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## Landings, vol. 30, no. 12

Maine Lobstermen's Community Alliance

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# LANDINGS

News & Views from Maine's Lobstering Community

December 2022 | Vol. 30, No. 12



## MLA APPEAL MOVES SWIFTLY

By MLA staff

On November 9, the Maine Lobstermen's Association (MLA) filed its opening brief in the U.S. Court of Appeals for the D.C. Circuit as part of its continuing legal challenge to the federal regulations that would erase Maine's traditional lobster fishery.

The National Marine Fisheries Service (NMFS) is developing rules that require fishermen to reduce the risk of right whale entanglement with lobster gear by 98% by 2030. The MLA does not believe this plan will effectively protect the right whale population due to the high incidence of ship strikes and deaths in Canada. In execution of the regulations from the rule, the Maine lobster fishery will be decimated and with it the foundation of Maine's coastal economy.

"Maine's lobster industry brings in hundreds of millions of dollars in revenue each year, supports thousands of jobs, and single-handedly sustains dozens of coastal communities in the Nation's most rural state," the MLA's brief reads. "The Supreme Court has already held—unanimously, no less—that a central purpose of the [Endangered Species Act] provision at issue 'is  
*Continued on page 21*

## TWO-YEAR TIMELINE STILL LEAVES LOBSTER FISHERY IN DIRE STRAITS

By Melissa Waterman

On November 17, Washington D.C. District Court Judge James Boasberg issued his remedy order in the case filed by national environmental groups against the federal government (CBD vs Raimondo). In July, Judge Boasberg ruled that

both the 2021 Biological Opinion (BiOp) and the Final Rule issued by the National Marine Fisheries Service (NMFS) were invalid. All parties to the case were invited to submit briefs on how best to move forward. Judge Boasberg heard oral arguments on November 10.

The judge gave NMFS two years, until December 2024, to finalize a new Whale Rule that would reduce entanglement risk from U.S. fisheries by approximately 90% in order to get below the stock's annual Potential Biological Removal Rate (PBR) of 0.7. The Court did not "vacate" the May 2022 Final Rule so these regulations will remain in place while the new rule is developed.


"The Court's approach will allow the federal lobster fishery some stability to keep operating, while all stakeholders continue their shared work of implementing corrective measures to secure the future of the right whale in the long term," Judge Boasberg said in his ruling.  
*Continued on page 19*



As 2022 comes to an end, the lobster fishery's future remains uncertain. Photo by B. Kitchen.

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## TIDE IS RISING FOR SAVE MAINE LOBSTERMEN CAMPAIGN



Community and business support has swelled the MLA's fundraising campaign, but much still remains to be done. MLA photo.

By Melissa Waterman

What a difference a month makes! During November, several of Maine's largest banks made generous donations and commitments totaling nearly one million dollars to the Maine Lobstermen's Association's (MLA) Save Maine Lobstermen campaign. The funds will support the MLA's court case against the National Marine Fisheries Service (NMFS), which was recently appealed to the Washington, D.C. appellate court.  
*Continued on page 4*

### Inside

Page 2  
COASTAL OUTLOOK  
*Thoughts from the MLCA president*

Page 3  
GUEST COLUMN:  
*Thoughts from DMR Comm. Keliher*

Pages 5-7  
MLA UPDATE

Page 8-11  
#SAVE  
MAINELOBSTERMEN

Page 17  
TO YOUR HEALTH:  
*Holiday ups and downs*

Page 20  
ISLESFORD RAISES  
FUNDS FOR SAVE MAINE  
LOBSTERMEN

Page 22  
IN THE NEWS



# COASTAL OUTLOOK *Thoughts from MLCA President Patrice McCarron*

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

As has been the case throughout 2022, this year's final issue of *Landings* focuses on the complex legal situation facing the Maine lobster fishery.

The Maine Lobstermen's Association (MLA) lawsuit against the National Marine Fisheries Service (NMFS) is on an expedited schedule for review. The MLA filed its opening brief in the Washington D.C. Appellate Court on November 10. NMFS is developing rules that require fishermen to reduce the risk of right whale entanglement with lobster gear by 98% by 2030. The MLA does not believe this plan will effectively protect the right whale population due to the high incidence of ship strikes and deaths in Canada. Furthermore, the Endangered Species Act requires NMFS to use the best scientific and commercial data available and analyze impacts that are reasonably certain to occur to ensure that the lobstermen are not likely to jeopardize the right whale population. NMFS has done neither, argues the MLA.

In a separate court case, between national environmental organizations and NOAA, the same Washington D.C. District Court judge hearing the MLA's case ruled on November 17 that NMFS has up to two years to finalize a new Whale Rule that would reduce entanglement risk from U.S. fisheries by approximately 90%. The ruling allows the fishery to continue to operate during those two years, but does nothing to alter the mandate to reduce risk by 90%.

"This is why the MLA's lawsuit against NMFS is so critical. We must continue our fight through the appeals court to force NMFS to reconsider its worst-case assumptions so that the risk reduction goal will be recalculated to more closely reflect the risk posed by our fishery," the MLA stated in response.

The Court did not order a remedy on the Biological Opinion but will revisit that after the new Whale Rule is finalized in 2024. NMFS will keep the Court apprised of its progress through progress reports submitted every six months.

Because of this legal jumble, the Marine Stewardship Council (MSC) suspended its sustainability certification of Maine lobster. Decertification will be official on December 15. One of the standards for receiving sustainability certification is that the fishery comply with all relevant laws. In July, the 2021 Biological Opinion on the lobster fishery and Final Whale Rule were found to be invalid, thus the fishery is no longer in compliance with the Endangered Species Act and Marine Mammal Protection Act. As the Maine Lobster Marketing Collaborative (MLMC) pointed out in its response to the MSC action, "Had NMFS issued valid regulations, Maine lobster would have never had its MSC certification suspended."

Department of Marine Resources (DMR) Commissioner Patrick Keliher offers his thoughts on the many discour-

aging events that have taken place this fall. "The past few years has been a grind for the lobster industry as a whole... It is time to move past that and focus on what is ahead. The only path forward is one where the industry is united," Keliher wrote.

One bright spot, however, was the recent decision by the Atlantic States Marine Fisheries Commission to increase Maine's annual quota for menhaden. Menhaden have become the alternative to herring as bait for many lobstermen, yet landings have been constrained by outdated allocations. In 2023 Maine will receive 24 million pounds of quota, up from its current 2 million pounds.

We also hear from Marianne Lacroix, executive director of the MLMC. The MLMC has worked this year to ensure that consumers understand the conservation aspects of the Maine fishery in the face of misinformation. In the coming

year, Lacroix writes, "The MLMC's primary focus will be on protecting the Maine lobster brand by both countering negative information and amplifying positive stories... We want to make sure that those most likely to buy Maine lobster remain confident in the fishery's sustainability."

For some people the holiday season is a stressful time, full of anxiety and regret. Taking stock of your feelings and keeping expectations in balance is one way to counter feelings of sadness or melancholy, as Steve Dickson

and Ann Backus explain in our "To Your Health" article this month. They offer commonsense methods to cope with the worries of the season. "The holidays can bring both joy and stress. We all have an important part to play in determining just how our holiday season will go," they write.

Finally, we talk to Matinicus lobsterman Noah Ames about a tradition he and his family began in 2013. Ames wanted to teach his three children that there was more to Christmas than tearing paper off wrapped presents. He decided to give away lobsters that day to anyone who wanted them. From the side of the road in Thomaston he has been doing just that every year since. Other lobstermen heard of his plan and started contributing more lobsters each year. In 2021 they gave away 13 crates of lobsters (more than 1,000 pounds) on December 24. "People are struggling," Ames said. "But if you turn up in a Rolls Royce, I would give you a lobster!"


As we bid farewell to 2022, we look forward to a new year filled with hope and optimism that the lobster industry will continue to stand together in support of our fishery, which has given us all so much.

*Patrice*



*The MLA's appeal will move forward early in 2023. AP file photo.*

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*Mark Fleming*

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## GUEST COLUMN: *A focus on what is ahead and a bit of good news*

*By Patrick Keliher*

The past few years has been a grind for the lobster industry as a whole. The uncertainty that came with this year's court decisions, and then to have it all politicized during the election campaigns, was a bit much. It is time to move past that and focus on what is ahead. The only path forward is one where the industry is united.

Let's take a quick look at the alphabet soup of issues and get the bad news out of the way, then we'll wrap it up with the good news.

### **Marine Stewardship Council certification**

You've all read that unfortunately the Marine Stewardship Council (MSC) will be suspending the lobster fishery's certificate in December. This is not the news we wanted to hear as we head into the holidays. It's important to remember that this is in no way a reflection of the industry's commitment to right whale protection. Instead, it is based on a legal technicality. As MSC's own press release stated, "There has been no recent evidence that the Maine lobster fishery is responsible for entanglements or interactions with right whales." I agree. And I'll continue to emphasize that point whenever I get a chance.

### **Take Reduction Team**

The Atlantic Large Whales Take Reduction Team (TRT) met in November to develop recommendations for NMFS to reduce mortality and serious injury of right whales below the potential biological removal (PBR), which is 0.7 whales per year. To reach PBR, regulations will need to achieve an additional 41% to 46% reduction in risk. The TRT is meeting again in December to refine the team's views and prepare a report for NMFS that summarizes its recommendations. If they don't reach consensus, that leaves NMFS in the position of needing to develop rules. For information on past meetings and to register for upcoming meetings, visit NOAA's TRT web page at <https://www.fisheries.noaa.gov/new-england-mid-atlantic/marine-mammal-protection/atlantic-large-whale-take-reduction-team#recent-team-meetings-&-webinars>.

### **Lobster Advisory Council and Lobster Zone Councils**

With the first big holiday behind us we will now start developing a schedule for Zone meetings and a Lobster Advisory Council meeting or two. The results

of the TRT meeting will determine how soon we can schedule these meetings as staff will need to analyze any TRT proposals prior any meetings. We will put together a list of dates and get them out to you in mid-December.

### **CBD v. Raimondo and MLA v. NMFS**

By now you've heard that Judge James Boasberg issued an order last week in the CBD v. Raimondo case that provides a small bit of good news for Maine's lobster industry. He didn't vacate the BiOp, which would have been a disaster for our state, and he did provide more time than what the plaintiffs wanted to develop a new rule. But we have our work cut out for us. The two years he ordered will fly by and we'll not only use that time to press our case for better science in MLA v. NMFS, but we'll also continue to work closely with Maine fishermen on measures that work for industry as well as whales.

### **Menhaden**

As you may have read in a previous announcement from DMR, Maine came away from the Atlantic States Marine Fisheries Commission meeting in November with a major win for both lobster and menhaden harvesters. Maine will see its state quota jump to more than 24 million pounds in 2023. With cuts in herring quota, menhaden has become an increasingly important bait source for Maine's lobster industry in recent years. But our 2 million pounds of state quota meant we had to rely on quota transfers from other states to meet demand. With a ten-fold increase in state quota, Maine's menhaden harvesters and Maine's lobster industry will have much-needed certainty in their ability to harvest and source bait. Stay tuned for industry meetings in mid-December where we'll take comments that will help in drafting proposed rulemaking for the upcoming fishing season.


In the meantime, I wish you all the best as we head down the stretch toward a new year.




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


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Donations continued from page 1

Machias Savings Bank led the way earlier in October with a \$250,000 contribution to the campaign. Bar Harbor Bank and Trust followed with a \$325,000 commitment, followed by the First National Bank of Damariscotta (\$300,000) and Camden National Bank (\$50,000).

“This month has been very encouraging because it is an indication that the business community recognizes the importance of the lobster fishery to our economy, and they understand the very real threat we face. The MLA has been hard at work for several years spreading the word about NMFS’s actions, so it is encouraging that people are showing their deep support for our efforts and for protecting our small, coastal communities,” said Kevin Kelley, MLA director of the Save Maine Lobstermen campaign.

The multi-year commitments will help provide the financial support necessary to continue MLA’s legal efforts to force NMFS to reconsider its punitive regulations designed to protect North Atlantic right whales which will extinguish the Maine lobster fishery while failing to protect the whales. If NMFS’s regulations stand, the lobstermen will be forced to drastically change how they fish,

where they fish, and when they fish resulting in a devastating economic blow to Maine’s coastal communities.

“Having lived on the coast of Maine my entire life, I am keenly aware of the impact our fishing industry has on our livelihood as Mainer... The care these men and women put into adhering to the rules, working toward sustainable fisheries, and protecting those species that are endangered is unparalleled. First National Bank stands behind our lobster industry, and the families that make it go,” said First National Bank President and CEO Tony McKim in a press release announcing the bank’s donation.

Bar Harbor Bank & Trust’s donation is the largest the bank has ever made to a single organization. “We have supported the MLA for many years and are honored to support their fundraising efforts in support of the industry’s fight against impending regulations that could eliminate the fishery. This must not happen given [the lobster fishery’s] significant contributions to our economy and long tradition that it represents,” said bank President and CEO Curtis Simard in announcing the bank’s support.

## Save Maine Lobstermen events sweep the coast

Throughout the state, individuals, businesses, and communities are organizing to raise money for the MLA’s *Save Maine Lobstermen* campaign.

On Saturday, November 12, Monique Coombs hosted “All Hands on Deck,” a fundraiser at the Bailey Island Library Hall. The afternoon event raised nearly \$10,000 for *Save Maine Lobstermen*. Coombs named her effort “All Hands on Deck” because “That’s what fishing communities do when help is needed. They come together to lift one another up,” she said.

The event was a community potluck. It gave attendees the opportunity to not just donate money to the MLA’s legal work, but also for community members and fishermen to connect and learn more about what the MLA is doing. People brought dishes to share, and there was a small auction with items from Brooks Trap Mill, Grundens, Rugged Seas, North Country Wind Bells, and local businesses. If you’re interested in hosting a similar event in your community, please contact Monique Coombs at [monique@aragostamama.com](mailto:monique@aragostamama.com).



“All Hands on Deck” was truly a community event. Photo by M. Coombs.

Also on November 12, in Tenants Harbor, a crowd turned out for an evening fundraiser at the East Wind Inn. A portion of each diner’s meal was donated to *Save Maine Lobstermen* and raised \$4,000. Lobsters were donated by Luke’s Lobster

and the Port Clyde Co-Op. Guests mingled throughout the evening long after their meals were finished to talk about the state of the fishery and the complex legal efforts undertaken by the MLA. Special thanks to Danielle and Brian Turner and their staff for hosting.

J&K Lobster Bait company in Columbia announced that it would donate 1 cent from every pound of bait sold from late September into October to the *Save Maine Lobstermen* campaign. As owner Brandon Lovejoy commented, companies like his “would not be in business without lobstermen so helping out the MLA in its legal fight just makes sense.” At the end of October, the company donated \$6,000 to the campaign.

And, on Sunday, November 20, dozens turned out for a Lobster Benedict fundraiser brunch at Jonathan’s Ogunquit restaurant. This event, co-hosted by Amy Kelly of TaleSpinStudio in Ogunquit, raised more than \$15,000 for the *Save Maine Lobstermen* campaign. A live and silent auction

featured dozens of items donated by local businesses. The community support, and the delicious lobster tail Bloody Mary’s, were a perfect way to kick off the Thanksgiving holiday week.



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## STEAMING AHEAD

*At the end of a year filled with political drama, disappointing lobster prices, and the looming shadow of punitive whale regulations that could eradicate the Maine lobster fishery, we asked several MLA board members for their thoughts about 2022 and the year to come.*

### What a year it's been.

As I write this, I can tell you that I'm down. Down on poundage, down on motivation and obviously down financially. This year has been challenging to say the least. Here in Zone A the lobsters haven't been as plentiful as in the last few years. Even that fall run offshore that I always count on hasn't been there. Fortunately, at 46 years old I've seen the lean years and know we will somehow make it through, but man, it's hard to find the motivation to fire up my 430 Cummins and head to haul in my 40 Young Brothers knowing I'm not going to make shit. So probably like a lot of you, Christmas will have a few less presents, we won't be making our family trip to Florida and my youngest son, who gets his driver's license next summer, will probably end up paying for an '89 Ford Ranger instead of the Superduty he desires.

To make things worse everyone I talk to wants to talk about the low price of lobsters and the high price of everything else and honestly, I'm getting tired of it. Between the season we've had and the whale rules we're facing I've had enough. However, burying my head in the sand and sleeping all winter is not an option. It's not an option for any of us. As lobstermen and women and as Mainers we know we can and will fight to the very end. That means driving to that meeting and hearing the facts and giving your opinion. That means talking to the non-fisherman about the low price of lobsters and the high price of everything else. And it means donating some of that hard-earned money to the Legal Defense Fund to fight the federal government and environmentalists that are trying to shut us down.

Now I know you'll say, "The banks have donated plenty." We are *very* fortunate that they did. But this money is not all "in hand." Some of it is spread out over several years so it's

not like we have a million dollars already in the bank. We need money and we need lots of it. This is going to be a long, expensive fight and we need your help.

Since I'm already off the subject of what I was asked to write about let's talk about the definition of an environmentalist. Webster says it is "one concerned about environmental quality, especially of the human environment with respect to the control of pollution." Kinda sounds like a fisherman, doesn't it?

A farmer is "someone who cultivates land or crops or raises animals such as livestock or fish." I've said for years that we are farmers of the ocean, raising lobsters with our traps full of bait. Now I say we are environmentalists as well. No one cares more about the ocean than us and it's proven in the way we take care of our lobster stocks. So when that non-fisherman speaks to you make sure to inform him of what we do and how we do it. Make sure to tell him what he hears and the pictures he sees are not the truth. We need to do it ourselves. The day we rely on someone else to speak our message is the first day of our demise.

As the winter season starts I will be doing my normal, trying to get some gear up but leaving enough down to haul in one day. I am very leery of the 1700-lb. links in my endlines breaking during the weeks I won't be able to tend my traps due to weather. I'm leery of what the scallop price will be when I'm shelling meats in the stern of my nephew's boat. I know I will be pinching pennies all winter. Minus of course the high school basketball tourney week in Bangor when I will pretend that somewhere in this crazy world something still stays normal.

*Sonny Beal fishes from Beals Island*

**This year's lobster season** has been a tough one. Between high prices for bait and fuel, and the low prices for lobsters, there isn't much profit to go around. I've changed the way I haul this year to try and save a little bit of money. I used to haul on three to four nights but I'm hauling on five to six nights. We have had low lobster prices before, but the cost of bait and fuel seems to be higher than I can ever remember.

The other hard part is trying to predict how I'm going to fish in the future because there is so much uncertainty.

Whale regulations have been on everyone's mind. Not knowing the outcome or what to expect, it's hard to plan for your business. I've already seen people taking up earlier this year than they have in past years. I'm not buying as much as I usually do this time of year either.

On top of that, it's not just stuff related to lobster that is getting expensive. Groceries, home projects, and heating the house is expensive, too. It feels like stuff is just piling on. Our furnace just broke and who knows when we will be able to get the parts we need or, if we have to order a new one, how long that will take. (Don't worry, we have other heat sources.)

**The 2022 Maine lobster season** is not one that fishermen will look back on as memorable, like 2021. Maine lobstermen never imagined that after a banner year like last year, with record-high boat prices and catch, the following season would be so much more challenging and much less profitable.

With lobster prices less than half of what fishermen were paid last year and with record-high expenses for bait, fuel, traps, and boat maintenance, profit margins have been slim for everyone whether they're a skiff fisherman or in a

I have two kids that are doing well in school, but I worry about their futures, too. Family projects and trips are taking a backburner while we wait and see what's next. I'm sure other fishing families are feeling the same.

My daughter, Jocelyne, just finished her student lobster apprenticeship and I am very proud of her. But we have told her that she needs something else to fall back on for income in the winter months, especially because of the uncertainty of the lobster fishery. It makes me sad to think that kids like her might not be able to have the same experience that we have all been able to have in this fishery.

Riley, my son, isn't always excited about going lobstering with his sister and getting his hours, but he loves to go pogeey fishing with me. Even this is pretty uncertain for him in the future.

I appreciate that my kids have the opportunity to learn responsibility, hard work, and perseverance on the water. This is special to fishing families. I like the life that I have because of lobstering, and I am not ready to give it up.

*Herman Coombs fishes from Orrs Island.*

50-foot boat. As the season comes to an end we all are feeling the hit of low lobster prices. Add to that the uncertainty of the ongoing MLA court case and the poor lobster markets, and fishermen are right to wonder and worry about what next year will bring.

I would hope there could be better communication between the lobster dealers and fishermen in the future to avoid such low prices, maybe lobstermen even working with dealers so the market doesn't flood. Lobstermen are

*Continued on page 6*



## MAINE LOBSTERMEN'S ASSOCIATION UPDATE

*MLA update continued from page 5*

flexible in how they operate and they need to know from the buyers what's happening. With the higher cost of living in 2022 and the lobster price being what it was 20 to 30 years ago, this year lobstering didn't add up to a profitable business.

I am pleased to see the support and generosity of so many people, businesses, and banks to the MLA throughout the year. The MLA has worked endlessly fundraising and fighting the good fight. People have really opened their eyes to the challenges the fishery faces now and in the future. Fingers crossed for a better, more optimistic 2023 season.

*Jamien Hallowell fishes from New Harbor*

**We have weathered many storms this year.** The future of our fishery — the where, when and how of lobstering — have all been subject to constant discussion. The particulars have been impossible to nail down definitively. As a result, speculation and rumor have exacerbated the fear people feel for our future.

Proposed changes would be easier to accept if they weren't so blatantly arbitrary. We have our businesses on the chopping block and the regulators seem willing to swing the blade with their eyes shut. Willing disregard for reason and fact on their part have caused this mess. Beyond the onslaught of regulations we are facing, this year has been cursed by a pathetic boat price. While expenses skyrocket, we've taken a massive pay cut. This year wasn't what any of us would have hoped for.

### MLA DIRECTORS MEETING

The MLA Directors met on November 8 at Farmers United in Belfast. Erin Summers from the Department of Marine Resources (DMR) joined via Zoom to provide an update on how Maine could achieve a 90% risk reduction. NMFS provided DMR with the Decision Support Tool (DST) in October. DMR worked with the MLA to host industry meetings to get feedback from lobstermen on possible risk reduction measures to assess using the DST. The DST assesses "relative risk" using a formula that calculates gear density x whale density x gear threat. Since these are equally weighted in the model, areas of risk can be higher if there are more whales, or more gear, or areas where stronger gear is fished. In Maine, a hotspot emerged in Zone A, based primarily on amount of gear and in Zone G, based primarily on the presence of whales.

Looking at the 'whales only' data layer, the top five areas for whale presence are: 1) A3 Georges Bank, 2) A2/A3 overlap, 3) Massachusetts state waters, 4) A2 Massachusetts federal waters, 5) Maine federal waters. Maine state waters ranked 15 out of 16 for whale density. However, due to very high gear density, the highest risk areas are: 1) Maine federal waters and 2) Maine state waters.

Due to the relatively low presence of whales in Maine, measures must address the amount of gear in the water to lower risk for the state. Given the amount of risk associated with the hotspots in Zone A and Zone G, Maine cannot achieve its risk reduction target without seasonal closures of Zone A (June-August) and Zone G federal waters (November-February). Maine will also have to consider reducing traps to 400 and further weakening all remaining lines.

DMR will continue to work with lobstermen to refine these ideas and analyze tradeoffs to minimize operational and economic impact to the greatest extent possible. The Take Reduction Team (TRT) will meet for a week in late November and again in early December. NMFS will use the team's input as the basis of proposals to be analyzed for inclusion in the Proposed Rule, expected in late 2023.

Summers reported that the DST will be peer-reviewed December 12 to 13. The peer review is open to the public through a virtual platform. She also reported that the Ropeless Consortium met in late October and there has been a lot of activity with ropeless gear development over the last year. There are more companies manufacturing gear, more focus on improving gear location technology (acoustic/cloud methods vs GPS), and there was a pilot project in Canada which landed 500,000 pounds of snow crab using ropeless gear. Much work remains to be done and NMFS does not anticipate commercialization at any broad scale of ropeless gear until 2030. DMR is also conducting research on other gear retrieval methods to lower risk, including a project with MLA and other industry partners to test spring tag and galvanic releases (as a possible weak end line), and subsea gear location technology.

Kevin Kelley informed the Board that the Save Maine Lobstermen campaign has gained a lot of momentum with four banks stepping up with large donations (Machias Savings Bank \$250,000, Bar Harbor Bank and Trust \$325,000, First National \$300,000 and Camden National \$50,000). MLA has attended and will be attending more outreach events, including the Stonington rally, Portland Chamber of Commerce, Maine Bankers Association, Veterans Day parade in Portland, Bailey Island community meeting, East Wind dinner in

Despite the challenges our industry did demonstrate a remarkable ability to unite in 2022. Rather than ignore or downplay the seriousness of the threats, the Maine lobstering community as a whole has responded with the urgency needed. Fishermen have taken the time to drive to many meetings and read up on the issues we face. At a well-attended NMFS public hearing on whale regulations in Portland this fall numerous people spoke about the many ways NMFS has failed us. It has been encouraging to see how many people have taken the time to be informed and speak up.

The Save Maine Lobstermen campaign has received widespread public support. Numerous events have informed the public and raised funds. I saw it firsthand at an event here in Boothbay Harbor in August that raised \$50,000. Banks, restaurants, lobster buyers, municipalities, and many Maine businesses along with individuals have supported our legal fight. The MLA has retained an exceptionally qualified legal team spearheaded by former solicitor general of the United States Paul Clement. We intend to fight this fight as long as it takes.

This year certainly wasn't a banner year for lobstering. But I believe it has been the year we showed the world our willingness and ability to stand up for ourselves. A coalition against federal overreach has formed. Led by the MLA and its members it is supported by fishermen, members of the public and businesses all over the state. Our voices will be heard. Despite its challenges, 2022 leaves me with hope for the future.

*Troy Plummer fishes from Boothbay Harbor*

Tenants Harbor, Jonathan's Ogunquit brunch, Midcoast Town Managers meeting, and Maine Lobster Dealers Association.

Patrice McCarron reported that MLA's TRT members will be at the upcoming TRT meeting in late November and early December. MLA is continuing to work with DMR and the delegation on a potential Congressional strategy to seek relief from the whale rules. MLA will submit its brief to the Appeal Court November 9 and give oral arguments before Judge Boasberg in the remedy phase of the environmental organizations' case on November 10. The next Board meeting will be December 14 at Darby's in Belfast.

### COURT CASES

There has been a lot of activity in the two court cases.

The MLA's appeal of Judge Boasberg's ruling denying all of MLA's claims in *MLA v NMFS* is moving swiftly through the Appeals Court. MLA filed its opening brief on November 9, as did intervenors on MLA's side (DMR, Massachusetts Lobstermen's Association and Maine Lobster Union). In addition, the state of New Hampshire and Maine Chamber of Commerce have both filed Amici briefs supporting MLA in the appeal. Briefs for NMFS and intervenors on its side (Center for Biological Diversity, Conservation Law Foundation and Defenders of Wildlife) will file briefs on December 20. MLA and its intervenors will file response briefs on January 10. It is expected that the Appeals Court will schedule oral arguments by early February.

Judge Boasberg held oral arguments in the *CBD v Raimondo* case filed by the environmental groups on November 10 and issued his order on November 17. In this remedy phase of the case, the Court decides how to fix the legal deficiencies it identified in July for both the 2021 Biological Opinion (BiOp) and the 2021 Final Rule issued by the NMFS. For remedy, the Court ordered that NMFS finalize a new Whale Rule to reduce entanglement risk by 90% by December 9, 2024. The Court also ordered to send the 2021 BiOp back to NMFS for reconsideration. The current Final Rule and BiOp will remain in place during this time. The Court will require status updates every six months, beginning July 10, 2023. Remedy for the BiOp will be reconsidered in December 2024. While the industry is relieved to have two years before the 90% risk reduction is finalized, the fate of the federal lobster fishery remains uncertain beyond December 2024.

### CHANGES TO LOBSTER MINIMUM GAUGE ON HOLD

The Atlantic States Marine Fisheries Commission (ASMFC) Lobster Board approved Addendum 27 in January 2022 and postponed public hearings anticipated for the summer 2022. Addendum 27, also known as the "Resiliency Addendum," proposed changes to the minimum gauge in LMA 1, as well as changes to maximum gauge and vent sizes in other Lobster Management Areas.

At its November meeting, the Lobster Board was told that lobster indices, including young-of-the-year settlement, trawl survey, and ventless trap survey, continue to show declines from the time series highs observed for the Gulf of Maine. However, the Lobster Board voted to rescind the approval of Draft Addendum 27 for public comment in order to make changes to the options



# MAINE LOBSTERMEN'S ASSOCIATION UPDATE

within the document. In rescinding its approval for the draft addendum, the Board directed the Plan Development Team (PDT) to modify (1) the proposed options to include a single trigger level which falls within a 30% to 45% decline in the trigger index, and (2) the implementation years for scheduled gauge and vent size changes. The Board will consider approval of the revised Draft Addendum 27 for public comment at its next meeting.

ASMFC convened a Work Group comprised of state and federal partners to develop and release a request for quotes from vessel tracking device manufacturers. Five applications for type approval were received and the Work Group is in the process of evaluating the devices for approval.

## HERRING QUOTA REMAINS EXTREMELY LOW

2023-2025 Atlantic Herring Specifications (in Metric Tons)			
Specification	2023	2024	2025
Overfishing Limit (OFL)	29,138	32,233	40,727
Acceptable Biological Catch (ABC)	16,649	23,409	28,181
Management Uncertainty*	4,220	4,220	4,220
Optimum Yield / Annual Catch Limit (OY/ACL)	12,429	19,189	23,961
Area 1A Sub-ACL (28.9%)*	3,592	5,546	6,925
Area 1B Sub-ACL (4.3%)	534	825	1,030
Area 2 Sub-ACL (27.8%)	3,455	5,335	6,661
Area 3 Sub-ACL (39%)	4,847	7,484	9,345

ASMFC's Atlantic Herring Management Board reviewed the New England Fishery Management Council's 2023-2025 specifications for Annual Catch Limits (ACL). The sub-ACL for Herring Management Area 1A will be 3,952 in 2023. For the 2023 herring season, ASMFC once again adopted a seasonal quota approach with 72.8% available June-September and 27.2% available October-December with underages from June through September rolled into the October through December period. The Board expects to resume discussions about the challenge of managing the Area 1A fishery under low quotas in 2023.

## MAINE'S MENHADEN QUOTA INCREASES TEN-FOLD

The ASMFC made significant changes to its menhaden management program. The 2023-2025 coastwide Total Allowable Catch (TAC) for menhaden was increased by 20% from 2022 levels, from 194,400 mt to 233,550 mt. The Board voted to base its future state-by-state quota allocations on recent, rather than historic landings. Maine will realize a nearly ten-fold increase in quota allocation, from 0.52% of TAC in 2022 to 4.8% in 2023, increasing Maine's preliminary quota from approximately 2.2 million pounds to 24.4 million pounds. Additionally, the Episodic Set Aside has increased to 5.1 million pounds. While ASMFC voted to remove purse seines from the small-scale fishery, this fishery should now be covered under Maine's increased state quota allocation. For the past few years, Maine has landed approximately 2 million pounds from state quota, 5 million pounds from transfers, 2-4 million pounds from the episodic set aside, and an additional 10-12 million pounds from the small-scale fishery.

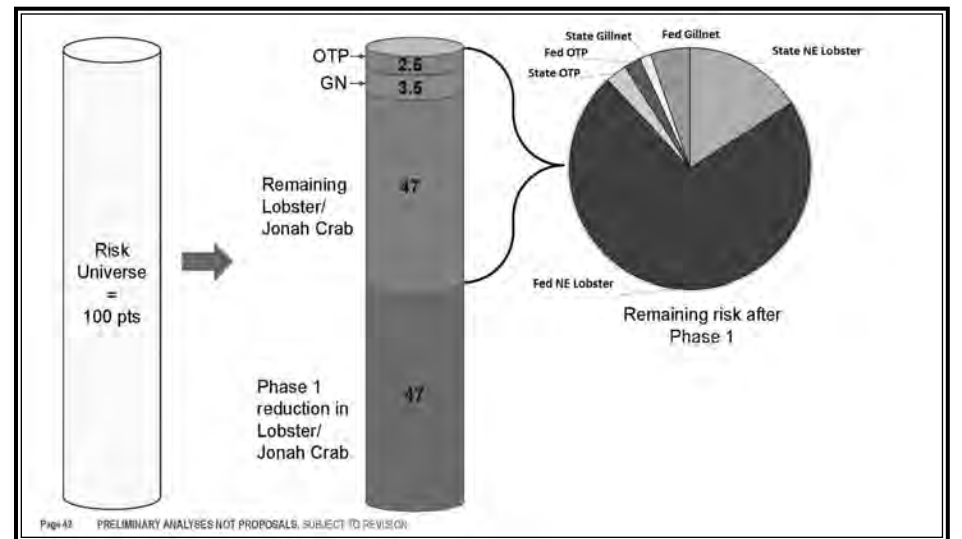
## TAKE REDUCTION TEAM DEVELOPS 90% RISK REDUCTION PROPOSALS

NMFS held a week-long meeting of the Take Reduction Team (TRT) to develop a management approaches for all fixed gear fisheries from Maine to Florida to achieve 90% risk reduction. The Court ruled that NMFS must complete this plan by December 2024. According to NMFS, the May 2022 Final Rule took three years to complete (Oct. 2018 to Sept. 2021) which means that NMFS is working under an aggressive timeline. NMFS began scoping on September 8 to solicit ideas to reduce risk.

NMFS is working with the TRT to develop risk reduction scenarios to achieve a 90% risk reduction for all fixed gear fisheries from Maine to Florida. The estimated risk reduction from various proposals is being assessed by the updated Decision Support Tool (DST). NMFS will reconvene the TRT on December 1 and

2 and is seeking a consensus recommendation to move forward. If no consensus is reached, NMFS will use the TRT's input to move forward several proposals for analysis. The updated DST is not scheduled for peer review until Dec. 12 to 14.

NMFS anticipates finalizing a Draft Environmental Impact Statement (DEIS) and the Proposed Rule by November 2023. There will be an opportunity for public comment at this stage. NMFS anticipates completing the Final Environmental Impact Statement (FEIS) and Final Rule by the beginning of December 2024.



NMFS also presented an entanglement update from 2020 to 2022. While Maine's new purple gear marking has not been found on any right whales, it has been associated with entanglement of two minke whales in 2020 (purple), two minkes in 2021 (purple and purple/green), and one humpback (purple/green) in 2021, and two humpbacks in 2022 (purple). Overall entanglements for whales with gear present since 2020 include 12 right whales (1 in Canada, 11 unknown), 52 humpbacks, 17 minkes, 2 fin and one unknown whale.

2020-2022 Color Mark Entanglement Summary					
Year	Species	Total #	Total w/ color mark	Color	1st sighting location
2020	Right	4	1	Orange - Canada (1)	Massachusetts
	Humpback	15	2	Red - MA (2)	Massachusetts
	Minke	7	2	Purple - ME (2)	Maine
	Unknown	1	0		
2021	Right	3	0		
	Humpback	21	2	Red - MA (1), Purple & Green - ME Fed. (1)	Massachusetts
	Minke	4	2	Purple - ME (1), Purple & Green - ME Fed. (1)	Maine
	Finback	2	0		
2022	Right	5	0		
	Humpback	16	2	Purple - ME (2)	Massachusetts
	Minke	6	1	Red - MA (1)	Massachusetts

- 84 new reported entangled whales with gear present since 2020.
  - 12 right whales, 52 humpback, 17 minkes, 2 fin, and 1 unknown whale
- Reported entanglements represent the minimum number of occurrences. This does not include cases with new entanglement trauma but no gear documented.

## LOBSTER INDUSTRY LOSES MSC CERTIFICATION

In November, the Marine Stewardship Council (MSC) announced that its certification of the Gulf of Maine lobster fishery would be suspended, effective December 15. This comes just two months after the Monterey Bay Aquarium's Seafood Watch red listed lobster as a seafood to avoid. MSC's press release states that the loss of certification is due to the Court's ruling that NOAA's latest whale regulations do not comply with the law.

MSC's press release states, "The audit concluded with the finding that, as a result of the court ruling, the fishery is no longer in compliance with all relevant laws, does not meet the MSC Fisheries Standard, and therefore the certification of the Maine lobster fishery is suspended (November 2022). In the most recent assessment by the assessor, no evidence was found that the Maine lobster fishery is responsible for entanglements or interactions with right whales."

The MLA released the following statement in response to the loss of MSC certification:

"This unfortunate MSC decertification is the direct result of the federal government's overreach and its misuse of science in overestimating risk from the Maine lobster fishery. The Maine lobster industry is proud of its stellar track record of right whale protections and, as MSC even indicates, science consistently shows right whales are moving further and further from our fishing grounds, and into Canada, and areas where numerous deaths are known to have occurred. This is why the MLA is working to hold the federal government accountable through our lawsuit and force them to revise their plan so that it actually protects whales without leaving Maine's historic lobster fishery in ruins and inflicting unnecessary economic harm on our state and thousands of working families."





# The Fight Just Got Harder.

## Gifts: \$200,000–\$499,000

Bar Harbor Bank & Trust  
Machias Savings Bank  
First National Bank  
John and Brendan Ready

### Gifts \$50,000 - \$99,999

Camden National Bank

### Gifts \$25,000 - \$49,999

Corea Lobster Co-Op  
Cranberry Isles Fishermen's Co-Op

### Gifts \$10,000 - \$24,999

Bring It, Inc.  
Brooks Trap Mill  
DB Rice Fisheries  
D.C. Air & Seafood  
Joseph Doyle  
Luke's Lobster Seafood Co.  
RH Foster Energy, LLC  
Smithwick & Mariners<sup>^^</sup>  
Town of Cranberry Isles  
Town of York

### Gifts \$ 5,000–\$9,999

Atlantic Edge Lobster, Atlantic Edge  
lobstermen & families  
Camden National Bank  
Committee to Elect Jared Golden  
Cousins Maine Lobster  
George Craig  
J&K Lobster Bait, Inc  
Maine Aquaculture Association  
F.W. Thurston Co, Inc.  
Shane Hatch  
Machias River Inn  
Pizza Villa  
Square & Compass Club  
Tenants Harbor Fishermen's Co-op  
Town of South Thomaston  
Vinalhaven Fishermen's Co-Op

### Gifts \$2,500 - \$4,999

Bad Boy Lobster Co.  
Beal's Lobster Pier  
East Wind Inn  
Elizabeth Fenwick  
Ed Foye\*  
Earl Hamilton III\*  
Helen's Restaurant<sup>^^</sup>  
Jonathan's Ogunquit  
Maine Lobster Outlet  
Merritt Bracket Lobster Boat Races  
Midcoast Marine  
Red's Eats & the Gagnon Family<sup>^^</sup>  
RE Thomas Marine Hardware  
Sorrento Seafood<sup>^^</sup>  
Town Of Jonesport  
The Upper Deck

### Gifts \$1,000 - \$2,499

### \$1,000-\$2,499 cont'd

Alberding  
Roger Allard  
Fred Allen III  
Brian Alley  
Jeffrey Alley  
Jeremy R Alley  
Jeremy S Alley  
Travis Alley  
Josh Ames\*  
Lawrence Ames  
Heron Arey  
Barnacle Billy's <sup>^^</sup>  
Bob Baines  
Eric Beal  
Oscar Beal  
Richard Beal\*  
Belfast Fishermen's Assoc.  
Patrick Benzie  
Jenny & Dean Berry  
Judy Berry: Leach's Express  
Troy Bichrest  
Brian Billings Family  
Joel & Jenna Billings  
David Black  
Ivan Bly  
Town Of Boothbay  
Vincent Bosso  
Bob & Kitty Boyd  
Diane Brassard  
Jarod Bray\*  
Maynard Brewer  
David & Deborah Brooks  
Sandi Bryand  
Christopher Candage  
Dylan Carroll\*  
Dwight Carver  
Tricia Ann Carver  
Ryan Casey  
Barbara & James Chesney  
Lucas Chioffi  
Jason Chipman  
John W Chipman  
Jonathan Chipman  
Wesley Chipman  
Christopher Clark\*  
Nick Colacino  
Senator Susan Collins  
Emily Conway  
Andrew Cousens  
David Cousens  
Josiah Couture\*  
WC Cressey & Sons  
Susan Curtis  
Mike Cushman\*  
Jason Day\*  
Dustin Delano  
Wayne Delano

### \$1,000-\$2,499 cont'd

Ben Doliber\*  
Ryan Dorr  
Chrissy Doucette  
Doucette Family  
Jerry Doughty  
Karen Doughty  
Kyle Doughty  
Travis Doughty  
George Dow  
Downeast Housewives for  
the Fishing Industry  
Daryl Dunham\*  
East Coast Seafood  
Richard Elliott  
City of Ellsworth  
Anonymous  
Bruce Fernald\*  
Mark Fernald  
Robin Fernald & Stephanie  
Austin  
Jay Fiandaca Jr  
Timothy Field  
Mike Flanigan  
James Freeman  
Town of Friendship  
Larsen Foye\*  
Virginia Gay  
Sarah Giles  
Matt Gilley  
Mark & Dianne Gimble  
Chris Goodale  
Todd Goodell  
Brian Gordius  
Frank Gotwals  
Jamie Griffith  
William Hancock III  
Jacob Hardy\*  
Josh Harjula  
Keith Harriton  
Gary Hawkes\*  
Heath Hawkes  
Benjamin Heanssler  
Caleb Heanssler  
Benjamin Hopkins\*  
Shawn Howard\*  
Todd & April Hubbard\*  
Bobby Ingalls\*  
Michael & Chantal Jennings  
Jess's Market  
Chip Johnson\*  
Daniel Johnson  
Lincoln Johnson  
Lukas Johnson  
Donald Jones\*  
Mark Jones  
Nathan Jones\*  
Jason Joyce\*  
Jeff Kaelin  
David Kaselaukas  
Eric Knight\*  
Dana Knudsen  
Kris Koerber  
Kellie Lally  
Brian Langley  
Isaac Lash

### \$1,000-\$2,499 cont'd

Stephen Lash\*  
Craig Lazaro\*  
Kenny Lemoine Jr.  
Jeffrey Libby  
Kevin & Jan Lipson  
Lobster Palette Inc.  
Andrew Longley  
Travis Lunt\*  
Ian Lussier  
Maine Camp Outfitters  
Maine Trappers Association  
John McCarthy  
Michael Melito Lobster  
Brokers  
Jack Merrill  
Steve Miller  
Tad Miller  
David Moody  
Mark Moody  
Chris Moore  
Anonymous  
Dan Morris  
Jonathan Murphy  
Ronald Musetti\*  
Kyle Nichols  
Connie & Gail Norstrom  
Mitch Nunan\*  
Brent Oliver  
Ladd Olson  
Mark Osborn & Brian Makaer-  
wicz  
Alfred Osgood\*  
Justin Osgood  
Nicholas & Kristin Page  
Micah Philbrook\*  
Michael Philbrook  
Galen Plummer\*  
Troy Plummer  
Alan D & Rebecca Poland  
Alan O Poland\*  
Harold W Poole  
James H Poole Sr  
Henry Pope  
Jennifer Pope  
Kristan Porter\*  
Neal Prescott  
Jeff Putnam  
Frank & Sam Reece  
Bob Richardson  
Sam Rosen  
Steve Rosen  
Michael Rowan  
Nicholas Saunders  
Wayne Seavey  
Mark Sewell  
Sam Sewell  
Christopher Smith  
Scott Smithwick  
Craig Sproul  
Andrew Stanley  
John Stanley\*  
Ashley Stapelman  
Garrett Steele  
Gary & Jenni Steele  
Valeria Storms

### \$1,000-\$2,499 cont'd

Hon. Holly Stover  
Gary Strout  
Dwayne Sutherland  
That Place in Ogunquit  
David A Thomas\*  
Courtland Tolman  
Roxanne Tolman  
Mike Tripp  
Twin City Financial Group  
The Clam Shack  
The Vinalhaven School  
Town of Machiasport  
Town of Stonington  
Town Of Vinalhaven  
John Tripp\*  
Sara Walbridge  
Seth Walker\*  
Richard Wall  
Keith Wallace  
Dennis Warren  
Jane & Paul Warren  
Lee Watkinson  
Ronald Watkinson  
Matthew Weber  
Thom Werner  
James West  
Jeff White\*  
Gregg Whitton  
Wicked Adventure Redemption  
Walter Willey IV  
John Williams\*  
Eben Wilson  
Winter Harbor Co-Op  
James Wotten\*  
Wotton's Lobster Wharf LLC  
York Lobstermen's Association  
Kenneth Young

### Gifts \$500 - \$999

Richard A Alley Jr.  
A R Kennedy Customs  
Arundel Ford  
Atlantic Sea Farms  
Bangor Tractor & Equipment  
Tyler Bemis  
Mark Cheney  
Roger Chipman  
Clinton Collamore Sr  
The Dairy Corner  
Adam Daly & Son Builders  
DiMillo's on the Water  
Perry Duryea III  
James Ellsworth  
Eric Emmons  
Englund Marine & Industrial  
Supply  
Brian Fellows  
Mark Fernald  
Peter Flanigan  
Michael Floyd  
Jason Follette  
Owen Foye\*  
Raegan Foye\*  
Friendship Lobster Boat Races  
Friendship Lobster Treats

Donations listed were received by 11/23/22.

Donations with an asterisk indicate license fees are included. Donations with a ^^ are part of the Red's Eats Challenge.





# We're Battling for Maine's Future.

## \$500 - \$999 cont'd

Adam Gamage  
Anonymous  
Town Of Georgetown  
David Gilley  
Brett Gilliam  
Christopher Goodale  
David Gregg\*  
James Hayward  
Sarah Hoffman  
Inland Lobster  
Island Fishing Gear & Auto  
Parts  
Island Fishermen's Wives  
Chris Jenness  
David B Johnson  
Stuart Jones  
Keith Jordan  
Sam Joy  
David Joyce  
Kevin Kelley & Dana O'Brien  
Nicholas Kennedy  
Larry Knapp  
J. Edward Knight Insurance  
Agency  
Kyle Koerber  
Jonathan Landsberg  
LAUGH Loud SMILE Big  
Colby Lee  
Spinner Lee  
Jody Leighton  
Dr. William Lieber  
Daniel Lief  
David Lunt  
George MacLeod  
Maine State Sea Kayak  
Frank McCreary  
Shaun McLennan  
Ryan Miller  
Linda Molvie  
Minot Country Variety  
Montsweag Restaurant  
Daniel Morris  
Phillip Morris  
Northeast Marine Survey  
Clay Oliver & Marci Lief  
Leland Osgood  
Pine State Motors  
Prevention Is Key LLC  
Bill & Julie Putnam  
Thomas & Ann Ramee  
N.A. Reny Construction Co.  
Sonny Rich  
Anneliese Riggall  
Mike Sargent  
Anne Scarff  
Ryan Schoppee  
Seymour Embroidery  
Steven Shirey  
Shore Hills Campground  
James Smith  
Nathaniel Snow  
Willis & Christine Spear  
Theodore Spurling  
Dillon Steele  
Gordon Sullivan  
David Tarr  
Steve Taylor  
David E Thurlow  
Earl Thurlow  
Elaine Tietz  
Union River Chpt of Maine  
Trappers Assoc

## \$500 - \$999 cont'd

VIP Maine Mobile  
Clayton Walker  
Harlan Warren  
Ethan Whitaker  
Bruce White  
Susan Whitney  
Peter Wildes  
Christopher Wood  
Merritt Wotton  
Bradley Yeaton  
Zaz & Moe  
Eric Ziner: Stonington Rally  
Fundraiser

## Gifts \$300 - \$499

Andrew Adam  
Travis Alley  
Atlantic Sea Farms Staff  
Foster Bartovics  
Joanna Bentley  
Ian Bohrmann: Left Buoy  
Lobster Co.  
Blue Water Concepts  
Vance Bunker  
John Clinton  
Coastal ME Creations  
Committee to Elect Paul  
LePage  
Anonymous  
Anna Fernald  
Chad Gamage  
Greg Griffin  
Erik Hansen  
George & Betty Heselton  
Alice Ingraham  
Donald Jones  
John's Bay Boat Co.  
Joshua Kane Family  
Little Salty Rope Co.  
Stuart MacDonald  
Kyle Nichols  
Travis O'Brien  
Chris Parsons-Mank  
Lawrence Pye  
Matt Samuels  
Carroll Staples  
Charles Tarbox  
Jennifer Walker  
Bernd Wolff  
Paul Woods

## Gifts \$100 - \$299

Robin Alden  
Stephen Alley  
Edward P Ames  
Herman Anderson  
Julia Andrieni  
James Austin  
Sharon Austin  
Emily Axelrod  
John Bacon  
John Barrett  
Barry Baudanza  
Robert Bayer  
Arthur Baxter  
Kevin Beal  
Donald Bisson  
Douglas Blasius  
Hugh Bowen  
David Brakke  
Eric Brazer

## \$100 - \$299 cont'd

Marcia Beal Brazer  
Norman Brazer Jr  
Barbara Bregman  
Jeff & Glenace Breton  
Barry Brown  
Foy Brown Sr  
Robert Brown  
Carla Bryson  
David Bullwinkle  
Patricia Burch  
Ernie Burgess  
Norman Burns  
Stephen Burns  
Albert Buswell  
Elizabeth Caruso  
Nicholas Cennamo  
Chipman Grandchildren: Pro-  
ject Endline Kickoff  
Debra Christiansen  
Kurt Ciomei  
Ida Clarke  
Keith Clark Distributors  
Daniel Clough  
Jonathan Coffin  
Dan Colacino  
Brian Colbeth  
Zach Canders & the Kevin  
Peterson Family  
Mike Cook  
Alcyone Coon  
Sarah Corson & Dick Atlee  
Sam Cousens  
Douglas Cowan  
Lydia Crafts  
The Caignair Inn  
Susan Cressey  
Anne Damm  
Bruce & Heather Davis  
Eric Davis  
Julia Debery  
Deborah Delp  
Ellen Dinsmore  
Joey Donnelly  
Warren Dorr IV  
Forrest H Dow  
Jordan Drouin  
Martha Dudman  
Richard Duffy  
Lynn Duryea  
Marilyn Eimon  
George Eliason  
Jon Emerson  
Kristin Falla  
Betty Farnham  
A Michael Faulkingham  
Cole Faulkingham  
Michael Faulkingham  
Andrew Feeney  
Thomas Fernald  
Daniel Field  
Fishermen's Pottery & Gifts  
Franman Transportation  
Anonymous  
Spencer Gamage  
Judith Gary  
Gears & Vinyl  
Hugh Gilley  
Elisabeth Gimbel  
Ginger Mousse Bakery  
David Gittens  
Alexander Gonzalez

## \$100 - \$299 cont'd

Julia Goodall  
George Green  
Nancy Greene  
Jessica Griffin  
Mary Griffin & Barbara Mac-  
Neil  
Peter Haber  
Eleanor Hadden  
Sarah Hains  
Betsy Hall  
Janice Hanscom  
Kurt Harrington  
Sally & Curtis Haskell  
Greg Havener  
Raechelle Haynes  
Angie Helton  
Stephen and Lisa Hewitt  
Thomas B Heyer  
Laurence Hodgkins  
Kenya Hopkins  
Donald House  
Mark Howard  
Ed Hutchins II  
Alice Ingraham  
James Jalbert  
Margaret Jicha  
JMV Carousel Marina Inc  
John Jordan  
Kathi Jordan  
JT Lobster  
Jenny Keher  
Roger Kellett  
Eugene Kelley  
Lewis Kelsey  
David Kelsh  
Robert O Keohane  
Jackson Kinney  
Paul Kinsella  
Robert Kohler  
Tina Kullman  
Wayne & Laurel Lamoine  
Thomas Lawson  
Gene Lazaro  
Steven Leeman  
Walter Leeman IV  
Ken Lemont  
Robert Levine  
Gary Libby  
Chris Linkletter  
Ann Liotta  
Look Lobster Co.  
Jason Ludwig  
Nathaniel Lyon  
Kenneth MacKenzie  
Peter MacKenzie  
Barbara Malandrino  
Mantinius Isl Recycling  
Linnell Mather  
Barbara & Larry McAdams  
Gregory McCreary  
Genevieve McDonald  
Eben McFadden  
Phillip McFarland  
Mark McGoan & Kristin  
Bilodeau  
Dana McIntire  
Marissa McMahan  
Robert McMahan  
Susie McNamee  
Helen Merrill

## \$100 - \$299 cont'd

Mike Mesko  
Peter Miller  
Nina Milliken  
Arnold Mintz  
Barbara Mintz  
Christopher Morris  
Zara Mosher  
Susan Most  
Tess Nappi  
Narraguagus High School Sen-  
ior Class  
Amber Jean Nickel  
Willem Nieuwerkerk  
Randy Newcomb  
Judith Normandin  
Robert L Nudd Jr  
Chelsea Nunan  
Eleanor Nunan  
Robert Oberlander  
Jim O'Connell  
Cordelia K Oehmig  
Travis & Keith Otis  
Gilbert Palmer  
Kathleen Parrish  
Nick, Andrew & Jack  
Pellechia  
Antonina Pelletier  
David Percival  
Jaden Petersdorf  
Eric Peterson  
Stephen Pfister  
Ben Poland  
Janet Pollack  
Henryetta Ponczek  
George Prince  
Puffin's Nest Inc.  
Jeff Putnam  
Aspen Reece  
Walter Reitz  
Bonnie Remar  
RG Tax Accounting &  
Resolution  
Alan Richard  
John Rohrer  
Caroline Ronten  
Ingrid and Peter Rudolf  
Kent Salfi  
Joseph Salisbury  
George Sass  
Charles Saunders  
Gynell Schoppee  
Anonymous  
Seacoast Threads  
Sew Fetch Dog Co.  
Francis Seiders  
Sam Shaw  
Randell Shepard  
Michael Sherman  
Ryan Simmons  
Bryan Soares  
Jeanette Sonner  
John Sosnowski & Anabella  
Pitkin  
Hamilton D South III  
Roger St Amand  
Matt St Cyr  
Brennan Strong  
Karen Strunk  
Swans Island Freight LLC  
Andrew Taylor  
Kate Hotchkiss Taylor



# Don't Let them Drag Us Down.



## \$100 - \$299 cont'd

Jonathan B Thomas  
Paul Thormann  
The Island Market & Supply  
Jessica Tolliver & Nathan Shaw  
Michael Tolman  
Town Of Long Island  
Caitlin Trafton  
Keith Trefethen  
Annie Tselikis  
Hilton Turner  
Diana Tyler  
Ian Unger  
Viable Gear  
Allan Vitkus  
Alfred Voskian  
Justin Vyce  
Anonymous  
Raymond Waite  
Kachina Watt  
Kelly Webber  
Warren's Lobster House  
Irene White  
Adam White  
Leonard White  
Linda Whitebear  
Jim Wilberg  
D.A. Wiles  
Edward Williams  
Wesley Willink  
Richard Wilson  
Robert M Winslow  
Anonymous  
Chris Wriggins  
Donald Wright  
Nancy Wynne  
York Driving School  
E Richard Young

## Gifts Under \$100

Joseph Young  
Scott Young  
Patricia Zinski  
Ronald Alley  
Heidi Aliski  
Evelyn Anderson  
Steve Bailey  
Nancy Beal  
Paulette Bilsky-Phillips  
Ellen Black  
Sandra Boardman  
Elijah Brice  
Margaret Bryant  
Carla Bryson  
Wendy Chambers  
Stephen Christiansen  
Jeanne Connelly  
Tom & Mary Conway  
Rep. Lydia Crafts  
Peggy Cummings  
Judith Cutler  
Camille Daggett  
Howard Dentremont Jr  
Edith DiBartolo  
Demaree DiBiase  
William Doble  
Donalee Dolan  
Hon. Vicki Doudera  
Elizabeth Drake  
Karina Drumheller  
John Dykstra  
Karen S Ellis  
Ellen Fagen  
William Fahey  
Marcus Fernald  
Joann Ferrance  
Brian Foran  
Larry Fuhrman

## Gifts under \$100 cont'd

Jane Gagne  
Donna Marie Garfalo  
Kevin Gilbert  
Joe Grady  
Kristin Gross  
Thomas Gruber  
Eliot Hadlock  
Timothy Hambelton  
Victoria Harnish  
Sally Hartikka  
Anthony Hooper  
Erin House  
Charlene Hoyt  
Alice Ingraham  
Eve Jamieson  
Bet Johnson  
Truly-Ann Johnson  
Elizabeth Jordan  
Stafford Keegan  
Kate-lyn Knight  
Elisabeth Koury  
Lois Kuttesch  
Ronald LaChappelle  
Piet Lammert  
Steve Laronde  
Ivan Libby  
Carl Little  
Blake Rose Arens Lovelady  
Luster Hustler Ceramics  
Leigh Martin-Farnsworth  
Elaine Mathiason  
Holly McCormick  
Paul & Elizabeth MacDonald  
Betsy Mahoney  
Don Mahoney  
Chad McGuire  
Michael Mendelson

## Gifts under \$100 cont'd

Anonymous  
George Munson  
Carter Jones Meyer  
Linda Musson  
Olivia Myers  
Richard Nagel  
Jeanne Nash  
Linda & Dana O'Brien  
Teresa Parker  
Mary Perry-Dysart  
Melissa Petrillo-Erbes  
Sarah Pettito  
Dayle Purington  
Robert Raudenbush  
Donna Reed  
David Rich  
Mish Ritchie  
Caroline Rittenhouse  
Virginia Robbins  
Jennifer Roberts  
Anya Rous  
Robert & Janet Rushton  
Gardner Russell II  
Peter Schmidt  
Alan and Maddy Thal  
Jeffrey Schuhmacher  
Seacoast Threads  
Robert Smith  
Theresa Smith  
Paula Stover  
Melissa St Pierre  
Constance Stubbs  
Sue Stultz  
Richard Sullivan  
Sunrise Spuds  
Susan & Paul Taylor  
William Thurlow

## Gifts under \$100 cont'd

Michelle Tognetti  
Caroline Trinder  
Paul Trommer  
Steven Turner  
Randall Wade  
Ruth Wales  
John Wallace  
Peter Wallace  
Kirstin Weed  
Wendy Wegner  
Kendall Thomas White  
Laura J Whitmer  
Shelley Wigglesworth  
Anonymous  
Donald & Gail Wright  
Jimmy Guide Young



## Gifts in Memoriam

**John Ames**  
Edward P Ames

**Charlie Begin**  
Jean & Neal Reny

**Mary & Ed Blackmore**  
Sally & Curtis Haskell

**James E Brown**  
Foy Brown Sr

**Gary Clifford**  
John Reny

**Gilbert Sr & Betty Collamore**  
Clinton Collamore Sr.

**Dana Crowley**  
Dean & Terri Crowley  
Judy & Dale Crowley Jr  
Rob & Nancy Heallen  
Cooper Friend  
Dave & Bobbi  
Betty & Penny  
Ed Fagonde  
Perry Family  
VJ & Amy  
F/V Melanie Jean  
Roby McLean  
Richard & Nancy  
Hazel & Robert Alley Sr  
Ronald Looke  
Bruce & Joanne Davis

**Joan & Wendell Curtis**  
Susan Curtis

**Perry B Duryea Jr.**  
Lynn Duryea

**Warren Fernald**  
Anna Fernald  
Frank & Sam Reece

**Charles Gerry**  
Zach Canders & the Kevin Peterson Family  
Peggy Cummings  
Hugh Cummings  
John Dykstra  
Sarah Pettito  
Kent Salfi  
Robert Smith

**Craig Giles**  
Sarah Giles

**William S. Hutchinson**  
Lisa Graziano, York Driving School

**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

**David Ober**  
Bryan & Amanda Austin  
Ruth Bacon  
Arthur & Julie Chickering  
Janice Lachance & Susan Hall

Teresa & Havener Kaler  
Nancy Hope-Normandi  
James & Esther Kilgore  
William & Nancy Leppanen  
Delores Ober  
Gerald & Mary Ober  
Arlene Paulson  
Chief Jason Peasley  
Barry & Debra Shepard  
Michael Tolman  
Rockland District High School Class of 1973

**Danny Pearce**  
Jean & Neal Reny

**Richard "Poochie" Ross**  
Arundel Ford

**Jeff Tolman**  
Courtland Tolman

**Harold Vinal**  
Jimmy Guide Young

**Mason Vintinner**  
David Kelsh

**Cindy Welch**  
Diane Brassard  
Betsy and Don Mahoney  
Antonina Pelletier

**Dave Whitten**  
Steve Rosen

## Gifts in Honor Of:

**Boothbay Lobstermen**  
Nick Alberding

**Philip Bramhall**  
Eleanor Poe Barlow  
Caroline Seamans

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

**Karen Dougherty for her birthday**  
Martha Powelson

**Perry B Duryea III**  
Lynn Duryea

**Jim Henry, F/V Scottish Rebel, Peaks Island Lobsterman & Fisherman**  
Dana Knudsen

**Mary Stella Harriton**  
Keith Harriton

**Mark Jones**  
Karen S Ellis  
Caroline Trinder

**Jason Joyce**  
Donald Wright

**MacLeods Restaurant**  
George MacLeod

**Jack Merrill**  
David & Deborah Brooks

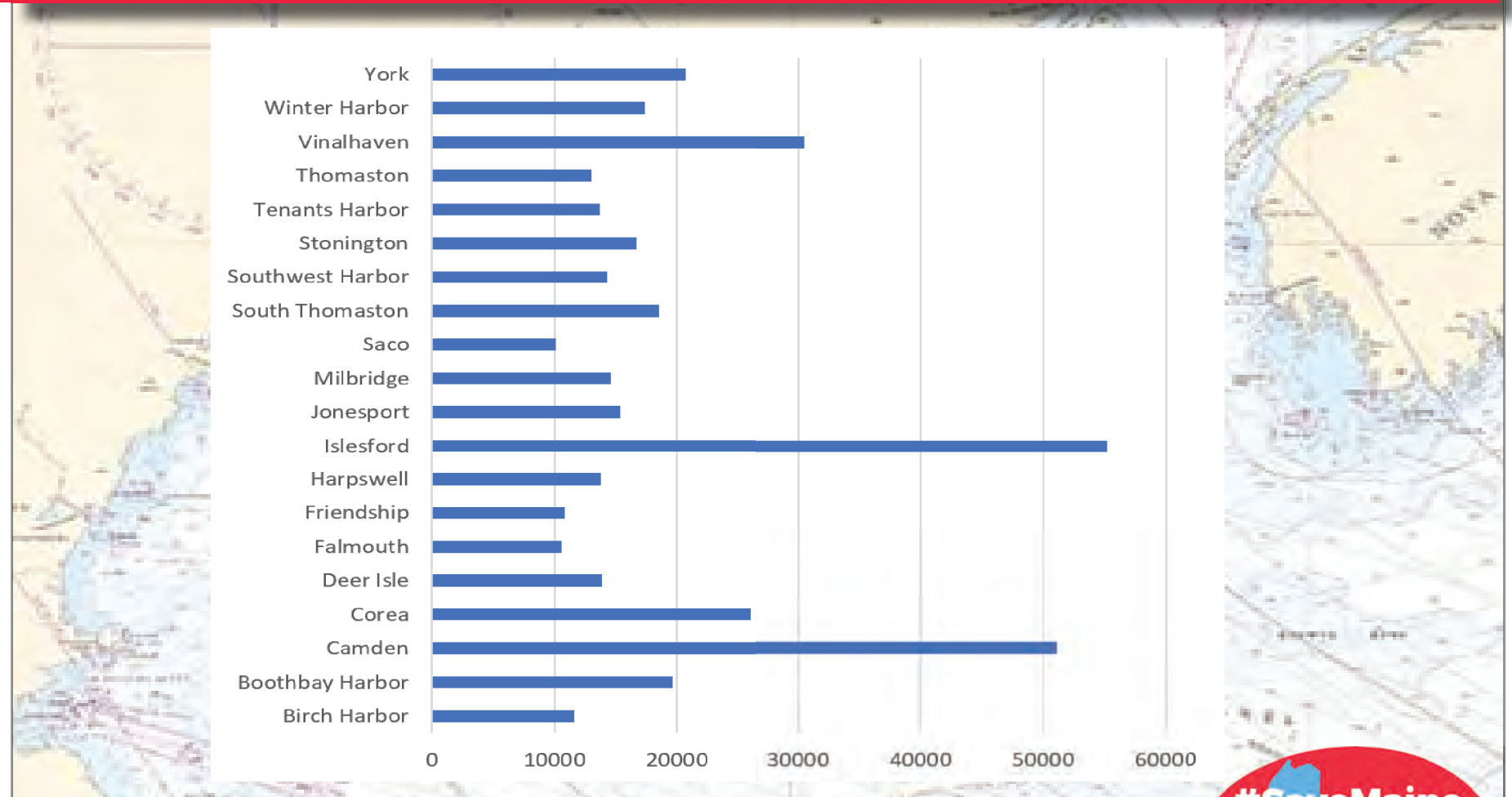
**Sam & Frank Reece**  
Constance Stubbs

**Mrs. Webber—St George School Match**  
Kristin Falla

**John Williams**  
Ellen Dinsmore



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Where does your community stack up?



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- \$10,000
- \$5,000
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- \$1,000
- \$500
- \$365 "a dollar a day"
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Name: \_\_\_\_\_

Business Name: \_\_\_\_\_  
*\_\_\_\_\_ please use my business name in my listing*

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In Memory of: \_\_\_\_\_

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Lobstermen**

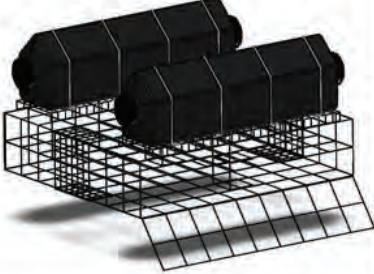
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### C9.3



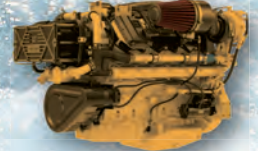
**C9.3 Tier 3 Commercial Ratings:**  
 375 HP @ 1800 Heavy Duty "B"  
 416 HP @ 2100 Maximum Continuous Duty "C"  
 476 HP @ 2300 Intermittent Duty "D"

### C18



**C18 Tier 3 Commercial Ratings:**  
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 600 HP @ 1800 Continuous Duty "A"  
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 715 HP @ 1800-2100 Maximum Continuous Duty "C"  
 803 HP @ 2100 Intermittent Duty "D"

### C32



**C32 Tier 3 Commercial Ratings:**  
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**\* Tier 4 Exempt Light Commercial Ratings:**  
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<b>Dennis' Welding &amp; Marine</b> Beals, ME	<b>Journey's End</b> Rockland, ME	<b>Sacchetti Marine and Industrial LLC</b> Plymouth, MA	<b>Hinckley Yacht Service</b> Portsmouth, RI
<b>Front Street Shipyard</b> Belfast, ME	<b>Fairhaven Shipyard &amp; Marina, Inc.</b> Fairhaven, MA	<b>Windward Power Systems</b> Fairhaven, MA	<b>Rhode Island Engine Company, Inc.</b> Narragansett, RI

\*All T4 Exempt Light Commercial Ratings, require qualifications review and approval by CAT Factory.  
 \*Contact Nick Fawle or Your Authorized Marine Dealer for Tier 4 exemption qualification details.

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## MLA Seeks Nominations for Board of Directors

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

**Annual Meeting be announced**

Did you know?

- MLA Directors are elected for a 3-year term
- MLA Directors meet monthly (except August)
- Board members expected to attend at least 4 meetings/yr

Overview of MLA Board

- Maximum # of Board members: 21
- Current Board: 21 members
- **Number of Directors with Terms expiring: 7**
- Average age of MLA Board: 49
- Youngest MLA Board member: 27
- Oldest MLA Board member: 74

MLA Board representation

- Zone A 4 (1 expiring)
- Zone B 3 (2 expiring)
- Zone C 3
- Zone D 3 (2 expiring)
- Zone E 3 (1 expiring)
- Zone F 2
- Zone G 3 (1 expiring)
- Islands represented 5

2023 Board Priorities

- Dedicated lobstermen who care about the future of the industry
- Lobstermen who can talk about the industry's needs and priorities
- Balanced industry representation across the state

**MLA Director Nomination Form (detach and return)**

**Nomination Requirements**

- To make a nomination, you must be a MLA member in good standing.
- All nominees must hold a Maine lobster license & be a MLA member in good standing.
- Deadline for nominations: **February 1, 2023.**
- Feel free to nominate yourself, or someone else.

**Nominee Information (must be MLA member)**

Name: \_\_\_\_\_

Fishing Port: \_\_\_\_\_

Zone: \_\_\_\_\_ Town of residence: \_\_\_\_\_

Please let us know how this nominee could contribute to the MLA Board:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Person submitting nomination (must be MLA member)**

Name: \_\_\_\_\_

Lobster Lic. #: \_\_\_\_\_



**Thank you for helping to keep the MLA strong!**

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





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www.lundsfish.com

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www.acadiabenefits.com

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## TO YOUR HEALTH: *Dealing with holiday ups and downs*

By Steven P. Dickens, psychologist, Farm First, and Ann Backus, Harvard Chan School of Public Health

For many people, the holiday season is a time of great happiness, yet happiness is not the only emotion associated with the holidays. A 2021 national poll by C.S. Mott Children's Hospital found that one in six parents experience a high level of stress during the holidays. An earlier 2006 study reported by the American Psychological Association (APA) found that about a quarter of those surveyed reported often feeling fatigue or stress during the holidays, and 7% reported often feeling sadness, anger or loneliness. The bottom line is that the holiday season can bring both joy and sorrow. How do we best negotiate this time of year to maintain a sense of inner calm, strength, and balance?

For a quarter of the parents surveyed, their stress was linked to unrealistic expectations they placed on themselves to create a joyful holiday. Marketing, movies and television shows feed these unrealistic expectations by portraying a story-book reality. Setting unrealistic expectations for any part of our lives is frequently a recipe for anxiety. Maintaining a more balanced and realistic expectation of how things will unfold is a better approach. Life is filled with ups and downs, and the holiday season does not somehow make us immune from the downs.

People frequently feel stress about finances and having to buy gifts. Regardless of our financial situation, it's important to remember that what typically brings us the greatest joy around holidays is not material things, but quality time spent with others. If getting stressed out around finding the right present (or fretting about not being able to afford it) prevents us from having the time or energy to interact with and enjoy time with loved ones, we may be getting in our own way of experiencing happiness.

Sometimes the stress of being around family, or the stress of not having family, can prompt feelings of anxiety and depression during the holidays. If family is a potential source of stress, focusing on things we share in common instead



of differences may help. Likewise choosing activities that we enjoy together is good medicine. Keeping a balance and keeping expectations realistic are good practices.

Whether we have family at hand or no family nearby, reaching out to other families or individuals often gives pleasure. Getting together with someone who is alone or planning some social contact can be uplifting. Volunteering to help others, such as at the food pantry, local kitchen or with another community organization, can be a great way to connect with others and override sadness. Helping others has been shown to produce a joy response inside our bodies.

Lastly, the holidays are also an important time to remember to care for ourselves. That means doing things like getting plenty of sleep, exercising regularly, eating well and planning some down time. It sounds so simple that we often trivialize these things and don't attend to them.

Sufficient sleep keeps body, mind, and spirit healthy. During sleep our bodies self-repair damage from physical and mental strain. After a restful night, we feel positive and have energy to get through the stressors of a new day. Exercise such as a vigorous walk each day is a great start. Psychologists agree that moderate, daily exercise helps people resist and cope with stress and improves mood. Remembering to eat a share of fruits and vegetables each day and stay healthily hydrated is taking care of ourselves. Coffee, sugar drinks and alcohol don't count.

If the above suggestions don't float your boat, please know that help for fishermen is available. The Maine Coast Fishermen's Association (MCFA) is trying to break down as many barriers to mental health access as possible, including working to help counselors and therapists better understand the stresses that are unique to the commercial fishing industry. You can find out more by contacting Monique Coombs at MCFA. Her email address is [monique@maine-coastfishermen.org](mailto:monique@maine-coastfishermen.org).

## GIVING BECOMES A CHRISTMAS TRADITION

By Melissa Waterman

Back in 2013, Noah Ames had an idea. His family celebrated Christmas on December 24. After the presents were all opened, he, his wife and three children were sitting around amidst the clutter of gift wrap. "I wanted to teach them something," the Matinicus lobsterman said, "something more." He decided it would be good to give away some of his lobsters. Ames splits his time between the island and his house in Thomaston. So he got a local sign maker to create a sign and set up his truck near Midcoast Marine on Route 1. The sign said "Free lobsters today for families truly in need."



Noah Ames. Pen Bay Pilot photo.

The first year there were a few people who showed up, marveling that anyone would be giving away lobsters. In following years Ames used Facebook and his friends to put the word out. "It's hard for people to ask for help. So I said, 'If you know someone who needs help, come get lobster for them.' That worked because if you pick up a lobster for someone else, then it's OK," he said.

People come back each year and receive lobsters, no questions asked. "People are definitely struggling," Ames said. "I have little old ladies who come each year, tell me about their husband who died, and are very grateful. But if you show up in a Rolls Royce, I would give you a lobster!"

Over the years, more and more lobstermen have donated pounds of lobsters to the annual give-away. Lobstermen from the Downeast coast have brought lobsters to Ames, as well as dozens in the midcoast area.

Ames emphasizes that the longevity of the event is not due to him but to all the others who are taking part: Corey and Travis Thompson from Atwood Lobster in Spruce Head, Justin Philbrook, Dustin Reed, Brett Rackcliff, Tad Miller, Robert Royce Jr. Waldoboro electrician Peter Grant shows up each year with hundreds of dollars worth of gift cards.

"It's beyond me now. We call it 'Fishermen Feeding Families,'" Ames said. His three children, 15, 19, and 23, and their friends managed the event last year, leaving Ames as a happy onlooker. "They've been there every year, they know what they're doing," he said. "I just took all the hugs."

This year, as ever, beginning at noon on December 24 Ames and his family and friends will be handing out lobsters from his truck along Route 1 in Thomaston until they are gone. "I do it more for me, you know. I feel great!" Ames said



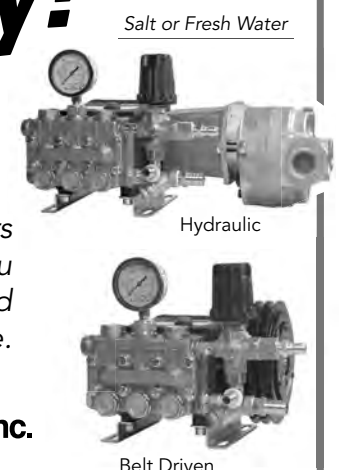
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## GUEST COLUMN: *MLMC 2023 marketing plan tackles negative news*

By Marianne Lacroix

In November, the Maine Lobster Marketing Collaborative (MLMC) Board of Directors met to discuss priorities and plans for 2023. Because legal disputes and suspension of sustainability certifications have heightened media scrutiny of the fishery, the group agreed that the Collaborative needs to focus on brand protection activities in the coming year. It also acknowledged that the marketing plan will have to be very targeted and efficient since 20% of the MLMC's budget is being redirected to support the Maine Lobstering Union and Maine Lobstermen's Association's (MLA) legal fights.

The MLMC's primary focus will be on protecting the Maine lobster brand by both countering negative information and amplifying positive stories. It's not possible to eliminate all negative or unflattering media coverage, but we can help counter these inevitable negative impressions by using targeted digital marketing to ensure that our positive content appears alongside negative coverage. Our content can take the form of a video, digital ad or editorial that pops up before or next to negative coverage. This gives the targeted viewers an opportunity to see the Maine lobster fishery's perspective on the issues at the same time they might be seeing more one-sided coverage.

We will also amplify positive editorial coverage through paid distribution so that it reaches more customers and consumers. These tactics will make sure that more people see positive coverage and that negative coverage is balanced by positive messages.

The MLMC will create more proactive public relations opportunities, hyper-targeted to reach large numbers of consumers through both national publications and publications in leading lobster consumption markets. We want to make sure that those most likely to buy Maine lobster remain confident in the fishery's sustainability.

Earlier this year, we created the 'Sustainability at Work' video series (<https://lobsterfrommaine.com/sustainability-at-work>) to highlight right whale protections, general resource management, fishermen collaborating on scientific research, the importance of lobstering communities and other positive attrib-

utes of the fishery. In 2023, we will continue to push the videos out to consumers through digital advertising campaigns and paid social media amplification.

The Marine Stewardship Council (MSC) suspended the Maine lobster fishery's certification because of the court ruling that declared NMFS' final rule and Biological Opinion invalid. In response, MLMC implemented proactive and reactive public relations outreach and armed the industry with a fact sheet about the issue. We also organized a December informational webinar for industry members and their customers.

While customers who require MSC certification as part of their procurement plan are likely to drop Maine lobster, we will continue to educate customers and consumers of its sustainability, particularly related to right whale protections.

In addition to these specific brand protection tactics, the MLMC will continue to share positive stories about Maine lobster and counter attacks throughout the year with ongoing public relations outreach, social media posts, media training for industry members, media planning for negative scenarios, and message coordination with different industry groups.

While right whale issues will form most of our marketing focus for 2023, the MLMC is also planning activities to promote product innovation and general awareness. We will bring a group of developers for consumer-packaged goods to Maine for a 'Lobster Insiders' tour. We will also continue to promote National Lobster Day and Maine Lobster Week at the end of September to increase awareness for the fall season. We will participate in Seafood Expo North America and will continue to work with Food Export Northeast and the Maine International Trade Center to promote Maine lobster in global markets. Finally, we will look for opportunities to cross-promote Maine lobster with organizations and brands that are aligned with our goals.



Marianne Lacroix is the executive director of the MLMC.

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Whale rule timeline continued from page 1

The decision does not remove the dire threat posed by NMFS's actions to the Maine lobster fishery. The reality — that lobstermen must fundamentally alter the ways they fish — will change the fishery and Maine's coastal economy in profound ways, according to the Maine Lobstermen's Association (MLA).

"While the Court's decision offers lobstermen some hope, it by no means resolves the issues facing our industry. We appreciate that the Judge recognizes the need to avoid massive disruption of the fishery, but the simple truth is lobstermen are still mandated to achieve a 90% risk reduction in 2 years which cannot happen without causing significant harm to the fishery," said Patrice McCarron, MLA executive director. "This is why the MLA's lawsuit against NMFS is so critical. We must continue our fight through the appeals court to force NMFS to reconsider its worst-case assumptions so that the risk reduction goal will be recalculated to more closely reflect the risk posed by our fishery."

In his legal declaration filed as part of the court case, GARFO regional administrator Michael Pentony made clear that the regulatory actions the agency is contemplating to reach the mandated 90% figure will be sweeping. A broad suite of management measures will be required "in both the federal and state waters that are informed by the most recent scientific information.

Any suite of management measures capable of achieving PBR will likely include the following measures: (1) continuation of existing Phase 1 measures; (2) targeted large scale closures where gear is entirely removed from the water and brought to shore for extended periods as opposed to being redeployed elsewhere; (3) broad vertical line reductions (achieved through trap allocation reductions, use of a single vertical buoy on lobster trawls, increased use of on-demand technology, or other means); and (4) expanded use of weak rope or weak links."

Regulations put in place in May 2022 were designed to reach a 60% risk reduction. Recent changes to the assumptions about effort data in the model, however, resulted in NMFS downgrading the level of risk reduction actually achieved by the lobster fishery from those measures to 50%. Maine lobstermen will have to make deep cuts to get to a 90% risk reduction when a new Whale Rule is finalized in two years, which Pentony himself acknowledged will be ex-

tremely difficult.

"It is important to note that risk reduction becomes exponentially more difficult, and more far reaching, as risk reduction approaches 90 percent because it becomes necessary to restrict fishing in areas that have relatively low fishing effort. This provides diminishing returns for risk reduction. For example, it is far easier to move to 70 percent risk reduction from 60 percent, than getting to 80 percent from 70 percent. To get to 90 percent risk reduction from 80 percent will take extraordinarily broad measures..."

The Atlantic Large Whale Take Reduction Team (TRT) will finish its discussions on risk reduction measures in early December and will include a combination of closures, broad scale vertical line reductions and weak rope. After that, NMFS will begin creating a Draft Environmental Impact Statement (DEIS) and Proposed Rule, expected to be completed by November 2023; the Final Environmental Impact Statement (FEIS) and Final Rule must be completed by December 2024.

The Court also sent the 2021 BiOp back to NMFS for reconsideration; the current BiOp will remain in place during this time. As with the Final Rule, the Court will require status updates every six months. The Court will revisit the issue of how to fix the BiOp when NMFS completes the new Whale Rule in December 2024.

NMFS is required to have a valid BiOp in place to authorize the federal lobster fishery so the lobster industry welcomed the news that the 2021 BiOp will remain in place for at least the next two years. However, NMFS has made it clear that it cannot produce a legal BiOp until at least 2030 when it anticipates broadscale adoption of ropeless fishing would be commercially and operationally feasible.

According to the Court, "While this decision means that no new BiOp is required in the next two years, the Court would expect to ultimately order one closer to that timeframe than to the 2030 date NMFS proposes." In the meantime, the MLA continues its aggressive strategy to overturn the Court's decision against it in *MLA v NMFS* through the Appeals Court. MLA's goal is to stop NMFS from overestimating the lobster industry's risk to right whales before the Court requires NMFS to complete a new BiOp.

**The measures discussed by the TRT in November and December would call for significant changes in the Maine lobster fishery.**

**Possible changes include:**

- *Zone A closure, June through August.*
- *Zone G federal waters closure, November through February.*
- *Reduction in number of permitted traps.*
- *Use of all weak lines.*

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## GENEROUS ISLESFORD GATHERING RAISES \$20,000 FOR SAVE MAINE LOBSTERMEN

By Barbara Fernald

First published in Working Waterfront. Reprinted with permission.

On July 8 I received an e-mail from the Maine Lobstermen's Association (MLA) asking if Bruce and I knew someone who would be interested in hosting an informative fundraising cocktail party on Islesford in August. The federal government is threatening the Maine lobster fishing industry with escalating regulations that will start putting fishermen out of business in order to increase protection for a whale that does not feed in or travel through our waters. The MLA is hoping to raise \$10 million over the next three years for its legal defense fund.



Attendees listen to speakers on a fine August day on Islesford. MLA photo.

My first reaction was, "No way do I have the energy or desire to coordinate a large event in crazy August!" Bruce's reaction was, "Why didn't they just send the email to me?"

Bruce was willing to organize an outdoor party where people could hear from MLA members about the fundraising campaign. With help from our daughter-in-law, Stephanie Austin, he designed an invitation to be delivered around the island. Fellow lobster fisherman Jack Merrill helped extend invitations to people Bruce missed.

Soon, I wanted to join in with shopping and food prep. Bruce's menu included lobster sliders, olive cheese puffs, and little sausages for hors d'oeuvres. Our neighbor and former sternman, Mary Schuch, baked 150 slider buns to donate to the cause.

I suggested a few more items I'd be willing to cook to round out the menu. In one afternoon I was able to make and freeze 300 olive cheese puffs. It took 33 pounds of live lobster to yield 6 1/2 pounds of meat for the sliders. At \$3.50 a pound boat price, the lobster sliders were one of the least expensive yet most abundant things we served.

We were confident the two of us could handle catering the event for 75-100 people. By Thursday afternoon, Bruce had decorated the yard with buoys borrowed from several island fishermen. He strung them across the driveway like lights brightening up a cloudy afternoon. Jack Merrill set up a sound system. Joanne Thormann delivered Adirondack chairs from her yard down the street.

Our son Robin served as a runner, picking up ice, wine, beer kegs, and extra sheet pans from various spots on the island. Each time he returned we had another task for him to do. When my sister-in-law, Lynn Shirey, offered to help, I knew exactly what to ask for. She was an expert at knowing what food platters needed to be refilled or passed during the party.

At 2:30 p.m., Bruce and I were in the kitchen using every bit of counter space. Richard Howland was to pick up the MLA's Patrice McCarron and Kevin Kelley at 4 p.m. in Seal Harbor, so we were in a time crunch. As Bruce was spreading lobster salad on the 120th bun there was a knock on the door. It was the German film crew working on a documentary on the island for most of the week.

The director wanted Bruce to stop what he was doing and come outside for ten minutes. The timing couldn't have been worse. Bruce said he had to finish what he was doing and would come outside in a few minutes but the director continued to be pushy.

I was a little less than cordial at that point, to which she responded, "Oh, I am intruding?" She got a simultaneous "Yes!" from the two of us and finally went outside to wait. Bruce was filmed outside about ten minutes later. We're still laughing about it now.

About 80 people showed up for the party and the information was well received. In total \$20,000 was donated to the MLA legal defense fund by generous people who attended our party and/or who care greatly about seeing the Maine lobster fishermen continue to survive along with the right whales.

We couldn't have pulled it off without the tremendous help of family and friends who stepped up whenever we asked. It was a good lesson. Being able to ask for help is a life skill that doesn't come easily to many. Me included.

If you value having lobster fishermen in your community, if you enjoy eating lobster, if you don't want to see this industry disappear, please consider supporting the lobster fishermen and women of Maine. SaveMaineLobstermen.org has a lot of information about the huge challenge they face and how you can donate to help.

I'm asking.



Bruce Fernald and young donor. MLA photo.



Patrice McCarron explains the threats facing the lobster fishery. MLA photo.



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## LEGAL STATUS LEADS TO MAINE LOBSTER SUSTAINABILITY CERTIFICATION SUSPENSION

By *MLA staff*

In mid-November the London-based Marine Stewardship Council (MSC) placed its sustainability certification of the Maine lobster fishery in suspension. The suspension goes into effect on December 15. The MSC operates the largest seafood certification program in the world and many corporate seafood buyers require its blue-and-white logo for making purchases.

The reason given by the MSC for suspension was that the lobster fishery is no longer in compliance with all relevant laws, which is a violation of the MSC Fishery Standard. A July decision by Washington D.C. District Court Judge James Boasberg found that the National Marine Fisheries Service (NMFS) 2021 Biological Opinion on the lobster fishery and the Final Whale Rule are invalid, thus the fishery is no longer in compliance with the Endangered Species Act and Marine Mammal Protection Act.

Ironically, MSC clearly stated that Maine's lobster fishery is unlikely to cause harm to endangered North Atlantic right whales, a contention that formed the motivation for the Biological Opinion, because of limited overlap between lobster fishing areas and whale habitat.

*MLA appeal continued from page 1*

to avoid needless economic dislocation produced by agency officials zealously but unintelligently pursuing their environmental objectives. This Court should heed that admonition and preserve a national icon."

The brief explains that the Endangered Species Act requires that NMFS to use the best scientific and commercial data available and ensure only that the lobstermen are not likely to jeopardize the right whale population. Instead, the agency skewed its own data and relied on worst case scenarios and unsupported assumptions to impose a risk reduction plan unrelated to the actual risk posed by the fishery.

"Having contrived a proposed agency action that bakes in all those worst-case scenarios and extreme restrictions to counter them, NMFS issued a biological opinion that reached the foreordained conclusion that subjecting the lobster fishery to debilitating restrictions—much like shutting it down entirely—would not likely jeopardize the right whale. Nowhere in the process did the agency ever consider whether it was necessary to jeopardize an iconic American industry in any likely real-world scenario. That profoundly skewed, industry-destroying approach is impossible to square with the ESA," the brief stated.

The MLA is appealing District Court Judge James Boasberg's September 8 ruling against the MLA in an opinion that deferred to NMFS on all counts without disputing the validity of MLA's concerns on how the agency used its science, as well as its failure to comply with mandatory legal requirements to assess the economic and social costs of its actions.

According to MLA's appeal brief, "The district court nevertheless ruled in NMFS' favor in the decision below because it believed that it could sidestep the core legal question and assess only whether NMFS' approach of applying a thumb on the scale in favor of the species and focusing on the 'worst case scenario' survives deferential arbitrary-or- capricious review. But assessing whether agency action is arbitrary or capricious is not the same as considering whether that action is contrary to law, and the APA [Administrative Procedures Act] imposes a nondiscretionary duty on courts to resolve questions of law. The court below thus abdicated its judicial duty."

NMFS and the environmental intervenors will file briefs on December 20. The MLA and intervenors on its side will file reply briefs on January 10. The Appeals Court will schedule oral argument soon after.

The Maine Lobster Marketing Collaborative (MLMC) was quick to re-emphasize that point in a statement. MLMC wrote, "To reinforce what the MSC shared... the lobster fishery remains fully compliant with all regulations and unlikely to hinder the recovery of right whales." . Suspension of the MSC certification is not evidence that the Maine fishery is unsustainable, the MLMC pointed out, but rather is the result of a legal technicality that is no fault of the fishery or lobstermen. "Had NMFS issued valid regulations, Maine lobster would have never had its MSC certification suspended," it stated.

The Maine Lobstermen's Association (MLA), which sued NMFS over the Biological Opinion, said in a statement that MSC certification suspension is a "direct result of the federal government's overreach and its misuse of science in overestimating risk from the Maine lobster fishery."

"That is why the MLA is working to hold the federal government accountable through our lawsuit and force them to revise their plan so that it actually protects whales without leaving Maine's historic lobster fishery in ruins and inflicting unnecessary economic harm on our state and thousands of working families," MLA executive director Patrice McCarron said.

The MSC "is the result of a years-long campaign from misguided environmentalist groups who seem to be hellbent on putting a proud, sustainable industry out of business without regard to the consequences of their actions," Mills said in a joint statement also signed by U.S. Senators Susan Collins and Angus King and U.S. Representatives Chellie Pingree and Jared Golden.

Nevertheless, businesses committed to requiring the MSC label, such as Whole Foods, quickly announced that it would stop selling Maine lobster nationwide. Marianne LaCroix, MLMC executive director, said it was disappointing to know that Whole Foods will no longer carry Maine lobster, despite the fishery's long history of sustainability and commitment to protecting the whales.

"The MSC certification was suspended due to flaws with the NMFS regulatory plan, so there is nothing that the fishermen themselves can do to rectify the problem," she said.

Fortunately, not all retailers rely exclusively on ecolabels to ensure they are making sustainable seafood purchases. A large Texas supermarket chain, HEB, stated that "we owe the state of Maine the benefit of the doubt here," and plans to continue to monitor the situation through its suppliers and sustainability partners before taking a long-term position.

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## In the NEWS

### MAINE'S 2023 MENHADEN QUOTA JUMPS

The Atlantic States Marine Fisheries Commission in November increased Maine's 2023 quota for menhaden from 0.5% to 4.8%. The total 2023 quota for the entire eastern seaboard is about 20% higher as well. The dramatic increase means the state does not have to petition for special allowances to continue fishing throughout the season. Maine lobstermen rely on menhaden as a substitute for Atlantic herring, whose annual quota has steadily been reduced. However, the Maine quota for menhaden was set when menhaden weren't as plentiful as they are currently. The Department of Marine Resources (DMR) successfully petitioned the Commission for a higher percentage of the annual quota to reflect the abundance fishermen were seeing along the coast. DMR Commissioner Patrick Keliher said the additional quota would provide "much-needed certainty" to the lobster fleet. Maine's new 4.8% quota is equivalent to approximately 24.7 million pounds of menhaden.

### LOBSTER GEAR RESEARCH, COMMUNICATION TOOLS RECEIVE FUNDING

Two Maine organizations will receive a combined \$1.2 million from NOAA's Sea Grant American Lobster Initiative to support the health of Maine's lobster industry. The new funding from NOAA includes \$750,000 for the Department of Marine Resources to test and evaluate various lobster gear modification technologies. The Gulf of Maine Lobster Foundation will receive \$404,564 to provide lobstermen with new data imaging and communications tools needed to navigate a changing environmental and regulatory landscape. The Sea Grant American Lobster Initiative, funded by NOAA's National Sea Grant College Program, addresses critical knowledge gaps about American lobster and its iconic fishery in a dynamic and changing environment.

### NOAA CHANGES GROUND FISH MONITORING LEVEL

In late November, NOAA Fisheries released an update on at-sea monitoring coverage for the groundfish sector for the remainder of the 2022 fishing year, which runs through April 30, 2023. According to the revision, sectors will be required to have human at-sea monitors on 80% of all vessel trips subject to the groundfish sector monitoring program. NOAA had previously announced in December 2021 that the total target at-sea monitoring overall level would be at 99%. The agency said at the time that they considered a "variety of factors" before announcing the coverage levels. The coverage rate was changed "based on the specific direction in how the funds enacted in FY22 could be spent." The agency also reiterated that it will continue to reimburse 100% of sector-at-sea monitoring costs, including electric monitoring.

### MAINE AQUACULTURE PROJECTS RECEIVE GRANTS

Four projects that advance research into aquaculture, including sustainable aquaculture, in Maine will receive \$2.1 million from National Oceanic and Atmospheric Administration Sea Grant, the agency announced in a press release. The projects are part of a larger \$14 million NOAA Sea Grant investment to strengthen aquaculture across the United States. Investigators at the University of Maine Aquaculture Research Institute, Maine Aquaculture Innovation Center, UMaine Center for Cooperative Aquaculture Research and Maine Sea Grant will lead projects to develop feed for finfish, improve Atlantic sea scallop hatchery techniques, diversify lumpfish broodstock and advance the work of the Maine Aquaculture Hub.




GMRI photo.

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# Events Calendar

More details on all of these events can be found online at [www.mainelobstermen.org](http://www.mainelobstermen.org)

**December 6**

Aquaculture Public Hearing - Acadia Sea Farms, Inc., 4 p.m., Trenton Town Hall.

**December 5-8**

New England Fishery Management Council meeting, Hotel Viking, Newport, RI. FMI: <https://www.nefmc.org/calendar/december-2022-council-meeting>.

**December 12 - 14**

Peer Review of Decision Support Tool (DST) used to calculate risk for whale rules. FMI: <https://www.fisheries.noaa.gov/new-england-mid-atlantic/marine-mammal-protection/atlantic-large-whale-take-reduction-team#upcoming-meetings-&-webinars>.

**December 13**

Maine Offshore Wind Roadmap Advisory Committee Meeting, 9 a.m.-noon, University of Maine at Orono. <https://www.maineoffshore-wind.org>.

**December 14**

MLA Board meeting, 5 p.m., Darby's restaurant, Belfast.

Shellfish Advisory Council, 1-4 p.m., Moore Community Center, Ellsworth, or Microsoft Teams.

**January 24-26**

New England Fishery Management Council meeting, Portsmouth, NH. FMI: [www.nefmc.org](http://www.nefmc.org).

**January 31-Feb. 2**

Atlantic States Marine Fisheries Commission meeting, Arlington, VA.

**February 3-4**

Lobster Institute Town Meeting, Hilton Garden Inn, Portland, ME. FMI: <https://umaine.edu/lobsterinstitute>.

**March 2-4**

Maine Fishermen's Forum, Rockland, ME. FMI: [www.mainefishermensforum.org](http://www.mainefishermensforum.org).

**March 12-14**

Seafood Expo North America, Boston Convention and Exhibition Center, Boston, MA. FMI: <https://www.seafoodexpo.com/north-america>.

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**2023 SCHOLARSHIP APPLICATION**

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

Applications will be accepted through March 2, 2023. *Please note that previous winners are not eligible.*

Scholarships will be awarded by a random drawing to be held on Friday, March 3, 2023.

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

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

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

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

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

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

**STUDENT INFORMATION**

Student Name \_\_\_\_\_

Mailing Address \_\_\_\_\_ Home Phone \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ Email: \_\_\_\_\_

**SCHOOL INFORMATION (High School Students are NOT eligible)**

College/University Name \_\_\_\_\_ Expected Year of Graduation: \_\_\_\_\_

Location of College \_\_\_\_\_ Your Major \_\_\_\_\_

**\*\*COLLEGE Standing as of Sept 2022 (circle one)** Freshman Sophomore Junior Senior

**MAINE SEAFOOD INDUSTRY FAMILY MEMBER INFORMATION**

Name \_\_\_\_\_ Relationship \_\_\_\_\_

Street/Mailing Address \_\_\_\_\_ Phone \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ Email: \_\_\_\_\_

Vessel Name or Commercial License Number \_\_\_\_\_

Describe participation in the Maine seafood industry \_\_\_\_\_

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**69th annual meeting of the Maine Lobstermen's Association**

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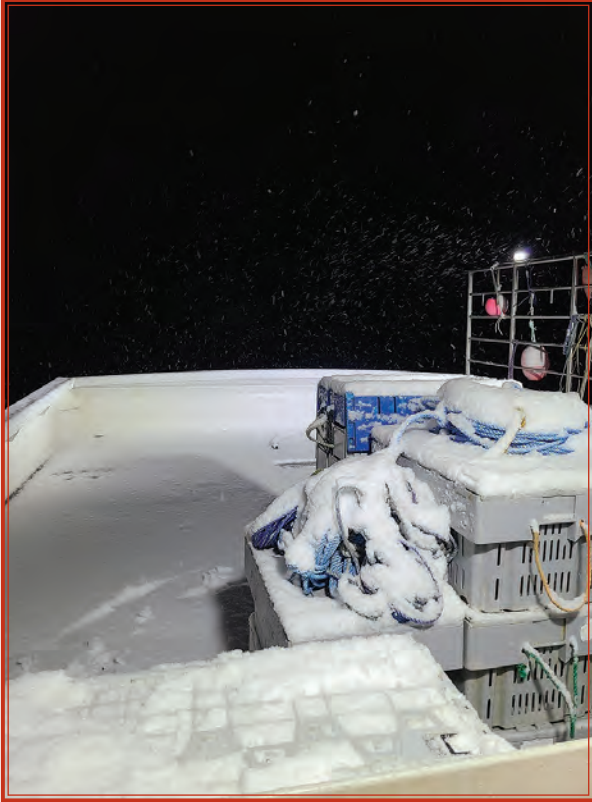
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