



MLA Year in Review Highlights 2007-2008

The MLA is the single most effective voice for the Maine lobster industry. During the 2007-2008 membership year, fighting for common sense whale rules was at the top of our policy agenda. The MLA also contributed significantly on a host of other issues including bait and herring management, working waterfront and water quality issues.

Whale Rules

The most significant development with regard to the whale rules was the MLA's good fortune in securing pro bono legal counsel. The prestigious international law firm of Hogan & Hartson LLP is now representing the MLA.

The MLA explored the option of suing over the whale rules with both our former law firm of Kelley Drye Collier Shannon, and again with our new firm of Hogan & Hartson. We have been advised to continue to work for common sense whale rules through the policy arena, rather than the courts. To this end, the MLA has reached out the state (Governor and DMR), our Congressional delegation, the Small Business Administration, NMFS, Right Whale Consortium, the science and conservation community and the Maine lobster industry to find any means possible to improve the whale plan.

Our main focus this year has been to work to get floating rope back in as much of Maine waters as possible and to push to base any management changes on sound science and information. The MLA put forward a request to delay the implementation of the October 2008 sinking rope requirement which, to date, has resulted in a Proposed Rule from NMFS to delay implementation. A final decision on this will be made in August 2008. And we have worked tirelessly on a proposal to bring floating rope back in some areas as part of a trade off plan. The MLA's work on the whale issue has included policy, science and education and outreach. Here are some highlights:

Policy

- Secured pro bono representation from Hogan & Hartson LLP
- Submitted a formal request to delay implementation of the sinking rope rule and met with NMFS leadership to make our case in person
- Worked with Maine DMR to draft a policy alternative to allow Maine lobstermen to continue to fish float rope in state waters
- Submitted extensive comments on the Final Whale Rule including an economic analysis, risk analysis, and updated whale sightings maps
- Worked to rescind DAM zones along the Maine coast and demanded confirmation flights to validate whale sightings
- Testified at Senator Snowe's Congressional hearing on the impacts of the whale rule on Maine's lobster fishery
- Attended Take Reduction Team Meeting (TRT)
- Worked to help refine DMR's Low Profile Rope proposal
- Testified before Small Business Administration (SBA) Regulatory Fairness Board
- Participated in a Government Accountability Office probe into the Take Reduction Team process

Whale Rules, continued

Education and Outreach

- Held a series of industry meetings to get feedback on how to respond to the final whale rules
- Met with major newspapers in Maine to explain the industry's position on the whale rules
- Met with any and everyone including the Commissioner, Governor, Congressional delegation, Small Business Administration, conservation and science community to advocate for a better whale plan
- Informed the Maine lobster industry of the progress on the whale issue through MLA newsletter and newspaper articles

Science

- Supported an increase in trap tag fees (to be revisited by the industry annually) for use in conducting strategic research on the whale issue to position Maine to fight for better management measures
- Participated in the Consortium for Wildlife Bycatch Reduction to test new ropes and other whale friendly gear modifications
- Attended Right Whale Consortium Annual Meeting to learn latest updates on right whale science and research
- Worked with University of Buffalo to create a series of maps to better understand whale sightings and the interaction of lobster fishing and whale sightings

Bait

- MLA successfully moved a bill through state Legislature in 2005 to give Maine DMR authority to regulate alternative baits. In 2007, DMR implemented new rules to require all alternative baits to be labeled with an ingredients list, effective January 2008.
- MLA continued to support the ban on midwater trawl vessels fishing in Area 1A. The MLA supported a lawsuit brought against the midwater trawl fleet to prohibit them from fishing in groundfish closed areas and submitted comments on the Scoping Document for Amendment 4 to the Herring Plan.
- MLA worked through the Research Education and Development Board (RED), also known as the lobster license plate fund, to establish a research program aimed at creating a certification process for Maine's bait supply, particularly alternative and exotic baits.

Representation on Important State Issues

The MLA monitors a variety of issues to ensure that the interests of our members are represented.

- The MLA continued to participate in the **Working Waterfront** Coalition and supported passage of a second bond to fund the preservation of working waterfront properties. We also advocated that the state review and strengthen the Current Use Tax program to make it a more effective working waterfront protection tool.
- The MLA engaged the University of Maine Law School to work on policy options to benefit US **Gray Zone** lobstermen.

Representation on Important State Issues, cont

- The MLA successfully monitored the Board of Pesticides Control as they formalized **water quality protections** in rulemaking with regard to pesticide spraying for brown tail moth control.
- The MLA attended GoMOOS and Neracoos (ocean observing) meetings to advocate for continued funding to maintain the existing **ocean observing buoy array**.
- The MLA successfully advocated to have industry representatives on the **Governor's Marine Stewardship Council Committee** (MSC) to ensure that harvester interests and concerns are represented as the state considers possible green certification for the Maine lobster industry.
- The MLA worked with the Island Institute to establish a collaboration amongst several organizations who are concerned with how the **Maine lobster industry will remain profitable** as ex-vessel prices remain flat, expenses skyrocket and landings have fallen off.
- The MLA testified against **consolidation of Maine's natural resources agencies** at the Legislature and was named to the Natural Resource Agency Task Force, created by the Legislature, to look to improve services and identify efficiencies in the management of the state's natural resources.
- The MLA worked successfully through the lobster industry's lobster license plate fund to fund research aimed at establishing a **certification program for bait** and establish a business education program for lobstermen who want assistance in tightening up the management of their lobster businesses.
- The MLA supported the Area 1 LCMT in their efforts to limit the transfer of federal permits into Area 1 (still pending) and successfully opposed a proposal from the Massachusetts contingent of LCMT 1 to weaken **Area 1 vnotch definition**.
- The MLA participated in Maine **Dredge** Team meetings to monitor dredging activities in order to avoid proposals to dispose of dredged materials in critical lobstering areas and successfully avoided the dumping of dangerous dredge spoils at the Rockland Disposal Site.

Representation on Important Federal Issues

- The MLA supported an effort spearheaded by the Massachusetts Fishermen's Partnership to work for **national healthcare legislation** to establish affordable health insurance for fishermen.
- The MLA successfully worked with the Maine delegation to **fight against new regulations** from the Environmental Protection Agency (EPA) under the Clean Water Act which would have required all commercial vessels to obtain vessel discharge permits. The Maine delegation worked and put forward legislation to place a two-year moratorium on incidental discharges from ALL commercial fishing vessels and requires Coast Guard and EPA to conduct a 15 month study during the moratorium to determine whether any permitting should be required at the end of the two years.
- The MLA encouraged Maine's Congressional delegation to continue to **fund the state's lobster research programs** including sea sampling and port sampling, and supported additional funds to support rope exchange program as economic aid to the Maine lobster fishery to help cope with the whale rules.

For more information, contact the MLA at 207-967-4555