

Today, Friday, February 9, 2024, the [Massachusetts Lobstermen's Association](#) (MLA) filed a lawsuit against the National Oceanic Atmospheric Administration (NOAA) arguing that their [Final Rule](#) to make permanent the closure of the Massachusetts Restricted Area Wedge (Wedge) and include the Wedge in the larger Massachusetts Restricted Area (MRA) annually, from February 1 to April 30 is unlawful under the Consolidated Appropriations Act of 2023 and is a continuation of NOAA's unlawful conduct, which the United States Court of Appeals for the District of Columbia previously held "relied upon worst-case modeling that is 'very likely' wrong, based upon assumptions [NOAA] concededly does not believe are accurate" and relies upon legal reasoning which is "egregiously wrong."

For over 40 years, the MLA and commercial lobstermen have been at the forefront of North Atlantic Right Whale (NARW) conservation efforts. Despite our longstanding and demonstrated commitment to protecting these whales, NOAA continues to demand more from us. NARW conservation remains a top priority in all our endeavors. However, despite Congress's explicit directive to refrain from interfering with the lobster industry, NOAA has left us with no choice but to pursue litigation. Let it be clear: litigation is not our preferred course of action, particularly as a self-funded fishing organization with limited resources. Nonetheless, we refuse to stand by while NOAA unlawfully jeopardizes our livelihoods. We have reached a breaking point, and we will not tolerate any further unjust attacks on our industry. Enough is enough!

### **Massachusetts NARW Conservation Timeline**

- 1935 - International ban on hunting whales goes into effect
- 1970 - North Atlantic Right Whales listed as endangered
- 1996 - NOAA implements the Large Whale Take Reduction Plan
- 1997 - MA requirement for "breakaway" features in gillnets and trap/pot buoy lines Seasonal ban in Cape Cod Bay for gillnets and on use of floating rope between traps
- 1997 - Dedicated aerial surveys begin in Cape Cod Bay
- 2004 - Year-round ban on floating rope between traps in Cape Cod Bay
- 2007 - Year-round ban on use of floating rope between traps statewide
- 2014 - MA Restricted Area is created a 3-month closure Feb-April to 3,071 sq. miles
- 2015 - 3-month (Feb/Apr) closure to all pots/traps in the MA Restricted Area
- 2016 - 3 months (Feb/Apr) closure to all pots/traps in the MA Restricted Area
- 2017 - 3-month (Feb/Apr) closure to all pots/traps in the MA Restricted Area PLUS 4-day extension of the gear closure in Cape Cod Bay
- 2018 - 3-month (Feb/Apr) closure to all pots/traps in the MA Restricted Area PLUS a 15-day extension of the gear closure and speed restriction (10 mph) for small vessels in Cape Cod Bay
- 2019 - 3-month (Feb/Apr) closure to all pots/traps in the MA Restricted Area
- 2020 - 3-month (Feb/Apr) closure to all pots/traps in the MA Restricted Area
- 2021 - ALL traps set in Massachusetts' waters are subject to a maximum buoy line diameter. The maximum buoy line diameter for commercial trap gear is 3/8-inch, whereas it is 5/16-inch for recreational lobster and crab trap gear.
- 2021 - South Island Restricted Area is implemented closing over 5,500 sq. miles

The Massachusetts Lobstermen's Association was established in 1963 by the fishermen, for the fishermen, and is presently one of the oldest leading commercial fishing industry associations in New England. On behalf of the 1,800 members, the MLA works to maintain both the industry and the resource. The MLA strives to be proactive on issues affecting the lobster industry and is active in the management process at both the state and federal levels. The MLA communicates with its

members through a monthly newspaper, weekly email, Facebook, and attendance at industry meetings. For the past 61 years, the MLA has become a trustworthy voice for the industry on important issues and is looked to by both the fishing industry and the management community for leadership and guidance.

The MLA remains steadfast in its commitment to safeguarding the livelihoods of the 650 responsible commercial lobstermen remaining in the Commonwealth. That's precisely why we are contesting the legality of the Wedge closure. We understand the critical importance of the approximately 250 square miles Wedge area for these lobstermen, particularly during these challenging economic times and amidst historically low (indeed, zero) North Atlantic Right Whale sightings. Our belief in the necessity of this area is not unique to the MLA alone; Congress itself prohibited NOAA from closing the Wedge through the Consolidated Appropriations Act of 2023. NOAA cannot disregard the will of Congress and target our lobstermen without facing a response from us.

The Massachusetts Lobstermen's Association is a member-driven organization that accepts and supports the interdependence of species conservation and the members' collective economic interests. We will continue to fight for reasonable, sensible, and legal measures to protect the NARW. The Wedge Closure is not reasonable, sensible, or legal.