

Congress of the United States
Washington, DC 20515

August 18, 2021

The Honorable Gina Raimondo
Secretary
U.S. Department of Commerce
1401 Constitution Avenue NW
Washington, DC 20230

Dear Secretary Raimondo:

We are writing to express our strong opposition to the petition for rulemaking that was recently submitted by the Pew Charitable Trusts (Pew), for interim regulations to protect the North Atlantic right whale. Similar to the petition that was filed by Pew last year, this proposal would provide limited protections for right whales while causing significant economic harm to Maine's lobster industry.

Under this newly filed petition, the Department of Commerce would designate one year-round closure south of Martha's Vineyard and Nantucket, as well as seasonal offshore closures in the Gulf of Maine. Especially concerning are the five Gulf of Maine Right Whale Seasonal Closures in waters south and east of Maine - including large portions of Lobster Management Area 1 (LMA 1) - that would be closed to all vertical line trap/pot gear fishing, and the establishment of Ropeless Only Fishing Areas allowing fishing inside areas closed to vertical line trap/pot gear fishing with ropeless gear. Using the latest version of the National Marine Fisheries Service's own Decision Support Tool (DST), the Maine Department of Marine Resources (Maine DMR) found that Pew's proposal would result in low risk reduction relative to economic harm in LMA 1. In particular, the DST suggests that, of the three proposed closure areas in LMA 1, the Downeast closure would result in the lowest level of risk reduction (1.7%) but the highest cost, impacting an estimated \$22 million in lobster ex-vessel value that would need to be moved elsewhere.

The Pew petition also claims that the economic impacts of the area closures would be "minimal." This assertion is similarly unsupported by existing data. The closures outlined in Pew's proposal cover 27% of the harvesting area accessible to Maine fishermen and lobstermen in LMA 1. Further, the Downeast, Western Gulf of Maine, and LMA1 proposed closures would come at a likely cost of over \$28 million in ex-vessel value to lobstermen who fish in areas that would be impacted by the closures and whose catch would need to be moved elsewhere. Additionally, Pew's continued claims that ropeless gear will support an "economically viable" fishing industry completely disregard the fact that no such technology is currently commercially available, let alone proven to be safe, effective, or financially viable for lobstermen.

Lastly, we have concerns about Pew's recommendation of a Dynamic Closure System, akin to what is currently being done in Canadian waters. Given the lack of consistent and robust monitoring for right whales - particularly in Maine's portion of LMA 1 - by the National Marine Fisheries Service (NMFS), the proposal's call for at least two survey flights without a single right whale detection before an area can be re-opened does not seem feasible. Further, the implementation of a new Dynamic Closure System raises a number of logistical and financial questions for lobstermen who would be required to quickly respond to a closure and move their gear elsewhere.

The petition submitted by Pew undermines our shared goal of both protecting the North Atlantic right whale and ensuring the future viability of our nation's lobster fishery. Unfortunately, this proposal would

have a detrimental economic impact on Maine's lobster industry and the coastal communities they support, while providing limited risk reduction. It is unfortunate to see this attempted circumvention of NOAA's established regulatory process when lives, livelihoods, and the survival of an endangered species are on the line.

We urge you to reject this petition and thank you for your prompt attention to this important matter.

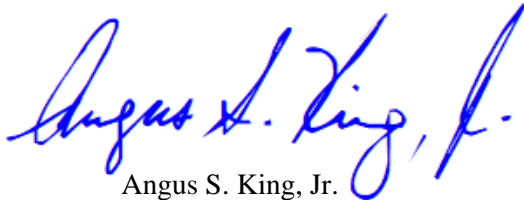
Sincerely,

A handwritten signature in blue ink, appearing to read "Jared Golden".

Jared Golden
Member of Congress

A handwritten signature in blue ink, appearing to read "Chellie Pingree".

Chellie Pingree
Member of Congress

A handwritten signature in blue ink, appearing to read "Angus S. King, Jr.".

Angus S. King, Jr.
United States Senator

A handwritten signature in blue ink, appearing to read "Susan M. Collins".

Susan M. Collins
United States Senator