

# ***THE GLOUCESTER TIMES***

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## **New NOAA top cop gets 'earful'**

### **Kirk, Tarr, others direct with 'unpleasant message,' mayor says**

By Richard Gaines Staff Writer

The new acting federal chief of the federal government's ocean police force paid a closed-door visit to Mayor Carolyn Kirk and representatives of the fishing industry Monday.

And despite getting an earful, Alan Risenhoover judged the meeting "a good first step" in the effort to heal open wounds caused by documented abuse of authority on the part of law enforcement agents with the National Oceanic and Atmospheric Administration.

Risenhoover and an entourage headed by Charles Greene — a deputy general counsel for enforcement and litigation — were here for a series of private meetings with members of the industry and the cadre of agents and lawyers at the regional offices of the National Marine Fisheries Service, who've been found by a U.S. inspector general to have sought and pressed fines upon Gloucester and other Northeast fishermen far in excess of the national average over the years.

Risenhoover, who has no law enforcement experience, was assigned to fill the top police position temporarily while a formal search goes on to find the successor to the scandalized Dale J. Jones, whose status remains a mystery nearly a month after he was apparently ousted from the chief's office he occupied for 11 years.

The meeting with Kirk, state Sen. Bruce Tarr, attorneys Stephen Ouellette, Paul Muniz and Pamela LaFreniere of New Bedford was organized in place of a public law enforcement meeting at NMFS' regional offices.

The forum, announced two weeks ago, was abandoned days later after Kirk was quoted in the Times urging a fishermen's boycott to protest the government's intention to give agents found to have used excessive tactics against fishermen featured roles in the conference. The event was to include a presentation by Gloucester-based agent-in-charge Andrew Cohen, while locally based prosecutor Charles Juliand had also vowed to attend.

Risenhoover and his party are scheduled to meet Tuesday with the Ciulla family, owners and operators of the Gloucester Seafood Display Auction, whose bitter legal struggle against three enforcement actions sparked the national uprising against excessive and improperly motivated federal fisheries police.

Todd Zinser, the U.S. Commerce Department's Inspector General, validated the main body of the auction's and fishermen's longstanding complaints that included claims of vindictive motives on the part of NOAA enforcement agents.

Monday's meeting also came five days before NOAA is set to institute a policy of catch-share management for New England — a system NOAA officials have conceded is designed to cull the size of the fleet, and thus eliminate a number of fishing industry jobs and small business,

More than two dozen federal lawmakers last week petitioned Commerce Secretary Gary Locke, superior to NOAA chief administrator Jane Lubchenco, to use emergency authority granted within the Magnuson-Stevens Act to add fish to the allocations to give the fleet a chance to break even in the new regime.

Ouellette said he wondered about the timing of Monday's make-peace effort regarding NOAA law enforcement, and the fact finding agenda for the private meeting.

"At the end of the day, the fleet will be so small by next year there will be nobody left," said Ouellette who began documenting and complaining about abuse of police power more than a decade ago, soon after Jones was hired to head federal fisheries police, plucked from the chief's chair in landlocked Hagerstown, Md.

"They don't have a clue" about the nature of the fishing industry, Ouellette added. "They don't know anything about the economy of the industry."

Kirk said she was pleased that Risenhoover Monday "seemed to listen with an open mind to a very unpleasant message."

"It was a good and very direct dialog," Tarr said after the meeting broke up in City Hall.

But he said the problem can't be attacked until the federal government "shows real change."

Ouellette added that the federal government must "admit the scope of the problem."

Risenhoover declined to answer any questions about the status of the internal law enforcement shake-up — if, in fact, one is going on.

The only official comment on the fallout of the IG's continuing investigation — which includes the Inspector General's findings of mass document shredding authorized by Jones, and the alleged misuse of an \$8.4 million asset forfeiture fund amassed from the fines levied and paid by fishermen and other businesses — has been a cryptic statement issued by Schwaab.

More than three weeks ago, his statement announced that Risenhoover was filling in as chief of ocean police. There was no mention of Jones' name.

Efforts by a House oversight committee headed by Dennis Kucinich, D-Ohio, working closely with Congressman John Tierney, D-Salem, have tried but apparently failed to get a copy of a follow up report by the IG into the document shredding.

Lubchenco told a different House oversight committee, this one chaired by Madeleine Z. Bordallo, D-Guam, that she would follow Zinser's advice and not move against Jones until the report on the shredding was delivered. Now whatever actions she carried out once she read the shredding report has been kept secret from Congress.

Kirk and her colleagues said Risenhoover shed no light on the matter.

Kirk apparently shot down the idea of calling the fishing industry to a meeting of the minds with NOAA law enforcement last week by suggesting a "boycott" might be in order if Cohen, the agent in charge of the regional office, and Juliand, who heads the office of general counsel in Gloucester, had roles in the meeting.

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