

From the Saving Seafood website:

As a lead plaintiff in the second lawsuit filed to challenge the National Oceanic and Atmospheric Administration's (NOAA) implementation of Amendment 16, I can't help but fear that the agency might follow its previous inappropriate efforts to destroy evidence in a manner similar to that conducted by former Enforcement chief Dale Jones, who remains a NOAA employee.

Previous attempts by NOAA officials to destroy potentially incriminating documents are well established. There was a total disregard for the rule of law when 75 to 80 percent of the files in the office of disgraced law enforcement head Dale J. Jones, Jr. were shredded while he was under Federal investigation by Commerce Department Inspector General Todd Zinzer. As Zinzer wrote, "the shredding implicates that it was done to conceal information..."

Many of the same officials who ran the agency at that time remain. They oversaw a culture that allowed such activity to occur. It only stands to reason that efforts might again be made by agency officials to hide any possible illegal coordination between the NOAA and the National Marine Fisheries Service (NMFS) with the non-governmental groups that have undue influence over the agency.

While we live in a nation that professes "equal justice under law" as is inscribed in stone on the edifice of the Supreme Court, there are actually two de facto sets of law in America, one for the public and another for the government. Thanks to US District Judge Rya W. Zobel's decision not to allow discovery into the numerous behind-the-scenes contacts between NOAA, NMFS, and the New England Fishery Management Council (NEFMC) with environmental groups, the public may never know how much influence these groups have had in the implementation of Amendment 16.

Unfortunately, this ruling has provided NOAA /NMFS and the NEFMC more time to also purge their records of any relevant information. It is also reasonable to expect that the special interest NGO's have deleted and destroyed incriminating evidence by now since they were not required by law to retain it.

We need elected officials to demand the release of all the relevant contacts between the Federal Government and the NGOs regarding Catch Shares and Amendment 16. Whether by Congressional subpoena, FOIA or other means, this information needs to be brought to light.

It has now become clear that the Cape Cod Commercial Hook Fishermen's Association (CCCHFA) and its sector has profited by decisions made by the New England Management Council which is chaired by the Hook Association's CEO, John Pappalardo. Amendment 16 granted the CCHFA and the recreational-for-hire sector larger allocations than other sectors by allowing their use of more advantageous

qualifying years. Were these benefits accrued legitimately or by undue influence and insider trading? The only way to remove the appearance of illegality is for all contacts between NOAA, NEFMC, and environmental groups such as Pew Environment, EDF and "fishermen's" organizations such as CCFHFA that accept NGO money to be made public.

So far this year, CCHFA members have caught less than 5 percent of their fishery allocation, selling the rest to other sectors and pocketing the profits. One of the criticisms of Amendment 16 when it was being considered was a prediction that it would create rich armchair fishermen who no longer fish but instead profiteer off the hard work of others that must pay to acquire enough fish to survive. The actions of CCFHFA have shown that these predictions were accurate. Quota rentals drive up the cost of doing business and reduce individual boat profit along with crewmember paychecks.

Another problem faced by the plaintiffs is the near-certainty that if the judge decides in our favor, NOAA/NMFS will certainly appeal the case to a higher court. While appeal is every plaintiff's and defendant's right, NOAA has a curious bias toward only appealing lawsuits against NMFS that they lose to fishing industry litigants. When they lose to environmental groups, they seem to not have the same zeal for appeal.

Fairness and good sense demand that all these loose ends be fully and officially investigated so the truth come out once and for all.
