

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

The City of New Bedford, Massachusetts, et al.)
Plaintiffs,)
v.)
The Honorable Gary W. Locke, et al.)
Defendants,)
&)
Conservation Law Foundation, Inc.,)
Intervenor-Defendant.)

**CIVIL ACTION
NO. 1:10-cv-10789-RWZ**

DECLARATION OF MARIANNE CUFONE

I, Marianne Cufone, declare as follows:

1. My name is Marianne Cufone. I live at 13904 Lake Bluff Ct. in Tampa, Florida. I graduated from Boston College in 1993 with a B.A. and from the University of Miami, School of Law in 1999 with a J.D. I am an environmental attorney and the Director for the Fish Program at Food & Water Watch, Inc. (“FWW”) I have been directly involved in fisheries management for more than 10 years.

2. FWW is a national, non-profit, public interest consumer advocacy organization, headquartered in Washington, D.C. FWW has more than 3200 members in New England and the states of New York and New Jersey, including commercial and recreational fishermen and women, conservationists, and consumers.

3. The organization works to ensure safe food and clean water, advocating for safe,

wholesome food produced in a humane and sustainable manner, and public rather than private control of water resources, including oceans, rivers, and groundwater. The FWW Fish Program promotes safe and sustainable seafood for consumers, while helping to protect the environment and support the long-term well-being of coastal and fishing communities.

4. FWW has always opposed Individualized Fishing Quota (IFQ) programs that privatize fisheries, on behalf of its fishermen and consumer members. Through intentional consolidation of a fishery, we contend that such programs reduce the number of boats, but often also increase the average size of the boats. We estimate the domination of the fishery by more industrial scale vessels will lead to a lower quality product for consumers, as fish can be crushed through mechanic sorting and by being pulled up in large nets with thousands of other fish. Moreover, fish are then often processed *en masse* – sometimes shipped across the world to places with lower food safety standards for filleting and packaging, then shipped back to the United States for sale. The industrialization and consolidation of the fishery, we believe, reduces opportunities for smaller-scale operations that are often focused more on quality and not just quantity, which ultimately affects the product that consumers receive.

5. In terms of the environmental impacts of IFQs, FWW does not believe that IFQ systems necessarily promote conservation. Assertions of ecological benefits are usually based on the errant assumption that a fewer number of commercial fishing vessels is directly proportional to a lesser harm to the marine environment. We believe that this assumption needs to be analyzed because, among other reasons, a smaller number of certain types of vessels can cause a greater amount of harm either because of their impacts to seafloor habitat or bycatch, or unintentionally caught species. Instead of promoting conservation, IFQs can reward those

fishermen who fish the hardest and fastest, while squeezing out many smaller-scale fishermen that often use gear associated with less ecological damage.

6. FWW has been involved in monitoring and commenting on the development of Amendment 16. FWW submitted written comments on January 20, 2009. FWW also attended a Fisheries Leadership & Sustainability Forum in October 2009, at the start of a two-day workshop on catch shares organized by the New England Fishery Management Council. FWW has provided a number of updates to media through the development process of Amendment 16 and has been cited in quotes in news stories as an opponent of it. *See* <http://www.gloucestertimes.com/fishing/x1703942597/Green-activists-take-the-wheel/print>; <http://www.gloucestertimes.com/fishing/x1358984883/News-Analysis-NOAA-chief-inconsistent-on-Gulf-oil-catch-shares>

7. FWW's primary concern is that Amendment 16, attempts to avoid the referendum requirement, thus blocking fishermen members from being able to vote and organize others to vote on whether the amendment should move forward. FWW strongly believes that a referendum would allow smaller-scale fishermen to block the IFQ system if they felt it was not designed to be fair and equitable. Among some of the organization's other concerns are that the amendment will not actually have the conservation benefits it is claimed to have and that these impacts were not analyzed as required under the National Environmental Policy Act; that it was designed to be approved and benefit only the largest commercial fishermen and would have serious socioeconomic effects on smaller fishermen and fishing communities; and that it is an improper giveaway of public resources and will negatively impact consumers. FWW had intended to intervene earlier, but waited to determine if the case in New Jersey and

Massachusetts would be consolidated, so that the organization would not have to submit two motions unnecessarily.

8. Pursuant to the provisions of 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 4th day of October 2010.

A handwritten signature in black ink, appearing to read "Marianne Cufone". The signature is fluid and cursive, with a large initial 'M' and a long, sweeping tail.

Marianne Cufone