

Maine Coastal News

Volume 33 Issue 9

September 2020

FREE

Lobster Boat Race Season Ends at Portland



A real tight fight took place in Diesel Class M(B) between Roy Whalen's HANNAH MARIE getting third with first going to Eric Beal's KIMBERLY ANN.

WINTER HARBOR/PORTLAND – With four points races done (Rockland, Bass Harbor, Moosabec and Friendship) it was on to Winter Harbor and Portland. So far, we have had better than average turn outs at each of the previous four events and expected nothing less at the last two races of the year.

With a beautiful warm sunny day, we had 88 entrants signed up and a large spectator fleet sitting on both sides of the race course at Winter Harbor.

There were several new boats making their first appearance. Fred Backman of Winter Harbor has been finishing out a Novi hull for himself the past couple of years with several major modifications. He finished her earlier this summer and named her ATLANTIC VIKING [Sea Pride 35; 210-hp International], which would compete in Diesel Class B. Another one we had been watching go together was at Wayne Beal Boat Shop in Jonesport. She is a Wayne Beal 32 (hard chine) powered with a 500-hp Cummins, being finished out for Wayne Beal. She was launched just before the Winter Harbor races and given the name MISS MARIENA. One boat that has been highly anticipated was Tim Toppins' new Mitchell Cove 35 SUSPECT [800-hp Scania]. She was launched a couple of weeks before the Winter Harbor races.

Another boat that we had hoped to see this season was MOTIVATION now STARLIGHT EXPRESS 3. Tom Clemons

sold her to Alfred Osgood the end of winter and she went to Mainely Boats in Cushing where modifications would be made and the 900+-hp MACK diesel installed. The engine work was being done by Mid-Coast Diesel. This project got delayed as projects ahead of her went behind and we now will not see her until next year.

Last year was the first time in years that Winter Harbor had run a skiff race. This year they continued this with just one race (Inboard, Outboard or Outdrive, any hp, must have working hauler). Two boats, Colin Piper's LIL' MISS ABBY [Crowley Beal 23; 150-hp Yamaha] and Evan Strout's SHIP FOR BRAINS [19-footer; 50 hp] came to the line, and it was LIL MISS ABBY leading the way to the finish line.

There were four boats signed up in the Gasoline Classes. CINDY JEN was in Class A (4 & 6 cylinder 24 feet and over); Colyn Rich's WIDE OPEN [26' Robert Rich; 350 Chevrolet] in Class B (V-8 up to 375 cid, 24 feet and up); and Lindsay Durkee's BLACK DIAMOND [Holland 32, 454 Chevrolet]

and Jim Lee's ROAR [32' Clinton Beal, 1960; 454 ci Chevrolet] in Class C (V8, 376 to 525cid, 28 feet and over). There were no entrants in Class D (376 and over, 24 feet and over (Non-working racer)) or Class E (V-8, Over 525cid, 28 feet and over, superchargers/Turbos). With just four boats on the line the three classes were run together with CINDY JEN and WIDE OPEN winners of their respective classes. With the drop of the flag WIDE OPEN jumped into the lead with ROAR right behind her, but soon the throttle on BLACK DIAMOND went further forward and she began to gain on ROAR, but just could not catch her. This gave ROAR the win in Class C.

There was an entrant in every Diesel Class. In Class A (Up to 235 hp, 24 to 31 feet) seven boats came to the line and this was going to be a renewed battle between Jacob Kirby's BARE BOTTOM [BHM 25, 220-hp John Deere] and Josef Guptil's HOT SHOT [Osmond 27, 220-hp John Deere]. These two have gone head to head several times this season with BARE BOTTOM

having the upper hand. Just after the drop of the flag Tom Young's ETHAN R. [South Shore 30; 225-hp John Deere] was in the lead, but BARE BOTTOM and HOT SHOT were coming. However, at the line HOT SHOT had just got by BARE BOTTOM for the win with BARE BOTTOM second and ETHAN R. third. When we are Downeast the dominate boat in Class B (Up to 235 hp, 32 feet and over) is Chad Libby's MYRTLE BELLE [Libby 34, 205-hp John Deere] and today was no different. Kit Johnson's MR. LUCKY [Duffy 35; 225-hp John Deere] finished second just behind MYRTLE BELLE with third going to Rachel Nelson's HIGHER MAINTENANCE [Webber's Cove 34; 185-hp Isuzu]. There has been a constant fight for the top spot in Class C (236 to 335 hp, 24 to 33 feet) between Roy Fagonde's LAST DESIGN [E. Libby, Jr., 31; 300-hp Caterpillar] and Steven Osgood's VENOM [Mussel Ridge 28; 300-hp Sisu], but neither of them were entered and this made Hollis Smith and his HAKUNA MATATA [BHM 31; 260-hp Cummins] happy as they were the only entrant. In Class D (236 to 335 hp, 34 feet and over) two boats, Roy Whalen's BONNIE'S BRATS [Osmond 35; 305-hp Cummins] and Kegin Schoppee's UNPREDICTABLE [Duffy 35; 330-hp John Deere] came to the line. This was a close race at the start, but soon BONNIE'S BRATS

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Lobster Boat Racing Newsletters

The above article is a summary of our lobster boat racing newsletter published after each race. It has more in-depth coverage and lots of photographs. You can find these newsletters on-line at "mainescoast.com" or to sign up to receive them send an email to: igmatats@aol.com

Also follow us on Facebook: friend Jon Johansen, which will have photographs from the races, boat yards and other waterfront interest.

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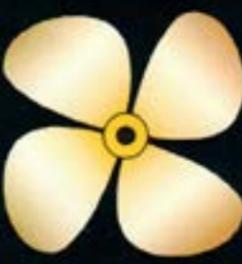

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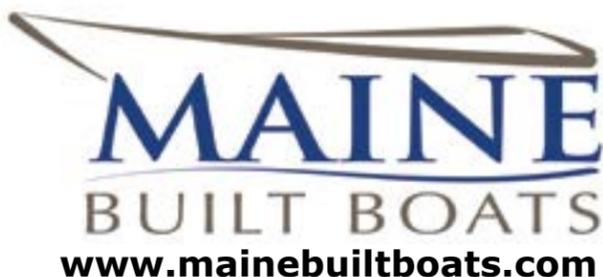
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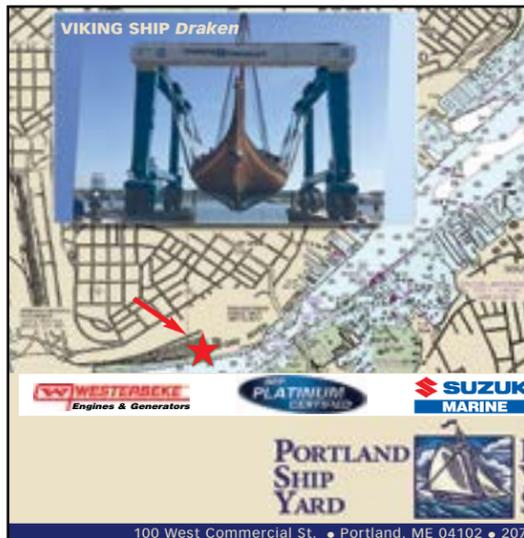
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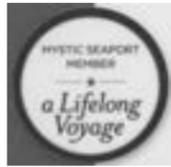
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Maine Coastal News is published 12 times a year and is dedicated to covering the news along the entire coast of Maine, Kittery to Eastport. We cover general marine news, commercial fishing, yachting (power and sail), boat yard and waterfront news and maritime history.

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Publisher
Editor-in-Chief

Jon B. Johansen
Rachel Elward

Advertising Deadlines: The deadline for the October is September 11.
The deadline for the November issue is October 9.

MCN's Calendar

On-going Exhibits

Gone Fishing

Penobscot Marine Museum
Searsport
Info: penobscotmarinemuseum.org/

Souvenirs of the Orient

Penobscot Marine Museum
Searsport
Info: penobscotmarinemuseum.org/

Working the Bay: History, Economy and Recreation of the Penobscot Region

Penobscot Marine Museum
Searsport
Info: penobscotmarinemuseum.org/

Hall of Ship Models

Penobscot Marine Museum
Searsport
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Shipwrecks & Salvage

Maine Maritime Museum
Bath
Info: mainemaritimemuseum.org

Capt. Paul Cuffe: His Work, Vision and Living Legacy

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OCTOBER

17 Annual Meeting & Awards Banquet
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Publisher's Note

In the last issue I wrote an article on "The Pleasures of Owning a Wooden Boat," which discussed some of the issues I had been dealing with in CINDY JEN [34' Clinton Beal, 1964; 292 Chevrolet]. They were not major problems just aggravating and enjoyable to solve. Well, the issues have continued, but I think, I hope, Travis Otis of Otis Enterprises and I are getting a handle on them.

When Ann and I came back from the Friendship lobster boat races in mid-July things seemed to be better, as she only stalled out a couple of times on the way out of Friendship harbor and then ran fine all the way to Searsport. Two weekends later we headed for the Eggmoggin Reach Regatta to get photographs of the race. She stalled out a couple of times, once in the Deer Isle Thoroughfare, but then ran great the rest of the way back to Searsport.

During the storm that came up the coast on Tuesday the first week of August she sat perfectly on her mooring headed right into the wind as those fiberglass boats bounced around. Thursday night I went down to add more fuel and discovered that about 20 gallons of fuel was missing. I smelled the bilged and down below and it did not seem gassy so I added about 21 gallons. Where did the 20 gallons go? Did someone siphon off the fuel, which was highly unlikely, or did the storm rattle the tank around and cause a leak? Friday morning Ann and I was going to take CINDY JEN over to Winter Harbor for the races the next day and when I got on board I could smell gasoline. Travis Otis jumped on board and started poking around and quickly discovered that there was a hole in the fuel tank, which is in the stern of the boat under the stern deck. Travis figured that the problem happened because the aluminum tank sat on an oak beam and the acid in the oak had eaten a hole in the aluminum. We looked at what it would take to get the tank out, which meant removing the coamings and a bulkhead and knew that was going to be a major project. It was then decided to buy a fuel tank and place it on the platform. After making several trips to Hamilton Marine, Travis had it all hooked up and ready to go by early afternoon. We aired out the boat and then pumped water into the old tank since we did not want to start her up and end up in Presque Isle. When it seemed like the fumes had subsided Travis hit the switch and the engine started right up with no explosion. Once off the dock we headed out and made a test run over to the R2 buoy off Sears Island and back without an issue. I wondered and hoped that the engine issue was related to air getting into the fuel lines causing the engine to die. The problem now was that I did not have the time to get a vehicle to Winter Harbor and then make the five-hour run and get there before dark. Travis made some calls and found someone that was willing to get up and be at the dock at 0500. CINDY JEN made the run, with her engine issue only happening a couple of times on the way over, in just five hours shadowed by Travis Otis' FIRST TEAM in case anything went really amiss. CINDY JEN won Gasoline Class A as there are very few six-cylinder gasoline engines left and none showed up to race at Winter Harbor. Over the years I have been in a lot of races, but never at the helm, but that day I took the helm and made the run down the course in Wooden Boat A and the Gasoline Free-for-All and that was addictive. She is no speedster, doing just about 15 knots top end and got third and second respectively and that is because there were just three boats in Wooden Boat A and two in the Gasoline Free-for-All. Since I had to get the results tabulated for the races CINDY JEN and

FIRST TEAM headed back to Searsport.

While at the award ceremony I found Glen and Cameron Crawford as Cameron had fished CINDY JEN when he was in high school. I asked Glen about the fuel tank and he said that once we got it out he could easily repair the tank and then coat it in coal-tar epoxy so it would not happen again. Cameron then asked how I got it to go so fast adding that he could only go 6 to 7 knots, because if he went any faster she would over heat. He also said that when he first got her the exhaust system went up through the house and the plywood around the exhaust pipes was frayed and one time he started that on fire by getting the exhaust pipe too hot.

I got back to Winterport and about 1900 gave Travis a call to see where they were. He explained they were about an hour out and had CINDY JEN in tow as her engine died and they could not get it going again. I waited awhile and then headed for the Town Dock in Searsport. With the sun-down I could see a pair of running lights off of Turtle Head in the dark and apparently they had been able to re-fire CINDY JEN as she was under her own power. After getting everything off and cleaned up for the night Travis and I talked about what should we look at next to solve the engine issue. We had replaced fuel filters, some of the fuel line, fuel pump and the carburetor had been rebuilt. The attention now turned to the distributor and maybe a new carburetor since we had used JB weld to solve a problem when we stripped the threads of the fuel line going into the carburetor changing the fuel filter.

So, the saga goes on, but I am still loving every minute of owning CINDY JEN especially when you get told that she is one of the nicest looking boat out there. Yes, there is nothing like an old Beals Island-Jonesport built boat.

* * * * *

Hanging around the docks you see and learn a lot. I do not read any newspapers or watch local news as they do not cover the waterfront very well if at all and when they do they usually do not know the subject they are covering. One day I was on the dock at Searsport and there was Maine Maritime Academy's training ship STATE OF MAINE tied up over at Mack's Point. I quickly learned that she had been forced to leave Castine because she created more than 50 decibels of sound, which was against a town ordinance. Apparently one of those people from away had filed a complaint and she was asked to leave. Here is one of the top maritime academies in the country, which does how much for the town, being forced to move their training ship. How much did this cost? She was at the dock a couple of weeks and then she sailed around the bay a few days and by the first of August she was back at her dock in Castine.

* * * * *

For those that have followed lobster boat racing for a long time you might remember CRY BABY [25' D&L BW, 292 Chevrolet], which was owned by D & L Boatworks of Lewiston. She started racing in 2005 and dominated Gasoline Class A and the Gasoline Free-for-All where she would beat up on the V8s until 2014 when she was sold. Her owners decided to build another boat, which they have been working on the last five years, but back last winter I got a call that they needed to sell the boat, which was just a hull with bulkheads, with all the parts and pieces they had for her. Since that time, I have advertised and spread the word that the boat was for sale hoping to find someone to take the project over. It was not going to be easy as it was going to take a special person

Continued on Page 8.

COAST OF MAINE LIVING CIRCA 2020

By Sheila Dassatt

Let's talk about this, with the pros and cons of this subject. With the reality of the Covid Virus, this is the first change of living in 2020 in general. As you know, Maine has always been labelled "Vacationland." It is written on the Maine license plates as a reminder of this. This year, most of our most famous and popular events did not happen. I never thought I'd see the day that we did not have the Maine Lobster Festival! This is the week of the Union Fair, which promotes our Maine Blueberry Season. This is just one or two of the festivals that did not happen this year. So, let's try to stay positive...

As a lobster fishing family, we have discovered that folks are taking to the water for their rest and recreation. I wish I had bought stocks in the kayak companies! I have never seen so many kayaks in my life. Now, this is not a bad thing, it is peaceful, provides exercise, a family can do this and you can ride around with these colorful, color coordinated pieces of plastic on the roof of your car. So now, this is a great place to

be, as long as you are not in an area where there are sharks, now. This is something new in Maine, which the claim is the warming of the water. Have you seen the ones that you can stand on and do your paddling standing up? This is all a new concept for me. It is interesting to see them out there balancing and have a boat go racing by, with a full wake rippling their way. Now that's a true challenge! I'm not quite ready to take on that challenge just yet, but more power to the ones that do.

I am so glad that some of our communities continued to have their lobster boat races. This is the final week of the race schedule, which was held in Portland. This is such an important event, as the Portland Tugboat Fleet also held their tugboat races donating the proceeds to the Make a Wish Foundation. The full update on the event, including the lobster boat races will be in this issue of Maine Coastal News, thank you, Jon.

One thing that I'd like to point out in this article is a concern for sure. I have been

with the Downeast Lobstermen's Association for sixteen years now and can see the change over the years. When I first came "on board," I knew that I had to withstand the test of time. One of the strongest issues that I was involved with was the Working Waterfront Program, which has always been very important. We have a very strong working waterfront in many places now, such as the boat yards that we see along the way, such as Front Street in Belfast and Billings Diesel in Stonington, as one example for me. One of the things that we have to be careful of, as I have noticed as of recent, is that we don't want to diminish the amount of room that is available for the commercial fishermen on the waterfront. Progress is all in good faith, but money also talks. There is much more space for the big yachts at the docks and fences and signs that say "private property, no admittance." We used to be able to just tie up, especially if you're a taxpayer, and respectfully be there long enough to clean your boat or stay there for a break down if you're on a public dock. Taxpayers should still be able to do that without animosity. These are the things that are also changing on the waterfront and I want to be sure and mention these concerns to all that care about these preservations. We still work on these issues and need more input from you along the way. Please don't let our way of life be completely wiped out by private enterprise even if it private/public facilities.

There also was a time when a local person could find a rental place to live in on the coast. With first hand experience, most of the houses have been purchased by folks from away, fixed up and made top dollar rents such as \$1,000 a week as a summer rental. This is all fine for a tax base for the

communities, but it makes it very difficult for a local person just starting out to find a decent place to live. My concern is that we do not want to lose our traditional way of life on the coast to homes that we cannot afford to purchase or rent. It has happened gradually, and before you know it, the biggest part of our communities are owned by big dollar people or even companies. These folks may own two or three houses on the coast of Maine, and we don't even realize it until we have a need for our growing families. This is where we are at in the year 2020. Please pay close attention to these changes and concerns. Times are changing fast and we need to be sure that we can afford to live here in our own state.

We are working on preserving our way of life and will continue to pay attention to these changes along the way. Yes, life is about change, it is inevitable, but too much change too soon is hard to deal with, such as all the change that we are dealing with this year. Let's stay strong and be sure that we all stay safe. We will do our best to work together in the year 2020.

The Landing School Prepares for Opening Day

Maine-based marine trades school preps for onsite training in September

ARUNDEL—The Landing School in Arundel, Maine, will open for its first day of school on September 8, 2020. Currently the school staff, faculty, and a handful of graduates are prepping the classrooms, shops, and common areas for students returning this fall to train in Yacht Design, Composite Boat Building, Wooden Boat Building, and Marine Systems.

Unlike many post-secondary schools around the country, The Landing School is planning to offer its curriculum on site, with partitions at work stations, staggered start times for all students, and by taking advantage of the already widely spaced shops and classrooms. The administration is confident in this decision due to the facility's location in a relatively rural setting with a low-density population, and the fact that without dorms students live apart, in rentals throughout the community. As an extra precaution, the staff has also identified those students who are moving to the area from higher risk areas and will track and document quarantine and/or testing prior to opening day.

"We fully expect to open our doors for onsite classes and hands-on shop time in

September," Richard Downs-Honey, The Landing School's President, says. "We are ordering extensive PPE, and are currently building and creating space that mitigates the risk for all students, faculty, and staff. It also helps we are located in Maine, which is considered a low-risk state."

According to the Harvard Global Health Institute, the states with the lowest rates of infection are Vermont, Maine, and New Hampshire, in that order. The Northeast overall ranks among the safer areas in the United States. "With this data in mind, we feel confident we can open for school while maintaining standard COVID protocols to continue to keep those numbers low," Downs-Honey continues. "We learned the benefits of online learning during the peak of this pandemic, and are ready with that as a Plan B in the unlikely event the numbers start to rise, but that is not how we plan to enter this school year."

The Landing School is still accepting applications for its 2020/21 year, with Opening Day scheduled for September 8, 2020. For more information, visit: <https://www.landingschool.edu/how-to-apply> or call 207-467-5012.

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USS Indianapolis Pauses to Honor Crew of Famed Namesake Ship 75 Years After Supreme Success, Sacrifice

30 July 2020

ATLANTIC OCEAN -- USS Indianapolis (LCS 17) Sailors recently conducted a memorial wreath laying ceremony at sea to commemorate the 75th anniversary of the loss of the USS Indianapolis (CA-35), which was torpedoed near the end of World War II (WWII).

The ship had earned a remarkable battle record through the war. Responding to the attack at Pearl Harbor, her crew went on to serve throughout the Pacific. Bougainville. Alaska. Gilbert Island. The Marshall Islands. Marianas. Saipan. Tinian. Iwo Jima. Often serving as Adm. Ray Spruance's Fifth Fleet flagship, she seemed invincible.

She had just delivered key bomb components that would bring the war to a close only weeks later. When two enemy torpedoes struck her shortly after midnight on July 30, 1945, the ship sank in minutes. Of the 1,196 Sailors and Marines who served on the ship, more than 880 went into the water. After more than four days of exposure, fatigue, shark attacks and dehydration, only 316 survived.

The current USS Indianapolis Sailors honored at sea their namesake crew who valiantly served and sacrificed by laying a wreath at sea and offering a 21-gun salute during the solemn service.

The formal observance also included remarks from the LCS 17 commanding officer, not only about the large loss of life at sea in defense of their country, but also about those who somehow demonstrated the will and determination to survive "The Sailors and Marines who survived the sinking of USS Indianapolis (CA-35), showed tremendous grit and tenacity under the most adverse conditions," said Cmdr. Colin Kane, the littoral combat ship commanding officer.

"I hope my crew has embraced these characteristics. War is an ugly thing. Defending our nation is what we signed up for as we joined the Navy. But, we hope we will never have to engage in war."

He closed with sage advice for his talented crew. "Remember their sacrifices as you go about your day and ask yourself if you've lived up to the example they've set."

The LCS 17 wreath laying event is just one of the commemorative events offered the group of survivors and family members of the perished.

While both ships were named for the city of Indianapolis, in Indiana the Hoosier state, the similarities pretty much end there.

CA-35 was a heavy cruiser roughly 600 feet in length displacing nearly 10,000 tons. With a crew of roughly 1,200, she embarked President Franklin D. Roosevelt on two occasions; was flagship for famed Vice Adm. Raymond Spruance; delivered parts and nuclear material to be used in one of the atomic bombs. Her crew earned 10 battle stars in the 13 years of acclaimed service.

Coming up on the ship's first year anniversary since commissioning last October, LCS 17 is one of the Navy's newest and most technologically advanced warships, nearly 400 feet long, a fast, agile mission-focused platform designed for operation in near-shore environments, yet capable of open-ocean operation. With a crew of about 70, she is designed to defeat asymmetric "anti-access" threats such as mines, quiet diesel submarines, and fast surface craft. She is homeported in Mayport, (near Jacksonville), FL.



US Navy's First Black Female Tactical Air Pilot Earns Wings of Gold in Texas

31 July 2020

From Lt. Michelle Tucker, Chief of Naval Air Training Public Affairs

The U.S. Navy's first Black female tactical air (TACAIR) pilot received her Wings of Gold July 31, marking a significant milestone for Naval Aviation. Virginia native Lt. j.g. Madeline G. Swegle was designated a naval aviator and received her Wings of Gold with 25 classmates during a small ceremony at Naval Air Station (NAS) Kingsville, Texas.

Swegle is assigned to the "Redhawks" of Training Squadron (VT) 21 under Training Air Wing 2 at NAS Kingsville and completed her final undergraduate TACAIR training flight in a T-45C Goshawk jet trainer aircraft July 7. VT-21 Commanding Officer Cmdr. Matthew Maher presented Wings of Gold to each of his graduates during the ceremony.

Amidst the Navy's response to the global pandemic, instructors and students adjusted to COVID-19 spread mitigation measures including sterilizing surfaces, wearing masks, and social distancing when practical. Despite these challenges, this is the largest graduating class of strike aviators in almost a decade.

Chief of Naval Air Training Rear Adm. Robert Westendorff oversees all undergraduate flight training from the command headquarters at NAS Corpus Christi, Texas.

"We are all incredibly proud of Lt. j.g. Swegle and the entire class," Westendorff said. "This is a wonderful personal achievement but also a testament to their dedication and drive to succeed in the tactical air training pipeline. I wish them all every success at the next level learning to fly our fleet aircraft."

A 2017 U.S. Naval Academy graduate, Swegle reported to Naval Aviation Schools Command at NAS Pensacola, Florida, where she completed Initial Flight Screening and Aviation Preflight Indoctrination. She completed Primary flight training with the "Boomers" of VT-27 at NAS Corpus Christi, and after selecting the TACAIR, or Strike, pipeline, Swegle progressed to Intermediate and Advanced training with VT-21.

Swegle is part of a new generation of TACAIR pilots to qualify on state-of-the-art Aircraft Launch and Recovery Equipment (ALRE) unique to aircraft carrier USS Gerald R. Ford (CVN 78): the Electromagnetic Aircraft Launch System (EMALS) and Advanced Arresting Gear (AAG). She completed carrier qualifications in the Atlantic Ocean off the Florida coast, May 20.

"I'm excited to have this opportunity to work harder and fly high performance jet aircraft in the fleet," Swegle said. "It would've been nice to see someone who looked like me in this role; I never intended to be the first. I hope it's encouraging to other people."

Chief of Legislative Affairs Rear Adm.

Sara Joyner, a career naval aviator, served as guest speaker for the ceremony via teleconference.

"I'm incredibly proud of Lt. j.g. Swegle and her classmates and am excited to welcome them all to the fleet," Joyner said. "There's more work to do to make sure that we recruit, train and retain a diverse force that represents the best and brightest of this nation. Everything in Naval Aviation requires teamwork, and you will be judged by your professionalism, demonstrated capability, and leadership."

Swegle and her classmates will advance to graduate-level flight training at their respective fleet replacement squadrons. Specific platform selection for the TACAIR training pipeline (F/A-18 Super Hornet, EA-18G Growler, or F-35C Lightning II) typically occurs shortly before the winging ceremony. Swegle will report to the "Vikings" of Electronic Attack Squadron (VAQ) 129 at NAS Whidbey Island in Washington to begin training as an EA-18G Growler pilot. VAQ-129 trains new naval aviators, naval flight officers, and naval aircrewmembers in electronic warfare tactics, techniques, and procedures in preparation for their fleet assignments.

Swegle follows in the footsteps of Brenda E. Robinson, the Navy's first African American female naval aviator. Robinson earned her Wings of Gold June 6, 1980 and was the 42nd woman to be designated a naval aviator.

"Lt. j.g. Swegle has proven to be a courageous trailblazer," Commander, Naval Air Forces Vice Adm. DeWolfe "Bullet" Miller III said. "She has joined a select group of people who earned Wings of Gold and answered the call to defend our nation from the air. The diversity of that group—with differences in background, skill and thought—makes us a stronger fighting force."

Chief of Naval Air Training trains the world's finest combat quality aviation professionals, delivering them at the right time, in the right numbers, and at the right cost to a naval force that is where it matters, when it matters.

Location of Sunken AAV, Remains Found off San Clemente Island

04 August 2020

From 1st Lt. Brian Tuthill

Officials with the 15th Marine Expeditionary Unit, I Marine Expeditionary Force, and the Makin Island Amphibious Ready Group positively identified on August 3 the location of the amphibious assault vehicle that sunk off the coast of San Clemente Island on July 30.

The U.S. Navy's Undersea Rescue Command confirmed that human remains have also been identified using their underwater remotely-operated video systems from the merchant vessel HOS Dominator, a ship specializing in undersea search and rescue.

The Navy has expedited the movement of assets to recover the remains of the Marines and Sailor, as well as raise the AAV. The equipment to properly and safely perform the recovery from the sea floor will be in place at the end of this week, and a dignified transfer of our Marines and Sailor will occur as soon as possible after the conclusion of recovery operations.

The AAV sunk to a depth of approximately 385 feet after taking on water during a shore-to-ship maneuver approximately 1,500 meters off the coast of San Clemente Island. One Marine was pronounced dead at the scene, and seven missing Marines and one Sailor were subsequently presumed dead August 2 as search and rescue efforts

ceased.

A previous press release had estimated the depth as 600 feet.

The cause of the July 30 incident is under investigation.

We will continue to communicate to the public and media as more information is available.

International Maritime Security Construct Statement on Incident With Motor Tanker Wila

13 August 2020

Coalition Task Force (CTF) Sentinel, the operational arm of the International Maritime Security Construct (IMSC) monitored an incident involving Iranian forces who boarded a tanker in the international waters of the Gulf of Oman near the Strait of Hormuz, Aug 12.

BAHRAIN - Coalition Task Force (CTF) Sentinel, the operational arm of the International Maritime Security Construct (IMSC) monitored an incident involving Iranian forces who boarded a tanker in the international waters of the Gulf of Oman near the Strait of Hormuz, Aug 12.

A video captured the moment an Iranian Sea King helicopter hovered above M/T Wila and armed Iranian personnel fast-roped aboard the ship. Initial reports indicate two Iranian ships in the vicinity of the incident.

Iran's use of its military forces to conduct an armed boarding of a commercial vessel in international waters constitutes a blatant violation of international law that undermines freedom of navigation and the free flow of commerce. We call on Iran to articulate to the international community the legal basis for its actions. This type of reckless, aggressive behavior by Iran destabilizes the region and threatens the rules based international order.

A CTF Sentinel coalition ship was providing overwatch in the immediate area and monitored the incident. There were no calls for help issued by Wila. CTF Sentinel's mission is to deter and expose malign activity and reassure the maritime community in the region.

CTF Sentinel is working to secure the regional maritime commons and recommends Best Management Practices 5 (BMP5) as a guide for enhanced maritime security.

CNO Briefs the Press in San Diego Following the Fire Aboard USS Bonhomme Richard

by Chief of Naval Operations Public Affairs

17 July 2020

ADMIRAL MICHAEL M. GILDAY: Good afternoon. I'm the Chief of Naval Operations, Admiral Mike Gilday, and I'm here with Admiral Phil Sobeck, the Expeditionary Strike Group 3 commander. Phil has been the local commander here at the pier for the fire since its outbreak on Sunday.

Since Sunday, we've been working tirelessly to get this fire under control, and I'm glad to say that all known fires in the ship have been extinguished as of yesterday. The ship is stable.

I'd like to thank all of those who have played a role in combating the fire onboard Bonhomme Richard for these past days. We appreciate the quick and immediate response of over 400 sailors from 16 San Diego Bay ships, helicopter crews from our Squadron HSC-3 over in North Island, our Coast Guard partners, local and federal firefighters, and other industry experts who have helped us over the past days.

A big thank you to the people of San Diego, of National City, Coronado, and all the other communities in San Diego that

U. S. NAVY NEWS

have continued support. It's truly been an all-hands effort, and we are grateful.

This morning, I had the opportunity to visit the USS Bonhomme Richard. I wanted to see the ship firsthand, the extent of the damage. I also wanted to talk to those who fought the fire. I also wanted to visit the Emergency Operations Center, which was really our command-and-control node for this incident, and meet with several sailors and civilians who have fought this fire relentlessly.

As we move forward, there will be thorough investigations that will determine the next steps in a variety of areas. Make no mistake: We will follow the facts of what happened here, we'll be honest with ourselves, and we'll get after it as a Navy.

My intention is for the investigations to be made available to the public when they are completed. Additionally, our fleet – our four-star fleet commanders issued a message a few days ago that directs every ship in the Navy to ensure that our equipment is ready, that our people are well trained, and that our procedures are rehearsed so we can all learn from this tragedy.

Just a few other remarks, if I would. As I walked through the ship today this morning, I essentially went four decks below the flight deck and then went up to the flight deck. I took a look at the superstructure. I was able to get a good sense of the extent of the damage, and the damage is extensive. There is, obviously, electrical damage to the ship. There's structural damage to the ship and mechanical damage to the ship that we need to assess in much more detail before

we make a final determination of next steps.

I know that everybody is interested in the future service of this ship. I am a hundred percent confident that our defense industry can put this ship back to sea. But having said that, the question is, should we make that investment in a 22-year-old ship? And I'm not going to make any predictions until we take a look at all the facts and we follow the facts and we can make reasoned recommendations up the chain of command on the future steps, any repair efforts – future repair efforts with Bonhomme Richard.

The biggest takeaway for me today was really the people. And in particular, I went into a theater where I met with fire crews that are getting ready to go aboard the ship. The words that – as I left that theater, it was quite a humbling experience to meet with them. The average age was in the early 20s, but an even mix of male and females. And as I spoke to them and I asked them to tell me some of their stories, a very humble group. But as they spoke to me, it became obvious to me their resiliency, their fearlessness, their confidence, and, lastly, their competence were four words that I could use to describe the sailors in that group. And they represent – there were probably 150 in the room that represent more than 400 that have gone into the fire again and again and again.

In particular, one petty officer that I singled out, she's a third class petty officer. I don't know her exact age. Her name is ABH3 Craig. She's an aviation boatswain's mate. She has been into the fire seven times. She was getting ready to go in for the eighth time. And to hear her talk about her preparedness

for this incident – the fact that the training that she had in the Navy since boot camp, where it's a(n) absolute priority that every sailor and every officer be able to fight fires and to combat flooding – that that training set the – set the foundation for the way she operated and behaved and acted over the past several days.

She was very proud of what she did and the teamwork that was involved with these small teams that were going in to fight the fire. And they were a mixture of sailors from the Bonhomme Richard, sailors from other ships, federal and local firefighters, in an environment where you could really only see two feet in front of you, there was no lighting, there was deep heavy smoke. Most of you saw that smoke coming off the ship on Sunday and Monday. And to go into that environment again, and again, and again – temperatures at some point in excess of 1,000 degrees. One federal firefighter told me that the temperature recorded as 1,200 degrees on Monday.

We really thought that we had this fire under control – had the potential to have the fire under control and out as early as Sunday night. There are two things I think, having walked through the ship and listened to the firefighters, that struck me as major impediments to that happening. The first was the wind coming off of the bay. And this fire probably couldn't have been at a worse point on the ship in terms of its source that allowed it to spread up elevator shafts, as an example, up exhaust stacks, as an example, to take that fire up into the superstructure and then forward. And so I think that the wind

was significant factor.

I also think that the series of explosions on the ship – I'm told that one in particular could be heard 13 miles away – were also significant factors that caused the commanding officer, who was really looking at safety first. He needed to save the ship, but he needed to balance that with the safety of the firefighters. And so there were times when he had to back those firefighters off the ship. At one point, the explosion was so great that it blew debris across the ship – across the pier and onto the ship that was across the way. And so I think that the situation was very tenuous. I think that the commanding officer made some very sound decisions in terms of how to attack a fire very deliberately.

I think, again, the teamwork involved from a number of different agencies, I think belies the fact that the training that we do on a recurring basis, week by week, with federal fire pays off in an incident like this. We have not seen a fire of this magnitude in a Navy ship in recent memory, at least in my career. So very extensive in terms of – in terms of the damage and the intensity. But I go back to – the main takeaway for me this morning was really the people. And we ought to be proud of them. And the parents of those sailors ought to be proud of them in terms of how they stood up and acted. If anybody has any doubts about this generation of sailors, soldier, airman and Marine, at least for me, they should be put to rest by the heroic and courageous actions of those sailors and those federal firefighters over the past five days.

U. S. COAST GUARD NEWS

Coast Guard recognizes Cross Sound Ferry crew for heroic rescue

14 August

NEW HAVEN, Conn. — The Coast Guard presented a Public Service Award to the Cross Sound Ferry Cape Henlopen crew in New London, Connecticut, Friday.

Capt. Eva Van Camp, Coast Guard Sector Long Island Sound commander, presented the crew with a Certificate of Merit for the rescue of five people from a vessel north of Plum Island, New York on July 20, 2020.

"I cannot overemphasize the value of our professional partners in the maritime industry," said Capt. Van Camp. "The incredible actions and skill displayed without hesitation by the crew of Cape Henlopen in the aid of five fellow mariners, are in keeping with the highest traditions of the United States Coast Guard and I couldn't be more grateful."

On July 20, the Coast Guard received a report of a vessel taking on water. The captain and crew of Cape Henlopen responded quickly and located the vessel. The crew deployed the ferry's life raft and safely embarked all five stranded boaters onboard the ferry. The crew checked the rescued boaters for medical concerns and returned them safely to shore.

The Certificate of Merit recognizes significant endeavors by individuals and groups that prove to be significantly beneficial to one or more of the Coast Guard's missions and responsibilities as to warrant a tangible, public expression of appreciation.



US Coast Guard names John Ward winner of the 2020 George Gray Award for Artistic Excellence

02 July

WASHINGTON — Artist John Ward has been named the winner of the 2020 George Gray Award for Artistic Excellence, the Coast Guard Art Program's (COGAP) highest honor. Ward was selected for the award from among 22 artists whose 31 works are on display through August 7, 2020, at COGAP's annual exhibit at the Salmagundi Club in New York City.

Ward received the juried award—the equivalent of "Best In Show"—for his acrylic painting "Rescue near Galveston." The brightly-colored artwork depicts an Air Station Houston helicopter rescuing an oil tanker crewmember during a medical emergency and provides a look inside the helicopter during the event as it took place off the coast of Texas.

Ward has worked as an artist, illustrator and high school art teacher for more than 30 years. His art has been used by more than 60 publications and his work has also been chosen by the U.S. Department of State for its "Art In Embassies" program. His work has been exhibited at the Norman Rockwell Museum in Stockbridge, Massachusetts, and the Baseball Hall of Fame in Cooperstown, New York, among other places. Ward teaches and resides in Saranac Lake, New York, where he also has his studio.

"Rescue near Galveston" was selected by a jury featuring Capt. Jason Tama, commander of Sector New York, Salmagundi Club President Elizabeth Spencer and Peter

Trippi, art expert and editor-in-chief of *Fine Art Connoisseur* magazine.

Adm. Karl L. Schultz, commandant of the U.S. Coast Guard, congratulated and thanked Ward for his artistic contribution which he described as "remarkable." Schultz hailed all the artists of the 2020 collection now on exhibit for their "outstanding works," noting that because of them, "the Coast Guard has one of the best and most remarkable collections of fine art of any military service." Schultz added that like the service itself, the Coast Guard Art Program overcame the myriad concerns and constraints of the COVID-19 pandemic to perform exceptionally well. COGAP artists—many of whom are professional artists—are volunteers who give freely of their time and talent to the art program.

The current COGAP collection holds more than 2,000 artworks in a variety of media and they are often exhibited at museums around the country and displayed in

the offices of members of Congress, Cabinet secretaries and other senior government officials around the world.

This year, COGAP celebrates its 39th year of using art to educate a wide variety of audiences about the Coast Guard's people and their work to ensure the nation's security at home and abroad and execute the service's 11 statutory missions such as search and rescue, protection of marine life, drug interdiction, aids to navigation and more.

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News from the Department of Marine Resources

Body of 70 Year Old Georgetown Man Recovered from Kennebec River

RICHMOND - The body of John Charles Holmes, 70, of Georgetown, who was last seen swimming in the Kennebec River yesterday, has been recovered by the Maine State Police/Marine Patrol Dive Team. Members of the Warden Service Dive Team supported the search effort.

According to Marine Patrol reports, Mr. Holmes was swimming with a friend yesterday afternoon and was unable to return to their vessel which was anchored approximately a half mile south of the town landing in Richmond. His friend was able to return to their boat and called 911 when she witnessed him struggling in the current.

Marine Patrol responded to the scene yesterday with members of the dive team and began searching the area near where Mr. Holmes' boat was anchored, but suspended the search last night due to low visibility.

Marine Patrol personnel along with members of the dive team returned to the scene this morning to continue search efforts. His body was located at approximately 8:30 am today by the dive team using a side

scan sonar.

Marine Patrol Investigates Possible Fatal Shark Attack

The Maine Marine Patrol is investigating the fatality of a woman today near Bailey Island. According to Marine Patrol, an eye witness reported that the woman was swimming off the shore near White Sails Lane when she was injured in what appeared to be a shark attack. Kayakers nearby brought her to shore and EMS responders were called to the scene where she was pronounced deceased. No other information is available at this time and the investigation into the incident is continuing.

Until further notice, swimmers and boaters are urged to use caution near Bailey Island and to avoid swimming near schooling fish or seals.

Name of Shark Attack Victim Released - Officials Urge Caution for Swimmers and Paddlers in Casco Bay Region

AUGUSTA - The Maine Department of Marine Resources (DMR) confirmed the identity of the woman killed yesterday by

a shark attack near Bailey Island. "Today I have the sad duty of confirming that Julie Dimperio Holowach, 63, of New York City died yesterday as a result of a shark attack while swimming near Bailey Island," said DMR Commissioner Patrick Keliher.

The incident occurred yesterday at 3:20 p.m. approximately 20 yards from the western shore of the island where she was swimming with a family member. Nearby kayakers who witnessed the incident helped bring Julie to shore where she was pronounced deceased by EMS personnel called the scene by another witness on shore.

"I want to first express my condolences to Julie's friends and family, and to thank the individuals who responded and help bring this situation to a closure," said Commissioner Keliher.

Commissioner Keliher also confirmed that, after consulting with Massachusetts Department of Marine Fisheries Senior Scientist Gregory Skomal, Ph.D, the shark involved in the incident was a great white shark. Dr. Skomal, who is involved in shark research, was able to identify the shark as a great white through evidence provided by the Maine Marine Patrol and the medical examiners office.

Commissioner Keliher emphasized how uncommon the incident was. "It is the only confirmed fatality in Maine waters from a shark attack," said Commissioner Keliher. The only other confirmed shark attack in Maine waters occurred 10 years ago near Eastport, and that shark was reported to be a porbeagle.

He added that, although the incident of a shark attack in Maine waters is extremely rare, people should use caution when swimming or paddling in areas where there are schooling fish or seals. "Seals feed on fish and sharks feed on seals," added Commissioner Keliher.

"We urge swimmers and others recreating in or on the water in the Casco bay region, and in particular near Bailey Island to be aware of their surroundings and to avoid schools of fish or seals, which attract sharks," said Commissioner Keliher. The Commissioner emphasized that areas where seals congregate such as places on the shore where they haul themselves out of the water should be avoided.

According to Marine Patrol Major Rob Beal, Cumberland County Sheriff's Office along with Orrs and Bailey Island Fire and Rescue responded to the incident.

"We will continue to monitor the area near Bailey Island for sharks and we ask the public to report any shark sightings to your local marine patrol officer," said Major Beal.

Notice of Public Comment Regarding Fishing Industry Impacts Regarding the Bath Iron Works Sinking Basin Dredge in the Kennebec River Bath, Maine.

Pursuant to 38 M.R.S. §480-D, sub-§9, the Maine Department of Marine Resources (DMR) is required to provide the Maine Department of Environmental Protection with an assessment on the impacts on the fishing industry of a proposed dredging operation. Bath Iron Works (BIW) seeks to obtain a new Natural Resource Protection Act (NRPA) permit for continued maintenance dredging of the existing Dry Dock sinking basin. The sinking basin is in the channel of the Kennebec River, east of the BIW main yard facility. Dredging of this area is necessary to maintain proper water depths, so BIW can continue to launch and dock ships for the United States Navy. Disposal of dredged materials will occur at the previously approved in-river disposal site at Bluff Head.

BIW is proposing to dredge up to 70,000 cubic yards of material every 2-3 years in order to ensure continued launching of ships using the sinking basin. The basin measures 850 feet by 280 feet and is dredged to -70 feet below mean low water (MLW). BIW is proposing to dredge approximately 30,000 cubic yards of sand in late fall of 2020 and early 2021. Dredging activity will occur between November 1 and April 1 in any given year.

DMR will accept written comments about the potential impacts of the proposed dredging operation on fishing in the area and on impacts to the fishing industry of the proposed route to the in-river disposal site at Bluff Head. Written comments need to be submitted by 5pm on August 15, 2020. Comments should be sent to Amanda Ellis at the email or mailing address listed below.

Send comments to: Amanda Ellis, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333; or email: dmr.rulemaking@maine.gov

Maine Marine Patrol Recovers Body from Webhannet

WELLS - The Maine Marine Patrol recovered the body of a deceased male after receiving a report at approximately 11:00 am. of an unoccupied 21-foot sailboat adrift in the Webhannet River.

The name will remain confidential pending notification of family members.

A search began immediately and involved Marine Patrol Officers aboard the patrol vessel Impact. Marine Patrol Pilot Steve Ingram flew surveillance in the area of the unoccupied sailboat.

Continued on Page 9.

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Publisher's Note

Continued from Page 4.

who wanted to do this project. Then I got a call that the boat had sold, which I was glad to hear. She was bought by Brooklin Boat Yard and would be going there to be finished out for themselves as a yard boat.

More good news – While I was running around the yard at Billing's Diesel & Marine in Stonington taking photographs, I was informed that the person who owns the former sardine carrier PAULINE was going to have her redone. She is going to be repowered, her original cabin would replace the steamer superstructure she now has, and her stern might need to be rebuilt. The plans are to use her as a school for oceanography.

Now for the boring news – Yes, I am

still entering more vessels and adding new information to those vessels already in the database, which is up online at internationalmaritimelibrary.org. I am hoping to have a new update ready to go, with a total of over 100,000 vessels, up online in the next month or two. Right now, I am crashing a list of three-masted schooners and updating with additional information from the "List of Merchant Vessels," which I should have done next week. I have also added lists of boats built here in the State of Maine, including lobster boats, which I have gathered over the years from a number of builders. And then there is a massive list being created on warships. I really want to create a baseline from the annuals and then begin to add material from books, periodicals and newspapers. No rest for the wicked!

News from the Department of Marine Resources

Continued from Page 8.

Also involved in the search were Wells Police Department, Wells Fire Department, Wells Ocean Rescue, Wells Harbormaster, and the US Coast Guard.

Pilot Ingram located the body below Mile Road near Wells Harbor at 2:30 p.m. The body was recovered by Marine Patrol officers and brought to shore in Wells Harbor.

The body has been transported to the Medical Examiner's office.

Maine Marine Patrol Releases Identity of Deceased Man Recovered from Webhannet River Yesterday

WELLS - After notifying family members, the Maine Marine Patrol has released the name of the deceased man recovered yesterday from the Webhannet River.

The body of Robert Rasche, 61 of Bellingham, Massachusetts was recovered after a search which started at 11:00 a.m. when Marine Patrol received a report of an unoccupied sailboat adrift in the Webhannet River.

A search began immediately and involved Marine Patrol Officers aboard the patrol vessel Impact. Marine Patrol Pilot Steve Ingram flew surveillance in the area of the unoccupied sailboat.

Pilot Ingram located the Mr. Rasche's body below Mile Road near Wells Harbor at 2:30 p.m. His body was recovered by Marine Patrol officers, brought to shore in Wells Harbor, and transported to the Medical Examiner's office.

Also involved in the search were Wells Police Department, Wells Fire Department, Wells Ocean Rescue, Wells Harbormaster, and the US Coast Guard

September 1 Lobster Gear Marking Requirements

Following is a summary of lobster gear marking regulations, which take effect September 1, 2020.

TRAP GEAR FISHED WITHIN WATERS INSIDE THE EXEMPTION LINE

THREE PURPLE MARKS- 36" purple mark within top two fathoms, 12" purple mark midway, 12" purple mark at bottom of the buoy line. (No green marks allowed inside the exemption line).

OPTIONAL FOR BUOY LINES LESS THAN 100 FT: TWO PURPLE MARKS- 36" purple mark within top two fathoms and 12" purple mark at bottom of the buoy line. (No green marks allowed inside the exemption line).

TRAP GEAR FISHED WITHIN WATERS OF THE SLIVER AREA (be-

tween exemption line and 3nm line) and WITHIN FEDERAL WATERS OUTSIDE THE 3nm LINE)

FOUR PURPLE MARKS and ONE GREEN MARK- 36" purple mark and 6" green mark within top two fathoms, 12" purple mark at top of buoy line, 12" purple mark midway, 12" purple mark at bottom of the buoy line.

OPTIONAL FOR BUOY LINES LESS THAN 100 FT: TWO PURPLE MARKS and ONE GREEN MARK- 36" purple mark and 6" green mark within top two fathoms, and 12" purple mark at bottom of the buoy line.

ADDITIONAL GUIDANCE ON THE 2020 TRAP GEAR MARKING REGULATIONS

Existing red mark requirements for trap gear remain legally acceptable until September 1, 2020.

By September 1, 2020 all gear must be marked with the purple and green marks referenced above. Efforts should be made to remove or eliminate red markings once purple and green markings have been implemented.

A 36" purple mark and a 6" green mark must be contained within the top two fathom of a buoy that is ALWAYS on the surface. The harvester may choose any buoy that is always on the surface from which to mark their gear.

All end lines must be marked (i.e. both ends of a trawl must be marked).

As it relates to the order, the top 12" purple mark can be above or below the 36" purple and 6" green mark, as long as the 36" and 6" marks are in the top two fathom from the buoy.

Purple rope must be marked with a purple gear mark. Purple rope of a required length (i.e. 36" or 12") can be added to an endline of a different color to serve as a purple mark. An endline made entirely of purple rope does not count as a gear mark.

If a purple rope is performing a function other than a mark (i.e. a purple line to a toggle), then it isn't a mark.

Buoy lines of less than 100 feet may be fished with only two purple marks; one 36" inch purple mark in the top two fathom of the line and one 12" inch purple mark at the bottom of the line; the 6" green mark is still required within the Sliver waters and Federal waters.

Statement from DMR Commissioner on Order Denying Motion for Interim Injunctive Relief

On Monday, August 10th, United States District Judge Lance E. Walker issued an order denying a motion for interim injunctive relief from plaintiff Man Against Xtinction,

also known as Max Strahan. The plaintiff's motion had requested, in part, that the Court issue a preliminary injunction against the Commissioner of Maines Department of Marine Resources, Patrick Keliher, as well as NOAA Fisheries, to prevent the agencies "from further licensing any fishing gear utilizing [vertical buoy ropes]" in both state and federal waters.

I am gratified that the Court determined the plaintiff had not met his burden on this motion, as it would have had severe impacts on the Maine fishery, said Commissioner Patrick Keliher. Given that ropeless technologies have not been adequately developed, the use of vertical lines in the fishery are necessary for effective enforcement and operation of the fishery. The State of Maine continues to be committed to finding ways to reduce risk to right whales, while also ensuring the safety of our fishermen.

Judge Walkers order does not dismiss the lawsuit, and the litigation remains active.

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE
MAN AGAINST XTINCTION, Plaintiff,
v.
COMMISSIONER OF MAINE DEPARTMENT OF MARINE RESOURCES;
ASSISTANT ADMINISTRATOR OF NATIONAL MARINE FISHERIES SERVICE, Defendants,

DISTRICT 4 LODGE OF THE INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, LOCAL LODGE 207, f/k/a, IAMAW MAINE LOBSTERING UNION-LOCAL 207, MAINE LOBSTERMEN'S ASSOCIATION, Intervenor-Defendants.

1:19-cv-00406-LEW
ORDER ON PLAINTIFF'S MOTIONS

FOR PRELIMINARY INJUNCTION

Plaintiff has two Motions for Preliminary Injunction pending, one against each Defendant. On May 15, 2020, Plaintiff filed a Motion for Preliminary Injunction against Defendant Commissioner of State of Maine's Department of Marine Resources (the "State Defendant"), asking the Court to prevent him "from further licensing any fishing gear utilizing [vertical buoy ropes]" in Maine waters. ECF No. 37 at 2.1 Plaintiff also filed a 1 In the interim, Plaintiff moved to amend his complaint (ECF No. 51). Because the proposed amendment would have affected the scope of Plaintiff's requested injunctive relief, his motions for preliminary injunction were held in abeyance during briefing of the motion to amend. Having ruled on the motion to amend, I now consider his requests for preliminary relief in light of the operative complaint (ECF No. 1).

Motion for Preliminary Injunction against Defendant Assistant Administrator of National Marine Fisheries Service (the "Federal Defendant"), seeking the same relief, but in the federally-regulated coastal fishery. ECF No. 54. For the reasons that follow, the Motions for Preliminary Injunction are DENIED.

BACKGROUND

I provide a brief summary of what remains of Plaintiff's claims from his original Complaint, as he has tacked back and forth once or twice. At the outset, the Plaintiff filed a Complaint seeking declaratory and injunctive relief under Sections 7 and 9 of the Endangered Species Act (Count I) and the Marine Mammal Protection Act (Count II). On May 4, 2020, I dismissed the Plaintiff's claims under the MMPA, and narrowed Count I to the plausible allegations that Defendants had violated ESA Sections 7 and

Continued on Page 14.



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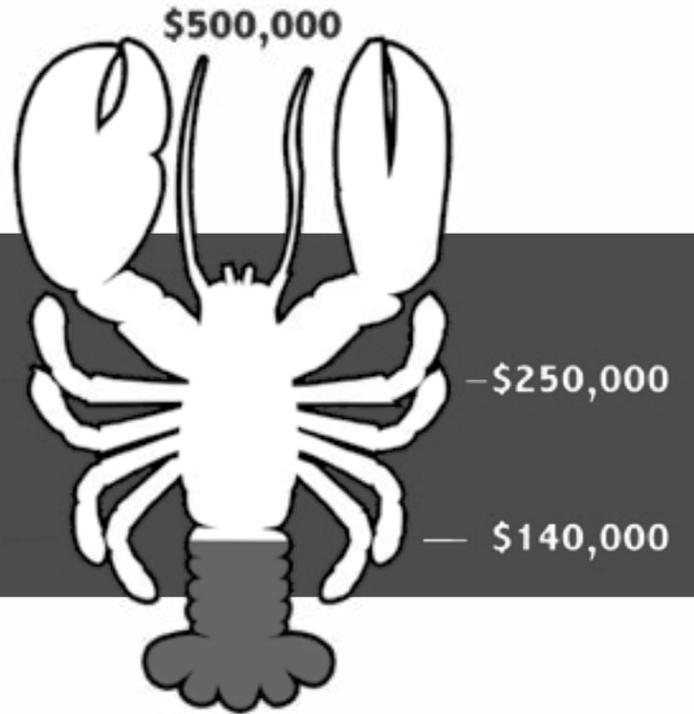


Patrice McCarron, executive director
Maine Lobstermen's Association



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Commercial Fishing News

FROM THE DIRECTOR OF D.E.L.A.

From the Director -

The season is well under way for the Maine Lobster Fishery. The Covid-19 Virus is still with us, masks, distancing and lack of public gatherings. At this point in time, for the fishery, life has changed but not so much on the water. It is a good place to be if you're looking for some normalcy, (whatever that is these days). I have been hearing that when we're on the water hauling, it's a good place to be to forget about things on the land at least for a little while. It's hard to believe, but it's a good way to maintain one's sanity!

We are facing a lot of challenges, such as the Whale Rule, offshore wind projects, global warming, which involves the warming of the water temperature, and the market due to the Covid Virus. We are all working together with these challenges, as we want to re-assure you. MLA has their campaign for their Legal Fund going on right now, which is involving most of us on the coast, not just fishermen, but folks that make their living in the marine world on the coast such as marine stores, trap builders, bait dealers, truck drivers delivering the bait, boat builders, etc., it is quite endless. As bad as things can get, in some ways, it has brought us together as well. D.E.L.A. also supports a Legal Fund and a Scholarship Fund that has grown this year with the ongoing challenges that we are facing. We have donated and had many donations coming in from members and new members. D.E.L.A. would like to mention new members from August: Jonathan (Jack) Thomas of Cumberland Foreside and Seth Dube of Saco. Thank you for your membership and donations, "Welcome aboard!"

D.E.L.A. would also like to recognize the passing of folks that have been "Key" in the industry for many years and will be greatly missed: Ed Blackmore of Stonington, former MLA President, Harlan Billings of Stonington, Billings Diesel & Marine,

Andrew Gove, Stonington with F/V Uncle's U.F.O. and lobster boat racing legend, and Steve Robbins, Jr., of Stonington, who launched offshore fishing in the 70s to the present. This is quite a loss for the industry and all coming from the Village of Stonington. We offer our condolences to the families of these folks, who will be missed very much. As I stated in a previous article, "who's gonna take their place?" Our next generation, hopefully. I have faith in them.

There has been a lot going on, such as an unexpected shark attack. This is not a common thing in the State of Maine. Please be very careful when you are out there in the water. It is not a time to jump overboard to cut rope out of your wheel. Leave it to the divers at the dock. Times are so unpredictable right now but we want to stay safe.

The Whale Rule is pending for decision soon, but time will tell. There are so many lawsuits going on about this, it looks like a lawyers heaven. They have a lot of support behind them, so we will hope for the best. We have made it this far, and we have good people fighting for the cause, this is including our associations and fishermen and their families. We are all in this together and we can survive this together, as one big supportive voice for our future and the future of our families.

D.E.L.A. has been active with staying in touch with our media in support of showing how hard the lobstermen work. Director, Ethan Turner took out a team from a popular magazine with the camera and the whole deal. When we came alongside, they were working right along with him and his sternman, Devan, to get the feel of the hard work. I'd like to thank Ethan for taking the crew out on his vessel, Captain Jack! We will keep you informed as we go with these articles and documentaries. We are on the boats, which is definitely a help to be right out there, first hand, to communicate with

one another, to see how the catch is doing, the market, pricing and the well being of the industry in general. The biggest thing to remember, is that we all need to work together the best that we can. Be supportive of one another and show respect when we are on the water. Times are tough, and it is no time for any conflict among us. We can do this, I know that we can! I have been overwhelmed at how good we can be to one another when times get tough.....oh, there's always one or two that can make it difficult, but overall, we are among a great bunch of folks.

Even though we are not gathering in person for meetings, we are very much involved with the fishery and what is going on. I invite you at any time to contact us with your concerns. We are on e-mail, our website, Facebook and of course, the telephone and mail. Our contact information is in this issue of Maine Coastal News, with the ads that are here. Please feel free to fill our a membership form, which others have done

and help support our fishery. Now is more important than ever!

Take care and stay safe, on land and on water - Sheila

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Commercial Fishing News

MISCELLANEOUS COMMERCIAL FISHING NEWS

NOAA Fisheries Cancels Four Fisheries and Ecosystem Surveys for 2020 Summer Ecosystem Monitoring, Northern Shrimp, Autumn Bottom-Trawl, and Summer/Fall Plankton surveys cancelled for 2020

Due to the uncertainties created by the COVID-19 pandemic and the unique challenges those are creating for NOAA Fisheries, we are cancelling four research surveys off the East and Gulf Coast of the United States. The cancelled surveys include: Autumn Bottom Trawl Survey (NEFSC); Summer Ecosystem Monitoring Survey (NEFSC); Northern Shrimp Survey (NEFSC); and Summer and Fall Plankton Survey (SEFSC).

These are difficult decisions for the agency as we strive to balance our need to maintain core mission responsibilities with the realities and impacts of the current health crisis. Since March, we have been rigorously analyzing various options for conducting surveys this year and are taking a survey-by-survey, risk-based approach. After much deliberation, we determined that we will not be able to move forward with these surveys while effectively minimizing risk and meeting core survey objectives.

The Cancelled Surveys

The Summer Ecosystem Monitoring Survey run out of the NOAA's Northeast Fisheries Science Center captures seasonal changes in the ocean environment, information used for multiple scientific inquiries. Over its 33-year history, some seasons have been missed and the number of annual surveys has varied, and methods have been developed to bridge these data gaps.

The Northern Shrimp Survey is conducted aboard the R/V *Gloria Michelle*, a 72-foot ship maintained by the Northeast Fisheries Science Center. A major use of survey data is setting shrimp fishery quotas. The shrimp fishery is closed through 2021.

The Autumn Bottom Trawl Survey, also run out of the Northeast Fisheries Science Center, has been conducted since 1963. It provides crucial resource and ecosystem data, especially for fishery stock assessments. A future bottom longline survey and new work on industry-based sources of data may help mitigate data gaps.

The Summer/Fall Plankton Survey, run out of NOAA's Southeast Fisheries Science Center covers the entire continental shelf in the Gulf of Mexico region from Brownsville, Texas, to Key West, Florida. It is the only fishery independent survey available to measure the spawning capacity of the

adult population of Gulf of Mexico King Mackerel and an important supplemental survey for red snapper and several other reef fish.

Next Steps

These cancellations follow similar difficult cancellation decisions of the ship-based work we had planned from April to July. NOAA Fisheries is continuing to assess the status of other surveys in all our regions. We are working through numerous survey scenarios relative to community pandemic safeguards and safe work practices so that we maximize the science available for fisheries management in this challenging year.

ASMFC Begins Preparations for American Eel Benchmark Stock Assessment

The Atlantic States Marine Fisheries Commission has begun work on the next American Eel Benchmark Stock Assessment and is requesting data from academia, member states, federal partners, participating jurisdictions and stakeholders. A data workshop has not been scheduled yet but is likely to occur in late 2020.

The Commission welcomes the submission of data sources that will improve the accuracy of the assessment. This includes, but is not limited to, data on catch per unit effort (young-of-the-year surveys, yellow eel surveys), biological samples (lengths, ages, stage data), and life history information (growth, maturity, natural mortality). For data sets to be considered, the data must be sent in the required format with accompanying description of methods to Dr. Kristen Anstead, Stock Assessment Scientist, at kanstead@asmfc.org by **October 1, 2020**.

For more information about the assessments or the submission and presentation of materials, please contact Kirby Rootes-Murdy, Senior Fishery Management Plan Coordinator, at krootes-murdy@asmfc.org or 703.842.0740.

Dam Impact Analysis Model Helps Researchers Assess Atlantic Salmon Survival

New modelling helps scientists explore what happens when endangered Atlantic salmon have access to more of their habitat.

NOAA Fisheries Atlantic salmon researchers have found that Atlantic salmon abundance can increase as more young fish and returning adults survive their encounters with dams. Also, progress in rebuilding the population will depend heavily on continuing stocking of hatchery fish raised especially for this purpose. This information

is based on a life history model and new information on changes in the Penobscot River watershed.

The remaining remnant Atlantic salmon populations in the United States are located in Maine, with the largest population in the Penobscot River. Numerous factors play a role in salmon recovery — from predation and habitat degradation to pollution and climate change. The two most influential factors are survival of fish as they navigate dams in the river, and survival during the marine phase of their life. Atlantic salmon are born and remain in fresh water for 1-3 years and migrate downriver through estuaries into the sea. Then they spend 1 to 2 years at sea before returning to the river where they were born to spawn.

“Our findings indicate that Atlantic salmon abundance can increase as survival at dams from the lower to the upper watershed increases. Hatchery supplementation will be necessary to sustain the population when survival is low in egg-to-smolt and marine life stages,” said Julie Nieland, a salmon researcher at the science center's Woods Hole Laboratory in Massachusetts and lead author of the study. “Increases in survival during both of these life stages will likely be necessary to attain a self-sustaining population, especially if hatchery supplementation is reduced or discontinued.”

Updating What We Know About Salmon Survival

Nieland and center colleague Tim Sheehan used an existing dam impact analysis model to look at how survival at dams, increased survival at key life stages, and hatchery supplementation affected the Atlantic salmon population. The model was developed in 2012 and first used in federal licensing analyses for five hydroelectric dams in the Penobscot River.

Nieland and Sheehan updated the model, adding new data and better accounting for changes in the watershed. They ran different scenarios to assess the effects of changing smolt numbers, stocking locations, and increasing survival in the egg-to-smolt and marine life stages. They also looked at scenarios involving various dams to estimate abundance and distribution of Atlantic salmon within the watershed and at different life stages. This included the smolt and adult stages when salmon encounter dams.

Analyzing an Upstream Dam

The study focused on Weldon Dam in Mattawamkeag, about 65 miles upstream from Bangor, Maine. The dam is the fifth and farthest upstream dam on the main stem of the Penobscot. It is currently undergoing relicensing by the Federal Energy Regulatory Commission as part of the Mattaceunk Project.

There are a large number of dams in the Penobscot watershed. A better understanding of how dams alter important ecological function for salmon has proven to be a key advance in managing salmon recovery. For example, moving stocking locations lower in the watershed helped maximize adult return rates.

Habitat Access Critical to Salmon Recovery

The current stocking strategy minimizes Atlantic salmon deaths from dams. However, the population of Atlantic salmon is currently found in the lower watershed where habitat is lower quality. Increased survival and passage at dams will allow salmon to access the upper watershed where there is higher quality habitat.

Habitat quality could be an important piece of the puzzle for Atlantic salmon. Higher quality habitat would likely produce more smolts than lower quality habitat, but the potential benefits of increased habitat quality are not yet quantifiable.

The authors suggest that future research should focus on measuring the biological response of Atlantic salmon to different habitat qualities and evaluating the effects of changing habitat conditions on Atlantic salmon productivity. This would allow researchers to identify areas where salmon would thrive and quantify how a changing climate affects productivity. These results will also pave the way for a data-driven assessment of future productivity for U.S. Atlantic salmon. Managers will then be able to develop realistic recovery goals while prioritizing restoration efforts in areas with the greatest potential future productivity.

In addition to Atlantic salmon, populations of American shad, blueback herring, alewife and American eel in the Penobscot watershed could also benefit from increased dam passage and dam removal. Better passage and survival at dams would also allow these species to access higher quality habitat further up in the river.

Continued on Page 23.

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ASMFC SUMMER MEETING SUMMARY

Atlantic Striped Bass Management Board

ASMFC Atlantic Striped Bass Board Initiates Amendment 7 to Address Longstanding Fishery Management Issues

The Commission's Atlantic Striped Bass Management Board initiated the development of an Amendment to the Interstate Fishery Management Plan. As the first step in the development of a new FMP or amendment, the Public Information Document (PID) will focus on the following management topics: (1) fishery goals and objectives; (2) stock rebuilding/timeframe; (3) management triggers; (4) biological reference points; (5) regional management (recreational measures, coastal and producer areas, regional reference points); (6) recreational discard mortality; (7) conservation equivalency; (8) recreational accountability; and (9) coastal commercial quota allocation. The purpose of the PID is to solicit stakeholder input on prioritizing the importance of each topic for continued development and inclusion in the Draft Amendment.

"Now that Addendum VI measures are in place and stock rebuilding has been initiated, the Board can focus on addressing a number of issues that have been at the forefront of striped bass management for a long time," stated Board Chair David Borden of Rhode Island.

Between the Spring and Summer Meetings, a Work Group of Board members met to discuss significant issues facing striped bass management. The Board agreed that all of the issues discussed by the Work Group are extremely important and complex, and deserve significant thought and consideration. Furthermore, the prioritization of issues to be addressed by the Amendment should be guided by stakeholder input.

"Given it's been 17 years since the Board last considered a new plan amendment to the striped bass management program, the Board intends to be very thoughtful and deliberative as it proceeds with the development of this Amendment," stated Mr. Borden. "It's important that we provide the public with sufficient background information in order to solicit effective feedback from all stakeholders and ensure the Draft Amendment addresses the most pressing issues at this time."

During its deliberations, Board members discussed the importance of addressing

discard mortality in recreational striped bass fisheries given discards significantly contribute to total fishing mortality. As a result, the Board tasked the Plan Development Team and Technical Committee to review factors limiting the accuracy of discard mortality estimates for stock assessment purposes, and to identify potential actions that could improve understanding or help reduce discard mortality in the fishery.

The Work Group Report, which can be found [here](#), will serve as the foundation of the Draft PID. The Board will review the first draft of the PID at the Commission's Annual Meeting in October. At that meeting, the Board will determine if the PID is ready to be sent out for public comment or if further modifications to the document are needed. Given current, and possibly future, meeting restrictions due to COVID-19, public hearings may be conducted via webinar.

For more information, please contact Max Appelman, Fishery Management Plan Coordinator, at mappelman@asmfc.org or 703.842.0740.

Meeting Summary

The Atlantic Striped Bass Management Board reviewed and approved the 2019 Fishery Management Plan Review and compliance report. It also reviewed the Striped Bass Board Work Group Report, which describes significant issues facing striped bass management. The Board supported inclusion of the Work Group's recommendations in the Public Information Document for the newly initiated amendment.

The Board considered two postponed motions from previous meetings. The first postponed motion (and its amended motion) addressed the initiation of the amendment (see above press release). The second postponed motion, which considered accountability measures for states that do not achieve their predicted reduction in 2020 relative to Addendum VI measures, was postponed indefinitely with the recognition that evaluating 2020 recreational fishery performance will be difficult due to the data limitations caused by COVID-19. Recreational accountability will also be addressed in the newly initiated amendment.

Lastly, the Board elected Martin Gary (PRFC) as Vice Chair of the Atlantic Striped Bass Management Board. For more information, please contact Max Appelman, Fishery Management Plan Coordinator, at mappelman@asmfc.org or 703.842.0740.

Motions

Move to approve the 2020 Fishery Management Plan Review and state compliance reports for Atlantic striped bass. Motion made by Mr. Hasbrouck and seconded by Ms. Patterson. Motion stands approved without objection.

Postponed Motions from April 2019

Main Motion: Move to initiate an Amendment to the Atlantic Striped Bass Fishery Management Plan to address the needed consideration for change on the issues of fishery goals and objectives, empirical/biological/spatial reference points, management triggers, rebuilding biomass, and area-specific management. Work on this amendment will begin upon the completion of the previously discussed addendum to the management plan. Motion postponed indefinitely.

Motion to Amend: Move to amend to add reallocation of commercial quota between states. Motion postponed indefinitely.

Move to postpone indefinitely the motions made during the April 2019 meeting of the Board. Motion made by Mr. Luisi and seconded by Dr. Davis. Motion is adopted by consensus.

I move to initiate an Amendment to the Atlantic Striped Bass Fishery Management Plan focused on the following management topics: (1) fishery goals and objectives;

(2) stock rebuilding/timeframe; (3) management triggers; (4) biological reference points; (5) regional management (recreational measures, coastal and producer areas, regional reference points); (6) recreational discard mortality; (7) conservation equivalency; (8) recreational accountability; and (9) coastal commercial quota allocation. Each of these topics will be presented in a Public Information Document in order to solicit stakeholder comment focused on prioritizing the importance of each topic for continued development and inclusion in the Amendment.

Motion made by Mr. Luisi and seconded by Ms. Ware. Motion passes (15 in favor, 1 opposed).

Motion to Amend: Move to amend to remove part 9: coastal commercial quota allocation from the initial motion. Motion made by Mr. Hasbrouck and seconded by Dr. Davis. Motion fails (2 in favor, 12 opposed, 2 abstentions).

Move to task the Plan Development Team/Technical Committee to begin developing methods to better understand discards in the fishery Motion made by Mr. Reid and seconded by Mr. Gary. Motion passes (15 in favor).

Move to elect Marty Gary as Vice Chair

Continued on Page 24.



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News from the Department of Marine Resources

Continued from Page 9.

9 by licensing fishing activity that caused takes of the North Atlantic Right Whale, an endangered species.

Subsequently, the Plaintiff disclaimed his ESA Section 7 allegations. For example, he described any suggestion that he asserts claims under Section 7 of the ESA as “insane and meritless.” ECF No. 77 at 2; *see also* ECF No. 76 at 3 (calling the Federal Defendant’s claim that the Plaintiff brings an ESA Section 7 claim “maliciously false....I am not.”); ECF No. 66 at 2 (“I am not bringing any ESA Section 7 claims against Oliver/NMFS....I am not challenging any ESA Section biological opinion issued by Defendant Oliver/NMFS....Count I of my original and amended complaint only brings claims against both state and federal defendant for engaging in ESA Section 9 prohibited

conduct. It does not bring any ESA Section 7 claim against either [the] state or federal defendant.”). What is left, then, is an ESA Section 9 claim that Defendants have caused the unlawful take of a North Atlantic Right Whale sometime after September 2013.2 Plaintiff alleges the Defendants caused this harm by licensing vertical buoy ropes (VBRs)3 in their jurisdictional waters, which in turn fatally entangled North Atlantic Right Whales. ECF No. 47 at 2, ECF No. 59 at 2. Both gillnet and lobsterpot fishermen use VBRs, though lobster pots make up the vast majority of buoy lines in Defendants’ regulated fisheries. ECF No. 58-11 at 2; *see also Conservation Law Found. v. Ross*, 422 F. Supp. 3d 12, 15 (D.D.C. 2019) (quoting Michael Asaro, Chief, Greater Atlantic Region, Marine Mammal and Sea Turtle Branch of NOAA Fisheries, as testifying that “gillnet gear is a minor contributor to

the overall right whale entanglement risk... because lobster fishing accounts for over 97% of the vertical lines on the east coast.”). For example, Maine lobstermen fish about 3 million traps, New Hampshire lobstermen 71,000 traps, and Massachusetts lobstermen around 300,000 traps; there are between 50,000 and 80,000 traps in federal waters. In all, the three million licensed traps in Maine’s fishery represent an estimated 87% of the U.S. Atlantic lobster fishery. ECF No. 58-11 at 3.

DISCUSSION

A. Preliminary Injunction Standard

Injunctive relief is “an extraordinary and drastic remedy that is never awarded as of right.” *Voice of the Arab World, Inc. v. MDTV Med. News Now, Inc.*, 645 F.3d 26, 32 (1st Cir. 2015). Because the ESA does not prescribe a statute of limitations, courts apply the six year statute of limitations for suits against

the United States. *See, e.g., Ctr. For Biological Diversity v. Hamilton*, 453 F.3d 1331, 1334 (11th Cir. 2006) (citing 28 U.S.C. § 2401(a)). Plaintiff filed the complaint in September 2019, and thus the six-year window began in September 2013.

3 VBRs are fixed fishing gear with a vertical line from the ocean floor to the surface, used most prominently by the lobster fishery ECF No. 58-11 at 3.

Cir. 2011) (citations and quotation marks omitted). “To grant a preliminary injunction, a district court must find the following four elements satisfied: (1) a likelihood of success on the merits, (2) a likelihood of irreparable harm absent interim relief, (3) a balance of equities in the plaintiff’s favor, and (4) service of the public interest.” *Arborjet, Inc. v. Rainbow Treecare Sci. Advancements, Inc.*, 794 F.3d 168, 171 (1st Cir. 2015). As the party seeking injunctive relief, Plaintiff bears the burden of establishing that the factors weigh in his favor. *Nat’l Org. for Marriage v. Daluz*, 654 F.3d 115, 117, 119-20 (1st Cir. 2011).

“Likelihood of success is the main bearing wall of the four-factor framework.” *Ross-Simons of Warwick, Inc. v. Baccarat, Inc.*, 102 F.3d 12, 16 (1st Cir. 1996). On this issue “the district court is required only to make an estimation of likelihood of success and ‘need not predict the eventual outcome on the merits with absolute assurance.’” *Corp. Techs., Inc. v. Harnett*, 731 F.3d 6, 10 (1st Cir. 2013) (quoting *Ross-Simons*, 102 F.3d at 16). The moving party’s burden to show it is “likely to succeed” varies depending on the relevance of the remaining preliminary injunction factors. If the party seeking injunctive relief fails to make a persuasive showing of likelihood of success, then generally the court acts within its discretion if it denies relief without addressing the remaining factors. *New Comm. Wireless Servs., Inc. v. SprintCom, Inc.*, 287 F.3d 1, 9 (1st Cir. 2002). But the strength of the other three factors can lessen the movant’s burden of showing “likelihood of success;” as other circuits to consider the issue have pointed out, “[h]ow strong a claim on the merits is enough depends on the balance of the harms: the more net harm an injunction can prevent, the weaker the plaintiff’s claim on the merits can be while still supporting some preliminary relief.” *See, e.g., Hoosier Energy Rural Elec. Coop., Inc. v. John Hancock Life Ins. Co.*, 582 F.3d 721, 725 (7th Cir. 2009) (Easterbrook, C.J.).

Ultimately, “trial courts have wide discretion in making judgments regarding the appropriateness of such relief.” *Francisco Sánchez v. Esso Standard Oil Co.*, 572 F.3d 1, 14 (1st Cir. 2009).

Although I must evaluate each of the four considerations, the First Circuit has found that under the Endangered Species Act, the balance of the hardships and the public interest tip “heavily in favor of protected species.” *Strahan v. Cox*, 127 F.3d 155, 160 (1st Cir. 1997). But as with any preliminary injunction, the injunction shall only issue if plaintiff makes a clear showing that it is entitled to such relief. *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008). Plaintiff does not seek a run-of-the-mill prohibitory preliminary injunction, either. He instead asks for mandatory preliminary injunctive relief, which requires affirmative action by the non-moving party in advance of trial (here, rejiggering the regulation of the lobster fishery in Maine- and federally-regulated waters).

“Because a mandatory preliminary injunction alters rather than preserves the status quo, it normally should be granted only in those circumstances when the exigencies of the situation demand such relief.” *Braintree*



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Labs., Inc. v. Citigroup Glob. Markets Inc., 622 F.3d 36, 40-41 (1st Cir. 2010) (internal citation omitted). Those exigencies are still measured according to the same four-factor test, as “[t]he focus always must be on prevention of injury by a proper order, not merely on preservation of the status quo.” *Id.*

B. Likelihood of Success

For Plaintiff to prevail, he must show he is likely to succeed in proving his Section 9 ESA claim against either the State or Federal Defendant. As explained above, Section 9 of the ESA prohibits the “taking” of an ESA listed species. 16 U.S.C. § 1538(a)(1). “The proper standard for establishing a taking under the ESA, far from being a numerical probability of harm, has been unequivocally defined as a showing of ‘actual harm.’” *Am. Bald Eagle v. Bhatti*, 9 F.3d 163, 165 (1st Cir. 1993). In other words, “for there to be ‘harm’ under the ESA, there must be actual injury to the listed species.” *Id.* at 166 (citing cases holding that injunctive relief is warranted “only where petitioners have shown that the alleged activity has actually harmed the species or if continued will actually, as opposed to potentially, cause harm to the species”). At this stage, the Plaintiff bears the burden of showing actual harm. *Id.* at 167 n.5. To prevail on his Motions, therefore, Plaintiff must demonstrate (at the very least) a take in Maine or federal waters by a VBR deployed by a Maine- or federally-licensed lobsterman within the six-year limitations period.

Plaintiff’s Motions fail to bring this requisite evidence to light. Even at this preliminary stage, prior to discovery, “the burdens at the preliminary injunction stage track the burdens at trial.” *Gonzales v. O Centro Espirita Beneficente Uniao do Veg-*

etal, 546 U.S. 418, 429 (2006). In the ESA Section 9 context, to show he is likely to succeed this Plaintiff must be able to point to some evidence that VBR licensed by one of the Defendants has caused “actual injury to the listed species” in the fisheries at issue. *Bhatti*, 9 F.3d at 166. For one thing, the Plaintiff concedes that he does not have “sufficient material evidence” to carry his burden for a preliminary injunction. *See* ECF No. 76 at 1-2. The Plaintiff could also introduce evidence of “significant habitat modification or degradation which actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns, including, breeding, spawning, rearing, migrating, feeding or sheltering” that might also indicate a “take” of Right Whales, but has not done so. *See* 50 CFR § 222.102.

Record before me on these Motions bears this out. *See, e.g.*, ECF No. 70 29 (“Of the right whale entanglement cases where the fishery of origin is known, there have been none attributed to Maine lobster gear since 2004.”); ECF No. 82-2 at 7 (“[R]eview of right whale entanglements for which the set location and type of gear are known, and gear was recovered from a whale indicates that no such entanglements occurring from September 2013 through 2017 were linked to gear set in Federal waters. For 2018 through September 2019, preliminary information compiled to date indicates that no fishing gear recovered from a North Atlantic right whale has been confirmed at this time as having been from a U.S. fishery”).⁵ Though the Plaintiff’s Motions point to several studies describing the 5 The following figure, showing North Atlantic right whale entanglements for which the set location and type of gear are known, and gear was recovered from a

whale, is a good representation of the lack of direct evidence of entanglements linked to VBR in Maine- or federally-regulated waters since 2013. ECF Nos. threat VBRs pose to right whales generally, he does not tie this evidence closely enough to either the Maine- or federally-regulated fishery to show he is likely to succeed in proving a VBR from one of those fisheries caused a “take” of a right whale. I decline finding a causal link between the harm, which is demonstrably real, and these particular Defendants based on nothing more than the statistical girth demonstrating the ongoing

injury to North Atlantic right whales generally. If such a great number of right whales are being injured and killed as a result of the use of VBR, so the argument goes, then it may follow that there is a chance that VBR from Maine- or federally-regulated fisheries is the actual cause. But legal causation does not turn on general statistical data or inductive reasoning. I could 82-2 at 8, 47-6 at 15. envision Congress or an appellate court resolving this difficulty by creating a new definition of causation in the context of

Continued on Page 26.

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Lobster Boat Race Season Ends at Portland



The first new boat to make an appearance was Fred Backman's ATLANTIC VIKING [Sea Pride 35; 210-hp International], which competed in Diesel Class B.



Another one of the new boats was Wayne Beal's MISS MARIENA [Wayne Beal 32; 500-hp Cummins] and she proved to be fast as she went on to win Diesel Class G.

Continued from Page 1.

slowly slipped out in front for the win. Dan Sawyer's HIGH VOLTAGE [AJ-28; 400-hp Yanmar] has been the dominate boat in Class E (336 to 435 hp, 24 to 33 feet) but Kenton Feeny in BAD INFLUENCE [Holland 32, 350-hp Yanmar] was hoping to change that. When the flag dropped Allan Johnson's CATHERINE ELIZABETH [AJ28; Yanmar] jumped into the lead, but it was not long before HIGH VOLTAGE had the top spot with BAD INFLUENCE right on her transom. HIGH VOLTAGE kept BAD INFLUENCE at bay and third went to Randy

Durkee's AUDREY MAY [Holland 32; 425-hp Cummins]. The boat to beat in Class F (336 to 435 hp, 34 feet and over) is Winfred Alley's AIDEN MARINER [Calvin Beal 34; 425-hp Cummins] and Brian Strout in SUNSHINE CHALET [Mitchell Cove 35; 400-hp John Deere] did her best to get by but just did not have enough and settled for second. SUNSHINE CHALET was the hull given away at Winter Harbor last year, which Brian finished off over the winter. Third went to Blake Alley's ANGRY ANDIE [Repeco 37; 430-hp Cummins]. Class G (436 to 550 hp, 28 to 35 feet) was going to be an interesting race as it would pit Wayne Beal's new

boat MISS MARIENA against Dana Beal's RIGHT STUFF [Libby 34; 500 hp Cummins] for the top spot in this class. RIGHT STUFF has been the dominate boat in this class for several years, but MISS MARIENA was going to be a serious threat. When they got halfway up the course RIGHT STUFF had a couple of a boat lengths lead, when she went suddenly to port and slowed. She made it into the spectator fleet where she came to a stopped. It was later learned that she had lost steering and when they put her in reverse so they would not hit the boat in front of them the rudder went into the propeller. MISS MARIENA got the win and Ryan Lemieux' OBSESSION [Young Brothers 35; 450-hp Volvo] took second. Seven boats were on the line for Class H (436 to 550 hp, 36 feet and over) and for the last couple of years Dean Beal's MISS NORMA [Wayne Beal 36; 480-hp Cummins] has been the boat to beat. However, he would have a challenge from Willie Coombs' new boat MELYNDA M. [Wayne Beal 36; 500-hp FPT], which made her debut at Moosabec. At halfway MELYNDA M. had the lead, but MISS NORMA was coming and streaked by for the win. MELYNDA M. took second and third

went to Gary Strout's TRIPLE H. [Calvin Beal 36; 550-hp John Deere]. The only entrant in Class I (551 to 700 hp, 28 to 35 feet) was Jeremy Beal's MARIA'S NIGHTMARE [Mussel Ridge (ex-Wayne Beal) 28; 600-hp Cummins]. No one watching the race was surprised to see Heather Thompson's GOLD DIGGER [Wayne Beal 36; 675-hp Scania] leading the other five competitors in Class J (551 to 700 hp, 36 feet and over) to the finish line including her son Nathan in EASY MONEY [Calvin Beal 36; 490-hp Cummins] who took third. Second went to Mark Kelley's FIFTH GENERATION [Calvin Beal 36; 600-hp Caterpillar]. In Class K (701 to 900 hp, 28 feet and over) we had three boats on the line including Tim Toppins' new boat SUSPECT and she should have a good battle with Ira Guptill's MYSTERY MACHINE [Northern Bay 38; 750-hp, John Deere]. As they came up the course MYSTERY MACHINE had the advantage, but she slowed when she developed an engine issue and SUSPECT slipped by for the win. There was just one boat in Class L, Jeff Eaton's LA BELLA VITA [Northern Bay 38; 750-hp FPT]. Chris Pope's OLD SCHOOL [Holland 41; 380-hp Cummins]

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Lobster Boat Race Season Ends at Portland



Cameron Crawford's WILD WILD WEST [West 28; 1,050-hp Isotta] making her first run in Diesel Class O. She won her Class, the Diesel Free-for-All and Fastest Lobster Boat Race.



Jeff Eaton's LA BELLA VITA [Northern Bay 38; 750-hp FPT] trying to keep up with Tim Toppin's SUSPECT [Mitchell Cove 35; 800-hp Scania] in Fastest Lobster Boat race.

is the defending champion of Class M(A), but she always gets a serious challenge from Milton Merchant's MISS TONIA [Libby 41; 500-hp Cummins] and today was no different. MISS TONIA looked like she had the advantage at halfway, but soon OLD SCHOOL was sliding by to get the win. Third went to Aaron Beal's NIGHT MOVES II [RP 40; 455-hp QSM 11 Cummins]. The biggest class of the day was Class M(B) (40 feet and over, 501 to 750 hp), which had 14 entrants. This group was broken up into two heats with the top three finishers in each heat going on to the finals. The favourite and the winner was Eric Beal's KIMBERLY ANN [Calvin Beal 42; 750-hp FPT] followed by Matt Shepard's ALEXSA ROSE [Morgan Bay 43; 750-hp John Deere] and Roy Whalen's HANNAH MARIE [Wayne Beal 40; 730-hp MAN]. Nine boats came to the line in Class N (40 feet and over, 751hp

and over). Jason Chipman's MISS AMITY [Mussel Ridge 46; 900-hp Scania] has been one of the boats to beat in this class, but Jason West's PIER PRESSURE [Osmond 40; 750-hp FPT] showed her stern to her other competitors and got the win. The only entrant in Class O (Non-working boats, any length, any horsepower) was Cameron Crawford's WILD WILD WEST [West 28; 1,050-hp Isotta] who made the run up the course by herself.

Winter Harbor runs an extra Diesel Class, which they call Class P "Oh My God That's a Big Boat," which is for 44 feet and over, any horsepower. MISS AMITY would get the win with Travis Perry's ISLA & GRAYSON [Wesmac 50; 900-hp Scania] second and GAVIN & DAWSON [Wesmac SW 46; 1001-hp Caterpillar] third.

Next up was the two wooden boat races and with just three entrants in A (Any hp., up

to 35 feet 11 inches) WIDE OPEN, ROAR and CINDY JEN and one entrant Wayne Rich's RICH RETURNS [38' Robert Rich; 210-hp Cummins] in B (Any hp., 36 feet and over) so they were run down together. WIDE OPEN got first followed by ROAR and then

CINDY JEN.

Another special race at Winter Harbor is the Lady Skipper's race, but here they must make their living fishing the boat they are

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Lobster Boat Race Season Ends at Portland



First in Gasoline Class B was Mark Davis' WHISKEY GIRL [BHM 25; 350 300 hp Chevrolet] with a speed of 29.8 mph.



Steven Osgood braved the questionable forecasted weather conditions and brought VENOM [Mussel Ridge 28; 300-hp Sisu] to Portland from Vinalhaven, taking first in Diesel Class C.

Continued from Page 19.

racing. Just two boats qualified and GOLD DIGGER took the win with Jenna Beal in KIMBERLY ANN second.

In a repeated of Wooden Boat A, minus ROAR, WIDE OPEN got the easy win in the Gasoline Free-for-All with CINDY JEN a distant second.

When they dropped the flag for the Diesel Free-for-All it was not surprising to see WILD WILD WEST jump right into the lead. The real battle was for second and this went to MYSTERY MACHINE followed by LA BELLA VITA.

In the final race of the day, Fastest Lobster Boat, WILD WILD WEST really

showed her speed as she streaked up the course for the win. Unfortunately, there was an issue with the radar gun and we could not get a speed on WILD WILD WEST, but their GPS said 63 mph! Second went to SUSPECT followed by LA BELLA VITA.

When we left Winter Harbor on Saturday 8 August there was just one lobster boat race left, Portland. Katie Werner, organizer of the Portland races, did not know whether she would be able to run her race at that time, but everyone continued hoping it would be a go. There was a problem: last year wakes had done damage at Fore Points Marina. When confronted with this problem in a final meeting with the Coast Guard and the Portland

harbormaster, Katie simply said "let us run the race in reverse." Problem solved and the permit was issued.

In the end there were some close contests, but the big winner was Andrew Taylor's BLUE EYED GIRL [Morgan Bay 38, 900-hp Scania], with Jeremy Beal's MISS MARIENA a close second.

During the spring it was announced that the MS Society had decided not to host their fund-raising event known as the MS Harborfest. Katie still wanted to do a fund-raising event associated with the Portland races and decided to raise money for the fishermen's student scholarships, which is organized by the Maine Fisherman's Forum.

For those that follow Facebook we learned on the Friday before the Portland Races that a major accident occurred at the dock on Long Island when the Casco Bay Lines dropped Steve Johnson's race engine, causing extreme damage. So, on Saturday afternoon Steve Johnson, and a number of others, held a boat parade at the Island mourning its loss.

On race day there was overcast skies and a nice breeze out of the east. With all that has taken place over the last six months it was decided that everything would be done out on the water instead of at Portland Yachts Service in Portland. Some boats had been signed up the previous night at The Island Lobster Company on Peak's Island, which also raised some money for the scholarship fund. There did not seem to be too much confusion as to where to sign up, which was at Tom Werner's 45-foot Novi PATIENCE anchored on the finish line. Just after 1000 hrs. the rush was over and we had 47 boats signed up, down four from the previous year. I was hoping a couple of new boats would make an appearance: Zach Donnell just launched a Calvin Beal 38 powered with an 800-hp Scania called REGENCY. The other was Chip Johnson's new FIVE STARS, which was at the races, but did not race.

The first three races are for Work Boats and since there was just one boat, Aaron Johnson's, in Class A (Skiff's 16-foot and under with outboards up to 30 hp, Operator 18 years and younger) he run up the course by himself. There were four boats on the line for Class B (Inboards, outboards or outdrives, 31 to 90 hp) and no one was surprised to see Jacob Noyes' ZIPPIN' TOO [Corson 15; 90-hp Nissan] leading the way with his father's ZIPPIN' [Corson 14; 60-hp Johnson] on his stern and Frank Bennett's MISS DIANE [Lund 18; 90-hp Honda] on his stern as they finished one-two and three. In Class C (Inboard, Outboard or Outdrive, 90 hp and over) Dave Johnston's CASCO MISS [Eastern 22, 250-hp Honda] jumped into the lead and the fight for the position second position became the focus. It was bow to bow as they neared the finish line,

but Derek Early in a 17-foot Boston Whaler had half a boat length lead over Jay Perrotta's SCANIA when they crossed.

Next up was the Gasoline Classes and there was no one in Class A and Class E. There were two entrants in Class B: Mark Davis' WHISKEY GIRL [BHM 25; 350 300 hp Chevrolet] and Jeff Croft's TILLY [Brownell; 350 260-hp Mercruiser]; one entrant in Class C: Ernie Callow's MISS MARJORIE [General Marine 26; 300-hp Crusader]; and one on Class D: Keith Ivers' FUELISH DECISION [502 cid Chevrolet] so they were run up the course all at once with MISS MARJORIE and FUELISH DECISION getting first if they finished. WHISKEY GIRL took the lead right at the drop of the flag and led the way up the course meaning she took first in Class B with second going to TILLY. Unfortunately, FUELISH DECISION had an issue and died on the course and had to be towed to the side.

In the Diesel Classes there was just three races that did not have an entrant: Class D; Class L and Class O. There was also a couple of races, which had just one entrant and they were combined with another race and given first automatically. There was five boats signed up in Class A, but just four came to the line. Missing was Steve Johnson's TIKI BAR [Jingle Johnson 28; 650-hp GM]. At the dropped of the flag Riley Johnson's LYNN MARIE [Sisu 26; 235-hp Isuzu] went instantly into the lead and never looked back. Second went to Taylor McGovern's DOROTHY GRACE [Crowley Beal 26; 230-hp] and third was Peter Haver's LEDGE HAMMER [Webber's Cove 26, 225-hp John Deere]. The boat that drew my attention was John Carroll's wooden GRAMMIE ANNIE, which was built by Frank 'June' Day of Brooklin in 1980. There was just entrant, Andrew Millar's REWBEN [RP 35; 230-hp Cummins] in Class B show she ran down with the three entrants in Class C. There has been a great battle in Class C between Roy Fagonde's LAST DESIGN and Steven Osgood's VENOM but LAST DESIGN was a no show after suffering a major engine failure at Friendship. VENOM was the boat to beat and Adam Kimball and MISS ATTITUDE [Holland 32; 265-hp John Deere] did all she could, but was back a couple of boat lengths at the finish. Third went to Allan Dugas' GRASSHOPPER [Frost 31'; 260-hp Volvo]. Class E has been another well contested race with Dan Sawyer's HIGH VOLTAGE being the dominate boat, but a very close second was either Kenton Feeney's BAD INFLUENCE or Ed Shirley's MISS KYLEE [Holland 32; 430-hp Cummins]. Today, of the three, just MISS KYLEE was on the line and she led the way to the finish line with Randy Durkee's AUDREY MAY back by a couple of boat lengths. Third went

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Lobster Boat Race Season Ends at Portland



Justin Papkee's PULL 'N PRAY suffered a major fire last summer and over the winter she was rebuilt at Wayne Beal Boat Shop in Jonesport. She took first in Diesel Class M(A).



Andrew Taylor's BLUE EYED GIRL was the boat to beat at Portland. She won Diesel Class K, Diesel Free-for-All and Fastest Lobster Boat with a top speed of 49.4 mph.

to EdApon's EXCAVATOR [Harris 28; 370-hp Cummins]. In Class F two boats came to the line and it was Cameron Murphy's BLUE DOLPHIN II [Crowley 36; 402-hp Caterpillar] who took first followed by Josh Audet's KARAMEL [Jim Beal-34; 380-hp Hyundai]. All the way from Jonesport came Jeremy Beal and MISS MARIENA and he faced off against Tom Cloutier's ENTRAPMENT [Crowley 33; 490-hp Cummins] in Class G. At the dropped of the flag MISS MARIENA jumped out in front and streaked for the finish line at 45 mph getting first place. Three boats were on the line for Class H and the winner was Nick Martinez's PRETTY WOMAN [Calvin Beal 36; 510-hp Caterpillar] with second going to John Shusta's SPECIAL J. [Crowley 36; 450-hp Cummins]. The top boat in Class I was Chris Smith's MISTY [Crowley Beal 33; 650 hp Scania], who bested Scott Wood's WILD ONE [Crowley/Beal 33; 892-GM]. In Class

J we expected to see Heather Thompson's GOLD DIGGER, but her boat was still in Harrington as she needed to haul the next day, but Heather was there riding on another boat. Carl Anderson III's DANICA HAI-LEY [Calvin Beal 36; 675-hp Scania] took first with Allan Dugas' DELUSIONAL [38' John's Bay Boat, 600-hp Cummins] coming across in second. The only entrant in Class K was Andrew Taylor's BLUE EYED GIRL [Morgan Bay 38, 900-hp Scania] and being clocked at 49.4 mph proving she was the boat to beat today. Justin Papkee's PULL N' PRAY [Wayne Beal 40; 500-hp Hyundai] suffered a major fire before last year's races at Long Island and over the winter she was trucked to Wayne Beal Boat Shop in Jonesport where she was totally rebuilt. She was now on the line with 50 less horsepower than she had previously meaning she was now in Class M(A). Also, on the line was Allan Knowlton's SEA URCHIN [Young Brothers

45, 425-hp John Deere]. As the two came up the course, PULL N' PRAY slowly worked her way into the lead and went on for the win. In Class M(B) KIMBERLY ANN came all the way up from Milbridge for the first time and there was no question she would be the top boat in this class. There was a real fight for second and right at the finish line it was Hugh Bowen's LONG HAUL [Wesmac 42; 650-hp John Deere] sneaking over for second with Scott Dugas' SAND DOLLARS III [41' Johns Bay Boat; 700-hp Caterpillar] back by half a boat length in third. There was just one entrant in Class N, Parker Murphy's TURN THE PAGE [OEM 42, 751-hp John Deere], but he did not make it to the line.

Three boats were on the line for Wooden Boat A and this was won by GRASSHOPPER, followed by TILLY and then GRAMMIE ANNIE. In Wooden Boat B SAND DOLLARS III just got by DELUSIONAL for the win.

In the Gasoline Free for All it was all WHISKEY GIRL with second going to MISS MARJORIE.

In the Diesel Free for All it was BLUE EYED GIRL showing the way to the finish with MISS MARIENA back by two boat lengths. Third went to KIMBERLY ANN. In the final race of the day and season, Fastest Lobster Boat it was the same results as BLUE EYED GIRL streaked over the line with MISS MARIENA just behind her.

With this race the season was over. It was a challenge for everyone involved in making the six races that took place happen, especially the race committees. They had to deal with town officials and people who just did not want to see anything happen. Now, it is onto to the final event of the season, which will be the annual meeting and awards banquet at Robinson's Wharf on Southport Island 17 October.

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Presently we have a listing of just over 85,200 vessels, mostly compiled from the "List of Merchant Vessels of the United States" (MVUS) for the years 1867 to 1885. Several other lists have been added to this. These include: WPA Custom House records for Bath, Maine; Frenchman's Bay, Maine; Marshfield, Oregon; New Bedford, Massachusetts, and New Orleans, Louisiana; The Record of Canadian Shipping; Robert Applebee's notes; and notes compiled on New England shipwrecks by noted shipwreck diver, Bradford Luther, Jr. Currently working on 'Version 3' after adding more lists and now updating and correcting errors and removing duplicates, which should expand the number of vessels to over 125,000 vessels. The next new Version should be up in early July.

CHECK IT AND LET US KNOW WHAT YOU THINK!

ON-GOING PROJECTS INCLUDE:

Creating an encyclopedia and a chronological history of events.

Also, transcribing maritime articles from: Maine Industrial Journal (1880 to 1918); Bangor Whig & Courier (1836-1899); Republican Journal (1829 to present); and various others including Eastern Argus (Portland), Bath Daily Times, Eastport Sentinel, Ellsworth American, New Bedford Mercury, Salem Gazette and Boston Evening Transcript.

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There is a massive amount of work to be done to accomplish these goals. To make this happen we need support, please help us do more!

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LOBSTER BOAT RACING - FINAL RESULTS



The fight for second in Diesel Class M(B) was between Hugh Bowen's LONG HAUL and Scott Dugas' SAND DOLLAR III, which went to LONG HAUL.

WINTER HARBOR LOBSTER BOAT RACES

08 August 2020

WORK BOATS 24 FEET AND UNDER

Race 1 – Class A, Inboard, Outboard or Outdrive, any hp, must have working hauler: 1) *Little Miss Abby*, Colin Piper (13.2 mph); and 2) *Ship for Brains*, Evan Strout.

GAS POWERED WORK BOATS 24 FEET AND UP

Race 2 – Gasoline Class A – 4 & 6 cylinder 24 feet and over: 1) *Cindy Jen*, Jon Johansen. **Race 3 - Gasoline Class B - V-8 up to 375 cid, 24 feet and up:** 1) *Wide Open*, Colyn Rich. **Race 4 - Gasoline Class C, V8, 376 to 525cid, 28 feet and over:** 1) *Roar*, Jim Lee; and 2) *Black Diamond*, Lindsay Durkee. **Race 5 - Gasoline Class D, 376 and over, 24 feet and over (Non-working racer):** *No Entrants*. **Race 6 - Gasoline Class E - V-8, Over 525cid, 28 feet and over, superchargers/Turbos.** *No Entrants*

DIESEL POWERED WORK BOATS 24 FEET AND UP

Race 7 - Diesel Class A - Up to 235 hp, 24 to 31 feet: 1) *Hot Shot*, Josef Guptil; 2) *Bare Bottom*, Jacob Kirby; 3) *Ethan R.*, Tommy Young; *No Position Given:* *Jenny Sherin*, Myles Bierman; *Knotty Boyz*, Andrew Mosher; *Precious Gold*, Tanner Handy; and *Resilient*, Avery Scott. **Race 8 - Diesel Class B - Up to 235 hp, 32 feet and over:** 1) *Myrtle Belle*, Chad Libby; 2) *Mr. Lucky*, Kit Johnson; 3) *High Maintenance*, Rachel Nelson; *No Position Given:* *Atlantic Viking*, Fred Backman; *Rich Returns*, Wayne Rich; *Tide Strider*, Rand Beattie. **Race 9 - Diesel Class C - 236 to 335 hp, 24 to 33 feet:** 1) *Hakuna Mataka*, Hollis Smith; and DNS) *Venom*, Steven Osgood. **Race 10 - Diesel Class D - 236 to 335 hp, 34 feet and over:** 1) *Bonnie's Brats*, Roy Whalen; and 2) *Unpredictable*, Kegin Schoppee. **Race 11 - Diesel Class E - 336 to 435 hp, 24 to 33 feet:** 1) *High Voltage*, Daniel Sawyer; 2) *Bad Influence*, Kenton Feeney; 3) *Audrey May*, Randy Durkee; *No Position Given:* *Catherine Elizabeth*, Allan Johnson; *Hard to Fathom*, Matthew Bernier; and *Navigator*, Michaela Byers. **Race 12 - Diesel Class F - 336 to 435 hp, 34 feet and**

over: 1) *Aiden Mariner*, Winfred Alley; 2) *Sunshine Chalet*, Brian Strout; 3) *Angry Andie*, Blake Alley; *No Position Given:* *My Sher E.*, Scott Young; *More Mis Chef*, Nate Snow; and *Predator*, Teddy MacGregor. **Race 13 - Diesel Class G - 436 to 550 hp, 28 to 35 feet:** 1) *Miss Mariena*, Wayne Beal; 2) *Obsession*, Ryan Lemieux; and DNF) *Right Stuff*, Dana Beal. **Race 14 - Diesel Class H - 436 to 550 hp, 36 feet and over:** 1) *Miss Norma*, Dean Beal; 2) *Melynda M.*, William Coombs; 3) *Triple H*, Gary Strout; 5) *First Team*, Travis Otis; *No Position Given:* *Jolico*, John Temple; *Miss Marissa*, Jerry Donovan; and *Risky Business*, Kyle Look. **Race 15 - Diesel Class I - 551 to 700 hp, 28 to 35 feet:** 1) *Marie's Nightmare*, Jeremy Beal. **Race 16 - Diesel Class J - 551 to 700 hp, 36 feet and over:** 1) *Gold Digger*, Heather Thompson; 2) *Fifth Generation*, Mark Kelley; 3) *Easy Money*, Nathan Thompson; *No Position Given:* *Janice Elaine*, David Myrick; *Navigator*, Duncan Haass; and *Virginia Lee*, Ed Weaver. **Race 17 - Diesel Class K - 701 to 900 hp, 28 feet and over:** 1) *Suspect*, Tim Toppins; 2) *Mystery Machine*, Ira Guptil; and 3) *All Out*, Nick Page. **Race 18 - Diesel Class L - 901 hp and over, 28 feet and over:** 1) *La Bella Vita*, Jeff Eaton. **Race 19 - Diesel Class M(A), 40 feet and over, up to 500hp:** 1) *Old School*, Chris Pope; 2) *Miss Tonia*, Milton Merchant; 3) *Night Moves II*, Aaron Beal; *No Position Given:* *Acadian Green Waters*, Carl Guyton; *Elaine Sue*, Daniel Backman; and *Leia Elizabeth*, David Leach. **Race 20 - Diesel Class M(B), 40 feet and over, 501 to 750 hp: Heat I:** 1) *Kimberly Ann*, Eric Beal; 2) *Hannah Marie*, Roy Whalen; 3) *51*, Billy Bob Faulkingham; *No Position Given:* *Carpe Diem*, Ethan Whitaker; *Corea Choice*, Ryan Bridges; and *Pier Pressure*, Jason West. **Heat II:** 1) *Alexsa Rose*, Matt Sheppard; 2) *Lord Byron*, Matt Lester; 3) *Mister E.*, Nick Hadlock; *No Position Given:* *First Impression*, James West; *Heather Ann*, Frank Thompson; *Miss Chris*, Donnie Crowley; *Resurrection*, Phil Torrey; and *Wet Dream*, Tyler Whittaker. **Finals:** 1) *Kimberly Ann*, Eric Beal; 2) *Alexsa Rose*, Matt Sheppard; and 3) *Hannah Marie*, Roy Whalen. **Race 21 - Diesel Class N, 40 feet and over, 751hp and over:** 1) *Pier Pressure*, Jason West; 2) *Miss Amity*, Jason Chipman; 3) *Kayla Ann*, Joshua Beal; *No Position Given:* *Amanda Ann*, Kevin Tozier; *Bottom Line*, Dan Rodgers; *Gavin & Dawson*, Michael Hunt; *Ocean Bounty*, Wayne Gray; *Phantom*, Nick Lemieux; and *She's All Wet*, Ken Gieger. **Race 22. Class O. Non-working boats, any length, any horsepower:** 1) *Wild Wild West*, Cameron Crawford. **Race 23 – Diesel Class P “Oh My God That’s a Big Boat, 44 feet and over”:** 1) *Miss Amity*, Jason Chipman; 2) *Isla & Grayson*, Travis Perry; 3) *Gavin & Dawson*, Michael Hunt; *No Position Given:* *Miss Brooke*, Josiah Rhys; *Phantom*, Nick Lemieux; and *Seanna Rose*, Dana Rice.

Race 24 Wooden Boat Race A, Any hp., up to 35 feet 11 inches. 1) *Wide Open*, Colyn Rich; 2) *Roar*, Jim Lee; and 3) *Cindy Jen*, Jon Johansen. **Race 25 Wooden Boat Race B, Any hp., 36 feet and over.** 1) *Rich Returns*, Wayne Rich.

Race 26 – Lady Skippers. Must have a lobster license. 1) *Gold Digger*, Heather Thompson; and 2) *Kimberly Ann*, Jenna Beal.

Race 27 - Gasoline Free for All: 1) *Wide Open*, Colyn Rich; and 2) *Cindy Jen*, Jon Johansen.

Race 28 - Diesel Free for All: 1) *Wild Wild West*, Cameron Crawford; 2) *Mystery Machine*, Ira Guptil; and 3) *La Bella Vita*, Jeff Eaton.

Race 29 - Fastest Lobster Boat: 1) *Wild Wild West*, Cameron Crawford; 2) *Suspect*, Tim Toppins; and 3) *La Bella Vita*, Jeff Eaton.

PORTLAND LOBSTER BOAT RACES

16 August 2020

WORK BOATS UNDER 24 FEET

Race 1 - CLASS A Skiffs 16-feet and under with outboards up to 30 hp, Operator 18 years and younger: 1) ---, Aaron Johnson (24 mph). **Race 2 – CLASS B Inboards, outboards or outdrives, 31 to 90 hp:** 1) *Zippin' Too*, Jacob Noyes (38.9 mph); 2) *Zippin'*, David Noyes; 3) *Miss Diane*, Frank Bennett; and 4) *Screen Time*, Mason Vinner. **Race 3 – Class C, Inboard, Outboard or Outdrive, 90 hp and over:** 1) *Casco Miss*, Dave Johnston (46.4 mph); 2) ---, Derek Early; 3) *Scania*, Jay Perrotta; 4) ---, Courtney Day; and 5) *Malaga*, Jim Koehling.

GAS POWERED WORK BOATS 24 FEET AND OVER.

Race 4 – Class A, Four and Six Cylinder, 24 feet and over: No Entrants. **Race 5 – Class B, V8, Up to 375 cid, 24 feet and over:** 1) *Whiskey Girl*, Mark Davis (29.8 mph); and 2) *Tilly*, *Jeff Croft*. **Race 6 – Class C, V8, 376 to 525 cid, 24 feet and over:** 1) *Miss Marjorie*, Ernie Callow. **Race 7 – Class D, V8, 376 to 540 cid, 24 feet and over (Non-working racer):** DNF) *Fuelish Decision*, Keith Ivers. **Race 8 – Class E, V8, Over 525 cid, 28 feet and over, Turbos/superchargers: No entrants.**

DIESEL POWERED WORK BOATS 24 FEET AND OVER.

Race 9 – Class A, Up to 235 hp, 24 to 31 feet: 1) *Lynn Marie*, Riley Johnson (30.1 mph); 2) *Dorothy Grace*, Taylor McGovern; 3) *Ledge Hammer*, Peter Haver; 4) *Grammie Annie*, John Carroll; and DNS) *Tiki Bar*, Steve Johnson. **Race 10 – Class B, Up to 235 hp, 32 feet to 40 feet:** 1) *Rewben*, Andrew Millar (16.5 mph). **Race 11 – Class C, 236 to 335 hp, 24 to 33 feet:** 1) *Venom*, Steven Osgood (36.8 mph); 2) *Miss Attitude*, Adam Kimball; and 3) *Grasshopper*, Allan Dugas. **Race 12 – Class D, 236 to 335 hp, 34 feet to 40 feet: No entrants.** **Race 13 – Class E, 336 to 435 hp, 24 to 33 feet:** 1) *Miss Kylee*, Ed Shirley (39.1 mph); 2) *Audrey May*, Randy Durkee; 3) *Excavator*, Eddy Apon; 4) *Guilty Pleasure*, Jake Dugas (31 mph); and 5) *Determination*, Parker Poole. **Race 14 – Class F, 336 to 435 hp, 34 feet to 40 feet:** 1) *Blue Dolphin II*, Cameron Murphy (30.9 mph); and 2) *Karamel*, Josh Audet. **Race 15 – Class G, 436 to 550 hp, 28 to 35 feet:** 1) *Miss Mariena*, Jeremy Beal (45 mph); and 2) *Entrapment*, Tom Cloutier. **Race 16 – Class H, 436 to 550 hp, 36 feet to 40 feet:** 1) *Pretty Woman*, Nick Martinez (28.4 mph); 2) *Special J*, John Shusta; and DNS) *Golden Hinde*, Devin Riley. **Race 17 – Class I, 551 to 700 hp, 28 to 35 feet:** 1) *Misty*, Chris Smith; and 2) *Wild One*, Scott Wood. **Race 18 – Class J, 551 to 700 hp, 36 feet to 40 feet:** 1) *Danica Hailey*, Carl Anderson III; and 2) *Delusional*, Alan Dugas. **Race 19 – Class K, 701 to 900 hp, 28 feet to 40 feet:** 1) *Blue Eyed Girl*, Andrew Taylor (49.4 mph). **Race 20 – Class L, 901 hp and over, 28 feet to 40 feet: No entrants.** **Race 21 – Class M(A), 40 feet and over, up to 500 hp:** 1) *Pull n' Pray*, Justin Papkee (22.6 mph); and 2) *Sea Urchin*, Allan Knowlton. **Race 22 – Class M(B), 40 feet and over, 501 to 750 hp:** 1) *Kimberly Ann*, Eric Beal (39.9 mph); 2) *Long Haul*, Hugh Bowen (24 mph); 3) *Sand Dollar III*, Scott Dugas; and DNS) *Dominator*, Lee McVane. **Race 23 – Class N,**

Continued on Page 23.



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MISCELLANEOUS COMMERCIAL FISHING NEWS

Continued from Page 12.

New Marine Fisheries Advisory Committee Reports, Recommendations Highlight the Value of Stakeholder Engagement

A message from NOAA Fisheries Deputy Assistant Administrator for Operations Dr. Paul Doremus.

At their July meeting, the Marine Fisheries Advisory Committee completed and delivered two major reports—one on seafood marketing and promotion and the other on the potential impacts of offshore wind development. Committee members also shared personal experiences from the current COVID-19 impacts on fishermen and the seafood industry and endorsed the new interagency Seafood Trade Task Force. And this was all in a day's work for this federal advisory committee.

MAFAC is one of the oldest federal advisory committees in existence and it's going strong. Despite its name, the focus of MAFAC is not limited to traditional fisheries. Established in 1972 to advise the Secretary of Commerce, MAFAC works on all living marine resource matters under the jurisdiction of the Department. MAFAC members represent a diverse set of perspectives—including commercial and recreational fisheries, aquaculture, environmental, academic, state, tribal, seafood, and consumer interest groups—and the committee has the unique role of engaging each other and working together across these sectors to make consensus-based recommendations to NOAA Fisheries, NOAA, and the Department.

All NOAA Fisheries leaders attend MAFAC meetings, and I personally value my time listening to MAFAC member perspectives. We appreciate their frank criticism on areas for improvement as well as positive feedback on efforts done well.

Because I work on seafood issues directly, their meetings the past two years have been especially meaningful to me. MAFAC has been wrestling with how to “move the needle” on seafood consumption. Although health guidelines have long recommended that Americans eat seafood at least twice a week (equivalent to 26 pounds per year), the annual consumption average has hovered near 14 to 16 pounds for decades.

To address this gap, MAFAC finalized a much-anticipated report recommending the re-establishment of an industry-led National Seafood Council. Its goal is to promote and increase the value of our sustainably managed U.S. fisheries, including a focus on seafood's nutritional value, to help improve seafood consumption by Americans. Other recently completed efforts include: A comprehensive report that recommends how to improve planning and coordination of offshore wind development to reduce or mitigate impacts to fishing activities, protected species, agency research, and

mission-related activities, and identifies funding needs. A letter to the Secretary of Commerce endorsing the new Executive Order promoting American seafood competitiveness and economic growth and the vital need for the Seafood Trade Task Force that it establishes. A letter to the Secretary of Commerce focused on short-term fisheries needs, particularly reducing or eliminating financial burdens on fishing businesses, as the COVID-19 pandemic and its impacts continue.

These MAFAC recommendations are particularly timely given the broad impact of COVID-19 on the seafood industry, and the widespread support that MAFAC heard from industry and other stakeholders that precompetitive collaboration on seafood marketing and promotion is essential for the industry to recover and become more resilient over time. Our agency will be reviewing and considering this input over the coming months. In the meantime, MAFAC members and their task forces are continuing their work on other topics, such as developing guidance on the generation, delivery, and use of electronic data, and public attitudes about participating in angler electronic reporting programs, as well as finalizing a multi-year collaborative effort to develop goals and a comprehensive vision for the future of Columbia Basin salmon and steelhead.

The current members of MAFAC are leaders in their fields. They serve as volunteers in their role as committee members and I cannot stress enough the value we place on their commitment to this work. The role of advisory committees is to raise concerns, debate issues, share opinions, and distill all this into concrete advice in a public forum to present to the agencies they serve. MAFAC has consistently excelled in this role over the years. Their dedication to engagement is appreciated and shared by NOAA Fisheries leadership.

NOAA Fisheries Identifies National-Level Observer Waiver Criteria; Will Begin Redeployment in Northeast

Providing seafood to the country remains an essential function even in these extraordinary times, and adequately monitoring United States fisheries remains an essential part of that process.

To improve transparency in our approach to observer deployment, we have established national-level criteria for vessels to be waived (released) from observer or at-sea monitor coverage. Going forward, observer or monitor coverage may be waived, for both full and partial-coverage fisheries, on a trip-specific basis if one of the following two criteria are met: (1) Observers or at-sea monitors are not available for deployment; or (2) The observer providers cannot meet the safety protocols imposed by a state on commercial fishing crew or by the vessel or vessel company on its crew. Within our

limited authority, our efforts are intended to ensure observers and monitors are following the same safety protocols that fishermen are following.

We recognize that there are differences for observer and at-sea monitor deployment across fisheries, and have heard the concerns expressed about how observer coverage varies regionally, and even within regions. Given the diversity in our fisheries, from the composition of the fleets to how the fisheries are prosecuted, regional flexibility will continue in the detailed implementation of the two waiver criteria. We believe this adaptable approach will allow us to be transparent with stakeholders as well as responsive to ever-evolving changes on the ground. We also continue to encourage the use of electronic monitoring, as appropriate, as an additional option.

On August 14, we will resume deployment of observers and at-sea monitors in the Northeast partial-coverage fisheries. We are maintaining existing observer and monitor, both at-sea and shoreside, coverage throughout our other regions. Vessels should continue to seek observer and monitor coverage waivers through their regular regional process.

NOAA Fisheries has been working with the regional observer and monitor providers to enact safety protocols that match those that are in effect for vessel operators and crew, during this continually evolving situation. The contractual relationships between industry, NOAA Fisheries, and observer providers vary by region and sometimes within a region.

Observers and monitors, at-sea and shoreside, are an essential component of commercial fishing operations and provide critical information that is necessary to keep fisheries open and to provide sustainable seafood to our nation during this time. We will continue to monitor all local public health notifications, as well as the Centers for Disease Control and Prevention, for updates. We are committed to the health and safety of fishermen, observers, and others while fulfilling our mission to maintain our nation's seafood supply and conserving marine life.

Northeast Offshore Mussel Farming Would Contribute to American Seafood Competitiveness

A favorable ocean environment and market provide momentum for offshore mussel farming. However challenges remain, including regulatory uncertainty and the need for harmful algae monitoring.

The first environmental suitability study for blue mussel culture in federal waters off New England's shore was conducted by scientists from the Northeast Fisheries Science Center's Milford Laboratory. The study revealed great potential for farming. The scientific team has continued this work, furthering the case for offshore mussel farms in a recent perspectives column in *Fisheries Magazine*. They have also published findings in *Ocean & Coastal Management*, examining the risks harmful algal blooms pose to offshore aquaculture.

The Case for Mussels

Milford's Darien Mizuta and Gary Wikfors suggest that a New England offshore mussel farming industry would be environmentally sustainable and beneficial for food security and the economy. The United States is the world's top importer of seafood, despite having the second largest Exclusive Economic Zone. In May, the president of the United States signed an executive order promoting American seafood competitiveness and economic growth. The order calls for increasing domestic seafood production,

including making aquaculture permitting more efficient and predictable and bolstering aquaculture research.

Mussels are the top imported bivalve shellfish in the United States, currently contributing more than \$102 million to the \$14 billion U.S. seafood deficit. Close to Canada's mussel-producing Prince Edward Island, New England is the import epicenter for mussel products, including fresh live mussels, frozen mussels, and prepared mussel dinners.

With advances in mussel farming in the 1990s, the United States began importing more mussels, mostly from Canada. “The success of Prince Edward Island mussel farming has created a new market for mussels in the northeast United States that is growing beyond the production capacity of PEI,” explains Wikfors, who is also the director of the Milford Laboratory, where Darien Mizuta was a postdoctoral researcher.

In their column, Mizuta and Wikfors point out that U.S. mussel production has not kept pace with increasing demand. Despite favorable environmental conditions for farming over large expanses of the Northeast's offshore waters, including ocean temperatures and food availability, there are no offshore commercial mussel farms in the region. Mussels feed on natural algae and don't require added food, meaning they could be a sustainable crop that makes a dent in the seafood trade deficit.

Offshore mussel production in the Northeast is not limited by technical know-how. Mizuta and Wikfors describe two decades of research and government investment in experimental offshore aquaculture. This includes the Salem State University experimental farm off Cape Ann, Massachusetts, which is collecting data for management agencies. Despite encouraging results, these efforts have not yet yielded a product sold on the national market.

Wikfors and Mizuta describe regulatory uncertainty as the most significant barrier hindering the otherwise promising prospect of offshore mussel aquaculture. They make the case for a clear, streamlined regulatory framework that protects vulnerable species while also accommodating offshore farming. Offshore farming, compared with coastal aquaculture, has the advantages of fewer conflicts with other ocean users and less concern about exposure to coastal pollution.

“Developing a local offshore industry for this aquaculture species is important, in terms of local economic benefits and food security, and producing seafood according to national standards of quality and sustainability.”

Wikfors and Mizuta highlight the imperative to develop a domestic industry. “Developing a local offshore industry for this aquaculture species is important, in terms of local economic benefits and food security, and producing seafood according to national standards of quality and sustainability,” says Mizuta.

The local food movement further fuels this opportunity. In a recent NOAA-funded survey conducted by the Atlantic Corporation, residents of the northeastern United States indicated that they would be willing to pay more for fresh and local seafood.

Harmful Algal Blooms and Offshore Farming

In addition to regulatory uncertainty, Mizuta and Wikfors investigated another barrier to offshore farming—lack of offshore monitoring of harmful algal blooms (HABs) on the Eastern Seaboard. Their work suggests that mussel farms could thrive

Continued on Page 24.

LOBSTER BOAT RACING FINAL RESULTS

Continued From Page 24.

40 feet and over, 751hp and over: DNS) *Turn the Page*, Parker Murphy. **Race 24. Class O. Non-working boats, any length, any horsepower: No entrants.**

Race 25 – Wooden Boat Race, up to 35 feet 11 inches: 1) *Grasshopper*, Allan Dugas (26.4 mph); 2) *Tilly*, Jeff Croft; and 3) *Grammie Annie*, John Carroll (13.6 mph). **Race 26 – Wooden Boat Race, over 36 feet:** 1) *Sand Dollar III*, Scott Dugas (22.9 mph); and 2) *Delusional*, Alan Dugas (21 mph).

Race 27 – Gasoline Free for All: 1) *Whiskey Girl*, Mark Davis (33.2 mph); and 2) *Miss Marjorie*, Ernie Callow (23.4 mph).

Race 28 - Diesel Free for All: 1) *Blue Eyed Girl*, Andrew Taylor (48.9 mph); 2) *Miss Mariena*, Jeremy Beal; 3) *Kimberly Ann*, Eric Beal; 4) *Blue Dolphin II*, Cameron Murphy; 5) *Grasshopper*, Allan Dugas; 6) *Delusional*, Alan Dugas; 7) *Sand Dollar III*, Scott Dugas; 8) *Special J*, John Shusta; and 9) *Grammie Annie*, John Carroll (13.5 mph).

Race 29 - Fastest Lobster Boat: 1) *Blue Eyed Girl*, Andrew Taylor (49 mph); and 2) *Miss Mariena*, Jeremy Beal (43 mph).

MISCELLANEOUS COMMERCIAL FISHING NEWS

Continued from Page 23.

despite the risk of offshore harmful algal blooms.

Consistent HAB monitoring occurs in state waters, but it will also be necessary offshore to support aquaculture there. Under the law, areas used for commercial shellfish farming are routinely sampled to ensure food safety. Blue mussels are considered an ideal bioindicator of an HAB event, as well as a candidate for farming, because although they accumulate biotoxins, they also clear them out faster than other shellfish.

Wikfors and Mizuta analyzed shellfish harvest closure data from Rhode Island, Massachusetts, and New Hampshire between 2006 and 2017. Rhode Island was the only state for which comparable offshore and coastal closure data were available. They found that the annual average days of closure were similar: 50 days for offshore and 54 days for coastal.

To investigate offshore HAB trends, they analyzed toxic algal population density in waters off the coast during the same period from data collected by the Woods Hole Oceanographic Institution. Some of these data were collected during research surveys in rapid response to reports of possible toxic algal blooms.

While HABs developed offshore every year, typically from April to late October, bloom size and concentration of harmful algae varied considerably from year to year. Of the areas studied, the offshore waters off Massachusetts have the highest risk of HABs. The data show that offshore and coastal farms would likely have similar risks of HAB closures. Over the period studied, HAB events did not increase in New England waters.

“People have been wondering if the HABs that occur offshore in the Northeast would prevent offshore farming from being successful,” explained Darien Mizuta, “In these datasets, I saw no indications that HABs would prevent offshore farming activity.”

Their findings also support previously published observations that toxic blooms usually start offshore and move with the currents to inshore waters. While it could be logistically challenging to expand consistent HAB monitoring to offshore waters, offshore farms could serve as monitoring stations. Coastal shellfish farms stand to benefit from consistent offshore biotoxin testing. Growers could be warned in advance that a harmful bloom was detected offshore and may reach the coast.

While obstacles must be overcome for commercial offshore mussel farming to thrive in the Northeast, Mizuta and Wikfors highlight the potential of a domestic offshore mussel industry. Mussel aquaculture in federal waters off New England would be an environmentally sustainable and economically viable step toward American seafood competitiveness, not to mention a delicious addition to the local cuisine.

Penobscot River Salmon Run Surges for Second Straight Year

After dam removals and fish passage improvements, endangered Atlantic salmon are continuing to return to Maine’s Penobscot River in encouraging numbers.

In encouraging news, preliminary* numbers of endangered Atlantic salmon returning to Maine’s Penobscot River for 2020 are the highest since 2011. On July 28, Maine’s Department of Marine Resources reported 1,426 salmon returns, up from 1,076 in 2019. These numbers are a vast improvement from 2014, when only 248 Atlantic salmon returned to the river to

spawn. The Penobscot River hosts the largest remaining run of Atlantic salmon in the United States. However, numbers are just a fraction of what they used to be—75,000 to 100,000 Atlantic salmon used to return to the river to spawn.

“There’s a lot of variability in the salmon runs, and high years can be followed by low years,” cautions NOAA Fisheries Atlantic Salmon Recovery Coordinator Dan Tierney. “We have a long way to go to recover the species, but it’s great to see that we’re moving in the right direction.”

Counting Fish in a Box

Every year, returning fish pass through the Milford lift, a fish elevator with a viewing window. The lift was installed in 2014 by hydroelectric dam owner Brookfield Renewable Energy Group. It provides access to the river above the dam, which otherwise would not be passable.

Fish in the Milford fish lift viewing box.

The fish swim into a box at the base of the Milford Dam. When filled, the box rises to the top of the dam, and lets the fish out. Staff from both the Maine Department of Marine Resources and Brookfield record the fish as they pass through the viewing window.

In addition to increasing numbers of Atlantic salmon, there is good news for other sea-run fish (fish that move from rivers to sea). Alewife and blueback herring returns have increased dramatically. There were approximately 2,000 in 2011, up to 585,000 in 2015, to more than 1.9 million this year. American shad are up from 2,000 in 2015 to more than 11,000 this year. Other species counted in the lift this year include: Sea lamprey; White sucker; Striped bass; Smallmouth bass; Largemouth bass; Brook trout; and Shortnose sturgeon.

Taking Action for Atlantic Salmon Recovery

In 2015, we listed Atlantic salmon as a Species in the Spotlight. This enabled us to help focus resources, grow partnerships, and engage the public in helping save the “King of Fish.” We released a joint Atlantic Salmon Recovery Plan with the U.S. Fish and Wildlife Service in 2019. We are continuing to work in several areas to recover the species.

Habitat Connectivity

Among the many actions NOAA Fisheries leads or supports to help the species recover are dam removals and fish passage improvements. Since 2010, 15 dams in the Penobscot River watershed, including two large dams on the Penobscot River, have been removed. Fish passage improvements have been made at another 13 dams, opening up enormous stretches of previously inaccessible river and stream habitat for Atlantic salmon and other sea-run fish. In 2018 and 2019, 70 aquatic connectivity projects, including road crossings, were completed in Maine, improving access to approximately 250 miles of streams and rivers.

Captive Breeding

Raising Atlantic salmon in a hatchery is also a key action in our recovery plan. The Milford fish lift gives U.S. Fish and Wildlife Service biologists the chance to capture Atlantic salmon to use for broodstock.

This year, they have taken 218 fish to the Craig Brook Hatchery, where they will expel the eggs. Some eggs get “planted” into good gravel bed habitat. They raise the rest into small fish, and release them either as fry (a few months old) or smolts (2–3-year olds). Some of the broodstock fish are released into the wild, while others will remain in the hatchery to continue breeding.

Survival at Sea

Another key action for recovery is to reduce the amount of deaths Atlantic salmon experience while at sea. Atlantic salmon

from Maine swim north to the cold waters off Greenland, along with salmon from all over the north Atlantic, and are caught in international fisheries. Canada, Denmark, the European Union, Norway, the Russian Federation, and the United States are members of the North Atlantic Salmon Conservation Organization. We work together to manage Atlantic salmon throughout their range. In 2017, we negotiated new regulatory measures that reduced the catch of salmon by 15 metric tons in the mixed stock fishery at West Greenland for 2018, 2019, and 2020.

We also have partnered with the Atlantic Salmon Federation, Canada’s Department of Fisheries and Oceans, and the Association of Fishers and Hunters (Greenland). We are working to increase our understanding of their habitat use at sea by satellite tagging

and releasing Atlantic salmon captured around Greenland.

Tagged Atlantic salmon ready for release at sea.

This study will increase our understanding of Atlantic salmon migrations by providing detailed migration maps of habitat preferences and predators of Atlantic salmon as they migrate from Greenland back to rivers to spawn.

Road to Recovery

Although we have a long way to go before Atlantic salmon populations are restored to their place in our ecosystem, each step we take gets us closer. This increase in adult returns, and the presence of spawning adult salmon in the Penobscot River, continues to fuel our optimism for Atlantic salmon recovery.

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of the Atlantic Striped Bass Management Board. Motion made by Ms. Ware and seconded by Mr. Miller. Motion passes.

Postponed Motion from February 2020: Move to task the Plan Review Team to review state reductions in the Fishery Management Plan Review of the 2020 fishing year. If a state is below their predicted target reduction, the Board may direct a state to modify measures for the following fishing year to achieve the target reduction. Move to postpone indefinitely, with the intention to address accountability in the initiated amendment. Motion made by Ms. Ware and seconded by Dr. Davis. Motion passes (12 in favor, 1 opposed, 1 abstention, 1 null).

Atlantic Coastal Cooperative Statistics Program Coordinating Council Meeting Summary

The ACCSP Coordinating Council met to review the governance survey results and receive updates on committee and program activities. As part of the consent agenda, the Council also approved minutes from its May 2020 meeting. The Council noted the governance transition has successfully improved ACCSP visibility among partners and stakeholders and allowed for full integration with ASMFC management and science programs. The majority of respondents feel better informed, engaged, and invigorated. This change is due to both ASMFC integration and ACCSP leadership. All respondents agree ACCSP is advancing its mission to produce dependable and timely marine fishery statistics for Atlantic coast fisheries that are collected, processed, and disseminated according to common standards agreed upon by all program partners.

The Council voiced appreciation of the monthly committee newsletters and distribution of program updates with meeting materials. ACCSP remains on track to address items in the 2020 Action Plan.

For more information, please contact Geoff White, ACCSP Director, at Geoff.white@accsp.org or 703.842.0740.

Motions

No motions made.

Shad & River Herring Management Board American Shad Benchmark Stock Assessment and Peer Review

The 2020 American Shad Benchmark Stock Assessment and Peer Review Report indicate American shad remain depleted on a coastwide basis. Multiple factors, such as overfishing, inadequate fish passage at dams, predation, pollution, water withdrawals, channelization of rivers, changing ocean conditions, and climate change are likely

responsible for shad decline from historic abundance levels. Additionally, the assessment finds that shad recovery is limited by restricted access to spawning habitat.

Current barriers partly or completely block 40% of historic shad spawning habitat, which may equate to a loss of more than a third of spawning adults. The “depleted” determination was used instead of “overfished” because the impact of fishing on American shad stocks cannot be separated from the impacts of all other factors responsible for changes in abundance. The benchmark assessment was endorsed by the Peer Review Panel and accepted by the Shad & River Herring Management Board (Board) for management use.

“On behalf of the Board, I want to commend the members of the Shad Technical Committee and Stock Assessment Subcommittee for their outstanding work on the 2020 Benchmark Stock Assessment Report,” stated Board Chair Dr. Michael Armstrong from Massachusetts. “This is a considerable body of work that substantially advances our understanding of the challenges facing American shad stocks along the Atlantic coast. It certainly has given the Board a lot to think about regarding next steps in management to improve population resiliency. Given the stock-specific nature of shad management, the Board has tasked the Technical Committee with identifying potential paths forward to improve shad stocks along the coast considering the assessment results.”

Coastwide adult mortality is unknown, but was determined to be unsustainable for some system-specific stocks, indicating the continued need for management action to reduce adult mortality. Specifically, adult mortality was determined to be unsustainable for three stocks – Connecticut, Delaware, and Potomac – and sustainable for five stocks – Hudson, Rappahannock, York, Albemarle Sound, and Neuse. The terms “sustainable” and “unsustainable” were used instead of “not overfishing” and “overfishing” because fishing mortality cannot be separated from other components contributing to total mortality. Though adult mortality was determined to be sustainable for some system-specific stocks, it is important to note that maintaining sustainable adult mortality will not result in favorable abundance status if juvenile mortality is unsustainable. Unfortunately, juvenile mortality status cannot be determined due to insufficient data collection in all systems; without these determinations, significant uncertainty remains in assessment advice for management of American shad. Thus, the recovery of American shad will need to

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address multiple factors including anthropogenic (human-caused) habitat alterations, predation by non-native predators, and exploitation by fisheries. The assessment also highlights the need for stock composition monitoring data in order to separate the impacts of fishing from other factors driving American shad population dynamics in future stock assessments.

In evaluating the stock assessment, the Peer Review Panel stated, "It is noteworthy that the amount of new data, particularly following recommendations of the last benchmark assessment, and the level of new analyses takes the assessment up a significant level from prior benchmarks, and reflects a culmination of understanding of the species and attempts to manage it." Further, the Panel noted two systems (Potomac and Albemarle Sound) had sufficient data for use in data-rich statistical catch-at-age models and, for the first time, a coastwide habitat assessment of continental waters was undertaken, with specific reference to dams and passage as impediments to sustainable stocks. Finally, the Panel stated, "there is growing recognition that the suite of in-river predators on juvenile shad is shifting, due to introductions/invasions of non-native species such as various catfishes, pike, black bass, snakeheads, etc. Predators can have a disproportionately large impact on year class success when fish populations are at such low levels, as is currently the case, threatening resilience."

A more detailed overview of the stock assessment, as well as the Benchmark Stock Assessment and Peer Review Report will be available on the Commission website, www.asmf.org, on the Shad and River Herring webpage under stock assessment reports. For more information, please contact Caitlin Starks, Fishery Management Coordinator, at cstarks@asmfc.org or 703.842.0740.

Meeting Summary

The Shad and River Herring Management Board (Board) met to Consider Acceptance of the 2020 American Shad Benchmark Stock Assessment and Peer Review Report (see above press release), consider state proposals to resolve management inconsistencies with Amendments 2 and 3 to the Interstate Fishery Management Plan (FMP), receive updates on the Technical Expert Working Group for River Herring (TEWG) and the status of shad habitat plan updates, and elect a Vice Chair to the Board.

After considering and accepting the 2020 American Shad Benchmark Assessment and Peer Review Report, the Board also considered a number of proposals to resolve management inconsistencies with Amendments 2 (river herring) and 3 (shad), which were identified by the Technical Committee (TC) in October 2019. These inconsistencies included tributaries not being explicitly addressed in existing sustainable fishery management plans (SFMPs), rivers remaining open to harvest with an SFMP but without sufficient monitoring, and rivers open to recreational harvest without an SFMP and/or monitoring, but where little or no harvest is suspected. Proposals to update existing SFMPs, implement new SFMPs or alternative management plans (AMPs), and/or modify harvest regulations were presented for Maine, New Hampshire, the Delaware River Basin, the State of Delaware, North Carolina, South Carolina, Georgia, and Florida. Consistent with the TC recommendations and Advisory Panel support for the proposed management programs, the Board approved all proposals presented. The TC will continue to develop recommendations for improvements to the FMP to provide ad-

ditional guidance for sustainability metrics, SFMP and AMP requirements, and incorporating stock assessment information.

In addition to the state proposals, New Hampshire informed the Board that low river herring passage in 2019 and 2020 has resulted in noncompliance with the SFMP fishery-independent sustainability target of a 3-year average return to New Hampshire coastal rivers of 72,450 river herring. New Hampshire reported that the target was not met due to fish counter malfunctions and other variables resulting in gross underestimations of run counts at the Coheco River Fishway and Pickpocket Dam on the Exeter River. Based on this information, New Hampshire requested an exemption from their River Herring SFMP requirement to close the fishery in 2020. The state plans to close the river herring season in 2021 and remain closed until the 3-year average reaches the target for river herring returns. The TC supported this approach, and the Board agreed to grant the exemption for the 2020 fishery.

Next, staff provided two updates on the River Herring Technical Expert Working Group (TEWG) activities. First, NOAA Fisheries has secured funding for a contractor to work on revising the River Herring Conservation Plan produced by the TEWG in 2015. The goal of this work will be to update and synthesize information on river herring threats, data and research needs, and recommended conservation actions into one document to support management, conservation, and restoration efforts for river herring along the Atlantic coast. Second, a new name for the TEWG is under consideration to better reflect the change in the group's function from a work-based group to an information exchange forum.

Staff also updated the Board on the status of the American shad habitat plans, which are required by Amendment 3. In October 2019, the Board requested the states update existing plans and produce new plans for the Hudson and Merrimac Rivers, however, the states have encountered delays due to COVID-19. Therefore, the Board agreed to delay the review of updated plans to the ASMFC 2021 Winter Meeting.

Finally, the Board elected Dr. Justin Davis from Connecticut to the role of Vice Chair. For more information, please contact Caitlin Starks, Fishery Management Plan Coordinator, at cstarks@asmfc.org or 703.842.0740.

Motions

Move to accept the 2020 American Shad Benchmark Stock Assessment and Peer Review Report for management use. Motion made by Mr. Keliher and seconded by Ms. Patterson. Motion accepted by consensus.

Move to task the Technical Committee with identifying for the Board potential paths forward to improve shad stocks given the results of the stock assessment. Motion made by Mr. Keliher and seconded by Mr. Hasbrouck. Motion passes by consensus.

Move to approve the state proposals for shad and river herring management as presented today. Motion made by Ms. Fegley and seconded by Mr. Woodward. Motion passes by consensus.

Move to approve New Hampshire's request for an exemption from their River Herring SFMP requirement to close the fishery in 2020 based on data indicating that passage counts for the most recent three-year average did not meet the sustainability target of 72,450 fish. This exemption is based on explanatory information supporting the claim that passage counts are low due to equipment failure and other variables, rather than true fish passage numbers. Motion made by Ms. Patterson and seconded by Mr.

Miller. Motion passes by consensus.

Move to elect Dr. Justin Davis as Vice Chair of the Shad and River Herring Management Board. Motion made by Mr. Kane and seconded by Mr. Abbott. Motion carries by consensus.

Atlantic Menhaden Management Board ASMFC Atlantic Menhaden Board Adopts Ecological Reference Points

The Atlantic Menhaden Management Board approved the use of ecological reference points (ERPs) in the management of Atlantic menhaden. By adopting ERPs, the Board will be accounting for the species' role as an important forage fish. The 2020 Atlantic menhaden benchmark assessments, which were endorsed by an independent panel of fisheries scientists, used the Northwest Atlantic Coastal Shelf Model of Intermediate Complexity for Ecosystems (NWACS-MICE) in combination with the single-species model (Beaufort Assessment Model or BAM) to develop Atlantic menhaden ERPs by evaluating trade-offs between menhaden harvest and predator biomass.

"The Board took another important step in managing Atlantic menhaden in a broader ecosystem context," stated Board Chair Spud Woodward of Georgia. "It's the culmination of more than a decade of effort by state, federal, and academic scientists to develop ERPs that reflect menhaden's role as a key food source for several fish species. These ERPs are not a silver bullet to resolve all our fisheries management issues, and the models on which they are based will continue to evolve. However, the use of ERPs for menhaden management will enhance the success of predator management by providing a more abundant forage base for rebuilding predator fish populations. It is important for us to keep those rebuilding efforts on track through the use of proven management tools such as controls on fishing mortality."

In February and May, the Board tasked the ERP Work Group with additional analyses to explore the ERPs sensitivity to a range of ecosystem scenarios (different assumptions about fishing mortality for other key predator and prey species) and Atlantic herring biomass. These analyses suggested the original scenario (ERP target and threshold outlined below) most closely approximates short-term conditions for the ecosystem. As a result, the ERP Work Group recommended using the original scenario ERPs presented in the assessment report. Moving forward, the ERPs for Atlantic menhaden are:

ERP target: the maximum fishing mortality rate (F) on Atlantic menhaden that sustains Atlantic striped bass at their biomass target when striped bass are fished at their F target ERP threshold: the maximum F on Atlantic menhaden that keeps Atlantic striped bass at their biomass threshold when striped bass are fished at their F target Atlantic striped bass was the focal species for the ERP definitions because it was the most sensitive predator fish species to Atlantic menhaden harvest in the model, so an ERP target and threshold that sustained striped bass would likely provide sufficient forage for other predators under current ecosystem conditions. For the development of the ERPs, all other focal species in the model (bluefish, weakfish, spiny dogfish, and Atlantic herring) were assumed to be fished at 2017 levels.

In addition to adopting ERPs, the Board discussed setting fishery specifications for 2021-2022. In 2017, the Board set the total allowable catch (TAC) at 216,000 metric tons for 2018-2019, and then maintained that TAC for 2020 with the expectation that it would be set in future years using ERPs.

With the adoption of ERPs, the Board tasked the Atlantic Menhaden Technical Committee to run a projection analysis to provide a variety of TAC scenarios and their risk of exceeding the ERP F target to compare in setting specifications for 2021-2022. The Board will review the projection analysis at the Annual Meeting in October and then determine a TAC for 2021-2022. As stated in Amendment 3, if a TAC is not set at the Annual Meeting, the TAC from the previous year will be maintained.

For more information, please contact Kirby Rootes-Murdy, Fishery Management Plan Coordinator, at krootes-murdy@asmfc.org or 703.842.0740.

Motions

Postponed Motions from February 2020: An Atlantic menhaden ecological reference point fishing mortality rate (F) target equal to the maximum F on Atlantic menhaden that maintains Atlantic striped bass at its biomass target when striped bass is fished at its F target and all other ERP species as defined in the NWACS-MICE model are fished at their status quo F rates.

An Atlantic menhaden ecological reference point F threshold equal to the maximum F on Atlantic menhaden that maintains Atlantic striped bass at its biomass threshold when striped bass is fished at its F target and other ERP species as defined in the NWACS-MICE model are fished at their status quo F rates. Motions approved unanimously (18 in favor).

Move to elect Mel Bell as Vice-chair to the Atlantic Menhaden Management Board. Motion made by Mr. Rhodes and seconded by Mr. Murphey. Motion approved unanimously.

Atlantic Herring Management Board Meeting Summary

The Atlantic Herring Management Board met to review the 2020 Management Track Assessment, which was completed and peer-reviewed in June. The assessment is an update from the 2018 benchmark, and indicates the stock is overfished while overfishing is not occurring. While the traditional modeling framework (ASAP) is unchanged, the new assessment used different methods to produce biological reference points (BRPs) and short-term projections. The BRPs were estimated using only the selectivity from the U.S. mobile fleet because the proportion of catch from the fixed gear fleet has increased significantly in recent years. The fixed gear fleet, which is predominantly Canadian catch and not managed by catch quotas, harvests a higher proportion of younger fish than the mobile gear fishery, which influences the overall selectivity pattern and BRPs calculated using the method from the previous assessment. However, short-term projections include total harvest so that projected probabilities and stock status are informed by all stock removals. The assessment also indicates recruitment estimates are highly variable but have remained at low levels from 2013-2019, which introduces an additional source of uncertainty in short-term projections.

The New England Fishery Management Council (Council) is scheduled to review the 2020 assessment results in September. The Council will set fishery specifications for 2021-2023 based on overfishing limit and acceptable biological catch recommendations provided by its Scientific and Statistical Committee. Accordingly, the Board is expected to consider specifications for the 2021-2023 seasons once a final rule has been published by NOAA Fisheries.

The Board also received an update on

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2020 Area 1A fishery performance. The quota for Season 1 (June-September) in Area 1A is 2,152 metric tons, or 72.8% of the sub-annual catch limit (ACL) after adjusting for the research and fixed gear set asides, and the fact that the Area 1A fishery closes at 92% of the sub-ACL. Effort controls for Season 1 were established in May. Weekly landings have been low relative to previous years, with only about 872 metric tons landed since the fishery opened (July 19 in Maine, and July 20 in Massachusetts and New Hampshire). As a result, the Board moved the next Days Out meeting to August 14th when the states of Maine, New Hampshire, and Massachusetts will revisit fishery performance in Area 1A and consider changing effort controls for Season 1.

Lastly, the Board elected Megan Ware as Vice Chair. For more information, please contact Max Appelman, Fishery Management Plan Coordinator, at mappelman@asmfc.org or 703.842.0740.

Motions

Move to elect Megan Ware as Vice-chair to the Atlantic Herring Management Board. Motion made by Mr. McKiernan and seconded by Mr. Abbott. Motion approved.

ASMFC Bluefish Management Board & Mid-Atlantic Fishery Management Council

Meeting Summary

The Bluefish Management Board (Board) met jointly with the Mid-Atlantic Fishery Management Council (Council) to discuss draft alternatives for the Bluefish Allocation

and Rebuilding Amendment and to consider the fishery management plan review and state compliance for the 2019 fishing year.

The Board and Council reviewed progress on the amendment and recommendations from the Plan Development Team/Fishery Management Action Team (PDT/FMAT). Consistent with the PDT/FMAT recommendation, the Board and Council removed trigger based sector allocation alternatives and the refereed transfer approach. The Board and Council also decided to remove recreational sector separation from the amendment. Board and Council members agreed that recreational sector separation could be considered more comprehensively in a multi-species action. The ongoing Recreational Reform Initiative will provide an opportunity for thorough consideration (see the Summer Flounder, Scup, and Black Sea Bass Meeting Summary for more details). Approaches retained for further consideration include fishery management plan goals and objectives, recreational/commercial allocations, commercial allocations to the states, commercial allocations to the states with minimum default allocations, regional commercial quotas, rebuilding plan, recreational/commercial sector transfers, sector specific management uncertainty, and de minimis provision to relieve states from having to adopt fishery regulations.

The Board and Council expect to approve a final range of alternatives during their December joint meeting, with a Draft Amendment expected to be considered for release for public comment by February

2021. Additional information regarding the amendment process and timeline can be found at the [bluefish amendment action page](#).

The Board also reviewed and approved the 2019 Fishery Management Plan Review and state compliance report. All states' regulations were found to be consistent with the FMP and de minimis requests were granted to Maine, South Carolina, and Georgia's commercial fisheries. Consistent with the Plan Review Team recommendations, the Board tasked the Technical Committee (TC) with reviewing the effectiveness of the Addendum I sampling design and reevaluating the optimal geographic range and sample size for bluefish age data. Additionally, the TC was tasked with reviewing the increased importance of recreational discards in stock assessments. Generating reliable discard length data from recreational anglers could improve the robustness of stock assessments moving forward.

For more information, please contact Dustin Colson Leaning, Fishery Management Plan Coordinator, at dleaning@asmfc.org.

Motions

Move to remove recreational for-hire sector separation from further development in the bluefish amendment. Further development of for-hire sector separations should be considered under comprehensive recreational reform initiatives. Board: Motion made by Mr. Nowalsky and seconded by Mr. Reid. Motion passes (14 in favor, 1 opposed). Council: Motion made by Mr. Nowalsky and seconded by Mr. Cimino. Motion carries by consensus. Move to approve PRT recommendations, the Bluefish Fishery Management Plan Review of the 2019 fishing year, state compliance reports, and de minimis requests for Maine, South Carolina and Georgia's commercial fisheries. Motion made by Ms. Meserve and seconded by Dr. Davis. Motion approved.

News from Maine DMR

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ESA cases. I confess that the imaginings of a district judge are not much use to Plaintiff at this juncture. My well-defined charge is to follow the law as given to me and the facts in the record before me. Plaintiff's inability to connect VBR from one of the subject fisheries to the "take" of a right whale is fatal to his ability to show a likelihood of success on his ESA Section 9 claims.

Because I find Plaintiff failed to show a likelihood of success on his Section 9 claims, I will not dwell on the remaining three preliminary injunction factors. I simply note, as I did in denying Plaintiff's request for a temporary restraining order, that the relief requested would, effectively, ban the use of buoy lines in commercial lobster fishing, which would have the practical effect of suspending the existing fishery altogether. Such a drastic and immediate remedy would overwhelmingly impose hardship on third-party fishermen and women and effectively deprive Defendants of their role as duly-appointed executive agents with regulatory oversight of lobster fisheries and marine policy, considerations that militate strongly against mandatory preliminary injunctive relief. *Cf. Strahan v. Sec'y, Massachusetts Exec. Office of Energy & Envtl. Affairs*, No. 19-CV-10639-IT, 2020 WL 2079302, at *14 (D. Mass. Apr. 30, 2020) (finding Plaintiff likely to succeed on a Section 9 claim, but fashioning less drastic injunctive relief, in part, because "Massachusetts fishermen will be harmed if they are enjoined from being able to fish in Massachusetts water."); *see also* ECF No. 58-9 at 9 (citing NOAA's Take Reduction Team report in 2019 that, "while vertical line reductions were seen by Team members as an essential strategy for meeting the Agency's conservation target. ... agreed that a one-size-fits-all-approach is likely to be operationally problematic."). Even if Plaintiff were able to show a likelihood of success, the preliminary injunction record does little to indicate the sweeping relief Plaintiff requests would be appropriate, upon balancing the equities.

CONCLUSION

While the Plaintiff may not have carried his burden for preliminary relief, I do not deny his Motions lightly. What stands out from the preliminary injunction record is that North Atlantic right whales continue to suffer a significant number of entanglements, and that most right whale entanglements cannot be attributed to a specific fishery either because the gear is not recovered or because the identifying portion of the gear (*i.e.*, the permit numbers on the buoy or the traps or nets) is lost when the whales break the gear

during the entanglement. *See, e.g.*, ECF No. 82-2 at 2 (noting that "less than one percent of all entanglements have ever been identified to original location."). It might be unclear *where* North Atlantic right whale entanglements happen, but it is clear they are happening quite a lot. In a particularly powerful 2019 letter several leading scientists sent to Senator Susan Collins highlighted that nearly 85% of right whales have been entangled in fishing gear at least once, 59% at least twice, and 26% of the regularly seen animals are entangled annually. ECF No. 47-10 at 2, (citing Knowlton, A.R., P.K. Hamilton, M.K. Marx, H.M. Pettis, and S.D. Kraus. 2012. Monitoring North Atlantic right whale *Eubalaena glacialis* entanglement rates: a 30 year retrospective. Marine Ecology Progress Series 466:293-302). These findings represent a continued increase in the percentage of whales encountering and entangling in gear, which grew from 61.5% in 1995, to 75.6% in 2002, further confirming further the growing severity of the problem. ECF No. 58-6 at 13. This uptick in entanglements suggests a very real threat to the right whale, but one the Plaintiff has not connected with enough specificity to federal or state regulations of VBRs in United States or Maine jurisdictional waters to merit a preliminary injunction in this case.

Ultimately, the existing data simply is not "sufficient material evidence" warranting the kind of injunctive relief Plaintiff seeks. *See* ECF No. 76 at 1-2. And the record also speaks loudly that state and federal agencies continue to improve on their conservation efforts "to achieve the [potential biological removal] level of less than one right whale per year in [all] New England trap/pot fisheries," not just those in the Gulf of Maine. *See* 87 Fed. Reg. 37,822 (Aug. 2, 2019). As NMFS forges ahead with a new biological opinion, and Maine continues to implement regulations to address a harm that has not definitively occurred in state waters in years, now is not the time for immodest judicial interference into a long-running state and federal conservation effort. *See also Strahan v. Sec'y, Massachusetts Exec. Office of Energy & Envtl. Affairs*, 2020 WL 2079302, at *14 (D. Mass. Apr. 30, 2020) (finding a ban on VBRs "would not be equitable" given the "substantial efforts" undertaken by Massachusetts regulators to protect right whales).

For the foregoing reasons, the Motions for Preliminary Injunction (ECF Nos. 37, 54) are DENIED.

SO ORDERED. Dated this 10th day of August, 2020. /s/ Lance E. Walker UNITED STATES DISTRICT JUDGE

Maine Coastal News

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NEW MEADOWS
MARINA
Used Boats

16.5' Larson Dual Console 1985 SALE \$3,200
w/ Evinrude 90 hp 2 stroke 1998, Galvanized Bunk Trailer
Updates: New seats, lights, bilge pump, engine recently tuned up.

18' Pioneer Islander Center Console 2016 SALE \$22,500
w/ F115 Yamaha and EZ Loader Galvanized Trailer
Includes: Garmin GPS/Depth sounder, Bimini Top, etc.

21' Mako Center Console w/ T-Top 1987 SALE \$11,900
Yamaha 2 stroke 225 hp 1997, Galvanized Roller Trailer, Updates: New fuel tank,
Garmin GPS/depth, Yamaha controls, Seastar hydraulic steering, etc.

24' Robalo Walkaround 1999 SALE \$35,900
New in 2017 F350 Yamaha; 3 Years of warranty still available!
Gal. tandem axle trailer, Loaded electronics; upgraded in 2016, fishing gear, etc.

207-443-6277

MARITIME NEWS FROM THE PAST - Maine Industrial Journal - 1890

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Ice Notes.

M. B. Stevens & Co., of Cutler, have been busy with ten teams and twenty men loading a schooner with ice.

A contract was made in Portland last week by a Boston man for 15,000 tons of Sebago ice at \$2.65 per ton on cars at Sebago Lake.

Messrs. Hamor & Hodgkins are building two large houses near Blunt's Pond, Lamoine, and will store some thousands of tons of ice.

Walker's Pond, Brooksville, is the scene of extensive ice operations. Three companies are at work and a large amount will be harvested.

A. L. Hawkes & Co., of Westbrook have sent a large crew of men to Hiram, to cut ice. They have built a large house there and will fill it with ice.

The Philadelphia concern which is cutting ice on Hermon Pond, has hired a shore privilege of Charles Hawes and is putting up

eight houses, each 30 x 150 in size, which they expect to fill.

Dr. L. H. Wheeler, of South Brewer, has taken considerable interest in the ice business and in connection with Mr. Kent, Orrington, is actively engaged in housing ice at Swett's Pond in Orrington.

The ice operations of J. Fred Webster and E. & I. K. Stetson at Philips Lake are being pushed with great vigor, large crews being kept busy both day and night. The ice harvested is of splendid quality.

The ice operations on the Penobscot and Kennebec are being still prosecuted with remarkable vigor, although some of the large concerns will wind up the present week. On the Kennebec the scene of greatest activity is at Augusta above the dam.

Fred Terry, the Maine Central station agent at Unity, will cut ice at Unity Pond, having constructed to sell all the ice he can harvest for \$2.75 per ton. He hopes to cut 20,000 tons and will cut as much more as possible. The ice will be hauled to Belfast for shipment.

C. L. Riker, of New York, is cutting a large quantity of ice at Reed's Pond, part of which he ships to Mt. Desert Ferry by rail and thence by vessel to New York. Being unable to ship all of it at once he has erected stacks and is storing part of his crop for future shipments.

Damariscotta business men have organized a stock company and will make a large stack at Little Pond, Bremen. Messrs. Metcalf and DeWolf will make two stacks of about 30,000 tons each, and the Marble Ice Company and the Knickerbocker about 90,000 tons. This is the first ice taken from Damariscotta Pond for 10 years.

The Monmouth Ice Company just formed includes several prominent wealthy Monmouth and Winthrop parties of well-known business capacity. All they can cut on Lake Cochewaggan has been sold in advance through New York parties. A building holding ten thousand tons will be erected at once. The work will furnish employment to a hundred men.

W. J. C. Milliken is cutting his second crop of ice on the Milliken Pond, Old Orchard, which averages 26 to 30 inches in thickness. He is shipping several hundred tons to Boston by rail, loading it on cars of the Eastern road, which runs within a few rods of the pond. He also has a contract to cut and house 1000 tons for Kennebec parties, taking the ice from the river at the village.

The Gardiner News says, one an after buying a complete kit of ice tools and getting them ready to ship, was offered a large advance on the cost for them, by another ice man. The last groover in Gardiner was bought this week, and before it could be removed from the store, a man in search of just such a tool offered the lucky owner \$50 above the cost, but didn't get the groover, for it was too valuable. Probably there will be no trade at all in ice tools for several years, as everyone is getting stocked up.

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15' SCOUT 151 SPORTFISH, 2018. White Hull Color, Yamaha F40 Outboard & EZ Loader trailer. Call for more details and pricing. Casco Bay Yacht Sales, (207) 865-4103.



17' SCOUT 175 SPORTFISH CENTER CONSOLE, 2019. With Yamaha F90LB Outboard, White hull, sport package - trolling motor plug, aluminum bimini top and bow cushion, reversible pilot seat with under seat cooler, stern jump seat backrests cushions and trailer. Call for more details and pricing. Casco Bay Yacht Sales, (207) 865-4103.



17' SCOUT 175 SPORT DUAL CONSOLE, 2020. With Yamaha F90LB, White hull, bow cushion, bimini top, dual battery select switch and trailer. Call for more details and pricing. Casco Bay Yacht Sales, Freeport, Maine (207) 865-4103; www.cascobayyacht.com.



17' SCOUT SPORT DORADO, 2020.

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Rascal Blue Hull Color, Yamaha F90LB Outboard, Bimini Top, Ski Tow Bar and EZ Loader trailer. Call for more details and pricing. Casco Bay Yacht Sales, Freeport, Maine (207) 865-4103; www.cascobayyacht.com.



19' SCOUT 195 SPORTFISH CENTER CONSOLE, 2020. With Yamaha F115XB outboard, White hull, bow cushion, aluminum T-top with aft spreader light, rocket launchers and T-bag, powder coat T-top option, raw water washdown and trailer. Call for more details and pricing. Casco Bay Yacht Sales, Freeport, Maine (207) 865-4103; www.cascobayyacht.com.



19' SCOUT 195 SPORTFISH, 2020. Midnight Blue Hull Color, Yamaha F115XB Outboard, EZ Loader trailer, Powder Coated Ski Tow, Sport Package. Aluminum Bimini Top, AM/FM stereo with iPod jack and bow cushion. Call for more details and pricing. Casco Bay Yacht Sales, Freeport, Maine (207) 865-4103; www.cascobayyacht.com.



19' SCOUT 195 SPORTFISH, 2019. With Yamaha F115 outboard & EZ Loader trailer. Available in white or midnight blue. Call for details and pricing. Casco Bay Yacht Sales, Freeport, Maine (207) 865-4103; www.cascobayyacht.com.

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19' SEA RAY SKI BOAT, 1987. With MerCruiser 200 hp I/O and 1987 trailer. Asking \$3,800. Casco Bay Yacht Sales, Freeport, Maine (207) 865-4103; www.cascobayyacht.com.



20' GRADY WHITE 209 ESCAPE CENTER CONSOLE, 2002. With 2002 Yamaha 200 hp HPDI outboard, Garmin GPS, VHF radio, console cover and deck cushions - NO Trailer. Asking \$16,900. Casco Bay Yacht Sales, Freeport, Maine (207) 865-4103; www.cascobayyacht.com.



21' FISH HAWK 210 CENTER CONSOLE, 2002. 2012 Evinrude 150hp ETEC outboard and 2002 Venture trailer. Asking price \$18,900. Call for more details. Casco Bay Yacht Sales, Freeport, Maine (207) 865-4103; www.cascobayyacht.com.



21' SCOUT 215 DORADO DUAL CONSOLE, 2020. With Yamaha F150XB outboard, Rascal blue hull, SeaStar Hydraulic steering upgrade,

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full canvas enclosure, trim tabs, Porta-potti, raw water washdown and trailer. Call for more details and pricing. Casco Bay Yacht Sales, Freeport, Maine (207) 865-4103; www.cascobayyacht.com.



21' SCOUT 215 XSF CENTER CONSOLE, 2020. With Yamaha F150XB outboard, Midnight blue hull color, sport package, aluminum T-top with aft spreader light, T-bag, rocket launchers, forward seating backrests and stern seats, T-top enclosure, powder coat T-top option, raw water washdown and trailer. Call for more details and pricing. Casco Bay Yacht Sales, Freeport, Maine (207) 865-4103; www.cascobayyacht.com.



21' SCOUT 215 XSF, 2020. White Hull Color, Yamaha F150XCA Outboard, JL stereo upgrade, Powder coated T-top enclosure, rocket launchers, raw water washdown, bait pump, SeaStar hydraulic steering upgrade and EZ Loader Trailer. Call for more details and pricing. Casco Bay Yacht Sales, Freeport, Maine (207) 865-4103; www.cascobayyacht.com.



21' SEA RAY 215 EXPRESS, 1995. With 2008 MerCruiser 5.7L I/O, bimini top, cockpit cover and 1995 Venture trailer. Asking \$10,500. Casco Bay Yacht Sales, Freeport, Maine

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21' TROPHY 2103 CENTER CONSOLE, 2003. With 2003 Mercury 125 hp 2-stroke outboard and 2003 trailer. Asking \$12,500. Call for more details. Casco Bay Yacht Sales, Freeport, Maine (207) 865-4103; www.cascobayyacht.com.



22' SEA RAY SUNDANCER, 1991. 1991 MerCruiser 230 hp I/O and 1991 EZ Loader trailer. Asking price \$7,900. Call for more details. Casco Bay Yacht Sales, Freeport, Maine (207) 865-4103; www.cascobayyacht.com.

23' GRADY WHITE GULF STREAM, 1987. With 2008 250 hp Yamaha outboard - only 170 engine hours, 2 fuel tanks 90 gal. and 40 gal., manual control. 1 berth port, 2 berths starboard, cold water system, electric pump, 2 lockers for refrigeration. Ritchie compass, Ray Marine depth finder, loran, radar, VHF radio/telephone, electric running lights, tachometer/speedometer. Lots of standard gear. Asking \$23,995. Can be seen at Ring's Marine, South Freeport. Call (207) 865-6143.



23' SCOUT 235 XSF CENTER CONSOLE, 2019. With Yamaha F250

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outboard. White hull color. Loaded with options and extras. Call for more details and pricing. Casco Bay Yacht Sales, (207) 865-4103.



24' BOSTON WHALER OUTRAGE, 1994. 2018 Yamaha F250XCA w/15 hours and warranty through July 2021. New Garmin 942XS chart plotter/GPS/Sounder with high speed transducer. Asking Price \$47,900. Call for more details. Casco Bay Yacht Sales, (207) 865-4103.



25' SCOUT 255 LXF CENTER CONSOLE, 2020. With twin Yamaha F150XCA outboard, full black hull, Heritage cushion package, deluxe fiberglass leaning post with cooler, rod holders, dual Airmar cushioned helm chairs with folding leaning bolsters, arm rests and 65Qt. Yeti cooler, rocket launchers - hardtop mounted. Edson steering wheel, LED trim indicator switch, windshield wiper, diaphragm overboard discharge pump, fresh water washdown and self-contained porcelain head. Call for. Casco Bay Yacht Sales, Freeport, (207) 865-4103.



27' CHRIS CRAFT LAUNCH DUAL

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CONSOLE, 2019. With Mercury V8 8.0L 380hp B3 FWC DTS outboard, Midnight blue hull color, Heritage Trim Edition, Active trim, Selectable exhaust, LED bow docking lights, cockpit and bow covers, Multifunction electronics display - Garmin 74CV 7", Windlass w/SS Anchor. Call for more details and pricing. Casco Bay Yacht Sales, Freeport, Maine (207) 865-4103; www.cascobayyacht.com.



27' SCOUT 275 DORADO, 2018. White hull color and painted silver accent stripe. Twin Yamaha F200XCA outboard with 50 hours with full factory warranties. Garmin Display 7612 XSV upgrade. Garmin B60 transducer, GMR VHF radio, power assist hydraulic steering, Brisa Cayenne cushion package, bow cover, hardtop drop cushion, hardtop full enclosure, port and starboard cockpit fold away side bench seat, Edson steering wheel, 12V refrigerator, LED trim indicator switch, Diaphragm overboard discharge pump, electric head upgrade. Removable cockpit table. Hardtop grab rails and EZ Loader trailer. Asking price \$149,000. Call for more details. Casco Bay Yacht Sales, Freeport, Maine (207) 865-4103; www.cascobayyacht.com.



28' CHRIS CRAFT LAUNCH GT DUAL CONSOLE, 2019. With Yamaha F425 outboard. Midnight blue hull color. Loaded with options and extras. Call for more details

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and pricing. Casco Bay Yacht Sales, Freeport, Maine (207) 865-4103; www.cascobayyacht.com.



30' CUTWATER 30 CB FLYBRIDGE CRUISER, 2016. With 2016 Volvo D6 435 hp diesel inboard engine, A/C, reverse cycle heat, anchor package, Garmin auto pilot - dual station with remote, generator with sound shield, LED lighting, Macerator discharge solar panel, swim platform rails, bow and stern thruster with remote, Garmin 7612 - 3 units, radar. Clean and well maintained. Asking \$247,500. Call for more details. Casco Bay Yacht Sales, Freeport, Maine (207) 865-4103; www.cascobayyacht.com.

40' CUSTOM STEEL TUG, 1948. Built by Marine Supply of Sault St. Marie, Ontario. Originally used in the lumber trade. Complete bottom job in 2007. This tug would be a good candidate for conversion to a comfortable trawler yacht. Very stable and seaworthy with a full displacement hull \$19,900. (207) 244-7854 or info@jwboatco.com.



FORMULA 40PC, 2004. 440 Yanmars, Bow thruster, Hydraulic swim platform. All the comforts with style. \$149,000. Pen Bay Yacht Exchange. yachtexchange@outlook.com (207) 702-1065 www.penbayyachtexchange.com

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30' TICON SLOOP, 1984. 1984 18 hp Volvo Diesel Inboard. Very clean and well maintained. \$15,000. Trades Welcome!!! Casco Bay Yacht Sales, Freeport, Maine, (207) 865-4103; www.cascobayyacht.com.

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10' WEST MARINE RIB 310, 2004. With 2005 Mercury 9.9hp Outboard and 2004 Yacht Club trailer. Casco Bay Yacht Sales, Freeport, Maine (207) 865-4103; www.cascobayyacht.com.

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The Legendary Twin Disc MGX Quickshift gears controlled by the Twin Disc EC300 control system is unmatched in the fishing industry. With the quickest, smoothest shifts, and superior low-speed maneuverability, it is the upgrade you can't live without on your next repower or new boat build.

QUICKSHIFT®

You've got to feel it to believe it.

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can help!

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Starbrite™ Ethanol Fuel Treatment

Prevents and solves problems with ethanol! Restores your fuel system.



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Tarps

- Lightweight Blue
- Premium White
- SuperHeavy DutyBlack

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3 grades, more than available!



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Each 10" x 14" absorbent. 12 sheets per pack. Use for oil, fuel and other hydrocarbons.



Color	Size	Weight	Each	Box	Price
White	10"	Single	0.25	12	3.00
White	10"	Medium	0.17	12	2.04
White	10"	Double	0.37	12	4.44

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Protect your engine and exhaust. 50% ethylene glycol. Contains corrosion inhibitor. Propylene glycol formula. Contains no alcohol.



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Non-toxic, phosphate free!

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High density polyethylene resin, with fiber reinforced fiberglass. Lightweight, non-rusting, excellent wood replacement.



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Extreme Fiberglass Shapers & Planes

Light weight, high strength, and low maintenance. Superior version for your boat's hull shape.



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Sea Hawk

Mark Epoxy

Smooth finish, easy to use epoxy system with color-matching resin and catalyst. Ideal for boat repair.



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FREE HEAT from your engine's cooled cooling system!

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15" Deck Boot

High quality neoprene. Includes pump.



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100% Halibut. Includes pump.



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1/2" Black Fuzzy Rope

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