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Maine Lobstermen's Community Alliance

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# LANDINGS

News & Views from Maine's Lobstering Community

September 2022 | Vol. 30, No. 9

# MISSION UNDERWAY TO RETRIEVE, RECYCLE LOST TRAPS ALONG THE COAST

By Melissa Waterman

A lobster trap has a rough life. Tossed off the side of a lobster boat, bounced

around on the bottom by currents and tide, fetched up against rocks, the average lobster trap faces a difficult time on the seafloor before it's hauled up again. Add to that sinking groundlines that hang down and weaker endlines and it's no wonder some traps never make it back to the surface. Once the trap is separated from its buoy, it's lost to its lobsterman.

There are a lot of lost lobster traps along the Maine coast. Campbell "Buzz" Scott wants to find them.

Scott lived on Matinicus Island throughout his childhood and young adulthood. He fished from the island for 17 years. "I loved it. I seined, scalloped, lobstered, everything but longlining. That was when you could move around within different fisheries and make a decent living doing so," he recalled.

Scott knows lobstermen and understands their strong conservation ethic. "They care about the ocean, it's their livelihood," he said emphatically. So he is tracking the lost lobster traps down and bringing them to shore, where some

are reclaimed by their owners and others are recycled, turning encrusted wire and battered hog rings into something of value. He is also developing local sites along the coast where fishermen can deposit retired and unwanted traps. At these sites the traps are processed, useful materials are separated from the traps and repurposed.

Scott founded the nonprofit organization OceansWide in the early 2000s with the aim of educating young people about the ocean through immersing them in it, specifically through diving and running Remotely Operated Vehicles (ROVs) underwater. OceansWide students learn Basic and Advanced diving skills over time and use those skills to explore specific marine environments.

In 2017 students diving in Winter Harbor, Islesford and Stonington commented to *Continued on page 6* 



Lost traps being unloaded in Gouldsboro before being crushed and sent for recycling. OceansWide photo.

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# NMFS SAYS LOBSTER INDUSTRY NEEDS TO DO MORE — SOONER — TO SAVE RIGHT WHALES

By MLA Staff

The lobster industry's reaction over how to comply with the National Marine Fisheries Service's (NMFS) whale conservation mandate has escalated from anxiety to bewilderment. NMFS is telling Maine lobstermen that they haven't done enough to reverse the decline of right whales. The agency reports that its risk reduction mandate of 60% — addressed through conservation measures implemented in the May 2022 final whale rule — was too low. NMFS has also downgraded the credit the lobster industry received in the final whale rule.

NMFS established a 10-year whale plan in May 2021 that requires the lobster industry to reduce its risk to right whales by 98% by 2030. The plan established a phased-in approach achieving a 60% risk reduction in 2022, increasing to 84% by 2025, and ultimately 98% by 2030. This plan prompted the Maine Lobstermen's Association (MLA) to sue NMFS in September 2021. The lawsuit claims that NMFS overestimated the risk the lobster industry poses to right whales because the agency is basing its decisions on worst-case assumptions and models that exaggerate risk rather than an objective assessment of the best available data.

"I have completely lost faith in NMFS," said Patrice McCarron, executive director of the Maine Lobstermen's Association. McCarron proudly reports the success of Maine's right whale conservation measures that have eliminated known right whale entanglements

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Thoughts from the MLCA president



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# COASTAL OUTLOOK Thoughts from MLCA President Patrice McCarron



For many of us, September brings forth a cry of "Oh no! Not yet!" Summer galloped away and now the days will grow shorter, the nights cooler, and the tumult of summer will settle into the routine of fall. For lobstermen, on the other hand, this is the busy time, peak lobstering season, when lobsters flow across the docks and ultimately onto the dinner plates of eager diners here and abroad. It's a time to be cheerful, right?

As Department of Marine Resources Commissioner Patrick Keliher writes this month in an update to the lobster fishery, cheerfulness might be hard to come by for fishermen this fall. In July, a Washington D.C. District Court judge determined that the National Marine Fisheries Service (NMFS) erred in its 2021 Biological Opinion on the lobster fishery, rendering it invalid. While the judge did not

close the lobster fishery at that time, he did find that it must make much sharper reductions in the amount of risk it poses to endangered right whales much sooner than first stated. In addition, the lobster fishery must meet an impossible standard, called a negligible impact determination, for the amended Biological Opinion to be valid.

"The Court is now focused on the "remedy" portion of the case, in which the Judge determines what must happen in the interim as NOAA works to prepare a new Biological Opinion,"

Commissioner Keliher writes. "In the very worst-case scenario, the Judge could vacate the 2021 Biological Opinion, which would mean that NOAA would not be able to authorize the federal fishery to operate until a new Biological Opinion is in place."

Ominous news for Maine's offshore lobstermen, who are already preparing for a mandated offshore lobstering closure from October through January, 2023.

The Maine Lobstermen's Association (MLA) court case, which is being reviewed by the same judge, focuses on the arbitrary and capricious actions of NMFS when creating the Biological Opinion. The MLA points out that the agency made poor and worst case assumptions with its science when determining the amount of risk the lobster fishery poses to right whales. Should the judge allow the same science and assumptions to stand, then the resulting amended Biological Opinion would once again require an draconian risk reduction of at least 98%.

The MLA's Save Maine Lobstermen campaign supports the association's legal attack against NMFS's flawed regulations. The campaign received a tremendous boost

in August through a fundraiser organized by Jennifer Mitchell, owner of Brady's restaurant in Boothbay Harbor. More than \$50,000 was raised in one evening from an overflow crowd who boisterously showed their support for lobstermen and the MLA, as we feature in this issue.

Amy Kelly, an Ogunquit artist, donated one of her large-scale lobster tail artworks to the event's auction, raising more than \$1000 for the campaign. Her story and personal connection to the lobster fishery reveals one woman's resiliency and her continuing evolution as an artist.

Evolution is the name of the game for Campbell "Buzz" Scott, once a Matinicus fisherman and now a recycler of lost lobster traps. Scott fished for 17 years from Matinicus Island before heading out into the wider world. Now he works with

high school students to introduce them to the ocean through learning the skills of SCUBA diving. After his students pointed out to him all the forgotten lobster traps they were seeing on the sea floor, Scott decided to do something. Thus began his new career as a derelict lobster trap salvager!

We also learn this month about a new effort to keep plastics out of the ocean. High density plastic is used throughout the lobster fishery. What people see most often are the many plastic buoys piled up on the beach after a storm. Those buoys may kick around the ocean

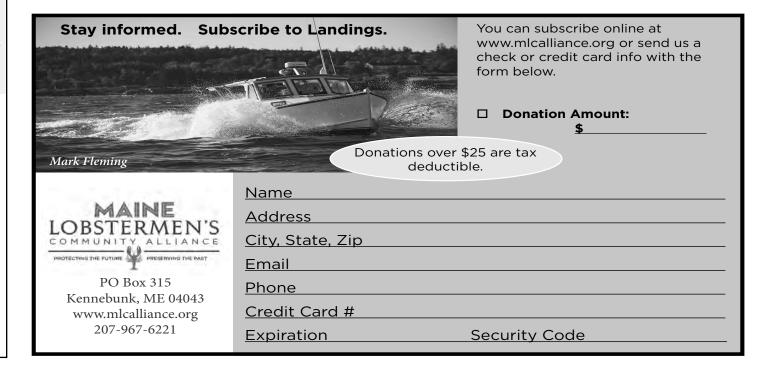
for years, slowly decaying into tiny plastic pellets. Now a new material is being tested to substitute for plastic: mushrooms. Several aquaculture sites in Maine are using buoys made of the buoyant yet biodegradable mushroom material this summer in hope that it might be the material of the future.

Way down east, the Tides Institute and Museum of Art is entering its twentieth year. The Institute, founded by Hugh French and Kristan McKinlay, is unlike most other museums. While it offers a rich array of exhibits on the architectural, industrial and cultural heritage of the Passamaquoddy region as well as arts and music programs, the underlying mission of the Institute is to act as a catalyst for revitalizing the city and broader region's sense of place. As French puts it, "The region is not and never has been some sort of completely removed backwater area." During twenty years the Institute has done much to make that statement true.

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



The Tides Institute in Eastport focuses on the culture of the Passamaquoddy region, both past and present. Tides Institute photo.



# GUEST COLUMN: DMR end of summer update to lobstermen

#### By DMR Commissioner Patrick Keliher

As has been the case over the past several years, there is no shortage of issues facing the lobster industry. I am keenly aware what all the uncertainty around right whales does to both the people and businesses in this industry, and I am afraid that an end to that uncertainty does not seem to be in sight. However, major changes could be identified soon, depending on what a federal judge decides this fall.

In addition to right whales, there have been continued discussions at ASMFC about whether there are further management changes needed to protect the resiliency of the lobster stock. Finally, the market challenges and resulting price impacts this summer have generated a lot of calls and questions to my office about what DMR can do to improve this situation.

I wanted to provide updates on all these topics, to keep you as informed as possible as these situations evolve.

#### Right Whales

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There have been several developments in the lawsuit between the environmental groups and NOAA Fisheries (usually referred to as CBD v. Ross, or the CBD case). As a reminder, DMR along with the Maine Lobstermen's Association (MLA) and Maine Lobstering Union (MLU) are intervenors in this case.

On July 8, Judge Boasberg ruled that the 2021 Biological Opinion (Bi-Op) and final whale rule were invalid but fortunately allowed the lobster fishery to continue while the remedy phase is completed. This ruling will result in the implementation of additional risk reductions on a much shorter timeline than the ten-year timeline that the Bi-Op had initially outlined.

The Judge stated that NOAA erred in issuing the incidental take statement (ITS) that authorized zero take of right whales because the Bi-Op anticipates greater than zero takes to occur. Further, Judge Boasberg stated the ITS does not comply with the negligible impact requirement under the Marine Mammal Protection Act. This negligible impact requirement is where the Endangered Species Act and the Marine Mammal Protection Act intersect, and it requires a commercial fishery to meet a negligible impact determination on a protected species in order to issue an ITS.

A negligible impact determination is a lower number than the Potential Biological Removal (PBR), meaning it is a higher bar to achieve. This is why we

are putting so much focus on the MLA lawsuit, as this is where we can argue about the science and the fact that NOAA has cherrypicked the information being used.

Finally, with regard to the 2021 final whale rule which you all worked to implement this May, the Judge determined that here NOAA also erred, because the final rule did not reduce takes to below PBR (0.7 right whales) within six months of implementation. In other words, the Judge has indicated that the 2021 whale rule did not go far enough or move fast enough to protect right whales.

So what does this all mean? As I have said previously, a Bi-Op that includes an ITS is needed to

Patrick Keliher is the Commissioner of the Department of Marine Resources. DMR photo.

permit the federal lobster fishery. This ruling from the Judge means that the federal lobster fishery needs to achieve a negligible impact determination to get an ITS. This is a very tall order: PBR is 0.7 right whales annually and a negligible impact determination will be even lower than that. As a result, this likely means that significant additional regulations are coming on a quicker time-frame than originally outlined.

The Court is now focused on the "remedy" portion of the case, in which the Judge determines what must happen in the interim as NOAA works to prepare a new Bi-Op. In the very worst-case scenario, the Judge could vacate the 2021 Bi-Op, which would mean that NOAA would not be able to authorize the federal fishery to operate until a new Bi-Op is in place. As intervenors in the case, we will strongly advocate for the fishery to remain open. I have always promised to be honest about the situation we are in, and closure is a possible outcome.

Many fishermen have asked me why we aren't appealing, but at this stage of the litigation, there is not a final decision to appeal. I do want the industry to be aware that Governor Mills has made the strong legal defense of this industry one of her highest priorities and provided \$3 million in the state budget to ensure that we have adequate resources to pursue whatever legal strategies may be necessary. Because of that, we are able to consider all legal options, but we need to do so at the appropriate time and with all information in hand.

 $Continued\ on\ page\ 7$ 

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### FOR OGUNQUIT ARTIST, LOBSTER IS ART

#### By Melissa Waterman

They say America is the land of second chances — that certainly has proved true for Ogunquit artist Amy Kelly. Owner of TaleSpinStudio, Kelly produces brilliantly colored large-scale artworks of lobster tails that are selling like hotcakes to customers all over the country. She also creates exquisite photographs of the Maine coast. In August, Kelly donated one of her large lobster pieces to the Maine Lobstermen's Association's Save Maine Lobstermen fundraiser in Boothbay Harbor, where it was auctioned to raise much-needed money for the MLA's legal campaign.

Kelly's path to gallery owner and artist was anything but certain. At age 56, she took a job as sternwoman for a local lobsterman to maintain sobriety. "I met him at a meeting and asked if I could work for him. After years of drinking, I needed to get my body and brain straightened out," Kelly said matter-of-factly. Kelly had owned a health club as well as a home medical equipment company in the past. But she became homeless as alcohol had taken over her life. So, for four years, from 2015 to 2019, she woke before dawn during the fishing season and headed down to the boat, baiting, banding, lifting crates, and slowly rebuilding herself.



Kelly shows her work at the Maine Art Collective in Portland.

With sobriety came a renewed interest in photography. While she was in New Jersey caring for her ailing mother, she began playing with some of her photographs, many of which were related to lobstering. "I abstracted a tail, changed the colors, and posted it on social media. People liked it. So, I started playing with colors. My therapist suggested I print some, so I did," she said.

The yoga studio she went to offered to host a show, for which Kelly printed out an array of 4-by-6-inch lobster photos. "The night before the



Amy Kelly, right, with a customer and one of her signature pieces. A. Kelly photos.

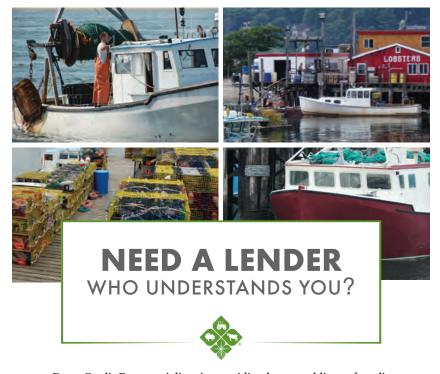
show I thought there just was something missing and so I printed a 2-by-6-foot tail. That was it. It was a hit," Kelly recalled.

At the time, Kelly had rented a small space in Ogunquit in which she lived and held yoga classes while making ends meet by driving people to the Boston and Portland airports. A friend asked her to look at a studio space in the Cove, which she thought she would never be able to afford. But after Kelly walked the twelve steps to the studio, a number significant to those in AA, she knew it was a place she needed to be in.

"This is my fourth season here but it's the first doing art full-time," she said proudly. Kelly also is part of the Maine Art Collective, a member-run gallery of 21 artists on Middle Street in Portland. To create her dramatic large works, she first paints her canvas, then glues the manipulated photograph to the canvas. Some pieces she embellishes with bird netting to mimic the look of fish net, giving the canvas a striking texture that viewers are encouraged to touch. She then coats the piece with a UV varnish to protect it from sun damage. Her dramatic photographs have found homes across the country, from California to Kansas and Virginia.

She first came in contact with the Maine Lobstermen's Association in 2021 when Kevin Kelley, the MLA's director of advancement, won a piece of art that she had donated to the Ogunquit Rescue and Fire Department's 9/11 fundraiser. The two found many mutual interests, among them similar last names and lobstering.

"Amy's passions are art and the Maine lobster industry. Her first question about MLA's Save Maine Lobstermen campaign was 'What can I do to help?'," said Kelley. "Amy understands that Maine's lobstering heritage ties us all together as a community and appreciates that we can all contribute to its preservation."



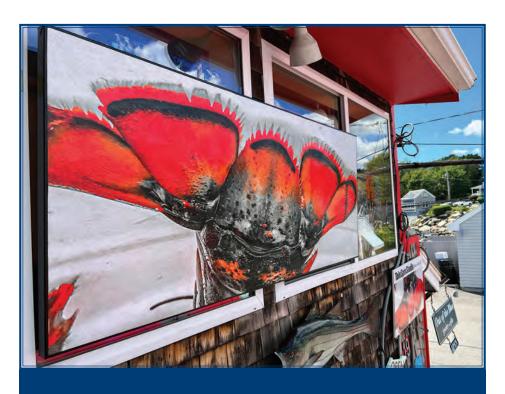
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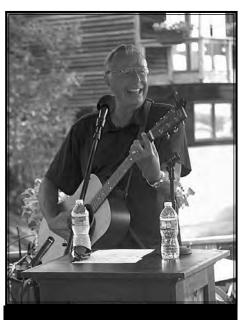


Bright colors and dramatic shapes dominate the exterior of TaleSpinStudio in Ogunquit.

# BOOTHBAY HARBOR COMMUNITY TURNS OUT FOR SUCCESSFUL SAVE MAINE LOBSTERMEN EVENING

By MLA staff

On August 7, lobstermen, family members, and crowds of people concerned about the future of the lobster fishery turned out for a rollicking evening at Brady's, a restaurant in Boothbay Harbor, in support of the Maine Lobstermen's Association (MLA) Save Maine Lobstermen campaign. Attendees enjoyed a dinner of twin lobsters, clams or mussels — all donated by local fishermen — corn, and blueberry pie — donated by the restaurant — while listening to stories from Maine humorist Tim Sample, and followed by a live auction hosted by NewsCenter Maine morning news anchor Sharon Rose.



Tim Sample, above, entertained the crowd with stories and songs. S.
Edwards photo.
Clive Farrin, right, steps up to the boot, ready to make his contribution to the Save Maine Lobstermen campaign. MLA photo.

"Doing anything we can to help ensure there is a lobster fishery for the next generation is a no-brainer," said event organizer and Brady's owner, Jen Mitchell. "Boothbay Harbor's working waterfront is the economic engine of this town, and the lobster industry is in the driver's seat. Can you imagine what coastal communities like Boothbay would be like if we didn't have a lobster industry?"

The fundraiser was sold out weeks in advance, with ticket sales at \$100 per person. During the live auction,



a local business owner declared that he would contribute \$10,000 to the Save Maine Lobstermen campaign if those in attendance would match his donation. It took very little time to discover that the attendees were a generous bunch; the match was completed within 15 minutes.

MLA members and local lobstermen Troy Plummer and Mark Jones helped organize the event. Plummer solicited local lobstermen and businesses for all the lobsters and clams served, and several other supporters and businesses donated raffle and auction prizes. "MLA is so grateful for the community support, for everything that Jen and



her entire staff at Brady's did to ensure this incredible fundraiser for our Save Maine Lobstermen campaign, and especially to Troy," said Patrice McCarron, MLA executive director. "Troy is our youngest board member and represents the next generation of Maine fishing families. His dedication to preserving this way of life is remarkable."

fun. MLA photo.





Thank you to EVERYONE who made our fundraiser a HUGE SUCCESS! We couldn't have done it without the support of the following donors:

Troy Plummer & Mark Jones – MLA Board Members Jen Mitchell & Staff – Brady's Boothbay Harbor Sharon Rose – NewsCenter Maine

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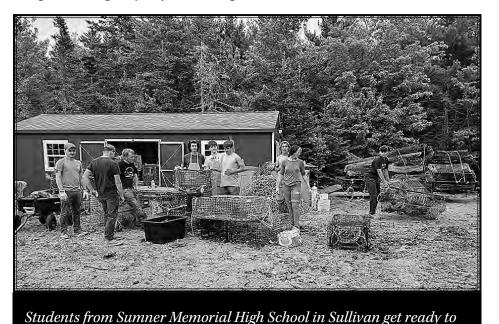
And all of the volunteers and attendees! We look forward to 2023!



OceansWide continued from page 1

Scott about all the lost traps left on the bottom and their effect on the seafloor. "They said we should get them out of there. That made sense to me," Scott said. Never one to dawdle when a good idea presents itself, Scott quickly found a heavy-duty log splitter for sale. He purchased some 3/8-inch steel plates, had them welded to the splitter and a lobster trap crusher was born.

He then teamed up with Rowlands Recycling in Steuben which agreed to purchase the metal. "Rowlands gives us a heck of a deal knowing that we have the kids from Sullivan [Sumner Memorial High School] crush the traps and in exchange we teach them to dive. If you learn to dive and learn to do it right you can go out and get a job, you can do good stuff with those skills," Scott said.



Thus far Scott and his team have hauled traps from Boothbay Harbor for two summers and also from Gouldsboro. About 20% of the traps brought to shore are still usable. The local Marine Patrol Officer provides Scott a list of trap tag holders and he contacts lobstermen to let them know their traps are on land. "They are generally happy to find out because the traps cost so much and because of supply chain issues they are difficult to buy right now," Scott said.

do some serious crushing. OceansWide photo.

processed overall 307,000 pounds of traps, of which 111,485 came from the seafloor, according to Scott. The organization now has three trap crushers and two acres of property in Gouldsboro, rented for a \$1 per year from the town, on which to crush the traps. This year the OceansWide

To date OceansWide has

team plans to be on Matinicus Island, invited by the island's lobstermen. "Lobstermen don't want to harm the environment, it's their livelihood. The guys out there want us to get rid of the old traps on land and the ones underwater. We will have to take the crusher out there in a trailer on the ferry because it's so large," he added.

Scott has been negotiating with Matinicus lobsterman Tad Miller on purchasing Miller's wharf. The

Approximately 20% of salvaged traps are still usable. OceansWide photo.

wharf would give OceansWide a place to station the trap crusher and other equipment to process the traps and store the flattened metal afterward, before transporting it to the mainland to be recycled.

"We would have shared use of the wharf," Miller explained. "I'm getting too old to take care of everything. And I like what's he's doing. There's a fair amount of support for it because there are junk traps all over the island."

In the future, the wharf might also be home for a rebuilt *Pauline*, a famous sardine carrier donated to OceansWide by the late Harlan Billings of Billings Diesel in Stonington. Scott currently is raising funds to finish restoring *Pauline* with plans to use the vessel as a platform for the organization's ROV programs and other programs.

As a youngster on Matinicus, Scott developed a deep admiration for the island's fishermen. "I saw all these guys going out every day. At 10, my mother got me a peapod and I had 25 wooden traps. The fishermen said 'OK', and off I went," he said. Later, as a young man, he went fishing with whomever wanted him. "All the fishermen would take me because I was willing to work. They really made me what I am today."

He recalled Matinicus store owner Clayton Young as a mentor. "He said I should get offisland and see the rest of the world to appreciate Maine. Then come back and do good things."



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Islesford and Great Cranberry Island children had the opportunity to pilot a ROV during an OceansWide visit to the islands. By exposing children to the underwater world, the organization hopes to inspire the next generation. OceansWide photo.

Keliher continued from page 3

The various parties to the case will be submitting briefs regarding remedy, with final reply briefs due October 17. The environmental groups submitted their brief and, not surprisingly, they have once again asked the Judge to throw out the new Bi-Op and set an aggressive schedule that puts new fishing rules in place six months after the Judge's final ruling.

This means that these national organizations have asked the Judge to require a full 90% reduction in risk several years ahead of what the current Bi-Op calls for. We expect the court to rule on remedy sometime in November. The Judge may reach a decision in the MLA court case ahead of that time if he does not stay, or put the MLA case on hold, while he decides this case. As we learn more, we will send additional information out to industry.

The MLA filed a case against NOAA last year, arguing that NOAA made faulty assumptions which overstated the risk of the lobster fishery to right whales. DMR is also an intervenor in this case, which is before the same Judge. It is not yet clear if or when Judge Boasberg will rule on MLA's case. Last week, DMR, along with the MLU, MLA, and NOAA all submitted briefs highlighting the need for the Judge to rule on the MLA case ahead of determining remedy in the other lawsuit [Update: the Judge has since issued an order that he will not "stay" the MLA case and expects to rule by the end of September]. ME DMR sees this as critical because, if NOAA made faulty assumptions in the 2021 Bi-Op, those too must be corrected as NOAA works on a new Bi-Op. These assumptions effect the magnitude of actions the lobster fishery will need to take to achieve PBR and the negligible impact determination. To be clear, even if the MLA is successful in this case, we expect that substantial additional measures will still be necessary to protect right whales; the goal is to reduce the magnitude of any additional measures.

I realize this is an extremely uncertain time for the Maine lobster industry. This uncertainty is emotionally taxing on top of other stressors on the industry and the physical work you perform each day. DMR and our attorneys are working cooperatively with industry attorneys to navigate the lobster fishery through these uncharted waters and continue to advocate on your behalf in the courts.

#### ASMFC Resiliency Addendum Delayed

This past spring, DMR held a round of Zone Council meetings to provide industry members with the scientific information that informed ASMFC discussions about the "resiliency" addendum, which is aimed at strengthening the lobster stock to try to maintain current levels of landings. We discussed potential management measures to achieve that objective, including changes to the

minimum size. We anticipated at that time that we would hold more meetings in advance of ASMFC action for me to hear directly from industry members to inform Maine's position on this proposal.

In addition to the Zone Councils, I also talked to Maine lobster dealers and processors about this proposal, to understand how such changes could affect their individual business plans. I was concerned that federal law currently prohibits the importation of lobsters that are under the lowest minimum size in the U.S. If the current minimum size were to be raised, it would be illegal to import Canadian lobsters smaller than Maine's minimum size. I heard clearly from the dealers that this would be catastrophic for their businesses, given their reliance on Canadian product at certain times of year. In light of this information, as well as the situation with right whales described above, this discussion was tabled at the most recent ASMFC meeting and will be discussed again at the November meeting. We are holding off further Zone Council conversation on this topic until we know whether it will be necessary.

#### Lobster Price and the State's Role

Finally, we have gotten a number of calls since the beginning of July wondering whether DMR knows about the lack of market this summer and the impacts that has had on price and fishing activity. I can assure you I've been tracking this situation because I am very concerned about the impacts to the lobster industry, as well as the impact on other fisheries the Department manages (e.g. menhaden). However, as I've explained in past years when supply and demand upended our expectations for the season (e.g. 2008, 2012), the Department's authority is limited to actions to manage the lobster resource. We have no authority to address disruptions in lobster markets. I can't prevent people from fishing for reasons that aren't related to resource management. As with past seasons, we can only get through these types of situations with good communication between lobstermen and dealers to make sure we are not landing weak product with no place to go. I know this is frustrating on top of all the other challenges this year, but we have been in similar situations before and gotten through it.

I know that this is a lot of information at what is often a busy time of year. I provide this in the spirit I have always approached this industry – to honestly share with you whatever information I have, give you my thoughts on where things are headed, and let you know what we are doing as a result. If you have questions that haven't been answered here, please feel free as always to reach out to my office, and we will do our best to help.



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### MAINE LOBSTERMEN'S ASSOCIATION UPDATE

# Maine Lobstermen's Association

•••

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

President: Kristan Porter Cutler, 460-0560 1st VP: Dustin Delano Friendship, 542-7241 2nd VP: John Williams Stonington, 367-2731 Treasurer: Jim Dow Bass Harbor, 460-2565 Secretary, Chris Welch Kennebunk, 205-2093

#### Directors

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### STEAMING AHEAD BY KRISTAN PORTER, MLA PRESIDENT

A few months ago the 10-year right whale conservation plan, which aims to reduce risk to whales by 98% by 2030, seemed a long way off. As a result of a July court ruling on the environmentalists' lawsuit, now it is staring us right in the face.

I have heard it over and over: "What are they going to do, shut us down? Ha, ha! Like to see 'em try" or "You guys are crying wolf just to get money from us." Well, here it is fellas — we basically have six months to come up with more whale conservation measures to comply with the law or we WILL be shut down!

In his July ruling U.S. District Court Judge Boasberg sided

with the environmental organizations by ruling that the Biological Opinion, which allows us to fish, wasn't valid under the Endangered Species Act. He didn't shut the fishery down, however. Instead he gave the MLA and the environmental organizations until the end of October to come up with steps to comply with the law or face shut down. The Court issues its ruling after that.

Don't think it can happen? How many Maine shrimp did you buy in the last few years? How many groundfish boats are in your harbor? Did those

guys keep fishing no matter what the government said?

Judge Boasberg has stated that he will rule on the MLA's lawsuit against NOAA by the end of September. The environmental groups are using NMFS's flawed data and its improper analysis of that data against us. The MLA has challenged this data for years but instead of working with us to fix it, NMFS has dug in its heels trying to defend it. Now the Fisheries Service has painted itself into a corner with not a lot of options to comply with the Judge's latest order.

Our case is the only thing standing between you and a 90% risk reduction by next spring. This is because the Judge also ruled in the environmentalist case that any change to the Atlantic Large Whale Take Reduction Plan must achieve PBR (potential biological removal) within six months of implementation. And the measures we adopted in May don't make the cut.

Our case addresses the science behind NMFS's risk reduction goal, a goal we argue is way too high. Our lawyers have done an unbelievable job laying out all of the ways that that NMFS has taken to overstate the risk lobstermen pose to right whales. Our lawyers have left no stone unturned in giving the Judge what he needs to rule in our favor.



Don't think for one minute that NMFS would not close the lobster fishery in order to protect right whales. NMFS photo.

Whether you are an MLA supporter or hater you should realize by now why we stepped up big time a year ago to sue the federal government. It wasn't a publicity stunt. It was because the MLA board had the foresight to see what was coming and knew we had to do something serious to save this fishery from disaster. We have constructed a formidable legal argument and have no regrets about our strategy. The fight is nowhere near over but a ruling in our favor in this round means everything for how the Maine lobster

fishery looks in the future and for a chance to keep our federal fishery.

You might think that this is another article trying to get you to give to the Legal Defense Fund but it is not. It is to let you know that the MLA has your back, as we always have! Like us or not, we are fighting for this lobster fishery and the fishermen and communities that depend on it.



#### WHALE UPDATES

The Maine Lobstering Union's lawsuit challenging the legality of the LMA 1 closure was dismissed on August 24. The MLU's lawyer reported that the organization's decision to dismiss the case was a "procedural step."

The lobster industry is facing significant new risk reductions, to 90% on an accelerated schedule. Discussions on how NMFS expects to achieve this will begin at the TRT meeting scheduled the week of September 19. The change is largely a result of a series of changes that NMFS has made to its data. These include:

NMFS increased its estimate of the risk reduction needed for the lobster fishery to get below PBR from 60% to 90%.

NMFS revised its estimate of the level of credit the lobster industry achieved through the recent final rule, reducing it from 60% to 50%.

Additionally, the federal court made two significant rulings in the case brought against the federal government by three environmental groups.

The Court ruled that any changes to the whale rule will need to get estimated right whale deaths from commercial fisheries to below PBR (0.7 whales) within six months of implementation

The lobster fishery needs a new biological opinion and a new Incidental Take Statement (ITS), otherwise NMFS cannot legally permit the federal lobster fishery. This will be very difficult for NMFS to accomplish.

On August 18 Judge Boasberg announced that he expects to issue a decision in the Maine Lobstermen's Association's (MLA) lawsuit against NMFS by the end of September. The MLA's lawsuit is critical in getting NMFS to use the best available science to so that the risk reductions match the actual risk the lobster fishery poses to right whales.

# NMFS PROPOSES MODIFICATIONS TO VESSEL SPEED RULE

NMFS released proposed modifications to the vessel speed rule and is accepting public comment until September 30. Patrice McCarron will be meeting with the MLA's legal



### MAINE LOBSTERMEN'S ASSOCIATION UPDATE

team about the MLA's comments. The proposed rule has four categories of proposed changes that would:

- modify the spatial and temporal boundaries of current speed restriction areas referred to as Seasonal Management Areas (SMAs),
- include most vessels greater than or equal to  $35\,\mathrm{ft}\,(10.7\,\mathrm{m})$  and less than  $65\,\mathrm{ft}\,(19.8\,\mathrm{m})$  in length in the size class subject to speed restriction,
- create a Dynamic Speed Zone framework to implement mandatory speed restrictions when whales are known to be present outside active SMAs, and
- update the speed rule's safety deviation provision.

According to NOAA, "overall, the proposed speed zones reduce the risk of NARW vessel strike mortalities in U.S. waters by an average of 27.5%. Compared to the total risk reduction that could be gained from setting all vessel traffic in the study area to transit at 10 knots, the proposed speed zones account for 89% of the total possible risk reduction that can be achieved by reducing vessel speeds to 10 knots."

# MAINE DMR ACCEPTS COMMENTS ON 100% ELECTRONIC HARVESTER REPORTING

The Maine Department of Marine Resources (DMR) has proposed a rule to amend the reporting requirements for several fisheries, including lobster. Under the new rule, the lobster industry will go from 10% to 100% harvester reporting. All lobster license holders (except apprentice and non-commercial license holders) will be required to report trip level data monthly. Reports must be submitted via an approved electronic mechanism.

The data elements required in the lobster harvester report remain unchanged:

- 1. Harvester name (as it appears on the harvesting license) and license number
- 2. Boat name and hull ID
- 3. Designate negative report period if no harvesting activity occurred
- 4. Date fished
- 5. Number of crew
- 6. Gear type and number of traps hauled
- 7. Set time (hours the gear soaked)
- 8. Total gear in water
- 9. Depth
- 10. Primary Statistical area, lobster zone and 10 minute square where gear hauled this trip was fished
- 11. Sea time (including travel)
- 12. Pounds of species landed
- 13. License of dealer sold to or if not sold to a licensed dealer, disposition of catch and whether catch was carred
- 14. Port landed
- 15. Signature, written or electronic
- 16. Number of strings hauled. For purposes of this section, a string means a single trap or multiple traps connected by a groundline.
- 17. Number of endlines Count of total endlines in the water

Written comments on the rule are due by September 9, emailed to dmr.rule-making@maine.gov or mailed to 21 State House Station, Augusta, Maine 04333-0021. For more information, contact Amanda Ellis at dmr.rulemaking@maine.gov or 624-6573.

#### DMR DEVELOPS REPORTING APP

The new electronic reporting app, called VESL, was developed by technology company Bluefin Data under a contract with the Department of Marine Resources (DMR).

"We decided to develop a new app to make it easier for lobstermen to comply with the new reporting requirement," said DMR Commissioner Patrick Keliher. "Better data about fishing activity will help managers sustain Maine's important marine resources and will help ensure informed decisions are made around issues that impact fishermen, like whale regulations and offshore wind development." VESL personalizes the interface, depending on the requirements of the fishery. For example, fields required will be customized based on the license, permits and gear type used. Data can be entered while at sea and uploaded when an internet connection is established, making the submission of reports easy. VESL is compatible with mobile devices and will work across multiple platforms, including IOS and Android (tablet and phone). The app has also been approved by NOAA for use by federally permitted harvesters, and is now available for free from the Apple App Store and Google Play Store. For information on the new reporting app, contact Rob Watts at rob.watts@maine. gov or 633-9412.

## ASMFC MANAGEMENT UPDATES

#### Atlantic Menhaden

The ASMFC Atlantic Menhaden Management Board met on August 3 and approved Draft Addendum I to the Atlantic Menhaden Plan for public comment. The Draft Addendum considers potential changes to provisions for commercial allocations, the episodic event set aside (EESA) program, and the incidental catch and small-scale fisheries (IC/SSF) provision.

The EESA and IC/SSF provisions of the menhaden plan have been affected by recent changes in landings trends. New England states rely on the EESA to keep their commercial fisheries open while working to secure quota transfers. In addition, the increases have led to a rise in land-



ings under the IC/SSF provision once commercial quotas have been met.

The Draft Addendum aims to align state quotas with recent landings and resource availability while maintaining access to the resource for all states, reduce dependence on quota transfers, and minimize regulatory discards. The Draft Addendum proposes a number of options to modify the IC/SSF provision in four major categories: the timing of the provision, permitted gear types, trip limits for permitted gear types, and catch accounting for the provision. The Board will meet to review submitted comments and consider final action on the addendum in November at the ASMFC's annual meeting in New Jersey.

The Board also reviewed the results of the 2022 Atlantic Menhaden Stock Assessment Update which indicates the resource is not overfished nor experiencing overfishing relative to the current ecological reference points (ERPs). In 2021, population fecundity, a measure of reproductive capacity, is above both the ERP threshold and target and total fishing mortality is below both the ERP threshold and target.

#### American Lobster

The American Lobster Management Board met on August 2. NOAA Fisheries provided an overview of the recent ruling in the court case brought by the Center for Biological Diversity and several other environmental organizations

against Secretary Raimondo. On July 8, the Court held that aspects of the 2021 Biological Opinion and the 2021 final rule violated federal law. It concluded that that NOAA Fisheries violated the Endangered Species Act by failing to satisfy the Marine Mammal Protection Act's (MMPA) "negligible impact determination" requirement before setting the authorized level of lethal take in its Incidental Take Statement, and that NOAA Fisheries breached the time requirements mandated by the MMPA in the 2021 final rule. The parties will provide additional briefings to the



Court over the next few months as it considers what action(s) the agency must take moving forward.

The Board discussed Draft Addendum XXVII on increasing protection of spawning stock biomass of the Gulf of Maine/Georges Bank stock. The Draft Addendum was approved for public comment in January, however, the ISFMP Policy Board postponed public hearings to allow additional time to consider new information on stock condition, better understand how current or new right whale regulations could benefit the lobster stock, and to give states the opportunity to hold in-person scoping meetings with their lobster industry ahead of Commission public hearings. Further, Board members had raised concerns that the Draft Addendum could impact international trade because the Magnuson-Stevens Act prohibits the import and sale of lobsters smaller than the U.S. lowest minimum possession limit. Therefore, implementing the



### MAINE LOBSTERMEN'S ASSOCIATION UPDATE

MLA update continued from page 9

minimum gauge increases proposed in the Draft Addendum as possession limits would restrict lobster imports. The Board agreed to delay public hearings until the ASMFC annual meeting so that possible changes to the Addendum can be identified to offset these impacts.

Dr. Caroline Good of NOAA Fisheries discussed the proposed rule to modify the North Atlantic right whale vessel speed rule to further reduce the likelihood of lethal vessel collisions. The proposed changes would expand the spatial boundaries and timing of seasonal speed zones along the East Coast. The proposed rule would also require the mandatory speed restrictions of 10 knots or less for most vessels 35–65 feet in length. The Proposed Rule creates a mandatory dynamic speed zone program establishing temporary 10-knot transit zones when right whales are detected outside designated Seasonal Speed Zones. NOAA is seeking comment on the proposed rule through September 30, 2022.

Dr. Jon Hare presented NOAA's Draft Ropeless Roadmap. The document describes the current state of ropeless or on-demand fishing and outlines a roadmap for this technology to be adopted in U.S. East Coast commercial fisheries in order to reduce large whale entanglements. The agency's Roadmap offers next steps for future research, engagement, and policy change that would enable the continued development of on-demand fishing. The Board requested the ASFMC submit comments on both the proposed changes to the speed rule and the Draft Ropeless Roadmap.

NOAA Fisheries provided an update on another proposed rule published on July 11, 2022 that aims to align federal regulations for the lobster fishery with the intent of Amendment 3 to the Commission's Fishery Management Plan for American Lobster and the Atlantic Coastal Fisheries Cooperative Management Act. Based on the Commission's recommendations in Addenda XXI and XXII to Amendment 3, NOAA Fisheries is proposing to establish individual and aggregate trap caps in Lobster Conservation Management Areas (LCMA) 2 and 3 and is proposing to institute mandatory coastwide electronic harvester reporting for all federal lobster vessels as recommended in Addendum XXVI. The Board supported implementation of the harvester reporting requirements as soon as possible, but requested that the rule be split to allow additional time to comment on the proposed trap caps in LCMA 2 and 3.

The Board approved three nominations to the American Lobster Advisory Panel: Eric Lorentzen, a commercial harvester, Todd Alger, a recreational diver from Massachusetts, and Chris Welch, a commercial trap harvester from Maine. The Board also elected Patrick Keliher of Maine as Vice Chair.

#### Atlantic Herring

The Atlantic Herring Management Board met on August 2. NOAA's Northeast Fisheries Science Center (NEFSC) presented the results of the 2022 Atlantic Herring Management Track Stock Assessment. The Assessment found the stock to be overfished but not experiencing overfishing. The New England Fishery Management Council's (NEFMC) Scientific and Statistical Committee will review the assessment results and develop recommendations for 2023-2025 fishery specifications for consideration by the NEFMC in September.

Maine DMR provided an update on its portside sampling program, which includes Atlantic herring biological sampling, spawning sampling, and bycatch sampling (e.g., for river herring), as well as additional sampling for other species. DMR collects and processes samples from New Jersey up to the Canadian border for Atlantic herring biological and bycatch sampling. The analysis directly informs Atlantic herring stock assessments and management. Program funding from the Atlantic Coastal Cooperative Statistics Program expires at the end of 2023. The Board will explore the possibility of (1) states collecting samples themselves and sending them to Maine DMR for processing, or (2) securing alternative funding source(s).

The final rule for Framework 9 to the federal Atlantic Herring Fishery Management Plan was published in July. This framework establishes a herring rebuilding plan based on the Council's biomass-based acceptable biological catch control rule and adjusts catch threshold triggers. In June, the NEFMC tabled until after the summer further work on Framework 7, which considers protection for spawning adults on George's Bank. The NEFMC took no action related to Industry-Funded Monitoring (IFM) for Atlantic herring because 1) the program will be on hold after April 2023 without federal funding and 2) there is a required IFM program review in 2023.

#### Northern Shrimp

The ASMFC Northern Shrimp Section met on August 18 in person in Portland. The shrimp fishery has been closed since 2013 due to a stock collapse. ASMFC discussed options for future management of the fishery and implications of potentially losing the summer shrimp survey.

Funding for the Northern Shrimp Summer Survey is in question. Dr. Katie Drew, the lead stock assessment scientist for northern shrimp, presented exploratory model runs showing the efficacy of the stock assessment model without the

summer shrimp survey data but including data inputs from the Maine-New Hampshire Inshore Trawl Survey and the Northeast Fisheries Science Center Bottom Trawl Survey. The model did not perform as well but it was still able to make projections about general population trends.

The Section is exploring relinquishing management authority of northern shrimp; it determined further consultation with NOAA Fisheries is needed on this issue.



The Section requested further consideration be given to implementing a permanent moratorium, rather than revisiting the decision to re-open the fishery every year, along with developing a science-based trigger for reopening the fishery. ASMFC presented retiring DMR scientist Maggie Hunter, Shrimp Technical Committee Chair, with a Commission bronze compass rose pin to honor her more than 20-year contribution to the ASMFC.

#### OFFSHORE WIND UPDATES

The Bureau of Offshore Energy Management (BOEM) made two announcements in August related to its goal of developing offshore wind in the Gulf of Maine. First, it published a "request for competitive interest and public comment" on Maine's proposal to develop an offshore wind research array. BOEM's solicitation expands the area from the state's 16-square-mile "preferred area" to the previous 56-square-mile "narrowed area of interest."

Public comment is due on October 3 through http://www.regulations.gov; enter keyword "BOEM-2022-0041." The Federal Register notice is available at: htt-ps://www.govinfo.gov/content/pkg/FR-2022-08-19/pdf/2022-17922.pdf.

BOEM also issued a "request for interest and comments" on possible commercial wind energy leasing on the Gulf of Maine. Public comments are due on October 3 through <a href="http://www.regulations.gov">http://www.regulations.gov</a>; enter keyword "BOEM–2022–0040". The Federal Register notice is available at: <a href="https://www.govinfo.gov/content/pkg/FR-2022-08-19/pdf/2022-17921.pdf">https://www.govinfo.gov/content/pkg/FR-2022-08-19/pdf/2022-17921.pdf</a>.

The MLA submitted comments to BOEM on its draft guidance for mitigating impacts from offshore wind development on commercial fisheries. The MLA expressed concern that BOEM's guidance is too broad to adequately address the unique conditions of the nation's fisheries.

The MLA "strongly urges BOEM to refrain from moving forward with commercial leases in the Gulf of Maine until the state of Maine's proposed research array has gathered necessary critical baseline, construction, and operations data to inform appropriate methods to optimize siting, reduce impacts, and ultimately, how to minimize and mitigate impacts on the region's commercial fisheries most effectively. This is particularly important for the Gulf of Maine since floating technology is contemplated for this region."

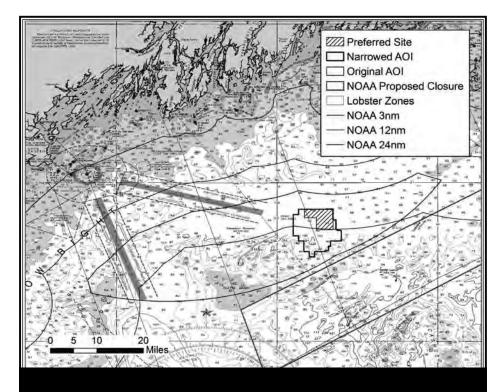


Chart showing the original Area of Interest, the narrowed Area of Interest and the final preferred site for Maine's offshore wind energy research array. GEO chart.

### SAVE MAINE LOBSTERMEN FUNDRAISING FUN IN AUBURN

By MLA staff

The City of Auburn might not be the first place that comes to mind when you think of Maine lobster, but it was the location of a fantastically good time on Saturday, August 27 — all to benefit MLA's #SaveMaineLobstermen campaign.

The event was spearheaded by Long Island lobsterman Cody Stewart and hosted by the Village Inn in Auburn. It featured a twin lobster dinner, including corn and potato, dancing to live music by local band Fire in the Hole, and an overwhelmingly successful "silent auction," which turned into a live auction with guests eagerly trying to outbid each other.

Stewart and his sister, Carli, who are children of Maine Lobstermen's Association board member

Craig Stewart, committed themselves to ensuring the event was not only a



Happy volunteers serve the crowd. Carli Stewart photo.

celebration, but also a successful fundraiser. The evening also demonstrates the importance of Maine's lobster industry to our state's overall hospitality industry.

As the Village Inn's owner Belinda Vallee said, "People travel to all parts of our state and a large majority of them are here to eat lobster, no matter what region they are visiting." Vallee encourages all business owners who rely on the lobster fishery to get involved either by hosting an event or donating directly to the *Save Maine Lobstermen* fund.

The MLA would like to thank the Stewart family, Belinda Vallee, Jess Gale, and the many volunteers and donors who worked to ensure this event was a smashing success!



"The MLA's lawsuit against NMFS is our

only hope of righting these wrongs to give

Maine lobstermen and right whales each

a chance to survive," said McCarron.



From left, Cody and Craig Stewart. Carli Stewart photo.

NMFS continued from page 1

in Maine lobster gear for more than 18 years. "As if things weren't challenging enough, the agency has not only changed the goal post from 60% to 90%, but they've also made new assumptions with the exact same fishing data to downgrade the conservation credit for the measures we just put in place by 10%. NMFS seems to be going out of its way to find new ways to base its decisions on the worst possible scenarios."

This perfect storm began in earnest in May of 2021 when NMFS published the

Biological Opinion (BiOp) requiring lobstermen to reduce risk by 98% by the year 2030. The lobster industry immediately responded with concerns that the plan went too far and threatened to decimate the fishery. As it turns out, that was just the first of a series of growing challenges facing the lobster industry.

In November of 2021, NMFS again downgraded the right whale population estimate to 336

whales, from 366, and recalculated potential biological removal (PBR) to 0.7. Under the Marine Mammal Protection Act, this means that right whale deaths from all human causes cannot exceed 3.5 whales every 5 years.

NMFS also changed its accounting of dead right whales. Under its new method, for every observed right whale death, NMFS assumes that at least 3 additional right whales have died. NMFS refers to this as "cryptic mortality." NMFS also claims that no right whales die from natural causes and attributes 70% of unknown right whale deaths (those observed dead but no cause of death determined) and cryptic deaths (those assumed dead but never seen) to commercial fishing and 30% to vessel strikes. The agency bases its formula on observed incidents where cause of death is determined. The result of these changes, according to NMFS, is that the lobster industry must reduce risk by 90% to get below PBR, not the 60% NMFS originally estimated.

To further complicate matters, in July 2022, Judge Boasberg ruled in the court case filed by three environmental groups against the federal government that the 2021 Final Whale Rule and 2021 Biological Opinion (BiOp) are both invalid on certain grounds. He did not grant numerous other claims asserted by the plaintiffs.

As to the Rule, the Court held that NMFS failed to comply with the Marine Mammal Protection Act's instruction that a Take Reduction Plan "include measures the Secretary expects will reduce, within 6 months of the plan's implementation" whale mortality to a level below PBR. As to the BiOp, the Court held that the Incidental Take Statement issued by NMFS is, again, invalid because it does not authorize incidental take of right whales. The Court

has not yet issued an order detailing how NMFS must fix the flaws identified by the Court.

In yet another turn of events, in August of 2022, NMFS unveiled its updated risk reduction model, known as the Decision Support Tool. The new version includes updated whale distribution estimates and a new method of incorporating lobster fishing effort data into the model which resulted in a 20% reduction in baseline fishing effort. With these changes in place, NMFS reassessed the risk

reductions achieved in the 2021 final whale rule and determined that it attained only a 50% risk reduction (down from 60%). This is largely driven by a decrease in the estimates of vertical lines fished, where they are fished and reduced co-occurrence with whales.

Having fewer vertical lines than originally estimated reduced the overall impact of the conservation measures.

"The MLA's lawsuit against NMFS is our only hope righting these wrongs to give Maine lobstermen and right whales a chance to survive," said McCarron. "We need the Court to tell NMFS to stop assuming worst case scenarios at every decision point that only serve to deepen the harm to lobstermen."

The Court expects to issue a decision in the MLA's lawsuit by the end of September.





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Wayne Delano

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Kyle Doughty

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Sarah Giles

Chris Goodale

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Mike Flanigan

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Town of Friendship

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Michael Melito Lobster Brokers

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Mark Moody

Dan Morris

Jonathan Murphy

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Connie & Gail Norstrom

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Thom Werner

James West

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John Williams\* Eben Wilson

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York Lobstermen's Association Kenneth Young

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Mark Cheney Clinton Collamore Sr

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James Ellsworth

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Adam Gamage

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# **Protect Maine's Lobstering Heritage**



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Thank you!

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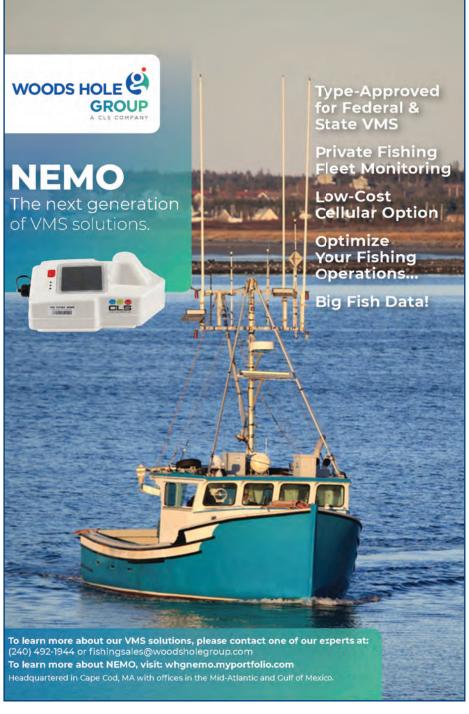
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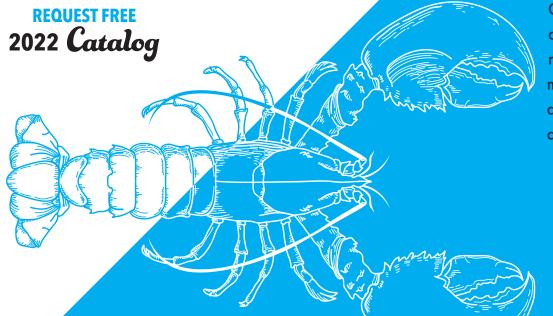
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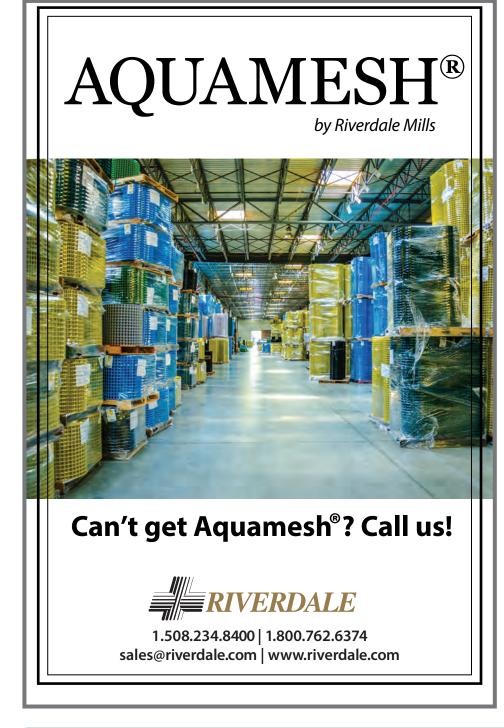


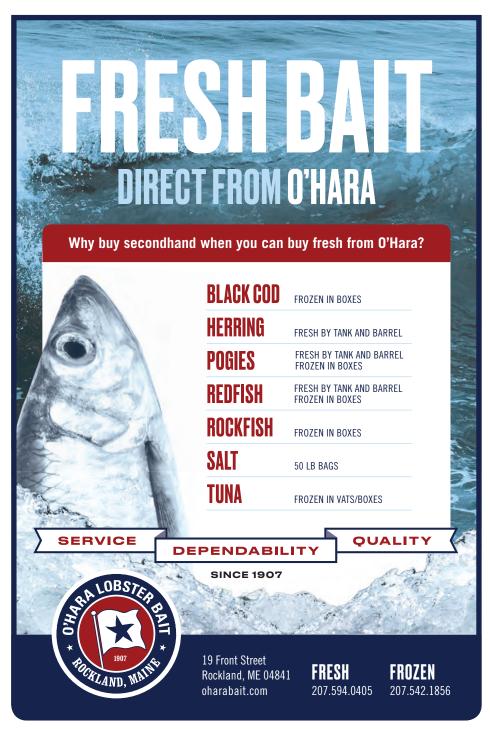


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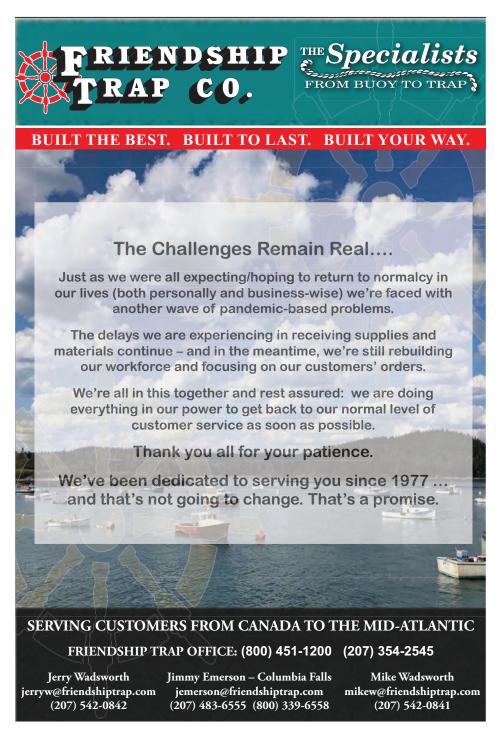
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# PROTECT MAINE'S LOBSTERING HERITAGE

Our way of life is at risk. We need your help.



"Our community just raised more than \$50,000 to #SaveMaineLobstermen! We can help your community do the same (or more!)"

-Bradv's. Boothbay Harbor. ME

#### For food and fun... join us at Brady's!

25 Union Street, Boothbay Harbor, ME www.bradysboothbayharbor.com

#### How did we do it?

We worked closely with two local MLA members to organize a fundraising event at our restaurant. Tickets were sold for dinner, an auction was held of donated items, entertainment was provided, and all of the proceeds were donated to the fund. It was a huge success! We want to help you find ways to raise money in your community.

#### **Need Ideas?**

- · Can you host an event?
- Plan a charity walk/run?
- Fill a lobster boot with donations?
- · Organize a golf tournament?
- Organize a charity auction?
- · Organize a vardsale?

The folks at Brady's are challenging your community to step up and help out. If you can help organize a fundraiser to support #SaveMaineLobstermen, contact Kevin Kelley at the MLA. 207-967-4555 or by email:

### Are you up for the challenge?

kevin@mainelobstermen.org

**Learn more by visiting** www.savemainelobstermen.org

> The Maine Lobstermen's Association is a 501 (c)(6) organization and contributions are not deductible for federal income tax purposes as charitable contributions.

### **PROTECT MAINE'S LOBSTERING HERITAGE** with

# **2022 Fall Fundraising Challenge**



Maine's hospitality industry relies on a strong lobster industry, now it needs our help! Burdensome federal regulations threaten to end our lobstering heritage, impacting our businesses.

#### WE ARE RESPONSIBLE FOR THE RECIPE TO THE LOBSTER INDUSTRY'S SUCCESS – WE ARE AN IMPORTANT INGREDIENT IN THIS FIGHT!

Red's Eats has donated \$2,500 and is now challenging YOU to help. **WE** are stronger together.



#### **Become a Hard Shell Donor**

Donate \$2,500 and receive a special MLA donor sweatshirt and a Red's Eats dinner for two. Two lobster rolls, one side dish (homemade onion rings, garden zucchini deep fried with Ranch dressing or in-house Bleu Cheese sauce for dipping, or French fries) and two drinks.



#### **Become a Soft Shell Donor**

Donate \$1,000 and receive a special MLA Donor Sweatshirt



#### Online:

www.savemainelobstermen.org

#### Mail:

make check payable to: Maine Lobstermen's Association 2 Storer St., Suite 203 Kennebunk, ME 04043

Be sure to note: Red's Eats Challenge











Learn more by visiting www.savemainelobstermen.org

The Maine Lobstermen's Association is a 501 (c)(6) organization and contributions are not deductible for federal income tax purposes as charitable contributions.



being distributed through a comprehensive advertising campaign. Many thanks to our video spokesmen who covered different aspects of the fishery including:

- The Coombs family on the generational and community aspects of the lobster fishery
- Patrice McCarron, Curt Brown and Dr. Richard Wahle on right whale protections
- Bob Baines, Jesse Baines and Emily Lane on diversifying businesses and improving ocean quality through kelp farming
- Dustin Delano and Kathleen Reardon on effective collaboration between fishermen and scientists





www.lobsterfrommaine.com



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Lund's Fisheries Inc. 997 Ocean Dr. Cape May, NJ 08204 207-415-4547 Htodd@lundsfish.com www.lundsfish.com

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#### INDUSTRY ORGANIZATIONS

Maine Lobster Marketing Collaborative 2 Union St. Portland, ME 04101 207-541-9310 info@lobsterfrommaine.com www.lobsterfrommaine.com

#### INSURANCE

FA Peabody Insurance Josh McGuire 254 Main St Calais, ME 04619 800-759-4478 www.fapeabody.com Smithwick & Mariners Insurance 366 US Route 1
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Cranberry Isles Fishermen's Coop PO Box 258 Islesford, ME 04646 207-244-5438 cranberrycoop@gmail.com http://littlecranberrylobster.com

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Luke's Lobster 84 Industrial Park Rd. Saco, ME 04072 207-332-0304 ben.mckinney@lukeslobster.com www.lukeslobster.com

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RDR Lobster & Shellfish LLC 1077 Bar Harbor Rd. Trenton, ME 04605 207-667-2250 rpdoane@yahoo.com

Shucks Maine Lobster 150 Main St, Suite 4 Richmond, ME 04357 207-737-4800 johnny@shucksmaine.com

Spruce Head Fishermen's Co-op 275 Island Rd. S. Thomaston, ME 04858 207-594-8029 shfcoop@gmail.com

Stonington Lobster Coop PO Box 87 Stonington, ME 04681 207-367-2286 www.stoningtonlobstercoop.com

Swans Island Fishermens Coop PO Box 116 Swans Island, ME 04685 207-526-4327 sicoop@tds.net

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Power Product Systems Joel Rumelhart 432 Warren Ave Portland, ME 04103 207-797-5950 info@powerprodsys.com www.powerprodsys.com

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Island Lobster Co. 20 Island Ave Peaks Island, ME 04108 207-956-7488 ahoy@islandlobsterco.com www.islandlobsterco.com

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Friendship Trap Company Locations in Friendship and Columbia Falls 570 Cushing Rd. Friendship, ME 04547 207-354-2545/800-451-1200 MikeW@friendshiptrap.com www.friendshiptrap.com

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(no longer a captain)		Zone & District:		
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# DMR AQUACULTURE LEASE APPLICATION STATUS FOR SEPTEMBER (as of o8/25/22)

For an interactive source of pending lease applications, please see DMR's "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

Scoping Session and Hearing information can also be found at www.mainelobstermen.org

Experimental Lease Applications						
Name of Applicant/Company	Site	Town	Size	Product	Duration	Status
Norumbega Oyster Inc.	Wadsworth Cove, Damariscotta River	Boothbay	3 acres	Shellfish	3 yrs	Appl. Rec'd 5/19/22, comments due 6/18/22
Jordan, John	E side of Bangs Island, Casco Bay	Chebeague Isl	3.98 acres	Marine Algae	3 yrs	App rec'd 5/9/22; comments due 6/4/22
Putnam, Beth	NE of Great Chebeague	Chebeague Isl	3.9 acres	Marine Algae	3 yrs	Lease Granted 8/22/22
Putnam, Jeff	E of Great Chebeague	Chebeague Isl	3.9 acres	Marine Algae	3 yrs	Application rec'd 3/11/22
Summit Point LLC	300ft N of Lower Basket Ledge	Chebeague Isl	4 acres	Marine Algae	3 yrs	App rec'd (2/17/22); comments due (3/19/22)
Summit Point LLC	1000ft N of Lower Basket Ledge	Chebeague Isl	4 acres	Marine Algae	3 yrs	App rec'd (2/17/22); comments due (3/19/22)
Nappi, Brent	East of Sturdivant Island	Cumberland	4 acres	Marine Algae	3 yrs	App. rec'd 4/14/22; comments due 5/14/22
Martin, Thomas	E of Brothers Islands, Casco Bay	Falmouth	0.15 acres	Shellfish	3 yrs	App rec'd (2/11/22); 30 day public comment
Nappi, Brent	S of Clapboard Island	Falmouth	4 acres	Marine Algae	3 yrs	App. rec'd 4/14/22; comments due 5/14/22
Stuart Ryan	SW side of Williams Island, Casco Bay	Freeport	2.4 acres	Shellfish/algae	3 yrs	App rec'd (2/11/22); 30 day comment
Green, Christopher	Near White Island, Middle Bay	Harpswell	4 acres	Shellfish	3 yrs	App rec'd 2/18/22; comments due (3/20/22)
Whisky Stones, LLC	E of Dogs Head, Harpswell Sound	Harpswell	0.481 acres	Shellfish	3 yrs	App rec'd, comments due 3/3/21
Wilson, David	SE of Doughty Pt, Long Reach	Harpswell	4 acres	Shellfish	3 yrs	App rec'd, Comments due 3/15/22
Wilson, David	Wilson Cove, Middle Bay	Harpswell	4 acres	Shellfish	3 yrs	Appl rec'd 5/6/22. comments due 6/5/22
Nautical Farms, LLC	N of Roque Island, Shorey Cove	Jonesport	4 acres	Marine Algae	3 yrs	Lease Granted 7/27/22
Hutchins II, Edward	NE of Cape Porpoise Harbor	Kennebunkport	4 acres	Marine Algae	3 yrs	App rec'd 5/5/22; comments due 6/4/22
Smith, Peter	Upper Dodge Cove, Damariscotta River	Newcastle	3.96 acres	Shellfish	3 yrs	App rec'd (1/7/22); 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
Restorative Aquaculture LLC	WSW of Mackworth Island, Casco Bay	Portland	3.38 acres	Shellfish/algae	3 yrs	30 day public comment period (3/26/22)
Johnson, Ezra et al.	NE part of Burt Coat Harbor	Swans Island	1.6 acres	Shellfish	3 yrs	App rec'd 5/24/21; comments due 6/26/21
Ocean Resources, Inc	Jordan River in Lemoine and	Trenton	2.96 acres	Shellfish	20 yrs	Hearing sched 8/24/22-see MLA website
Bennett & Simmons	N of Haystack Island, Medomak River	Waldoboro	2.52 acres	Shellfish	3 yrs	App rec'd (3/3/22); comments due (4/2/22)
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
Dirigo Marine Resources	NE of Moshier Isl, Casco Bay, Freeport &	Yarmouth	3.9 acres	Marine Algae	3 yrs	App rec'd 8/4/22; comments due (9/3/2022)
So ME Sustainable Shellfish, LLC	West of Sewall's Bridge, York River	York	0.97 acres	Shellfish	3 yrs	30 day public comment period (4/23/22)

Standard Lease Applications						
Name Of Company	Site	Town	Size	Product	Duration	Status
Acadia Aqua Farms, LLC	Frenchman Bay	Bar Harbor	68.3 acres	Shellfish	20 yrs	Site Review TBD
Pemaquid Mussel Farms LLC	Mt Desert narrows, E of Googins Ledge	Bar Harbor	32 acres	Shellfish	20 yrs	App 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 3/28/22, 5pm, remote
The Flying Place LLC	Flying Place Pound, W of Great Wass Cswy	Beals	5.57 acres	Shellfish	20 yrs	Scoping session 8/19/22 5pm
Pleasant Cove Oyster Farm, LLC	Pleasant Cove , Damariscotta River	Boothbay	6.26 acres	Shellfish	20 yrs	Hearing 7/27/22, 5 pm, DMR Boothbay
Ferda Farms LLC	E of Lower Coombs Isl, New Meadows Rvr	Brunswick	2.33 acres	Shellfish	20 yrs	App rec'd 2/28/22; site visit TBD
Johnson, Timothy	SE of Barnes Pt, Middle Bay	Brunswick	17 acres	Shellfish	20 yrs	App 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	App rec'd 4/21/21; site review TBD
Great Ledge Cove Seafood LLC	NE L'il Chebeague Isl, Wstrn Chandlers Cv	Chebeague Isl	6.85 acres	Marine Algae	20 yrs	App rec'd 11/24/21, site visit TBD
Dodge Cove Marine Farm	SE of Dodge Pt	Damariscotta	12.26 acres	Shellfish	20 yrs	App rec'd 7/15/21; site review TBD
Barrows, Abigail	South of Big Hay Isl, Pickering Cove	Deer Isle	4.24 acres	Shellfish	20 yrs	App rec'd 7/26/22; site review TBD
Coffin, Bailey	W of Sow & Pigs Isl, Casco Bay	Freeport	6.84 acres	Shellfish	20 yrs	App rec'd 6/16/21 - site review TBD
Sparta, Kenneth Curtis	West of Crab Island, Casco Bay	Freeport	8.25 acres	Shellfish/algae	20 yrs	App rec'd 3/25/22, site review TBD
Gaffney, Michael & Mark	N of Phoebe Isl, Robinshood Cove	Georgetown	7 acres	Shellfish	20 yrs	App rec'd 11/24/21, site visit TBD
Love Point Oysters, LLC	Middle Bay, SE of Upper Goose Island	Harpswell	3.20 acres	Shellfish/algae	20 yrs	App rec'd (2/15/22), site review TBD
Restorative Aquaculture LLC	Middle Bay, E of Scragg Island	Harpswell	9.89 acres	Shellfish	20 yrs	App. rec'd 10/20/21; site review TBD
Wilson Cove Oysters LLC	Wilson Cove, Middle Bay	Harpswell	3.21 acres	Shellfish	20 yrs	App rec'd 8/22/22; site visit TBD
Islesboro Marine Ent, Inc	NE of Flat Island, Penobscot Bay	Islesboro	6 acres	Shellfish	20 yrs	App rec'd 4/1/21, site review TBD
George Faux, Inc.	S of Great Salt Bay, Upper Damariscotta Rvr	Newcastle	1.8 acres	Shellfish	20 yrs	Apprec'd (2/15/22), site review TBD
Maine Oyster Inc.	E and S of Lehman Isl. Upper Sheepscot Rvr	Newcastle	10 acres	Shellfish	20 yrs	App rec'd 6/17/21, site review TBD
Hermit Island Oyster Co, LLC	Hermit Isl, Small Pt Hbr, New Meadows Rivr	Phippsburg	2.56 acres	Shellfish	20 yrs	App rec'd 5/26/21; site review TBD
Hermit Island Oyster Co, LLC	The Branch, New Meadows River	Phippsburg	0.62 acres	Shellfish	20 yrs	Appl 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	App 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	App rec'd 8/16/21, site review TBD
Heron Isl Oyster Company	Fitch Cv, @ Glidden Ldg, E side Damr. Rvr	South Bristol	1 acre	Shellfish	20 yrs	App rec'd 10/4/21; site review TBD
Morning Star Fisheries, LLC	Sheepscot River, W of Boston Island	Southport	4.5 acres	Marine Algae	20 yrs	App rec'd 11/24/21, site visit TBD
McCoy, MR and Balano, JW	NW of Harrington Cove, Wheeler Bay	St. George	1.98 acres	Shellfish	20 yrs	App rec'd 7/26/22 site visit TBD
Arnold Francis	Smelt Brook, Dyer Bay	Steuben	3.56 acres	Shellfish	20 yrs	App rec'd 8/18/22 site visit TBD
Arnold Francis	E of Birch Point, Dyer Bay	Steuben	2.91 acres	Shellfish	20 yrs	App rec'd 8/18/22 site visit TBD
Brewer, Robert	E of Penobscot Bay SW of Andrews Island	Stonington	3.26 acres	Shellfish	20 yrs	App rec'd 10/20/21; site review TBD
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
Nickerson, Travis	E of Blaney Pt	Yarmouth	2.80 acres	Shellfish	20 yrs	App rec'd 10/4/21; site review TBD
Summit Point LLC	Caseco Bay, South of the Nubbin	Yarmouth	9.3 acres	Marine Algae	20 yrs	Scoping session 9/9/22 5:30pm Yarmouth

## TO YOUR HEALTH: Now's the time to protect your eyes

by Ann Backus, MS

The sun has given us a lot to think about this summer. The East Coast has seen near-record heat. The state of Maryland has recently promulgated a heat standard for workers. My neighbors in Manchester, N.H., added air conditioning to their entire house after living there for 26 years, and I finally added a room air conditioner to my home, which I have resisted for over 50 years.

According to www.drought.gov, the six New England states joined 31 other states and the U.S. Virgin Islands with the classification "severe (D2) to exceptional (D4) drought for the week of August 10-16, 2022."

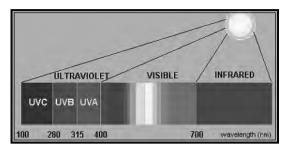
The sun and heat probably encouraged many to think about using sunscreen and sunglasses as well. Good sunscreen lotions offer protection against sunburn and skin cancer and sunglasses offer protection against cataracts.

What are cataracts? The first meanings of the word in the dictionary are "waterfall" and "downpour." In medicine, however, the word cataract is used to describe the lens of the eye when it is opaque, that is, no longer clear. The word comes from the Greek word meaning "to strike down." When we have cataracts, the function of the eye has been struck down or reduced. What we see will appear hazy, dull or dim; colors will not be bright and details will be fuzzy. This opaqueness or cloudiness occurs when the proteins in the protein-rich lens begin to clump together.

Cataracts result from two basic processes: aging and sun exposure. The changes may be so gradual we don't notice them for a while.

Clearly, we should take what steps we can early in life to slow down the formation of cataracts in order to preserve our sight. One simple action is to wear sunglasses.

The spectrum of visible light — the light our eyes can see and process — ranges from violet, with a wavelength of 400 nanometers, to red, with a wavelength of 700 nanometers. The shorter violet light waves have the most energy.



The wavelengths of ultraviolet light begin where the visible spectrum left off, at 400 nanometers, and go down to 10 nanometers. There are three types of UV light: UV-A, UV-B, and UV-C. We mostly need to be concerned about UV-A because 100% of those rays reach the earth and our eyes. However, we need to protect our skin and eyes from UV-B as well. Even though 95% of UV-B is absorbed by the earth's atmosphere before it reaches earth, UV-B wavelengths are responsible for sunburns, skin cancer, and cataracts. The UV-C wavelengths are so short that 100% of UV-C is captured by the earth's atmosphere.

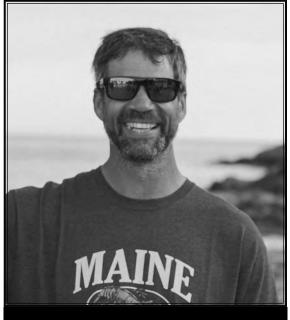
Why Sunglasses? Sunglasses are designed to filter-out the UV-A and UV-B rays. Look for sunglasses labelled "98% protection for UV-A and UV-B." The choice of sunglasses should be based on protection first and glamour second. Gray, brown and green sunglasses offer no color distortion. Brown sunglasses absorb blue visible light as well, thus affording protection against another eye condition, macular degeneration. Yellow-tinted lenses block blue light and are best for fog, rain and night driving. These yellow-tinted glasses are also beneficial for computer glasses because they block the blue light from computer screens that can disrupt melatonin production and therefore sleep. If your work requires depth perception, you may find copper, orange or brown lenses helpful.

Studies have found that the inside surface of darkly tinted sunglasses can reflect light into the eyes that comes in from the side. Therefore, the recommendation is to purchase wrap-around glasses, even for light-colored glasses. Other con-

siderations include choosing curved lenses over flat and large over small.

With respect to prescriptions, you can order prescription sunglasses or purchase sunglasses that fit over your prescription glasses. Polarized sunglasses are definitely best for fishermen and those on the water because these glasses reduce glare. You can easily check if your sunglasses are polarized by wearing them while looking at a computer screen. It is fun to see how the image changes when you tip your head!

We have been told that the most important time to be wary of the sun is from 10 a.m. to 2 p.m. when the sun



Lobstermen like Herman Coombs of Harpswell know the importance of protecting their eyes while on the water. MLA photo.

is overhead. Those hours pertain to skin exposure to sun. For eye exposure the critical hours to think about are 8 a.m. to 10 a.m. and 2 p.m. to 4 p.m. when the sun is horizontally in line with the eyes and can sneak in at the sides of the glasses if the glasses are not wrap-around.

When vision becomes too cloudy, cataract surgery is required. This involves substituting an artificial lens for the person's original lens. Today there are many choices of intraocular lenses that can be inserted, and I learned from my ophthalmologist that these lenses are now treated to filter out UV waves. If your vision becomes cloudy, seek out an ophthalmologist because cataracts left untended can result in blindness.

The next time you think about the sun, think also about protecting your eyes by wearing appropriate sunglasses. Eye, eye Captain!



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# EASTPORT ORGANIZATION CELEBRATES TWENTY YEARS REINVIGORATING PASSAMAQUODDY REGION

The Eastport Savings Bank was the first of eight build-

organization's headquarters. Tides Institute photo.

ings renovated by the Tides Institute. It now serves as the

By Melissa Waterman

The fact of the matter is, Eastport is a long way away for most Mainers. An island until the 1930s when a causeway was built, the city of Eastport is a dead end.

But not in the mind of Eastport native Hugh French. French and his wife Kristin McKinlay purchased the old Eastport Savings Bank when the two moved to the city from Portland in 2002. Their intent was to renovate the building to make it into an arts establishment, an idea that many considered foolish. In a region where making a living was always difficult and remains so, starting a non-profit organization focused on arts and culture seemed a recipe for failure.

But the couple persevered. This year the Tides Institute and Museum of Art celebrated its twentieth anniversary.

"The Institute is not solely an arts organization or museum," explained Hugh French in an email. "While art is certainly a central focus, we have strong interests in history, architecture, historic preservation, community and regional revitalization and Maine-New Brunswick relations. We have had to weave together a lot of different things to make

things work here and to have the kind of impact we're trying to have."

When renovations began on the old bank building, word went out. French and McKinlay were interested in what families in the area had saved over the years: old documents, art works, sardine tins, the tangible remainders of decades past. McKinlay spoke about the low-key manner in which the couple built the Institute's varied collections in a 2013 article in The Atlantic.

"Previously, there wasn't an institution here that people knew and trusted, so people who had artwork, documents, or other valuable things to donate sent their items elsewhere – to other museums around the state or beyond, to the archives of their alma maters, etc.," she said. "But because people knew Hugh,

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knew the Frenches, they were willing to give us their items of value. So, things started coming in."

The Tides Institute set out to do more than just present the artifacts of Eastport's by-gone days. The organization was determined from the start to act as a cata-

lyst for reestablishing the city and region's sense of place.

"Many of the communities of the region have lost significant population, Eastport 75%, Calais and Lubec 50%," French noted. "We have wanted to show that this region has always been a part of broader trends and forces, whether it be industry, transportation, fashion, architecture, the arts. The region is not and never has been some sort of completely removed backwater area."

The Institute began acquiring architecturally significant buildings in Eastport that were in danger of being demolished. In addition to the Eastport Savings Bank, which operates at the Institute's headquarters, other Institute buildings include the 1887 Masonic Building, currently under renovation; the 1820 Grand Army of the Republic (GAR) building; the 1828-29 Seaman's Church; 1819 North Church; and an 1887 former retail

building on Water Street. The latter building houses the StudioWorks Artists in Residence program, begun in 2013. The program puts visiting artists right in the center of the city, clearly visible to passersby. The resident artists work within the community, bringing their talents to local schools and the public. Thus far, 71 artists from 18 different states and three foreign countries have participated in the program.

"The Institute started in 2002 with the purchase of a single threatened historic building in downtown Eastport and a minuscule collection of a few paintings and photographs. We now have a campus of eight historic buildings that otherwise would have been destroyed, and significant and wide-ranging cultural collections that reflect and have rebuilt the cultural legacy of the region, a great deal of which came close to being lost," French said.

The Passamaquoddy Bay region is broad, encompassing communities in both New Brunswick and Maine. The ties among the towns around the bay are based on family lineage, fishing, farming, and lumbering, and the culture of the indigenous peoples who have lived there for millennia. Yet the shifts of population, driven largely by changing economic forces, left the region depleted in population and energy. Resurrecting a sense of Eastport and the region's long heritage has been an underlying theme of the Institute.



Catching herring in a weir, 1915. Tides Institute photo.

"We have an extensive research and reference library that reflects the region's culture and connections to the broader world. We are putting much of our collections online to make them more accessible and are developing an online database to the region's architecture," French said. "We wanted to show that things are possible in this region when a prevailing attitude might be that they aren't, whether it be restoring abandoned and threatened historic buildings, the rebuilding of a region's cultural legacy, or the establishment of new programs and celebrations like our New Year's Eve Sardine and Maple Leaf Drop," French said.

For seventeen years, to honor New Year's Eve in both countries the Institute has held a drop of an illuminated maple leaf from its headquarters, followed an hour later at midnight by a brilliantly-lit maple leaf. It's a tradition that many never miss and a vivid sign of the creative energy generated by this innovative organization.

### NEW TYPE OF BUOY AFLOAT IN MAINE WATERS

By Melissa Waterman

This fall, a new sort of buoy will be bobbing in the water in Downeast Maine. Not made of plastic, not made of wood, the new buoy is made of a surprising material: mushrooms. Abby Barrows at Long Cove Sea Farm and Severine von Tscharner Fleming at Smithereen Farm are trying out mushroom buoys this summer at their respective aquaculture operations. In addition, the new buoys will be tested in Walpole at the Darling Marine Laboratory and in West Bath at Winnegance Oyster Farm.

"Smithereen Farm and I got a grant last year to kick off this work," explained Barrows in an email. "Now I am operating under another grant, building upon our work last season. I wanted to be able to have gear be trialed in different areas of Maine in order to see how things held up under different environmental pressures."



Aquaculturist Abby Barrows will be testing buoys made of mushroom material at her oyster farm this fall. Photo courtesy of Long Cove Sea Farm.

The newfangled buoys are a first step toward reducing the amount of plastic used in the marine environment. Plastic is a problem. It's made from petroleum and is designed to be flexible and strong. It also has a very long life. NOAA's Marine Debris Program estimates that a Styrofoam cup will take 50 years to break down in the ocean; a plastic bottle will take 450 years; and fishing line will take 600 years to degrade.

Even then, the plastic is not actually gone. In the ocean, plastic items exposed to sun, salt, and battering by waves break up into smaller and smaller pieces, called microplastics. Microplastics are plastic particles smaller than five millimeters across. Even when a plastic bag or bottle is gone from sight, the plastic itself is not gone from the ocean.

Now there is a material that could be a substitute for plastic. In the early 2000s, two engineering students at Rensselaer Polytechnic Institute, Eben Bayer and Gavin McIntyre, invented a substance that they called Mushroom Material as part of a senior project. In 2007 they founded their company, Ecovative, to grow this material as a substitute for plastic. Mushroom Material has proved to be strong, insulative, flame-resistant, and, important for fishermen, buoyant.

The material is made of the "roots" of mushrooms, called mycelium, that are grown on plant waste. The mycelium push into the plant waste and begin to digest it. As mycelium grow, it creates a strong, foam-like mass which is lightweight and non-compressible. Mushroom material can be grown in any shape desired and takes just about a week to make.







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Buoyant, sturdy, mushroom material acts like plastic foam but will breakdown into compost. Photo courtesy of Ecovative.

One product that Evocative makes is custom packaging called MycoBond™ which can replace the typical Styrofoam used to pack computers, TVs, and other delicate items. MycoBond™ is made with hemp fiber waster and mycelium. Evocative can "grow" a custom EcoCradle that is specific for any product. Once it is finished as a packing container, it can be broken into smaller pieces and put in the compost pile or left outside to decompose. Testing conducted by NOAA showed that the EcoCradle withstands prolonged exposure to tropical shipping conditions and sea spray and yet will break down in in less than five months.

This spring, Sue Van Hook, who worked for Evocative, came to Maine to promote the use of MycoBond™ to make buoys. According to an article in the Bangor Daily News, Van Hook has tested buoys made of the mushroom material along the east coast for years. The problem was finding a waterproof coating not made of plastic that could keep the buoys whole throughout the season. Recently she worked with a chemist who has come up with a biodegradable, non-toxic coating that will be used at the two aquaculture sites this summer.

"We had wanted to get them in the water earlier but the oyster seed was only ready last week [mid-August]," Barrows said. "I will leave some of the prototype gear in over the winter." If mushroom material turns out to have staying power, a different type of buoy might be bobbing along the Maine coast next year.

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## *In the* NEWS

#### BOEM TAKES FIRST STEP IN GULF WIND LEASES

In August the Department of the Interior Bureau of Ocean Energy Management (BOEM) published a Request for Interest (RFI) and Request for Competitive Interest (RFCI) in the offshore area of the Gulf of Maine. Publishing the RFI is the first step in BOEM's leasing process to identify the offshore locations that appear most suitable for offshore energy development. Its purpose is to gauge interest in the development of commercial wind energy leases within the Gulf of Maine area, which consists of about 13,713,800 acres. First lease auctions for the Gulf area are anticipated in mid-2024.

#### CHANGE TO MENHADEN RULES POSSIBLE

The Atlantic State Marine Fisheries Commission is considering new provisions that could increase menhaden catch quotas in Maine. Menhaden, also known as pogies, have become a top lobster bait as herring populations have declined. The proposal, released in mid-August, includes several different allocation options and variations that would allow more fish to be landed in Maine. Minimum allocations could be done on a tiered scale based on harvests going back to 2009. The commission could also shift the time frame that allocations are based upon to more recent years, which would give Maine a boost because of its increased landings. The commission is expected to decide on the changes later this fall. In late August, the state Department of Marine Resources shut the commercial menhaden harvest completely. The small-scale menhaden fishery caught 170% more fish than last year in its first 17 days of fishing.

#### P.E.I. FISHERMEN'S CO-OP SUFFERS FIRE DAMAGE

An August fire destroyed part of a fisherman's co-op in Murray Harbour, Prince Edward Island. The fire started in the afternoon, and destroyed the freezer, garage, and ice house at the Machon Point Fisherman's Co-op. Co-op officials said the freezers, garage for the co-op's trucks, and ice house will need to be rebuilt, but supply chain issues may make it difficult to source new equipment. One building housed a significant quantity of bait for the 2023 season.

#### YDR0-SI SAME DAY SERVICE AND TECHNICAL SUPPORT "THINKING OF BUILDING A NEW BOAT?" LET US QUOTE YOU ON A POWER STEERING OR A POT HAULER HAULERS AVAILABLE 8" TO 17" ALUMINUM BACKPLATE • POLISHED STAINLESS BACKPLATE ALL STAINLESS HARDWARE POWER STEERING AVAILABLE IN 5 CLASSES UP TO 120 FEET STAINLESS QUADRANT ASSEMBLIES STAINLESS HELMS 16" SPOKED WHEEL BRONZECHROME **DUAL RAM QUADRANT ASSEMBLY ELECTRIC CLUTCHES HIGH EFFICIENCY VANE** \$544.70 100% Stainless Steel construction Rudder side thrust eliminated no stress on boat timbers 5.5 HP HONDA POWER UNIT **OUR NEW GENERATION SUPER BLOCKS** • 4" Low LIP and HILIP • 11GPM @ 1500 PSI 2 Stage Pump • 5" Low LIP and HI LIP Light, Versatile and Portable This unit will power 10" • 2000 lb. Capacity and 12" and 14" Haulers Sealed tapered Ideal for outboards and roller bearings other small boats Aluminum Sheaves Log Splitter Stainless Sheaves **WORLD'S LARGEST POT HAULER MFG. FOR OVER 40 YEARS** Call John for more information 1-800-747-7550 • Or visit us on the internet: marine-hydraulic-engineering.com MARINE HYDRAULIC ENGINEERING 17 Gordon Drive • Rockland, Maine • Fax: 207-594-9721 Email: marinhyd@midcoast.com

#### WARMING REVERSES COOLING IN THE GULF OF MAINE

A new study, led by the Woods Hole Oceanographic Institution and co-written by the University of Maine found that rapid warming in the past one hundred years has reversed 900 years of cooling temperatures in the Gulf of Maine. "Combining precisely dated geochemical data from clam shells with state-of-the-art climate models provides a powerful method for understanding climate change in the Gulf of Maine. We can see how local conditions are influenced by large-scale patterns through time," said Karl Kreutz, co-author of the study and professor in the University of Maine Climate Change Institute, said in a Bangor Daily News interview. Temperatures in the past 100 years alone warmed faster in the Gulf of Maine than in any other 100-year period over the millennium, according to the study.

#### DMR NAMES FIRST SHARK RESEARCHER

Matt Davis, a Department of Marine Resources lobster survey scientist with a background in shark biology, to be the state government's first ever researcher dedicated to studying sharks. Most of his work is running the state's shark monitoring program, which began in the wake of the state's first fatal shark attack in 2020. The state now has about 30 acoustic receivers in the water that collect data when sharks with monitoring tags swim within a couple hundred yards of them. They're largely spread out in southern Maine, from Ogunquit to the Sheepscot River. The state's shark program is



still in its early days. Davis only has about a year and a half of data from the receivers, which only cover a portion of the state's coastline.

# PORT CLYDE FISHING FAMILY HONORED

#### MCFA press release

In October 2020, Maine Coast Fishermen's Association's (MCFA) board of directors approved the purchase of a new office building at 93 Pleasant Street in Brunswick to provide a permanent home for the association.

In August the building was officially renamed in honor of the Cushman Family. The dedication is made possible through the generous donation of \$50,000 from Ben Lipson and Dr. Jill Roth along with a match of \$50,000, from the community of Port Clyde.

A new sign and photos of the Cushman family will hang in the entryway of the building along with a plaque that reads the following:

"The naming of this building was made possible by a gift from Ben Lipson and Dr. Jill Roth and the community of Port Clyde."



From left, MCFA board member Kevin Lipson, MCFA executive director Ben Martens, and Gerry Cushman. MCFA photo.

The Maine fishing legacy of the Cushman family stretches back at least five generations. The Cushman family has been instrumental in the growth and success of the MCFA and have been staunch supporters and advocates for Maine's fishing communities.

Both Randy and Gerry Cushman were present in 2006 when the Midcoast Fishermen's Association (the precursor to MCFA) was founded. Gerry Cushman served as chairman of the board of directors from 2011 until 2019, and both Gerry and Randy still serve as members of the Board.

Today, their impact endures as MCFA works to enhance the sustainability of Maine's fisheries by advocating for the needs of community-based fishermen and the environmental restoration of the Gulf of Maine.

# Events Calendar

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

#### September 7

MLA Directors Meeting, 5 p.m., Darby's Restaurant, Belfast. FMI: 207-967-4555.

ASMFC Atlantic Menhaden Public Meeting, 6 to 8 p.m., Urban Forestry Center, Portsmouth, NH. Virtual option available. FMI: Cheri Patterson 603-868-1095.

#### September 9

Comments due on DMR proposed rule on 100% harvester reporting. Email written comments to dmr.rulemaking@maine.gov or mail to Amanda Ellis, 21 State House Station, Augusta, Maine 04333-0021. FMI Amanda Ellis at 207-624-6573.

Aquaculture Public Scoping Meeting, Summit Point, 5:30 p.m., Yarmouth Town Hall.

#### September 10

Maine Coast Fishermen's Association Lobster Bake, Peaks Island. FMI: https://www.maine-coastfishermen.org.

#### September 13

ASMFC Atlantic Menhaden Public Meeting, 6 to 8 p.m., Dept. of Marine Resources office, Augusta. FMI Megan Ware 207-446-0932.

Aquaculture Public Scoping Meeting, Goose Island Oysters, 2 p.m., Harpswell Town Office.

#### September 14

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

Aquaculture Public Scoping Meeting, Clam Hunter Seafood Inc., 6 p.m., Phippsburg Library.

ASMFC Herring Days Out meeting, 9 to 10:30 a.m., at *https://meet.goto.com/245329293*. FMI: Emilie Franke at efranke@asmfc.org.

#### September 19, 22 and 23

Atlantic Large Whale Take Reduction Team. Online. FMI at: https://www.fisheries.noaa.gov/new-england-mid-atlantic/marine-mammal-protection/atlantic-large-whale-take-reduction-team#upcoming-meetings.

#### September 20

NEFMC Scallop Advisory Panel Meeting, Hilton Garden Inn, Boston.

ASMFC Atlantic Menhaden Public Meeting, 5 p.m., Jeff's Catering & Event Center, Brewer. FMI Megan Ware 207-446-0932.

#### September 21

NEFMC Scallop Committee Meeting, Hilton Garden Inn, Boston.

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

#### September 23

NEFMC Herring Committee Meeting, 1-5 p.m., Hilton Garden Inn, Boston.

#### September 27-29

New England Fishery Management Council meeting, Gloucester, MA.

#### September 30

Comments due on NOAA Proposed Vessel Speed Rule. Rule available at: https://www.fisheries.noaa.gov/action/amendments-north-atlantic-right-whale-vessel-strike-reduction-rule. Submit comments at: https://www.regulations.gov/docket/NOAA-NMFS-2022-0022.

Comments due on ASMFC Menhaden Plan. Submit written comment via email to *comments@asmfc.org* (subject line: Atlantic Menhaden Draft Addendum I) or mailed to James Boyle, ASMFC, 1050 N. Highland St., Suite 200A-N, Arlington , VA 22201. FMI: Megan Ware at 207-446-0932.

#### October 3

Comments due on BOEM "request for competitive interest and public comment" on the state of Maine's proposal to develop an offshore wind research array. Comment online at *www.regulations.gov*, keyword "BOEM-2022-0041."

Comments due on BOEM "request for interest and comments" on possible commercial wind energy leasing on the Gulf of Maine. Comment online at *www.regulations.gov*, keyword "BOEM–2022–0040."

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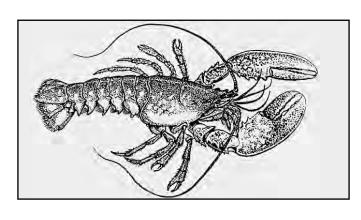
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### NEW CAPTAIN AT DMR MARINE PATROL BUREAU

#### DMR press release

Colin MacDonald, an 18-year veteran of the Maine Marine Patrol, has been promoted to the rank of Captain.

In the new role, Captain MacDonald will be responsible for planning, directing, overseeing, and evaluating all activities within Marine Patrol's Special Services Division which includes the Underwater Recovery Team, the Maritime Security Team, the Firearms Team, and the Whale Disentanglement Team.

Captain MacDonald will also oversee and manage technology including cell phones, computers, radios, navigation software, and database. He will supervise Marine Patrols Central Fleet service which maintains all Marine Patrol vehicles and will oversee maintenance and operations of Marine Patrols aircraft and watercraft fleet.

Captain MacDonald began his career with Maine Marine Patrol in 2004, serving as an Officer on Mount Desert Island. He was promoted to Specialist in 2010 and assigned to the patrol vessel Dirigo. In 2014 he was promoted to Sergeant and served from the Canadian border to Stockton Springs, where he served until his recent promotion. Captain MacDonald fills a position held by Matthew Talbot prior to his promotion to Colonel in June.

"During Captain MacDonald's career he has always been committed to the

commercial fishing industry and has shown a high level of effort and dedication towards resource-oriented patrol work," said Colonel Talbot. Captain MacDonald holds a U.S. Coast Guard Masters license, National Association of State Boating Law Administrators (NASBLA) Tactical Operators certification and Officer Water Survival Instructor certification, Level 3 Whale Disentanglement certification, and is a certified Advanced Open Water Diver. He is currently both the Whale Disentanglement Team Leader and the Maine State Police/Maine Marine Patrol Underwater Recovery Team Assistant Leader.

"Captain MacDonald brings important skills and relevant experience to his new position and I'm confident that he will be able to jump right into the new role and tackle the many



Captain MacDonald. DMR photo.

projects in the works, including the construction of two new large patrol boats, facility infrastructure projects, and Officer training program modifications, to name a few," said Colonel Talbot.

### THE MAINE LOBSTER FESTIVAL RETURNS!

After a two-year hiatus due to the Covid 19 pandemic, the 75th Maine Lobster Festival returned to Rockland in full force in August.

Over 22,000 pounds of lobster was consumed during the festival, steamed by volunteers in the World's Greatest Lobster Cooker, which can cook 1,600 pounds of lobsters in 15 minutes. Organizers credit the record-breaking attendance to this year's free admission and to the fact that for the first time, the Festival had a beer tent!

South Thomaston lobsterwoman Virginia Oliver, age 102, was grand marshall of the traditional Saturday parade along Maine Street, accompanied by King Neptune and this year's Sea Goddess, Olivia Dougherty of Warren.

On Sunday afternoon, the Great International Lobster Crate Race took place in Rockland Harbor, when more than 90 competitors, ages 5 to 56, attempted to cross 50 wooden lobster crates strung together. Aiden Genthner, 12, of Owls Head finished first, crossing 2,522 crates in all. His younger brother, Kobe, 9, ran across 1,798 crates in total.

Being light on one's feet can certainly pay off!



Volunteers steamed 20,000 pounds of lobster during the festival. Photo courtesy of Courier Gazette.



Visitors from around the world came to enjoy fresh Maine lobster. MLF photo.



Aiden Genther goes for the title. Photo courtesy of Village Soup.



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