



## 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

There is a lot of buzz right now around the docks, in coffee shops and on Facebook about what the new whale measures will mean for Maine. Most lobstermen have understood since last year that our industry would be facing significant changes in this round of rulemaking by the National Marine Fisheries Service (NMFS), yet everyone felt collectively stunned when the 50% vertical line reduction was announced in late April.

Lobstermen quickly began to take stock of their business plans and how they fish. The solution seemed simple to many. Offshore boats recommended doubling the length of all trawls in the state to get half the rope out of the water. Captains of smaller, inshore boats suggested that this rope reduction could be achieved through trap reductions. Others simply worried to themselves about how the changes might take place and what a 50% reduction in vertical lines would mean for their business.

At this point, we understand only the task ahead of us — Maine must remove half of all vertical lines from the water. How the state achieves this reduction is very much still a topic for debate. NMFS has stated that the new whale measures will go through regular rulemaking, so changes are not likely to be implemented until the 2021 fishing season. The Department of Marine Resources (DMR) has said that it plans to hold industry meetings by zone beginning in June. NMFS plans to hold scoping meetings with lobstermen this summer. The next phase in this chapter on whale rules will be based in large part on the ideas that we — DMR and lobstermen — come up with through this process to achieve the line reduction.

So, it is not yet time change how you fish. Instead, it's time to come together to decide the best way to remove this rope. And it is not going to be easy.

With larger, offshore boats leaning toward making the fishery bigger and smaller inshore boats leaning toward making due with less, it is clear that finding a solution that will work for all Maine lobstermen is going to be a real challenge. Larger boats require larger cash flow to operate and many fear that cutting back on traps would impact their bottom line. These boats can easily add crew, run longer trawls and fish further from shore in order to maintain a full gang of traps. In contrast, smaller boats are limited by space on deck and where they can safely fish. Many cannot handle trawls or carry crew due to vessel and equipment limitations or the bottom they fish.

We must be careful not to create incentives for lobstermen to transition into larger boats. If that is in someone's business plan, that's fine. But we don't want to create a situation where you must get bigger to survive. And one of the most confounding problems is that there is more rope inshore — and more rope to remove — where gear is less heavy and whales are rare. And there is less rope offshore — and less rope to remove — where gear is heavier and potentially riskier to whales, and whales are more likely to transit through these areas. We must be careful not to overburden the inshore fishery where risk is lowest simply because it is capable of removing a lot more rope.

The MLA board began to discuss this dilemma during its May board meeting. Even among these 21 lobstermen who have a history of working together, the solutions are far from clear. The MLA board did, however, conclude that

there are things that lobstermen can agree on as they think through a 50% reduction.

First, all options should be on the table. Inshore boats can not unilaterally say "no" to trawling up in the same way that offshore boats cannot unilaterally say "no" to trap limits. Each sector of the industry should make the effort to understand why others want to fight so hard for or against certain approaches. Inshore lobstermen do not talk about reducing traps because they are lazy and don't want to work hard; offshore lobstermen don't insist on keeping a full complement of traps and running longer trawls because they are greedy. There are sound business decisions driving each line of thinking and each has its place. The task for our industry is to listen and understand each other's perspective rather than dismissing any ideas out of hand.

These discussions certainly have the ability to divide our fishery at a time when we most need to come together. Finding a way to remove half of our vertical lines from the water is an extraordinarily challenging task and will require

everyone to rethink how the fishery is executed. If we fail at this task, we will face increasing pressure to transition to a "ropeless" fishery, which means no vertical lines in the water column within five to ten years. I was at the table and can tell you with complete certainty that environmental groups want that to be our future. I cannot envision any economic model that will work based on ropeless fishing, even with Maine's current historically high landings and value. Ropeless fishing will threaten the diversity of our fleet and the ability to recruit young people to become lobstermen. Maine's lobster fishery would no longer support thousands of boats and sustain our coastal communities.

As you think about how to best take half of our vertical lines out of the water, ask yourself a few questions. Will your idea preserve the diversity of the fleet and treat small, medium and large Maine lobster boats equitably? Will your approach treat vessels fairly across the state, from east to west, and inshore to offshore? Will your idea allow all sectors of the fleet to remain profitable? Will it allow enough fishing days and cash flow to keep larger boats going? Will it be safe and operationally feasible for smaller operations? If not, can you envision ways to rethink your approach to support all sectors of the fleet?

I know that this is a tall order because the needs of the fleet vary so widely. But in the end, every lobsterman should feel that he or she had to compromise on something to keep it fair for all. That is how we can make this onerous task work so that all of Maine's fleet remains successful as these changes take place.

Maine's lobster fishery is very special, offering a place for so many different business models. I urge you not only to think about your own needs, but to consider the needs of the fishery as a whole. We have to make this work without destroying ourselves and our communities in the process. There is so much to lose if we are unwilling to work together and find compromise. We don't want to look back ten years from now and realize that we let something truly special slip away.

As always, stay safe on the water.



*What does the future hold for Maine lobstermen? Discussions this summer will have a lasting impact on how we fish in the future. Maine Office of Tourism photo.*

Patrice



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### MLA DIRECTORS APRIL MEETING

The MLA Board of Directors met on April 3 in Belfast. Membership Director Andi Pelletier solicited board input on planning for the summer MLA membership campaign. Amy Lent and Chris Timm informed the board that the Maine Maritime Museum plans to update its Maine lobster industry exhibit. The MLA will hold its June meeting at the museum to provide an opportunity for board members to visit the exhibit and provide feedback on potential updates.

Nick Battista, Senior Policy Officer at the Island Institute, updated the MLA board on the many climate change initiatives under review by the Governor's Administration and Maine Legislature. It is likely that legislative action will be taken on climate change during this session. It will be important that the lobster industry have a voice in shaping those policies as it will affect our industry. It is expected that legislative initiatives will include goals for carbon emission reductions which could ultimately impact fuel and emissions standards. There are limitations on the type of reductions the lobster industry could make given our dependence on diesel marine engines and trucks. The Governor will be putting a bill forward. Battista encouraged MLA to review the bill carefully and become involved in representing the interests of the lobster industry as solutions are developed. Patrice updated the MLA on the status of several other bills before the Legislature.

The MLA discussed feedback from DMR's March whale meetings in Ellsworth, Scarborough and Augusta to solicit industry input before the Take Reduction Team meeting. There were several themes that emerged: many lobstermen do not support trap limits as a primary means to meet whale conservation goals and view this as an option of last resort; many supported improving whale protections through trawling up but there was concern on how to make this work for both small and large boats; there was broad support for gear modifications such as weaker or smaller diameter lines; and there was very little support for closures. The MLA board discussed a series of ideas that have been brought forward by industry members for potential discussion at industry meetings and the TRT. The next MLA Board meeting is May 1 in Belfast and June 5 in Bath.

### NMFS ANNOUNCES 60% - 80% RISK REDUCTION TARGET

*Sent to TRT members via email on April 5*

Throughout the past year, as we've met to discuss modifications to the Atlantic Large Whale Take Reduction Plan, NMFS has consistently stressed that significant changes will be needed to achieve the Marine Mammal Protection Act (MMPA) goal of reducing mortality and serious injury (M/SI) below the North Atlantic right whale Potential Biological Removal (PBR) level of 0.9. As explained below, we believe that to achieve this goal, mortalities and serious injuries in U.S. fisheries will likely need to be reduced by 60 to 80% from current levels.

As you all know, despite two decades of the Take Reduction Team's efforts, right whale entanglement mortalities and serious injuries continue to exceed PBR. The modest upward trajectory of the population through the early 2000s appears to have reversed since 2010. This downward trend, exacerbated by unprecedented mortalities (particularly in the Gulf of St. Lawrence snow crab fishery) in 2017, lends a new urgency to the Take Reduction Team's continued collaboration to modify the Plan to get M/SI below PBR.

**Identifying our take reduction target:** The draft 2018 North Atlantic right whale stock assessment establishes a PBR level of 0.9 right whales a year based on 2016 population estimates. The report documents a minimum rate of average annual right whale mortalities and serious injuries caused by entanglements over the five-year period from 2012 to 2016 as 5.15 whales per year. An annual average of 0.4 of these mortalities and serious injuries were attributed to U.S. fisheries and 0.4 mortalities per year were attributed to Canadian fisheries; 4.4 of the documented mortalities and serious injuries could not be attributed to a fishery in either country. Since the draft report was published, an additional mortality may have been attributed to Canadian snow crab gear: under this assumption, 4.2 remain unattributed.

Although right whales spend more time exposed to fisheries in U.S. waters than in Canadian waters, for the purposes of guiding the development of take reduction measures, we are making an assumption that 50% of right whale mortalities and serious injuries occur in each country. This assumption is supported by the analysis of recovered entangling gear. The heavy traps and large diameter high breaking strength lines used to target snow crabs in Canada are more lethal than most U.S. fishing gear. Additionally, take reduction measures implemented in U.S. fisheries over the past two decades have reduced the impacts of U.S. fisheries.

Under this assumption, for the period between 2012 and 2016, an annual average of up to 2.5 - 2.6 mortalities and serious injuries are attributed to U.S. fisheries, more than 2.5 times greater than PBR. Reducing mortality and serious injury by at least 60% in U.S. fisheries would likely be needed to get below the PBR level of 0.9.

These numbers include only documented mortalities and serious injuries. Actual mortalities and serious injuries of right whales in U.S. fisheries are likely

higher than the observed 2.6 per year. Population models provide an estimate of mortalities that suggest that 60% of right whale mortalities and serious injuries are unobserved (Pace, *personal communication applying the methods from Pace et al. 2017*).

If the average observed mortalities and serious injuries caused by entanglements for 2012 through 2016 is 5.15, given the 60% detection rate, the estimated annual mortality and serious injury by entanglements is 8.6 per year. If we assume half of the estimated mortalities and serious injuries occur incidental to U.S. fisheries (4.3), mortality and serious injury would have to be reduced by about 80% in U.S. fisheries to get below the stock's PBR of 0.9.

Canada implemented static and dynamic closures in 2018 that appeared to effectively prevent mortalities in the Gulf of St. Lawrence trap/pot fisheries last year. They have announced more focused measures in 2019 that we hope will be similarly successful. NMFS will continue to collaborate with Canada through ongoing bilateral discussions to ensure sustained take reduction efforts throughout the right whale's range.

We know this target is daunting, but it is necessary to ensure the recovery of the North Atlantic right whale population. We hope that your creative ideas and willingness to continue to collaborate with each other at our upcoming meeting will generate recommended measures that will be meaningful to the population's recovery and manageable for the fishing industry. We remain committed to working closely with you throughout this process.

### MLA UPDATE ON LARGE WHALE TAKE REDUCTION TEAM

*Letter from Patrice McCarron to MLA members via email on April 29, following the TRT meeting.*

After a long and difficult week, the Take Reduction Team (TRT) concluded its meeting and the Maine lobster fishery now has a sense of what the new rules to protect right whales will mean for us. There were some hard-fought battles along the way aimed at ensuring a viable Maine lobster fishery both for today's lobstermen and for future generations.

On day three of the TRT meeting, NMFS Deputy Assistant Administrator Sam Rauch addressed TRT members. He did not mince words in stating that the TRT's job is to identify measures to reduce right whale serious injury and mortality from lobster gear by 60%-80%. He was clear that the TRT meeting gave the fishing industry its opportunity to shape how that reduction is achieved. If we failed that task, NMFS would begin rulemaking without our advice and decide for us.

After days of considering a variety of alternatives, Maine agreed to reduce its risk to right whales by 60% as long as other states and lobster fishing areas agreed to do the same. To achieve this, Maine has committed to a 50% reduction in vertical lines. Additional elements of Maine's plan will include fishing toppers on buoy lines (stronger rope on bottom, weaker rope on top), unique marking of Maine's buoy lines, and improved reporting. Other states and lobster fishing areas will devise their own plans to meet this 60% risk reduction.

Our biggest accomplishment during this week is removing ropeless fishing from this round of whale rules. The conservation community was clear that ropeless fishing was their goal. While this strategy should be explored as a solution for areas where large aggregations of whales overlap with important fishing grounds, such as the Gulf of St. Lawrence and Cape Cod Bay, it should not be pursued for areas like Maine where whale sightings are rare. There is no feasible economic or operational model for ropeless fishing in Maine.

Maine now understands exactly what the lobster fishery has to do to comply with NMFS' goal. The MLA will work with DMR and lobstermen on how best to remove 50% of our vertical lines from the water. The cuts are deep and the work will be extremely challenging. It will require us to rethink much of how our fishery is executed. But this approach gives lobstermen some flexibility to develop a broad set of techniques so that Maine's diverse lobstering operations, both large and small, can remain viable.

By making these changes, in combination with new gear marking and reporting requirements, Maine will be able to credibly establish the extent to which Maine lobster gear is — and is not — involved in harming whales. Maine will confirm that its lobster fishery is a safe fishery for right whales. In doing so, it is our hope that we will continue to have a strong fishery to pass on to our children.

Many thanks to lobstermen Kristan Porter, Dwight Carver, Mike Sargent, John Williams, and DMR's Erin Summers for your passion and energy in fighting to maintain a bright future for Maine's lobstermen at the TRT meeting.

### NOTICE FROM COMMISSIONER KELIHER ON FEDERAL WHALE RULES

*Sent to the lobster industry on May 2 via email.*

As many of you know, the National Marine Fisheries Service's Atlantic Large Whale Take Reduction Team (TRT) met last week and recommended broad

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measures that included a target to remove 50 percent of endlines from the Gulf of Maine. The remaining endlines will also need to be made safer so that, if a whale does come in contact with a line, the rope will break.

The outcome for Maine's lobster industry could have been far worse. Many TRT participants did push for a phase-in of ropeless fishing over five or ten years, large scale closed areas (including two in Maine), and weak rope across the entire fishery. In the end, Maine delegates were successful in pushing back on those proposals, and the final recommendations did not include approaches that were either unproven (ropeless) or shown not to be warranted (closures and weak rope all the way to the bottom or in areas with low risk).

Maine's TRT delegates have also been clear from the beginning that trap cuts do not result in significant conservation benefits for right whales, so the TRT did not focus on proposals that included trap cuts. I will be working with my staff over the coming weeks to consider a range of draft options to achieve the target reductions that may work for Maine fishermen.

I realize that these measures will still have a sizable impact on your businesses, but the lobster fishery continues to face pressure from several environmental non-governmental organizations that don't believe that these reductions go

far enough. Just this week, the Ellsworth American reported on the TRT results and the following quote certainly makes clear their position. "Reducing and weakening the lines in the water is a start, but we need to go much further, much faster," Erica Fuller, senior staff attorney at CLF, "Appropriate closures and ropeless fishing need to be part of the solution."

The Atlantic States Marine Fisheries Commission (ASMFC) has also been looking at this issue with the possibility of implementing additional protections. However, due to the significant conservation benefits likely to be achieved by the measures the TRT has proposed, ASMFC has tabled any action and will wait to see if the risk to right whales has been fully addressed.

So where does this leave us? I plan to use the Zone Councils and Lobster Advisory Council to vet draft proposals that the department will develop to achieve the 50% reduction in endlines. We will also discuss other measures, including the recommendation to weaken the top 75% of endlines in federal waters, as well as new gear marking schemes and reporting requirements. I will be scheduling meetings, likely in June, to incorporate industry input on how the objectives outlined by the TRT can be achieved. I strongly believe that the best plans will be informed by input from industry. These conversations will be difficult and sacrifices will be necessary. But I am confident that your input will result in a plan that accomplishes the necessary conservation objectives and sustains Maine's vital lobster industry.

As for the 2019 fishing year nothing has changed regarding laws or regulations. At this time, I'm not anticipating the federal agency making final decisions that will impact your business for at least a year. I will continue to provide updates as additional information is available.

### MLA CONCERNS OVER WHALE RULES PROCESS, TIMELINE

*MLA sent this letter on April 22 to Michael Pentony, head of NMFS GARFO office, copied to the Maine delegation.*

I am writing to share the Maine Lobstermen's Association's perspective and concerns regarding the ongoing process to identify and implement conservation measures to protect right whales. The MLA has been involved with the Atlantic Large Whale Take Reduction Team (TRT) since its inception and remains committed to working with your agency through this process.

The MLA is deeply disturbed by the timing of NMFS's release of new information to guide discussions at this week's TRT meeting. Our last TRT meeting was six months ago. NMFS only announced the Take Reduction Target and presented a draft of the Decision Support Tool in recent days. Given NMFS' directive to begin rulemaking at the conclusion of the meeting, the MLA is extremely frustrated to receive such critical and complex information just days before. TRT members are unrealistically expected to reach consensus on management alternatives before the Team has had any input on the Take Reduction Target itself or had adequate time to evaluate and grasp the implications of the new information presented.

NMFS announced the Take Reduction Target of 60% to 80% on April 5 via email with no opportunity for discussion by any TRT member. The MLA communi-

cated our concerns to NMFS staff during the past month about the approach used to set the Take Reduction Target, however staff has been unwilling to adjust the timetable or process in any way in order to preserve the goal of a collaborative, evidence based stakeholder process that can achieve consensus on effective management alternatives.

### *Shared responsibility between U.S. and Canada*

The MLA has also pointed out to NMFS staff a critical flaw in the current path the agency is following. The best available information about current risks to the right whale population indicate PBR will never be achieved with management measures implemented unilaterally by U.S. fisheries. The evidence indicates Canadian fisheries are playing an increasingly large role in right whale serious injury and mortality. NMFS has effectively ignored this evidence as it formulated the Take Reduction Target and, in the process, has made no apparent effort to allocate risk to Canadian fisheries in proportion to the significant role they are now playing.

In particular, the MLA has strong reservations about any methodology that attributes serious injury and mortality from unknown gear equally between the two countries as though, counterfactually, the risk from fishing practices in the

two countries were equal. Using NMFS' most recent data, serious injury and mortality from 2014 to 2018 is 6.2, with 1.6 confirmed to Canada, 0.2 confirmed to U.S. gear. Furthermore, the majority of rope removed from whales in recent years is larger rope, not consistent with nearshore U.S. gear, which is the majority of gear fished in U.S. waters.

While Canada has done an admirable job recently implementing whale protection measures in the Gulf of St. Lawrence, there has been little discussion of the amount of directed effort in the snow crab fishery from year to year. This year the Gulf of St. Lawrence snow crab quota will increase by 32% compared to last year. Canada has also not implemented whale protection measures in fisheries outside of that region even though right

whales continue to use habitats that overlap with many Canadian lobster and snow crab fisheries. Unless the risk from Canadian lobster and snow crab fisheries is accurately reflected in the proposals presented to the TRT, any resulting management measures in U.S. waters cannot credibly be relied on to achieve PBR for the endangered whale population. The MLA also strongly disagrees that U.S. fisheries should be held accountable for the estimated unobserved serious injuries and mortalities, for which there are no data, under the Take Reduction Plan.

### *Decision Support Tool*

NMFS presented its nascent Decision Support Tool, still under development, to the TRT on April 16, just one week before the meeting. The information was presented via webinar and allotted only 30 minutes for questions from team members. While the MLA supports development of this tool to assess management alternatives, we have serious reservations because the tool is still under development and has not yet been adequately vetted or peer reviewed. Based on the tool's preliminary results produced during the webinar, the MLA is concerned that it will generate unrealistic management alternatives during the TRT meeting, thus undermining the ability of TRT members to reach consensus on critical management issues.

It is our sincere hope that, when completed, the management advice produced by the Decision Support Tool will assist the TRT to identify approaches that will translate into real protections for right whales. As with any modeling effort, it is important that the model utilize the best available information on whales, fishing effort and risk of fishing gear so that its output reflects our general understanding of how these elements interact. Based on the MLA's first look at the tool last week, it did not achieve this.

In order for the TRT process to be successful, stakeholders must have confidence in the analytical tool if we are to make decisions based on its assessment of alternatives. The MLA has numerous concerns regarding the assumptions and data streams used in the tool. We believe other TRT members are likely to have similar reservations about the quality of inputs to the tool. While we are confident that these concerns can be addressed, it is important that they be resolved before the tool is employed in the TRT process. As has often been the case in the past, management advice based on a model's output could change significantly as the model is further refined.

The model uses three inputs: whale density, gear density and severity to determine risk. The model assumes equal weight for these inputs in producing a



*MLA executive director Patrice McCarron met with Maine's Congressional delegation, including Rep. Jared Golden, here, to discuss NMFS's recent actions. Photo courtesy of Rep. Golden.*



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risk score. The MLA is concerned that equal weighting of these inputs does not produce an output that reflects our current knowledge of whales and the risks posed by fishing gear.

Based on the initial demonstration of the tool, the equal weighting of these inputs will always produce the same outcome: areas with the most gear pose the highest risk. Since the scale of gear density is exponentially higher than whale density, the gear signal swamps the other indicators. In some cases, this is likely an accurate reflection of risk. But in other cases, the tool may predict a higher risk for densely fished areas with little history of whale sightings compared to areas with fishing gear set around feeding aggregations of right whales, or to areas fished with larger, heavy gear often linked to serious injury and mortality.

We request that NMFS and the TRT explore options to add a weighting to the whale inputs based on habitat use, life history, and recent whale distribution shifts. Further, the whale data must be expanded beyond standardized tracks in order to adequately reflect the recent shift of right whales out of the Gulf of Maine and into new habitats, as noted in the published literature. The MLA also requests that NMFS and the TRT explore options to refine the rankings in the severity tool to incorporate data on known serious injury and mortality as it relates to gear type. These issues require further discussion and problem-solving cooperatively in order to realistically address the level of risk associated with whale behavior and recent changes in distribution. The MLA is ready to share ideas on how to improve the model with relevant NMFS staff.

Whale conservation cannot happen without input and cooperation from fishermen. Fishermen must understand the justification for each management measure and how implementation will benefit whale conservation goals. With a common understanding, fishermen can be trusted to adopt the new management plan and maintain their historically high compliance levels. Achieving high compliance is unrealistic if proposed measures have uncertain efficacy and cannot credibly be relied on to reduce risk for whales.

The MLA remains committed to the TRT process and to identifying conservation measures to improve protections for right whales. It is crucially important that those who will be affected by the results of the TRT process are in full support of the methodology and tools used in that process. Before the agency initiates rulemaking, it is imperative that the Decision Support Tool receive thorough consideration by the TRT and undergo a peer review before any management decisions are made. We urge NMFS to schedule a follow-up TRT meeting once the model is refined and a peer review of the tool completed. In the meantime, the MLA will continue to offer constructive feedback and engage our fishermen on the progress of the TRT. Thank you for your consideration.

## MLA BRINGS CONCERNS OVER WHALE RULES TO MAINE DELEGATION

MLA Executive Director Patrice McCarron met with members of the Maine Congressional delegation and staff on April 30 to update them on the outcome of the Take Reduction Team meeting and discuss MLA's concerns. Maine's delegation is extremely concerned about the process and release of critical information leading up to the TRT, the timing of the meeting, and the expedited schedule to initiate federal rulemaking. Delegation members also expressed concern over how Maine will achieve a 50% reduction in vertical lines and the potential economic, safety and operational impacts of this reduction. The delegation pledged to work together to advocate for Maine's lobster fishery and seek accountability from NMFS as development of new whale rules moves forward. The MLA will continue to work closely with the delegation as this process unfolds.

## BAIT UPDATES

2019 Atlantic Herring Landings			
For Data through April 25			
Area	2019 Quota	Cumulative Catch	% of Quota to Date
1A*	4,354	--	0%
1B	647	--	0%
2	4,062	4,882	120%
3	5,700	1,123	20%
Total	15,065	6,004	40%

## New England Fishery Management Council

**2020 and 2021 Herring Catch Limits:** The New England Fishery Management Council is working on setting annual catch limits for the 2020 and 2021 fishing season, as well as developing a new overfishing definition for Atlantic herring. The fishing quotas for 2019 are in place already.

While the Council will decide the 2020 and 2021 catch limits in June, the 2021 numbers likely will be revised following the stock assessment which is sched-

uled for spring 2020. The Atlantic Herring Benchmark Stock Assessment will be updated to incorporate 2018 and 2019 resource survey and fishery catch data.

The Council approved additional specifications on management uncertainty, border transfer, U.S. at-sea processing and area sub-allocations that will impact the catch limits set for the 2020 and 2021 fishing season.

**Management Uncertainty Buffer:** Before U.S. catch limits are set, the Allowable Biological Catch (ABC) is reduced to account for potential harvest in the New Brunswick, Canada weir fishery and other potential sources. In recent years, the Council has subtracted 6,200 mt as a management uncertainty buffer. For the 2020 and 2021 catch limits, the Council will consider three alternatives based on updated three-year, five-year, and 10-year averages of New Brunswick weir catch. These averages totaled 5,888 mt, 3992 mt, and 4,560 mt respectively. The Council agreed that 1,000 mt of the management uncertainty buffer would continue to "roll back" into the Area 1A catch limit on October 1 if the New Brunswick weir fishery has not landed the majority of the uncertainty buffer at that point.

**Border Transfer:** The Council will consider two alternatives (0 mt and 250 mt) for border transfers of U.S. caught fish that is transshipped to Canada via Canadian carrier vessels and used for human consumption. The Council will be able to select a number anywhere between 0 and 250 when it takes final action in June.

**U.S. At-Sea Processing (USAP):** The Council agreed to set USAP at 0 mt. This specification, when allocated, applies to U.S. vessels that want to process herring at sea but do not meet the vessel size limit.

**Sub-Annual Catch Limits (Sub-ACLs):** The Council agreed to make no changes to the current sub-ACL split between management areas, which now is set at: Area 1A = 28.9%, Area 1B = 4.3%, Area 2 = 27.8%, and Area 3 = 39%.

**Seasonal Sub-ACLs:** The Council voted to maintain the same seasonal sub-ACL divisions for Area 1A and 1B that currently are in place. These are: Area 1A January through May – 0%; Area 1A June through December – 100%; Area 1B January through April – 0%; Area 1B May through December – 100%.

**Research Set-Aside (RSA):** The Council voted to set RSA at 3% of the sub-ACL for each management area for 2020 and 2021. The 2019 RSA value was set at 3% through the NMFS in-season adjustment.

**Fixed Gear Set-Aside:** The Council voted to set the fixed-gear set-aside at a level that is equivalent to the same proportional reduction from 2019 to 2020 as the total fishery reduction. The set-aside applies to fixed gear fishermen west of Cutler, ME and is removed from the Area 1A sub-ACL. It's returned to the Area 1A sub-ACL if not used by November 1.

## Atlantic States Marine Fisheries Commission

**Herring Days Out:** ASMFC's Herring Board met on April 3 to set effort control measures for the 2019 Area 1A (inshore Gulf of Maine) fishery for Period 1 (June), Period 2 (July and August), and the September portion of Period 3.

The 2019 Area 1A sub-annual catch limit (sub-ACL) is 3,850 metric tons (mt) after adjusting for the research set-aside, the 39 mt fixed gear set-aside, and the 8% buffer (Area 1A closes at 92% of the sub-ACL). Additionally, the Area 1A sub-ACL is allocated between the Periods as follows: Period 1 – June (16.1%); Period 2 – July-August (40.1%); Period 3 – September-October (34.0%); and Period 4 – November-December (9.5%).

2019 Atlantic Herring Area 1A Quota (in mt) Allocation by Quota Periods		
Period	1A Quota	1A Quota Adjusted for Period 1 Closure
Period 1: June	631 mt	-
Period 2: July-August	1,544 mt	2,175 mt
Period 3: September-October	1,309 mt	1,309 mt
Period 4 November-December	366 mt	366 mt

For period 1 (June 2019), there will be zero landing days. Fishermen are prohibited from landing more than 2,000 pounds of Atlantic herring per trip from Area 1A until July 15, 2019. The quota from Period 1 will be rolled into Period 2 resulting in a new Period 2 quota of 2,175 mt.

For Period 2 (July and August) and Period 3 (September), the fishery will start on July 14 in Maine. Vessels with an Atlantic herring Limited Access Category A permit that have declared into the Area 1A fishery may land herring four (4) consecutive days a week with one landing per 24 hour period. Vessels are prohibited from landing or possessing herring caught from Area 1A during a day out of the fishery. Landings days in Maine begin on Sunday of each week at 6:00 p.m., starting July 14. Small mesh bottom trawl vessels with an Atlantic herring Limited Access Category C or Open Access D permit that have declared into the fishery may land herring five (5) consecutive days a week.

There is a weekly landing limit. Vessels with a herring Category A permit may harvest up to 160,000 lbs (4 trucks) per harvester vessel, per week. At-sea transfer restrictions apply to harvester vessels with an Atlantic herring Category A

*Continued on page 19*

MLA continued from page 9

permit and carrier vessels landing herring caught in Area 1A to a Maine, New Hampshire, or Massachusetts port. A harvester vessel can transfer herring at-sea to another harvester vessel but may not make an at-sea transfers to a carrier vessel. Carrier vessel is defined as a vessel with no gear on board capable of catching or processing fish, while a harvester vessel is defined as a vessel that is required to report the catch it has aboard as the harvesting vessel on the federal Vessel Trip Report. Landings will be closely monitored and the fishery will be adjusted to zero landing days when the period quota is projected to be reached.

**Lobster Control Date Set:** The American Lobster Management Board reviewed a number of issues, including the recommendations of the Atlantic Large Whale Take Reduction Team (ALWTRT); progress on Draft Addendum XXVIII; an update on the implementation of Jonah crab regulations; and an update on the lobster benchmark stock assessment.

Colleen Coogan from NOAA Fisheries presented a summary of the April 2019

**LOBSTER CONTROL DATE**

ASMFC established a lobster and Jonah crab fishery control date of April 29, 2019 for LCMA 1 to notify current state and federal permit holders and any potential new entrants to the fishery that eligibility to participate in the commercial fishery in the future may be affected by the person's or vessel's past participation and associated documentation of landings, effort, and/or gear configuration prior to the control date. The Commission will recommend NOAA Fisheries establish the same control date for federal waters of LCMA 1.

ALWTRT meeting. The ALWTRT met to identify and recommend modifications to the ALWTR Plan to further reduce impacts of U.S. fixed gear fisheries on large whales and reduce mortality and serious injury to below the potential biological removal (PBR) for right whales. The ALWTRT was tasked with developing consensus recommendations on a suite of measures that would achieve a 60 to 80% reduction in mortality and serious injury of right whales in U.S. fisheries to support NMFS rulemaking that will be initiated in May 2019. At the ALWTRT meeting, a NOAA-developed risk reduction decision support tool was used to provide insight on the potential impacts proposed management options would have on whales. The ALWTRT came to near consensus to achieve an approximate 60% reduction in mortality and serious injury risk to right whales through vertical line reductions and weak rope requirements. NOAA will work with the states to determine the best method to implement ALWTRT recommended measures.

In light of the future actions, responding to the ALWTRT recommendations, the Board established a lobster and Jonah crab fishery control date of April 29, 2019 for LCMA 1. The intention of the control date is to notify current state and federal permit holders and any potential new entrants to the fishery that eligibility to participate in the commercial fishery in the future may be affected by the person's or vessel's past participation and associated documentation of landings, effort, and/or gear configuration prior to the control date. The Commission will recommend NOAA Fisheries establish the same control date for federal waters of LCMA 1.

In February, the Board initiated Draft Addendum XXVIII to reduce the number of vertical lines in the lobster fishery. The Board acknowledged the need to respond proactively to the growing challenges facing the lobster fishery and right whale recovery in order to ensure effective conservation measures can occur in a manner that preserves, to the extent practicable, the lobster fishery and its culture. The Plan Development Team (PDT) was tasked with completing a draft addendum for public comment for Board review in May. The PDT has made significant progress, however, due to the timing of data and the decision support tool delivery, the PDT was unable to present a document for Board review at the Commission's meeting. When the Board initiated the Draft Addendum,

it did not anticipate the ALWTRT would bring forward vertical line reductions. Given the significant conservation benefits expected from the recommended ALWTRT measures, the Board decided to pause further development of the Draft Addendum until NOAA has determined if a jeopardy finding will be avoided by the ALWTRT actions.

The Board also received updates on the implementation of Jonah crab regulations in New York and Delaware. Finally, Jeff Kipp provided a progress update on the 2020 Lobster Benchmark Stock Assessment. The Stock Assessment Subcommittee will assess the current timeline due to some delays in supporting analyses and determine next steps. A second Assessment Workshop, scheduled for this fall, will focus on finalizing the base run of the model.

**Herring Board:** The ASMFC's Atlantic Herring Management Board approved an addendum to strengthen spawning protections in Area 1A (inshore Gulf of Maine) by initiating a closure when a lower percentage of the population is spawning (from approximately 25% to 20%), and extending the closure for a longer time (from four to six weeks). ASMFC also modified the trigger level necessary to reclose the fishery, with the fishery reclosing when 20% or more of the sampled herring are mature but have not yet spawned. These changes to spawning protections are in response to the results of the 2018 Benchmark Stock Assessment which showed reduced levels of recruitment and spawning stock biomass over the past five years, with 2016 recruitment levels the lowest on record.

ASMFC uses a series of closures to protect spawning aggregations in the Gulf of Maine. Biological samples are used to annually project the start of the spawning closures. Recent analysis by the Atlantic Herring Technical Committee found that while the spawning closure system has been significantly improved, the protocol could be strengthened by initiating a closure when a lower percentage of the population is spawning and extending the closure for a longer time. The states are required to implement the measures by August 1, 2019.



*In case you think the MLA is all work and no play, here's evidence to the contrary. Board member John Williams, left, and member Eddie Grant of York found themselves at Shrimp Boat Studios in Key West this winter, where Jimmy Buffet records. Here the two add a MLA sticker to the colorful array of others on the building. Thanks to Judy Williams for the photo!*

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