



MAINE

Lobstermen's Association, Inc.

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To: Senator Miramant, Representative McCreight and members of the Marine Resources Committee
Fr: Patrice McCarron, executive director
Re: Opposition to LD 391 An Act to Amend the Laws Regarding Marine Resources

May 5, 2021

On behalf of the Maine Lobstermen's Association (MLA) board and members, I offer this testimony in opposition to *LD 391 An Act to Amend the Laws Regarding Marine Resources*. The magnitude and impact of the challenges facing the Maine lobster fishery is beyond what any of us could have imagined just a few years ago. The lobster fishery is facing steep risk reductions to protect right whales, the potential loss fishing bottom to offshore wind development and softening of landings in future years. In the face of so much uncertainty, the MLA urges you not to make changes to the lobster limited entry program.

As I will explain in further detail, the lobster industry is likely to undergo significant changes in its management structure in 2025, and addressing the lobster entry program should be part of that conversation.

The MLA's most pressing concern with LD 391 is how it would impact the Maine lobster fishery as new federal regulations to protect right whales are finalized. The lobster fishery is facing a 98% risk reduction to be phased in by 2030. These reductions will be required as a condition for lobster fishing permits to be issued.

The first 60% reduction will be implemented in 2021 through a modification to the federal whale rules. This will include removing rope from the water by adding more traps to each trawl, weakening the remaining endlines, and may include a large 967 square mile closure in the offshore waters of Zones C, D and E from October to January. And that is just the first phase. Future risk reductions include an additional 60% risk reduction in 2025, and an 87% risk reduction in 2030.

The MLA does not believe this level of risk reduction can occur without reinventing the business and operational model of the Maine lobster fishery. If we are not successful in lessening the risk reduction burden on our fishermen, the fishery as we know it will no longer exist.

We are struggling to conceive of how the lobster fishery can remain viable with an additional 60% risk reduction in just a few years. There's just not that much left to give under our current operating model. The final 87% risk reduction would require the elimination of rope through the adoption of ropeless fishing. Ropeless fishing is not commercially viable for technological, operational, cost, safety, and enforcement reasons. A fishery-wide implementation of ropeless fishing would threaten the diversity of the fishery, lead to consolidation and elimination of Maine's our owner-operator model, and create significant barriers to entry diminishing opportunity for the next generation of lobstermen. Those changes will have a ripple effect far beyond the lobstermen who will be most directly impacted.

Maine lobstermen are being asked to make significant sacrifices to reduce the footprint of the fishery to lessen the potential to harm right whales. They are worried about the future of the fishery, and sincerely wonder if they will still be in the fishery in 10 years. This is not the time to implement policy changes that would increase effort.

The MLA has done a significant amount of work to educate the public, researchers and scientific community about Maine's excellent track record in protecting right whales. Since the major whale protections were implemented in 2009 and 2014, entanglement in New England lobster gear has declined by 90%. There has never been a whale death or serious injury documented in Maine lobster gear, and the last documented entanglement interaction in Maine gear occurred 17 years ago.

Yet due to the amount of gear fished by Maine lobstermen, our industry is under constant attack to do more to protect right whales. If the Legislature were to enact policy that results in an increase of lobster gear in the water, this will impugn Maine's credibility in the right whale management arena. Many will interpret this as Maine shunning its responsibly to protect right whales. The environmental community, and many in the research community, are lobbying on all fronts for the removal of all fishing rope from the ocean. Given the extreme nature of what we are facing, we cannot afford a change to Maine law that would put more rope in the water.

The National Marine Fisheries Service (NMFS) will be updating the federal judge in DC District court on May 31 on its progress to finalize new whale protection measures. The judge has already ruled that NMFS has not met the standard required under the Endangered Species Act in its regulation of lobster fishery interactions with right whales. The judge has the authority to shut the fishery down. Maine cannot afford to send any signal to the court that would call into question our commitment to protecting right whales. And if we are to have any chance of preventing the full suite of scheduled risk reductions from being implemented over the next 10 years, federal managers, the courts, the environmental community and the public must trust that we are committed to protecting right whales.

The MLA is also a strong advocate for the zone council process. It was created to give lobstermen a voice in local management, in partnership with the Department of Marine Resources (DMR) and the Legislature, to address differences in the lobster fishery along the

length of the Maine coast. The Legislature asked the DMR to work with each lobster zone council to examine its entry program and seek ways to allow more entry from the waiting lists. That process happened and resulted in four lobster zones (A, B, C and E) changing their ratios from tags to licenses. The other three zones voted to remain with tags. The ability of each lobster zone to make decisions based on local fishing conditions is the very reason why the state created this system.

The lobster fishery in eastern Maine where zones have more relaxed entry requirements are the largest geographically and have experienced significant increases in lobster catch. By contrast, the western-most lobster zones with more restrictive entry requirements are significantly smaller in size and landings have been relatively stable over the past two decades. Zone G, Maine's western-most zone must also compete with fishing effort from New Hampshire and Massachusetts. The Maine lobster fishery is not the same in eastern and western Maine, and these differences are reflected in the decision of each of the zone councils.

MLA's final concern is the possibility that a change in the law could attract more effort to the fishery. As we face significant reductions to comply with whale rules, we cannot afford to make any changes to the lobster entry program that would attract larger numbers of future entrants.

The MLA strongly urges the Committee to vote ought not to pass on LD 391. The management framework of the lobster fishery will likely undergo significant restructuring by 2025 to comply with future reductions required under the whale rules. The lobster entry issue will be an important part of that discussion.

Thank you for your consideration.