

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

CENTER FOR BIOLOGICAL DIVERSITY,  
*et al.*

*Plaintiffs,*

v.

GINA RAIMONDO, et al.,

*Federal Defendants,*

and

MAINE LOBSTERMEN'S ASSOCIATION,  
INC. et al.,

*Defendant-Intervenors.*

C.A. No. 18-112 (JEB)

**DECLARATION OF ERIC LORENTZEN**

I, Eric Lorentzen, declare and state as follows:

1. I make the statements in this declaration based on my own knowledge, except as to those things states as being based on my belief or understanding. For those things, I believe them to be true.

2. I am a commercial lobsterman fishing out of Hull, Massachusetts. I also seine for pogies for bait for lobstering.<sup>1</sup>

3. I am thirty six years old, am married, and have two children.

4. I have been fishing for 22 years. I began as a sternman on the vessel of another commercial lobsterman, baiting and stacking lobster traps, the summer before my freshman year

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<sup>1</sup> Seining is a method of net fishing in which a fisherman sets a net around a school of fish and closes it, capturing the targeted species. Pogies, sometimes referred to as menhaden, are a small silver fish frequently used by lobstermen as bait.

of high school. Through high school, I worked six days a week on the boat during summers and on holidays and weekends. After graduating from high school, I began fishing full time.

5. Today, I own my own vessel, the McCafferey, which is 42 feet long. I employ two other fishers on my vessel who assist me.

6. Many of the lobster fishers that I know had fathers and grandfathers who also fished for lobster.

7. I am dually permitted, which means I can fish in state and federal waters for lobsters. I typically begin the season fishing for lobster in the waters around Hull, MA, and follow the lobsters out into federal waters as the season goes on and the lobsters migrate further offshore.

8. During the season, we fish every day that the weather permits it – seven days a week, if we can.

9. I fish 800 traps, and typically fish those traps in 20-trap trawls. A trawl is a line of traps connected to one another by rope, usually referred to as sinking ground line. The traps on either end of the trawl are attached to line that has, on one end, a buoy, which stays at the surface of the ocean. These two buoys allow me to identify where in the water my trawl is; they are also critically important in hauling my traps up from the ocean floor into my vessel.

10. The process by which I set, haul, unload, re-bait, and re-set my trawls is the same process that has been used for generations. Upon sighting one of my buoys, I haul up the buoy into the boat, attach the buoy line to the hauler, and haul in the first trap from the bottom of the ocean. My crew and I then unload any lobsters in the trap (throwing back any lobsters that are too small, have a V-notch, or have eggs), rebait the trap, stack the traps on the deck of the boat,

and then reset the trap either in the same spot or at a different location. We repeat this process until all traps in the trawl have been hauled, emptied, re-baited, and re-set.

11. If I were unable to use my buoy lines, I would be forced to grapple for my trawl. Currently, there simply is no other viable technology available to retrieve lobster pots or trawls other than buoy lines and grapples. A grapple is a metal bar of steel with teeth that I use to “catch” the sinking ground line between my traps on a trawl if and when I lose one or both of my end lines. I drop the grapple down onto the sea floor, and then slowly tow the grapple around the area I believe my gear is located, attempting to snag it. If I’m successful, I can haul the grapple (along with the missing gear) to the surface, re-attach a buoy with an end line to the trawl, and proceed as I normally would. Grappling can take a significant amount of time, however, and sometimes, a fisherman is unable to find his gear even after grappling, resulting in a significant monetary loss from lost equipment.

12. Grappling can also be dangerous in heavily-fished waters. Some Massachusetts and federal waters have a large number of fishers setting traps in close proximity to one another. In those situations, someone grappling for their gear may inadvertently grapple up another fisher’s gear, or snag several trawls at once, causing the hauler to break.

13. Gear sometimes shifts on the seafloor, making grappling even more difficult and unpredictable. Large storms, for instance, can shift traps significant distances.

14. Since Massachusetts adopted weak rope in early 2021,<sup>2</sup> I have fished with 1,700 pound break-strength rope inserts and 3/8 inch line.

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<sup>2</sup> Since 2021, Massachusetts has required that all fishers use line with a breaking strength of 1,700 lbs breaking force or less. *See* 322 C.M.R. 12.06(2)(b). Most fishers comply with this rule by inserting weak contrivances at specified points throughout their end lines.

15. If federal waters were closed to all fishing, my business would be devastated, and I likely would not be able to continue lobster fishing professionally.

16. I am a member of the Massachusetts Lobstermen's Association.

*[The remainder of this page is intentionally left blank]*

I DECLARE UNDER THE PENALTY OF PERJURY OF THE LAWS OF THE UNITED STATES THAT THE FOREGOING IS TRUE AND CORRECT.

Dated: 2-18, 2022

ERL  
Eric Lorentzen