

**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 TESSA BROWNE

I, Tessa Browne, declare and state as follows:

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

2. I live and work in Gloucester, Massachusetts.

3. I am the owner and operator of Rocky Neck Lobster Company II d/b/a Cape Ann Lobstermen ("Rocky Neck Lobster"). I have operated Rocky Neck Lobster for approximately four years.

4. In that role, I perform a range of activities on a daily basis. I help unload boats. I take orders from commercial fishermen for bait. I meet with lobstermen and buy their catch. I buy and sell lobsters wholesale. I manage Rocky Neck Lobster's employees. I do Rocky Neck

Lobster's payroll, and its books. I regularly work twelve or more hours a day, seven days a week.

5. Rocky Neck Lobster is primarily a lobster wholesaler, which means that we purchase lobster from commercial fishermen and sell it to retailers, restaurants, and other wholesalers. We recently also began selling fresh lobster retail, allowing people in our community to buy fresh lobster caught by local lobstermen. Rocky Neck Lobster also sells bait to commercial lobstermen.

6. Many of the lobstermen Rocky Neck Lobster does business with are dual permitted, which means they carry state and federal permits and fish in both state and federal waters.

7. Approximately 85% - 90% of the product Rocky Neck Lobster buys and sells is live lobster. Rocky Neck Lobster only buys local product from local fishermen.

8. About 60% of the vessels we do business with are owned by commercial fishermen under 50 years old. Crew members tend to be younger as well.

9. Rocky Neck Lobster currently has about 27 employees.

10. I am 35 years old. I am married. My husband is a commercial lobsterman, fishing out of Gloucester, MA. Many of our family friends are also commercial fishermen fishing out of Gloucester and Rockport, MA.

11. My husband's schedule as a commercial fisherman is hard. He regularly wakes up at 3:00 AM or 4:00 AM, and works twelve or more hours a day on his vessel. In my experience, my husband's schedule is representative of other commercial lobstermen in my community.

12. My community is dominated by lobstermen, their families, and shore-based businesses that service lobster fishers. I have personally known many fishers begin their fishing careers as crew and work their way up to owning and operating their own vessels.

13. I find my job to be extremely satisfying.

14. The closure of federal waters to lobster fishing would jeopardize the viability of my business and other similarly situated businesses that buy and sell fresh lobster. My business requires a steady supply of locally-caught fresh lobster 12 months a year. In recent years, some Massachusetts state waters have been closed for fishing from February to April or May each year. During those closure periods, my business continues to operate because we can buy from federally permitted fishers fishing in federal waters. If federal waters were closed year-round, however, we would have no product during the Massachusetts Bay Restricted Area closure each year.

15. Closure of federal waters would also have a significant adverse impact on my family. My husband is a commercial fisherman, and my business relies on commercial fishermen like him. My husband likely would not be able to continue fishing commercially for lobster, if federal waters were closed. Many families in our community would be similarly impacted by a closure of federal waters.

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

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

Dated: February 21,
2022



Tessa Browne