

MASSACHUSETTS LOBSTERMEN'S ASSOCIATION



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Commercial Fishing Industry Association in New England



DMF Director Appointed



Right Whale Litigation

PG 22-23



Cares Act Update

Massachusetts Lobstermen's **Association**

Fighting to Save the **Commercial Lobster** Industry

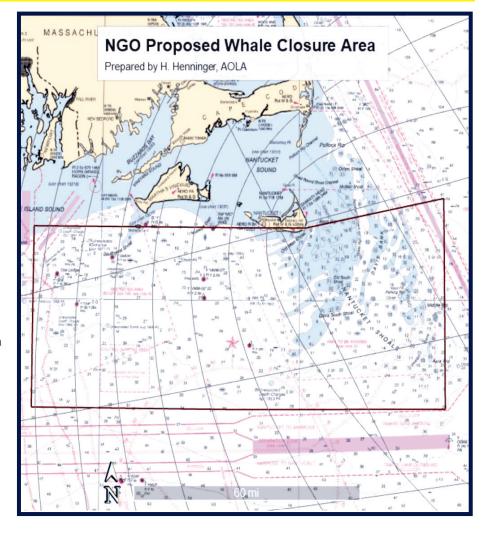
Currently, the Commonwealths commercial lobster industry is in the crosshairs of two lawsuits and is working tirelessly to stave off the unrealistic and draconian measures being proposed by Environmental Non-government Organizations (eNGO) and Federal Judges. The thousands of individual business owners here in the Commonwealth are at risk of being shutdown by these recent rulings.

When you, the commercial lobstermen, are doing everything that is being asked and more; is disheartening and wrong. Here in the Commonwealth the commercial lobstermen have been fishing under the most restrictive conservation whale rules for over 30 years now and are working on ways to reduce vertical line breaking strength and interactions with right

Washington D.C Lawsuit

The Massachusetts Lobstermen's Association (MLA) is an intervenor in the Center for Biological Diversity, et al., v. Wilbur Ross, in his official capacity as Secretary of Commerce, et al., where the

Continued on page 2



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COVER STORY

ruling on April 9th in the U.S District Court for D.C. stated that National Marine Fisheries Service (NMFS) violated the federal Endangered Species Act (ESA) as the 2014 Biological Opinion (BiOp) for the lobster fishery was illegal under the ESA because it failed to include an Incidental Take Statement (IT).

Furthermore, on May 15th the Plaintiffs submitted their remedy request which asks the judge to institute a lobster/crab vertical line closure south of Nantucket and Martha's Vineyard which would be in place until a new BiOp with IT is issued and necessary mitigation efforts are in effect on the water.

The chart of the proposed closed area has been created by the Atlantic Offshore Lobstermen's Association (AOLA) which is as big as Connecticut. Really?!! Come on, once the offshore wind development gets in full swing any large marine mammal will vacate the area faster that you can imagine.

This proposed area includes the closure proposed by MA Division of Marine Fisheries (MADMF) to the east, the MA/RI wind lease area, as well as extends west to Cox Ledge, incorporating state and federal fishing grounds in Lobster Areas 2, 3, and the 2/3 overlap. This proposed area is of significant concern,

as copious MA fishermen work in the proposed area for lobster, crabs, monkfish, and skates to name a few. While the proposed area only affects lobster and crab fixed gear we foresee that there will be an effort to extend any closure to all fixed gear fisheries with vertical lines.

The MLA and AOLA are working together with the MLA counsel to collect data for the MLAs filing as well as to evaluate the impact of any such closure and we ask that you provide input on the names of vessels that fish the proposed closure area from your ports. This information will be combined and provided to our attorneys to describe potential impact on SNE commercial fishermen.

The federal defendants have until June 15th to file their response to the plaintiffs' proposals. The MA MLA and the ME MLA have until June 18 to file our responses. The MA/ME MLA counsels have been working together to gather the necessary information and expert witnesses who will be writing affidavits which will be submitted in our filings. AOLA is working with us on the necessary data for the offshore fleet to ensure nobody is left behind.

Boston, MA Lawsuit

The Memorandum & Order Granting in Part and Denying in Part Preliminary Injunctive Relief in Civil Action No. 19-cv-10639-IT (Order) issued by United States District Judge, Indira Talwani on April

Continued on page 15



Published by the Mass. Lobstermen's Assoc., Inc. 8 Otis Place Scituate, MA 02066

Published monthly

Mailed to all paid members of the Massachusetts Lobstermen's Association

Newsletter Departments

Editor, Industry News, Notice Section, Editorial, Blog, Industry News, Promotions, Layout, Advertising: Beth Casoni — Executive Director

Buy Sell Swap: Tracey Abboud

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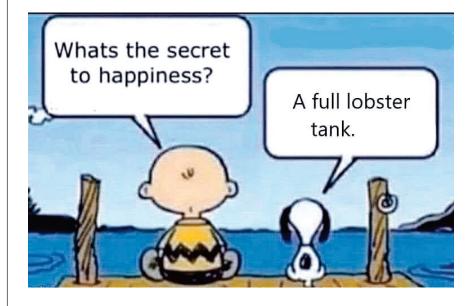
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Daniel McKiernan named Director of the Division of Marine Fisheries

Department of Fish and Game Commissioner Ron Amidon has appointed Daniel J. McKiernan as the next Director of the Division of Marine Fisheries.

FOR IMMEDIATE RELEASE: 5/21/2020

BOSTON — Department of Fish and Game Commissioner Ron Amidon has appointed Daniel J. McKiernan as the next Director of the Division of Marine Fisheries. Earlier today, Commissioner Amidon's appointment of McKiernan was approved by the Massachusetts Marine Fisheries Advisory Commission, the Governor-appointed citizens board that advises the Director and oversees DMF's regulations governing fishing. McKiernan had served as the Division's Acting Director since November 2019 and succeeds former Director, Dr. David E. Pierce, who retired last fall.

"Dan McKiernan has the experience, dedication, and knowledge to lead the Division of Marine Fisheries," said Department of Fish and Game Commissioner Ron Amidon. "I am pleased he will continue to serve a leadership role in executing the Baker-Polito Administration's commitment to supporting our seafood industry and recreational fishing sector while maintaining the sustainability of Massachusetts' incredible marine resources."

McKiernan is a graduate of UMASS-Dartmouth and earned a Master of Science degree in fisheries biology from Auburn University. He began his professional career as a field biologist for DMF in 1985, engaging in

numerous recreational and commercial fisheries issues. He brought his field experience to DMF's headquarters and has worked on fisheries management and policy for over three decades. Since 2003 he has served as the agency's Deputy Director, gaining valuable managerial experience. McKiernan is practiced in the arenas of federal and interstate fisheries management. As a long-standing representative to the Atlantic States Marine Fisheries Commission, he has chaired numerous species management boards (including lobster at present) and was recognized for his management efforts with an award of excellence in 2018. He is also the Chair of the ongoing Massachusetts Shellfish Initiative, a multi-agency and stakeholder

effort to develop a strategic plan for Massachusetts shellfish fisheries.

McKiernan has worked tirelessly as a proponent for the co-existence of recreational and commercial fisheries as well as the protection of endangered and threatened species. His advocacy for the seafood industry is well recognized by the public and he will continue to support the fishing community through these challenging times. https://www.mass.

gov/news/daniel-mckiernan-named-director-of-the-division-of-marine-fisheries?utm_medium=email&utm_source=govdelivery



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As the HAULER TURNS

he warm weather is upon us and the docks are alive with lobstermen getting their gear out in the water for the 2020 fishing season which, leaves a lot of them scratching their heads wondering what will the 2020 fishing season bring? As the world is still in the midst of the COVID-19 pandemic, pandemic relief funds, two right whale lawsuits are moving forward, restaurants are still closed, and seafood dealers/markets are operating on a reduced scope leaves many lobstermen hesitant to set gear.

While the world is working through each countries phases of the pandemic and the Untied States and Massachusetts work on reopening the economy I truly hope and pray you and your family members are healthy and staying safe through these crazy times. I have talked too many of you throughout the last several months and am saddened to hear that some of your family members have fallen ill to COVID-19 and in some cases have passed away. May God Bless you and your family through these challenging times as you and your family heal. My heartfelt thoughts and prayers are with you all.

Furthermore, the MLA over the last few months has also been working with many of you to get you signed up for pandemic unemployment and or to help you fill out the Small Business Administration loan application. I am happy to hear that these programs are working, with several phone calls and emails, to help offset some of the economic losses that have been realized through these most unprecedented times.

Also the MLA is currently working with the State to help develop how best to distribute the \$28 million disaster relief funds that have been allocated to the Massachusetts seafood industry. There is a lot of work being done on what is an acceptable timeline for distributing the funds and what is the "window" of impact the commercial fishing industry will be held too. The MLA is asking the State for the "window" to be the 2020 season so the impact of the pandemic can be fully seen. If the "window" is to narrow then the lobster industry would be left out in the wind! We will keep you posted for sure!

While the world is still in pandemic shutdown mode, the two right whale lawsuits in federal court continue moving forward and there is no slowing them down. I question how can they hold proceedings that are "supposed" to be open to the public via Zoom or Skype, where can we get the login information so we can hear what is being discussed?? There seems to be a loophole in the process that needs to be closed.

The MLA is working on the Washington D.C. lawsuit with legal counsel as well as the Atlantic Offshore Lobstermen's and Maine Lobstermen's Associations to ensure ALL points are made in our filings and the Boston lawsuit we are working with our legal counsel on as well. The cover story in this newspaper spells out these lawsuits as well as a letter the MLA sent to Governor Baker last month.

Many of you have been calling and talking with me directly to stay informed and I really appreciate your willingness and offer to help in ANYWAY you can, NOW is the time more than ever WE need YOUR HELP!

Call or email Governor Baker at (617) 725-4005 https://www.mass.gov/forms/email-the-governors-office , Attorney General Healy (617) 727-2200 ago@state.ma.us , State and Federal Legislators and let them know how concerned you are for the future of your industry and families ability to survive.

The objective here is to log as many phone calls with all of the above even if you just read them the letter that the MLA sent Governor Baker, get your comments and concerns on the record today and everyday! If you need help finding what number to call – please call the MLA office 781-545-6984 xt.2 and we will be happy to look up your legislators. When the groundfishing industry was amidst their disaster they called everyday to their legislators.....do not wait for the disaster to happen PLEASE call today!

I know many of you are on top of all of this litigation and know how costly it is and I'd like to say "Thank you" for you continued financial support for the MLA Legal Defense Fund and what the MLA is doing to fight these lawsuits. The MLA is



currently fundraising for the Legal Defense Fund to ensure we have the continued funds to fight these lawsuits as the legal bills are certainly wracking upwards of \$45,000 to date and climbing. You can make a donation today by mailing a check to the MLA LDF 8 Otis Place, Scituate, MA 02066.

Lastly, we are hearing from many of you that you may not go fishing this year due to the pandemic and the uncertainty of the markets. We have also been hearing that markets are getting moving while some dealers are only taking hardshells, no culls or bullets too leaving some lobstermen displeased and rightfully so. Fish smarter not harder and talk to you dealers beforehand, ask them how many crates they can take before you bring in 5-8 crates of lobsters, can you hang some crates in the harbor, can you sell some lobsters off your boat? Remember, you don't want to give them away and the dealers never seem to return lobsters they can't sell.

Right now with the restaurants set to re-open in Massachusetts as the 2nd phase of re-opening is underway gives a little glimmer of hope that local demand for seafood will start to increase and ex-vessel prices will increase accordingly. Restaurant with outside seating will be booming with the warm weather and everyone being cooped up for several months now, let's get a twin boiled lobster dinner on their plates.

The last several months have also been enlightening for me, I have had the pleasure to talk with hundreds of you throughout this pandemic and through it all you continue to show me how willing, kind, and helpful lobstermen are and not just amidst a pandemic but everyday. You all are some of the smartest, resilient and most resourceful people I have ever had the pleasure in working with and I am honored to be working for you all each and everyday.

Be well and continue to stay safe, Beth Casoni, MLA Director



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TO THE

MASSACHUSETTS LOBSTERMEN'S ASSOCIATION

LEGAL DEFENSE FUND

The Massachusetts Lobstermen's Association (MLA) Legal Defense Fund (LDF) needs your support now more than ever. This dedicated fund is for the purpose of defending the Massachusetts commercial lobster fishermen from legal and fisheries management actions that could seriously impact our commercial lobstermen's ability to conduct their businesses and earn a living.

Currently, the Massachusetts Lobstermen's Association is actively engaged in two separate law suits that could have negative impacts on the commercial lobster industry and is working with multiple lawyers in Washington D.C. and here in the Commonwealth to fight for you and your industry;

- 1. (Washington D.C.) Case 1:18-cv-00112-JEB CENTER FOR BIOLOGICAL DIVERSITY et al v. ROSS et al, where National Marine Fisheries was found in violation of the Endangered Species Act (ESA) "failure to include an ITS in its 2014 BiOp after finding that the American lobster fishery had the potential to harm the North Atlantic right whale at more than three times the sustainable rate is about as straightforward a violation of the ESA as they come. The Court therefore declares the 2014 BiOp to be invalid under the Endangered Species Act and will order briefing from the parties on the issue of an injunctive remedy." Case 1:18-cv-00112-JEB Document 91 Filed 04/09/20 The MLA is the only Massachusetts organization that is an intervenor in this case and has been granted participation in this case.
- 2. (Commonwealth) Civil Action No. 19-cv-10639-IT RICHARD MAX STRAHAN, Plaintiff v. SECRETARY, MASSACHUSETTS EXECUTIVE OFFICE OF ENERGY ENVIRONMENTAL AFFAIRS, et al., where the judge ruled that the "Defendants are hereby ordered to promptly seek an Incidental Take Permit pursuant to Section 10 of the Endangered Species Act." Case 1:19-cv-10639-IT Document 206 Filed 04/30/20

Furthermore, the commercial lobstermen are not being sued, the government is, and yet the commercial lobstermen's businesses are at stake as well as the thousands of jobs and shore side businesses that depend upon the continued success of the commercial lobster industry. The commercial lobstermen in Massachusetts are NOT to the problem and have done everything asked of them by National Marine Fisheries Service and have been working under the strictest conservation rules for the right whales anywhere in the world since 2014. Yet here we are, still fighting these law suits to keep the Massachusetts commercial lobstermen fishing.

The Massachusetts Lobstermen's Association has been actively involved in these lawsuits since 2018 and the timeline is getting tight for filing our arguments against these claims, we need your generous support today to continue our fight to keep the commercial lobstermen fishing. As we all know, any legal action costs lots of money and the Massachusetts Lobstermen's Association Legal Defense Fund needs your generous support today to continue our fight. These are real threats to the historic and iconic commercial lobster industry and we are doing everything to keep the Massachusetts commercial lobstermen fishing.

Where to make Donations:

Any contribution you can afford to make to the Legal Defense Fund is greatly appreciated.

Donate by mail: MLA LDF, 8 Otis Place Scituate, MA 02066 or

Donate online: www.lobstermen.com – In the Members section Dues/Donate.

Thank you for your continued support!

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June 2, 2020

Atlantic States Marine Fisheries Commission

NEWS RELEASE

Sustainable and Cooperative Management of Atlantic Coastal Fisheries

FOR IMMEDIATE RELEASE

ASMFC Releases Aquaculture: Effects on Fish Habitat along the Atlantic Coast

703.842.0740

PRESS CONTACT: Tina Berger

Arlington, VA – The Atlantic States Marine Fisheries Commission announces the release of the 16th publication in its Habitat Management Series, entitled *Aquaculture: Effects on Fish Habitat along the Atlantic Coast*. The document provides a broad description of current and common marine aquaculture (mariculture) practices, siting considerations, and some potential effects on fish habitats. It's intended to serve as an introduction to the topic and facilitate a discussion of the intersection of aquaculture planning and fishery habitat conservation.



Floating oyster bags and suspended systems are popular oyster culture techniques in Florida. Photo credit: Florida Department of Agriculture and Consumer Services.

Mariculture is an important source of sustainable seafood production and a growing industry that creates jobs, supports communities, and promotes international trade. The U.S. aquaculture and mariculture industry was valued at \$1.4 billion and produced 627 million pounds of meat and 1.2 million jobs in 2015. As the human population continues to grow, there will be an ever-increasing demand for seafood. Aquaculture and mariculture can help meet that demand.

The Atlantic States Marine Fisheries Commission was formed by the 15 Atlantic coastal states in 1942 for the promotion and protection of coastal fishery resources. The Commission serves as a deliberative body of the Atlantic coastal states, coordinating the conservation and management of nearshore fishery resources, including marine, shell and diadromous species.

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From a fish habitat perspective, it is important to carefully consider spatial planning before establishing an aquaculture operation. Habitats such as submerged aquatic vegetation, coral reefs, or mangroves should be avoided as they are sensitive to nutrient fluxes, sedimentation, and disturbance, as well as being important habitats for a variety of organisms, including many Commission-managed species. Additionally, it's important to consider if a particular location will have spatial conflicts with other individuals that use the area, namely fishermen, boaters, or landowners. Since there are many misconceptions about the impacts of aquaculture, it is important to raise awareness about both the potential benefits and adverse impacts to the public or any stakeholders that may be involved.

Aquaculture: Effects on Fish Habitat along the Atlantic Coast is available at http://www.asmfc.org/files/Habitat/HMS16 Aquaculture May2020.pdf. For more information on aquaculture, visit the Commission website at http://www.asmfc.org/habitat/hot-topics or contact Dr. Lisa Havel, Habitat Committee Coordinator, at lhavel@asmfc.org.

Stellwagen Advisory Council

Management Plan, Whales, Cables & Windmills

The Stellwagen Bank Advisory Council met on May 20, via webinar and the majority of the meeting focused on the Management Plan. This included reviews of the Scoping meetings held, the public comments and the schedules for completing the Plan.

It also included work plans and setting priorities as to what should receive high, medium or low attention. When a draft document is actually developed, there will be public hearings. This will probably be a year long event as any plan must go through a number of reviews and hearings before any final approval will emerge. Typical federal procedures.

Some of the topics in the scoping sessions included such things as:

- · Water quality
- Human activities
- · Living resources
- · Climate change
- Biodiversity
- · Key species status

- Habitats
- Maritime Heritage resources
- Ecosystem
- Vessel traffic
- Fisheries Management
- Support for Sanctuary Activities

Where do they rate as to important or not??? This proved to be a long discussion.

Next, was the Sanctuary's "Mission" and the "Vision" statement. No one opposed the wording as stated, not even the commercial fishing reps on the Council. There was nothing in the wording that would harm any commercial fishing operations. This is why commercial fishing reps are on the Council.

The so-called "Round Robin" agenda item was for Council members to make

mention of what they were involved in. Besides the commercial fishing reps noting on their issues, members indicated issues on Menhaden plans, whale restrictions, safe boating and Covid-19 items.

The Council then moved on to the "Government" reports. The MA Coastal Zone Management (CZM) report proved to be the longest. Todd Callaghan, CZM reported that it is expected that a company named Alcatel will be submitting its Environmental Impact report to CZM. Alcatel is a telecommunications company that proposes to lay a cable from Europe to Lynn which will skirt the Northwestern edge of the Sanctuary. CZM recently met with another cable company called Anbaric which is proposing a "cable" (?) running from the Plymouth Nuclear power station to Boston.

This proposed cable would be west of the Sanctuary, between land and Stellwagen?! Todd said that CZM continues to work with BOEM and the coastal programs in the states of New Hampshire and Maine on potential sightings of an offshore wind lease somewhere in the Gulf of Maine. CZM has been providing geographical data on existing human uses (vessel traffic) as well as observations of whales. How about fishing areas and fishing traffic!!!?

USCG and NOAA reports noted that they were involved in enforcement of the Whale rules, closed areas, safe boating seminars and the tuna season enforcement. There was no one present from the MA Environmental police.

The New England Fishery's Management and the NOAA (NMFS) reports involved the Scallop Plan, research activities, the Whale Plan, public hearings coming, fisheries monitoring, closed areas for scallops on the Sanctuary and an ALWTRT (whales) proposal to close from Rockport to Plymouth?? Take note of this!!?

Bill Adler - Commercial Fixed Gear Council Member













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React to \$28 Million in Fisheries Disaster Aid for Massachusetts

NOAA releases plan for distributing \$300 million from CARES Act relief package

Massachusetts – Today, the National Oceanic and Atmospheric Administration (NOAA) announced its plan for distributing \$300 million of fisheries disaster funds appropriated in the Coronavirus Aid, Relief, and Economic Security (CARES) Act. NOAA announced that each fishing state, territory, and tribe would receive a maximum allocation of \$50 million and a minimum allocation of \$1 million. Massachusetts received \$28 million, the third-highest award. In 2018, \$647.2 million of seafood was landed in Massachusetts, the second-highest amount of seafood landed in any state. For 19 consecutive years, New Bedford has been the highest grossing port in the country. Massachusetts is second to only California with more than 87,000 jobs in the commercial fishing and processing industry and 10,000 jobs in the recreational fishing industry

"The \$28 million in aid for Massachusetts should only be the beginning. With Massachusetts's position as home to the highest grossing port in the country, additional aid will be needed to address and match the critical role the Commonwealth plays in our fishing economy," said Senator Markey. "While the amount allocated for Massachusetts is lower than anticipated and requires explanation, it will help out struggling fishermen who are suffering during the pandemic. I will continue to fight for more support for this historic and robust industry in upcoming coronavirus relief packages."

"Massachusetts fishermen were struggling long before the pandemic hit, and this much-needed relief is an important first step toward keeping our fishermen and their families afloat as they confront this crisis and grapple with the economic slowdown it has brought to the fishing community," said Senator Warren. "This allocation will be helpful to our fishermen during this difficult time, and I'll keep fighting alongside my delegation partners to support the fishing and seafood industry."

"Like all small businesses, the men and women of the Commonwealth's fishing industry have been hit hard by the COVID-19 pandemic," said Rep. Keating. "This disaster assistance will begin to assist the industry as they recover from the effects of the pandemic, and I will continue to fight in the House as we look to further aid the fishing industry and the thousands of Massachusetts families it supports in the coming months."

"Fishermen are hurting. Things were already tough because of the trade war and they got a lot tougher when restaurants closed because of the pandemic," said Rep. Moulton. "Government's strength is measured by the ability to serve the people it represents. I hope this brings some peace of mind to the state's fishermen."

The Massachusetts lawmakers, led by Senator Markey, have championed the swift, equitable, and transparent allocation of financial aid to fishery participants and secured a \$20 million USDA procurement of Atlantic seafood. On April 29, Senators Markey and Warren led a letter demanding immediate release of federal guidance on how fishery participants can access this \$300 million in CARES Act funds, and identifying bureaucratic inefficiencies that were behind the failure to issue this guidance in a

timely manner. On April 2, Senators Markey and Warren led a letter urging the Department of Commerce and NOAA to act swiftly, equitably, and transparently in allocating fisheries disaster assistance funding. On March 23, Senators Markey and Warren, and Alaska Senators Lisa Murkowski and Dan Sullivan called on Senate leadership to include support for the fishing industry in coronavirus economic relief packages. Also on March 23, Rep. McGovern led Chairman Richard Neal (MA-01), James P. McGovern (MA-02), and Stephen F. Lynch (MA-08) in calling on House leadership to include fishing disaster assistance in relief packages.

https://www.markey.senate.gov/news/press-releases/senators-markey-and-warren-and-reps-moulton-and-keating-react-to-28-million-in-fisheries-disaster-aid-for-massachusetts



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Bristol Marine Bristol, RI (401) 253-2200

Cape Ann Marine Gloucester, MA (978) 283-2116

Casco Bay Diesel Portland, ME (207) 878-9377

Great Island Boat Yard Harpswell, ME 207-729-1639

Great Bay Marine Newington, NH 603-436-5299

Gorham's Diesel Repair, Inc. Braintree, MA (781) 843-0816

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James Rich Boat Yard Southwest Harbor, ME (207) 244-3208

Journey's End Marina Rockland, ME (207) 594-4444

Kennedy Marine Engineering & Fabrication Steuben, ME (207) 546-7139

Kingman Yacht Center Cataumet, MA (508) 563-7136

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Merri-Mar Yacht Basin Newburyport, MA (978) 465-3022

Niemiec Marine New Bedford, MA (508) 997-7390

Point Judith Marina Wakefield, RI (401) 789-7189

Port Niantic Inc Niantic (East Lyme), CT (860) 739-2155

Rhode Island Engine Co., Inc. Narragansett, RI (401) 789-1021

Russ Marine Service Peabody, MA (978) 532-3373

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Form DMF-DLR1 Dealer Permit Instructions

Massachusetts Seafood Dealer Permit Application Instructions

In accordance with M.G.L., c.130, s 80, all persons engaged in the wholesale or retail trade of raw fish, shellfish and lobsters, including marine bait, whether frozen or unfrozen, must obtain a Dealer Permit from the Division of Marine Fisheries.

Application Instructions: Please complete each step in the correct order

- Request an application packet from the Division of Marine Fisheries or download from www.mass.gov/marinefisheries.
- 2. Prior to submitting the dealer application to DMF: Complete the "Inspection Request for Wholesale/Retail Seafood Operations" (if applicable to the permit type you are applying for) and submit the request by either mail or fax to the Food Protection Program, 305 South Street, Jamaica Plain, MA 02130. Fax (617) 983-6770. Their telephone # is (617) 983-6712. Once the inspection is performed and you have a copy of the inspection report, include a copy of the report in your application packet.
- 3. Complete the dealer permit application (Form DMF-DLR1).
 - A) Type of Permit: Refer to permit type descriptions and check the appropriate box on the application.
 - B) Dealer Permit #: If permit is new, Division of Marine Fisheries will issue a number: If permit is a renewal, write in previous permit number.
 - C) Check products you seek to sell and activities that you want to be covered by this permit. (Not all products/activities will be approved)
 - * Live or frozen bait cannot be stored with other products unless the inspection states "Approved for food and bait storage".
 - * You may only be endorsed for the products/activities that you were inspected for.
 - **NOTE:** Wet storage is the process of storing shellfish (not lobsters) in seawater. All off-shore wet storage facilities must be approved by the Division of Marine Fisheries and all on-shore facilities must be approved by the Food Protection Program [(617) 983-6712], prior to receiving authorization.
- 4. Complete the Primary Buyer & Quota Managed Species Application Form.
- Submit original permit application, the fee, the Primary Buyer & Quota Managed Species application form, and the inspection report to the Division of Marine Fisheries.

We will not issue a Dealer's Permit without the following:

- Completed dealer application (both pages)
- Completed Primary Buyer & Quota Managed Species application form
- Copy of health inspection report or boat/broker waiver form (if applicable)
- Check or money order made payable to Commonwealth of Massachusetts

<u>A new inspection is required if there is a change of ownership, address, permit type, or the addition of products or activities.</u>

Fee Schedule

Permit Type	MA Resident	Non-Resident
Bait Dealer	\$65	□ \$130
Retail Boat	\$65	\$130
Retail Store	\$65	\$130
Retail Truck	\$65	\$130
Wholesale Broker	\$130	□ \$260
Wholesale Dealer	\$130	□ \$260
Wholesale Truck	\$130	□ \$260

Dealer Permit Descriptions and Additional Requirements

Form DMF-DLR1 Dealer Permit Permit Descriptions

Bait Dealer Permit:

- Allows the holder to take (in conjunction with a commercial fisherman permit) and sell marine bait.
- · No inspection is required.
- Consult local regulations (i.e. on worms, eels, etc.).

Retail Boat Seafood Dealer Permit:

- Allows the holder to sell "whole" fish, lobsters and crabs lawfully harvested under the authority of their commercial fisherman's permit from his/her boat (does not include shellfish).
- Allows the holder of any commercial lobster permit to transport live lobsters or live crabs, caught aboard
 the holder's permitted vessel, for sale to the public including to persons and businesses that are not
 retail or wholesale dealers of raw or processed fish or shellfish.
- A commercial fisherman's permit is required in addition to this permit.
- A boat waiver (*see application page 2) must be filed in lieu of a health inspection.

Retail Seafood Dealer Permit:

- Allows the holder to sell raw fish, whether frozen or unfrozen, shellfish and lobsters at one retail location
- The holder must purchase shellfish only from a holder of a wholesale dealer or wholesale truck permit, or from a certified out-of state wholesale dealer. Shellfish CANNOT be purchased directly from a harvester
- Does not allow the holder to shuck, re-label or repack shellfish.
- An approved inspection from the Massachusetts Food Protection Program is required.
- A copy of the inspection report must be submitted with the application to the Division of Marine
 Fisheries
- The name and address must be the same on the inspection report and permit.
- This permit may be endorsed for bait (excluding shellfish). The inspection must specifically state "Approved for retail and bait permit".

Retail Seafood Truck Dealer Permit:

- Allows the holder to sell fish or lobsters at retail from a mobile unit (does not include shellfish).
- Does not allow the holder to process, fillet, shuck, cook, etc.
- An inspection is required from a town or county Board of Health.
- A copy of the inspection must be submitted with the application.
- The name and address must be the same on the inspection report and permit.
- A Hawkers and Peddlers permit may also be required. Contact the Division of Standards at (617) 727-3480 for further information.

Wholesale Seafood Broker Permit:

- Allows the holder to act as an agent who negotiates contracts of purchase and sale of seafood.
- The brokerage activities will not involve the actual handling, processing or reshipping of finfish, shellfish
 or other marine resources
- A "broker only" waiver (*see application page 2) must be filed in lieu of a health inspection.

Wholesale Seafood Dealer Permit:

- Allows the holder to acquire, handle, store, distribute, process, fillet, ship or sell raw fish and/or shellfish, whether frozen or unfrozen, in bulk or for resale.
- Also allows retail sales from the same single, fixed location.
- An approved inspection from the Massachusetts Food Protection Program is required.
- A copy of the inspection report must be submitted with the application to Division of Marine Fisheries.
- The name and address must be the same on the inspection report and permit.
- This permit may be endorsed for bait (excluding shellfish), the inspection must specifically state, "Approved for retail and bait permit".
- · Requires a HACCP plan.

Wholesale Seafood Truck Dealer Permit:

- Allows the holder to acquire, handle, distribute, ship or sell raw fish, whether frozen or unfrozen, in bulk
 or for resale from a truck only.
- Does not allow the holder to process, re-label, repack, or store seafood, whether frozen or unfrozen.
- Does not allow the holder to purchase shellfish directly from harvesters or shuck, re-label or repack shellfish.
- An approved inspection from the Massachusetts Food Protection Program is required.
- A copy of the inspection report must be submitted with the application to the Division of Marine Fisheries.

30, 2020 ordering the Massachusetts Executive Office of Energy and Environmental Affairs (MEOEEA) to "promptly seek an Incidental Take Permit pursuant to Section 10 of the Endangered Species Act."

Furthermore, the Order has given a death sentence to the commercial lobster industry and fixed gear fisheries, not just in the Commonwealth, but the entire United States of America by putting an unrealistic timeline to acquire the Incidental Take Permit (ITP) mandating that the "Plaintiff may renew his motion for an injunction......if Defendants have not obtained an Incidental Take Permit within ninety (90) days of this Order." (Case 1:19-cv-10639-IT) With all due respect to the courts process and thoroughness in citing and referencing scores of cases and documents in the Order, we are extremely alarmed that the court did not research the ITP process and ruled that 90 days was sufficient to acquire the mandatory ITP.

The MLA has been in regular communication with and writing scores of letters to elected officials from Governor Baker, Massachusetts Attorney General Maura Healy (AGO), State and Federal Senators and Representatives, NMFS, and the MA DMF asking for an appeal for an extension to be filed based on the unrealistic expectation that 90 (ITP due on 7/30/20) days is sufficient to acquire the ITP. The MADMF has been assertively asking the AG for weeks now when they can apply for the ITP and, with a lot of hand holding from the AGO they have just recently been given the green light to apply, 3 weeks into the 90 days. UNREAL & UNACCEPTABLE! Seems like a bit of stonewalling from our AGO.

The MLA, President and MLA organization were—so named in this suit in which a motion to dismiss has been filed by the MLA counsel. Neither the MLA nor MLA President is a governing body that can implement fisheries management. The motion to dismiss the MLA is under appeal by the plaintiff and pending.

The MLA recently sent a letter to Governor Baker asking him for help with this lawsuit as it is bigger than ANY organization or state agency. The MLAs letter to the Governor is included in this newspaper (pg 22-23) please give it a read and call; the Governor, the Attorney General, State and Federal legislators to ask them to help the commercial lobstermen of the Commonwealth, read them the letter, tell them your story and that you are concerned for your families future. We need everyone's help with these lawsuits. Remember, the squeaky wheel gets the oil, and we need barrels of oil now more than ever!

The collective legal effort being put forth by the MA MLA, ME MLA, and AOLA is to help reduce the financial burden on the independently funded fishing organizations. We can all agree that legal representation does not come cheap and we ALL are in this TOGETHER, to date the MA MLA legal bills are upwards of \$45,000 for both lawsuits and they are still ongoing. Simultaneously, all three of the organizations are running a Legal Defense Fund fundraiser and a donation of any denomination is welcomed. If you are able to help please mail a check to the: MLA LDF, 8 Otis Place, Scituate, MA, 02066

In Memorial



Edward G. Williams, Jr.

NEW BEDFORD — It is with heavy heart that we must inform you that Edward G. "Ted" Williams, Jr., age 67, of New Bedford passed away on Saturday, May 23, 2020 at St. Luke's Hospital. Born in Jacksonville, FL, he was the beloved son of the late Edward G. Williams, Sr. and Marion G. (Avila) Williams.

Ted had worked as a Marine Safety Trainer for Hercules Marine Equipment and Supply Company for many years. He loved the ocean, his family and his friends and will be missed dearly by all who knew and loved him.

He is survived by his daughter, Anne

M. Williams; his sister, Marion W. Calbough-Insabella; his companion, Sue Moniz; his goddaughter, Elizabeth Vargas; grand''doggie'', Fox Williams; his in-laws, Manuel Vargas and his wife Marybeth, Mario Vargas, Francisco Vargas and his wife Carrie and Alda Vargas and former husband Wesley Roderiques; his former wife, Lucia Vargas Williams; his nieces and nephews, Lauren Vargas, Samantha Vargas, Maryjean Foote, Francisco Vargas, Matthew Vargas, Katherine Vargas, Jennifer Silveira, Christopher Rodriques and Peter Roderiques; as well as all of his friends who were like family to him.

May he forever sail upon calm seas with the wind upon his back.





Division of Marine Fisheries 251 Causeway Street, Suite 400 Boston, MA 02114 (617) 626-1520 www.mass.gov/marinefisheries

Form DMF-DLR1 **Dealer Permit** Application Form Page 1

Continued on next page >>

Please type or p	rint business in	formation clearly:				
Business Name	:					
Owner:			Contact Persor	Contact Person:		
Telephone Numb	elephone Number: Email Add					
Residency Statu	Residency Status: MA Resident?			(if renewal):		
		Loca	ation Address			
Street 1:						
Street 2:						
Zip code:		City:	- (16. 1:66	State:		
Street 1:		walling Address	s (If different than abo	ove)		
Street 1:						
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		City:		State.		
Corporate Office Dealer Permit a those endorsement	er (if applicable) by: nd Endorsement(ent(s) for which you	s) Selection: Please sele	ach dealer permit type red			
Permit Type	MA Resident	Non-Resident	Products	Activities		
Bait Dealer	□ \$65	□ \$130	☐ Bait	☐ Conch Processing		
Retail Boat	□ \$65	☐ \$130	☐ Conch	☐ Crab Processing		
Retail Store	□ \$65	\$130	Finfish	☐ Farmers Market		
Retail Truck	□ \$65	□ \$130	☐ Live Lobsters	☐ Fish Processing		
Wholesale Broker	□ \$130	□ \$260	☐ Lobster/Crab Mea	at Lobster Processing		
Wholesale Dealer	□ \$130	□ \$260	☐ Northern Shrimp	☐ Scallop Shucking		
Wholesale Truck	□ \$130	□ \$260	☐ Scallop Meat	☐ Shellfish Processing		
			Shellfish	☐ Wet Storage		
			☐ Other:			

Form DMF-DLR1 **Dealer Permit** Application Form Page 2

	o reduce the risk of making errors in co 10 business days for processing.	mpleting this application, and a subsequent delay
☐ Submit additional informationspection report if applicabl ☐ Complete and submit a c☐ Submit a check or money	e. copy of the Primary Buyer & Quota Mar y order made payable to the <u>Commonw</u> ow, and return to the Division of Marine	aged Species Application Form.
Sign your application below,	and return to the Division of Marine Fi	sheries at the address listed above. Thank you!
Signature:		Date:
Print Name:		
	penalties of perjury that all information contained i tatutes contained in MGL c. 130, and the regulation	n this application is true and accurate, and that I have read and one contained in 322 CMR.
hereby request that the Division	Retail Boat Permit Affi	
ny dealer activities will not invol ny buildings, processing plants tate or federal. All finfish will be uthority of my commercial fishe	n of Marine Fisheries issue me a Retail ve the actual processing or reshipping or other facilities involved requiring an e sold as "whole" fish, lobsters and crall trman permit may be sold.	Dealer's Permit for sale from my boat. I certify that of finfish or other marine resources, nor will there be inspection by any Department of Public Health, local os will be sold alive. Only product taken under
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hereby request that the Division hat my brokerage activities will not involved by the tast of the commercial permit in th	we the actual processing or reshipping or other facilities involved requiring an e sold as "whole" fish, lobsters and crale rman permit may be sold. Boat Name: Wholesale Broker Permit Amount involve the actual processing or responsesing plants or other facilities involved.	Dealer's Permit for sale from my boat. I certify that of finfish or other marine resources, nor will there be inspection by any Department of Public Health, local os will be sold alive. Only product taken under MS/Doc #:Date: Mffidavit esale Dealer's Permit for brokerage privileges. I cert thipping of finfish, shellfish or other marine resources ved requiring an inspection by any Department of

Section 1 – Dealer Location Information.

Dealer Name: ___

*** This Form Must be Submitted with your 2020 Permit Application ***
2020 MA Seafood Dealer - Primary Buyer & Quota Managed Species Application Form

** This includes all retail stores, farmer's markets, boats & trucks and all wholesale brokers, dealers & trucks. **

Definition of Primary Buyer: Any MA Seafood Dealer who purchases marine species, even if for bait purposes, directly from fishermen, is considered a <u>primary buyer</u>, and <u>must</u> indicate so on this application. For businesses with multiple locations, this application must be completed for each location or dealer permit the business has. All primary buyers are required to report all purchases of species bought directly from fishermen, including those caught and sold by fishermen acting as their own dealer. For a description of the reporting requirements, see opposite side of this page. *If you have questions about being a primary buyer and/or the reporting requirements, call the DMF Statistics Project in Gloucester at 978-282-0308 x117.*

Permit #:	Perm	nit ID #:	Federal Dea	aler Permit # (if ap	oplicable):		
Dealer Loc	ation Address:			7			
		Street		Town Zip Co			
·							
Contact Na	ame:		eMail	Address:			•
Month loca	ation expects to: O	pen for business in 2020:	:	Close in 2	020:		_
question 2B intend on be application.	, and complete section eing a primary buyer i Note that if you don't	If you intend on being a pring 3 before returning the form 2020, answer <u>NO</u> to quest intend to be a primary buyearine Fisheries of the primary	n to the Division tion 2A and re er at this point	on with your dealer p turn the form to the I , and change your mi	ermit application. I Division with your	lf you don dealer peri	r't mit
2A. Does tl	he dealer with pern	nit number and location i	dentified abo	ove intend on bein	g a primary buye Circle One:		O? NO
	answered YES to qu dealer) in 2020?	uestion 2A, will this Deale	er report pur	chases under fede	ral requirements Circle One:		I- NO
If you answermits).	wered NO to questi	on 2B, then you are cons	idered to be	a state-reporting o	dealer (you have	no feder	al al
purchase of a	nny marine species, inclu	g this authorization application, adding the requirements detailed duties the act of perjury and may	on the back of t	his page and will abide i			
3A. Please i etc.) over th 1. E	ndicate how you wou ne course of 2020 by o Email (be sure email) ntend to purchase any	pecies. Complete both 3A a ald prefer to receive notification circling one of the following coaddress above is current) of the below listed quota me	ons concerning options: 2. <u>FAX</u> (<i>be st</i> nanaged specie	g quota managed spe ure FAX number abov es directly from fisher	ecies (closures, trip	<u>US mail</u>	
	11 1	next to the species you inter	·	9.			
Check box if buying in 2020	Species Common Name	Latin Name	Check box if buying in 2020	Species Common Name	Latin Name		
	Black Sea Bass	Centropristes striatus		Squids	Loligo pealei, Ille.	x illecebrosi	US
	Bluefish	Pomatomus saltatrix		Spiny Dogfish	Squalus acanthia	S	
<u> </u>	Cod	Gadus morhua	<u> </u>	Striped Bass	Morone saxitilis		
	Haddock	Melanogrammus aeglefinus		Summer Flounder	Paralichthys dent	atus	
. , 	Scup	Stenotomus chrysops	 <u></u>	Tautog	Tautoga onitis		
	Menhaden	Brevoortia tyrannus		-	-		
1							

MASSACHUSETTS PRIMARY BUYER REPORTING REQUIREMENTS

All MA dealers who are primary buyers are required to report their purchases of any marine species (including lobster, shellfish or those intended for bait purposes) from fishermen. Primary buyers also include fishermen who have a dealer's permit and are acting as their own dealer and selling product that they've caught (essentially, they are "buying from themselves", and must report their transactions). This reporting requirement covers all dealers in Massachusetts, whether federally permitted or not. All reported data are entered electronically into a coast wide database system run by the Atlantic Coastal Cooperative Statistics Program (ACCSP). This is a joint program managed by ACCSP in conjunction with all of the Atlantic States and the Federal Government. For more information on ACCSP, visit the ACCSP website at www.accsp.org.

Federally permitted primary buyers in Massachusetts are considered to be "federal-reporting" dealers. All other primary buyers in Massachusetts are considered "state-reporting" dealers. Regardless whether you are a federal-reporting or a state-reporting dealer, all transactions of all species will be electronically submitted to the Standard Atlantic Fisheries Information System (SAFIS) via its web-based application or other software. For example, if you are a federal-reporting dealer and you purchase groundfish as well as shellfish, you will report both your groundfish and shellfish transactions to SAFIS. Approved SAFIS dealer reporting applications include the free SAFIS eDR online, SAFIS eDR mobile, and SAFIS file upload, and a third-party software, Trip-Ticket, which is available for purchase.

For information about federal permits and reporting, contact the National Marine Fisheries Service in Gloucester at 978-281-9370 or go to their website at: https://www.fisheries.noaa.gov/new-england-mid-atlantic/resources-fishing/greater-atlantic-region-forms-and-applications-summary. If you will be a state-reporting dealer and have questions about reporting your purchases, contact the MA Division of Marine Fisheries at 978-282-0308 x117.

Note that all transactions made directly with fisherman must be reported, regardless of the species purchased or whether the fisherman is federally permitted or not. All vessels and/or fishermen selling any marine species in Massachusetts must have a MA commercial fishing permit. Each commercial permit has a unique Permit ID number (formerly called the DMF ID), which must be included with each transaction. Requirements for all primary buyers include:

- 1. All transactions with fishermen, or primary purchases, must be reported. This includes purchases of bait products as well as species caught and sold by fishermen acting as their own dealer.
- 2. Transactions are trip-based. Information collected and submitted by the dealer is as follows:
 - Date landed and purchased
 - ❖ Fisherman purchased from, including the state Permit ID Number (not the 4-digit permit number)
 - Species and amount (in lbs, bushels, etc.)
 - Disposition
 - Price paid
 - ❖ If shellfish, designated shellfish growing area the species of shellfish was harvested from
 - Catch source (aguaculture, wild-harvest, research, carred)
- 3. Each week's transactions, beginning 00:01 on Sunday and ending at 24:00 on the following Saturday, will be due by 24:00 on Tuesday of the following week, or within 3 days of the end of the week.

Further information including primary buyer packets (instructions, FAQ's, etc.) will be emailed after the receipt of this primary buyer application. For questions about reporting requirements, call the DMF Statistics Project at 978-282-0308 x117, or visit the DMF website at www.mass.gov/marinefisheries and follow the link for Seafood and Bait Dealers.



The Commonwealth of Massachusetts Executive Office of Health and Human Services Department of Public Health Food Protection Program 305 South Street, Jamaica Plain, MA 02130-3597 617-983-6712 617-983-6770 - Fax

INSPECTION REQUEST WHOLESALE/RETAIL SEAFOOD OPERATIONS

Name of Company:		Date/Time requested for inspection:			
Business Address:		Current Permit Number:			
City/Town, Zip			Telephone # and E-mail address (if available):		
Name of Owner:			Make, Year and Registration # of Vehicle:		
	Т	YPE OF PERMIT	REQUESTED		
		uck: Wholesale Dealer:			
		PRODUCTS RI	EQUESTED		
Finfish	sh Scallop Meat		Lobster/Crabmea	t	Bait
Northern Shrimp	Shellfish		Live Lobsters		Other
	ACTIVITIE	S REQUESTED*	(WHOLESALE	ONLY)	
Fish Processing		Lobster Processi	ng	Shellfish	h Processing
If a Wholesale Dealer not be conducted if H	ACCP pla	n is not available Yes: No	for review).	lemented	
Signature of Applicant/Owner					Date

* Persons seeking approval for on-shore Wet Storage Activities must contact the FPP prior to requesting an inspection.

Revision: April 2012

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Massachusetts Lobstermen's Association



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May 27, 2020

The Honorable Governor Charles D. Baker Commonwealth of Massachusetts State House Boston, MA 02133

Letter of Concern Regarding: *Memorandum & Order Granting in Part and Denying in Part Preliminary Injunctive Relief in Civil Action No. 19-cv-10639-IT*

Dear Governor Baker,

On behalf of its 1800 members, the Massachusetts Lobstermen's Association (MLA) respectfully submits this letter of great concern and unease regarding the *Memorandum & Order Granting in Part and Denying in Part Preliminary Injunctive Relief in Civil Action No. 19-cv-10639-IT* (Order) issued by United States District Judge, Indira Talwani on April 30, 2020 ordering the Massachusetts Executive Office of Energy and Environmental Affairs (MEOEEA) to "promptly seek an Incidental Take Permit pursuant to Section 10 of the Endangered Species Act."

Furthermore, the Order has given a death sentence to the commercial lobster industry and fixed gear fisheries, not just in the Commonwealth, but the entire United States of America by putting an unrealistic timeline to acquire the Incidental Take Permit (ITP) mandating that the "Plaintiff may renew his motion for an injunction......if Defendants have not obtained an Incidental Take Permit within ninety (90) days of this Order." (Case 1:19-cv-10639-IT) With all due respect to the courts process and thoroughness in citing and referencing scores of cases and documents in the Order, we are extremely alarmed that the court did not research the ITP process and ruled that 90 days was sufficient to acquire the mandatory ITP.

Established in 1963, the MLA is a member-driven organization that accepts and supports the interdependence of species conservation and the members' collective economic interests. The MLA continues to work conscientiously through the management process with the MA Division of Marine Fisheries (MADMF), the Atlantic States Marine Fisheries (ASMFC) and National Marine Fisheries Service (NMFS) to ensure the continued sustainability and profitability of all the resources in which our fishermen are engaged in.

The oversight and or lack of research reflects poorly on the courts ability to fully understand the nuances of acquiring the ITP further adding insult to injury as the commercial lobstermen and fixed gear fisheries contemplate setting out their gear this year. The implications of this Order, should the ultimate goal be reached by the Plaintiff, will be the end to the entire fixed gear fisheries as we know it today, and it will all have stemmed from this Order right here in the Commonwealth. We do not want this to be the end of an era when our commercial fishermen are doing more than anyone anywhere in the world to save these animals.

Over the last several weeks very concerned MLA members and commercial fishermen alike have been calling wanting to know if they will be able to go to work in August or will they be out of a job? Their concerns are real and we need your help to bring together our State agencies and Federal Delegation to come up with an unyielding and unified position for an appeal to contest the unrealistic timeline set by the Order.

The commercial fishing is historic and iconic part of what helped build this country and the commercial lobstermen in the Commonwealth are under the most restrictive conservation measure anywhere in the world and are still under the gun as the guilty party for the failure of right whales. Our commercial fishermen deserve to know that their state is going to fight for them and their industry.

Commercial lobstermen's Conservation Efforts in the Commonwealth

The MLA has been actively engaged in the conservation of right whales for over 30 years and remains committed to staying the course.

Timeline

1935- International ban on hunting whales goes into effect

1970- North Atlantic Right Whales listed as endangered

1996- NOAA implements the Large Whale Take Reduction Plan

1997-MA requirement for "breakaway" features in gillnets and trap/pot buoy lines Seasonal ban in Cape Cod Bay for gillnets and on use of floating rope between traps

1997-Dedicated aerial surveys begin in Cape Cod Bay

2004 - Year-round ban on floating rope between traps in Cape Cod Bay

2007 - Year-round ban on use of floating rope between traps statewide

2014- MA Restricted Area is created – 3 month closure Feb-April to 3,071 sq. miles

2015 - 3 month (Feb/Apr) closure to all pots/traps in the MA Restricted Area

2016 – 3 month (Feb/Apr) closure to all pots/traps in the MA Restricted Area

2017-3 month (Feb/Apr) closure to all pots/traps in the MA Restricted Area **PLUS** 4-day extension o the gear closure in Cape Cod Bay

2018 - 3 month (Feb/Apr) closure to all pots/traps in the MA Restricted Area **PLUS** a 15-day extension of the gear closure and speed restriction (10 mph) for small vessels in Cape Cod Bay

2019- 3 month (Feb/Apr) closure to all pots/traps in the MA Restricted Area

2020 - 3 month (Feb/Apr) closure to all pots/traps in the MA Restricted Area

MA Restricted Area

The Massachusetts lobstermen have endured the majority of the draconian whale conservation management over the last several decades since the inception of Critical Habitat in 1994 and most recently the implementation of the 3 month (Feb/April) closure to all pots/traps in the MA Restricted Area. With over 3,000 square miles closed to lobster fishing, removing ALL the vertical lines, when the right whales are present and feeding leaving ZERO chance of an interaction or entanglement we are extremely anxious going forward with any further management based on; no data, speculation of data of models that were conjured up to accommodate the unrealistic outcome.

The MADMF through their swift ability to implement and rescind a Dynamic Area Management (DAI have implemented this for additional whale conservation when there were high aggregations of Right Whales in Cape Cod Bay after NMFS lifted the closure. The DAM measures through the extension of the MA Restricted Area closure by the MADMF are working and the right whales are able to come to the waters of the Commonwealth and feed and then leave very much alive. The unfortunate events tha happen in Canadian waters have now become our responsibility and our fishermen continue to bear the brunt in the Commonwealth with frivolous lawsuits from eco-extortionists.

Massachusetts Lobstermen's Association



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Vertical Line Reductions Underway

It is no secret that MADMF has decades of data to back up the ongoing reduction of the lobster fishery here in Massachusetts with a 100% MANDATORY reporting they can show the downward effort trend for the MA lobster fleet. Currently, in Massachusetts there are less than 750 active lobstermen fishing an average of 480 pots and most of them are fishing 5-30 pot trawls with an estimated 20-25 permits retiring every year.

The MA lobster fishery in 2007 had 1,361 permits and as of 2018 there were 1,081 permits issued and 787 being fished as well as a reduction of 280 lobster permits with no new permits being issued. The commercial lobster industry in the Commonwealth deploys approximately 80,000 vertical lines and the numbers are going down as new conservation management comes online in early 2021.

As you can imagine the frustration level is high amongst the commercial lobstermen here in the Commonwealth as they are not the right whales problem. When we have conversations about doing more conservation for right whales, and we've had many conversations, on how to reduce vertical lines even more, the commercial lobstermen in the Commonwealth are still willing to reduce vertical lines and the breaking strength of vertical lines while keeping their businesses going at the same level. When they know all to well it will never be enough and more lawsuits will come resulting in more conservation management.

Ongoing Trap Reductions

Currently, Massachusetts lobstermen are still reducing effort through the ongoing trap reductions in Lobster Management Area (LMA) 2 and LMA 3 and these real numbers in reduction need to be quantified and given a conservation credit. Today there are approximately 72 active lobstermen in MA LMA 2 and approximately 60 active lobstermen in Outer Cape Cod (OCC), how much further can they be reduced in effort to remain whole when they are continually paying a conservation tax every time a tag is transferred. It should also be noted that; every transfer in LMA 2, LMA 3 and OCC there is also a 10% conservation trap tax which also equates to even a further reduction in effort.

Ongoing Conservation Management and Gear Modifications

On March 6, 2020, the MADMF submitted the Commonwealths conservation proposal to reach the 60% conservation target set forth by the Atlantic Large Whale Take Reduction Team and NMFS. This proposal was taken out to Public Hearings for input from the industry and will further aid in the right whales recovery. A conservation measure that is note worthy is the prohibition on the use of any lines greater that 3/8" for vertical lines in state waters, which was supported by the MLA and industry alike.

The MLA and Lobster Foundation of Massachusetts were granted a Massachusetts Environmental Trust grant to develop a 3/8", 1700lb weaker whale safer red rope which will be deployed this fishing season for field testing. The ropes 1700lb breaking strength basis came from the New England Aquariums study *Effects of fishing rope strength on the severity of large whale entanglements* by Amy Knowtlon et. al. where they "found entangled in tested rope strengths below 7.56 kN or 1700 lbsf, implementation of RBS ropes would likely reduce the probability of mortality and suffering" Kowlton et.al.

Ropeless Fishing is NOT an Option

Unfortunately, there is a lot of misperception on what can and can not be done in the commercial lobster fishery when it comes to the use of Ropeless fishing. Over the last 5 years or so there has been a really big push to make it mandatory for the commercial lobstermen and fixed gear fishermen to switch or transition over to ropeless gear to further save the right whales. We have a closure when the right whales are here why do they need to do more for when they are not here?

The sheer magnitude of the economic undertaking would be well over 150 million dollars to outfit the commercial lobster industry here in the Commonwealth the first year. The individual cost would be an estimated \$190,000 per fishermen to out fit their gear to go fishing. Not to mention there is an average of 10% gear loss each year and this would have to be replaced year in and year out and the gear loss would likely increase dramatically as the technology has yet to be tested on large scale multi discipline fisheries. This endeavor would take hundreds of millions of dollars and decades to implement and outfi every vessel that is in the water commercial fishing.

The unintended consequences of gear conflicts in the fisheries would be grave if not thought through to the end. Fixed gear commercial fishing and the mobile gear industry do not fish in one hypothetical bor for a species and this is where the gear conflicts would be catastrophic given that the technology is not readily available nor do individual brands talk to each other. Here is a simple example; if AT & T, Verizon, Singular and Metro PCS did not all talk to each other we would have to carry several phone to stay connected. This is the same for the Ropeless technology; they do not talk to each other; Desert Star, Edge Tech, Smelts and more, they do not interact with each other so each fisherman would have the have multiple boxes and screens on their vessel to see where all the gear is on the bottom.

In closing, the MLA and its' members thank you for your leadership as well as steadfastness and remai committed to being stewards to the sea. We respectfully request an in person meeting at your earliest convenience with you, Attorney General, Maura Healy, Executive Office of Energy and Environmental Affairs Secretary, Kathleen A. Theoharides, and Division of Marine Fisheries Director, Dan McKierna

As we navigate through the next several weeks without knowing what the feasibility is for the State to acquire an Incidental Take Permit we remain hopeful that the Commonwealth of Massachusetts and ALL of its elected and hired officials will continue to fight on behalf for the hard working men and women in the commercial lobster industry and fixed gear fisheries throughout civil Memorandum & Order Granting in Part and Denying in Part Preliminary Injunctive Relief in Civil Action No. 19-cv-10639-IT.

Sincerely,

Beth Casoni

Executive Director

cc.

Sen. E. Warren

Sen. E. Markey Cong. W. Keating

Lt. Gov. K. Polito, MA

Atty. Gen. M. Healy

K. Theoharides, Secretary, MAEEA

R. Amidon, Com. FWE

D. McKiernan Director, MADMF

MA Marine Fisheries Com. M. Asaro, NMFS, ALWTRT

T. Kearns, ASMFC, Lobster Board

B. Tarr, Sen. MA, Coastal Caucus Chair

J. Cutler, Rep. MA, Coastal Caucus Chair

S. Romeo Theken, City of Gloucester Mayor

MLA Ex. Committee

National Sea Grant American Lobster Initiative

Updates and Introductions

The Gulf of Maine ecosystem is changing rapidly. Ocean temperatures are increasing, the marine and coastal waters are becoming more acidic, and more intense rainfall events are increasing freshwater input into coastal systems. Scientists have already documented some of the ways that these physical and chemical changes are affecting marine species, including the American lobster, but many questions remain about how these changes will affect the future of our valuable marine fisheries, and the ecosystems on which they depend.



In an effort to address critical knowledge gaps about the American lobster and its iconic fishery in a dynamic and changing environment, the National Oceanic and Atmospheric Administration's National Sea Grant College Program announced a \$2 million Sea Grant American Lobster Initiative (ALI) in September 2019. The initiative supports both scientific research and a regional Sea Grant extension program in the Northeastern U.S. Together, the research and extension

components of this initiative will develop and share new knowledge and understanding with industry stakeholders and resource managers from Maine to New York.

In March 2020, the ALI welcomed Amalia Harrington as the Northeast Regional Lobster Extension Coordinator to support and coordinate extension efforts as part of the initiative. Although based in Maine, Harrington will serve the entire region by working with Northeast Sea Grant staff and partners to complement, coordinate with, and add value to existing state, federal, and regional lobster research partnerships and management initiatives.

"I am thrilled to join the Sea Grant team, and am excited to facilitate both local and regional collaborations across the diverse stakeholder groups that rely on this important species," said Harrington. "By strengthening these connections, we will hopefully move towards a better understanding of the industry's resilience to a changing environment."

Prior to joining Sea Grant, Harrington received her PhD from the University of Maine, where she studied how a changing environment influences American lobster biology, immune response, and larval development. Her background and research interests align well with the overarching goals of the ALI and will allow her to integrate research and extension efforts for all regional stakeholders to address resiliency in this important industry. She is looking forward to hearing from fishermen and industry members across the Northeast, and is eager to listen to individual's perspectives on how the environment influences this important fishery.

"There are a lot of researchers across the Northeast studying how environmental change influences lobster," Harrington said. "The ALI provides an opportunity to enhance existing collaborations with lobstermen and managers to learn what they think is important to keeping lobster a vibrant industry."

Please feel free to contact Amalia Harrington directly to share your needs and concerns: amalia.harrington@maine.edu

Additional Extension Project Contacts:

Institute/State	Contact	Email address
Maine Sea Grant	Beth Bisson beth.bisson@maine.edu	
	Chris Bartlett	cbartlett@maine.edu
New Hampshire Sea Grant	Gabriela Bradt	gabriela.bradt@unh.edu
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MIT Sea Grant (MA)	Carolina Bastidas	bastidas@mit.edu
Woods Hole Sea Grant (MA)	Jennie Rheuban	jrheuban@whoi.edu
Connecticut Sea Grant	Anoushka Concepcion	anoushka.concepcion@uconn.edu
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New York Sea Grant	Antoinette Clemetson aoc5@cornell.edu	
	Kathy Bunting-Howarth	keb264@cornell.edu

Some fish can change their sex! 16 crazy facts about fish that will blow your mind!

Humans have 9,000 taste buds, but Catfish have over 27,000. In fact, fishes have taste buds all over their body and can taste without even opening their mouth!

Did you know fish can make sounds? The loudest fish is the croaker. You might have never heard' a fish and they don't have any vocal cords as well. But they use other parts to boom, grunt, hiss, creak, and wail and shriek to convey their messages.

Fish can drown too! This can happen if there is not enough oxygen in the water.

The Spotted Climbing Perch can gulp' oxygen from the air and walk' on land using its pectoral

fins if it needs to look for water.

Fish can get sunburned even underwater! However, this is rare and can only take place when there is something about their environment that doesn't them to sink into deeper water to get to a shelter.

The parrotfish produces a kind of mucus that covers them completely for protection.

Fish have a special sense organ much like radar called the lateral line. This allows them to move around dark or murky waters.

Most fishes have darker skin color on top and lighter on the bottom; they are counter-shaded so that they are not easily visible in the water.

Certain species of fish like sharks need to always keep swimming as they do not possess an air bladder that could keep them afloat.

The Antarctic ice-fish have antifreeze in their blood and can live permanently at -1°C.

Fish cannot chew and if they did try, they would

probably suffocate and die as it interferes with water from passing through their gills.

Fish get stressed out just like mammals and birds! They actually have an excellent sense of taste, touch and sight and some can even hear and smell very well.

The speed of sailfish can easily beat your car. With a speed of 110 km/hr, the Indo-Pacific Sailfish or Istiophorus platypterus is the world's fastest fish

The slowest fish is the seahorse. It moves so slowly that you can hardly notice!

Jellyfish and starfish are not fish family creatures though they have fish' in their name. To be a fish, an animal needs to have bones, scales and gills, but they don't have any of these features.

The puffer-fish carries a toxin 1200 times more poisonous than Cyanide; it is enough to kill 30 people.

ATTENTION

MLA, FISH & LFoM Hours and COVID-19 Protocol

Senior, At-Risk & Disabled Individuals Hours

9am—10am & 4pm—5pm

Regular Hours—10am—4pm

In an attempt to keep our office safe, PLEASE <u>DO NOT</u> ENTER this location if any of the following are true:

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- 2. Have had contact with an ill person who has returned from these high-risk countries.
- 3. Have FLU like symptoms including fevers, chills, cough, sore throat, shortness of breath or body aches.
- 4. Have been in contact with anyone diagnosed with COVID-19.

When entering the office PLEASE **DO** the following:

- 1. Practice 6-foot social distancing.
- 2. Wear a mask provided inside the door.
- 3. Wear gloves provided inside the door OR use hand sanitizer provided inside the door.

Thank you for your understanding and cooperation.







Massachusetts, Rhode Island, BOEM Award \$1.1 Million for Regional Fisheries Studies to Guide Offshore Wind Development

Executive Office of Energy and Environmental Affairs

BOSTON — The Baker-Polito Administration, in partnership with the State of Rhode Island and the Bureau of Ocean Energy Management (BOEM), today announced grants worth \$1.1 million to four institutions to support regional fisheries studies that will collect data vital to the ongoing development of the offshore wind industry in North America. The first-in-the-nation studies will conduct important research on recreational and commercial fisheries, seabed habitat, and comparable offshore wind policies in Europe.

"Collaborating with our state and federal partners to support these studies will help us better manage fisheries and natural habitats, while positioning the offshore wind industry to stimulate economic development and deliver clean, affordable energy to Massachusetts," said Governor Charlie Baker.

"The data collected through these regional studies

will help inform offshore wind development, protect fisheries and marine wildlife, and ensure our fishing industry continues to thrive," said Lieutenant Governor Karyn Polito.

The first-in-the-nation studies will advance the assessment of the interactions between offshore wind development and fisheries in the northeast. The five studies will generate important information and data during the pre-construction period for the region's first offshore wind projects, and will help establish baseline datasets on fisheries and seabed habitat. The studies will also advance new and uniform methodologies for ongoing data collection and analysis.

"The continued success of offshore industries in the United States requires strong coordination and consultation with our state partners," said BOEM Acting Director Walter Cruickshank. "The studies announced today will help ensure BOEM has sufficient baseline information to support its environmental assessments of offshore wind projects on the Atlantic OCS."

"Rhode Island is a proud partner in this landmark effort to conduct regional scientific studies on fisheries resources prior to the start of any offshore construction activities," said Rhode Island Department of Environmental Management Director Janet Coit. "It is clear that the science on offshore wind development impacts in the US is in its early stages, and regional baseline data for

the areas slated for wind development are lacking, especially with regards to potential impacts to Rhode Island's fishing industry. The selected studies will help to fill some of these data gaps and allow for informed decision-making while paving the way for meeting Rhode Island's renewable energy goals and advancing climate mitigation efforts."

The initiative will support and inform a broader regional fisheries science and monitoring program being developed under the Responsible Offshore Science Alliance (ROSA), an entity established by the fishing community, offshore wind leaseholders, and federal and state agencies.

With funding from the Massachusetts Clean Energy Center (MassCEC) (\$496,688), the Rhode Island Department of Environmental Management (\$200,000), and BOEM (\$400,000), a coalition of state and federal resource agencies, the fishing community, and offshore wind leaseholders helped to develop a competitive process to solicit proposals addressing science and data gaps in regional offshore wind development. The studies will be managed by MassCEC in coordination with BOEM, the National Marine Fisheries Service, and Massachusetts and Rhode Island fishery resource agencies.

The program focuses on three priority areas of research: fishery resource studies, seafloor habitat studies, and technical studies. These priority areas were informed by work led by the Massachusetts



Division of Marine Fisheries (DMF) to develop a comprehensive framework for a broad fisheries science and monitoring program, with input from federal, state, and industry stakeholders.

"As offshore wind advances in the Northeast, it is imperative that we ensure it is developed in an environmentally responsible manner that maintains shared use for our maritime industries," said Energy and Environmental Affairs Secretary Kathleen Theoharides. "These studies will expand our knowledge of fisheries, habitats, and migration patterns in the wind energy development areas, helping to avoid and minimize potential effects of construction and operation."

"Offshore wind presents an opportunity to develop an abundant amount of clean, renewable energy while creating jobs and economic opportunity in coastal communities," said MassCEC CEO Stephen Pike. "By taking a proactive, comprehensive approach to environmental monitoring and data collection, we can position the offshore wind industry to realize a more efficient approach to development."

The four institutions receiving funding are:

INSPIRE Environmental – Acoustic Telemetry for Highly Migratory Species, with the New England Aquarium and Standard Approaches for Acoustic and Imagery Data - \$443,450:

INSPIRE will conduct a two-year acoustic tagging and tracking study of highly migratory species such as tuna and sharks at popular recreational fishing spots in the wind energy areas, in order to provide new baseline data on highly migratory species. This will enable ongoing assessment of the impact of offshore wind on highly migratory species and associated recreational fishing. INSPIRE will also develop standard approaches to synthesizing, visualizing and disseminating high-resolution acoustic and imagery data for mapping of seabed habitat in the wind energy areas. This will advance baseline characterization of the seabed environment and make high-resolution mapped data available to stakeholders in a web-based, vetted and neutral forum.

University of Massachusetts Dartmouth (UMD) – Net Survey for Larval Lobster and Fish Neuston, with Massachusetts Lobstermen's Association - \$278,592:

UMD will conduct towed net surveys for larval lobster and fish neuston (small fish organisms) throughout the wind energy areas. This 18-month study will provide baseline information on the spatial and temporal distribution of species at their earliest life stage, during which they are transported by tides and currents.

University of Rhode Island (URI) – Fishing Status Using Vessel AIS Data and Machine Learning, with Rhode Island DEM - \$249,646:

URI will merge electronic and other data on fishing vessel activity into a single data set and apply a "machine learning" approach to enable lower cost broad-scale modeling of the probability of fishing activity in a given area. This will allow researchers to identify where and when vessels are actually fishing, as opposed to being in transit.

New Bedford Port Authority – Comparative Analysis of Regulation in Europe and Japan - \$125,000:

The New Bedford Port Authority will work with a consultant to conduct a comparative analysis of policies regarding coexistence of commercial fishing with existing offshore wind in Europe and emerging policies in Japan. The study is intended to establish a fact-based and broadly accepted narrative in this area.

Working with input and guidance from states and other stakeholders through a multi-year planning process, BOEM identified the Massachusetts/Rhode Island Wind Energy Area, located in federal waters on the outer continental shelf. The area was divided into seven lease areas, which were secured by four offshore wind developer teams through competitive auctions.

"We deeply appreciate the agencies' support of critically important research to better understand the impacts to fisheries from offshore wind energy development," said Annie Hawkins, Executive Director of the Responsible Offshore Development Alliance. "These four regional studies were carefully selected to improve the existing knowledge base and we're especially glad to see fishermen's direct inclusion in their design and implementation. We look forward to their advancement."

"The breadth of these studies will go a long way to help improve our understanding of the potential interactions between offshore wind and fisheries," said Lyndie Hice-Dunton, Ph.D. Executive Director of the Responsible Offshore Science Alliance. "It is great to see this regional interagency coordination in support of fisheries research and we look forward to seeing the outcomes of these innovative, collaborative projects."

In August 2016, Governor Baker signed into law bipartisan comprehensive energy diversification legislation requiring utilities to competitively solicit and contract approximately 1,600 megawatt (MW) of offshore wind, leading to Massachusetts' selection of the 800 MW Vineyard Wind project in 2017 and the 804 MW Mayflower Wind project in 2019.

In 2017, Rhode Island selected a 400 MW project proposed by Ørsted. In total, six projects have been

selected for power sales contracts from the lease area. The projects are at various stages of permitting review, and while each project will have fisheries monitoring requirements relevant to the specific windfarm area, there is wide consensus that studies and monitoring are needed on a regional basis to examine long-term interactions between offshore wind, fisheries resources and fishing activity.

The studies receiving funding address species of interest for both commercial and recreational fishing, across a wide range of wind energy areas. These studies will also provide new and synthesized data where little or none exists today. The technical studies are designed to advance new, lower cost approaches to mapping fishing activity, while assessing how offshore wind and fishing intersect and are regulated in other regions.

"This is an exciting opportunity to harness the power of innovation, regional collaboration, and data-driven analysis to propel us towards our energy future while ensuring we protect our vital fisheries and wildlife," said Senate President Karen E. Spilka (D-Ashland).

"It is vital to balance our need to develop offshore wind with our longtime fishing industry, which is an important local food source," said House Speaker Robert A. DeLeo (D-Winthrop). "These grants will help us understand how to make these two industries interact in a way that makes a healthier, more prosperous Commonwealth."

"Developing increased amounts of offshore wind generation of electricity is critical for the future of our state and our region, but so is protecting and strengthening our commercial fisheries, which provide a protein resource we can't afford to lose," said Senate Minority Leader Bruce Tarr (R-Gloucester). "The information derived from this research will provide important insight into how to maximize the potential of both marine resources and minimize conflict and harm to each of them."

"The fishing industry has played a significant role in our state and regional economies for generations," said House Minority Leader Bradley H. Jones, Jr. (R-North Reading). "As Massachusetts and Rhode Island continue to pursue offshore wind as a renewable and sustainable source of clean energy, it is important that we understand exactly how the construction and operation of these facilities will impact recreational and commercial fisheries. The studies funded through these grants will provide critical information that can be used to help ensure this technology is developed in a responsible way that does not harm our fisheries and marine life." https://www.mass.gov/news/massachusetts-rhode-island-boem-award-11-million-for-

regional-fisheries-studies-to-guide

JUNE/JULY 2020





