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AOLA & MLA send letter to the NEFMC on scallop gear access to the Closed Area II

June 17, 2024

Eric Reid, Chair
New England Fishery
Management Council
50 Water St., Mill #2
Newburyport, MA 01950

Re: Scallop gear access to the Closed Area II habitat protection area

Dear Chairman Reid,

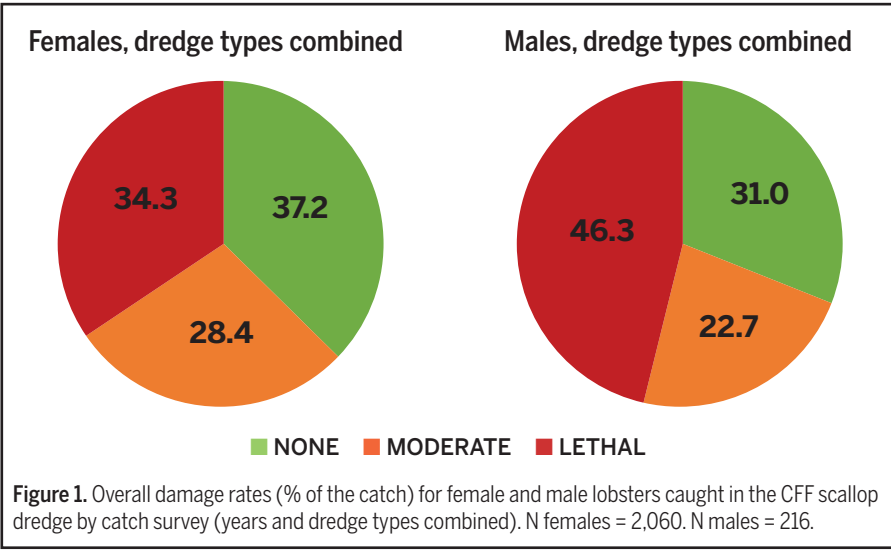
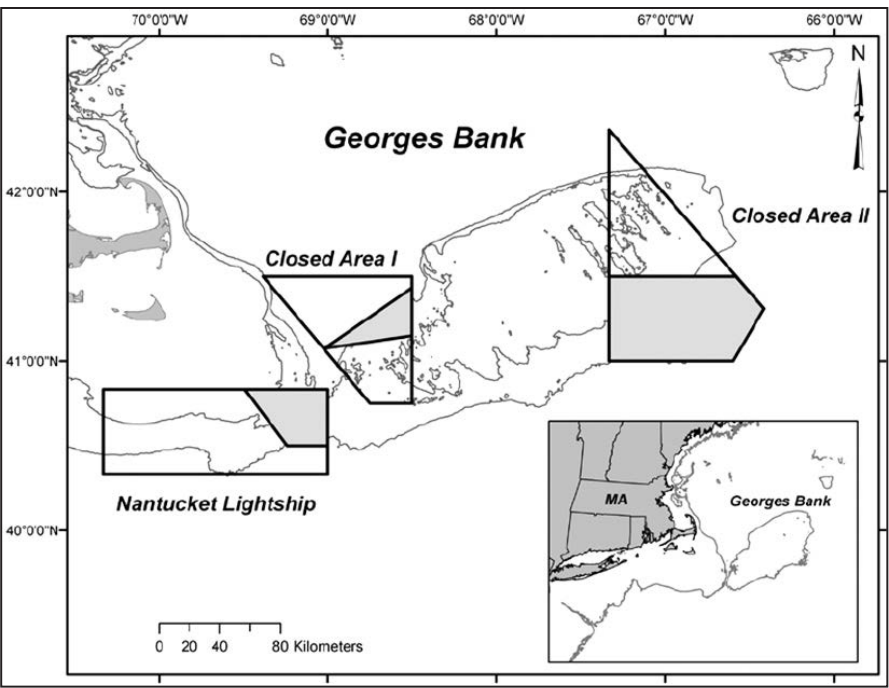
The Atlantic Offshore Lobstermen’s Association represents about 40 vessels fishing the majority of traps deployed in the offshore Lobster Conservation Area 3 (LCMA 3), which includes the Northern Edge of Georges Bank. The Massachusetts Lobstermen’s Association’s (1,800 members includes hundreds of Massachusetts fishermen. We write jointly in opposition to

opening this habitat area to scallop dredging because of the destructive nature of the gear to lobsters, and the related risk to lobster recruitment.

SCALLOP DREDGE GEAR IMPACTS ON LIVE LOBSTER

In April, the ASMFC completed its **Technical Report on Lobster Resource and Fishery Effort on the Northern Edge (TR)** (<https://tinyurl.com/axum8xxc>). Page 16 of that report documents the damage that scallop dredging caused to lobsters in one study; lethal damage in red and moderate in orange: See Figure 1 below.

The report also concluded that larger lobsters (greater than 110 mm carapace length (about 4.3



inches) were more likely to sustain damage (TR, p. 16). The resident population of lobsters on the Northern Edge is mostly at or above that size, and the report notes (TR, p. 17): “There are also good indications of large aggregations of egg-bearing females on top of the Bank, in and immediately south of the HMA in the late summer and fall.”

LOBSTER HABITAT AND RECRUITMENT CONSIDERATIONS

The **Technical Report** notes this area is an important and favorable habitat area to lobsters (TR, p. 18):

- “...shoal areas with access to adjacent deep-water like Georges Bank appear to be particularly attractive to egg bearing lobsters, and aggregations have been reported throughout the species range in areas with these bathymetric characteristics.”
- “These areas are likely attractive due to warm shallow water in the spring/summer months to brood eggs, and nearby deep calm water in the colder months for overwintering.”



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What makes a Lobster Roll Taste So Good!

Several factors contribute to making a delicious lobster roll:

1. Freshness of Lobster: The quality and freshness of the lobster itself are crucial. Freshly caught lobster tends to have a sweet, delicate flavor that stands out in a lobster roll. The faster you get your lobster from the lobsterman's pot into your pot the better!

2. Proper Cooking Technique: Lobster should be cooked just right—neither undercooked nor overcooked. Overcooking can make the meat tough and rubbery, while undercooking can result in a less appetizing texture.

3. Balance of Ingredients: The best lobster rolls achieve a perfect balance of flavors and textures. This typically includes tender chunks of lobster meat mixed with a light dressing of mayonnaise, a touch of lemon juice, and sometimes a hint of herbs or spices like chives or parsley.

4. Quality of Bread: The roll itself matters. Many prefer a split-top New England-style hot dog bun that is lightly toasted in butter, which adds a rich, slightly crispy texture that complements the lobster filling.



5. Attention to Detail: Attention to detail in preparation—such as ensuring the lobster meat is picked clean of shells, not overdressing the lobster to overwhelm its natural sweetness, and serving it fresh—are all critical to the final taste.

6. Variations: There are two main styles of lobster rolls: with mayo or with butter. The best version for you might depend on personal preference and what you enjoy most about lobster.

Ultimately, what makes the best lobster roll taste so good is the combination of fresh, high-quality lobster, skillful preparation, and the perfect balance of flavors and textures in every bite. For more information on all things LOBSTER please visit the LobsterWeb at www.lobsterweb.org



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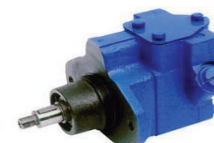
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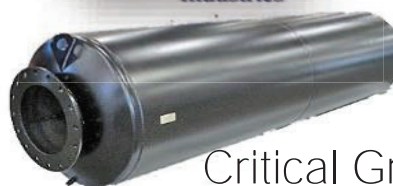
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The Massachusetts Lobstermen's Association

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 & good fishing!

NEW MLA MEMBERS:

MICHAEL HOWARD

F/V: Miss Nell
Port: Portsmouth NH



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As the HAULER TURNS

From Beacon Hill to the Boatyard the MLA is working hard to keep you at the table on all things ocean and lobster related. While you are out fishing, the MLA continues to work on countless issues and initiatives from; Unemployment updates, MLA Newspaper (To Print or Not to Print?), the Neptune LNG Hub line decommissioning, Offshore Wind, submitting letters of comments on, Scallop Access to the Closed Northern Edge, Alkalizing the Ocean, Abandoned Gear Legislation, and more.

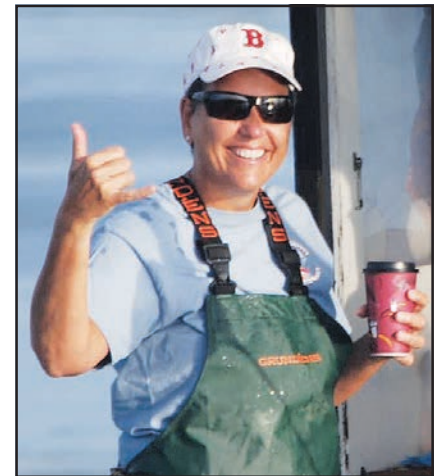
As the Legislators are finalizing the FY25 Massachusetts budget, we are still working with Senator Patrick O'Connor on getting the legislation S552 Act Relative to Lobstering Closure Mitigation Fund approved and funded. The MLA will continue to monitor this legislation and will keep you updated as it moves along.

Also, this legislation is included in this paper and there is still an online petition that has been signed by over 200 individuals and if you have not yet signed it please do so today <https://sign.moveon.org/petitions/an-act-relative-to-lobstering-closure-mitigation> The more signatures we can get the better.

After hearing back from many of you on how much you truly enjoy reading the MLA newspaper, the MLA newspaper will stay in print. We all know the struggle is real, when it comes to fighting off technological changes when it consumes 90% of our lives and the increase costs of everything else. To help keep our costs down, if you do not want to receive a printed copy, please let us know so we can remove your name from the mailing list.

The MLA has met with and discussed the Neptune LNG Decommissioning Plan several times with the company in charge and now, it has been changed in a direction the MLA does not support. The original Plan was to cap and cover the hub line and anchors in place with cobble and now, they are proposing to cut 3' below the seabed floor and bury the ends of the hub line. We do not know what or how they will cut these nor the impacts on the ecosystem.

Furthermore, the timing of this decommissioning doesn't look good either as they indicated not doing it during the Cod Spawning Oct.-Feb and then the MA Restricted Area Closure will most likely be avoided leaving them to the months of June through Sep-



tember. Unreal, we are still waiting to see the FINAL Revised Plan. Stay Tuned!

The letters of comments noted above are included in this paper as the MLA continues to monitor what is coming your way so that you can continue to fish. If you do see or hear of anything that is seeking comments, please send it my way for consideration as we know the tsunami of information is impossible for one person to keep up with.

Thank you all of you who continually send me information as we know, the more the eyes watching the better. The MLA truly stands by its Members' and for that I am proud to be your Director.

Safe on the water,

Beth Casoni

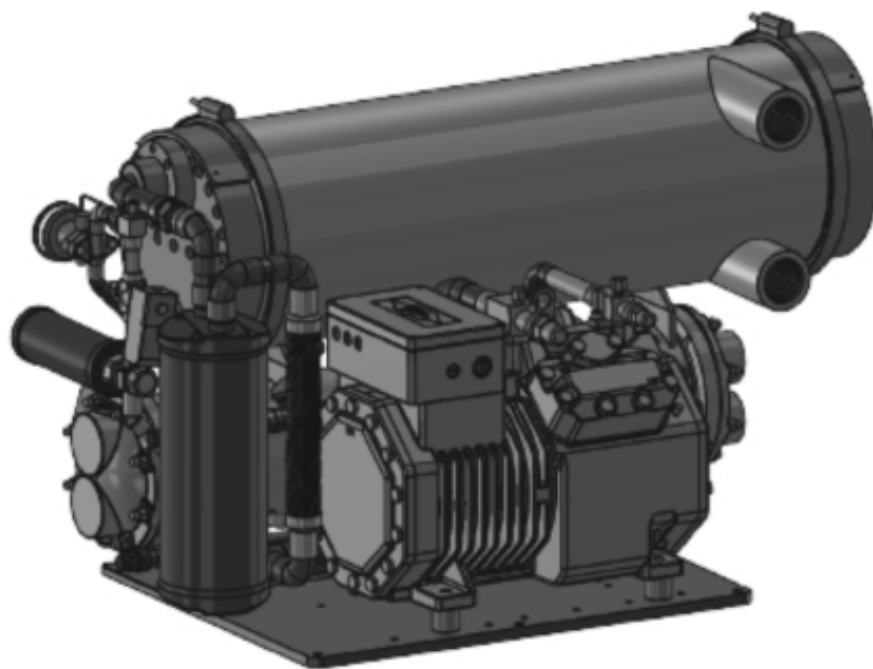
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Neptune LNG Deepwater Port Updated Decommissioning Plan June 2024

LOCATION AND DWP COMPONENTS

The Neptune LNG Deepwater Port (DWP) is located in state and federal waters offshore Massachusetts. All of the DWP components are installed on and below the seafloor or float a substantial depth below the water surface.

The DWP includes two mooring and unloading buoys, flexible pipe connections to subsea manifolds, and a mooring system consisting of two sets of eight suction anchors and associated moor lines, all located in Federal waters. The DWP also includes 13.2 miles of 24-inch diameter pipeline, 10.4 miles of which is in state waters and 2.8 miles in Federal waters. The west end of the pipeline includes a transition manifold and tie-in into Algonquin Gas Transmission, LLC’s HubLine system (HubLine). Below is a map of the DWPs location.

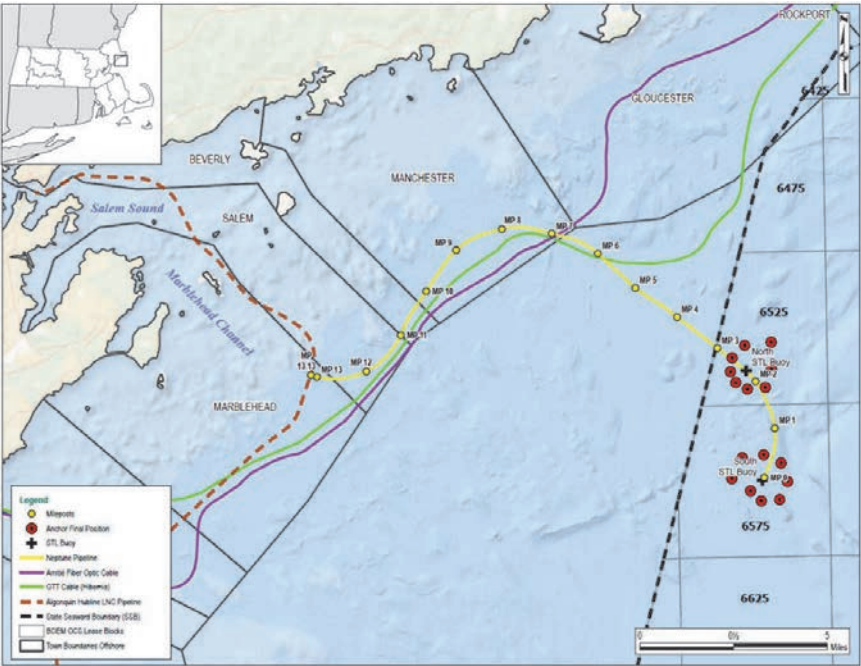
DECOMMISSIONING PLAN

It is Neptune’s intent to decommission the DWP in a manner



that will cause the least environmental harm. As part of the decommissioning evaluation, Neptune evaluated a number of alternatives for each component of the DWP. Each alternative was assessed on qualitative and quantitative bases by measuring impacts using the following criteria: safety, environmental, technical feasibility, societal, and economic.

Based on offshore surveys conducted in 2023 and an extensive review by marine engineers and environmental scientists, Neptune filed a decommissioning plan (Decommissioning Plan) with MARAD and the U.S. Coast Guard in December 2023. The filing of the Decommissioning Plan initiated a process by which state and Federal agencies, and other stakeholders, had an opportunity to review and comment.



As a result of feedback received from regulatory agencies stating that the seafloor should be restored to as near pre-construction conditions as possible, Neptune is changing, updating, and finalizing the Decommissioning Plan and expects to file in June 2024. Below is a

table showing the differences between the December 2023 Decommissioning Plan and June 2024 Decommissioning Plan.

Neptune anticipates that 2024 activities with respect to the Decommissioning Plan will focus on regulatory and stakeholder review, as well as planning for execution. Although the overall timing of the project cannot be determined conclusively at this time, it is Neptune’s objective to conduct decommissioning activities early in 2025 to minimize any interference with other offshore activities.

QUESTIONS AND COMMENTS

Neptune would like to have an open and direct dialogue with all stakeholders in this process. We encourage all who have an interest this decommissioning process to reach out to Julie Vitek directly:

*Julie Vitek, Vice President,
Government & Regulatory
Affairs ENGIE North America*

Julie.vitek@engie.com
Office: 713-636-1962
or Mobile 617-593-2122

Port Component	Decom Plan December 2023	Decom Plan June 2024
Gas in pipeline	Hot flare	Hot Flare
Buoys	Remove	Remove
Mooring Lines	Remove	Remove
Pipeline	Abandon in place; cover pipeline ends with rock	Abandon in place; bury pipeline ends 3 feet below the seafloor
Transition Manifold & Spools	Remove	Remove
Pipeline End Manifolds and Spools	Remove	Remove
Suction Anchors	Abandon in place; cover with rock	Cut 3 feet below the seafloor

Holtec dumping and evaporating radioactive wastewater in Cape Cod Bay — *It's not over yet!*

The hubris of Holtec is endless. This privately held New Jersey company came to Plymouth promising to be a 'good neighbor' and work with the community with 'openness and transparency' when they purchased the Pilgrim Nuclear Power Station for decommissioning in 2019. In reality, it was the start of this manipulating and malingering company damaging our community and environment for their profit, no good neighbor at all. Holtec planned to dump over a million gallons for radioactive and chemically contaminated industrial wastewater in to Cape Cod Bay.

In late 2022, the Environmental Protection Agency informed Holtec the current National Pollutant Discharge Elimination System permit (NPDES) prohibits dumping the industrial wastewater and requires a new permit to discharge. In early 2023, Holtec then turned to forced evaporation of the spent fuel pool wastewater using immersion heaters under the guise of heating ambient air for "worker comfort". This released radioactive effluent into our air, dosing the public and the bay.



Even Holtec admits evaporation is a hazardous action. "Evaporation releases higher levels of radioactive materials due to the concentration and lack of dilution when water becomes a gas", cited Holtec spokesperson John Delmar when Holtec dumped into Barnegat Bay in NJ without resident knowledge.¹

In the meantime, Holtec is gaming the system and has submitted an amendment for the dumping permit STILL under review by the EPA and Mass Department of Environmental Protection, which requires a separate Surface Water Discharge permit. Holtec needs both permits. While the MassDEP has given a 'tentative denial' of their permit last August, the final decision is still in question.

IT'S NOT OVER YET!

Here in Massachusetts, the tentative denial cites the Ocean Sanctuaries Act, which clearly identifies discharging both liquid and gaseous materials in protected areas as prohibited. The Act defines waste to include "any unwanted, discarded, or environmentally harmful solid, liquid, or gaseous materials resulting from commercial, municipal, domestic or industrial activities..."² It's illegal.

In addition, the MA-Holtec Settlement Agreement requires Holtec to abide by state laws and regulations; "Holtec shall comply with all applicable environmental and human- health based standards and regulations of the Commonwealth."³ Time for enforcement!

The Commonwealth has the authority to halt Holtec. When Governor Maura Healey was on the campaign trail in 2022, she pledged, "We've come a long way on this issue, and I'll be damn sure, in whatever capacity I serve, that we're not going to have radioactive waste dumped down here." She continued, "I will continue to hold Holtec accountable and make them live up to the conditions of the agreement."⁴

We need our governor to step up today to protect our communities and Cape Cod Bay.

Contact Governor Maura Healey and demand state laws are enforced that prohibit Holtec from discharging and evaporating Pilgrim's radioactive and chemically contaminated industrial wastewater into our environment and immediately deny the state Surface Water Discharge Permit.

RALLY TO SAVE OUR BAY!

Monday, July 22
Plymouth Town Hall Green 5:30 PM
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6:30 PM Town Hall

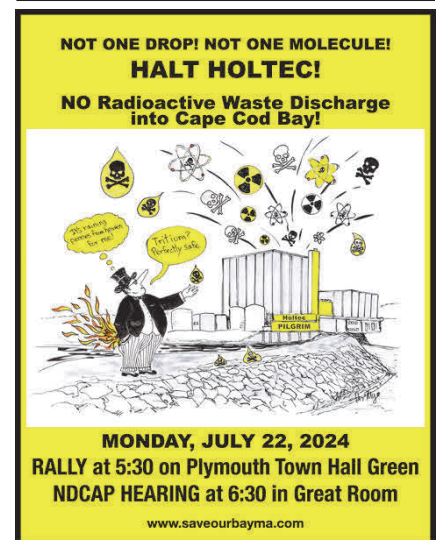
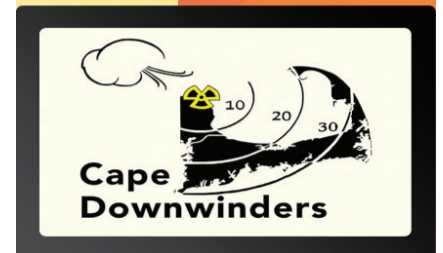
¹ Oglesby, Amanda, Radioactive water release from Oyster Creek nuclear plant concerns environmentalists. Ashbury Park Press: <https://www.app.com/story/news/local/land-environment/2022/09/16/oyster-creek-nuclear-radiation-water-release-notification/69493002007/>

² MA DEP Tentative Denial of Holtec's Surface Water Permit application: <https://www.mass.gov/doc/tentative-determination-to-deny-holtecs-surface-water-discharge-permit-modification-request/download>

³ MA-Holtec Settlement Agreement page 14: <https://www.mass.gov/doc/pilgrim-settlement-agreement/download>

⁴ Barnes, Jennette, Healey pledges to block Pilgrim from releasing radioactive water. WCAI

6.14.22: <https://www.capeandislands.org/local-news/2022-06-14/healey-pledges-to-block-pilgrim-from-releasing-radioactive-water>





Atlantic States Marine Fisheries Commission NEWS RELEASE

FOR IMMEDIATE RELEASE: June 24, 2024 | PRESS CONTACT: Tina Berger, 703.842.0740

American Lobster Benchmark Stock Assessment Workshop #1 Scheduled for July 22-24 in New Bedford, MA

ARLINGTON, VA — The Atlantic States Marine Fisheries Commission will hold the American Lobster Benchmark Stock Assessment Workshop at the UMass Dartmouth's School for Marine Science & Technology West building, 706 South Rodney French Boulevard, MA. The stock assessment will evaluate the health of American lobster stocks and inform management of this species. The Commission's stock assessment process and meetings are open to the public, with the exception of discussions of confidential data*, when the public will be asked to leave the room.

The July Stock Assessment Workshop will be the first of two workshops that focus on evaluation of

models developed to estimate stock status. The second Assessment Workshop, tentatively scheduled for October 2024, will focus on addressing the below stock assessment terms of reference. The final workshop will be the Peer Review Workshop in April 2025, where an independent panel of fishery scientists, will review the assessment for its appropriateness to advise future management of American lobster.

Relevant American Lobster Stock Assessment Terms of Reference:

- Evaluate new information on life history such as growth rates, size at maturation, natural mortality rate, and migrations

- Identify, describe, and, if possible, quantify the effect of environmental/climatic drivers on stock abundance considering annual to decadal scales

- Use length-based model(s) to estimate population parameters (e.g., effective exploitation rate, abundance) for each stock unit and analyze model performance

For more information about the assessment or attending the July workshop (space will be limited), please contact Caitlin Starks, Senior Fishery Management Plan Coordinator, at cstarks@asmfc.org or 703.842.0740.



** Each state and federal agency is responsible for maintaining the confidentiality of its data and deciding who has access to its confidential data. In the case of our stock assessments and peer reviews, all analysts and, if necessary, reviewers, have been granted permission by the appropriate agency to use and view confidential data. When the assessment team needs to show and discuss these data, observers to our stock assessment process are asked to leave the room to preserve confidentiality.*

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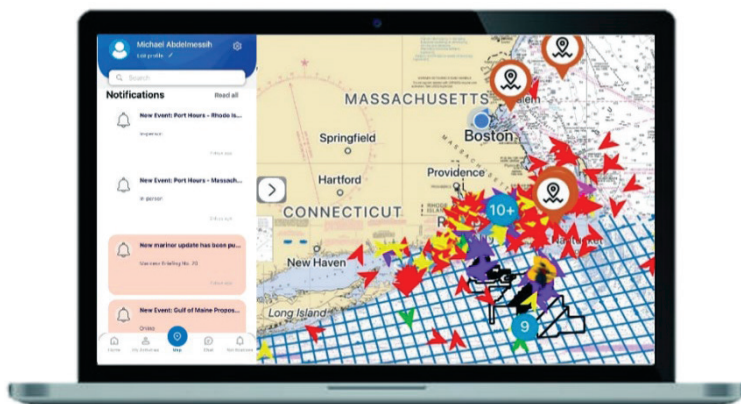
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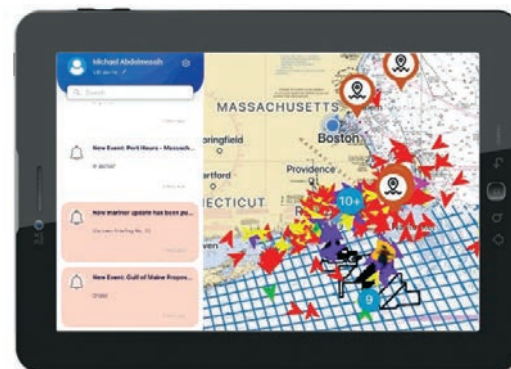
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WATERFRONT is a free and easy-to-use mobile application that gives full visibility of marine information, ensuring better situational awareness on the water. It enables direct and secure communication with marine stakeholders – allowing you to grow your marine network.

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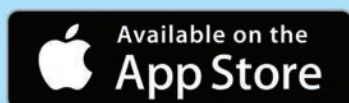
Download the app for free (scan the QR code or search “waterfront” on the Google Play or App Store).

2. Create Your Login

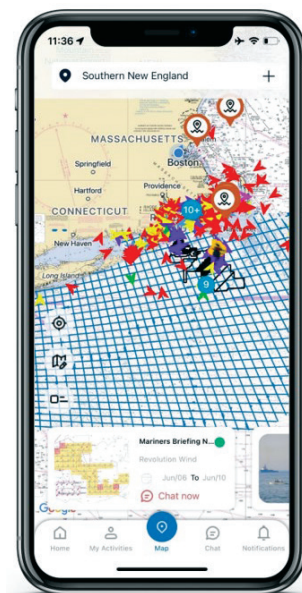
Create your login email and password. Register your vessel with its specific MMSI number.

3. Customize Your Experience

Define your Notification Areas, choose Map Overlays, filter News Feeds, and choose Chat Visibility. You’re all set!



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Molly Gilson
(508) 863-9714



Michael Abdelmessih
(201) 598-1677



Kalvin Garcia
(774) 208-7874



Northeast Fisheries Observer Program (NEFOP) Observers in the Lobster Fishery



NOAA
FISHERIES



ANNE RICHARDS, NEFSC/NOAA

Visit our website to view observer logs, manuals and protocols:

<https://www.fisheries.noaa.gov/v/resource/document/fishery-monitoring-and-research-supplemental-documents>

For more information or questions regarding observer coverage in the lobster fishery contact: Kristina Thorpe: (508) 566 - 5988 or kristina.thorpe@noaa.gov

As a fishery participant, your cooperation is important to help NMFS collect the most complete, unbiased, and relevant data possible. Good data prevent over-regulation and ensure the sustainability of our fisheries and the conservation of protected species populations.

For information on the Standardized Bycatch Reporting Methodology (SBRM) Sea Day Schedule visit: <https://www.fisheries.noaa.gov/resource/data/annual-discard-reports-northeast>

WHICH VESSELS ARE ELIGIBLE FOR COVERAGE?

Any vessel that holds a federal American lobster permit and is required to submit Vessel Trip Reports (VTR) is eligible to be selected for NEFOP observer coverage. The annual sea day schedule allocates sea days among lobster vessels that file vessel trip reports. Beginning on April 1, 2024 all federal lobster permit holders will be required to submit electronic Vessel Trip Reports (eVTR).

COVERAGE EXTENT AND INFORMATION

- The annual sea day schedule includes days tasked to the New England and Mid-Atlantic regions. The sea day schedule changes from year to year depending on data needs, funding, and other factors.
- The Standardized Bycatch Reporting Methodology (SBRM) Omnibus Amendment governs how NEFOP coverage is allocated to obtain discard estimates of the 14 federally managed species in the Northeast. Because many trips within the lobster fleet are made by vessels interacting with council-managed species, these trips are subject to NEFOP coverage.
- Vessels are not responsible for covering the cost of observers in the lobster pot/trap fishery.
- The observer service provider is required to carry liability insurance in several categories as part of their federal contract.

LOBSTER POT/TRAP SAMPLING

Primary goals are to collect lobster catch data (kept, discarded) and sample bycatch.

- Observer coverage levels are determined by the SBRM and are derived by the Population Dynamics Branch of the Northeast Fisheries Science Center based on the variability in discards from previous years.
- Data are used by federal agencies (NOAA Fisheries) and other management partners (Atlantic States

Marine Fisheries Commission and state agencies) to inform stock assessments and determine levels of bycatch.

- Observers record gear (i.e. number of pots, line type), haul level (i.e. location, depth, time, catch composition), and trip level (i.e. trip costs, home port) information.
- Biological information collected includes lobster sex, size, molt status, maturity status, egg stage, shell disease, number of claws, and v-notch presence/absence. Observers also collect data on any finfish caught.
- Interactions with protected species (marine mammals, sea turtles, seabirds) are documented.
- In order to deploy on lobster vessels, observers must complete a specialized pot and trap gear training and certification. Observers are well trained to be aware of the fast paced nature of the lobster fishery and potential safety hazards, including remaining clear of lines, traps, and other gear during the hauling, stacking, and setting process.
- All observers take an intensive safety course during their initial observer training, and are required to renew their safety certification every 18 months.

HOW WILL I BE NOTIFIED TO CARRY AN OBSERVER?

Fishermen and fishing industry representatives will be notified in advance, whenever possible, that observer coverage will be required. Fishermen may be notified that they have been selected for observer coverage either by selection letter, phone, or in person by NOAA personnel or a designated approved observer service provider.

WHAT ARE MY RESPONSIBILITIES WHEN CARRYING AN OBSERVER?

- Allowing the observer to access all areas of the vessel.
- Allowing the observer to view navigation and access communications equipment.

- Allowing observer to sample, retain and store marine mammal and other protected species specimens or target and non-target species specimens.
- Notifying the observer when all commercial fishing operations begin /end.
- Providing accommodations and food equivalent to those provided to the crew.
- Allowing for the safe embarking and disembarking of the observer.

WHAT ARE THE VESSEL SAFETY REQUIREMENTS I MUST MEET TO CARRY AN OBSERVER?

- All vessels MUST have a current US Coast Guard safety decal; an observer may not depart on a trip selected for coverage until the decal is up to date.
- Personal flotation devices/immersion suits for all crew onboard (observers provide their own suit and PFD).
- Ring buoys or other allowable flotation.
- Unexpired distress signals / flares.
- Fire extinguishing equipment.
- EPIRB registered to vessel with current NOAA SARTS registration, battery and hydrostatic release.
- Survival craft with sufficient capacity to accommodate the total number of crew onboard including the observer.

Observers are required to review emergency instructions with the vessel operator and complete a pre-trip safety check of the vessel's emergency equipment prior to departing on a trip (observers arrive early to conduct the pre-trip safety checklist). Observers will be verifying that the equipment, registrations and certificates meet the requirements listed above.

WHAT AUTHORITY DOES NMFS HAVE TO COVER FEDERALLY PERMITTED LOBSTER VESSELS?

Federal lobster regulations 50 CFR 697.12 require federal lobster permit holders to carry a NOAA-approved

Observer

FROM PAGE 13

observer, when selected. NOAA Fisheries also has the authority to select any category I or II vessels listed under the Marine Mammal Protection Act (MMPA) for observer coverage. Northeast / Mid-Atlantic lobster pot/trap vessels are listed as category I fisheries. For more information on authorization to cover the Lobster fishery: See CFR 697.12 <http://www.ecfr.gov/> (Title 50) Magnuson-Stevens Fishery Conservation and Management Act: <https://www.fisheries.noaa.gov/resource/document/magnuson-stevens-fishery-conservation-and-management-act>

IF SELECTED TO CARRY AN OBSERVER AM I REQUIRED TO TAKE ONE?

Yes, as a federal fishery permit holder (see list of permits to left) or Category I or II fishery participant, you are required to take an observer when selected. Depending on your permits, category or fishing location this requirement is mandated under one of the following Acts: the Magnuson-Stevens Act (MSA), the Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA), the Marine Mammal Protection Act (MMPA) or

the Endangered Species Act (ESA).

IS THERE A LIMIT TO HOW MANY TIMES A MONTH I CAN BE SELECTED TO CARRY AN OBSERVER?

No, there are no laws or regulations that limit or specify the number of times a single vessel may be selected for observer coverage within a given month*. However, the goal is to collect representative data without overburdening an individual vessel. Every effort is made to spread coverage out evenly among all vessels actively fishing in the same fleet (for the purpose of this sea day schedule the fleet you fish in is defined by the gear type and mesh size you are using as well as the region you are fishing in i.e. Large mesh (>5.5”) Otter Trawl in New York). * With the exception of LAGC IFQ vessels (See (50 CFR 648.11(g)(2) (ii))

HOW DOES THE OBSERVER SERVICE PROVIDER DECIDE HOW MANY TIMES A MONTH TO SELECT A VESSEL FOR OBSERVER COVERAGE?

The NOAA Fisheries, Northeast Fisheries Science Center generates a yearly sea day schedule for the NEFOP with a given number of days at sea that need to be observed every month in active fishing fleets. NOAA Fisheries partners with an observer service provider to com-

plete this sea day schedule. The NEFOP provider attempts to achieve the days at sea tasked, while still spreading coverage throughout the fleet. For some fleets, it is not possible to accomplish the number of days at sea the NEFOP is tasked with without covering vessels multiple times per month. An example: • The NEFOP sea day schedule requires 30 sea days for the month of March on trawl vessels that are using mesh < 5” (small mesh) in a given region. • There are only 10 day trip vessels in March that are using small mesh trawl in that region. • Each vessel will have to be covered 3X to get the 30 days of coverage needed. Additionally, if a vessel fishes in multiple fleets on different trips (such as a small mesh trawl and a large mesh trawl trip) they may be selected for coverage for both fleets.

HOW MANY DAYS ARE TASKED TO THE FLEETS I FISH IN EACH MONTH?

The NEFOP sea day schedule shows the breakdown of all of the days tasked for each fleet throughout the year and can be found at: <https://www.fisheries.noaa.gov/resource/data/annual-discard-reports-northeast>. The NEFOP can provide a summary of sea days tasked to the fleets you participate in upon request.

If I’m fishing in state waters am I required to take a federal observer? Yes, if you hold any of the federal permits listed to the left or are a Category I or II fishery participant, you are required (under the MSA and MMPA) to take an observer, once selected, if you are fishing within waters of the United States(defined in the MSA as “all the States thereof”). It does not matter whether you are fishing in state or federal waters.

HOW WILL I BE NOTIFIED OF MY SELECTION?

You will be contacted by a NMFS employee, designated contractor or observer acting on behalf of the Regional Administrator, in person, by telephone, or in writing and notified that your vessel has been selected to carry an observer. In some situations you may be selected dockside shortly in advance of a fishing trip.

WHAT AUTHORITY DOES NOAA HAVE TO PLACE OBSERVERS ON MY VESSEL?

NOAA’s authority to place observers on your vessel is found in a number of federal statutes, including the Magnuson-Stevens Act, the Atlantic Coastal Fisheries Cooperative Management Act, the Marine Mammal Protection Act and the Endangered Species Act, and their implementing regulations. For example, federal Magnuson-Stevens

Northeast Fisheries Observer Program (NEFOP) Sea Day Schedule, April 2024 - March 2025 - DRAFT Version 1

Ref #	Source	Fishery Description	Region	Geographic Area	Quarter 2 - 2024			Quarter 3 - 2024			Quarter 4 - 2024			Quarter 1 - 2025			Total Tasked
					APR 2024 Tasked	MAY 2024 Tasked	JUN 2024 Tasked	JUL 2024 Tasked	AUG 2024 Tasked	SEP 2024 Tasked	OCT 2024 Tasked	NOV 2024 Tasked	DEC 2024 Tasked	JAN 2025 Tasked	FEB 2025 Tasked	MAR 2025 Tasked	
0087	SBRM	Longline, Mid-Atlantic Mix*	MA	Mid-Atlantic		15			16			15			15		61
0083	SBRM	Longline, New England Mix*	NE	New England		3			4			4			0		11
0623	SBRM	Handline, Mid-Atlantic Mix*	MA	Mid-Atlantic		3			4			3			3		13
0624	SBRM	Handline, New England Mix*	NE	New England		5			5			4			0		14
0506	SBRM	Otter Trawl Small/Medium Mesh (<5.5”), Mid-Atlantic Mix	MA	Mid-Atlantic		113			100			106			63		382
0508	SBRM	Otter Trawl Large Mesh (>=5.5”), Mid-Atlantic Mix	MA	Mid-Atlantic		28			41			26			21		116
0505	SBRM	Otter Trawl Small/Medium Mesh (<5.5”), New England Mix	NE	New England		77			75			70			33		255
0507	SBRM	Otter Trawl Large Mesh (>=5.5”), New England Mix	NE	New England		21			34			19			12		86
0753	SBRM	Otter Trawl, Large Mesh Belly Panel, Small/Medium Mesh (<5.5”), New England Mix	NE	New England		17			17			12			0		46
0754	SBRM	Otter Trawl, Large Mesh Belly Panel, Large Mesh, (>=5.5”), New England Mix	NE	New England		0			0			10			0		10
0715	SBRM	Twin Trawl Small/Medium Mesh (<5.5”), Mid-Atlantic Mix*	MA	Mid-Atlantic		9			8			8			8		33
0755	SBRM	Twin Trawl Large Mesh (>=5.5”), Mid-Atlantic Mix	MA	Mid-Atlantic		6			8			7			6		27
0756	SBRM	Twin Trawl Small/Medium Mesh (<5.5”), New England Mix*	NE	New England		0			22			22			22		66
0082	SBRM	Gillnet Small Mesh (<5.5”) (complete), Mid-Atlantic Mix*	MA	Mid-Atlantic		3			3			3			4		13
0037	SBRM	Gillnet Large Mesh (5.5-7.99”) (complete), Mid-Atlantic Mix	MA	Mid-Atlantic		12			4			13			9		38
0031	SBRM	Gillnet Extra Large Mesh (>=8”) (complete), Mid-Atlantic Mix*	MA	Mid-Atlantic		4			0			3			3		10
0736	SBRM	Gillnet Small Mesh (<5.5”) (complete), New England Mix	NE	New England		0			5			0			4		9
0562	SBRM	Gillnet Large Mesh (5.5-7.99”) (complete), New England Mix*	NE	New England		0			5			0			0		5
0563	SBRM	Gillnet Extra Large Mesh (>=8”) (complete), New England Mix	NE	New England		11			5			5			8		29
0069	SBRM	Purse Seine, New England Mix*	NE	New England		7			7			0			0		14
0569	SBRM	Pot & Trap, Fish, Mid-Atlantic Mix*	MA	Mid-Atlantic		4			3			3			3		13
0565	SBRM	Pot & Trap, Fish, New England Mix*	NE	New England		3			4			3			0		10
0566	SBRM	Pot & Trap, Conch, Mid-Atlantic Mix*	MA	Mid-Atlantic		3			3			3			3		12
0518	SBRM	Pot & Trap, Conch, New England Mix*	NE	New England		4			4			4			0		12
0570	SBRM	Pot & Trap, Hagfish, New England Mix	NE	New England		49			50			0			0		99
0567	SBRM	Pot & Trap, Lobster, Mid-Atlantic Mix*	MA	Mid-Atlantic		4			5			4			4		17
0572	SBRM	Pot & Trap, Lobster, New England Mix	NE	New England		19			42			28			11		100
0573	SBRM	Pot & Trap, Crab, Mid-Atlantic Mix	MA	Mid-Atlantic		0			3			0			0		3
0575	SBRM	Pot & Trap, Crab, New England Mix*	NE	New England		23			22			23			23		91
0713	SBRM	Ocean Quahog/Surflclam Dredge, Mid-Atlantic Mix*	MA	Mid-Atlantic		6			7			6			6		25
0757	SBRM	Ocean Quahog/Surflclam Dredge, New England Mix*	NE	New England		6			5			5			5		21
					455			511			409			266			1641

Act regulations at 50 CFR § 648.14 (e) state that:

It is unlawful for any person to do any of the following:

- (2) Refuse to carry onboard a vessel an observer or sea sampler if requested to do so by the Regional Administrator or the Regional Administrator's designee.
- (3) Fail to provide information, notification, accommodations, access, or reasonable assistance to either a NMFS-approved observer or sea sampler conducting his or her duties aboard a vessel as specified in § 648.11.

Similar requirements are found in regulations implemented under the Marine Mammal Protection Act (see language below) and the Endangered Species Act. In addition, as a condition of your federal fishing permit, you must carry an observer when contacted by a NOAA employee or designated contractor.

50 CFR § 229.7 (c) (1)

(c) Observer requirements for participants in Category I and II fisheries.

- (1) If requested by NMFS or by a designated contractor providing observer services to NMFS, a vessel owner/operator must take aboard an observer to accompany the vessel on fishing trips.

FOR A COMPLETE LIST OF CATEGORY I OR II FISHERIES VISIT:

<https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-protection-act-listfisheries#lists-of-fisheries>

IT IS A VIOLATION OF FEDERAL REGULATIONS TO FAIL TO CARRY AN OBSERVER ON ANY FISHING TRIP WHEN THE VESSEL HAS BEEN SELECTED. A VIOLATION MAY RESULT IN THE ASSESSMENT OF CIVIL PENALTIES.

FOR MORE INFORMATION ON THE NORTHEAST FISHERIES OBSERVER PROGRAM PLEASE VISIT OUR WEBSITE AT: [HTTPS://WWW.FISHERIES.NOAA.GOV/NEW-ENGLAND-MID-ATLANTIC/FISHERIES-OBSERVERS/FISHERIES-MONITORING-OPERATIONS-NORTHEAST](https://www.fisheries.noaa.gov/new-england-mid-atlantic/fisheries-observers/fisheries-monitoring-operations-northeast)



NOAA FISHERIES

Federal permits requiring observer coverage:

- Atlantic sea scallops
- Northeast multispecies
- Monkfish
- Skates
- Atlantic mackerel
- Squid
- Butterfish
- Scup
- Black seabass
- Bluefish
- Spiny dogfish
- Atlantic herring
- Tilefish
- Atlantic deep-sea red crab
- Summer flounder (moratorium permit)
- American lobster
- Atlantic surfclam
- Ocean quahog

Any questions about the Northeast Fisheries Observer Program or these

requirements should be directed to Katherine McArdle, Division Director, Fisheries Monitoring and Research Division - (774) 392-5308

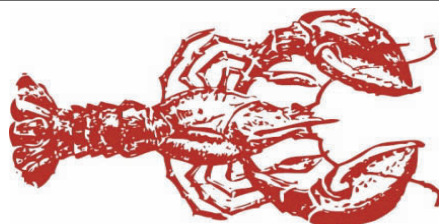
Your cooperation and assistance in this program is greatly appreciated.

For the full text of these regulations visit:

Magnuson Stevens Act:
<https://www.fisheries.noaa.gov/top ic/laws-policies#magnuson-stevens-act>

Marine Mammal Protection Act:
<https://www.fisheries.noaa.gov/top ic/laws-policies#marine-mammal-protection-act>

Endangered Species Act:
<https://www.fisheries.noaa.gov/top ic/laws-policies#endangered-species-act>



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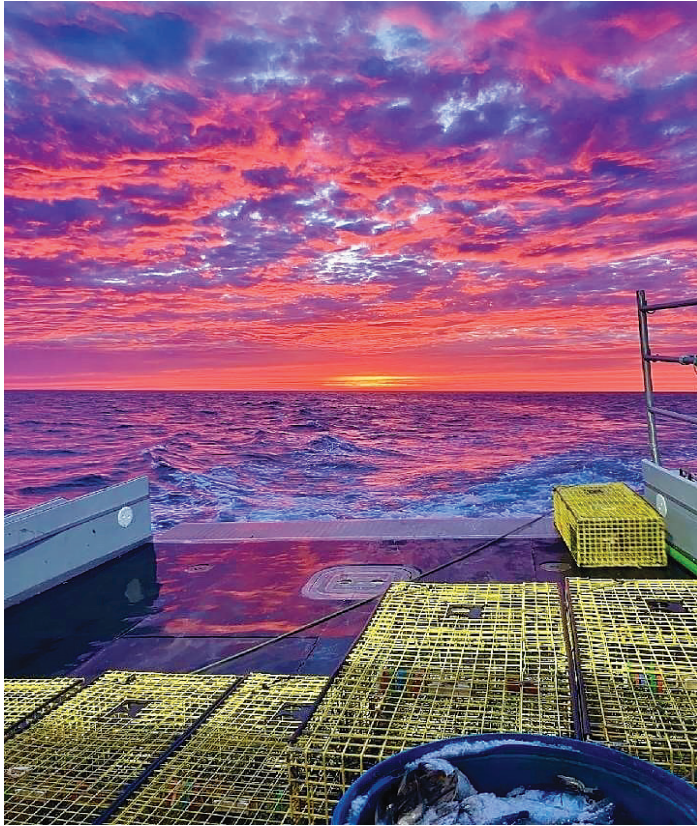
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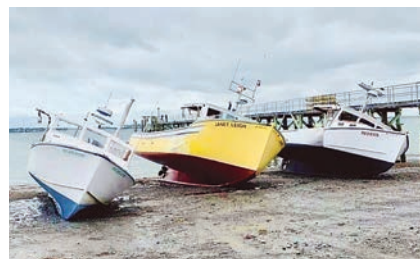
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FLAT FISH ~ FISH SKINS ~ RED FISH ~ DOG FISH HEADS ~ SALMON**



**C & P BAIT
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New Bedford, MA 02740**

**Contact:
Danny Costa 508-951-9818
Carlos Pereira 508-951-9819**





Dredge

FROM PAGE 1

In 2023, the ASMFC implemented its Addendum XXVII to the lobster fishery management plan (<https://tinyurl.com/3ujar6zr>). Recent declines in biological reference points, including recruitment and SSB indicators (such as young of the year indices and trawl survey catch) triggered future requirements to increase minimum lobster sizes inshore, and reduce the maximum lobster size limit in the offshore LCMA 3.

For LCMA 3, the maximum size reduction is intended to reduce removals of fecund lobsters, providing for more egg production. Coupled with tagging data suggesting migration from the Georges Bank area to inshore grounds (TR, p. 11), there is hope that this will help increase lobster recruitment throughout the GOM/GB range.

The Technical Report is clear that ovigerous lobsters abound in this area (TR, p. 18):

• “Several studies have shown that adult lobsters tend to exhibit seasonal movement patterns, migrating to deeper water in the colder months and to shoal waters in the warmer months...”

• “...shoal areas with access to adjacent deep-water like Georges Bank appear to be particularly attractive to egg bearing lobsters, and aggregations have been reported throughout the species range in areas with these bathymetric characteristics...”

• “...the high abundance of large (> 100mm CL) highly fecund lobsters on Georges Bank removes any doubt of the importance of this segment of the population to continued sustainability of the resource.”

Nor are our concerns assuaged by longer-term cyclical annual scallop openings. Lobsters generally take 5-7 years from hatching to reach fecundity and the minimum legal size for fishery retention. Here, scallop dredges would damage important bottom habitat for juvenile lobster which

the NEFMC acknowledges would take years to repair. Then, around the time the surviving population reached reproductive and harvestable ages, scallop dredges would return to both damage survivors, and scour the bottom habitat again. Rinse and repeat for each scallop access cycle.

CONCLUSION

In response to adverse abundance indicators, the ASMFC has taken action to reduce mortality and increase recruitment of the American lobster resource, stating: “Given the American lobster fishery is one of the largest and most valuable fisheries along the Atlantic coast, potential decreases in abundance and landings could result in vast economic and social consequences.” (Addendum XXVII, p. 1)

Opening the habitat management area on the northern edge of Georges Bank to scallop dredging runs counter to those conservation efforts. Most large lobsters evidently die or are severely injured when impacted by this gear. The pro-

posed area is critical lobster habitat and highly populated by larger ovigerous females, a subpopulation the ASMFC specifically calls out for its importance to the overall health of the resource.

For these reasons, the undersigned Associations request the NEFMC place a high level of consideration on the ASMFC’s Technical Report, the Commission’s efforts to conserve the lobster resource and its habitat, and decline to allow scallop dredge access to the area at this time.

Thank you for your consideration,

Hank Soule

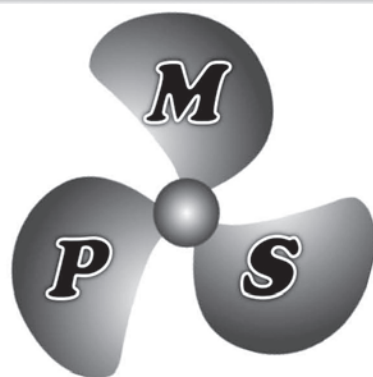
Deputy Director
Atlantic Offshore
Lobstermen’s Association

Beth Casoni

Executive Director
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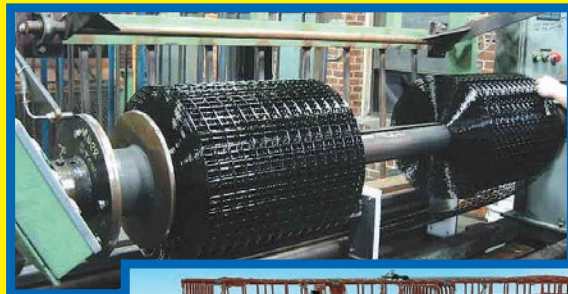
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Council Discontinues Work on Northern Edge Framework

The New England Fishery Management Council voted on June 27, 2024 during its four-day meeting in Freeport, Maine to “discontinue development” of an action that potentially would have given scallop fishermen access to part of the Habitat Management Area on the Northern Edge of Georges Bank.

The Council viewed a staff presentation that summed up work to date and outlined additional decision points the Council needed to make regarding when and for how long scallopers would be able to access a new Northern Edge scallop rotational management area if one were to be developed. The Council engaged in a lengthy debate, narrowing its focus to the pros and cons of further developing the alternatives for final action in September or stopping work on the action. In the end, the Council determined that, “after careful consideration of the ecological importance of the Northern Edge Habitat Management Area and the difficulties of identifying times and areas for scallop access that do not

undermine those values,” it voted to halt further development of the framework.

Factors Considered: The Council’s work on the Northern Edge Framework involved both the Habitat and Scallop Committees, as well as the advisory panels and plan development teams (PDTs) for both committees. Four Council staff members worked on the draft action, and the full Council received progress reports and provided guidance at multiple meetings since the Council prioritized this work for 2023 and 2024.

The Council considered information about:

- The action’s goals and objectives;
- The latest memo provided by the Habitat and Scallop PDTs, which included cod spawning information along with details about scallop, habitat, and herding presence and condition; and
- The Atlantic States Marine Fisheries Commission’s technical report on the lobster resource and fishery in and around the Northern Edge.

Northern Edge Framework Size of Area for Each Alternative

Alternative	Size of area	Size of area <= 55 fathoms	Size of area <= 80 fathoms
Alternative 2	68 mi²	16 mi²	27 mi²
Alternative 3	87 mi²	35 mi²	46 mi²

The Council expressed concerns over how to allocate a seasonally constrained access area trip to roughly 350 full-time limited access scallop vessels into an extremely small area on the Northern Edge of Georges Bank that also offered: (1) protection for spawning cod; (2) consideration of lobster presence, especially for egg-bearing females; and (3) avoided complex habitat bottom. These issues factored into the Council’s decision to discontinue work on the Northern Edge Framework.



Habitat

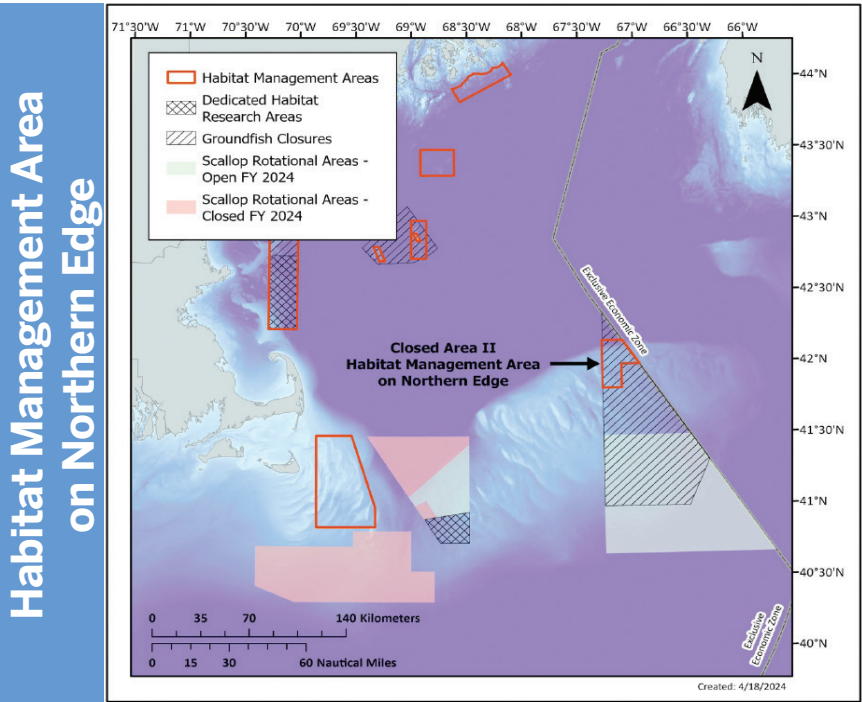
MORE INFORMATION
AND AUDIO LINK

Sea Scallop

- Visit the Northern Edge webpage.
- Listen to the audio of the Council’s discussion on the Northern Edge. The audio is divided into three files for easier access.

Council Rationale for Discontinuing Work on Northern Edge Framework

“Information presented in the June PDT memo and the draft framework document highlights the importance of the HMA to a variety of species, including Atlantic cod, American lobster, Atlantic herring, and to the long-term productivity of the Georges Bank scallop resource. Identifying an appropriate time for an access program is challenging because scallop meat yields peak in June and July during an important season for juvenile cod settlement and egg-bearing lobsters on the bank. Additionally, all access season alternatives developed by the PDT overlap with peak cod spawning period (March-May). Identifying appropriate areas for an access program is difficult because of concerns regarding enforceability and the presence of juvenile cod habitat in Alternative 3 and the limited amount of fishable bottom available to accommodate hundreds of scallop vessels in the area encompassed in Alternative 2. Allowing access to the Northern Edge Area could undermine longterm attainment of optimum yield in the scallop fishery because the large, high-density scallop aggregations on the Northern Edge are likely an important larval source for scallop beds on the Southern Flank of Georges, the Great South Channel, and Nantucket Lightship. Outcomes from the recent Joint Habitat/Scallop Committee meeting revealed a lack of agreement regarding appropriate rotational intervals and access seasons after over a year of work on this action, highlighting the fundamental conflict between the optimal timing for scallop yield and the importance of the Northern Edge to other fishery resources.” – Rationale for Council vote on June 27, 2024



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UNITED STATES SENATE
BILL S552:
ACT RELATIVE
TO LOBSTERING
CLOSURE
MITIGATION

SENATE DOCKET, NO. 2035 FILED ON: 1/20/2023

SENATE No. 552

The Commonwealth of Massachusetts

PRESENTED BY:
Patrick M. O'Connor

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to lobstering closure mitigation.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Patrick M. O'Connor	First Plymouth and Norfolk	
Jennifer Balinsky Armini	8th Essex	2/1/2023
Julian Cyr	Cape and Islands	2/7/2023
Bruce E. Tarr	First Essex and Middlesex	2/27/2023
Angelo L. D'Emilia	8th Plymouth	2/27/2023
Mathew J. Muratore	1st Plymouth	3/1/2023
Susan L. Moran	Plymouth and Barnstable	3/30/2023
Joan B. Lovely	Second Essex	4/10/2023
Josh S. Cutler	6th Plymouth	4/13/2023
John F. Keenan	Norfolk and Plymouth	10/19/2023
Joan Meschino	3rd Plymouth	10/23/2023

SENATE DOCKET, NO. 2035 FILED ON: 1/20/2023

SENATE No. 552

By Mr. O'Connor, a petition (accompanied by bill, Senate, No. 552) of Patrick M. O'Connor, Jennifer Balinsky Armini, Julian Cyr, Bruce E. Tarr and other members of the General Court for legislation relative to lobstering closure mitigation. Environment and Natural Resources.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act relative to lobstering closure mitigation.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 130 of the general laws is hereby amended by adding the following section:-

Section 37B. Lobstering Closure Mitigation Fund

(a) There shall be established and set up on the books of the Commonwealth, subject to appropriation, a fund to be known as the Lobstering Closure Mitigation Fund to be administered by the department of unemployment assistance.

(b) The purpose of the Fund shall be to provide financial assistance to lobstermen to mitigate the financial impacts of fishing area closures due to protection of endangered marine species. For the purposes of this act, the term “lobsterman” shall mean a holder of a commercial fisherman permit (lobster) as so appearing in section 38 of this chapter that is deemed to be active and transferable by the director, and the term “trap” shall mean a lobster trap or pot used to catch lobsters that is owned by and licensed under and a lobsterman. Any lobsterman who is domiciled in Massachusetts shall be eligible for weekly payments equal to one dollar per trap per week. Eligibility for said payments shall be available through February 1 and shall terminate on July 30 annually.

(c) There shall be credited to the Fund all amounts that are, by law, transferred or authorized to be transferred thereto or directed to be deposited therein, and all amounts received as gifts, grants, or contributions for the purposes of the Fund. Amounts credited to the Fund shall not be subject to further appropriation and any money remaining in the Fund at the end of a fiscal year shall not revert to the General Fund.

(d) The director of the department shall report annually to the house and senate committees on ways and means and the joint committee on environment natural resources and agriculture on income received into the fund and sources of that income, any expenditure from the fund and their purposes, and fund balances.

(e) The department shall promulgate regulations as necessary to implement the provisions of this section, including, but not limited to, regulations pertaining to payment application and disbursement procedures.

SECTION 2. This act shall take effect immediately upon its passage.

MLA submits letter of comment to the EPA



June 17, 2024

via the Federal Portal: www.regulations.gov

Environmental Protection Agency

1200 Pennsylvania Avenue,

N.W. Washington, DC 20460

RE: Docket ID No. EPA-HQ-OW-2023-0591

To whom it may concern,

The Massachusetts Lobstermen's Association (MLA) sends this letter of comment to you regarding the request from Woods Hole Oceanographic Institute (WHOI) for two research permits for the transportation and disposition of sodium hydroxide solution, an alkaline liquid, into ocean waters in Southern New England (SNE) and the Gulf of Maine (GOM). Without any other projects being done like this in the United States to date, the MLA is greatly concerned about the long-term implications of this project. More lab work needs to be done on a larger scale before truckloads of liquid alkaline can be dumped in the ocean.

The MLA is greatly concerned as the SNE and GOM commercial lobstermen are continually under siege from a plethora of issues that have a negative impact on their livelihood from offshore wind, increased predations and settlement decline. These are just a few issues that are at the top of the matter and this project will add even more unintended and negative attention while WHOI tries to reduce carbon dioxide from the atmosphere and store it in the ocean until eternity is counter intuitive.

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, 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.

The WHOI project is a mistimed and a novel idea as the United States embarks on the industrialization of the Exclusive Economic Zone with the development of offshore wind which is supposed to reduce carbon dioxide from the atmosphere and eventually our oceans. Why would anyone what to take carbon dioxide from the atmosphere and store it in the oceans where our seafood comes from is unreasonable and unethical. The physical act of doing this project will have a carbon dioxide component, what is this and what is the carbon dioxide credit value of this project?

The MLA and WHOI have a longstanding relationship, working together on countless projects as it relates to the MLAs Mission Statement: The Massachusetts Lobstermen's Association is a member- driven organization that accepts and supports the interdependence of species conservation and the members' collective economic interests.

Lastly, consumers want to know that what they are eating is clean and unaltered when they are purchasing wild harvested seafood. Unfortunately, that would be misleading once WHOI adds the alkaline liquid and dye, albeit minute in the scope of the ocean, this stabilizer will impact our commercial fishermen in ways we will not even know of until its already done. The MLA continues to work hard to keep our fleet fishing and the seafood they harvest on the plates of consumers and anything that will differentiate our lobsters in a negative light to consumers is unacceptable.

Thank you for your thoughtful deliberation and consideration of our comments.

Kind regards,
Beth Casoni
Executive Director

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- ❖ Insulated Tubs
- ❖ Cordage & Twine
- ❖ Mooring Equipment
- ❖ Boarding Ladders
- ❖ Polysteel Rope- Esterpro Sinking, Hydropro
- ❖ Leadline
- ❖ Wire Rope - FC Galv, IWRC, Dyform
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- ❖ Golf & Batting Cage Netting



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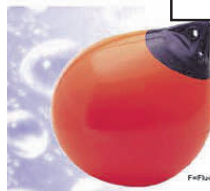
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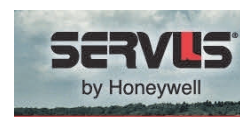
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MLA submits letter of support for S2793 - An Act Relative to Abandoned Fishing Gear



June 18, 2024

Via Email: Bruce.Tarr@masenate.gov

Senator Bruce Tarr

SENATE MINORITY LEADER

Massachusetts State House, Room 308, Boston, MA 02133

Re: S2793 An Act Relative to Abandoned Fishing Gear

Dear Senator Tarr,

On behalf of its 1,800 members, the Massachusetts Lobstermen's Association (MLA) respectfully submits this letter of support for S2793 An Act Relative to Abandoned Fishing Gear (Act). The MLA has been involved in this legislation since its inception to ensure the regulation is modernized in a thoughtful and concise manner.

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, 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.

The MLA trusts that the antiquated language on removing abandoned gear was appropriate at the time when commercial lobstermen were fishing wooden lobster traps and they made great coffee tables.

Now, the lobster trap has evolved into a more efficient and longer lasting wire trap that does not make a great coffee table, especially once it has been thumped into a ball of wire mesh and tossed up on the beach by rough seas. We want this language modernized so that these balls of abandoned gear can be lawfully removed by anyone and at any time from the shoreline.

S2793 - AN ACT RELATIVE TO ABANDONED FISHING GEAR

SECTION 1. Section 1 of chapter 130 of the general laws as appearing in the 2022 official edition is hereby amended by striking the definition of "close season" and inserting in place thereof the following:-

"Close Season" or "closed season" is the time during which fish cannot lawfully be taken or a time or area when and where the use of fishing gear is prohibited.

SECTION 2. Said section 1 of said chapter 130 is hereby further amended by inserting after the definition of "Wholesale dealer" the following:-

"Fishing Gear" is defined as a trap, net, fish car, or other contrivance that is: intact; functions as it is intended to take, hold or capture fish; and is in the water during the open season.

"Fishing Gear Debris", is defined as a trap, net, fish car, or other contrivance that is: not intact; does not function as it is intended to take, hold or capture fish; or is in the water during a closed season.

"Open Season" is defined as the time during which fish may lawfully be taken or a time or area where the use of a particular fishing gear is allowed.

SECTION 3. Section 31 of said chapter 130 of the general laws as appearing in the 2022 official edition is hereby amended by striking the section in its entirety and inserting in place thereof the following:-

No person shall, without the consent of the owner, take, use, destroy, injure or molest fishing gear. The Division of Marine Fisheries, with the approval of the Marine Fisheries Advisory Commission and the Department of Fish and Game, shall promulgate regulations that may authorize or permit the removal of fishing gear debris from the waters under the jurisdiction of the Commonwealth and the adjacent coastal shoreline. Fishing gear debris collected under the Division authority shall not be subject to M.G.L. c.134.

SECTION 4. Chapter 130 of the General Laws as appearing in the 2022 official edition is hereby amended by striking section 32 in its entirety.

Finally, the importance of the S2793 An Act Relative to Abandoned Fishing Gear to modernize the language on abandoned fishing gear is long overdue. This positive change will give individuals the ability to remove abandoned fishing gear from the water during the closed season. Now, more than ever we need to ensure that all the abandoned fishing gear is removed from the waters and ensure animals can swim and feed freely when they are here.

The passage of S2793 Act Relative to Abandoned Fishing Gear is the final step in this campaign to allow this to happen and the MLA is proud to support this legislation.

Thank you for your continued efforts and help with the Massachusetts commercial lobster industry. If you have any further questions, please give me a call to discuss this further.

Kind regards,

Beth Casoni

Executive Director

cc. MA Coastal Caucus; Daniel McKiernan, MADMF; Bob Glenn, MADMF



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 7/1/2024 (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 reached a settlement with the Government and have received a fair and equitable settlement to recoup some of the attorney's fees we incurred in this matter. With that, this case is finally at an end.

UPDATE 7/1/2024 (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 regulation 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.

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

Legal Defense Fund Updates

that we can negotiate with NMFS regarding our requested fees. That stay has been expanded to last until the appeal process has finishes.

On the subject of the appeal, NMFS appealed the decision to the First Circuit. The NGOs, which the Court allowed to join the case after its decision and over our objection, have also filed an appeal. They have moved for the Court to consolidate the appeals, a decision we did not oppose. We expect the First Circuit to rule on that motion this month. From there, the Court will set a briefing schedule for the parties.

We brought a motion to dismiss NMFS's appeal. While unusual for appeals, our basis for doing so is well founded. In any case it loses, the government cannot simply bring an appeal. Instead, it must get approval from the Solicitor General within the 60-day window for appealing. Here, NMFS admitted that it failed to do this. Because of this failure, the appeal was never authorized and cannot be allowed. NMFS will have until mid-July to respond, and we expect that the First Circuit will rule without holding a hearing.

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 Lobster-

men'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.

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*All ads are subject to review prior to placement

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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

AD#5 (6/24) **FOR SALE** – Green crabs- Cape Cod Area-Call Tony @ 774-239-1599

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. C all 978-815-1734

AD#8 (4/24) **FOR SALE** – Turnkey Outer Cape Lobster Business: (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., Romarine 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

AD#23 (4/24) **FOR SALE** – 2-506 twin disc transmissions \$4,000 for both-priced to sell. Call/text Elaine 339-832-2493

AD#24 (4/24) **FOR SALE** – American Lobster Federal Permit- Area 2-420 trap allocation. \$35,000.00 Call 631-903-2063

AD#25 (4/24) **FOR SALE** – Slide in insulated refrigerated body for a pickup truck. Ted 843-267-3473 or mrfish@mrfish.com

AD#26 (6/24) **FOR SALE** – Mustang Survival Floater Work Jacket (New) size Large \$125 Storm Line floatation bibs (New)size Medium \$125 Call 508-246-4009

AD#27 (4/24) **FOR SALE** – Lobster traps & rope Approx. 150 – 48" & about 25 – 36" lobster traps for sale some free. Most need work and some are just cages. \$20 for the best...free for the rest. Extra doors, new headsets, runners, window weights, 20 pot trawls of 7/16" ground lines, &

miscellaneous also available. Prefer the traps go in minimum lots of 50 traps. Will crush & scrap what is left. Must clean out- Pickup in Hull Email jnak388@hotmail.com for more info.

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

AD#29 (4/24) Looking for work on an offshore lobster boat. I have 2 years' experience on a lobster boat & 2 years ground fishing. I am looking for a clean boat, no drama. I am dependable & a hard worker. Text/Call Joshua-207-798-2808

AD#30 (4/24) **FOR SALE** – 800 36" traps, rope, buoys, highflyers. All equipment pertaining to lobstering. If interested, Call Kevin @ 508-951-6400

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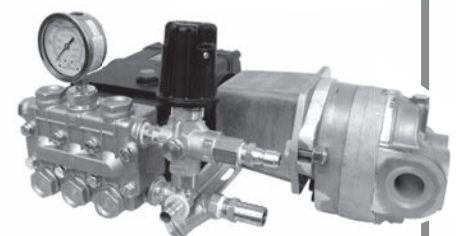
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