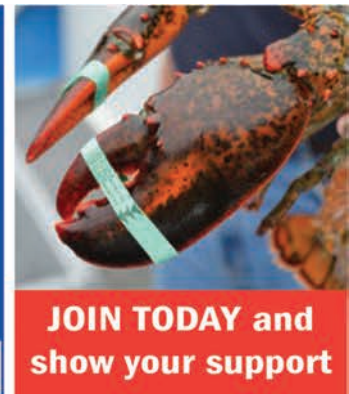




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## WHOI Sea Grant to Map Potential Path of Proposed Wastewater Release from Pilgrim Nuclear Power Station



WOODS HOLE  
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INSTITUTION

Woods Hole Oceanographic Institution (WHOI) Sea Grant has been recommended for rapid response funding from the National Oceanic and Atmospheric Administration (NOAA) Sea Grant Program to study the pathways of circulation in Cape Cod Bay. This study is designed to shed light on the possible fate of 1.1 million gallons of radioactive wastewater from the Pilgrim Nuclear Power Station, which the plant's owner, Holtec, has proposed to release into Cape Cod Bay.

A team of researchers from WHOI will undertake the study, which will provide essential information about where Cape Cod Bay surface waters travel, how long the water resides in the bay, and the seasonal and other drivers that affect that movement. The team includes scientists and researchers from the WHOI Physical Oceanography and Marine Chemistry Departments. The one-year project will begin in July 2023.

"The proposed release of radioactive wastewater into Cape Cod Bay concerns local residents, tourists, commercial and recreational fishermen, and the aquaculture sector alike," said Matt Charette, WHOI Sea Grant director and a senior scientist in WHOI's Marine Chemistry Department. "Currently, one cannot predict the path the wastewater would



take through the Bay, including major shellfish growing areas, because we still lack a basic understanding of water transport pathways there. This study will provide essential information to regulators as they consider any related permit requests, or any future events that might occur, such as oil spills or harmful algal blooms."

Cape Cod Bay hosts a diverse marine ecosystem and is the site of commercial and recreational fishing and aquaculture enterprises, which all depend critically on the

ecology and water quality in the Bay. While it is unknown how a release of radioactive pollutants would impact the ecology of the Bay or the safety of the seafood supply, there is the strong potential for economic and reputational damage if consumers are reluctant to buy seafood harvested from the region.

"Our research will provide a scientific foundation for a more informed decision on the fate of the wastewater plume from the Pilgrim Nuclear Power Station, especially in



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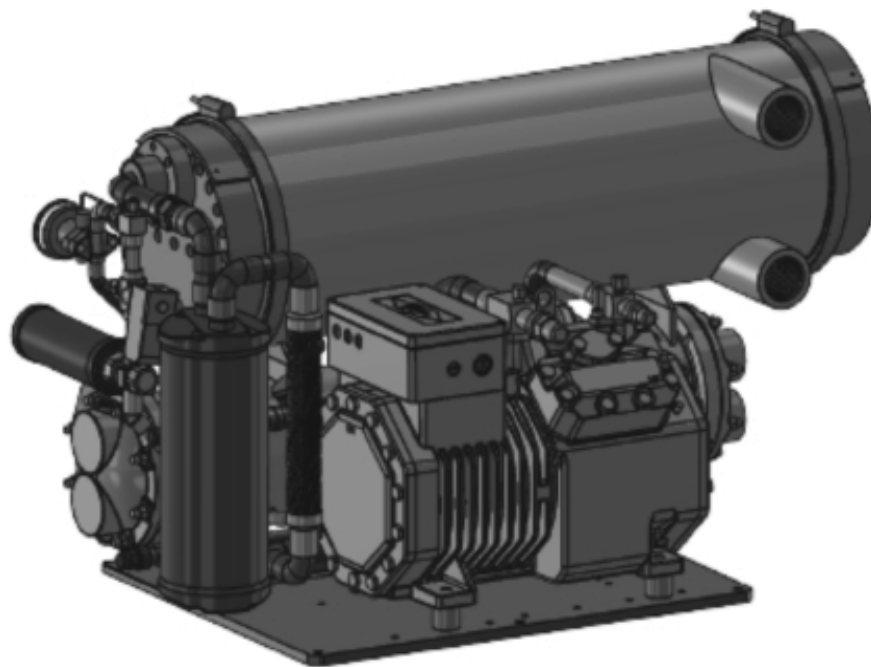




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**The Massachusetts Lobstermen's Association** would like to welcome the following new members to the Association. Your Association will continue its efforts on your behalf to conserve the resource, protect your livelihood, keep you informed, promote the industry and provide you with increasing benefits as they are developed. MLA stands ready to help you in anyway, at anytime — just let us know how!  
Safe on the water and good fishing!

**NEW MLA MEMBERS:**

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# As the HAULER TURNS

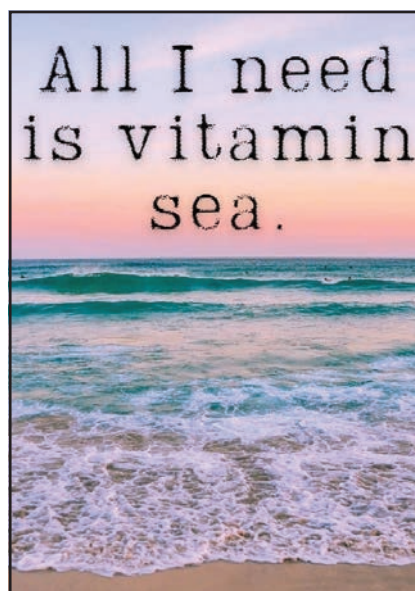
Finally, the whales are gone, and the gear is moving across the docks and rails. As you are gearing up for the 2023 fishing season, I have seen a lot of activity around the harbors and let me tell you, there is nothing better than the sights, sounds and smells of spring/summer around New England.

From the bright blue skies, the seagull's cries, and the wafting smell of the bait barrels on a warm sunny day just makes you smile a little bigger, laugh a little louder and exhale a little deeper knowing the good days of being from New England are here and now.

I know I am looking forward to this summer and getting out there to visit some of the ports around the state to meet with you and hear directly from you about what we can do better to help you and your harbor thrive. The last thing I ever want to hear from anyone is that we did not try to help you and your business. I am here because you are here, working hard to earn a living and if I can help you I will.

If you are interested in having me, come to your port for a visit to meet with you and your fellow fishermen please

let me know so we can schedule a time to meet that works for everyone. I am flexible and will always make myself available for you. Please send me an email [beth.caseoni@lobstermen.com](mailto:beth.caseoni@lobstermen.com) to schedule a port visit this summer.



As you are all aware, the Lobster Foundation of Massachusetts (LFoM) was awarded a grant to develop and distribute the 1700lb weak red and candy cane rope. Over the last few years, the LFoM has distributed over 400 coils to date and has several more to give out.

This summer the MLA and LFoM will be doing some outreach in the ports of Provincetown, New Bedford, and Gloucester to deliver some of the weak 1700lb. red and can-

dy cane rope. Please keep an eye out for an email from me later this month for dates, times, and more details.



The 1700lb. weak red and candy cane rope is getting good reviews and many fishermen are now fishing this as a full vertical line. The MLA is optimistic that the MADMF will be able to get the MASS LOBSTER tracer ribbon accepted as an acceptable gear marking this year so that those of you that are able to fish this in a full vertical line will NOT have to make your endline numerous times. Stay tuned on this one!

Lastly, as you embark on the summertime happenings around New England, remember to get out there and enjoy the sunshine, eat the ice cream, and spend some time with family and friends all the while knowing that we are just a phone call away. Have a wonderful summer and we'll see you around the harbors!

Safe on the water,

*Beth Casoni*

MLA Executive Director

# MLA comments on BOEM 2023-0031



May 15, 2023

Bureau of Ocean Energy Management

Office of Renewable Energy Programs

45600 Woodland Road Mailstop: V AM-OREP Sterling, VA 20166

Via email to [jessica.stromberg@boem.gov](mailto:jessica.stromberg@boem.gov)

**RE: BOEM - 2023 - 0031, Commercial Leasing for Wind Power Development on the Gulf of Maine Outer Continental Shelf**

On behalf of its 1800 members, the Massachusetts Lobstermen's Association (MLA) respectfully submits this letter of great concern to the Bureau of Ocean Energy Management (BOEM) regarding BOEM-2023-0031, Commercial Leasing for Wind Power Development on the Gulf of Maine Outer Continental Shelf in the Gulf of Maine (GOM).

The MLA is greatly concerned about the impact of any offshore wind (OSW) development in Lobster Management Area 1 as this is where the major portion of the Massachusetts commercial lobster fleet currently fishes. The 100 plus, federally permitted commercial lobstermen here in the Commonwealth, will bear even more negative economic

impacts with the inclusion of Platts Bank and portions of Georges Bank for the development of OSW.

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 membership is comprised of fishermen from North Carolina to Canada and encompasses a wide variety of gear types from fixed gear and mobile gear alike. The MLA continues to work conscientiously through the management processes with the MA Division of Marine Fisheries, Atlantic States Marine Fisheries, New England Fisheries Management Council, Northeast Regional Ocean Council, MA Coastal Zone Management and, the Bureau of Ocean and Energy Management processes to ensure the continued sustainability and profitability of the resources in, which our

fishermen are engaged in as well as their concerns and recommendations about OSW are heard.

The commercial lobster fleet that is currently fishing these waters are doing so as they are the only waters left to them that are outside of the Massachusetts Restricted Area. Massachusetts currently has over 11,000 square miles of closed waters to the commercial lobster fleet and should BOEM take even more fishing grounds from them it will be financially devastating to the fleet that is holding on by a thread. The ocean is not as vast an area as some believes it to be and, any development of OSW in the GOM should be moved as far east of the black line depicted on the attached chart.

Furthermore, with the development of OSW there will be more vessels on the water in the GOM adding even more risk to the North Atlantic Right Whale. There needs to

be a limit on the number of offshore wind related vessels that are allowed to be in the WEA in the GOM at a given time to reduce ANY interactions with the NARW. The MLA is greatly concerned about this increased risk potential as the commercial lobster industry collectively is still being asked to reduce risk and BOEM is proposing to increase risk.

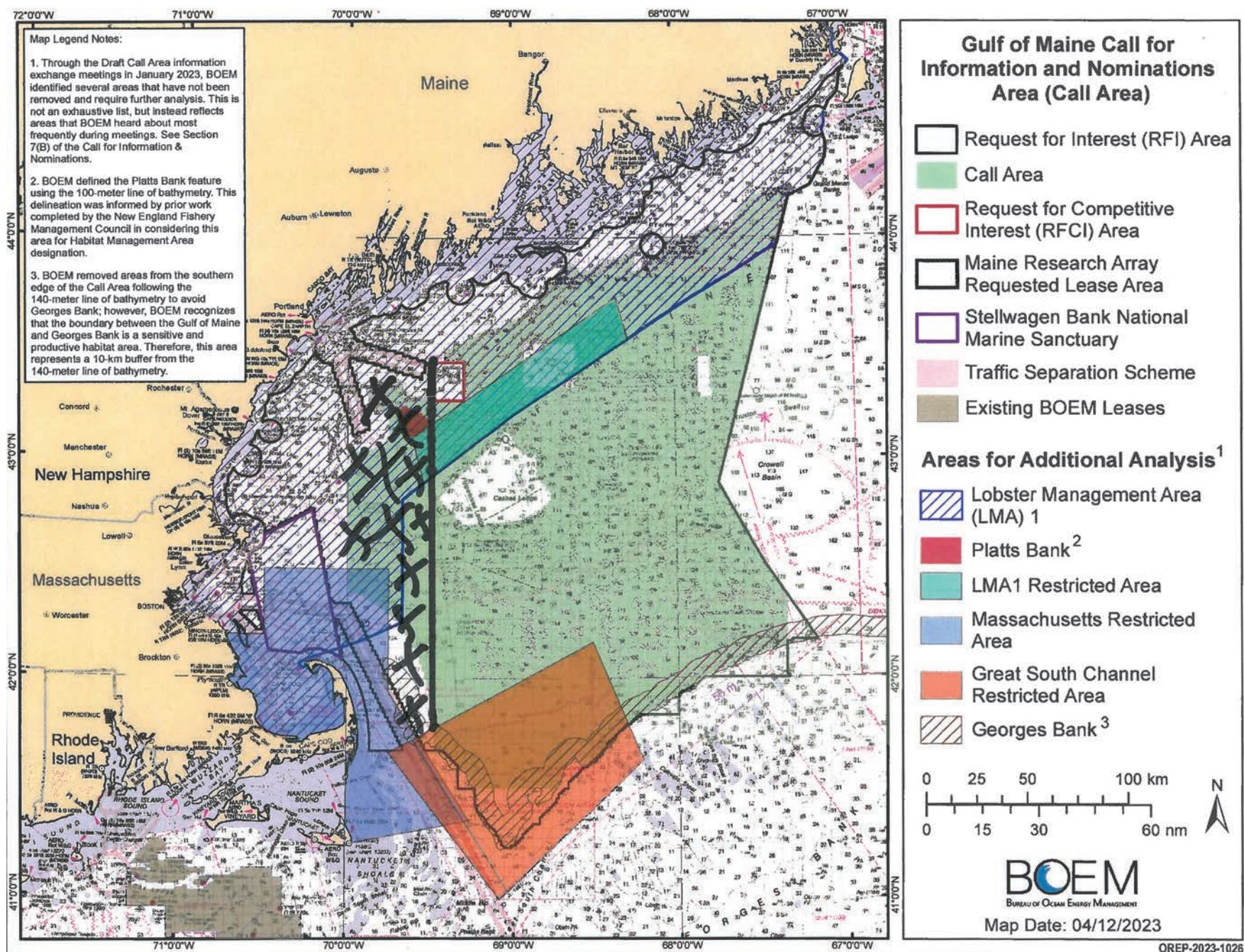
We would like to thank BOEM for their continued efforts to engage the commercial fishing industry stakeholders throughout this lengthy process and are encouraged that they will do their due diligence when vetting and engaging any industry representative. Should there be any further questions or comments please feel free to call me at 781-545-6984.

Kind regards,

*Beth Casoni*

Director





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**ROSA**  
Responsible Offshore  
Science Alliance

## MAY 2023 NEWS

### ROSA is Pleased to Announce the Hiring of its New Executive Director

The Responsible Offshore Science Alliance (ROSA) is pleased to announce that Reneé Reilly, PhD, has been appointed by ROSA's Board of Directors as its new executive director. Reneé officially assumed the role of executive director on May 8.

Reneé comes to ROSA with a strong background in fisheries management science and offshore wind development. Her experience includes close work with state, federal, and regional regulatory agencies; fishing industry representatives; and offshore wind developers to identify research priorities and science-based approaches to understanding effects of development. Reneé will strengthen these relationships while advancing ROSA as a research forum and funder, examining regional impacts of development and co-existence between fisheries and offshore wind development.

"We are very enthusiastic for Reneé's leadership of ROSA and look forward to continuing our collaborative work with the fishing industry, offshore wind developers, and federal and state agency partners," said Peter Hughes, co-chair of ROSA's Board of Directors.

"Reneé brings valuable experience to her new role that will help ROSA continue our work on regional research to better understand interactions between wind and ocean ecosystems," said Ruth Perry, PhD, co-chair of ROSA's Board of Directors.



"We are thrilled to be moving forward on ROSA's important mission of science, collaboration, and communication."

"ROSA will continue to develop the strong foundation our partners have established. The success of ocean co-use depends on active collaboration between the fisheries and offshore wind development industries; ROSA provides the forum for that collaboration and will facilitate increased coordination of research and solutions across the quickly-evolving landscape of offshore wind development," said Reneé. "I am passionate about ROSA's mission and proud to be leading the organization into its next phase of evolution, and I look forward to partnering with everyone in the ROSA community."

Mike Pol, ROSA's research director added: "Reneé has demonstrated the skills and experience necessary to effectively lead and direct ROSA as we progress and develop. I'm looking forward to working closely with her."



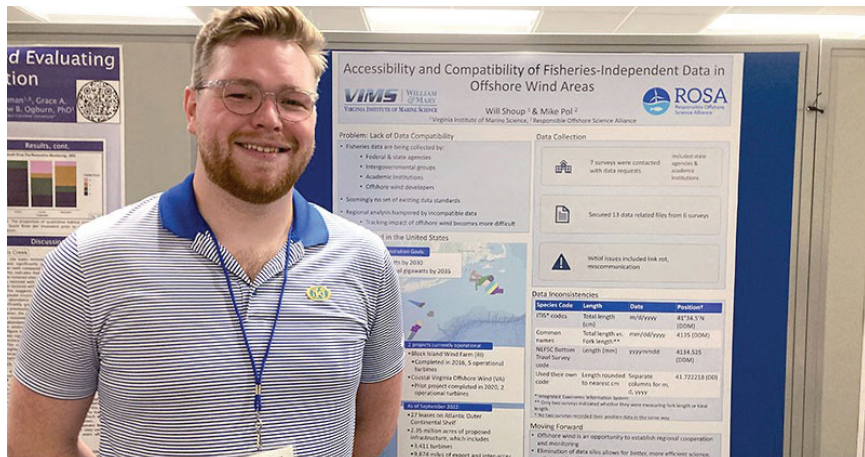
### ROSA Integrates Key Findings from Synthesis of Science Report into its Research Database

ROSA has incorporated the recommendations from the recently published National Oceanic and Atmospheric Administration (NOAA) technical memorandum Fisheries and Offshore Wind Interactions: Synthesis of Science into its regional research database and data gap analysis, Fish FORWRD, to help optimize future research in the region. "This report represents an important endeavor by stakeholders in the region to synthesize relevant current and past research on the interactions among offshore wind development, fisheries, and the marine environment," said Mike Pol, ROSA's research director. "ROSA is proud to have played a role by handling peer review of the report and congratulates the collaborative team of report

authors and contributors." Synthesis of the Science (SoS) was a joint effort among NOAA Fisheries, the Bureau of Ocean Energy Management (BOEM), and the Responsible Offshore Development Alliance (RODA).

SoS focused on five topics that project partners determined to be critical for consideration related to offshore wind: ecosystem effects, fisheries socioeconomics, fisheries management and data collection, methods and approaches, and regional science planning. The project consisted of a virtual workshop and the published report, which have the purpose of enhancing regional and national understanding of existing science and data gaps related to the interactions between offshore wind and fish and fisheries.





## ROSA Intern Presents his ROSA Project at AFS Meetings

Will Shoup, who served as ROSA's first intern last summer, recently presented his ROSA project at the Southern Division meeting of the American Fisheries Society (AFS) as well as presented a poster on the project at a meeting of the Tidewater Chapter of the AFS. While at ROSA last summer, Will undertook research on standards for fishery data being collected to measure the potential impact of offshore wind development. Will requested data from numerous fishery research programs along the East Coast and discov-

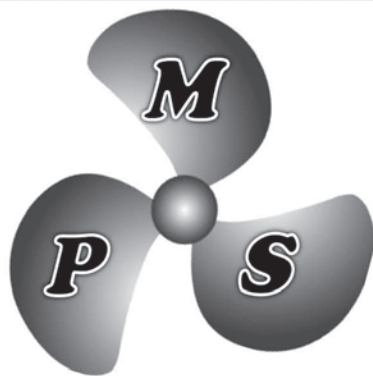
ered that data fields are collected inconsistently: no two entities are gathering even essential data such as date and time in the same manner.

"Understanding the status of data collection is helpful to ROSA, as it works to encourage standards uniformity to enable data comparison across studies," said Mike Pol, ROSA's research director. "Will was instrumental in advancing our work on data standards, and we appreciate his spreading the word about his findings at these AFS meetings."

### Save the Date for the Next Advisory Council Meeting - June 12

The next Advisory Council meeting, which is open to the public, will take place on June 12 from 1-3:30 pm EST. ROSA's new Executive Director Reneé Reilly will be introduced at the meeting, and the ROSA community will discuss important developments and updates. Please visit the ROSA website in coming weeks to review the agenda and register for the meeting. <https://www.rosascience.org>

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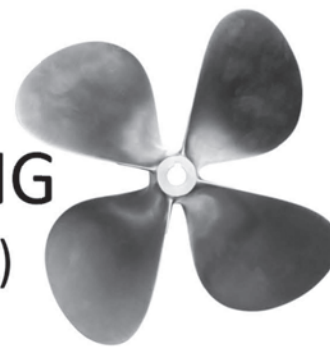
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Atlantic States Marine Fisheries Commission  
NEWS RELEASE

# American Lobster Board Approves Addendum XXVII Addendum Establishes Measures to Increase Protection of Spawning Stock Biomass of the Gulf of Maine/Georges Bank Stock

Arlington, VA – The Commission’s American Lobster Management Board approved Addendum XXVII to Amendment 3 to the Interstate Fishery Management Plan for American Lobster. The Addendum establishes a trigger mechanism to implement management measures – specifically gauge and escape vent sizes – to provide additional protection of the Gulf of Maine/Georges Bank (GOM/GBK) spawning stock biomass (SSB). It also implements changes to management measures for Lobster Conservation Management Areas (LCMAs) 1, 3, and Outer Cape Cod (OCC) to improve the consistency of measures across the GOM/GBK stock.

The Board initiated the Addendum as a proactive measure to improve the resiliency of the GOM/GBK stock. Since the early 2000s, landings in the GOM/GBK stock have rapidly increased. In Maine alone, landings have increased from 57 million pounds in 2000 to a record high of 132.6 million pounds in 2016. Maine landings have declined slightly but were still high at 97.9 million and 108.9 million in 2020 and 2021, respectively. However, since 2012, lobster settlement surveys throughout the GOM have generally been below the time series averages in all areas. These surveys, which measure trends in the abundance of juvenile lobsters, can be used to track populations and potentially forecast future landings. Persistent low settlement

could foreshadow declines in recruitment and landings. In the most recent years of the time series, declines in recruitment indices have also been observed.

In response to these trends, Addendum XXVII establishes a mechanism where changes to the current gauge and escape vent sizes in LCMAs 1, 3 and OCC will be implemented automatically based on observed changes in recruit abundance indices. If the index of recruit abundance declines by 35% from the reference level (equal to the three-year average from 2016-2018), a series of gradual changes to gauge and vent size will be initiated in the following fishing year. These include two increases to the minimum gauge size in LCMA 1 (Gulf of Maine) and a single decrease to the maximum

gauge size in LCMA 3 (offshore federal waters) and OCC. The gauge and escape vent size changes are intended to increase the proportion of the population that is able to reproduce before being harvested, and to enhance stock resiliency by protecting larger lobsters of both sexes.

Additionally, Addendum XXVII implements measures that resolve discrepancies between the regulations for state and federal permit holders, provide a more consistent conservation strategy, and simplify interstate commerce and enforcement across management areas. Specifically, the Addendum implements a standard v-notch definition of 1/8” with or without setal hairs in LCMA 3 and OCC, and a standard

maximum gauge size of 6 ¾” for LCMA 3 and state and federal permit holders in OCC. It also modifies the management program such that for LCMA 1 and 3 permit holders, states must limit the issuance of trap tags to equal the harvester trap tag allocations unless trap losses are documented. The implementation date for these changes is January 1, 2024.

The following table specifies the timing of management changes for each of the three LCMAs addressed under Addendum XXVII.

For more information, please contact Caitlin Starks, Senior Fishery Management Plan Coordinator, at [cstarks@asmfc.org](mailto:cstarks@asmfc.org) or 703.842.0740.

When change(s) will be implemented	What change will be implemented		
	LCMA 1	LCMA 3	Outer Cape Cod
January 1, 2024	Trap tags issuance limited to harvester allocation		v-notch definition: 1/8” with or without setal hairs; Maximum gauge size: 6 ¾”
Fishing year following an observed 35% decline in the trigger index (Year 1)	Minimum gauge size: 3 5/16”		
Year 3	Minimum gauge size: 3 3/8”		
Year 4	Escape vent size: 2 x 5 3/4” rectangular; 2 5/8” circular		
Year 5		Maximum gauge size: 6 1/2”	Maximum gauge size: 6 1/2”

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.



# Lobster Foundation of Massachusetts update

The Lobster Foundation of Massachusetts, (LFoM) conducted three splicing workshops at the Massachusetts Lobstermen's Associations (MLA) headquarters on February 7th, 21st, and 28th, 2023.

These splicing workshops provided background information with respect to the conservation efforts on behalf of the North Atlantic Right Whale, (NARW). The splicing workshops educated the attendees on the four approved splicing requirements under the 2021 Atlantic Large Whale Take Reduction Plan, showcased the weaker red rope and candy cane rope with MASS LOBSTER tracer ribbon, breaking at 1700 lb., and trained attendees on how to splice/insert weak contrivances for the four approved splicing requirements.

After each splicing workshop a survey was filled out to solicit specific information with respect to the following:

- How to splice rope.
- The four types of approved splicing.
- Preference on the four types of approved splicing.
- Which rope was preferred, (Red or Candy-Cane).
- Knowledge of Massachusetts State and Federal buoy line marking requirements.
- How informative was the Marine Mammal Conservation/Educational Outreach Workshop.

Each attendee received 3 coils of the weak red or candy-cane rope with the MASS LOBSTER tracer ribbon for their participation.

The LFoM will be hosting three additional splicing workshops in late summer in the ports of New Bedford, Gloucester and Provincetown and will distribute the weak red/candy-rope with the MASS LOBSTER tracer ribbon at each port upon attendees' completion of the splicing workshops.

The dates for these three workshops will be posted in the MLA's monthly newspaper publication and posted on the LFoM and the MLA websites. Stay tuned.....

This funding opportunity was granted to LFoM by Massachusetts Environmental Trust, *Drive for a Better Environment*, (DFBE) grants program.

The DFBE grants program provides funding to innovative and well-designed projects that support the advancement of marine animal conservation efforts and restoration and enhancement of aquatic ecosystems within Massachusetts. By purchasing a specialty license plate, you can make a real difference in the protection of endangered species such as the NARW. The funding is used for the research teams to disentangle whales and sea turtles, research for marine life and for the development of technologies of fishing gear. MET is the primary sponsor and the only state funding for the Atlantic Large Whale and Sea turtle Disentanglement Network.

To support the conservation of NARW you can purchase a specialty license plate online at <https://www.mass.gov/environmental-license-plates>.







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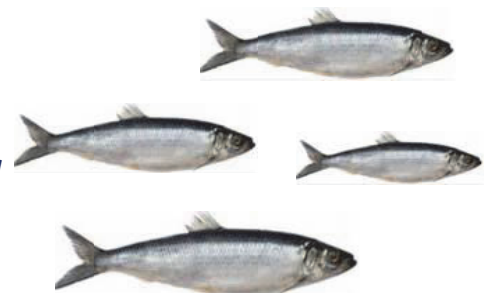
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# Let's Talk Trash...



The weather is finally warming up! It's time to get out and enjoy all the favorite activities that we New Englanders love to do! Eat delicious, nutritious Massachusetts lobster and soak up the sunshine while we enjoy boating on our beautiful coastal waters!

I want to take the time to remind each one of you that while we are out enjoying summer activities, we need to be diligent and mindful in the way we dispose of our everyday trash while out on the water so that it doesn't become marine debris!

Marine debris is one of the most severe human-impacts facing our ocean today and is a global problem! Every single person has the power and the obligation to prevent it! Prevention and knowledge are instrumental in keeping debris out of the ocean. There are many endangered species living in our oceans and marine life is being fatally affected by the trash that is getting thrown overboard every day!

Marine debris comes in many forms. Countless consumer items make their way into the ocean every day, such as discarded consumer plastics, metals, rubber, and paper. Today 99% of plastic

items in our daily lives are single-use items such as, Styrofoam cups, plastic bags, and straws, all of which potentially become marine debris and harm marine life.

The LFoM is committed to cleaning up marine debris. In 2019, the LFoM collaborated with Stellwagen Bank National Marine Sanctuary and created the "Use the Pail, Not the Rail" marine debris campaign.

A unique marine debris trash bag was designed and distributed amongst boaters throughout the region. It was well received and the LFoM continues to seek grant funding to purchase more marine debris bags to be distributed to all the boaters around the Commonwealth.

This "one bagful at a time approach" is just one small drop in the bucket but can make a HUGE impact if we all CHOOSE to be mindful of how we DISPOSE of our TRASH not only on the ocean, on land as well!

In my opinion the most thoughtful and poignant quotation about the environment is an old Indian proverb:

*"We didn't inherit the earth from our ancestors, we are borrowing it from our children!"*

So, let's all do our part to prevent marine debris! DON'T BE A LITTER BUG! This is one time that I can actually "Talk Trash" LOL and have it be a positive message!

Enjoy the summer, eat more Massachusetts lobster and be forever diligent in the way you dispose of your trash!

*Tracey Abboud,  
LFoM Project Coordinator*



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# UMass Dartmouth School for Marine Science & Technology announces Dean

Dear UMass Dartmouth Faculty and Staff,

I am pleased to announce that Dr. Kevin Stokesbury has been appointed Dean of our School for Marine Science & Technology (SMAST). As Dean, he will ensure that SMAST continues to play a leading role in both research and educating students in the marine sciences.

Kevin began at UMass Dartmouth in 1998 as an associate fellow in the then-named Center for Marine Science and Technology, and currently holds the rank of commonwealth professor. He served as founding chair of the Department of Fisheries Oceanography for twelve years.

Kevin's extensive research portfolio and roughly \$40 million in grants

during the past two decades examines the impacts on marine ecosystems from fishing and energy development efforts. His research focuses on sea scallop and groundfish resources, including stock assessment, fishery management strategies, and growth and mortality estimates. Kevin's dedication to collaborating with fishing industry earned him the David H. Wallace Award from the National Shellfish Association in 2013 and was named the *Standard-Times* "South-coast Man of the Year" in 2018.

Kevin is involved in several professional organizations, including serving as chair of the International Council for the Exploration of the Sea's Scallop Assessment Working Group from 2013 to 2018, upcoming

chair of the Bureau of Ocean Energy Management's Committee on Off-shore Science and Assessment, and the president-elect of the National Shellfisheries Association.

I remain exceptionally grateful to Dean Jean VanderGheynst for her service as Interim Dean at SMAST over the past three years. I would also like to thank everyone that participated in the open forums and opportunities to discuss the future of SMAST.

Please join me in congratulating Kevin on this appointment and I look forward to the continued evolution of SMAST's collaborative teaching and research success.

Sincerely,  
Hanchen

<https://mffrg.sites.umassd.edu/>



*The Massachusetts Lobstermen's Association is grateful for the longstanding relationship we have with Kevin and the entire SMAST team. We are truly happy for you, Kevin, and the next chapter in your tenor at SMAST. Congratulations Kevin, we wish you all the best!*



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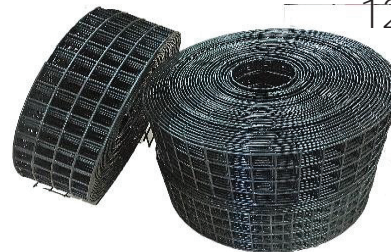
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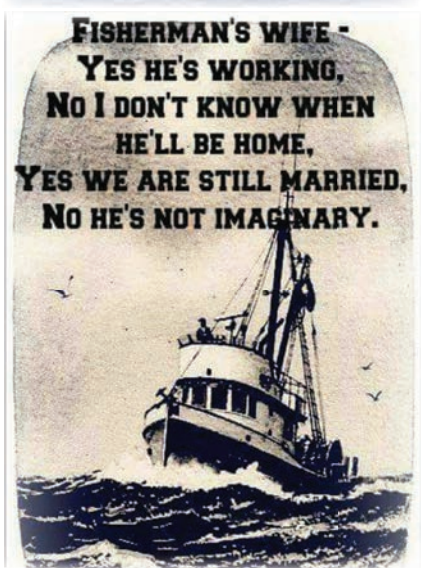
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# Wastewater

FROM PAGE 1

relation to the local communities and businesses that might be affected,” said Irina Rypina, a physical oceanographer at WHOI and the lead scientist on the project.

The scientists will use a NOAA state-of-the-art, realistic, high-resolution ocean circulation model that has been validated against data from drifting buoys in Cape Cod Bay. The research will focus on the near-surface transport, how that varies seasonally, and the role of wind as a driving force of circulation in and around the Bay.

This study, alone, will not be able to draw conclusions about the impacts of a release of radioactive wastewater on the health and safety of humans and animals in Cape Cod Bay and surrounding waters or its effects on recreational and commercial fishing, shellfishing and aquaculture because the amounts and types of radionuclides in the wastewater from Pilgrim Nuclear Power Station are not yet known. However, the study will provide a better understanding of transport and spreading pathways, and the associated time scales.

“We don’t know what’s in the wastewater yet and so can’t predict the fate of radionuclides, but this study addresses the first fundamental question: Where does the water go and how quickly does it move,” said Ken Buesseler, a WHOI marine chemist who has studied the fate of radioactivity in the ocean, including material released from the Fukushima Dai-ichi nuclear power plant in 2011. “It would be important to do follow up research on the fate of the different radionuclides present in the waters. Some radioactive contaminants will move largely with ocean currents, but others are more inclined to end up ac-

cumulating with seafloor sediments, which is a concern especially with bottom-dwelling and filter-feeding organisms.”

The scientists note that even if the release of radioactive wastewater into Cape Cod Bay is ultimately not permitted, the study provides a better understanding of transport pathways and processes in and around Cape Cod Bay and the underlying drivers. This understanding would be beneficial for situations involving search and rescue, oil spill response, harmful algal blooms, marine microplastic pollution, movement of drifting larval marine biota, among others.

“I am pleased that the Woods Hole Oceanographic Institution is commissioning an initial study to help communities along Cape Cod Bay better understand the potential impacts of a discharge of radioactive water from the Pilgrim Nuclear Power Station. This is an important first step,” said **Senator Ed Markey**. “I secured a commitment from Holtec to support an independent study of how the wastewater would interact with Cape Cod Bay, and I have called on them to uphold that commitment to the community, which is rightfully concerned about the potential economic and ecological impacts.”

“I am very grateful to WHOI Sea Grant for stepping up to take on the research required to help better understand the impact that the decommissioning of the Pilgrim Nuclear Power Station will have on both the ecosystem and the blue economy in and around Cape Cod Bay,” said **Congressman Bill Keating**. “Decisions surrounding the decommissioning of PNPS must be based on scientific fact.”

<https://seagrant.who.edu/who-sea-grant-to-map-potential-path-of-proposed-wastewater-release-from-pilgrim-nuclear-power-station/>

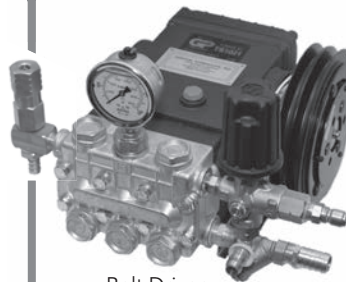
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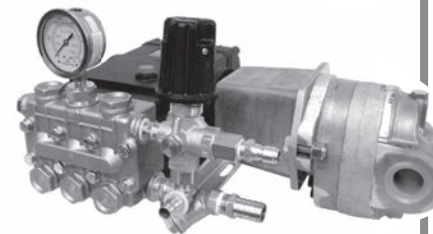
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# Celebrating Our Restoration Successes – 20 Years after the B-120 Buzzards Bay Oil Spill

Nestled behind the elbow of Massachusetts' famed Cape Cod, Buzzards Bay is equally iconic in its New England character. The Bay's clear blue waters, diverse marine life and beautiful landscapes draw thousands of tourists each year for boating, swimming, birdwatching and fishing.

But 20 years ago, disaster struck along the picturesque coastline: the barge Bouchard 120 ran aground on a ledge of bedrock on April 27, 2003. A 12-foot gash in its hull released 98,000 gallons of fuel oil, polluting nearly 100 miles of Massachusetts and Rhode Island shorelines. The spill damaged many saltmarshes and other coastal habitats, killed and injured shellfish, terns, loons, and other bird species, disrupted ecological processes, and closed local shellfishing and other daily public use of coastal resources within the spill area.

Today, Buzzards Bay is transformed, through dedicated efforts of scientists and specialists who assessed the impacts of the spill along the coast and a multitude of natural resources, case teams who worked to build a legal case to hold the responsible party liable for the spill damages, and habitat restoration experts who have led many projects to address and compensate for the spill damages.

With more than \$19.3 million secured for restoration projects through a legal case settlement, Trustees including NOAA, the U.S. Fish and Wildlife Service, the Commonwealth of Massachusetts, and the State of Rhode Island have worked to complete important natural resource restoration. With a diverse array of partners (for example, the Town of Wareham), the last two decades of work has helped to restore fish, wildlife and birds, and public uses impacted by the spill. Some of the highlighted projects are as follows:

## Fish

Projects to support healthy, sustainable fish populations included the removal of the Horseshoe Mill dam and restoration of the Weweantic River in Wareham, Massachusetts to restore 90 acres of wetlands as fish habitat and re-open three miles of stream habitat to river herring and other migratory fishes. Additional projects completed to support fish populations include the removal of migratory fish passage barriers and wetland restoration on Red Brook, as well as a construction of a fishway on Factory Brook in South Kingstown, Rhode Island to further support the needs of migratory fish using coastal streams for spawning in this region.

## Aquatic Habitat

Below the surface of Buzzards Bay, installation of more than 40 conservation moorings supporting eelgrass restoration in West Falmouth Harbor, and dedicated projects enhanced oyster habitat at multiple sites in the Bay. Conservation moorings are constructed with a retractable elastic cord, attached to a boat or mooring float and to the bottom anchor. The cord stretches or contracts depending on the daily tide heights, thus preventing scouring of the Bay bottom and loss of eelgrass that occurs with older, metal mooring chains lying on the bottom.

## Birds

Many species of birds using Northeastern coastal waters rely on sandy beaches and rocky islands scattered across the Buzzards Bay. Restoration projects for bird species impacted by the spill included the protection and management of piping plover nesting habitat along beaches in Massachusetts and Rhode Island, and seven loon restoration projects applying various techniques throughout the Northeast, plus an ongoing assessment of potential projects to restore tern nesting and shoreline habitat.



Heavy oiling of the rocky intertidal shoreline habitat, South Dartmouth, MA

(Credit: James Turek, NOAA)

## Recreational Uses

Projects to restore lost public uses have addressed coastal access, boating and shellfishing in many Buzzards Bay communities.

For recreation, projects have included trail and boardwalk construction at the Nasketucket Bay State Reservation in Mattapoisett, MA and Allens Pond Sanctuary in Dartmouth, MA; trail improvements at Black Point in Narragansett, RI; and reconstruction of public boat ramps in Onset, RI and Dartmouth, MA as well as and installation of new kayak launches in Wareham, MA. Durable fabric "Mobimats" were also installed over sand accessways at three beaches to enable ease of beach access for all users.

Restoration has also included purchase of land for conservation and public access, including nearly 450 acres in Fairhaven, MA and Mattapoisett, MA and 300 acres on Cuttyhunk Island, MA.

Public recreational shellfishing areas were hard hit by the 2003 spill, and restoration activities helped to support recreational shellfishing. More than 24,000 bushels of adult hard clams were relayed from the Assonet River closed waters to provide recreational shellfishing and allow for increased spawning. With time to cleanse and reproduce, the effort provided additional recreational quahog harvesting opportunities. Ad-

ditionally, a variety of shellfish seed programs helped replenish coastal waters for shellfishing, providing 1.76 million seed oysters, 497,000 hard clam seed, and over 18,000 bay scallops for spawner sanctuaries. The programs worked with local shellfish wardens to both grow and release shellfish to at least 53 Buzzards Bay sites.

While some work remains, the Trustees now celebrate many achievements, 20 years after the unfortunate Bouchard 120 oil spill. Many projects have been completed to contribute public benefits.

According to Branden Annett, Vice President of Watershed Protection at the BBC, "the Bouchard oil spill was a singular crisis for Buzzards Bay, but it did serve to coalesce regional organizations in a way that we had never seen before. It was also the impetus for a number of successful ecological restoration projects. I hesitate to say that they are bright spots in the oil spill story, but current and future generations will have access to these restored resources and protected shorelines of the Bay because of the coordinated response."

[https://darrp.noaa.gov/oil-spills/celebrating-our-restoration-successes-20-years-after-b-120-buzzards-bay-oil-spill?utm\\_medium=email&utm\\_source=govdelivery](https://darrp.noaa.gov/oil-spills/celebrating-our-restoration-successes-20-years-after-b-120-buzzards-bay-oil-spill?utm_medium=email&utm_source=govdelivery)



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# Stellwagen Advisory Council Report



## Offshore wind in the Gulf of Maine and more...

*Oh no, it's this guy again-Yes, I'm back. Although, I've been "Termed Out", they asked me to still cover, "The Commercial Fixed Gear" representative seat until I'm replaced. So-here I am.*

The Stellwagen Sanctuary's Advisory Council (SAC) held its 68th meeting on May 17th, 2023, in Rockland, MA. This was mostly an in-person meeting although there were a few members that were in attendance via zoom.

The Wind Energy agenda item proved to be the longest agenda discussion. Much of the discussion focused on the large "proposed" cites in the Gulf of Maine, (GOM). This area stretches southeast of the Cape & Islands to offshore Maine. The giant area is east and outside of the Sanctuary. BOEM, the company managing this proposed area, plans to narrow down the cites available for lease to prospective wind turbine companies, within the GOM area.

There are already some buffer zone areas for species protection. These would be safe from wind energy development. None of the areas include any of the Sanctuary. However, what is still under discussion are "cable corridors" to get energy from any turbines to shore. Could or should cables be laid through the Sanctuary?

Everyone felt that any cable corridors should include all cable funneled through together rather than have many cables going through anywhere at dif-

ferent locations. Once again, it was noted that the SAC didn't want any cables trenched through the Sanctuary. The trenching of these cables involves large machines that dig trenches, lay cables, and bury them (hopefully) although the issue of bedrock, boulders and other obstructions could cause problems (*Did anyone tell them nothing is simple??*)

Remember, that when the companies working on turbines and cables south of the Cape & Islands did find that they were unable to bury the cables as they wanted, due to the bedrock under the bottom surface and the answer there and could be coming into land from any GOM areas, was to lay a concrete mat over the cables if they couldn't bury them.

Much of the concern in all this is the disturbance to the current habitat whether inside or outside the Sanctuary and the adverse effects on species such as, sand lance, lobster, fish spawning and what else could be adversely affected.

Another concern involved in all this wind energy issue was again raised and that is Electro-Magnetic Energy. What effects could this issue have on fish species, spawning and movement of fish? This concern has been raised over the years that these proposals have been afloat. There has been no conclusive evidence brought forward, so far, as to whether this effects marine species in any way, but since there is such

Magnetic Energy, does or will this cause any problems for our fish species if all these turbines and cables get functioning???

One last discussion on the dredging issue was that sonar can tell you what's on the bottom but can't tell you what's under the seafloor, ei-bedrock. Also, if dredging moves boulders, rocks etc., from being in the way, where do they move them to? Moving them aside could mean moving them into a clear area where fishermen, draggers or scallopers now tow because they've been known to be clear bottom?!

Another agenda item involved the mapping of the Sanctuary bottom. As reported from the last meeting, the Sanctuary is hiring commercial fishing vessels to do the mapping when not fishing. These would most likely be mobile gear boats. *But??* The vessels would be equipped with side scan sonar and technicians using a "tow-fish" to see what's on the bottom. It would mostly deal with shipwrecks, but the devices can detect lobster traps as well?! The project would be a 21-day survey with each mission being a 3-day trip. It would be for MA

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residents and would pay a day rate. Anyone interested should call the Sanctuary for more details.

There was a Sanctuary Research update given. This included a report on sand-lance and climate effects on various species. Another lengthy report was given by Sanctuary scientist, Dave Wiley. This report listed work done or being done on:

1. Right Whales
2. Sand-Lance
3. Fishing restrictions
4. Drone tagging of whales.
5. How whales find food.

There was a lot of research being done on these issues.

There was mention of a symposium at the Maine Community College on the S.S. Portland that sank in a storm in 1898. The wreck has been located in the Sanctuary.

Earlier in the meeting there were updates on the Management Plan, the visitor center in Provincetown, water quality with the EPA, MWRA, the elections of officers and the Sanctuary's budget.

Regarding the Management Plan, the draft was accepted by headquarters in Silver Springs and will be published in mid-July. This includes a working plan and an action plan for the Sanctuary. *Typical federal action!!!!* There is nothing here to be concerned about for now.

The EPA and MWRA discussions focused on water quality regarding the out-fall pipe off Boston. Nothing bad here as there doesn't seem to be any adverse effects on the Bay or on the Sanctuary.

The Sanctuary's Visitor Center in P-town is in the planning stages. This building will be

built on the P-town wharf within the next 3-4 years. The SAC saw pictures of what it would look like and what it would likely include in the building.

Elections for officers for the SAC will be held at its October meeting, when all the new SAC members are seated. This would include chair, vice chair and secretary. Many of the current members have been termed out (including Bill Adler) and so the Sanctuary must get any new members seated by headquarters (D.C.) before elections can be held. It is hoped that this will be done by the October meeting.

The budget update revealed that the Sanctuary was basically funded (+ -) with not much of any increase. There continues to be staffing issues with gaps in what the Stellwagen Sanctuary needs. It was noted that some repairs to its Scituate, MA pier facilities do need some work but in general it's been "flatlined" as far as what money will be coming to the Scituate Stellwagen Sanctuary facility. *We all need more money don't we!!!*

The agencies report included:

1. CZM were involved mostly in offshore wind issues.
2. USCG report included updates on new vessels coming to N.E.
3. NOAA Law Enforcement report focused on Right Whale rule enforcement, scallop protection (?) and the shipwreck avoidance program. There were no violations issued. As far as enforcement of fixed gear whale rules, the agency noted their work on compliance indicated that they hauled 416 traps with 246 ropes and there were less than 400 violations than they had in 2022(!)



4. NEFMC Report-the agency was dealing with herring, scallops, groundfish, haddock, cod, salmon aquaculture issues and plans. They did mention a Working Group had been formed to investigate gear conflicts between mobile and fixed gear fisheries due to the proposed whale protection concept of no buoy lines. This was brought up at the last meeting and involved what gear conflicts would be expected, not with whales, but between fishing activities if buoy lines weren't allowed.? *No way would this work, get over it!!*

The working group is scheduled to meet in July. As a side note, the Council and NOAA noted that the federal towing operations on fish issues will

not occur across cable (wind cables) areas.

There was a brief discussion earlier in the meeting on the Sanctuary Charter, the Work Plan, Recruitment, and locations for future meetings, *(Nothing important here!)* The meeting which started at nine ended at about two.

*Over these many years, 1990's-2023, I've been honored to represent and fight for the Commercial Fixed Gear fishing fishermen. I did the best I could, and I think we have mattered, and overall have been successful. Remember-Never Give Up!*

Bill Alder  
SAC Fixed Gear  
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Atlantic States Marine Fisheries Commission

NEWS RELEASE

# Horseshoe Crab Board Approves Best Management Practices for the Biomedical Industry

Arlington, VA – The Commission’s Horseshoe Crab Management Board approved revisions to a guidance document on *Best Management Practices (BMPs) for Handling Horseshoe Crabs for Biomedical Purposes*. The document recommends broadly applicable industry standards that are expected to minimize mortality and injury of horseshoe crabs associated with the biomedical process. It also

provides background on the horseshoe crab biomedical fishery, information on current regulations in the Interstate Fishery Management Plan (IFMP) for Horseshoe Crab related to biomedical collections, and research recommendations that could further inform the BMPs and potentially further reduce mortality or injury of biomedical horseshoe crabs.

The revised document is the

product of a Board-appointed work group that was tasked with reviewing and updating the BMPs for handling biomedical catch since over a decade has passed since the BMPs were originally developed. The work group included technical committee and advisory panel members with expertise in horseshoe crab biology, ecology, and biomedical processing.

It is the Board’s intention to keep

this document up-to-date, with periodic updates in the future. The final document will be posted to the horseshoe crab webpage at <https://asmfc.org/species/horseshoe-crab> under quick links by the end of May.

For more information, please contact Caitlin Starks, Senior Fishery Management Plan Coordinator, at [cstarks@asmfc.org](mailto:cstarks@asmfc.org) or 703.842.0740.

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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# FISHERIES NOTICE 2023-01

Issued May 15, 2023



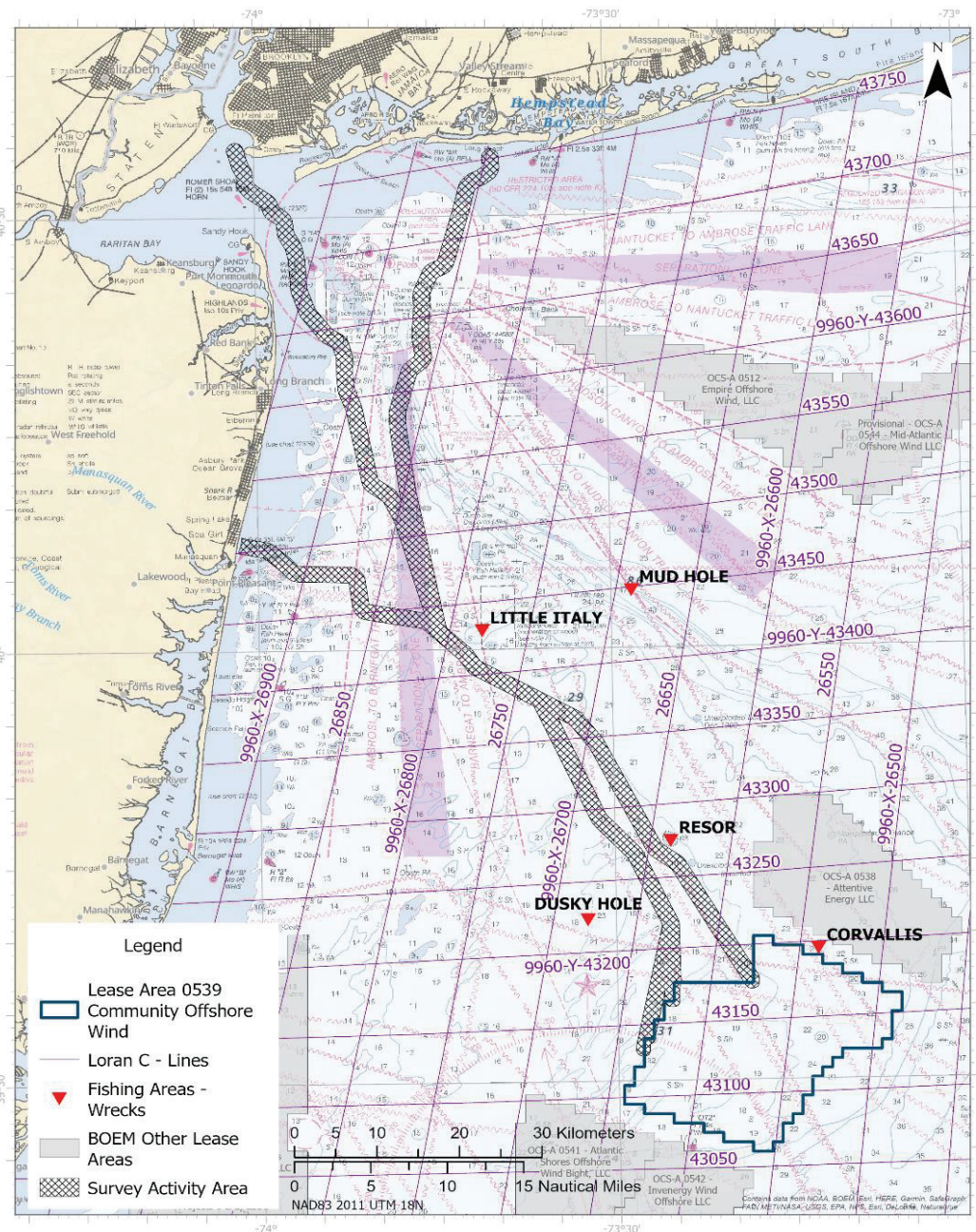
SCAN ME

## POTENTIAL EXPORT CABLE CORRIDORS – GEOPHYSICAL SURVEYS

Community Offshore Wind will begin High Resolution Geophysical surveys of potential offshore export cable corridors on or after May 30, 2023. Reconnaissance of potential export cable corridors will include multibeam bathymetry, side scan sonar imaging, magnetic measurements, and shallow sub-bottom profiling. This initial survey of potential export cable corridors is expected to last through August 31, 2023. Survey corridors are 1400 meters (0.75 nautical miles) wide to accommodate vessel turns while towing survey equipment. Information from these activities will be used to characterize the seabed, refine knowledge of bottom features or obstructions, and inform future export cable route development.

High Resolution Geophysical survey activities continue within the lease area (OCS-A Lease 0539; see [Fisheries Notice 2022-01](#)). Benthic and geotechnical survey campaigns are expected to begin later this summer and will be

coordinated with ongoing and future geophysical surveys. Community Offshore Wind will provide fisheries notices and updates prior to the start of additional survey activities.



### CONTACTS

Deirdre Boelke, Fisheries Liaison  
Cell: 978.518.0638

[DeirdreB@communityoffshorewind.com](mailto:DeirdreB@communityoffshorewind.com)

Michelle Duval, Fisheries Liaison  
Cell: 919.601.3798

[Michelled@communityoffshorewind.com](mailto:Michelled@communityoffshorewind.com)

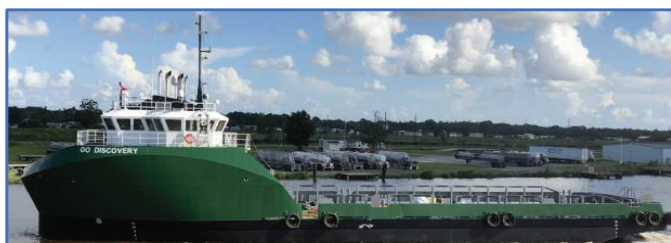


## COMMUNITY OFFSHORE WIND FISHERIES NOTICE 2023-01

The lease area is located 32 nautical miles east of Barnegat Inlet, NJ and 56 nautical miles south of Long Beach, NY. Offshore, it is positioned east of the Star Slough and just south of the CORVALLIS wreck. Mariners transiting and operating offshore are encouraged to note survey locations and timing. Fishermen fishing mobile gear or deploying tended, fixed fishing gear in survey areas when survey vessels are present are requested to coordinate operations through direct bridge-to-bridge communications with survey vessels. Fishermen planning to fish fixed gear in survey areas, particularly within potential export cable routes, are encouraged to contact Fisheries Liaisons Deirdre Boelke or Michelle Duval to coordinate activities in advance. Latitude and longitude coordinates of survey routes can be provided upon request. A local commercial fishing vessel will also scout the area for fishing gear in advance of survey operations.

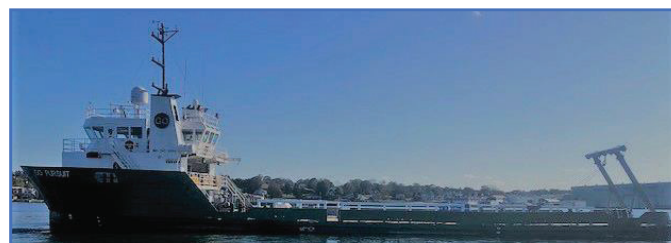
- Two 170-foot vessels, the GO PURSUIT and GO DISCOVERY, are surveying the lease area and will also survey the export cable routes under consideration. The vessels will be towing survey equipment astern and request a 0.5 nautical mile closest point of approach.
- Survey vessels will monitor VHF channel 16 and will have an Onboard Fisheries Liaison to communicate and coordinate with the fishing fleet.
- Both survey vessels have Protected Species Observers (PSOs) onboard who monitor for the presence of protected species during all vessel activities and transits, day and night. PSOs ensure that any required protective measures and avoidance maneuvers are implemented if protected species are observed.
- During periods of inclement weather, vessels may transit to the Sandy Hook, NJ anchorage area to shelter until conditions improve and survey activities can be safely resumed. Vessels are not towing survey equipment when running weather patterns outside of the lease area or potential export cable corridors.

Please contact the Project's Fisheries Liaisons with any fisheries-related questions, concerns, or suggestions regarding future survey communications.



### ***M/V GO DISCOVERY***

Vessel Flag: USA  
 Call sign: WDK4727  
 MMSI: 368058130  
 Bridge phone: (+1) 337-706-5602  
 Email: [godiscovery@guiceoffshore.com](mailto:godiscovery@guiceoffshore.com)  
 VHF: Channel 16



### ***M/V GO PURSUIT***

Vessel Flag: USA  
 Call sign: WDH6498  
 MMSI: 367191410  
 Bridge phone: (+1) 337-205-7400  
 Email: [gopursuit@guiceoffshore.com](mailto:gopursuit@guiceoffshore.com)  
 VHF: Channel 16

**For additional information and to sign up for updates, please visit**  
[communityoffshorewind.com/fisheries.](http://communityoffshorewind.com/fisheries)





# Lobster vessel tracking requirements began on May 1

Dear Permit Holder,

We are contacting you as a reminder that vessel tracking requirements for federally permitted (LMA 1-5 & OCC) lobster vessels began on May 1st, 2023. An approved vessel tracking device must be installed, powered, and activated on the vessel's first trip using lobster trap gear. If you have installed a device, please make sure to complete, sign, and return the affidavit received with your mailing, an additional copy can be found at <https://www.mass.gov/doc/vessel-tracking-affidavit/download>. Vessels that will not fish lobster trap gear in federal fishing year 2023 may opt out of the fishery by choosing to opt out and returning the affidavit. If you are experiencing difficulties with your device or related forms please call the DMF Vessel Tracking Project at 978-491-6265 or email [DMF.Tracking@Mass.gov](mailto:DMF.Tracking@Mass.gov), additional details can be found at our website: [www.Mass.gov/Vesseltracking](http://www.Mass.gov/Vesseltracking).

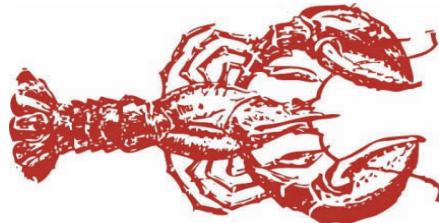
For troubleshooting devices, we recommend contacting device vendors directly. Below is the contact information for each company. Installation information for each device are found on the vendor website.

Device Vendor	Approved Device	Website	Power Supply	Installation Location	Support Phone	Support Email Address
Woods Hole Group	NEMO	<a href="http://whgnemo.myportfolio.com">whgnemo.myportfolio.com</a>	USB power	Interior near window	(240) 492-1944	<a href="mailto:support@woodsholegroup.com">support@woodsholegroup.com</a>
Viatrax	Boat Command	<a href="http://boatcommand.com">boatcommand.com</a>	12-24 VDC	Interior near window	(918) 824-1400	<a href="mailto:support@viatrax.com">support@viatrax.com</a>

NOTE: The Woods Hole NEMO unit can be activated at: [https://woodsholegroup.my.salesforce-sites.com/thoriumvms/activate\\_nemo](https://woodsholegroup.my.salesforce-sites.com/thoriumvms/activate_nemo). The NEMO device must remain powered via the USB cable at all times, the solar panel cannot power the device for this project.

Boat command installation instructions and registration information can be found at: [https://cdn.shopify.com/s/files/1/0700/4776/0688/files/VMS\\_vessel\\_registration\\_and\\_installationASMFC\\_-2.pdf](https://cdn.shopify.com/s/files/1/0700/4776/0688/files/VMS_vessel_registration_and_installationASMFC_-2.pdf). This unit must be connected to power at all times, it may go into sleep mode when at vessel's berth, please contact vendor with questions.

Regards,  
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BLUEFISH												
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FLOUNDER, WITCH (GRAY SOLE)												
FLOUNDER, YELLOWTAIL												
HADDOCK												
HAKE, SILVER (WHITING)												
HAKE, WHITE												
MONKFISH												
POLLOCK												
REDFISH (PERCH)												
SCUP												
STRIPED BASS												
SWORDFISH												
SHELLFISH	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
BAY SCALLOP												
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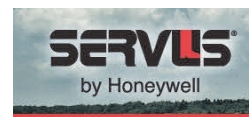
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# Legal Defense Fund Updates

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 MLA is actively engaged in three separate lawsuits 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.

**UPDATE MAY 26, 2023** — (Washington D.C.) Case 1:23-cv-00293-JEB – Massachusetts Lobstermen's Association v. Raimondo, et al.

As our members are aware, NMFS issued a new "emergency rule" closing the Wedge with only 14 hours' notice. To combat this, we brought a complaint challenging the 2023 Wedge Closure as an illegal action under the Omnibus Bill and the Administrative Procedures Act. We also brought a Motion for Temporary Restraining Order to try to end the 2023 Wedge Closure immediately. The case was assigned to Judge Boasberg, the judge in the Ross case.

Judge Boasberg held a hearing on the Temporary Restraining Order on February 16, 2023. Judge Boasberg denied the Temporary Restraining Order, keeping the 2023 Wedge Closure in place for now, but this was an example of losing the battle but winning the war. Specifically, Judge Boasberg voiced that he believed MLA was right on the legal argument that NMFS is not allowed to issue the 2023 Wedge Closure but denied the TRO on the grounds that MLA could not show irreparable harm due to the low financial harm suffered overall. Additionally, he completely rejected the NGOs contentions that NMFS can continue to issue regulations without limitations.

However, following the expiration of the Wedge Closure, the government moved to dismiss the case, claiming the issue was now moot now that the Wedge Closure was no longer in effect. We aggressively challenged this, asserting that under NMFS's own logic in "extending" the 2023 Wedge Closure, the Wedge Closure was still in effect and, regardless the Court should still rule on the merits as

NMFS's upcoming illegal action to make the Wedge Closure permanent rested on the illegal 2023 Wedge Closure.

Despite these arguments, Judge Boasberg dismissed the Complaint without prejudice on mootness grounds without any oral argument by the parties. We have the option to appeal this dismissal, but we believe it makes strategic sense to challenge the Final Rule making the Wedge Closure permanent.

While it may not appear so, this case was a victory because Judge Boasberg, who has not always ruled in our favor in the past, was clear that the Omnibus Bill made illegal any further closure to fishing grounds and set precedent dissuading the government from instituting any other closures. It also strengthens our argument that any future attempt at an emergency or final Wedge Closure is illegal.

**UPDATE MAY 26, 2023** — (Washington D.C.) Case 1:18-cv-00112-JEB - CENTER FOR BIOLOGICAL DIVERSITY et al v. ROSS et al.

On May 16, 2023, NMFS moved to dismiss Judge Boasberg's Order requiring it to create a new Biological Opinion by the end of 2024, and dismissing the remainder of the NGOs claims. NMFS's basis for doing this was claiming that the Consolidated Appropriations Act doesn't require a new Biological Opinion until 2028, making the decision moot. This is an almost identical argument to the one NMFS raised to the D.C. Circuit, which has not yet ruled on the motion to dismiss.

Given this, we asked the Court to stay briefing on the motion to dismiss until the D. C. Circuit has ruled. The Court is weighing that motion currently and we expect a ruling on whether the stay consideration or require briefing to come within the next two weeks.

**UPDATE MAY 26, 2023** — (Washington D.C.) Maine Lobstermen's Association, et al. v. NFMS

ORDER GRANTING SUMMARY JUDGMENT - Judge Boasberg has issued his summary judgment order in MLA v. NMFS ruling against the Maine Lobstermen's Association (and us) on every single ground we raised challenging the 2021 BiOp.

As we have tracked in our last few updates, we appealed Judge Boasberg's order to the D.C. Circuit and the matter has now been fully briefed.

Our Reply Brief was due on January 10, 2023 and in that Brief we pointed out that NMFS was being hypocritical by now taking the position that it never took "worst-case scenario" approaches despite explicitly stating that it was doing so.

Despite the appeal being fully briefed and the time for motions having passed, NMFS recently brought a motion for leave to file a motion to dismiss the appeal, and a motion to dismiss. In its motion to dismiss, NMFS is now claiming that it will not be issuing any new regulations on the current Biological Opinion, and that it will have to issue new regulations only on new technology later. Thus, NMFS argues, the appeal is moot and should be dismissed.

We have aggressively opposed this move, first objecting to the motion for leave to file a motion to dismiss, and we intend to file an aggressive brief against NMFS's motion to dismiss. We believe NMFS is intentionally and deliberately misleading the Court as to the effect of the Omnibus Bill, as the Omnibus Bill requires NMFS to issue new regulations based on existing and new technologies. Also, we will assert that the underlying issue with the Biological Opinion, the reliance on worst-case scenarios, is capable of being repeated (an exception to a mootness argument) because NMFS will use worst-case scenarios again. With these arguments, we believe the D.C. Circuit has good reason to not dismiss the appeal and to hear the arguments.

Indeed, the D.C. Circuit issued an order deferring consideration of the motion to dismiss until after the oral arguments on Friday, February 25, 2023. It is highly unlikely that the D.C. Circuit would do this if they intended to grant the motion to dismiss, so this case will likely have a merits decision. Additionally, we have learned the panel that will hear the argument: Judge Rao (Trump appointee); Judge Katsas (Trump appointee); and Judge Ginsburg (Reagan appointee). We are optimistic that this panel will be fair and appropriately skeptical of NMFS's illegal use of worst-case scenarios.

Oral argument was held on February 24, 2023, and we feel it went very well for us. The Court was highly skeptical of NMFS's argument that it used the best available science and that it was not using the science to issue



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# LDF Updates

FROM PAGE 35

regulations, which NMFS itself undercut by admitting it was issuing permits using the science.

Our optimism was bolstered when the Court asked us to submit a supplemental brief asking to explain the impact “if the court were to hold that the Service’s actions are contrary to law.” Maine and the other intervenors encouraged the court to vacate the Final Rule; we encouraged the Court to remand; this is mostly a legal difference that is being made to ensure that the Court does not accidentally make it impossible for our members to fish. The NGOs unsurprisingly asked the Court not to do anything but, if it was, asked it to remand so that NMFS can continue to issue regulations to protect whales. NMFS similarly argued that it should be remanded, and that the Court could not vacate.

We expect a ruling to come soon.

**UPDATE MAY 26, 2023** — (E.D. Louisiana.) Case No. 2:23-cv-00796; Sawyer, et al. v. Monterey Bay Aquarium, et al.

MLA members Sooky Sawyer, Jarrett Drake, Bill Souza, and Eric Meschino led the charge against the Monterey Bay Aquarium’s false and defamatory statements about the lobster industry and our fishing practices. Through MLA counsel, Sawyer, Drake, Souza, and Meschino filed a class action lawsuit in Louisiana under Louisiana’s food libel laws, which forbid false statements about aquacultural products. The lawsuit alleges that Monterey Bay, and the Marine Stewardship Council, falsely claimed that our lobster fisheries are killing the Right Whale, which we all know is untrue and reflects an arrogant ignorance about the numerous practices we have implemented to protect the Right Whale over the years. Let us be clear, we are just as committed to protecting the Right Whale as any NGO, which is why the false statements against us cannot be allowed to go unanswered.

On April 21, 2023, Monterey Bay Aquarium filed a Motion to Transfer due to Improper Venue or Lack of Personal Jurisdiction, claiming that the Aquarium has no contacts in Louisiana that make it subject to a lawsuit there. These arguments are based on the principle that, in order for a court in this country to exercise power over a party, there must be a sufficiently strong connection between either that party or the acts underlying the lawsuit and the particular state the court sits in. The Aquarium argues that because it is located in California, the harm occurred in Massachusetts, and it lacks business ties in Louisiana, that a Louisiana court cannot exercise authority over it.

We countered that the Aquarium does have business contacts—substantial business con-

tacts—with the state of Louisiana. The companies that have refused to continue to buy your lobster, like Whole Foods, HelloFresh, and Blue Apron, are all corporate “partners” of Monterey Bay Aquarium. It is our position that, given the corporate relationship between the Aquarium and these huge companies doing business in Louisiana, the Aquarium could have reasonably foreseen being called into court in Louisiana, and therefore the court has the authority to exercise its power over the Aquarium. That is the position we took with our Response, which was filed on May 16, 2023.

Predictably, the Aquarium disagrees with our argument, and filed a supplemental brief on May 22, 2023. We are now awaiting the Court’s decision on the Motion to Transfer.

As for co-defendant Marine Stewardship Counsel, they have yet to file an answer or any motion in response to our Complaint.

If you are a Massachusetts lobstermen interested in joining the Massachusetts class action, please contact the MLA.

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 lawsuits to keep the Massachusetts commercial lobstermen fishing.

The Massachusetts Lobstermen’s Association has been actively involved in these lawsuits since 2018 and 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 over the last 5 years the Massachusetts Lobstermen’s Association Legal Defense Fund has spent over \$300,000 fighting these legal battles. 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.

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MLA LDF  
8 Otis Place  
Scituate, MA 02066

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# MLA Classifieds

Classified ads are a free benefit to MLA Members and Non-members are a flat \$25.00. Ads run for 5 months & will be automatically deleted unless you call the MLA office to renew. **781-545-6984** or email ads to: **tracey.abboud@lobstermen.com**

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AD#6 (3/23) **FOR SALE** – 1981 50 Ft., Jersey Boat- Twin disc 507- Detroit 671- Needs wiring & electronics. BRO \$25,000.00 Call for more info-781.834.6733

AD#7 (2/23) **FOR SALE** – 50 lobster traps 36 +221/2+15 3 concrete bricks pt runners good shape shrimp mesh twine call 978 774 4074 after 6. \$45 each.

AD#8 (3/23) **FOR SALE** – 38 ft Novi fiberglass over wood- John Deere 6068. 225hp 5,670 hours on Engine-Steamers @8.5/9 knots 14" hauler Simrad Autopilot Inside/Outside steering stations- 150 gal fuel tank- Lobster tank holds 600lbs. Furuno GP-39 S inside- Furuno GP- 32 GPS outside- Furuno Radar, Furuno FCV-292 color video sounder-2VHF. Inside/ Outside 2 computer monitors, one face inside- other faces outside steering station. Very quiet engine. Asking \$15,000.00 Call- 978-290-9929.

AD#9 (5/23) **FOR SALE** – Wooden conch pots and repair stock made to order – 774-201-0712

AD#10 (5/23) **FOR SALE** – 1977 Dyer Fiberglass 29ft lobster boat, currently on dry dock until May 20 in East Boston. The engine is 5-year-old 351 Ford gas engine w/new overhauled gear by Nopper Marine. Currently, the engine & gear were removed from boat. Recently rebuilt hydraulic steering pump & new stern bearing as well as one new fuel tank. Good deck room for a smaller boat. 15 4 ft trawls or 45 4ft take home capacity. Could be used as lobster or sports fishing boat. 2 fuel tanks approx 60 gal. total. Two hauler stations (electric & or hydraulic option) Private showings only. Tom 617-504-4153. BRO.

AD#11 (3/23) **FOR SALE** – Warp–Used & some new, mostly knot free. 76 lbs. 5/16, 33 lbs. 3/18 \$99 takes all 508-269-1406 Plymouth.

AD#12 (4/23) **LOOKING** for a site on an offshore lobster boat. I have 5 years' experience lobstering & other fishing experience. Reliable, dependable & ready to go fishing. Call/ text 518-804-5264 or email j95merriitt@gmail.com

AD#13 (5/23) **TAKING OFFERS** on TRAPS located in GLOUCESTER – 100, 40 1/2" X 24" X 15" Single parlor traps, Color RED, Jungle wood runners, 70 of them were fished 5 months on soft bottom, 30 of them never in the water. 50, 48" X 22 1/2" X 15" Double parlor traps. Color YELLOW, Jungle wood runners, 40 of them fished one season, 10 of them never in water. Pictures available by text. Bob at 508 284 5896

AD#14 (5/23) **FOR SALE** – 12" hauler stainless steel plates 10 gal., hydraulic tank aluminum Davit which hauler can be mounted on \$1000.00 Call Tom 781-831-1609

AD#15 (3/23) **FOR SALE** – 100 Totes-Brand New Bait Net, Numerous buoys-all sizes, Bait Barrels, Two Trailers, Compressor, Numerous tools, too many to list. Call for more info & pricing 781.834.6733

AD#16 (3/23) **FOR SALE** – 115 Lobster Traps. 48 x 24 x 15 Jungle wood runners-Some patches ready to fish. \$20.00 Call 508-367-0757

AD#17 (6/23) **FOR SALE** – 200 used traps 13 1/2 x 21 1/2 x 39" \$25.00 per trap. Call 401-635-4371

AD#18 (5/23) **FOR SALE** – 3/32 7x7 Bottom Longline galvanized cable, 20,000 ft (2spools) new with electric reels. \$600. 2 Hydro Slave Standard Boom Winches 400- 20 3ft x 22in Shrimp Mesh Lobster Pots \$35. each – Bill @ 508-264-1076

AD#19 (2/23) **FOR SALE** – 1980 Bob Rich 40 wooden lobster boat. 471 Detroit diesel, twin disc gear, hydro-slave pot hauler w/diverter valve for other fisheries. Two 75-gal fuel tanks (fiberglass) under deck, full cabin, GPS, Furuno depth sounder, VHF radio, MA coastal Area 1 lobster permit, 800 trap. Federal Area 1 lobster permit w/endorsements (groundfish/dogfish) 800 pot limit. 140 wire lobster traps, some never used (brand new) 60-70 buoys, extra ropes, safety equipment, sea anchor, 12 fiberglass skiff, misc.; lobster related equipment, spare propeller (never used) trap related repair equipment. \$65,000.00 firm Call Bill at 781-834-7418

AD#20 (5/23) **FOR SALE** – 30 4' Traps 48x24x13 1/2 Color White-Call 508-577-4868

AD#21 (5/23) **FOR SALE** – MA Conch pot license w/ history. Best offer over 30K -Call 774-775-2827

AD#22 (5/23) **FOR SALE** – 38 ft fiberglass Atkinson NOVI, Gloucester Ma., alum/glass windows, rebuilt by Downeast Diesel 6081 JD 375 hp/1500 hrs., ZF trans, 2 steer stations, 14" ss pot hauler, ss davit, gear locker, 4 bunks, life raft, EPERB, 295 Furuno color machine, Furuno radar, Northstar GPS 952, Sinrad auto pilot, wash down, 2 ss fuel tanks – 200 gallons – 1000 lb lobster tank very well maintained, motivated seller \$130,000.00 OBO Cell 781-424-6946

AD#23 (2/23) **FOR SALE** – Package deal preferred, lobster boat, license & gear. Boat-south shore 30, fiberglass Cummins engine w/ electronics, fished every year. Coastal permit 800 pot limit. Gear- about 200 pots w/ rope in good condition. Lots of extra buoys & sticks. Health reasons force sale. Asking \$59,000. Negotiable. 617-688-6720. Text is best, phone messages get lost.

AD#24 (2/23) **FOR SALE** – LMA-1 Federal lobster permit, 800 trap allocation, good history \$35,000.00 978-578-8882.

AD#25 (3/23) **LINE FOR SALE** – 3-10 pot trawls of 7/16" Everson line-14 Fathom between traps-7/16" gangions-2 – 20 F x3/8 "buoy lines-In totes included -\$60.00 / trawl Joel @ 781 581 0324 or E-mail joel.w.marie@gmail.com.

AD#26 (3/23) **FOR SALE** – 5" Superior hauling block-Aluminum construction with stainless sheave \$250.00 Joel @ 781 581 0324 or E-mail joel.w.marie@gmail.com.

AD#27 (3/23) **FOR SALE** – Spare new stainless sheave for 5" Superior block-\$150.00 Joel @ 781-581-0324 or E-mail joel.w.marie@gmail.com.

AD#28 (6/23) **FOR SALE** – 1990 42 ft PEI lobster boat in excellent condition. Cummins 8.3L-6 CTA w/ ZF gear. 1700 hours on each. Electronics, safety gear, very well equipped.700 Brooks Trap Mill custom traps. 3/8 Everson ground line, and whale safe compliant end lines, Hi flyers and tide balls. State and federal licenses. Complete package \$290,000. Will separate Boat \$210,000, traps \$75,000, state license \$30,000 and fed license \$40,000. Call 978-745-6182 leave a message. Serious inquiries only.

AD#29 (3/23) **FOR SALE** – Selling two used -1-inch Jabsco pumps. Pump 1 is on a 4-inch pulley, belt driven with mounting bracket – pump 2 has a 12 volt clutch. \$100. each. Also, a 2 inch direct gear driven Jabsco raw water pump -\$150. Also, a used 24 inch chrome destroyer type steering wheel with a 3/4 tapered shaft. \$100.00 Call 781-929-3837

AD#30 (4/23) **FOR SALE** – Complete lobster business. Area 1 MA State license 800 trap allocation with long history. Dog and shellfish endorsement. 1987 Gummond 31' with 12' beam enclosed cabin with "bus" heater 12kts cruise with 20+top end Cummins re-manufactured "Diamond" version 370 HP with 3500 hours. 300+ traps with ropes and bouys. 14ft tender with 3yr old Suzuki 4s 15 hp with electric start. GPS/bottom sounder, life jackets, fish totes, etc. Sold as package only. Contact Bob at 508.224.1664 or e-mail at roalward@comcast.net Pictures available.

AD#31 (2/23) **FOR SALE** – #1 Bellhousing 2:1 gear reduction – re-built 51 14A – twin disc transmission- Down Angle-North Atlantic Power Products. 0- hours.1000 hours or 6-months warranty. \$14,200.00 Call Peter at 203-627-6070

AD#32 (4/23) **FOR SALE** – Lobster business-42 ft South-shore lobster boat (Brady R – Chatham Harbor) in excellent condition (built 2017). All composite construction with a 750 John Deere Model #6135 main engine (4,100 hours). Full electronics and all safety gear. Whale regulations compliant. Knotless ground lines, highflyers, buoys, anchors, mixture of wood and wire traps in excellent condition, trailer, freezer, totes, etc. State & Federal Lobster licenses, both w/a 645 tag history & many federal endorsements. Prefer to sell as a package. Serious inquiries only: 774.313.6287 or joneSeven@aol.com

AD#33 (3/23) **FOR SALE** – Hook gear for sale 5 totes 125 hooks per tote all brand new.5 totes of used gear. Brand new Danforth anchors included. \$1000.00 Call 781-831-1609

AD#34 (6/23) **FOR SALE** – Lobster Business- 28.2ft boat, built in 1976 engine cat 3208, 265HP trans 2.1 twin disk fiberglass JC hull. Area 1 Coastal lobster permit 800 trap allocation, 700 3ft lobster traps with rope and buoys. 80,000. Joe at 978-239-5927.

AD#35 (6/23) **FOR SALE Price Reduction** – 36.5' Wayne Beal Lobster Boat. 3208 CAT 375 hp Turbo w/7600hrs. Motor was completely overhauled prior to 2022 fishing season. Furuno chart plotter, depth, radar & radio. 2nd Simrad below. Switlik life raft, survival suits & Epirb. Small galley w/sink, insulated icebox & 2500-watt inverter for coffee. 4 bunks w/mattresses. Working head. Pacer pump & separate washdown pump. Redundant spare equipment (all new in box), Inc. Pacer pump w/hydraulic hoses, belts, starter motor, 2 alternators, windshield wiper arms & motors, bilge pumps, deck hoses, etc. The boat is clean & in excellent, fishable condition. \$205,000.00 Traps & Permits available. Ben @ 978-578-8882

AD#36 (12/22) **FOR SALE** – 100 brand new, standard size heavy waxed fish boxes w/tops. Foot operated box stapler w/staples, air operated Bostitch carton stapler w/staples \$200.00. Inshore Longline/Tub trawl gear 1000 + hooks [over a mile] rigged w/ gangions and clips, new ground lines, extra snaps, boxes of brand-new Mustad Easy Baiter hooks. Ready for codfish, dogfish, bluefish. "Chatham/Jamestown" auto baiter (3-4 bushel size) Gillnets: (12) 12" Monkfish (w/tie downs) most brand new, some recent rehangs, other assorted sizes. Lots of floats, lead line, net frames to be re-hung. Lots more fishing gear. Too much to list, ALL PRICED TO SELL. Call for your needs. Located in Freeport, Long Island, New York Call, text or E-Mail. Leave your name and phone number. I will CALL you in the evening after 6 PM. Capt. Rich. 347-836-5382, e-mail captrichunt@aol.com

AD#37 (6/23) **FOR SALE** – 35' Novi, 1989 Atwood solid fiberglass hull, Cummins 6BT (~4,000hr since reman.), rigged for pot fishing, needs a lot of work – \$16k or best offer. Currently in dry dock on Cape Cod. Call 508-737-1052

AD#38 (1/23) **FOR SALE** – Area 1 Coastal Lobster Permit, 800 pot allocation. Call Jim 781-264-0104

AD#39 (1/23) **DECK TILES** – 1x2 ft. Old style – good shape looking for about 10 call 978 774 4074

AD#40 (1/23) **FOR SALE** – 1973, Harris, 36, has a C-series Cummins 430hp w/ 2377hrs Furuno radar, Garmin chart-plotter, Garmin fish-finder. New deck & fuel tanks a few years ago, holds roughly 220 gal., of usable fuel. Bill at 508-246-0476. Asking \$55,000

AD#41 (1/23) **FOR SALE** – Xactic Bonar plastics Polar Insulated Box with lid. Blue 48" L X 43"W X 47"H 2100 LB Capacity/ New condition. Lists \$1400 will sell for \$700. Call / text Phil 508-566-2201

AD#42 (2/23) **FOR SALE** – 300 Friendship traps- 36x24x14. Yellow hoop & shark heads -3/4 bricks- 10-12 gauge wire all corners reinforced. \$55 each Call 508-951-6400

AD#43 (5/23) **WANTED** – Stern-man-Boston-Call Frank @ 617-653-3782

AD#44 (5/23) **FOR SALE** – 80 brand new Casco Bay traps 1/2 hoops & 1/2 hake mouths. Call 508-842-8614

AD#45 (6/23) **FOR SALE** – 22' Sisu Lobster Boat w/150 HP Evinrude OB needs work-12" hydraulics hauler runs off Honda hydraulics power pack, Comes w/ bunk trailer. Asking \$13,000.00 or B.O. Robert after 5:00 p.m. 617-846-3714 or 617-650-3842



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