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LANDINGS

News & Views from Maine's Lobstering Community

November 2021 | Vol. 29, No. 11

MILLS' ADMINISTRATION APPLIES FOR OFFSHORE WIND LEASE

By Melissa Waterman



Unlike the Block Island wind turbines, pictured here, Maine's offshore project will test floating turbines. Photo courtesy of the Providence Journal.

On October 1, Governor Janet Mill's Energy Office (GEO) submitted its application to the federal Bureau of Ocean Energy Management (BOEM) to lease a 15.2-square-mile area offshore in the Gulf of Maine to construct and operate a commercial floating offshore wind research array.

The requested offshore wind lease site area is located 29 miles from Cape Small in Sagadahoc

County, 23 miles from Monhegan Island, and 45 miles from Portland.

Mills announced in November 2020 her intent to construct and operate a research array of 12 or fewer floating wind turbines using technology developed at the University of Maine. The goals of the research array are to advance the University's floating turbine technology and to conduct research into how

Continued on page 7

LMA 1 SEASONAL CLOSURE ON HOLD, FOR NOW

By MLA staff

Slightly more than a week after Judge Lance Walker of the U.S. District Court in Bangor temporarily halted implementation of a seasonal closure in Lobster Management Area 1 (LMA 1), lawyers for the Secretary of Commerce and National Marine Fisheries Service (NMFS) (the Defendants or Agencies) filed notice that they will appeal the October 16 decision to the U.S. Court of Appeals for the First Circuit. Simultaneously, the Agencies filed an emergency motion requesting that the District Court put its ruling on hold until the appeal is decided. The three environmental groups (Conservation Law Foundation, Center for Biological Diversity, and Defenders of Wildlife) that intervened in this case similarly filed their own notice of appeal requesting that the Court of Appeals stay Judge Walker's order to pause the closure until their appeal is decided.

The Plaintiffs in this case — the Maine Lobster Union (MLU), Damon Family Lobster Company, Fox Island Lobster Company, and Frank Thompson of Vinalhaven — filed a lawsuit in late September claiming that the Lobster Management Area 1 (LMA 1) seasonal closure is illegal. The Plaintiffs requested Judge Walker to issue a temporary restraining order and preliminary injunction to prevent the closure from taking effect, stating they will suffer "irreparable harm" if it is implemented while their lawsuit is under judicial review. The Plaintiffs also requested the District Court to restrain NMFS from implementing the closure until NMFS can gather additional data and take other steps to demonstrate that a closure is needed. Judge Walker issued an order stopping

Continued on page 4

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MAINE'S OWNER-OPERATOR MANAGEMENT SYSTEM A SUCCESS

By Melissa Waterman



MLA photo.

A quiet man lobsters out of Owls Head. His boat is new, to him, a refurbished 46-footer bought to fish offshore. He started lobstering when he was a child, graduating from a skiff to a boat with a hydraulic hauler and then, over the years, to progressively larger vessels. At first he fished alone. As he

paid off the boat debts and ventured further offshore, he took on first one, then two sternmen. He lobsters throughout the year, with some time off during the depths of winter when the weather is too nasty to haul. He is young, under forty, with a wife, two children, and a house free of mortgage.

The Owls Head lobsterman, who asked to remain anonymous, takes quiet pride in his achievements. He is, as the phrase goes, a self-made man. And he is just one of thousands of such men and women operating throughout the coast of Maine, individual small business people who collectively pump nearly a half billion dollars directly into the state's economy each year.

Continued on page 25

Inside

Page 2
COASTAL OUTLOOK
Thoughts from the MLCA president

Page 3
GUEST COLUMN:
sharing in the plight of right whales

Page 5, 6
LEGAL CASES, WHALE
RULES EXPLAINED

Pages 8-10
MLA UPDATE

Page 13-16
#SAVE
MAINELOBSTERMEN

Page 22
AQUACULTURE UPDATE

Page 24
ALL HANDS ON DECK
FOR CASCO BAY EXERCISE

Page 26
IN THE NEWS

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COASTAL OUTLOOK *Thoughts from MLCA President Patrice McCarron*

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As 2021 lobster season begins to draw to a close, Maine lobstermen are bringing in their traps while gearing up for a regulatory battle. The National Marine Fisheries Service (NMFS) 10-year whale plan to protect the North Atlantic right whale population calls for a 98% reduction in the risk to those whales posed by the Northeast lobster fishery. This risk reduction goal will effectively erase the Maine lobster fishery inside of a decade.

The Maine Lobstermen's Association (MLA) filed a lawsuit in Washington, D.C. federal court in September against the plan, pointing out scientific flaws in the data used by NMFS as well as false assumptions built into the plan. We explore the details of the ten-year plan as well as the elements of the MLA court case in this month's issue.

The whale plan has many negative ramifications, one of which is possible consolidation of the Maine lobster fishery. As an article this month points out, the fishery is composed of thousands of independent small business people who own and operate their own boats individually. Vertical integration, common in several lucrative commercial U.S. fisheries, has not occurred in the Maine lobster fishery. But with expensive "ropeless" gear being promoted as part of the whale plan, some industry leaders foresee the capital and technological demands could force changes to Maine's unique fishery model.

One component of the first phase of the 10-year whale plan is now on hold. On October 16 Judge Lance Walker of Bangor federal court issued a temporary restraining order and preliminary injunction putting the implementation of a 967-square-mile closure to lobster fishing in Lobster Management Area 1 on hold. The closure, which lies along the southern and mid-coast area of Maine, would have run from October 18 to the end of January, displacing numerous lobstermen from the area. A spokesperson for the NMFS commented that the agency is "reviewing the October 16 federal court ruling prohibiting the enforcement of the (restricted area) to protect North Atlantic right whales to determine next steps and to evaluate how it may impact our ability to authorize the lobster fishery. If for some reason we can't prove what we call 'no jeopardy,' then technically the fishery can't operate."

Senator Susan Collins announced in mid-October that she had secured more than \$15 million in the draft 2022 Commerce, Justice, and Science Appropriations bill to sup-

port Maine's lobster industry. The funding is designed to help the lobster industry plan for the future and comply with new regulations, to improve scientific understanding of right whale migration patterns, and for right whale-related research, monitoring, and conservation efforts. The funding must be approved by both the Senate and House before inclusion in the final 2022 federal budget.

In other news, Governor Janet Mills on October 1 announced her administration's submission to the Bureau of Ocean Energy Management (BOEM) of an application

to lease a 15.2-square-mile area of the Gulf of Maine for a floating offshore wind project. The proposed development would include up to 12 floating wind turbines in waters approximately 29 miles from the mainland. The project would be undertaken by New England Aqua Ventus, a joint venture of Diamond Offshore Wind, a subsidiary of Mitsubishi Corporation, and RWE Renewables.

The change of seasons and the short duration of the days can trigger depression

in some people. *Landings* continues its health series with an article on seasonal affective disorder, now called major depressive disorder with seasonal patterns. The disorder is more prevalent in people living at northern latitudes where daylight can be in short supply during the fall and winter. Those who work outside, such as lobstermen, are not immune from the disorder's effects. Major depressive disorder with seasonal patterns is a real health condition, just as diabetes or high blood pressure are real physical conditions, and should be treated as such.

Finally, the efforts of the Maine Lobstermen's Association in confronting NMFS and environmental organizations on the deeply flawed 10-year whale plan could not be undertaken without contributions to the MLA's Legal Defense Fund. Many people, from within and outside of the fishery, have donated money to keep waging this battle. And why? As one donor profiled in this issue said, "The Maine lobster industry has provided me with a wonderful way of life. I'd like to see it continue."


We hope you enjoy this issue of *Landings* and look forward to your comments.

Patrice



Time to start bringing in the lobster traps. M. Fleming photo.


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GUEST COLUMN: *Owning up to our part in plight of right whales*

By Robert Steneck and Richard Wahle

Published in the Portland Press Herald, reprinted with permission

It's time we all own up to the plight of the North Atlantic right whale. Fishing industry advocates, conservationists and editorial boards have all weighed in on the controversy around the National Oceanic and Atmospheric Administration's newly announced and stiffer-than-expected restrictions on lobster and crab fishing in the Gulf of Maine. These are intended to stave off the extinction of the North Atlantic right whale by lowering entanglement risks. Emotions run high on both sides of the issue, as the fishing industry argues it is being unfairly targeted just as conservation groups say the regulations don't go far enough.

But where do the scientists — the oceanographers, biologists and fishery scientists who often work in partnership with both sides — stand on this issue? We argue that it is on all of us, as a society, to contribute to the solution to this problem. It is unfair for the lobster industry to bear a disproportional share of the burden and blame when there is compelling evidence to suggest the problem and, thus, solutions, involve more than lobster fishing.

While the debate continues over how many right whale deaths are caused by lobster gear, the scientific evidence for the toll taken by climate-related ocean change is mounting. A scientific analysis ominously titled "Ocean regime shift is driving the collapse of the North Atlantic right whale population," published this month in the journal *Oceanography*, is the latest evidence directly linking climate-related changes in the northwest Atlantic marine ecosystem to declines in the planktonic foods on which right whales depend. The authors cite multiple indicators of poor right whale health: fat reserves, growth rates, calving rates and survival, all in decline. This evidence throws into the question the degree to which recent downward trends in right whale health can be attributed to gear entanglements. Surely, the reported shift in right whale migrations to more northerly summer feeding grounds can only be attributed to the climate-related shift in their planktonic foods.

The latest report of the International Panel on Climate Change, released in August, now states that "it is unequivocal that human influence has warmed the atmosphere, ocean and land." Within our lifetime, oceanographers have tracked dramatic shifts in the confluence of warm and cold currents off the Gulf of Maine that are fundamentally altering coastal ecology and productiv-



Richard Wahle is the director of the Lobster Institute.

ity. Apart from the warming effects, these changes have starved the gulf of nutrients associated with the cold northern waters that fertilize its world-class biological productivity. The adverse effects don't stop with the North Atlantic right whale. Sharp declines have been reported in everything from seabirds to hake to herring stocks.

This is not to deny entanglements happen. To be sure, it has been estimated that some 80 percent of North Atlantic right whales bear evidence of prior entanglement. Harvesters, however, cite NOAA statistics that there has not been a documented entanglement of a right whale in Maine lobster gear since 2004 to support their case that current efforts to protect whales are working. Indeed, attribution of whale deaths remain unclear. Maine Department of Marine Resources identified considerable gaps in evidence that would directly link right whale mortality to Maine's lobster fishery since 2009 when whale-safe measures, such as breakaway links and sinking lines, were widely implemented.

The U.S. trap-pot and gillnet fishery is tasked with the entire burden of the 98 percent reduction plan over 10 years, with no accounting for measures taken by Canadian counterparts or the shipping industry now or in the future. "To say this reduction will be devastating to the viability of Maine's fixed gear fisheries is an understatement," DMR states. NOAA's new ruling further mandates a 950-square-mile seasonal closure off Maine, where only expensive and still unproven "ropeless" fishing will be allowed with an experimental fishing permit. While the technology is in development, ropeless gear has a long way to go to be feasible, affordable and enforceable in practical application.

To do our part as a society, yes, we need to cut back on carbon emissions to mitigate climate change, but this will not help the northern right whale in the near term. We support public investment that enables U.S.-Canada collabora-


Continued on page 23



Robert Steneck is professor of marine sciences at UMaine.

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SUPPORT FOR MLA LEGAL DEFENSE FUND CRITICAL TO LOBSTER FISHERY FUTURE

By Melissa Waterman

“The Maine lobster industry has provided me with a wonderful way of life. I’d like to see it continue,” said Zachary Stotz, 37, a Round Pound lobsterman, when talking about his recent donation to the Maine Lobstermen’s Association (MLA) Legal Defense Fund (LDF). The Fund is dedicated to supporting MLA’s efforts to save Maine’s lobster fishery from imminent threats such as the National Marine Fisheries Service’s (NMFS) fundamentally flawed 10-year Whale Plan which could erase the Maine lobster fishery.

Stotz is a second-generation lobsterman, following in the footsteps of his father John. He began lobstering when he was seven. “I do what I love,” he said quietly. “I just knew I had to do something.”

Stotz believes that the measures threatening Maine lobstermen are unjust and will do little to protect the endangered right whales. “If I thought that the regulations would save right whales I would do more. It would be a real shame for the lobster industry to be eliminated and for the right whale population to go extinct.”

As he contemplates the future, Stotz is ready to make changes in how and where he fishes. He owns a 40-foot boat and holds a federal permit, but he is thinking of staying inside 12 miles this year due to the new trawling up requirements. “I don’t think it would be safe. It’s just not feasible trawling up to 25 traps,” he explained.

Vinalhaven sternman, Henry Ross, spoke bluntly about why he sent his recent contribution to the LDF. “I’ve been a sternman for 40 years. That’s my job and I have to defend my living,” he said.

Ross has been on the water for decades and, like many Maine lobstermen, has never seen a right whale. “I don’t understand why they [NMFS] are doing this stuff. We need to combat this unbelievable attack on the lobster fishery,” he said.

And don’t get him started on the idea of ropeless lobster fishing. The idea of using acoustic devices to locate traps at sea triggers a sharp laugh. “Ropeless



MLA photo.

is ridiculous. You’ve got to have a buoy to see who is there. There could be fifty people fishing in the same spot, what a mess.”

Ross mentions friends who have comfortable jobs on land, making a regular salary with regular hours. “But I tell them I have the best corner office in the world. The scenery is always changing. Every day, there’s always something interesting,” he said.

Lester Stanley, 36, also made a generous donation to the LDF last month. The Swan’s Island lobsterman finally decided to send in his contribution to the Fund after learning of the MLA’s September lawsuit against NMFS. “With all this stuff we’re up against and the NOAA regulation, the MLA is fighting. I knew it was time,” he said.

Stanley has been lobstering full-time since he graduated high school in 2004. It was his mother who led him into the fishery as a youngster. Like other Swan’s Island lobstermen, he doesn’t believe he will be affected directly by the offshore closure included in NMFS’s regulations. “But it makes me nervous. I’m afraid about more people spilling into our area, people setting on each other,” he said, referring to the 60-plus lobstermen who would be barred from their normal lobster grounds by the closure.

Stanley is more worried about the 1,700-pound weak points that lobstermen will be required to use in their lines next year. “Weak points are a bad thing. My gear will be parting all the time,” he said. A lobster trap costs between \$75 and \$100; losing many traps due to weak points in a line presents a significant expense to a lobsterman.

He hopes that the MLA will prevail in its legal efforts. Regardless, he retains a certain optimism, a characteristic of many in his generation of lobstermen. “We’ve always seemed to make it work and to survive,” Stanley said. “We’re hoping it all works out.”

Closure continued from page 1

the closure two days before it was scheduled to take effect but declined to impose any additional requirements on NMFS with respect to a future seasonal closure. The Maine Lobstermen’s Association and Maine Legislative council each filed an amicus brief in support of stopping the impending closure.

The LMA 1 seasonal closure, which was scheduled to take effect on October 18, was mandated by NMFS as part of the final whale rule issued in September to achieve a 60% risk reduction by the Northeast lobster fishery.

In their emergency motion, the Agencies asked the District Court to “stay its order enjoining NMFS from enforcing a seasonal restriction of vertical buoy lines in a portion of Lobster Management Area 1 (“LMA 1 Restricted Area”).” The Agencies allege that “Implementation of the LMA 1 Restricted Area during the months of October, November, December, and January is critical to NMFS’s ability to meet its statutory mandates under the Marine Mammal Protection Act and Endangered Species Act. In addition, implementation of the LMA 1 Restricted Area is itself essential to protecting the North Atlantic right whale...”

In his ruling to prevent the closure from immediately taking effect, Judge Walker wrote, “I do not conclude today that the Agency, in fact, acted arbitrarily or capriciously in crafting the Final Rule. I find only that the Plaintiffs have shown a strong enough likelihood of success and that their challenge to the proposed seasonal closure of the LMA 1 Restricted Area warrants more fulsome consideration than the preliminary injunction window allows for.”

Pinpointing arbitrary and capricious actions by a federal agency is not a simple task. Under the Administrative Procedure Act, reviewing courts can invalidate agency rulemaking found to be “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” An agency will not be found in violation if a “rational” foundation for its actions can be found, meaning that an agency decision will be upheld as long as there is a rational connection between evidence included in the administrative record and the conclusions drawn by the agency in support of its action.

Governor Janet Mills and the Maine Congressional delegation quickly sent a letter to Secretary of Commerce, Gina Raimondo, reiterating their opposition to the LMA 1 closure and the broader whale rules released in August.

“We are writing to bring to your attention a recent order by the U.S. District Court of Maine regarding the National Marine Fisheries Service’s (NMFS) final rule to modify the Atlantic Large Whale Take Reduction Plan (ALWTRP). The District Court has enjoined NMFS from enforcing the closure in the Lobster Management Area (LMA) 1, and we support this decision. Throughout the rule-making process, we have raised concerns expressed by Maine’s lobstermen and women and other industry stakeholders about the flawed and incomplete data

upon which the final rule ultimately relied. Moreover, NMFS’s decision to impose a sudden fisheries closure will cause irreparable harm to the industry, while doing little to achieve meaningful protections for the right whale population. In light of the District Court’s order and the many flaws with the rule, particularly with respect to the LMA 1 closure, we urge you to rescind the rule and resolve these issues,” the letter stated.

MLA lawsuit targets entire whale plan

On September 27, the Maine Lobstermen’s Association (MLA) filed a lawsuit against the National Marine Fisheries Service (NMFS) and the Secretary of Commerce in the U.S. District Court for the District of Columbia challenging a recently issued Biological Opinion on the status of the endangered right whale population. The BiOp underpins NMFS’s fundamentally flawed 10-year whale protection plan, which requires a 98% risk reduction within the lobster fishery.

The ten-year plan calls for the closure in LMA 1 and steadily imposes more severe protection measures on the lobster fishery in 2025 and 2030, essentially eliminating the traditional fishery.

The MLA’s lawsuit claims that NMFS has persistently ignored science and evidence submitted by the MLA and others that would have enabled the agency to correct the plan’s serious flaws. The MLA is taking direct aim at a pattern of arbitrary actions by NMFS targeted at the lobster fishery, which has influenced measures called for in the 10-year plan and final whale rule.

The MLA’s lawsuit attacks many false assumptions and arbitrary decisions that are embedded in NMFS’s long-term regulatory approach to the lobster fishery. If those systemic errors are not corrected, the lobster fishery will remain the victim of regulation by speculation and subject to future closures and other equally unjustified regulatory decisions.

While Judge Walker’s temporary halt of the LMA 1 closure brings a sigh of relief to Maine lobstermen, it does not address a larger issue infecting NMFS’s whale plan — the agency’s blatant disregard of the best available scientific and commercial information regarding interactions between lobster gear and the endangered right whales. The MLA believes the agency’s analysis has been biased against solutions short of decimating the fishery. This bias led NMFS to ignore evidence supporting less drastic measures. The result is a series of regulatory actions, such as the LMA 1 closure, that are untethered from the agency’s own data and data supplied to it by experts and stakeholders it is required to consult.

Summary of Right Whale - Lobster Fishery Lawsuits

<p>Max Strahan vs Mass Div of Marine Fisheries</p> <p>US District Court for District of Massachusetts</p> <p>Judge Talwani</p> <p><u>Complaint</u></p> <p>Vertical Buoy Lines (VBR) are illegal; Mass state and federal lobster and gillnet fisheries using VBR should not be authorized</p>	<p>Center for Biological Diversity, Conservation Law Foundation, Defenders of Wildlife vs Sec'y of Commerce & NMFS</p> <p>US District Court for District of Columbia</p> <p>Judge Boasberg</p> <p><u>Complaint (2018)</u></p> <p>2014 Biological Opinion and Take Reduction Plan are illegal; NMFS should not authorize the American lobster fishery</p> <p><u>Amended Complaint (2021)</u></p> <p>2021 Biological Opinion and Final Rule are illegal; NMFS should not authorize American lobster fishery</p>	<p>Max Strahan vs Maine DMR & NMFS [dismissed]</p> <p>US District Court for District of Maine</p> <p>Judge Walker</p> <p><u>Complaint</u></p> <p>Vertical Buoy Lines (VBR) are illegal and Maine state or federal lobster and gillnet fisheries using VBR should not be authorized</p>	<p>Max Strahan vs Sec'y of Commerce, NMFS & ASMFC</p> <p>US District Court for District of Columbia</p> <p>Judge Kelly</p> <p><u>Complaint</u></p> <p>State and federal government illegally authorize the use of Vertical Buoy Rope (VBR) in lobster and gillnet fisheries</p>	<p>Maine Lobstermen's Association vs Sec'y of Commerce and NMFS</p> <p>US District Court for District of Columbia</p> <p>Judge Boasberg</p> <p><u>Complaint</u></p> <p>NMFS 10-year whale plan and new final whale rule are unsupported by best available science and commercial knowledge, do not account for reduced risk from existing measures and are otherwise based on arbitrary, unlawful speculation</p>	<p>Local 207 et al vs Sec'y of Commerce & NMFS</p> <p>US District Court for District of Maine</p> <p>Judge Walker</p> <p><u>Complaint</u></p> <p>LMA 1 seasonal lobster closure is illegal</p>
<p>Feb 2018</p>	<p>Jan/Feb 2018</p>	<p>Sept 2019</p>	<p>April 2021</p>	<p>Sept 2021</p>	<p>Sept 2021</p>
<p><u>State Ordered to Obtain Incidental Take Permit (ITP)</u></p> <p>April 2020— Court orders the state to immediately apply for an Incidental Take Permit under Section 10 of ESA to continue to permit VBR</p> <p>ITP now required to permit Mass state waters lobster fishery</p> <p><u>Requests for Injunction</u></p> <p>Strahan makes several requests for Court to order cessation of stater fishing permits requiring VBRs'. Court denies all requests</p> <p><u>Court trial</u></p> <p>June 2020— Arguments Presented at Court trial</p> <p><u>Decision</u></p> <p>Case is pending</p>	<p><u>Case Divided into 2 Phases</u></p> <p>Phase 1—Is there is a violation of ESA or MMPA?</p> <p>Phase 2—What remedy is necessary if there is a violation?</p> <p><u>Phase 1 Decision</u></p> <p>April 2020— Court rules NMFS violated the ESA in 2014 Biological Opinion that lacked an Incidental Take Statement (ITS). Valid ITS is required for NMFS to authorize the American lobster fishery</p> <p><u>Phase 2 Remedy</u></p> <p>August 2020— Court directs NMFS to issue valid Biological Opinion by May 31, 2021</p> <p>May 2021 — NMFS completes new Biological Opinion and requests case be closed. Plaintiffs request immediate imposition of measures to restrict the lobster fishery</p> <p>August 2021— Court rejects immediate restrictions. Directs Plaintiffs to declare intent to amend complaint to address remaining issues by Sept 3</p> <p>September 2021 — Plaintiffs file an updated complaint claiming the new Biological Opinion and Whale Rule are illegal and protections should address risk in state and federal waters.</p> <p><u>Next Steps</u></p> <p>Schedule to be determined</p>	<p><u>Requests for Injunction</u></p> <p>Court denies Strahan's multiple requests to cease issuance of state permits for Maine lobster fishery</p> <p><u>Appeal</u></p> <p>Strahan files appeal in First District Court of Appeals. Appeal denied October 2021.</p> <p><u>Case Dismissed</u></p> <p>January 2021</p>	<p><u>Request for Temporary Restraining Orders</u></p> <p>Court denies multiple requests to cease issuance of state and federal permits for lobster fishery</p> <p><u>Amended Complaint</u></p> <p>Oct 2021</p> <p><u>Next Steps</u></p> <p>November 2021 — Defendants response due. Schedule to be determined</p>	<p><u>Case Assigned</u></p> <p>September 2021 — assigned to Judge Boasberg</p> <p><u>What Does MLA Ask the Court to Do?</u></p> <p>MLA seeks to end a pattern of arbitrary actions by NMFS and its regulatory bias against the lobster fishery because of its size</p> <p>MLA asks Court to direct NMFS to overhaul the 2021 Biop and 10-year whale plan to (a) revise and correct use of speculative assumptions about risk from Maine lobster gear that are contrary to best scientific evidence, (b) rely on credible, documented evidence of the unmitigated known sources of harm to whales, (c) assess and rely on evidence that Maine protective measures are working, (d) reject faulty modeling analysis in favor of documented evidence and scientific knowledge, (e) account for whale mortality due to natural causes, and (f) collaborate with industry on research to identify future fishing practices effective as mitigation measures</p> <p><u>Next Steps</u></p> <p>Court will examine full record to determine whether 2021 Biological Opinion and 10-year Whale Plan are lawful. Case schedule to be determined</p>	<p><u>Court Delays Implementation of Closure</u></p> <p>October 2021- Court temporarily delays implementation of the closure pending a full hearing on the merits of the lawsuit; denies request to impose conditions on future closure regulations</p> <p><u>Appeal of Temporary Delay of LMA 1 Closure</u></p> <p>October 2021-- Defendants and Intervenor file notice to appeal the Court's decision and request Court put its decision to delay implementation of Closure on hold until the Appeal decided</p>



Richard Max Strahan, calls himself Man Against Xtinction (M.A.X.)



10-Year Whale Plan

What? 98% risk reduction	When? by 2030	Which Fisheries? Lobster, gillnet, & all trap/pot	Outcome? Elimination of lobster fishery
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NMFS's 10 Year Whale Plan is a condition of the 2021 Biological Opinion under the Endangered Species Act (ESA). NMFS cannot authorize the lobster fishery without a valid Biological Opinion.

Lawsuits Keep Pressure on NMFS

Phase 1 60% risk reduction Northeast lobster and Jonah crab fisheries	Phase 2 60% risk reduction for Atlantic gillnet and other trap/pot fisheries	Phase 3 60% risk reduction for lobster and other regulated fisheries	Phase 4 87% risk reduction for lobster , gillnet and other trap/pot fisheries
---	--	---	--

eNGO lawsuit
Addresses 10 year whale plan
Pushing for more stringent measures and faster implementation of Biop

How?
NMFS to develop future whale protection measures with the Atlantic Large Whale Take Reduction Team (TRT) by modifying the Whale Rules under the Marine Mammal Protection Act (MMPA).

MLA lawsuit
Addresses 10 year whale plan
Seeks to have NMFS revise 10-year plan based on sound science and credit for success of existing whale protection measures

2021 Final Rule (Sept 2021)	2023 Scoping ends Oct 2021; Final Rule anticipated	2025 NMFS required to modify Whale Rules	2030 NMFS required to modify Whale Rules
---------------------------------------	--	--	--

Final Whale Rule for Lobster Fishery

Remove Rope from Water
5.9% Trawling up by distance from shore
2.6% Trap reductions Area 2 and Area 3
53.3% Closures
*10.6% Existing Mass Restricted Area (MRA)
*36.2% Islands & MRA North
*6.5% LMA 1 Closure

Weaken Remaining Lines
7% Insert 1,700 lb weak points in end lines

Enhance Gear Marking
*All gear marked with unique state colors.
*Additional green marks required for all federal waters gear

Atlantic gillnet fishery and all other Atlantic trap/pot fisheries must achieve a 60% risk reduction

Measures under consideration include reduced gear density, tending gear, weak rope and closures

Phase 2 is not expected to impact the lobster fishery

?

In Phase 3, the **lobster fishery**, gillnet and other Atlantic trap/pot fisheries must reduce risk **by an additional 60%**.

Can this be achieved?

In Phase 1
weak points = 7%
trawling up = 6%
new seasonal closures = 42.7%

?

?

In Phase 4, the **lobster fishery**, gillnet and other Atlantic trap/pot fisheries must reduce risk **by an additional 87%!**

Can this be achieved?

ROPELESS FISHING

?

Elimination of the fishery

Strahan lawsuits
Seek to halt permitting of all fisheries that use vertical buoy rope

MLU lawsuit
Seeks to halt the LMA 1 closure which is one element in Phase 1 of the 10-year Whale Plan

Wind continued from page 1

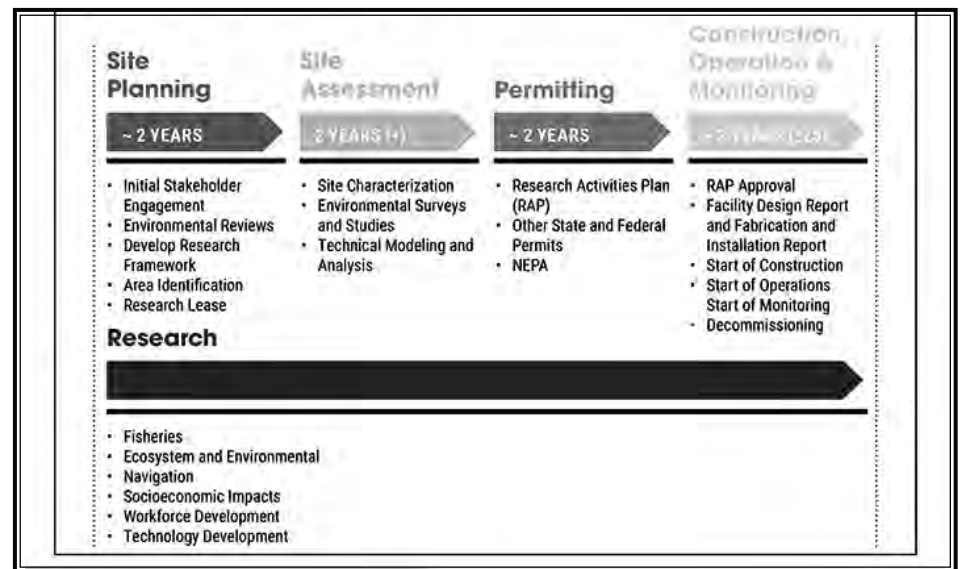
floating wind turbines interact with Maine's marine environment, fishing industry, shipping and navigation routes, and other elements.

According to the GEO lease application to BOEM, "The scale of the Research Array provides an opportunity to evaluate potential interactions with commercial projects, including testing various fishing activity between turbines and in transit lanes. The number of wind turbines needs to be large enough to simulate some aspects of commercial scale projects and their interactions with fisheries, marine mammals, avian species, and the marine environment, all unique to the GOM."

The Mills administration will partner with New England Aqua Ventus (NEAV)—a joint venture of Diamond Offshore Wind, a subsidiary of Mitsubishi Corporation, and RWE Renewables—to develop the research array. New England Aqua Ventus is in the process of constructing and operating a single turbine floating wind pilot project in state waters off Monhegan Island with support from the U.S. Department of Energy.

While the concept of an offshore wind commercial research array was put forward by the Mills Administration, Maine's plan to develop a 100 MW offshore floating wind farm has been in the works since 2013. The Maine Public Utilities Commission (PUC) included a provision in the Maine Aqua Ventus (MAV) 2013 contract for the Monhegan test site that it pursue a future develop a 100 MW offshore wind farm in the Gulf of Maine. This contract was renewed with New England Aqua Ventus, MAV's successor, in 2019, requiring the Monhegan test site developer to develop "a business case for the development and construction of an offshore wind farm of no less than 100 MW in the Gulf of Maine and, as may be commercially reasonable, using qualified businesses or other entities located and operating in Maine."

The siting of the cables from the research array to the mainland has not been determined. The application notes that "The Research Array Site ... will include the designation of two high voltage substations that are the potential grid con-



nection locations. No subsea substations are planned for this project. Both substations are connected to 345-kilovolt lines and have more than enough potential to accommodate the capacity of a Research Array. The final grid connection location will be determined later in the development process and will be informed by grid studies that will determine costs of interconnecting, cable landing logistics, permitting, real estate considerations, local community engagement, and cable route geophysical and geotechnical investigations. The route of eventual cables, inter array and export, will be determined after cable route surveys are completed."

Gulf of Maine scheduled for lease sale by 2025

The Biden administration caught many unaware when Secretary of Interior Deb Haaland announced in mid-October that BOEM planned hold up to seven new offshore wind lease sales in the Gulf of Maine and six other regions by 2025. No specific location in the Gulf of Maine was identified in the announcement nor the actual number of leases within that area that BOEM intended to offer. BOEM created the Gulf of Maine Offshore Wind Energy Task Force in 2019 to facilitate coordination and consultation related to offshore wind development in the Gulf of Maine.

President Biden earlier this year declared his goal to deploy 30 gigawatts of offshore wind energy by 2030.

SENATOR COLLINS SECURES FUNDS FOR MAINE'S LOBSTER INDUSTRY

Press release

Senator Susan Collins, a senior member of the Senate Appropriations Committee, has secured \$15,065,000 in the draft Fiscal Year 2022 Commerce, Justice, and Science Appropriations bill to support Maine's lobster industry. The bill must still be voted upon by the full Senate and House.

"The seafood industry is a vital part of Maine's economy and heritage, sustaining jobs and strengthening our coastal communities," said Senator Collins. "The livelihoods of the Mainers who work in this industry were recently jeopardized by a rule from the National Marine Fisheries Service. This rule, which is intended to protect the fragile right whale population, unfairly targets Maine's lobstermen and women and does not reflect reality in the Gulf of Maine. This funding would support our state's iconic lobster industry by engaging stakeholders in the local and regional seafood systems, helping to cover the costs incurred by lobstermen as a result of the misguided rule, and improving the incomplete and imprecise science upon which the federal government relies."

The funding includes:

- \$765,000 to help the lobster industry plan for the future. This process would engage with and prepare stakeholders on ways to preserve the industry in the face of burdensome right whale-related regulations, which are having far-reaching impacts across Maine's coastal communities and economy.
- \$10 million to help the lobster industry comply with new regulations. This funding was included in the CJS Appropriations bill and will cover costs paid for by the lobster industry to comply with the final rule to modify the Atlantic Large Whale Take Reduction Plan, including gear modification, configuration, and marking requirements, which are currently set to take effect in May 2022.
- \$300,000 to improve scientific understanding of right whale migration patterns. This funding would support a continuous plankton recorder survey to better track the movement of right whales' primary food source, which is a strong indicator of the whales' migration patterns. The National Marine Fisheries Service's own data support the conclusion that right whales are traversing offshore waters of the Gulf of Maine less and less frequently as waters warm and the species' primary food source moves further offshore and northward into colder Canadian waters.
- \$4 million in vital right whale-related research, monitoring, and conservation efforts. This funding will spur partnerships among lobster fishermen, state agencies, and research institutions toward developing operational technologies that will help the lobster industry in the Gulf of Maine.

Senator Collins also secured instructions to NOAA to complete an assessment and cumulative estimate of any economic losses incurred by the lobster industry that are directly related to the final rule and to work with Canada to develop risk reduction measures that are comparable in effectiveness for both fisheries and vessels.



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MAINE LOBSTERMEN'S ASSOCIATION UPDATE

Maine Lobstermen's Association

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

President: Kristan Porter
Cutler, 460-0560
1st VP: Dustin Delano
Friendship, 542-7241
2nd VP: John Williams
Stonington, 367-2731
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Bass Harbor, 460-2565
Secretary: Chris Welch
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Sonny Beal, Beals Island, 356-1684
Laurin Brooks, Kennebunk, 468-2165
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Gerry Cushman, Port Clyde, 372-6429
Jamien Hallowell, S. Bristol, 380-7976
Robert Ingalls, Bucks Harbor, 271-7199
Mark Jones, Boothbay, 315-5977
Jason Joyce, Swan's Island, 526-4109
Jack Merrill, Islesford, 244-7884
Tad Miller, Matinicus, 372-6941
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STEAMING AHEAD

It's been a long road for the MLA, pushing back against NMFS and the environmental community on the misguided and unfair whale rules. Then there are the more recent battles against the explosion of activity related to offshore wind development in the Gulf of Maine. We've endured months and years of frustration leading to the grim reality that the MLA must remain forever vigilant, proactive and strategic in combating these two issues because they truly threaten the future of the Maine lobster fishery.

The lobster industry has been dealing with various iterations of the whale rules for more than 20 years, but this time it is very different. For the first time ever, we are facing a mandatory risk reduction target – 98% – within a set timeframe – by 2030. If we do not follow the requirements of the ten-year whale plan, the consequence is clear: NMFS will not authorize the lobster fishery. Our task is equally clear – we must get NMFS to reevaluate its science to revise the risk reduction goal and timeframe in order to get out from under this ever-present and devastating threat.

The issues we now face are as complicated as they get and our adversaries are not easily defeated. As unpleasant as that is, it is reality. We have no choice but to fight with all we have right now. The future of the lobster fishery is at stake.

But it will take more than words to make that happen. As a state and as an industry, we must come together to do this. This is challenging work because it takes patience, faith, trust, and it takes strong leaders to serve as honest brokers.

Andrew Carnegie said, "No man will make a great leader who wants to do it all himself, or to get all the credit for doing it." Our industry would be wise to heed these words as it continues to be plagued by internal fighting, bullying and other tactics aimed at dividing rather than drawing us together. Make no mistake, internal fighting is a recipe for failure. We all know the cliché, "United we stand, divided we fall." One thing I can assure you is that the Maine lobster industry will not prevail if we are divided.

The MLA is prepared to lead the Maine lobster industry through this fight. While I am not arrogant enough to promise certain victory or to pretend that we are not going to lose a few battles along the way, I do know that the MLA has assembled an extraordinary team. We know the issues inside and out and we are ready to battle every step of the way to win this long war.

I understand that some will choose not to support the MLA in this long conflict. And I respect each person's right to follow his or her heart and do what you think is best. That is yours to choose and you own your decision.

What I don't understand and will never understand, is why some need to tear others down to build themselves up. I read an article in Forbes on leadership a few years ago. The author listed five things that a truly great leader would never do: 1) rip someone apart mercilessly who challenges them; 2) fight to the death over trying to be seen as "right" and better than others; 3) spurn and put down the very people they say they are hope to lead and influence; 4) fail to hold themselves accountable when they make mistakes and 5) lie about the facts to skew the reality of a situation.

Sadly, social media provides an easy platform for this type of unhealthy leadership to take hold. It preys upon people's fears, manipulates people, and twists information and the truth to place seeds of doubt in people's minds. I have both observed and been the victim of these tactics from other organizations that need to put the MLA down as a prerequisite for taking credit for work they do. Slogans about

"standing together" are meaningless when actions demonstrate otherwise.

I attest that the MLA has reached out to all of Maine's fishing groups time after time in order to fight offshore wind developments and the whale rules as allies, not adversaries. One of our biggest successes was getting all of the industry associations to sign a letter addressing the multitude of errors and flaws in NMFS's Biological Opinion and 10-year whale plan. We all understood the importance of the industry speaking with one voice on a plan that aims to put our fishery out of business.

As a result of MLA's tireless efforts, the tenor of the right whale issue is finally shifting. You now regularly read that the Maine lobster fishery has never killed or seriously injured a right whale and has not had a known right whale entanglement in nearly 20 years. And that ship strikes

are known to harm more whales in the U.S. than fishing gear. And that Canada's right whale protection efforts lag behind the United States. Without the MLA's hard work combing through all the federal data behind the scenes, you can be sure that this information would not be in the mainstream media.

It is also the MLA and its legal team leading the industry's fight against NMFS and the environmental groups'

twisted interpretation of the science related to right whales. We have done the difficult work of identifying the many errors in the agency's data and its interpretations, including things like accusing the lobster industry of being the biggest threat to right whales because of the fishery's size, the decision to evenly allocate unknown whale entanglements to the U.S. and Canada, and the claim that right whales do not die of natural causes. It was the MLA that pointed out that the LMA 1 closure is neither based on the presence of whales nor necessary to meet the risk reduction goal of the final rule.

The MLA openly shares its years of hard work to get Maine's side of the whale issue out to the public and to change NMFS's management approach. Our work is out there for others to use to advance the cause. It is acceptable for other industry groups to build their successes on the MLA's efforts however it is unseemly, short-sighted and harmful for them to do so while simultaneously criticizing the MLA and attacking our reputation.

That is not leadership. It will not advance efforts to save Maine's lobster industry.

As these anti-MLA campaigns flare up and fizzle out, you will not see the MLA engage or launch counter-attacks. The MLA has a well-conceived, strategic long-term plan to save Maine's lobster industry. We have our heading and will stay the course to correct and rescind the concerted effort by federal agencies and environmental groups to hold Maine's lobstermen accountable for the decline among right whales.

In a harsh world, it is important to know who has your back. The MLA has yours. We will continue to be honest with you about the hard reality of the challenges we face and to work tirelessly to save Maine's lobster industry.

As always, stay safe on the water.

Patrice



The MLA board and the MLA legal team are in this fight for the long haul. MLA photo.



MAINE LOBSTERMEN'S ASSOCIATION UPDATE

MLA DIRECTORS MEETING

The MLA board of directors met on October 6 to discuss progress on the whale issue, legal updates and the Legal Defense Fund. The MLA's lawsuit challenging NMFS's 10-year whale plan and the recent Final Rule was filed in U.S. District court for the District of Columbia on September 27. The case has been assigned to Judge Boasberg; no schedule has been set. On the same day, the Maine Lobster Union (MLU) filed a lawsuit in U.S. District court in Bangor challenging the LMA 1 seasonal closure. The following week, the MLU filed a motion asking the Judge to stop the closure from being implemented until the Judge decides the merits of the case. The MLA has opposed the LMA 1 closure since it was proposed. Upon consultation with its legal team, the MLA filed an *amicus* brief in support of MLU's motion to stop immediate implementation of the closure.

The MLA remains active in the environmental groups' case against NMFS in D.C. District court. The environmental groups are now challenging the new Biological Opinion and Final Rule and seeking to have 98% risk reduction apply to all state and federal waters fishing gear. The MLA is currently active in three court cases and is monitoring another case filed by Max Strahan while working on a three-year fundraising strategy to build the Legal Defense Fund to remain proactive and effective in these legal challenges.

APPROVED WEAK POINTS

During a Take Reduction Team meeting on September 28, NMFS provided further explanation of "approved weak points." NMFS has approved five manufactured ropes which can be used as weak points: Rocky Mount cordage 1,700-pound rope (red 3/8" diameter), Rocky Mount cordage 1,700-pound rope (candy cane 3/8" diameter), Neocorp polyester rope 1021 (3/8" diameter), Shippagen (3/8" diameter), and Osprey 10.

A 3-foot section of any of these approved weak ropes can be inserted into the line to achieve a weak point in a color different than the buoy line. NMFS recommends four methods of attachment: 4-tuck splice, 3-tuck splice, end or butt splice and eye loop splice with three tucks. Each of these attachment methods is stronger than 1,700 pounds.

NMFS has also approved an "in-line link" which is inserted into the buoy and is designed to run quietly through the hauler. Maine DMR has received some prototypes available for lobstermen to test. Contact Erin Summers at erin.l.summers@maine.gov.

Finally, NMFS has not yet determined whether the knots tested by Maine DMR (sheet bend with loop or eye splice or lazy splice) will be approved as weak points. NMFS is conducting an "expert elicitation" to determine whether any of these knots can be approved. NMFS expects this process to be completed in November and will advise the industry on which, if any, are approved, then.

EVTR IMPLEMENTATION

Important Reminder! Beginning November 10, 2021, anyone holding any federal fishing permit in addition to an American lobster permit issued by GARFO is required to have an electronic device onboard the vessel at the time of the trip and submit completed vessel trip reports electronically (eVTRs) within 48 hours of the end of a trip. The eVTR requirement does not apply to vessels holding only an American lobster permit.

ASMFC LOBSTER MANAGEMENT BOARD

The American Lobster Management Board (Board) met in October to consider four items: the annual data update, an update on the development of Draft Addendum XXVII on Gulf of Maine/Georges Bank resiliency, a progress update on Draft Addendum XXIX on electronic tracking requirements in the federal lobster and Jonah crab fisheries, and next steps for developing a management strategy evaluation (MSE) for the lobster fishery.

The Technical Committee (TC) Chair reviewed updates to American lobster stock indicators, including young-of-year (YOY) settlement indicators, trawl survey indicators, and ventless trap survey indices. This data update process was recommended during the 2020 stock assessment to more closely monitor changes in stock abundance and will occur annually moving forward. Indicators were updated with data from 2019 and 2020, where possible, as data collection was impacted by the COVID-19 pandemic. The current status of each indicator was determined as negative, neutral, or positive and the results relative to conditions during the 2020 stock assessment are summarized below.

Gulf of Maine — Indicators showed some changing conditions since the 2020 stock assessment with slight improvement in YOY conditions, but some signs of declines in trawl survey and ventless trap survey indicators.

Georges Bank — Only trawl survey indicators are available for this region. While the surveys were disrupted by the COVID-19 pandemic and have high interannual variability, the available indicators show some early signs of decline.

Southern New England — Indicators generally aligned with conditions found in the 2020 stock assessment, including negative conditions inshore and neutral conditions offshore.

Staff provided an update on the development of the Draft Addendum XXVII, initiated to proactively increase biological resiliency of the Gulf of Maine/Georges Bank (GOM/GBK) stock by considering a trigger mechanism that would automatically implement management measures if the trigger is reached. The TC analysis showed that of the current biological management measures, changes to the minimum and maximum gauge sizes are most likely to have a positive impact on spawning stock biomass. Therefore, the PDT recommendations included management triggers based on an index of recruit abundance that would result in the implementation of changes to the minimum and maximum gauge sizes to increase spawning stock biomass. The PDT also proposed options to consider standardizing some management measures at final approval of the addendum. Following the PDT's recommendation, the Board modified the objective of the addendum to clarify the objective addresses declining trends in survey abundance indices since 2018, and specifies that the addendum aims to increase the protection of spawning stock biomass. Given the Board's guidance, the PDT will finalize the draft addendum document for the Board's consideration for public comment at the Winter 2022 meeting.

Staff also provided a progress report on the development of Draft Addendum XXIX, initiated in August 2021 to consider electronic tracking requirements for federal permit holders in the lobster and Jonah crab fisheries. This proposed action aims to address a critical need for high-resolution spatial and temporal data to characterize effort in the federal lobster and Jonah crab fleet to address several challenges, including Atlantic right whale risk reduction efforts, marine spatial planning discussions, and offshore enforcement. While further work is still needed, the PDT has discussed potential specifications and requirements for tracking devices, harvesters, and states that will be necessary to ensure these data needs are met. The Draft Addendum will be considered by the Board for public comment at a standalone Board meeting later in 2021.

The Board discussed next steps for the development of a management strategy evaluation (MSE) for the lobster fishery. Though the Board is still interested in pursuing an MSE in the future, it agreed to prioritize current efforts on Draft Addenda XXVII and XXIX, as well as state-level efforts related to large whale risk reduction and wind energy development. The Board postponed further discussion on the development of an MSE until the Winter 2023 meeting.

ASMFC ATLANTIC HERRING BOARD

The Atlantic Herring Management Board met to set the quota periods for the 2022 Area 1A fishery for Atlantic herring. In February 2021, the Board set specifications for the 2021-2023 fishing years for Atlantic herring, including the sub-annual catch limit (sub-ACL) for the 2022 Area 1A fishery of 1,184 metric tons. For the Area 1A 2022 fishing year, the Board adopted a seasonal quota approach with 72.8% available June-September, and 27.2% available October-December with underages from June through September rolled into the October through December period, if applicable.

The Board also discussed the postponed Draft Addendum III. In May 2020, the Board postponed final action on Draft Addendum III, which was initiated to consider new approaches for managing the Area 1A fishery under low quotas. This action was in response to the challenges encountered in managing the reduced sub-ACL based on the 2018 benchmark stock assessment, which highlighted declining trends in recruitment and spawning stock biomass.

NOAA Fisheries published the final rule on Amendment 8 in January 2021. Commission leadership indicated that coordination discussions between the Commission and Council are ongoing and a white paper may be developed based on the discussions. Further updates on this coordination effort will be provided at future Board meetings.

Finally, the State of Maine noted a potential loss of funding for the Maine Department of Marine Resources' Atlantic herring portside sampling in future years and the need to discuss funding impacts and sampling resources moving forward.



Photo courtesy of Portland Press Herald.



MAINE LOBSTERMEN'S ASSOCIATION UPDATE

MLA Update continued from page 9

ATLANTIC LARGE WHALE TAKE REDUCTION TEAM UPDATE TO ATLANTIC STATES MARINE FISHERIES COMMISSION

NOAA Fisheries provided an overview of North Atlantic right whale mortalities and gear interactions by fishery and gear type along the Atlantic coast. It also updated the states on the efforts 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. NOAA is implementing the ALWTRP changes in two phases.

Phase 1 focuses on the Northeast American lobster and Jonah crab trap fisheries and has undergone final rulemaking. Specific measures include additional restricted areas, reducing line strength, and improving gear identification. Full implementation of these measures have been stalled given a recent court ruling prohibiting the enforcement of the Lobster Conservation Management Area 1 (inshore Gulf of Maine) Restricted Area for North Atlantic right whales and other large whales. NOAA Fisheries is considering its response to the court ruling, which may include re-evaluating the use of other measures to reduce the risk of entanglements and mortality.

Phase 2 focuses on a number of additional fisheries, including gillnets on a coastwide basis and Atlantic mixed species trap/pot fisheries. The Take Reduction Team is scheduled to meet in early 2022 to discuss possible measures and scoping results. The Team will meet again in spring 2022 to develop recommended measures for the proposed rule; an additional round of public comment will be solicited following release of the proposed rule.

ASMFC ATLANTIC MENHADEN BOARD

The Atlantic Menhaden Management Board met to outline priorities in completing the next benchmark stock assessment, provide guidance to the Plan Development Team (PDT) to further develop Draft Addendum I to Amendment 3, and discuss fish kills over the past year.

Earlier this year, the Board tasked the Technical Committee (TC) and Ecological Reference Point Work Group (ERP WG) with identifying data needs and time-

lines for the development of spatially-explicit modeling approaches for menhaden. The TC and ERP WG produced a memo on potential spatially-explicit approaches, which highlighted that any of the approaches would likely extend the timeline for completing the next benchmark assessment, currently scheduled for 2025. The Board indicated completing the benchmark stock assessment in 2025 as planned was the highest priority. The TC and ERP WG will begin work on the single-species and ERP benchmark assessments following completion of the 2022 single-species stock assessment update. The benchmark assessments will focus on refining the ERP approach developed in the 2019 assessments. While some spatial considerations may be incorporated in the process of refining the ERP models, spatial modeling will not be pursued until the 2025 benchmark assessments are completed.

The Board was presented a progress update on development of Draft Addendum I to Amendment 3. The Draft Addendum proposes changes to three management topics: commercial allocations, incidental catch provision, and Episodic Event Set-Aside program (EESA). The PDT provided the Board with a memo that included a statement of the problem, objective, initial set of management alternatives, and PDT recommendations for each topic. The PDT also highlighted key questions to the Board to help guide developing the Draft Addendum further. The three topics are interconnected. For example, changes to allocation can affect incidental landings as well as the states' need to participate in the EESA program. This has created additional complexity in the draft alternatives. The following highlights some of the Board's key feedback:



Changes in menhaden allocation can affect incidental landings. NOAA photo.

Allocation

- For the statement of the problem and objective, adjust language to reflect all current fisheries, not just directed fisheries
- Remove uniform fixed minimum allocation, pooled quota, and open fishery management alternatives from the draft addendum
- Further develop the tiered fixed minimum allocation alternatives, including a lower fixed minimum value (i.e. 0.01%) and include both two and three tiered options
- For timeframes to allocate the remaining TAC, include both a long time series (2009-2020) option and as well as a range of weighted allocation options using weightings of both 50/50 and 25/75 in terms of earlier/recent landings

Incidental Catch

- For the objective, adjust the language to clarify when landings should count against the directed fishery and highlight reducing discard mortality for all fisheries. Additionally, remove the management objective #4, establishing trip and seasons.
- Maintain alternatives that adjust the incidental catch trip limit but have them only apply to non-directed gear
- Keep the catch accounting sub-topic in the addendum, remove sub-alternatives that are gear specific, and add an alternative that evaluates incidental catch as part of total landings relative to the TAC with an overage payback provision

Episodic Event Set-Aside program

- Develop alternatives that include 5% as a maximum value to increase the EESA
- The increase in the EESA should come from either the initial TAC or adjustments to the fixed minimum allocation, not relinquished quota
- Remove the alternative that would eliminate the EESA program
- Develop an alternative that allows states to transfer quota into the EESA program prior to an overage of the EESA
- Further develop an alternative that considers allowing a state to begin harvesting under the EESA before the state quota is exhausted (i.e. 95% of a state's quota is met, rather than 100%)

The PDT will continue work on the Draft Addendum with the aim of providing the document to the Board to approve it for public comment at the Commission's Winter Meeting in January 2022.

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

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Georgetown Fishermen's Cooperative	Midcoast Marine Supply	Worcesters Lobster Bait
Gulf of Maine Lobster Foundation	New England Marine & Industrial Inc.	
Guy Cotten, Inc.		



HOLIDAY GIFT GUIDE



Thank you to these businesses for supporting the Maine Lobstermen's Community Alliance!



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Rugged Seas

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We're Fighting Back.



What's happening:

- ⇒ The MLA is suing the federal government over its 10-year whale plan that will eliminate the Maine lobster fishery and fail to protect right whales.
- ⇒ NMFS failed to use the best scientific information or acknowledge our current successful conservation practices.
- ⇒ MLA is actively representing Maine lobstermen in all court cases that threaten the future of our industry.

**Maine Lobstermen's Association
is suing NMFS to protect
our lobstermen,
their families, and tens
of thousands of Maine jobs and to
ensure a future for our children.**



Battling the Feds and the e NGOs won't be easy – we need your help to FIGHT. Please donate today.



NMFS got it wrong. Holding Maine lobstermen accountable for right whale deaths occurring in Canada won't help protect right whales, but it will decimate Maine's lobster industry.



Patrice McCarron, executive director
Maine Lobstermen's Association

Maine Lobstermen's Association Legal Defense Fund



Save Maine's Lobster Industry

**We're in a 10-year battle to save our industry.
Thank you for your generous support!**

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John C Ready III
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Gifts \$100 - \$299

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\$100 - \$299 continued

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Thank you 2021 MLA LDF Donors

Help Us Fight Back.



Contributions to the Legal Defense Fund allow us to fight for the future of Maine's lobster fishery.

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Susan Boyt
Patricia Doherty
Linda Hooper
Rosalyn Pachter
Andrea Torok
The Walsh Family

In Memory Of Tim Dyer
Courtland Tolman



DONATE TODAY to #SaveMaineLobstermen

**MLA
Legal
Defense
Fund**

Yes! I'll donate today!

- \$10,000
- \$5,000
- \$1,000
- \$500
- \$365 "a dollar a day"
- \$100
- Other: _____

The time has come for the lobster industry to take control of our own destiny.

MLA has sued NMFS over the flawed whale plan that will erase the Maine lobster fishery but will not save right whales.

"NMFS got it wrong. The science doesn't support the whale plan. Maine lobstermen cannot save right whales dying elsewhere."

Patrice McCarron, Executive Director



Name: _____

Business Name: _____

Address: _____

City: _____

State: _____ Zip: _____

Phone: _____

Email: _____

Your Donations At Work.



“NMFS has targeted Maine lobstermen. Enough is enough – the time has come for the industry to take back this fight.”
Kristan Porter, president,
Maine Lobstermen’s Association

What is the future of Maine’s lobster industry worth to you?



- A day’s worth of bait?
- A week’s worth of bait?
- A day’s gross?
- A week’s gross?

Make a one-time or repeating donation that shows your commitment to our fishery and its future.



“If we do nothing, the game’s over.”

Join the fight. Donate today.

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Maine Fishermen's Forum
PO Box 288
Bath, ME 04530
(207) 442-7700

2022 SCHOLARSHIP APPLICATION

The Maine Fishermen's Forum Board of Directors offers a scholarship fund to benefit children or grandchildren or a legal dependent of someone actively involved in harvesting wild caught or farmed Maine seafood or a Maine based resource law enforcement officer regardless of financial need or academic achievement.

Applications will be accepted through March 3, 2022.

Scholarships will be awarded by a random drawing to be held on Friday, March 4, 2022.

You qualify for the scholarship drawing ONLY IF you check all 4 items below.

Do you qualify? (Both questions must be answered YES to qualify)

- Are you **in College now**, as a sophomore, junior or senior? You must be **at least a sophomore in college or be in at least the second semester of a Certificate Program** to apply.
- Are you a child, grandchild or legal dependent of someone participating in Maine's seafood industry?

What is required? (Both of these items are required to be a valid candidate)

- Did you **provide an official transcript or Registrar's letter of current standing**?
- Did you **complete this application** and send to the address at the top of this letter.

Undergraduates attending a two or four year college who are in at least the second year of their program or students who are in at least the second semester of their Certificate Program will be eligible.

Please note that previous winners are not eligible.

STUDENT INFORMATION

Student Name _____

Mailing Address _____ Home Phone _____

City _____ State _____ Zip Code _____ Email: _____

SCHOOL INFORMATION (High School Students are not eligible)

College/University Name _____ Expected Year of Graduation: _____

Location of College _____ Your Major _____

****COLLEGE Standing as of Sept 2021 (circle one)** Freshman Sophomore Junior Senior

MAINE SEAFOOD INDUSTRY FAMILY MEMBER INFORMATION

Name _____ Relationship _____

Street/Mailing Address _____ Phone _____

City _____ State _____ Zip Code _____ Email: _____

Vessel Name or Commercial License Number _____

Describe participation in the Maine seafood industry _____

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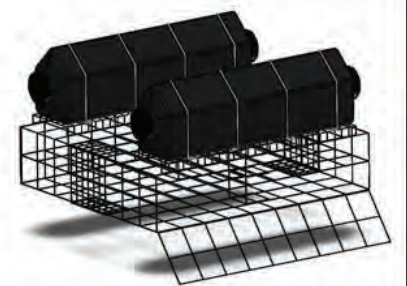
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MLA Seeks Nominations for Board of Directors

MLA Members -- Don't miss your opportunity to influence the future of your organization and your industry!

Annual Meeting be announced

<p><u>Did you know?</u></p> <ul style="list-style-type: none"> • MLA Directors are elected for a 3-year term • MLA Directors meet monthly (except August) • Board members expected to attend at least 4 meetings/yr <p><u>Overview of MLA Board</u></p> <ul style="list-style-type: none"> • Maximum # of Board members: 21 • Current Board: 21 members • Number of Directors with Terms expiring: 7 • Average age of MLA Board: 49 • Youngest MLA Board member: 26 • Oldest MLA Board member: 73 	<p><u>MLA Board representation</u></p> <ul style="list-style-type: none"> • Zone A 4 (1 expiring) • Zone B 3 (1 expiring) • Zone C 3 (1 expiring) • Zone D 3 • Zone E 3 • Zone F 3 (2 expiring) • Zone G 2 (2 expiring) • Islands represented 4 	<p><u>2022 Board Priorities</u></p> <ul style="list-style-type: none"> • Dedicated lobstermen who care about the future of the industry • Lobstermen who can talk about the industry's needs and priorities • Balanced industry representation across the state
---	---	--

MLA Director Nomination Form (detach and return)

Nomination Requirements

- To make a nomination, you must be a MLA member in good standing.
- All nominees must hold a Maine lobster license & be a MLA member in good standing.
- Deadline for nominations: February 4, 2022.
- Feel free to nominate yourself, or someone else.

Nominee Information (must be MLA member)

Name: _____
 Fishing Port: _____
 Zone: _____ Town of residence: _____
 Please let us know how this nominee could contribute to the MLA Board:

Person submitting nomination (must be MLA member)

Name: _____
 Lobster Lic. #: _____



Thank you for helping to keep the MLA strong!

Mail your nomination to the MLA office: MLA, 2 Storer St, Ste 203, Kennebunk, ME 04043
 Or feel free to call in your nomination to 967-4555 or email: patrice@mainelobstermen.org



MAINE LOBSTER

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MARKETING UPDATES

The MLMC is promoting new ways to use underutilized parts of the lobster through our new Product Innovation Guide. We are delivering the information to key audiences like retailers and food manufacturers through webinars with Seafood Source and Food Business News as well as a targeted digital advertising campaign.

During the Global Culinary Innovators Association meeting in Portland in October, the MLMC hosted members on a lobster immersion tour that included a lobster boat trip, tours of live and processing facilities and culinary inspiration from Eventide owners Arlin Smith and Andrew Taylor.



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Accounting

Back River Tax Accounting

Brunswick, ME -- Free initial consultation and review of previous tax returns. 207-607-7118

Back River Financial Group

Farmingdale, ME -- Free initial consultation and review of previous years tax returns. 207-622-3772

Aquaculture:Prepared Foods

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Automotive

Newcastle Chrysler-Dodge-Jeep

Newcastle, ME -- 10% discount on all parts and service. \$250 additional discount on any new vehicle after you make your best price 207-563-5959

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Arundel ME -- Purchase a new GMC and get a free Bullet Liner. Must show MLA card 877-861-0070

Bait

Old School Pig Hide Bait

Cutler, ME -- \$1 off per bucket (must show current MLA card). 207-812-5211

Boat Builders/Repairs

SW Boatworks

Lamonia, ME -- \$1000 discount for hull or top. on a 38' CB or 44' CB. 207-667-7427

Electronic Equipment

Deckhand Electronic Logbook

Bellingham WA -- Discounts & Specials for MLA members. Call for more info. 888-210-3117

Durabrite Lights

Garden City, NY -- Free Shipping for MLA members 201-915-0555

Navtronics, LLC

York, ME -- 5% off of purchases. 207-363-1150

Fishing, Marine & Industrial

Hamilton Marine

Jonesport, Kittery, Portland, Rockland, Searsport, Southwest Harbor, ME -- Discounts available to commercial fishermen.

Gifts

Maine Camp Outfitters

Sunset, ME -- 10% off all apparel and promotional product orders. 800-560-6090

Maine Lobstermen's Association

Kennebunk, ME -- 10% off all apparel 207-967-4555

Hotels

Hampton Inn, Ellsworth -- (Ellsworth, ME)

Hampton Inn, Downtown-Waterfront -- (Portland, ME)

Hampton Inn, Rockland/Thomaston -- (Rockland, ME)

Residence Inn by Marriott - (Scarborough, ME)

Discount: Special rates for MLA members and Business Supporters. Please contact the MLA for booking information, or mention MLA when booking.

Hydraulics

Coastal Hydraulics

Seabrook, NH -- 10% discount on all in stock items for MLA members. 603-474-1914

Hews Company, LLC

South Portland, ME -- 10% off hydraulic components & Cable Craft cables. 207-767-2136

Museums & Entertainment

Penobscot Marine Museum

Searsport, ME -- Free admission for MLA members.

Cross Insurance Arena

Special discounts to shows at the Cross Arena in Portland! Use promo code GFRIEND at checkout. Order by phone, online, or in person at the box office. Info at www.maine lobstermen.org

Lobster & Seafood

Cape Porpoise Lobster

Cape Porpoise, ME -- 10% off picked lobster meat. 800-967-4268

Winter Harbor Fishermen's Coop

Winter Harbor, ME -- 10% off picked lobster meat. 207-963-5857

Newspapers

Commercial Fisheries News

Deer Isle, ME -- Discounted annual subscription rate for \$18.75 with MLA membership noted on check. 800-989-5253

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

Propellers

New England Propeller Inc

Plymouth, MA -- Discounts on marine propeller, shafting, and related items, sales & repairs. 508-746-8804

Nautilus Marine Fabrication, Inc.

Trenton, ME -- 5% Discount on propeller reconditioning. 207-667-1119

Refrigeration Services

Applied Refrigeration Services

Windham, ME -- \$250 off new installations. 207-893-0145

Safety Training & Equipment

Liferaft Services, LLC

York, ME -- 5% off liferaft repack with proof of MLA membership. CAN be combined with other promotions. 207-363-0220

McMillan Offshore Survival Training

Belfast, ME -- 25% discount on USCG Drill Conductor training. 207-338-1603



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DMR AQUACULTURE LEASE APPLICATION STATUS FOR NOVEMBER (as of 10/22/21)

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.

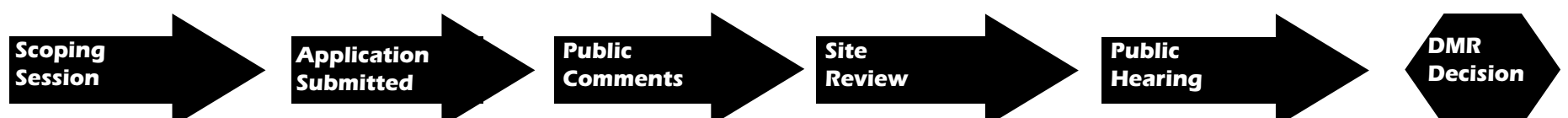
Experimental Lease Applications

Name of Applicant/Company	Site	Town	Size	Product	Duration	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
Muscongus Bay Aquaculture	NW of Glidden Ledge, Damariscotta River	Edgecomb	3.93 acres	Shellfish	3 yrs	App submitted: Comments due 11/6/2021
Whisky Stones, LLC	E of Dogs Head, Harpswell Sound	Harpswell	0.481 acres	Shellfish	3 yrs	App rec'd, Comments due 3/3/21
Doyle, Victor	E of Barlett Isl, Blue Hill Bay	Mount Desert	1 acre	Shellfish	3 yrs	Public Hearing Postponed
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
Miller, Mark	S of Eagle Island, Wheeler's Bay	St. George	3.9 acres	Marine Algae	3 yrs	Appl. 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	Lease granted 10/8/2021
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
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	Public Hearing 10/26/2021, 4:30 Freeport
Love Point Oysters, LLC	S of Crab island, Casco Bay	Freeport	4.15 acres	Oysters	20 yrs	Public Hearing 10/26/2021, 4 pm Freeport
Maine Ocean Farms, LLC	E of Wolfe's Neck, Recompense Cove	Freeport	9.88 acres	Shellfish	20 yrs	Lease granted 10/22/21
Cooke Aquaculture USA, Inc	Off Black Island	Frenchboro	15 acres	Shellfish	20 yrs	Public Hearing 11/8/2021, 4 pm, SW Harbor
Restorative Aquaculture LLC	Middle Bay, E of Scragg Island	Harpswell	9.89 acres	Shellfish	20 yrs	Appl. rec'd 10/20/21; site review TBD
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
Dewey's Shellfish, LLC	NW of Peters Island Damariscotta River	South Bristol	0.58 acre	Shellfish	20 yrs	Application rec'd 8/16/21, site review TBD
Heron Island Oyster Company	w/in Fitch Cove, at Glidden Ledge, east side of Damariscotta river	South Bristol	1 acre	Shellfish	20 yrs	Application rec'd 10/4/21; sit 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	Appl. rec'd 10/20/21; site review TBD
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	Lease granted 10/8/2021
Nickerson, Travis	E of Blaney Pt	Yarmouth	2.80 acres	Shellfish	20 yrs	Application rec'd 10/4/21; sit review TBD
Wolfe Neck Oyster Co. LLC	SE of Lanes Island, Casco Bay	Yarmouth	8 acres	Shellfish	10 yrs	Lease granted 10/20/21

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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

TO YOUR HEALTH: *Change of season, change of mood*

By Melissa Waterman

River Martin is the manager of the National Alliance on Mental Illness (NAMI) Maine help line. The help line assists Maine residents in finding the resources they need to maintain their mental health. This month, as we approach the darkest months of the year, he and his team will field an increasing number of calls related to seasonal affective disorder, now called major depressive disorder with seasonal patterns.

“The disorder comes on with the change of seasons and has similar symptoms to depression,” Martin explained. “But there isn’t as much statistical data on it because it is chronically under-reported. People think they’re just having the winter blues.

The seasonal bout of depression typically occurs in most people at the same time every year, when the days grow shorter and the nights longer. The symptoms of the disorder may include feeling depressed most of the day, nearly every day; losing interest in once-enjoyable activities; low energy; trouble sleeping; difficulty concentrating; feeling hopeless or worthless; changes in appetite; and frequent thoughts of death or suicide.

The disorder is found more frequently among people living at more northerly latitudes, where the strength and duration of sunlight in the fall and winter is much less than toward the equator. “Your geographic location matters,” Martin explained. “Even if you work outside most of the day, your serotonin and melatonin levels will experience changes.”

Serotonin, which affects mood, and melatonin, which affects sleep patterns among other things, are two neurotransmitters created in the brain that help maintain the body’s daily rhythms. In people with seasonal affective disorder, a reduction in sunlight affects the levels of the two chemicals. These individuals suffer clear sleep, mood, and behavior changes, according to the National Institute of Mental Health Institute (NIMH).

Deficits in vitamin D may be related to these effects because vitamin D is believed to promote serotonin activity. The body naturally produces vitamin D when exposed to sunlight on the skin. With less daylight in the winter people may have lower vitamin D levels, which may further drop serotonin levels, according to NIMH.

“To know if you have [SAD] means paying attention to your mental health, noticing if you are sleeping or eating more than usual,” Martin said. For those



Photo courtesy of DownEast Magazine.

who work hard outdoors, as lobstermen do during the fishing season, the period after taking in their traps can be particularly difficult. “There’s a big change in the workload, combined with the seasonal change. It can be hard when the routine changes, when you are not working as hard,” he said.

One relatively simple way to counter the effects of the seasonal disorder is to get more direct sunlight via light therapy. Light therapy involves a very bright light box (10,000 lux) in front of which an individual sits for about 30 to 45 minutes every day, usually first thing in the morning. The light box filters out the potentially damaging UV light, making it safe for most people. “Light therapy is a great treatment method,” Martin said. “It boosts serotonin, melatonin and Vitamin D levels all at once. And talk therapy is great as well.”

Major depressive disorder with seasonal patterns is a real health condition, just as diabetes or high blood pressure are real physical conditions, Martin emphasizes. “Everyone has mental health, whether they have a disorder or not. It is

something to pay attention to. We all know that a Maine winter is hard.”

Where to seek help

The Maine Statewide Crisis Hotline 1-888-568-1112

Call this 24/7 line to speak with a trained crisis clinician if you are concerned about yourself or someone else.

Intentional Peer Support Warmline 1-866-771-9276

Call this 24/7 peer support line to speak with a trained peer support specialist who has life experience with mental health and/or substance use recovery.

NAMI Maine Helpline 1-800-464-5767, Option 1

The NAMI Maine Helpline provides support, education, and advocacy for anyone with questions about mental health concerns.

Man Therapy, www.mantherapy.org

This is not a helpline, but it is a great resource for men who may be hesitant to talk about mental health.

Guest column continued from page 3

tion in monitoring, data collection and technology development to understand whale movements and sources of mortality, as well as the social and economic costs of avoiding them. Specifically, cross-border collaboration should monitor gear entanglements, ship strikes and whale movements through tagging, acoustic and aerial surveillance. Creative minds need to confront the technical challenge of outfitting all 360-plus living northern right whales with acoustic or satellite tags that would enable real-time, spatially explicit warning to regulate both fishing and shipping when whales are in the area.

Specifically, cross-border collaboration should monitor gear entanglements, ship strikes and whale movements through tagging, acoustic and aerial surveillance.

These efforts should be placed in the context of continuing research on how changes in our shared northwest Atlantic marine ecosystem are contributing to shifts in whale movements and survival. Existing international programs like the Canada-U.S. Transboundary Resources Steering Committee may offer just one example of a useful mechanism to coordinate a joint response at the federal level.

Indeed, it is incumbent on us all, public and private, to take responsibility for saving both the right whale and the lobster fishery — both national treasures. At the end of the day, we call for more humility in recognizing that the plight of the right whale is complicated, but we have the creativity, tools and resources to disentangle this problem.

“We’re in this together” is a frequent refrain of late in battling the COVID-19 pandemic. We don’t pretend to speak for all scientists, but we think the same philosophy should apply to other serious threats to our environment and to endangered species, such as the northern right whale.

ALL HANDS ON DECK FOR CASCO BAY DISASTER RESPONSE PLANNING EXERCISE

By Christopher Wheeler, Cumberland County Local Emergency Planning Committee

The Casco Bay Emergency Response Group (CBERG) was created in 2016 to handle large emergencies in and around Casco Bay. The participating municipalities in CBERG are Scarborough, Cape Elizabeth, South Portland, Portland, Westbrook, Falmouth, Long Island, Cumberland, Yarmouth, North Yarmouth, Freeport, Brunswick, Harpswell, West Bath and Phippsburg. The overall goal of the exercise in September was to incorporate the use of the Incident Command System (ICS) for all large-scale marine responses.

Put simply, our municipalities agreed to use the Incident Command System to standardize disaster responses along commonly understood roles, duties and terminology. For example, the Fire Chief acting as the Incident Commander (IC) in Westbrook has the same duties and responsibilities as the Police Chief acting as the Incident Commander in Scarborough.

Both disasters may have very different goals but the duties and responsibilities associated with each title (Command, Operations, Planning, Finance, Logistics, etc.) will be the same.

In past disasters many vessels in distress have been assisted by local fishermen who were in the area and were willing to lend a hand to prevent loss of life at sea. It is well-known that professional fishermen are on the water year-round and are always willing to help mariners in distress.

After disaster exercises with a maritime focus it was observed that local fishermen were noticeably absent in the planning and execution of those exercises.



Using a Stokes basket to remove a victim. MLA photo.

The CBERG planning committee decided it was time bring local fishermen into the exercise planning process.

Three Card Monte was designed to test the ability of municipalities, state agencies (Maine Marine Patrol) and federal agencies (U.S. Coast Guard) to work together toward a common goal. The Three Card Monte title represents the confusion of adding in multiple other responders to the exercise.

Historically, people evacuated from sinking passenger vessels were frequently brought to the nearest dock and dropped off so the assisting mariner can go back to get more people off the sinking boat. This makes sense if there are only one or two boats on scene and the disabled vessel is rapidly sinking.

However, this method can quickly

get out of hand if there are 8 or 10 boats all bringing people to different docks. This can cause significant confusion. The need for accountability quickly becomes apparent when everyone is off the disabled vessel, but only half of them are accounted for because they are scattered across the harbor on random docks.



The Coast Guard was just one of seven local emergency crews who took part in the large-scale disaster exercise. MLA photo.

To address this “accountability chaos” CBERG asked the Maine Lobstermen’s Association (MLA) to advise on the direction of exercise a whole and on exercise plan development. We also asked if any members would be willing to play the role of a mariner from “away” who wanted to help. The MLA members would be considered “Trusted Agents” who know the plan and are willing to test the abilities of the Incident Command’s designated On Scene Coordinator (OSC) whose duties include keeping track of where all the injured people being evacuated were being taken.

For this exercise four boats were to be selected to take their injured person(s) to either Peaks Island, Long Island, Great Diamond or Little Diamond Islands. They were then asked to wait there for 10 minutes then call in over the primary communications channel and state, “This is mariner 1. We are at (one of the islands) but there are no ambulances here...what do you want me to do?” The On Scene Coordinator would then re-direct the rescue boats to the planned staging area.

Which brings us to exercise day. The weather was heavy overcast with chances of rain, calm winds and seas around 1 foot at the harbor entrance, the perfect day for a disaster exercise.

Throughout the morning we conducted the exercise briefs and made preparations to get all of our actors onto the Casco Bay Lines (CBL) ferry *Aucocisco III*. The CBL Operations Manager, along with the captain and crew graciously volunteered their time and vessel to the exercise.

At 11:40 all of the actors were on board and heading out to Hussey Sound in the vicinity of Pumpkin Nob. Local emergency response crews stood by for the exercise to start around 12:15 when the ferry would simulate striking a submerged object and call out Mayday on Channel 81a, our designated primary communications channel.

The exercise kicked off without a hitch and the local emergency responders began to make their way to the sinking ferry. The US Coast Guard began to make their call outs to the ferry and collect the necessary information to help render assistance while the USCG 47-foot motor Life Boat launched to perform the role of On Scene Coordinator.

Once on scene, the US Coast Guard assumed command of the incident from Maine Marine Patrol while local fire departments retained control of the patient transfer to shore. As fate would have it, shortly after the passenger transfer had begun a real boat fire was reported near Tookie’s Bridge in Portland. After a short delay, the 14 passengers who had been removed from the disabled vessel on Stokes basket litters (to simulate severe injury) were returned to the Portland Ocean Terminal for an informal debrief.

While the participants did not get a chance to perform a “people in the water” search, the exercise was deemed a huge success. In all, 26 federal, state and local agencies, plus the Maine Lobstermen’s Association, worked nearly seamlessly to make this first-of-its-kind Maritime Emergency Exercise a success. Participants were able to assist with the removal of 14 “severely injured” people from a sinking vessel and they did it in record time.

Looking back, I believe the best thing that came from the exercise was establishing the relationships that are crucial to success in emergencies of this type.

People can trust that local, state and federal responders as well as professional mariners like Maine lobstermen will be there when they are in trouble, there is no land in sight, and the seas are building.



Chris Wheeler, coordinator of the emergency exercise. MLA photo.

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Lobstermen continued from page 1

Maine's lobster fishery stands out among other highly profitable commercial fisheries because it is undertaken by individuals, owners of their own boats who are required to operate that boat themselves. "Many other fisheries are much more consolidated," said Joshua Stoll, associate professor of marine policy at the University of Maine. "Take the New England groundfishery. There are several hundred boats involved but the [fish] quotas are held by just a couple of companies."

In the business world, many companies are vertically integrated, meaning they own several stages of the production of a product. The Alaskan pollock fishery is an example of a fishery largely dominated by big, vertically integrated corporations. Trident Seafoods is one such company. It began in the 1970s with one crab vessel. During the 1980s, Trident Seafoods focused on pollock, which was taking off in demand as a component of fast food restaurant menus, expanding its fleet and building its own processing facilities. Eventually Trident owned and operated more than 40 catcher/processor vessels and trawlers, 16 processing plants and held allocations for vast amounts of the Alaskan pollock quota.

The benefit of vertical integration, according to economists, is that it offers greater economic efficiency due to economies of scale and to the fact that all aspects of production are managed and owned by one entity. Opponents of vertical integration say the question is not one of economic efficiency but of equity and cultural tradition.

Lobstering in Maine is often a multi-generational pursuit. Lobstermen, particularly those located in Downeast Maine, fish from small, isolated harbors. Other ways of making a living are limited. Each person is his or her own boss, who determines when to fish and how to fish, and reaps the profit of their own expertise.

Little Bay Lobster, based in New Hampshire, is an example of a vertically integrated lobster company. The company, run by Jonathan Shafmaster, owns and operates 13 offshore lobster boats. The company owns a buying wharf in Stonington, as well as a large processing facility and a fleet of trucks for transporting its products. From the trap to the truck, all aspects of production are within one company.

Maine-based Luke's Lobster, on the other hand, does not own its own boats. Rather the company contracts with lobstermen for their catches. The business began as a series of lobster shacks based in New York City and rapidly expanded its range throughout the country. In 2013, Luke's Lobster opened its own seafood processing facility in Saco. It buys lobster from independent lobstermen, then processes and sells its own products through its lobster shacks and through grocery store chains. In 2020 it moved into e-commerce, offering its prepared seafood products to consumers directly.


"Maine has been very intentional in making the lobster license non-transferable," Stoll said. The state has rejected many attempts to allow for the sale or transfer of licenses, or for one person or company to own or operate more than one vessel. And with good reason. The profits from Maine's owner-operated fleet are spent locally in Maine's rural, coastal communities, serving as the economic base for the coastal economy. "The state of Maine has shown an explicit interest in maintain the fishery and communities," Stoll continued. "From a purely economic standpoint, the fishery is inefficient. But there's nothing inefficient about keeping rural people employed and doing what they love. What's wrong with that?"

As Maine grapples with what future holds for the lobster industry under a 98% risk reduction goal mandated under NMFS's 10-year whale plan, industry leaders worry that this successful business model could be at risk. "You've never needed to come from money to make it in the lobster fishery. If you are willing to learn the trade and work hard, you can slowly build a successful business and support a family," said Patrice McCarron, Maine Lobstermen's Association executive director.

McCarron worries that if ropeless fishing becomes a reality, there will be significant financial, technological and operational barriers to entering the lobster fishery. "The days of getting a small skiff and building up will be lost forever," explained McCarron. "Creating a fishery that is dependent on expensive technology and equipment will create winners and losers." She believes that the bigger boats with money will win and the smaller operations will lose. "How long will it take for the big boats to buy out the small boats and consolidate the fleet?"



The Maine lobster fishery is characterized by individual owner-operators who hand down their skills to the next generation. MLA photo.



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In the NEWS

RODA ANNOUNCES INTENT TO SUE BOEM OVER VINEYARD WIND APPROVAL

The Responsible Offshore Development Alliance (RODA), a broad membership organization of fishing industry associations and fishing companies, filed a 60-day Notice of Intent to sue the federal government on October 17. RODA alleges that the federal government has violated the Outer Continental Shelf Lands Act, Clean Water Act, and Endangered Species Act, as well as other relevant statutes in its approval of the Vineyard Wind offshore wind energy project. Should the statutory and regulatory violations not be remedied within the next 60 days, RODA and its members state they will file suit under the citizens' suit provisions of these statutes to require the Bureau of Ocean Energy Management (BOEM), Army Corps of Engineers, and other agencies to comply with their legal obligations. RODA previously filed a Petition for Review in the First Circuit U.S. Court of Appeals in September. The letter signals the advancement of legal proceedings in federal district court while the appellate court considers whether it will grant review under the Petition.

MAINE ORGANIZATIONS FUNDED FOR OCEAN DATA WORK

Senators Susan Collins and Angus King announced in October that the Northeastern Regional Association of Coastal Ocean Observing Systems (NERACOOS) was awarded a total of \$3,442,301 to support weather and ocean data collection programs in the Gulf of Maine. Of these funds, \$1,066,420 will be directed to five Maine-based ocean research and science institutions charged with monitoring weather and ocean data in the Gulf that are fundamental to public safety and economic activity. The largest grants go to the University of Maine Orono for the operation of seven NERACOOS buoys in the Gulf of Maine and to the Gulf of Maine Research Institute for its Ocean Data Products team to run the NERACOOS data management system. NERACOOS announced that it was working with the Maine Center for Coastal Fisheries, Passamaquoddy Tribe at Pleasant Point (Sipayik), and the Peskotomukhati Nation to find identify additional buoy monitoring sites in Downeast Maine.

GULF OF MAINE LOBSTER REGAINS MSC CERTIFICATE

The Gulf of Maine lobster fishery regained its Marine Stewardship Council (MSC) certificate at the beginning of September, following its suspension in 2020. The MSC certification was suspended after a federal court that found that the lobster fishery was in violation of the Endangered Species Act. The ruling by U.S. District Judge James Boasberg in April 202 found the National Marine Fisheries Service (NMFS) failed to include an "incidental take statement" for the endangered North Atlantic right whale. This year NMFS has issued new regulations intended to protect the right whale and has also met Boasberg's requirements to bring the fishery back into compliance. As a result of the new rules and following a new assessment, the lobster fishery has been found to once again be compliant with MSC standards.

SEAFOOD SALES KEEP RISING

Seafood sales spiked at retail stores during the first three quarters of 2021 with no slowdown in sight. When compared to the pre-pandemic 2019 levels, all three areas of fresh, frozen, and shelf-stable seafoods easily trended ahead. National market trackers say that 36% of Americans are eating more seafood in place of meat, and two-thirds are looking for more recipes and new products to help them do so.









LONGFIN SQUID IDENTIFIED AS ONE CAUSE OF SHRIMP DECLINE

Researchers point to longfin squid as a contributing factor in the collapse of Maine's shrimp fishery. In 2012, the northern shrimp population collapsed. The crash coincided with an extreme marine heat wave that warmed the Gulf of Maine's waters to the highest temperatures since the 1950s. Researchers discovered that at the same time as the number of shrimp shrank, the population of longfin squid exploded off Maine's southern coastline. Usually more prevalent in mid-Atlantic waters, the squid entered the Gulf of Maine that year in much higher numbers than any time previously. Longfin squid are voracious predators and the overlap of the two species contributed to a sharp drop in the shrimp population.

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Events Calendar

More details on all of these events can be found online at www.maine lobstermen.org

November 1

ASMFC Atlantic coast river herring collaborative forum, via webinar, 1 p.m. FMI and to register: www.asmf.org/calendar/11/2021/Atlantic-Coast-River-Herring-Collaborative-Forum/1830.

November 2

NOAA Atlantic Large Whale Take Reduction Team, webinar on right whale population project model, 4 pm. to 6 p. m. FMI: www.fisheries.noaa.gov/new-england-mid-atlantic/marine-mammal-protection/atlantic-large-whale-take-reduction-team#upcoming-team-meetings.

November 3

NOAA Atlantic Large Whale Take Reduction Team, webinar on Decision Support Tool (DST), 4 pm. to 6 p.m. FMI: www.fisheries.noaa.gov/new-england-mid-atlantic/marine-mammal-protection/atlantic-large-whale-take-reduction-team#upcoming-team-meetings.

November 4

MLA Board meeting via Zoom, 5 p.m.

Discussion of larval lobsters in the Gulf of Maine, Maine Sea Grant via Zoom. FMI: www.seagrant.umaine.edu or 581-1440.

November 17

NEFMC Scallop Survey working group meeting, 9 a.m.

December 1

MLA Board meeting, location TBD.

December 1-2

NOAA Atlantic Large Whale Take Reduction Team meeting, 2 pm. to 6 p. m. FMI: www.fisheries.noaa.gov/new-england-mid-atlantic/marine-mammal-protection/atlantic-large-whale-take-reduction-team#upcoming-team-meetings.

December 7-9

New England Fishery Management Council meeting, Newport, RI.

December 13

Collaborative chat with UMaine faculty Joshua Stoll and Theresa Burnham, Maine Sea Grant via Zoom. FMI: www.seagrant.umaine.edu or 581-1440.

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THE LESS BLEACH, THE BETTER

By Melissa Waterman

Every lobsterman wants to have a clean boat. A clean boat means that you are less likely to slip on some noxious gurry, have your bilge back up, or find your topsides covered in seagull excrement. Lobstermen and their crew typically spend a good amount of time cleaning the vessel at the end of a long day at sea, getting her ready for the next trip.

Using straight bleach to clean the boat, however, is not a great idea, according to Pam Parker, water enforcement manager at the Department of Environmental Protection. "We got a call from a woman who watched a lobsterman just pour bleach from a bottle across the deck," Parker said. She wondered what the lobsterman's purpose was since bleach is not effective in getting rid of the grease of oily bait bags.

Chlorine bleach is a strong disinfectant, known to kill bacteria and a multitude of other living things. In high concentrations the chemical is toxic to marine organisms, particularly juveniles. Bleach can burn the gills of mature fish and cause cell breakdown in other parts of the body. Furthermore, it can combine with other seawater chemicals to form additional, long-lasting compounds, such as chloromine.

"Bleach can go into the intertidal area which is where the baby lobsters are," Parker said. "If you have to use it, use it diluted in something like a 1 to 10 ratio."

A lobster boat will get pretty grubby, but even the most greasy vessel does not need a daily dose of bleach. Buoys and lines coated with seaweed can be dipped in the hot tank to rid them of build-up. The decks can be cleaned with the fishermen's favorite, Dawn, or other grease-breaking soap.

Beaching the boat periodically to clean the bottom with bleach has been the practice of many fishermen but, Parker says, it's probably not the best thing for the juvenile creatures that live nearby. "If you're going to do that, you should have a way of collecting your wastewater," she said. Even better is to take the boat to a boat yard equipped with a wastewater collection system.

Parker is interested to learn from lobstermen their preferred ways of cleaning the boat. "We don't know a lobsterman's job and don't want to presume we know the best way to do it," she said.

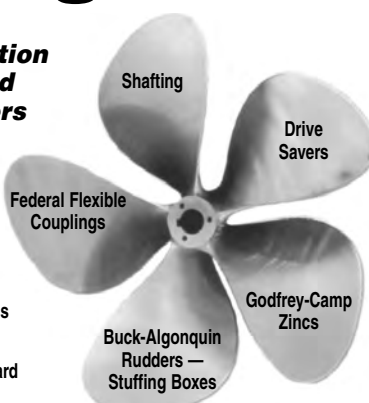
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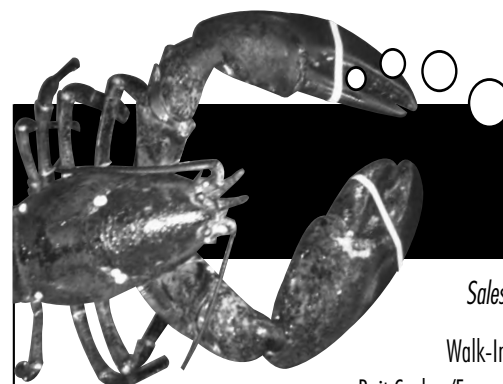
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