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# The MLA sends letter to the White House detailing critical concerns of its members

March 12, 2025

Sent via: USPS –Certified Mail

President Donald J. Trump  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20230

Dear Mr. President,

On behalf of its 1800 members, the Massachusetts Lobstermen's Association (MLA) respectfully submits this letter of great concern and unease on a multitude of issues that the commercial lobster industry in Massachusetts is facing; the ongoing right whale litigation, the Canada-European and China Tariffs, and the National Marine Monument. These are all equally critical issues that are wreaking havoc on the commercial lobster industry causing great concern and economic uncertainty for the future of the commercial lobster industry here in Massachusetts.

The Massachusetts commercial lobster industry is a historic and iconic part of our community in the Commonwealth which is being threatened by more than right whale litigation. Every day the commercial lobster industry is faced with market uncertainty due to the ongoing tariffs on exports, lobsters being imported free and clear of tariffs bringing down the domestic lobster prices, as well as the archaic laws that are working against each other all the while burdening the hard-working men and women in the commercial lobster industry.

Established in 1963, the MLA is a member-driven organization that accepts and supports the interdependence of species conservation and the members' collective economic interests. The MLA continues to work conscientiously through the management process with the MA Division of Marine Fisheries (MADMF), the Atlantic States Marine Fisheries and National Marine Fisheries Service (NMFS) to ensure the continued sustainability and profitability of all the resources in which our fishermen are engaged in.

**MISSION STATEMENT:** *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. <https://lobstermen.com/>

**The Massachusetts commercial lobster fleet is primarily made up of:**

- State waters vessels are all owner/operator
- Fishermen tend to fish with one sternman or by themselves
- Vast majority of lobster fishing occurs between May and November
- The lobster pot limit is 800
- The average number of lobster pots fished for the fishery is <400
- Gear is typically fished in "trawls" – 10 - 20 lobster pots on a string
- Trawl size is directly proportional to vessel length

• Gear is typically hauled and re-baited every 3 to 5 days

• Fishermen haul between 100 and 400 lobster pots per day

The Massachusetts commercial lobster industry employs thousands of individuals who earn their living on the sea. In 2023, the 622 active MA commercial lobstermen in State Waters (0-3 miles) harvested 15,904,951 lbs. with an ex-vessel value of \$99,087,846 and an overall economic impact on the local economy of \$248 million dollars while only fishing approximately 363,842 lobster pots.

Also, there are 51 active MA commercial lobstermen in Federal waters (3-200 miles) harvested 8,128,114 lbs. with an ex-vessel value of \$50,638,151

LETTER, Page 12



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## IN MEMORIAL



## Michael Joseph "Skip" Alessi

**JUNE 07, 1964 - MARCH 23, 2025**

It is with deepest sorrow and heavy hearts that we announce the unexpected and abrupt passing of Michael Joseph "Skip" Alessi, age 60, of Saugus. He was born in Lynn at Union Hospital on June 7, 1964, to the late Joseph and Barbara Alessi. Michael grew up in Nahant and was an avid sportsman.

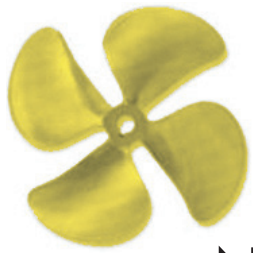
Upon graduating High School, he turned down a full football scholarship to Connecticut College and thumbed home to follow his true passion of lobstering. Michael was a revered lobsterman, going out when others said the seas were too dangerous and on more than one occasion was told he thought like a lobster.

Michael had the biggest and purest heart, always looking to find the best in someone and trying to help lost souls. He was a lover of animals, the ocean, and a cold Miller Lite. You could find him on the Barbara Joseph, in his recliner with a good movie, at Sunday morning mass, or at Tony's Pub. He was always the loudest in any given room with his signature cackle, most likely cracking inappropriate jokes.

Michael was a beloved father, leaving behind his only daughter Holly, her husband Steven, and their two sons Bower (2) and Ripley (5 months). He is also survived by his partner Adeline; his siblings, Mary Ellen and her husband Tim, Anthony and his wife Sue, Eileen and her husband Edwin and Tommy and his wife Carolyn; as well as his dear nieces and nephews, Anthony, Clinton, Victoria, Alexander, Edwin, Isabella and the late Nicole.

His visiting hours will be on Sunday from 3-7 PM in the SOLIMINE FUNERAL HOME, 67 Ocean St (Rt 1A), Lynn. His funeral will be held on Monday at 9:30 AM from the SOLIMINE FUNERAL HOME, followed by a Funeral Mass at 10:30 AM in St. Pius V Church, Lynn. Following cremation, his graveside service will be on Tuesday at 10 AM in Greenlawn Cemetery, Nahant. Relatives and friends are respectfully invited. Those who prefer may make donations to St. Pius V Church, 215 Maple St. Lynn, MA 01904.





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**The Massachusetts Lobstermen's Association**  
 would like to welcome the following new members to the Association.  
 Your Association will continue its efforts on your behalf to conserve the resource, protect your livelihood, keep you informed, promote the industry and provide you with increasing benefits as they are developed. MLA stands ready to help you in anyway, at anytime — just let us know how!  
*Safe on the water  
 and good fishing!*

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**WILLIAM DOUCETTE**

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**Published by the Massachusetts Lobstermen's Association, Inc.**  
**8 Otis Place, Scituate, MA 02066**

– Published monthly –

Mailed to all paid members of the Massachusetts Lobstermen's Association

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# As the HAULER TURNS

After a mostly uneventful winter we are back into Spring mode around here and everyone is going through their trap piles and gearing up for the 2025 fishing season. I know I have never been so ready for the changing of the seasons and am looking forward to seeing what the spring will bring..... Hopefully, there will be a little less stress with the new administration making changes from the top to the bottom. Time will tell.

As you will read, in this newspaper, the MLA sent a letter to the President of the United States asking for help on all fronts that are affecting the commercial lobster industry here in the Commonwealth from; excessive and frivolous litigation to the excessive right whale closures in federal waters all of which are negatively harming you. Time will tell as the new administration is shaking up and gutting many of the federal agencies that we deal with, we remain hopeful that the commercial fishing industry will improve.

After seeing, firsthand, how the new administration is cutting funds that would directly help the commercial fishing industry. As of March, the FY25 Saltonstall-Kennedy (SK) funds were taken away by the administration. These are funds that

come from tariffs on imported seafood products coming into the United States and over the years it averages upwards of 350 million dollars annually. Granted the SK fund is lucky to receive 10-15 million dollars annually. These funds should not have been taken away as the commercial fishing industry in the United States is greatly impacted by imported seafood products, time to write another letter.

Last month several of you listened to the Atlantic States Marine Fisheries Commission Lobster Board meeting regarding Draft Addendum XXXII to Repeal Gauge and Escape Vent Measures of Addendum XXVII. The MLA and other commercial fishing groups submitted comments to support this initiative. The Lobster Board had a lengthy discussion on the tight timeline to get this done as Addendum XXXI was already implemented for a July 1, 2025, start date.

The final decision was to have the states in the Gulf of Maine work with their industry to identify alternative conservation strategies. Stay tuned on this one as, the Commonwealth has already taken Addendum XXXI out to rule making and is on the books. Should the other states not come up with anything and have “something” on the books,



they will then be out of compliance. What does this mean, your guess is as good as mine as this has never happened before.

Lastly, the MLA will be holding a rope and lobster band give away in mid-late April at the MLA office. So, if you do not receive an email from me that in the subject line starts with MLA Members, you may miss this opportunity and many others as these emails only go out to MLA members. Please take a minute and send me an email and ask to be added to the MLA Members email list.

Far winds and following seas,

*Beth Casoni*

Executive Director





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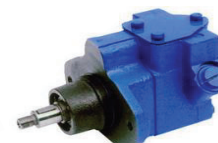
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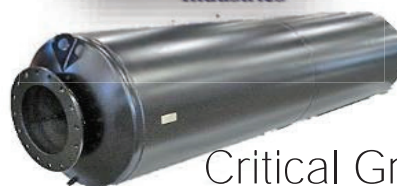
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# Atlantic States Marine Fisheries Commission NEWS RELEASE

FOR IMMEDIATE RELEASE: March 19, 2025 | PRESS CONTACT: Tina Berger, 703.842.0749

Massachusetts Lobstermen's Association | April 2025

## American Lobster Board Approves for Public Comment Draft Addendum XXXII to Repeal Gauge and Escape Vent Measures of Addendum XXVII

ARLINGTON, VA – The Commission's American Lobster Management Board approved Draft Addendum XXXII for public comment. Responding to economic concerns from the lobster industry, the Draft Addendum considers repealing all Addendum XXVII measures pertaining to gauge and escape vent size limits. Concurrently, the Gulf of Maine states will work closely with industry to identify alternative conservation strategies and will report back to the Board at upcoming quarterly meetings.

Under Addendum XXVII, changes to the current gauge and escape vent sizes in Lobster Conservation Management Areas (LC-MAs) 1 (Gulf of Maine), 3 (federal offshore waters), and Outer Cape Cod were triggered based on observed declines in recruit abundance indices, with the original implementation date of June 1, 2024. In August 2024, the Board delayed the implementation date so that the series of changes to gauge and vent sizes, starting with an increase to the minimum gauge size in LCMA 1, would begin July 1, 2025.

Addendum XXVII aimed to increase protection of the Gulf of Maine/Georges Bank spawning stock biomass through proactive conservation measures. While the overall stock condition is favorable according to the 2020 Benchmark Stock Assessment, persistent declines in the juvenile lobster population, and now in landings, remain a cause for concern. A new

stock assessment is underway and will be completed this fall to provide updated information on the status of the resource.

Draft Addendum XXXII considers two options: full implementation of Addendum XXVII by July 1, 2025 or repealing all of its gauge and escape vent measures. The Draft Addendum does not consider changes to regulations prohibiting the issuance of 10% additional trap tags above the trap limit or allocation in LCMAs 1 and 3, nor to the v-notch possession definition provision of Addendum XXVII.

A press release will follow with details on the public hearing schedule and how to submit written comments. The Board will meet to review submitted comments and consider final action on the addendum at its next meeting. For more information, please contact Caitlin Starks, Senior Fishery Management Plan Coordinator, at [cstarks@asmfc.org](mailto:cstarks@asmfc.org) or 703.842.0740.

### Motions

#### **Main Motion**

Move to add an item to option B in the addendum that says that Maine, New Hampshire, and Massachusetts will provide for the Board by the Winter 2026 Meeting consensus positions to be the basis of future addendum actions affecting the biological productivity of the GOM lobster fishery.

Motion made by Mr. Hasbrouck and seconded by Mr. Kaelin. Motion postponed.

#### **Motion to Substitute**

Move to substitute with "Move to add an item to option B in the draft addendum that says that Maine, New Hampshire, and Massachusetts will provide for the Board by the Winter 2026 meeting state consensus positions."

Motion made by Mr. Borden and seconded by Mr. Abbott. Motion postponed.

#### **Move to postpone to the May 2025 meeting.**

Motion made by Ms. Ware and seconded by Mr. Gates. Motion passes (8 in favor, 1 abstention, 1 null).

#### **Move to approve Draft Addendum XXXII for public comment.**

Motion made by Ms. Ware and seconded by Mr. Borden. Motion passes by consensus with 1 abstention (NOAA).



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# 2025 GHOST GEAR IN YOUR AREA

The Center for Coastal Studies (CCS) in Provincetown, MA, will conduct surveys and removal of abandoned, lost or discarded fishing gear, also known as “ghost gear,” during the North Atlantic right whale closure period in the Massachusetts Restricted Area in state waters.

From February 1st through May 1st annually, Massachusetts state waters are closed to fixed-gear fishing (lobster gear) to protect the critically endangered North Atlantic right whales who feed in the area.

The CCS Field team will work with commercial lobstermen authorized by the MA Division of Marine Fisheries to grapple and recover the gear. Recovered fishing gear will be landed at piers in

Provincetown, Boston, and Sandwich. All recovered debris will be sorted, inventoried, and documented. Gear in working condition will be returned to owners whenever possible. Other debris will be disposed of properly through recycling or incineration.

For more information, please contact:

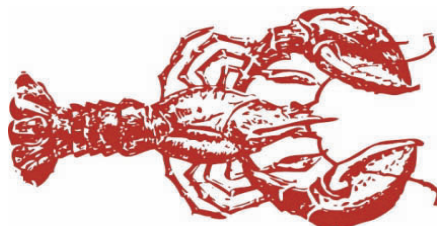
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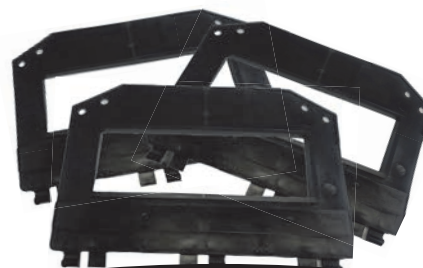
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# Letter

FROM PAGE 1

and an overall economic impact on the local economy of \$127 million dollars while only fishing 253,979 lobster pots. The total economic impact of the collective commercial lobster fleet in Massachusetts is \$375 million dollars to the local economy and we need your help today to keep them fishing. This information was compiled by the MADMF and can be found HERE –

[https://lobstermen.com/wp-content/uploads/2025/01/Combined\\_Lobster\\_Tables\\_Fig\\_2023.pdf](https://lobstermen.com/wp-content/uploads/2025/01/Combined_Lobster_Tables_Fig_2023.pdf)

Also, the Massachusetts Commercial Fishing Port Profiles were developed through a collaboration between the Massachusetts Division of Marine Fisheries, the University of Massachusetts Boston's Urban Harbors Institute, and the Cape Cod Commercial Fishermen's Alliance. Using data from commercial regional permits, the Atlantic Coastal Cooperative Statistics Program's (ACCSP), Standard Atlantic Fisheries Information System (SAFIS), Dealer Database, and harbormaster and fishermen surveys, these profiles provide an overview of the commercial fishing activity and

infrastructure within each municipality. The Port Profiles are part of a larger report which describes the status of the Commonwealth's commercial fishing and port infrastructure, as well as how profile data can inform policy, programming, funding, infrastructure improvements, and other important industry related decisions. For the full report, visit the Massachusetts Division of Marine Fisheries website. HERE -

<https://www.mass.gov/doc/port-by-port-appendix-a/download>

Through an EXECUTIVE SUMMARY, the Commonwealth has compiled a Port by Port Profile that will better describe the importance of the species harvested.

The Port by Port: Profiles and Analysis of the Massachusetts Commercial Fishery provides an overview of commercial fishing in Massachusetts and, for the first time, describes conditions in each municipality with a commercial homeport. The report highlights both the important role that commercial fishing plays in the state's economy, as well as the access and infrastructure challenges that limit the industry's current operations as well as its growth.

This report can be found HERE -

<https://www.mass.gov/doc/port-by-port-profiles-and-analysis-of-the-massachusetts-commercial-fishery/download>

## MLA RIGHT WHALE LITIGATION OVERVIEW 2021-PRESENT DAY

The Massachusetts Lobstermen's Association has been actively involved in numerous lawsuits since 2018 to keep the commercial lobstermen fishing. Unfortunately, legal action costs lots of money and over the last ~8 years the Massachusetts Lobstermen's Association Legal Defense Fund has spent ~ \$450,000 fighting these legal battles. These are real threats to the historic and iconic commercial lobster industry, and we are doing everything to keep Massachusetts commercial lobstermen fishing.

The commercial lobstermen's businesses are at stake as well as the thousands of jobs and shoreside businesses that depend upon the continued success of the commercial lobster industry. The commercial lobstermen in Massachusetts are NOT the problem and have done everything asked of them by the National Marine Fisheries Service and have been working under the strictest conservation rules for the right whales anywhere in the world since

2014. Yet here we are, still fighting these lawsuits to keep the Massachusetts commercial lobstermen fishing.

Unfortunately, there are too many lawsuits that the MLA has been involved in to list in this letter and, all of them can be found online here <https://lobstermen.com/newspaper/> in our monthly publication. Here are some updates from our attorneys for your review so that you can see how exploited the commercial lobstermen are here in the Commonwealth. There is zero regard for their wellbeing and common sense has been removed from the equation.

**5/21/21** - (Washington D.C.) Case 1:18-cv-00112-JEB - CENTER FOR BIOLOGICAL DIVERSITY et al v. ROSS et al, JAMES E. BOASBERG United States District Judge **DE-NIED** the M. Strahan's motion to be an intervenor in this case. The Court previously ruled that NMFS was to have the FINAL Biological Opinion (BiOp) released by May 31, 2021. We are still waiting as of today, (5/21/21), for the release of the Final Rule. The MLA remains the only Massachusetts commercial fishing organization that is an intervenor in this case and has been granted participation in this case.

Furthermore, the commercial

OVER 20 YEARS EXPERIENCE ~ ALL MATERIALS & SIZES

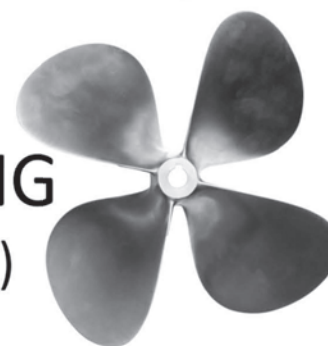


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lobstermen are not being sued, the government is, and yet the commercial lobstermen's businesses are at stake as well as the thousands of jobs and shore side businesses that depend upon the continued success of the commercial lobster industry. The commercial lobstermen in Massachusetts are NOT the problem and have done everything asked of them by the National Marine Fisheries Service and have been working under the strictest conservation rules for the right whales anywhere in the world since 2014. Yet here we are, still fighting these lawsuits to keep the Massachusetts commercial lobstermen fishing.

**8/5/21** - (Washington D.C.) Case 1:18-cv-00112-JEB - CENTER FOR BIOLOGICAL DIVERSITY et al v. ROSS et al, JAMES E. BOASBERG United States District Judge **DE-NIED** the Plaintiffs' motion to enforce the judgment by which they were asking the court to declare the new BiOp invalid. Instead, the Court decided that it would allow plaintiffs to file a "supplemental" complaint to challenge the new BiOp and the new rule once it is finalized. The Judge said that he does not necessarily agree that the new BiOp violates his rulings or the Endangered Species Act (ESA) and that it would have to be challenged by a new complaint with a new record. As set forth in the Order below, the Court has set a status conference for September 3 at which time the Plaintiffs will advise whether they intend to file a supplemental complaint, and the government will advise on the status of the new rule.

**8/10/21** - (Commonwealth) Civil Action No. 19-cv-10639-IT - R.M.S., Plaintiff v. SECRETARY, MASSACHUSETTS EXECUTIVE OFFICE OF ENERGY ENVIRONMENTAL

AFFAIRS, et al.,

The Attorney General's Office, Massachusetts Division of Marine Fisheries, and Intervenor have submitted all the final information for the judge to review. A court date is set for August 19th where the Judge will ask her final questions and possibly make a ruling on this case at this time. The MLA legal counsel is following these proceedings closely and we will let you know the outcome as soon as we know more.

**9/15/21** - (Washington D.C.) Case 1:18-cv-00112-JEB - CENTER FOR BIOLOGICAL DIVERSITY et al v. ROSS et al, JAMES E. BOASBERG United States District Judge. As you will recall, at a hearing in August the Court denied the Plaintiffs' motion to enforce the judgment by which they were asking the court to declare the new BiOp invalid. Instead, the Court decided that it would allow plaintiffs to file a "supplemental" complaint to challenge the new BiOp and the new rule once finalized. The Judge said that he did not necessarily agree that the new BiOp violates his rulings or the Endangered Species Act and that it would have to be challenged by a new complaint with a new record.

On September 14, 2021, the plaintiffs filed their Supplemental Complaint. In this Complaint plaintiffs have added four additional counts arising out of NMFS' 2021 Biological Opinion ("2021 BiOp"), the Atlantic Large Whale Take Reduction Team's August 2021 Final Rule, and NMFS' alleged failure to engage in additional rulemaking to reduce North Atlantic Right Whale ("NARW") serious injury and mortality ("SI/M") to below that species' Potential Biological Removal ("PBR"). Each new count is summarized below:

| Count Number | Brief Description   |
|--------------|---|
| Count V      | NMFS' issuance of the 2021 BiOp violated the ESA and the Administrative Procedure Act because it: (i) improperly limits the geographic scope of the agency action; (ii) improperly expands the temporal scope of the agency action; and (ii) improperly defines the action area by excluding state waters.  |
| Count VI     | NMFS' issuance of an incidental take statement ("ITS") was unlawful, because NMFS failed to authorize either lethal or sub-lethal takes of NARWs under the Marine Mammal Protection Act (MMPA), a step plaintiffs claim was required prior to issuance of an ITS.   |
| Count VII    | NMFS' issuance of its Final Rule in August 2021 violates the MMPA's requirement that the Take Reduction Plan reduce NARW mortality and serious injury to levels below PBR within six months of the Plan's implementation, because the Rule does not anticipate such a rapid reduction in risk, rather contemplates takes significantly above PBR for the near future. |
| Count VIII   | NMFS' failure to reduce NARW incidental mortality and serious injury below the MMPA's mandated limits violates the APA, because it constitutes agency action "unlawfully withheld or unreasonably delayed" within the meaning of the APA.   |

**9/15/21** - (Commonwealth) Civil Action No. 19-cv-10639-IT - R.M.S., Plaintiff v. SECRETARY, MASSACHUSETTS EXECUTIVE OFFICE OF ENERGY ENVIRONMENTAL AFFAIRS, et al.,

On August 19th the Attorney General's Office, Massachusetts Division of Marine Fisheries, and Intervenor answered a slew of clarifying questions the judge had on the statement of facts and testimony given during the trial. The MLA legal counsel is also following these proceedings closely and we will let you know the outcome as soon as we know more. We are hopeful that the judge will make a ruling in late September or early October.

**3/22/22** - Case No. 1:18-cv-00112-JEB - Center for Biological Diversity v. Ross et al. (Boasberg, J.) (Federal District Court for the District of Columbia): The MLA counsel filed an Opposition Memorandum in late February. In summary, *[For the reasons stated herein, MALA respectfully requests that this Court enter the order accompanying this memorandum, denying plaintiffs' request for summary judgment. Furthermore, to the extent that this Court finds in favor of Plaintiffs, MALA respectfully requests that any remand instruction be given without vacatur of the 2021 Biological Opinion.]*

**3/22/22** - Civil Action No.: 1:21-cv-01131-TJK - M.S. files a new lawsuit against Michael Pentony, Amy Knowlton, Jane Davenport and Arthur "Sooky" Sawyer in the United States District Court in the District of Columbia. This is almost verbatim the suit filed in Boston in 2020. The MLA counsel has filed a motion to dismiss Sooky from this suit; *[WHEREFORE, the Defendant, Arthur Sawyer, respectfully request this Court grant his Motion and dismiss with prejudice Plaintiff's Amended Complaint as to Defendant Sawyer and grant such other relief which is just and equitable.]*

**3/22/22** - On March 8th, MLA President, Arthur "Sooky" Sawyer was named in a lawsuit in Boston along with state and federal representatives as well as a couple of commercial lobstermen. The Plaintiff, who shall not be named, is asking in the suit; [PRAYER FOR RELIEF I. For a Declaratory Judgment that in 2022 the deployment of pot and gillnet fishing gear by any individual, or by the said deployment being required and/or licensed by NMFS. MADMF or Massachusetts Fisheries Advisory Committee, in ESA listed designated critical habitat for the Northern Black Whale off the Massachusetts coast is by itself prohibited conduct pursuant to the

ESA's Section 9 taking prohibitions. II. For a Declaratory Judgment that the Defendants are violating the ESA's Section 9(a and g) prohibitions by taking members of Endangered Species of Whales and Sea Turtles off the US coast pursuant to their respective involvement in pot and gillnet fishing operations that deploy Vertical Buoy Ropes in coastal waters that within the boundaries of ESA listed designated critical habitat for the Northern Black Whale off the Massachusetts coast. . III. For an order, the Defendants enjoying licensing or engaging in further Pot and/or Gill Net fisheries catch and otherwise take ESA Listed Species of whales and sea turtles and otherwise adversely affect the quality of the ESA listed designated critical habitat for Northern Black Whales need for this species to recover from its biological endangered status. V. For an award of 1,000,000 in compensatory relief and punitive damages from Defendants Sawyer, and McKiernan. VI. For an award of the Plaintiff's direct costs of his prosecution against the Defendants. VII. For any further relief that the Court deems appropriate.

**11/21/2023** - (Washington D.C.) Case 1:18-cv-00112-JEB - CENTER FOR BIOLOGICAL DIVERSITY et al v. ROSS et al.

On May 16, 2023, NMFS moved to dismiss Judge Boasberg's Order requiring it to create a new Biological Opinion by the end of 2024 and dismissing the remainder of the Non-Government Organizations (NGOs) claims. NMFS's basis for doing this was claiming that the Consolidated Appropriations Act, 2023, (CAA) doesn't require a new BiOp until 2028, making the decision moot. This is an almost identical argument to the one NMFS raised to the D.C. Circuit, which has not yet ruled on the motion to dismiss.

Given this, we asked the Court to stay briefing on the motion to dismiss until the D. C. Circuit has ruled.

The Court granted out motion to stay, delaying briefing until after the D.C. Circuit ruled. However, in the ruling, the Court said its order requiring a new BiOp by December 2024 was no longer operative, giving clear relief to the lobstermen.

Now that the D.C. Circuit has issued its mandate, briefing has resumed on the motion to dismiss. The NGOs have brought a motion asking the district court to delay enforcing the mandate.

To prevail over the motion to stay, the NGOs needed to not only



# Letter

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convince the to Court the moving party's need for a stay — that is, the harm to the moving party if a stay does not issue; and (3) whether a stay would promote efficient use of the Court's resources.

The Court was unsympathetic to any of these claims. First, it rightly noted that the NGOs miscited case law (a nice way of saying lied) to show he could ignore the D.C. Circuit. He slapped that down and said he cannot ignore the D.C. Circuit, so the issue is done. But then he went further, addressing each stay element.

He decided that the government would be harmed by delays in implementing regulations, and the lobstermen would be harmed by delays in certainty. He determined that the NGOs do not need a stay because it won't affect their other claims. We disagree with that as we think this moots their claims, but we don't read this as him saying he's not going to moot their claims, which we have also moved for. Finally, he determined it would not be efficient use of resources.

Overall, this was a pretty definitive rejection of the NGOs theories and to us shows that Judge Boasberg is rightly skeptical of the NGOs claims considering the D.C. Circuit ruling.

Briefing on the motions to dismiss the NGOs claims based on mootness is ongoing and we do not anticipate a ruling before the end of the year.

**11/21/2023** - (N.D. California.) Case No. 5:23-cv-04994-BLF; Sawyer, et al. v. Monterrey Bay Aquarium, et al.

In the ongoing fight against the Monterey Bay Aquarium and its defamatory statements, our case was recently transferred to the Northern District of California. Our case has since been assigned to Judge Beth Labson Freeman, and our case management conference, which will set the timeline for the remainder of the litigation, is currently set for February 29, 2024.

In the interim, the Aquarium has filed a motion to strike our Complaint. This would function essentially as a motion to dismiss and would end the suit. The basis for their argument is California Civil Procedure Code Section 425.16, which is California's anti-SLAPP statute. For those who are unfamiliar, anti-SLAPP (Strategic Lawsuits Against Public Participation) statutes are a mechanism for defen-

dants to seek dismissal of lawsuits that they allege attempt to infringe upon their First Amendment rights. Of course, it is well-settled law that defamation and libel are not examples of protected speech under the First Amendment. Our argument has always been that the Aquarium is engaging in intellectually dishonest attempts to sway public opinion by twisting the science it claims supports its position: specifically, that despite there being no evidence that Massachusetts fisheries are the cause of any whale deaths, all lobster fisheries, including the Massachusetts fisheries, are somehow unsustainable.

This move does not come as a surprise, and we will ask the Court to deny the motion. The Aquarium specifically acknowledges in its motion that "MBAF . . . expressly acknowledge[d] when it lack[ed] certain evidence to support its opinion that lobster fisheries endanger right whales." Note the use of the word "opinion" here – opinions are generally protectable by the First Amendment, which is why the Aquarium has used and likely will continue to use the word in an attempt to convince the Court to see its press release not as an affirmative statement of fact from an organization that calls itself a "leader" in science and conservation, but as nothing more than an opinion protectable by the First Amendment. Should we be unable to convince the Court not to strike our Complaint as is, however, the pleading standards are on our side: courts are widely in favor of granting plaintiffs leave to amend their complaint in the face of an anti-SLAPP motion to strike. Should it come to that, we have strategies in the pipeline that we can deploy to continue the fight to defend the Massachusetts lobster fisheries. Stay tuned for more, and don't forget to thank your named Plaintiffs, Arthur Sawyer, Jarrett Drake, Eric Meschino, and Bill Souza, for their ongoing efforts in this fight to protect all Massachusetts lobstermen from unscientific libel and slander.

**11/21/2023** - NMFS's Proposed Rule to Permanently Close the Wedge

Last year NMFS illegally extended the 2022 Wedge Closure to close the Wedge from February through April 2023. We challenged this decision in Court and the Court agreed we were right on the law, but ultimately decided not to stop it because we could not show irreparable harm.

NMFS is now at it again, attempting to convert its illegal 2023 Wedge Closure into a Permanent Final

Rule. We are preparing a robust comment on the proposed final regulation that will explain to NMFS why its proposed final rule is illegal.

If NMFS intends to move forward with its illegal action, we will proceed with litigation against it.

**1/9/2025** - (District of Massachusetts / First Circuit Case) Case No. 1:24-cv-10332-WGY; *MLA v. NMFS et al* / First Circuit Case Nos. 24-1480 and 24-1481.

Last year NMFS illegally extended the 2022 Wedge Closure to close the Wedge from February through April 2023. We challenged this decision in Court and the Court agreed we were right on the law, but ultimately decided not to stop it because we could not show irreparable harm. NMFS is now at it again, attempting to convert its illegal 2023 Wedge Closure into a Permanent Final Rule. We submitted a robust comment to the proposed final regulation explaining to NMFS why its proposed final rule is illegal.

Despite this, NMFS proceeded with the illegal wedge closure, ignoring Congress' clear mandate not to further regulate the lobster industry and relying on the same illegal science that the D.C. Circuit struck down. We moved for a preliminary injunction to stop this before it could go into effect this season. The Court held a trial on our case on March 14, 2024.

We are pleased to announce that we scored a massive win in this case. The Court ruled that the CAA clearly forbids NMFS from implementing the Permanent Wedge Closure and declared that the Rule was illegal, thus leaving the Wedge open until 2028. The Court also correctly identified the severe harm our members would face if NMFS was allowed to violate the law like this.

We filed a motion for attorney fees under the Equal Access to Justice Act on April 12, 2024. The Court has stayed briefing on that issue so that we can negotiate with NMFS regarding our requested fees. That stay has been expanded to last until the appeal process has finished.

Regarding the appeal, NMFS appealed the decision to the First Circuit. The NGOs, which the Court allowed to join the case after its decision and over our objection, have also filed an appeal. They have moved for the Court to consolidate the appeals, which the First Circuit granted.

We brought a motion to dismiss NMFS's appeal. While unusual for appeals, our basis for doing so is well founded. In any case it loses, the government cannot simply bring an

appeal. Instead, it must get approval from the Solicitor General within the 60-day window for appeal. Here, NMFS admitted that it failed to do this. Because of this failure, the appeal was never authorized and cannot be allowed. NMFS opposed the motion, claiming the Solicitor General could approve an appeal after the deadline. The First Circuit declined to rule ahead of time, instead asking Parties to include this argument in their principal Briefs.

NMFS and the NGOs have filed their principal Briefs, making effectively the same arguments that were made to the District of Massachusetts. We filed our responsive brief on September 16, 2024; we had a single combined brief to respond to both NMFS and the NGOs, and the First Circuit granted us additional words to do so. The NGOs and NMFS had the right to file replies to briefs and did so October 11, 2024. Again, their arguments were the same. The Massachusetts DMF also filed an amicus brief in support of NMFS, making policy arguments for why the Wedge should be closed.

The First Circuit held an oral argument in early December 2024, with an argument attended and conducted by Samuel Blatchley and Daniel Cragg. On January 3, 2025, the First Circuit ordered an additional briefing on whether the appeal was properly before it based on a different procedural issue than what MLA raised in its briefing. Those briefs are due by January 13, 2025.

**2/24/2025** - (District of Massachusetts / First Circuit Case) Case No. 1:24-cv-10332-WGY; *MLA v. NMFS et al* / First Circuit Case Nos. 24-1480 and 24-1481

Last year NMFS illegally extended the 2022 Wedge Closure to close the Wedge from February through April 2023. We challenged this decision in Court and the Court agreed we were right on the law, but ultimately decided not to stop it because we could not show irreparable harm. NMFS is now at it again, attempting to convert its illegal 2023 Wedge Closure into a Permanent Final Rule. We submitted a robust comment to the proposed final regulation explaining to NMFS why its proposed final rule is illegal.

Despite this, NMFS proceeded with the illegal wedge closure, ignoring Congress' clear mandate not to further regulate the lobster industry and relying on the same illegal science that the D.C. Circuit struck down. We moved for a preliminary injunction to stop this before it could go into effect this season. The Court held a trial on our



case on March 14, 2024.

MLA prevailed at that trial, with Judge Young ruling that the Final Wedge Closure Rule was illegal under the CAA. Judge Young has several bases for his ruling:

- The 2022 Wedge Closure was not “in place” as of the CAA’s passage because it had expired, and “in place” has the same meaning as “in effect.” Because the 2022 Wedge Closure was not “in effect” on December 28, 2025, it was not in place and the 2023 Wedge Closure was illegal. Thus, it could not be turned into a final rule.

- NMFS had previously taken the position that an emergency rule expired when the fishing season ends in *Starbound, LLC v. Gutierrez*, No. C07-0910-JCC, 2008 WL 1752219 at \*4 (W.D. Wash. Apr. 15, 2008). The Court further found that the Marine Mammal Protection Act only allows emergency regulations to stay in effect during the commercial fishing season.

- NMFS had represented that the 2023 Wedge Closure had expired in the D.C. case to justify it being mooted and could not turn around and claim it was still in place to make a final rule.

- The only legislative history, from Senator Angus King, states that the

purpose of §101(a)-(b) is to “pause the economic death sentence” caused by the District of D.C.’s prior rulings and NMFS’s regulations against the lobster industry. 168 Cong. Rec. S9591, S9607–08 (daily ed. Dec. 20, 2022).

Considering this, the District Court entered declaratory judgment that the Final Wedge Closure Rule was illegal under the CAA. NMFS appealed to the First Circuit, and the District Court allowed the NGOs to appeal as well.

NMFS filed a notice of appeal before the Solicitor General approved an appeal. The NGOs brief argued that the CAA was a protective statute for NMFS, allowing it to regulate as much as it wanted free from suits by environmental groups. The arguments on appeal were effectively the same as below, except MLA argued NMFS had not brought a timely appeal because the Solicitor General had not approved it and opposed the NGOs attempt to subvert the CAA.

At oral argument, the First Circuit was exceedingly hostile to MLA’s attorney. It was clear from the outset that it was going to rule against MLA and did in fact do so. The First Circuit’s reasoning was as follows:

- “In place” has a different mean-

ing than “in effect.” So long as the regulation has been promulgated, it is “in place.” The First Circuit did not provide a single case where “in place” has ever meant something different than “in effect” nor could the NGOs or NMFS supply one. This is the first ruling in U.S. history to so hold.

- NMFS is allowed to change its position, so *Starbound* does not matter.

- NMFS was allowed to moot the 2023 Wedge Closure and still promulgate the Final Wedge Closure Rule.

- It determined that, even though the CAA did not mention the Wedge Closure at all, it must have been referring to the Wedge Closure.

- The Department of Justice is allowed to file “protective” notices of appeal without Solicitor General approval.

- It did not rule on the NGOs expansive interpretation of the CAA.

That decision was issued on January 30, 2025. The mandate has not been issued yet (and likely will not until early March), meaning the Wedge is technically open until it does. MLA is considering the following remaining options:

1. Appealing to the United States

Supreme Court. This would involve seeking a stay from the First Circuit, which MLA expects to be rejected out of hand. Then seeking a stay from the United States Supreme Court, with a full appeal. The draw of the appeal would be the Solicitor General issue, with the merits of CAA riding along.

2. Seeking *en banc* review by the entire First Circuit. MLA is not optimistic about this option given the ideological makeup of the First Circuit and who appointed the judges.

3. Allowing the case to return to the District Court to litigate issues 3-7, likely seeking another preliminary injunction.

### MASSACHUSETTS COMMERCIAL LOBSTERMEN'S ONGOING CONSERVATION EFFORTS

The MLA in conjunction with the Lobster Foundation of Massachusetts (LFoM) and the Massachusetts commercial lobstermen and MLA have been actively engaged in the conservation of right whales for over 35 years and remain committed to staying the course.

The LFoM supports a healthy and sustainable lobster fishery within Massachusetts’ waters. The LFoM also sponsors scientific research

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# Letter

FROM PAGE 15

and educational programs that promote sustainability and safe fishing practices, which in turn conserve and protect our marine environment and the abundant life it supports.

Through the LFoMs longstanding relationship with the MLA, we continue to collaborate with stakeholders in the Massachusetts commercial lobster industry including but not limited to lobstermen, scientists, and business leaders. The LFoM is coordinating our efforts with organizations and institutions such as the Massachusetts Institute of Technology (MIT) & Woods Hole Oceanographic Institution's Sea Grant Programs; the Universities of Massachusetts, Maine, New Hampshire, and Rhode Island; Massachusetts Department of Marine Fisheries; and other members of our community.

*"The Lobster Foundation of Massachusetts is focused on preserving the sustainability of our state's most valuable commercial, single species, harvested marine resource within state waters, the American Lobster."*  
<https://lobsterfoundationofma.org/>

## MASSACHUSETTS RIGHT WHALE CONSERVATION TIMELINE

**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 pots

**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 three-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-month (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 a 5-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 PLUS a 10-day extension of the gear closure

**2020** - 3-month (Feb/Apr) closure to all pots/traps in the MA Restricted Area, MLA members deployed over 700 coils of whale safe 1700lb weak red rope.

**2021** - 3-month (Feb/Apr) closure to all pots/traps in the MA Restricted Area PLUS a 14-day extension of the gear closure. Massachusetts Environmental Trust Grant - "Providing Massachusetts Lobstermen with Education and Tools for Marine Mammal Conservation"

**2022** - 3-month (Feb/Apr) closure to all pots/traps in the MA Restricted Area PLUS a 16-day extension of the gear closure. Environmental Economic Innovation & Resiliency in Marine Fisheries Grant "Preservation the Right Way".

**2023** - 3-month (Feb/Apr) closure to all pots/traps in the MA Restricted Area PLUS an 8-day extension of the gear closure. National Fish & Wildlife Foundation - New England Gear Innovation Fund "Grappling with Technology for Cost-Effective Solutions in Fishing Gear Innovation".

**2024** - 3-month (Feb/Apr) closure to all pots/traps in the MA Restricted Area PLUS an 8-day extension of the gear closure. Massachusetts Division of Marine Fisheries-Seafood Marketing Education Small Grant Program "Preservation the Right Way"

## MASSACHUSETTS HAS OVER 12,000 SQUARE MILES OF RESTRICTED AREA CLOSURES

The Massachusetts commercial lobstermen have endured much of

the draconian whale conservation over the last several decades since the inception of the Critical Habitat in 1994, and most recently the implementation of the 3-month (Feb/April) closure to all pots/traps in the MA Restricted Area and Southern New. Currently, there are over 12,000 square miles that are closed to traditional lobster fishing, removing ALL the vertical lines when the right whales are present and feeding, leaving ZERO chance of an interaction or entanglement.

The MADMF through their swift ability to implement and rescind Dynamic Area Management (DAM) have implemented this for additional whale conservation when there were high aggregations of Right Whales in Cape Cod Bay after NMFS lifted the closure. The DAM measures through the extension of the MA Restricted Area closure by the MADMF are working and the right whales can come to the waters of the Commonwealth and feed and leave very much alive. The unfortunate events that happened in Canadian waters have now become our responsibility and Massachusetts commercial lobstermen continue to bear the brunt of these lawsuits.

## ONGOING CONSERVATION MANAGEMENT AND GEAR MODIFICATIONS

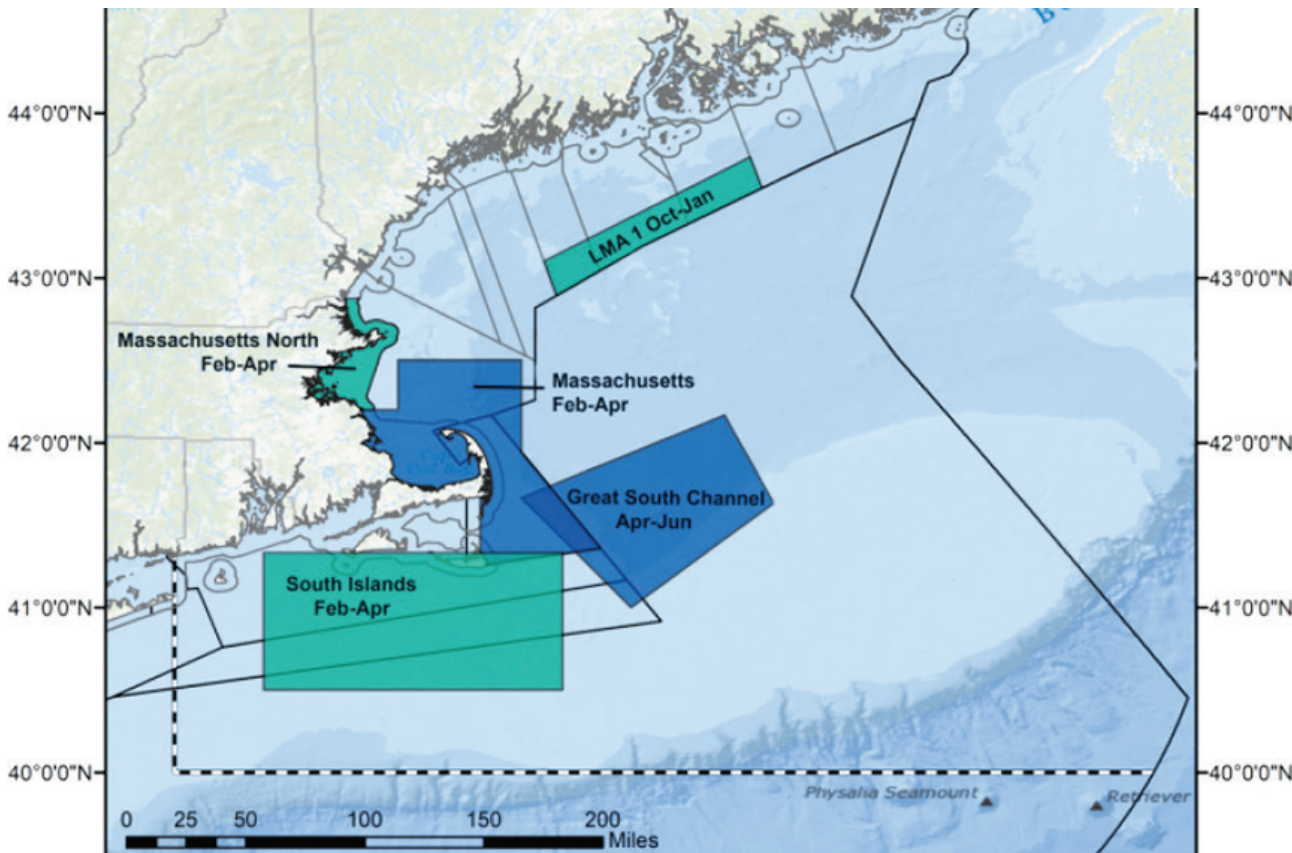
On March 6, 2020, the MADMF submitted the Commonwealths conservation proposal to reach the 60% conservation target set forth by the Atlantic Large Whale Take

Reduction Team and NMFS. This proposal was taken to Public Hearings for input from the industry and will further aid in the right whale's recovery. A conservation measure that is noteworthy is prohibiting the use of any line greater than 3/8" for vertical lines in state waters, which was supported by the MLA.

The MLA and Lobster Foundation of Massachusetts were granted a Massachusetts Environmental Trust grant to develop a 1700lb weaker whale safer red rope which will be deployed this fishing season for field testing. The ropes 1700lb breaking strength recommendation came from the New England Aquariums Study *Effects of fishing rope strength on the severity of large whale entanglements* by Amy Knowlton et. al. where they "found entangled in tested rope strengths below 7.56 kN or 1700 lbsf, implementation of RBS ropes would likely reduce the probability of mortality and suffering" Kowlton et.al. As of February 1, 2025, the LFoM has distributed a few thousand coils of the 1700lb whale safer red rope that is being fished in the waters of the Commonwealth.

## ON-DEMAND GEAR FISHING IS NOT REAL

Today, there are a lot of misperceptions on what can and cannot be done in the commercial lobster fishery when it comes to the use of on-demand gear. Over the last 8 years or so, there has been a major effort to make it mandatory for the





commercial lobstermen and fixed gear fishermen to transition over to ropeless gear to further save the right whales. Furthermore, this gear transition to ropeless is being pushed for year-round implementation when it's not needed as the 3-month closure is in effect when the right whales are present.

The sheer magnitude of the economic undertaking would be well over \$150 million dollars to outfit the commercial lobster industry here in the Commonwealth the first year. The individual cost would be an estimated \$190,000 per fishermen to outfit their gear to go fishing. Not to mention there is an average of 10% gear loss each year and this would have to be replaced year in and year out and the gear loss would likely increase dramatically as the technology has yet to be tested on large scale multi disciplined fisheries. This transition would take hundreds of millions of dollars and decades to implement and outfit every commercial fishing vessel that is on the water.

The unintended consequences of gear conflicts between traditional and ropeless gear in the fisheries would be grave if not thought through to the end. Fixed gear commercial fishing and the mobile gear industry do not fish in one hypothetical box for a species and this is where the gear conflicts would be catastrophic, given that the technology is not readily available, nor do individual brands talk to each other.

Here is a scenario for comparison when technologies do not communicate with each other; What would happen if AT&T, Verizon, Singular, Sprint, and Metro PCS cellphones did not communicate with each other? The consumers would have to carry several phones to stay connected. This is the same for the ropeless technology; they do not communicate with each other; Desert Star, Edge Tech, Lobster Lift, Smelts and more, do not interact with each other so each commercial fisherman would have to have multiple boxes, screens, and transducers on their vessel to see where all the gear is on the bottom.

Unfortunately, environmental groups like Pew Charitable Trust and the International Fund for Animal Welfare continue to commission opinion based on-demand gear reports to help further their pecuniary gains when right whales continue to swim into unprotected waters in Canada. Saving right whales is a great way to raise capital while putting the hard-working commercial lobstermen out of business here in the United States of America.

Here are two extensive reports that have been done on this technology to explain the unrealistic expectations and exorbitant cost of on-demand gear in the commercial lobster fishery.

Assessing the Feasibility of On-Demand Gear in New England Lobster Fisheries

<https://lobstermen.com/wp-content/uploads/2020/08/Assessing-the-Feasibility-of-On-Demand-Gear-in-New-England-Lobster-Fisheries.pdf>

Estimating the Cost of Using On-Demand Gear in the Massachusetts Lobster Fisheries

<https://lobstermen.com/wp-content/uploads/2020/08/Estimating-the-costs-of-using-on-demand-gear-in-Massachusetts-lobster-fisheries.pdf>

#### MARINE MAMMAL PROTECTION ACT

"Congress enacted the Marine Mammal Protection Act (MMPA) in 1972, due in part to the high level of dolphin mortality in the eastern tropical Pacific tuna fishery (estimated at more than 400,000 animals per year in the late 1960s)."

[https://www.everycrsreport.com/reports/RL30120.html#\\_Toc229466607](https://www.everycrsreport.com/reports/RL30120.html#_Toc229466607)

*The MMPA has morphed so radically from its original charge to stave off the loss of 400,000 dolphins per year to becoming the nails in the coffin for every fixed gear fisherman in America. The MMPA was reauthorized in 1994, 26 years ago, and needs to be revamped to be a law that is sensible and attainable. Not a law that vilifies or demonizes our law-abiding commercial fishermen when the real problem lies out of the United States of Americas jurisdiction.*

The MMPA shifted all marine mammal management authorities to the federal government and from our experience at the Atlantic Large Whale Take Reduction Team meeting in 2019, the process failed even while consensus was nearly reached. Five months after the meeting, the State of Maine and the Maine Lobstermen's Assoc. withdrew their consensus vote leaving the rest of the lobster industry to face the consequences. We need your help to fix this problem, so we do not continue to waste valuable time and resources.

#### ENDANGERED SPECIES ACT

*"The Endangered Species Act (ESA) in 1973, it recognized that our rich natural heritage is of "esthetic, ecological, educational, recreational, and scientific value to our Nation and its people." It further expressed*

*concern that many of our nation's native plants and animals were in danger of becoming extinct"* The commercial lobstermen here in the Commonwealth fish under the strictest conservation management rules anywhere in the world and yet they are still bearing the brunt of ALL the litigation rulings with no end in sight because of the ESA.

When the right whales visit the coast of Massachusetts from February through April, they are free to feed without incident. The ESA has continually worked against the commercial lobstermen for decades now even though they have been doing everything that has been asked of them to do, even the implementation of a 3-month closure to over 12,000 sq miles.

As we navigate through these uncharted waters without knowing what the feasibility is for the State to acquire an Incidental Take Permit and or what the outcome will be with Center for Biological Diversity, et al. suit. We remain hopeful that ALL the elected officials will continue to fight on behalf of the hard-working men and women in the commercial lobster industry and fixed gear fisheries. These laws are archaic, and the process is broken. Please help us fix this today before it destroys the iconic and historic

commercial lobster fishery here in the Commonwealth.

The MLA is requesting through the Freedom of Information Act the 2010-2024 economics of the right whale recovery in the United States as millions of taxpayers' dollars are spent annual as these animal's travel into Canadian waters that have marginal protections in place that do not meet the standards of the United States.

Furthermore, the MLA is seeking your help to invoke the 1979 amendment to the ESA, "God Squad" to review the ESA and the right whale recovery efforts. The God Squad has the authority to exempt an agency action from the requirements of section 7(a)(2) of the ESA if the God Squad makes certain determinations. The God Squad is composed of seven members: the Secretary of Agriculture, Secretary of the Army, Chairman of the Council of Economic Advisors, Administrator of the Environmental Protection Agency, Secretary of the Interior, Administrator of the National Oceanic and Atmospheric Administration, and one individual from the affected State, as determined by the Secretary of the Interior and appointed by you, Mr. President.

LETTER, Page 19



## UNDERSTANDING COMMERCIAL FISHERMEN'S PERSPECTIVES ON OFFSHORE WIND




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# Letter

FROM PAGE 17

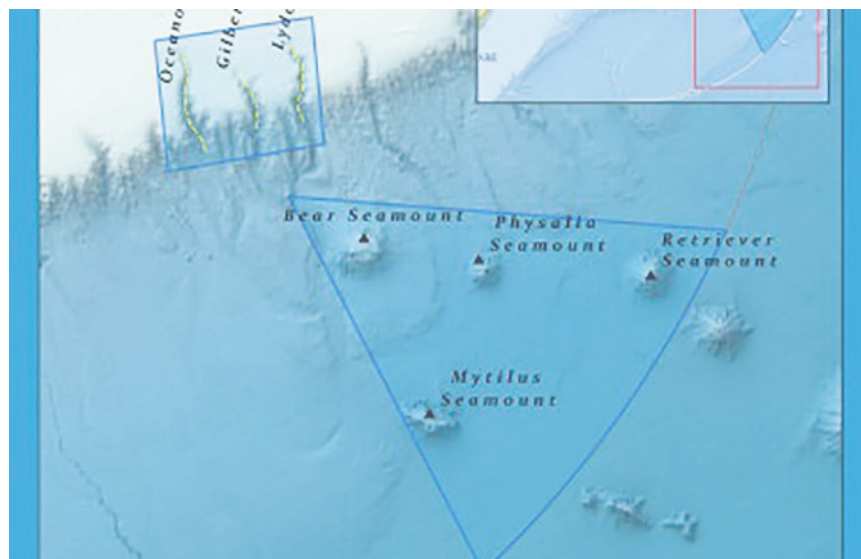
The Massachusetts commercial lobster industry is continually in the crosshairs of the ongoing right whale litigation, and we need to put this to an end today with smart reasonable changes to the ESA and MMPA that with help both the right whales thrive, and commercial lobstermen survive.

## PROCLAMATION ON MODIFYING THE NORTHEAST CANYONS AND SEAMOUNTS MARINE NATIONAL MONUMENT

Thank you, Mr. President, for signing the Proclamation on June 5, 2020 on Modifying The Northeast Canyons And Seamounts Marine National Monument created "In Proclamation 9496 of September 15, 2016, and exercising his authority under section 320301 of title 54, United States Code (the "Antiquities Act"), the President established the Northeast Canyons and Seamounts Marine National Monument, reserving for the care and management of objects of historic and scientific interest approximately 4,913 square miles of water and submerged lands in and around certain deep-sea canyons and seamounts situated upon lands and interests in lands owned or controlled by the Federal Government."

<https://www.whitehouse.gov/presidential-actions/proclamation-modifying-northeast-canyons-seamounts-marine-national-monument/>

Unfortunately, this effort was



short-lived as, the next Administration reversed your Proclamation in 2024 and Implemented the Prohibition of Commercial Fishing in the Northeast Canyons and Seamounts Marine National Monument.

The estimated loss of income to the shoreside businesses is in hundreds of millions of dollars. These negative economic impacts will have a ripple effect on the shoreside businesses the commercial fishing industry depends on such as marinas, seafood dealers and processors, and fuel companies.

As the commercial fishing industry is further restricted and unable to keep up demand for their services these companies leave the area, and the fishermen left are no longer able to receive these services. We are looking for a permanent solution to stop this insanity so that the commercial fishermen know where they

can fish without any unnecessary restrictions as these waters have been pristine for hundreds of years all the while being fished.

## THE MASSACHUSETTS COMMERCIAL LOBSTERMEN NEED YOUR HELP TODAY

When the MLA is asked what help is needed today for the commercial lobster industry, there are several things that come to the surface.

1. The Marine Mammal Protection Act and the Endangered Species Act, need to be reauthorized as they have become out-of-date and unattainable from the get-go for the commercial fixed gear fishermen. The MMPA and ESA have been weaponized are going to make the hard-working commercial lobstermen extinct. We need the "GOD SQUAD" to be invoked today to save the commercial lobstermen.

2. The commercial lobster indus-

try needs to have a level playing field when it comes to importing and exporting lobsters. Not all trade is created equal, and we need your help to get the job done so our commercial lobstermen are compensated accordingly.

3. The MLA is seeking a permanent solution to allow the commercial lobstermen unobstructed access to these fishing grounds no matter what administration is in place. The MLA is extremely concerned about the future negative economic impacts should this Marine National Monument designation be implemented permanently here in Southern New England.

Commercial lobster fishing is a historic and an iconic part of what helped build this great country and the commercial lobstermen here in the Commonwealth are stewards of the sea as they continue to fish under the most restrictive conservation measures anywhere in the world. Our commercial lobstermen deserve to know that their state and federal agencies and elected officials are going to fight for them to save their industry not only for today, but for future generations to come.

In closing, the Massachusetts Lobstermen's Association members thank you, Mr. President, for your prompt attention to these most sensitive matters. We look forward to hearing from you soon.

Sincerely,

Beth Casoni

Executive Director

[Beth.casoni@lobstermen.com](mailto:Beth.casoni@lobstermen.com)

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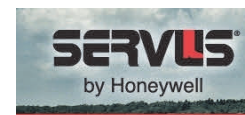
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# NOAA'S NATIONAL MARINE FISHERIES SERVICE (NMFS) 2025 MARINE MAMMAL AUTHORIZATION CERTIFICATE

## A. Authorization:

Pursuant to Section 118 of the Marine Mammal Protection Act (MMPA; 16 U.S.C. 1387), the implementing regulations at 50 CFR Part 229, and subject to the terms and conditions below, NOAA's National Marine Fisheries Service (NMFS) issues this Authorization Certificate, which, when presented in combination with a current/valid state or federal fisheries permit, authorizes the taking of non-endangered/threatened marine mammals incidental to commercial fishing operations in Category I or II fisheries, per the current List of Fisheries.

## B. Terms and Conditions:

- **All incidental mortality, injury/entanglement of marine mammals occurring in the course of commercial fishing operations must be reported to NMFS within 48 hours after the end of each fishing trip in which the incidental death, injury/entanglement occurred using the appropriate reporting form, even if the trip is observed.**
- This Authorization Certificate, or a copy of it, must be on board the vessel during commercial fishing operations.
- Authorization Certificate holders must comply with any applicable take reduction plans and emergency regulations.
- If requested to do so by NMFS, or a designated contractor providing observer services to NMFS, an Authorization Certificate holder must take aboard an observer to accompany the vessel on fishing trips and must possess a valid Commercial Fishing Vessel Safety Examination decal issued by the U.S. Coast Guard.
- When necessary to deter a marine mammal from damaging fishing gear, catch, other private property, or from endangering personal safety, the vessel owner, operator, or crew members may use measures which do not result in serious injury or death of the animal, pursuant to the deterrence provisions of the MMPA.
- A marine mammal may not be intentionally killed in the course of commercial fishing operations except where imminently necessary in self-defense or to protect the life of a person in immediate danger. Such lethal taking **must be reported to NMFS within 48 hours** after the end of each fishing trip in which the mortality occurred using the appropriate MMAP mortality/injury reporting form.
- Any marine mammal incidentally taken must be immediately returned to the sea unless directed otherwise by NMFS or a NMFS-authorized observer.
- This Authorization Certificate, or a copy, must be made available upon request to any state or federal enforcement agent authorized to enforce the Act, any designated agent of NMFS, or any contractor providing observer services to NMFS.
- This Certificate is not transferable. In the event of a change in vessel ownership, the Authorization Certificate is void and a new Authorization Certificate must be obtained by the new owner.
- If the registered vessel is sold or destroyed or is replaced by a new designated vessel, an authorization must be obtained for the new vessel.
- Any person who violates these Terms and Conditions, regulations under 50 CFR Part 229, or any provisions of Section 118 of the MMPA, shall be subject to the penalties set forth in the MMPA.
- This certificate is valid from January 1, 2025 through December 31, 2025.





# Legal Defense Fund Updates

The Massachusetts Lobstermen's Association (MLA) Legal Defense Fund (LDF) needs your support now more than ever. This dedicated fund is for the purpose of defending the Massachusetts commercial lobster fishermen from legal and fisheries management actions that could seriously impact our commercial lobstermen's ability to conduct their businesses and earn a living.

Currently, the MLA is actively engaged in lawsuits that could have negative impacts on the commercial lobster industry and is working with our lawyers in the Commonwealth and in Minnesota to fight for you and your industry.

**UPDATE 3/27/2025** (District of Massachusetts / First Circuit Case) Case No. 1:24-cv-10332-WGY; MLA v. NMFS et al / First Circuit Case Nos. 24-1480 & 24-1481

In our last issue, we explained that the First Circuit had reversed our victory in the District of Massachusetts, ruling that

NMFS was allowed to close the Wedge despite the fact that the Wedge Closure came after the Consolidated Appropriations Act, 2023's prohibition on further regulation. The case will return to the District of Massachusetts unless MLA pursues a Supreme Court appeal.

That decision was issued on January 30, 2025. The mandate issued on March 25, 2025, putting the First Circuit's decision into effect. That means that, as of March 25, 2025, the Wedge is officially closed again.

This means that the case now returns to Judge Young at the District of Massachusetts. MLA has four remaining grounds to challenge the Wedge Closure and intends to pursue those before Judge Young. MLA retains the option to pursue a preliminary injunction and is considering whether to do so.

The commercial lobstermen's businesses are at stake as well as the thousands of jobs and shore side businesses that depend upon the continued success of

the commercial lobster industry. The commercial lobstermen in Massachusetts are NOT to the problem and have done everything asked of them by National Marine Fisheries Service and have been working under the strictest conservation rules for the right whales anywhere in the world since 2014. Yet here we are, still fighting these lawsuits to keep the Massachusetts commercial lobstermen fishing.

The Massachusetts Lobstermen's Association has been actively involved in these lawsuits since 2018 and we need your generous support today to continue our fight to keep the commercial lobstermen fishing. As we all know, any legal action costs lots of money and over the last 5 years the Massachusetts Lobstermen's Association Legal Defense Fund has spent over \$300,000 fighting these legal battles. These are real threats to the historic and iconic commercial lobster industry, and we are doing everything to keep Massachusetts commercial lobstermen fishing.

## WHERE TO MAKE DONATIONS

Any contribution to the Legal Defense Fund is greatly appreciated.

### Donate by mail:

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Donate online: [lobstermen.com](https://lobstermen.com)

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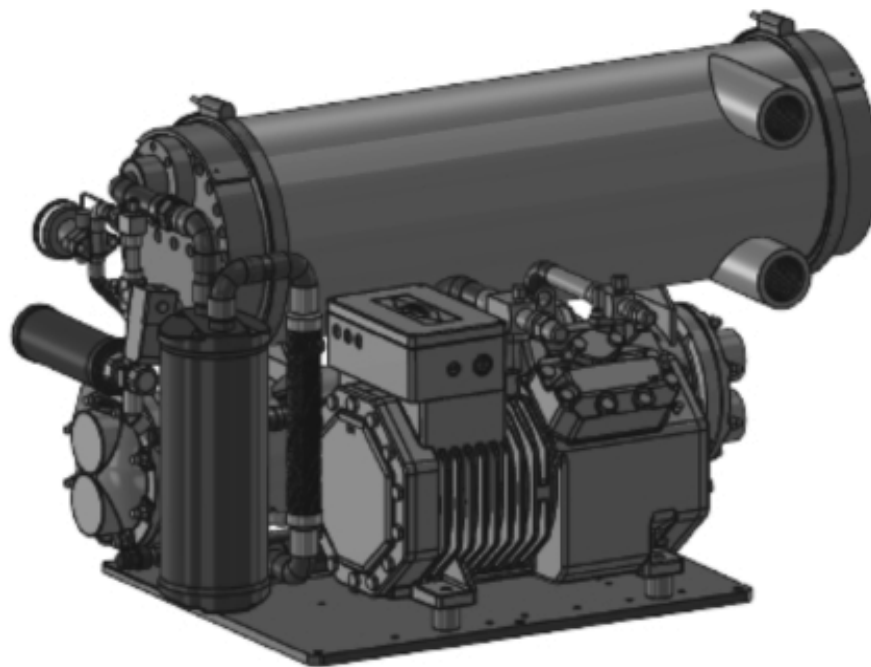




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AD#5 (10/24) **FOR SALE** – Turnkey Outer Cape Lobster Business: 1981 31’ BHM Volvo 63P–370 HP, 2 1/2:1Twin Disc, spare wheels, many spare engine parts. OC State permit w/270 tags+ 10%, many endorsements, 400+ traps, ground lines, end lines, flags, Go-Deeps, 200 totes, lids, + trap building tools & equipment. The boat is also set up for Dogfish & Mackerel w/all gear, 8x16 trap trailer, 5’x7’walk in bait cooler, 6000# mooring in Chatham Harbor, fiberglass skiff with 10HP Suzuki 4 stroke & trailer. \$200k Or BRO Steve 978-257-1062

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AD#7 (10/24) **FOR SALE** – 33 ft. lobster boat 1987 Novi/Scott 150 Ford engine. 600 traps N.H. lobster license 100+ traps, dingy, trap trailer, ropes & buoys. The boat has been out of the water for 3 years. Also, a mooring at Pierce Island. \$54,900.00 Douglas 603-566-3654

AD#8 (10/24) **FOR SALE** – 22’Sisu Lobster Boat W/150 HP Evinrude OB needs work. Has 12” Hydraulic hauler. Runs off Honda Hydraulics. Power Pack needs work. Comes w/ bunk trailer. Asking \$8000. or B.O. Call Robert at 5:00 p.m. 617-846-3714 or 617-650-3842

AD#9 (12/24) **FOR SALE** – Airsep- air-cleaner 5” \$100.00 Joel @ 781-581-0324 or email joel.w.marie@gmail.com

AD#10 (12/24) **FOR SALE** – 5” Superior hauling block-Aluminum construction with stainless sheave \$250. Joel at 781-581-0324 or email joel.w.marie@gmail.com

AD#11 (12/24) **FOR SALE** – Spare new stainless sheave for 5” Superior block-\$150. Joel 781-581-0324 or E-mail joel.w.marie@gmail.com

AD#12 (3/25) **FOR SALE** – 28.2ft boat, built 1976, engine cat 3208, 265HP trans 2.1 twin disk fiberglass JC hull. Area 1 Coastal lobster permit 800 traps, 700 3ft lobster traps with rope & buoys. Joe at 978-239-5927.

AD#13 (10/24) **FOR SALE** – OCLMA permit for 645 tags. Serious inquiries only: 774-313-6287 or joneSeven@aol.com

AD#14 (10/24) **FOR SALE** – 50 3ft yellow

traps-shrimp mesh-1/2 shark mouth-1/2 hoops-Cavatorta wire-composite runners-reinforced corners/bumpers. 10-gauge ends/bridges \$120.00 each. 351-231-2069

AD#15 (3/25) **FOR SALE** – 150 totes-\$4.00 each. All in great condition. 508-951-6400

AD#16 (10/24) **LOOKING TO BUY** – Slide in insulated refrigerated body for pickup truck. Ted 843-267-3473 or mrfish@mrfish.com

AD#17 (3/25) **FREE** – two large, heavy duty, plastic fuel tanks. Removed in working order from two boats that I rebuilt & put larger aluminum tanks into. 13.5” high x 26” wide x 47.5” long had gas in it & 22” high x 12.5” wide x 45.5” long had diesel in it. Located in Gloucester. Call or text 978-290-0905

AD#18 (10/24) **FOR SALE** – Traps- 50 3ft yellow shrimp mesh brand new, ergos, composite runners skid plate, all corners reinforced, stainless bait spike, seal proof door latches,4 corner bumpers & plastic edging all around extra clips built to last \$120 each. 50 -3’ shrimp. 978-774-4074

AD#19 (10/24) **FOR SALE** – 2021 Eaton Boat Shop 25’ custom built with Calvin Beal hull & new trailer. 200 Yamaha, flyby wire, under 55 hours-V berth, electric head, rubber deck, solar pad, full electronics boat launched May 2022- Preston Anderson 603-235-5397 or email di42na@gmail.com

AD#20 (10/24) **FOR SALE** – 800 36” traps, rope, buoys, highflyers. All equipment pertaining to lobstering. If interested, Kevin at 508-951-6400

AD#21 (10/24) **Looking to Buy**-grey or blue plastic fish tubs with lids. 3 x 3 tubs or larger. Mr. Fish Myrtle Beach S.C. mrfish@mrfish.com

AD#22 (12/24) **FOR SALE** – Area 1 Commercial Lobster Permit-800 trap allocation-260- 4ft., Friendship traps, rope, buoys & trailer. \$30,000- Text Mike 781-854-6522

or call 781-665-5318 please no calls after 6:00 p.m.

AD#24 (2/25) **FOR SALE** – lobster/fishing bait. Pogies gillnetted/cast netted. Lightly iced & salted. 60¢ per lb. Free local delivery in CT. Call/text Kory at 203-824-8247

AD#25 (3/25) **FOR SALE** – Coastal Access Permit 25,000.00. Call Joe 978-239-5927.

AD#26 (10/24) **WANTED** – Live Jonah Crab- Mike 609-780-7703

AD#27 (12/24) **FOR SALE** – Lobster Permit Area 2- 420 trap allocation. \$30,000. Call 631-903-2063

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AD#29 (2/25) **FOR SALE** – Area 1-Federal Lobster Permit w/ 800 trap limit for sale \$23,000. Text or call Ed at 781-534-3794 before 7PM.

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AD#31 **PLACE YOUR AD HERE**

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