



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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BOARD OF DIRECTORS' MEETING SCHEDULE
All meetings take place in Belfast, unless otherwise indicated.

June 5
5 p.m., Maine Maritime Museum, Bath

STEAMING AHEAD

The timeline to get half of our vertical lines out of the water is becoming clearer. The majority of the planning work will take place this summer. The Department of Marine Resources (DMR) announced that it will hold two rounds of zone council meetings on the issue in June and August. The National Marine Fisheries Service (NMFS) will hold one round of meetings in July. The purpose of these meetings will be to update lobstermen on the rule-making process and solicit feedback from the industry on potential management strategies to reduce risk of right whales becoming entangled in lobster gear. Due to the lengthy federal rulemaking process, the new whale rules are not expected to be implemented until the 2021 fishing season.

Here's what we know: NMFS is requiring all lobster fishing areas and states to reduce the risk of serious injury and mortality to right whales posed by the lobster fishery by 60% to 80%. Maine will achieve this risk reduction by removing half of its vertical lines from the water and incorporating weak rope on the top portion of endlines. These management changes will affect all Maine lobstermen, including those who fish inside the exemption area. Importantly, lobstermen who fish inside the exemption line will still be allowed to fish floating groundlines. We know that management changes to be included in the next round of whale rules will include:

- Removing half of Maine's vertical lines from the water but include a ¼ mile safety buffer in state waters where lobstermen would not have to meet trawling-up requirements.
- Expanded gear marking and unique gear marking for Maine lobster gear.
- 100% mandatory harvester reporting.
- Phase in of vessel tracking, beginning with federal permit holders.

While we are clear on what needs to be accomplished to meet the goal post for this next round of whale rules, how we do it is yet to be determined. It is important for Maine lobstermen to participate in helping the state decide how we achieve this goal to guarantee that we maintain a diverse fleet, do not create safety risks for lobstermen, ensure that measures are operationally feasible and that the lobster fishery remains an economic engine for our coastal communities.

At the May Lobster Advisory Committee (LAC) meeting, DMR announced that it must submit a draft plan for the Maine lobster fishery to meet NMFS' risk reduction mandate by September 2019. DMR was clear that if Maine is not able to agree upon a strategy to do this, NMFS will do it for us. DMR plans to incorporate significant input from Maine lobstermen in drafting this plan. The May LAC meeting was the first step in this process.

DMR will hold seven zone council meetings in June to bring lobstermen up to speed on the risk reduction mandate and present several strawman proposals to achieve that target. Strategies for lobstermen to consider include removing vertical lines from the water through trawling up, trap reductions, or a combination of the two. Other possibilities include removing rope through fishery closures, such as

closing the state waters fishery during winter months or a seasonal closure during a time of high risk of interactions with whales. Lobstermen could further reduce entanglement risk by integrating 1,700-pound weak rope on all or part of the buoy line. The June zone council meetings will help lobstermen understand just how much risk reduction could be achieved by the various approaches and consider

which strategies pose the least economic, operational and safety concerns.

DMR will hold a series of follow-up zone council meetings in August to allow lobstermen time to digest the information, discuss alternative approaches in their communities, and provide DMR additional input on the preferred methods to get vertical lines out of the water. DMR will review this feedback and draft a state-wide plan to present to the LAC in September. The LAC will provide feedback before the DMR submits its draft plan to NMFS later that month.

DMR has already done a significant amount of

groundwork on the complicated task of removing half of our vertical lines from the water. The agency has developed several strawman proposals that demonstrate how much rope can be removed from the water based on different approaches. DMR has looked at trawling-up options by proposing a minimum number of traps on a trawl based on distance from shore. DMR has also examined options that would combine trap limits of 600 traps and 400 traps with various trawling-up scenarios in order to meet the required 50% reduction in rope. DMR has included a ¼ mile safety exemption along the coast and islands, where lobstermen would not have to meet the new trawling-up requirements. Keep in mind that DMR's work to date is only a starting point for discussion.

NMFS plans to hold its own series of meetings this summer to get feedback from Maine lobstermen. The agency will hold four meetings along the Maine coast in July. In addition to strategies to achieve the 60% to 80% risk reduction, NMFS wants to hear from lobstermen their thoughts on proposals for expanded gear marking requirements, 100% harvester reporting and a phase-in of vessel tracking systems.

While the details are yet to be determined, it is clear that these developing whale rules will change the way Maine lobstermen fish. And it is clear that identifying risk reduction strategies that continue to support fleet diversity, keep lobstermen safe and foster the economic health of their communities will be a real challenge. Every lobsterman should be paying attention to this issue. Every lobsterman should be thinking about what changes can be made; which ones may work, which would pose significant problems, and then be able to explain why.

If you are a Maine lobsterman, please make time to attend this summer's meetings so that you understand what lies ahead. This will be your opportunity to help shape a solution that will protect both right whales and the lobster industry.

As always, stay safe on the water.

Patrice



How lobstermen will meet the 50% reduction in vertical lines will be the focus of a series of important state and federal meetings with lobstermen this summer. MLA photo.



MAINE LOBSTERMEN'S ASSOCIATION UPDATE

LOBSTER BILLS AT THE MAINE LEGISLATURE

The 129th Maine Legislature has been busy considering many legislative proposals. The MLA has been monitoring bills before the Marine Resources Committee, as well as the Department of Marine Resources (DMR) budget, energy and climate change proposals and bond requests. This session will end by June 19.

To date, the Legislature has approved legislation to clarify the provisions of the temporary medical allowance for lobstermen so that a lobsterman may continue to fish his or her licenses when well enough to do so. The Legislature passed a temporary provision to allow Gray Zone lobstermen to haul their gear without night-time restrictions in September and October during the 2019 fishing season. This provision will be reviewed by DMR, and the Marine Resources Committee will consider making this a permanent provision next year. The Legislature also changed the Lobster Class III license provision to allow lobstermen to fish with up to four (increased from two) unlicensed sternmen. The bill that proposed to cap the lobster license waiting list at 10 years was carried over to the next session; it will be reconsidered in January 2020.

There are a few lobster-related bills that are still under consideration by the Legislature and are likely to be passed. One bill will allow Monhegan's student license holders to fish during the island's closed season since that is when they are out of school, but with limits on the number of traps that can be fished. The Governor's climate change bill is expected to pass. This legislation will establish greenhouse gas emission reduction goals and renewable energy goals, as well as establish the Maine Climate Council with 39 members to develop a plan to meet those goals.

PASSED

LD 340 An Act To Clarify the Temporary Medical Allowance Relating to Lobster and Crab Fishing Licenses, sponsored by Rep McCreight of Harpswell, was amended and passed into law. This law change clarifies that a lobsterman with a substantial illness or medical condition who has been granted a temporary medical allowance may continue to fish under the license as long as s/he does not fish concurrently with the individual authorized to fish under the temporary medical allowance. It adds domestic partners to the list of individuals authorized to fish under this provision and clarifies that the license holder is liable for the activities of the individual fishing under the temporary medical allowance whether or not the license holder is present on the vessel.

LD 618 An Act To Remove Nighttime Restrictions on Lobster Fishing in a Certain Area in the Bay of Fundy, sponsored by Rep Tuell of East Machias, was amended to a Resolve requiring the DMR to allow lobstermen to raise and haul lobster traps during any time of the day from September 1, 2019 through October 31, 2019 in the gray zone. The gray zone encompasses approximately 210 square miles around Machias Seal Island where there are overlapping claims of sovereignty by the United States and Canada. This bill requires DMR to define this area in rule to ensure the boundaries of this area are clearly delineated. DMR must submit a report to the Marine Resources Committee by February 1, 2020. The Committee has the authority to report out a bill with a permanent solution based on the report.

LD 676 An Act to Simplify Maine's Lobster Licensing System, sponsored by Rep Faulkingham of Winter Harbor, was amended to increase the number of unlicensed crew members a Class III lobsterman may engage to from 2 to 4 to assist in licensed activities.

CARRIED OVER TO SECOND SESSION

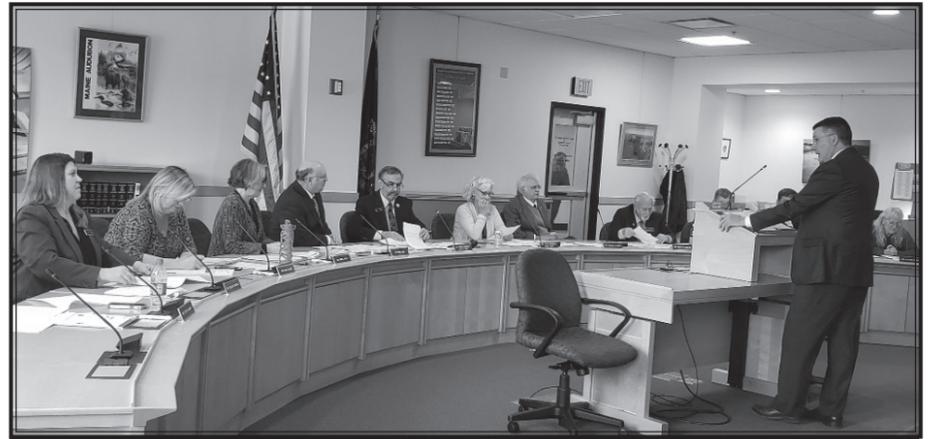
LD 28 An Act Regarding Access to Lobster Licenses, sponsored by Rep McCreight of Harpswell, proposes to give lobster licenses to those who have completed the Apprentice program and been on the waiting list for 10 or more years. The Marine Resources Committee received a lot of testimony during the public hearing on February 5 which was roughly split between those who supported and opposed the bill. During the February 19 work session, the Marine Resources Committee voted to table this bill due to the many changes that the lobster industry is currently facing as result of herring cuts and potential whale rules. The bill will be reconsidered during the second session in 2020.

LD 936 Resolve, Establishing a Commission To Study the Existing and Potential Effects of Freshwater and Marine Debris on Maine's Freshwater and Coastal Habitats and Species, sponsored by Rep Devin of Newcastle, proposes to establish a 13 member committee tasked with studying freshwater and marine debris and how it affects Maine's freshwater and ocean and coastal ecosystems, habitats and species. The Marine Resources Committee voted to carry this bill over to the next session on May 23.

DEAD

LD 174 An Act to Promote Youth Participation in the Maine Lobster Fishery, sponsored by Rep McDonald of Stonington, proposed to allow a child 12 years old or younger, who does not hold a student license, to assist a Class I, II or III lobster license holder while lobstering. The Marine Resources Committee moved the bill out of committee on March 19 with a unanimous ought not to pass vote. This bill was killed on March 26.

LD 314 An Act to Simplify Apprenticeship Requirements for Student and Apprentice Lobster and Crab Fishing License Holders, sponsored by Rep Faulkingham of



The Marine Resources Committee dealt with a full slate of lobster-related bills this session, which will end June 19. MLA photo.

Winter Harbor, proposed to allow a person with an Apprentice or Student lobster license an alternate method to demonstrate Apprentice Program completion through verified landings of at least 4,000 pounds of lobster over a period of not less than 2 years. The Marine Resources Committee majority (7) voted ought not to pass. This bill was killed on March 21.

LD 675 An Act to Provide Equity in the Lobster Promotion License Surcharge, sponsored by Rep Faulkingham of Winter Harbor, proposed to replace the 3-tiered lobster promotion charge with a single promotion surcharge of \$310 for all 3 classes of licenses. The Marine Resources Committee voted a majority ought not to pass. This bill was killed on March 26. MLMC is up for reauthorization in 2021 at which time changes to the funding structure could be considered.

LD 914 An Act to Enhance the Recruitment and Retainment of Marine Patrol Sergeants, sponsored by Sen Deschambault of York, proposed a 5% salary increase for Marine Patrol Sergeants to remedy a problem with availability pay so that they are compensated in the same way as IFW sergeants. DMR has pledged to work with Sergeants to rectify this situation. This bill was killed on April 11.

LD 937 An Act Regarding the Sale and Release or Abandonment of Balloons, sponsored by Rep Devin of Newcastle, proposes to subject a person who releases or abandons a balloon outdoors to penalty. It also requires a seller of balloons to register with the Department of Environmental Protection and to display in a conspicuous place at each purchase counter information concerning the risks and safety hazards of balloons. This bill was killed on May 9.

LD 941 An Act to Further Define the Monhegan Lobster Conservation Area, sponsored by Rep Devin of Newcastle, is a concept draft which proposed to redefine the status of the Monhegan Lobster Conservation Area. This bill was killed on May 7.

LD 1287 An Act to Protect the Penobscot River and Penobscot Bay from Mercury Contamination, sponsored by Rep Dodge of Belfast, proposed to require dredging in the Penobscot River and in Penobscot Bay north of the southern tip of Islesboro Island to comply with certain sampling requirements prior to being permitted. This bill was voted ought not to pass by the Environment and Natural Resources Committee in late April and killed on May 2.

STILL UNDER REVIEW BY THE LEGISLATURE

LD 430 An Act To Establish and Promote a System of Safe Disposal of Expired Marine Flares, sponsored by Rep McCreight of Harpswell, proposes to establish programs for the collection and disposal of expired marine flares. On March 4, the Criminal Justice voted to support an amended version of this bill. The amendment is pending final review and approval by the Committee.

LD 955 An Act to Prohibit Offshore Oil and Natural Gas Drilling and Exploration, sponsored by Rep Devin of Newcastle, proposes to prohibit activities relating to offshore oil and natural gas exploration, development and production within the boundaries and jurisdiction of the State. The Environment and Natural Resources Committee had a divided vote on May 22.

LD 956 An Act To Allow Student License Holders To Fish for or Take Lobsters during a Closed Season, sponsored by Rep Devin of Newcastle, proposes to allow Monhegan student license holders to fish during the closed season. A majority of the Marine Resources Committee supported an amended bill to allow Monhegan students age 8 to 11 to fish 10 traps, 11 to 14 to fish 25 traps and those 14 to 23 to fish 50 traps during the closed season.

LD 994 Resolve, To Require the Approval by the Public Utilities Commission of a Proposal for a Long-term Contract for Deep-water Offshore Wind Energy (emergency), sponsored by Sen Woodsome of York, proposes to direct the Public Utilities Commission to approve the long-term contract for capacity and associated energy between Maine Aqua Ventus I, GP, LLC and Central Maine Power Company submitted to the commission in December 2017. *The Utilities, Energy and Technology Committee voted with a divided report on May 23.*



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MLA continued from page 7

LD 1679 An Act to Establish the Maine Climate Change Council to Assist Maine to Mitigate, Prepare for and Adapt to Climate Change, sponsored by Sen Woodsome of York, is the Governor's climate change bill. This bill proposes to establish greenhouse gas emission reduction goals of 45% by 2030 and 80% by 2050 and renewable energy goals in our electricity sector of 80% by 2030 and 100% by

2050. It also establishes the Maine Climate Council comprised of 39 people to develop a climate plan to meet those goals. There is a seat on that council for marine fisheries. The Committee on Environment and Natural Resources voted unanimously in late May to support the bill with a few minor amendments.

Congress of the United States

Washington, DC 20510

May 28, 2019

May 28, 2019

The Honorable Neil Jacobs, Ph.D., Assistant Secretary of Commerce for Environmental Observation and Prediction and Acting Under Secretary of Commerce for Oceans and Atmosphere

Dear Acting Under Secretary Jacobs:

We are writing in regard to the ongoing North Atlantic right whale take reduction efforts and their significant impact on the Maine lobster industry.

As you are aware, Maine fisheries officials and stakeholders have been actively engaged on the Atlantic Large Whale Take Reduction Team (ALWTRT) and in correspondence with NOAA Fisheries, with the primary objective of providing the most relevant data possible to ensure that the resulting measures target areas of high risk and yield conservation benefits possible for right whales. We have been closely monitoring these developments and appreciate the opportunity to raise with you some concerns that are of great ecological and economic importance.

A key component of the consensus agreement from the April ALWTRT meeting was that each state or Lobster Conservation Management Area (LCMA) achieve a 60 percent risk reduction in their respective jurisdiction. While lobstermen and regulators in Maine have put forward a plan to reduce the fleet's vertical lines by 50 percent thus demonstrating their strong, long-standing commitment to responsible stewardship, we are concerned that some of the proposals put forth by other jurisdictions appear to be insufficient. Specifically, some of these plans would not be able to meet the stated target or would rely on measures that would negatively affect all of LCMA-1 (including all of Maine's federal permit holders). We believe it is unfair and untenable for states to be held to differing standards and, as a result, not achieve the agreed-upon level of risk reduction. NOAA Fisheries must ensure equity across all fleets and states in LCMA-1 as well as amongst all LCMAs.

In addition to demanding parity in whale conservation plans across U.S. jurisdictions, we strongly believe NOAA Fisheries also must ensure that Canada implements equitable measures given its several fisheries' significant contributions to right whale deaths and injuries. We are concerned that when attributing the serious injury and mortality to gear of unknown origin, NOAA Fisheries' methodology assumes that the risk in U.S. and Canadian waters is the same - despite strong scientific and empirical evidence to the contrary.



From left, DMR staff Erin Summers, DMR Commissioner Pat Keliher, MLA president Kristan Porter, Senator Collins, and MLA executive director Patrice McCarron met in 2018 to discuss the situation facing Maine lobstermen with regard to new whale regulations. Photo courtesy of Sen. Collins office.

We believe that the risk reduction target and management measures used to reduce risk to whales should more accurately reflect the proportion of entanglements seen in the data related to each country, regardless of temporal distribution.

Furthermore, we urge you to put the Decision Support Tool through a peer review process, as it is clear there are components of this tool that deserve a higher level of scrutiny. One such component is the severity score for various gear configurations and the means by which it was established. We are troubled that NOAA Fisheries opted to conduct a poll of the ALWTRT members to calculate the risk posed to whales by different types of gear in lieu of using existing datasets. We understand that the tool also appears to be extremely sensitive to these severity scores, underscoring their importance. As such, we encourage NOAA Fisheries to devote immediate attention to this component of the tool to ensure that it is accurately guiding these significant policy changes. A peer review process could also help to address the fact that the data used do not accurately reflect the distribution shift of right whales since 2010.

In the coming weeks and months, the Maine Department of Marine Resources will hold Zone Council meetings to present draft proposal options to the industry, and also work with their counterparts in other states to ensure that the proposals for LCMA-1 are sufficient and equitable in their impact to fishermen who operate in that management area. Finally, we are encouraged to learn that NOAA Fisheries anticipates holding four scoping meetings in Maine on a timeline that allows the state to consult with the industry on the development of its proposal. We appreciate your agency's willingness to allow for and facilitate these opportunities for industry engagement.

We welcome your feedback and urge your immediate attention to the above-mentioned issues, and respectfully request answers to the following specific questions:

- How will NOAA Fisheries ensure that the proposals from all relevant states and lobster management jurisdictions are held to the same standard and achieve the required 60 percent risk reduction target?
- How will NOAA Fisheries ensure that the risk reduction requirements more accurately reflect the proportion of entanglements seen in the data related to the U.S. compared to Canada?
- How does NOAA Fisheries plan to collaborate with- and also hold accountable Canadian fisheries interests?
- Will NOAA Fisheries allow for the Decision Support Tool to undergo a peer review process? If not, why not?
- How does NOAA Fisheries plan to work with Maine's lobster fishery to protect and maintain the diversification of the fleet as right whale take reduction efforts move forward?

Thank you for attention to this matter. We look forward to continuing to work with your agency toward a science-informed and equitable solution that protects the fragile right whale population without unfairly or disproportionately burdening the Maine lobster industry.

Sincerely,

Susan M. Collins

Susan M. Collins
United States Senator

Chellie Pingree

Chellie Pingree
Member of Congress

Angus S. King, Jr.

Angus S. King, Jr.
United States Senator

Jared F. Golden

Jared F. Golden
Member of Congress