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Maine Lobstermen's Community Alliance

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LANDINGS

News & Views from Maine's Lobstering Community

August 2022 | Vol. 30, No. 8

LOBSTER PRICE NOT REFLECTING LOBSTERMEN'S RISING COSTS

By Melissa Waterman

To anyone who isn't living in a remote cave, the issue of this summer is rising prices. U.S. inflation jumped 9.1% in June, the fastest pace of increase since 1981. Consumers are facing higher prices for just about everything, from used cars to a gallon of milk, which limits the positive impact higher wages have made on the family budget.

Lobstermen are in a similar, if more painful, situation. The costs of bait, fuel, traps — all items necessary to go out and catch a lobster — have skyrocketed this year while the price paid for a lobster has dropped sharply compared to this time last year. In mid-July, the cost for a barrel of pogies in Boothbay Harbor was \$265. Redfish racks ran \$360 per barrel. Downeast the price for pogies was around \$200 per barrel; salted herring might cost \$240 a barrel. Diesel fuel soared above \$6 per gallon, making many lobstermen reconsider how often to tend their traps.

Why can't lobstermen pass on the increased cost of catching lobsters to those who buy their lobsters? After all, the cost of a lobster roll has increased dra-



The cost for bait, fuel, and traps has skyrocketed. Yet the price paid at the dock for lobsters has not. T. Yoder photo.

matically in the past few years, topping \$38 at various Bar Harbor locales in July.

The price lobstermen are paid for lobster "depends on demand," said Daniel Georgianna, resource economist at the University of Massachusetts Dartmouth. "It doesn't matter what it costs to catch the lobster. Demand determines price."

Lobster prices were high this winter and early spring, in Maine hitting \$13 per pound at one point. That was due in part to a low inventory of stored lobster and few vessels going out to fish during the stormiest months of the year. When the weather improved and more lobstermen set their traps, the price dropped, as it does each spring. This year, however, the drop was felt more acutely because of the record-high winter price.

During the Covid pandemic years of 2020 and 2021, demand for Maine lobster

boomed. Faced with a shutdown of restaurants, cruise ships and resorts due to a homebound population of consumers, lobster dealers moved quickly into other markets, such as grocery chains, online sales, and value-added products

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2021 BIOLOGICAL OPINION INVALID BUT LOBSTER FISHERY REMAINS OPEN FOR NOW

By MLA staff

Maine's lobster fishery will continue to operate despite a July 8 federal court ruling that found the National Marine Fisheries Service (NMFS) violated the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA) when it issued its 2021 Biological Opinion (Biop) and Final Rule for the lobster fishery.

This decision flows from the lawsuit that was originally filed against the federal government by three environmental groups claiming NMFS has not done enough to protect endangered North Atlantic right whales from accidental interactions with lobster gear. In September 2021, the environmental groups amended their original claims to challenge the 2021 Biop and Final Rule, again asserting NMFS was not meeting its obligations to protect right whales. The Maine Lobstermen's Association (MLA) filed a separate lawsuit in September 2021 challenging the science underpinning the 2021 Biop and Final Rule. There is no ruling yet in the MLA's case.

Environmental groups are claiming victory, while the MLA calls the recent decision a "mixed bag." The Court ruled that certain aspects of the 2021 BiOp and 2021 Final Whale Rule are invalid. However, the court did not immediately shut down the lobster fishery or decide what action it will take to fix NMFS's legal violations.

Under the ESA, a Biop must be in place for the federal lobster fishery to operate. However, the Court stated that its "findings at this

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COASTAL OUTLOOK *Thoughts from MLCA President Patrice McCarron*

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Summer seems to speed up when we come to August. Visitors, cookouts, camping by the lake, lobster feasts along the shore — the tempo of the season quickens in this month. The lobster season is speeding up as well, with soft-shell lobster harvests increasing by the week. In just a few weeks we will blink and find ourselves once again in September!

For lobstermen the upcoming months will be busy, both on the water and on the land. In July, Washington, D.C. district court Judge James Boasberg ruled on a case brought by national environmental organizations which argued that the National Marine Fisheries Service (NMFS) did not comply with federal law protecting the endangered North Atlantic right whale in its 2021 Biological Opinion on the lobster fishery. Judge Boasberg found in favor of some of the environmental organizations' complaints but stopped short of closing down the federal lobster fishery altogether. Instead, as we highlight in this issue of *Landings*, the parties to the case must come together to find a balanced way to comply with federal law. The court has set a schedule for all parties to submit briefs by late October.

In addition, the U.S. Court of Appeals for the First Circuit in Boston in July upheld its preliminary decision to allow closure of a 967-square-mile portion of the Gulf of Maine to lobster fishing from October through January each year. The circuit court sent the case back to the district court level but noted in its ruling that it does not think the closure will be eliminated because of NMFS's obligation to protect the whales. "Although this does not mean the balance will always come out on the side of an endangered marine mammal, it does leave plaintiffs beating against the tide, with no more success than they had before," the court ruled.

Meanwhile, lobstermen are contending with the dual blows of a lower price for their lobsters and much steeper prices for bait, fuel and gear this summer. Low prices at the dock have made some lobstermen reconsider going out to fish at all. While the cost to catch a lobster is going up, the price a lobsterman is paid doesn't reflect those higher costs. Unlike other businesses, a single lobsterman can't set a price for his lobsters. The reason for this disconnect lies in the very traits that make the Maine fishery resilient, as we explore in this issue.

The barrage of regulatory and financial pressures facing lobstermen have provoked anger and a feeling of injustice among lobstermen. Monique Coombs, marine director at the Maine Coast Fishermen's Association, writes this

month about the sense of moral injury many lobstermen are currently feeling. Moral injury occurs when certain actions that strongly clash with someone's moral and ethical code cause intense psychological distress. In the case of Maine lobstermen, the actions taken against the fishery by the federal government clash with their own observations at sea concerning right whales and the numerous conservation actions they have taken over the past 25 years. Despite a robust work and conservation ethic, the lobster fishery stands to be erased by federal actions over which a lobsterman has no control.

Lobster is the dominant fishery along the Maine coast yet many other businesses depend on the Gulf of Maine and the marine-based infrastructure operating along the coast. Sam Belknap, senior community development officer at the Island Institute in Rockland, discusses the many aspects of what is known as the Blue Economy. The Blue Economy encompasses all the economic uses of the ocean, from fishing to research and marine construction, as well as the many unseen but valuable functions of the sea. Assessing the Blue Economy in Maine and helping the hundreds of businesses and individuals who make their living either directly or indirectly from the Gulf have become driving forces within the state.

Aquaculture is one of the elements of the Blue Economy in Maine and some lobstermen have found a niche within the sector as growers of kelp. In late fall, some lobstermen set out horizontal lines seeded


with kelp spore in areas leased from the state. The lines lay about seven feet below the surface; the kelp grow to marketable size by spring. Most of the kelp grown in the state is sold to Atlantic Sea Farms, which has been instrumental in boosting production. Growing kelp provides lobstermen with a winter income when many are not fishing while drawing on their existing gear and seamanship skills in a new way. Finally, we bid fair winds and following seas to Dr. Jim Acheson, long-standing faculty member at the University of Maine and author of *The Lobster Gangs of Maine*. Jim held a joint appointment in Anthropology and the School of Marine Sciences and served as chair of the Anthropology Department and as coordinator of the Marine Policy program. In the early 1990s he helped ito develop Maine's decentralized lobster management system which resulted in the Lobster Zone Councils. Jim was well regarded in the worlds of both academia and lobstering; his cheerful presence will be missed.

Patrice



The months ahead may be difficult for Maine's lobstermen but they stand ready for the fight. Photo courtesy of Little Cranberry Lobster.

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GUEST COLUMN: *We are all part of the Blue Economy*

By Sam Belknap

Perhaps I am dating myself, but I often find that I turn to my kids to help translate what some new word or phrase means. I am sure I am not alone, and the fact that we are seeing new concepts introduced almost daily is not surprising given the complexity of our world these days.

Now, if you're like me, you've probably heard the term "Blue Economy" tossed around more and more and you have probably also wondered what the phrase means. I now have the privilege of leading the Island Institute's Blue Economy efforts and have worked hard to introduce the concept of the Blue Economy to our organization and to the state, so hopefully I can help bring some clarity.

The term Blue Economy first appeared in Europe more than a decade ago. It was a means by which people could talk about the vast number of ways people were making a living on and from the water.

At its core, the Blue Economy concept seeks to promote economic growth, social inclusion, and the preservation or improvement of livelihoods while also ensuring the environmental sustainability of the oceans and coastal areas for future generations. The term is a flexible one that can include almost anything related to the ocean: energy, shipping, tourism, recreation, aquaculture, transmission cables and much more. A number of services provided by ocean ecosystems, for which markets do not exist, also contribute significantly to human activities, such as carbon sequestration and coastal land protection. But now, more than ever before, we cannot afford to ignore the original and still vital foundation of the Blue Economy: seafood and the infrastructure central to its harvest and processing.

To help envision the Blue Economy in Maine, let me attempt to paint a picture. Envision yourself high above any coastal town in Maine. You first see the clearest examples of the Blue Economy: people on boats hauling traps, nets and lines, tending to aquaculture farms or otherwise supporting our ability to harvest sustainable food from the sea. You then notice the vast number of recreational boats, both powered and sail, on the water and in harbors. Perhaps in the distance you are able to catch a glimpse of a research vessel at work or a large container or tanker ship on its way to one of Maine's deep water ports, connecting our coast to the global economy. Perhaps you see barges and vessels engaged in marine construction or dredging, maintaining our vital coastal infrastructure.

Next, you may notice a number of private and public commercial wharves along the shore. These places play the critical role of connecting the ocean to the wider economy. We also see restaurants that serve up the daily catch from the sea and play a critical role in the tourism industry so important along the coast. As your gaze turns inland, you see trucks coming and going, bringing seafood to market and critical supplies back to the shore. You also spot in the distance marine supply stores, fuel supply stores, and large cold storage buildings, each providing critical services. You also might see Maine's dozens of public and private research labs where the ocean is studied and new ways of creating value are identified.

Throughout this birds-eye view, you are watching tens of thousands of people working, providing for their families and for their communities, all supported directly or indirectly by the ocean. We must not forget that these people play the most critical role because without them there is no Blue Economy.

Upon reflection, perhaps we see that the concept of the Blue Economy is not truly as new as it seems. Maybe it is simply a new way of talking about the complexity and importance of our marine economy and the people that make it work in a way that touches on national and international connections. The idea of the Blue Economy, and the importance placed on the sustainable use of the ocean, is one that fits well in Maine. It is the foundation of the most significant member of the state's Blue Economy, the Maine lobster fishery.

The most important lesson expressed by the Blue Economy concept is that no one component exists on its own. It is also important to note that no part of the Blue Economy is free from the impacts of the outside world. Maine's ability to support its Blue Economy and the thousands who make a living within it will depend upon our collective ability to adapt in the face of larger forces, such as climate change, supply chain disruptions or global economic forces. We must ensure that the Blue Economy remains intact for the people who live in coastal communities, benefiting them, their communities and the ocean as well. Otherwise, we will have lost an opportunity to support a bright future for our coast.



Sam Belknap is senior community development officer at the Island Institute. II photo.

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Costs continued from page 1

that could be prepared at home. Lobster sales ticked up and the price paid to lobstermen increased.

That's not happening this year. Fresh seafood sales plunged 13.3% in June, according to a recent article in Seafood Source. Frozen seafood sales remained strong overall, although value dropped by 7.4%.

"Demand for lobster is down this year," explained John Sackton, founder and former publisher of Seafood News.com. "Canada exports to China are down because of Covid shutdowns. Companies don't know which city or airport will be open. In Europe they are having problems because of high energy costs, inflation, and the war in Ukraine, so demand is down."

U.S. consumers' spending patterns were buoyed during the past two years by federal stimulus money, money that is no longer flowing. "During the height of Covid, people couldn't travel, go out to eat, go out for entertainment, or commute to work. Household expenses were way down, leaving more money for little luxuries. Now all that is changed. Their money is allocated plus there's inflation, so no more little luxuries," Sackton said.

Part of a lobsterman's inability to set his or her own price is due to the fact that there are so many lobstermen, both here and in Canada. If one individual decides not to fish because his or her costs are too high relative to the price paid for the catch, there's likely to be another lobsterman, or many other lobstermen, who are willing to go, no matter what.

"It's really a big problem. How do you give producers more pricing power?"

Why are lobster traps so expensive?

It's getting to the point where if you have to ask the price for a lobster trap, you probably can't afford it. The price has shot up in the past three years, largely due to Covid labor shortages and supply chain issues, but also most recently because of the war in Ukraine and skyrocketing inflation.

Adam Jackson at Sea Rose Trap in Biddeford just shakes his head when he talks about lobster trap prices. Right now a bare bones Sea Rose 12 gauge wire trap with no bells or whistles runs around \$140. The company can't even get trap kits. "The last time we got kits in was six months ago," Jackson said. Much of the wire comes from Italy. "It's supply chain stuff," Jackson said. "Italy can't get containers to ship the wire out."

Expenses are up across the board, according to Stephen Brooks, a co-owner of Brooks Trap Mill in Thomaston. The cost of wire has risen sharply but so have freight costs, both international and domestic. "Our freight costs are up between 300% and 500%," Brooks said. "Shipping has gone from \$3,000 to \$4,000 to \$25,000 to \$30,000 per load." Domestic freight charges have increased in response to the higher cost of fuel throughout the country. "We just got a shipment this week. The cost was up 30% from the last shipment, two or three months ago," Brooks said.

An average new Brooks trap, if there is such a thing, would cost a lobsterman slightly more than \$100 at the moment. But most lobstermen prefer traps that are modified to fish well in their particular part of the coast or offshore area, with additional components that add to overall price. "We just finished an order this



MLA photo.

Sackton said. "By controlling output." But Maine lobstermen each run their own small business; each makes individual decisions about when and where to fish.

In Newfoundland, by contrast, the price for a lobster is set before the boat ever leaves the dock. The Newfoundland Fishermen, Food and Allied Workers Union (FFAWU) represents inshore fishermen, offshore trawlers, lobstermen and plant workers in Newfoundland and Nova Scotia. Each year the FFAWU and the Newfoundland and Labrador Processors group negotiate a base price for lobster. The official price is set by a government-appointed Fish Price Setting Panel. "The Union negotiates the price for the lobster fleet and recognizes higher costs when calculating fleet price," Sackton said.

Maine has no comparable, minimum price-setting mechanism. Prices are driven by how closely the amount of lobster landed matches demand from various marketing channels for Maine's product. If consumer demand exceeds the volume of lobster available at a given time, price rises. As Sackton noted, "People who want the product will pay a higher price for it."

"The key to any of this is to market the product to increase demand," Georgianna said. "The problem with increased marketing, though, is that it benefits all in the fishery, not just those who pay for it."

As the summer progresses and the Canadian lobster processors begin opening their doors, it is likely that the price paid to Maine lobstermen will respond to increased demand. Meanwhile, Maine's lobstermen are tightening their belts and crossing their fingers.

week and those traps were \$168 apiece," Brooks said. "The same traps were around \$120 eighteen months ago."

Supply chain problems loom large in the mind of Mike Dean at Friendship Trap (now part of Brooks Trap Mill). "Some of our wire comes from Italy. Shipping costs are way up but also the wire. Italy used to get its steel from Ukraine. Now with the war they are sourcing it from Germany and it's more expensive," Dean said. "We're really between a rock and a hard place."

In addition to shipping and material costs, the costs to run a business have increased sharply. Labor costs are up, according to Brooks, as well as health insurance, workman's compensation, insurance on company vehicles, and electricity costs. "Fuel is a big part of it," Brooks said. "Fuel is obviously hurting everyone. When you add the shipping costs to the material costs, it's scary."

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MAINE'S YOUNGEST STEP UP TO SUPPORT LOBSTER FISHERY'S FUTURE

By Melissa Waterman

The Maine Lobstermen's Association (MLA) court case has elicited a true groundswell of support from within the state's lobstering community. From John and Brendan Ready's \$200,000 contribution this year to local lobster co-operatives, donations to the MLA's Save Maine Lobstermen campaign have bolstered the association's strong legal attack on the fundamentally flawed ten-year whale conservation plan mandated by the National Marine Fisheries Service (NMFS).

Yet it's not just the money that has made the difference. It's also the outflow of encouragement the funding represents. The fact that so many people want to see the MLA's case succeed reflects bedrock values of Maine lobstermen, values of family, constancy, and pride.

On Vinalhaven, high school teacher James LePage decided to make the conflict between the federal government's whale regulations and the Maine lobster fishery the focus of his 2021-2022 Civics and Economics class. "We looked at civic and economic issues through the lens of an industry closely tied with all of our students' lives and families, the lobster industry," he explained in an email. "As we tackled the nuances of the U.S. government and different economic issues, we tied those ideas to how they affect the industry, as well as current issues threatening the Vinalhaven way of life."

Lobstering is the mainstay of the island, whose year-round population is approximately 1,200 people. Vinalhaven has steadily ranked second among Maine's ports in terms of the value of species landed there, which in 2021 was more than \$55 million. Any changes in the fishery will have a deep impact on the island.

LePage's students created a podcast to talk about issues relating to federalism. In federalism, political power is divided between states or provinces and a national government. The Tenth Amendment to the Constitution articulates federalism in the United States: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

The students looked at the new whale regulations through the lens of federalism. Students interviewed state representative and lobsterman Genevieve McDonald of Stonington and Barbara Skapa, the executive director of the group Mainers Guarding Right Whales. Through the podcast, students became more and more aware of the threat the Maine lobstering industry is facing.

The final class project was to choose a local issue threatening Vinalhaven and start a fundraising effort to create positive change. "At the outset of the year, I had no idea which direction this project would take. Obviously, there are many issues which could have taken hold, yet by April it was clear the threat facing the Maine lobster fishery was paramount," LePage said.

Through coin drives, a raffle ticket fundraiser, and a cornhole tournament in June, the students raised over \$1,800. Later that month, LePage presented a check for that amount to MLA executive director Patrice McCarron at an event on the island.

Other young people have made clear their support of the MLA's efforts as well. Ed Foye of Eliot and his children received reimbursement checks in July for the cost of their lobster licenses and trap tags this year. Foye had been following the chatter on the Facebook page "All Things Lobstering" where lobstermen were suggesting that reimbursement checks be sent to the MLA. "I got mine and then the kids got theirs. We talked about it and decided to donate," Foye said.

His children are the fifth generation in the family to be fishermen and they know what it means to work hard for their money. Owen Foye, 24, bought his late grandfather George's boat after long years as a sternman. Larsen, 21, works




Vinalhaven came out in force in June to support students' fundraising for the MLA's Save Maine Lobstermen campaign. J. LePage photo.

with his father and is saving money to buy his own boat but sent in his reimbursement check anyway. Daughter Raegan, 19, hauls her 120 traps from an 18-foot skiff, works as a third man on another lobster boat and builds traps for other lobstermen in town.

"I'm impressed with how the court case is going," Ed Foye said. "I think the MLA's getting some real facts out. We've got to pool our money together to stop this crap."

From Machias to Kittery, lobstermen are pulling together to ensure that what is so valuable to them and was to their forebears remains accessible to their children and to their children's children: a sustainable, robust lobster fishery. Our deepest thanks to all of you!

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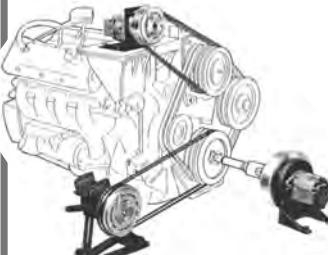
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STEAMING AHEAD

This summer is shaping up to be a stressful lobster season. Profit margins are thin. The cost of nearly everything is spiraling ever higher. The core operating costs for lobstermen — bait, fuel and supplies — have skyrocketed. In stark contrast, the looming recession and high inventory of lobster have caused a rapid, steep drop in the boat price. Having a good business plan and knowing when your boat will make money for you will be essential to remaining profitable this year.

And if that is not enough, there is the continued worry about what future right whale conservation measures will mean for each lobsterman. In late July there were rulings from two different courts — on the environmental organizations (eNGO) and Maine Lobstering Union (Union) cases — with the sobering news that more will need to be done to protect right whales. There is still no ruling in the MLA case.

With all the stress you are under, please know that the MLA continues its fight to ensure a future for Maine's lobster fishery. The MLA's lawsuit seeks a course correction from National Marine Fisheries Service (NMFS) so that the risk reductions lobstermen are asked to meet more closely match the actual risk from our fishery.

The MLA's lawsuit sets the facts straight on known causes of harm to right whales and lays out how NMFS cherry-picked the science, often using unsupported assumptions, to justify its mandate for Maine's lobster fishery to reduce its already minimal risk to right whales by 98%.

The MLA's 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 the fable, in spite of contrary scientific evidence, that vertical lines in Maine waters are an existential threat to right whales that only ropeless fishing can fix.

In late July the District of Columbia District Court ruled in the environmental organizations' case that both the 2021 Biological Opinion and Final Rule are invalid. There is no way to sugarcoat this outcome. It is extremely concerning.

The federal lobster fishery cannot be authorized without a legal Biological Opinion in place. Furthermore, meeting the mandates of the Endangered Species Act and the Marine Mammal Protection Act with NMFS's current interpretation of the science is nearly impossible. Fortunately, the Court is allowing the lobster fishery to continue while it is briefed on potential solutions that will bring the Biological Opinion and Final Rule back into compliance with the law. The Court has set a schedule for briefs to be filed beginning in mid-August and wrapping up in late October.

In the meantime, the MLA, intervenors on our side (state of Maine, Massachusetts Lobstermen's Association, Lobstering Union), and NMFS have all asked the Court to rule on the MLA case before deciding the remedy for the environmental organizations' case. The court has requested briefs on this matter to be submitted for consideration in early August. The parties hope to convince the Court that it is imperative for NMFS to get the science right before it asks NMFS to revise the Biological Opinion.

As this unfolds, the importance of MLA's case becomes more clear. If the Court sends the Biological Opinion and Final Rule back to NMFS without ruling on MLA's case, then the "fix" will continue to be based on the agency's flawed use of data. If the underlying scientific basis is not remedied, the result will produce an even harsher outcome for the lobster industry.

There's not a lot of wiggle room in all of this for anyone. NMFS must comply with the Endangered Species Act and the Marine Mammal Protection Act. Given the dire status of the right whale population and the continued occurrence of serious entanglements that cannot be traced to a fishery, these laws require that more be done to protect right whales.

It is unrealistic to think we could change the Endangered Species Act or the Marine Mammal Protection Act. But through the Court, we have an opportunity to change how NMFS implements these laws.

The MLA's lawsuit demands that NMFS meet the legal requirements in both laws that call for it to use the best science available. The science shows Maine lobster gear has never been known to kill a right whale or even entangle a whale since 2004. It shows that since 2015 U.S. vessels strikes have killed or seriously injured six whales compared to zero incidents documented in U.S. commercial fisheries. It reveals that Canadian fishing gear continues, by far, to be the predominant gear removed from entangled whales.

NMFS is also not properly accounting for the science that shows right whales are moving away from where Maine lobstermen fish and will move even further away by 2050. Or that right whales are adapting to a shifting climate and are once again successfully foraging and producing young.

The agency also deliberately ignores the fact that right whales perish from natural causes like shark predation, while also showing up in unexpected places, like Europe and the Gulf of Mexico, indicating that potentially important habitats are not being surveyed. These animals should not be considered dead, as NMFS classifies them, simply because they may have migrated away from their prior range.

I wish we could make this all go away, but that is not possible. The MLA 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 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.



The MLA is waging its legal fight for today's lobstermen and for the next generation. MLMC photo.

Patrice



MAINE LOBSTERMEN'S ASSOCIATION UPDATE

MLA DIRECTORS MEETING SUMMARY

MLA Directors met at Darby's in Belfast on July 6. Patrice provided several updates on right whales including the status of court cases, Take Reduction Team and recent maneuverings by the environmental community (see whale updates below). She also provided several updates on offshore wind including BOEM's plan to lease wind areas in the Gulf of Maine by Fall of 2024 and the recommendations under development through Maine's Offshore Wind Roadmap planning process.

The ASMFC will require electronic trackers (VMS) on federal lobster boats by December 2023. They have delayed any decision on the "resiliency addendum" which could result in an increase in Maine's minimum gauge until the fall or later. ASMFC will discuss its approach to move this forward during the August meeting.

All commercial fishing license holders will be reimbursed by the state of Maine for all licenses and tags purchased in 2022 with the last round of CARES Act relief money. The MLA is extremely grateful that many lobstermen have generously signed those checks over to the MLA Legal Defense Fund. Congress appropriated \$17 million to the lobster industry for 2022 which includes \$10 million to offset the cost of compliance with whale rules (no details on this funding yet) and \$4 million to pay for the implementation of the electronic trackers on federal vessels. It also includes \$2 million to fund right whale research through Sea Grant, \$300,000 for plankton monitoring and \$760,000 to fund outreach to the lobster industry to prepare for the next round of whale rules. Congress also announced that there will be an additional \$14 million coming to the lobster industry in 2023 to assist with compliance with whale rules.

The MLA is partnering with RODA and University of Maine on a pilot project to use data collected by lobstermen using Olex or Time Zero on their boats to demonstrate its utility in mapping where and when lobstering takes place. Because lobstermen are collecting the data, they will continue to own it data and retain authority over how these data are used. MLA is also partnering with DMR and other fishing associations to test new virtual gear location technologies and gear modifications to reduce risk to whales. This project has been recommended for funding by Sea Grant.

The *Save Maine Lobstermen* campaign continues to gain steam. MLA has raised over \$1 million and MLA is extremely grateful for the continued outpouring of support. The bills to keep the industry in this fight are massive and we still have a long way to go.

Chilloa Young has announced that this will be her last year as Maine Fishermen's Forum Coordinator. The forum is seeking applications from those interested in replacing Chilloa so that they can work with her on the 2023 forum.

The board discussed their concern over the cost structure of the lobster industry this season. Lobster prices continue to decline and costs continue to increase. Bait prices are reaching historic highs and there is concern about bait availability later in the season. The MLA Board then held an executive session.

OFFSHORE WIND UPDATES

The Governor's Energy Office (GEO) contractor, DNV, is completing several technical studies to inform Maine's strategic plan (Offshore Wind Roadmap) for offshore wind development. The MLA has been asking how many turbines could be built in the Gulf of Maine and we have gotten our first answer.

DNV estimates the region will demand 11,216 MW of offshore wind from the Gulf of Maine. This translates to 800 turbines with existing turbine technology (14 MW turbines) or 561 turbines with potential higher capacity turbines (20 MW turbines) in the Gulf of Maine. The scenario that DNV analyzed is based on future renewable energy needs for Maine and New England through 2050 and accounts for the region's decarbonization goals, growing electric demand, and a diverse portfolio including onshore wind, solar and offshore wind.

The Offshore Wind Advisory Committee met in mid-July to review the draft strategies for potential inclusion in the final plan. The Fisheries Working Group has proposed that offshore wind only be sited offshore of LMA 1 to avoid conflict with 80% of the region's commercial fisheries, avoid complex and sensitive bottom habitats, minimize economic impact, and reduce conflict and risk to offshore wind developers. This proposal remains under consideration for inclusion in the plan.

RIGHT WHALE UPDATES

Take Reduction Team

NMFS has made it clear that the lobster industry must increase its risk reduction from 60% to 90% in the very near future. NMFS is working to finish regulations to reduce risk from gillnet fisheries and then they will begin new rule-making for the lobster fishery. NMFS continues to refine the Decision Support

Tool (DST) which it uses to assess the risk of each fishery to right whales, and how much credit is given for various management approaches. The next round of TRT meetings is scheduled for September.

Center for Biological Diversity (CBD) vs Raimondo

The US District Court for the District of Columbia issued an Order on July 8th in the lawsuit against the federal government by three environmental groups (e-NGOs) claiming NMFS has not done enough to protect right whales. The Judge ruled that the 2021 BiOp and Final Rule are invalid but the lobster fishery will continue to operate while the Court decides on the remedy.

The Court wrote, "the crux of the problem is that the 2021 BiOp projects that in the coming years the American lobster fishery will continue to potentially kill and seriously injure North Atlantic right whales at over three times the sustainable rate. This is expected to occur even after the implementation of the 2021 Final Rule amending the ALWTRP and even though zero lethal take is authorized... The Court also finds that the 2021 Final Rule did not attempt to meet the take-reduction measures that it was obligated to under the MMPA within the required timeline. The Court therefore declares the 2021 BiOp and 2021 Final Rule invalid."

The court has set the schedule for all parties to submit briefs on remedy which will be concluded by late October. The court will then consider that information before it issues its ruling.

Maine Lobstermen's Association (MLA) vs National Marine Fisheries Service

The MLA case is pending before the same court and judge as the environmentalist's case in DC District Court. MLA's lawsuit claims that NMFS made arbitrary decisions about the need for measures to protect right whales due to interactions with lobster gear because they relied on flawed science as the basis of the new BiOp and Final Whale Rule. No decision has yet been issued in the MLA case.

Maine Lobstering Union (Union) vs National Marine Fisheries Service

The Union case is pending in US District Court for Maine before Judge Walker. The Union's case claims the LMA 1 Seasonal Restricted Area (LMA 1 closure) is not legal. The Judge issued a preliminary ruling to allow gear to be fished in the LMA 1 closure last fall, but his decision was overturned by the First Circuit Appeals court and the closure was implemented in 2021. The First Circuit Appeals Court issued its final ruling upholding its preliminary decision that the closure should remain in place. The case has not yet received a full review of the evidence in a hearing before the District Court of Maine.

Objection to Gulf of Maine Lobster MSC Recertification

A coalition of environmental groups (Defenders of Wildlife, Natural Resources Defense Council, and Animal Welfare Institute) have filed a formal petition to the Marine Stewardship Council opposing the recertification of the Gulf of Maine lobster fishery claiming that the fishery threatens the North Atlantic right whale. The objection is still making its way through the MSC system.

Environmental Groups Continue Attack on Lobster Fishery

The environmental group Oceana has petitioned an international body under the US-Mexico-Canada Agreement to investigate how the U.S. enforces its laws to safeguard the North Atlantic right whale. The group alleges that the U.S. has been soft on enforcement for at least 20 years. There has not yet been a vote on whether the probe will be undertaken.

NMFS Releases Report on US Large Whale Entanglements for 2020 and 2019

NMFS released its 2019 and 2020 U.S. reports on large whale entanglements. The 2020 report identified 53 confirmed entanglements, down from 75 in 2019. Four of the 53 entanglements involved North Atlantic right whales.

- RW 3920 (Cottontail), first sighted entangled in Oct 2020 off Nantucket. The whale was found dead in Feb 2021. NMFS determined the entanglement was "consistent CN snow crab trap/pot."
- RW3180 (Dragon) was first sighted entangled in Feb 2020 off Nantucket and was determined by NMFS to have a serious injury.
- RW Unknown was first sighted in March 2020 Off Georges Bank and is determined by NMFS to have a serious injury.
- RW 4680 was first sighted entangled in Oct 2020 off New Jersey and is determined by NMFS to have a pro-rated serious injury.

Northeast Science Center Request for Permit to Test Ropeless Lobster Gear

The MLA opposed an Exempted Fishing Permit (EFP) request from the Northeast Fisheries Science Center to allow up to 100 lobster boats to test ropeless fishing gear, giving priority to those who would test it in during seasonal closures. The MLA is concerned that proposed research will not answer the fundamental question of how lobstermen could fish ropeless gear as part of the normal commercial fishery to address issues of gear conflict and the ability to maintain catch rates. The MLA also cited strong concern over granting a small number of lobstermen access to a closed area while the majority of those who usually fish there are excluded.

Continued on page 8



MAINE LOBSTERMEN'S ASSOCIATION UPDATE

MLA update continued from page 7

Blue Planet Strategies to expand EFP to test fully ropeless gear

Blue Planet Strategies has been testing ropeless gear in the lobster and gillnet fishery by deploying a regular buoy system on one and a ropeless system on the other. The group's current permit authorized up to 12 vessels in 2022 to test ropeless systems in the gillnet fishery (max of 140 gillnet deployments and 96 hour soak time expected) and Area 1 and 3 lobster fishery (max of 800 lobster trap deployments and 4 to 8 day soak days/pot expected). NMFS has granted preliminary approval to expand the permit to allow fully ropeless gear to be tested the shipping channel known as the "Southern Channel" or "Southern Route" in Frenchman Bay (Downeast Maine). This new work is expected to account for approximately 100 of the 800 deployments approved in 2022.

MLA AND FISHING INDUSTRY MEET WITH HEAD OF NMFS

The head of National Marine Fisheries Service, Janet Coit, visited Maine during the week of July 18th. MLA participated in a meeting with her and several fishing industry leaders at DMR's Boothbay office. We listened to concerns about the industry's concerns over the threat of offshore wind to commercial fisheries, as well as concern over NMFS's management approach and the extreme risk reductions mandated for the lobster and gillnet fisheries NMFS has determined are necessary to protect right whales.



Patrice McCarron, left, and Janet Coit, assistant administrator for NOAA Fisheries, right. NMFS photo.

Ms. Coit listened intently and expressed her desire to improve the relationship between NMFS and Maine's fishing industry. MLA presented a ten point action plan on how NOAA leadership can improve the broken process of working with lobstermen to conserve right whales. The MLA respectfully asked NMFS to do the following:

1. Understand the shortcomings in the Biological Opinion by reading MLA's response brief in MLA v. NMFS (filed May 13, 2022).
2. Recognize publicly that the impact of the 10-year Conservation Framework presents core issues of cultural preservation and fundamental equity for rural lobstering communities in Maine.
3. Co-develop the Roadmap to Ropeless Fishing with the State of Maine and the lobster industry by consulting with us before it is proposed for public comment.
4. Respond to the merits of MLA's request to correct known flaws in the 2021 Biological Opinion under NOAA's Information Quality Act guidelines (MLA's request was submitted June 7, 2021).
5. Grant the MLA and the State of Maine Applicant Status under Section 7 of ESA in future consultations concerning the Maine lobster fishery. (MLA applied for Applicant Status on October 1, 2019 which was summarily rejected by GARFO on October 24, 2019).
6. Stop prioritizing investment in ropeless fishing solutions at the expense of other viable options.
7. Allocate funds to conduct surveillance of all areas closed to fishing for right whale protection.
8. Formally include the State of Maine in negotiations with Canada on right whale management issues.
9. Include the State of Maine as independent peer reviewer on NMFS's scientific assessments and related modelling of right whales and entanglement risk.
10. Designate the Maine state waters lobster fishery as a separate Category II fishery under the MMPA List of Fisheries.

MLA MEETS WITH SENATOR KING, GOVERNOR MILLS

The MLA also had an opportunity to meet with both Senator King and Governor Mills during separate meetings during July. MLA again expressed its concern over the potential impact that offshore wind development would have on Maine's commercial fisheries, and our deep concern over of the implications of NMFS's 10-year whale plan for the lobster fishery. Each conversation was very productive.

OLEX AND TIME ZERO USERS – WE NEED YOU!

MLA is partnering with commercial lobstermen, RODA and UMaine on a new project to explore how the data lobstermen collect during normal fishing operations can be used to benefit the industry as future whale rules and offshore wind development move forward. MLA is seeking lobstermen who run Olex or Time Zero to volunteer to participate in this project. Lobstermen's data collected with Olex or Time Zero will be downloaded and housed at the Fisheries Knowledge Trust, which is under RODA, to ensure that fishermen retain full ownership and decision making regarding how the data may be used. UMaine will enter into an Memorandum of Understanding with the Fisheries Knowledge Trust so they can create maps and other data products approved by fishermen. For more information or to volunteer to participate in this project, contact Patrice at patrice@mainelobstermen.org.

2022 HERRING SEASON

The 2022 Trimester 2 herring season — which runs from June 1 to September 30 — officially opened on July 10 with five landing days, Sunday through Friday. The weekly landing limit for Atlantic Herring Limited Access Category A vessels is 240,000 pounds (or 6 trucks). Harvesters may not transfer herring to carrier vessels while at-sea. Carrier vessels may not receive herring from a harvester vessel while at-sea.

2022 Herring Annual Catch Limits (ACL)			
Catch as of 7/21/2022			
	Quota	Catch	% Quota
Area 1A	1,075	200	19%
Area 1B	0	0.4	0
Area 2	1,295	72.8	6%
Area 3	1,817	1826	100%
ACL***	3,813	2099	55%

2022 MENHADEN SEASON

Under the ASMFC Menhaden Plan, Maine is allocated 0.52% of the coastwide Total Allowable Catch (TAC) for menhaden. This translates to an allocation of 2,194,080 pounds for the state directed fishery which opened on June 13 and was quickly exceeded due to a five-fold increase in participants.

On June 21, the state then opened the Episodic Event Set Aside (EESA) program which receives 1% of the coastwide total allowable catch (TAC) which is 4,285,786 pounds. This year, both Maine and Massachusetts accessed this quota. The fishery is limited to Tuesdays and Fridays only due to the increased participation, and harvesters are restricted to a single landing of 6,000 pounds per vessel daily with same day reporting required, and 12,000 pounds per week.

The incidental catch and small scale fishery for menhaden may occur following the full utilization of both the state allocation and episodic event fishery. Daily landing must not exceed 6,000 pounds and total weekly landings must not exceed 18,000 pounds per harvest vessel Mondays, Wednesdays and Fridays. All menhaden must immediately be stored in barrels, crates or fish totes, or a combination thereof. If you are in possession of a menhaden noncommercial license, then the individual may harvest up to 1,050 lbs Monday through Sunday. Weekly reporting of daily trips are required Sunday prior to midnight.

New MLA Board Member

The Maine Lobstermen's Association Board of Directors welcomed Jarod Bray, 38, at its annual meeting in June as the Board's newest member. Bray lives on and fishes from Matinicus aboard *Artemis*, his 46-foot Wesmac. He steps into the seat vacated by Tad Miller, who served on the board for 16 years.

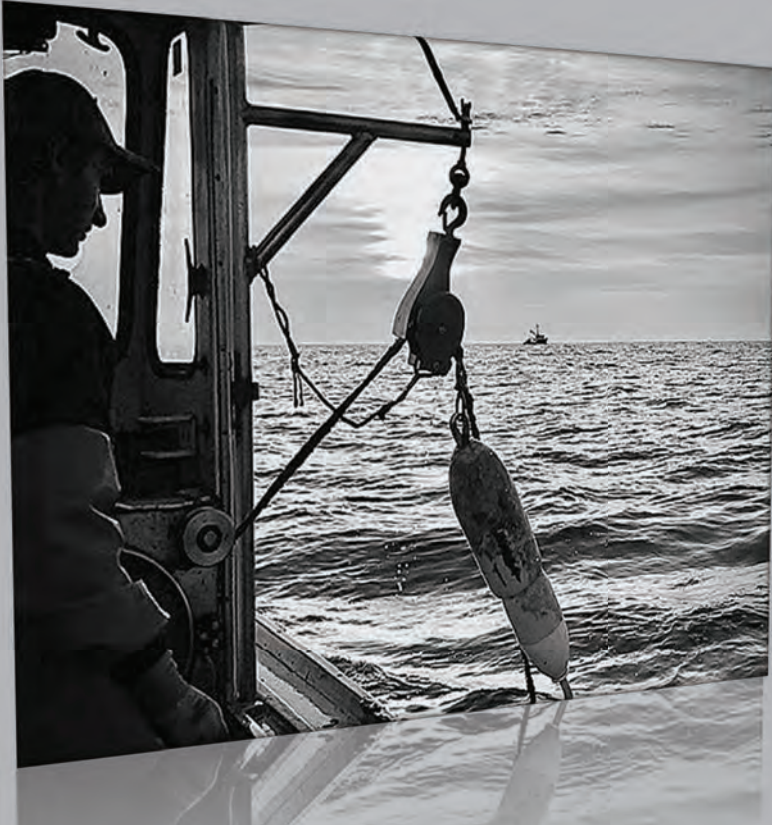


"Tad and I are close and I knew he wanted to step down," Bray said. "I felt that being on the board was the best way to have input and to get firsthand information. I can trust what I'm hearing from the other board members and Patrice."

Like many Maine lobstermen, Bray is dealing with a multitude of factors this year. While the new whale protection regulations are at the top of his mind, he also worries about a perpetual threat to the fishery, lack of bait. "Bait is a big concern. It is hard to get now because of shipping and COVID. It's certainly hard to get what you want in late summer and fall. We need to keep an eye on it," he said.

Maine Lobstermen's Association

Protecting Maine lobstermen, now & for the future.



The issues facing Maine's lobster industry have never been more complex, and MLA has never worked harder to preserve our lobstering heritage and our way of life. Your membership in MLA is critical.

- MLA is battling the federal government's 10-year whale plan through litigation and regulatory action, engaging with scientific experts, developing innovative gear solutions, and building public support for Maine's lobstering families.
- MLA's lawsuit against NMFS seeks a course correction from NMFS to match the risk reduction mandate to risk posed by Maine's lobster fishery.
- MLA is challenging offshore wind development in the Gulf of Maine to minimize its negative impact our fishing industry.

We face an uncertain future - but your membership will help keep us in the fight!

Renew your membership today.

Online | By mail | By phone



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- Harvester \$275
- Harvester Family* \$350
- Junior Harvester (under 18) \$150
- Senior Harvester (over 65) \$150
- Retired Harvester \$75
(no longer a captain)

**family memberships are for spouses and children under 23 living at home*

Individual Membership Levels:

- Sternman \$75
- Lobster Friend \$125
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Yes, I want to add my sternman for \$50!

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SCHEDULE

18 JUNE * Boothbay Harbor Ashlee Lowery (207) 808-9230	2 JULY * Moosabec Reach, Beals Island/Jonesport Roy Fagonde (207) 610-4607	24 JULY Harpswell Amanda Peacock (207) 756-3104 Kristina York (207) 449-7571	20 AUGUST* Long Island Lisa Kimball (207) 332-3968 Amy Tierney (207) 317-1576	15 OCTOBER Annual Meeting/Awards Banquet Robinson's Wharf, Southport Jon Johansen (207)-223-8846
19 JUNE Rockland Nick O'Hara (207) 542-4348 Mike Mayo (207) 542-1879	10 JULY * Stonington Cory McDonald (207) 664-4525	13 AUGUST * Winter Harbor Chris Byers (207) 963-7139	21 AUGUST Portland Katie Werner (207) 807-1832	All Races: Sign-up 8 to 9 AM Races Start 10 AM
26 JUNE Bass Harbor Colyn Rich (207) 479-7288	17 JULY Friendship Robin Reed (207) 975-9821	14 AUGUST Merritt Bracket, Pemaquid Brent Fogg (207) 563-6720 Sheila McLain (207) 677-2100	The MLA will be at the races marked with an *	Exception: Long Island: Sign up 10 to 11 AM, Start 12 PM.



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Consumers and seafood buyers are showing increasing interest in sourcing sustainable products. The MLMC is highlighting the Maine Lobster fishery's long history of sustainability through various tactics:

- Lobsterman Mike Sargent conducted over 20 broadcast media interviews in one day, resulting in 789 TV and radio placements in 15 distinct markets and over 25 million impressions.
- MLMC issued an article entitled '5 Reasons to Add Lobster to Summer Meals' that appeared over 1,200 times in 900+ markets with almost 5,000 social media engagements.
- Our new sustainable video series launches in August and through our paid advertising program will reach discerning consumers across the country with stories of the industry's longstanding commitments to protecting the environment.



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TO YOUR HEALTH: *Stress, anxiety and moral injury among fishermen*

By Monique Coombs

The Maine lobster industry has a long history of sustainability practices and an ongoing commitment to right whale protections. When these practices and commitments are called into question, it's not just a lobsterman's business that is impacted — lobstermen are being harmed as well.

Over the past year, the Maine Coast Fishermen's Association has been part of a partnership working on a podcast called Fishing Forward. Fishing Forward is inspired by fishermen, for fishermen, with a focus on health, safety, and staying shipshape in the commercial fishing industry. It is funded by the Northeast Center for Occupational Health and Safety and produced by the team at Coastal Routes Radio at the University of Guelph and Dalhousie University in Canada. Episodes include topics like sleep and nutrition and feature guests from organizations such as the Texas Shrimp Association and Newport Fishermen's Wives Association.

While working on this project, I have learned many new things about both commercial fishing and health. One episode in particular has stuck with me more than all the others — *Episode 11: Stress, Anxiety, and Moral Injury*. Moral injury refers to the intense psychological distress which can follow actions, or the lack of them, which strongly clash with someone's moral and ethical code.

For example, very often when people become doctors it is because they want to help other people. Unfortunately, though, over time doctors (and nurses and physician assistants) find themselves in situations when their desire to do the right thing is restricted by institutional or systemic constraints that force them to act in a way that is in conflict with what they feel is morally right. For example, being unable to provide someone the medication they need because of cost, being unable to spend as much time with a patient as they see fit because of scheduling requirements, or spending more time on paperwork than on important research can cause intense stress.

Since the 1980s, the term moral injury has been used to describe "an injury to an individual's moral conscience and values resulting from an act of perceived moral transgression, which produces emotional guilt and shame, and in some cases a sense of betrayal and anger." So, if a doctor is unable to do what they think best for a patient because of bureaucratic restrictions, they might suffer moral injury, especially when it happens repeatedly.

In Episode 11, Dr. Travis Hall, a New York clinical psychologist, explains how certain medical diagnoses like Post Traumatic Stress Disorder or generalized anxiety disorder reduce a person's experience to a medical category, thereby negating their personal experiences and even alienating them. This limits how we understand someone's suffering, and makes it seem as though the problem is because of the individual rather than the system in which the person exists.

The other thing that is important to note about moral injury, as Hannah Harrison, Fishing Forward podcast co-host, points out is that it "tends to be greatest in circumstances where a person has the least amount of power over the conditions in which they work."

One way that fishermen exert control over their surroundings is to work harder. Hall talks about his experience working with the farming community: "Something breaks down, something goes wrong, you might have a week without sleep, but you know your work ethic and resilience and determination will get you through it. However, with the advent of issues that the farmer exerts no control over, working harder is no longer a viable solution, and in some ways contributes to the suffering," he said.

To be clear, I am not a therapist or psychologist, nor have I studied moral injury beyond research for my own understanding. When I first heard about moral injury, and then continued to read about it, however, its pertinence to the commercial fishing industry was obvious to me.

In a 2019 video from the Maine Lobster Marketing Collaborative, lobsterman

Dwight Carver says, "None of us want to harm a right whale. That would be one of the saddest days of my life to come upon that." Despite many lobstermen feeling similarly, and despite the Maine lobster fishery's minimal risk to right whales, NMFS's ten-year whale plan requires the Maine lobster fishery to reduce its risk by 98%, an untenable goal. The plan will end the Maine lobster fishery but won't save right whales.

Many Maine lobstermen say they are feeling burnt out about this issue, but it is not burnout. Burnout implies that a person feels overwhelmed because of their position and actions taken about a topic. Moral injury shifts the focus: the system is the issue.

Reframing this issue is important for the health and well-being of Maine lobstermen who care about marine species, who value a strong work ethic, and who have for generations been successfully conserving the lobster resource. Being a fisherman for most is not just a career but a way of life, fundamental to their identity. The right whale issue creates stress and a toxic atmosphere for fishermen who feel scapegoated and vilified, despite their lifelong dedication and commitment to the sea.

It's hard to identify a solution to this problem. The commercial fishing industry is the seventh most regulated industry in the United States, with 13,218 restrictions as of 2014. That's more than oil and gas extraction (11,955 restrictions) and pharmaceutical and medicine manufacturing (11,505 restrictions).

Thinking about further restrictions is incredibly overwhelming to lobstermen. The reactions and emotions Maine lobstermen are having are completely valid and, as pointed out in the Fishing Forward podcast, are not going to be managed away with deep breathing and yoga.

Yet as Hall noted "Understanding that these events have a name — moral injuries — and that they can deeply affect fishermen seems like a good first step in addressing them."



Monique Coombs is director of community programs at the Maine Coast Fishermen's Association. M. Coombs photo.



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Biop continued from page 1

juncture do not dictate that it must immediately shutter the American lobster fishery; indeed, it is cognizant of what a weighty blow that would inflict." Instead, the Court has requested that the parties submit additional briefs for consideration before it decides on next steps.

The judge granted three of the environmental groups' six claims as the basis of invalidating the 2021 Biop and Final Rule. First, NMFS did not make a valid "negligible impact" finding under the MMPA that any incidental take from the fishery will not adversely affect right whales. Second, NMFS did not issue a legal Incidental Take Statement (ITS) in the Biop, which is required for the lobster fishery to operate. Third, NMFS did not reduce right whale mortality and serious injury to below potential biological removal (PBR) PBR within six months of implementing the Final Rule, which is required under the MMPA.

The judge wrote, "The crux of the problem is that the 2021 BiOp projects that in the coming years the American lobster fishery will continue to potentially kill and seriously injure North Atlantic right whales at over three times the sustainable rate. This is expected to occur even after the implementation of the 2021 Final Rule amending the ALWTRP [Atlantic Right Whale Take Reduction Plan] and even though zero lethal take is authorized. . . . The Court also finds that the 2021 Final Rule did not attempt to meet the take-reduction measures that it was obligated to under the MMPA within the required timeline. The Court therefore declares the 2021 BiOp and 2021 Final Rule invalid."

The judge noted that "the Court recognizes that this[ruling] may seem a severe result for the lobster industry and NMFS. But no actor here — neither the Court nor the Service — operates free from the strict requirements imposed by the MMPA and ESA."

Senior attorney for plaintiff Defenders of Wildlife Jane Davenport said "[t]he court's decision recognizes what [NMFS] has ignored for decades — that Congress clearly intended to protect right whales from the lobster gear entanglements that are driving the species toward extinction just as surely as whaling nearly did."

The MLA lawsuit challenges the arbitrary fashion in which NMFS has treated science throughout the BiOp and rulemaking process. It also objects to NMFS's unsupported finding that the lobster fishery is harming right whales in violation of the law. The MLA believes that NMFS has overestimated the lobster industry's risk to right whales.

The MLA's lawsuit describes how NMFS cherry-picked the science, often using unsupported assumptions, to justify its mandate for Maine's lobster fishery to reduce its already minimal risk to right whales by 98%. MLA claims that NMFS also wholly neglected mandatory legal requirements to assess the economic and social costs of their actions. The Court acknowledged that, after further review, NMFS may find "that projected take [of endangered whales] is in fact lower than originally estimated."

MLA's executive director Patrice McCarron noted that, "This is precisely why MLA filed its own lawsuit against NMFS. The Court's ruling in the environmental groups' case is based on flawed assumptions and inflated hypothetical estimates that are unsupported by the agency's own data. These are issues that MLA believes the court must direct the agency to examine rigorously."

The MLA is encouraged that the Court is "[c]ognizant of the potential effects of this ruling on the lobster industry — and on the economies of Maine and Massachusetts" and that in coastal Maine, "the lobster supply chain has an economic impact . . . of \$1 billion annually" and benefits numerous fishermen and their families.

"We are encouraged that the Court has not shut down the lobster fishery and will hear from all of the parties before it makes any decisions about the future of the

lobster fishery," stated McCarron.

The Court schedule for parties to submit briefs on how to resolve this case starts in mid-August and ends in late October. A decision would be forthcoming after that.



After the July court ruling, even more is riding on the MLA's legal case against NMFS. MLA photo.

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LOBSTERMEN DIVERSIFYING THROUGH KELP AQUACULTURE

By Melissa Waterman

Brown and glistening, curled at the edges, more than eight feet in length — who would think that a fresh strand of sugar kelp grown during the winter could be such a money maker for Maine lobstermen?

Yet it is.

Kelp harvests in Maine are up due to the growth of small, individually owned kelp farms, many of them operated by lobstermen. The kelp, which is seeded and grows during the winter, provides an additional source of income for some lobstermen, many of whom fish principally in the summer and fall months. And it has the added ecological benefit of drawing dissolved carbon dioxide out of an increasingly warm and acidic Gulf of Maine.

Kelp farming is not difficult for lobstermen like Greg Morris of Port Clyde or Steve Train of Long Island, two of the lobstermen growing the algae for the Biddeford-based company, Atlantic Sea Farms. Lobstermen have the vessels and knowledge of the sea to transition into this form of aquaculture easily after their traps are hauled for the year. As Sebastian Belle, executive director of the Maine Aquaculture Association, said in a recent article, “Maine has the ability to grow a lot of kelp along its highly indented and well flushed coast. The question is, who wants to buy it?”

Atlantic Sea Farms does. Since 2018, when Briana Warner became CEO, the company has increased its purchase of kelp from 30,000 pounds a year to one million pounds in 2021. It now works with 27 contracted farmers to grow two types of kelp, sugar kelp and skinny kelp. In a very short time, the company has helped turn Maine into the nation’s top producer of seaweed.

To grow kelp, one sets an array of horizontal ropes seeded with kelp spore about seven feet below the water’s surface in late fall. The ropes are held in place by a web of surface moorings in an area leased from the state. Over the winter months the kelp grows and lengthens and is harvested in the spring. Kelp grows between three to eight pounds per foot of line. A farm of about

13,000 feet of rope can potentially bring in between \$20,000 to \$57,000 at harvest time.

Lobstermen contracting with Atlantic Sea Farms receive the seeded rope, assistance with the design and layout of the farm, and help throughout the season. Because lobstermen typically already have equipment such as a boat and buoys, start-up costs tend to be lower for them than for those who have never

worked on the water before. Atlantic Sea Farms guarantees each lobsterman that the company will buy however much kelp is grown each spring.

While the kelp is growing, it is also providing a valuable environmental service. Nichole Price, senior research scientist and director of the Center for Seafood Solutions at Bigelow Laboratory in East Boothbay, has found that sugar kelp is extremely efficient at absorbing dissolved carbon dioxide. Higher levels of carbon dioxide in salt water increases the acidity of the water, which in turn affects the ability of shellfish to grow and maintain their calcium shells. Sugar kelp’s absorption ability is so great that it creates a low acidification zone in the area in which it grows, termed “the halo effect.”

With abundant supply and eager contractors among lobstermen, Atlantic Sea Farms is now finding ways to take nutritionally dense kelp in new market directions. It recently opened a new 27,000-square-foot facility in Biddeford for its kelp seed nursery and production work. It developed a flash-freeze process for the kelp that allows it to sell fresh, rather than dried kelp, to restaurants and other businesses, and now offers blanched, shredded, pureed, powdered, fermented, and whole-leaf raw kelp products. Atlantic Sea Farms also produces its own products, such as fermented seaweed salad, a seaweed kimchi, and most recently, cranberry and wild blueberry kelp cubes that can be used as ingredients in smoothies.

Diversity is the key to survival when you work on the coast of Maine, a lesson the lobstering community knows well. Kelp farming is one route to increased economic security taken by a growing number of lobstermen in the state.



With their on-the-water knowledge, lobstermen are finding kelp aquaculture a sound winter business. Photo courtesy of tastemaker.com.

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In the NEWS

SEAFOOD PROCESSORS, DEALERS RECEIVE MORE THAN \$15 MILLION IN AID

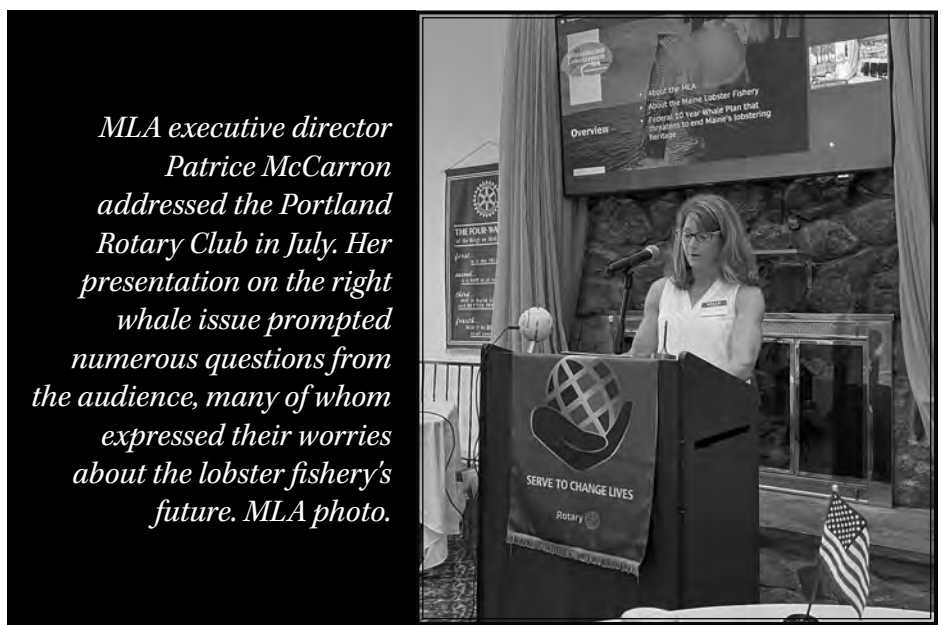
More than \$15 million was awarded earlier this summer to 107 Maine seafood dealers and processors to help increase the supply of Maine-harvested seafood, strengthen their ability to deliver to markets, and create and sustain jobs throughout Maine's seafood industry. Businesses in every coastal county received awards, with more than half the awards above \$115,000. The funds were made available as competitive grants through the Seafood Dealer and Processor COVID-19 Response and Resilience Program (SDPP) established by the Governor's Maine Jobs and Recovery Plan. The program uses \$10 million from the Governor's Jobs Plan, \$5 million from the federal Consolidated Appropriations Act, and \$850,000 from the USDA Seafood Processors Pandemic Response and Safety Block Grant Program. The Maine Technology Institute administered the program on behalf of the Maine Department of Marine Resources.

FEDERAL FUNDS POSSIBLE TO HELP MAINE LOBSTERMEN

If approved by Congress, Maine's lobster industry could receive a majority of the \$14 million to cover costs incurred by lobstermen complying with the Atlantic Large Whale Take Reduction Plan in 2023. The funds would be apportioned among lobstering states through the Atlantic States Marine Fisheries Commission. Funds may be used to cover costs of gear modification, configuration and marking, in both federal and state waters. These funds are in addition to the \$17 million slated to support the lobster industry in 2022, which includes \$10 million to offset cost of compliance with new whale rules, \$4 million to cover costs of new electronic trackers for federal lobster boats, and \$3 million for research and outreach.

REPORT FINDS LACK OF ACCOUNTING OF WIND PROJECTS' COSTS

A report on the threats posed to commercial fishing by offshore wind was released in July after an offshore wind conference held in Boston in May. The report, "Offshore Wind and New England Fishermen in the Gulf of Maine" was compiled by the Massachusetts Fishermen's Partnership, Massachusetts



MLA executive director Patrice McCarron addressed the Portland Rotary Club in July. Her presentation on the right whale issue prompted numerous questions from the audience, many of whom expressed their worries about the lobster fishery's future. MLA photo.

Seafood Collaborative, Northeast Seafood Coalition, and the Responsible Offshore Development Alliance. According to the report, multinational companies are fast-tracking offshore wind energy lease bids. In addition, the report found limited transparency in the lease process and that input from fisheries stakeholders has been ignored. "There has been no true accounting for the environmental, ecological, economic, or navigational concerns we have raised, nor have there been any robust studies or serious reports on those matters," the report states.

NEW WHALE-SAFE GEAR MANDATES IN 2023 FOR P.E.I.

Lobstermen on Prince Edward Island will be using different lobstering gear when they start their spring season in 2023. The gear includes ropes designed to break more easily so endangered whales won't become entangled if they swim into them. The new requirements are causing some grumblings in the island's fishing community. Lobstermen are concerned about the gear's safety, the possibility of losses, and the cost to replace existing gear.

LOBSTER CENTER OPENS IN SHEDIAC, NEW BRUNSWICK

The Homarus Centre in Shediac, N.B., opened to the public in July. The new Centre offers an immersive experience into the world of the Northumberland Strait marine ecosystem. Visitors to the center can learn all about lobster, from its biology to its global reach, in addition to facts about the local ecosystem and the fishery's sustainability. The new centre is part of the Maritime Fishermen's Union and complements Shediac's stature as a major lobstering port.











Photo courtesy of CBC.

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Events Calendar

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

August 1-4

Atlantic States Marine Fisheries Commission summer meeting, Alexandria, VA.

August 3-7

Maine Lobster Festival, free, Rockland.

August 4

SBA Small Entity Virtual Roundtable to discuss BOEM's Draft Fisheries Mitigation Guidance, August 4th, 2-3 p.m. RSVP to Prianka.sharma@sba.gov

August 7

Save Maine Lobstermen fundraiser, 3-6 p.m., Brady's restaurant, Boothbay Harbor.

August 8

Maine Coast Fishermen's Association event and auction, 6-9 p.m., Port Clyde Grange.

August 10

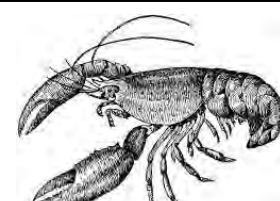
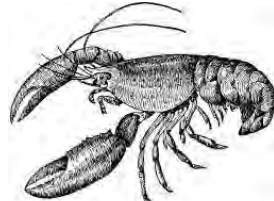
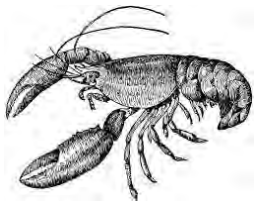
Comments due on NMFS's proposal to require Vessel Trip Reports (VTRs) for federal lobster vessels by 2023. Submit comments at <https://www.regulations.gov> and enter "NOAA-NMFS-2022-0032" in the Search box. Click on the "Comment" icon, complete the required fields, and enter or attach your comments. FMI: Allison Murphy at 978-281-9122.

August 13

Winter Harbor lobster boat races.

August 14

Merritt Brackett lobster boat races, Pemaquid.



August 18

ASMFC Northern Shrimp Section, 9 a.m. to 1 p.m., the Westin Portland Harborview. FMI: www.asmfc.org.

August 20

Long Island lobster boat races.

August 21

Portland lobster boat races.

August 22

Comments due on BOEM's draft Fisheries Mitigation Guidance. Comments can be submitted via regulations.gov under Docket number BOEM-2022-0033.

September 14

Shellfish Advisory Council meeting, 1 p.m., DMR office, Augusta.

September 20

Maine Lobster Marketing Collaborative board meeting, TBA.

September 21

Maine Offshore Wind Roadmap Advisory Committee Meeting, 9 a.m.-noon, virtual meeting.

September 27-29

New England Fishery Management Council meeting, Gloucester, MA.

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HONORING THE LIFE AND WORK OF DR. JIM ACHESON

Dr. Jim Acheson, retired University of Maine professor and author of the *The Lobster Gangs of Maine*, passed away in late June. *The Lobster Gangs of Maine* is an illuminating study of the modern lobster fishery made intimate by featuring some of Maine's local lobster families. His work gave the world insight into the fishery and way of life.

Jim wrote, "My own work has underlined the fact that the Maine lobster industry is one of the most successful co-management systems in the world. I think it is important to monitor the problems and progress of this system. If it succeeds, it is important to know what problems it encountered and how they were overcome. If it fails, it is important to know why if others are to avoid a similar fate."

He passed away unexpectedly at Maine Medical Center after facing Parkinson's disease for several years with strength and resilience. His wife of 50 years, Ann, and several other family members were by his side.

Jim was born May 2, 1938 in Dover, NH. His family moved to Maine when he was three months old, eventually settling in Augusta where Jim and his four brothers grew up. His father was in the hotel business and came to own eight hotels in Maine and New Hampshire, including the Augusta House. Jim lived and worked in several of these hotels during the first 22 years of his life, instilling in him a strong work ethic.

He received his Bachelor's degree from Colby College in 1962, majoring in biology and sociology, and his Ph.D. in anthropology from the University of Rochester in 1970. During this time, he also served in the Coast Guard Reserve (1960-1965).

Jim was a faculty member at the University of Maine from 1968-2013, with a joint appointment in Anthropology and the School of Marine Sciences. He served as chair of the Anthropology Department and as coordinator of the Marine Policy program. He also had visiting appointments at the National Marine Fisheries Service in Washington, D.C. and at several other academic institutions.

He is best known for his work with the Maine lobster industry and its system of self-governance. His lobster industry research had important practical as well as theoretical impacts. In the early 1990s, Jim was integral in the establishment of a co-management system in Maine between the government and the fishing industry that has become a national and international model.

Jim was an eminent, internationally-recognized scholar who authored over 90 articles in professional journals, along with five books, including *The Lobster Gangs of Maine* (1988) and *Capturing the Commons: Devising Institutions to Manage the Maine Lobster Industry* (2004).



Photo courtesy of the Portland Press Herald.

THE MAINE LOBSTERMEN'S ASSOCIATION, AT THE RACES!

The Maine Lobstermen's Association went to the Maine lobster boat races this summer, spreading the word about the Association's efforts to protect the fishery from NMFS's flawed ten-year whale plan.

While the threat from NMFS is serious, the races were not. We met lobstermen and their families enjoying the roar of the boats and the fun of being together. Look for us this month in Winter Harbor and Long Island! *MLA photos.*



Lobster boat racers' welcome in Boothbay Harbor.



MLA board member Bobby Ingalls catches up with Mr. Moody in Jonesport.



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