



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.

November 7, 5 p.m.,
Darby's restaurant.

STEAMING AHEAD

Time certainly passes quickly. I've been working for the MLA since 2000 and in some ways, the years have passed in the blink of an eye. The MLA, on the other hand, has been here since 1954, with a full 65 years of leading Maine's lobster industry through so many contentious issues. Looking back, I am confident that Maine's lobster fishery would not be as healthy as it is today if not for the MLA. The organization has been steady and reliable in advocating for its members on so many important matters, from price fixing back in the early days to establishing Maine's lobster conservation program through lobster gauge changes, V-notching and fighting against landing dragger-caught lobsters in Maine.

The MLA has been so steadfast and dependable that most lobstermen now take us for granted. Lobstermen know that MLA Board members and I will always show up to major meetings, public hearings, and important sessions of the Legislature whether they join the Association or not.

There are many who understand that the MLA's mission is to protect the lobster resource and the communities that depend upon it. The MLA's mission is larger than any individual lobsterman, harbor, zone or region of the coast. The MLA's job is to understand the range of our members' concerns, weigh the costs and benefits to the fishery on any given issue, and then to advocate for a solution that is best for the industry as a whole. To do that we fight not only for today's members but also those of future generations. I learned early on that the lobstermen who are the heart and soul of this industry are grateful to their forefathers for handing them a healthy fishery and feel blessed for the opportunities this fishery has afforded them. And they, too, want to pay it forward.

Some lobstermen become frustrated with the MLA because they feel that the MLA isn't doing enough. I hear lobstermen complain, "What is the MLA doing about X, Y or Z?" Pick an issue — aquaculture, offshore wind development, effort reduction. They see the MLA as not doing enough, which is usually code for not doing what is best for that particular lobsterman.

Others have gone so far as to make it their mission to be "anti-MLA," and, as a result, consistently blame the Association for everything they don't like about the fishery. They typically view what is good for the lobster industry as what is good for them personally and accuse the MLA of not having their backs. Unfortunately, social media has provided an unprecedented platform for this sort of bashing. On social media, personal opinions reign supreme, and sadly, the facts are irrelevant. These critics should know that MLA's policy decisions are made by our board — a diverse group of 21 commercial lobstermen representing all areas of the Maine coast — who are elected by their peers. They are well-informed, attend monthly board meetings, serve on many boards and councils, and are present at countless meetings — all on their own dime — because they care about the future of the fishery.

Whether you love the MLA, hate the MLA, or just wish the MLA would do better — there is one thing you all agree on. Everyone sees the MLA as the leader on issues that matter most to Maine lobstermen. Lobstermen understand that the MLA is here and not fading away. What other organization is capable of sending weekly emails to its members, working with the Maine Lobstermen's Community Alliance (MLCA) to get *Landings* to all Maine lobstermen every month, and consistently and constructively showing up at meetings that could affect Maine lobstermen's abilities to make a living?

Like it or not, lobstermen depend on a public resource for their livelihoods and with that comes many laws and reg-

ulations. The MLA understands this legal and regulatory framework, which is why the Association is so effective in advocating for our industry. As I've said before, saying "No" may feel really good, but in the end it will not advance the interests of our fishery.

The MLA does do a lot — and I am very proud of our work — but we are not magicians. Based on our reputation and work portfolio, people are surprised to learn that the MLA has only two staff members. The MLCA has only one part-time staff member. Yet lobstermen expect that the MLA will be there to weigh in on every issue and to get it right. Fortunately, the MLA Board is the eyes and ears of the organization. They understand what matters to lobstermen and are vigilant in ensuring that our members are properly represented. But with an ever-growing portfolio of important issues to cover, the MLA is spread thin. If we had more members, the MLA would have more staff to cover the range of issues our industry faces.

I personally can attest to the fact that representing the Maine lobster fishery is a lot of work. Today there are more urgent issues facing lobstermen than ever before. Former board member Arnie Gamage reminded me a while back that in the MLA's early days, things were simpler. Lobstermen understood what it meant to throw back shorts and over-sized lobsters or to V-notch our broodstock. They could wrap their heads around these actions and agree that they were important. By contrast, the issues we face today are so complicated and intimidating that many lobstermen feel adrift, not knowing what to think or do.

2019 certainly has been a year that will not be soon forgotten. Lobsters have been slow, prices have been strong, and we seem to have dodged the worst of the anticipated bait crisis. And then, of course, there is the whale issue. The MLA has

been vigorously challenging the federal government on its proposed rules which place full responsibility for reducing right whale entanglement risk on the lobster fishery.

Bar none, this has been the most challenging issue that the MLA has ever faced. We have armed ourselves with the data necessary to challenge the National Marine Fisheries Service's mandated risk reduction target of 60%, hired a talented legal team, and continue to work closely with the MLA Board and members to effectively articulate the safety, operational and economic challenges that the various proposals will pose for our industry. There are no guarantees on the outcome, but I can assure you that the MLA is listening and we are in this fight for the long haul.

The MLA's 2020 membership drive is underway, along with a request for donations to the MLA Legal Defense Fund. In these unprecedented times, your support of the MLA is more important than ever. If you are not yet an MLA member, I hope you will join us. If you are an MLA member, I hope that you will continue to give the organization your support.

You count on the MLA for its strength and clarity of purpose. If you want to ensure that you and those who come after you can continue the fishing traditions that are an integral part of Maine, then join the MLA, an organization that is knowledgeable, professional, highly respected, honest, and accountable! Your support and input will help to keep the MLA strong now and for years to come.

As always, stay safe on the water.



It's been a rogue wave of a year in Maine's lobster fishery. Photo courtesy of Wikipedia.

Patrice



MAINE LOBSTERMEN'S ASSOCIATION UPDATE

MLA DIRECTORS MEETING SUMMARY

The MLA Board met on October 2 in Hallowell. Patrice McCarron updated the Board on several MLA business issues. Patrice has been named to the Governor's Climate Change Council to ensure that the concerns of the fishing industry are recognized as Maine moves forward with its Climate Plan. Members of Maine's Marine Living Resources Economy, a new effort to support and diversify Maine's marine economy, met for the first time in September. The MLA Board voted to join RODA (Responsible Offshore Development Alliance) as a way prepare for new wind development proposals in the Gulf of Maine.

Antonina Pelletier updated the Board on the Maine Lobstermen's Community Alliance Relief Program September fundraiser at Cook's Lobster & Ale House. The event was a tremendous success again. The auction raised over \$3,000; final fundraising totals have not been tallied. The MLCA has applied for funding to continue its Lobster Leadership program this winter. Landings has changed its advertising policy to prohibit ads that support political positions or influence policy decisions.

The Maine Lobster Marketing Collaborative conducted a review of advertising agencies this fall. The MLMC voted to renew its contract with Webber Shandwick. MLMC is seeking nominations to fill several board seats when current terms expire later this year.

Lobstermen continue to report slow landings for 2019 but a higher-than-average boat price. The slower pace of fishing, diversification of bait supply and additional menhaden quota allocation for Maine seem to have averted a major bait shortage so far this season.

The MLA continues to lead the lobster industry's effort to push back on NMFS proposals for new right whale protection measures. The MLA has been immersed on this issue on all fronts – with elected officials, Maine Department of Marine Resources (DMR), NOAA Fisheries and the media. The MLA's position is that the developing whale rules unfairly target only the Northeast lobster fishery, neglecting risk from all other U.S. commercial fisheries. The MLA is concerned that the rules under-represent the role of Canadian fisheries in recent entanglements. The MLA will continue to elevate lobstermen's concerns through all available channels and is drafting a response to NOAA Chief Chris Oliver's letter in response to MLA's August 30 letter in which the MLA withdrew from the Take Reduction Team's agreement to reduce risk to right whales by 60%.

The DMR has proposed new gear marking requirements for Maine lobstermen, to begin in 2020. The MLA has heard strong support from members for marking vertical lines differently than other states, but concerns have been raised that DMR's proposal is too complicated. MLA voiced these concerns at the DMR public hearing and will send written comments with recommendations to simplify the proposal. DMR is continuing to test various rope modifications that would meet a weak rope standard if required under the whale plan. These include variations of different rope diameters, knot and splice configurations, and implementing weak devices into rope such as swivels, dogbones or other weak links. The MLA Board will meet next on November 7 at 5 p.m. at Darby in Belfast.

CASCO BAY HYDROGRAPHIC SURVEY

NOAA ship *Ferdinand R. Hassler* is conducting a hydrographic survey on the Mistaken Ground on the Eastern Approach to Portland from October 15 to November 15 to update the current nautical chart. The survey will take approximately 12 days (24-hour operation) with a weather window of 30 days.



Ferdinand R. Hassler will be surveying with approximate line spacing of 400 to 500 meters, which can be modified on the fly to avoid gear and address sea state. NOAA has stated lobster fishing gear does not need to be moved. It is understood that a high density of traps may be in the area during survey operations. If the vessel runs into gear,

the captain will immediately take action to stop the vessel and clear the lobster gear from the sonar gear. In previous survey projects, coordination with local lobstermen allowed NOAA to postpone certain areas of the survey knowing the lobster traps were to be moved at a later time frame. This coordination works out well for both survey operations and the lobstermen.

The *Ferdinand R. Hassler* uses multibeam sonar systems to acquire detailed data of the bottom, delineating and obtaining least depths of potential hazards to navigation. The survey operations do not use tow nets, trawl nets, or anything that touches the seafloor. The safety zone around the vessel is generally

one nautical mile; however, with the complex nature of the survey area it is recommended to contact the ship on VHF 16 or by phone if necessary. The ship will be visible on AIS. Survey contacts: VHF Channel 16, ship cell 603-812-8748.

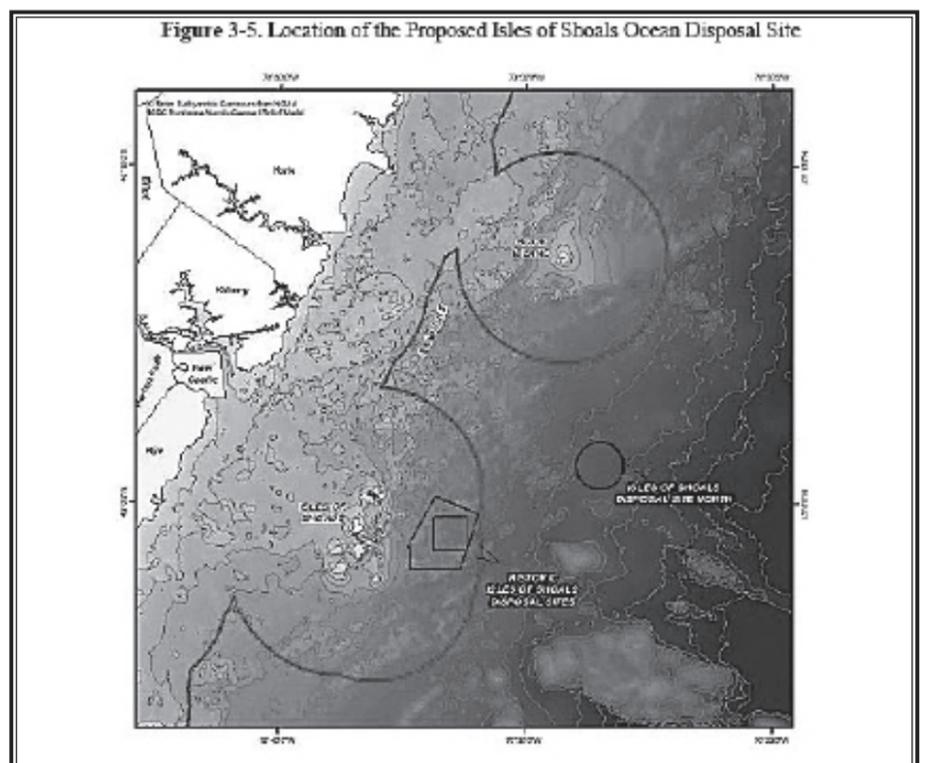
MLA COMMENTS ON EPA TIER 4 ENGINE EMISSION STANDARDS

The MLA submitted written comments to EPA in support of the agency's proposal to extend the implementation time to implement the Tier 4 engine emission standard. The MLA comments state "The current Tier 4 marine diesel engine emission standard is a mismatch for the Maine lobster fleet. In the short term, the MLA supports the EPA's proposal to phase in the implementation of the Tier 4 standards through 2024 for vessels with non-metal hulls up to 50 feet in length. This will allow Maine's boat builders and marine engine manufacturers the necessary time to seek out potential workable solutions to meet the Tier 4 requirements. However, the MLA is not optimistic that affordable, operationally feasible solutions will be available given the lack of progress to date or warranted given the low level of emissions from this marine engine sector."

EPA PROPOSAL TO SITE A NEW OCEAN DISPOSAL AREA

The EPA held a public hearing on October 9 in Kittery to solicit stakeholder feedback on a proposal to designate an area north of the Isles of Shoals as an "Ocean Dredged Material Disposal Site." EPA reports that 20 stakeholders attended the public hearing, including ten area fishermen who shared their concerns regarding the designation of this site. The proposed Isles of Shoals Disposal Site North is located approximately 10.8 nautical miles east of Portsmouth, NH. This potential disposal site is currently defined as a 8,500-foot (2590-meter) diameter circle on the seafloor with its center located at 70° 26.995' W and 43° 1.142' N. Water depths vary from 255 feet to 340 feet and gradually slope from approximately 295 feet on the western boundary to 328 feet in the southeastern portion of the site. The area is generally flat soft bottom.

Federal law requires that any ocean disposal of dredged material should occur at EPA-designated sites to the maximum extent feasible. Currently, there are no EPA-designated dredged material disposal sites off the coast of southern Maine, New Hampshire, and northern Massachusetts. There is one U.S. Army Corps of Engineers-selected site in this area, the Cape Arundel Disposal Site, but it



will no longer be available after December 31, 2021, when its Congressionally-authorized term of use expires. If the proposed Isles of Shoals North site is approved as an EPA-designated dredged material disposal site, any proposal to use this site is subject to approval through a separate disposal permitting process with the Army Corps and EPA, which includes opportunity for the public to comment. Additional information is available at www.epa.gov/ocean-dumping/isles-shoals-north-disposal-site.

BAIT — HERRING

The Area 1A fishery will move from zero to two consecutive landing days starting on October 27 for the remainder of period 3, ending on October 31 contingent on the performance of the Canadian weir fishery through October 1. As outlined in the Atlantic herring specifications, if the New Brunswick weir fishery catch through October 1 is less than 4,000 mt, then 1,000 mt will be subtracted from the management uncertainty buffer and added to the Area 1A sub-



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ACL by NOAA Fisheries. If NOAA Fisheries has not taken action to increase the Area 1A sub-ACL by October 22, Maine, New Hampshire, and Massachusetts will meet via conference call on October 23.

For period 4 (November and December), the Area 1A fishery will have two consecutive landing days per week starting on November 3. The period 4 quota is 366 mt. The Western Maine and Massachusetts/New Hampshire spawning areas remain closed through midnight on November 3. Period 4 landings will be closely monitored and the directed fishery in Area 1A will close when 92% of the quota is projected to be reached. Fishermen are prohibited from landing more than 2,000 pounds of Atlantic herring per trip on days out of the fishery and after the fishery is closed.

2019 Atlantic Herring Landings For Data through October 17, 2019				
Area	Quota 2019	% 2019 Quota Landed YTD	Cumulative Catch 2019 YTD	Landings at this time last year
1A*	4,184	85%	3,555	20,691
1B	628	10%	61	2,445
2	4,062	116%	4,722	6,700
3	5,700	42%	2,371	8,724
Total	14,574	74%	10,710	38,560

Challenge continued from page 1

- Address the outsized role of Canadian fisheries in recent right whale serious injury and mortality.
- Remedy the disproportionate focus on the Northeast lobster fishery by addressing all U.S. fisheries that contribute to right whale serious injury and mortality as required under the MMPA and supported by NMFS data.
- Utilize NOAA's gear/fishery determinations to: 1) inform the scope of the rulemaking process, 2) develop assumptions regarding which fisheries are responsible for unattributed serious injury and mortality and 3) make an appropriate allocation of unattributed serious injury and mortality between U.S. and Canadian fisheries, and among U.S. fisheries.⁴
- Assess the effectiveness of current Take Reduction Plan (TRP) measures before and after 2010 including trends in gear/fishery determinations for those included in the List of Fisheries and focus new measures on areas of greatest risk.
- Evaluate the significant geographical shift in right whale distribution since 2010 and adjust risk assessment and management measures as appropriate.
- Address immediately the risk from U.S. ship strikes which exceeds PBR.

While the corrections MLA seeks do not change the stark reality of a troubling increase in right whale serious injury and mortality from entanglement in recent years, they indicate the need for substantive changes in the entanglement-related risks that should be within the scope of the proposed rule.

MLA commends NOAA Fisheries for taking steps to remedy a crucial gear determination error involving a 2016 serious injury from entanglement. Such determinations are immensely important because they form the scientific basis for risk assessment and inform the development of management measures to eliminate future entanglement risk.⁵ The Agency has made gear/fishery determinations for more than 30% of serious injury and mortality incidents since 2010. While these data are not comprehensive, known cases are the best available data on how to ascribe cases with unknown causes and must guide the focus of the current rulemaking process.

MLA is also encouraged that its data analysis and related recommendations will be reviewed and analyzed in the Draft Environmental Impact Statement. The MLA endorses the Agency's commitment to pursue alternative approaches to compare unattributed serious injury and mortality cases to the characteristics of incidents in which a cause has been attributed. MLA believes such approaches can be used to allocate risk across gear types and other causes to reflect current knowledge of where and how right whales face a probability of harm. MLA also urges NOAA Fisheries to prioritize needed work to refine and peer review its decision support tool so that the rulemaking process will benefit from the input of a robust model that can assess the risk resulting from interactions between whales and all of the various types of fishing gear they encounter across their range.

Despite this progress, MLA remains opposed to NOAA Fisheries' decision to focus the current rulemaking on the Northeast lobster fishery, because it rests solely on vertical line density and ignores data and analysis that (a) show reduced risk to whales from this fishery after gear configuration and fishing practices were altered and (b) document fishery interactions beyond the Northeast lobster fishery resulting in serious injury and mortality. MLA's August 30 letter

MATINICUS C-MAN BUOY OUTAGE

According to the National Data Buoy Center (NDBC), the C-Man Buoy equipment at Matinicus Rock may not be up and running until spring. The lighthouse is currently under repair by the U.S. Fish and Wildlife Service and the buoy equipment cannot be reinstalled until construction is complete. Repairs on the upper structure of the lighthouse are not expected to be complete until late November. NDBC must redesign the mounting for the replacement system on the new lighthouse structure so installation of the equipment is not likely until spring when safe and consistent access to the site is feasible. NDBC has recommended wind and wave forecast tools to help monitor conditions in the area.



Photo courtesy of newenglandlighthouse.net.

Wind: <https://digital.weather.gov/>

Wavewatch III model which also has a wind model output: https://polar.ncep.noaa.gov/waves/product_table.shtml?-u10-multi_1-NE_atlantic-latest.

explains that the Agency's data support expansion of the current rulemaking scope to encompass all fisheries where the risk factors have not yet been successfully mitigated.

MLA continues to work diligently with our members and in close collaboration with Maine's Department of Marine Resources (DMR) to identify management approaches that are both effective in minimizing risk to whales and proportionate to the risk from Maine fishery gear. The Maine fishery is deployed across highly variable topography and lobster habitat and is characterized by a diverse fleet and variable fishing practices across its seven zones, and between state and federal fishermen. These characteristics influence the range of management options that are practical within the fishery. MLA is dedicated to ensuring that a final rule will take account of the fishery's unique features and its ongoing conservation efforts.

MLA believes that NOAA Fisheries' willingness to address concerns related to underlying data and analysis lays the groundwork for progress that all stakeholders will welcome. MLA appreciates NOAA Fisheries' openness to the concerns we raised and willingness to conduct further analyses that address them. We are eager to contribute to genuine solutions for the recovery of right whales and look forward to an ongoing constructive dialogue with the Agency and our fellow stakeholders on the TRT.

Notes to accompany MLA statement

⁽¹⁾ The Marine Mammal Protection Act (MMPA) mandates NOAA reduce serious injury and mortality from commercial fisheries to below Potential Biological Removal (PBR) in consultation with the TRT. NOAA has additional responsibility under the Endangered Species Act to protect endangered right whales and their habitat from a broad spectrum of human activities.

⁽²⁾ The agreement was based on incomplete data and a faulty presentation of scientific evidence. It resulted in a disproportionate assignment of risk to the Northeast lobster fishery that is inconsistent with NOAA Fisheries data and at odds with the fishery's record of an 86% improvement since 2010 in adverse interactions between fishing gear and endangered whales. Confirmed entanglement incidents in lobster gear declined from seven cases prior to 2010 to one in the period since the Northeast lobster fishery implemented additional whale protection measures in 2009 and 2014.

⁽³⁾ NMFS data from 2013 to 2017, the most recent period to compare SI/M to PBR, indicates that there was 1 serious injury (pro-rated at .52) and two mortalities (including one female) attributed to U.S. ship strikes. NMFS issued incidental take permits in November 2018 for seismic testing and approved permits for seismic surveys along the Atlantic coast.

⁽⁴⁾ NOAA assigned 50% of the unattributed SI/M to the U.S. and 50% to Canada. NOAA gear determination data indicate that Canada accounts for 22% of these incidents and the U.S. 4% (the U.S. incident did not occur in Maine gear). NOAA assigned all U.S. unattributed SI/M to the Northeast lobster fishery even though NOAA data indicate the Northeast trap/pot fishery accounts for 0%, netting accounts for 4% and Canadian snow crab 22%.

⁽⁵⁾ NMFS has used gear and fishery determinations as the basis of the MMPA's List of Fisheries and the scope of the Atlantic Large Whale Take Reduction Plan (TRP) since its inception. Serious injury and mortality data dictate the management mandate to reduce these cases to below PBR for each fishery.



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207-526-4327
sicoop@tds.net

MARINE ENGINES

Cummins
Ryan Oliver
110 Gibson Rd.
Scarborough, ME 04074
207-510-2223
ryan.oliver@cummins.com
www.cummins.com

Milton Cat
101 Quarry Dr
Milford, MA 01757
508-634-5503
kevin_hampson@miltoncat.com
www.miltoncat.com

PROPELLERS

Nautilus Marine Fabrication
13 Industrial Way
Trenton, ME 04605
207-667-1119
nautilusmarine@roadrunner.com
www.nautilus-marine.com
5% discount on propeller reconditioning

REFRIGERATION SERVICES

Applied Refrigeration Services
7C Commons Ave.
Windham, ME 04062
207-893-0145
info@appliedrefrigeration.com
www.appliedrefrigeration.com
\$250 off new installations.

RESTAURANTS

Barnacle Billy's Inc.
PO Box 837,
Ogunquit, ME 03907
207-646-5575
billy@barnbilly.com
www.barnbilly.com

The Clam Shack
PO Box 6200
Kennebunkport, ME 04046
207-967-3321
steve@theclamshack.net
www.theclamshack.net

SAFETY TRAINING & EQUIPMENT

Liferaft Services, LLC
15 Hannaford Drive
York, ME 03909
207-363-0220
dgreer@survivalatsea.com
5% off liferaft repack with proof of MLA membership. Discount can be combined with other promotions.

TRAP BUILDERS/STOCK SUPPLIES

Brooks Trap Mill
211 Beechwood St
Thomaston, ME 04861
207-354-8763
stephen@brookstrapmill.com
www.brookstrapmill.com

Friendship Trap Company
570 Cushing Rd.
Friendship, ME 04547
207-354-2545/800-451-1200
MikeW@friendshiptrap.com
www.friendshiptrap.com

Sea Rose Trap Co.
Locations in South Portland & Pemaquid
207-730-5531; 207-677-0228
searosetrap@gmail.com
www.searosetrap.com
5% off list price on traps to MLA members



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**goes out
to all our members and supporters.**

