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# Stellwagen Bank National Marine Sanctuary Advisory Committee Updates

The Stellwagen Bank National Marine Sanctuary (SBNMS) Advisory Committee (AC) kicked off with a heartfelt gesture of gratitude extended to Bill Adler. Bill has dedicated decades of his life to supporting the lobster fishermen. I believe Bill was the longest serving member for Stellwagen and there from the beginning. A stickler for details, Bill exhibited keen listening skills and was notorious for his thorough review of the minutes. Bill's many years of service are a tribute, not only to the Massachusetts Lobstermen's Association and the fishing community, but to his passion and activism for the ecosystem, and the lobsterman, our way of life.

The Sanctuary system, NOAA, has no formal mechanism for recognition of the contribution of SAC members. So, Superintendent Peter DeCola made a great personal gesture by digging into his own trove of commendations from his time serving the nation to find a fitting commendation for Bill. Bill was and is held in great standing by all and will be missed. Thank you, Bill!

Another noticeable departure was Ben Haskell, the Deputy Superintendent. Ben dedicated his entire career to the conservation of our amazing sanctuaries, 24 years at the SBNMS and 31 years total with the U.S. sanctuary system. Ben was a driving force for the mapping of Stellwagen. He was unapologetically passionate about protecting the sanctuary and its amazing history, i.e. the wreck of Portland. His contributions include but were not limited to Shipwreck avoidance, Maritime Heritage, and Climate and Offshore wind. Ben's presence will be greatly missed. Thank you, Ben!

After dealing with some administrative issues, Alan Lee (Chair and Charter rep) and LeAnn Hogan (NOAA), updated us on the proposed Hudson Canyon Marine Sanctuary and we got the SBNMS Superintendent update. The proposed Hudson Canyon sanctuary will encompass the entirety of the Hudson Canyon, the largest submarine canyon in the Atlantic, but has no actual proposed



boundary yet. Unsettling. No one stated any new or different restrictions that might be added.

Why Hudson Canyon? Hudson was identified for several reasons: Biodiversity, nutrient flux, mammals, pelagic fish, nutrient rich hot spot, many of the same reasons Stellwagen was identified. Being much further offshore, "normal people can't get there," to enjoy a wide range of experiences that you might encounter in Hudson Canyon. Like Stellwagen, the new sanctuary would like to "bring it to the beach." We should be paying attention to the draft documents of and any restrictions that may be placed within its boundaries.

Superintendent Peter DeCola updated the committee on the overall status of the SBNMS. Due to a \$25,000,000 budget cut, SBNMS budget was cut by \$1,000,000.00.

The dock system is slated to be upgraded in Scituate with funding in place, but other aspects are not looking good. Recurring funding is not in place and there are some significant hurdles with the new financial system. SBNMS has some funding from tenants in the HQ building and an Inter Route data cable that passes through the sanctuary.

The AC Charter committee proposed two amendments to the Superintendent: change secretary to a two-year term and add a non-voting seat for BOEM. Both proposals passed. BOEM will have a direct line of communication to SBMNS in the future.

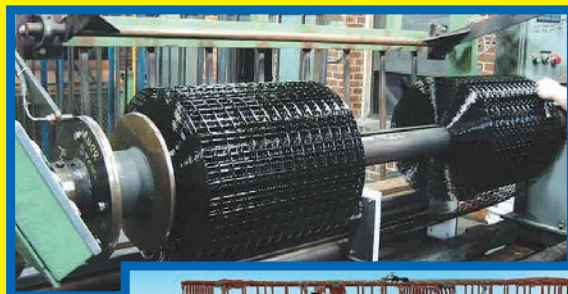
"Made me feel like I was not alone", was how a visually impaired child described the Whales in Motion outreach program. With musical and sculpture experience, the education and outreach team and its funding has made it possible for visually impaired children to experience the wonders of the whale. They are working on funding for the future whale watch opportunities, as well. Other endeavors included art exhibits like Space to Sea, and eco-cycle video games on the sanctuary website, art contests, and exhibits at the N.E. Boat Show. The sanctuary is also working on outreach for recreational boater whale watchers for safe operating suggestions.

The SBNMS Visitor Center process is moving forward. Money has been allocated to the proposed 10,000 sq/ft building that is slated to be the gateway to the sanctuary. The idea is to have some form of interactive, encompassing, and dynamic display with retail and support facilities on scene. There is a five-year timeline for the funding and construction of the building which is planned to exceed FEMA architectural and structural guidelines.





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# Massachusetts Lobstermen's Association

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Today's complicated world makes it difficult to fill all necessary portals and we need your input!

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These are not questions that you are required to answer!  
We are looking for feedback on whether we should continue printing the newspaper or go completely on-line.

Please call, text, or e-mail your "feelings", "thoughts", "opinions"!

Call or text **508-738-1245** or [e-mail beth.casoni@lobstermen.com](mailto:beth.casoni@lobstermen.com)

***Thank you for your thoughtful input.***





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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 & good fishing!



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# As the HAULER TURNS

Now, that the 2024 fishing season has begun and the traps are leaving the yards, all we can hope for is that the lobsters show up and the price holds. This is the most common sentiment that I have heard from the commercial lobstermen over years here in the Commonwealth.

When you can go back to work and fish, the price hits the floor and the lobsters hit the shed, leading to the perfect economic storm. This leaves most lobstermen holding back on setting gear as the catch and economics are equally unpredictable. What's the hurry, I have heard this too and for the most part much of the fleet is not in a hurry to set gear because of this perfect economic storm.

All the while, reporters want to know, yesterday, who sets the price of lobster, why is the price for lobster so high, what is the price of a lobster roll going to be this year, how high will the price of lobster be? Really, you haven't even set all your gear yet or even had a chance to

haul through your gear yet and "they" want to know how high will the price go? I politely let them know that your price does not reflect the market price etc., and in the end, they are educated and ultimately get it.

Historically, the lobster industry has not been able to move the needle on the annual average price per pound and I have continually wracked my brain to see what we can do to help and the one thing that keeps coming back is direct sales to consumers. I have heard everything from you; I don't have the time, I fish all day and the last thing I want to do is sell my catch too, I don't have any place to sell my lobsters.

The MLA has been working hard to promote your lobsters, you the lobsterman and we want to help get your lobsters directly in the hands of the consumers as quickly as possible and the LobsterWeb is a place where we can promote your business for FREE!

If you are interested in being listed on the LobsterWeb



website, for FREE, please contact the MLA at 781-545-6984 and speak with Tracey. And if you have not yet picked up your 3 FREE cases of Massachusetts green lobster bands, let Tracey know and we will put them aside for you at the MLA office for pick up.

We are here to help you whenever possible and if you have any ideas how to better help promote your lobsters, please let us know. We are standing by!

Safe on the water,

**Beth Casoni**

Executive Director



# MLA submits letter of comment to ASMFC on Draft Addendum XXX

May 16, 2024

Caitlin Starks

Email: [comments@asmfc.org](mailto:comments@asmfc.org)

Atlantic States Marine Fisheries Commission

Suite 200 A-N, Arlington, VA 22201

Re: Lobster Draft Addendum XXX

Dear Ms. Starks,

The Massachusetts Lobstermen's Association (MLA) submits this letter of comment and great concern on behalf of its' 1800 members on the: Atlantic States Marine Fisheries Commission

(ASMFC) Draft Addendum XXX (Add. XXX) and recommendations for the delay on the implementation on Addendum XXVII (Add. AAVII) to the Amendment 3 to the American Lobster Fishery Management Plan for Increasing Protection of the Gulf of Maine/ Georges Bank Spawning Stock (GOM/GBNK SS). The MLA SUPPORTS Draft Addendum XXX should Addendum XXVII is implemented. The MLA ENCOURAGES the DELAY of implementing Add. XXVII.

While Draft Add. XXX is purely an administrative measure driven by the implementation of Add. XXVII would collectively have significant negative economic impacts on everyone in the lobster industry from the harvesters to the lobster dealers alike. Draft Add. XXX would not be needed if Add. XXVII did not take the overly precautious and worst-case scenario route to get to this point. This is the same route that the Atlantic Large Whale Take Reduction Team took when developing its' Biological Opinion. We have since learned, through the courts, that the overly precautious and worst case scenario route is unlawful and was over turned.

Regrettably, the ASMFC used the reference period of 2016-2018 to develop Add. XXVII which included extraordinarily high data as the lobster fishery in Maine was having abnormally high landings. The MLA strongly encourages the ASMFC to develop a current data set with a new reference period to compare it against the current reference period 2016-2018. We strongly believe that the newly developed data set will present a more current and realistic picture of the overall healthy GOM/GBNK SS.

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 Maryland 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 process with the Massachusetts Division of Marine Fisheries (MADMF), Atlantic States Marine Fisheries, Atlantic Large Whale Take Reduction Team, and the New England Fisheries Management Council to ensure the continued sustainability and profitability of the resources in which our commercial fishermen are engaged in.

During the Add. XXVII numerous commercial lobstermen commented on several critically important data sets that were missing from Add. XXVII from; the lack of data sets for Outer Cape Cod and Eastern Cape Cod Bay areas to the countless number of egg bearing females they are seeing in their traps. These areas are highly productive for lobster landings and these critically important data sets MUST be filled and included before Draft Add. XXX is approved and Add. XXVII is implemented.

Once again, Massachusetts has already gone through the public process of rulemaking to get Add. XXVII ready for implementation on January 1, 2025. This leaves Massachusetts commercial lobstermen riddled with apprehension as other states may get a delay or an outright pass due to the economic harm these Addendums will cause. The economic harm will be felt by everyone in the commercial lobster industry and any implementation of Add. XXVII or Add. XXX MUST be for every state.

In closing, the MLA strongly recommends putting Addendum XXVII and Draft Addendum XXX on hold until ALL the data is updated and data gaps are filled to give us a more current and realistic of the overall health of the GOM/GBNK SS.

The Massachusetts Lobstermen's Association strongly believes that the newly developed data set and review would ultimately negate the need for either, Addendum XXVII or Draft Addendum XXX to go any further. Thank you for your thoughtful deliberation and consideration of our comments.

Sincerely,

Beth Casoni

MLA, Executive Director



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# Warming Waters Heat Summer's Feast Well Before It Gets To The Kitchen

LOUISE SCHIAVONE  
Contributor

Robust agricultural harvests of delicious fruits and vegetables dazzle every summer menu, but, in New England, seafood wears the crown and the premier gem is the lobster. Like everything on planet earth however, rising temperatures threaten the abundance of these resources, just as lobstering season is a couple of weeks away from switching into full gear.

An ever-warming planet is playing havoc with the intricately interconnected web of marine life. The Copernicus Climate Change Service whose climate research is supported by the European Union reports this month that “ocean temperatures have now been at unprecedented warm levels for over 12 months” and that for the month of March, the average tempera-



PORTLAND PRESS HERALD VIA GETTY IMAGES

**Small lobsters sit in a crate waiting to be unloaded at Free Range Fish & Lobster on Commercial Street in Portland,(Photo by Gabe Souza/Portland Portland Press Herald via Getty Images)**

ture for the surface of oceans globally had hit a historic high of 21.07 degrees Centigrade, or 69.92 degrees Fahrenheit.

Just as climate has long

stressed human populations and driven migration, marine populations are stressed and in search of survivable climates too. In New England, scien-

tists and lobstermen alike are studying and living the impacts. The wide focus is on the Gulf of Maine, an area that extends from Cape Cod in Massachusetts to Nova Scotia in Canada. David Reidmiller, Director of the Climate Center at the Gulf of Maine Research Center in Portland, Maine, has found that the rates of ocean warming in the Gulf of Maine are three times the global average, “faster than 95% of the world’s oceans.” In 2021, for the first time, the Gulf of Maine experienced a marine heat wave for the entire calendar year.

The Maine Department of Marine Resources reports that in 2023, Maine’s lobster catch weighed in at 93.7 million pounds, the lowest registered since 2009 and more than 5% less than in 2022. Compare that 2023 figure to the most recent peak in Maine’s lobster catch of 132.6 in million pounds, in 2016, and you can see how it matters a lot in the state of Maine.

Robert Steneck is a Professor of Marine Ecology and Biol-



PORTLAND PRESS HERALD VIA GETTY IMAGES

**CAPE PORPOISE, ME -A rising sun colors sea smoke rising around lobster boats in Cape Porpoise harbo(Photo by Gregory Rec/Portland Portland Press Herald via Getty Images)**





LOUISE L. SCHIAVONE

Fishing boats in Georgetown, Maine.

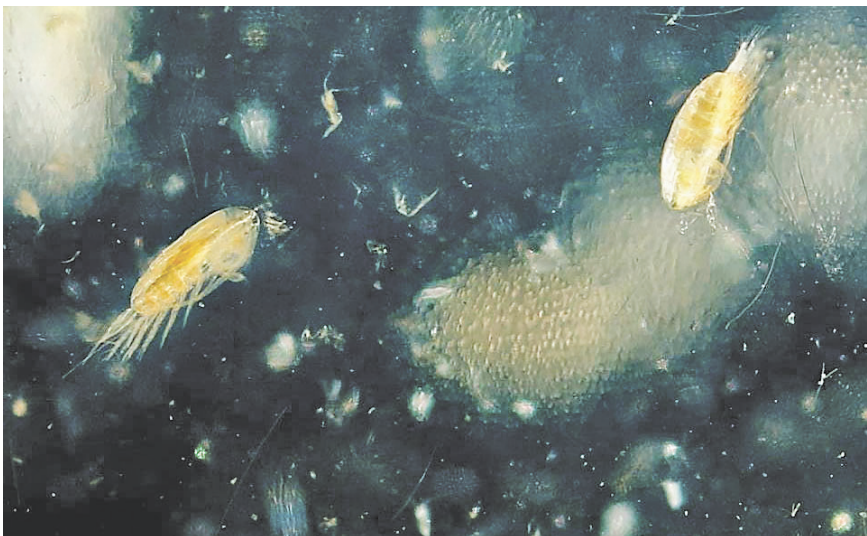
# Warming

FROM PAGE 11

ogy at the University of Maine's School of Marine Sciences. He says a day of reckoning for the state's lobster catch is worth worrying about. "75% to 80% of the total fishing value extracted from Maine waters is lobsters. It's easy to fall into a 'gilded trap' like this," says Steneck. "Fisheries managers and soci-

ety feel very comfortable with a high value fishery without properly weighing the risks involved when you're dealing with a lucrative monoculture. So if anything happens to this one species, we really don't have a plan B of any value!" Oysters, scallops and clams are after lobsters in economic value to the state, but quite far behind lobsters.

Compounding the anxieties of a warming ocean, rising tides,



PORTLAND PRESS HERALD VIA GETTY IMAGES

**PORTLAND, ME - SEPTEMBER 2:** A species of copepod called *calanus finmarchicus* floats in a sample jar in a laboratory at the Gulf of Maine Research Institute on September 2, 2015. The rice-sized copepods dominate the base of the food-web in the Gulf of Maine, providing a food source for herring, mackerel and right whales. The copepod survived well through the "ocean heat wave" of 2012 and is expected to remain abundant in the gulf but will likely have more variability in the southern part of the gulf in the future because of the temperature increases.



(PHOTO BY JOSEPH PREZIOSO / AFP) / MANDATORY CREDIT - CENTER FOR COASTAL STUDIES' NOAA PERMIT 25740-01 (PHOTO BY JOSEPH PREZIOSO/AFP VIA GETTY IMAGES)AFP VIA GETTY IMAGES

**TOPSHOT -** A right whale's tail creates a splash as it performs a tail slap in the water, as seen from the research vessel "Shearwater", during a Right Whale research expedition with the Center for Coastal Studies (NOAA permit 25740-01) in Cape Cod Bay, off the coast of Massachusetts, on April 5, 2022. Scientists are studying the endangered whale population that is at risk for rope entanglements. After four hours at sea and some false hopes, the Shearwater makes its first sighting: Three North Atlantic right whales, including an elusive mother-calf pair, on a bright spring day in Cape Cod Bay. The captain cuts the engines and a trio of marine biologists swing into action, reeling off photos and noting markings that can be used to identify individuals and track injuries — vital conservation work for a critically endangered-species that today numbers just 336 individuals.

and intense storms, which just this winter ravaged docks along the coast: the environmental imperative of looking out for another species also on the move: the endangered right whale. Joshua Reed, a Ph.D. biologist and right whale specialist writes that before the advent of large scale

whaling in the 18th and 19th centuries, there may have been as many as 10,000 North Atlantic right whales. Fewer than 360 are known to exist today. And, for Reed, fishing line entanglement, the trauma of injuries, infections from fishing line-

WARMING, Page 15



PORTLAND PRESS HERALD VIA GETTY IMAGES

**CASCO BAY, ME AUGUST 23:** Ali Jalil, 16, pulls a lobster trap aboard the Sea Smoke while lobstering in Casco bay in August.



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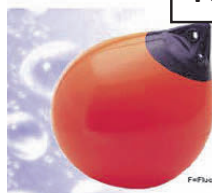
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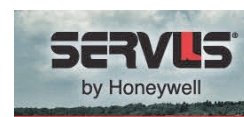
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# Warming

FROM PAGE 12

inflicted skin gashes, and the injurious drag of fishing equipment pulled along by these massive marine mammals, are tied directly to this significant loss.

Steneck, though, has been looking at what the right whales eat and what the lobsters eat and how warming waters are affecting that food source. That, he believes, is a broader and more significant influence. He has zeroed in on zooplankton and a group of small crustaceans, or copepods called calanus finmarchicus, rich in lipids and a robust source of nutrition for right whales, especially helpful in strengthening females for breeding. Warming water temperatures have made these copepods less plentiful in the Gulf of Maine, says Steneck. And accentuating the impacts of global warming, he says, is the change in two significant streams.

The Labrador Current and the Gulf Stream collide right off the coastline of Maine. “The Gulf stream,” says Steneck, “is warm and salty and, critically, nutrient poor and has been in-

creasing in the Gulf of Maine. It’s certainly been warming the Gulf of Maine but it’s also been starving the Gulf of Maine of critical nutrients that feed this once-burgeoning eco-system. And just as the Gulf Stream’s influence is increasing, the Labrador Current’s influence is weakening. And what we’re seeing is the Labrador Current is being deflected to the east, toward Europe, rather than coming down and wrapping around to the Gulf of Maine.”

But the pressure has been on for lobstermen to switch up their gear, change their lines to materials that migrating whales can easily break through without snare or entanglement. And that’s what the lobstermen surrounding the Gulf of Maine are facing as they move toward what they hope will be a financially survivable season.

Tim Alley has been lobstering in Maine’s coastal waters for 40 years. “There’s been a trend in recent years related to temperatures,” he says. “Those lobsters typically would migrate into shore and then migrate back out in the Fall and there doesn’t seem to be the migration in that there once was. It’s because they can find types of bottom and temperatures of bottom at depth



GEORGE STOYLE

**Maine lobsterman Tim Alley with Professor Robert Steneck, University of Maine.**

that are hospitable to them to breed and grow.”

Alley is steeped in the traditions of his home state’s biggest industry and recently dusted off a short film from 1972 in which he starred at age 12, “Alone in My Lobster Boat,” filmed in South Bristol and New Harbor, Maine. Like most lobstermen, he would call himself an environmentalist: they live on the water, they live from the water, they thrive on the water. But they reject the notion that a species - the right whale - is failing because of them. Over 40 years, he says, he has seen exactly one right whale. New England lobstermen insist not enough is said about ship strikes and lines from other types of fishing.

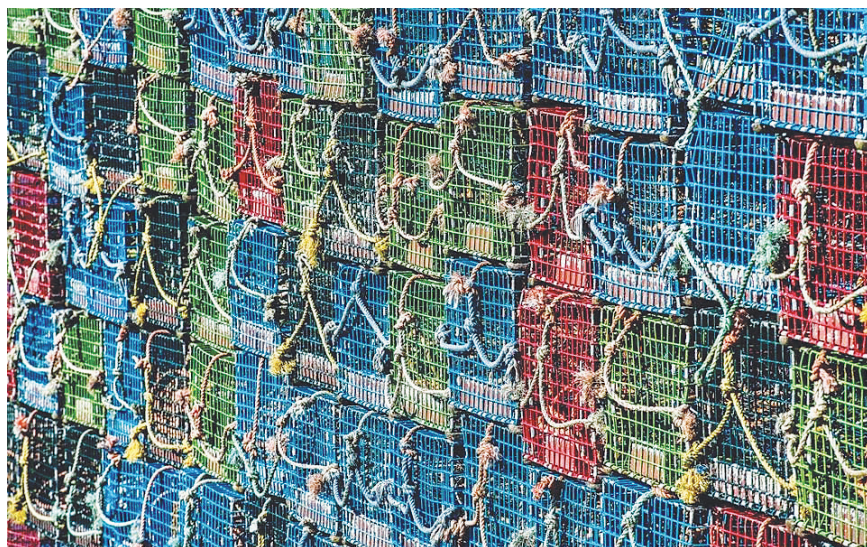
The changes in regulations, Alley says, are expensive and time consuming. “We used to use floating line between traps so the lines would not get caught on the bottom, as you fish two, three, four or more traps together. Every gear has to be marked with a zone specific color, so if a rope does get entangled, they can determine where it came from.”

“Asking fishermen to be a solution to a problem that they are not part of is the hardest pill to

swallow,” says Alley. “If there was proof that we were causing harm to these whales, I guarantee you that most fishermen would be on board with doing anything that we could, because all of us love to see them! It’s a cool thing! That’s part of the reason we love fishing, to see this stuff.”

Steneck understands the frustrations. In his view, “if you got rid of every single lobster trap in the Gulf of Maine it wouldn’t fundamentally change the demography of right whales. Because so much of it is driven by nutrition and right whales could be 60 years old so some time in the last 60 years they rubbed up against lobster gear. But the number of observations of entangled right whales is relatively few.”

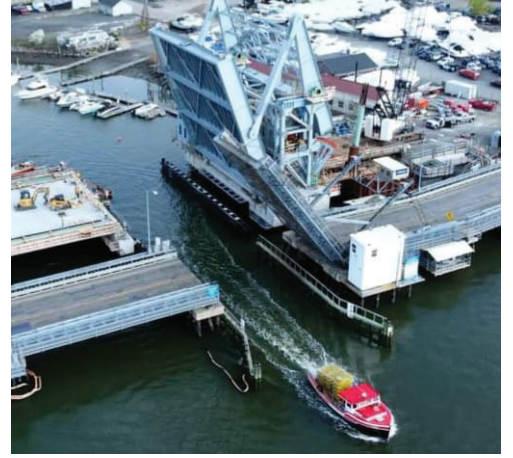
Like other lobstermen Alley tries to stay positive about lobster supply. But looking out the window of Steneck’s waterfront home in South Bristol, Maine, Alley says “There’s no question about it. I’m looking out here at the Damariscotta River right now. 17 years ago, I had a lot of gear up there. I haven’t fished a trap in there since because the migration of the lobster has shifted, and I’ve shifted with it.”



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# Stellwagen

FROM PAGE 1

ROPELESS: Henry Milliken, Protected Species Mitigation specialist presented updated On-Demand Fishing gear and statistics. Their goal is to provide fishermen with the tools to fish in closed areas. The information on the whales was, essentially, the same: how do they get entangled, 80% show history of scarring, future closures, increasing in size, and co-occurrence. They spoke about and exhibited some of the technology, which seems to operate about 80% of the time. There were videos. They explained their gear library and how they pay a stipend. It was explained about the physical equipment and the computer tech aspect, how simple it all is. What they failed to mention is that it is UNNECESSARY!

They stated that 80% showed a history of scarring from alleged

entanglement and that this made it more difficult for the animals to feed and reproduce. The group was asked if they had any scars or injuries in their lifetime. Did it make it harder for you to eat? Did it make it harder for you to reproduce? No! The idea of the co-occurrence was again mentioned. We all know that the original co-occurrence model used to initiate the original closure was bunk. It literally stated, in the very first paragraph, that in no way could this data be extrapolated to support a closure. We have a solution. It works. The real problem is POLICY. When questioned, Mr. Milliken would not deny that we have been successful in our efforts to stop entanglement. He pointed out that it is a policy issue. We know policy comes down from the unelected bureaucrats in NOAA.

Thank you again for all the effort put forth by the Legend, Bill Adler!

*Fixed Gear Representative  
Eric Meschino*

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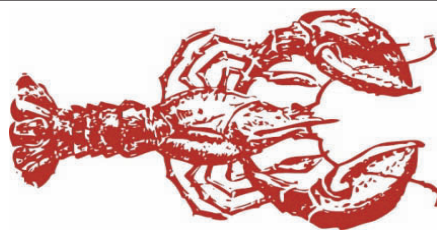
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# Letter from Congress presses Holtec on wastewater plans

April 30th, 2024

Dr. Kris Singh, Ph.D.  
President & CEO Holtec International  
1 Holtec Boulevard, Camden, NJ 08104

Dear Dr. Singh,

Scientists, public health officials, elected leaders, and residents of the communities surrounding the Pilgrim Nuclear Power Station have raised concerns that Holtec's plan for dispositioning radioactive wastewater stored at the plant poses a threat to the health and safety of the public and the environment. That plan, which initially called for a discharge of wastewater into Cape Cod Bay, now apparently includes dispositioning through evaporation. In light of the harm that either form of wastewater release may have on public health, ecosystems, and the blue economy, we urge Holtec to heed those concerns and to develop a transparent, community-involved approach for dispositioning the wastewater, especially as legitimate public concerns over wastewater evaporation and airborne releases have heightened in recent months.

During the 2022 field hearing held by the U.S. Senate Environment and Public Works Subcommittee on Clean Air, Climate, and Nuclear Safety in Plymouth, Massachusetts, you committed Holtec to not discharging Pilgrim's wastewater into Cape Cod Bay without the consent of local, state, and federal stakeholders.<sup>1</sup> That commitment expanded on Holtec's earlier promises in the 2020 Pilgrim decommissioning settlement agreement with the Commonwealth of Massachusetts to (1) "comply with all applicable environmental and human-health based standards and regulations of the Com-

monwealth" and (2) to not assert that any commitment made under the settlement agreement "is invalid under federal law or the U.S. Constitution."<sup>2</sup>

We appreciate Holtec's efforts to fulfill those commitments, including by complying with the U.S. Environmental Protection Agency (EPA) directive that Holtec seek a new National Pollutant Discharge Elimination System (NPDES) permit for the proposed discharge into Cape Cod Bay. In July 2023, the Massachusetts Department of Environmental Protection issued a tentative denial of Holtec's NPDES permit application, explaining that the proposed discharge would violate the Massachusetts Ocean Sanctuaries Act—one of the applicable environmental regulations to which Holtec committed to comply.<sup>3</sup>

With the final NPDES permit decision pending, Holtec has informed the Nuclear Decommissioning Citizens Advisory Panel (NDCAP) that Pilgrim's wastewater is being heated in the winter months with submerged electric heaters to increase the plant's ambient temperature to both promote worker comfort and expedite the drying of plant components.<sup>4</sup> While those are both laudable goals, a consequence of the heating—confirmed by Holtec—is an increased rate of wastewater evaporation above the pace at which it occurs naturally. According to Holtec's initial estimates, in 2021, Pilgrim had 1.1 million gallons of wastewater. Now, Holtec reports only 880,000 gallons remain.<sup>5</sup> Despite this significant reduction, Holtec has yet to provide an estimate of the amount of wastewater evaporation associated with the heaters versus that which occurs naturally.

There is no question that evaporating wastewater from Pilgrim poses potential health and environmental risks. During the 2022 U.S. Senate field hearing, you identified evaporation with electric heaters as an alternative to discharging the wastewater into Cape Cod Bay.<sup>6</sup> But you also acknowledged that evaporation would cause environmental damage.<sup>7</sup> After all, evaporated wastewater released into the air will not permanently remain in the sky; eventually it will return to sensitive areas such as Plymouth's residential neighborhoods and Cape Cod Bay. Public health organizations—including the Greater Boston Physicians for Social Responsibility and the Town of Plymouth's Board of Health—scientists, local officials, and community members, have all raised concerns about the environmental risks of airborne releases of wastewater through evaporation and confirmed their potential risks to human health and marine ecosystems.<sup>8</sup>

Given these public health concerns, the Massachusetts Medical Society has urged that proactive steps be taken to assess the safety of airborne releases. These include evaluating the health effects of radioactive releases; collecting biometric data; and putting in place radiation monitors before any releases.<sup>9</sup> Holtec's response to repeated concerns about airborne releases has been to point to historical releases from Pilgrim as evidence the practice is safe. But the mere fact of a historical release does nothing to prove that such a release was safe or that future releases will be safe.

Holtec's lack of legal authorization to discharge the wastewater into Cape Cod Bay appears to be driving a shift

to disposition the wastewater by evaporation with electric heaters. Whatever the reason for it, the facilitation of wastewater evaporation would constitute a breach of Holtec's commitment not to discharge the wastewater without stakeholder consent. We urge Holtec to halt any plans for dispositioning the radioactive wastewater through a water-based discharge into the Bay or by technologically facilitated evaporation, unless and until a disposition plan is developed in tandem with community stakeholders.

To help us and the public better understand the implications of Holtec's use of evaporation to disposition Pilgrim's wastewater, please respond to the following questions in writing by May 31, 2024:

1. Will Holtec commit to engaging with community stakeholders prior to any action on dispositioning wastewater, forgoing any current plans for discharge into Cape Cod Bay or intentional evaporation?
2. Beyond the stated benefits for heating the plant and drying components, is Holtec also heating and evaporating the water for the purpose of reducing the remaining water volumes?
3. What have the ambient indoor temperatures been inside the plant with and without the submersion heaters, including when the heaters were operational from February to June 2023 and November 2023 to March 2024?
4. What are the estimated rates at which the water is evaporating when the submersion heaters are operational and not operational?

<sup>1</sup> Issues Facing Communities with Decommissioning Nuclear Plants: Hearing before the Senate Subcommittee on Clean Air, Climate, and Nuclear Safety, 117th Cong. (May 6, 2022), <https://www.epw.senate.gov/public/index.cfm/2022/5/issues-facing-communities-with-decommissioning-nuclear-plants>.

<sup>2</sup> Settlement Agreement Between the Commonwealth of Massachusetts and Holtec Pilgrim, LLC, and Holtec Decommissioning International, LLC Regarding the Pilgrim Nuclear Power Station, Plymouth, Massachusetts, (Feb. 12, 2019), <https://holtecinternational.com/wp-content/uploads/2021/02/Settlement-Agreement-Commonwealth-of-MA-and-Holtec.pdf>.

<sup>3</sup> Massachusetts Department of Environmental Protection, Tentative Determination to Deny Application to Modify a Massachusetts Permit to Discharge Pollutants to Surface Waters, MA Permit No. MA0003557 (July 24, 2023), <https://www.mass.gov/doc/tentative-determination-to-deny-holtecs-surface-water-discharge-permit-modification-request/download>.

<sup>4</sup> Nuclear Decommissioning Citizens Advisory Panel (Mar. 25, 2024), [https://youtu.be/n\\_BU5rjlgwY?si=pyod7zUIJHMGGKkX](https://youtu.be/n_BU5rjlgwY?si=pyod7zUIJHMGGKkX).

<sup>5</sup> Id.

<sup>6</sup> Issues Facing Communities with Decommissioning Nuclear Plants: Hearing before the Senate Subcommittee on

Clean Air, Climate, and Nuclear Safety, 117th Cong. (May 6, 2022), <https://www.epw.senate.gov/public/index.cfm/2022/5/issues-facing-communities-with-decommissioning-nuclear-plants>.

<sup>7</sup> Id.

<sup>8</sup> Joe Hodgkin et al., A warning about radioactive air pollution from Pilgrim – Evaporating wastewater raises health risks for neighbors, Commonwealth Beacon (Feb. 24, 2024), <https://commonwealthbeacon.org/environment/a-warning-about-radioactive-air-pollution-from-pilgrim/>; Dr. Ken Buesseler, Notes on a Radiation Control Report regarding Pilgrim Nuclear Power Station, Woods Hole Oceanographic Institution (May 26, 2023), <https://cafethorium.who.edu/wp-content/uploads/sites/9/2023/06/Notes-on-Radiation-Control-Report-RE-PNPS-from-Ken-Buesseler.pdf>; Sarah Carlon, Cape town leaders oppose radioactive water release in Cape Cod Bay, in letters filed at Hearing, Cape Cod Times (Apr. 18, 2022), <https://www.capecodtimes.com/story/news/2022/04/18/cape-cod-leaders-oppose-radioactive-water-release/7330490001/>; Fred Thys, Group seeks to stop Holtec from evaporating Pilgrim plant's radioactive water into the air, Plymouth Independent (Jan. 13, 2024), <https://www.plymouthindependent.org/group-seeks-to-stop-holtec-from-evaporating-pilgrim-plants-radioactive-water-into-the-air/>.

<sup>9</sup> News Release, Massachusetts Medical Society physicians announce policies on migrant health, gun violence, nuclear power plants, Massachusetts Medical Society (Dec. 13, 2023), <https://www.massmed.org/News/Press-Releases/Massachusetts-Medical-Society-physicians-announce-policies-on-migrant-health-gun-violence-nuclear-power-plants/>.



a. How is Holtec measuring the evaporation rates, and what is the scientific basis of the measurement techniques?

b. Who conducts and receives those measurements?

c. Beyond the reduction in wastewater associated with the submersion heaters or natural evaporation, has Holtec disposed of any portion of the original 1.1 million gallons of wastewater to reduce the water to the remaining 880,000 gallons?

d. Does Holtec intend to turn on the submersion heaters again in the future? If so, when?

5. When the heaters are operational and causing increased rates of evaporation, are radionuclides and non-radiological pollutants filtered from the evaporated water before being released from the plant? If so, how and to what extent?

6. In the event of a water-based discharge into Cape Cod Bay, would

radionuclides and non-radiological pollutants be filtered out of the wastewater before a airborne release? If so, how and to what extent?

7. How do the methods of pre-release filtration for evaporation and discharge compare?

8. Following filtration, does Holtec measure and monitor the presence of radionuclides and non-radiological pollutants before the evaporated water is released?

a. Who conducts those measurements and monitoring?

b. What are the results?

9. Before operationalizing the submersion electric heaters, did Holtec conduct a study or analysis to determine:

a. Potential environmental and public health risks for the community and Cape Cod Bay from increasing the rate of evaporation and associated discharge considering the specific ra-

dionuclides and non-radiological pollutants presents in the current water?

b. Where the evaporated water would migrate following the release?

c. The costs of heating the plant with the submersion heaters relative to the costs of alternative heating strategies and the estimated costs associated with the risks to the environment or public health due to evaporative discharges of the wastewater?

If so, please share the results of that study or analysis. If no such study or analysis was completed, why not?

10. Please provide any recorded guidelines or methods that Holtec follows as it heats and evaporates the water.

11. What specific measures is Holtec taking to ensure the safety of plant workers exposed to the evaporated water, including through the use of safety equipment and monitoring?

12. What specific measures, if any, is Holtec taking to protect the surrounding neighborhoods and wider community from increased exposure to evaporated wastewater associated with the submersion heaters?

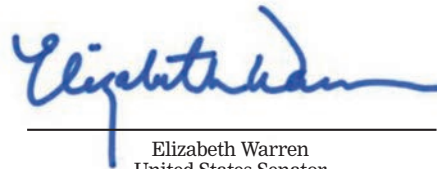
13. Are you actively taking or considering any steps (beyond the activation of electronic submersion heaters) that would hasten the evaporation rate? If so, please identify them.

Through the decommissioning process, Holtec routinely celebrates its transparency and community engagement efforts. With those values in mind, we urge Holtec to meaningfully engage with and center local stakeholders and experts to develop a community-driven approach for dispositioning Pilgrim's wastewater in a manner that respects input from residents, state and local officials, marine scientists, and public health experts, upholds prior commitments, and complies with the law.

Sincerely,



Edward J. Markey  
United States Senator



Elizabeth Warren  
United States Senator



William R. Keating  
Member of Congress

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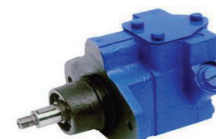
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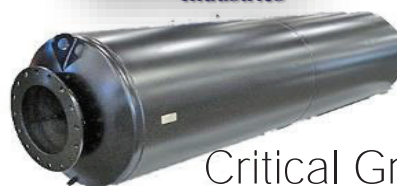
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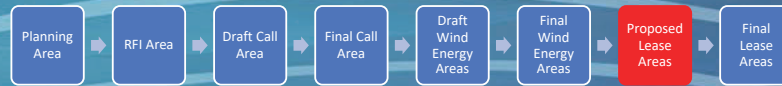
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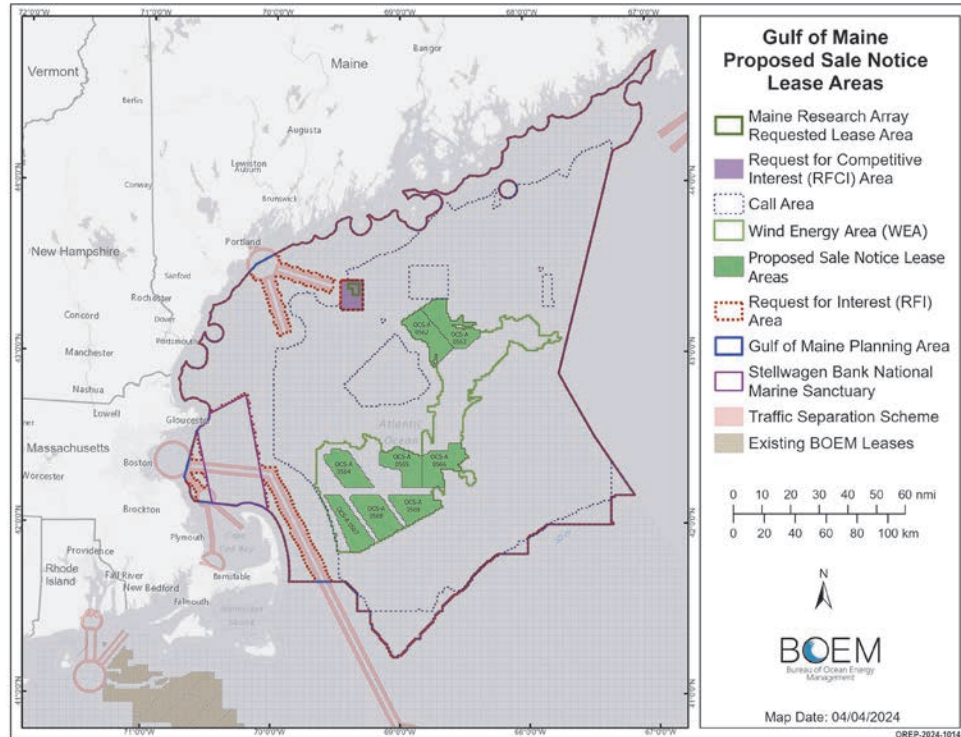
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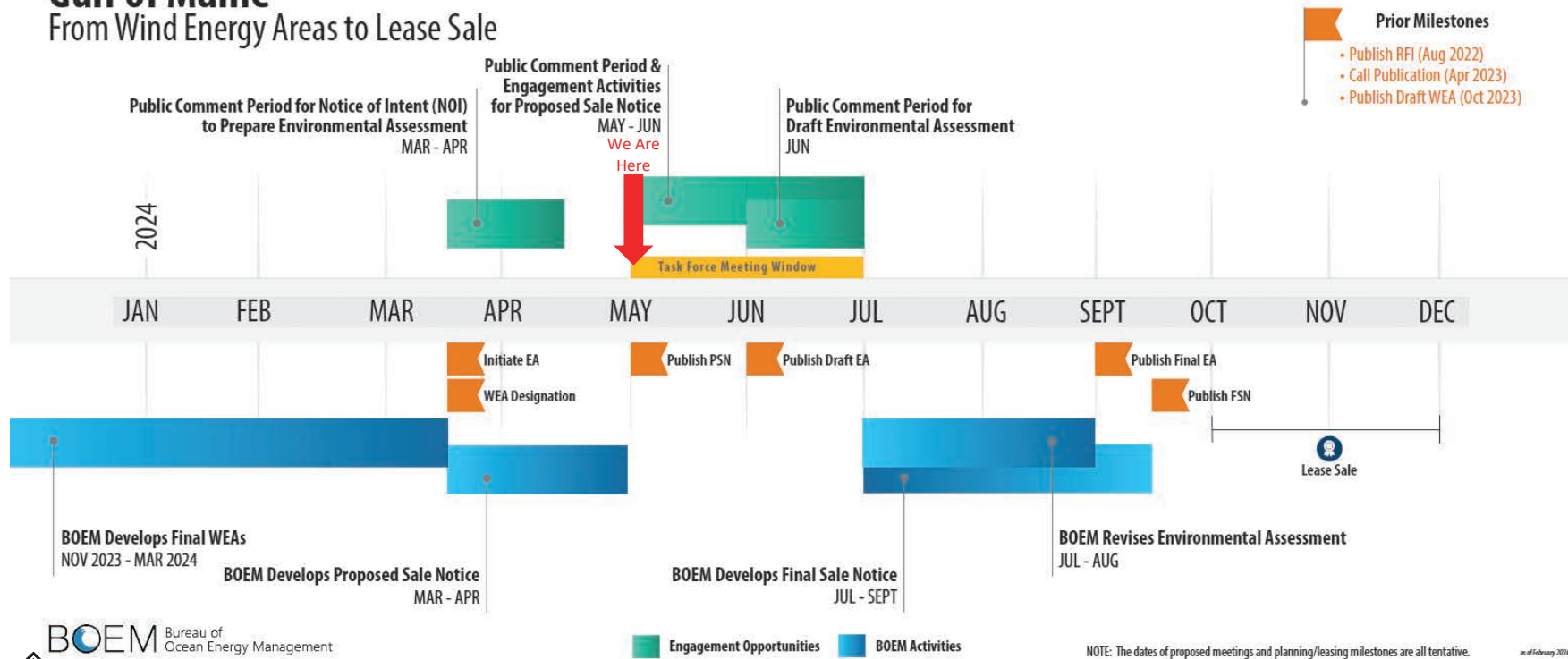
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## Gulf of Maine From Wind Energy Areas to Lease Sale



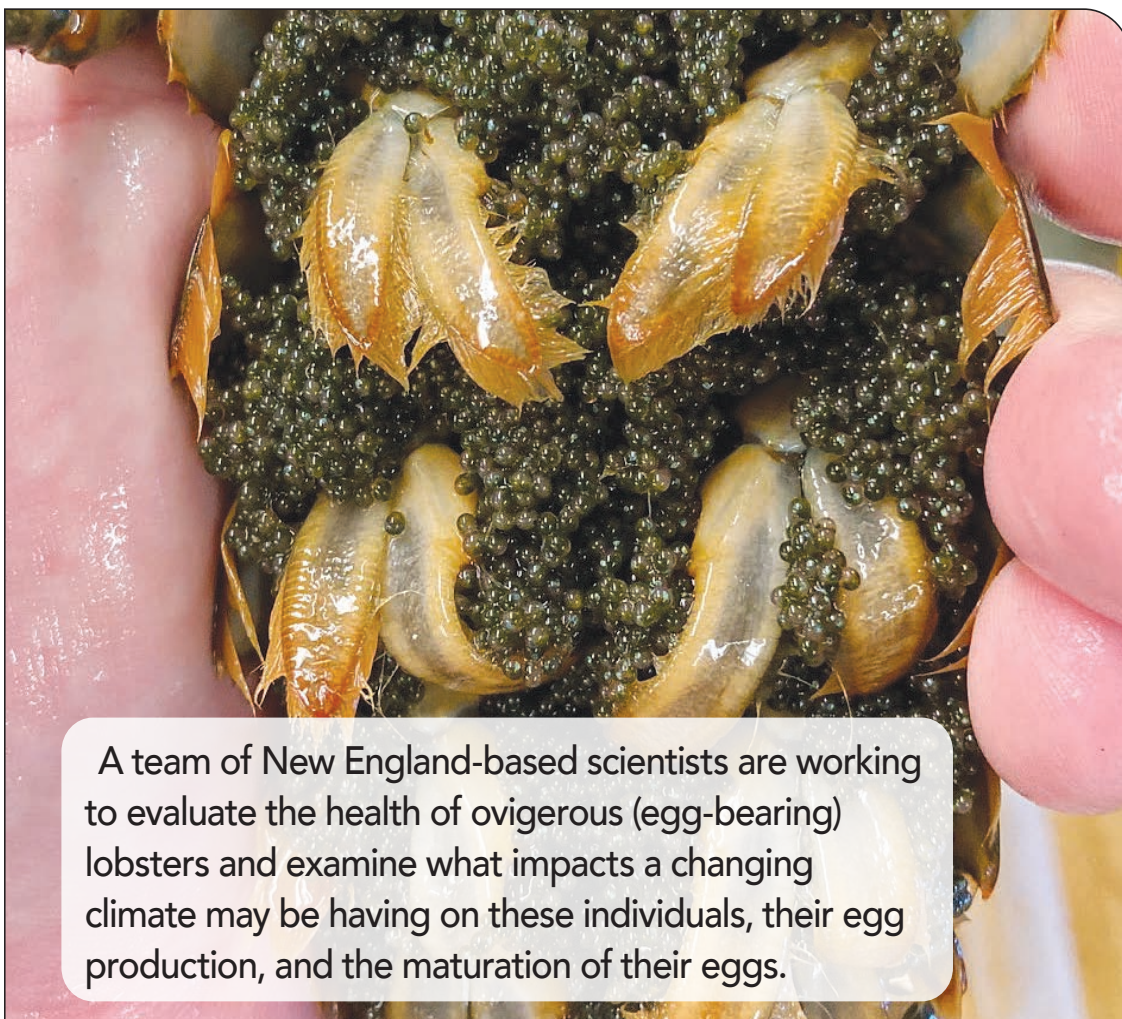
## RESEARCH FROM AMERICAN LOBSTER INITIATIVE

# Conditions for Egg PRODUCTION

Simonne Dodge, Jennie Rheuban, & Stephanie Murphy | WHOI Sea Grant

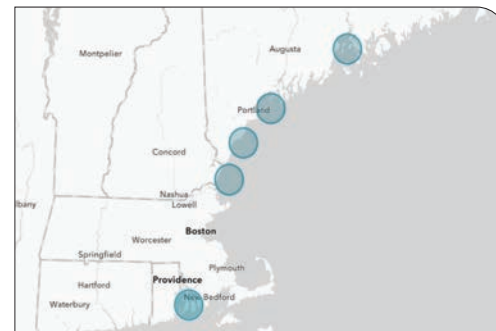
May 2024

*Is the stress of warming waters causing declines in female lobsters' ability to reproduce in southern New England?*



A team of New England-based scientists are working to evaluate the health of ovigerous (egg-bearing) lobsters and examine what impacts a changing climate may be having on these individuals, their egg production, and the maturation of their eggs.

The underbelly of an ovigerous lobster in the lab. Credit: Jason Goldstein, Wells National Estuarine Research Reserve (NERR)



A map of field survey locations.

Map: Simonne Dodge, WHOI Sea Grant

## EXPLORE the PROJECT

In field surveys from Rhode Island to Maine, the researchers are assessing the overall health of ovigerous lobsters by counting the number of eggs they are carrying, analyzing egg samples, and measuring the size and condition of the lobsters.

In the lab, the team is also observing lobsters and their eggs to gauge the impact of higher temperatures and poor nutritional states. They will repeat this process with lobsters that have not produced eggs yet to see how these varying conditions impact initial egg production and number of eggs.

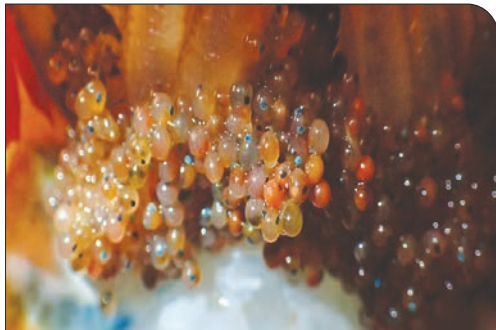
To explore more research stories from American Lobster Initiative, visit our StoryMap collection:

<https://arcg.is/1CHT1j>





# RESEARCH FROM AMERICAN LOBSTER INITIATIVE



Credit: Abbey Sisti, VIMS

A close-up of lobster eggs.

## READ the RESULTS

A lobster's potential to reproduce (also known as fecundity) is not a factor considered in assessing the number of lobsters in the Gulf of Maine. Instead, because fecundity increases with female size, the number and size of females is used to help determine spawning stock biomass and then estimate the population's reproductive potential. But size alone can't tell the whole story: A changing climate may impact ovigerous lobsters and affect their potential to reproduce. This project is ongoing. Researchers are still analyzing data at this time.



Credit: Abbey Sisti, VIMS

A reproductive lobster in the lab.

## UNDERSTAND the IMPORTANCE

This project investigates how a changing climate may impact ovigerous lobsters and affect their potential to reproduce. The ability to gauge a lobster's potential to reproduce is an important tool that can tell scientists about changes in the overall lobster population. The research will help determine the importance of accounting for fecundity when evaluating the state of the lobster population in the Gulf of Maine.



Courtesy Jason Goldstein, Wells NERR

## Jason Goldstein, PhD PRINCIPAL INVESTIGATOR

Jason is the research director at the Wells National Estuarine Research Reserve (Maine) and is affiliated with York County Community College and the University of New Hampshire.



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## RESEARCHER HIGHLIGHT



Courtesy of Ben Gutzler, Wells NERR

## Ben Gutzler – Wells National Estuarine Research Reserve

Ben's passion for marine ecology stems from spending time on the shore in Midcoast Maine every summer from a time when he was just a few weeks old. Ben always knew he wanted to be a marine biologist, but his path towards working with lobsters was paved by

his involvement on a crustacean project for his master's thesis at Old Dominion University and PhD work focused on lobsters at the University of New Hampshire. He now works as a postdoctoral research associate at the Wells National Estuarine Research Reserve in Maine.





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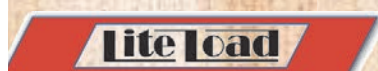
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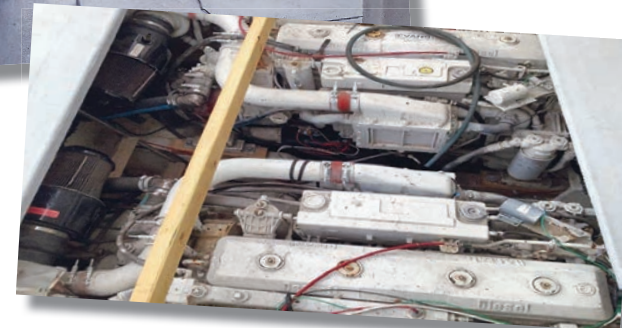
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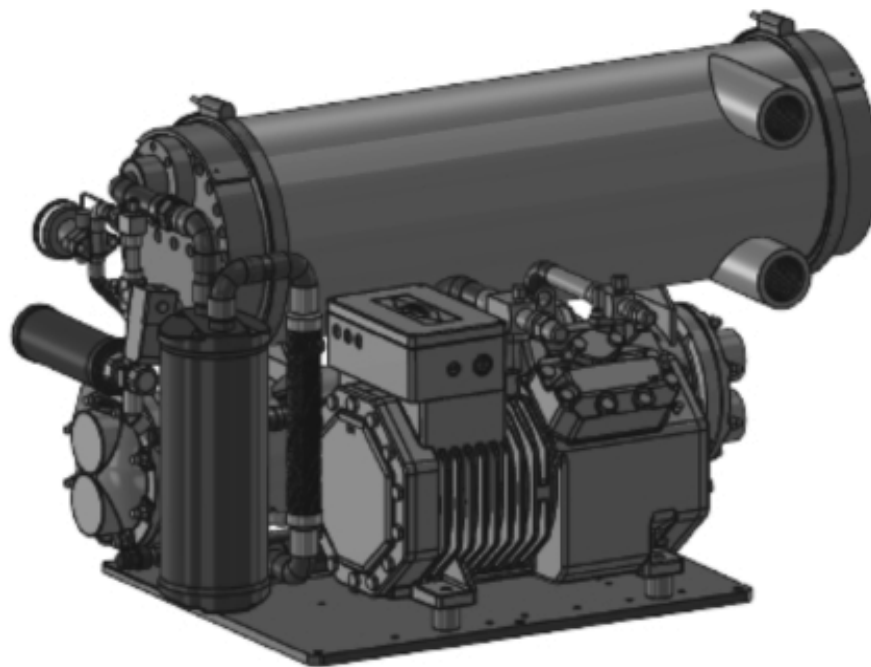




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The Massachusetts Lobstermen's Association (MLA) Legal Defense Fund (LDF) needs your support now more than ever. This dedicated fund is for the purpose of defending the Massachusetts commercial lobster fishermen from legal and fisheries management 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 our lawyers in Washington D.C. and here in the Commonwealth to fight for you and your industry.

**UPDATE 4/25/2024** (Washington D.C.) Case 1:21-cv-02509-JEB - Maine Lobstermen's Association, et al. v. NFMS

Please recall our long saga fighting against NMFS' 2021 Biological Opinion has finally resulted in a win, and what a win it was! On June 16, 2023, the D.C. Circuit Court issued its ruling, unanimously finding that Judge Boasberg was wrong to uphold the Biological Opinion and ruling against NMFS on every ground raised by us. This is an excellently written opinion that not only finally understands the stakes faced by our members, but fully holds NFMS to account for its illegal attempts to destroy our industry.

While the decision in the case is now the law of the land, on November 29, 2023, we filed a Motion to recover the MLA's legal fees and costs expended in fighting against the United States Government pursuant to the Equal Access to Justice Act, which provides in pertinent part that "a court shall award to a prevailing party other than the United States fees and other expenses...incurred by that party in any civil action...., unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust." Here, we rightly argue that the MLA was a prevailing party, the Government's position (in the litigation and at the agency level) was not substantially justified, and consequently the MLA is entitled

to recover its legal fees and costs incurred in the matter.

We have tentatively reached a settlement on attorney's fees with the Government and are awaiting final approval of that settlement from the Government's higher level officials.

**UPDATE 04/25/2024** (Washington D.C.) Case 1:18-cv-00112-JEB - CENTER FOR BIOLOGICAL DIVERSITY et al v. ROSS et al.

This case is finally coming to a close, as Judge Boasberg granted ours and the government's motion to dismiss the NGOs case. He also vacated most of his old opinions, leaving in place some minor ones that do not affect us going forward. However, the NGOs did file an appeal of this ruling. Given that Boasberg's ruling followed directly from our win in the D.C. Circuit, we are confident that the NGOs appeal of this ruling will ultimately be unsuccessful. We will monitor this closely to determine when our response deadlines are so we can aggressively fight back against the NGOs latest effort to shut down our industry.

Regardless, we have no doubt that the NGOs will bring a similar lawsuit after 2028 when the next Biological Opinion comes out, so having this case dismissed and the old rulings vacated sets us up well for continued success.

Overall, we are very pleased to have this case finished and for the NGOs' attempts to force NMFS to regulate our industry with even more draconian rules to have been put firmly to bed.

**UPDATE 4/25/2024** (District of Massachusetts Case) Case No. 1:24-cv-10332-WGY; MLA v. NMFS et al

Last year NMFS illegally extended the 2022 Wedge Closure to close the Wedge from February through April 2023. We challenged this decision in Court and the Court agreed we were right on the law, but ultimately decided not to stop it because we could not show irreparable harm.

NMFS is now at it again, attempting to convert its illegal 2023 Wedge Closure into a Permanent Final Rule. We submitted a robust comment to the proposed final regula-

# Legal Defense Fund Updates

tion explaining to NMFS why its proposed final rule is illegal.

Despite this, NMFS proceeded with the illegal wedge closure, ignoring Congress' clear mandate not to further regulate the lobster industry and relying on the same illegal science that the D.C. Circuit struck down.

We moved for a preliminary injunction to stop this before it could go into effect this season. The Court held a trial on our case on March 14, 2024.

We are pleased to announce that we scored a massive win in this case. The Court ruled that the Consolidated Appropriations Act, 2023, clearly forbid NMFS from implementing the Permanent Wedge Closure and declared that the Rule was illegal, thus leaving the Wedge open until 2028. The Court also correctly identified the severe harm our members would face if NMFS was allowed to violate the law like this.

NMFS has until June to decide whether to appeal or not. We are ready if they do so and feel very confident that our position is clearly correct on the law. In light of this, we filed a motion for attorney's fees under the Equal Access to Justice Act on April 12, 2024. The Court has stayed briefing on that issue so that we can negotiate with the Government regarding our requested fees.

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 Massachusetts commercial lobstermen fishing.

## WHERE TO MAKE DONATIONS

Any contribution to the Legal Defense Fund is greatly appreciated.

### Donate by mail:

MLA LDF  
8 Otis Place, Scituate, MA 02066

### Donate online:

[www.lobstermen.com](http://www.lobstermen.com)

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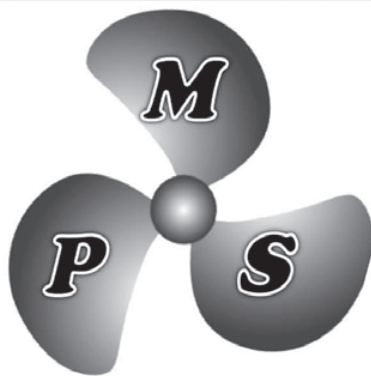
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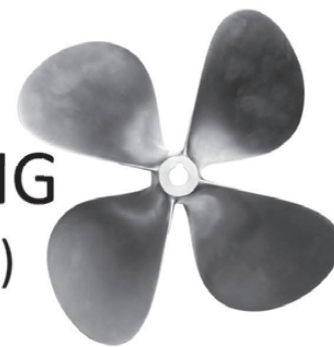


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*\*All ads are subject to review prior to placement*

AD#1 (3/24) **FOR SALE** – Area 1 coastal lobster permit, \$25,000. 600 traps with line, buoys etc. 3ft and 42 inch \$20 each. 20 ft. rebuilt galvanized lobster trap trailer \$4,500. Complete package with boat can be discussed. Call 774-722-1453

AD#2 (4/24) **FOR SALE** – Hydraulic Components, parts, and service. Pumps, Motors, Valves and Accessories. Hydraulic Hoses are made while you wait. Great Prices–Same day service (in many cases)–Wide selection of in-stock items. Rebuilt items are occasionally available. ROSE MARINE, Gloucester, MA 877-283-3334

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AD#4 (4/24) **FOR SALE** – 1981 50' Jersey Boat- Twin disc 507- Detroit 671- Needs wiring & electronics. BRO \$25,000.00 Call for more info-781-834-6733

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AD#6 (4/24) **FOR SALE** – Boston. 60 new yellow Cavatorta wire 43.5"x22.5"x15" lobster traps. Kitchen haul, double parlor hand knit head in rear, 10-gauge ends, bridges & front corner braces. 12-gauge body, side brace, skid plate & side chaffing pieces. Has plastic coated steel runners, plastic corners & plastic runner bumpers. These are quality made traps, you will absolutely love to haul! \$182 ea. Call Ed 617-680 -4096

AD#7 (4/24) **FOR SALE** – 500+ lobster traps w/line & buoys 3'\$20.00-4ft.\$35.00, located in Scituate. Can use yard where the traps are stored to get traps ready for use no charge for compressed air or electricity. Call 978-815-1734

AD#8 (4/24) **FOR SALE** – Turnkey Outer Cape Lobster Business: 1981 31' BHM Volvo 63P–370 HP, 2 1/2:1Twin Disc, spare wheels, many spare engine parts. OC State permit w/270 tags+ 10%, many endorsements, 400+ traps, ground lines, end lines, flags, Go-Deeps, 200 totes, lids, + trap building tools &

equipment. The boat also set up for Dogfish & Mackerel w/all gear, 8x16 trap trailer, 5'x7'walk in bait cooler, 6000# mooring in Chatham Harbor, fiberglass skiff with 10HP Suzuki 4 stroke & trailer. \$200k Or BRO Steve 978-257-1062

AD#9 (4/24) **FOR SALE** – 31'BHM Lobster boat. 300 hp- John Deere, 2-VHF radios, chart plotter, Furuno fish finder, built in live tank, radar, 3 swivel rod holders. \$65,000.00. Call 508-280-3038

AD#11 (6/24) **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 (ground-fish/dogfish) 800 pot limit. 140 wire lobster traps, some never used (brand new) 60-70 buoy's, extra ropes, safety equipment, sea anchor, 12' fiberglass skiff misc.; lobster related equipment, spare propeller (never used) trap related repair equipment. \$65,000. firm. Bill at 781-834-7418

AD#12 (4/24) **FOR SALE** – 33 ft. lobster boat 1987 Novi/Scott 150 Ford engine. 600 traps N.H. lobster license 100+ traps, dingy, trap trailer, ropes & buoys. Boat has been out of the water for 3-years. Also, a mooring at Pierce Island. \$54,900.00 Call Douglas at 603-566-3654

AD#13 (4/24) **FOR SALE** – 22'Sisu Lobster Boat W/150 HP Evinrude OB needs work. Has 12" Hydraulic hauler. Runs off Honda Hydraulics. Power Pack needs work. Comes w/ bunk trailer. Asking \$8000. or B.O. Call Robert at 5:00 p.m. 617-846-3714 or 617-650-3842

AD#14 (4/24) **FOR SALE** – Federal Area 1 Permit: Offers over \$35,000 will be considered. IHsea@aol.com 781-639-0001

AD#15 (4/24) **FOR SALE** – Airsep- air-cleaner 5" \$100.00 Joel at 781-581-0324 or email joel.w.marie@gmail.com

AD#16 (4/24) **FOR SALE** – 5" Superior hauling block-Aluminum construction with stainless sheave \$250. Joel@ 781-581-0324 or email joel.w.marie@gmail.com

AD#17 (4/24) **FOR SALE** – Spare new stainless sheave for 5" Superior block-\$150. Call Joel@ 781-581-0324-E-mail joel.w.marie@gmail.com

AD#18 (6/24) **FOR SALE** – 2008 24 ft., Roman-made Lobster boat w/ pilot house. Turnkey, very clean. Ready for fishing, lobstering & chartering. 175 hp Suzuki, in 2023 new trailer, gas tank, deck liner, includes Furuno electronics, 10" electra dry hauler, strong arm electric trailer winch TN 9000. Motor professionally serviced w/ all records available. \$28,000.00 Firm-Call 508-775-3044

AD#19 (4/24) **REDUCED – FOR SALE** – Complete lobster business. Area 1 MA State license 800 trap allocation with long history. Dog & shellfish endorsement. 1987 Gummond 31' w/12' beam enclosed cabin w/ "bus" heater 12kts cruise w/20+top end Cummings remanufactured "Diamond" version 370 HP with 3500 hours. 300+ traps w/ ropes & buoys. 14ft tender w/ 3yr old Suzuki 4s 15 hp w/electric start. GPS/ bottom sounder, life jackets, fish totes, etc. Would like to sell it as a package but will accept separate offers on boat, license & fishing gear. \$70,000. OBRO Call Bob- 508-224-1664 or e-mail roalward@comcast.net Pictures available.

AD#20 (3/24) **FOR SALE** – Federal lobster permit AREA 1-\$20,000.00 Call Rich at 508-317-5808

AD#21 (4/24) **FOR SALE** – Lobster business peripherals: OCLMA permit for 645 tags, dingy, tank, freezer, mixture of wood & wire traps in excellent condition, totes, etc. Serious inquiries only: 774-313-6287 or joneSeven@aol.com

AD#22 (4/24) **FOR SALE** – 50 3ft yellow traps-shrimp mesh-1/2 shark mouth-1/2 hoops-Cavatorta wire-composite runners-reinforced corners/ bumpers. 10-gauge ends/bridges \$120.00 each. Call 508-843-8614

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AD#28 (4/24) **FOR SALE** – Traps- 50 3ft yellow shrimp mesh brand new, ergos, composite runners skid plate, all corners reinforced, stainless bait spike, seal proof door latches,4 corner bumpers & plastic edging all around extra clips built to last \$120 each. 50 -3' shrimp. Call 978-774-4074

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