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Editorial: Frank better be right on new White House fishing 'priority'

Congressman Barney Frank had it right the first time, when he openly called last week for Jane Lubchenco's resignation or ouster as chief administrator of the National Oceanic Atmospheric Administration.

He was right in the money in noting that Lubchenco's attitude toward commercial fishermen bordered on downright "hostility."

Indeed, for all her now-clearly bogus promises to mend the admittedly "dysfunctional" relationship between fishermen and the bureaucrats who regulate them, those wrongs have worsened, not eased, in the last 18 months since the former Environmental Defense vice chairwoman brought that high-powered lobbyist group's "catch shares" manifesto right into NOAA. And it was good to see local Congressman John Tierney and North Carolina Republican Congressman Walter Jones join the call for Lubchenco's ouster, too.

So now we can only hope Frank is also proven right — and real soon — after backing off his demand for Lubchenco's ouster a day later on assurances from high-ranking facets of the Obama administration that fishermen's concerns can indeed be addressed with Lubchenco in place.

"They're telling me they can get this done without (ousting Lubchenco)," Frank said in a Friday call to the Times. "I hope they can show me that, but if they can ... take care of this without that step, I'm willing to work with them on what I think now is a higher level."

What does it mean to hear White House officials can "get this done" with Lubchenco still on the NOAA throne? Well, here's a checklist we'd like to see the congressman use over the next week or so — and make no mistake about it, there needs to some action, not talk, within that time frame:

Lubchenco and NOAA General Counsel Lois Schiffer must order an outside independent investigation aimed at bringing ousted NOAA law enforcement chief Dale Jones and his henchmen — like Gloucester-based Andy Cohen and Charles Juliard — to justice.

The audit report from the Inspector General's office clearly shows gross mismanagement and abuse of the \$90 million-plus Asset Forfeiture Fund built on criminally excessive fines paid by fishermen. And it hasn't even addressed issues like NOAA thugs' wrongful, after-hours 2005 entry into the Gloucester Seafood Display Auction, or the witness intimidation two NOAA agents carried out visiting Intershell owner Monte Rome prior to his scheduled auction case testimony this past February.

Any diminished total allowable catch limits should be frozen at the levels of last year's landings until NOAA Fisheries can show qualified, independent science confirming that any drops in allocation are justified.

All aspects of Amendment 16 — the new regulatory format that includes New England's conversion to catch shares, and absurd new mandates regarding the landings of bycatch and a bogus observer program — must be set aside until NOAA Fisheries can rectify the many discrepancies between its allocation limits and current scientific reports — and its own admitted errors in landings data used to set individual fishermen's catch shares.

There are already moves afoot toward some of these goals. A federal lawsuit filed by the cities of Gloucester and New Bedford — backed by Congressman Frank, Gov. Deval Patrick and others — targets changes that need to be made in Amendment 16. And federal legislation aims to make a series of necessary provisions in the Magnuson-Stevens Act, the framework for governing America's fisheries.

But Lubchenco, the scientist who's seemingly sold out her credibility to advance the EDF catch share agenda, has adamantly opposed any such moves. Indeed, she and Commerce Secretary Gary Locke have stonewalled any initiatives that run contrary to Dr. Jane's stated goal to "consolidate" a "significant" portion of the fleet — flying even in the face of the president's push for jobs.

Frank said the White House gave him assurances that issues raised by fishermen now have the "highest priority" — but that removing Lubchenco would be a "drastic" step that's not needed. That must mean it would be more "drastic" than her own actions — and inaction — now driving out

waterfront jobs, and driving small, independent fishing-boat businesses out of the industry and their way of life.

We hope that Frank is indeed right — and that he isn't being lied to, just as those in the fishing industry have been lied to so many times before. For if there is no immediate change of course, Frank and others had better be ready to sound the alarm bells again real soon.