

October 5, 2022

Marisa Trego
Atlantic Large Whale Take Reduction Coordinator
Greater Atlantic Region
55 Great Republic Drive
Gloucester, MA 01930

Dear Ms. Trego,

I appreciate NOAA hosting this in-person meeting tonight to discuss modifications to the Atlantic Large Whale Take Reduction Plan. The 90% risk reduction that NOAA has proposed will have a devastating impact on our fishing industry, working waterfronts, and coastal communities—it is critical that NOAA receive input from all of the impacted communities. One additional in-person meeting, however, is simply not enough. Tonight’s meeting in Portland is hours away from our coastal communities like Stonington where the majority of lobster is landed. The least NOAA should do, given the demonstrable understanding of the potential impacts on Maine fishermen, their families and their communities, and the need for careful crafting of these measures, is to extend the current scoping period and to hold additional in-person sessions to hear directly from Maine fishing communities.

When we speak about the Maine lobster industry, this is not about large corporate conglomerates reaping the delicious rewards of our waters with disregard to the environmental consequences. The “industry” is a loose collection of roughly five thousand sole proprietors who own their own boats, set their own traps, and sell their haul to make ends meet. For decades, these lobstermen have committed themselves to the sustainability and long-term health of our waters—because they know that one day, just like those who came before them, it will be the turn of future generations to take to these tides. NOAA’s proposed 90% risk reduction clouds that future though.

As part of ongoing collaboration with NOAA, lobstermen have already spearheaded a number of efforts—at cost to their bottom-line—to reduce the risk the industry may pose to right whales. Lobstermen have applied gear markings; implemented sinking ground lines; have moved to weaker lines; inserted “weak links” into vertical lines; and increased the size of their trawls to reduce the number of vertical lines in the water. Through these efforts, the Maine lobster fishery has removed an estimated 30,000 miles of line from the water in order to protect whale species.

It is also critical that NOAA is basing these proposed regulations on the best available evidence and ensure they do not unfairly target the lobster fishery. If there are any figures that NOAA takes away from tonight’s meeting, it is ZERO and ZERO. There has been ZERO whale entanglements attributed to Maine lobster gear since 2004 and there has been ZERO documented right whale deaths attributed to Maine lobster gear.

United States Senate
WASHINGTON, DC 20510

In fact, according to NOAA, the majority of right whale deaths since 2017 has been due to vessel strikes in Canada, and of the 33 right whale mortalities occurring between 2017 and 2020, 24 of those whales were confirmed to be attributed to entanglements in Canadian fishing gear and vessel strikes in Canadian waters. NOAA must ensure that they are working with their counterparts in Canada to certify they are doing their part to reduce risk to right whales, otherwise, these regulations are falling on an industry that does not have documented harm to right whales.

Right whales are also moving due to climate change. Right whales have been chasing migrating feed north and spending more time in Canadian waters (the Gulf of St. Lawrence and into the Labrador Sea), and less in the waters used by Maine fishermen. The overwhelming majority of lobsters caught in Maine come from outside of right whale critical habitat, which represents less than three percent of the overall risk to the species. I would hope that NOAA is using new data to ensure they know where right whales are and where the actual risk to these right whales lies—which is not in Maine waters.

Lastly, the current scoping period extends from September 9 to October 11. This timeframe is exceptionally short, particularly when the most recent scoping period on the Phase II fisheries lasted over two months (August 11 – October 21, 2021). I ask that NOAA extend the current scoping period to ensure all concerns are heard from the community.

To conclude, while I appreciate NOAA's efforts to work with Maine's fishing community, more needs to be done to ensure these regulations do not unfairly target our fisheries. NOAA must hold additional meetings to hear from these fishermen directly to understand their concerns about operational challenges, costs and safety. NOAA needs to ensure that the measures being developed are practical and feasible, and the process needs to be defensible. To date, that is not the case.

Sincerely,



ANGUS S. KING, JR.
United States Senator