



July 16, 2019

The Honorable Donald J. Trump  
President of the United States of America  
The White House  
Washington, D.C.

Dear Mr. President,

I hope you and the First Lady are well. Ann and I are spending this summer in Mid-Coast Maine, at the center of our world-renown lobster industry. The customers coming into the restaurant where Ann and I work have shared a great deal of information on the National Oceanic and Atmospheric Administration's (NOAA) proposed regulations to protect the North Atlantic right whale. I have grave concerns about the disproportionate effect these rules would have on Maine's lobster fishery and our people.

Although well-intended, there is no evidence to support that the proposed restrictions on lobstering in Maine waters will save even one whale. This is unfortunately another federal overreach in response to big money environmentalists. It will hurt one of the last great fisheries in America: Maine lobster. I am not saying the loss of right whales is not a problem—it is; but penalizing Maine fishermen won't save these whales.

Facing—and trying to avoid—an environmental-group lawsuit under the Endangered Species Act, NOAA wants a 50 percent reduction in the number of Maine's end lines, which are the fishing ropes connecting lobster traps on the ocean floor to the buoys. This 50 percent reduction, as Maine is almost 80 percent of the U.S. lobster fishery, will generate a 60 percent risk reduction to right whales per the regulator's risk calculation tool. For perspective, a 40 percent reduction is a decrease of almost 400,000 lines.

Here's the bottom line: This is a statistical shell game. Our lobstermen and -women are in the sea; scientists are in the lab. Reducing risk on a computer model is not the same as saving whales. Maine's coast is not where the right whales are getting killed. Yet this proposal is being pushed as a solution, an exorbitant one.

To meet the quota of fewer end lines, our lobster fishery is being forced to choose how they will gut their industry and livelihood: relinquish up to half their lobster traps, increase the number of traps fished on each line (going from 20 to 40 in deep ocean water, which smaller boats cannot handle due to the increased weight and loss of deck space), partially close the inshore fishery, or a combination.

Maine's 4,500 commercial lobster fishermen are small, family-owned businesses—not large conglomerates. These actions would significantly shrink the industry, not only costing significant revenue in an already strained industry, but also increasing the safety risk. Lobstering is hard, dangerous work. Our industry takes safety seriously; these rules will make it much more dangerous.

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Furthermore, Maine's lobster industry is one of the most sustainable fisheries on Earth. Our commercial lobstermen and -women care for marine life and are outstanding stewards of our environment. To paint these hard-working, small businesspeople as whale killers, as these environmental groups are doing, is purporting a lie to the good American people, who sincerely want to save whales.

Here are the facts:

- Maine's lobster industry switched to marked gear and weak links in the late 1990s to reduce entanglements and allow for any entanglement involving gear from Maine to be identified as such. The whale population almost doubled since the adoption of those changes. Maine's lobster fishery adopted additional modifications in 2009 and 2014.
- The vast majority of deaths have occurred in Canadian waters and in U.S. waters south of Maine. The spike in whale deaths began around 2010, and what NOAA terms a "mass event" started in 2017. None of the "mass event" deaths occurred in Maine waters.
- Right whales do get entangled in fishing gear, but the gear—like gill nets and crab traps—could be from anywhere along the Atlantic seaboard where the whales swim. A study (published last month in the journal *Diseases of Aquatic Organisms*) reviewed all 70 right whale deaths from 2003–2018; entanglement was identified as the cause of death in 22 cases, 14 of which were recognized as Canadian snow crab fishing gear, 1 was identified as U.S. gear, and the remainder unidentified.
- Other factors contributing to or correlating with the spike in right whale fatalities since 2010:
  - The six deaths in 2019, as of the date of this letter, occurred in Canadian waters, with three deaths preliminarily linked to ship strikes. Canada lowers the speed for ships in shipping channels upon a whale sighting; yet Maine lobstermen have reported that they are still clocking ships exceeding the speed limits at almost double the speed. Studies have also found that ocean noise from ships can be a significant source of stress, which may be affecting both calving and the increase in ship strikes.
  - NOAA has continued to grant seismic testing permits in the areas where the whales roam. This testing has been preliminarily tied to interfering with the whales' sonar.
  - The U.S. Navy, this past fall, implemented changes to its activities near right whale habitat along the east coast and especially off the coast of Florida near the whale's calving habitat. The risks to the whales from the Navy's various testing and training also includes entanglement, ship strikes, and sonar interference. Time will tell whether these changes have a positive effect on the population, especially the number of calves born, which has fallen in recent years.
  - Offshore wind turbines generate vibrations that also may interfere with whale sonar. Troublesome about this problem: the offshore wind industry is backed by several of the same big environmental groups now portraying our lobster fishery as whale killers. Moreover, the lobster fishery's need to access the Gulf of Maine presents an obstacle to the growth of offshore wind. Reducing the fishery may have a tangible, financial benefit for offshore wind's investors and the environmental groups the investors support. This is a significant conflict of interest and our lobster industry will never have enough money to fight them.

You and I, as businessmen, do not fear lawsuits. Bureaucrats do. Instead of accepting the lawsuit and having these issues and the related science aired in court to allow reasonable people to arrive at reasonable, common-sense solutions, NOAA is caving, making Maine's lobster industry the scapegoat. As with Maine's softwood lumber industry, Maine's lobster industry is collateral damage. How much can a small, poor, hardworking state like Maine take from the 1,000-pound gorilla at NOAA?

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The process by which NOAA has handled this issue has been marked by poor communication, a lack of notice, and a rush to implement; it has been the epitome of federal bureaucracy and the opposite of how government should operate. This entire rulemaking process has been a disservice to the hardworking people in this industry, our state, and the American taxpayer.

Therefore, based on our discussions, we offer the following suggestions to address this issue:

1. Take action on known facts, not speculation. Use real data.
2. Identify what else has changed in the right whale's habitat since 2010, since lobstering hasn't.
3. Put the resources and the regulations where the whales are dying, which is not the Gulf of Maine. Regulations must be specific to how/where the fishing and entanglements happen, not one-size fits all.
4. Require NOAA to give equal attention to all possible factors rather than single out those unable to fight back by choosing one causal factor to provide a big statistical change but not a real-world change, destroying one of our planet's most sustainable fisheries in the process.
5. Conduct better research on what gear is causing fatal entanglements; without it, lobstermen will continue to bear the burden for every fishery whose gear entangles a right whale anywhere in the Atlantic Ocean.
6. Work with Canada to increase entanglement identification and response. Review the regulations implemented since 2009 to identify any unintended consequences harmful to whales.
7. Increase research, including more flyovers, on whale migration in the Gulf of Maine. Maine's lobster fleet already report whale sightings. They could be a valuable partner in whale protection; instead, NOAA is making them the enemy.
8. Let the lawsuit go forward. NOAA must be an impartial arbiter rather than caving to big-money environmentalists. Continuous lawsuits are not a solution either, but this calls for independent review.

Maine's entire lobster industry is in turmoil because these businesses cannot plan what their next year will look like. This issue reminds me of the plight of the coal miners in West Virginia for whom you have advocated so passionately. Liberal environmentalists disparage the hard, dangerous jobs done by real people.

Maine lobster is an American icon, as is the image of our lobstermen and -women—small businesses whose families have gone to sea for decades and who care deeply about our environment, including whales. Unfortunately, Maine is collateral damage when it comes to farming, fishing, and forestry—our prime industries. All we hear is how the federal government's decisions on trade and tariffs are better for the country. The good people of Maine need to be a priority. In the meantime, let's use common sense and take action that will truly protect the right whales.

Sincerely,



Paul R. LePage  
Honorary Chair  
Maine People Before Politics

Cc: Wilber Ross, Secretary of Commerce    Senator Susan Collins    Senator Angus King  
Representative Chellie Pingree    Representative Jared Golden    Governor Janet Mills  
Alexander Willette, Special Assistant to the President and Deputy Director of Political Affairs for Outreach