

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

FRANK GREEN and ROBERT CONRAD,	)	
	)	
Plaintiffs,	)	
	)	No. 2:24-CV-1975
v.	)	
	)	(Brodie, J.) (Lindsay, M.J.)
JOSEPH R. BIDEN, JR., ET AL.	)	
	)	
Defendants,	)	
	)	Electronically Filed: August 9, 2024
_____	)	

ANSWER TO PLAINTIFFS' COMPLAINT

Joseph R. Biden, Jr., President of the United States, in his official capacity; Gina Raimondo, Secretary of the United States Department of Commerce, in her official capacity; Deb Haaland, Secretary of the United States Department of the Interior, in her official capacity; and Richard Spinrad, Under Secretary of Commerce for Oceans and Atmosphere and National Oceanic and Atmospheric Administration (“NOAA”) Administrator, in his official capacity (Secretary Raimondo, with Secretary Haaland and Under Secretary Spinrad, the “Agency Defendants”) (all together, “Defendants”), hereby respond to the allegations in the Plaintiff’s Complaint for Declaratory and Injunctive Relief (hereinafter “Complaint”) (ECF No. 1). The numbered paragraphs in this Answer correspond to the numbered paragraphs in the Complaint.

1. Defendants deny the allegation in Paragraph 1 that Presidential Proclamation No. 10287 designated the Northeast Canyons and Seamounts Marine National Monument. The remaining allegations in Paragraph 1 provide Plaintiffs’ characterization of the Complaint to

which no response is required. To the extent a response is required, Defendants deny the allegations.

2. Defendants lack knowledge or information to form a belief as to the truth of the allegations in Paragraph 2.

3. Defendants admit the allegations in the first sentence that President Biden issued Proclamation No. 10287 on October 8, 2021, and that the Exclusive Economic Zone is an area beyond the territorial seas between 12 and 200 nautical miles off the coast of the United States. Defendants deny the remaining allegations in the first sentence of Paragraph 3. Defendants deny the allegations in the second sentence of Paragraph 3 relating to Proclamation 10287 constituting a “Monument Designation.” The remaining allegations in the second sentence of Paragraph 3 constitute Plaintiffs’ characterization of Proclamation 10287, which speaks for itself and is the best evidence of its contents. To the extent a response is required, Defendants refer the Court to Proclamation 10287 and deny the allegations to the extent they are inconsistent with Proclamation 10287.

4. The allegations in the first sentence of Paragraph 4 constitute Plaintiffs’ characterization of Proclamation 10287, which speaks for itself and is the best evidence of its contents. To the extent a response is required, Defendants refer the Court to Proclamation 10287 and deny the allegations to the extent they are inconsistent with Proclamation 10287. Defendants lack knowledge or information to form a belief as to the truth of the allegations in the second sentence of Paragraph 4 and on that basis deny them.

5. Defendants admit that the National Marine Fisheries Service (the “Service”) is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce, and that the Service issued a Final Rule entitled “Magnuson-Stevens Act Provisions;

Prohibition of Commercial Fishing in the Northeast Canyons and Seamounts Marine National Monument,” 89 Fed. Reg. 12,282 (Feb. 16, 2024) (the “Final Rule”). The remaining allegations in Paragraph 5 constitute Plaintiffs’ characterization of the Final Rule, which speaks for itself and is the best evidence of its contents. Defendants deny the allegations to the extent they are inconsistent with the Final Rule.

6. The allegations in Paragraph 6 constitute legal conclusions, to which no response is required. The allegations in Paragraph 6 also contain Plaintiffs’ characterization of the Final Rule and federal statutes, which speak for themselves and are the best evidence of their contents. Defendants deny any and all allegations to the extent they are inconsistent with the Final Rule or the referenced statutes.

7. The allegations in Paragraph 7 contain Plaintiffs’ characterization of the Final Rule and federal statutes, which speak for themselves and are the best evidence of their contents. Defendants deny any and all allegations to the extent they are inconsistent with the Final Rule or the referenced statutes. The allegations in Paragraph 7 also constitute Plaintiffs’ characterization of their case, to which no response is required. To the extent a response is required, Defendants deny the allegations.

8. The allegations in Paragraph 8 assert a conclusion of law to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 8.

9. The allegations in Paragraph 9 assert a conclusion of law to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 9.

10. The first sentence of Paragraph 10 constitutes Plaintiffs’ characterization of the Antiquities Act, 54 U.S.C. § 320301 et seq., which speaks for itself and is the best evidence of its contents. To the extent a response is required, Defendants refer the Court to the Antiquities Act

and deny the allegations to the extent they are inconsistent with the cited provisions of the Act.

The second sentence of Paragraph 10 constitutes Plaintiffs' characterization of Proclamations 9496 and 10287, which speak for themselves and are the best evidence of their contents.

Defendants deny all allegations inconsistent with the cited Proclamations. The second sentence of Paragraph 10 also asserts conclusions of law to which no response is required. To the extent a response is required, Defendants deny the allegations. Defendants admit the allegation in the third sentence of Paragraph 10 that the Antiquities Act was enacted in 1906, but deny the remaining allegations in the third sentence.

11. The first sentence of Paragraph 11 constitutes Plaintiffs' characterization of the Antiquities Act, which speaks for itself and is the best evidence of its contents. To the extent a response is required, Defendants refer the Court to the Antiquities Act and deny the allegations to the extent they are inconsistent with the cited provisions of the Act. The remaining allegations in Paragraph 11 assert conclusions of law to which no response is required. To the extent a response is required, Defendants deny the allegations.

12. The first sentence of Paragraph 12 constitutes Plaintiffs' characterization of the Antiquities Act, which speaks for itself and is the best evidence of its contents. To the extent a response is required, Defendants refer the Court to the Antiquities Act and deny the allegations to the extent they are inconsistent with the cited provisions of the Act. The remaining allegations in Paragraph 12 assert conclusions of law to which no response is required. To the extent a response is required, Defendants deny the allegations.

13. The first sentence of Paragraph 13 constitutes Plaintiffs' characterization of the Antiquities Act, which speaks for itself and is the best evidence of its contents. To the extent a response is required, Defendants refer the Court to the Antiquities Act and deny the allegations

to the extent they are inconsistent with the cited provisions of the Act. The remaining allegations in Paragraph 13 assert conclusions of law to which no response is required. To the extent a response is required, Defendants deny the allegations.

14. The allegations in Paragraph 14 constitute Plaintiffs' characterization of the Antiquities Act, which speaks for itself and is the best evidence of its contents. To the extent a response is required, Defendants refer the Court to the Antiquities Act and deny the allegations to the extent they are inconsistent with the cited provisions of the Act.

15. Defendants deny the allegations in the first sentence of Paragraph 15. The second and third sentences of Paragraph 15 assert conclusions of law to which no response is required. To the extent a response is required, Defendants deny the allegations. The third sentence of Paragraph 15 also contains Plaintiffs' characterization of the Magnuson-Stevens Act, which speaks for itself and is the best evidence of its contents. To the extent a response is required, Defendants refer the Court to the Magnuson-Stevens Act and deny the allegations to the extent they are inconsistent with the cited provisions of the Act.

16. The allegations in Paragraph 16 provide Plaintiff's characterization of the Complaint and assert conclusions of law, to which no response is required. To the extent that a response is required, Defendants deny the allegations.

17. Paragraph 17 asserts a conclusion of law as to jurisdiction to which no response is required. To the extent a response is required, Defendants deny the allegations.

18. Paragraph 18 asserts a conclusion of law as to which no response is required. To the extent a response is required, Defendants deny the allegations.

19. Paragraph 19 asserts a conclusion of law as to venue to which no response is required. To the extent a response is required, Defendants deny the allegations.

20. Defendants lack knowledge or information to form a belief as to the truth of the allegations in Paragraph 20.

21. Defendants lack knowledge or information to form a belief as to the truth of the allegations in Paragraph 21.

22. Defendants lack knowledge or information to form a belief as to the truth of the allegations in Paragraph 22.

23. Defendants lack knowledge or information to form a belief as to the truth of the allegations in Paragraph 23.

24. Defendants lack knowledge or information to form a belief as to the truth of the allegations in Paragraph 24.

25. Defendants lack knowledge or information to form a belief as to the truth of the allegations in Paragraph 25.

26. Defendants lack knowledge or information to form a belief as to the truth of the allegations in Paragraph 26.

27. Defendants lack knowledge or information to form a belief as to the truth of the allegations in Paragraph 27.

28. Defendants lack knowledge or information to form a belief as to the truth of the allegations in Paragraph 28.

29. Defendants lack knowledge or information to form a belief as to the truth of the allegations in Paragraph 29.

30. Defendants lack knowledge or information to form a belief as to the truth of the allegations in Paragraph 30.

31. Defendants lack knowledge or information to form a belief as to the truth of the allegations in Paragraph 31.

32. Defendants admit the allegations in Paragraph 32.

33. Defendants admit the allegations in Paragraph 33.

34. Defendants admit the allegations in Paragraph 34.

35. Defendants admit the allegations in Paragraph 35.

36. Paragraph 36 contains legal conclusions and Plaintiff's characterization of the Antiquities Act, which speaks for itself and is the best evidence of its contents. To the extent a response is required, Defendants refer the Court to the text of the Antiquities Act and deny the allegations in Paragraph 36 to the extent they are inconsistent with the Antiquities Act.

37. Paragraph 37 contains legal conclusions and Plaintiff's characterization of the Antiquities Act, which speaks for itself and is the best evidence of its contents. To the extent a response is required, Defendants refer the Court to the text of the Antiquities Act and deny the allegations in Paragraph 37 to the extent they are inconsistent with the Act.

38. Paragraph 38 contains legal conclusions and Plaintiff's characterization of the Antiquities Act, which speaks for itself and is the best evidence of its contents. To the extent a response is required, Defendants refer the Court to the text of the Antiquities Act and deny the allegations in Paragraph 38 to the extent they are inconsistent with the Act.

39. Paragraph 39 contains legal conclusions and Plaintiff's characterization of the Antiquities Act, which speaks for itself and is the best evidence of its contents. To the extent a response is required, Defendants refer the Court to the text of the Antiquities Act and deny the allegations in Paragraph 39 to the extent they are inconsistent with the Act.

40. Paragraph 40 contains legal conclusions and Plaintiff's characterization of the Antiquities Act, which speaks for itself and is the best evidence of its contents. To the extent a response is required, Defendants refer the Court to the text of the Antiquities Act and deny the allegations in Paragraph 40 to the extent they are inconsistent with the Act.

41. Paragraph 41 contains legal conclusions and Plaintiff's characterization of the Antiquities Act, which speaks for itself and is the best evidence of its contents. To the extent a response is required, Defendants refer the Court to the text of the Antiquities Act and deny the allegations in Paragraph 41 to the extent they are inconsistent with the Act.

42. Paragraph 42 contains legal conclusions and Plaintiff's characterization of the Antiquities Act, which speaks for itself and is the best evidence of its contents. To the extent a response is required, Defendants refer the Court to the text of the Antiquities Act and deny the allegations in Paragraph 42 to the extent they are inconsistent with the Act.

43. The allegations in Paragraph 43 contain legal conclusions and Plaintiffs' characterization of Presidential Proclamation 5928, which speaks for itself and is the best evidence of its contents. To the extent a response is required, Defendants refer the Court to the text of Proclamation 5928 and deny the allegations in Paragraph 43 to the extent they are inconsistent with the cited Proclamation.

44. The allegations in Paragraph 44 contain legal conclusions and Plaintiffs' characterization of Presidential Proclamation 5030, 48 Fed. Reg. 10,605, the Statement on United States Oceans Policy, federal statutes, treatises, and international law. The cited provisions speak for themselves and are the best evidence of their contents. To the extent a response is required, Defendants refer the Court to the text of cited provisions and deny the allegations in Paragraph 44 to the extent they are inconsistent with the cited provisions.

45. Defendants admit the allegation in the first sentence of Paragraph 45 that the National Marine Sanctuaries Act (“NMSA”), 16 U.S.C. §§ 1431 et seq., was enacted in 1972. The remaining allegations in Paragraph 45 contain legal conclusions and Plaintiffs’ characterization of the NMSA, which speaks for itself and is the best evidence of its contents. To the extent a response is required, Defendants refer the Court to the text of the NMSA and deny the allegations in Paragraph 45 to the extent they are inconsistent with the NMSA.

46. Defendants admit the allegation in the first sentence of Paragraph 46 that the Magnuson-Stevens Act, 16 U.S.C. §§ 1801, et seq., was enacted in 1976, and deny the remainder of the first sentence. The remaining allegations in Paragraph 46 contain legal conclusions and Plaintiffs’ characterization of the Magnuson-Stevens Act, which speaks for itself and is the best evidence of its contents. To the extent a response is required, Defendants refer the Court to the text of the Magnuson-Stevens Act and deny the allegations in Paragraph 46 to the extent they are inconsistent with the Magnuson-Stevens Act.

47. Paragraph 47 contains legal conclusions and Plaintiffs’ characterization of the NMSA and the Magnuson-Stevens Act, which speak for themselves and are the best evidence of their contents. To the extent a response is required, Defendants refer the Court to the text of NMSA and the Magnuson-Stevens Act, and deny the allegations in Paragraph 47 to the extent they are inconsistent with the cited statutes.

48. Paragraph 48 contains Plaintiffs’ characterization of the Magnuson-Stevens Act, which speaks for itself and is the best evidence of its contents. To the extent a response is required, Defendants refer the Court to the text of the Magnuson-Stevens Act and deny the allegations in Paragraph 48 to the extent they are inconsistent with the Magnuson-Stevens Act.

49. Paragraph 49 contains Plaintiffs' characterization of the Magnuson-Stevens Act, which speaks for itself and is the best evidence of its contents. To the extent a response is required, Defendants refer the Court to the text of the Magnuson-Stevens Act and deny the allegations in Paragraph 49 to the extent they are inconsistent with the Magnuson-Stevens Act.

50. Paragraph 50 asserts conclusions of law to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 50.

51. Defendants admit the allegations in Paragraph 51.

52. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 52 and therefore deny these allegations.

53. Defendants admit that the Georges Bank is pockmarked by underwater canyons, and that several seamounts lie beyond the Bank, but deny the remaining allegations in this paragraph.

54. Defendants aver that the first sentence of Paragraph 54 is too vague or ambiguous to permit a response, and deny it on that basis. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the second sentence of Paragraph 54 and therefore deny them.

55. With respect to the first allegation in the first sentence in Paragraph 55, Defendants aver that the New England Fishery Management Council prepares and submits to the National Marine Fisheries Service fishery management plans and amendments to those plans for fisheries occurring in the Georges Bank area under the Magnuson-Stevens Act, and that the National Marine Fisheries Service implements those plans through regulations. With respect to the second allegation in the first sentence of Paragraph 55, Defendants admit that the Atlantic States Marine Fisheries Commission's Lobster Board creates the management plan that is the

foundation of lobster fishing management in the Georges Bank. With respect to the first part of the second sentence in this paragraph, Defendants aver that the National Marine Fisheries Service engages with various stakeholders to improve the sustainability of fisheries, including the Georges Bank fishery. With respect to the second part of the second sentence in this paragraph, the allegation pertaining to the regulation of “equipment” is too vague or ambiguous to permit a response, and Defendants deny it on that basis. Defendants admit that the National Marine Fisheries Service regulates catch limits.

56. Defendants admit that President Obama issued Proclamation 9496, 81 Fed. Reg. 65,161, on Sept. 15, 2016, which designated approximately 4,913 square miles of waters and submerged lands where the Atlantic Ocean meets the continental shelf as the Northeast Canyons and Seamounts Marine National Monument.

57. Paragraph 57 constitutes Plaintiffs’ characterization of Proclamation 9496, which speaks for itself and is the best evidence of its contents. To the extent a response is required, Defendants refer the Court to Proclamation 9496 and deny the allegations to the extent they are inconsistent with Proclamation 9496.

58. Paragraph 58 includes a depiction of a Map of Northeast Canyons and Seamounts Marine National Monument, posted on the NOAA Fisheries website. The Map speaks for itself and is the best evidence of its contents.

59. Paragraph 59 constitutes Plaintiffs’ characterization of Proclamation 9496, which speaks for itself and is the best evidence of its contents. To the extent a response is required, Defendants refer the Court to Proclamation 9496 and deny the allegations to the extent they are inconsistent with Proclamation 9496.

60. Paragraph 60 constitutes Plaintiffs' characterization of Proclamation 9496, which speaks for itself and is the best evidence of its contents. To the extent a response is required, Defendants refer the Court to Proclamation 9496 and deny the allegations to the extent they are inconsistent with Proclamation 9496.

61. Defendants deny the allegations in Paragraph 61.

62. Defendants deny the allegations in Paragraph 62.

63. Paragraph 63 constitutes Plaintiffs' characterization of Proclamation 9496, which speaks for itself and is the best evidence of its contents. To the extent a response is required, Defendants refer the Court to Proclamation 9496 and deny the allegations to the extent they are inconsistent with Proclamation 9496.

64. Paragraph 64 constitutes Plaintiffs' characterization of Proclamation 9496, which speaks for itself and is the best evidence of its contents. To the extent a response is required, Defendants refer the Court to Proclamation 9496 and deny the allegations to the extent they are inconsistent with Proclamation 9496.

65. Defendants deny that Proclamation 9496 directed the Secretaries to specifically prohibit the taking or harvesting of any living or nonliving resource within the monument. In addition, Paragraph 65 constitutes Plaintiffs' characterization of Proclamation 9496, which speaks for itself and is the best evidence of its contents. To the extent a response is required, Defendants refer the Court to Proclamation 9496 and deny the allegations to the extent they are inconsistent with Proclamation 9496.

66. Defendants admit that Proclamation 9496 allowed the Secretaries, pursuant to their respective authorities, to the extent consistent with international law, to permit certain activities regulated by the proclamation, provided that such activities are consistent with the care

and management of the objects within the monument and are not otherwise prohibited as specified by Proclamation 9496. Defendants aver that Paragraph 66 contains an incomplete list of activities listed in Proclamation 9496.

67. Defendants deny the allegations in Paragraph 67 and aver that Proclamation 9496's prohibition of commercial fishing, with the exception of lobster and red crab, took effect in November 2016.

68. Defendants admit that President Trump issued Proclamation No. 10049, 85 Fed. Reg. 35,793, on June 5, 2020. The remaining allegations in Paragraph 68 constitute Plaintiffs' characterization of Proclamation 10049, which speaks for itself and is the best evidence of its contents. To the extent a response is required, Defendants refer the Court to Proclamation 10049 and deny the allegations to the extent they are inconsistent with Proclamation 10049.

69. Paragraph 69 constitutes Plaintiffs' characterization of Proclamation 10049, which speaks for itself and is the best evidence of its contents. To the extent a response is required, Defendants refer the Court to Proclamation 10049 and deny the allegations to the extent they are inconsistent with Proclamation 10049.

70. Paragraph 70 constitutes Plaintiffs' characterization of Proclamation 10049, which speaks for itself and is the best evidence of its contents. To the extent a response is required, Defendants refer the Court to Proclamation 10049 and deny the allegations to the extent they are inconsistent with Proclamation 10049.

71. Defendants admit that President Biden issued Proclamation No. 10287, 86 Fed. Reg. 57,349, on Oct. 8, 2021. The remaining allegations in Paragraph 71 constitute Plaintiffs' characterization of Proclamation 10287, which speaks for itself and is the best evidence of its

contents. To the extent a response is required, Defendants refer the Court to Proclamation 10287 and deny the allegations to the extent they are inconsistent with Proclamation 10287.

72. Paragraph 72 constitutes Plaintiffs' characterization of Proclamation 10287, which speaks for itself and is the best evidence of its contents. To the extent a response is required, Defendants refer the Court to Proclamation 10287 and deny the allegations to the extent they are inconsistent with Proclamation 10287.

73. Paragraph 73 constitutes Plaintiffs' characterization of Proclamation 10287, which speaks for itself and is the best evidence of its contents. To the extent a response is required, Defendants refer the Court to Proclamation 10287 and deny the allegations to the extent they are inconsistent with Proclamation 10287.

74. Paragraph 74 constitutes Plaintiffs' characterization of Proclamation 10287, which speaks for itself and is the best evidence of its contents. To the extent a response is required, Defendants refer the Court to Proclamation 10287 and deny the allegations to the extent they are inconsistent with Proclamation 10287.

75. Defendants deny the allegations in Paragraph 75.

76. Defendants deny the allegations in Paragraph 76.

77. Defendants admit the first sentence in Paragraph 77. Defendants aver that Proclamations 9496 and 10287 provide that the Secretary of Commerce, through the National Oceanic and Atmospheric Administration (NOAA), and in consultation with the Secretary of the Interior, shall have responsibility for management of activities and species within the monument under the Magnuson-Stevens Fishery Conservation and Management Act, the Endangered Species Act (for species regulated by NOAA), the Marine Mammal Protection Act, and any other applicable Department of Commerce legal authorities. Defendants further aver that

Proclamations 9496 and 10287 provide that The Secretary of the Interior, through the United States Fish and Wildlife Service (FWS), and in consultation with the Secretary of Commerce, shall have responsibility for management of activities and species within the monument under its applicable legal authorities, including the National Wildlife Refuge System Administration Act, the Refuge Recreation Act, and the Endangered Species Act (for species regulated by FWS), and Public Law 98–532 and Executive Order 6166 of June 10, 1933. With respect to the last sentence of Paragraph 77, Defendants admit that within their respective authorities, the Secretaries were directed to prepare a joint management plan by September 15, 2023, and aver that the Secretaries were directed, as appropriate, to promulgate implementing regulations that address any further specific actions necessary for the proper care and management of the objects and area identified.

78. Defendants admit that Proclamation 10287 reinstitutes the prohibition on commercial fishing within the Monument Designation’s waters, except for red crab and American lobster commercial fishing, which was permitted until September 15, 2023.

79. Defendants admit the allegations in Paragraph 79.

80. Defendants admit the allegations in Paragraph 80.

81. Defendants deny the allegations in Paragraph 81 and aver that Proclamation 10287’s prohibition of commercial fishing in the Monument designation area, with the exception of lobster and red crab, took effect on October 18, 2021.

82. Defendants admit that the Service issued a Final Rule entitled “Magnuson-Stevens Act Provisions; Prohibition of Commercial Fishing in the Northeast Canyons and Seamounts Marine National Monument,” 89 Fed. Reg. 12,282 (Feb. 16, 2024). The remaining allegations in Paragraph 82 consist of legal conclusions and Plaintiffs’ characterization of their

case, to which no response is required. To the extent a response is required, Defendants deny the remaining allegations.

83. The allegations in Paragraph 83 selectively characterize the Final Rule, which speaks for itself and is the best evidence of its contents. To the extent a response is required, Defendants refer the Court to the text of the Final Rule and deny the allegations to the extent they are inconsistent with the Final Rule.

84. The allegations in Paragraph 94 characterize the Final Rule, which speaks for itself and is the best evidence of its contents. To the extent a response is required, Defendants refer the Court to the text of the Final Rule and deny the allegations to the extent they are inconsistent with the Final Rule.

85. Defendants lack knowledge or information to form a belief as to the truth of the allegations in Paragraph 85.

86. Paragraph 86 consists of legal conclusions to which no response is required. To the extent responses are required, Defendants deny the allegations.

87. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the first part of Paragraph 87, and therefore deny them. The allegations in the second part of Paragraph 87 are too vague or ambiguous to permit a response, on that basis Defendants deny the allegations.

88. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 88.

89. Paragraph 89 consists of legal conclusions to which no response is required. To the extent responses are required, Defendants deny the allegations. In addition, Defendants lack

knowledge or information to form a belief as to the truth of the factual allegations in Paragraph 89.

90. Paragraph 90 consists of legal conclusions to which no response is required. To the extent responses are required, Defendants deny the allegations. In addition, Defendants lack knowledge or information to form a belief as to the truth of the factual allegations in Paragraph 90.

91. Paragraph 91 consists of legal conclusions to which no response is required. To the extent responses are required, Defendants deny the allegations. In addition, Defendants lack knowledge or information to form a belief as to the truth of the factual allegations in Paragraph 91.

92. Paragraph 92 consists of legal conclusions to which no response is required. To the extent responses are required, Defendants deny the allegations. In addition, Defendants lack knowledge or information to form a belief as to the truth of the factual allegations in Paragraph 92.

93. Paragraph 93 consists of legal conclusions to which no response is required. To the extent responses are required, Defendants deny the allegations.

94. Paragraph 94 consists of legal conclusions to which no response is required. To the extent responses are required, Defendants deny the allegations.

95. Paragraph 95 consists of legal conclusions to which no response is required. To the extent responses are required, Defendants deny the allegations.

96. Paragraph 96 consists of legal conclusions to which no response is required. To the extent responses are required, Defendants deny the allegations.

97. Paragraph 97 consists of legal conclusions to which no response is required. To the extent responses are required, Defendants deny the allegations.

98. Paragraph 98 consists of legal conclusions to which no response is required. To the extent responses are required, Defendants deny the allegations.

99. Defendants adopt and incorporate herein by reference each and every response as set forth above.

100. The allegations in Paragraph 100 consist of legal conclusions and Plaintiffs' characterization of the Antiquities Act, 54 U.S.C. § 320301 et seq., which speaks for itself and is the best evidence of its contents. To the extent a response is required, Defendants refer the Court to the Antiquities Act and deny the allegations to the extent they are inconsistent with the Act.

101. The allegations in Paragraph 101 consist of legal conclusions and Plaintiffs' characterization of the Antiquities Act, which speaks for itself and is the best evidence of its contents. To the extent that a response is required, Defendants refer the Court to the Antiquities Act, and deny the allegations in this paragraph to the extent they are inconsistent with the cited provisions of the Act.

102. Defendants deny the allegations in Paragraph 102.

103. Defendants deny the allegations in Paragraph 103.

104. Defendants adopt and incorporate herein by reference each and every response as set forth above.

105. The allegations in Paragraph 105 consist of legal conclusions and Plaintiffs' characterization of the Antiquities Act, which speaks for itself and is the best evidence of its contents. To the extent that a response is required, Defendants refer the Court to the Antiquities

Act, and deny the allegations in this paragraph to the extent they are inconsistent with the cited provisions of the Act.

106. The allegations in Paragraph 106 consist of Plaintiffs' legal conclusions to which no response is required. To the extent that a response is required, Defendants deny the allegations. In addition, the allegations in this paragraph characterize a court opinion, which speaks for itself and is the best evidence of its contents. To the extent that a response is required, Defendants refer the Court to the referenced opinion, and deny the allegations in this paragraph to the extent they are inconsistent with that opinion.

107. The allegations in Paragraph 107 consist of Plaintiffs' legal conclusions to which no response is required. To the extent that a response is required, Defendants deny the allegations.

108. Defendants admit the allegation that the Exclusive Economic Zone is beyond the territorial seas. Defendants deny the remaining allegations in Paragraph 108.

109. Defendants deny the allegations in Paragraph 109.

110. Defendants adopt and incorporate herein by reference each and every response as set forth above.

111. The allegations in Paragraph 111 consist of legal conclusions and Plaintiffs' characterization of the Antiquities Act, which speaks for itself and is the best evidence of its contents. To the extent that a response is required, Defendants refer the Court to the Antiquities Act, and deny the allegations in this paragraph to the extent they are inconsistent with the cited provisions of the Act.

112. The allegations in Paragraph 112 consist of Plaintiffs' legal conclusions to which no response is required. To the extent that a response is required, Defendants deny the allegations.

113. Defendants deny the allegations in Paragraph 113.

114. Defendants adopt and incorporate herein by reference each and every response as set forth above.

115. The allegations in Paragraph 115 consist of legal conclusions and Plaintiffs' characterization of the Antiquities Act, which speaks for itself and is the best evidence of its contents. To the extent that a response is required, Defendants refer the Court to the Antiquities Act, and deny the allegations in this paragraph to the extent they are inconsistent with the cited provisions of the Act.

116. The allegations in Paragraph 116 consist of legal conclusions and Plaintiffs' characterization of Proclamation 10287, which speaks for itself and is the best evidence of its contents. To the extent that a response is required, Defendants deny the allegations.

117. The allegations in this Paragraph 117 consist of legal conclusions and Plaintiffs' characterization of Proclamation 10287, which speaks for itself and is the best evidence of its contents. To the extent that a response is required, Defendants deny the allegations.

118. Defendants deny that the President's actions in issuing Proclamation 10287 were ultra vires or in excess of authority under the Antiquities Act. In addition, the allegations Paragraph 118 consist of Plaintiffs' legal conclusions and characterization of Proclamation 10287, which speaks for itself and is the best evidence of its contents. To the extent that a response is required, Defendants deny the allegations.

119. Defendants adopt and incorporate herein by reference each and every response as set forth above.

120. The allegations in Paragraph 120 consist of legal conclusions and Plaintiffs' characterization of the Antiquities Act, which speaks for itself and is the best evidence of its contents. To the extent that a response is required, Defendants refer the Court to the Act, and deny the allegations in this paragraph to the extent they are inconsistent with the Act.

121. The allegations in Paragraph 121 consist of Plaintiffs' legal conclusions to which no response is required. To the extent that a response is required, Defendants deny the allegations.

122. The allegations in Paragraph 122 consist of Plaintiffs' legal conclusions to which no response is required. To the extent that a response is required, Defendants deny the allegations.

123. The allegations in Paragraph 123 consist of Plaintiffs' legal conclusions to which no response is required. To the extent that a response is required, Defendants deny the allegations.

124. Defendants deny that the President's actions in issuing Proclamation 10287 were ultra vires or in excess of authority under the Antiquities Act. In addition, the allegations Paragraph 124 consist of Plaintiffs' legal conclusions and characterization of the Antiquities Act, which speaks for itself and is the best evidence of its contents. To the extent that a response is required, Defendants refer the Court to the Act, and deny the allegations in this paragraph to the extent they are inconsistent with the Act.

125. Defendants adopt and incorporate herein by reference each and every response as set forth above.

126. The allegations in Paragraph 126 consist of Plaintiffs' legal conclusions to which no response is required. In addition, Paragraph 126 contains Plaintiffs' characterization of Article I of the U.S. Constitution, which speaks for itself and is the best evidence of its contents. To the extent that a response is required, Defendants refer the Court to the referenced provision, and deny the allegations in this paragraph to the extent they are inconsistent with that provision.

127. The allegations in Paragraph 127 consist of Plaintiffs' legal conclusions to which no response is required. In addition, Paragraph 127 contains Plaintiffs' characterization of Article II of the U.S. Constitution, which speaks for itself and is the best evidence of its contents. To the extent that a response is required, Defendants refer the Court to the referenced provision, and deny the allegations in this paragraph to the extent they are inconsistent with that provision.

128. The allegations in Paragraph 128 consist of legal conclusions and Plaintiffs' characterization of the Antiquities Act, which speaks for itself and is the best evidence of its contents. To the extent that a response is required, Defendants refer the Court to the Act, and deny the allegations in this paragraph to the extent they are inconsistent with the Act.

129. The allegations in Paragraph 129 consist of legal conclusions and Plaintiffs' characterization of the Antiquities Act, which speaks for itself and is the best evidence of its contents. To the extent that a response is required, Defendants refer the Court to the Act, and deny the allegations in this paragraph to the extent they are inconsistent with the Act.

130. Defendants deny the allegations in Paragraph 130.

131. Defendants adopt and incorporate herein by reference each and every response as set forth above.

132. The allegations in Paragraph 132 consist of Plaintiffs' legal conclusions to which no response is required. In addition, Paragraph 132 contains Plaintiffs' characterization of

Article I of the U.S. Constitution, which speaks for itself and is the best evidence of its contents. To the extent that a response is required, Defendants refer the Court to the referenced provision, and deny the allegations in this paragraph to the extent they are inconsistent with that provision.

133. The allegations in Paragraph 133 consist of legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations.

134. Defendants deny the allegations in Paragraph 134.

135. The allegations in the first part of Paragraph 135 characterize the Final Rule, which speaks for itself and is the best evidence of its contents. To the extent a response is required, Defendants refer the Court to the Final Rule and deny the allegations in this paragraph to the extent they are inconsistent with the Final Rule. Defendants deny the allegations that the President's actions in issuing Proclamation 10287 were ultra vires, and deny that the Final Rule is unauthorized.

136. The allegations in Paragraph 136 consist of legal conclusions and Plaintiffs' characterization of the Antiquities Act, which speaks for itself and is the best evidence of its contents. To the extent that a response is required, Defendants refer the Court to the Act, and deny the allegations in this paragraph to the extent they are inconsistent with the Act.

137. The allegations in Paragraph 137 consist of legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 137.

138. The allegations in Paragraph 138 consist of legal conclusions and Plaintiffs' characterization of the Antiquities Act and the Magnuson-Stevens Act, statutes which speaks for themselves and are the best evidence of their contents. To the extent that a response is required,

Defendants refer the Court to the Antiquities Act and the Magnuson-Stevens Act, and deny the allegations in this paragraph to the extent they are inconsistent with the cited Acts.

139. The allegations in Paragraph 139 consist of legal conclusions and Plaintiffs' characterization of their Complaint, to which no response is required. To the extent a response is required, Defendants deny the allegations.

GENERAL DENIAL

Defendants deny any allegations in the Complaint, express or implied, that are not expressly admitted.

DEFENSES

1. The Court lacks jurisdiction because Plaintiffs lack standing to bring the claims for relief.
2. The Court lacks jurisdiction because the Proclamation is not subject to judicial review.
3. The Complaint fails in whole or in part to state a claim upon which relief may be granted.
4. Plaintiffs' claims are barred by the statute of limitations.
5. Plaintiffs' claims are barred by the doctrine of laches.

Dated this 9th day of August 2024.

Respectfully submitted,

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