



MAINE LOBSTERMEN'S ASSOCIATION UPDATE

Maine Lobstermen's Association

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

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Maine Lobstermen's Association

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**BOARD OF DIRECTORS'
MEETING SCHEDULE**
All meetings take place
at Darby's Restaurant,
Belfast, unless otherwise
indicated.

June 6, 5 p.m.

STEAMING AHEAD

During the last week of April, I attended the Atlantic Large Whale Take Reduction Team (TRT) meeting as one of three Maine representatives. The TRT is the group charged with making recommendations to minimize risk of whale entanglement under the Marine Mammal Protection Act. The agenda included an update on the status of the stock, an entanglement report, update on gear research and consideration of a proposal from Massachusetts South Shore lobstermen to fish modified 1700-pound weak rope to gain access to an area closed in the winter and spring months.

I have been following recent research and media reports documenting the declining health and low reproduction rates of right whales. Some scientists have gone on record singling out entanglement in fishing gear as the primary cause of the whales' poor condition, so I knew it would be a difficult meeting. And it was.

As the TRT meeting unfolded it became apparent that many on the TRT want to hold the fishing industry solely accountable for the poor condition of right whales. They stated that climate change was irrelevant and that right whales could only recover if there were significant changes to the whale plan. They used the materials presented each day to build their case to indict fishermen and demand action.

The sad reality is that right whales have not fared well over the last few years. And it is true that entanglements in fishing gear are a problem. But to ignore the rapidly changing ocean conditions, evolving patterns of right whale behavior, lack of consistent food supply, and every other variable out there in order to blame the fishing industry just doesn't pass the straight face test. So we challenged these team members.

How did a whale species that just a year ago was touted by the National Marine Fisheries Service (NMFS) as showing promising signs of population recovery suddenly turn out to be on the brink? Where are the peer reviews of the assumptions used to develop the new right whale population model and of the research which led to these dramatic conclusions about the fate of the right whale?

Many on the TRT pointed to the ship strike rule as a success story while impugning the effectiveness of the gear rules that fishermen have been forced to implement in recent years. They argued that entanglement rates are increasing and injuries are more severe, and reasoned that the existing rules are therefore not working. They questioned all of the whale rules – sinking rope, weak links, trawling up – as if those were no big deal for fishermen to abide by and that it was time to make more stringent regulations. They said nothing of the sacrifice and commitment fishermen have made to implement these whale rules in hopes of making the ocean safer for whales.

They never recognized that the ship strike rules are working because both the U.S. and Canada are in sync with each other, and that perhaps the entanglement issue has not been solved because we have only half a plan. Since only one country, the U.S., is participating, it would be impossible to solve the entanglement issue. Maine and other industry members pushed hard that Canada needs to implement a whale plan for their fishermen before U.S. fishermen consider additional whale rules.

Massachusetts South Shore lobstermen presented a proposal for an exemption to the winter closure in their area. Cape Cod Bay has become very active with right whales feeding in recent years. In 2016, over 200 individual whales were documented feeding in a single day! The South Shore

proposal would have allowed lobstermen to fish gear modified by cutting endlines into 40-foot sections, joined together by a braided sleeve that breaks at 1700 pounds. Lobstermen have tested these modifications over the past few years and found that the line fished successfully.

The MLA did not support these lobstermen in their exemption request because we have been down this road before. Twenty years ago, Massachusetts lobstermen fished sinking rope in Cape Cod Bay and that gear modification was then forced upon all East Coast fixed gear fishermen. With so few options available under the whale plan, it seems inevitable that if South Shore lobstermen were to fish this weak rope in their closed area, it would only be a matter of time before the research and conservation community

would force this management measure onto everyone else. In the end, there was no consensus in support of the South Shore plan and it did not move forward.

Within minutes of the South Shore exemption request failing, the science representatives on the TRT proposed that the entire Gulf of Maine lobster industry convert to 1700-pound weak endlines immediately and then phase in ropeless fishing over 10 years. No, I'm not kidding. The MLA's response was, in

no uncertain terms, "No."

It was a three-day battle. As has been the case since this issue started, the MLA was there to fight hard for Maine lobstermen. In the end, the fishing community could not find common ground with the research or conservation communities on a strategy to move forward. There was no consensus from the TRT coming out of that meeting. Without consensus, NMFS does not have a clear mandate from the TRT to act.

NMFS requested input following the meeting from the science, conservation and lobster industry caucuses. The message from us is simple: no new measures until Canada puts a whale management plan in place so we can truly assess the effectiveness of the whale rules. The industry also identified the need to improve research, conduct peer reviews of the current science, work to improve gear marking, and understand the baseline breaking strength of endlines in the fishery. The science community will surely come forward with demands for the lobster industry to implement weak rope and transition to ropeless fishing, and the conservation community will come in somewhere in between.

At the end of the meeting, NMFS presented a proposal to improve data on lobster fishing effort and number of endlines fished. It is very likely that NMFS will propose new reporting requirements for lobstermen. It will likely be some sort of annual recall survey asking lobstermen how and where they fish by month, based on a spatial grid, and information on the type of gear and rope used.

If you are a lobsterman, there is cause to be concerned about the future because right whales really aren't doing that well right now. But rest assured, the MLA will remain involved and continue to demand accountability on this issue from scientists, managers and our neighbors to the north.

As always, stay safe on the water.

Patrice



MLA Board members grappled with an array of tough issues this winter. MLA photo.



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MLA DIRECTORS MEETING SUMMARY

The MLA board of directors met on May 3 in Belfast. The board welcomed Scott Smithwick of Smithwick & Mariner's Insurance to review the MLA vessel insurance program. The MLA has partnered with Smithwick & Mariners and underwriter Great American to provide quality, affordable vessel insurance for MLA members since 1993. The program provides competitive rates, comprehensive coverage and has an excellent claims record. The MLA board made several recommendations to improve the program a few years ago and the changes have been greatly beneficial to members.

The MLA vessel insurance program has many special offerings: a discount if you take the USCG Drill Conductor course, no-cost coverage for observers and sea samplers if you carry P&I, loss of earnings coverage, crew coverage/warranty, no layup warranty, rather a credit structure if you have a layup. The board was pleased with the changes and progress of the program. MLA staff is working to inform MLA members of the benefits of this program.

NOAA is conducting another hydrographic survey in Penobscot Bay this summer. The western part of the bay was surveyed in 2016; the eastern portion is scheduled for this summer. The MLA was asked by the survey contractor, Fugro Pelagos, to organize a meeting of industry leaders to review and provide feedback on the survey area, survey methods and input on how to minimize interactions and impacts on the lobster industry. The meeting was held on May 23 in Deer Isle.

This spring has been an extremely busy legislative session. The MLA's priority for this session was passage of two enforcement bills: LD 1379 which would allow the DMR to covertly surveil a lobster vessel if there was probable cause that a crime had been committed and LD 575 which would stiffen the penalties for intentional offenses, such as fishing over the trap limit or fishing sunken trawls. The first Marine Resources Committee work session took place prior to the MLA board meeting; both bills were voted unanimously "ought to pass" with amendments.

LD 1379 was amended to criminalize the lobster violations, thus requiring DMR to go to a judge to obtain a search warrant. LD 575 was put forward as a concept draft so its amendment defines the new penalty structure. The Committee supported amendments establishing minimum penalties for several intentional lobster violations: a minimum 4-year suspension and possible permanent suspension for scrubbing eggers; a minimum 3-year suspension, up to 10 years, for fishing over the trap limit or sunken trawls; second offenses could result in permanent license suspension; a minimum 2-year suspension, up to a maximum of 6 years, for trap molesting and permanent suspension is possible. The bill adds that those convicted of sinking or burning a boat may permanently lose their license. The bills will go back to Committee for further language reviews. The Committee may combine these bills into one [which they did in late May].

The MLA is participating in an ASMFC subcommittee on the Gulf of Maine and Georges Bank lobster stock to discuss future management of the stock given changing environmental conditions. The subcommittee discussed deficiencies in the current management plan and vulnerability of the industry if there is a stock decline. It made several preliminary recommendations including the need for additional research, improving offshore enforcement, developing an economic indicator and trigger mechanism, and modifying current reference points. This is a starting point for further discussion and strategy. The board noted that it is important to keep large females on bottom. A reduction in the maximum gauge could prove more beneficial than an increase in the minimum gauge if there are signs of a decline in the lobster population.

The ASMFC is also moving forward with Amendment 3 to its herring plan. The Amendment is designed to give managers more tools to manage the Area 1A herring quota. Amendment 3 will be voted on by the Commission in late May.

The New England Fishery Management Council (NEFMC) voted to allow lobster fishing to continue in the two proposed Gulf of Maine coral zones in Downeast Maine as its preferred alternative. The Council held a public hearing in late May in Maine; it will consider feedback from this and other New England meetings when the final vote takes place at its meeting in June in Portland.

Patrice McCarron and Dwight Carver attended the Large Whale Take Reduction Team meeting in Providence in May. It was a very difficult three-day meeting. The scientists presented research to make a case that the health of right whales is declining and that the stress and mortality from gear entanglement is threatening their recovery. They proposed that NOAA explore new management measures requiring that Gulf of Maine lobstermen change to 1700-pound weak rope throughout the Gulf and phase in ropeless fishing in 10 years. Maine representatives and other industry members strongly opposed these ideas. There was also no consensus on a proposal from Massachusetts lobstermen who sought a conservation exemption to fish 1700-pound modified weak line in portions of the area closed in the winter. NOAA is considering input from all parties so there is no clear direction on how the Team may move forward. The MLA also made a presentation on the Maine lobster industry's efforts to pro-

tect right whales at the Marine Mammal Commission's annual meeting.

The MLA Board also discussed the continued threats to lobster from pesticide use. The MLA has spearheaded efforts to keep these pesticides out of the water. The MLA got legislation passed to keep Dimlin (used for brown tail moth control and very dangerous to lobsters) pushed back at least 250 yards from the high tide mark. The Maine Board of Pesticides Control (BPC) now has to approve which chemicals can be used for brown tail within 250 feet of the ocean.

There are continuing concerns about the control of brown tail moth populations, ticks and mosquitoes. Homeowners should learn about the habitat these pests prefer and clean up their yards to reduce likely habitat. It's important for coastal homeowners to minimize pesticide use. The best thing is to hire a licensed applicator if pesticides are needed. Licensed applicators will use the product as labeled and use the proper dose. The BPC is working on a project testing for pesticide residue in coastal areas. Rather than just banning products (you could ban one, and a more dangerous one could be used instead), they are trying to identify those that persist in the coastal environment and therefore pose the greatest risk to marine species. This is still in the works, but will be the foundation for potential future legislation to keep lobsters safe.

The MLA Board discussed the upcoming MLA membership renewal. The MLA budget continues to be extremely tight and the MLA is not adequately staffed to properly address the multitude of important issues facing the industry. The board will explore dues increases to more strategically position the MLA to represent the industry and effectively advocate. The ASMFC is holding a shrimp meeting and a public hearing on Amendment 3 on June 7 so the next MLA meeting will be moved to Tuesday, June 6.

ASMFC ATLANTIC HERRING SECTION

The Commission's Atlantic Herring Section approved Addendum I to Amendment 3 of the Interstate Fishery Management Plan for Atlantic Herring. The Addendum includes management measures intended to stabilize the rate of catch in the Area 1A fishery and distribute the seasonal quota throughout Trimester 2 (June through September), which has 72.8 % of the season's allocation. The following measures were approved by the Section:

Continued on page 8

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

Allen Insurance & Financial	Inland Seafood	New England Marine & Industrial Inc.
Atwood Lobster	Interstate Lobster Co.	Nicholas H. Walsh, PA
Beads-Innspart Coop Inc.	Inland Fishing Gear & Auto Parts	Northeast Marine Survey Inc.
Beads Lobster Pier	Inland Fishermen's Wives	Novatec Boats LTD
Bell Power Systems Inc.	Inland Seafood LLC	O'Hara Corp.
Bowdoin College Dining Services	John's Bay Boat Co.	Penobscot Bay & River Pilots Assn.
Booysticks.com	Innspart Shipyards	Pete's Marine Electronics
Chapman & Chapman	Kips Seafood Co.	Polyfirm US
Chase Levitt & Co.	Lake Perquid Inc.	Port Clyde Fishermen's Co-op
Coastal Documentation	LobsterBox	Port Lobster Co.
Conary Cove Lobster Co.	Lobster.com	Re/Max Oceanside
Cousins Maine Lobster	Lobster Trap Inc.	Richard Stanley Custom Boats
Cushing Diesel, LLC	Louie's Hydraulic Inc.	Riverdale Mills
Dana'scotts Bank & Trust Co.	Maine Center for Coastal Fisheries	South Bristol Fishermen's Cooperative
Farrin's Boatshop	Maine Financial Group	Superior Bait and Salt
Finestkind Scenic Cruises	Maine Lobstermen's Community Alliance	Superior Marine Products Inc.
First National Bank	Maine Port Authority	Tennant's Harbor Fishermen's Cooperative
Friendship Lobster Treats	Maine Sea Grant	Vinellaven Fishermen's Coop
F W Thurston Co. Inc.	Maine Hydraulic Engineering Co. Inc.	Weiss Motor Sales Inc.
Georgetown Fishermen's Co-op	McMillan Offshore Survival Training	William Coffin & Sons
Gulf of Maine Lobster Foundation	Midcoast Marine Supply	Williams CPA Group LLC
Guy Cotten, Inc.	Mount Desert Oceanicum	Worcesters Lobster Bait
Harbor Bait Inc.	Muscongus Bay Lobster	
H&H Propeller Shop	New England Detroit Diesel Allison	



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MLA continued from page 7

Days Out Program (effective for the 2017 fishing season)

- The Section will separately address days out provisions for federal herring Category A vessels and small-mesh bottom trawl vessels with a federal herring Category C or D permit.
- In addition to landing restrictions associated with the days out program, Category A vessels are now prohibited from possessing herring caught from Area 1A during a day out of the fishery.
- Small-mesh bottom trawl vessels with a Category C or D permit will notify states of their intent to fish in Area 1A prior to June 1st.
- Maine, New Hampshire and Massachusetts will make days out decisions by consensus. If a consensus cannot be reached, then the default landing day scenario will be zero landing days.

Weekly Landing Limit (effective for the 2017 fishing season)

The Addendum implements a weekly harvester landing limit for vessels with a Category A permit. The weekly limit will be adjusted throughout the fishing season based on effort. Forty-five days prior to the start of the fishing season, Category A vessels will notify states of their intent to fish in Area 1A, including a specification of gear type. This will provide states with an estimate of effort to calculate the weekly landing limit. For the 2017 fishing season, the notification date was set at May 23.

New Fishery Management Plan Tools

The following measures may be considered as potential management tools prior to the start of the fishing year:

- Herring caught in Area 1A can only be landed by the respective harvester vessel (i.e. no carrier vessels)
- Herring carrier vessels are limited to receiving at-sea transfers from one harvester vessel per week and landing once per 24-hour period

State Landing Report

NOAA has granted access to vessel monitoring system (VMS)-submitted daily catch report data for select staff in Maine, New Hampshire and Massachusetts. This will provide real-time data for the states to implement a weekly landing limit. Therefore, the implementation of a state landing report is not necessary at this time. The Section will include the option to implement a state landing report as part of the interstate fishery management program if it becomes necessary at a future date.

The Section also approved continuing use of the GSI30-based forecast system to determine spawning closures in Area 1A. This method was developed by the Technical Committee, then tested and evaluated for effectiveness during the 2016 fishing season. The modified GSI30-based spawning monitoring system tracks reproductive maturity to align the timing of spawning area closures with the onset of spawning. The modeling forecasts of spawning closures will be made available via a website.

AMERICAN LOBSTER MANAGEMENT BOARD /SOUTHERN NEW ENGLAND STOCK

The Commission's American Lobster Management Board approved moving forward with the goal of increasing egg production for the Southern New England (SNE) stock of American lobster by 5%. This goal can be achieved through selected management actions including lobster gauge size changes, trap reductions, and seasonal closures. In making its decision, the Board took into consideration extensive public comment, which overwhelmingly supported the status quo, and the fact that stock declines are largely a result of climatic changes, including increasing water temperatures during the last 15 years.

The next step in the process will be for the Lobster Conservation Management Teams (LCMTs) in Areas 2, 3, 4, 5 and 6 to develop area-specific proposals on

LOBSTER BILL SUMMARY (AS OF MAY 31)

	TO BE ENACTED INTO LAW		
LD 14	<i>An Act to Extend the Legal Hours for Harvesting Lobster (Kumiega)</i>		
LD 14 changes to time of day fishing restrictions for lobstermen by moving the start time for hauling in October to 4am.			
LD 252	<i>An Act To Improve Safety in the Disposal of Expired Marine Flares (McCreight)</i>		
The State Fire Marshal shall establish a program to collect, store and dispose of expired marine flares, and develop a public education program, within existing resources.			
	STILL IN PROGRESS (MAY 26)		
LD 575	<i>An Act to Improve the Enforcement of Maine's Lobster Laws (Langley)</i>		PH 3/6/17; WS 5/3, 5/10, 5/17
This bill combines the provisions of LD 1379 and LD 575 to address issues with making enforcement cases and stiffening penalties to improve compliance with Maine's lobster laws. The bill criminalizes several lobster violations which will allow DMR to get a warrant from a judge to conduct covert surveillance if there is probable cause of illegal activity. It establishes a minimum penalty of a four year license suspension for scrubbing egged lobsters, 3 year license suspension for fishing over the trap limit or fishing sunken trawls; the possibility of permanent license revocation for burning or destroying a vessel. It also allows for suspension of marine licenses when theft, arson, property destruction, and criminal offenses against marine patrol officers.			
LD 705	<i>An Act to Prevent Marine Debris (Devin, DMR bill)</i>		OTP-A
This prohibits possession of bait packaging including the plastic wrapping, cardboard cartons and strapping for commercial and recreational fisheries engaged in fishing, and the discarding or abandoning of these materials into the ocean. Violation of this provision is a civil violation, with a fine of \$250			
LD 1207	<i>An Act to Make Technical Changes to Maine's Marine Resources Laws (Tuell)</i>		OTP-A
This clarifies that you can permanently lose your license for scrubbing egged lobsters, makes it illegal to sell offal for use as lobster bait and establishes a standard thickness of 1.25" for hairless hide, creates a residency requirement for a commercial pelagic and anadromous fishing license, and exempts the holder of a marine harvesting demonstration license from the prohibition on hauling on Sundays in the summer.			
LD 922	<i>An Act Directing the Commissioner of Marine Resources to Investigate Conditions of Sheepscot Pond Related to a Management Plan for Anadromous Fish Species (Pierce)</i>		Carry over requested 5/12/17
This bill would open the fishway on the Sheepscot River located at the outlet of Sheepscot Pond in the Town of Palermo from April 15th to June 30th annually and to investigate the conditions of the pond for the purpose of developing a management plan for anadromous fish species.			
LD 703	<i>An Act to Address Marine Debris Resulting for Commercial Activities (Devin)</i>		Carry over requested 5/12/17
This bill proposes to address the problem of marine debris resulting from commercial activities such as commercial fishing and aquaculture.			
LD 1454	<i>An Act to Extend the Time for an Appeal of Limited Entry Fishing License Denial for Members of the Military (Battle)</i>		OTP-A
This bill eliminates the time limitation for a military veteran to receive a lobster license. If a license is issued through a military waiver following service, that person must submit landings data for the first 2 years in which that person holds a license, demonstrate a minimum of 50 landings days and sales of lobster to a wholesale seafood dealer or the person ceases to be eligible to obtain that fishing license.			
LD 1505	<i>An Act to Create Consistency in the Regulation of Pesticides (Davis)</i>		ONTP 5/17/17
This bill prohibits a municipality from adopting or continuing to enforce any ordinance or rule regarding the sale or use of pesticides.			
	BILLS THAT ARE DEAD		
LD 113	<i>An Act to Stabilize Lobster Bait Prices (Alley)</i>		Dead on 5/2/17
LD 149	<i>An Act to Provide Additional Management for Limited-entry Lobster Zones (Hubbell)</i>		Dead on 3/23/17
LD 201	<i>An Act to Provide Flexibility in the Purchase of Lobster Trap Tags (Kumiega)</i>		Dead on 5/11/17
LD 373	<i>An Act to Create Pathways to Enter Alternative Marine Industries (Alley)</i>		Dead on 5/2/17
LD 392	<i>An Act Regarding Haul Times outside the 3 mile Line (Tuell)</i>		Dead on 3/23/17
LD 616	<i>An Act to Ensure Consistent Access to Limited Entry Lobster Zones (Hubbell)</i>		Dead on 3/23/17
LD 704	<i>An Act to Give the Department of Marine Resources Flexibility with Licensing in the Herring Fishery (Parry)</i>		ONTP 5/12/17
LD 1379	<i>An Act Regarding Enforcement of Marine Resources Laws and Suspensions of Marine Resources Licenses (Kumiega)</i>		ONTP on 5/12/17

NOTE: OTP=ought to pass; ONTP=ought not to pass; PH=public hearing; tabled=Committee will discuss again



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how to achieve the 5% increase in egg production. The LCMT proposals will be submitted for Technical Committee review in June and Board consideration in August. Once area-specific measures have been approved, the Board will consider final approval of Addendum XXV.

In its deliberation on the SNE lobster stock, the Board discussed the need to consider changes to the current management goals and reference points, noting changes in the marine environment may limit the ability to rebuild the stock to 1990s levels. The Board will continue to discuss these issues, particularly as the Commission's Climate Change Work Group develops recommendations regarding the management of stocks impacted by changing climate conditions.

American Lobster Board/Gulf of Maine

The American Lobster Management Board identified preferred management alternatives in the NEFMC's Omnibus Deep Sea Coral Amendment, received a report from the Gulf of Maine/Georges Bank (GOM/GBK) Subcommittee, and discussed full implementation of Addenda XXI and XXII in federal waters.

Council staff provided an overview of the Draft Omnibus Deep Sea Coral Amendment, which is considering the implementation of discrete coral zones and/or broad, minimum depth coral zones in the Northwest Atlantic. Given that this action may impact the lobster and Jonah crab fisheries, the Board requested that a letter be sent to the Council, recommending implementation of the Council's preferred management alternatives. This includes the prohibition on mobile-tending bottom gear in the GOM, which would not prohibit lobster traps, and a 600-meter minimum-depth zone in the Canyons region, which would prohibit all bottom-tending gear with an exemption for the red crab fishery.

Next, staff presented the GOM/GBK Subcommittee Report, which discussed ways to promote resiliency in the lobster stock given changing environmental conditions. The report outlined several preliminary recommendations, including continued monitoring of ventless trap surveys, improved offshore enforcement, and development of an economic indicator and trigger mechanism. The Subcommittee will meet again to further develop these recommendations. Staff also provided an update on Draft Addendum XXVI, which was initiated in January 2017 to improve harvester reporting and biological data collection in state and federal waters. The Plan Development Team and Technical Committee continue to work on analysis and draft language in the Addendum.

Following action on Addendum XXV, the Board discussed several inconsistencies between state and federal regulations. The Board requested that the Policy Board recommend that NOAA Fisheries fully implement the provisions of Addenda XXI and XXII, which established ownership caps and trap banking in Lobster Conservation Management Areas (LCMA) 2 and 3. Currently, these provisions have not been implemented in federal waters. The Board also began discussions about inconsistencies regarding the current LCMA 4 season closure, including the application of the most restrictive rule and the requirement that traps be removed from the water. The Board agreed to further discuss this issue at the August Board meeting.

Law Enforcement Committee – Lobster

Department of Marine Resources (DMR) Lt. Rene Cloutier briefed the Law Enforcement Committee (LEC) about American Lobster Management Board discussions, specifically enforcement issues associated with allowing shipment and resale of various legal-sized lobsters. It was recognized that states with a larger minimum size for lobsters could have more enforcement problems. Connecticut has specific chain-of-custody regulations which have been successful in managing "undersized" imports. Their regulations do not prohibit interstate commerce but do not allow retail sale, only re-shipping. Cloutier reported on recent changes in Maine to allow for tracking of vessels and implementation of license-suspension penalties as an effective deterrent. Maine has also re-criminalized trap molestation to address ongoing problems in state waters.

ATLANTIC MENHADEN BOARD

The Atlantic Menhaden Management Board reviewed progress on Draft Amendment 3 which considers changes to the current allocation method as well as implementation of ecosystem reference points. The Board provided feedback to the Plan Development Team for continued development of the Draft Amendment. Staff also provided an update on the Biological Ecological Reference Point Workgroup, which met in April to review the multi-species statistical catch-at-age model. A peer-review of the menhaden-specific ecosystem reference points is scheduled for 2019.

The Board also considered fisheries scientist Ray Hilborn's 2017 paper on the management of forage fish species. Given its potential applicability to Draft Amendment 3, the Board asked the Working Group to review this paper in advance of the August Board meeting. The Technical Committee was asked to conducting stock projections in order to inform future discussions about the 2018 Total Allowable Catch (TAC). The projections will include various increases in the TAC, ranging from 0% to 40%, as well as several projections that

consider different levels of risk if the fishing mortality target is exceeded. These projections will be presented to the Board in August. Finally, the Board passed a motion to cap the New York harvest under the Episodic Events Set Aside Program to 1 million pounds, accepted the 2017 FMP Review, and approved de minimis status for the states of New Hampshire, Pennsylvania, South Carolina, Georgia, and Florida.

2017 HERRING SEASON IS SET

Two important meetings were held in May to set the second trimester herring fishing season for Area 1A from June 1 through September 30. The ASMFC passed an Addendum to allow the Herring Section more tools to manage landings from Area 1A. As part of the new rules, herring vessels need to declare into the Area 1A fishery. Seven vessels fished in Area 1A in 2016; 18 vessels had declared an intent to fish Area 1A for the 2017 season.

The DMR held an industry meeting to get input from the herring industry on how best to structure the second trimester fishery. The owner or operator of every herring vessel in Maine attended the meeting. The DMR stated that the goal of the management process is to ensure that the lobster industry has a supply of fresh bait from Area 1A through mid-September. With only 31,000 metric tons of herring available from 1A, there was a lot of frustration about the number of vessels potentially competing for limited quota. After much heated discussion, the general consensus of the group was to assume that seven vessels would fish Area 1A at the start of the season; the season should begin on June 4 with three landing days; vessels would be limited to 10 truckloads per week. The issue of whether to allow carrier vessels was the most contentious. The group settled on allowing carrier vessels; the Commissioner stated that they would be limited to only two truckloads per week.



Herring rules for this summer were the subject of the ASFMC herring section meeting in May. MLA photo.

The next day the ASMFC Herring section met to discuss the 2017 Area 1A season. DMR's Terry Stockwell made a motion based on the consensus among Maine herring vessels reached the day before. The Herring Section discussed the issue at length. The section approved the following measures to begin the 2017 Area 1A herring season.

- Maine herring fishery opens on June 4 at 6 p.m.
- Weekly landing limit of 10 truckloads per catcher vessel
- Three consecutive landing days (Sun. 6 p.m. to Wed. 6 p.m.)
- No transfer at sea between catcher vessels
- One carrier per harvester vessel; maximum of two truckloads per week
- ASMFC Herring Section to meet every two weeks to review landings and make adjustments as necessary

The herring section set up meetings every two weeks at 10 a.m. to check on how this approach is working: June 14, June 28, July 12, July 26, August 9.

HYDROGRAPHIC SURVEY OF EASTERN PENOBSCOT BAY THIS SUMMER

NOAA will be contracting with the same company as last year, Fugro Pelago, to conduct a hydrographic survey in highly-trafficked and fished areas of eastern Penobscot Bay this summer. Fugro successfully surveyed western Penobscot Bay during the summer of 2016.

MLA organized a meeting of local lobstermen to meet with NOAA staff and the contractor to discuss plans for this survey. The project is tentatively scheduled

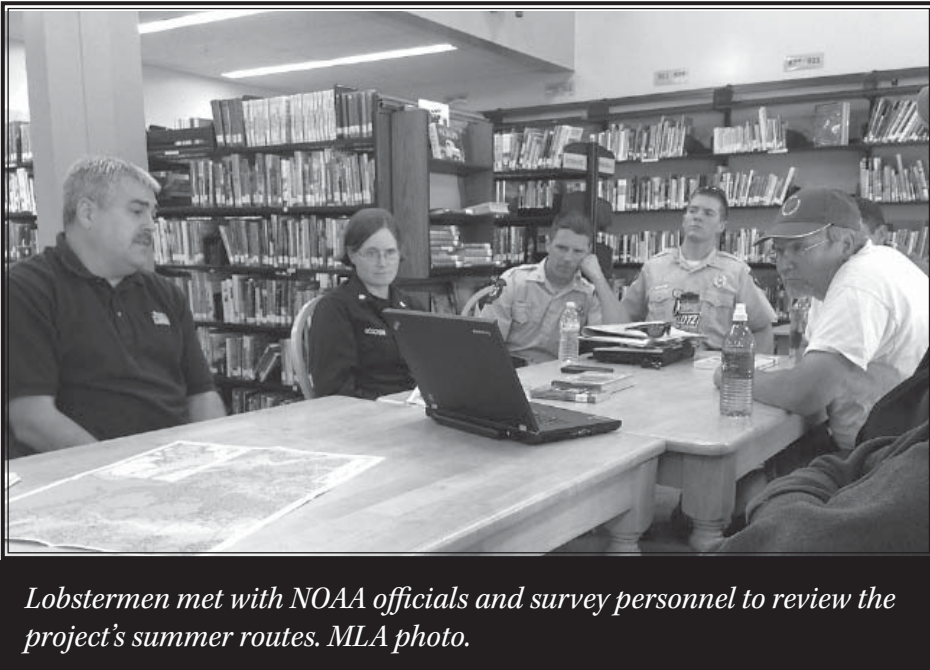
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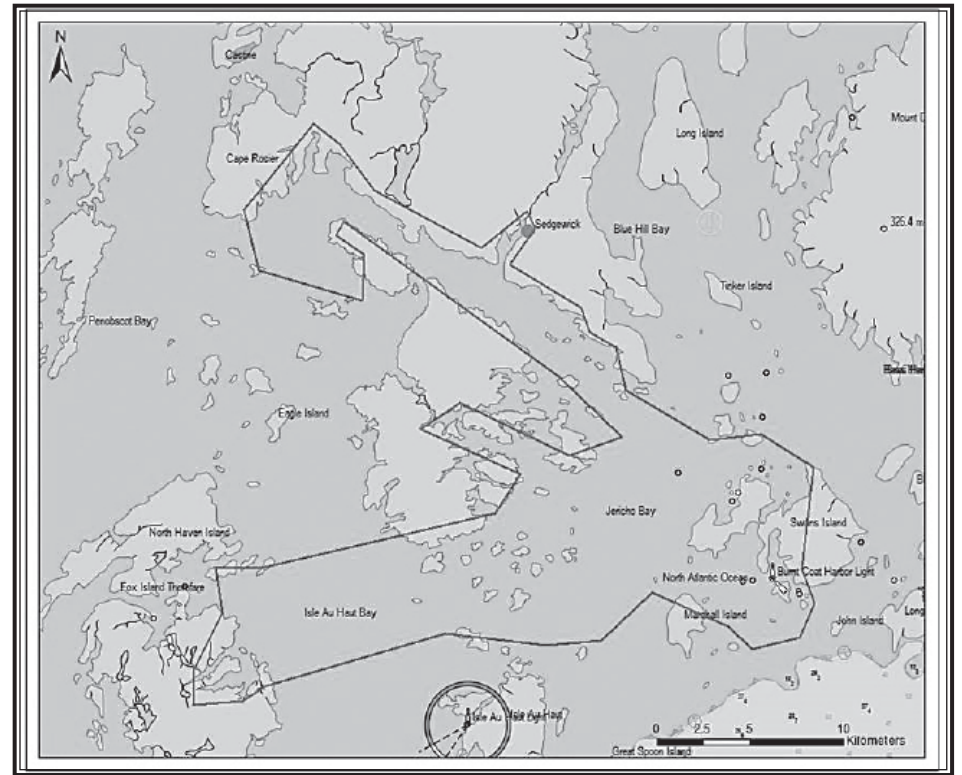
to kick off early this summer and will run for three months. The meeting allowed lobstermen an opportunity to learn more about the survey plan, equipment and provide feedback on how to minimize conflict with lobster gear.

Fugro plans to use catamaran-style jet drive survey boats with echosounders mounted on poles, either over-the-side or at the stern, to obtain multibeam data. They also have a small aircraft fitted with an Airborne LiDAR Bathymetry (ALB) system to map data inshore of the 8-meter contour. The LiDAR system

is ideally suited for mapping shallow water areas and the coastal zone. Survey operations will be based out of Stonington. MLA will work with the contractor to keep local lobstermen informed of the project plans, and provide more frequent updates once the project is underway.



Lobstermen met with NOAA officials and survey personnel to review the project's summer routes. MLA photo.



DMR LOBSTER VIOLATIONS, MARCH 1 THROUGH MAY 19

Name	Comments	Offense Location	Offense Description	Disposition Type	Guilty Flag
LEE, RANDALL	Fishing 20 untagged lobster traps	Friendship	LOBSTER TRAP TAG SYSTEM		
MALONEY, DYLAN	Wet storage of lobster gear over 30 days	Cushing	PROTECTED RESOURCES		
LYONS, AARON	Wet storage of lobster gear over 30 days	Lubec	PROTECTED RESOURCES	Adjudicated	true
YOUNG, TOBEY	Wet storage of lobster gear over 30 days	Tenants Harbor	PROTECTED RESOURCES	Default	true
YOUNG, MICHAEL	Wet storage of lobster gear over 30 days	South Bristol	PROTECTED RESOURCES		
NUTTER, BENJAMIN	Wet storage of lobster gear over 30 days	Water off of Deer Isle	PROTECTED RESOURCES		
SMITH, BRIAN	Wet storage of lobster gear greater than 30 days	Cape Elizabeth	PROTECTED RESOURCES		
BREWER, MAYNARD	Selling 47 short lobsters	Boothbay	LOBSTER MEASUREMENT-DESCRIBE # OF SHORT OR OVERSIZED		
MOODY, JESSE	Possession of 19 short lobsters	JONESBORO	LOBSTER MEASUREMENT-DESCRIBE # OF SHORT OR OVERSIZED		
HAYS, KEVIN	Fishing for lobster without a valid 2017 license	Bailey island	NO LOBSTER AND CRAB CLASS I LICENSE		

DMR VIOLATIONS, ADMINISTRATIVE SUSPENSIONS MARCH 1-MAY 19

First Name	Last Name	Suspension type	Work Status	Suspension start date	Suspension lift date	Violation Comments	Offense Description
DOUGLAS	ANDERSON	Admin	Suspension-Issued	3/30/2017 12:00 AM	3/29/2020 12:00 AM	Molesting lobster gear	MOLESTING LOBSTER GEAR
CHRISTOPHER	EAGER	Admin	Suspension-Issued	4/14/2017 12:00 AM	4/14/2018 12:00 AM	Fishing 60 untagged lobster traps	LOBSTER TRAP TAG SYSTEM

The Administrative Suspension Process was established by the Legislature in 2014, creating an administrative process to suspend marine licenses that is separate from the judicial system.

The administrative process proceeds in concert with the judicial process. The Bureau of Marine Patrol will issue a suspension request. The head of Marine Patrol reviews the case and the Marine Patrol Officer's (MPO) report, then sends a suspension recommendation to the DMR Commissioner. If the Commissioner agrees with the recommendation, a letter is sent to the lobsterman informing him that his license is suspended for a specific length of time. The letter also informs the lobsterman that he has ten days to request an administrative hearing on his case. If he requests a hearing, the suspension is stayed until the hearing date. If no request is made, the suspension starts ten days from receipt of the letter.

The hearing takes place at the Secretary of State's office under the authority of a hearings officer. The hearings officer acts as a judge would in a court of law. At the hearing, the lobsterman, the MPOs and witnesses testify before the hearings officer. Attorneys can cross-examine MPOs and witnesses. But, unlike a court case, the question before the hearings officer is not whether the lobsterman is

guilty or innocent. The question instead is whether he is at fault or not at fault. If the preponderance of evidence presented shows that the person committed the violation, then he is found at fault.

If the lobsterman is found at fault, DMR is notified and a letter is generated and sent to the lobsterman stating that the suspension is upheld. That same letter states that the person has the right to request a length of suspension hearing before the DMR Commissioner within ten days. During the period from receipt of the suspension letter and the length of suspension hearing, the lobsterman is under suspension.

The length of suspension hearing gives the lobsterman an opportunity to argue that the suspension period is too harsh a punishment. The Commissioner may make an immediate decision at the close of the length of suspension hearing or may take the case under advisement. When the decision is reached, he sends a letter to the lobsterman stating that the suspension stands or that it has been amended in some fashion. A person can appeal his suspension one more time, this time to the Superior Court, if he does so within 30 days of the Commissioner's letter.