

**CITIZENS
CAMPAIGN**
FOR THE ENVIRONMENT



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Empowering Communities, Advocating Solutions.

July 22, 2010

Atlantic States Marine Commission Members
1444 Eye Street, NW
Sixth Floor
Washington, DC 20005

RE: Proposed Lobster Moratorium for Long Island Sound

Dear Members, Directors, and Staff of the Atlantic States Marine Commission,

Citizens Campaign for the Environment is an 80,000 member, not-for-profit, grassroots environmental organization in Connecticut and New York. CCE works to empower communities and advocate solutions for sound environmental policy to protect public health and our natural environment. CCE has been working to protect water quality across New York, Connecticut and throughout the Nation since its inception in 1985. Currently, CCE actively works on protecting many of New York's largest and often most impacted waterways including the Hudson River, the Long Island South Shore Estuary Reserve, the Great Lakes, the Finger Lakes, the Peconic River, and Long Island Sound. Additionally, CCE is an active member of the Long Island Sound Study Citizens Advisory Committee. CCE has participated in meetings in NY & CT regarding the Commission's recent proposal for a moratorium on lobstering from Cape Cod to Long Island Sound.

CCE strongly opposes the proposed lobster moratorium. This moratorium does not offer a holistic approach to protect the species nor does it offer any protection nor restoration of the waters of the Long Island Sound.

Every body of water has a species that defines and embodies the culture and the history of the waterway. For the Long Island Sound this is the Lobster. In the past 10 years there has been a 95% decrease in lobsters and subsequently, we have seen a significant impact on our lobstermen, a profession historically tied to the ancestry of the Sound dating back generations. A 5 year moratorium on lobstermen would sacrifice the history of our maritime culture and wipe out any future for this industry. In Connecticut there are only 32 lobstermen left and in New York there are approximately 50 active permits, this moratorium would leave zero.

It is CCE's position that Lobstermen are to the sea, as farmers are to the land. We would never require farmers to abandon their livelihoods, family history and hopes for the future and we should apply the same respect to our lobsterman. A moratorium should be an act of last resort –

used only when other meaningful federal actions have failed to produce positive results. We need a management plan that is responsible and sustainable for the lobster industry.

CCE would like to offer the following comments:

1. CCE is requesting the Commission further clarify and refine the science used to determine the proposed moratorium.

Many lobstermen are disputing the troll survey results, which were established using information provided by draggers. This type of survey may be the most inefficient way of determining the population of lobsters in the ecosystem. The lobsterman provided compelling testimony to this issue at the NY and CT hearings. **The Commission should gather accurate data in collaboration with the lobstermen. No proposal should be considered in the absence of meaningful data that is reflective and inclusive of information the lobstermen can assist in providing.** Newspaper reports have claimed that some lobstermen had a great winter season. On July 9, 2010, The Day, in New London, CT reported, "Like most lobstermen, he's not eager to disclose catch numbers or other information he considers proprietary, but did offer one glimpse from his vessel log. For one stretch this winter, hauls were totaling 714 to 752 pounds, compared to the same period in a "normal winter" of 400 to 450 pounds. "We just had the greatest single winter in the history of lobstering," he said. "We're doing as well as we did 20 years ago."

CCE believes that the lobstermen, many who have been lobstering for decades, have a good understanding of the species and waters. The Commission should work with the lobstermen to gather data that is accurate, and reflective of the true lobster population.

2. Representatives from the ASMFC agree that lobsters are not being over harvested and the culprit causing decreased populations is warming waters. Therefore, a moratorium on lobstering will not provide a long term, sustainable solution to lobster populations and does nothing to negate the adverse impacts of warming waters.

The Commission needs to adopt a holistic approach to restoration of the species and the water bodies. It seems that the Commission has simply proposed to attack the low hanging fruit, which is to put the lobstermen out of business, and not tackle the more difficult and complicated problem of warming waters. Economics and warmer waters may drive lobstermen out of business but the Commission doesn't have to help. If the Commission does not have constructive plans to address the root cause of the lobster decline, then Commission members should not seek to make the lobstermen the escape goat. This is akin to putting new sails on a leaking sail boat - it may look better from a distance, but it's still in distress.

3. Old, antiquated power plants contribute to the decline of LI Sound ecosystem

Protecting lobsters includes addressing aging power plants with antiquated open-loop cooling systems that kill billions of aquatic species, eggs, and larvae each year. For instance, according

to NYS DEC records, the Northport Power Plant withdraws 939 million gallons of water from the LI Sound per day. That withdrawal causes the power plant to entrain 8.4 billion eggs, larvae and juvenile fish and shellfish each year, and impinge another 127,000 larger species. This adversely impacts the fin fish and shellfish species recovery and has a cumulative impact on the degradation of the ecosystem. In addition, this power plant and others including Port Jefferson, Glenwood Landing and Millstone all discharge thermally polluted wastewater in the LI Sound causing additional harm. A restoration plan should include a clear role for the energy industry to stop fighting upgrades to power plants and start implementing the many technological solutions that are available.

4. A federally funded, bi-state V-Notch Program should be implemented as a viable alternative to a moratorium. New York and CT should act collaboratively to replicate Rhode Island's program.

In 2006, the Connecticut legislature responded to the dwindling lobster population by establishing the CT Lobster-V notch program. This required participating lobstermen who caught a female lobster 3 inches or more in length to cut a notch in the tail three-eighths of an inch deep. The state paid for the notched lobsters thrown back into the water, and other fishermen would be prohibited from landing the creature until its tail had completely re grown. The V-Notch program also served as a valuable educational opportunity that taught the next generation about the Sound, sustainable shellfish harvesting and species protection. The program is a mere \$300,000 per year. In 2008, there were 67,000 lobsters notched and the lobstermen were compensated \$180,000; a laudable achievement.

However, each year, CCE, the lobstermen and other environmental groups fought for funding, and each year the allocation was reduced. Even though CT ran a less aggressive program than promised, the DEP still deserves a great deal of credit for execution and commitment. New York, on the other hand has declined to implement a V-notch program, which clearly diminishes the effectiveness of preserving and restoring the lobster population. **This program needs to be advanced in a bi-state holistic venture in order to be effective.**

The v-notch program was successful in Rhode Island and should be replicated for LI Sound. In January of 1996, a major oil spill released approximately 828,000 gallons (20,000 barrels) of type 2 home heating fuel spilled into the ocean. As a result of the spill, a large number of moribund and deceased animals washed ashore, including birds, clams, crabs, sea stars, and lobsters. In response, Rhode Island implemented a V-notch program to notch and release 1.248 million adult female lobsters into Block Island Sound over a 5-year period. Lobster harvesters were prohibited from possessing V-notched lobsters. It was calculated that the 1.248 million V-notched lobsters will produce enough eggs to eventually replace the 9 million lobsters that were killed by the spill. Throughout the restoration effort, a monitoring program was implemented to document the success of the project. **Monitoring data concluded that the V-notch program was successful. The target number of females was surpassed, and the expected egg production was achieved.**

In October of 2009, CCE was asked to testify to a US Congressional Committee on efforts needed to protect LIS. Our testimony stated, "The federal government can play a key role in the

recovery of the lobster population and the preservation our maritime culture by expanding this program and ensuring a stable, reliable stream of funding for the three years for both NY and CT.” And yet, the federal government has offered no assistance, New York has offered no assistance and now the only plan seems to be to abolish the lobster industry.

The Commission should support the design and implementation of a bi-state, federally funded V-notch program in Nantucket Sound, Block Island, and Long Island Sound before a devastating moratorium is proposed.

5. CCE is concerned with the lack of clear ethic guidelines for Commission members, allowing Maine lobsterman to vote on a plan which provides a definitive benefit to their commercial industry.

A conflict of interest policy should be established which prohibits Commission members to vote on a specific proposal where said proposal provides a clear and indisputable strategic or financial gain to that state or region. Conflict of interest policies are widely adopted and accepted on boards and commissions across the nation to assist in fair and transparent efforts to establish science based policy initiatives.

In conclusion, a five year moratorium is draconian and should ONLY be used as an action of last resort not the first step towards restoration. CCE believes that if our federal agencies worked collaboratively with NYS and CT and the lobstermen we could shape a plan that allows lobstermen to continue the essential role they play in LI Sound. Frankly, it is our view that federal inaction helped get us to this critical junction but federal action could move us in the right direction.

Thank you for this opportunity to comment.

Sincerely,

Adrienne Esposito
Executive Director