



MAINE

Lobstermen's Association, Inc.

2 Storer St, Ste 203 * Kennebunk, ME 04043
207-967-4555 * 866-407-3770 * www.maine lobstermen.org

MLA Statement on Judge Boasberg August 19, 2020 Order

The Maine Lobstermen's Association (MLA) welcomes the court's thoughtful ruling to allow the lobster fishery to continue to operate while granting National Marine Fisheries Service (NMFS) the time required to complete new whale rules and Biological Opinion.

"We are thrilled that the court will not shut down the lobster fishery or agree to an unprecedented request to designate a massive new closure area unsupported by science and unvetted by the stakeholder process. The MLA is so grateful for the tremendous outpouring of support that enabled our legal team to educate the court about the lobster industry's long-standing and successful efforts to protect right whales and the economic devastation that would result from a shutdown of the fishery," stated MLA's executive director, Patrice McCarron.

While the court remained steadfast in its finding that NMFS violated the law in issuing the 2014 Biological Opinion without an Incidental Take Statement for right whales, it concurred with "NMFS's expert determination" that giving the agency until May 31, 2021 -- instead of January 31 as proposed by the plaintiffs -- "will not lead to calamity" for right whales.

Four plaintiffs representing environmental groups requested the court vacate the 2014 Biological Opinion if NMFS fails to complete new whale rules and a Biological Opinion by January 31, 2021, forcing a shutdown of the lobster fishery on February 1, 2021. The court denied this request and recognized NMFS as the appropriate management authority to mitigate entanglement threat. The court also refused to set a precedent by establishing a new year-round closure area in the lobster fishery as requested by plaintiffs.

"It is clear that the court carefully weighed all the issues. The court showed great wisdom in understanding the importance of buy-in from the states and fishing industry in achieving protections for right whales. It demonstrated prudent judgement in recognizing NMFS, rather than the court, as the appropriate management authority," stated McCarron. "The court's decision affirmed the complexity of this management process and validated the importance of the long-term investments in the Take Reduction Plan process by so many stakeholders. The court also showed great compassion by avoiding unnecessary economic hardship for the thousands of families who depend on the lobster fishery while holding NMFS accountable for protecting right whales."