

# *WHAT IS THE CONSERVATION LAW FOUNDATION AFRAID OF? RPJ*

## *Gloucester Daily Times*

December 15, 2010

### [Editorial: Bid to suppress catch share 'discovery' a legal disgrace](#)

It is said that one should never watch two things being made — sausage and legislation.

Perhaps the government policies for regulating commercial fisheries should be added to that list. The result may be bad enough — but how it came about may be far worse.

At least one prominent organization that's lobbied for the regulations now costing fishermen their jobs and is about to shut down many small, independent boats and businesses thinks it's best that you not see what went into crafting Amendment 16, the framework for the catch-share regulatory system.

Indeed, the Conservation Law Foundation, supposedly one of those morally upright environmental groups fighting to protect Mother Earth from rapacious humans who want to do things like eat and make a living, is now fighting to keep the fishing industry — and you — from ever finding out what influence might have gone into crafting this piece of bureaucratic wastepaper.

Consolidated lawsuits now pending in U.S. District Court — brought by fishermen, the cities of Gloucester and New Bedford and other industry representatives — are not only challenging the imposition of the catch share system.

As part of that suit, the plaintiffs are seeking the right to conduct "discovery" of communications and any collaboration between federal officials and environmental groups — like the Environmental Defense Fund, which has a huge investment in the federal catch share policy, the Pew Environmental Group — on the road to putting these policies in place.

At the root of the request, of course, is the need to find out whether any or all of these groups had or were granted any undue influence in the creation of this federal policy and mandates. And the need for such discovery ought to be well evident to Judge Rya Zobel — the current head of the National Oceanic and Atmospheric Administration, Jane Lubchenco, is a former vice-chairwoman of the EDF board.

But the Conservation Law Foundation is actively seeking to block that discovery, by filing a brief arguing against the plaintiffs' request.

CLF's action is not surprising. These groups like to be seen as champions of the environment.

But they are, above all, high-pressure, nonprofit lobbyists. And they're not particularly friendly to any real public scrutiny — as CLF is clearly showing here.

The likely "inconvenient truth" is that CLF wants to keep its involvement secret because it and its anti-fishing Big Green allies have something to hide. And how ironic is it that this is a group with the word "Law" in its name. By seeking to limit discovery and thus suppress evidence, CLF is clearly showing that it believes the law is not something to be obeyed, but manipulated to serve an agenda.

It is bad enough that catch shares — in which fishermen are encouraged to buy, sell or trade their shares, including to outside investors — will continue to drive out the small businesses who have been the backbone of the industry, and/or turn the independent fishermen of Gloucester and other fishing communities into sharecroppers working under the thumb of large corporate interests.

It is far worse that the process was clearly flawed. The shares allocated this year were based on admittedly faulty landings history of

some fisherman. One, Gloucester-based Philip Powell, landed 1.2 million pounds of fish during the four-year period used by the government to calculate shares. The government said he had landed nothing.

And beyond that, the system for putting the process in place was likely rigged — with these and other environmental groups working from "the inside," as one 2005 EDF document even bragged, to influence federal policy that is clearly having an adverse effect on the fishing industry and the communities that call it home.

The Conservation Law Foundation seems to think any role it had in this debacle ought to be kept secret from those who are challenging it — and from all of those who must live with its consequences.

Fishermen can only hope that Judge Zobel will, on behalf of what President Obama said about the "the most transparent administration in history," will dismiss CLF's unconscionable brief and toss it in the bureaucratic trash can where it belongs.