

GloucesterTimes.com, Gloucester, MA

January 15, 2011

Fishing interests see 'corrupt' regulatory scheme

By Richard Gaines
Staff Writer

NEW BEDFORD — Mayor Scott Lang says the "rule-making" process in the federal fisheries regulatory system is as "corrupt" as its New England law enforcement branch was revealed to be.

And he predicted Thursday night that corruption, alleged to emanate from "inside baseball" played by government officials and environmental giants such as the Environmental Defense Fund, will be exposed in "the light of day," targeted in part by a lawsuit filed by the cities of New Bedford and Gloucester and a wide range of commercial fishing interests.

Lang issued the corruption allegation — reprising a potentially explosive element in the looming lawsuit against the federal government — after scientists at the University of Massachusetts at Dartmouth critiqued as wrong and misinformed the reasoning behind a decision that denies the groundfishing industry based here and Gloucester relief from regulatory constraints and direct economic aid.

One of the critics was Steve Cadrin, who helped write the report used as the basis for the request and serves as the chairman of the New England Fishery Management Council's Science and Statistical Committee.

A week before the Thursday meeting organized by Lang of the Mayor's Ocean and Fisheries Council, U.S. Commerce Secretary Gary Locke announced his decision to decline to validate a scientific report generated for Gov. Deval Patrick and researched at UMass-Dartmouth.

It purported to show that Amendment 16 — the package of new laws, hyper-conservative catch limits, a commodified industry management system and quasi-voluntary fishing cooperatives — had thrown the long struggling New England fishing community into a tailspin, weakening the

weak fishing businesses and strengthening the strong, while also opening the door to controlling interest on the part of outside investors.

Lang and industry representatives from Gloucester and New Bedford — along with Congressman Barney Frank and scientists from UMass-Dartmouth's School of Marine Science and Technology — all denounced the decision outlined by Locke in brief letters to the governor and congressman. Locke's rejection was accompanied by a separate letter to Patrick by Eric Schwaab, the federal government's top fisheries official, explaining aspects of Locke's decision in detail. But those at Thursday's gathering painted Locke's and Schwaab's case as factually ignorant.

Patrick was represented at the meeting by Rick Sullivan, a former mayor of Westfield and the new secretary of energy and environmental affairs, as well as Mary Griffin and Paul Diodati, top officials in the state Division of Marine Fisheries.

"Certain fights are worth fighting," said Sullivan. "This is one of them."

Hours earlier in Boston, on behalf of the governor, Attorney General Martha Coakley released a legal memorandum and request to U.S. District Judge Rya Zobel to allow the commonwealth to join the lawsuit filed last summer by the Gloucester, New Bedford and fishing interests all along the Atlantic Coast.

The suit alleges the catch share system linked to the sectors — or fishing cooperatives — was unconstitutionally and dishonestly put in place as part of an agenda to bring about a forced and legally barred industry consolidation.

The complaint features an unconventional request for "discovery" into the influences of the environmental lobbying groups on the New England Fishery Management Council and the regional offices of the National Oceanic and Atmospheric Administration.

Lang has been outspoken in linking the Environmental Defense Fund and other groups' agendas to the actions of the council, an arm of the federal government made up of part-time members rooted in various elements of the industry and state government officials.

Lang obtained thousands of documents in a Freedom of Information Act filing last year, but was denied hundreds of others for disputed reasons in an effort to show that NOAA and its environmental allies had conspired to

trample rights in a race to give EDF and other groups the catch share system they had lobbied for.

The Conservation Law Foundation has filed a memorandum with Judge Zobel urging her to bar the discovery motion sought by the plaintiffs, and to keep the correspondence between the government and environmental groups shielded from the public.

Lang Thursday credited Gloucester with leading the legal and political insurgency that led to the exposure by the Commerce Department Inspector General's office of corrupt law enforcement actions that levied false or excessive charges at targeted businesses, then used the exaggerated fines to finance departmental activities including foreign travel, cars and boats.

Since January 2010, the national law enforcement director and the heads of the regional office in Gloucester have been removed or resigned from office. A special master is continuing the IG's probe.

"I believe the rulemaking process is as corrupt at the law enforcement process," Lang told about 100 participants in the meeting — including industry representatives from Maine, New Hampshire and Rhode Island in addition to Gloucester and New Bedford.

He said the government regulated "with a thumb or a finger on the scale."

And he said, the law enforcement system exposed by IG Todd Zinser was as bad as any federal body in modern history — although, Lang charged, NOAA administrator Jane Lubchenco and Schwaab, her choice to head NOAA's fisheries service, had done their best to ignore the findings.

Before Lang spoke, three UMass-Dartmouth scientists, including Cadrin, deconstructed the letters from Locke and Schwaab that laid out the reasoning behind the rejection of governor's case for identifying a man-made, government-driven fisheries failure, and for emergency action that would include increased catch limits and direct economic aid.

Cadrin challenged much of the argument in the letters from Locke and Schwaab as factually and conceptually incorrect.

For example, Schwaab wrote to Patrick on Jan. 7 that Locke was constrained from altering the catch limits set by the council because the submission was based on "approaches that had been rejected by the Science and Statistical Committee."

"That is factually incorrect," said Cadrin, who heads that panel. He added the approach proposed by the UMass scientists and adopted by the governor for submission to Locke "had never been considered by the SSC."

Cadrin also challenged the claim by Locke and Schwaab that the secretary couldn't alter council regulations without new science.

"This authority has been exercised many times" without new science, he said — often to the detriment of the fishing industry.

Finally, Cadrin challenged Schwaab's claim that the proposed alternative approach to calculating the "maximum sustainable yield" for fish stocks had been examined and rejected.

"There is no such statement in the (groundfish assessment)," he said.

Richard Gaines can be reached at 978-283-7000, x3464, or at rgaines@gloucestertimes.com.