



MAINE

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TESTIMONY

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In Support of LD 1552 An Act to Create the Lobster Innovation Fund

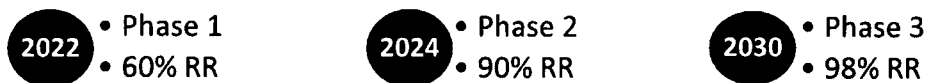
April 27, 2023

Senator Reny, Representative Hepler, and members of the Marine Resources Committee, my name is Patrice McCarron, and I am the policy director for the Maine Lobstermen's Association (MLA). The MLA supports LD 1552 to create the Lobster Innovation Fund to provide financial support to lobstermen to test new lobster fishing technologies.

The Maine lobster industry is facing devastating restrictions as a result of the 10-year whale plan released by the National Marine Fisheries Services (NMFS) in 2021. Developing and testing new whale safe fishing gear solutions, and ensuring those solutions work for all segments of Maine's diverse fleet, is critical to the survival of Maine's lobster industry. The Lobster Innovation Fund proposed in LD 1552 would provide necessary funding to lobstermen to ensure this important work happens.

NMFS's 10-year whale plan requires the Maine lobster fishery to reduce its already minimal risk to the endangered North Atlantic right whale (NARW) by 98% by 2030. The lobster industry implemented the first phase of this plan in 2022 to reduce risk by 60%, with two additional reductions scheduled before 2030. This is an unachievable goal that would devastate Maine's lobster industry and the families, businesses and communities that depend on it.

Risk Reduction Schedule: NMFS 10-Year Whale Plan (Biological Opinion, 2021)



There are many strategies underway to address this problem to stave off the elimination of the lobster fishery in just seven years. The Maine delegation, with support from Governor Mills, has secured a 6-year pause in new regulations along with significant funding to conduct studies on right whale distribution and develop new fishing gear technologies. This is extremely important as it delayed the 90% risk reduction that had been scheduled for implementation in 2024 which would have devastating impacts on the lobster industry.

Revised Risk Reduction Schedule: 6-Year Pause (Federal Omnibus Bill, Dec 2022)

2022 • Phase 1
• 60% RR

2028 • Phase 2
• 90% RR

2030 • Phase 3
• 98% RR

NMFS has prioritized ropeless fishing as its ultimate solution for the lobster industry to reach a 98% risk reduction. To complicate matters, NMFS has provided conflicting guidance on the scale at which ropeless fishing must be adopted. In the agency's *Roadmap to Ropeless Fishing*, NMFS presents ropeless fishing as a strategic solution to fish in areas that are closed to protect right whales. By contrast, NMFS has stated in court documents that the only way to achieve a 98% risk reduction prior to 2030 would be full closure of the state and federal waters lobster fisheries, or large-scale adoption of on-demand ropeless fishing, which the agency acknowledges is not currently or soon to be commercially available. This is a major concern for Maine's lobster fishery.

Ropeless fishing is not the appropriate solution for Maine's lobster fishery because right whales are extremely rare in areas where most Maine lobstermen fish, and ropeless fishing poses significant technological, economic, and operational challenges. This gear may work on a limited basis in small areas of high risk where whales are present, but it is not a solution that could be widely adopted in Maine.

Recent studies confirm that NARW have shifted their habitat usage away from the Maine lobster fishery. This has been confirmed by monitoring devices deployed by Maine DMR in both state and federal waters beginning in 2020. Data analyzed through June 2021 indicate detections on just 0.2% of the sampled days. Given the extremely low presence of right whales, full conversion to ropeless fishing would not significantly benefit whales. The low whale presence, along with all of the conservation measures adopted by Maine lobstermen, explain why there have been no observed right whale entanglements in Maine gear since 2004, and no right whale death has ever been associated with Maine lobster gear.

Economically, ropeless fishing presents serious concerns for the Maine lobster fishery due to the diverse nature of the fleet. The on-demand systems that NMFS is testing are extremely expensive, require crew and deck space to operate, and are not interoperable among manufacturers. This high-tech solution requires significant capital investment and high operating costs. This solution would be nearly impossible for Maine's smaller boats with single operators to purchase and operate and it strongly favors only the largest vessels in the fleet. Operationally, the technology slows down fishing, is unreliable, creates gear conflict issues, and creates significant enforcement challenges.

Of significant concern for Maine, large-scale adoption of this capital-intensive fishing technology would result in immense pressure to replace Maine's owner-operator lobstering system with a heavily consolidated, corporately owned fleet. Maine's owner-operator lobstering model has sustained our rural communities for generations. As observed in fisheries around the world, consolidation results in a few very big winners, with the majority of fishermen forced out of business.

For the Maine fleet to survive, it is imperative that lobstermen have an opportunity to develop and test a variety of new lobster gear technologies. NMFS is currently testing high-tech ropeless fishing with the lobster fleet. While there are some Maine lobstermen participating in this research, the agency recently redirected some funding for Maine lobstermen to the Massachusetts fleet where right whales are abundant. In Maine, there is a need to test alternative lower tech, cost effective solutions looking at a variety of methods to locate and retrieve gear, achieve interoperability between systems, and explore gear innovations that utilize rope.

To successfully develop innovative gear, it must be field tested. This is very costly for lobstermen because they must invest significant time in learning the new gear and exploring methods to alter their fishing practices to find safe, manageable ways to deploy the gear. Field trials to test new fishing gear require lobstermen to commit to fishing a certain number of units, to closely track the testing through logbooks, maintain the gear, trouble shoot issues that arise when new technologies are used; all while trying to haul through traditional gear. LD 1552 would allow the Maine Department of Marine Resources (DMR) to assess the cost of deploying new gear to offset the costs and loss of income experienced due to testing.

The MLA does have a few concerns which should be addressed by DMR if the Lobster Innovation Fund is established. First, DMR should not prioritize the testing of ropeless gear over other new, innovative gear technologies. These funds should be used to test a wide variety of gear innovations, including those that use rope and buoys, for use by diverse sectors of the fleet. Second, lobstermen interested in testing gear for the state of Maine should be required to disclose if they are participating in other gear testing projects. Lobstermen should not be allowed to "double dip," or get paid to test the same gear for more than one researcher. For example, if a lobsterman is already being paid by the Northeast Fisheries Science Center to test ropeless gear, they should not qualify to test ropeless gear through the Lobster Innovation Fund. Finally, ropeless gear should not be tested in closed areas unless there is enough gear and funding to allow the opportunity for all lobstermen displaced from the closure to participate in the research if they choose.

MLA urges the Marine Resources Committee to vote Ought to Pass.

Thank you for your consideration.