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## **Stacking fishing's regulatory deck**

By Richard Gaines Staff Writer

Rita Merritt, a Boston fisherman's daughter in a family fishing business in North Carolina and a broadly respected two-term member of the South Atlantic Fishery Management Council, has been dumped by the Obama administration despite overwhelming support for her reappointment up and down the coast.

And the refusal to reappoint Merritt echoes a cycle of purges last year in New England and the Mid-Atlantic regions, when Obama appointees began building boards of ideological allies, who would be voting stamps of approval for policies such as the catch shares regulatory system.

Reaction to the decision to replace Merritt — the preferred candidate of Democratic Gov. Beverly Perdue, North Carolina's two U.S. senators, its coastal congressmen, state fisheries' officials and industry groups from as far off away as the Florida Keys — has ranged from incredulous to furious.

Perdue called the replacement of Merritt "apparently arbitrary," and, in a letter to U.S. Commerce Secretary Gary Locke — in whose name the decision was made — the governor said the move "raises serious concerns for fisheries management in North Carolina."

Democratic U.S. Sen. Kay R. Hagan wrote to Locke that Merritt "as the daughter and wife of a commercial fishermen, understands first hand the history and struggles of fishing communities ... (and) understands the importance of ... sustainability."

In a joint letter to Locke, North Carolina Congressmen Mike McIntyre, a Democrat, and Walter B. Jones, a Republican, said they were "very troubled" by the action and could see no valid reason for putting Merritt off the South Atlantic Council, one of eight regional instruments of the federal fisheries system.

The Florida Keys Commercial Fishermen's Association wrote to Locke that Merritt's removal "taints" the appointment process, which involves selecting one of three gubernatorial nominees including a preferred choice, which in this case was Merritt.

To Bob Jones, executive director of the commercial Southeastern Fisheries Association, the episode shows "how the anti-fishing environmental non-government organizations have taken over the council appointment process."

## Slate of appointments

The Commerce Department announced the year's 19 appointments on June 23.

Appointed to replace Merritt in the North Carolina at-large seat was commercial fisherman Thomas E. Burgess.

Holder of a Coast Guard captain's license, Merritt said she has not been told and does not know why she wasn't reappointed, but said she believes she paid the price for crossing Monica Medina, a top political operative in the National Oceanic and Atmospheric Administration assigned to produce a re-engineered, privatized, investor based system for the nation's fisheries, catch shares.

Honed at Environmental Defense Fund, where both Medina and NOAA administrator Jane Lubchenco worked during the Bush administration, the catch share system regulates fishermen's catch through allocating shares that be bought, sold or traded, as on a commodities market.

The ardor of Environmental Defense graduates now running NOAA to convert the wild schools into tradeable stock attractive to Wall Street traders has sparked a national resistance; it coalesced last February into an rally of roughly 5,000 commercial and recreational fishermen and their families and political allies at the side of the Capitol.

A spokesman for Lubchenco denied that Medina influenced the decision to replace Merritt, but offered no explanation for the change.

The move, however, continues a trend by Lubchenco-led fisheries team that began in 2009, during the administration's first round of appointees.

## New England change

In New England, Maine lobster dealer Dana Rice was replaced by Glen Libby, a leader of a small, struggling fishing fleet in Port Clyde, Maine, which has survived in part through winning philanthropic grants. Libby typically aligns with Lubchenco and current EDF senior staffer Sally McGee, who holds a council seat and heads the panel's Scallop Committee.

Rice had predicted that catch share-type programs were coming and would produce dynamics ensuring that the "big guy buys up the quotas and the little guy gets pushed out of the fishery."

Merritt said she made much the same point as Rice last March in a sharp exchange with Medina, who was leading a forum to introduce fishery managers to catch shares in the South Atlantic region.

"I was somewhat tough on Monica Medina," Merritt told the Times.

After Medina whose husband Ron Clain is chief of staff to Vice President Joe Biden repeated a favorite aphorism that, in catch share conversions "there will always be winners and losers," Merritt said she responded that "catch shares historically eliminate half the participants."

She said she knew that from first-hand experience, participating in the southern region's only catch share system, in wreckfish.

Then, Merritt said, she added that culling down the fishery "could not happen at a worse time in our economy, let alone do anything to our President's goal of increasing employment."

Lubchenco's stated goal

Much of the opposition to catch shares in New England has turned on the same concern based on Lubchenco's announced goal of seeing a "sizeable fraction" of the fleet grounded in the rush to hyper consolidation and investor capitalized, global scale fishing.

Merritt said she has been chairwoman of the Catch Share Committee on the South Atlantic Council, and that in attempting to maintain "neutrality and diligence in providing both the pros and cons of (catch shares)," she speculates that she became viewed "as not supporting the NOAA goal of increasing catch share programs" and thus was replaced.

Medina had been chief counsel at NOAA during the Clinton administration and along with legal work for EDF during the Bush Presidency, she was a vice president for the government backed mortgage giant Fannie Mae (a lobbying client for her husband before entering the Obama White House) and senior officer in the Pew Environment Group.

After his election, Obama named Medina to the NOAA transition team. After Lubchenco, an academic scientist at Oregon State University, was named to head NOAA and confirmed by the Senate without once mentioning catch shares she organized a catch share task force and hired Medina, at more than \$115,000 as its chairwoman.

The Rothschild case

Another sign of an ideological litmus test was Lubchenco's aversion to appointing Brian Rothschild, an academic scientist at University of Massachusetts at Dartmouth and mentor to a generation of marine biologists, to head the National Marine Fisheries Service, the nation's top fisheries job.

Rothschild stood as the only bonafide candidate for nearly a year, but he remains a catch share skeptic. His candidacy was supported by a large coalition of fishing and political interests including Congressman Barney Frank, D-Mass., and Walter Jones, R-N.C.

But EDF and its partners in a small Cape Cod fishing cooperative opposed Rothschild's appointment.

Lubchenco did not fill the top fisheries position until February, after the Commerce Department Inspector General identified the vacuum at the top of NMFS as a contributing factor in the devolution of federal fisheries law enforcement into vindictive campaigns that tapped boats and businesses for excessive fines, an Inspector General's report has confirmed.

Eric Schwaab, a career Maryland state bureaucrat without a scientific background, was named the nation's top fisheries official days before the mass rally in February.

"Why the Obama administration trashed North Carolina's preferred choice for the South Atlantic council, knowing it needs all the help it can get to win North Carolina in the next election, I'll never know," said Bob Jones of the Southeastern Fisheries Association.

Merritt said she saw herself as a bridge builder between the commercial and recreational fishing sectors. She said she graduated from St. Gregory's High School in Dorchester while her late father had a trawler. She met her husband and partner Michael while in the Navy, stationed in Boston.

After they married, they moved to Outer Banks, working in the recreational sector, and built a trawler in 1986.

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