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Recreational Fishing Alliance,

The Fishermen's Dock Cooperative, Inc.,

Jersey Coast Anglers Association, Inc.,

Garden State Seafood Association and

New Jersey Outdoor Alliance

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

-----X  
RECREATIONAL FISHING :  
ALLIANCE; THE FISHERMEN'S :  
DOCK COOPERATIVE, INC.; :  
JERSEY COAST ANGLERS :  
ASSOCIATION, INC.; GARDEN :  
STATE SEAFOOD :  
ASSOCIATION; and NEW :  
JERSEY OUTDOOR ALLIANCE, :

Plaintiffs,

v.

NATIONAL SCIENCE :  
FOUNDATION, FRANCE :  
CORDOVA, as director of the :  
National Science Foundation; :  
NATIONAL OCEANIC AND :  
ATMOSPHERIC :  
ADMINISTRATION, OFFICE :  
FOR COASTAL MANAGEMENT, :  
JEFFREY PAYNE, as Acting :  
Director of the Office for Coastal :  
Management; NATIONAL :  
OCEANIC AND ATMOSPHERIC :  
ADMINISTRATION, NATIONAL :

**VERIFIED COMPLAINT FOR  
PRELIMINARY INJUNCTIVE  
RELIEF**

MARINE FISHERIES SERVICE, :  
EILEEN SOBECK, as Assistant :  
Administrator for Fisheries; and :  
LAMONT-DOHERTY EARTH :  
OBSERVATORY, :  
: :  
Defendants. :  
-----X

Plaintiffs Recreational Fishing Alliance, the Fishermen's Dock  
Cooperative, Inc., Jersey Coast Anglers Association, Inc., Garden State Seafood  
Association and New Jersey Outdoor Alliance, by their counsel, Wilentz,  
Goldman & Spitzer, P.A., allege as follows:

**NATURE OF THE ACTION**

1. Plaintiffs bring this action on behalf of concerned citizens groups to preserve the ocean and its marine resources. Defendant Lamont-Doherty Earth Observatory is currently conducting an invasive 3D seismic survey (the "3D seismic survey" and/or the "Survey") in an approximately 12 x 50 kilometer rectangular area, 25 ~ 85 km from the coast of New Jersey that is impermissibly interfering with the aquatic life within the subject area by blasting airguns underwater at decibel levels louder than the decibels emitted upon a space shuttle launching. Given these airgun blasts, the Survey is irreparably harming the aquatic life that traverses this oceanic ecosystem and the Survey should be abated immediately.
2. The stated purpose of the Survey is to collect and analyze data on the arrangement of sediments deposited during times of changing global sea

level from roughly 60 million years ago to present, and to map sequences around existing drill sites and analyze their spatial/temporal changes. The manner and method employed by the 3D seismic survey is negatively impacting the aquatic life in the impacted area, however, to the irreparable detriment of Plaintiffs and the general public, and various less impactful alternatives exist.

3. The State of New Jersey had the highest landing revenue (approximately \$188 million) in the Mid-Atlantic region in 2012, and the potential negative impacts of the Survey on the commercial/recreational fishing industries has not been adequately explored by Defendants or understood. As such, the Survey as constituted, which has disrupted the ecosystem and habitat in the affected area and caused various species of fish and marine mammals to avoid the area, constitutes an unreasonable interference with the fishermen's right to fish, and the public's right to enjoy the ocean, which rights have been well established.

4. Therefore, Plaintiffs seek declaratory and injunctive relief to stop Defendants' unwarranted intrusion on New Jersey's valuable marine resources.

### **JURISDICTION**

5. This Court holds jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1346(a), because Defendants are agencies of the United States. The Court is authorized to provide declaratory and injunctive relief pursuant to 28 U.S.C. §§ 2201-2202.

**VENUE**

6. Venue over this action is proper in this District pursuant to 28 U.S.C. § 1391(e)(3), which establishes venue in an action against an officer or agency of the United States in any judicial district in which one of Plaintiffs resides, if no real property is involved in the action.

**PARTIES**

7. Plaintiff Recreational Fishing Alliance, with its office located at P.O. Box 3080, New Gretna, New Jersey 08224, is a national non-profit organization, established to safeguard the rights of saltwater anglers, protect marine, boat and tackle industry occupations and to ensure the long-term sustainability of our Nation's saltwater fisheries.

8. Plaintiff Fishermen's Dock Cooperative, Inc. ("the Co-op"), with its office located at 57 Channel Drive, Point Pleasant Beach, New Jersey 08742, is a New Jersey organization comprised of local fishermen mainly participating in trawl fishery. From 2012 to 2014, the Co-op averaged over 2.3 million dollars of landings annually in the June, July and August period.

9. Plaintiff Jersey Coast Anglers Association, Inc., with its office located at 1201 Route 37 East Suite 9, Toms River, New Jersey 08753, is a non-profit organization, established in 1981 and comprised of more than 75 saltwater fishing clubs representing the rights of marine sport anglers.

10. Plaintiff Garden State Seafood Association, with its office located at 212 West State Street, Trenton, New Jersey 08608, is an organization

dedicated to effective representation to protect the interests of New Jersey fishermen and New Jersey's fisheries dependent businesses.

11. Plaintiff New Jersey Outdoor Alliance, with its office located at P.O. Box 655, Belmar, New Jersey 07719, is a New Jersey coalition of outdoorsmen and outdoorswomen dedicated to the conservation of natural resources and environmental stewardship, championing the intrinsic value of fishing, hunting and trapping, among opinion leaders, policy makers and the public at-large.

12. Defendant National Science Foundation ("NSF"), with its office located at 4201 Wilson Boulevard, Arlington, Virginia 22230, owns the R/V Marcus G. Langseth, the vessel currently being used to conduct the Survey ("R/V Langseth"), and provides research funds for the Survey.

13. Defendant France A. Córdova is the Director of the NSF and is responsible for overseeing NSF staff and management responsible for program administration, merit review, planning and day-to-day operations.

14. Defendant National Oceanic and Atmospheric Administration ("NOAA"), Office for Coastal Management ("OCM"), with its office located at 1305 East-West Highway, Silver Spring, Maryland 20910, is responsible for providing the basis for protecting, restoring and responsibly developing the nation's diverse coastal communities and marine resources.

15. Defendant Jeffrey L. Payne is the Acting Director of OCM within NOAA, in charge with overseeing OCM staffs and management responsible for program administration, merit review, planning and day-to-day operations.

16. Defendant National Marine Fisheries Service ("NMFS"), with offices located at 1315 East-West Highway, Silver Spring, Maryland 20910, is a federal agency within NOAA in charge of the nation's offshore living marine resources and their habitats. Defendant NMFS is responsible for maintaining productive and sustainable fisheries, safe sources of seafood, the recovery and conservation of protected resources, and healthy ecosystems, including issuance of Incidental Harassment Authorizations.

17. Defendant Eileen Sobek is the Assistant Administrator for Defendant NMFS. She is responsible for overseeing NMFS staffs and management responsible for program administration, merit review, planning and day-to-day operations to ensure that marine fisheries are sufficiently maintained, and that marine mammals, sea turtles, and coastal fisheries habitat within the U.S. exclusive economic zone are well protected.

18. Defendant Lamont-Doherty Earth Observatory ("LDEO"), with its office located at P.O. Box 1000, 61 Route 9W, Palisades, New York 10964-1000, operates the R/V Langseth during the Survey.

#### **FACTS COMMON TO ALL COUNTS**

19. On or about December 16, 2013, Defendant LDEO filed an application with Defendant NMFS, proposing to conduct a high-energy, 3D

seismic survey on the R/V Langseth in the Northwest Atlantic Ocean, 25 ~ 85 km from the coast of New Jersey in June – July 2014, and sought an “Incidental Harassment Authorization” (“IHA”) under the Marine Mammal Protection Act (“MMPA”), 16 U.S.C. § 1371(a).

20. On or about July 1, 2014, Defendant NMFS issued a final Environmental Assessment (“EA”) and a “Finding of No Significant Impact (“FONSI”), determining that “no direct, indirect, or cumulatively significant impacts to the human environment would occur from implementing the [proposed survey].” Attached hereto as Exhibit A is a copy of the EA. Attached hereto as Exhibit B is a copy of the FONSI.

21. In its FONSI, Defendant NMFS self-servingly noted that “[t]he potential risks associated with research seismic surveys are neither unique or unknown nor is there significant uncertainty about impacts.” See Exhibit B, p. 4.

22. NMFS’ representation in the FONSI notwithstanding, in or around June 2011, Defendant NSF issued a Programmatic Environmental Impact Statement (“PEIS”), addressing potential impacts that may result from geophysical exploration and scientific research using seismic surveys that are funded by Defendant NSF, or conducted by U.S. Geological Survey, and the conclusions drawn starkly contradicted the FONSI. Attached hereto as Exhibit C is a copy of the PEIS.

23. For example, whereas the FONSI issued by NFMS sought to downplay concerns regarding seismic testing, in the PEIS minimizing the unknown impact of same, Defendant NSF highlighted the fact that “the existing body of published and unpublished scientific literature on the impacts of seismic survey sound on marine invertebrates is limited, and there are no known systematic studies of the effects of sonar sound on invertebrates.” See Exhibit C, p. 3-15.

24. Also of concern, in the PEIS, Defendant NSF noted that several decapod crustacean (lobsters, crabs and shrimps) and cephalopod mollusk groups (octopuses and squids) typically spawn during the late spring and early fall months off the shores of New Jersey, and their larvae often move up to the surface water. See Exhibit C, p. 3-10.

25. In the PEIS, Defendant NSF noted that “[essential fish habitat] for various life stage of numerous fish species, including Atlantic cod, Atlantic salmon, Atlantic halibut, flounder, hake, herring and other pelagic species, occurs in or proximate to the Northwest Atlantic region.” See Exhibit C, p. 3-33.

26. Thus, unlike the FNIS, the PEIS wholeheartedly acknowledged and revealed the extent that scientific research concerning the impact of a seismic study was limited and unknown. See Exhibit C.

27. Moreover, despite the fact that the scientific studies cited in the PEIS consistently indicated significant reduction in catching rates after seismic



testing, Defendant NSF erroneously concluded that such effect would be temporary. See Exhibit C, p. 3-47.

28. On or about July 1, 2014, Defendant NMFS also issued an Incidental Harassment Authorization (“IHA”) for 15 whale species (92 individuals), 7 dolphin species (607 individuals), 3 seal species (160 individuals) and 1 porpoise species (3 individuals). Attached hereto as Exhibit D is a copy of the IHA.

29. The IHA contained the following restrictions on the hours of seismic testing operation:

“(r) The Langseth may continue marine geophysical surveys into night and low-light hours if the Holder of the Authorization initiates these segment(s) of the survey when the observers can view and effectively monitor the full relevant exclusive zones.

(s) The Authorization does not permit the Holder of this Authorization to initiate airgun array operations from a shut-down position at night or during low-light hours (such as in dense fog or heavy rain) when the visual observers cannot view and effectively monitor the full relevant exclusion zones.

(t) To the maximum extent practicable, the Holder of this Authorization should schedule seismic operations (*i.e.*, shooting the airguns) during daylight hours.” See Exhibit D, pp. 5-6.

30. On the same day, the R/V Langseth left New York Harbor and travelled off the coast of New Jersey.

31. On or about July 3, 2014, New Jersey Department of Environmental Protection (“NJDEP”) filed a verified complaint for injunctive and declaratory relief in this District Court, alleging that Defendants improperly

denied its review request and improperly issued the EA, FONSI and IHA for the proposed Survey.

32. On or about July 7, 2014, NJDEP moved for a temporary restraining order to stop the proposed Survey. However, finding no procedural deficiencies in Defendants' denial and issuance, the Court denied NJDEP's attempt to stop the proposed Survey.

33. Encountering mechanical issues, the proposed Survey was cancelled and the R/V Langseth ultimately returned to New York on July 23, 2014.

34. On or about December 19, 2014, Defendant LDEO submitted a report, titled "Protected Species Mitigation and Monitoring Report" ("Mitigation and Monitoring Report"), to Defendant NMFS. Attached hereto as Exhibit E is a copy of the Mitigation and Monitoring Report.

35. The purpose of the Mitigation and Monitoring Report was to explain to the NMFS the extent of research conducted aboard the R/V Langseth, and to begin positioning a request for the Survey to be continued thereafter.

36. In the Mitigation and Monitoring Report, Defendant LDEO indicated that "[v]isual watches commenced each day before civil twilight dawn, beginning as soon as the safety radii were visible, and continued past civil twilight dusk until the safety radii became obscured. Start of observation times ranged from 5:05 to 5:20 local time, which end of observation times ranged from 20:30 to 20:55 local time." See Exhibit E, p. 10.

37. Despite the requirements set forth in the IHA, as revealed by the data provided in the Mitigation and Monitoring Report itself, the 3D seismic survey was conducted even after mid-night when no observer may effectively monitor the full relevant exclusive zones. See Exhibit E, Appendix E. This constituted a violation of the terms of the IHA issued for the abandoned Survey and provides ample cause for concern that the IHA issued for the current 3D seismic survey will be ignored by Defendant LDEO.

38. On or about December 21, 2014, Defendant LDEO filed a second application with Defendant NMFS, proposing to conduct a high-energy, 3D seismic survey on the R/V Langseth in the Northwest Atlantic Ocean, 25 ~ 85 km from the coast of New Jersey in June – July 2015, and sought a second IHA.

39. The Survey as it is being conducted will collect data using a subarray of four airguns with a total discharge volume of ~ 700 in<sup>3</sup>. The airguns are a mixture of Bolt 1500 LL and Bolt 1900 LLX airguns ranging in size from 40 to 200 in<sup>3</sup>, with a firing pressure of 1,950 pounds per square inch. The airguns are to be fired every 5.4 seconds for approximately thirty days, and when fired will emit a source level from 246 to 253 decibels.

40. During the Survey, which is presently on-going, Defendant LDEO indicated its intention to utilize a Kongsberg EM 122 multibeam echosounder simultaneously during airgun operations to map the ocean floor. The echosounder operates between 10.5 and 13.0 kHz, with a maximum source level of 242 decibels.

41. The Survey as it is being conducted also involves the use of (1) a sub-bottom profiler, which will emit pings with a pulse interval of one second, with a maximum radiated power of 204 decibels, and (2) an acoustic Doppler current profiler with an acoustic source level over 200 decibels.

42. The decibels created and generated by the various equipment will be devastating on the surrounding oceanic environment, and likely cause various species to vacate the area (maybe permanently).

43. In point of comparison, upon information and belief, the following explosions are less impactful on a decibel level than the equipment utilized to conduct the Survey:

- Gunfire discharges create decibel levels between approximately 145 and 155 decibels;
- The decibels created by a space shuttle launching is between approximately 165-170 decibels; and
- A 1 ton atom bomb creates a decibel level of 210 decibels at approximately 250 feet of the blast.

44. The procedures for the Survey are virtually identical to those proposed for the 2014 survey, which Defendant LDEO admittedly did not follow.

45. On or about May 5, 2015, Defendant NMFS issued a second FONSI, determining that issuance of a IHA for the 2015 survey would not

significantly impact the quality of the human environment. Attached hereto as Exhibit F is the 2015 FONSI.

46. In its 2015 FONSI, Defendant NMFS also noted that “[t]he potential risks associated with research seismic surveys are neither unique nor unknown nor is there significant uncertainty about impacts,” despite the fact that the PEIS clearly holds to the contrary. See Exhibit F, p.5

47. On or about May 7, 2015, Defendant NMFS issued a new IHA for 19 whale species (245 individuals), 9 dolphin species (18,321 individuals), 3 seal species (6 individuals), and 1 porpoise species (4 individuals). Attached hereto as Exhibit G is a copy of the 2015 IHA.

48. In terms of the total number, the second IHA allows approximately 21 times more harassment take than the previous IHA, despite the fact that a larger airgun array will not be utilized in the 2015 survey. See Exhibit G.

49. More importantly, the final estimated takes drastically increased based upon the Marine Mammal Commission’s comments during the public comment period. For example:

- Bottlenose dolphins increased from 411 to 12,532;
- Atlantic spotted dolphins increased from 133 to 4,067; and
- Risso’s dolphins increased from 50 to 1,532.

50. Despite this drastic increase in estimated takes, Defendant NMFS simply issued the second IHA without further discussing this issue, or providing a meaningful opportunity for the public to comment. This clearly evidences

Defendant NMFS's unwavering intention to permit the Survey under any circumstances.

51. On or about May 26, 2015, Defendant NMFS issued a Final Amended EA for the 2015 survey (the "2015 EA"), seeking to have the Survey conducted during the summer months. Attached hereto as Exhibit H is a copy of the 2015 EA.

52. The 2015 EA also maintained the self-serving fiction that "[n]o long-term or significant effects would be expected on individual marine mammals, sea turtles, seabirds, fish, the populations to which they belong, or their habitats," despite the fact that Defendants had not commissioned or presented any studies, findings or conclusions on this issue at all. See Exhibit H, p. vii.

53. The 2015 EA was equally dismissive and deficient in addressing the impact the Survey would have on spawning in the subject area. In its 2015 EA, Defendant NMFS addressed only two spawning stocks (summer flounder and black sea bass), despite its acknowledgement in the PEIS that there are other decapod crustacean and cephalopod mollusk groups, typically spawning in the subject area while the proposed Survey is conducted. See Exhibit H, p. 55.

54. Remarkably, the 2015 EA summarily swept aside various other oceanic concerns and risks to species flowing from the Survey. Indeed, in the 2015 EA, Defendant NMFS cited a scientific study which showed that four cephalopod species experienced damages to the statocyst, an organ responsible

for equilibrium and movement, when they were exposed to low frequency sinusoidal wave sweeps, yet this issue was not addressed any further and no sufficient safe guards were addressed or discussed. See Exhibit H, p. 53.

55. Likewise, although Defendant NMFS also cited three recent scientific studies on the effect of seismic testing on fisheries, it summarily disregarded the recommendations/outcome of those studies, and deferred the PEIS's unsubstantiated conclusion that no significant impacts on fish populations and associated essential fish habitat. Defendant NMFS further attempted to minimize its potential negative impacts on fisheries by simply suggesting that communication with fishing community would negate adverse impacts. See Exhibit H, pp. 55-56.

56. Finally, Defendant NMFS paid extraordinarily short-shrift to the public suggestion that the proposed Survey be conducted in the September – October period to minimize any negative effects on fisheries. Remarkably, Defendant NMFS minimized the public's concerns by concluding that such suggestion "does not take into account that the research was proposed by researchers and students whose professional and academic careers depend upon the timely collection of these data and successful completion of the survey." See Exhibit H, p. 66. Thus, in Defendant NMFS's twisted world, the inconvenience to the researchers and students is of paramount priority, not that of the oceanic wildlife or the members of the public that traverse these waterways.

57. On or about June 1, 2015, the R/V Langseth left New York Harbor and traveled off the coast of New Jersey. Currently, the R/V Langseth is conducting the Survey in the Subject Area.

58. On or about June 5, 2015, NJDEP filed another verified complaint for injunctive and declaratory relief, but has not moved for a temporary restraining order this time.

59. Contrary to its own suggestion in the PEIS and the 2015 EA, neither Defendant NSF nor Defendant LDEO has made any efforts to communicate with local fishermen to minimize potential adverse impacts on fisheries.

60. Since the Survey was initiated, there have been three separate dead whale sightings in the surrounding areas:

- (1) On or about June 8, 2015 – a 18 foot Minke whale on Fire Island, New York;
- (2) On or about June 10, 2015 – a 40 foot fin whale approximately 18 miles off of Manasquan; and
- (3) On or about June 13, 2015 – an unidentifiable whale drifting about 50 miles east of Asbury Park.

61. Additionally, following the initiation of the Survey, various species of fish, including bluefish, and marine mammals that were previously identified as inhabiting the waterways where the Survey is being conducted have not been spotted there while the Survey has been on going.

62. Finally, several protected endangered species traverse the waterways impacted by Defendants' Survey. These species include Blue Whale



(*Balaenoptera musculus*), Fin Whale (*Balaenoptera physalus*), Humpback Whale (*Megaptera novaeangliae*), Sei Whale (*Balaenoptera borealis*), Sperm Whale (*Physeter macrocephalus*), North Atlantic Right Whale (*Eubalaena glacialis*), Kemp's Ridley Sea Turtles (*Lepidochelys kempii*), Loggerhead Sea Turtles (*Caretta caretta*), Green Sea Turtles (*Chelonia mydas*), Leatherback Sea Turtles (*Dermochelys ciruacea*), Hawksbill Sea Turtle (*Eretmochelys imbricata*), Atlantic Sturgeon (*Acipenser oxyrinchus*) and Shortnose Sturgeon (*Acipenser brevirostrum*).

63. Pursuant to Section 7(a)(2) of the Endangered Species Act ("ESA"), 16 U.S.C. §1531 *et seq.*, Defendant NMFS issued the Biological Opinion ("BO") dated May 7, 2015, determining that the Survey is not likely to jeopardize the continued existence of the aforementioned endangered or threatened species or result in the destruction or adverse modification of critical habitat of such species. Attached hereto as Exhibit I is a copy of the BO.

64. However, Defendant NMFS failed to provide any impact analysis on (i) Hawksbill Sea Turtle, (ii) Atlantic Sturgeon and (iii) Shortnose Sturgeon, simply claiming, without any scientific or commercial data available, that these species are unlikely to be in the Survey area. See Exhibit I, p. 20. Such unsubstantiated conclusion should be invalidated and further analysis must be conducted for these endangered or threatened species.

**COUNT I**

**(Public Nuisance)**

65. Plaintiffs hereby incorporate and reassert all of the foregoing paragraphs of the Complaint as if asserted herein.

66. A public nuisance is an unreasonable interference with a public right.

67. An interference is unreasonable where the conduct is of a continuing nature or has produced a permanent or long-lasting effect, and as the actor knows or has reason to know, has a significant effect upon the public right.

68. A public right is one common to all members of the general public.

69. By way of the public trust doctrine and the common-law, the public possesses rights within the oceanic waterways for public use of the water for navigation and fishing, among other enjoyments.

70. As a result of the impact of the Survey on the oceanic waterways as identified above, the Survey, as presently being conducted by Defendants, unreasonably interferes with the public's right to enjoy the ocean waterways and life therein, including the various endangered species identified.

71. Indeed, the Survey's deliberate, repeated and incessant use of airguns and other equipment that emit decibel levels comparable to the detonation of a 1 ton atomic bomb, are continuing in nature and will produce

permanent and/or long lasting effects on the oceanic environment and the aquatic life in the subject area

72. Defendants are aware of this fact and its impact on the public right to use and enjoy the ocean waterways and have refused and/or failed to properly address same.

73. Accordingly, the Survey, as presently being conducted by Defendants, constitutes a public nuisance that must be abated.

WHEREFORE, Plaintiffs demand as relief:

- (a) That the Court enjoin Defendants from continuing with the on-going Survey;
- (b) That the Court enjoin Defendants from authorizing or conducting any future seismic testing between the months of April and October;
- (c) That the Court enjoin Defendants from authorizing or conducting any future seismic testing within 100 miles of New Jersey unless and until Defendants have obtained and proffered an appropriate environmental impact statement as well as an appropriate biological opinion detailing any and all present and potentially future impact that a seismic study may have on impacted fish and marine mammals, and allowing a 30-day comment period thereafter;

(d) Any other relief the Court deems just and appropriate.

Respectfully submitted,

WILENTZ, GOLDMAN & SPITZER,  
Attorneys for Plaintiffs

By: /s/Robert L. Selvers  
ROBERT L. SELVERS

DATED: June 26, 2015

**CERTIFICATION PURSUANT TO LOCAL CIVIL RULE 11.2**

I certify that, to the best of my knowledge, information and belief,  
the matter in controversy herein is not the subject of any other proceeding  
pending in any court or of any pending arbitration proceeding.

By: s/Robert L. Selvers  
ROBERT L. SELVERS

Dated: June 26, 2015

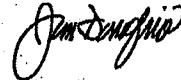
**CERTIFICATION PURSUANT TO L.R. CIV PR. 11.2**

JIM DONOFRIO, by way of certification, states that:

1. I am the Executive Director of Recreational Fishing Alliance.
2. I have read the Verified Complaint.
3. I certify under penalty of perjury that the foregoing factual allegations contained in the Verified Complaint are true and correct.

Executed on: June 23, 2015

Signature: \_\_\_\_\_



**CERTIFICATION PURSUANT TO L.R. CIV PR. 11.2**

JIM LOVGREN, by way of certification, states that:

1. I am a member of the Board of Directors for the Fishermen's Dock Cooperative, Inc.
2. I have read the Verified Complaint.
3. I certify under penalty of perjury that the foregoing factual allegations contained in the Verified Complaint are true and correct.

Executed on: June 23, 2015

Signature: 

**CERTIFICATION PURSUANT TO L.R. CIV PR. 11.2**

TOM FOTE, by way of certification, states that:

1. I am the Legislative Operations Manager of Jersey Coast Anglers Association, Inc.
2. I have read the Verified Complaint.
3. I certify under penalty of perjury that the foregoing factual allegations contained in the Verified Complaint are true and correct.

Executed on: June 23, 2015.

Signature: 



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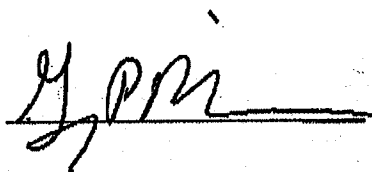
**CERTIFICATION PURSUANT TO L.R. CIV PR. 11.2**

**GREG DIDOMENICO, by way of certification, states that:**

- 1. I am the Executive Director of Garden State Seafood Association.**
- 2. I have read the Verified Complaint.**
- 3. I certify under penalty of perjury that the foregoing factual allegations contained in the Verified Complaint are true and correct.**

**Executed on: June 23, 2015**

**Signature:**

A handwritten signature in black ink, appearing to read "G. DiDomenico", written over a horizontal line.

**CERTIFICATION PURSUANT TO L.R. CIV PR. 11.2**

ANTHONY MAURO, by way of certification, states that:

1. I am the Executive Director of New Jersey Outdoor Alliance.
2. I have read the Verified Complaint.
3. I certify under penalty of perjury that the foregoing factual allegations contained in the Verified Complaint are true and correct.

Executed on: June 23, 2015

Signature: 

**CERTIFICATION PURSUANT TO LOCAL CIVIL RULE 11.2**

I certify that, to the best of my knowledge, information and belief,  
the matter in controversy herein is not the subject of any other proceeding  
pending in any court or of any pending arbitration proceeding.

By: s/Robert L. Selvers  
ROBERT L. SELVERS

Dated: June 26, 2015