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Lobstermen**

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Right Whales & Lobster Status Update

Lobster Institute
Town Meeting

February 3, 2023



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Maine Lobstermen's Association

The MLA advocates for a sustainable lobster resource and the fishermen and communities that depend on it.

- Established in 1954
- Oldest and largest fishing industry association
- Focus on big picture issues that affect the future of the Maine's lobster industry
- MLA lawsuit is last hope of protecting our lobstering heritage

Lobstering critical to Maine's coastal economy

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The Maine lobster fishery

- \$1 Billion+ industry; 2nd most valuable U.S fishery
- >80% of value of Maine's commercial fisheries
- LOBSTER \$ is first \$ in many coastal communities
- 4,800 small businesses owned and operated by the Captain
- Provides more than 10,000 jobs on the water
- New England's cultural heritage



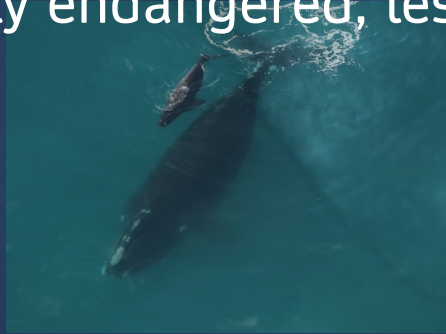
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North Atlantic Right Whales

Right Whale Status

- Protected in U.S. under Marine Mammal Protection Act (MMPA) and Endangered Species Act (ESA)
- Threats to right whale include climate change, vessel strikes, entanglement
- Population increased for more than 20 years, but has been in decline since 2010
- Remain highly endangered, less than 350 whales remain



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U.S. - 25 Years of Right Whale Conservation

PIONEERING WHALE CONSERVATION

THE MAINE LOBSTER FISHERY HAS CONTINUALLY ENHANCED ITS RIGHT WHALE PROTECTIONS OVER THE PAST 20 YEARS.

1997

ALL SURFACE FLOAT
ROPE REMOVED,
WEAK LINKS
IMPLEMENTED

2000

BEGAN MARKING
VERTICAL LINES TO
IDENTIFY ORIGIN OF
GEAR

2009

REPLACED 27,000
MILES OF FLOATING
GROUND LINE WITH
WHALE-SAFE SINKING
LINE

2015

REQUIRED MINIMUM
TRAPS PER BUOY
LINE TO REDUCE
VERTICAL LINES IN
THE WATER

2020

MARKED ALL
VERTICAL LINES WITH
MAINE-SPECIFIC
COLOR

2021

IMPLEMENTED
SEASONAL
CLOSURES

2022

CONVERTED ALL
GEAR TO INCLUDE
WEAK LINKS/WEAK
ROPE, INCREASED THE
NUMBER OF TRAPS
PER BUOY

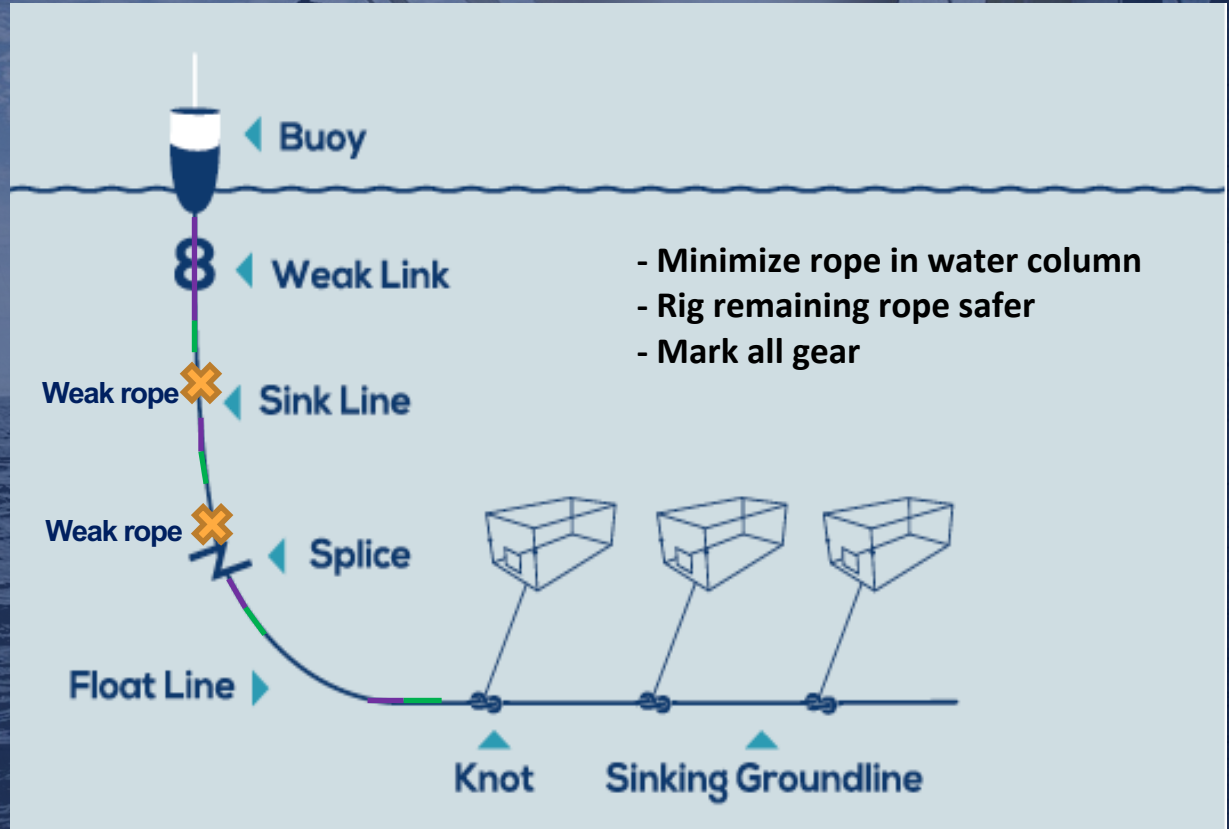
Protecting Right Whales

25 Years of Right Whale Conservation

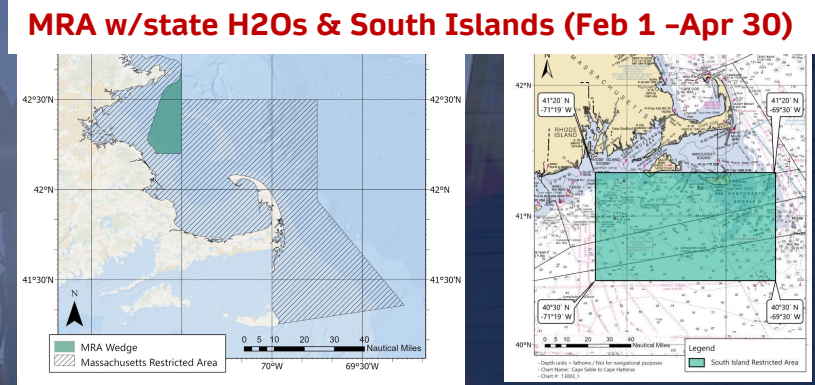
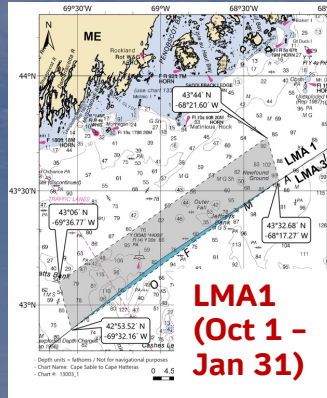
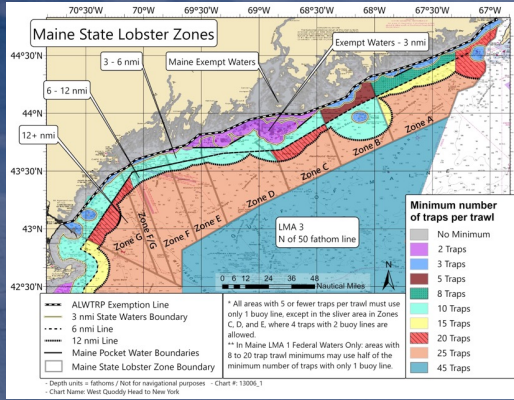
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Protecting Right Whales



2022 Rule - Remove Buoy Lines from the water



Min # of traps / buoy line

10,000 mi² of Seasonal Closures

Remaining Buoy Lines



1700 lb Weak Points

Unique Marking



WEAK LINKS

Eye splice in the line (splice in the line with any splice. Maine lobstermen use the neck splice.)

Splice in the line (splice in the line with eye splice in "X" Hydropon)

Splice in the end (splice in the line with "X" Hydropon)

Splice in the line (splice in the line with eye splice)

Check WWW.FISHERIES.NOAA.GOV/ALWTRP for more approved weak inserts and rigging methods.





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U.S. Right Whale Protections have Worked!

93%...compliance with whale conservation plan

90%...reduction in lobster gear entanglement
since 2010

2..... Known entanglements in Maine lobster
gear -- EVER

2004.. Last documented entanglement in Maine
lobster gear

0..... Right whales known to die from Maine
lobster gear

Source:

*National Marine
Fisheries Service Right
Whale Incident Data*

What We Know about Right Whale Deaths 2015-2021 when country identified



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Vessel strikes - 8 in Canada, 6 in U.S.

Unknown COD - 12 in Canada, 0 in U.S.

Entanglements - 12 in Canada 0 in U.S.

BUT, in 2021, U.S. mandated a 98%
risk reduction for Maine lobstermen by 2030

AND, U.S. proposing only 27.5% risk
reduction for U.S. vessel traffic

Source:

National Marine
Fisheries Service Right
Whale Incident Data

Timeline – Evolution of Risk Reduction and Whale Rules	
2017	NMFS publishes RW pop model; RW in decline since 2010; Unusual Mortality Event declared
2018	NGOs sue NMFS
2019	NMFS announced 60% risk reduction target (MMPA)
Apr 2020	Court Rules in favor of NGO's – Deadline for new Biop May 2021
Dec 2020	NMFS Releases Proposed Rule to achieve 60% risk reduction (MMPA)
Jan 2021	NMFS Releases Draft Biological Opinion
May 2021	NMFS Releases Final Biological Opinion – 4 phases to reach 98% risk reduction by 2030 (ESA)
Aug 2021	NMFS published Final Rule (Phase 1 of Biological Opinion)
Sept 2021	NGOs amend lawsuit – new Biological Opinion & Final Rule Invalid
Sept 2021	MLA sues NMFS – Flawed use of science to develop Biological Opinion and Whale Rule; based on worst case scenarios rather than those reasonably certain to occur.
May 2022	Final Rule Implemented (60% Risk Reduction)
July 2022	Court rules in favor of NGOs – New Biological Opinion & Final Rule Invalid – New Rule by 2024 to reach 90% risk reduction
Sept 2022	Court rules against MLA -- Rules on process not scientific claims
Sept 2022	MLA Files Appeals Ruling
Dec 2022	Congress passes 6-year pause (2028), \$50 million research, NMFS accountability
Feb 2023	Oral arguments in MLA Appeal

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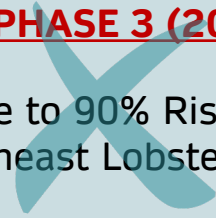
Biological Opinion Conservation Framework Mandated Risk Reduction = 98%

PHASE 1 (2022)



60% Risk Reduction
Northeast Lobster Fishery
Downgraded to 48%

PHASE 3 (2025)



Increase to 90% Risk Reduction
Northeast Lobster Fishery

PHASE 2 (2023) (2024) (2028)

60% Risk Reduction
Gillnet and all other Atlantic
Trap Fisheries

*Increased to 90% and includes
Northeast lobster fishery*

PHASE 4 (2030)

Increase to 98% Risk Reduction
All fixed gear fisheries

The fishery must comply or will not be permitted

10
Year
Whale
Plan



How bad is it?

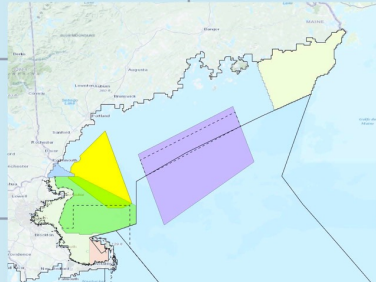
The DST
model
says...

90% Risk Reduction	98% Risk Reduction
Closing all federal waters to fixed gear ME to FL (gear coming to shore) = 85% risk reduction	Close all state and federal waters
Closing all federal waters ME to FL (gear shifts to state waters) = 61% risk reduction	Convert entire fleet to ropeless fishing
Closing all federal waters ME to FL (gear coming to shore), 75% trap reduction + Top 75% weak rope = 94% risk reduction	

NMFS Proposal for 90% Risk Reduction In 2024

Trap Pot: LMA 1

Line Reduction	Closures to vertical buoy lines	Weak Rope	Coastwide Risk Points	Regional Risk Reduction	Total Regional Co-Occurrence Reduction
Gear Cap of 400 Traps for all vessels in Maine lobster zones; and Jeffrey's Ledge Polygon (aka LMA1A)	Maine Zone A; 100% Lines-Out June - July	0 - 50 Fathoms: 100% Weak* @ 1,700 Both Ends;	27 (out of 34)	LMA: 89.8	LMA: 80.0
Line Cap @ 30 Lines in Jeffreys Ledge Polygon Nov - Dec.	LMA1 Closure Expansion Oct - Jan*	50 - 100 Fathoms: Hauling Line: 100% Weak* @ 1,700 lbs; Tag Line: 100% Weak @ 600 lbs;		Maine: 88.6 NH: 90.9 Mass: 91.8	Maine: 77.6 NH: 80.1 Mass: 84.3
TrawlUp to 10 in Mass LMA1 State waters Dec - Jan.	Jeffreys Ledge Polygon Jan - May	100+ Fathoms: Hauling Line: 33% Weak @ 1,700 lbs; Tag Line: 100% Weak @ 600 lbs;			
TrawlUp to 15 in Mass LMA1 3-6 miles	Closure NH State and Adjacent Federal Waters March - April	*100 percent weak (weak inserts every 60 feet or weak rope down to bottom 30 feet).		LMA: 90.2	LMA: 80.7
TrawlUp to 20 in Mass LMA1 6 - 12 miles	Mass 514 Federal Waters; Lines Out Feb - May 31	Added value for Ramp Down / Ramp Up before / after Gear-Out Closures (one week full value)		Maine: 88.8 NH: 91.0 Mass: 92.6	Maine: 77.9 NH: 80.2 Mass: 85.9
	Maine Zone A Jun-Jul or expanded, managed dynamically and with CE to achieve at least 80% of value of the closure (89% to LMA)			LMA: 89% +ramp up	



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LANDINGS

News & Views from Maine's Lobstering Community

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HISTORIC CONGRESSIONAL ACTION HITS PAUSE ON NEW WHALE RULES

By MLA staff

Maine's Congressional delegation, working with Governor Mills, achieved what some might call a "Christmas Miracle" for Maine's lobster industry. The Omnibus federal funding bill, which Congress approved in late December, included a policy rider that halts implementation of new whale rules in the lobster and Jonah crab fisheries for six years, until December 2028. It also authorizes \$50 million for scientific research, monitoring and technology development to address questions lobstermen have been asking for years.

"I've never seen a worse case of regulatory overreach to address a problem and blame an industry that is not at all responsible for a problem," noted Senator Susan Collins. "I've also never seen the Maine delegation, which is ideologically diverse, and the Governor more united to protect an iconic way of life in the state of Maine."

With this pause, Congress prevents the implementation of any new whale rules before December 2028, and allows the lobster fishery to continue to operate while a new, lawful plan — based on realistic assumptions instead of worst-case scenarios — is developed. The action by Congress recognizes what the Maine Lobstermen's Association (MLA) has said all along: the federal rule-making process intended to protect right whales is broken.



The Colson family of Corea, Maine. Photo by C. Clegg.

- 6 years before any new rules
- \$50 million to improve science (monitoring, gear research, models)
- Accountability from NMFS



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