

UNITED STATES DISTRICT COURT
DISTRICT OF DISTRICT OF COLUMBIA

MASSACHUSETTS LOBSTERMEN'S
ASSOCIATION, INC.
8 Otis Place
Scituate, MA 02066

Plaintiffs,

v.

GINA RAIMONDO, *in her official capacity*
as Secretary,
U.S. Department of Commerce
1401 Constitution Avenue, NW
Washington, DC 20230,

JANET COIT, *in her official capacity as*
Assistant Administrator,
NOAA Fisheries
1315 East-West Highway
Silver Spring, MD 20910,

NATIONAL MARINE FISHERIES
SERVICE,
1315 East-West Highway
Silver Spring, MD 20910

Defendants.

Case No.

DECLARATION OF ARTHUR "SOOKY" SAWYER

I, Arthur "Sooky" Sawyer, pursuant to 28 U.S.C. § 1746, do hereby state and declare as follows:

1. I am a resident of Gloucester, Massachusetts, and I am over 18 years of age.
2. I am the President and a member of the Massachusetts Lobstermen's Association, Inc. ("MLA").

3. I also sit on the Massachusetts Fisheries Advisory Commission and act as a member of that Commission.
4. I have been a member of the Atlantic Large Whale Take Reduction Team.
5. The MLA was established in 1963 as a member-driven organization with the goal of maintaining both the lobstering industry and the lobsters themselves.
6. In this role, I and the Massachusetts Lobstermen's Association track changes in laws and regulations that affect our industry.
7. On or about January 31, 2023, I was made aware of an email from the National Oceanic and Atmospheric Association ("NOAA") announcing an "emergency closure" of federal waters within the Massachusetts Restricted Area.
8. The email, which came from Atlantic Large Whale Take Reduction Team Coordinator Marisa Trego, represented that this rule was being created to address risk created by fishermen to migrating North Atlantic Right Whales in the area.
9. The email also represented that fishermen must remove all trap and pot gear (gear used to catch lobster), may not reset trawls being actively fished, or set new trawls in the designated area.
10. The email further represented that the fishing ban would last from February 1, 2023 to April 30, 2023.
11. Given the late notice of the ban, it was practically impossible for lobstermen and MLA members fishing in those waters to comply. Indeed, it could take weeks for many of these lobstermen to remove their traps from the closed waters.
12. This ban will deprive lobstermen of their ability to make a living for three (3) full months.

13. Such a deprivation is unsustainable, and will result in many lobstermen losing large sums and perhaps being forced out of business.
14. Should the ban be lifted, lobstermen will be able to return to the area to fish.
15. In turn, they would likely return a profit on their efforts, and be spared from closing down their businesses.

FURTHER YOUR DECLARANT SAYETH NAUGHT.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 1st day of February, 2023 in the City of Gloucester, State of Massachusetts.

/s/ ARTHUR SAWYER

Arthur Sawyer