

# Congress of the United States

Washington, DC 20515

July 10, 2019

The President  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

Dear Mr. President:

We write to urge your intervention in a matter of serious economic importance to the State of Maine. The livelihoods of thousands of hardworking lobstermen and women are currently under grave threat from new regulations under development by the National Oceanic and Atmospheric Administration (NOAA).

The voices of hard-working Americans — like lobstermen — are too often ignored by the governing process. Your administration has made a point of targeting regulations that you believe are ill-conceived or overly burdensome. By applying the same logic to Maine's lobster industry and intervening in the implementation of NOAA's regulations on Maine lobstermen, you can prevent unfair harm to an iconic Maine industry and save many good American jobs.

Maine's historic lobster industry is an economic engine for our state, directly producing almost \$500 million in revenue and an estimated \$1 billion in total economic impact each year. This industry supports 4,500 lobstermen and their families, as well as thousands of others employed by lobster dealers and seafood processors, vessel and trap manufacturers, restaurants and businesses, and rural communities along Maine's coast.

Under pressure of threatened lawsuits to protect the endangered North Atlantic right whale, and the development of an Endangered Species Act (ESA) Section 7 review of the American lobster fishery, NOAA is pushing forward with the development of new regulations that will force significant economic hardship on Maine lobstermen without clear evidence that these regulations will have a positive impact on whale conservation efforts.

This is not the first time that Maine lobstermen have been subjected to NOAA regulations regarding right whales. Past administrations have imposed similar measures that provided little positive effect on the struggling whale population, but required significant operational adaptations by lobstermen who have had to bear safety and economic costs. Maine lobstermen have already incorporated significant changes to their gear, including weak links, converting to sinking rope between traps, and removing thirty percent of their buoy lines from the Gulf of Maine.

Meanwhile, some Canadian fisheries continue to use heavier gear or floating lines that are more likely to cause a serious entanglement. In the past two years, fourteen of twenty-two confirmed right whale deaths were found in Canadian waters. So far in 2019, there have been six right whale deaths, all of which took place in Canada. Three of those deaths have been attributed to

ship strikes, not fishing gear entanglements. And three right whales have suffered non-fatal rope entanglements in Canadian waters this year compared to no such incidences in the Gulf of Maine.

In the regulatory process, Maine lobstermen have been largely forgotten. This dynamic was evident in April, when NOAA's Atlantic Large Whale Take Reduction Team (ALWTRT) announced plans to reduce the perceived risk of death to these whales from vertical trap lines by 60 percent, despite the fact that Maine lobster gear has not been conclusively tied to any of these tragic deaths.

As a result of strong pressure from NOAA and out of concern that their dissent would lead to more stringent rope or trap reductions, Maine lobstermen and industry representatives participating in the ALWTRT meeting agreed to these measures. Their concern was warranted given that NOAA's Deputy Assistant Administrator for Fisheries warned ALWTRT members that if they did not put forward ideas, NOAA would formulate a plan for them without industry input. The Maine Department of Resources (DMR) staff participating also agreed to these measures while reserving the right to object to the final rule as implemented by NOAA. Furthermore, conservation groups on the ALWTRT were openly advocating for a 100 percent line reduction to so-called "rope-less fishing," which given the lack of existing effective technology, would likely result in shutting down the lobster fishery altogether.

Numerous stakeholders in the ALWTRT process, including the Maine DMR and the New Hampshire Department of Fish and Game, have raised concerns that the risk reduction tool used by NOAA in this process is flawed because it assigns higher risk to regions with more fishing gear rather than to regions with more whales present in the water.

NOAA officials have also admitted that the tool has not been through a scientific peer review, a cornerstone of fishery management decisions. NOAA has also stopped flying aerial surveys in the Gulf of Maine, leaving it with limited information about whales in the Gulf of Maine to use as inputs for the risk reduction tool. NOAA has shifted its limited aerial resources to Canada which may potentially indicate it believes Canadian waters to be an area of greater risk, a belief that is shared by Maine lobstermen who clearly state that right whales have been spotted in their fishing areas only a handful of times in the past decade.


In summary, under pressure from the ongoing lawsuit filed against the agency and the development of an ESA Section 7 review for the American lobster fishery, NOAA is moving forward with mandated vertical trap line reductions that may look good on paper, but are unlikely to prevent right whale deaths. There is no worse government regulation than one that will both fail to produce the desired outcome and impose severe economic hardships upon working men and women and the communities they support.

We want you to know that a failure of the lobster fishery would devastate entire Maine communities. All of us know too well what happens to Maine towns when an anchor industry fails; they nearly disintegrate, and it can take decades to recover. This must be avoided.

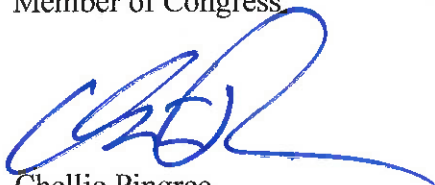
For centuries, Maine lobstermen have been responsible stewards of our marine resources. Indeed, their livelihoods depend on it. That is why successful efforts by NOAA to save the right whales must focus on developing effective regulations that will actually reduce the risk to right whales while limiting negative impacts on fishermen.

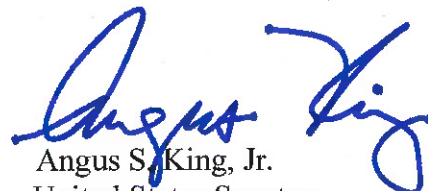
We, along with the lobster industry in Maine, stand ready to work with your administration to achieve that outcome. We would be pleased to meet with you or your staff personally as well as to facilitate a meeting with Maine lobstermen to discuss this situation. We know from experience that they would greatly appreciate having an opportunity to have their voices heard.

Respectfully,

  
Jared Golden  
Member of Congress

  
Susan M. Collins  
United States Senator

  
Chellie Pingree  
Member of Congress

  
Angus S. King, Jr.  
United States Senator

CC: The Honorable Wilbur Ross, Secretary, U.S. Department of Commerce  
Dr. Neil Jacobs, Acting Administrator, National Oceanic and Atmospheric Administration  
The Honorable Janet Mills, Governor of Maine  
Patrick Keliher, Commissioner, Maine Department of Marine Resources

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