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Lobstermen turned out by the hundreds last month to learn about the state’s plan to reduce entanglement risk from the Maine lobster fishery to right whales. In early November, the Department of Marine Resources (DMR) held meetings in Ellsworth, Waldoboro and South Portland to update lobstermen on the evolution of the state’s right whale risk reduction proposal, from the drastic trawling up and trap reduction scenarios presented to the industry in June, to the current plan. Commissioner Patrick Keliher told lobstermen that he took their concerns to heart and revised the state’s plan to avoid trap reductions, closures, and trawling up in the state’s exempted waters and significantly scaled back trawling up measures in Maine’s non-exempt waters.

The majority of lobstermen attended these meetings to raise a litany of concerns over the safety and operational issues they believe will be created as a result of DMR’s plan. While there were distinct regional issues, there were many concerns shared by lobstermen across the state. Most Downeast fishermen expressed concern about weaker ropes snapping in the hauler or not holding up to the strain of currents and tides, and many were also philosophically opposed to vessel tracking. Midcoast lobstermen were most worried about their ability to safely add more traps to a trawl, particularly in the sliver area which runs from the exemption line out to the 3-mile line. Due to the location of the offshore islands, this encompasses a vast expanse of bottom characterized by hard, irregular bottom that is intensively and competitively fished. Southern Maine lobstermen raised particular concern about the safety of smaller vessels fishing out to the 6-mile area if larger vessels shift the mandated 24-trap trawls closer to shore instead of breaking them up. They worry that these smaller vessels will be challenged to fish around large gangs of gear and will face significant safety risks if they are set over by longer trawls.

Safety was the most prevalent concern voiced at each of the meetings. Lobstermen are extremely worried about the safety ramifications posed to the captain and crew if required to fish longer trawls. This concern is exacerbated by MLA staff

Lobstermen worry about impact of state’s whale plan

Many Maine lobstermen worry that proposed regulations to protect right whales will affect their safety at sea. Photo courtesy of the Bangor Daily News.

Keeping Lobstermen Safe

Safety was the most prevalent concern voiced at each of the meetings. Lobstermen are extremely worried about the safety ramifications posed to the captain and crew if required to fish longer trawls. This concern is exaggerated.

Continued on page 4

BROOKS TRAP MILL CONTINUES FAMILY TRADITIONS

By Melissa Waterman

Stephen Brooks won’t watch just any movie. “I like movies with happy endings. And I don’t watch the news, I don’t need any more stress!” said the 49-year-old co-owner of Brooks Trap Mill in Thomaston. Stephen knows what he is talking about. With his older brother Mark and sister Julie, he has seen the company, begun by his

Continued on page 19

Stephen Brooks holds a photo of the mill as it was when he was a child. Photo by M. Waterman.
Landings closes out the last month of a tumultuous year with a look at the major issue that has troubled lobstermen in 2019: right whale regulations. In response to regulations put forth during the summer by the National Marine Fisheries Service (NMFS) to ensure the survival of the endangered whales, the Department of Marine Resources (DMR) was directed by Gov. Janet Mills to accurately evaluate the risk Maine lobstermen pose to the whales, whose presence in the Gulf of Maine has diminished in the face of warming water temperatures.

The state released its plan in October and DMR staff met with lobstermen at three meetings along the coast in November to review the plan’s provisions. The plan requires trawling up (adding additional traps to a buoy line); the number of additional traps per trawl is based on distance from shore. It also requires lobstermen to add weak points to their lines in order to allow a whale to break free of the line at 1700 pounds of pressure and to change gear marking to purple-colored marks on the lines to precisely distinguish Maine lobster gear from that used by other lobstermen in the region. As we report in Landings, lobstermen’s response at DMR’s meetings ranged from anger to muted acceptance. The Department is expected to release its final plan to NMFS by December.

We also hear in this issue from DMR Commissioner Patrick Keliher in a letter to all commercial lobstermen. It’s been a difficult year for both lobstermen and the Department as pressure builds to radically restructure the lobster fishery in order to protect right whales. Keliher comments in his letter that many lobstermen urged him to fight and tell the feds “no.” In defense of DMR’s strategy, he says, “If you have been to any of the meetings we held while developing the plan, you have heard me speak about the reality of the Endangered Species Act — what would happen if we tried to just fight and what would happen if we lost. I have thought long and hard about this, and I couldn’t in good conscience turn the fate of this industry over to people who have no practical understanding of how the fishery operates. Whether that is NOAA Fisheries or a judge in a D.C. courtroom. I believe that we can do a better job of finding solutions that reduce risk to whales while preserving the fundamental characteristics of Maine’s fishery.”

Keeping track of right whales and other marine creatures may become simpler due to new technology that can identify the DNA of those ocean dwellers. Bigelow Laboratory scientist Nick Record explains this month the significance of eDNA sampling, which can identify not only the largest species but also the tiniest, such as harmful phytoplankton that can cause toxic red tides. Most fishermen find engines pretty interesting, given that their livelihood largely depends on them. In Waldoboro, one man has spent four decades collecting small outboards, those little engines that once powered skiffs and small boats throughout New England. Mercury, Johnson, Evinrude, Champion, Chris-Craft — Lincoln Davis has them all, going back to models built at the beginning of the 1900s. He opened the doors to his collection in 2016 to give the public a glance at the history of a constantly evolving machine.

Brooks Trap Mill is located a little further up the coast, in Thomaston. The family-owned business is known for its excellent customer service and generosity to many organizations and events, from the Maine Lobster Festival to the local food pantry. As Stephen Brooks, one of the three siblings who own the company, explains it, the company’s philosophy came directly from his father Karl, a son of the original founder, Finnish immigrant Michael Brooks. “My father brought us up to be kind to people and not to lie. That carries on in the business,” Brooks said. From its start as a small sawmill making trap runners to its current status, with five stores and more than 50 employees, Brooks Trap Mill is succeeding while remaining true to its beginnings.

For the past three years a handful of people have made a concerted effort to get lobstermen to wear lifejackets. The Northeast Center for Occupational Health and Safety, a group that fails overboard were the most common cause of fatalities among fishermen, started a project called Lifejackets for Lobstermen to find out the qualities that would persuade lobstermen to wear lifejackets while working. After one-on-one surveys and testing different models of lifejackets on 181 lobstermen in Maine and Massachusetts, the Lifejackets for Lobstermen staff hit the road. Two vans filled with 11 different types of lifejackets and buoyancy aids have travelled throughout the two states this year, visiting more than 40 ports to offer commercial lobstermen and commercial fishermen with a lobster bycatch license a 50% discount on their purchases. By the end of November, they had sold more than 1000 lifejackets!

Finally, Landings takes a look at a successful arts organization based in the city of Eastport. The community has seen its ups and downs over the years as the sardine industry waned and salmon aquaculture hit its own highs and lows. The Tides Institute and Museum of Art, founded in 2002 by a husband and wife team, has brought new life to Eastport’s Main Street through exhibits, artist residencies, music and more. Who can resist the Institute’s annual New Year’s Eve Great Sardine and Maple Leaf Drop? Each year a giant red maple leaf is lowered from the Tides Institute’s building at the stroke of the Canadian New Year (11 p.m. U.S. time) to the sounds of “O Canada.” An hour later, an 8-foot lighted sardine follows suit while “Auld Lang Syne” is played. Cold, of course, but a lot of fun!

All of us at Landings wish you and your family a very Merry Christmas and a Happy New Year!
By Commissioner Patrick Keliher

As I write this, DMR staff are making final changes to our proposed whale rules that I’ll submit to NOAA Fisheries in early December. These changes are based on comments made by members of the industry at the last three meetings; the changes focus on weak points in end-lines as they pertain to fishermen’s safety. Addressing the potential risk posed to the North Atlantic right whale by Maine’s lobster fishery is a difficult issue for all involved. I’d like to thank Maine lobstermen for your patience and critically important input throughout this process. It’s been a long road to get to this point, so I’d also like to take this opportunity to share my thoughts on how we got here.

I have thought long and hard about this, and I couldn’t in good conscience turn the fate of this industry over to people who have no practical understanding of how the fishery operates.

I don’t think anyone would deny that Maine’s current proposal is a vast improvement over the measures originally brought out for discussion in June. But despite our best efforts, portions of the plan lack widespread industry support. In recent weeks, industry associations have taken positions rejecting the plan, and to be honest, it was difficult not to be discouraged by this news. Our plan is based on a thorough review of the overlap of lobster gear and whales and addresses risk in a much more targeted way that also prioritizes and protects the interests of industry. I appreciate the engagement of all industry groups and especially the effort the MLA has put into its review of the entanglement data and legal strategies. I’m pleased everyone has remained willing to discuss how we move forward. I am proud of the work that my staff has done to support the development of a proposal that does not require trap reductions or extreme trawling up scenarios. As I have continuously stated, it is critical that we develop a proposal that is best for Maine, but in all the meetings on this topic there have been voices suggesting that Maine should not advance any new measures and that instead we should simply “fight.” I understand why that appears to be an appealing strategy. I have no doubt that if I had done only that, it would have been a popular decision. The problem is that, given the federal laws at play, it also would have been wildly irresponsible.

If you have been to any of the meetings we held while developing the plan, you have heard me speak about the reality of the Endangered Species Act — what would happen if we tried to just fight and what would happen if we lost. I have thought long and hard about this, and I couldn’t in good conscience turn the fate of this industry over to people who have no practical understanding of how the fishery operates. Whether that is NOAA Fisheries or a judge in a D.C. courtroom, I believe that we can do a better job of finding solutions that reduce risk to whales while preserving the fundamental characteristics of Maine’s fishery. If we didn’t present a legitimate proposal for NOAA’s consideration, I sincerely believe you would be looking at large-scale time and area closures of the Maine coast, dramatically impacting thousands of Maine fishermen and undermining the bedrock of our coastal economy. If you don’t believe me, ask Massachusetts how they made it out after remaining silent.

Maine’s proposal seeks to keep you fishing in a way that is consistent with the historical practices of this fishery. It keeps any additional trawling up requirements out of the Exemption Area and, other than gear marking, it maintains the status quo for the majority of Maine’s fleet. I know that fishermen remain concerned that the combination of longer trawls and weak points will mean lost gear and, even worse, risk the safety of the captain and their crew. I heard these concerns loudly and clearly stated. Because I take these issues seriously, I have asked a small group of fishermen with years of experience fishing a variety of conditions and gear configurations to help address the safety concerns that were identified prior to submitting our final proposal.

While you may not agree with my strategy, I hope you will believe that every decision I have made in this process has been made with the best interests of this fishery in mind. Together we have worked hard to get to this point and there is still a lot of work ahead. I have committed to seeking flexibility in the Federal
bated by the simultaneous requirement to weaken endlines. Many expressed that most lobstering operations are pushing the edge of how they can safely fish and already encounter safety issues in their daily fishing routines. Mandating minimum traps on a trawl, and doing so while weakening endlines, will drive many operations past the comfort zone where they can fish safely, especially on rough days with big seas. By removing a lobsterman’s freedom to judge on the amount of gear that can be safely hauled from each vessel, these mandated changes would increase the amount of risk in situations such as controlling gear and rope on deck or clearing rope through the hauler without losing fingers. “How do you prove our safety concerns are real?” asked Cole Baines of South Thomaston. “Wait until someone goes overboard?”

**Operational Concerns**

There were many operational concerns raised as well. Of particular worry was the loss of efficiency associated with fishing longer trawls. Lobstermen currently configure their gear to maximize catch based on the type of bottom where they fish. Requiring minimum trawl numbers, especially on crowded, hard bottom, would significantly impact the fishing efficiency of each trap, reducing catch from each trap and pushing lobstermen to work harder and hire more crew to try to make ends meet. Offshore lobstermen are concerned that longer trawls will reduce the amount of bottom that they can cover, which could result in lower landings.

Many lobstermen are also concerned that the combination of longer trawls with weaker endlines will increase gear loss, increasing costs for lobstermen and creating more ghost gear on the bottom. This, in turn, will require DMR to streamline its process for issuing replacement tags.

**More crowding**

Lobstermen are also concerned that they will lose access to the bottom that they currently fish. Lobstermen who fear that they cannot safely fish 24-trap trawls outside of 12 miles face two unfavorable choices: give up this offshore bottom or face upgrading their vessel and equipment. Boats that aren’t able to trawl up outside of 12 miles face two unfavorable choices: give up this offshore bottom or have to rethink how they approach the fishery. Trawling up will create an incentive for lobstermen to get bigger boats so they don’t lose access to fishing grounds. This could grow the divides between smaller inshore vessels, medium nearer-shore vessels and larger boats that can fish longer trawls safely offshore.

Despite the strong concerns raised by lobstermen throughout the state, there were several brave individuals at each meeting who spoke up to thank DMR for listening to lobstermen’s feedback from the June meetings and voiced support for DMR’s plan.

**Reporting and VMS**

Many lobstermen, particularly in the Downeast area, strongly questioned the need to require vessel monitoring systems (VMS) on lobster vessels fishing in federal waters. Lobsterman and state representative Billy Bob Faulkingham of Winter Harbor spoke for many, stating, “VMS is intended for fisheries like scallops and herring that have to stick to areas. Lobstermen can go where we want. They want us to track ourselves but that won’t benefit whales.” Other lobstermen were concerned over the potential costs associated with VMS and the appropriateness of the technology for the lobster fishery. Commissioner Kilcher stated clearly that DMR’s goal is to find money to defray the costs of adopting this technology and not pass the costs down to lobstermen.

**Gear marking**

Lobstermen from all areas of the state voiced strong support for DMR’s proposal to change over to purple gear marking in order to distinguish Maine lobster gear from that fished in other states. There was statewide support to phase in the new gear marking requirement during 2020 to allow inshore lobstermen to mark gear in the shop this winter, while allowing adequate time for offshore lobstermen to rework gear as it is hauled out over the course of the fishing season. “I support gear marking,” said Stonington lobsterman Julie Merrill, Islesford, pointed out that the state’s plan would push more lobstermen toward the shore. MLA photo.

Several midcoast lobstermen also fear that the DMR proposal will result in many lobstermen upizing their vessels, adding crew, and working harder to make ends meet. This would in turn increase effort in the fishery and put more pressure on the lobster resource at a time when some researchers predict that landings may soon decline.

The reality of the trawling up requirements will be that most lobstermen will have to rethink how they approach the fishery. Trawling up will create an incentive for lobstermen to get bigger boats so they don’t lose access to fishing grounds. This could grow the divides between smaller inshore vessels, medium nearer-shore vessels and larger boats that can fish longer trawls safely offshore.

**DNR Proposed Whale Plan, October 2019**

<table>
<thead>
<tr>
<th>Gear marking</th>
<th>Status Quo</th>
<th>DMR plan</th>
<th>% Risk</th>
<th>% Risk Reduction</th>
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<tbody>
<tr>
<td>Exempt waters</td>
<td>--</td>
<td>2%</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Non-exempt</td>
<td>3%</td>
<td>51%</td>
<td>15%</td>
<td>24%</td>
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<tr>
<td>Federal water</td>
<td>2 weak points (midway down)</td>
<td>2 weak points (midway down)</td>
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<td>25% to 50%</td>
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<tr>
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<td>N/A</td>
<td>N/A</td>
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<tr>
<td>Non-exempt</td>
<td>4 marks (36” top 2F, 12” top, mid, bottom)</td>
<td>6” green mark at the top</td>
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<tr>
<td>100% harvest-reporting</td>
<td>All Maine lobster boats</td>
<td>Through ASMFC, but 2024 at the latest</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>VMS</td>
<td>Federal boats</td>
<td>Through NOAA, developing lobster-specific technology</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>
choose whichever method works best for their gear, " noted Keliher. 

Some lobstermen, however, questioned the need for a 36" mark at the top of the vertical line, in addition to the three required marks. DMR responded that this mark will be mandated in the federal whale rules so it must be included in DMR's gear marking plan. Lobstermen offered several ideas to ease the burden of marking this section of line including incorporating a section of purple rope from the main buoy to the pick-up buoy; splicing in a 36" section of purple line near the top of the line as a gangion and letting it hang loose until they can work through gear to tie it in. Others urged DMR to explore the option of using manufactured purple line for their endline.

Courts remain a wild card

Commissioner Keliher stressed that DMR has presented this plan in a way that allows Maine lobstermen to continue to fish. Yet despite this effort, the courts remain a wild card in the process. The Commissioner explained several recent court developments. First, Max Strahan filed a case against DMR and NMFS in a Bangor federal court, but the judge has yet to rule whether this case will move forward. In the case brought against NMFS by several environmental groups, the judge denied NMFS's request to delay the case until the Biological Opinion is released in early 2020. In his ruling the judge noted that any delay is precious time for right whales due to unprecedented fatalities in recent years, particularly from entanglement. In a separate court case, this same judge ruled that the zones will also have the ability to implement trawls maximums closer to shore to require longer trawls be broken up if they are shifted inshore.

When urged by some lobstermen to tell the feds "No" and sue if they try to implement new rules, Commissioner Keliher stated, "I'm not going to roll the dice on the lobster industry. We came up with a plan that shows we are managing for the fishery and protecting whales. It's not perfect. But I have no doubt it's far better than what we were looking at. If you say no, there's a good chance the feds could step in and do something a lot worse," he cautioned.

More research needed

Over the course of the meetings, many lobstermen expressed frustration over the lack of research being conducted on right whales in the Gulf of Maine. Many questioned how NMFS could require more regulations while yet no longer flying any planes along the Maine coast looking for whales. DMR said that NMFS is dedicating more resources to survey the Gulf of Maine this year, and DMR will be establishing some acoustic monitoring stations inshore to listen for whales.

Lobstermen continue to ask why right whales aren't being tagged so that managers would know where they are. DMR's Erin Summers explained that scientists have made some progress developing a tag for southern right whales which they are testing in the Northeast. "We have the ability to tag, we just don't have the capacity," noted the Commissioner.

It was clear throughout the meetings that Commissioner Keliher took lobstermen's concerns very seriously. He stated that the DMR plan will build in flexibility to allow individual lobster zones to consider alternative approaches to achieve the same risk reduction. "If a zone has a safer way to do it, this conservation equivalency will allow that to happen," Keliher said. For example, if a zone prefers to fish fewer traps on a trawl but reduce the number of traps, they could put a proposal forward. If an analysis reveals an equivalent risk reduction for right whales, the zone could adopt this alternate approach. The Commissioner stated that the zones will also have the ability to implement trawls maximums closer to shore to require longer trawls be broken up if they are shifted inshore.

John Williams of Stonington said he understands that many of these changes will be hard for lobstermen but urged guys to step up and try to make it work. "This is a lot better than what we were looking at. If you say no, there's a good chance the feds could step in and do something a lot worse," he cautioned.

Next Steps

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ENVIRONMENTAL DNA: THE NEXT MAP OF THE OCEAN

By Nick Record, Bigelow Laboratory

Our map of the ocean is about to get an upgrade. For thousands of years, the ocean was marked by blank spots on the map, and phrases like Hic Sunt Dracones (“here be dragons”). Over time, mariners, explorers, and scientists have filled in these blank spots, from Ben Franklin’s mapping of the “Gulf Stream” to today’s detailed satellite images. When the first satellite images came back a few decades ago, it was like turning on a light in a dark room, showing us in crisp detail the swirling eddies and colorful blooms that elaborate the sea surface — features that had been invisible to us. Each time we get an update to the map, we can read and predict the ocean that much better.

There is still quite a lot of detail in the ocean that hasn’t been mapped, of course. The latest scientific development to give us new information is something called environmental DNA — or “eDNA” for short. It turns out that mapping the DNA that is in the ocean can reveal a lot about the inner workings of the currents and communities of critters that live there.

The idea is similar to how DNA is used in forensics. Fill a water bottle with a sample of the ocean and bring it to a lab to scan for DNA. Even a bottle that looks like it contains just seawater can have loads of information. The technology is getting simpler and cheaper, and soon this will be regular practice. So if DNA is used in forensics for solving crimes, what does ocean eDNA tell us?

Basically, eDNA is another problem-solving tool. For example, for decades people have been dealing with harmful and toxic microscopic species of phytoplankton, like the ones that cause red tides. Toxic blooms lead to shellfish closures, fish die-offs, and contaminated drinking water. Human development and climate change are making these blooms more common. With eDNA, we can get early warnings of red tides before they happen, helping with planning and mitigation. And we can detect newly arriving or invasive species before they get a foothold.

Scientists are already testing the conditions needed for eDNA to be used to detect the largest marine animals — whales.

With new technology, scientists can find more than phytoplankton in seawater. Photo courtesy of the Boothbay Harbor

It’s possible to see traces of large animals as well, even in that same apparently clear bottle of seawater. As animals move about in the ocean, they constantly shed DNA. This can be either through shed scales or skin cells, or even in their feces. If you’ve ever swum in the ocean, you’ve left a trail of your own DNA behind you, to be swept up in the current — and you’ve also swallowed the DNA of whatever critters swam ahead of you. Reading the eDNA in a bottle of seawater can tell, for example, if there are endangered salmon or sturgeon in the area, even if we can’t find or catch any. The same goes for valuable species like elvers. It’s a way of tracking and mapping what would otherwise be invisible.

Scientists are already testing the conditions needed for eDNA to be used to detect the largest marine animals — whales. This could be particularly relevant in coastal Maine, where the presence or absence of right whales is a constant and controversial gap in knowledge. There are still some unanswered questions, such as how long can whale eDNA persist in ocean currents, and how far can it be transported? Once these questions are sorted out, it might soon be possible to map right whales — or map their absence — by filling bottles of water from the sides of boats.

The technology is advancing fast, so fast, in fact, that it’s already smartphone-enabled. There’s a small device named the Tw3, made by a company called BioMeme, that hooks directly into a smartphone. It’s about the size of a coffee mug, and it comes with kits that let users read different kinds of eDNA.

Once this type of instrument is available off the shelf, water samples won’t need to be sent to labs. Anyone will be able to analyze eDNA right in the field.

Putting science like this into the hands of everyday people could be very powerful. Instead of reliance on government agencies or other monitoring organizations, the measurements and knowledge will be available to all, effectively “democratizing” the science. With all of these measurements, we’ll soon have another layer of the invisible details of the ocean mapped.

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

A cadia Seaplants LLC  Inhab Refractories Inc. New England M arine & Industrial Inc.
Beals|Joneport Coop Inc. Inland Seafood New England Propeller
Beals Lobster Pier Interstate Lobster Co. Northeast Marine Survey
Bell Power Systems Inc. Island Fishing Gear & Auto Parts Novatec Braids LTD
Bowdoin College Old School Pig Bait
Dining Services Joe’s Rope and Buoys Penobscot Bay & River Pilots Ass’n
Chapman & Chapman John’s Bay Boat Co. Pete’s Marine Electronics
Chase Leavitt Journey’s End Marina Polyform U5
Coastal Documentation II Kip’s Seafood Port Clyde Fishermen’s Cooperative
Conary Cove Lobster Co. Lobster Trap Co. Port Lobster Co.
Cousins Maine Lobster Lonnie’s Hydraulic Inc. Purseline Bait
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Visit enroll207.com or call Consumers for Affordable Health Care toll-free at 1-800-965-7476 for free and confidential information about affordable coverage options and how to apply.
A fundamental truth in life is the concept that "united we stand, divided we fall." And that is abundantly true in the lobstering world. As a diverse community, the lobster industry is notorious for its internal fighting driven by an "every man for himself" and "survival of the fittest" mentality. The results have created many losers and few winners. We pre-dispose ourselves to doubt and mistrust amongst ourselves. This is well understood by federal regulators, scientists, and the environmental community. And it makes the lobster industry an easy target. Every fisherman is different, and what works for some may not work for others. Many choose to go into fishing because of the freedom and independence that it allows; some would say that working together is not in our genetic makeup. The MLAs' founders recognized this and focused on common issues that brought lobstermen together, not further apart. The MLA's board members have continued to keep Maine's lobstermen unified in our common goal to maintain a strong fishery and robust coastal communities.

Our willingness and ability to work together as an industry and as a state are paramount importance as the lobster fishery faces ever more significant threats. As an industry leader, I know that I spend a lot of time listening carefully to lobstermen in an attempt to understand which lines can and cannot be crossed, and where we can find common ground to move forward. Over the years, several fishery groups have been formed for the express purpose of fighting an organization—such as the MLA—which already exists. This happens when fishermen feel disenfranchised or don't share the mainstream view. Yet over time, as these splinter groups mature and become more educated on various topics, the perceived divides narrow significantly. The simple truth is that it is far easier to harshly judge the actions of others when you don't truly understand what is going on. I'm a realist and I know that lobstermen will never agree on everything, nor should they. Yet each of us must strive to offer some semblance of respect for those who are on the front lines trying to find solutions if we are to survive and hand our fishery and traditions on to the next generation. At some basic level, there must be an acknowledgement that every one is fighting for the same goal whether you agree with the details or not—to maintain a healthy lobster fishery.

Sadly, I've experienced the Maine lobster industry falling to a new low when it comes to working together. We have entered an era where personal philosophies and beliefs come before facts, and we have been overrun by misinformation and unfortunately, lies. There is a contingent of keyboard warriors who seem to care only about themselves and consensually pass judgment without offering any constructive thoughts on how to move our industry forward.

Not surprisingly, the MLA is in their crosshairs and has been under consistent attack for its work to find solutions to the whale rules. When personal philosophy and opinion reign, the motto is “if you are not with me, then you are against me.” This is both lazy and divisive. There is no tolerance for different ways of thinking and no acknowledgment of the tremendous amount of work that goes on behind the scenes. When it comes to the whale plan, these keyboard warriors are adamant that anyone who is not telling the feds to stick it where the light don't shine is not truly fighting for the future of Maine lobstermen.

Nothing could be further from the truth when it comes the MLAs' efforts to keep lobstermen fishing in the face of new whale rules. In the absence of good information and with an earnest fear about the future of the industry, however, this toxic approach plays into those doubts as to whether anyone in Maine is actually fighting for them. I can assure you that the MLA is.

If you read Landings, then you know this is true. The MLA has been in steady communication with the National Marine Fisheries Service (NMFS) to dispute its facts about the role of the Maine lobster fishery in right whale entanglement. The MLA has written many letters, given presentations, met with the Congressional delegation, NMFS and Department of Marine Resources (DMR) on numerous occasions, and remains in regular communication with all of them. You may think that letters and presentations don't amount to a hill of beans, but in fact our voice has been heard and is being reckoned with by those who have the power.

Then there's the judicial process. The MLA is the only industry group in Maine that has intervened in the court case filed by environmental groups against NMFS. At great expense to the organization, the MLA entered the court case to ensure that if a judge decides that the court must take action to protect right whales, the MLA will be at the table when those deliberations take place.

The MLA is the only industry group in Maine to provide written comments to NMFS regarding the Take Reduction Team meeting in April, the agency’s data and assumptions driving the current whale rules, and in response to NMFS’s request for comments on the draft whale rules, to name a few. The only one.

The MLA is the only organization that has taken the time to dig into NMFS’s data and then put forward a case on why the developing whale regulations are over-reaching. We recognized that just saying “no” to the plan would not relieve the fishery of its legal obligations under the Endangered Species and Marine Mammal Protection Acts. To actually achieve a different outcome, you must provide the government with a strong basis in fact for your disagreement and offer alternatives based on data. If you hope to influence the outcome of any rule making process, putting your comments and concerns in writing is critical. Simply attending meetings to complain on the record will not produce results.

The DMR has done an admirable job in redrafting its whale plan for Maine. The MLA concedes DMR for its excellent work and supports DMR’s effort to submit this plan to NMFS for analysis. Despite this excellent work, however, the MLA voted not to support the state’s plan because it seeks reductions that exceed the documented risk posed by the Maine lobster fishery. The MLA has the data to substantiate this. The MLA is concerned that the state’s plan creates unresolved safety and operational challenges for some sectors of the lobster fishery. The MLA will conduct an online survey of its members and then will draft an alternate risk reduction plan to submit to NMFS for analysis. With so much on the line for lobstermen, it makes sense for Maine to have more than one option on the table.

As the whale rule moves forward, I urge you to keep an open mind. Change can be scary and uncomfortable and true progress will require everyone to give something, without overburdening any particular sector of this industry. We must strive to maintain the diversity of our fishery because that is what makes our industry special, provides opportunities for so many, and keeps our coastal communities alive.
So take a few minutes to look at what is happening right now. Don’t be deceived by the lies or overly simplistic solutions of the keyboard warriors who are working to keep divisions among us wide open and sharp. Some groups find contention and name-calling their best or perhaps their only way of gaining the upper hand. Others, like the MLA, keep quiet and put their nose to the grindstone. At a time when lobstermen are challenged from nearly every point of the compass, I think it makes sense to stand united against the storms that are threatening us, not divided.

To all of our MLA members old and new, thank you for your support. I wish you and your family a Merry Christmas and Happy New Year. And as always, stay safe on the water.

MLA DIRECTORS MEETING

At the MLA Board meeting on November 7, President Kristan Porter welcomed DMR Commissioner Kelliher, DMR staff Megan Ware and Deidre Gilbert, and Marine Patroller Major Bob Beal to the meeting. Ted Miller spoke to Commissioner Kelliher and Major Beal about enforcement concerns in the mid-coast area. Lobstermen feel that enforcement in this area has been inadequate, sending the message that it pays to cheat. The current situation is eroding confidence in Marine Patrol’s ability to take on this problem. Commissioner Kelliher and Major Beal said that this situation is unacceptable and expressed their concern. DMR will review information and engage with the officers in the region. The Board also discussed the need to attract and retain quality officers. MLA remains committed to supporting Maine’s marine patrol.

Miller also spoke to the Commissioner about the change in lobster versus crab tags. Maine has a long history of landing Jonah crab, but much of these landings occurred in the past and are not accounted for in Maine’s landings history. In recent years the offshore fleet has been documenting crab landings at a time when Maine’s crab landings are low. He urged the Commissioner to ensure that Maine’s long-standing history of harvesting Jonah crab is accounted for so that Maine does not lose access to this fishery in the future. Maine should oppose any history-based management for Jonah crab.

Deidre Gilbert provided an update on bill titles that will move forward during the next Legislative session in 2020. DMR has four bills which will be introduced, including an aquaculture leasing and licensing bill that will make technical changes to better align the state’s statutory and regulatory framework on issues such as how notice is given, reasons for revoking a license, procedures for lease renewals and payments. The DMR also has a bill related to Limited Purpose Aquaculture (LPA) leases to ensure these leases are being used as intended — to test an area before applying for a regular lease — as well as revising fee structures. LPAs were never intended for commercial activity. DMR noted that while LPAs have been increasing quickly (now approximately 600 leases), collectively they account for less than 10 acres of bottom. DMR is also putting forward legislation to improve the management of commercial pelagic species (herring and menhaden) and a technical changes bill.

Senator Miramant’s bill request, LR 2718, An Act to Amend the Laws Governing Aquaculture Leases, will not move forward during this session. At this time, there are four bill titles that have been accepted to move forward during the 2020 session:


LR 3095. Resolve, To Exempt Truck Drivers Transporting Live Lobsters from Certain Hours of Service Restrictions, sponsored by Sen. Miller.

Commissioner Kelliher updated the MLA board on the status of the whale rules and Maine’s draft whale plan. DMR’s senior staff has been working tirelessly on this issue over the past year. The Commission has had many correspondences and in-person meetings with senior officials in Gloucester, MA and Washington, D.C. DMR has crafted a plan that it believes addresses the risk the Maine lobster fishery poses to right whales and will keep Maine lobstermen fishing. Commissioner Kelliher acknowledged that the plan is not perfect, and he remains open to industry feedback to improve the safety and operational concerns raised during DMR’s three recent industry meetings.

DMR’s whale plan will incorporate a conservation equivalency provision to allow zone councils to make changes to meet the same risk reduction through alternate approaches, if they choose. The Commissioner noted that the 100% harvest reporting and vessel locations are already moving forward for implementation through the Atlantic States Marine Fisheries Commission (ASMFC). The DMR believes that collecting this data will improve Maine’s understanding of where and when the lobster fishery takes place. That in turn will allow the state to target potential future whale mitigation measures to the portions of the fishery most likely to interact with right whales. The Commissioner stressed that a VMS for the lobster fishery will be specifically designed for lobster and available at a lower cost than the technology used in other mobile gear fisheries. MLA board member Mike Sargent said that he has field tested a product that is in development and noted that it was user-friendly and did not detract from his fishing.

The board asked many questions of the Commissioner regarding the DMR plan. There were concerns raised over safety and operational challenges and concerns over what other lobstering areas, such as Massachusetts and Area 3, were doing compared to Maine. There was much discussion about lobstermen altering how or where they fish, concerns over efficiency due to trawling up, concerns over trawling up while weakening endlines, and concerns about the potential for latent effort to kick in after these changes are made. Several noted a need to create trawl maximums along with trawl minimums to protect large strings of gear from being run inshore. Others expressed concern that if this round of whale rules doesn’t reverse the right whale decline, the Maine fishery may not survive future changes on top of these. The Commissioner reiterated that Maine’s plan will have a conservation equivalency provision which will allow zones to meet the whale conservation goals through alternate approaches.

In a closed session, the MLA discussed the DMR plan and voted not to support it. The MLA’s primary concern is that the DMR plan seeks to achieve a 60% risk reduction, which the MLA believes goes too far. The MLA issued the following statement on November 8, reflecting its decision.

“The Maine Lobstermen’s Association (MLA) voted not to support the Maine Department of Marine Resources (DMR) whale plan because it seeks reductions that exceed the documented risk posed by the Maine lobster fishery as demonstrated in MLA’s analysis of NMFS data (see August 31 Letter). The MLA conducted a thorough analysis of fishing gear removed from entangled right whales which revealed that lobster is the least prevalent gear. The MLA is also concerned the state’s plan creates unresolved safety and operational challenges for some sectors of the lobster industry.

The MLA commends DMR for its diligence in listening to the concerns of the industry and firmly believes that the state’s latest plan is a tremendous improvement over the options presented in June. The MLA will continue to provide constructive feedback to DMR and work with our members to draft a whale protection plan to address the varying risk to right whales across the Maine lobster fishery while minimizing the operational, safety and economic concerns identified by MLA’s members. The MLA remains committed to playing its part in a comprehensive, effective whale conservation plan that enables right whales to recover and thrive.”

Patrice McCarren provided several updates on other items to the board. There have been two developments on right whale litigation. On October 31, 2019, Judge Boasberg denied NOAA’s request to delay the court case seeking stringent whale protection measures until NMFS publishes a new Biological Opinion in early 2020. The MLA is an intervenor in this case. Second, on November 5, 2019, Judge Boasberg ruled in favor of Conservation Law Foundation reinstating closures to gillnets in the Nantucket Shoals and Closed Area 1 areas.

- The EPA is moving forward with a proposal to replace Cape Arundel Ocean Dump Disposal Site with a new site located North of the Isles of Shoals
- Maine Sea Grant is hiring a new extension person to work on lobster
- The NOAA Matinicus C-man buoy will not be back online until spring 2020 at the earliest
- BOEM will hold its first MA/NH/ME offshore wind task force on December 12
- MLA has joined RODA to work with a larger fishing industry consortium on offshore wind issues.

The next MLA Directors meeting is scheduled for December 4 at 5 p.m. at Darby’s in Belfast.
ASMFC HERRING BOARD

ASMFC’s Atlantic Herring Management Board initiated a draft addendum to consider new approaches for managing the Area 1A herring (inhorse Gulf of Maine sub-annual catch limit (ACL) under low quota scenarios. This action responds to the challenges encountered in managing the reduced sub-ACL based on the 2018 benchmark stock assessment, which highlighted declining trends in recruitment and spawning stock biomass. Currently, the Board can allocate the sub-ACL throughout the fishing season using bi-monthly, trimester, or seasonal quota periods to meet the needs of the fishery. For the 2019 fishing season, the Board implemented a bi-monthly quota period approach to maximize the reduced sub-ACL when demand for bait is high. Due to the low quota, the 2019 fishery has experienced frequent closures to avoid an overage of the sub-ACL. It is anticipated the 2020 sub-ACL will be further reduced creating challenges in distributing the quota throughout the fishing season. The draft addendum will consider alternatives to allow the Board more flexibility in specifying the allocation under low quota scenarios moving forward. For 2020, the Board set the Area 1A sub-ACL with 72.8 percent available from June through September and 27.2 percent allocated from October through December. The Board may reconsider 2020 quota allocation following final action on the addendum.

Additionally, the draft addendum will consider expanding landing provisions for permit holders within the days out program. The Board utilizes days of the fishery and landing restrictions, such as weekly landing limits for different vessel categories, to slow the rate of Area 1A catch. The draft addendum will include options for the days out program such as expanding the small mesh bottom trawl fleet days out provision to all Category C and D permits. The Board will consider approval of the draft addendum for public comment at the Commission’s meeting in February. ASMFC continues to work towards implementation of new reporting requirements for commercial harvesters. Currently, two of the required data elements are still in the process of being added to reporting platforms: location at a specific fishing area, and number of buoy lines. Because not all states can collect the data elements, the Board agreed to postpone the requirement to collect these two data elements from January 1, 2020 to January 1, 2021. In response to concerns about inconsistent reporting, the Board also tasked the Data Work Group with establishing a consistent method for collecting information on trip-level fishing effort.

The Board also discussed Draft Addendum XXVII initiated in August 2017 to enhance the resiliency of the GOM/GBK stock. The addendum focused on the standardization of management measures across the Lobster Conservation Management Areas within GOM/GBK to provide equal protection to the stock. However, development of the addendum stalled as work on Atlantic Right Whale issues was prioritized. The Board agreed the Plan Development Team should resume work on this but recognized it should also take into account current stock information that will result from the ongoing benchmark stock assessment. The stock assessment is expected to be available for Board review in October 2020.

The 2020 Lobster Benchmark Stock Assessment has slowed due to competing priorities among Stock Assessment Subcommittee (SAS) members’ individual workloads. Earlier this month the SAS met for an assessment workshop focused on establishing reference points for each stock. A second Assessment Workshop, tentatively scheduled for February 2020, will focus on finalizing the base run of the model and determining stock status.

ATLANTIC MENHADEN BOARD

The Atlantic Menhaden Management Board received a progress update on the 2019 single-species and ecological reference points (ERP) benchmark stock assessments. ASMFC staff requested the Board think about next steps towards implementing ERPs for menhaden and that there is not a single answer for ecosystem reference points. Specifically, the ERP Assessment will provide tools to evaluate trade-offs of different management objectives for various predators and prey populations and fisheries. Both reports have been submitted to SEDAR for peer-review, which is scheduled for November 4-8, in Charleston, South Carolina. The Board unanimously approved a motion to recommend the ISFMP Policy Board find Virginia out of compliance for exceeding the 51,000 mt Chesapeake Bay Redaction Fishery Cap in September. The Board noted that implementa- tion of this measure is necessary to achieve the conservation goals and objectives of the FMP, to maintain the Chesapeake Bay marine environment, and to assure the availability of the ecosystem’s resources on a long-term basis. The ISFMP has found Virginia out of compliance and will notify the Secretary of Commerce of its finding. This action was taken pursuant to the provisions of the Atlantic Coastal Fisheries Cooperative Management Act of 1993. Upon noti- fication by the Commission, the Secretary of Commerce has 30 days to review the recommendation and determine appropriate action, which may include a federal moratorium on fishing for or possessing Atlantic menhaden in the Commonwealths state waters.

MLA MEETS WITH INTERNATIONAL VISITORS

MLA Executive Director, Patrice McCarron, met with six visitors from Indonesia who visited Maine in late October to learn more about deriving sustainable economic benefits from natural resources as well as a researcher from Japan who was visiting to learn more about Maine’s lobster co-management system. The MLA provided an overview of the Maine lobster fishery and Maine’s successful, long-standing lobster conservation measures and management system.

WHALE UPDATES

MLA Meets with GARFO

On November 4, Patrice McCarron and MLA attorney Mary Anne Mason met with the head of the NMFS GARFO office, Mike Pentony, along with GARFO whale staff Michael Asaro, Colleen Coogan and Dave Morin to discuss MLAs ongoing concerns with NMFS federal rulemaking process concerning right whale protections. The MLA continued to elevate its members’ concerns over the 60% risk reduction goal stipulated by NMFS and operational, safety, and compliance issues created if a 60% risk reduction is required for the Maine lobster fishery. The MLA again urged NMFS to utilize the best available data, stressing that NMFS must take into account the spike in recent right whales deaths in Canada since 2017, the 90% decline in known lobster gear entanglements following the implementation of the sinking line rule and vertical line reductions, and the need to regulate all commercial fisheries contributing to right whale entanglement rather than a singular focus on the lobster fishery.

DMR Industry Whale Meetings

DMR Commissioner Patrick Keliher held three industry meetings in early November to discuss DMR’s proposal for whale rules to address the risk that the Maine lobster fishery poses to right whales. The plan includes new gear marking requirements for all Maine lobstermen, including those who fish in Maine’s exempt waters. The plan also establishes new travel minimums based on distance from shore, but does not propose any measures for gear fished in Maine’s exempt waters. The DMR plan was greeted with some support, but also raised a host of safety, operational and economic concerns from lobstermen.

MLA Urges NMFS to Drop Maine from MMPA List of Fisheries

Each year, NOAA Fisheries reviews the List of Fisheries (LOF) under the Marine Mammal Protection Act (MMPA) that are known to contribute to the serious injury and mortality of marine mammals. The MLA submitted comments requesting that NOAA Fisheries consider changing the classification of the Maine lobster fishery as Category III, which indicates that the fishery is a significant source of serious injury and mortality. The MLA requested that NMFS reconsider its broad characterization (Trap/Pot Fisheries: Northeast/ Mid-Atlantic American lobster trap/pot) because it includes the entire U.S. east coast American lobster fishery as a single category. MLA requested that Maine’s exempt waters fishery should be listed as a Category III fishery based on the following factors:

• Multiple data sources including acoustic surveys, right whale sightings data, copepod studies and a recent right whale telemetry track all document that right whales are extremely rare in Maine’s exempt waters and are unlikely to feed in these waters.

• Maine’s exempt waters are not a part of North Atlantic right whale critical

Continued on page 10
The MLA attended the Ropeless Fishing Consortium meeting on November 13. The MLA requested that Maine's non-exempt waters fishery should be listed as a Category II fishery based on the following factors:

- Multiple data sources including acoustic surveys, right whale sightings data, cobbled studies and a recent right whale telemetry track all document that right whales are not present in large numbers in Maine's non-exempt waters, especially inside of the 50°F curve, and are unlikely to feed in these waters.
- There is only one known primary entanglement in Maine lobster gear in 2002 that resulted in a non-serious injury.
- Since 2010, there has been a significant downward trend in lobster gear associated with North Atlantic right whale entanglements, declining 89% from nine cases to only one.
- There are four cases with red tracers in the entanglement database indicating northern trap/pot fishery. Two of these were confirmed to be Massachusetts lobster gear. Of the two remaining cases, one is the 2012 trap/pot case which resulted in a mortality seven years ago, and the other was a non-serious injury.
- The most recent confirmed U.S. right whale entanglement (E22-14) did not occur in Maine fishing gear.

**Ropeless Fishing Consortium**

The MLA attended the Ropeless Fishing Consortium meeting in November 13. The Consortium meets annually to discuss progress on the development of ropeless fishing. The meeting included presentations from eight companies that have made developments in ropeless fishing technology. There was also a panel discussion that included seven lobstermen from the U.S. and Canada who have tested a variety of ropeless fishing technologies. While there has been much progress in developing systems that will work on a small scale with a small number of fishermen, there remain serious gaps in technology to implement this technology on a broad scale. Agenda and presentations are available at https://ropeless.org/.

**North Atlantic Right Whale Consortium**

The MLA attended the North Atlantic Right Whale Consortium Annual meeting on November 14 and 15. This meeting included updates on the status of right whales, on entanglement and ship strike related serious injury and mortality to right whales, and on right whale research. The MLA gave a presentation on its concerns over the NMFS 60% risk reduction goal and the agency's singular focus on the Maine lobster fishery in the regulations under development. More information is available at https://www.nwrc.org/annual-meeting.html.

**NMFS Peer Review of Decision Support Tool**

In early November, the MLA attended NMFS' peer review of its decision support tool organized by the Center for Independent Experts (CIE). CIE selected three independent scientists to conduct this review: Dr. Julie van der Hoop, Woods Hole Oceanographic Institution; Dr. Jason How, Department of Primary Industries and Regional Development, Padbury, Western Australia; and Dr. Don Bowen, Dalhousie University, Halifax, Nova Scotia.

Reviewers evaluated the decision support tool which was developed by NMFS to understand relative risk of entanglement in different geographic locations and the relative reduction in risk under different mitigation actions. Reviewers also considered whether the tool provides a scientifically credible basis for developing management advice.

Specifically, the reviewers were asked to provide input on the following aspects of the tool:

- Evaluate the data inputs used in the decision support tool.
- Evaluate the data outputs produced by the decision support tool.
- Comment on the appropriateness of using the decision support tool to evaluate relative entanglement risk to right whales; advise on the strengths and weaknesses of using it to compare management measures.
- Provide research recommendations to improve the decision support tool.
- Evaluate whether the methods represent the best available scientific approach for apportioning human-caused mortality by country.

The MLA articulated many concerns with the data and modelling used in the tool, including data to characterize fishing effort, whale density and the threat of different gear types. The MLA also provided extensive comment and information on NMFS' 60% risk reduction tool. More information is available at https://www.fisheries.nova.gov/event/peer-review-right-whale-decision-support-tool.

**COMMERCIAL FISHING AND PFD ADVISORY BOARDS**

The MLA attended the Northeast Center's Commercial Fishing Safety and PFD Advisory Board meetings in mid-November. NEC Staff highlighted the success of the Lifejackets for Lobstermen project, which recently completed an eight-month sojourn along the Massachusetts and Maine coasts. The NEC Lifejackets for Lobstermen van visited 52 ports, many of them twice, and sold 1077 lifejackets to lobstermen and crew. The success of this project is credited to "peer-to-peer" marketing, a strong relationship with retailers, and steep product discounts. While this program is nearing its end, discussions are being held with Fishing Partnership Support Services to continue one of the vans in Massachusetts. Further presentations and publications on the program are expected in 2020.

The Commercial Fishing Advisory Board Meeting included updates on current research including Air Quality Assessments aboard commercial fishing vessels, bio-mechanics and how changes in vessel construction can improve back and shoulder health, the Fishing Safety Year in Review, and the start of new research on sleep deprivation. As always, the Advisory Board, made up of researchers, industry organizations and fishermen, maintained lively discussions, provided feedback and offered suggestions throughout the meeting. A brainstorming session wrapped up the day and will help NEC chart its future programming.
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• Industry members downloaded more than 2,000 marketing and educational materials from our Content Hub.
• Maine lobstermen educated over 125 chefs from around the country about Maine Lobster through our partnership with ChefsFeed.
• Over 67,000 people viewed our videos highlighting the Maine Lobster industry’s long history of right whale protections and concerns about new regulations.
• We drove 17,000 web users to Maine Lobster dealers’ websites, sending an average of 485 potential customers to each member of our dealer database.
• Our online advertising reached 24.75 million people – more than 19x the number that attended SENA.
• For every pound of lobster landed in 2018, four people had the opportunity to read a positive story about Maine Lobster this year.

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- **Reject** that New England lobstersmen are solely responsible for U.S. entanglements
- **Hold Canada accountable** for its role in the recent right whale deaths
- **Demand** that NMFS do its job to protect right whales using the best available science
- **Stay active** in ongoing court cases which seek more stringent whale rules

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From the Maine Lobstermen’s Association.
DMR COMMISSIONER KELIHER ELECTED CHAIR OF ASMFC

By Melissa Waterman

On October 29, the Atlantic States Marine Fisheries Commission (ASMFC) elected Department of Marine Resources Commissioner Patrick Keliher for a two-year term as chair.

“It is both a great honor and huge responsibility to be trusted to lead the Commission for the next two years. I am humbled by my fellow Commissioners’ confidence in me,” said Keliher in a press release. “As Chair, I will be working with ASMFC leadership to shape the course of interstate fisheries management for more than just the Pine Tree State and will ensure substantial resources are devoted to issues of equal importance in the fisheries of the Mid- and South Atlantic states. I look forward to bolstering the Commission’s relationship with NOAA Fisheries and Congress to ensure mutual cooperation.”

The ASMFC had its birth more than 75 years ago at a time when East Coast fish stocks. The Compact was signed into law by President Franklin Roosevelt in 1942 resulting in creation of the ASMFC.

Today ASMFC coordinates the conservation and management of 27 nearshore fish species. Each state (Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida) has three seats on the Commission, assigned to the director of the state’s marine fisheries management agency, a state legislator, and an individual appointed by the state’s governor to represent stakeholder interests. The ASMFC focuses on interstate fisheries management, fisheries science, habitat conservation, and law enforcement.

Each species under ASMFC authority has a board, a technical committee and an advisory committee to oversee its management. Once a fishery management plan is developed and adopted, the individual states must ensure that their fishery management regulations conform to those of the plan. When authority for managing lobster stocks was moved from the New England Fishery Management Council in the mid 1990s to ASMFC, for example, states with lobster fisheries amended their state regulations to follow those of ASMFC’s lobster management plan. Most recently ASMFC approved an amendment to its striped bass management plan, requiring member states to reduce commercial quotas by 18%. States were required to submit implementation plans by November 30, 2019 for review by the Technical Committee and approval by the Board in February 2020.

The Commission also has a variety of scientific boards addressing topics as varied as aquaculture development to fishing gear technology. In addition, ASMFC coordinates the Atlantic Coastal Cooperative Statistics Program (ACCSP). The ACCSP produces timely, accurate marine fishery statistics and integrates them into a single data system for use by state agencies and fishermen.

Plan to give lobster zones the option to make modifications to the State proposal that provide an equivalent amount of conservation. We will initiate these conversations at the next round of Zone Council meetings to determine which zones might have an interest in pursuing those changes. Some zones may also want to discuss implementing trawl maximums to complement the proposed minimums. Since that is a Zone Council authority, I trust the zones to explore that option where appropriate.

As I said at the beginning, we have come a long way from where we started in June. That progress is thanks to all the lobstermen who have engaged in this process and provided meaningful input all along the way. You have changed the way I think about this issue and our proposal has improved as a result. I am still listening and will continue to explore whether any additional refinements are possible or advisable. I recognize that this proposal will impact some more than others, but I am confident that this is the best that Maine can put forward to protect the safety of whales and the interests of Maine fishermen.
Stetson and Pinkham sits on quiet Route 32, just past the tiny settlement of Winslow Mills in Waldoboro. In one of the sturdy buildings on the site is a remarkable museum of outboard motors and related tools and artifacts, the product of Lincoln Davis’s abiding interest in small boat engines.

When he was a young man in the early 1960s Davis began hanging around the business Irvin Pinkham started in 1958. Davis had an old Mercury Mark 20 and to get it up and running, he needed parts. Pinkham took notice of Davis’s presence around the shop and soon gave him a job. It turned out that Davis had a natural flair for engines so Pinkham decided to send him to Mercury outboard mechanic school in Rhode Island. It was the 1960s, however, and before Davis could start work with Pinkham, he was drafted into the Vietnam War. After returning to Maine some years later, he attended the University of Maine. When Davis graduated he learned that Pinkham had put his company up for sale. In 1974, Davis bought it.

Starting a museum of outboard engines wasn’t the first thing on the new owner’s mind. One day, however, he was looking through a pile of old parts and scrap behind the buildings when he noticed a handle of an outboard buried within it. It was a corroded and battered 1927 Johnson K-35. With help from his father, Davis painstakingly brought the engine back to life. That was the beginning of a passion.

Over the years Davis built up the business and also his collection. In addition to running the company, he taught at the WoodenBoat School in Brooklin and at Mercury Marine’s Northeast certification and recertification program. He gained the title of “Boat Doctor” in Professional BoatBuilder magazine in 2005.

Old outboards as well as old boats themselves migrated to the shop. Eventually Davis arranged his four decades of engines and other material in a room next to the company’s office. In 2016, he opened the museum, which includes an old mechanic’s tool bench with vintage tools and an eye-dazzling array of old Mercury, Johnson, Evinrude, Champion, Chris-Craft and other motors.

Davis’s interest is not so much the engine but how it shows the changes that were taking place in outboard technology at the time. Time and tinkering led the manufacturers to better designs and more efficient motors, which are showcased in his extensive collection.

The Outboard Engine Museum is open when Stetson and Pinkham is open, from 8 a.m. to 5 p.m., year round. You can watch videos of Davis and the museum online at https://stetsonand-pinkham.com/videos/.
Brooks continued from page 1

grandfather in 1946 as a small sawmill, expand into a multi-state lobster trap, aquaculture and fishing gear business with dozens of employees and millions in sales.

But despite the many tasks involved in growing a business, one thing remains the same at Brooks Trap. The company is known throughout the region for its generosity and charitable giving. It is one of the core values that Stephen's parents, Karl and Sally, passed on to their children. "Our parents brought us up to be kind and fair to people. That carries on in the business," Brooks explained.

The family's story began with a Finnish immigrant named Michael Ojala, who moved to Maine in the 1930s. His goal was to be a lawyer and in pursuit of that career, he changed his last name to "Brooks." Plans changed, and Michael became an insurance agent for a short while and then started working in lumber. His sons Karl, upon returning from World War II, returned to work at the family sawmill in 1946 making lobster trap stock. In 1949, the mill moved to Beechwood Street in Thomaston, across from Michael's home.

Karl and his eight brothers and sisters grew up speaking Finnish at home. After the war he decided he wanted to go to college on the G.I. bill, so he attended the University of Maine where he received his B.A. in business. Later he went back to the University for a Master's degree in psychology and then continued on to the University of Florida to gain his Ph.D. in the subject. He married and settled down as a professor in Florida.

Michael Brooks died in 1964, and three of the Brooks brothers took over management of the sawmill, while Karl remained in Florida. In 1973 Karl and his family moved back home to Maine, and he joined his brother Lawrence selling lumber, logs and gravel. They soon enlarged the mill, expanding their offerings of trap stock for building lobster traps.

The lobster trap business continued to grow. As the lumber business faded out, Karl focused on the traps and Lawrence concentrated on pulpwod and firewood; in 1986 they split the business. Brooks Trap Mill began building wire traps as well as wooden. Karl put his inventive mind to work, designing several wire-cutting machines to reduce the amount of time necessary to build a trap. The company expanded its inventory, soon offering items that lobstermen needed in its retail shop.

Karl's children took over the business from their father in 2003. Karl died in 2010. "It's a different feeling here, yes. He came in seven days a week. He was always here, so it's hard not having all that knowledge to bounce ideas off," Brooks said. The company has continued to grow since Karl's death. Currently Brooks Trap Mill operates in four Maine communities and recently it opened Brooks Industrial Marine in Wakefield, Rhode Island.

"There are so many options in lobster traps right now," Brooks said. "Once a lobster trap was basic in size, 48 by 21 by 13.5 inches. Now they come in all sorts of sizes, with more trapes in the traps, all sorts of colors. And then there's rope. It used to be we sold 3/8-inch black poly float rope, 11/32-inch Superhaul and 11/32-inch Easy Haul. Now we have more than 100 different variations on rope. The options available for traps have grown immensely – there are many sizes and colors of vents, heads, runners, weights, etc. Some want the head a certain height off the bottom or from the back of the trap."

Keeping up with the complex requirements of lobstermen means Brooks Trap Mill holds a lot of inventory, and hence runs considerable overhead costs. But, explained Brooks, that is part of what makes the company special. "We always try to do what the customer wants. I can't see not doing that," he said simply.

Another expression of the company's philosophy is its willingness to help so many organizations. For many years, Brooks Trap Mill has provided items for the Maine Fishermen's Forum scholarship auction, and for the Maine Lobstermen's Association, Massachusetts Lobstermen's Association, and Downeast Lobstermen's Association annual raffles. The company also supplies lobster traps for numerous Christmas trees set up along the coast, including for the Maine Maritime Museum in Bath, the Gloucester, Massachusetts tree, and the Rockland Festival of Lights tree, which is raffle off to benefit the Rockland Main Street organization. "This year the Portland Jetport asked us for traps to make a tree in the entryway there," Brooks added. The company also makes contributions to the Make-A-Wish Foundation, the Thomaston Fourth of July celebration, the local food pantry and local animal shelter. "We get requests nearly every day. We try to give something," he explained.

Keeping Brooks Trap Mill running smoothly requires the skills of all three siblings, Brooks noted. While the lobster industry will continue to go through changes, he remains confident that Brooks Trap Mill is up to the challenge of adapting to lobstermen's needs. "In spite of the stress," he said with a grin.

AQUACULTURE LEASE PUBLIC HEARING NOTICE

The Department of Marine Resources (DMR) is holding a public hearing to take evidence on an aquaculture lease application for the following:

Applicant Name and Lease Type
High Tide Shellfish Farm, LLC☐ Experimental Lease☐ Standard Lease☐ Bottom culture☐ Suspended culture☐ Shellfish (No gear)☐ Suspension (gear on bottom and/or suspended)

Species☐ Shellfish☐ Mariculture algae☐ Flinnish

General Location, Town
East side of Stage Island, Stage Island Bay, Georgetown, ME

Acreage and Lease Term Requested
Acreage: 2.06
Terms: 20 years

The public hearing on this application has been scheduled as follows:
December 9, 2019, 6 p.m., Georgetown Central School, 52 Bay Point Road, Georgetown, ME 04548

If the December 9, 2019 public hearing is postponed or cannot be concluded by a reasonable hour, an alternate public hearing will be held on December 11, 2019 at the same time and location. Notice of a postponement or a continuance will be posted on DMR’s website.

A public hearing application to be briefed by DMR no later than 4:00 p.m. on November 25, 2019 DMR will decide whether to grant intervenor status to any persons or parties for five days before the hearing. Please review the section below for more information.


PARTICIPATING AT THE HEARING: A ny interested person may attend the hearing and ask questions of the parties or testify under oath about the effect of the proposed lease. Aquaculture lease hearings are adjudicatory proceedings. If you intend to participate, please visit DMR’s website to learn more about these types of proceedings. On DMR’s website the following are posted: the lease criteria, hearing procedures, and suggestions for effective public participation during the hearing.

www.mainetci.gov

INTERVENING: If you apply for and are granted intervenor status, you become a legal party to the proceeding. See the contact information below to request an intervenor application from DMR. The Department of Marine Resources (DMR) is holding a public hearing to take evidence on an aquaculture lease application for the following:

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RELEVANT AUTHORITY: Chapter 2 of DMR’s regulations. The statutory provisions are 5 M.R.S.A. 46001 et seq. and 12 M.R.S.A. 4602(1) et seq. and 12 M.R.S.A. 4607-4 (1) et seq. A address questions to: Maine Department of Marine Resources, Attn: Aquaculture Division, 21 State House Station, Augusta, ME 04333-0021, (207) 624-6567. Send emails to: DMR.aquaculture@maine.gov.

For disability accommodations, contact Meredith Mendelson at: 624-6579, Meredith.Mendelson@maine.gov.

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INTERVENING:

Stephen and Sally Brooks. Photo courtesy of Brooks Trap Mill.
By Elisabeth Maxwell

‘Art is part of life. It’s no different with coastal communities than with any other community,’ said Hugh French, director of the Tides Institute and Museum of Art in Eastport, French, an Eastport native, founded the Tides Institute in 2002 with his wife, Kristin McKinlay. The team began by restoring a historic downtown building, once the Eastport Savings Bank, to serve as the administrative offices and home to the museum’s collections and exhibition space.

This effort was not about bringing things to Eastport, but rather highlighting what was already here. “We have built from scratch very extensive cultural collections that reflect this region and the community has really appreciated this,” said French. “We have received significant gifts to our collections that we did not anticipate when we began, from paintings to photographs, from furniture to Passamaquoddy basketry,” he continued.

Along the coast of Maine, many communities are searching for innovative ways to revitalize downtown and waterfront properties that have historical and community value. The Tides Institute and Museum of Art is one example of such innovation, bringing outside perspectives in through visiting artists, while also highlighting the memorable aspects of the community itself.

The StudioWorks Artist-in-Residence Program is a way that the Tides Institute integrates artists into the local community. Artists apply to the program from around the country and the world to travel to Eastport to live and work for a month. While in residence, the artists practice their craft and also have a unique opportunity to focus on developing a strong connection with the community where they are staying. “Our artists-in-residence will often draw upon the coastal environment as part of their work. Sometimes they’ll use kelp or seaweed as part of their art making. Sometimes they’ll go out on fishing boats. We had a wonderful exhibition this past summer by two of our artist alumni that involved a series of portraits of area residents, including fishermen going about their work at sea,” said French.

Located in such proximity to the ocean itself, it is natural that the Institute and the work contained within it have strong links to maritime history and fishing industries. “We love the fact that our main building is located in the heart of Eastport’s working waterfront, that we have fish trucks going by our building all the time and that we can see fishing boats going to and from port all the time,” French said. While some would consider fishing and art to be very separate things, the reality is that artists often reflect the things that surround them in their everyday life. “Much of our collections reflect the fisheries heritage of this region, whether through paintings, prints, or photographs,” French said. “We have very extensive collections of photographs documenting the herring and sardine industries of this region. We have ship models and fishing boat models in our collections as well as fishery items. This work not only has value as art, but it also serves to document previous practices in fishing and other maritime industries.”

The Tides Institute and Museum of Art is open to the public year-round, with set hours during the spring, summer, and fall. In the winter, visits are scheduled by appointment. Exhibitions are on display from the late spring through the early fall. French emphasized that those working with the Tides Institute don’t stop at working within the walls of the institute but also go out into the community itself. “Our artists routinely work with the public schools and their students. In fact, we’ve established a special extended term for an art educator in residence to work specifically with the schools and the community,” said French.

One thing is for sure, you don’t want to miss the New Year’s Eve festival. “Fifteen years ago, we established a New Year’s Eve festival that includes the dropping of an artist-created sardine from the top of our main downtown building at midnight as well as the dropping of an artist-created maple leaf an hour before midnight Atlantic time,” said French. “French leaf refers to Eastport’s adjacent neighbors to the north, Canada. The festival is yet another example of how the Tides Institute strives to bring value into the community. French explained, “There was nothing going on in downtown Eastport on New Year’s Eve before we established the festival. Now we have a dozen places open in the downtown on New Year’s Eve and four to five hundred people standing outside in front of our main building watching the sardine and maple leaf drop.” These types of activities provide an avenue for people to come together and build a stronger connection with their community.

French still considers the Tides Institute to be developing. “The Tides Institute is a long-term project. When we began we thought it would take us 25 years to get to first base. We’re 17 years in now and haven’t changed our opinion. It has been very much a gradual and expanding process,” said French.

To learn more about programming and events at the Tides Institute and Art Museum, visit online at www.tidesinstitute.org or in person at 43 Water Street in Eastport.

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**Legal Defense Fund:** The MLA is a part of the court case brought by environmental groups who want extreme whale protection measures. MLA’s intervention ensures Maine lobstermen have a voice in any court decisions that affect our fishery. MLA cannot fight this battle without your support. Please consider a donation to MLA Legal Defense Fund. No amount is too small. Thank you.
NOAA plans to stop production of paper nautical charts within five years. The agency will transition to electronic navigational charts (ENC) over the next five years while improving data consistency and providing larger scale coverage. Paper chart products based on ENC data may be available through the NOAA Custom Chart prototype or third-party commercial data providers. The agency is seeking the public’s comments on the manner and timing in which the product sunsetting process will take place. Comments may be submitted through NOAA’s online ASSIST feedback tool and are due on February 1, 2020.

QUAHOGS TESTED AS NEW MAINE SPECIES

Manomet Inc., an environmental organization based in Massachusetts with an office in Brunswick, is working on a pilot project in Maine that may lead to the introduction of quahogs as a new aquaculture species. Quahogs are a harder species of clam, typically found in Rhode Island and Massachusetts. The group is working with four shellfish farmers along the Maine coast to grow quahogs, study the results and bring the bivalves to market. “The rapidly warming waters in the Gulf of Maine have created a precarious situation for many species,” said Marissa McMahan, director of the Fisheries Division at Manomet. “Soft-shell clams have experienced a dramatic decrease in numbers over the last several years. Quahogs are a warmer-water species that may be a more lucrative possibility for this area.” The shellfish are growing in Harpswell, Georgetown and West Bath aquaculture sites. The first market-size quahogs are expected in 2021.

NEW BREAKWATER, MOORING AREA PLANNED FOR LUBEC

The town of Lubec is getting more than $19 million from the federal government to construct what the town has never had since its founding in the early 1800s: a safe place for boats to tie up year-round. The $19.65 million grant from the U.S. Department of Transportation will create a new harbor in Lubec. A stone breakwater will be built jutting west into Johnson Bay from a waterfront parcel near the intersection of Main and South streets, which the town acquired last year with the help of a $54,000 grant from the state Land for Maine’s Future program. A conceptual draft calls for vehicle access along the top of the breakwater so fishermen can drive out to the end to load and unload their gear. The end of the structure will turn toward the south, creating a protected mooring field. There will be space for 30 boats to tie up along with a boat ramp and a dock with floats where the breakwater connects to shore.

MAINE AQUA VENTUS CLEARS MAJOR OBSTACLE

Maine’s Public Utilities Commission voted unanimously to approve a 20-year contract under which Central Maine Power Co. will purchase electricity generated by Maine Aqua Ventus at an offshore wind energy site 2.5 miles south of Monhegan Island. In a prepared statement, Governor Janet Mills applauded the PUC’s approval of the contract. “The PUC’s approval of this contract is a major milestone for our state’s clean energy future,” Mills said in press release. “Thanks to the innovative work of the University of Maine, Aqua Ventus is poised to become the first offshore wind project in the country to feature a floating platform, an advancement that cements our state’s leadership in offshore wind development and that puts Maine on the map for clean energy technology.

BOEM CONVENES GULF OF MAINE OFFSHORE WIND ENERGY TASK FORCE

The Bureau of Ocean Energy Management (BOEM) will convene its first offshore wind energy task force meeting for the Gulf of Maine on December 12, in Durham, New Hampshire. The BOEM Gulf of Maine Task Force is chartered to facilitate coordination and consultation related to renewable energy planning activities on the Outer Continental Shelf (OCS) in the Gulf of Maine. The meeting is being held to 1) facilitate coordination and consultation among federal, state and local governments by outlining their respective roles and responsibilities regarding offshore wind energy and the renewable energy leasing process on the OCS in the Gulf of Maine; 2) update the Task Force and stakeholders on recent state and developer activities; and 3) provide opportunities for public input about the topics being considered by the Task Force.
Events Calendar

You can find more information, links, and photos at www.mainelobstermen.org.

December 3-5
New England Fishery Management Council meeting, Hotel Viking, Newport.

December 4
MLA Directors meeting, 5 p.m., Darby’s restaur-ant, Belfast.

December 5
Kennebunk annual Christmas celebration begins, Dock Square.

December 7
Boothbay Harbor Lights Festival, all day.

December 9
Aquaculture lease hearing, High Tide Shellfish Farm, 6 p.m., Georgetown Central School.

December 10
Maine Lobster Marketing Collaborative meeting, 1 p.m., Island Institute, Rockland.

December 11

December 12
BOEM offshore Gulf of Maine wind energy task force, 8:30 a.m.-5:30 p.m., University of New Hampshire. FMI: https://www.boem.gov/renewable-energy/state-activities/gulf-maine-intergovernmental-renewable-energy-task-force-meeting.

December 14
Portland annual Boat Parade of Lights, 4 p.m.

December 15
Deadline for signing up for ACA health insurance plans. FMI: www.healthcare.gov.

Upcoming
January 28-30
New England Fishery Management Council meeting, Portsmouth Events Center, Portsmouth, NH.

January 24-25
U.S.-Canada Lobster Town Meeting, Moncton, New Brunswick.

BARTON SEAVER COOKBOOKS OFFER NEW TAKES ON FAMILIAR SEAFOODS

By Antonina Pelletier

Barton Seaver is known to many Maine residents and visitors for the work he has done with the Maine Lobster Marketing Collaborative promoting new-shell lobster. Others across the country know him as a proponent of sustainable seafood, an award-winning chef and National Geographic Channel host. He and his family live in Freeport, where he grows his own vegetables and fishes in Harraseeket Bay.

Seaver’s 2016 cookbook Two if By Sea features seafood from the Gulf of Maine presented in a variety of styles using simple cooking techniques. For those of us confident in our ability to successfully serve up a local catch, Seaver’s book invites us to open the oven door a little wider.

Whether you steam, boil, grill, sear or smoke the day’s catch, Two if By Sea has a sauce or suggestion. Oiling your salmon or bluefish before throwing it on the grill sounds great, but Seaver offers additional options such as Orange Spiced Olive oil with cinnamon, chill flakes and parsley or an Italian sauce of basil, garlic, tarragon and oregano. Want something unique with your seared scallops? Make a Skordalia sauce with ingredients I bet you have handy — almonds garlic, rosemary egg, vinegar and olive oil.

The most refreshing aspect of Seaver’s book is that he strongly encourages eating what is local and fresh. He encourages those unfamiliar with fish to try different types, providing a profile of fish species in the center of the book. For fishermen and those who cook fish frequently, he offers savory sauces, sides and techniques that may be new or are just a slight modification to familiar methods. By including a mix of recipes from down south as well as Spain, France, Japan and Mexico, Seaver encourages the reader to try something familiar in a new way. Recipe ingredients are an interesting mix of the unusual and commonplace Maine items.

For example, Maine mussels are familiar and versatile. Steamed, sautéed and smoked are some standard ways we find them presented. Seaver, however, offers us Pan Roasted Mussels over Pan Roasted Mussels over 400-degree oven, a cast iron pan and a cup of applewood chips or other fragrant wood chips along with lemon and mussels. In 15 minutes, a unique appetizer is ready. Recipe ingredients are an interesting mix of the unusual and commonplace Maine items.

For example, Maine mussels are familiar and versatile. Steamed, sautéed and smoked are some standard ways we find them presented. Seaver, however, offers us Pan Roasted Mussels over Applewood Chips with Drunken Butter. Does it sound complex? It’s a piece of cake! All one needs is a 400-degree oven, a cast iron pan and a cup of applewood chips or other fragrant wood chips along with lemon and mussels. In 15 minutes, a unique appetizer is ready. Recipe ingredients are an interesting mix of the unusual and commonplace Maine items.

Seaver also encourages us to mix things up, to find what works for each of us as eaters. For example, he writes about the Po’ Boy, a traditional Louisiana sandwich served on crusty bread with coleslaw and filled with seafood, usually fried. Rather than giving us a specific, he offers instead a variety of filling options such as mackerel with Green Goddess dressing, fried clams with remoulade or fried catfish with fresh tomato salsa.
STAYING SAFE, ONE LIFEJACKET AT A TIME

The Lifejackets for Lobstermen vans traveled to more than 40 harbors in Massachusetts and Maine, sometimes twice, from spring to late fall this year, offering different types of lifejackets for sale at 50% off the retail price to lobstermen in the two states. The vans were part of a project begun three years ago by the Northeast Center for Occupational Health and Safety based in New York. Response from lobstermen was enthusiastic, according to NEC staff. For some lobstermen, buying a lifejacket had a deeply personal meaning.

“I was working as a skiff man on a herring seiner that rolled upside down. I was wearing a lifejacket and it saved my life. I wear a lifejacket when I get in the skiff now and wanted to get something that I will wear while I’m working,” said Mike Keating of Owls Head.

“I almost lost my old man [Van Seiders] overboard last week,” said Pete Seiders of South Bristol. “He went in and I wasn’t sure we were going to get him back. He’s 72. He had his Muck boots on and they only partially filled with water so they kept floating up and his head kept going under. It was scary. I gaffed him by the hood to get him back in.” Van Seiders purchased an inflatable vest at the van. “If it wasn’t for my son, I wouldn’t be here,” he said.