



MAINE LOBSTERMEN'S ASSOCIATION UPDATE

Maine Lobstermen's Association

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

In response to COVID-19, the MLA has suspended all in-person meetings. The Board is meeting virtually every two weeks.

STEAMING AHEAD

It is no secret that Governor Mills has had an unwavering commitment to aggressively address climate change through an emphasis on renewable energy. She was clear about it throughout her election campaign.

After her election, Governor Mills wasted no time in taking action to position Maine to be a player in offshore wind development. She quickly reversed former Governor LePage's moratorium on wind energy construction in the state. She then turned her attention to the Legislature, working with that body to establish the Maine Climate Council, set aggressive greenhouse gas emission goals, and commit Maine to achieve 80% renewable energy by 2030 and 100% by 2050.

She signed into law a requirement that the Public Utilities Commission approve a power contract agreement with New England Aqua Ventus, reversing another LePage-era policy. She established the Maine Offshore Wind Initiative to identify opportunities for offshore wind development in the Gulf of Maine. She committed Maine, with New Hampshire and Massachusetts, to become part of a Gulf of Maine Intergovernmental Regional Task Force on offshore wind organized by the Bureau of Ocean Energy Management (BOEM), in order to identify potential opportunities for renewable energy leasing and development in the Gulf. The Governor made it crystal clear that Maine would pursue offshore wind development but in a manner compatible with existing uses, such as Maine's commercial fishing industry.

As these efforts to revive offshore wind as a pillar of Maine's renewable energy future unfolded last year, the MLA joined the Responsible Offshore Development Alliance (RODA). RODA is a broad coalition of fishing industry associations and businesses that work together to ensure that any new offshore development is compatible with existing fisheries.

The MLA recognized that the issue of wind development is too big and complex for individual fisheries and industry associations to tackle on their own. Offshore wind developers have very deep pockets along with significant government support and incentives aimed at promoting their success. No single fishery association could provide the scientific or policy analysis, much less attend all the meetings, required to ensure that the concerns of the fishing industry are properly addressed as wind developments are put forward.

Early in 2019 RODA proactively sent a letter to BOEM and the governors of Maine, New Hampshire and Massachusetts asking for a six-month pause in the offshore wind development process due to the challenges of engaging the fishing industry during the pandemic. The letter asked BOEM to convene a fisheries-driven Gulf of Maine regional working group and requested the governors to come together to urge BOEM not to consider any unsolicited bids for offshore wind development leases. The letter further called for greater transparency in offshore wind procurement goals and clarification of their context within an overall energy strategy. Governor Mills' response to RODA's letter reiterated her strong support for "renewable energy as part of the solution to combatting climate change and growing Maine's economy," but also "that we must go at a pace that recognizes the strain being experienced within the fishing industry."

In October, no information had come from the Governor's office on how the fishing industry would be engaged in the Offshore Wind Initiative. In an effort to keep lobstermen informed, *Landings* interviewed the deputy director of the Governor's Office of Policy Innovation & the Future (GOPIF), Anthony Ronzio, to clarify, specifically, what actions it would be taking. *Landings* was not informed of any specific offshore wind plans in the pipeline. Instead, we were told that the state would continue its participation with the BOEM Task Force, was developing an organizational framework for the Initiative to include a fisheries working group, and that the state was waiting for a federal grant to be "used to build a comprehensive plan to advance offshore wind for Maine that is collaborative and has a substantial focus on stakeholder engagement, including fisheries."

When asked specifically how the state would work with the fishing industry, Ronzio responded, "We hope to gather input

from the fishing industry so that it can inform the state's participation in the federal leasing process and ensure that the input from Maine's fishing industry is considered by BOEM."

In November, *Landings* reported on the Governor's Energy Office's (GEO) plans to use a new federal grant award of \$2.166 million to develop a roadmap for offshore wind energy development. "The award is an opportunity for the state and stakeholders to develop a holistic, comprehensive road map and plan for advancing offshore wind in the state in compatibility with existing uses," stated Celina Cunningham, deputy director of GEO and coordinator of the offshore wind development planning project.

According to Cunningham, the offshore wind development road map will be determined by those who are involved in the project. "This will be a stakeholder-driven process. The structure also will serve us through the duration of the state's interaction with BOEM," Cunningham said.

Meanwhile, rumors circulated within the fishing industry that the state had plans for an offshore wind development off southern Maine. Concerned by these rumors, the MLA sent a letter to Governor Mills on November 11 emphasizing the need for "clear and transparent communications, a robust stakeholder process, and a commitment to address the lack of data on what these projects will mean for marine ecosystems and the many fishing communities along our coast." The MLA again stressed the need to consult the fishing industry before decisions were made and reiterated that the absence of transparent communications would foster a deep distrust among fishing industry stakeholders which ultimately would hinder the state's efforts.

The MLA also has consistently raised concerns over how offshore wind would figure into Maine's ambitious renewable energy portfolio through its position on the Maine Climate Council. The MLA was successful in including language in the Council's report stating that the fishing industry will be consulted before the state puts forward any proposals to site wind development in the Gulf of Maine.

Just a week after sending its letter to the Governor, the MLA was invited to join Mills administration officials and fishing industry leaders to discuss the state's vision for offshore wind development. We quickly learned, however, that we were brought together simply to receive notice of the Governor's plan to announce (in the next day or two) her intention to apply for an offshore wind research lease with BOEM in early 2021. The lease would be located 20 to 40 miles off southern Maine, be less than 16 square miles in size and deploy up to 12 turbines connected to the mainland power grid. The state already had conducted preliminary siting analyses based on existing data sets but they did not share with us the results of that work.

This is a far cry from the promise that the Maine Offshore Wind Initiative would create a fisheries working group as a "forum in which to share information and advance ideas or address concerns the fishing industry may have." Instead, we were told that the state had crafted a plan for how to advance offshore wind in the Gulf of Maine. End of story. Checking a box to indicate that a conversation took place with fishing industry representatives is in no way a transparent and meaningful stakeholder process.

So now we officially have right whale rules and offshore wind to deal with. What a way to close out 2020!

Here's to a new year, a better year. The MLA promises to work to make 2021 a year in which the concerns of the fishing industry are actually heard, a year in which we will demand accountability for the promises made to protect our livelihoods. Maine's fishermen have supported thousands of quality jobs, produced healthy food for our nation, and sustained Maine's coastal communities, large and small, for hundreds of years. We will not sit idly by and let our livelihoods be traded in for the unknown and unproven potential of offshore wind.

As always, stay safe on the water.

Patrice



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MLA DIRECTORS MEETINGS

The MLA Board of Directors holds online board meetings every few weeks to discuss state issues and to stay on top of pending legal and policy issues. In particular, the MLA Board has been active in managing the MLA's strategy concerning the pending whale rules, lawsuits, the MLA Legal Fund, and the issue of offshore wind development. Please stay in touch with MLA by calling the office or your local MLA Director.

DRAFT WHALE RULES AND BIOLOGICAL OPINION

As of November 25, there is still no guidance on when the proposed new whale rules will be made public. NMFS' Greater Atlantic Regional Fisheries Office (GARFO) submitted the draft rule to the Office of Management and Budget (OMB) on July 8; the proposed rule remains there under review. OMB is part of the Executive Office of the President in Washington, D.C. and is separate from NMFS.

The deadline of May 31, 2021 for adoption of the Final Rule, established by Judge Boasberg of the Washington, D.C. District court, remains in place. Given the delay in publication of the proposed rule, it is likely that the public comment period may be limited to 45 days. NMFS is providing the court an update on its progress; its next court update is due in early December.

Once the Proposed Rule is published, it is expected that NMFS will conduct up to six regional public presentations via webinar, followed by a similar number of webinars for the public to provide comment. A presentation of the draft Biological Opinion remains on the New England Fishery Management Council (NEFMC) schedule for late January and for the Atlantic States Marine Fisheries Commission (ASMFC) in early February. It is anticipated that the draft Biological Opinion will be released on a similar timeframe with the Proposed Rule and Draft Environmental Impact Statement.

The recent Presidential election and change in administration adds to the uncertainty of timing for the Draft Rule's release. Historically, there has been a freeze on regulatory actions as the government transitions from one administration to another (from December through the end of January). Additionally, there could be another delay in the publication of the rule due to a backlog.

For now, we continue to wait. The MLA will be ready to provide comments whenever this Proposed Rule and draft Biological Opinion are made public.

UPDATE ON RIGHT WHALE POPULATION

In late October, the North Atlantic Right Whale Consortium (NARWC) held a virtual version of its annual meeting. Every year, hundreds of researchers, managers, conservationists, students, and educators from the United States and Canada meet to discuss the population status, regulatory efforts and conservation priorities regarding North Atlantic right whales. The meeting, as always, began with the release of the annual "report card," which outlined the status of this critically endangered species.

The report card includes a best estimate of the number of whales alive and a summary of births, deaths, and research and management efforts in the last year. The best estimate for the population at the end of 2019 is 356 whales. Throughout the 1990s and early 2000s, the number of whales appeared to be recouping, reaching a high of nearly 500 whales in 2010, but the last decade has been dire for the species.

So far in 2020, scientists have observed only one right whale death, though the number is likely higher as COVID-19 restrictions affected the length of field observing season for both U.S. and Canadian teams. From 2017 to 2020, there have been 31 documented right whale deaths. During that same time period, only 22 right whale calves were born. Mortalities outpace births by 3 to 2.

The single observed 2020 right whale death was the new calf of #3560. Just a few months old, the calf had evidence of at least two separate ship strikes, the last of which was likely the cause of death. Human-caused factors, including ship strikes and entanglement in fishing gear, have been implicated in 18 of the 31 most recent deaths. The other 13 have an undetermined cause of death as most whales were either not retrieved or were too decomposed to perform a necropsy.

There were no confirmed entanglement mortalities in 2020, but five right whales were documented carrying gear; four of the five entanglements were considered life-threatening. Although all five were detected in U.S. waters, the origin of the gear is unknown. An entangled whale doesn't die instantly. Many

whales, sometimes with the help of disentanglement teams, manage to shed their gear, but the injuries they sustain can lead to poor health and reduced reproduction well after the initial interaction.

There were 10 calves born in 2020, up from seven in 2019. Yet scientists estimate that only 13% of the 77 reproductively active female right whales gave birth. The report card defines "available" whales as females who have given birth to at least one previous calf, were presumed to be alive (seen in the last six years), and had not given birth in the last two years (right whales have a three-year calving cycle when healthy). If only whales seen in the last three years are presumed to be alive, the number of previously reproductive females available to calve drops from 77 to 68 whales. This number could go up in the future if some of the 40+ female right whales, aged 10 to 15, which have not yet successfully calved, become first-time mothers.

RIGHT WHALE CALVING SEASON UNDERWAY

The Florida Fish and Wildlife Conservation Commission reports that the 2021 North Atlantic right whale calving season is underway. The calving season typically takes place from late November through March.

Each fall, some right whales travel more than 1,000 miles to the shallow, coastal waters of South Carolina, Georgia, and northeastern Florida. These waters in the southern United States are the only known calving area for the species. NOAA Fisheries has designated two critical habitat areas to provide important feeding, nursery, and calving habitat for North Atlantic right whales:

- Off the coast of New England (foraging area).
- Off the southeast U.S. coast from Cape Fear, North Carolina, to below Cape Canaveral, Florida (calving area).

In the 2020 calving season, there were 10 calves born, up from seven in the 2019 season. Despite the increase in calves, the species is still endangered. The calving rate is not keeping up with the mortality rate. Female right whales become sexually mature at about age 10. They give birth to a single calf after a year-long pregnancy. Three to four years is considered a normal interval between right whale calving events. But now, on average, females are having calves every 6 to 10 years. In the last three calving seasons (2017-2019) there were only 22 births, which is about one-third of the average annual birth rate.

OFFSHORE WIND FARM PROPOSED OFF SOUTHERN MAINE

On November 20, Governor Mills announced an ambitious plan to develop an offshore wind research array in waters from 20 to 40 miles offshore that would allow connection to the mainland electric grid in the southern half of the state. The research array would be approximately 16 square miles and is expected to contain up to 12 wind turbines. The administration informed fishing industry leaders of this plan less than two days before the announcement.

The week prior this announcement, the MLA had written to Governor Mills expressing our strong concern over the potential for offshore wind development and its impacts on fishermen. MLA was particularly concerned that there were rumors that the state had plans for offshore wind but the industry had yet to be informed or consulted.

The MLA released a statement in response to the state's offshore wind announcement stating that this news was not welcomed by the MLA. We reiterated the MLA's disappointment that this project was abruptly announced without adequate consultation from the fishing industry and that we have many, many concerns with the state's plan.

MLA JOINS COALITION TO OPPOSE MASSIVE FISHERIES CLOSURES IN FEDERAL WATERS

The MLA joined a coalition of more than 800 members of the U.S. seafood industry in signing a letter opposing a bill introduced into Congress that would undermine the management of U.S. fisheries. The Ocean-Based Climate Solutions Act, introduced into the U.S. House of Representatives in October, proposes to prohibit commercial fishing across at least 30% of U.S. federal waters as part of a system of Marine Protected Areas by 2030.

The letter states, "In contrast with many international contexts – where MPAs are established to remedy a profoundly broken fisheries management system



Draft right whale rules are expected any day. NOAA photo.



Photo courtesy of BOEM.



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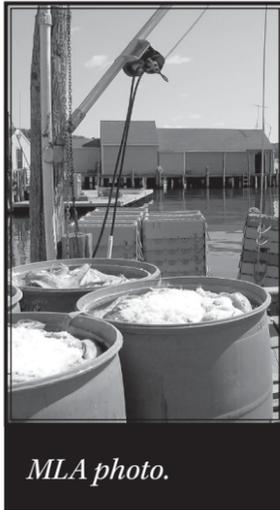
and a degraded marine environment — U.S. fisheries are overwhelmingly sustainable and successfully managed to maximum sustainable yield.” The letter emphasizes that the proposed legislation is counter to the current management process which is based on sound science. The letter notes that “The coalition signers want to know: when will proponents of this idea address the concerns of the more than 700,000 men and women who depend on domestic commercial harvesting to provide for their families?”

HERRING MANAGEMENT AREA 1A

The Area 1A directed Atlantic herring fishery closed on November 9, 2020, until further notice, as regulators projected that 92% of the Area 1A quota had been landed. Directed herring vessels traveling through Area 1A must have all fishing gear stowed.

During a closure, some vessels may continue to participate in the fishery:

- Vessels participating in the herring Research Set-Aside (RSA) Program may land, subject to state landing restrictions, greater than 2,000 pounds of Atlantic herring provided they are on a declared herring RSA trip.
- Vessels participating in other fisheries may retain and land an incidental catch of herring that does not exceed 2,000 pounds per trip or calendar day.
- The fixed gear set-aside of 30 metric tons will continue to be available to fixed gear fishermen operating in Area 1A west of Cutler, Maine through December 31, 2020.



The Atlantic States Marine Fisheries Commission's (ASMFC) manages fishing effort associated with harvesting the Area 1A herring quota. The Area 1A sub-annual catch limit (ACL) is 2,957 metric tons (mt) after adjusting for the research set-aside, the 30 mt fixed gear set-aside, and the fact that Area 1A closes at 92% of the sub-ACL. The Board allocated 72.8% of the sub-ACL for Area 1A to Season 1 (2,152 mt). The Season 2 quota was increased by 1,000 mt on October 22 due to low landings in the New Brunswick weir fishery.

2020 Atlantic Herring Landings For data through November 23, 2020			
Area	Quota 2020	Landings 2020	% 2019 Quota Landed YTD
1A*	4,214	4,142	98%
1B	483	828	172%
2	3,120	280	9%
3	4,378	4,054	93%
Total	12,195	9,304	76%

DMR UPDATE ON CARES ACT FUNDS

Maine was allocated \$20 million CARES Act relief for seafood industry members financially affected by the coronavirus (COVID-19) pandemic as part of a \$300 million nationwide seafood relief program.

DMR accepted applications for CARES Act relief for the commercial fishing, aquaculture, for-hire and seafood dealer/processor sectors from October 19 through November 9. Now that the application period has closed, DMR is reviewing the application data that was collected to ensure that the agency does not have applications from individuals who were not eligible to apply, duplicate applications, or any other irregularities in the data. Once the data have been thoroughly audited, DMR will provide the information to the Atlantic States Marine Fisheries Commission (ASMFC), who will issue the relief checks. Checks will be mailed to applicants to the address they provided in their application.

DMR is working toward a goal of mailing checks before the end of the year but will send updates on the exact timing of the mailing to all applicants by email. The exact size of the relief checks is not yet determined, as it will be calculated by dividing the available funds by the final number of eligible applicants. Due to the volume of applications, DMR is not able to address individual requests for updates on payment amounts or timing, but will send emails to all applicants notifying them of progress, and will also post updates on the DMR website.

PAYCHECK PROTECTION PROGRAM LOAN PAYBACK

The US Small Business Administration (SBA) is offering a simplified loan forgiveness application for Paycheck Protection Program (PPP) loans of \$50,000

or less. The PPP Loan Forgiveness Application Form 3508S is available online at www.sba.gov/document/sba-form-3508s-ppp-loan-forgiveness-form-3508s.

SEAFOOD TRADE RELIEF PROGRAM APPLICATION DEADLINE DECEMBER 14

The application deadline for the Seafood Trade Relief Program (STRP) is December 14. Commercial lobstermen are eligible to apply for funds in the amount of 50 cents per pound for 2019 lobster landings. You must hold a valid state or federal commercial lobster license and your catch must be sold through a legally permitted or licensed seafood dealer. This is not a grant or a loan so it does not need to be paid back. The benefit is taxable income, however.

Summary Seafood Trade Relief Program for Maine (as of Nov. 20, 2020)		
	Total Apps	Total
Androscoggin	7	\$110,065
Cumberland	336	\$4,715,118
Hancock	759	\$14,220,843
Kennebec	<5	\$23,599
Knox	341	\$7,280,097
Lincoln	168	\$1,980,545
Oxford	<5	\$41,778
Penobscot	11	\$203,617
Sagadahoc	84	\$935,194
Waldo	39	\$359,782
Washington	643	\$9,859,588
York	120	\$1,489,582
TOTAL	2,512	\$41,219,810

Source: Maine Farm Service Agency

As of November 20, Maine's FSA offices have received 2,512 applications totaling more than \$41.2 million. Call your local FSA office for more information on the application process. FSA can mail you the forms or send an email so you can fill them out electronically. Forms are also available on the MLA website.

Many thanks to these fine businesses, the MLA's Keeper members!

Accrutch Marine Propeller	Interstate Lobster Co.	Northeast Marine Survey
Atlantic Bug Bait	Island Fishing Gear & Auto Parts	Novater. Bruids LTD
Bar Harbor Bank & Trust	Island Fishermen's Wives	Pack Edge
Beak-Jonesport Coop Inc.	Jack's Lobster Shack	Penobscot Bay & River Pilots Assn.
Beals Lobster Pier	John's Bay Boat Co.	Pete's Marine Electronics
Bell Power Systems	Journey's Rod Marina	Polyform US
Bowdoin College Dining Services	Kip's Seafood	Port Clyde Fishermen's Cooperative
Chapman & Chapman	Lobster Trap Co.	Port Lobster Co.
Chase Leavitt	Louise's Hydraulic Inc.	Power Product Systems
Coastal Documentation II	M&B Fish Co.	Rivendale Mills
Conroy Cove Lobster Co.	Machias Savings Bank	Rope Rascals
Downeast Boat Co.	Maine Center for Coastal Fisheries	South Bristol Fishermen's Cooperative
F.A. Peabody Insurance	Maine Financial Group	Superior Marine Products
Farrin's Boatshop	Maine Lobstermen's Community Alliance	Tenants Harbor Fishermen's Cooperative
Finestkind Scenic Cruises	Maine Sea Grant	Twin City Financial Group
First National Bank	Marine Hydraulic Engineering Co. Inc.	Vinalhaven Fishermen's Cooperative
F. W. Thurston Co. Inc.	McMillan Offshore Survival Training	William Coffin & Sons
Georgetown Fishermen's Cooperative	Mikrust Marine Supply	Winter Harbor Fishermen's Cooperative
Gulf of Maine Lobster Foundation	Nazroc Marine Electronics	Worcesters Lobster Bait
Gay Cotten, Inc.	Net Your Problem	
Infab Refractories Inc.	New England Marine & Industrial Inc.	
Inland Seafood		