# LOBSTERMEN'S ASSOCIATION

# TO YOUR HEALTH: Sleep apnea may lead to host of health problems

#### By Melissa Waterman

I snore. My partner snores. I'm sure half of my friends, male and female, snore each night as they sleep. We are a snoring species. But sometimes snoring is more than a regular rumble. Sometimes loud and ragged snoring is a sign of a potentially deadly problem.

Sleep apnea affects an estimated 22 million people in the country, according to

the New York Times. The condition is known to raise the risk of heart disease, high blood pressure, stroke and Type 2 diabetes in adults. The condition is frightening: people with untreated sleep apnea stop breathing repeatedly as they sleep, sometimes hundreds of times during the night.

There are two types of sleep apnea, obstructive and central. Obstructive sleep apnea, which is most common, means that the upper airway in the throat is completely or partially blocked by soft tissue during sleep. This can occur many times during the night. The person goes from loud, uneven snoring to silence. Breathing usually resumes with a loud gasp or body jerk.

In central sleep apnea the airway is not blocked. Instead the brain doesn't signal muscles to breathe due to a malfunction in the respiratory control center.

When you stop breathing, your heart rate drops the longer your body is deprived of oxygen. Ultimately involuntary reflexes will cause

you to take a breath and partially awaken. When that happens, your heart rate accelerates quickly and blood pressure rises. Do this many times each night and over time the body will experience long-term effects. The heart walls thicken due to the increased sudden workload and become stiffer and less flexible, leading to a greater risk of arrhythmias (irregular heartbeats) and other heart issues.

Sleep apnea also causes an overwhelming sense of fatigue in the daytime, despite a person having slept many hours each night. When the brain and body aren't getting enough oxygen and deep sleep patterns are disturbed, sleep apnea sufferers often find they have trouble concentrating, are forgetful or are unusually irritable.

How do you know if you have sleep apnea, given that it occurs while you are asleep? Data show that more men than women suffer from the condition, as well as people over the age of 50 and those who are overweight. The number one marker for sleep apnea, however, is loud, irregular snoring.

Snoring happens when air can't flow easily through the mouth or nose. When

#### Sleep Evaluation Centers in Maine

Central Maine Sleep Center Central Maine Medical Center 60 High St, Lewiston 795-7522 https://www.cmhc.org/location/central-maine-sleep-center/

Northern Light Sleep Diagnostics Eastern Maine Medical Center 290 State St, Bangor, ME 04401 973-5892 https://northernlighthealth.org/Eastern-Maine-Medical-Center the air is forced through an obstructed area, soft tissues in the mouth, nose and throat move together and vibrate. The vibrations make a rattling, snorting or rumbling sound.

The first one to recognize the possibility of sleep apnea is not the person suffering from it but rather the person who can hear that individual's snoring. If someone you know snores like a freight train, you might suggest they get a sleep evaluation.

> A sleep evaluation takes place overnight in a sleep lab. A polysomnogram is conducted to track body functions, such as the electrical activity of the brain, eye movements, muscle activity, heart rate, breathing patterns, air flow, and blood oxygen levels, to gauge the severity of the sleep apnea. For some, a home sleep test can be used instead. It tracks blood oxygen levels, airflow, and bodily movement. A home sleep test isn't as accurate as a polysomnogram but it's cheaper and more convenient than going to a sleep lab.

> If the sleep apnea is mild, simply losing weight and abstaining from alcohol at night might correct the problem. Since sleep apnea often occurs when a person is sleeping on his back, using a pillow to remain on one side or the other during the night can help as well.

> But for those with more acute cases, mechanical help may be called for. A Positive Airway Pressure (PAP) machine gently forces air through the nose and mouth while a person sleeps. The air pressure is enough to prevent

the upper airway tissues from collapsing during sleep, preventing the apnea from occurring.

The upshot is: don't take loud snoring for granted. If you are an older male, perhaps a tad overweight, and drinking too much coffee each day to stay awake, think about getting a sleep evaluation. It's a simple way to avoid a range of bad consequences.





Loud irregular snoring can be a sign of sleep apnea, a condition linked to heart irregularities and stroke. Photo courtesy of Airways and Sleep Group.

Maine Sleep Institute Maine Medical Center 930 Congress St, Portland 662-4535 www.mainehealth.org/Maine-Medical-Center/Services/Neuroscience-Institute/Maine-Sleep-Institute

Center for Sleep Disorders Southern Maine Health Care Livewell Campus, Kennebunk 467-8520 https://www.mainehealth.org/Southern-Maine-Health-Care/Services/ Center-For-Sleep-Disorders



## DMR AQUACULTURE LEASE APPLICATION STATUS FOR SEPTEMBER (as of 8/26/21)

For an interactive source of pending lease applications, please see DMR's new "Table of Lease Applications Under Review" where you can find maps and documentation with just one click. Go to: www.maine.gov/dmr/aquaculture/leases/pending.html and click INTERACTIVE DATA TABLE at the top of the list.

Experimental Lease Applications						
Name of Applicant/Company	Site	Town	Size	Product	Dura- tion	Status
Sea Run Fisheries & Habitat	E of Western Head & Li'l Rvr Isl, Cutler Hrbr	Cutler	4 acres	Finfish	3 yrs	Site Review Complete 3/20/2020
Barrows, Abigail	Pickering Cove Southeast Harbor	Deer Isle	4 acres	Shellfish	3 yrs	Application withdrawn 7/26/21
Coffin, Chad	W of Moore Pt, NE of Pound of Tea, Harraseeket Rvr	Freeport	1.62 acres	shellfish	3 yrs	Lease is granted 8/4/2021
Whisky Stones, LLC	E of Dogs Head, Harpswell Sound	Harpswell	0.481 acres	Shellfish	3 yrs	App rec'd, Comments due 3/3/21
Chebeague Island Oyster Co. LLC	NW of L'il Chebeague, Casco Bay	Long Island	1.72 acres	shellfish	3 yrs	lease is granted 8/18/21
Doyle, Victor	E of Barlett Isl, Blue Hill Bay	Mount Desert	1 acre	Shellfish	3 yrs	Public Hearing Postponed
Mussel Bound Inc.	Barlett Narrows, Blue Hill Bay	Mount Desert	3.55 acres	Shellfish	3 yrs	Public Hearing Scheduled 3/10/21 3:00pm
Bracy L, and Lombardo, P	N of Coombs Cove, Pemaquid River	Pemaquid	1.6 acres	Shellfish	3 yrs	App rec'd 7/19, comments due 8/21/21
Norumbega Oyster, Inc	South of Merry Island, Damariscotta River	South Bristol	3.96 acres	Shellfish	3 yrs	Lease is granted 7/29/21
Miller,Mark	S of Eagle Island, Wheeler's Bay	St. George	3.9 acres	Marine Algae	3 yrs	App Rec'd 7/28/21; comments due 8/28/21
Johnson, Ezra et al.	NE part of Burt Coat Harbor	Swans Island	1.6 acres	Shellfish	3 yrs	Appl. rec'd 5/24; comments due 6/26/21
Hunt, Stewart	Upper Basket Island Ledge, Casco Bay	Yarmouth	3.9 acres	Shellfish/ algae	3 yrs	App rec'd 5/24/21; comments due 6/26/21

Standard Lease Applications						
Name of Applicant/Company	Site	Town	Size	Product	Duration	Status
Acadia Aqua Farms LLC	NE of Sunken Ledge, Frenchmen Bay	Bar Harbor	68.3 acres	Shellfish	20 yrs	Application rec'd 5/3/21; site review TBD
Pemaquid Mussel Farms LLC	Mt Desert narrows, E of Googins Ledge	Bar Harbor	32 acres	shellfish	20 yrs	Application rec'd 5/7/21, site review TBD
Johnson, Timothy	SE of Barnes Pt, Middle Bay	Brunswick	17 acres	shellfish	20 yrs	Application rec'd 3/15/21, site review TBD
Nice Oyster Company, LLC	E of Woodward Pt, New Meadows River	Brunswick	4.49 acres	Shellfish	10 yrs	application rec'd 4/21/21; site review TBD
Great Ledge Cove Seafood LLC	NE L'il Chebeague Isl, Wstrn Chandlers Cove	Chebeague Isl	6.85 Acres	Marine Algae	20 yrs	Scoping session Aug 30, 2021 5 pm
Hunt, Stewart	N/NE of Seal Ledge, Casco Bay	Chebeague Isl	13.75 acres	Shellfish/ algae	20 yrs	App rec'd 6/8/21; site review TBD
Shearwater Ventures LLC	E of Li'l Chebeague, Casco Bay: Long Isl &	Chebeague Isl	3.79 acres	Marine Algae	20 yrs	Lease is granted 8/25/21
Schoodic Seafarm LLC	off Long Mill Cove, Gouldsboro Bay	Corea	2.2 acres	Shellfish	20 yrs	App rec'd 9/24/20; site review scheduled
Summit Point LLC	NE of Clapboard Isl, Casco Bay; Falmouth &	Cumberland	100 acres	Marine Algae	20 yrs	Site Review pending as of 12/2/19
Dickenson, Christopher	800 ft SW Hog Island, Damariscotta River	Damariscotta	1 acre	Shellfish	20 yrs	Public Hearing May 10 3 pm- remote
Dodge Cove Marine Farm	SE of Dodge Pt	Damariscotta	12.26 acres	Shellfish	20 yrs	app rec'd 7/15/21; site review TBD
Spinney Creek Shellfish, Inc.	NW of Rt 95 Bridge, Spinney Creek	Eliot	2.75 acres	Shellfish	20 yrs	Lease is granted 8/18/21
Coffin, Bailey	W of Sow & Pigs Isl, Casco Bay	Freeport	6.84 acres	shellfish	20 yrs	Application rec'd 6/16/21 - Site Review TBD
Harraseeket Oyster Co.	S of Bowman Isl & Stockbridge Pt, Casco Bay	Freeport	7 acres	Shellfish	20 yrs	Public Hearing sched for 9/27/21, 3 pm
Love Point Oysters, LLC	SE of Winslow Park, Casco Bay	Freeport	4.78 acres	Shellfish	20 yrs	Site Review complete 9/11/2020
Love Point Oysters, LLC	S of Crab island, Casco Bay	Freeport	4.15 acres	Oysters	20 yrs	Site review Pending as of 2/20/20
Maine Ocean Farms, LLC	E of Wolfe's Neck, Recompense Cove	Freeport	9.88 acres	Shellfish	20 yrs	Public Hearing 9/13/21, 3 pm, Freeport
Cooke Aquaculture USA, Inc	Off Black Island	Frenchboro	15 acres	Shellfish	20 yrs	comments sought for Lease renewal 6/12/21
Restorative Aquaculture LLC	Middle Bay, E of Scragg Island	Harpswell	9.89 acres	Shellfish	20 yrs	Draft app rec'd scoping session 8/9/21 9am
Islesboro Marine Enterprises, Inc	NE of Flat Island, Penobscot Bay	Islesboro	6 acres	Shellfish	20 yrs	Application rec'd 4/1/21, site review TBD
Moosabec Mussels Inc.	Off old Point, Jordan River	Lamoine	89.78 acres	Shellfish	20 yrs	Lease renewal; comments due 6/26/21
Maine Oyster Inc.	E and S of Lehman Isl. Upper Sheepscot Rvr	Newcastle	10 acres	shellfish	20 yrs	Application rec'd 6/17/21; site review TBD
Hermit Island Oyster Co, LLC	Hermit Isl, Small Pt Hbr, New Meadows Rivr	Phippsburg	2.56 acres	Shellfish	20 yrs	Application rec'd 5/26/21; site review TBD
Maine Fresh Sea Farms LLC	Clark Cove, Damariscotta River	So. Bristol	3.6 acres	Marine Algae	10 yrs	Application rec'd 5/4/21, site review TBD
Frenchman Bay Oyster Co.	W & S of Ingalls Isl. Sullivan Harbor	Sorrento	5.85 acres	Shellfish	20 yrs	Lease is granted 8/26/2021
Dewey's Shellfish, LLC	NW of Peters IslandDamariscotta River	South Bristol	0.58 acre	Shellfish	20 yrs	Application rec'd 8/16/21, site review TBD
Morning Star Fisheries, LLC	Sheepscot River, W of Boston Island	Southport	4.5 acres	Marine Algae	20 yrs	Scoping Session 8/26/21 6 pm Southport
Brewer, Robert	E of Penobscot Bay SW of Andrews Island	Stonington	3.26 acres	shellfish	20 yrs	Scoping Session 12/21/20 4 pm
Harvey, Brian	W of Haynes Pt, Goose Cove, Western Bay	Trenton	6 acres	Shellfish	20 yrs	Site Review Pending as of 3/27/2020
Butterfield, Keith	SE of Little Moshier Island	Yarmouth	2.72 acres	Shellfish/ algae	20 yrs	Application rec'd 5/26/21; site review TBD
Henninger, Thomas	Broad Cove, Casco Bay	Yarmouth	5.9 acres	Shellfish	20 yrs	Application submitted 7/9/20
Maine Source Seafood	E of Lane's Isl, Casco Bay	Yarmouth	3.48 acres	Oysters	20 yrs	Public Hearing 3/16/2021
Moeser, Amanda	S of Lanes Isl, Inner Casco Bay	Yarmouth	9 acres	Shellfish	20 yrs	Public Hearing 7/12/21 3 pm, remote
Nickerson, Travis	E of Blaney Pt	Yarmouth	2.80 acres	Shellfish	20 yrs	Scoping session 5/30/21 10 am
Wolfe Neck Oyster Co. LLC	SE of Lanes Island, Casco Bay	Yarmouth	8 acres	Shellfish	10 yrs	Hearing scheduled for 8/23/21

Experimental Lease: up to 3 years, 4 acres and is non-renewable Standard Lease: term is up to 20 years, size is up to 100 acres and is renewable

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# EEL AQUACULTURE FACILITY UNDER CONSTRUCTION IN WALDOBORO

#### By Jessica Hall First published in Mainebiz, reprinted with permission

American Unagi, an aquaculture company cultivating and selling locally sourced, Maine-grown eels, has begun construction of a \$10-million, 27,000-square-foot facility in Waldoboro. COVID-19 delayed planned construction for 2020, but American Unagi recently began pouring concrete and laying pipes at the Waldoboro Business Park for Maine's first land-based eel aquaculture facility.

"We looked at several sites and found what we needed in terms of space in Waldoboro. The town has welcomed us as a business and the fishing community has welcomed us as a partner," John Pavan, executive vice president and manager of American Unagi, told Mainebiz.

The new facility will allow the nascent business to increase production to over 500,000 pounds — or roughly 5% of the U.S. eel market. American Unagi already ships its eel products to individuals, restaurants and food distributors. The base product, live eel, costs \$16 to \$18 per pound.

American Unagi's recirculating aquaculture systems (RAS) facility will be the first in the U.S. to grow Maine eels to market size. The equipment was designed by Netherlands-based ACE, an RAS design-build specialist with 30 years of industry experience.

"We chose ACE because of its commitment to innovation and efficiency," said Sara Rademaker, American Unagi's president and founder. "They've assisted

# Looking for eel items?

American Unagi sells its products as wholesale and retail items. For those



hankering to try Maine-raised eel, the company offers whole smoked eel, 4 ounce smoked eel fillets and frozen butterfiled eel.

Pus what would a seafood business be without its own distinctive T-shirts?

Did you know? In addition to being a good source of protein, eel is a great source of vitamin D, A, and E.

www.americanunagi.com.

us in designing a farm that outperforms competing products and allows us to scale up and meet the strong demand for our eels." The facility, which will feature a series of tanks for different-sized eels, will be completed by the elver season in the spring of 2022, Pavan said.

The project was funded with the help of Gorham Savings Bank, Coastal Enterprises Inc. (CEI) and the Finance Authority of Maine. With the new facility, American Unagi will buy elvers from local glass eel harvesters and also create 14 jobs in Waldoboro.

American Unagi will buy about 600 pounds of elvers each season that will be grown to maturity within the facility and then processed into butterflied fillets or ready-to-eat smoked eel or sold live. The company declined to comment



*Groundbreaking for her new facility brings a big smile to the face of Sara Rademaker, founder of American Unagi. Photo courtesy of* Maine Startups Insider.

on its hedging strategy for managing the wild fluctuations in the elver market, where glass eels can fetch more than \$2,000 a pound. The company offers a Maine-based alternative to shipping elvers to Asia for them to grow to maturity and then be resold back to U.S. restaurants.

"Because of concerns about sustainability and accountability in the supply chain, U.S. chefs had taken eel off the market," Rademaker said. "Now, we can offer eels from responsibly managed wild stock that are raised to market size in Maine without hormones or antibiotics."



What happened at the lobster boat races this year? Slow or fast we covered it all.

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# CANADIAN GOVERNMENT OFFERS MONEY FOR WHALE-SAFE FISHING GEAR

The Canadian government announced a new \$20-million Whalesafe Gear Adoption Fund in August. The new program is available to individual fishermen, non-profit organizations and academics wanting to test and refine whale-safe gear, as well as the companies making it. Up to \$10 million is available during this first round of proposals, with another application process taking place in 2022. The federal government plans to make this type of gear mandatory for fishermen across the Maritimes and Gulf of St. Lawrence fishing regions by the beginning of the 2023 fishing season. Canadian fishermen have been encouraged to try whale-safe gear, but up until now the only funding help was the Atlantic Fisheries Fund, which required the applicant to cover 20% of the cost of the equipment.

# NANTUCKET RESIDENTS FILE LAWSUIT TO PROTECT RIGHT WHALES FROM WIND PROJECT

A group of Nantucket residents is filing a lawsuit to block the construction of dozens of wind turbines off the coast of the Massachusetts island and nearby Martha's Vineyard. Members of Nantucket Residents Against Turbines say Vineyard Wind's proposed 62-turbine project 14 miles south of Nantucket poses a risk to the endangered Northern Atlantic right whale. The project site is located in a federal wind energy area, about 15 miles southwest of Martha's Vineyard and Nantucket. "The MA/RI wind lease areas cover one of the whale's last strongholds, for migration, foraging and raising their young," the group stated on its website. "We are concerned with the adverse impacts from the increased construction vessel traffic, pile driving, and operational noise on the critically endangered NARW."

#### MCFA UNVEILS NEW OFFICE

The Maine Coast Fishermen's Association opened its new offices at 93 Pleasant Street in Brunswick to the public on August 12. Prior to the Pleasant Street location, the organization was based in the Fort Andross Mill in Topsham. Executive director Ben Martens was hired in 2011; since then the organization has grown to five employees. The new building, which was recently



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painted and renovated, gives the organization much-needed conference space. One of the organization's principal goals during the next five years is to provide opportunities for fishermen to diversify into other fisheries, according to Martens.

#### CHINA SEAFOOD PRICES SOAR DURING FIRST HALF OF 2021



Photo courtesy of Intrafish.com.

Seafood prices in China are soaring, according to an article in SeafoodSource. com. The country's overall seafood price index was up 17.2% in the first six months of 2021, suggesting tightened supply. Even with higher prices driven by growing demand, Chinese importers are struggling to get supply due to strong demand in other consumer markets. Larger-than-foreseen demand from the U.S. means less supply for clients in China, especially lobster, crab, and capelin. Demand for live lobsters is strong, with prices for North American lobsters "consistently high" despite the fact that frozen rock lobsters from Australia are now able to enter China by air, after months during which Australian lobsters were locked out of the country.

#### LOBSTER COUNCIL OF CANADA AWARDED MARKETING FUNDS

The Canadian Fish and Seafood Opportunities Fund (CFSOF) recently award the Lobster Council of Canada \$662,400 (CD) for activities to support the implementation of a generic marketing and promotional strategy for Canadian lobster in domestic and export markets, as well as to support industry capacity development in relation to market research to manage ongoing and emerging market access issues. The CFSOF is a federal, provincial and territorial program that focuses on a national approach to key market access issues and branding opportunities in order to maximize the value of Canada's fish and seafood sector.

#### GREAT WHITE SHARKS MOVING NORTH

Great white sharks are becoming more common in the waters of Nova Scotia and in the Gulf of St. Lawrence. Of the 70 sharks that the non-profit shark organization Ocearch has tagged along the U.S. and Canadian Atlantic coast, about half a dozen have ventured up into the northern part of Nova Scotia and around into the Gulf. Even more linger along the southeast coast of Nova Scotia. Great white sharks prefer cooler waters. With climate change pushing warmer waters further north each year, researchers believe it is possible that more and more great white sharks will be moving into Atlantic Canada.

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Please note, more details on all of these events can be found online at www.mainelobstermen.org

#### September 13

NEFMC Herring Advisory Panel webinar, all day.

Aquaculture lease hearing for Maine Ocean Farms, 3 p.m., Freeport Community Center. FMI: www.maine.gov/dmr/about/meeting-details. html?id=5328906.

#### September 15

NEFMC Herring Committee meeting, online. FMI www.nefmc.org.

#### September 21

Phase 2 Large Whale Rule scoping meeting (gillnet and other trap/pot fisheries) online, 6:30-8:30 p.m. FMI: www.fisheries.noaa.gov/ events?title=Phase+2&sort\_by=field\_begin\_date\_ value.

**September 22** NEFMC Scallop Committee webinar, 9 a.m.

#### September 27

Aquaculture lease hearing for Harraseeket Oyster Co., 3-5 p.m., Freeport Community Center. FMI: www.maine.gov/dmr/about/meeting-details.html?id=5404687.

#### September 28-30

NEFMC meeting, Plymouth, MA. FMI: *www. nefmc.org/calendar/september-2021-council- meeting.* 

#### October 1

Phase 2 Large Whale Rule scoping call-in day (gillnet and other trap/pot fisheries), 12-6 p.m. FMI: www.fisheries.noaa.gov/event/phase-2-scoping-atlantic-large-whale-take-reduction-planmodifications-call-days.

#### October 4

Phase 2 Large Whale Rule scoping call-in day (gillnet and other trap/pot fisheries), 8 a.m.-3 p.m. FMI: www.fisheries.noaa.gov/event/phase-2-scoping-atlantic-large-whale-take-reductionplan-modifications-call-days.

#### October 12

Phase 2 Large Whale Rule scoping call-in day (gillnet and other trap/pot fisheries), 10 a.m.-4 p.m. FMI: www.fisheries.noaa.gov/event/phase-2-scoping-atlantic-large-whale-take-reductionplan-modifications-call-days.

#### October 16

Maine Lobster Boat Racing Association annual meeting and awards banquet, Robinson's Wharf, Southport.

#### October 18-21

ASMFC 80th annual meeting, Ocean Place Resort and Spa, Long Branch, NJ.

#### October 19

Ropeless Consortium Annual Meeting, online. FMI: *www.ropeless.org*.

#### October 26-27

North Atlantic Right Whale Consortium Annual Meeting, online. *FMI: www.narwc.org.* 

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# NEW FACES, NEW BOAT JOIN MAINE MARINE PATROL

Three new Marine Patrol Officers will soon begin serving in downeast Maine. Kaelyn Kuni of Saco, Lexis Elston of Windham and Tim Beauchamp of York were sworn in by Commissioner Patrick Keliher in late July. Officer Kuni will serve in the Milbridge-Steuben patrol, and Officer Elston will serve in the Jonesport-Beals-Addison patrol. Officer Beauchamp will begin serving in the Machias patrol after completing Field Officer training, which begins in January.

Prior to joining the Marine Patrol, Officer Kuni served as a dispatcher for the City of Westbrook, a Security Officer for Securitas, USA, and a Park Ranger for the State of Maine's Eagle Island Historic Site. She has served as a Research Assistant at the University of Southern Maine (USM) Entomology Lab, and as an Assistant Head Lifeguard in Biddeford. She is pursuing a B.S. in Environmental Science from USM.

Officer Elston served as an Assistant Park Ranger for the Maine Department of Agriculture,

Marine Patrol added a new state-of-the-art vessel to its fleet last month. The *Endeavor*, a 42-foot vessel with a Calvin Beal hull, was built by Farrin's Boat Shop in Walpole and launched in South Bristol. She will be home ported in West Boothbay. The *P/V Endeavor* will replace the *P/V Monitor*, a 22-year-old 35-foot Young Brothers' which was damaged by electrical fire in 2019. The new, larger vessel will provide a safer and more stable platform for Marine Patrol Officers while hauling and inspecting lobster gear in both near-shore and off-shore locations. It will accommodate a 14' rigid hull inflatable that can be carried on deck and used for at-sea boardings, which are conducted

Conservation and Forestry. Previously, she worked in Communications and Fisheries Education for the Stonington based non-profit Maine Center for Coastal Fisheries (MCCF). Officer Elston has

also served as a multimedia assistant to the Portlandbased non-profit sailing school, Sail Maine. Officer Elston holds an A.S. in Marine Science from Southern Maine Community College and is currently completing her B.A. degree in Marine Ecology from the University of Maine at Machias.

Officer Beauchamp served as a Security Officer for the Department of Navy at the Portsmouth Shipyard and as a Law Enforcement and Small Arms Instructor for the US Coast Guards Anti-Terrorism Unit in Boston, Massachusetts. He also served as a member of the US Coast Guard's Tactical Law Enforcement Team in Miami, Florida and the Coast Guard's Maritime Safety and Security Team in San Francisco. He is pursuing a B.S. in Computer Information Technology.



From left to right, new Marine Patrol officers Lexis Elston, Kaelyn Kuni, Timothy Beauchamp, and Captain Matthew Talbot. DMR photo. to check vessels for compliance with marine resources laws. Like the *Monitor*, the *Endeavor* will be assigned to Marine Patrol's Section 2 (Freeport to Bremen).





It's a good day when the bait comes to you. Photo by Matthew Huntley.



*Hello to the hermit crab. Photo by G. McDonald.* 

# SO, WHAT'S IN YOUR TRAP?

Part of the lure of lobstering is that moment when the trap breaks over the rail in a splash of salt water. What is inside? Of course, every lobsterman is hoping for a trap packed with hard-shell lobsters of a considerable size. But sometimes the trap contains not a bunch of claw-waving crustaceans but something just .. a .. bit .. different.



A brittle star came along for the ride. Photo by Declan Noonan, P.E.I.



Man versus mudling! Photo by Jake Payson.



You just never know. Photo by Taza Watt.



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