

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

MAINE LOBSTERMEN’S ASSOCIATION,
INC.

Appellant

and

STATE OF MAINE, DEPARTMENT OF
MARINE RESOURCES, et al.,

Appellees,

v.

NATIONAL MARINE FISHERIES SERVICE, et
al.,

Appellees.

September Term, 2022

1:21-cv-02509-JEB

Case No.: 1:22-cv-5238

DECLARATION OF JOHN TRIPP

I, John Tripp, declare and state as follows:

1. My name is John Tripp. I am 34 years old and a third-generation lobsterman from Spruce Head, Maine. I have been a member of the Maine Lobstermen’s Association (“MLA”) since 2013 and have served on the MLA Board of Directors since 2015. In 2014, I participated in the Maine Lobster Leadership Institute where I learned about the importance of lobster fishery management, science, and the responsibilities that fishermen bear to ensure the sustainability of our lobster resource.

2. I started lobstering when I was 11 years old in a 21’ skiff using 50 traps that were handed down to me from my father and grandfather. I would fish with one parent always in the

bow with me. I spent summers hauling in the harbor off the coast of South Thomaston, around Tommy's Island, an island my grandfather purchased many years ago, where my family and I lived in the summer.

3. My father began lobstering when he was eight years old and has been a professional lobsterman for 57-years. He is one the pioneers of Maine's offshore lobster fishery. My father served on the Atlantic Large Whale Take Reduction Team during the development of the vertical line reduction rule implemented in 2015. My family has always taken Maine's sustainability measures very seriously to ensure the protection of the lobster population, and to protect the endangered North Atlantic right whale. I grew up understanding the responsibility fishermen have to leave the fishery and ocean healthy for the next generation.

4. For me and my family, lobster fishing is not just a job. It is in our blood. It is a passion that has been passed down for generations. No one cares more about the well-being of the ocean and the creatures that live in it than people like me who rely on it to feed our families, who rely on it to put a roof over my children's head, and who rely on it to provide a future.

5. Lobstermen love being on the water. We appreciate the environment. Some of my best days on the ocean are when we encounter sea life, such as porpoises or sun turtles. We stop to watch and take the time to appreciate the beauty that is around us. I believe that is a benefit of this job and it takes the monotony out of our day-to-day responsibilities. My daughter has expressed that when she grows up, she would like to become a marine biologist. When I'm out on the water, I take pictures of what we see and send them to her. It makes me proud to see her love of the ocean and appreciation of world around her.

6. Like many in Maine's lobster fishery, I built up my lobstering business working from smaller lobster boats until I earned enough to invest in a larger boat. A larger lobster boat allows you to safely travel longer distances, efficiently fish more traps, and ultimately catch more lobsters. Today I fish from a 48' Maine-built Mussel Ridge named "SkyAnnIra," the middle names of my three children, ages three, five, and seven. My children, who already love being on the water, would become sixth generation lobstermen – as their mother's ancestors were also all lobstermen from the island of Matinicus. My father-in-law and his family still lobster from Matinicus.

7. For the past ten years, I have fished exclusively in federal waters year-round. Fishing offshore requires a larger investment in boat, fishing gear and crew, but has much higher earning potential because you can lobster through the winter months when lobster prices are highest and catches are strong. Due to the geography of Midcoast Maine and the islands off the coast, I steam roughly an hour and a half, or 22 miles, to haul my first set of traps. I enjoy fishing in this area because I can safely deploy my 800 traps as 40 trawls of 20 traps each, with two endlines per trawl. I fish an area of roughly 130 square miles, and on most days there are only four to five other boats anywhere in the area. This means that each of my lobster traps can fish to its maximum capacity because it does not have to compete with other traps set in the area. I have on average only one and a half vertical lines per square mile.

8. I am sincerely concerned with the future of Maine's lobster heritage. I cannot imagine what NMFS new mandate to reduce risk by 90%, with practically no opportunity for input from the lobstermen who will be impacted, will mean for me and my family. Based on my business model, NMFS's preliminary examples of what would be required to meet this risk reduction – large seasonal closures, massive trap reductions to remove vertical lines, and near

fully weakened endlines – would have a devastating impact on my ability to catch lobsters and earn a living. And NMFS has stated that even the full closure of the federal fishery will not achieve the necessary risk reduction. It breaks my heart because I want to be able to pass on my skills, knowledge, and passion for this industry to my children. I am saddened that I cannot in good conscience encourage them to get into the fishery because I fear that there won't be anything left for them.

9. If the federal lobster fishery were to close, it would have devastating impacts on my fishing business. I would instantly lose 40-50 percent of my landings. My boat is built to fish offshore where I am able to fish large traps spread over expansive areas of fishing bottom. It is not designed to work efficiently in crowded inshore fishing areas. An important part of my business plan is my ability to fish year-round as offshore waters which produces income 12 months of the year. The inshore fishery is much more seasonal with lobstering grounds productive for only five months because lobsters are largely dormant during the cold winter and spring months. Fishing offshore, year-round, also allows me flexibility in my schedule and gives me opportunity to spend time with my family that I might not have fishing seasonally.

10. If the federal fishery were to close, I would be forced to fish my boat inshore where there is already too much effort on the resource. Maine's lobster zone councils have implemented exit ratios to ensure that no new effort enters the fishery unless a certain number of licenses are retired. My town of Spruce Head is in Zone D where five licenses must be retired before a qualified Apprentice can enter the fishery from the waiting list. This system is in place because the state waters fishery is already too crowded and lobstermen fear that any downturn in the resource could result in lobstermen going out of business. Forcing the larger federal fleet to fish inshore will add significant pressure on the lobster resource and create a lot of conflict

among fishermen who would be forced to compete for access to limited fishing bottom and a limited number of legal size lobsters that molt into the fishery each year.

11. If the federal fishery were to close, I would probably not be able to continue to employ my two sternmen – one is the father of two children, and the other is a 22-year-old Army veteran who hopes to one day start a family of his own. He does not come from a fishing family and tells me he never fully appreciated the opportunities that fishing provides. He loved it right off the bat, which is remarkable with all the uncertainty in this industry these days.

12. The uncertainty surrounding federal regulations are already taking a mental toll on me, as a small business owner, and on my family. My seven-year-old daughter heard about the challenges facing lobstermen and she started crying, worried that her Dad won't be able to pay the bills and that we could lose our home.

13. I worry that lobstermen and this fishery are seen as dispensable. If a hospital closes, a doctor can always go work at another hospital. If a school closes, a teacher can teach at another school. If the federal lobster fishery is shut down, I can't fish anywhere else. If the federal lobster fishery is shut down, I'm not losing just my job, I will lose my identity – my family's way of life.

14. As a lobsterman who cares deeply about the future of this industry, I want to be part of the solution. I am proud of the fact that Maine lobstermen are leaders in right whale conservation. We have done everything asked of us to help ensure that the right whale does not become entangled in our gear. Our efforts have been overwhelmingly successful. We are proud of the fact that zero right whales are known to have ever been killed as a result of entanglement

in our gear, and that there have been zero known entanglements in Maine gear for nearly 20 years.

15. It is a helpless feeling because science and data clearly show that Maine lobstermen are not killing the endangered North Atlantic right whale, but we are being forced to become the solution to the problem. We feel like we are being treated as guilty until proven innocent, but no one will listen to the facts and instead are relying on computer models that don't tell the whole story.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my information and belief.

Executed on October 6, 2022, in Friendship, Maine.



John Tripp