**TESTIMONY OF**
**Deirdre Gilbert**
**Department of Marine Resources**

**The Department of Marine Resources (DMR) is testifying**
**In Opposition to**

**LD 391 An Act to Amend the Laws Regarding Marine Resources**
**Sponsored by Representative McCreight**
**Date of Hearing: May 6, 2021**

Senator Miramant, Representative McCreight, and members of the Joint Standing Committee on Marine Resources, my name is Deirdre Gilbert, Director of State Marine Policy at the Department of Marine Resources, and I am testifying on behalf of the Department in opposition to LD 391.

As the Department understands the discussions this session, the potential intent of this legislation is to modify the existing entry system for lobster licenses to provide that no individual will remain on the waiting list for a license, for more than 10 years. Individuals who have been waiting 10 years or more at present may be eligible to obtain a license this year, or be "phased-in" over multiple years until there are no individuals who have been waiting longer than 10 years.

When this same concept was under consideration with LD 28, the Department urged the Committee to wait to learn the outcome of the federal whale rules, before proceeding with any plan for expanded entry. As you heard earlier this session, the requirements outlined in the draft Biological Opinion (BiOp) released this past winter were far more severe than any of us could have previously imagined. The Conservation Framework must be implemented over the next 10 years, and requires a 98% risk reduction for fixed gear fisheries by 2030. As has been repeatedly referenced over the past several months, there is no way to achieve that level of risk reduction without a wholesale reinvention of the lobster fishery. While no one can predict exactly what that will mean, it is sure to have drastic impacts on current participants.

The impact of allowing the additional entry under this criteria will fall entirely on Zones D, F, and G, and could allow as many as 34 new license holders total, half of which (17) would be authorized for Zone G alone. While I understand some of the frustration with the failure of these specific Zones to liberalize their entry calculations, it is also important to bear in mind their different experiences over the past decade or so. Generally speaking, the biggest gains in landings have been experienced in the eastern part of the State, and much less so in the western Zones – particularly in Zone G (see attached chart of landings). To some degree, it is understandable why they have had limited appetite to increase the pace of entry, as it just further divides a relatively small pie.

The Department's final concern over the proposed approach is the apparent disconnect between having legislation that authorizes the Zones to establish their own exit/entry ratios, and an action to overrule those decisions when the entry does not move fast enough. While the Zones were repeatedly told by the Department that there was a concern about the long waiting lists, until LD 28, there was a never a clear goal established that they were expected to achieve (i.e. no one should wait longer than 10 years). If that is the agreed upon directive, the legislation could require that any Zones with waiting lists that do not meet that criteria be required to lower their ratios to 1:1 until that is achieved, or it could require that any Zones in that situation must use licenses instead of tags in their calculation until such time as no individual has been waiting that long.

Thank you for your consideration, I would be happy to answer any questions.  If there is additional information about recent entry calculations that would be helpful in your deliberations at the work session, we would of course be happy to provide it.