



Board of Selectmen

Dale C. Hamon, Chairman
Chuck Cunningham, Vice Chairman
Michael Tomacelli
Desiree Scordia
Steven C. Lewis

Town Manager

Daniel Bryer

**Town of Boothbay
Board of Selectmen Meeting
Wednesday, May 11th, 2022
5:00 PM
Agenda**

1. **Pledge of Allegiance**
 1. Joint Boothbay/ Boothbay Harbor SB discussion regarding AOS 98 charter
 2. Discussion about use of municipal property
2. **Public Hearing-** 1. 727 Ocean Point LLC, DBA Smugglers Cove Inn, Map U6, Lot 11, located at 727 Ocean Point Rd, East Boothbay, renewal of Liquor License (Class 1-A), Innkeepers License and Special Amusement License (Class A, B, C, &D).
 2. Boothbay Craft Brewery, Inc., applicants Edwin Jr. & Lori Mitchell, Map R06, Lot 009, located at 301 Adams Pond Rd., Boothbay, Maine for renewal of a Restaurant Liquor license (Class, I, II, III, IV).
 3. Coastal Maine Botanical Gardens, Map, R04, Lot109, located at 132 Botanical Gardens Drive, Boothbay, Maine for renewal of a seasonal Special Amusement Permit (Class C).
3. **Public Comment**
4. **Approve Minutes-** April 27, 2022
5. **Reports**
6. **Old Business-**
7. **New Business-** 1. Code Appointment for Andrea Hodgdon
 2. Municipal Pole Permit
 3. Annual discussion of Chair and Vice Chair
 4. Maine Lobsterman's Association re: funding request
8. **Public Comment**
9. **Review Warrants (A)**



**Town of Boothbay
Board of Selectmen Meeting
Wednesday, May 11th, 2022
5:00 PM
Agenda**

Board of Selectmen

Dale C. Harmon, Chairman
Chuck Cunningham, Vice Chairman
Michael Tomacelli
Desiree Scorgia
Steven C. Lewis

Town Manager

Daniel Bryer

11. Adjourn Meeting



MAINE

Lobstermen's Association, Inc.

2 Storer St, Ste 203 • Kennebunk, ME 04043

Phone: 207-967-4555 • Fax: 866-407-3770

www.maine lobstermen.org

March 17, 2022

Daniel Bryer
Town Manager
PO Box 106
Boothbay, ME 04537

Dear Dan,

The Maine lobster fishery is in the battle of its life, and the Maine Lobstermen's Association (MLA) is going head-to-head with the federal government to save the industry. Lobstering is important to the future of your community, instrumental to our way of life, and vital to maintaining the qualities that make Maine the place we call home.

We're asking for your help.

The problem is that the National Marine Fisheries Service (NMFS) has stamped Maine's lobster fishery with an expiration date. Our industry could be wiped out within the next decade because of a flawed 10-year plan released last year that is intended to help protect the endangered North Atlantic right whale. However, the plan is based on erroneous data, and won't protect the whale. In other words, a lose-lose.

However, we need to prove this in court. Last fall, MLA filed a lawsuit in U.S. District Court in Washington, DC and is suing NMFS and the U.S. Secretary of Commerce. We're asking the court to force the government to come up with a new plan based on sound science that would protect **both** the whale *and* the lobster industry. A win-win!

Maine's lobster fishery is made up of nearly 5,000 independently owned, small businesses from Kittery to Eastport. Commercial lobstermen live in every island and coastal town in our state, and this way of life is integrated into the fabric of the Maine coast – providing a firm economic and cultural foundation to our towns and harbors. Not only does lobstering provide a future for fishing families in our coastal towns, but lobster is also our state's top fishery. It contributes more than \$1 billion to the state's economy each year, and it has fueled tourism and economic growth for generations. Its loss in our coastal communities, would have a huge economic ripple

effect that goes far beyond our coastline and would negatively impact other businesses such as hotels, restaurants, automobile dealerships, and local banks.

As Maine's oldest and largest lobster trade association, MLA is best positioned to fight back and win, but we are battling national organizations with deep pockets and political muscle. We recently filed our latest briefs, and we are confident that we have hired the best legal team, but the bills are enormous.

We are not willing to surrender our livelihoods and our communities because we can't afford to pay the legal bills.

Today, we ask that the Boothbay community consider making a significant contribution to support MLA's Legal Defense Fund to Save Maine Lobstermen.

Maine lobstermen care about protecting the endangered whale, and in fact, we have a long and successful record of implementing an array of gear changes to keep the waters off our coast safe for these whales. These measures have worked. The last known entanglement in Maine lobster gear happened 18 years ago. In fact, there has never been a known right whale death in Maine lobster gear.

Yet despite our excellent track record, the federal government recently closed nearly one thousand square miles of prime fishing bottom to Maine lobstermen for one-third of the year, and Maine lobstermen will be removing more rope, and further weakening our remaining buoy lines later this spring. In addition, our federal waters lobstermen will be adding additional marks to all their buoy lines.

This lawsuit is a monumental task for a small organization like the MLA. But we know that NOW is the time to double down on our efforts to ensure our industry remains strong. Our court case is underway, and we simply can't let the federal government's ten-year whale plan erase Maine's lobstering heritage.

We're asking those who understand its economic importance and care about this culture to stand with us, because we believe Maine lobster is an industry worth fighting to save.

To learn more about our Save Maine Lobstermen campaign, please visit www.savemainelobstermen.org or contact Kevin Kelley, MLA Director of Advancement at 207-967-4555, or email kevin@mainelobstermen.org with any questions.

Thank you. With your community's help and generosity, we can **Save Maine Lobstermen.**

 Thank Don.

Kevin Kelley
Director of Advancement

Mainebiz

MAINE'S BUSINESS NEWS SOURCE

November 17, 2021

Despite setback in court, lobstering trade group launches \$10M campaign to fight regulations



COURTESY / MAINE LOBSTERMEN'S ASSOCIATION Kristan Porter, a Cutler lobsterman and Maine Lobstermen's Association president, said lobster fishermen have stepped up to help save the right whale. Looking on is Dustin Delano, a Friendship lobsterman and vice president of the association.

By Staff

A clash of titans played out Tuesday in the latest round of actions by the nation's largest lobster fishery and the federal government.

The Maine Lobstermen's Association announced the launch of a three-year, \$10 million fundraising campaign to fight what the group says are onerous federal regulations threatening the future of the industry. The announcement came just hours before the 1st U.S. Circuit Court of Appeals in Boston reinstated a seasonal prohibition on lobster fishing in an area roughly 30 nautical miles off the coast of Maine.

The developments both stem from a plan, issued by the National Marine Fisheries Service on Aug. 31, that aims to protect the endangered North Atlantic right whale by creating new requirements affecting Maine lobstermen. The plan includes mandates for additional gear marking and gear modification, as well as a seasonal ban on lobster fishing with buoy lines across a large swath of the Gulf of Maine.

Industry campaign

The Maine Lobstermen's Association's announcement came during a news conference on Widgery Wharf in Portland.

The goal was to call attention to what the association says are disastrous implications of the 10-year plan by the Fisheries Service, and which will eventually require the Maine lobster fishery to reduce risk to right whales by 98%.

"It is unthinkable to imagine what would happen to our state and coastal communities if federal regulations force these boats off the water and end our lobstering heritage," said Patrice McCarron, the association's executive director.

Maine's lobster industry directly supports more than 10,000 jobs and is worth roughly a half billion dollars at the dock each year, according to a news release. Collectively, the industry contributes \$2 billion annually to the state's economy.

The association said the fundraiser would go toward executing a number of actions.

They began in September, when the group filed a lawsuit against the federal government to stop the plan. Additional actions include:

- Working with scientists with the goal of incorporating up-to-date data as the basis of any plan to save the right whale.
- Engaging with lobstermen to continue efforts to develop innovative gear that protects right whales while ensuring the continuation of the industry.
- Communing with the public to promote broader awareness of the issues.

As part of the campaign, the association established a website, SaveMaineLobstermen.org, which includes the proposed actions in greater detail, as well as opportunities to donate to the cause or get involved.

The association said the Fisheries Service's 98% risk-reduction target is an unachievable goal, won't save the right whales, and will decimate the industry.

"This is not a choice between saving the right whale or saving the Maine lobster industry. We can do both," said Kristan Porter, a Cutler lobsterman and the association's president.

"Lobstermen have been honest brokers and stepped up every time the federal government has required new whale conservation measures because we care deeply about the livelihood of our fishery and the whales."

Restricted area

An October-through-January lobster fishing ban across 967 square miles of offshore waters in the Gulf of Maine was due to go into effect in October.

Then, with just two days to spare, the industry won an emergency motion to stop the closure, when U.S. District Judge Lance Walker issued a temporary restraining order blocking the ban.

But now the 1st Circuit Court has reinstated the closure, after an emergency motion was filed by environmental groups Center for Biological Diversity, Conservation Law Foundation and Defenders of Wildlife.

The Fisheries Service implemented the prohibition to protect North Atlantic right whales from entanglements in lobster gear.

The 1st Circuit Court ruling said that the lower court "misapprehended the record and overstepped its role in rejecting the judgment of the agency that Congress has charged with protecting endangered marine mammals."

The ruling noted that "while there are serious stakes on both sides, Congress has placed its thumb on the scale for the whales."

"Reducing entanglements by prohibiting fishing in this area is critical to ensuring the survival of right whales," Erica Fuller, a senior attorney at Conservation Law Foundation, said in a separate news release.

"The First Circuit got it right: entanglements often can't be traced, so where whales, lots of lines, and heavy fishing lines coincide, we need fishing restrictions now."

The order means the closure will now go into effect as intended while the preliminary injunction appeal is heard by the appellate court.

The North Atlantic right whale population dropped to 336 individuals in 2020 — an 8% decline from 2019 and the lowest population number for the species in nearly 20 years.



Burdensome Federal Regulations Threaten to End Maine's Lobster Industry

New federal rules intended to protect the North Atlantic right whale have set a course to eliminate the Maine lobster fishery and end Maine's lobstering tradition.

The plan will end the Maine lobster fishery but won't save right whales.

The Maine Lobstermen's Association (MLA) is fighting back! We are putting its 65 years of experience as the leader of the world's most sustainable fishery to work to find a solution that will protect right whales AND Maine's lobstering heritage.

Join the Fight to Save Maine Lobstermen

Fighting the federal government and solving complex environmental problems takes resources. **We must raise \$10 million** over the next three years to lead this fight.

What will the funding support?

Funding will directly support legal efforts to challenge flawed federal regulations through lawsuits, regulatory processes, development of innovative gear solutions, and education to save Maine lobstermen AND right whales.



**#SaveMaine
Lobstermen**

mainelobstermen.org

Join The Fight Today!

SaveMaineLobstermen.org



The Issue:

In 2021, the National Marine Fisheries Services (NMFS) released a 10-year whale plan that requires the Maine lobster fishery to reduce risk to right whales by 98 percent. This is an unachievable goal that the lobster industry cannot survive. Now, the government is threatening to require these deep cuts even sooner.



The Challenge:

Maine lobstermen are not to blame. There has not been a single known right whale entanglement in Maine lobster gear in almost 20 years and Maine lobster gear has never been linked to a right whale death.

New research shows that right whales rarely visit the waters where Maine lobstermen fish. Simply put - the federal government is wrongly holding Maine lobstermen accountable for the decline of the right whale population.

The Solution:

The MLA is engaged in a four-prong strategy to Save Maine Lobstermen AND right whales.



Legal and Policy - The MLA is suing the federal government to stop the 10-year whale plan that will decimate Maine's lobster industry. MLA has asked the court to fix the plan using accurate science so that we can save right whales without sacrificing the lobster fishery.



Science - MLA is engaging with scientific experts to ensure that the most up to date, cutting-edge science is the basis of any right whale conservation plan.



Conservation - MLA is working with Maine lobstermen to continue efforts to develop innovative gear solutions that protect right whales and support the continuation of Maine's lobstering heritage.



Communications - MLA is building support to ensure the community understands that Maine's lobstering tradition is at risk and may disappear forever, erasing generations of locally-owned and operated fishing businesses and the economic engine of Maine's rural coastal communities.

WE NEED YOUR HELP

TO MAINTAIN A ROBUST LOBSTER INDUSTRY TODAY AND FOR FUTURE GENERATIONS AND THE THOUSANDS OF FAMILIES THAT RELY ON IT.

**#SaveMaine
Lobstermen**

mainelobstermen.org

Join The Fight Today!

SaveMaineLobstermen.org





Loss of Maine's Lobster Industry Would Have Huge Ripple Effect

February 11, 2022

The loss of just one small business will leave an empty storefront on Main Street and cause a ripple effect that reverberates far beyond downtown. However, Maine faces an oncoming tsunami of federal regulations targeting our lobster industry that threaten to wipe out nearly 5,000 independently-owned, small businesses from Kittery to Eastport and in every rural fishing village in between – leaving a wake of economic destruction behind that will reach far beyond our coastline.

The scenario sounds implausible, but it's very real.

Last year, the federal government announced a ten-year plan intended to help protect the endangered North Atlantic right whale. Under it, Maine lobstermen must implement whale conservation measures that the government believes will reduce our already minimal risk to the right whale by 98-percent by the year 2030. Frankly, it is an unachievable goal. Yet, if the industry does not meet this mandate, it will be illegal for the federal government to continue to permit the fishery. In other words, Maine's lobster industry has been stamped with an expiration date.

What would this mean to Maine and our economy? Lobster is our state's top fishery, contributing more than \$1 billion to the state's economy each year. Commercial fishing licenses are held in every island and coastal town in our state. The loss of the lobster industry in communities like Stonington, Cutler, and Jonesport would impact businesses that rely on a strong lobster industry far beyond the working waterfront. The iconic Maine lobster has fueled tourism and economic growth for generations. So, what would the future look like for the next generation of Mainers growing up in towns like Vinalhaven, Friendship, and Harpswell if this way of life ceases to exist?

Make no mistake. Maine lobstermen care about protecting the endangered whale. In fact, we have implemented an array of gear changes to keep the waters off our coast safe for these whales. We've implemented measures such as removing thousands of miles of rope from the water, keeping rope off the surface where a whale might feed, putting weak links at the top of our buoy lines so that a whale can break free, and marking our lines so we know if Maine lobster gear is responsible for an entanglement.

And these measures have worked. During the course of 20 years, the right whale population doubled. The last known entanglement in Maine lobster gear happened 18 years ago and that whale survived. In fact, there has never been a known right whale death in Maine lobster gear.

Yet despite our excellent track record, the federal government recently closed nearly one thousand square miles of prime fishing bottom to Maine lobstermen for one-third of the year, and Maine lobstermen will be removing more rope, and further weakening our remaining buoy lines this spring. And our federal waters lobstermen will also be adding additional marks to all of their buoy lines.

The Maine Lobstermen's Association (MLA) believes the industry's only hope to survive is to fight. The MLA has filed a lawsuit against National Marine Fisheries Service challenging the scientific basis of its ten-year whale plan with the goal of reworking risk reductions to match the risk posed by Maine's lobster fishery. And since 2018, the MLA has been an intervenor in the court case filed by environmental groups, which seeks to shut down the lobster fishery.

Suing the federal government is a monumental and unaffordable task for a small organization like the MLA. But we believe it's our last, best hope. The government's plan is wrong and not based on sound science. We are looking to the court to hold the federal government accountable and to revise the plan so that it protects whales without eliminating the lobster fishery. We have launched a campaign, www.savemainelobstermen.org, and are asking for partners in this fight.

It's almost impossible to imagine Maine without a lobster industry. We need all of you who understand its importance and care about this heritage to learn more, and to stand with us, because we believe Maine lobster is an industry worth fighting to save.

About the Author: *Patrice McCarron is executive director of the Maine Lobstermen's Association. To learn more, please visit www.savemainelobstermen.org.*

