



## 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.**

President: Kristan Porter  
Cutler, 259-3306  
1st VP: John Williams  
Stonington, 367-2731  
2nd VP: Dustin Delano  
Friendship, 542-7241  
Sec./Treasurer: Donald Young  
Cushing, 596-3094

#### Directors

Bob Baines, Spruce Head, 596-0177  
Sonny Beal, Beals Island, 497-3440  
Laurin Brooks, Kennebunk, 468-2165  
Herman Coombs, Orr's Island, 807-8596  
Gerry Cushman, Port Clyde, 372-6429  
Jim Dow, Bass Harbor, 288-9846  
Jamien Hallowell, S. Bristol, 677-0148  
Robert Ingalls, Bucks Harbor, 255-3418  
Mark Jones, Boothbay, 633-6054  
Jason Joyce, Swan's Island, 526-4109  
Jack Merrill, Islesford, 244-4187  
Tad Miller, Matinicus, 372-6941  
Mike Sargent, Steuben, 460-1316  
Willis Spear, Yarmouth, 846-9279  
Craig Stewart, Long Island, 829-2109  
John Tripp, Spruce Head, 691-9744  
Chris Welch, Kennebunk, 205-2093

#### Staff

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

October 2, 6 p.m., Joyce's restaurant, Hallowell

### STEAMING AHEAD

During the past six months, the MLA has dedicated the majority of its resources to fight for fair treatment of Maine lobstermen in the face of the emerging federal whale rules. Given our limited staff and resources, we realized that to be effective in representing lobstermen's concerns, the MLA must expand our legal team and our financial resources.

Thus I am excited to introduce Jane Luxton of the Washington, D.C.-based law firm Lewis Brisbois as a new member of the MLA's legal team. Jane will work closely with MLA staff and MLA's long-time attorney, Mary Anne Mason. She has extensive experience in the federal regulatory process, having served as former general counsel for NOAA during the Bush administration from 2007-2009. Jane knows the federal process from the inside out and will ensure that the MLA's perspective is elevated to the highest levels.

In late August, the MLA sent a letter to the head of NOAA Fisheries, Chris Oliver, asking NMFS to step up and do its job by using the best available data to address threats from all fisheries that affect the recovery of right whales. The MLA identified to NOAA a number of significant errors in the agency's analysis of data on sources of human-caused risk to whales; currently the agency is reviewing the points we raised. It is clear that the rule being developed by NMFS will do little to prevent future deaths or serious injury to right whales in Canadian waters, which is where the majority of such events have occurred in recent years. As NOAA has stated many times, protecting every individual right whale is a priority in order to avoid the species' extinction. The MLA will continue to push NMFS to actually do that.

Our point is this: regulating U.S. fishermen will not prevent right whales from dying in Canada and applying future regulations only to New England lobstermen will not solve entanglement problems in the U.S. The MLA will argue our case through the regulatory process and the courts, with federal agency staff, the Maine Department of Marine Resources and our elected officials. We also are educating the media and the public about all that Maine lobstermen have done to protect right whales and that they remain

diligent in keeping the Gulf of Maine safe for the species.

The MLA has been leading the fight against rules that unfairly target Maine lobstermen for more than 20 years. The association stands ready to do whatever it takes to ensure that Maine lobstermen are treated fairly and that future management actions are safe, effective and necessary. Having Jane Luxton on our team will expand the MLA's ability to demand accountability from NMFS in this management process. She will be another potent voice to champion the interests of all Maine lobstermen.

Make no mistake, hiring an additional lawyer was not a decision made lightly. But Maine lobstermen are facing a truly existential threat right now, one that could cripple the fishery in a matter of years. Many of you have children or nephews or nieces who are now fishing or want to fish when they get older. The federal laws protecting right whales may make their aspirations impossible to achieve. The MLA believes that with added legal clout, we can keep those futures open to them.

The MLA is calling for all Maine lobstermen and any who care about the future of the Maine lobster industry to support the MLA and the MLA Legal Defense Fund. The MLA is the only organization in the state to represent the lobster industry on most issues that affect you and your community. Your MLA membership will ensure that the association continues to have the staff it needs to effectively represent the lobster industry. Your donation

to the MLA Legal Defense Fund will ensure that the MLA can fully utilize our talented legal team by remaining active in the pending court case and that we can prevail in calling for fair treatment of Maine lobstermen.

To do so demands an incredible amount of time and energy. Please take a moment to join us in this fight!

*Patrice*



*If you care about the future of the Maine lobster fishery, join the MLA to preserve a future for Maine lobstermen. MLMC photo.*

#### MLA DIRECTORS MEETING SUMMARY

At its September meeting, the MLA Board first held a closed session at 5 p.m.; the public meeting began at 5:20. President Kristan Porter opened the board meeting by thanking MLA staff for all of the work done on the whale issue over the past few months.

Patrice McCarron informed the board that the loss ratio for the MLA vessel insurance program has increased, which is reflected in the 2019 rates. While the number of claims has not increased, the average amount of each claim has increased. The MLA program continues to offer incredible benefits to lobstermen through Smithwick and Mariner with an excellent record for paying claims, free observer coverage and no required layup. Kristan noted that many vessels must pay thousands of dollars to take researchers on their boats, so this is a very valuable benefit. Patrice presented the board with the appraisal for MLA's building in Nobleboro; the board voted to sell the building at its appraised value.

Andi Pelletier informed the board that the MLA membership mailing is behind schedule because staff have been fully absorbed in the whale issue. Lobstermen should receive the renewal mailing by early October. MLA is partnering with Brooks Trap Mill again to offer all first-time commercial lobster license holders a free MLA membership and a free V-notch tool engraved with their license number.

Board member Bob Baines asked for suggestions of lobstermen to serve on the Maine Lobster Marketing Collaborative board because many of the board members are stepping down this year. The MLA board suggested that the MLMC board meet later in the day so that lobstermen can serve without missing a fishing day. MLA staff will talk with the MLA board to generate a list of potential nominees for consideration.

The MLA's efforts on EPA's Tier 4 engine emissions requirements resulted in a proposed rule to delay this require-



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ment until 2024. The MLA will continue to advocate for a lobster boat exemption to grandfather them under the Tier 3 standard. MLA worked closely with Peter Emerson at Mack Boring and Parts for this relief.

NMFS has issued a proposed rule to adopt the April 29, 2019 control date for federal lobster permit holders to "promote awareness of possible rulemaking and notify the public that actions taken after the control date may not be recognized in the future." This date has already been adopted by the Atlantic States Marine Fisheries Commission (ASMFC). The MLA Board discussed the control date, but it is impossible to understand what it could mean for lobstermen in the absence of proposed whale rules. Lobstermen should be aware that any new entrants to the fishery after April 29 may be treated differently than those with fishing history prior to that date.

The MLA board discussed the whale issue at length. Attorney Jane Luxton from Lewis Brisbois in Washington D.C. has joined the MLA legal team. Jane has extensive experience working in NOAA's regulatory arena on fisheries and marine mammal issues, as well as on litigation. MLA will announce its new legal team and strategy to attack the whale issue on all fronts later this month and launch a campaign to solicit donations to the MLA Legal Defense Fund.

In August MLA staff attended NMFS' four right whale scoping meetings in Maine and presented testimony at each one. MLA will also submit extensive written scoping comments. MLA has been working closely with the Department of Marine Resources (DMR) and the Congressional delegation on this issue. A key component of MLA's response included a letter from MLA to NOAA head Chris Oliver announcing that Maine's Take Reduction Team (TRT) members do not support the 60% risk reduction goal or the management direction agreed upon by the TRT. This was in follow-up to a strategy identified by the MLA Board at its July meeting. The MLA conducted an in-depth analysis of NOAA's entanglement data and learned of two entanglements in gillnet gear that had been incorrectly reported by NMFS as "unknown" gear. The confirmation of gear other than lobster gear as a source of recent serious injury and mortality calls into question NOAA's strategy to regulate only U.S. lobstermen. MLA also remains concerned that NMFS has not adequately acknowledged the role of Canadian fishing gear in the current crisis. In addition to remaining active on the current right whale rulemaking process, MLA continues to develop a strategy to address the pending biological opinion under the Endangered Species Act and remains active in educating the public about the facts about right whale entanglement through the media.

### DMR PROPOSES RULES TO IMPROVE GEAR MARKING AND REPORTING FOR LOBSTER INDUSTRY

DMR has proposed state regulations to improve spatial information from harvester reporting and to implement new gear marking requirements for the lobster fishery in 2020. DMR will hold a public hearing at their office in Augusta on October 2 at 3:30 and 4 p.m.

#### *Proposed Gear Marking Changes*

There is an existing regulatory requirement for lobstermen and other trap/pot gear fishermen to mark their buoy lines with three red marks in the sliver area and in federal waters. DMR is proposing to replace this gear marking requirement with a new requirement to be implemented in April 2020. DMR proposes to require all lobster and trap/pot gear, including gear fished inside the exemption line, to be marked with three purple 12-inch marks: one at the top of the buoy line, one midway along the buoy line, and one at the bottom of the buoy line. In addition, each buoy line must be marked with a 36-inch purple mark in the top two fathom of buoy line. Gear fished inside the exemption line would also be required to have an additional green mark of a minimum of 6 inches in the top two fathom of buoy line.

#### *Proposed Harvester Reporting Changes*

DMR proposes to update reporting requirements for lobster license holders to replace "distance from shore" with a 10-minute square and also require the reporting of the number of endlines hauled that fishing trip. It would replace references to the IVR herring permit in Chapters 8 and 36 with a herring permit. Finally, it would require individuals intending to participate in the menhaden fishery to obtain a menhaden permit on their commercial pelagic and anadromous license, to facilitate proper reporting in that fishery as required in Chapter 41.

### SAVE THE DATE – LOBSTER INSTITUTE TOWN MEETING

The Lobster Institute has announced that its annual Town Meeting will take place January 24 and 25, 2020 in New Brunswick.

### MLA SUBMITS WRITTEN SCOPING COMMENTS ON WHALE RULES

The MLA submitted written comments on NMFS' proposal for new whale rules. The MLA continues to reject the NMFS 60% risk reduction target for the northeast lobster fishery and urged NMFS to properly account for the role of Canadian fisheries in right whale serious injury; and to address that full scope of U.S. fisheries that interact with right whales and not focus solely on the lobster fishery.

### BAIT - HERRING

2019 Atlantic Herring Landings				
For Data through September 19, 2019				
Area	Quota 2019	% 2019 Quota Landed YTD	Cumulative Catch 2019 YTD	Landings at this time last year
1A*	4,184	84%	3,511	18,845
1B	628	0%	0	431
2	4,062	116%	4,722	6,702
3	5,700	20%	1,123	2,904
Total	14,574	64%	9,356	28,883

The ASMFC closed the Area 1A, period 3 herring fishery on September 15 because the fishery was projected to have landed 92% of the period 3 allocated quota. Maine, New Hampshire and Massachusetts will determine the specifications for the period 4 quota (November and December) on October 2. The ASMFC announced the Western Maine and Massachusetts/New Hampshire herring spawning areas will be closed starting September 23 to November 3, 2019. The default closure date was applied for the Western Maine spawning area due to insufficient samples. The Massachusetts/New Hampshire spawning closure is based on analysis of four samples of female herring. An incidental bycatch allowance of up to 2,000 pounds of Atlantic herring per trip/calendar day is allowed for vessels in non-directed fisheries that are fishing within the Western Maine or Massachusetts/New Hampshire spawning areas.

### MLA TESTIFIES BEFORE EPA ON TIER 4 ENGINE EMISSION STANDARDS

Patrice McCarron testified on behalf of MLA members in support of EPA's proposal to extend the implementation time to implement Tier 4 engine emission standards at EPA's September public hearing in Bath. McCarron noted that the EPA proposal would allow Maine's boat builders and marine engine manufacturers the time to explore whether or not there are workable solutions to meet the Tier 4 requirements. She noted that it remains to be seen whether or not the Tier 4 standard will be feasible or warranted for Maine lobster boats given that this sector contributes less than one-tenth of one percent of the national annual emission for these pollutants from commercial Category I marine diesel emissions. The MLA continues to support an exemption for lobster boats to operate under the Tier 3 standards.

### *Fall NH-Maine Trawl Survey runs through October*

The fall trawl survey began in New Hampshire waters in late September and will work its way east to complete its survey northeast of Cutler in late October. The trawl survey will fish the first five good days each week, using the weekend to make up for bad weather or equipment problems. The goal is to maintain a predictable schedule as the survey moves up the coast.

The survey is conducted by the *F/V Robert Michael* of Portland, a white fiberglass Northeast 54' captained by Rob Tetrault. The survey is designed to provide information that has not been available to NMFS for stock assessments. Obtaining this information is critical to making rational management decisions. The better information we have about ALL our fisheries resources, the better we can ensure a future for both fishermen and the resource.

The best source of information is directly from the boat crew. You may hail them on either channel 16 or 13, and then switch to your preferred local working channel. The crew cell phone is 207-557-5276. Cell phone service can be spotty at times, but messages can be left for the crew to return your call.

For more information, visit [www.maine.gov/dmr/science-research/projects/trawlsurvey/index.html](http://www.maine.gov/dmr/science-research/projects/trawlsurvey/index.html).