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Landings, vol. 30, no. 2

Maine Lobstermen's Community Alliance

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Maine Lobstermen's Community Alliance; Waterman, Melissa; McCarron, Patrice; and Putnam, Jeff, "Landings, vol. 30, no. 2" (2022). *Landings: News & Views from Maine's Lobstering Community*. 106. <https://digitalcommons.library.umaine.edu/landings/106>

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LANDINGS

News & Views from Maine's Lobstering Community

February 2022 | Vol. 30, No. 2

LOBSTER, TOURISM SUSTAIN THE MIDCOAST MAINE ECONOMY

By Melissa Waterman

The lobster fishery is integrated into the fabric of the Maine coast, giving its small towns and harbors a firm economic and cultural foundation. This wasn't always true. Once Maine fishermen moved among fisheries based on the season of the year: lobster in the summer and fall, scallops and shrimp in the winter, halibut in the spring, herring in the summer, clam digging year-round. But those options have shrunk and, in some cases such as northern shrimp, vanished entirely. The coast of Maine is in a "gilded trap," as lobster biologist Robert Steneck wrote in 2011, largely dependent on one lucrative species, the American lobster.

How important is the lobster fishery to the Maine coast? What will be the economic impact of a reduction in the harvest due to regulations or to a changing Gulf of Maine? We continue our three-part series with a look at Midcoast Maine.

Walk the streets of Rockland and there's little to suggest the economic clout of the lobster fishery in Knox County. Once called "Lobster Capital of the World," now billed as Maine's "Art Capital," Rockland features the Farnsworth Art Museum, the Maine Center for Contemporary Art, and a bevy of restaurants, art galleries, and shops. In the summer months (pre-pandemic) out-of-state vehicles vie for parking spots, line up for the Vinalhaven and North Haven ferries, and dot the parking lots of the city's B&Bs and hotels. Sailboats hang on moorings in the harbor and vacationers walk along the adjacent boardwalk, admiring the view.

Ten minutes south of town lies tiny Spruce Head Island. Linked to South Thomaston by a small bridge, Spruce Head's one paved road leads down to the



A tranquil sunset off Spruce Head Island, where nearly \$35 million of lobster was landed in a year. Photo courtesy of Downeast Magazine.

water, past clusters of year-round and summer homes. Jammed next to each other on the island's west side sit a lobster co-operative, Atwood's lobster company, and McLoon's wharf and lobster shack. In the summer, the narrow road grows crowded with tourists hungry for lobster rolls, refrigerated trucks jostling up to the wharves, and lobstermen's trucks searching for a place to park. To the casual observer, it's hard to believe that lobstermen operating out of Spruce Head harvested nearly eight million pounds of lobster in 2020, valued at close to \$35 million, according to Department of Marine Resources (DMR)

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DMR WARNS ZONE COUNCILS OF TOUGH TIMES AHEAD

By Melissa Waterman

The Department of Marine Resources (DMR) addressed several of the state's seven zone councils during January, and will finish this round of meetings in February. Department staff updated zone council members on the status of numerous issues facing the fishery, including legal cases relevant to the whale rules, regulatory changes related to those rules, an increase in trap tag fees, and other matters.

Megan Ware, DMR director of external affairs, provided an overview of conservation measures lobstermen must implement by May 1, 2022 to comply with changes to the federal Whale Plan. Ware explained that as part of this process, the state must update its marine regulations to reflect elements of the whale rule, specifically the trawling up, gear marking and weak points measures. The definition of pocket waters won't change (they will continue to be treated as state waters) and the ¼-mile exemption around Maine's islands will remain in place. When the state puts the new trawl minimums required under the Whale Plan into regulation, it must resolve any conflicts with existing state regulations that limit the length of trawls (trawl maximums) in certain areas. The Lobster Management Area 1 (LMA1) closure will be incorporated into state law.

Concerning weak links, Ware explained that NMFS has approved three methods to meet the weak insert requirements in non-exempt waters. These include use of 1700 pound braided sleeve (aka, southshore sleeve), use of manufactured 1700 pound rope, or insertion of a plastic in-line weak link into the buoy line. Ware reported

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COASTAL OUTLOOK *Thoughts from MLCA President Patrice McCarron*

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MLCAlliance is a 501 (c) (3) non-profit organization, established in 2010, which achieves its charitable mission through programs in education, research and charity.

In February we begin to notice that daylight lasts much longer than it did in January. The sunlight seems just a bit warmer than it did a month ago. While it is still definitely winter, there are a few hints that spring will in fact come again and with it, the ramp up to another fishing season.

This month *Landings* continues its series on the economic value of the Maine lobster fishery to the state. Midcoast Maine has a robust fishery and also a thriving tourism economy. The two sectors are deeply intertwined. "The lobster fishery is part of the fabric of our region. It's hard to separate the two," said Tom Peaco, executive director of the Penobscot Regional Chamber of Commerce. Each year lobstermen land millions of pounds of lobster in small communities like Friendship and Tenants Harbor. The dollars they earn move quickly into local businesses and services.

At the same time, tourists visit harbors to see real fishermen at work and eat lobsters at local restaurants. If the lobster fishery declines sharply in future years, what effect would that have on the region's tourism?

The Department of Marine Resources (DMR) updated several of the lobster zone councils in January on the status of several lawsuits involving the right whale rules as well as other matters related to the lobster fishery. DMR hired a California law firm in September 2021 to represent the agency and successfully petitioned for intervenor status in two Washington D.C. District Court lawsuits, brought by four environmental organizations and the Maine Lobstermen's Association (MLA). The two cases and a lawsuit filed by the Maine Lobstering Union on the legality of the LMA1 closure will be moving forward in the next several months.

The cost for lobster trap tags has been increased from 50 cents to 75 cents per tag. The increase reflects the rising cost to manufacture the tags, which first quadrupled in 2018. For the past three years, DMR has juggled funds to pay for staff positions. Last year the department requested new bids to manufacture the trap tags; the two bids received were both higher than the current contract. "I waited as long as I could without doing any increase," Commissioner Keliher said. "But we are spending a half a million more than we are bringing in."

With all the uncertainty arising from the whale rules and court cases, lobstermen are understandably worried about their future and the future of the next generation of lobstermen. Jeff Putnam, Zone F council chair, reflects on the current situation and reasons to remain optimistic.

Maine lobstermen have long been willing to make changes in their fishing practices to ensure that right whales are safe and a similar willingness to work with state officials to develop Maine's proposed right whale protection plan. Unfortunately, those efforts were disregarded by the National Marine Fisheries Service (NMFS) as evidenced by the agency's ten-year whale protection plan, which calls for a 98% reduction in risk from lobstermen by 2030. Putnam writes "I am, as usual, optimistic about the current year and hoping for a continuation of the strong demand for our seafood. I just have to remind myself not to become complacent. We have some seriously stiff headwinds to steam into coming up." Putnam urges the industry to support MLA's Save Maine Lobstermen campaign "so that we have representation in and knowledge of the court cases."



What will the Maine lobster fishery look like in ten years? Will there be the same opportunities for the next generation as for today's? Photo by A. Jones.

In our health series, *Landings* this month looks at the practice of acupuncture. Acupuncture has been used in Chinese medicine for years to treat pain and disease and has gained acceptance in the West in recent decades. Acupuncture use specific techniques, including insertion of very thin solid needles into the body, to rebalance the body's energy. The acupuncture points are believed to stimulate the central nervous system. This, in turn, releases chemicals into the muscles, spinal cord, and brain. These biochemical changes may stimulate the body's natural healing abilities and promote physical and emotional well-being. "Acupuncture is one of the tools in Chinese medicine for helping bring the body back into balance," said acupuncturist Eileen

Murray of Rockland, who treats local lobstermen.

Finally, I would like to note the important support that the Maine Lobstermen's Community Alliance has received over the years from numerous businesses and individuals. The financial donations you have made have allowed the Alliance to continue its work focused on education, research and charity. Your support makes it possible to produce *Landings*, which is sent each month to all commercial lobstermen in the state for free, to assist lobster families in need through the Lobstermen's Relief Fund, and to pursue research on the lobster resource in this state. On behalf of the board, staff and myself, our thanks go out to you.

Patrice

Our programs change lives.

Lobstermen's Relief Fund helps lobstermen, their families & children during times of difficulty or tragedy. Our connections make us a resource for anyone in Maine's lobstering industry experiencing hardship. Funded by businesses and donors, our program handles requests on a case by case basis. For more information, please contact the MLCA office directly.

Our monthly newspaper *Landings* is sent free to all of Maine's commercial lobstermen, state agency staff & elected officials, as well as to paid subscribers and MLA members. This is the one newspaper exclusively for lobstermen and their industry. Content is archived and available online and is widely searched daily.

The MLCA's mission is to foster thriving coastal communities and preserve Maine's lobstering heritage. MLCA is a 501(c)3 non-profit organization which achieves its charitable mission through programs in education, research and charity.

To donate, subscribe, or to learn more, visit us at

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GUEST COLUMN: *Dark cloud headed our way too soon*

By Jeff Putnam

I have always been a naturally optimistic person, looking for the positive in every situation. Ask me what I think the lobster price will be next week and my response usually is “Hopefully it will go up, why wouldn’t it?” But in our line of work, there are harsh realities that even the most upbeat folks have to contend with and adapt to. The market and shipping disruptions following the 9/11 attacks, the financial crisis of 2008 and the early oversupply of lobsters in 2012 have been the biggest challenges to our industry during my time in this business, until recently.

The release of NMFS’s Biological Opinion (Biop) and ten-year conservation plan plus the pending right whale court cases have me questioning what the fishery will look like in five to ten years.

This is not good faith negotiating on the part of NMFS, it is a heavy-handed approach that shows that there is no interest in working together toward a realistic goal.

What is there to be positive about when we are facing these draconian measures to protect a species that we simply are not harming? For starters, I was truly impressed with lobstermen during the development of Maine’s plan which incorporated trawling-up scenarios, conservation equivalencies, gear markings, and vertical line weak points. I have been involved in the zone council and Lobster Advisory Council for many years now and to see us be proactive in this manner was encouraging. Many lobstermen volunteered to install rope load testers on their boats to check breaking strength while hauling. We sent in many rope configurations to the DMR lab for break testing. We showed our willingness to adapt to longer trawls for the purpose of reducing endlines and spent countless hours taking red marks out of our lines in exchange for the new purple marks.

Why did we do all of this? Because we wanted to show NMFS and the environmental groups that we were negotiating in good faith, that we care about the right whales and we want to put this behind us. More on their response later.

DMR Commissioner Keliher has been able to effectively communicate the severity of what the lobstering industry is facing to the Governor, Legislature and federal Congressional delegation. The state has committed major financial resources to protect the lobster fishery and is very involved in the court cases. Our federal representatives have urged the President and Commerce Secretary to oppose rules that would harm lobstermen’s livelihoods.

The Save Maine Lobstermen campaign by the MLA collects donations for the Legal Defense Fund so that we have representation in and knowledge of the court cases. This fundraising effort has had an incredibly successful start. I have taken notice of the many people and businesses that have donated to protect the heart of coastal Maine’s economy. The businesses that donate are the ones that many of us work with every day. The lobstering families that donate understand the importance of this fight for our future. Donations from people who have second-hand ties to the industry are truly appreciated, thank you.

The optimistic me thought that NMFS would be pleased that Maine had gone ahead and done all of the legwork to comply with the risk reduction numbers when it submitted a draft proposal to the whale rule in 2020. Unfortunately, NMFS just took Maine’s plan as starting point and imposed measures in the final whale rule that included a nearly 1000-square-mile closure during a very productive lobstering time. This is not something that we can just adapt to; it is unprecedented in Maine lobstering history.


The closure area does not pass the straight face test. Whales have not been entangled there and there is no data to suggest this is an area with a high co-occurrence of right whales and lobster gear. I am afraid that this is the first step in a plan to close other areas to lobstering, which we all know increases gear density nearby and effectively puts a gear “fence” around the closure area. This is

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Lobster Zone F Council chair Jeff Putnam fishes from Chebeague Island.

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Zone councils continued from page 1

that supply chain problems have delayed production of manufactured weak rope and in-line weak links. DMR has been told by manufacturers that plastic weak links could be available for purchase in February. Maine DMR submitted options for consideration by NMFS to include the use of knots, however, NMFS not yet ruled on whether these methods will be allowed. NMFS maintains a list of approved weak insert options on its website (<https://www.fisheries.noaa.gov/new-england-mid-atlantic/marine-mammal-protection/atlantic-large-whale-take-reduction-plan>).

DMR plans to approve additional weak insert options for lobster gear fished in Maine's exempt waters. The state will conduct rulemaking to allow the use of a three-foot section of 5/16" line to be used as a weak insert if it is connected to the stronger line on each end with either a fisherman's knot or sheet bend. Alternatively, DMR will allow the top half of the buoy line to be rigged with 5/16" rope that has an overhand knot to meet the weak insert requirement in Maine's exempt waters.

DMR's presentation on the whale rules is on the DMR website: <https://www.maine.gov/dmr/science-research/species/lobster/documents/LAC%20Dec%202021%20Presentation.pdf>

DMR deputy commissioner Meredith Mendelson spoke about the court cases related to the whale rules. The DMR has hired Nossaman LLP, a national legal firm based in Los Angeles, California to represent the Department in two of the pending litigations. In September 2021, the DMR became an intervenor in the Washington D.C. District Court case brought by four national environmental organizations which seeks to have the newest Biological Opinion and Final Rule for the lobster fishery revoked, arguing that it does not do enough, quickly enough, to protect North Atlantic right whales. The department is also an intervenor in the Maine Lobstermen's Association (MLA) case against NMFS which argues that NMFS did not use the best available scientific data when formulating the Biological Opinion, among other issues.

The Maine Lobstering Union's suit on the legality of the LMA1 closure instituted by NMFS has not yet moved through court. Massachusetts whale advocate Max Strahan's legal suits in Maine and Massachusetts have been dismissed. In the Massachusetts case, however, the judge took the unusual step of making a statement about what should be done if the suit again reaches the court, specifically that Massachusetts must obtain an Incidental Take Permit to continue to permit vertical buoy lines in its state waters fisheries.

DMR Commissioner Patrick Keliher and Director of Marine Policy Deirdre Gilbert spoke about the rise in trap tag fees from 50 cents to 75 cents. Trap tag fees go into the Lobster Management Fund. The Fund helps pay the cost of DMR staff involved in lobster management. In 2018, the cost to manufacture the trap tags quadrupled. For the past three years, DMR has juggled funds to pay for staff positions. Last year the department requested new bids to manufacture the trap tags; the two bids received were both higher than the current contract. "I waited as long as I could without doing any increase," Commissioner Keliher said. "But we are spending a half a million more than we are bringing in."

The department plans to use the 2021 federal Consolidated Appropriations Act funds awarded to Maine to create a license reimbursement program for fishermen. The program will repay fishermen for the cost of an annual commercial license.

DMR was tasked by the Marine Resources Committee to inform Zones G, F and D that the Legislature remains concerned about the length of time that individuals remain on the zones' lobster entry waiting list. This conversation began when LD 28 was proposed during the 129th Legislature limit time on the lobster entry waiting list to 10 years. The Legislature has directed DMR to raise this issue with those Zone Councils to consider changing its ratio from tags to licenses, or to lower the exit/entry ratio. The Commissioner acknowledged that this is a difficult conversation given the 98% risk reduction facing the lobster industry. Presently, Zone G has the longest waiting list with approximately 17 people who have been waiting more than 10 years.

Weak Insert Requirements

There are a lot of questions and fewer answers about how to comply with weak inserts. All vertical lines must be rigged with weak inserts by May 1, 2022.

Weak Point Requirements by Zone/Distance from Shore:

- State waters: 1 weak point 50% down line or 50% of buoy line weak rope.
- 3 to 12 miles / Zones A west, B, C, D, E: 2 weak points 25% and 50% down the line, or top 50% of buoy line weak rope.
- 3 to 12 miles / Zones A east, F, G: 1 weak point 33% down the line.
- Outside 12 miles: 1 weak point 33% down the line.

NMFS Approved Options for Weak Inserts in Non-exempt Waters

- insert an approved three-foot section of manufactured 1,700 pound rope.
- insert a three-foot long 1,700 pound braided "south shore" sleeve.
- insert a manufactured 1,700 pound weak link into the rope.

The southshore sleeve is manufactured by Novabraid and is available at NEMI in New Hampshire.

What about the knots developed by lobstermen in partnership with DMR?

DMR submitted several options using knots developed by lobstermen, and tested by DMR, to NMFS for approval during the summer 2021.

NMFS has convened a panel to review these options. NMFS informed the industry that a decision would be reached in November 2021, however, NMFS has not yet made a determination whether certain knots will be approved for use in non-exempt waters.

NMFS will post updates to approved weak insert options on its website: www.fisheries.noaa.gov/new-england-mid-atlantic/marine-mammal-protection/approved-weak-inserts-and-line-atlantic-large.

Additional options for weak inserts in Exempt Waters

The state will adopt the new federal whale rules into state regulations. While NMFS has sole authority to set standards for weak inserts in non-exempt waters, Maine has flexibility to set the standard for weak inserts in Maine's exempt waters.

DMR determined that 5/16" rope on its own does not consistently break below 1700 pounds. However, if fished with an overhand knot in the line, or connecting a section of 5/16" rope to stronger line with a fisherman's knot or sheet bend, it does meet the 1,700 pound standard.

Maine will be proposing the use of 5/16" rope with a knot to meet the weak insert requirement in Maine's EXEMPT waters.

Weak Points: Sliver & Federal Waters

- Weak inserts must be chosen from NMFS-approved list: [fisheries.noaa.gov/ALWTRP](https://www.fisheries.noaa.gov/ALWTRP)
- Waiting on verdict of weak point options ME DMR submitted

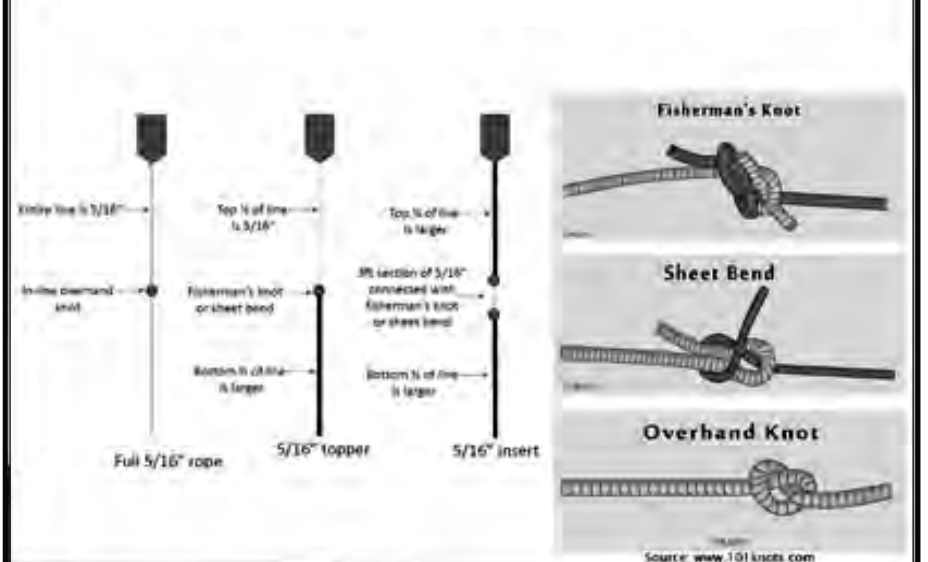


Where can I purchase weak inserts?

The approved in-line weak insert is manufactured by Seaside Rope in Warren, Maine. It may be available for purchase in stores in February. Plantés Buoy Sticks is also developing an in-line weak insert for approval by NMFS but is not yet available.

Approved manufactured 1700-pound ropes are manufactured by Rocky Mount Cordage (available in red or candy cane at Ketchum Trap in New Bedford, MA), and Neocorp 3/8" polyester rope (1021) and Neocorp Seaway 5/16" #10 braid (available at Brooks Trap Mill in Maine and RI).

Options for Exempt Waters





MAINE LOBSTERMEN'S ASSOCIATION UPDATE

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STEAMING AHEAD

The new year is off to a very busy start, and 2022 will likely prove to be the busiest and most eventful year ever for the MLA.

While the MLA is consumed by litigation over the whale rules, lobstermen are rightfully focused on the looming May deadline to comply with the most recent changes to the whale plan. There's a lot of work involved in re-rigging more traps per trawl, adding weak inserts to buoy lines, and re-marking vertical lines again (for federal permit holders). The May deadline would be hard to meet during normal times when marine supply shops are fully stocked. But as you are painfully aware, that is not the case this year. To make matters worse, NMFS has approved a very limited number of options for weak inserts, none of which are available for purchase right now. Hopefully the manufactured plastic in-line weak inserts will make it to stores in February, but these days, who knows?

Please don't let the stress of converting all your gear to comply with the new rules distract you from the real threat. Our industry is facing two additional risk reductions to comply with NMFS's 10-year whale plan: another 60% risk reduction in 2025 and an additional 87% risk reduction in 2030! As I've said before, I'm extremely worried that there is no way for our industry to actually achieve these reductions and still have a viable fishery.

That is why the MLA has sued NMFS.

I've heard the state characterize the lawsuit filed by the four environmental groups (eNGO's) as the most important lawsuit pending right now. While I agree that case is extremely important — which is why the MLA intervened in it *four* years ago, in 2018 — I disagree that it is the most important litigation pending right now. The eNGO case only allows the lobster industry to play defense. It is past time for us to go on offense, which is why MLA's lawsuit is so critical.

Court cases are incredibly complicated. To begin with, the legal claims pursued by the plaintiff establish the parameters of what can be argued in court. The plaintiff asserts which actions they believe have violated the law and why. Parties that enter the case as intervenors can only weigh in on the legal issues raised by the plaintiffs.

As an intervenor, your role is to ensure that the court understands your perspective on each issue. But if your key issues are not raised by the plaintiff, the judge has no jurisdiction to decide them. Period. So there are limits on what you can achieve as an intervenor in another party's lawsuit.

In the eNGO court case, intervenors representing the lobster industry are trying to avoid a shutdown of the fishery on the legal grounds raised by the eNGOs — that is, NMFS failed to issue an incidental take statement. MLA's involvement was critical in avoiding that outcome when the court issued its ruling in 2019 to give NMFS an extra six months to complete the Biological Opinion, which was finalized in May 2021.

Not surprisingly, the eNGOs are not satisfied with the new Biological Opinion and are once again looking to shut down the lobster fishery, this time going after both state and federal waters. This is a very big deal. The MLA is extremely grateful that the state obtained outside counsel and joined us as an intervenor in this case in 2021. But the eNGOs raise a narrow legal issue that can be decided by the judge without fixing the fundamental flaws in the science underlying the Biological Opinion. It is the Biological Opinion that is driving NMFS's draconian risk reductions by lobstermen.

That is why the MLA's case is crucial to preserving a future for Maine's lobster fishery.

The MLA's lawsuit seeks to expose the many scientific flaws in NMFS's Biological Opinion and asks the judge to require NMFS to get the science right before it implements a ten-year whale plan that will wreak havoc on our industry without saving the right whale population. Our lawsuit is aimed at making sure that Maine lobstermen are only

required to reach risk reduction goals that match up with the scientifically-documented risk posed by our fishery. It also demands accountability from an agency that has accepted, in spite of contrary scientific evidence, the eNGOs fable that vertical lines in Maine waters are an existential threat to right whales that only ropeless fishing can fix.

It is frustrating that the environmental groups continue to herald management measures recently implemented in Canada and somehow ignore the fact that ten right whales died in Canada in 2019 while these measures were in place. Through the MLA's lawsuit, we have made it clear that we will not allow the U.S. government to hold Maine lobstermen accountable for right whales that we know are not being killed by our fishery.

I wish we could make this all go away, but that is not possible. Given the dire status of the right whale population and the continued occurrence of serious entanglements that cannot be traced to a fishery, commercial fisheries will remain in the crosshairs of regulators.

It is unrealistic to think we could change the Endangered Species Act (ESA) or the Marine Mammal Protection Act (MMPA). But through the courts, we can change how NMFS implements these laws. We must demand that NMFS meet the legal requirements in the ESA and the MMPA that call for it to use the best science available.

The science that shows Maine lobster gear has never been known to kill a right whale or even entangle a whale since 2004. The science which shows that over the last five years U.S. vessels strikes have killed two whales while U.S. commercial fisheries have not killed any. The science that shows Canadian fishing gear continues, by far, to be the predominant gear removed from entangled whales. The science that shows right whales are moving away from where Maine lobstermen fish and will move even further away by 2050. The science that shows right whales are adapting to a shifting climate and are once again successfully foraging and producing young. The science that shows right whales do perish from natural causes like shark predation.

And the science that shows right whales are showing up in unexpected places like Europe and the Gulf of Mexico, indicating that potentially important habitats are not being surveyed and that these animals should not be considered dead because they may have migrated away from their prior range.

For more than a decade, MLA has exhausted every avenue in seeking fair treatment for Maine's lobster industry and accountability from NMFS in how and where it targets whale conservation measures. After door after door was slammed in our face, our only recourse was to go on the offense and take this to court.

The MLA will continue to invest significant resources in the eNGO case to help the court understand that shutting down the Maine lobster fishery will not save the right whale population. And we will continue to push for accountability and conservation plans based on sound science so that Maine lobstermen and future generations can continue our proud heritage.

The court cases are moving forward right now. If we are to continue to fight this draconian whale plan and go head-to-head with the environmental groups, we need your support. MLA has the clout and the legal expertise to make a difference, but we can only be successful if we have the funds to do so. Our *Save Maine Lobstermen* campaign is critical to making this happen. We would be honored to have your support.

As always, stay safe on the water.

Patrice



MAINE LOBSTERMEN'S ASSOCIATION UPDATE

MLA DIRECTORS MEETING SUMMARY

The MLA Board met on January 12. The Board discussed the Atlantic States Marine Fisheries Commission (ASMFC) vessel tracking proposal (Addendum 29) which proposes to implement electronic tracking requirements for federally permitted lobster and Jonah crab vessels with commercial trap gear permits. ASMFC's goal is to collect high resolution spatial and temporal data to improve lobster stock assessment, inform discussions and management decisions related to right whales and offshore wind, and enhance offshore enforcement. Devices must ping every minute. ASMFC successfully tested several cellular devices which are much more affordable than traditional VMS. The majority of Board members were very concerned with the vessel tracking proposal, although a few supported it due to concern over the lack of data on the lobster fishery. MLA will attend the two webinars scheduled for Jan 18 and 19 and submit written comments to reflect concerns from MLA members.

The second session of the 130th Legislature began on January 5. There are approximately nine bills of interest to the lobster industry including a few that deal with federal whale rules and the LMA closure.

The Board provided written comments in response to BOEM's "Request for Information" on guidance to mitigate impacts to commercial fisheries from offshore wind development. MLA reiterated the Maine fishing industry's opposition to offshore wind, stressed the need to develop baseline environmental and fisheries data before moving forward with offshore wind, and emphasized the need to develop a framework to ensure wind developers are held accountable for their actions.

The MLA reviewed the status of four ongoing lawsuits concerning the North Atlantic right whale. The MLA's lawsuit challenges the federal government's 10-year whale protection plan, which creates mandates for additional gear marking and gear modification. The Judge has set a schedule for all of the cases, with the first round of briefs due in February.

The Take Reduction Team (TRT) was scheduled to meet in December and January, but the meetings have been pushed back to spring. NMFS is holding a meeting of the Gear Advisory Panel on January 27.

The MLA has been getting questions from lobstermen concerned about NMFS's authorizing incidental takes of right whales around wind farms. Patrice explained that NMFS is issuing Incidental Harassment Authorizations (IHA), which authorize wind companies to harass, but not harm whales. An IHA is different than the authorizations needed for commercial fisheries because NMFS claims that commercial fisheries are known to kill and seriously injure whales.

The MLA's Advancement Director Kevin Kelley thanked Board members for 100% participation in MLA's "Save Maine Lobstermen" campaign. The MLA board's \$1,000 challenge had a strong response from lobstermen, but we still have a long way to go to reach our \$10 million goal. The work associated with fighting the 10-year whale plan is very expensive, and the lobster industry must be able to go head-to-head with the environmental groups and NMFS to have any chance of keeping Maine lobstermen on the water and profitable.

The MLA has postponed its Annual Meeting, which typically takes place the first Friday in March. The Board intends to reschedule an in-person Annual Meeting for early spring. The next MLA Board meeting will be February 2 at 5 p.m. via Zoom.

ASMFC CONSIDERS INCREASING MINIMUM SIZE FOR AREA 1 LOBSTER FISHERY

The ASMFC Lobster Board met on January 25 and approved for public comment a proposal (Draft Addendum XXVII) to change the Lobster Fishery Management Plan to improve resilience of the lobster fishery.

The draft addendum considers modifications to standardize measures across lobster management areas and develop either 1) a trigger mechanism or 2) a predetermined schedule to implement increases to the minimum gauge for Lobster Management Area 1. Gauge increases under consideration for LMA 1 include incremental increases in the minimum gauge from 3-1/4" to 3-5/16" (84 mm), and then to 3-3/8" (86 mm).

A few of the options would also require Area 3 to reduce its maximum gauge, as well as standardizing V-notch requirements. The goal of the draft addendum is to protect lobster spawning stock biomass in order to increase the resiliency of the stock. A series of public hearings will be held in March. If this addendum is approved, the earliest implementation date would be May 2023.

During the meeting, the MLA asked the Lobster Board if this draft addendum is necessary, given scope of changes currently facing the lobster industry. The MLA urged the Board to wait until the next round of risk reductions under the whale plan are decided as these may meet the goals of this proposed action. The MLA also urged ASMFC to hold a lot of public hearings to ensure lobstermen have ample opportunity to weigh in on this proposal.

ASMFC initiated this draft addendum in 2017 to proactively increase protection of the Gulf of Maine/Georges Bank (GOM/GBK) stock but stalled due to the prioritization of Atlantic right whale issues. After accepting the 2020 Benchmark Stock Assessment for American lobster, the Board reinitiated work on the draft addendum in February 2021, with a focus on developing a trigger mechanism that would automatically implement management measures to improve protection of the GOM/GBK spawning stock if the trigger is reached.

12 RIGHT WHALE CALVES SO FAR

Right whales are off to a good start for the 2022 calving season, which runs December through March. Researchers closely monitor the southeastern Atlantic coast for right whale mother/calf pairs. As of January 20, 12 calves have been identified. After a historic low in 2018 when zero calves were born, right whale calving rates have been improving, with seven identified in 2019, 10 in 2020 and 20 in 2021. According to NMFS, 20 newborns in a calving season is considered a relatively productive year, though they estimate higher rates are needed to recover the population.

More information on the 2022 right whale calving season can be found here: <https://www.fisheries.noaa.gov/national/endangered-species-conservation/north-atlantic-right-whale-calving-season-2022>.

OFFSHORE WIND DEVELOPMENT

The Maine Offshore Wind Fisheries Working Group (FWG) met twice during January to continue drafting recommendations to establish a robust baseline monitoring program for the proposed research array before construction begins. Pre-construction recommendations include conducting extensive pre-construction/baseline survey work, oceanographic monitoring, and bottom mapping, in addition to documenting historic and existing commercial and recreational fishing use within and beyond the proposed lease area. The FWG is also preparing a list of recommendations to improve pre-construction monitoring and communications with the fishing industry to inform the state's Roadmap to Offshore Wind planning process. The FWG has stressed the need to ensure that offshore wind developers are held accountable and that effective communications plans are developed. This recommendation is driven by the fishing industry's continued frustration with the lack of accountability regarding the development of the Monhegan wind project. The FWG is also considering a recommendation that offshore wind be sited offshore Maine's most important fishing grounds. The group is reviewing fishing maps and considering options to recommend wind projects be sited at least 55, 65 or 75 miles from shore.

2022 HERRING UPDATES

In January, NMFS announced that the 2022 Atlantic herring quota will be reduced to account for catch overages and carryover of unharvested catch (i.e. underage) from 2020. They recently completed their final catch accounting for 2020 and with that in mind, the annual catch limit in 2022 was reduced because herring landings in Areas 2 and 3 exceeded the quota set in 2020.

Herring Annual Catch Limit (ACL) Quotas for 2022

Area	Original 2022 ACL Specs	Updated 2022 ACL Specs
Area 1A	1,184	1,075
Area 1B	176	0
Area 2	1,139	1,295
Area 3	1,598	1,817
ACL	4,098	3,813

ASFMC VESSEL TRACKING PUBLIC HEARINGS

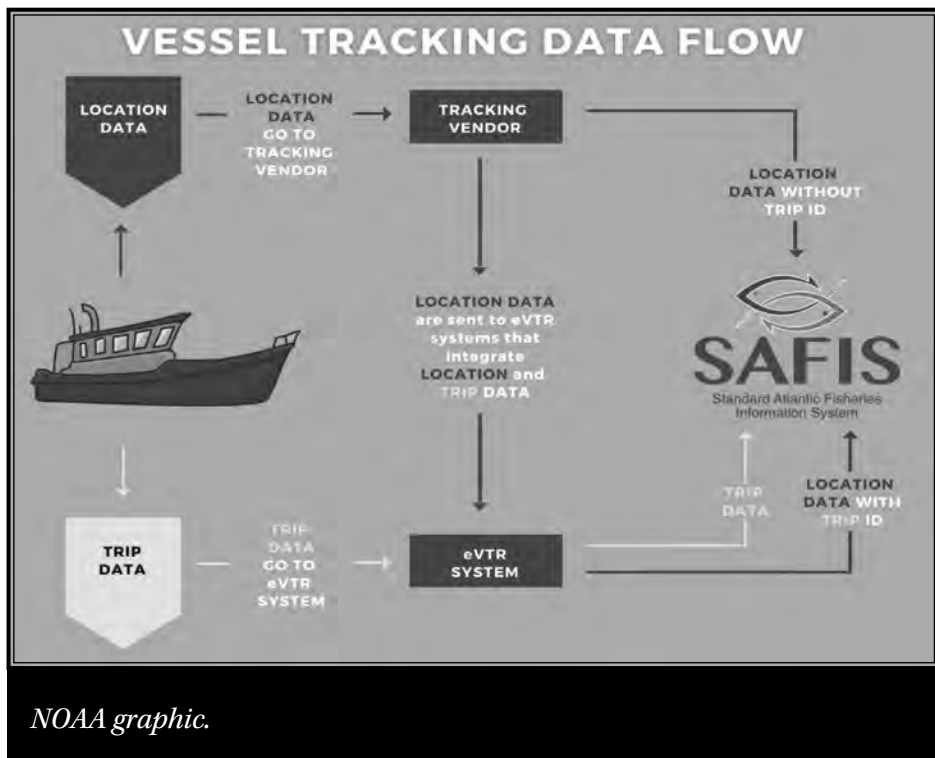
The ASFMC held two online public hearings in January to update stakeholders and take public comment on the Commission's proposal (Addendum 29) to require electronic tracking for federally permitted vessels in the American lobster and Jonah crab fishery. Option A maintain the status quo and would not require vessel tracking. Option B would require electronic tracking on federally permitted vessels in lobster and Jonah crab fisheries with commercial trap gear permits.

According to the ASFMC, the implementation of electronic vessel tracking could improve the information available to fishery managers and stock assessment scientists. The data from these systems would also provide fine-scale spatial-temporal data on lobster fishing effort which could inform offshore wind siting and future right whale conservation measures, and improve offshore enforcement.

There were no fishermen who spoke in favor of requiring vessel tracking on



MAINE LOBSTERMEN'S ASSOCIATION UPDATE



NOAA graphic.

federally permitted lobster boats. Fishermen supported maintaining the status quo and raised concerns. Questions included whether a vessel could go fishing if the tracker suddenly malfunctioned, the cost of the units, whether existing VMS or AIS could be used instead, how this data would benefit fishermen, and why fishermen will be required to pay for this program. Several commenters believed that this data will not be used to help them, but instead will be used against them as a way to identify new closure areas and to enforce them. Written comments were due January 31.

TIMELINE OF RIGHT WHALE COURT CASES

There are currently three important court cases moving forward: two in D.C. District Court (*CBD vs Ross*, and *MLA vs NMFS*) and one in Bangor District Court (*MLU vs Commerce*). There is also an appeal pending in the MLU case.

CBD vs Ross was filed by several environmental groups in 2018 in DC District Court. The judge determined that NMFS's authorization of the lobster fishery violates the Endangered Species Act (ESA), and ordered NMFS to issue a new Biological Opinion by May 2021. NMFS complied. The environmental organizations then amended this complaint and now allege that the new Biological Opinion and Final Whale Rule violate both the ESA and the Marine Mammal Protection Act, and that the whale measures should apply to both state and federal waters.

MLA vs NMFS was filed by the Maine Lobstermen's Association in September 2021 in DC District Court. The complaint challenges the federal government's flawed 10-year whale protection plan (part of the Biological Opinion), arguing that it will erase the Maine lobster fishery but fail to save endangered right whales if it is not corrected.

MLU vs Commerce was filed by the Maine Lobstering Union in September 2021 in Bangor District Court. The MLU alleges that the LMA 1 closure is illegal because it is not based on best available science. The court granted a preliminary injunction which delayed the closure, however, this was over-ruled by the Appeals Court and the closure was implemented.

Schedule for Whale-Lobster Industry Court Cases				
Action	<i>CBD v Ross</i>	<i>MLA v NMFS</i>	<i>MLU v Commerce</i>	<i>Appeal MLU case</i>
Complaint filed	Sept 2021 (amended)	Sept 2021	Sept 2021	Nov 2021
Administrative Record due	Jan 14	Jan 14	Feb 4	--
Request for Supplement to Administrative Record		Feb 22	Mar 21	
Plaintiff and intervenor Summary Judgement Brief	Dec 20, 2021	Feb 22	Mar 21	Jan 18
Defendant and Intervenor Response Briefs	Feb 14	Apr 13	May 6	Feb 16
Plaintiff and intervenor reply	Mar 14	May 13	June 6	Feb 25
Defendant and intervenor reply	Apr 11	June 10	July 6	--
Joint appendix	Apr 25	June 24	--	--

LOBSTER BILLS – 130TH LEGISLATURE, 2ND SESSION

LD 1759 An Act To Extend the Legal Hours for Harvesting Lobster in the Month of September (Emergency), sponsored by Rep. Genevieve McDonald. This bill proposes to change the legal start time for lobster fishing to 4:00AM in the month of September. An online public hearing has been scheduled for February 1.

LD 1742 An Act To Ensure Compliance with the Interstate Fishery Management Plan for American Lobster, sponsored by Senator David Miramant. This bill proposes to allow the DMR Commissioner to adopt routine technical rules to amend the minimum and maximum lobster size and the dimensions of vents in lobster traps when necessary to comply with changes to the ASFMC management plan for American Lobster. An online public hearing has been scheduled for February 1.

LD 1898 An Act To Address the Economic Impact of Federal Closures on Maine's Fixed Gear Fishing Industry, sponsored by Rep. Holly Stover of Boothbay. This bill proposes to establish the Atlantic Large Whale Take Reduction Plan Impact Fund, funded at \$3 million and administered by the Department of Marine Resources, to mitigate negative financial impacts incurred by individuals and businesses engaged in Maine's fixed gear fishing industry. An online public hearing has been scheduled for February 1.

LD 1908 An Act To Limit Eligibility for Commercial Menhaden Fishing Licenses, sponsored by Rep. Genevieve McDonald of Stonington. This bill proposes to limit eligibility for commercial menhaden fishing licenses beginning in 2023 to individuals under certain conditions. This includes individuals who held a license to fish commercially for menhaden in any year from 2016-2021 and landed 25,000 pounds or more of menhaden in at least one of those years. It also provides that the Commissioner may not issue a commercial menhaden license to any individual in any year subsequent to 2023 unless said individual possessed the license in the previous calendar year. An online public hearing has been scheduled for February 8.

LD 1916 An Act To Create a Legal Defense Fund for the Maine Lobster Industry, sponsored by Rep. Billy Bob Faulkingham of Winter Harbor. This bill proposes to establish the Legal Defense Fund for the Maine Lobster Industry and a commission to administer the fund. The commission would have 7 members, including 4 legislators from the Marine Resources Committee, the Senate chair and House chair, and 3 licensed commercial lobstermen. The commission would be charged with reviewing current and proposed laws, rules, and regulations, both federal and state, concerning the lobster industry, determining the best course of action, including a response involving the legal system, and using the money in the Legal Defense Fund for the Maine Lobster Industry to carry out that course of action as appropriate. This would be funded by 20¢ from the sale of each trap tag and 20% of the license surcharge for the State's lobster marketing collaborative. The laws governing the commission and the fund would be repealed in 2032. An online public hearing has been scheduled for February 8.

LD 1796 An Act To Coordinate Marine Port Development, sponsored by Rep. Roland Martin. This bill proposes changes to the governance of marine port terminal facility development including expanding the scope of the Maine Port Terminal Facilities Marketing Program. Other changes include requiring the Maine Port Authority to hire an executive director and certain other employees. An online public hearing has been scheduled for February 1.

Bills submitted but not yet published:

LR 2270 An Act To Help the Lobster Industry Respond to New Federal Rules and Regulations, sponsored by Rep. Robert Alley of Beals.

LR 2289 An Act To Create the Office of Federal Liaison for Maine's Heritage Lobster Industry, sponsored by President Troy Jackson of Aroostook.

LR 2166 An Act To Establish the Lobster Roll as the Maine State Sandwich, sponsored by Senator Eloise Vitelli of Sagadahoc.

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Midcoast continued from page 1

data. Those dollars were quickly spent at local businesses in Rockland and other towns of the Midcoast.

And that is the nature of Midcoast Maine: a constantly changing dance between the tourism industry and the lobster fishery. “The lobster fishery is part of the fabric of our region,” acknowledged Tom Peaco, executive director of the Penobscot Regional Chamber of Commerce. “It’s hard to separate the two.”

The Maine Office of Tourism understands this connection well. The Office produces *The Maine Quarterly*, a glossy online magazine promoting the state through its food, outdoors, and culture. Not an issue goes by without an article referencing Maine’s commercial fisheries — the people, the harbors, the boats and the traditions. The coast of Maine sells, and a recognized part of that allure is the lobster fishery.

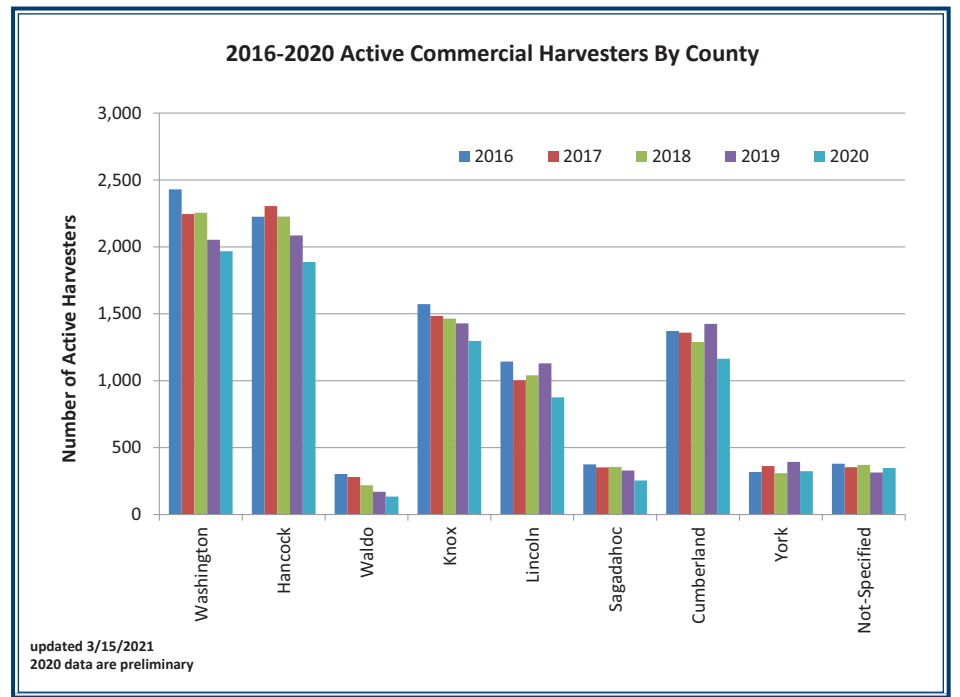
“It’s hard to measure [the impact] of the fishery, but it’s very significant,” Peaco said. “You can see how much tourism lobster draws. People come here looking for it. This region has a positive reputation as a hub for lobster fishing.”

In recent years, however, Knox County, once the leader in lobster landings along the coast, has moved to second place, trailing Hancock County. While lobster landings increased steadily in Knox county in the previous decades and have not faltered, lobster landings in both Hancock and Washington counties surged steadily upward in the past decade. This reflects a shift of the location of the peak lobster abundance in response to warming ocean temperatures (see chart). Still, the volume of lobster being landed in Vinalhaven and smaller Knox County harbors such as Spruce Head remains high.

“If you look at landings, the increase is in Downeast Maine. There’s been no significant drop in the Midcoast,” said Sam Belknap, senior community development officer at the Island Institute in Rockland. “The long-term effects of climate change and regulatory issues are more cause for immediate concern.”

Lobstermen are aware that their environment is changing. Many are venturing into other ocean-based businesses as a hedge against a long anticipated downward shift in landings, ventures for which Belknap provides assistance. “The lobster fishery is the key to providing the infrastructure for folks to branch out into kelp or oyster farming as secondary businesses,” he explained. “Without the fishing infrastructure in place, it would be a challenge to get into the sector.”

Belknap also recognizes that the lobster fishery helps boost tourism, both in the Midcoast and throughout the coast. “Lobstering is the core and essence of the cultural heritage that draws people here. They want to experience the sense



of community in a fishing harbor,” he said. The key is to continue to support lobstermen and their towns by protecting working waterfront properties and ensuring adequate access to the ocean. “Commercial fishing involves capital and time and investment,” he said.

The balance between lobstering as a way of life and tourism continues to be a delicate one, according to Peaco. “Lobstering has a major effect on the local economy. It ripples to the car dealers, the grocery stores, everything. Lobstermen are making purchases locally. We all thrive by their success,” he said.

In Thomaston, Brooks Trap Mill sprawls across several acres of land. The company, begun as a trap stock mill in 1946, provides commercial fishing and aquaculture products at seven locations in Maine and Rhode Island.

Stephen Brooks, co-owner of the company, sounded anxious during a January telephone conversation. Since the pandemic began, they have struggled to find enough workers and adequate supplies to meet the many trap and supply orders coming in. Before the pandemic, Brooks Trap Mill employed more than 100 local people as well as an additional 30 to 50 individual subcontractors. Currently nearly 40 openings at the company remain unfilled.

While Brooks Trap has diversified its products over the years, branching out into aquaculture supplies and other items, approximately 70% of the company’s revenue comes from lobstermen. “If lobster-related sales really dropped off, we would have to cut our overhead as quickly as possible. That means employees, inventory, possibly locations,” Brooks said.

The company’s customers come from throughout the coast, many second or third generation patrons. Brooks finds it hard to believe that a fishery so long tied to his family’s business and to Maine’s culture could ultimately disappear. “Can you imagine what the state of Maine would look like with no lobstering? Think of the money lobstermen bring in. Can you imagine the impact to the state?” he said.

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Town	millions lbs	\$ millions value
Vinalhaven	14.5	69.745
Owls Head	2.524	12.955
Spruce Head	7.78	34.978
Tenants Harbor	3.423	15.508
Friendship	9.039	45.454
New Harbor	2.097	9.974
Boothbay Harbor	2.435	11.842
Matinicus	1.013	4.317
Harpswell	4.565	21.509
Cundy’s Harbor	4.501	21.064



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Randall Shepard
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Colby Simmons
Isaac Simmons
Ralph Slaven
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Beverly Sovet
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Joseph Wood
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Wendy Wenger
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Mark White
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Ronda Nichols

Merry Christmas Cap't K Glover!

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Richard Alley Jr & Serena Spurling

In Memory of Marc Bradley

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In Memory Of Tim Dyer

Courtland Tolman

In memory of Rick Knight Jr.

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Alyson Ames
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In Memory of G. Hoyt (con't)

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Susan Boyt
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In Memory Of Orlando Wallace

Keith Wallace

In Memory Of Ernest Wallace

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"I am a commercial lobsterman in Gloucester Mass. This fight is all of our fight, we're one brotherhood together! We need to stand together to be able to keep fishing! We need to protect the ocean and our way of life!"

"Stand strong!"

"Thank you [MLA] for all the hard work. Keep fighting the good fight."

"We support your cause."

Save Maine Lobstermen

The MLA is raising \$10 million in three years to fight back against unfair whale rules.

New year, new \$1,000 challenge!



Everyone who donates at least \$1,000 in 2022 will receive an EXCLUSIVE SAVE MAINE LOBSTERMEN SWEATSHIRT.



How much is the future of Maine's lobster industry AND it's communities worth to you?

- Yes! I pledge \$1,000
- Yes! I pledge \$84 per month (\$1,000 total)
- Other options for supporting #SML:
- \$10,000
- \$5,000
- \$2,000
- \$500
- \$365 "a dollar a day"
- Other: _____

Will you pledge at least \$1,000 to SAVE MAINE LOBSTERMEN in 2022?

There are 4,800 licensed harvesters in Maine. If each donated just \$1,000 to Save Maine Lobstermen, we'd be HALFWAY to our \$10 million goal.

THAT IS JUST \$84/MONTH!

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MARKETING UPDATES

Videos are an important marketing tool for sharing the industry's perspective on different issues. The MLMC is planning a new video series in 2022 to showcase the Maine Lobster fishery as a steward of the environment and a leader in sustainability.

The videos will show:

- Scientists working with fishermen to gather data around climate and sustainability
- Industry members proactively addressing concerns such as ghost gear, product waste and carbon footprint
- The industry's longstanding and ongoing commitment to protecting right whales



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The delays we are experiencing in receiving supplies and materials continue – and in the meantime, we're still rebuilding our workforce and focusing on our customers' orders.

We're all in this together and rest assured: we are doing everything in our power to get back to our normal level of customer service as soon as possible.

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Thank you to all who donated to the Maine Lobstermen's Community Alliance in 2021!

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Rugged Seas, Cape Elizabeth ME
Tom Dickens
Industrial ME, Woolwich ME
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in memory of T Evans
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Karen Asseln
Miranda Shinn
Regina Donnell
in memory of Rick Knight
Anonymous
Dori Desautel Brody
David King Sr.
Bill Sipperley

Donations to the Lobstermen's Relief Fund

Citizen Maine, Damariscotta ME

Kristen Boyt

Sara Schwister, *in memory of J. Croft III*

Kerry & Mike Wentworth

Donations to the MLCA benefit programs in education, charity and scientific research as well as leadership and conservation.

We are grateful to those who share our affinity for Maine's historic lobster fishery and its people.

For information on our programs or on how you can donate, please visit us at

**www.mlcalliance.org
or call 207-967-6221**



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C9.3



C9.3 Tier 3 Commercial Ratings:
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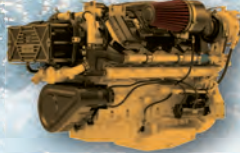
C18



C18 Tier 3 Commercial Ratings:
 470 HP @ 1800 Continuous Duty "A"
 600 HP @ 1800 Continuous Duty "A"
 670 HP @ 1800-2100 Heavy Duty "B"
 715 HP @ 1800-2100 Maximum Continuous Duty "C"
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*** Tier 4 Exempt Light Commercial Ratings:**
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Maine Fishermen's Forum

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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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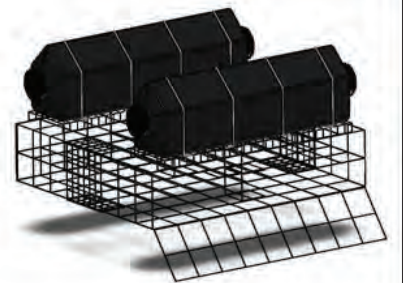
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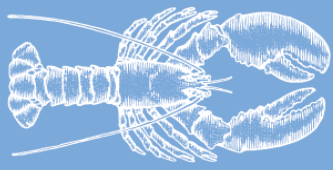


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WHERE DO THE LOBSTER TRAP TAG FEES GO?

By Jeff Nichols, DMR communications director

As many of you know, the Department of Marine Resources has had to increase the cost of trap tags. Commissioner Keliher avoided implementing this increase for as long as possible, but after reviewing different scenarios he concluded that without a cost increase, critically important work and department positions funded by the fees would be in jeopardy.

The Lobster Management Fund (LMF), which derives its revenue from trap tags fees, supports many critically important department positions conducting lobster science, management, and enforcement. These positions are key to sustaining Maine's valuable lobster resource.

Here's a breakdown of those positions and the work supported by your tag fees.

Bureau of Policy and Management

The Lobster Management Fund supports a position that is responsible for supporting the Lobster Zone Councils and Lobster Advisory Council, as well as acting as a liaison with the lobster industry to ensure the Department is receiving input on matters of importance to the industry. This role has become increasingly critical as the Department works during the pandemic as it works to address the challenges presented by the situation with North Atlantic right whales.

The LMF also supports a portion of time for multiple staff within the Licensing Division. As the fishery with the largest number of license holders and a complex licensing system (e.g. multiple license types, Zones, tags, etc.), the lobster fishery requires a significant amount of staff resources to ensure the licensing system is properly administered and that license holders receive accurate and timely service.

Science Bureau

Here the LMF supports lead position within the Division of Biological Monitoring and Assessment. This position oversees the lobster monitoring and

research programs. The LMF also funds the science position that oversees the lobster sea sampling and ventless trap programs, creating new research and programs to advance lobster science, and initiating collaborative research with members of the lobster fishery. This position also represents the department at state, interstate and federal lobster science and assessment meetings.

Other Science Bureau positions funded by the LMF include the lobster sea sampling and ventless trap programs, a field sampling position for the lobster sea sampling and ventless trap surveys, and a Landings Program position that monitors dealer and harvester licenses, and contacts dealers and harvesters to assist them with meeting their monthly reporting obligations.

Two Office Associate positions in the Landings Program are also funded by the LMF, including one that serves as the first point of contact for harvesters in need of assistance with their mandatory reporting and one whose primary responsibility is to enter landings data (submitted via paper) by harvesters and dealers who have mandatory reporting obligations.

Marine Patrol


The LMF also supports critically important enforcement of the state's marine resource

laws. The Fund supports six positions within the Bureau of Marine Patrol including three Marine Patrol Officers, two Boat Specialists, and one administrative support position.

The Department has been able to do this work since 2009 without an increase in trap tags. But there are only two companies that we have found to be able to produce tags; their costs have skyrocketed over the last several years and DMR cannot afford to absorb those costs. We hope for continued support by the Legislature for the important work outlined here so that we won't have to consider a tag increase for many more years.



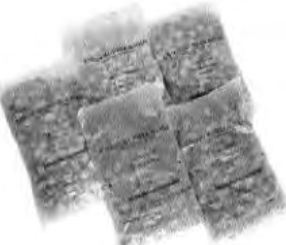
Photo courtesy of the Ellsworth American.



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DMR AQUACULTURE LEASE APPLICATION STATUS FOR FEBRUARY (as of 01/19/22)

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
DMR Bureau of Sea Run Fish.	S side, E of Western Head, W of Little River	Cutler	4.0 acres	Finfish	3 yrs	Application withdrawn (12/13/2021)
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	Amendment rec'd; comments due (1/7/22)
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
Peter Smith	Upper Dodge Cove, Damariscotta River	Newcastle	3.96 acres	Shellfish	3 yrs	App rec'd (1/7/2022); 30 day public comment
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	Lease Granted 11/10/2021
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
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
Acadia Aqua Farms, LLC	SW of Googins Ledge, Frenchman Bay	Bay Harbor	48 acres	Shellfish	20 yrs	Hearing scheduled 1/4/22, 1pm, remote
Ferda Farms LLC	New Meadows River, E of Lower Coombs Isl	Brunswick	2.33 acres	Shellfish	20 yrs	Scoping Session 12/6/2021 Brunswick
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	Application rec'd 11/24/2021 Site visit TBD
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
The Maine Scallop Co, LLC	E of Sturdivant Island, Casco Bay	Cumberland	5.36 acres	Shellfish	10 yrs	Amendment granted to app (12/17/21)
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
Love Point Oysters, LLC	SE of Winslow Park, Casco Bay	Freeport	4.79 acres	Shellfish	20 yrs	Application granted (12/20/2021)
Love Point Oysters, LLC	S of Crab island, Casco Bay	Freeport	4.15 acres	Shellfish	20 yrs	Application granted (12/20/2021)
Cooke Aquaculture USA, Inc	Off Black Island	Frenchboro	15 acres	Shellfish	20 yrs	Public Hearing 11/8/2021, 4 pm, SW Harbor
Gaffney, Michael & Mark	N of Phoebe Isl, Robinshood Cove	Georgetown	7 acres	Shellfish	20 Yrs	Application rec'd 11/24/2021 Site visit TBD
Butterfield, Keith	Casco Bay, southwest of Lower Goose Island	Harpswell	25 acres	Shellfish	20 yrs	Scoping session at Harpswell (1/14/2022)
Love Point Oysters, LLC	Middle Bay, Southeast of Upper Goose Island	Harpswell	3.20 acres	Shellfish	20 yrs	Public Hearing 12/7/2021, 4 pm Harpswell
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
I George Faux Inc	S of Great Salt Bay, Upper Damariscotta Rvr	Newcastle	1.8 acres	Shellfish	20 yrs	Scoping Session Nov 18, 2021 5 pm
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
Adam and Michelle Campbell	Pulpit Harbor Mill Stream	North Haven	2.53 acres	Shellfish	20 yrs	App rec'd (1/13/2022), 30-day comment period
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	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	Application rec'd 11/24/2021 Site visit TBD
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
Baines, Robert & Cole	W Penob. Bay, W of Hewitt Isl, S of Clam Ledges	Unorg. Terr.	7.33 acres	Marine Algae	20 yrs	App rec'd 1/6/22; site visit TBD
Butterfield, Keith	East of Little Moshier Island, Casco Bay	Yarmouth	2.72 acres	Shellfish/algae	20 yrs	Lease amend (12/8); comments due (12/24)
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	Shellfish	20 yrs	Public Hearing 3/16/2021
Nickerson, Travis	E of Blaney Pt	Yarmouth	2.80 acres	Shellfish	20 yrs	Application rec'd 10/4/21; sit review TBD

Understand the process! You can make a difference!



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: *Acupuncture another way to treat pain*

By Melissa Waterman

It's not easy to accept, but lobstering involves pain. For the young, the pain may be fleeting, something to shake off with a hot shower and some rest. For others, the daily repetition of hauling extended over years results in chronic and sometimes acute pain. All too often fishermen turn to prescribed painkillers or surgery to deal with the toll lobstering takes on their bodies.

Like massage, acupuncture is another type of treatment that can help relieve chronic and acute pain. Acupuncture has been a part of traditional Chinese medicine for many centuries and has gained acceptance in the Western world in recent decades.

"Acupuncture is one of the tools in Chinese medicine for helping bring the body back into balance," explained acupuncturist Eileen Murray of Rockland.

Acupuncture use specific techniques, including insertion of very thin solid needles into the body, to rebalance the body's energy. According to Johns Hopkins Medicine in Maryland, traditional Chinese medicine practitioners believe that the human body has more than 2,000 acupuncture points connected by pathways or meridians. The body's energy flows through these pathways. When that energy is blocked or disrupted, disease can occur.

The acupuncture points are believed to stimulate the central nervous system. This, in turn, releases chemicals into the muscles, spinal cord, and brain. These biochemical changes may stimulate the body's natural healing abilities and promote physical and emotional well-being. Individuals use acupuncture to address many physical problems, from migraine headaches to the after-effects of chemotherapy.

The process of finding the specific acupuncture points to address a particular individual's pain begins with talking.



Acupuncture uses solid needles to help the body's energy flow and can help relieve chronic and acute pain as well as disease. Photo courtesy of the Maine Acupuncture Society.

"The practitioner will first ask you questions about your complaint and then do certain diagnostic techniques, like feeling your pulse and touching parts of the body to detect areas of too much or too little energy," Murray explained. "Then using different tools, they will help move what is stuck or build up what is empty."

Murray treats many lobstermen suffering from chronic or acute pain. One of the elements that causes such pain is the cold and damp conditions in which lobstermen work. "We call it a pathogenic factor. It penetrates and slows movement of the blood and body fluids in the tissue," she said. To warm the tissue, Murray may use an infrared lamp, Asian body work, or other means to deeply warm the affected area.

Murray emphasized that the needles used in acupuncture are extremely thin and are made to move through the tissues, not to cut them. "Many people don't feel the needle but do feel an energy sensation," she said. The result for most patients is a feeling of relaxation, cessation of pain, and a looser muscular-skeletal system.

How often one undergoes acupuncture depends largely on how acute the pain is. "If it's a chronic pain that you've had for 40 years, it may take a longer time. I have long-time patient, a lobsterman, who just comes when he can because he lives on an island. But it's important to him," she said.

To practice acupuncture in Maine, one must hold a state license from the Board of Complementary Health Care Providers. The Maine Acupuncture Society (www.maaom.org) features more information about acupuncture and a selected list of licensed practitioners.



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In the NEWS

NEW DOCUMENTARY SERIES ON CHALLENGES FACING MAINE LOBSTER INDUSTRY

Maine native Andrew Joyce has produced the first segment in a new documentary series explaining the threats to Maine's lobster heritage from the ten-year whale plan and offshore wind development. The first installment, available on Joyce's YouTube channel "The Maine Reset," tells this story through the eyes of the fishing industry. Joyce says that the series "scrutinizes plans to industrialize the Gulf of Maine and highlights the perspectives of the Mainers most affected. At the foreground of the conversation are Maine lobstermen. In later episodes, scientists and ecologists also weigh in. The result is a thought-provoking primer on an issue that could result in the fundamental transformation of the State of Maine." Joyce is the son of Maine lobsterman Jason Joyce of Swans Island. You can view the video at <https://www.youtube.com/channel/UCqYzBWljzcOUrZlquFWV2Q>.

HUGE OFFSHORE LEASE AUCTION TAKES PLACE THIS MONTH

On February 23, the federal Bureau of Offshore Energy Management (BOEM) will hold its first-ever offshore wind lease sale, auctioning a record of more than 480,000 acres offshore New York and New Jersey. The auction will allow offshore wind developers to bid on six lease areas in an area known as the New York Bight. Leases offered could result in 5.6 to 7 gigawatts of offshore wind energy. The New York Bight offshore wind auction will include several innovative lease stipulations, such as incentives to source major components domestically and project labor agreements to ensure projects are union-built. Currently, BOEM has 18 commercial offshore wind leases on the Atlantic Outer Continental Shelf, and it recently announced plans to hold up to seven new offshore wind lease sales by 2025.



Photo courtesy of The Providence Journal.

LOBSTER EXPORTS TO CHINA INCREASE

American exporters sold more than 13.2 million pounds of lobster to China during the first 11 months of 2021. That was about 6% more than the same period the previous year. Shipments were complicated by the fact that a seafood company can't send lobsters directly to Beijing because of COVID-19 restrictions so businesses used other airports, such as Shenzhen, to move product into the country. While the lobster industry is still performing well in the current market, the value of exports will likely not reach the same levels as in 2018 when exports totaled more than \$100 million, which set a record for the industry.

U.S. DEPARTMENT OF AGRICULTURE BUYS MORE GROUND FISH

The U.S. Department of Agriculture will purchase \$25 million in Atlantic groundfish products for distribution to food banks and other community assistance, another round of buying for the Northeast seafood industry that had been historically left out of USDA's Section 32 nutrition program. The federal government's Covid-19 response during 2020 included big USDA buys of seafood product like Alaska pollock, and New England lawmakers pushed for the same with their hard-hit fleets. The agency announced another round of \$25 million aimed at the Northeast in funding Dec. 22.

MAINE FISHERMEN'S FORUM SCHEDULES ONLINE SEMINARS

Although the Maine Fishermen's Forum scheduled for next month has been cancelled amid coronavirus concerns, the Forum Board has scheduled several online seminars for this year. The first will be on February 17, an afternoon seminar on changes to the Northern Gulf of Maine federal scallop fishery. The second will be an open forum with NOAA Fisheries leadership, to be held in March. The final seminar will focus on careers related to the ocean at date yet to be announced. In addition, an anonymous donor has contributed \$15,000 to the annual Forum Scholarship Fund this year (deadline for application is March 3). The Forum Board has pledged to raise a total of \$40,000 for student scholarships which will be awarded in a drawing on March 4.

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Events Calendar

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

February 1

Maine Legislature Marine Resources Committee, Online Public Hearings on LD's 1742, 1759 and 1898. FMI: <https://legislature.maine.gov/committee/#Committees/MAR>.

February 1-3

New England Fishery Management Council meeting, webinar, Portsmouth, NH. FMI: <https://www.nefmc.org/calendar/february-2022-council-meeting>.

February 2

MLA Directors Meeting, 5 PM, Online via zoom. FMI: www.mainelobstermen.org.

February 7

Zone A Council, 5 PM, online. FMI: <https://www.maine.gov/dmr/about/councils/lobzones/index.html>.

Maine Offshore Wind Roadmap, Environment and Natural Resources Working Group, 2 PM, online. FMI: www.maineoffshorewind.org.

February 8

Zone D Council, 6 PM, online. FMI: <https://www.maine.gov/dmr/about/councils/lobzones/index.html>.

February 9

Zone C Council, 5 PM, online. FMI: <https://www.maine.gov/dmr/about/councils/lobzones/index.html>.

Public hearing, Acadia Aqua Farms, 5 p.m., Bar Harbor Municipal Building. FMI: <https://www.maine.gov/dmr/about/meeting-details.html?id=6327092>.

February 10

Public hearing on Halibut reporting requirements, 5 p.m., online and in person, DMR offices, Augusta. FMI: <https://www.maine.gov/dmr/about/meeting-details.html?id=6499181>.

February 11

Maine Offshore Wind Roadmap, Supply Chain, Workforce, Ports and Marine Transportation Working Group, 9 AM, online. FMI: www.maineoffshorewind.org.

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Putnam continued from page 3

not good faith negotiating on the part of NMFS, it is a heavy-handed approach that shows that there is no interest in working together toward a realistic goal.

The Biop ten-year conservation plan is the dark cloud headed our way on a sunny summer afternoon. Maine lobstermen have been willing to go above and beyond to reduce risk to the right whale. The plan aims for an undue level of risk reduction compared to the risk that we actually present. It is common knowledge that the risk posed by Maine lobster gear pales in comparison to the cruise ship industry or the global cargo shipping industry. It cannot be stated enough that without modifications to the ten-year plan the future of the lobster industry is in grave danger.

For generations Maine lobstermen have been stewards of the lobster resource. We throw back short, V-notched and oversize lobsters for one reason — we want the next generation to have a chance to make a living catching lobsters and continue Maine's fishing heritage. Lobstermen now have to go outside of our comfort zone and realize that the future doesn't only depend on a healthy resource, it also depends on us staying engaged in the whale plan and court cases by speaking up and supporting the defense of our fishery.

There was a lot to be pleased with in 2021: the lobster price was fair, landings were solid, and the weather was generally cooperative. I am, as usual, optimistic about the current year and hoping for a continuation of the strong demand for our seafood. I just have to remind myself not to become complacent. We have some seriously stiff headwinds to steam into coming up.



What does the future look like for Maine's next generation of lobstermen? Photo by H. Penney.

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

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| Beals-Jonesport Coop Inc. | Island Fishermen's Wives | Port Clyde Fishermen's Cooperative |
| Beals Lobster Pier | John's Bay Boat Co. | Port Lobster Co. |
| Bowdoin College Dining Services | Lobster Trap Co. | RE Thomas Marine Hardware |
| Chapman & Chapman | Lonnie's Hydraulic Inc. | RG Tax Accounting and Resolution |
| Chase Leavitt | M&B Fish Co. | Riverdale Mills |
| Coastal Documentation II | Maine Center for Coastal Fisheries | Rope Razor |
| Conary Cove Lobster Co. | Maine Financial Group | Superior Marine Products |
| Downeast Boat Co. | Maine Lobstermen's Community Alliance | Tenants Harbor Fishermen's Cooperative |
| Farrin's Boatshop | Maine Ocean Lobster | Twin City Financial Group |
| Finestkind Scenic Cruises | Maine Sea Grant | Varney Insurance Inc. |
| First National Bank | Marine Hydraulic Engineering Co. Inc. | Vinalhaven Fishermen's Cooperative |
| F. W. Thurston Co. Inc. | McMillan Offshore Survival Training | William Coffin & Sons |
| Georgetown Fishermen's Cooperative | Midcoast Marine Supply | Winter Harbor Fishermen's Cooperative |
| Gulf of Maine Lobster Foundation | New England Marine & Industrial Inc. | Worcesters Lobster Bait |
| Guy Cotten, Inc. | New England Propeller | |
| Infab Refractories Inc. | | |



COBSCOOK BAY SCALLOP SEASON UNDERWAY

The boats aren't large, nothing like the giant steel vessels that search for scallops from southern ports like New Bedford. Cobscook Bay's scallop fishermen go to sea throughout the winter, facing the dual threats of staggering currents and bitter cold during Maine's scallop season, which begins in December. Rotational closures and state surveys have rebuilt the fishery from its lows in the early 2000s. Today the scallop fishery is one of the most lucrative in the state, valued at \$6,777,000 in 2020. High prices in 2022 have taken many by surprise, hitting \$30 or more per pound in January.

Photos by Tessa Chaffey Ftorek.



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Miss Amity, built by H&H Marine, powered by Scania 13-liter engine, Milbridge, ME

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