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Maine Lobstermen's Community Alliance

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LANDINGS

News & Views from Maine's Lobstering Community

October 2022 | Vol. 30, No. 10

MLA APPEALS DEEPLY DISAPPOINTING U.S. DISTRICT COURT DECISION

Vows to fight to the Supreme Court

By MLA staff

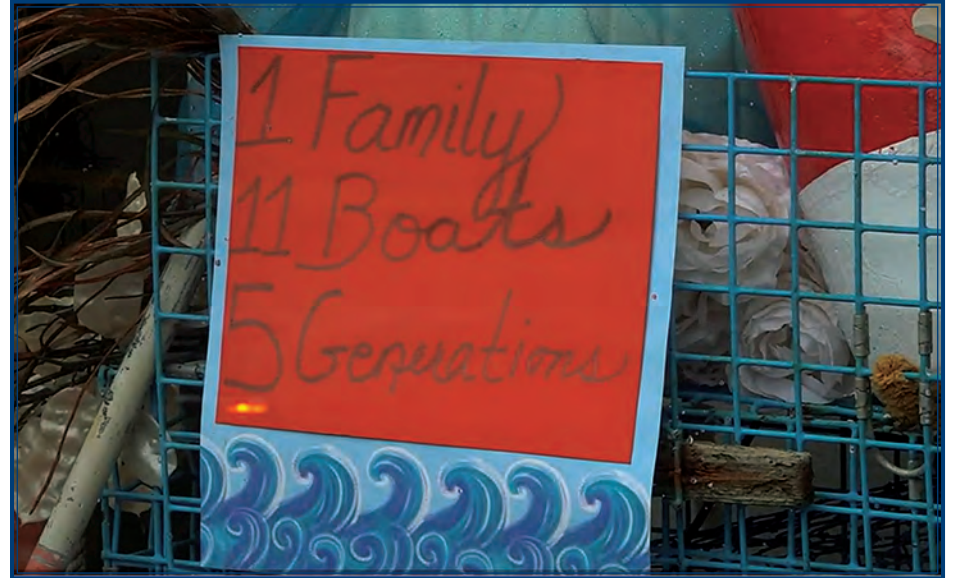
On September 14 the Maine Lobstermen's Association (MLA) filed a Notice of Appeal to the United States Court of Appeals for the District of Columbia Circuit in Maine Lobstermen's Association v. National Marine Fisheries Service — its lawsuit to reverse a scientifically-flawed federal whale plan that will cripple Maine's lobster industry. In July, the Court ruled in favor of NMFS in the case brought by the MLA against the agency.

"The Maine lobster industry faces punishing, unnecessary regulatory restrictions in a careless effort to save endangered whales," said Patrice McCarron, executive director of the MLA. "After working for years with federal regulators and other stakeholders, and after pleading our case to a federal court that never addressed our well-documented concerns with scientific deficiencies, the Maine Lobstermen's Association is escalating its fight to save Maine's lobstering heritage from a plan that the agency itself admits is not needed for the species to survive."

McCarron emphasized MLA will pursue all viable avenues to have its legal claims addressed, "including resorting to the Supreme Court if necessary to protect Maine's sustainable fishery, MLA's members, and their coastal communities."

In September 2021, MLA filed a lawsuit challenging the federal government's draconian and fundamentally flawed 10-year whale protection plan that will all but eliminate the Maine lobster fishery yet still fail to save the endangered North Atlantic right whale. MLA argued that the NMFS acted arbitrarily when

Continued on page 4



A sign posted at an Ellsworth business in September shows exactly what's at stake for Maine's coastal communities and the state's economy if the lobster fishery is shut down. WABI image.

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90% RISK REDUCTION GOAL MANDATED BY NMFS *Timing to be set by judge*

By MLA staff

There's a lot of speculation along the coast right now about coming revisions to the Atlantic Large Whale Take Reduction Plan, commonly called the whale rules. Unfortunately, many legal aspects pertaining to two lawsuits have not yet been settled. What we do know, as of publication date, is that NMFS is moving full steam ahead to increase the risk reduction goal for federal fixed gear fisheries, including the lobster fishery, to 90% from the previous 60%. We offer the following to clarify what the heck is going on.

Why do we need to reduce risk by 90%?

NMFS set a risk reduction goal of 60% for the lobster industry in 2019, which was achieved through implementation of the amended whale rules in May 2022. NMFS based the risk reduction figure on observed right whale mortalities from entanglement. The agency assigned half of those mortalities to the U.S. and half to Canada, and then calculated the percentage of risk reduction necessary to reduce that number to below Potential Biological Removal rate (PBR) of 0.9 whales annually.

Since then, NMFS updated its data on the lobster fishery and right whales, which led to revision of several of its assumptions. NMFS stated that due to the continued decline of the right whale population, PBR has been reduced to 0.7. Therefore, less than one right whale can die each year from entanglement in U.S. fishing gear.

In November 2021, NMFS increased the risk reduction goal for the

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COASTAL OUTLOOK *Thoughts from MLCA President Patrice McCarron*

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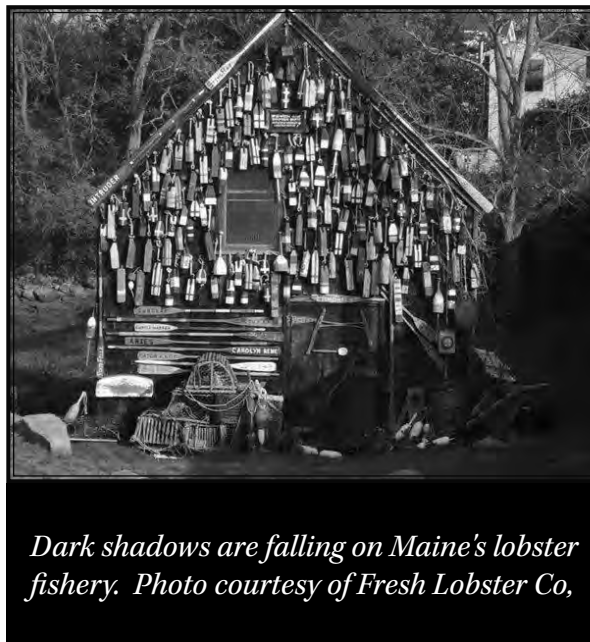
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Dark shadows are falling on Maine's lobster fishery. Photo courtesy of Fresh Lobster Co,

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GUEST COLUMN: *Update to lobstermen, fishery facing significant impacts*

By Patrick Keliher

Originally distributed via email on September 17, 2022

As I have promised before, I want to make sure you are as informed as possible as the situation around right whales evolves. There have been several developments, many of which speak to the seriousness of the situation. My goal is to keep you informed and to ensure that you have the information necessary to engage in important upcoming conversations.

Maine Lobstermen's Association V. National Marine Fisheries Service

As you know, DMR is a participant in the lawsuit filed by MLA which asserts that the National Marine Fisheries Service (NMFS) erred by failing to rely on the best scientific information in the Biological Opinion (Bi-Op) released in May 2021 and failed to account for the positive impact from conservation measures previously adopted by the Maine lobster fishery.

Unfortunately, on September 8, Judge Boasberg sided with NMFS and ruled that NMFS reasonably explained how it estimated right whale populations, NMFS appropriately assessed what was the best available information, and NMFS met the requirements under the Administrative Procedures Act. While this does not preclude NMFS from considering the arguments made by the MLA, DMR and others in the future and choosing to take a less conservative approach to a revised BiOp and rule, the judge will not force NMFS to do so.

I am extremely disappointed by this decision, and I continue to believe that the assumptions NMFS made in the Bi-Op overstate the risk from the Maine lobster fishery. We are evaluating our options at this time, but I can confirm that after consulting with Governor Mills, to leave all our options open we have directed our legal team to file a Notice of Intent to appeal. [Editor's note: DMR filed its Notice of Appeal of Judge Boasberg's ruling in the MLA case on September 20, 2022.]

NMFS Announces Scoping Period

On September 8, NOAA announced a scoping period to consider additional rulemaking measures to achieve a 90% risk reduction in Atlantic coast fixed gear fisheries, including the lobster fishery.

As you will recall, the conservation measures established in the lobster fishery under Phase I were implemented via rulemaking earlier this year. Originally, Phase II was intended to address risk in other trap pot and gillnet fisheries

along the Atlantic coast. This would have been followed by Phase III, which would consider additional risk reduction in all Atlantic coast fixed gear fisheries, including the lobster fishery.

In the recent ruling in the lawsuit between the environmental groups and NMFS (CBD v. Ross, or the CBD case), however, Judge Boasberg ruled that the final whale rule was invalid because it did not reduce takes below the Potential Biological Removal (PBR) rate (the number of whales that can be lost due to human causes without undermining the sustainability of the stock) within six months of implementation.

This ruling accelerated the timeline for risk reduction compared to what was initially presented in the Bi-Op. NMFS has expanded the scope of Phase II to include all fisheries currently regulated under the Atlantic Large Whale Take Reduction Plan. This means that the lobster fishery will need to achieve a 90% risk reduction now.

NMFS will hold only one, remote public hearing during the scoping period, on September 27 at 4:30pm.

I feel strongly that NMFS should be holding multiple in-person hearings during the scoping period and will continue to request they hold additional meetings. Governor Mills has sent a letter to the Secretary of Commerce demanding that NOAA do their job and face the fishermen that their rules will impact.

Currently this scoping hearing is your only opportunity to communicate directly with NOAA during the development of these measures, so I strongly urge you to understand what is being discussed and consider providing NOAA with your thoughts about how such measures will impact you and your business. Written comments are also being accepted until October 11. If additional meetings are added we will be sure to let you know.

Atlantic Large Whale Take Reduction Team Meeting

Concurrent to the ongoing scoping period, the Atlantic Large Whale Take Reduction team (TRT) is beginning work on achieving the Phase II 90% risk reduction in U.S. fixed gear fisheries.

Continued on page 4



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

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Keliher continued from page 3

Based on recent updates and model runs, NMFS has informed the TRT that the measures implemented in May 2022 achieved just a 50% risk reduction. Getting to a 90% risk reduction is a significant task, and it will not be easy.

We are facing big changes to fixed gear fisheries (i.e., lobster, gillnet) in Maine, and this could include trap and/or endline reductions, closures, and additional weak rope. At the TRT meeting on September 8, NMFS presented two examples to demonstrate what it will take to achieve a 90% risk reduction.

The first example included year-round closures of all fixed gear fisheries in federal waters from Maine to Florida, in addition to vertical line reductions and weak rope in state waters. This scenario achieved a 94% risk reduction.

A second example included seasonal and area-based closures of fixed gear fisheries, 50% vertical line reductions, and broader weak rope implementation to reach an 89% risk reduction. Specific to Maine, the example included closing federal waters of Zone A and B in June and July, federal waters of Zones C, D, and E October-January, and federal waters of Zones F and G February-March.

I want to re-iterate that these are not actual proposals on the table but were used by NMFS to illustrate the magnitude of measures needed to achieve large risk reductions.

As you can tell, achieving a 90% risk reduction is going to be very difficult, and there are going to be significant impacts to the lobster and gillnet industries in Maine. While the above illustrations are just examples, they give you a feel for how extensive the next round of risk reductions may be.

Whatever measures are ultimately implemented, they are likely to impact fishermen in all zones, and the changes are coming fast. The TRT will meet during the week of September 19 to continue developing measures to achieve 90% risk reduction and will meet again in November to vote on measures to put forward for implementation.

This timeline is very aggressive and will not allow for the many rounds of discussion that DMR staff had with the industry during the development of the Phase I measures. Governor Mills also pressed Secretary Raimondo for more time so that we can better understand how adverse impacts to Maine's coastal communities might be lessened, but both the Governor and I strongly doubt that there are any measures that would achieve this draconian reduction that Maine would support. Regardless, we need to be at the table and ensure Maine's voice is heard.

Seafood Watch Red Listing

On September 5, the Monterey Bay Aquarium's Seafood Watch program released new ratings assigning 'red' listings to a number of fixed gear fisheries, including the lobster fishery in Maine. Seafood Watch claims the basis for this decision is the critical status of the North Atlantic right whale, and that current management measures (in both Canada and the U.S.) do not go far enough to mitigate risk of entanglement in fishing gear.

Seafood Watch ignored the information that DMR provided on behalf of this industry, including that there has not been a right whale entanglement attributed to Maine lobster gear in eighteen years, and no deaths ever attributed to Maine lobster gear. Seafood Watch also did not consider recent conservation measures enacted within Maine's fishery, or that more measures will be implemented soon.

I am outraged by this decision and will continue to urge consumers to recognize the industry's longstanding commitment to right whale protection and sustainable harvesting. Similarly, Governor Mills continues to advocate for Maine's lobster industry. The Governor and Maine's Congressional Delegation in a strongly worded letter to Seafood Watch have called for the listing to be reversed.

What is DMR Doing to Help?

After all that background, the question that I get most often these days is "What is DMR doing?" In summary:

- Our legal team is working very hard on behalf of the industry and is coordinating closely with MLA's legal team to understand the ramifications of Judge Boasberg's most recent decision in the MLA court case and to explore available options. DMR's legal team will be filing an intent to appeal in this case in the coming days. [Editors note: DMR filed its Notice of Appeal on September 20].
- DMR is still working with our attorneys on our remedy brief that will be submitted to the court in the CBD v. Ross case in early October.
- DMR secured \$3 million as proposed by Governor Mills in her biennial budget to help cover our growing legal costs.
- DMR and Governor Mills have told NOAA and the U.S. Secretary of Commerce that the current federal scoping plans are insufficient to solicit good industry input into a situation of critical importance to the entire coast of Maine and have asked for this decision to be revisited.
- DMR has been requesting access to the updated Decision Support Tool (DST) used to calculate risk reduction percentages so that we can do our own analysis of potential risk reduction scenarios and, with the help of industry members, look for those solutions that minimize the impacts of these federal actions to the greatest degree we can. NOAA continues to deny us access to this updated tool, stating that it is not yet peer-reviewed. Ironically, just two years ago NOAA gave us access to a previous version of the same tool before it had been peer-reviewed.

Governor Mills and Maine's Congressional delegation have called on Seafood Watch to reverse its decision. DMR will continue to work with the Maine Lobster Marketing Collaborative to share real information about the lobster fishery's stellar track record in lobster conservation and the many sacrifices already made on behalf of right whales.

Going forward, I promise to continue to keep you all updated and will be as transparent as possible about this evolving situation. If you have questions, please feel free to reach out to my office, and we will do our best to help.

MLA continued from page 1

it failed to rely on the best scientific information and account for the positive impact of conservation measures already adopted by the Maine lobster fishery, then designed a plan aimed at curing unrealistic "worst-case scenarios." On September 8, District Court Judge Boasberg ruled against the MLA in an opinion that deferred to NMFS on all counts without disputing the validity of the MLA's concerns.

"We refuse to let a single judge's decision be the last word," said Kristan Porter, president of the MLA. "The facts are clear. Maine lobstermen are not driving the whale towards extinction. There has never been a known right whale death associated with Maine lobster gear, and there has not been a single known right whale entanglement with Maine lobster gear in nearly two decades."

Porter stated that MLA will continue its fight to block federal actions taken to protect whales without credible scientific support or an evidence-based plan.

"The MLA will not let NMFS's disregard for data decimate the most sustainable fishery in the world. If we have to go all the way to the Supreme Court to protect our hardworking families and preserve coastal communities, that is what we will do."



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Risk reduction Q&A continued from page 1

lobster fishery from 60% to 90%. The 90% risk reduction is based on total right whale deaths, which includes all observed deaths and cryptic mortality. The total observed right whale deaths from 2015-2019 equal 157, of which 40.5 were observed and 116.5 were assumed or unobserved cryptic deaths. NMFS then attributed half of these to the U.S. and half to Canada, and then attributed 70% of the U.S. deaths to entanglement. The result of this math is that on average, 11 right whale deaths are attributed to U.S. entanglement annually. This requires a 90% reduction within the lobster and other fixed gear fisheries to get this number below PBR of 0.7.

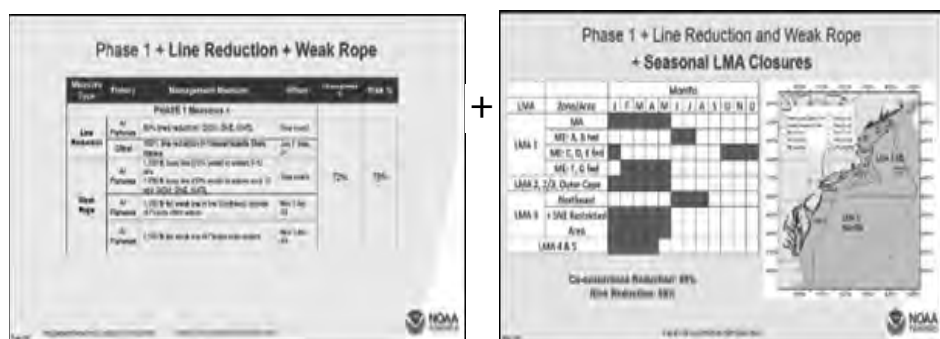
NMFS also revised its estimate of how much risk reduction the lobster fishery achieved from the new measures begun in the May 2022, downgrading it to 50%.

What changes does the lobster industry need to make to achieve a 90% risk reduction?

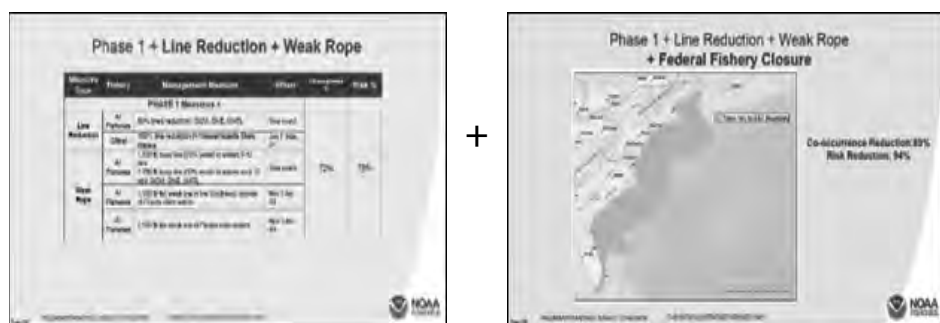
It is impossible to answer this question because NMFS has just started the rule-making. According to NMFS, the “toolbox” to achieve this level of risk reduction includes removing rope from the water, further weakening the remaining rope, and closures. NMFS has stated that ropeless fishing will not be commercially viable by the time these rules are implemented, and that the federal rulemaking process is not flexible enough to accommodate an effective dynamic management program.

NMFS has presented two ‘strawman’ illustrations to show the magnitude of changes needed to achieve a 90% risk reduction. During the September Take Reduction Team (TRT) meeting, NMFS presented estimates indicating that a trap cap of approximately 275 would take 50% of vertical lines out of the water.

Example 1 = 89% risk reduction



Example 2 = 94% risk reduction



When will new rules to reach 90% risk reduction be implemented?

Based on the Court filings to date, the new whale rule could be finalized as early as summer 2023 because the environmental groups have asked the Court to give NMFS just six months to do so. Or it could be as late as December 2024 because NMFS has told the Court it needs 26 months to complete the rulemaking. However, we have no way of knowing the timeline until Judge Boasberg issues his Order on Remedy. Since remedy filings, including the MLA’s, will be complete in late October, we would expect to see his Order in November or December.

These Court filings on remedy are taking place in the case brought by three national environmental groups (CBD vs Raimondo). In July the Judge ruled that the 2021 Final Whale Rule and Biological Opinion are both invalid. Fortunately, the Judge allowed the lobster fishery to continue to operate while the Court hears from the parties on how to fix the legal flaws.

Could the federal fishery be shut down?

It’s hard to say at this point.

The environmental organizations have asked for the Judge to send the Final Whale Rule and Biological Opinion back to NMFS and order the agency to fix the legal flaws and issue a new Final Rule and a new Biological Opinion, including a valid Incidental Take Statement (ITS), within six months.

NMFS advised the Judge to leave the new Biological Opinion in place and send only the Incidental Take Statement (ITS) back to the agency. An ITS is required for NMFS to permit the federal lobster fishery.

According to the NMFS, to create an ITS NMFS must first “make a negligible impact determination (NID) for federal fixed-gear fisheries pursuant to the MMPA (Marine Mammal Protection Act), which would allow the agency to issue an ITS....”

NMFS continues, “But to be clear, the current NID level is 0.095 M/SI (mortality or serious injury) per year—far lower than PBR. In other words, NMFS would have to find that no more than one M/SI will occur in the federal fisheries every 11 years to reach NID.”

NMFS told the Judge that invalidating the 2021 Biological Opinion as recommended by the environmental organizations “– with no feasible means of achieving the NID standard in an operating fishery—would likely require the closure of the federal lobster fishery for eight years to meet the NID standard.” NMFS has not included a valid ITS in past Biological Opinions because it was unable to meet the NID standard.

To this point the Judge earlier wrote, “The agency argues that because the fishery would not have been able to proceed had they complied with the ESA, NMFS was justified in abandoning the Act’s directives altogether. The Service and the statute pass each other like ships in the night.... Defendants [NMFS] cannot rewrite the statute just because they do not agree with its consequences.” The Judge is considering how to fix the flawed Incidental Take Statement as part of the remedy phase of this case. All briefs will be filed by late October; the Judge likely will make his decision before the end of the year.

What can we do to stop this?

The Marine Mammal Protection Act and the Endangered Species Act combined create a standard that sets a course for the lobster fishery to be decimated.

The MLA sued NMFS because we believe that it is misconstruing the science, which makes complying with these laws even harder. In September, the Judge ruled against MLA, deferring to NMFS on all counts without disputing MLA’s claims.

Rather than consider the substance of how NMFS misused the science, the Judge instead stated that NMFS “reasonably explained” its decisions and “that is all that the Administrative Procedure Act requires.” Therefore, “the Court holds that the challenged portions of the BiOp survive under the deferential arbitrary-and-capricious standard of review.”

The MLA does not believe that the Judge grasps the extent to which NMFS has misused and distorted the science and does not understand the devastation this decision will have on lobstermen, the industry and our coastal communities.

The MLA has appealed the Court’s decision. It will fight to block federal actions taken without credible scientific support or an evidence-based plan to protect whales from harm. If that requires appealing the case to the Supreme Court, the MLA will do so.

If MLA can get Judge Boasberg’s decision overturned, then NMFS would be required to properly use its data, with accurate assumptions, which would inevitably lead to a risk reduction figure that more truly reflects the threat posed by the fishery to right whales.

Thus the legal battle will continue.



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STEAMING AHEAD

I have to say, September was one hell of a month. The bad news started when NMFS informed us that it had revised the risk reduction model with new right whale data and new assumptions on where fishing effort takes place. The result, they told us, is that our fishery achieved only a 50% risk reduction and not the 60% the agency had originally estimated.

Then NMFS walked us through what it will take for the lobster fishery to achieve a 90% risk reduction. The scenarios are downright scary. We learned that even closing all federal fixed gear fisheries from Maine to Florida does not achieve a 90% risk reduction. Combining the closure of *all* federal fixed gear fisheries with removal of *half* of all vertical lines and requiring those remaining lines to be 75% weak rope gets you to 94%. Obviously, that is not doable.

As if this isn't bad enough, on the same day NMFS described the magnitude of change it will take to reach a 90% risk reduction. Judge Boasberg ruled in the MLA's case and denied every single one of our claims. To make matters worse, he did not actually rule on the substance of our claims that NMFS misused the science. Instead, he simply ruled that the federal government gets deference — if NMFS explains why it used science in a certain way and if NMFS calls it the best available science, then that is all the agency needs to do to comply with the Administrative Procedures Act.

The Judge wrote, "NMFS reasonably explained how it estimated the right-whale population and modeled that population into the future, drawing on what it rationally assessed was the best available data and submitting its methods for peer review. That is all that the Administrative Procedure Act requires." So apparently crap in = crap out is OK as long as you explain why you did it even if your explanation is riddled with poor assumptions that contradict each other and have no basis in reality.

The MLA has been closely involved in the federal whale management process for more than 25 years. We, like the rest of you, are dealing with the shock of a 90% risk reduction which we know will devastate the industry. We have worked tirelessly over the last five years to prevent this day from happening. And the legal and regulatory systems have let us down.

The Marine Mammal Protection Act and the Endangered Species Act (MMPA and ESA) leave little breathing room for this fishery to survive. We cannot avoid complying with these laws because right whales are in decline and our gear does have the potential to harm a right whale.

NMFS must take action when required under the MMPA and the ESA. NMFS does have some discretion, however, on how it meets the legal mandates. Yet any time the agency has had a choice on how to interpret data or how to frame an assumption, it consistently chose options that assume the worst for right whales, thus causing unnecessary harm to the lobster industry. And now Judge Boasberg has said that is OK, giving NMFS a blank check to move forward implementing these laws based on unrealistic assumptions without any repercussion. This is just plain wrong!

This is why the MLA sued. NMFS does have discretion to use its science to reflect scenarios that are reasonably certain to occur, rather than assuming only doom-and-gloom

scenarios that have no basis in reality. I cannot fathom how a government agency whose mission includes supporting productive and sustainable fisheries would continually choose options that will decimate a sustainable fishery. Fundamentally the MLA believes that Judge Boasberg got it wrong when he denied MLA's claims.

So we have appealed his decision. The MLA is developing an aggressive strategy to move this case through the federal Appeals Court. And if the Appeals Court does not agree with us, we are prepared to take the case all the way to the Supreme Court.

The lobster fishery and its stewardship practices sustain both the lobster resource and the right whale population. We know that the right whale population doubled at a time when the lobster fishery was executed at a very similar

scale and with the same gear we fish today. We know that right whales are rare in the waters where we fish and that there is no documented case of a right whale dying due to entanglement in our gear. We know that there hasn't been a documented entanglement since 2004; we would have noticed an entangled right whale in Maine given the constant use of our coastal waters. We know that any model that directs managers to remove every piece of fishing rope from all East coast fixed gear fisheries

in order to protect right whales does not pass the straight face test.

The MLA does not believe that the laws of our nation ever intended to allow a government agency to disregard actual data and eliminate our lobster fishery.

This litany of bad news has only served to strengthen MLA's resolve to right this wrong.

We will not let the Court's ruling wipe out a sustainable, historic fishery that is the economic lifeblood of the coast. We will continue to work closely with our legal team, the state and our Congressional delegation to ensure that you and your children will be able to fish as your fathers and grandfathers did before you.

The last several years have shown me just what Maine people are made of. From a \$20 check given by a young Islesford child to Ready Seafood's generous contributions, Maine individuals and businesses have donated their money, their time and their selves to the *Save Maine Lobstermen* campaign in order to protect what is so precious to them, Maine's lobstering heritage. The MLA wants each supporter to understand that we will not back down.

The Court may have knocked us down in this round, but we are up on our feet again. We will not back down because this industry is worth fighting for.

As always, stay safe on the water.



The Maine Lobstermen's Association will not give up.
Photo by T. Bennett, Bangor Daily News.

Patrice



MAINE LOBSTERMEN'S ASSOCIATION UPDATE

MLA DIRECTORS MEETING SUMMARY

The MLA Board met on September 7 in Belfast. The board reviewed a series of pending rulemakings, including changes to the ASMFC Menhaden Plan which could result in more quota for Maine, DMR's 100% harvester reporting rule for all Maine license holders due to take effect in early 2023, and BOEM's request for comments on both the Offshore Wind Research Array and Request for Information on Gulf of Maine Offshore Wind leasing (comments due October 3).

MLA staff will attend the menhaden public hearing and work with the board to submit comments to ASMFC. Board members noted there are currently three apps available for the harvester reporting: VESL, FishOnline and Deckhand. None are seamless. The Board wants clarification on whether electronic harvester reporting apps or electronic trackers can be used for enforcement purposes. MLA staff will also conduct further review of BOEM's two requests for comments and consult with the board to submit written comments.

NMFS has scheduled a Take Reduction Team meeting the week of September 19 to begin crafting risk reduction proposals to achieve a 90% risk reduction across all fixed gear fisheries from Maine to Florida. NMFS has been holding a series of webinars to present recent the risk reduction model updates. NMFS has downgraded the risk reduction credit gained through implementation of new gear measures in May this year from 60% to 50%.

The case filed by three environmental organizations is in the remedy phase. In July Judge Boasberg found that both the Biological Opinion and the Final Whale Rule are invalid and must be fixed. He did not, however, immediately shut down the lobster fishery. The environmental groups, in their August 12 brief, asked that Biological Opinion and the Final Whale Rule be sent back to NMFS and fixed within six months. On September 19, NMFS submitted its brief. By October 7, the MLA, Department of Marine Resources, Maine Lobstering Union, and the Massachusetts Lobstermen's Association must submit their briefs. The environmental organizations must submit their final brief by October 21.

The Judge has not yet ruled in the MLA case. [Note: MLA learned on September 8 that the Court ruled against MLA in an opinion that deferred to NMFS on all counts without disputing the validity of MLA's concerns.]

The MLA is seeking lobstermen who run Time Zero or Olex on their boats to participate in an industry data collection project. The MLA is partnering with RODA and University of Maine on a pilot project to use data collected by lobstermen using Olex or Time Zero to demonstrate its utility in mapping where and when lobstering takes place. Lobstermen will continue to own the data and retain authority over how these data are used.

The MLA's Save Maine Lobstermen campaign continues to gain support. The MLA held a successful fundraiser on Islesford hosted by Bruce and Barbara Fernald and has launched the "Red's Eats Challenge" for the month of September. The board brainstormed additional ideas for future fundraisers.

The Board then went into executive session.

MLA AND MAINE TRT MEMBERS SEND LETTER OF CONCERN TO NMFS REGARDING TRT PROCESS

Maine's TRT members wrote to NMFS and the Take Reduction Team to express concerns over the TRT process and NMFS's risk reduction goal. The group writes, "We remain extremely troubled that NMFS's risk reduction goal continues to be based on assumptions that NMFS itself describes as "worst-case" and inconsistent with NMFS's own observed data. NMFS's 'illustrative examples' of measures that it believes are necessary to meet the 90% risk reduction goal presented on September 8 demonstrate that NMFS's current risk reduction initiative will subject the fishing industry to extreme measures that will cause irreversible and devastating hardship to Maine fishermen and their communities."

The letter continues, "We remain troubled that NMFS has refused to share the updated DST with the states and other Team members while expecting them to generate deep risk reduction scenarios. Without access to the DST, we do not have the information we need to accurately assess credit for various conservation measures, weigh options against the harm to the fishing industry and explore opportunities to mitigate those harms. For Maine to provide meaningful input to the Team, it is imperative that we have access to the DST and sufficient time to discuss our assessment with our fishing community. Without the DST, we cannot assess how our fishermen will be impacted by proposed measures."

ASMFC PUBLIC HEARING ON MENHADEN PLAN

ASMFC held a public hearing on proposed changes to the menhaden management plan at the DMR offices in Augusta on September 13. The public hearing was well attended. Industry members attending found the proposed plan to be very confusing, however, attendees were nearly unanimous in supporting

measures to increase the quota. Maine currently receives only 0.52% of the yearly quota, but can increase the state's menhaden catch by soliciting quota transfers from other states, participating in the episodic event quota and the small scale fishery.

While many spoke and expressed their frustration about not being able to fish when the menhaden are here, ASFMC took a show of hands to gauge the level of support for proposed management measures. Nearly all public hearing attendees supported 1) alternatives to give Maine the maximum commercial quota allocation by basing allocations on most recent landings history, 2) options to allow ASMFC to allocate up to 5% of the total quota to the episodic event quota, 3) and support of a status quo for the small scale/incidental catch fishery. Attendees expressed a lot of concern over proposed options that would disallow purse seines from participating in this fishery. ASMFC is accepting written comment until September 30.

ASMFC HERRING DAYS AT SEA MEETING

The ASMFC Herring Section met on September 14 to discuss herring days out for the 2022 Area 1A (inshore Gulf of Maine) Atlantic herring fishery for Season 2 (October 1 – December 31) and closure dates for the Western Maine and New Hampshire/Massachusetts spawning areas.

The Season 2 quota is approximately 174 metric tons (mt), which is 27.2% of the Area 1A sub-annual catch limit (ACL) after adjusting for the 30 mt fixed gear set-aside, a slight overage from Season 1, and an 8% buffer (since the Area 1A closes at 92% of the sub-ACL). This does not take into account the possible reallocation of 1,000 mt to the Area 1A sub-ACL based on catch information from the Canadian New Brunswick weir fishery.

Due to the very low quota, the days out measures for Season 2 are: 1) landing days will be set at zero (0) for Season 2, and 2) if 1,000 mt is reallocated from the Canadian weir fishery to the Area 1A sub-ACL, the fishery will move to four (4) consecutive landing days starting Sunday, November 6 at 6:00 p.m. Landing days would begin on Sunday of each week at 6:00 p.m. starting November 6.

Continued on page 8

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

Accutech Marine Propellor	Island Fishermen's Wives	Oliver Investments, LLC
Bar Harbor Bank & Trust	John's Bay Boat Co.	Pack Edge
Beals-Jonesport Coop Inc.	Kittery Point Yacht Yard	Port Clyde Fishermen's Cooperative
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Farrin's Boatshop	Maine Lobstermen's Community Alliance	Superior Marine Products
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Harbor Bait	Nautilus Marine Fabrication	Woods Hole Group
Infab Refractories Inc.	New England Marine & Industrial Inc.	
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Island Fishing Gear & Auto Parts	Novatec Braids LTD	



MAINE LOBSTERMEN'S ASSOCIATION UPDATE

MLA update continued from page 7

If the quota reallocation from the Canadian weir fishery occurs prior to October 21 or after November 7, the states will schedule another days-out meeting.

With regard to spawning closures, there are currently insufficient samples from both the Western Maine spawning area and the Massachusetts/New Hampshire spawning area. Therefore, ASMFC will use its default dates, closing the Western Maine and Massachusetts/New Hampshire spawning areas from September 23 through November 3, 2022.

MLA SPEAKS ABOUT WHALE ISSUE WITH MAINE STATE CHAMBER OF COMMERCE

The MLA's executive director Patrice McCarron was interviewed by the Chamber's executive director Dana Conners on the Chamber's public affairs program, The Maine Take. McCarron discussed the recent court rulings and the federal government's plan to move forward with a 90% risk reduction for the lobster fishery. The Maine Chamber has been very supportive of the lobster fishery and has been keeping its members informed of the existential threat the whale issue poses to the industry. The episode can be viewed online at <https://www.mainechamber.org/mainetake.html>.

MAINE'S OFFSHORE WIND ADVISORY COMMITTEE

Maine's Offshore Wind Advisory Committee met on September 21 to review a draft report of recommendations for strategic development of offshore wind in the Gulf of Maine. The Committee is working to refine its recommendations to maximize the economic benefits of offshore wind development in the Gulf of Maine while minimizing impacts on commercial fishermen, wildlife and the Gulf of Maine ecosystem. While the report remains in draft, fishing community members asked that the report more thoroughly represent its full suite of recommendations so that there is no misunderstanding of the amount of work and attention needed to minimize offshore wind development impacts on fishermen, the environment and Maine's coastal communities.

TRT UPDATES ON MODELING AND RISK REDUCTION GOALS

NMFS held a series of Take Reduction Team (TRT) informational webinars to prepare for the official TRT meeting the week of September 19. At the September meeting the TRT will begin work on coastwide risk reduction measures for all East coast fixed gear fisheries from Maine to Florida to achieve a 90% risk reduction.

On August 11, NMFS presented an overview of its draft "Roadmap to Ropeless Fishing." The report lays out the threats to right whales and the need to develop ropeless fishing. The report states that "the timeline and spatial extent of this action [adoption of ropeless fishing] are not defined at this time, although it will take several years." The report also states that it does not envision that all vessels would need to adopt this technology.

"To achieve necessary risk reduction goals, on-demand fishing gear will not need to be required everywhere in the future. Rather, it poses a solution to access areas where entanglement risk is currently highest. Comparing the relationship between fixed gear (trap/pot and gillnet fisheries, measured by buoy lines) and entanglement risk in federal vs. state waters on the U.S. east coast, 20% of fixed gear effort occurs in federal waters but are estimated to represent 70% of entanglement risk. Conversely, 80% of the fixed gear operates in state waters but represents 30% of entanglement risk. This suggests that, in general, vessels operating in federal waters represent a disproportionate amount of en-

tanglement risk and might be candidates for early adoption of on-demand gear in appropriate, high-risk locations."

On August 25, NMFS presented an update on the revised risk baseline for the Northeast lobster fishery. Based on updated runs of the Decision Support Tool (DST) model, NMFS determined that even after adopting the Phase 1 Final Rule, the northeast lobster fishery still accounts for the majority of risk to right whales due to the scale of the fishery. NMFS revised its method for inputting lobster effort data into the model and, along with updated data on whale density, determined that the Phase 1 rule reduced risk by 50% rather than the 60% originally estimated.

On August 25, NMFS presented a few "illustrative examples" of what it would take for the Northeast lobster fishery to achieve a 90% risk reduction.

- 78% risk reduction = remove 50% of vertical lines, requires 75% weak rope for remaining vertical lines from 0 - 12 miles and 33% weak rope for remaining vertical lines 12+ miles out
- 89% risk reduction = Option A (78% risk reduction) plus closure of federal lobster fishery in Zones A & B in June and July, in Zones C, D & E in Oct, Nov, Dec, and Jan, in Zones F & G in Feb, Mar, Apr, and May
- 94% risk reduction = Option A (78% risk reduction) plus a year-round closure of all federal fixed gear fisheries from Maine to Florida

NMFS provided an analysis that showed a trap cap of 275 for state and federal license holders would be necessary to remove 50% of vertical lines from the Maine portion of LMA 1.

On September 19 and 22, the TRT met to begin discussing potential coastwide packages to achieve a 90% risk reduction. While discussions and analysis are preliminary, most included removal of at least 50% of rope from the water, closures requiring gear to come to shore, fishing trawls with one endline, and weakening remaining rope. Below are three examples of risk reduction scenarios presented at the TRT meeting

Draft Package #1: Seasonal LMA Closures + Broad Line Reduction & Weak Rope
Seasonal LMA/State closures (lobster removed to shore, all other gear moves)

Area	Months Considered For Closures											
	J	F	M	A	M	J	J	A	S	O	N	D
LMA 1: MA, NH												
LMA 1: ME												
LMA 2												
Outer Cape												
LMA 3 NE												
SNE												
Restricted Area + % overlap												
LMA 4 & 5												

Approximate Risk Reduction Points ~89

Draft Package #3: elements of caucus/team analysis requests, modified Phase 1 for all trap/pot + trap caps + one buoy line + closures + weak rope

Closures:

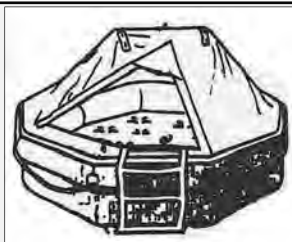
1. Expand LMA 1 RA into February and LMA 3
2. Modified 514 Closure Dec - May
 - a. Initial proposal was Jan-May
 - b. Modified MRA to include western Gulf of Maine (Jeffrey's Ledge)
3. LMA 2, 2/3 overlap, and 3 closure in SNE, Dec - May
 - a. Assume lobster gear removed from LMA 2, all other areas/gear moves.
 - b. Removed 80 fathom limit to address risk just south
 - c. Added 537, 526 to fully capture risk hotspot
4. Added downeast Maine, June - August

Draft Package #4: Broadscale weak rope, Gear Caps, Iterative Closures

Measure #	Management Measure	When	Region	Risk Reduction Points
1	50% Weak Rope @ 2,000 lbs.	Year round	LMA3	1.3
2	50% Weak Rope @ 1,700 lbs.	Year round	LMA1, 2, 2-3, OCC	6.6
3	Trap cap @ 1,000	Year round	LMA3	2.0
4	Trap cap @ 300	Year round	LMA1, 2, 2-3, OCC	18.0
5	Closure	Jan - May	SNE - LMA3	2.3
6	Closure	Nov - Feb	Maine Zone G >8 Miles	3.8
7	Closure	Dec - May	Mass LMA1: RA @ Fed 514	2.0
8	Closure	May - July	Maine Zone A	3.7
9	Closure	May - July	Georges Basin	0.1

Most if not all closures will need revision to improve accuracy or increase effectiveness.

Approximate Risk Reduction Points ~85



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*Kristan Porter
MLA President*

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MAINE LOBSTER

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MARKETING UPDATES

Monterey Bay Aquarium's Seafood Watch 'red listed' Maine Lobster, a decision with real market implications for the industry. The MLMC is promoting the fishery's perspective with the following resources:

- A dedicated website **RightWhalesAndMaineLobster.com** providing information about the Maine fishery's long and successful history of protecting right whales.
- Fact sheets about right whale protections and the Monterey Bay assessment that can be used to educate industry members and customers. These were emailed to all dealers and fishermen and can be downloaded from our dedicated website.
- Videos featuring fishermen explaining right whale protection measures.
- Robust public relations and digital advertising campaigns promoting our message of sustainability and right whale protections.



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Donations marked with a ^^ are part of the Red's Eats Challenge.



Don't Let them Drag Us Down.



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 Annie Tselikis
 Hilton Turner
 Diana Tyler

\$100 - \$299 cont'd

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 Justin Vyce
 Anonymous
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 Richard Wilson
 Linda Whitebear
 Anonymous
 Chris Wriggins
 Donald Wright
 Nancy Wynne

Gifts Under \$100

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 Nancy Beal
 Paulette Bilsky-Phillips
 Ellen Black
 Elijah Brice
 Carla Bryson
 Rep. Lydia Crafts
 Stephen Christiansen
 Tom & Mary Conway
 Camille Daggett
 Howard Dentremont Jr
 Edith DiBartolo
 Demaree DiBiase
 Donalee Dolan
 William Fahey
 Joann Ferrance
 Larry Fuhrman
 Jane Gagne
 Kristin Gross
 Eliot Hadlock
 Timothy Hamblton
 Victoria Harnish
 Greg Havener
 Anthony Hooper
 Erin House
 Alice Ingraham
 Eve Jamieson
 Bet Johnson
 Truly-Ann Johnson
 Elizabeth Jordan
 Stafford Keegan
 Kate-lyn Knight
 Elisabeth Koury
 Ronald LaChappelle
 Steve Laronde
 Carl Little
 Blake Rose Arens Lovelady
 Holly McCormick
 Paul & Elizabeth MacDonald
 Betsy and Don Mahoney
 Chad McGuire
 Anonymous
 George Munson
 Olivia Myers
 Jeanne Nash
 Willem Nieuwkerk
 Linda & Dana O'Brien
 Dayle Purington
 Robert Raudenbush
 David Rich
 Mish Ritchie
 Anya Rous
 Robert & Janet Rushton
 Gardner Russell II
 Peter Schmidt
 Seacoast Threads

Gifts under \$100 cont'd

Paula Stover
 Melissa St Pierre
 Constance Stubbs
 Sue Stultz
 Richard Sullivan
 Susan & Paul Taylor
 William Thurlow
 Paul Trommer
 John Wallace
 Kirstin Weed
 Wendy Wegner
 Laura J Whitmer
 Shelley Wigglesworth
 Anonymous
 Donald & Gail Wright
 Jimmy Guide Young

Thank you!



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 Jean & Neal Reny

James E Brown
 Foy Brown Sr

Gilbert Sr & Betty Collamore
 Clinton Collamore Sr.

Warren Fernald
 Anna Fernald

Craig Giles
 Sarah Giles

Gene Kelley
 Donalee Dolan
 Angie Helton
 Paul & Elizabeth MacDonald
 Linda & Dana O'Brien
 Kevin Kelley & Dana O'Brien
 Alan Richard
 Janet & Robert Rushton
 Linda Whitebear
 Antonina Pelletier

Gordon Murphy
 Jonathan Murphy
 Stephen Burns

Danny Pearce
 Jean & Neal Reny

Richard "Poochie" Ross
 Arundel Ford

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Jeff Tolman
 Courtland Tolman

Harold Vinal
 Jimmy Guide Young

Cindy Welch
 Diane Brassard
 Betsy and Don Mahoney

Dave Whitten
 Steve Rosen

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 Nick Alberding

Cranberry Isles Fishermen's Co-Op
 Carl Little
 Emily Axelrod

Jason Joyce
 Donald Wright

MacLeods Restaurant
 George MacLeod

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 Constance Stubbs

Mary Stella Harriton
 Keith Harriton

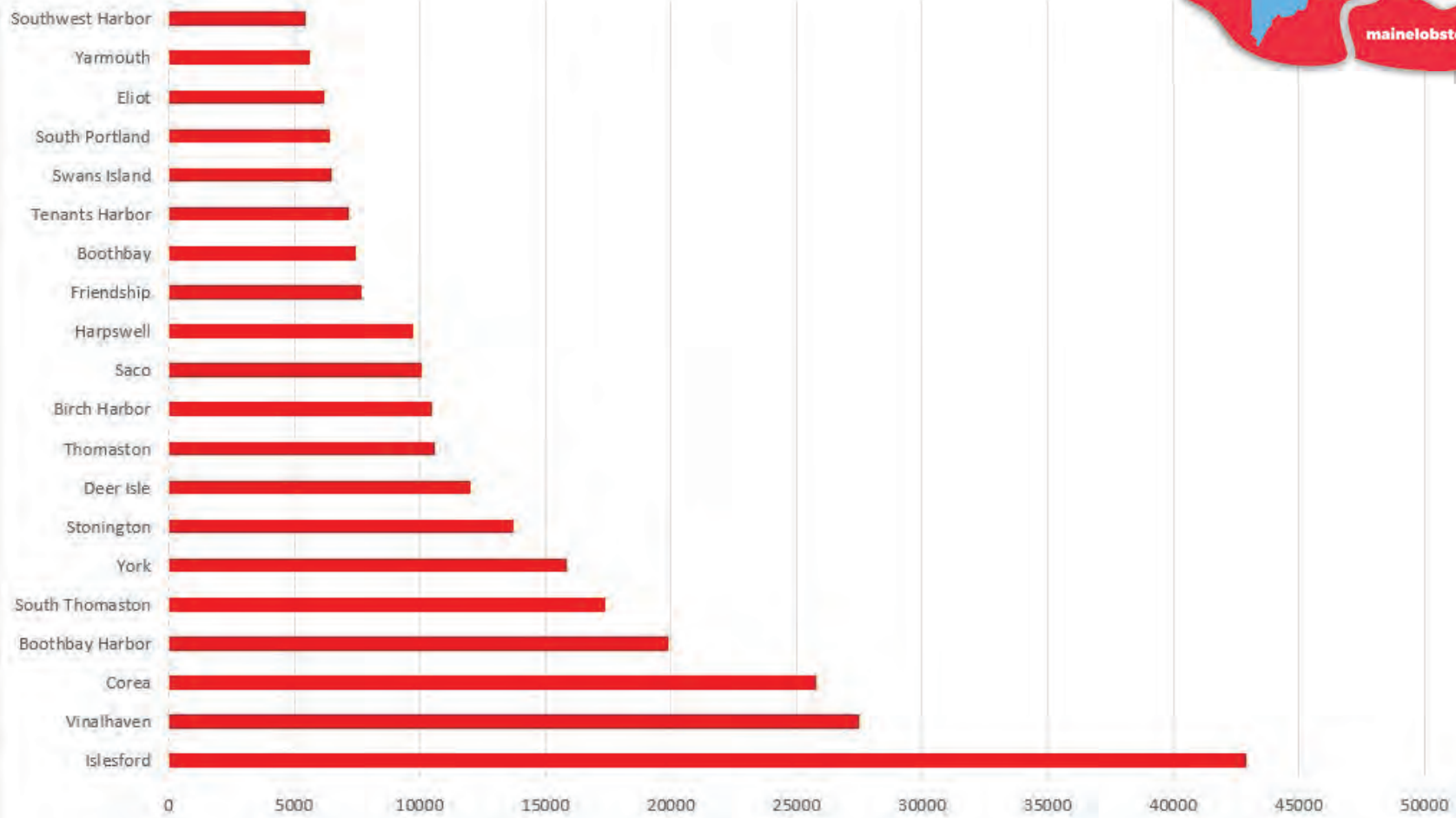


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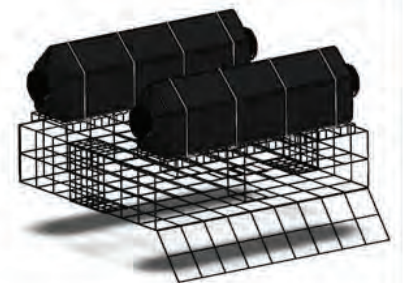
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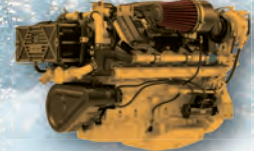
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“Our community just raised more than \$50,000 to #SaveMaineLobstermen! We can help your community do the same (or more!)”

-Brady's, Boothbay Harbor, ME

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 yard sale?

Are you up for the challenge?

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: kevin@mainelobstermen.org

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

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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.

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Info at www.maine lobstermen.org

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DMR AQUACULTURE LEASE APPLICATION STATUS FOR SEPTEMBER (as of 09/25/22)

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. Go to: www.maine.gov/dmr/aquaculture/. Scoping Session and Hearing info can also be found at www.maine lobstermen.org

Experimental Lease Applications

Name of Applicant/Compnay	Site	Town	Size	Product	Time	Lease Status
Norumbega Oyster Inc.	Wadsworth Cove, Damariscotta Rvr	Boothbay	3 acres	Shellfish	3 yrs	App withdrawn 9/8/22
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	App 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	Hearing sched 10/20/22 5 pm Harpswell
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
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 Rvr	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 8/24/22 5pm Trenton
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)
Gerber, Caitlin	SE of Moshier Island, Casco Bay	Yarmouth	4 acres	Marine Algae	3 yrs	App rec'd 8/25/22; comments due 9/24/22
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, Yarmouth &	Freeport	3.9 acres	Marine Algae	3 yrs	App rec'd 8/4/22; comments due (9/3/2022)
So ME Sustainable Shellfish, LLC	W of Sewall's Bridge, York Rvr	York	0.97 acres	Shellfish	3 yrs	30 day public comment period (4/23/22)

Standard Lease Applications

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 scheduled 3/28/22, 5pm, remote
Pleasant Cove Oyster Farm, LLC	Pleasant Cove, Damariscotta River	Boothbay	6.26 acres	Shellfish	20 yrs	hearing 7/27/22
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	Hearing sched 10/5/22 5pm Brunswick
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
Deep Blue Aquaculture LLC	W of Hog Isl., Eastern Penobscot Bay	Deer Isle	41.2 acres	Shellfish	20 yrs	Scoping Session 10/13/22; Deer Isle
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
Goose Island Oysters LLC	Middle Bay; West of Upper Goose Island	Harpswell	10.4 acres	Shellfish/algae	20 yrs	Scoping Session 9/13/22 2pm Harpswell
Love Point Oysters, LLC	Middle Bay, SE of Upper Goose Isl	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	App rec'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
Norumbega Oyster Inc.	E of Upper Dodge Pt, Damariscotta Rvr	Newcastle	6 acres	Shellfish	20 yrs	App rec'd 9/9/22; site visit TBD
Clam Hunter Seafood	Mill Pond, Kennebec River	Phippsburg	.96 acres	Shellfish	20 yrs	Scoping session 9/14/22 Phippsburg Lib.
Clam Hunter Seafood	Spirit Pond, Morse River	Phippsburg	2.52 acres	Shellfish	20 yrs	Scoping session 9/14/22 Phippsburg Lib
Hermit Island Oyster Co, LLC	Hermit Isl, Small Pt Hbr, New Meadows Rvr	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'ds 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
Francis, Arnold	Smelt Brook, Dyer Bay	Steuben	3.56 acres	Shellfish	20 yrs	App rec'd 8/18/22 site visit TBD
Francis, Arnold	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

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

LOBSTER INSTITUTE AN INTERNATIONAL BRIDGE BETWEEN SCIENCE, LOBSTER FISHERY

By Rick Wahle

For over three decades the University of Maine's Lobster Institute has pursued its mission to foster communication and research in support of a sustainable and profitable lobster fishery in the US and Canada. The Institute was founded in 1987 in partnership with forward-looking scientists and lobster industry members – including the Maine Lobstermen's Association (MLA) – who recognized the benefits of greater collaboration. An outgrowth of Maine Sea Grant, it is a unit within the University's College of Natural Sciences, Forestry and Agriculture (NSFA).

I came on board as director in the fall of 2018. In 2021, we moved our office from the Orono campus to the Darling Marine Center, UMaine's marine science lab on the mid-coast. The Institute's new assistant director, Chris Cash, started that spring. The two of us represent the core staff. Chris brings a deep well of enthusiasm and a unique perspective as a former Monhegan fisherman in her own right and over 20 years working in the science non-profit world. Our Advisory Board, which guides our programs, is a cross section of leaders in the fishing industry, government, and academia in the U.S. and Canada.

How do we fulfill our mission? UMaine's infrastructure gives the Institute the platform from which to launch our diverse initiatives. We strive to maximize



The Lobster Institute, now based at the Darling Center in Walpole, fosters lobster research and collaboration on both sides of the U.S.-Canadian border. Lobster Institute photo.

the engagement of UMaine faculty, students and facilities with stakeholders in this iconic fishery. We're energized by some 20 world-class, affiliated faculty and a constant stream of talented students engaged in lobster research from all angles - food science to fisheries, oceanography to agriculture. We do that by collaborating with the fishing industry, policy makers and academics on both sides of the border. We assist or lead proposal writing for industry-relevant grants. These partnerships have generated a large portfolio of lobster-related research supported by state, federal, and private sources. Most include support for graduate student training through research assistantships and fellowships. UMaine's College of NSFA also generously provides an annual Lobster Institute graduate fellowship on a competitive basis. Here are some examples of projects the Institute has led or helped launch since 2018:

How do we fulfill our mission? UMaine's infrastructure gives the Institute the platform from which to launch our diverse initiatives. We strive to maximize

- Can Fishermen's Chart-plotter Data Inform Offshore Wind Development? This NOAA/DOE-supported project arms fishermen with protocols to acquire and aggregate data from chart plotters of different makes and models to inform fishery management and offshore energy development while maintaining confidentiality through the Fisheries Knowledge Trust, part of the Responsible Offshore Development Association.
- Fixing Stress Points in the Lobster Supply Chain. Improving "shrink" in the supply chain was one of the top research priorities identified by the MLA and the Maine Lobster Dealers Association in 2018. The Lobster Institute led this partnership seafood companies with scientists and students from UMaine, St. Joseph's College, and Wells National Estuarine Research Reserve. Based on careful monitoring of lobster survival and performance from trap to dealer, the project has produced recommendations for future handling and a model that predicts survival five days out, based on a simple health assessment that takes seconds to do.

- Farmer meets Fisherman: Can Lobster Waste grow Potatoes? UMaine plant scientists approached the Lobster Institute for a lobster industry partner to see if a shell meal soil amendment can enhance the fertility of potato fields. Ready Seafood Co. stepped up to the plate. Encouraged by greenhouse trials, the team has just been awarded a USDA grant for farm-scale studies.
- How does rapid Arctic melting affect fishing in the Gulf of Maine? This latest project is an analysis of how the melting Arctic influences the changing oceanography of the North Atlantic, and in turn, alters the Gulf of Maine ecosystem, its fisheries, and communities that depend on it. The UMaine-led collaboration begins in 2023. It includes scientists from the Gulf of Maine Research Institute, Columbia University, Florida State University, and Memorial University of Newfoundland, and engages the fishing industry and fishery managers from Rhode Island to Newfoundland.



Rick Wahle is the executive director of The Lobster Institute at the University of Maine. UMaine photo.

One of the Lobster Institute's long-standing events is the Canada-U.S. Lobster Town Meeting, a two day in-person gathering hosted alternately on one or the other side of the border. Forced to take a two-year hiatus because of COVID, we're eager to host our 18th Town Meeting in Portland, January 20-21, 2023. Town Meeting is a rare opportunity for cross-border dialog among fishermen, managers and academics. The program promises to hit hot topics for the fishing industry. In addition, we also typically have a booth and host sessions on our current projects at the Maine Fishermen's Forum.

Finally, we aim to keep you up to date with our *Lobsters in the News* – a twice-a-month round-up of lobster-related headlines in the US Northeast and Atlantic Canada. For a more global view, check out The Lobster Newsletter, co-edited with Western Australia Fisheries, and compiled twice a year with in-depth stories of new research and perspectives on lobsters of all stripes around the world. To subscribe to these periodicals, go to the Newsletter signup form at <https://umaine.edu/lobsterinstitute>.

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THE MAINE SEACOAST MISSION – FINDING A WAY TO DO WHAT NEEDS TO BE DONE

By Melissa Waterman

Helping Maine residents in Downeast Maine's isolated towns and island communities isn't the easiest task in the best of times. For the Maine Seacoast Mission, the Covid-19 pandemic complicated what was already difficult work.

"When it began [in spring 2020] we set out to help," said John Zavodny, president of the Mission, whose offices are in Northeast Harbor. "Food security was a crisis in Downeast Maine. The system was decimated. Many of the volunteers who staff the food pantries were high risk and so retreated to home."

When the state shut down in spring, 2020, Seacoast Mission staff stepped in to make sure that food distribution centers could continue. "We moved outdoors, made it no-touch distribution. People could order their food online and it was drive-in service."

That approach — to step in quickly when there's a problem — is built into the fabric of the Mission from its earliest days. The Mission started in 1905

when Alexander and Angus MacDonald, Mount Desert Island pastors and brothers, decided to sail a small sloop called *Hope* to islands and lighthouses along the Maine coast in order to provide help to the families living there. Angus MacDonald was connected to many of the island's wealthy summer residents, whom he solicited for help in funding the Mission and its activities.

The first of the Mission's many vessels named *Sunbeam* was commissioned in 1912. The *Sunbeam* brought books, supplies, church services, and pastoral care to the isolated coastal communities of Hancock and Washington counties and to the manned lighthouses and islands of the region. The *Sunbeam* also transported the sick to hospitals and provided basic health care and vaccinations.

When the pandemic took hold, the Mission was providing after-school programming, housing rehabilitation, heating assistance, and emergency resources for any number of crises to Downeast residents as well as extensive health care and religious services for island communities. But those programs were knocked akilter when COVID struck. The one-on-one connections built up over the years between Mission staff and Mission patrons could no longer take place.

"Our staff were all working from their homes so we started our Reach Out program," Zavodny explained. "We called everyone who had used our services by phone to see how they were doing. We took the phone book for an island and just called everyone. The staff made more than 4000 calls at that time, for the human touch and to show concern."

The phone calls showed that many people were having problems, some of which were amplified by the pandemic. Mission staff helped get leaking roofs mended, washing machines replaced, provided food, transportation to medical and other appointments, anything that needed to be done during that first year of COVID.

By early 2021 COVID vaccines had become available. Getting those vaccines out to the islands posed another set of complex problems. COVID vaccines had to be administered twice within a 28-day period. The vaccines had to be kept cold during transport and, once removed from cold storage, injected within a relatively short period of time. "It was incredibly complicated, yes. The team did an amazing job," Zavodny said.

Health staff worked with the Maine Center for Disease Control and Prevention to become an official vaccine provider. Between February and late April, the Mission's Island Health team managed to bring the vaccines from Mt. Desert Island Hospital to 20 scheduled vaccination clinics on seven islands without

a hitch. Staff flew on Penobscot Bay Air to Matinicus, traveled on the *Laura B* out of Port Clyde to reach Monhegan, and hitched rides on lobster boats to the Cranberry Islands and other islands. In total, the Mission administered 928 COVID-19 vaccinations and boosters on the islands.

Dealing with other health issues among island residents presented another complexity. Where before Director of Island Health, Sharon Daley, RN, would visit the islands every two weeks to offer medical care and access to the onboard telehealth clinic or to visit with patients at home, COVID restrictions limited those visits. The Mission credo, however, seems to be that if one way is blocked, find another.

Daley and Director of Island Outreach and Sunbeam Chaplain Douglas Cornman took to the phone. The two worked together to connect islanders to health resources remotely. Through a case management approach, they ensured that each person with health issues who would have been seen aboard the *Sunbeam* was similarly addressed by mainland health providers. Daley even set up an

inter-island Alcoholics Anonymous meeting that continues to meet remotely. "She does whatever needs to be done to get things done," Zavodny said.

Despite COVID waning in Maine, Zavodny said that many of the actions the Mission took during the pandemic's height will likely remain. For example, the monthly inter-island worship services initiated by Chaplain Cornman which proved so popular will continue. Tele-health services to islanders, in particular the mental health and counseling services, will continue although Zavodny noted that insurance companies have begun to reinstate strict regulations regarding reimbursement which had been loosened during the pandemic.

Less favorable trends will also continue after the pandemic. "We are witnessing what most communities are witnessing, a further stratification of the socio-economic structure in Downeast Maine," Zavodny said. "The changes in demography in our area are much like the rest of the country. There's a greater split between the wealthy and the poor."

The pandemic inspired those with the means or with jobs that could be done remotely to move from more densely populated areas of the country to more rural regions. Maine saw a sharp uptick in migrants from out of state, many of whom had the money to buy property along the coast. Between 2009 and 2021, the median price of a home sold in Washington County rose from \$95,000 to \$163,500. This increase took place in a county with an 18.1% poverty rate in 2020. The county's median annual income was \$44,847, according to the Maine Department of Labor, which means that one half of the county's population of 31,000 makes less than that amount.

Yet Zavodny feels that the influx of wealthier people to the Downeast region has had some benefits. "People with means who take seriously their obligation to care for their neighbors look at us as a means to do that. We think diversity is a good thing. Folks with more means are very generous with their support," he said.



Rehabilitating homes is one component of the Maine Seacoast Mission's work. MSM photo.



Left, Doug Cornman, right, Sharon Daley. MSM photo.

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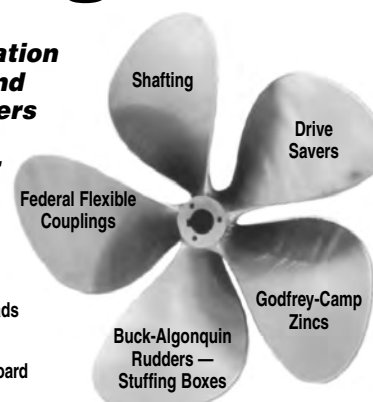
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TO YOUR HEALTH: *New study reveals injury, addiction cycle*

By Melissa Waterman

Lobstering hurts. Clam digging hurts. In fact, most fishermen, whatever species they harvest, end up in pain, whether it's their back, shoulders, or knees. Sometimes they seek help from a medical professional, sometimes they don't, "self-medicating" the injury instead. Findings ways to ensure that Downeast lobstermen and shellfish harvesters get the medical attention that they need when they need it is the subject of an eye-opening study by University of Maine at Machias professor Tora Johnson and members of the Downeast Health Research Collaborative.

"Injury combined with structural and normative barriers to care are likely a significant contributor to addiction and overdoses among shellfish and lobster harvesters in Downeast Maine," Johnson said in a preliminary report on the study, "Injuries, Substance Use, and Health among Fisheries Harvesters in Downeast Maine."



The hard work of lobstering causes injuries, some of which may be chronic. Getting proper care is a problem in Downeast Maine. Photo by T. Yoder.

A professor of social sciences and geography and now co-chair of the university's Environmental and Biological Sciences Division, Johnson has long been interested in community resilience, particularly in fishing communities. In recent years she heard more frequently about the health problems arising from chronic injury among Downeast lobstermen and shellfishermen and the prevalence of opioid addiction.

With funding from the University of Maine, the Elmina Sewall Foundation, and the Maine Shellfish Restoration and Resilience Fund, Johnson, students and collaborators conducted the pilot study in 2021. "We did a survey and interviews to figure out is there an injury problem and what sorts of self-medication is going on and what are the barriers to proper care," Johnson explained. The survey covered communities from the Blue Hill peninsula to the Canadian border. Surveys were returned by 106 harvesters and 88 health care providers and fisheries advocates; 19 personal interviews were conducted with harvesters and health care providers.

"The survey showed us that many individuals self-medicate after an injury, which was not surprising. What was surprising was that no one was looking at how events unfolded to get the person to that point," Johnson said.

Not complaining is a point of pride among many lobstermen and shellfish harvesters. As one interviewee said, "Unless it's sticking out or very, very bloody, we work through it." Some individuals may not have health insurance coverage under the Affordable Care Act due to the fact that they are not computer-savvy or have poor Internet access. Younger fishermen may rely on being "tough" in all circumstances or simply don't believe that they ever could truly hurt themselves. Combining that feeling of immortality with a youthful disregard for saving money when times are good leads to a situation Johnson called a "perfect storm."

"We heard the same story over and over again. Someone hurts himself, he is under-insured or has no insurance, so he goes to the emergency room at the hospital. They patch him up and send him home, often with a pain medicine but no long-term treatment. And then the cycle begins," she said. Without a primary

care provider or a long-term care plan, the person goes back to work and hurts himself again. Now he can't work, doesn't have money saved up, and faces high medical expenses. Often that leads to "self-medication" with illegal opioids or other narcotics.

"Some people survive, some don't. One shellfisherman in Addison we interviewed said that four people in his community had died from overdoses in the past year," Johnson said.

Her research showed that the distance to reach health care as well as the difficulties of scheduling care around the tides were among the barriers to proper health care in Downeast fishing communities. In addition, there was the more subtle barrier of the feelings fishermen had when going to a health care provider. "We learned that some individuals felt that they were being talked down to because they were shellfishermen, or that they were being judged for self-medication. So they were hesitant to go in," Johnson said.

While the data derived from this pilot project is not conclusive, Johnson has some preliminary recommendations for how to improve the situation in Downeast fishing communities. "Preventative care can be made available through a mobile health care unit that goes to where the harvesters are. Transportation should be provided to get people to health care providers. And there are numerous points in the cycle when interventions can be made, where additional care can be given to change the result," she said.

"We have a lot more to do on this. We need to know how many are experiencing these problems and how often they lead to addiction. How much self-medication is going on and with what? We need more understanding of the cycle to know when to intervene and bring health care people in to prevent the cycle from continuing," Johnson emphasized.



Intervention at the right time can break the cycle of injury and addiction. Photo courtesy of Gloucester Times.

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In the NEWS

NEW DIRECTOR AT MAINE CENTER FOR COASTAL FISHERIES

Alexa Dayton has been hired as the newly appointed Executive Director of the Maine Center for Coastal Fisheries (MCCF) in Stonington. Dayton brings more than 25 years of leadership experience and a deep understanding of Maine's character and communities. She has held senior positions with L.L. Bean, Maine Huts & Trails, the Gulf of Maine Research Institute, and most recently with the University of Maine System. "The MCCF Board is delighted to welcome Alexa Dayton as our new Executive Director. Alexa's background, experience, connections and excitement about the MCCF mission make her a great person to lead MCCF into its next phase," shares Jane Osborne, Chair of the Board of Directors. The MCCF, founded by Robin Alden and Ted Ames, works with community and fishery partners from Penobscot Bay to the Canadian border.



Alexa Dayton, MCCF photo.

GOOD SUMMER FOR PUFFINS

Research teams on islands in the Gulf of Maine report a dramatic comeback of seabirds in the Gulf of Maine following a dismal 2021 season. Petit Manan island recorded 96 active puffin burrows, close to the high of 104 in 2009, hatching out more than 70 chicks. a record 1,045 common tern chicks were banded on Ship Island. Metinic Island had the most terns nesting ever recorded. The White and Seavey Islands off New Hampshire had their highest common and roseate tern productivity (the number of chicks fledged per nest) since 2016. South Monomoy Island off Cape Cod saw its common tern numbers soar from 12,600 in 2019 to more than 17,000. Still researchers warn that due to climate change the birds can't rely on steady access to food or hospitable summers any longer. "They've evolved for thousands of years to be accustomed to reliable sites, said Pond Island manager Dallas Jordan. "They're long-lived birds, so they can handle a bad year here and there. The question is what happens with more bad years."



NOAA photo.

HERRING QUOTA DOWN IN GULF OF ST. LAWRENCE

The Canadian Department of Fisheries and Oceans (DFO) cut the fall quota for the southern Gulf of St. Lawrence herring fishery 2,000 tons in an effort to boost the stock. The total allowable catch for the region dropped from 12,000 to 10,000 tons. DFO stated that the catch reduction for fishermen in parts of New Brunswick, Nova Scotia, Quebec and all of Prince Edward Island will help reduce pressure on the herring stock. With the number of spawning adults declining, stronger management action is needed to help the herring stock "mature, reproduce and rebuild," according to the department. The total allowable herring catch for the region was reduced from 22,500 tons in 2019 to 12,000 tons in 2020 and 2021.


DRAINAGE IDENTIFIED AS POSSIBLE CAUSE OF FISHING VESSEL SINKING

The *Emmy Rose*, which sank in November 2020 with the loss of all four fishermen, likely capsized because of poor drainage of seawater from the rear deck and hatches that weren't watertight, the National Transportation Safety Board (NTSB) reported in September. The Portland-based *Emmy Rose* was headed to Gloucester, Massachusetts, to offload an estimated 45,000 pounds of fish. The NTSB said seawater likely accumulated on the vessel's rear deck, failed to drain properly and then poured into the vessel through hatches that weren't watertight, making the vessel less stable. The vessel was more susceptible to capsizing because of its design and modifications, the NTSB said. The vessel was originally built for shrimping in the Gulf of Mexico and was modified for trawling in New England waters.

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Events Calendar

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

October 1-18

Maine Center for Coastal Fisheries Online Auction. FMI: 367-2708.

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”.

October 5

Aquaculture Public Hearing - Nice Oyster Company, 5 p.m., Curtis Memorial Library, Brunswick.

October 6

Collaborative Chats webinar: Maintaining Research Collaboration with the Maine Lobster industry. FMI: 581-1440.

October 11

Comments due for NMFS New Whale Rules. To submit written comments, go to regulations.gov and enter docket # NOAA-NMFS-2022-0091.

October 13

Aquaculture Public Scoping Session - Deep Blue Aquaculture, 4 p.m., Deer Isle Town Office.

October 15

Maine Lobster Boat Races Association annual awards banquet, Robinson’s Wharf & Tugs Pub, Southport.

October 20

Aquaculture Public Hearing - Whiskey Stones, 5 p.m., 263 Mountain Road, Harpswell.

November 7-10

Atlantic States Marine Fisheries Commission meeting, Ocean Place Resort, Long Branch, NJ.

November 14-18

Take Reduction Team meeting, online. Details to be announced.

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ELLSWORTH SHOWS ITS SUPPORT FOR MAINE'S LOBSTERMEN

By Bryan Sidelinger

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The annual Autumn Gold Weekend in Ellsworth is a chance to promote shopping local in Downeast Maine. The theme for the Ellsworth Autumn Gold window and store-front decorating contest this year is “Coastal Fall.”

But many businesses here are using it as an opportunity to let those in the lobstering industry know that many of Ellsworth’s citizens are behind them.

“I mean, we want to keep it as local, and we want the word to get out. We want the lobstermen to, you know, keep going forward. I think it’s important to support the lobstermen this year,” said Lori Tracy, Eye P.A. optician.

“It’s such a big part of our community, especially in coastal Maine. We’ve all got family members and loved ones that are a part of it, and we just felt that it was really, really important to make sure that they know that everybody in the fishing industry is supported by us and their community,” said Kyle McKim, First National Bank VP and regional manager.

Florist and Bud Connection owner Barbara Courchesne is part of five generations of lobster fishermen. She worries for the future of the industry with the rising cost of fuel, the declining price of lobster at the dock, and possibly more federal regulations on the way.

“This story is repeated a hundred times down the coast, that it’s family orientated businesses that are passed down generation to generation. And, I really think right now, the younger generations and the generations we’re in should be very worried about their ability to continue and sustain the industry,” said Courchesne.

Businesses showing support for the lobstering industry during Autumn Gold Days say they hope to start a conversation and raise awareness about everything that’s going on right now, and lobster men and women say the lobstering industry affects all Maine people, not just those that live on the coast.

“I really hope people ask, ‘Hey, what’s your window about? Why do you have the names of 11 different boats in your window? Why do you have orange and white buoys?’ It’s a conversation that needs to be had. If we can be the catalyst and put out a little information that helps somebody be aware of what’s happening, then I think that’s only good all around,” said Courchesne.

“It’s such a big part of our economy. That money that we bring in through lobstering goes into everything else we buy. You know, the furniture stores in Bangor, the truck stores in Bangor, all the shops, all that. It has a big effect on everybody, so even if you don’t realize you’re connected to the lobster industry, you are,” said Rep. Billy Bob Faulkingham, R-Winter Harbor, lobsterman.

A winner for the decorating contest will be announced on Sept. 22, but businesses here say this year, it doesn’t really matter who’s awarded first place.

For them, the contest isn’t really about that.



WABI photo.

MAINE PEOPLE, BUSINESSES ORGANIZE TO SHOW SUPPORT FOR LOBSTERMEN



Surry Elementary School, Surry.
Photo by G. Williams.

The flood of negative news about the Maine lobster fishery has made more than just Maine lobstermen see red.

Via social media the word went out throughout the state encouraging people to wear red in support of the beleaguered men and women of the fishery.

It is just one indication of the rippling anxiety being felt by businesses and communities as federal regulations threaten to shut down the \$730 million industry and the more than \$1 billion in economic impact of its supply chain. The dollars earned by lobstermen sustain the economies of hundreds of small towns and harbors along the coast ... and those communities are worried.



Machias Savings Bank.



Bears Lobster Pier, Southwest Harbor.



Peninsula School, Prospect Harbor.
Photo by G. Williams.

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