



February 28, 2017

Tom Wright, Investigative Producer
Fox 8 New Orleans

Dear Mr. Wright,

The Gulf of Mexico Reef Fish Shareholders' Alliance (Shareholders' Alliance) is the largest organization of commercial snapper and grouper fishermen in the Gulf of Mexico, with members supporting us from Brownsville, Texas, to the Florida Keys. It is on behalf of this organization and these commercial fishermen we represent that I'm writing to you today to convey our strong concerns over the sloppy and biased journalism that was allowed to be aired under the Fox 8 New Orleans name.

The five-part red snapper series titled "Hooked Up," written and hosted by Lee Zurik with contributions from you, is filled with inaccuracies and conveyed a clear preconceived bias that does not meet even the most basic journalism standards of fairness and balance. We question how Fox 8 New Orleans can stand behind this inflammatory series that relies on unreliable, biased sources when doing so challenges the journalistic integrity of your news organization.

The Shareholders' Alliance and our colleagues have compiled a list of misrepresentations, unchallenged statements and inaccuracies in each of the five series pieces plus the two additional pieces posted on your website. We are aware that others have also detailed to you the clear mistakes in this series.

Due to the overwhelming amount of inaccuracies and bias in this series, we request that you:

- 1. Retract the series,**
- 2. Issue a correction addressing all mistakes, and**
- 3. Post at the top of your website a response from us that details the other side of the complete story that was not provided to your viewers.**

"Hooked Up" is an unbalanced, misrepresentative, and overall factually inaccurate series. This is evident with the following list of misrepresentations and factual inaccuracies (see below).

Thank you for your attention to this and we look forward to your response.

Sincerely,

Buddy Guindon, Executive Director
Gulf of Mexico Reef Fish Shareholders' Alliance

2/6/17: Part I – ‘Snapper barons’ raking in riches from public resource.

Fox New Orleans Statement:

Blanchard is criticizing a federal program, unknown to most taxpayers, that allows a handful of businesses and fishermen to make millions off a government resource

Response:

American red snapper in the Gulf of Mexico are a natural resource, owned by the United States public – they are not a government resource. The vast majority of the public can only access this public resource through the commercial fishing sector. Commercial fishermen have the privilege of harvesting this resource so Americans can enjoy a red snapper in their home or at a restaurant. Prior to the commercial IFQ program, the red snapper stock was severely depleted and commercial fishing was prohibited for most of the year. The public had little access to this resource. The IFQ program turned this situation around, helping to rebuild the stock and allowing for a year-round fishing season. The public today has far greater and more reliable access to the red snapper resource than it did prior to the IFQ program. Furthermore, the IFQ program was developed over many years, through dozens of public meetings with opportunities for public input and hundreds of hours of testimony by stakeholders. It is now in its 10th year of operation, and the original proposal and analysis are available on the Gulf Council website for the public to view at any time. A five-year review conducted by the government concluded that the IFQ program has been “moderately to highly successful in achieving its stated goals,”¹ which were to “reduce overcapacity in the commercial fishery and to eliminate...problems associated with derby fishing, in order to assist the (Gulf) Council in achieving [optimum yield]” from the red snapper stock. Hundreds of people provided comment on a 2015 proposal to change how this program allocates fish, which indicates that they are aware of the program.^{2,3,4,5} Any interested taxpayer had, and continues to have, ample opportunity to learn more about the program and even participate in the public and transparent regulatory processes overseen by the Gulf of Mexico Fishery Management Council (Gulf Council) and National Marine Fisheries Service (NMFS).

Fox 8 New Orleans Statement:

In 2007, the government handed over shares of the annual red snapper commercial harvest to a select group of fishermen. The government divvied up the snapper shares; the number of shares was determined by the number of fish caught in prior years.

Response:

It is misleading for Fox 8 New Orleans to spin this fishery management plan as a “government program.” The individual fishing quota (IFQ) plan was developed by the Gulf Council – a state-based stakeholder advisory body comprised of 16 Gulf state representatives and one federal representative.⁶ The Gulf Council, with input from the public and a formal industry Advisory Panel, determined how to allocate the fishery and directed NMFS to enact these regulations.

¹ Gulf of Mexico Fishery Management Council and National Oceanic and Atmospheric Administration, Red Snapper Individual Fishing Quota Program, 5-year Review, at pp. 6, 11, *available at*

http://www.nmfs.noaa.gov/sfa/laws_policies/national_standards/documents/red-snapper-5-year-review.pdf.

² <https://docs.google.com/spreadsheets/ccc?key=0Atgbk2rxQkqhdHByby1ad0F0THZiMGtoVTdIVDJ6cWc>

³ http://gulfcouncil.org/fishery_management_plans/Public%20Comment/Reef%20Fish%20Amendment%2028%20-%20Allocation/Reef%20Fish%20Amendment%2028%20-%20208-14%20thru%208-15.pdf

⁴ http://gulfcouncil.org/fishery_management_plans/Public%20Comment/Reef%20Fish%20Amendment%2028%20-%20Allocation/Reef%20Fish%20Amendment%2028%20-%20Allocation.pdf

⁵ http://gulfcouncil.org/fishery_management_plans/Public%20Comment/Amendment%2028%20-%20Allocation/Reef%20Fish%20Amendment%2028%20-%20Allocation%20-%20old/Reef%20Fish%20Amendment%2028%20-%20Allocation.pdf

⁶ http://gulfcouncil.org/about/fishery_council_members.php

Rep. Graves Statement:

“Sea lords, snapper barons, whatever you want to call it - its people that are becoming enriched by sitting back and doing nothing off a public resource,” says U.S. Representative Garret Graves (R-Louisiana).

Response:

This statement is inaccurate. The fishermen that invested the most into building their red snapper business received an allocation that reflected that investment.

Fox 8 New Orleans Statement:

Unlike oil or timber, the government doesn't auction off the shares and gets nothing in return from these fishermen.

Response:

This statement is inaccurate. By law, three percent of the gross revenue of the Gulf’s IFQ fisheries is reinvested in monitoring and operating these programs, to the tune of almost \$4 million between 2007 and 2015.⁷ When the final 2016 data are complete, another \$1 million (+/-) is expected to be generated that year.

Rep. Graves Statement:

“You hear people complain about folks who are living off of government programs, different welfare programs,” Graves tells us, pointing to some of our documentation during an interview. “Look at that. I mean, you want to talk about egregious? That's sickening, that is sickening. And here we have a national debt that's approaching \$20 trillion, and you're giving away money like that?”

Response:

The IFQ program is the opposite of a welfare program: it generates millions of dollars in revenues for federal and state governments and provides thousands of stable captain and crew jobs in the fishing industry and up the supply chain, all while ensuring that the American public has stable access to a healthy protein source. Commercial fishermen in the Gulf IFQ program pay 3 percent of gross revenues to the federal government to offset management costs. Recreational anglers, by contrast, pay nothing to harvest this same resource. The IFQ program also generates income and other taxes paid by commercial fishermen and their many suppliers of inputs (like fuel, bait, ice, etc.). Statements like this mislead the public with baseless accusations divorced from reality, and demonize hardworking Americans in the process.

Rep. Graves Statement:

“It is like the government determining who is going to be a millionaire and who is not,” Graves says.

Response:

The suggestion that this program was secret or that the federal government arbitrarily picked winners and losers in the fishery is absurd. The initial allocation of fishing quotas was a public Gulf Council decision and was based on fishermen’s historical participation, and dependence on the fishery. Fishermen who had participated in the fishery and whose businesses depended on red snapper received a proportionately higher quota than those who were less dependent on red snapper.

Fox 8 New Orleans Statement:

Russell Underwood has 5.55 percent of the shares. This year, the government set the quota at 6 million total pounds. So, Underwood can catch 330,000 pounds of fish. At the dock he can sell it for an average of \$4.85 a pound, grossing him that \$1.6 million.

Response:

Captain Underwood is a leader in the commercial fishing community and shouldn’t be demonized for building a successful and robust fishing business that provides jobs and generates tax revenues. Captain Underwood’s business incurs expenses just like a family farm or coffee shop would, yet Fox 8 New Orleans fails to include all

⁷ http://sero.nmfs.noaa.gov/sustainable_fisheries/ifq/documents/pdfs/annual_reports/2015_rs_annualreport_final.pdf

the facts - telling only half the story misrepresents the truth and unfairly fails to present a complete picture. Captain Underwood's expenses could run into the hundreds of thousands of dollars including expenses like boats, permits, allocation, fuel, insurance, vessel monitoring systems, hardware, software, electronics, safety equipment, food, wages, ice, bait, fishing gear, cost recovery fees, dockage and unloading fees, and more.

Rep. Graves Statement:

"It's a great deal if you can get it," Graves tells us. "But the reality is that 99.999 percent of the world, percent of the country, doesn't have a sweetheart deal."

Response:

97% of the population of the US can't afford to buy their own boat or pay a charter to catch red snapper. 97% of the country can only access their red snapper by buying it at a market or ordering it at a restaurant. 97% of the country relies on commercial fishermen in the Gulf of Mexico to provide the access to their red snapper. How will American seafood consumers access their red snapper if the commercial red snapper fishery is eliminated?

Fox 8 New Orleans Statement:

Many of the shareholders don't even fish.

Response:

This is the crux of the Fox 8 New Orleans campaign, yet Fox 8 New Orleans fails to provide its viewers with any details on the number of shareholders that "sit at home and lease out their allocation" with no interest in a fishing business or partnership. Had Fox 8 New Orleans done its research, it would have been apparent why some shareholders do not currently own boats. Here are some real-world examples:

- A fisherman sold his boat to his son, who wants to build a commercial fishing business. His son is leasing his father's allocation as a way to build capital in the business and pay off the boat before he starts buying the allocation in increments.
- A fisherman is in the process of selling his commercial fishing business to a young man who wants to become a red snapper fisherman. They agreed that the young man would purchase the boat first and the allocation/shares later.
- A commercial fisherman for over 50 years is now 90 and unable to operate his own boat, so he is working with a number of other fishermen – existing fishermen and young fishermen – to lease them the allocation they need to fish and provide his knowledge to help make them successful.
- A fisherman grew up fishing but left to pursue other interests prior to the allocation baseline period. When he returned, he purchased shares from a fisherman exiting the program. Now this fisherman works with more than 30 boats to supply them with the allocation they need to run their businesses and provide red snapper to local restaurants.
- A fisherman and his family have run a commercial fishing business since 1857 and owned a boat and red snapper shares. His boat was lost in a recent storm and now he is helping his captain to buy his own boat. The fisherman is giving red snapper allocation to the captain at no cost, so that the captain can invest in building his own business.

Fox 8 New Orleans Statement:

The government allows the shareholders to sell their snapper allocation... They essentially can take what the government gives them for free, sell it to a fisherman, and profit from that transaction.

Response:

Once again, Fox 8 New Orleans intentionally leaves out the half of the story. The Gulf Council discussed allocation transferability at length and, after significant public input, recommended that allocation be transferable. Transferability allows two willing participants to mutually agree to transfer allocation from one partner who is willing to lease it to another partner who needs it. Permitting allocation to flow to where it's needed most allows commercial fishermen to harvest nearly 100% of the commercial allocation every year.⁸ Restricting leasing would

⁸ <https://portal.southeast.fisheries.noaa.gov/cs/documents/pdf/CommercialQuotasCatchAllowanceTable.pdf>

prevent fishermen from accessing the allocation they need, and would hence increase the cost of allocation by restricting the supply. Furthermore, it's inaccurate to say that the government gives fishermen this allocation for free. Allocations are based on historical participation – those businesses that depended more heavily on red snapper received a proportionately larger allocation. In other words, allocation went primarily to the fishermen who were already catching the fish. As mentioned before, annual operating expenses may run into the hundreds of thousands of dollars. The fishermen who invested the most into building their red snapper business received an allocation that reflected that investment. Diluting that allocation would only force fishermen to lease more allocation, thereby exacerbating the very “problem” Fox 8 New Orleans claims exists.

Rep. Graves Statement:

Graves says they're “literally getting paid to do nothing.”

Response:

This statement is inaccurate. The fishermen who invested the most into building their red snapper business received an allocation that reflected that investment.

Fox 8 New Orleans Statement:

Tommy Williams owns a sliver of commercial shares, just 0.07 percent. To make his business work, the Slidell commercial fisherman buys the right to catch more fish from other shareholders.

Response:

Captain Williams is an example of why the IFQ program works – he doesn't have enough shares to meet the needs of his business plan, so he has the opportunity to access more shares to fulfill those needs. Without leasing, Captain Williams would be severely restricted in his red snapper landings, which would likely mean that he would have to wastefully discard any red snapper he caught above his 0.07% allocation. By leasing allocation from other fishermen, Captain Williams is able to keep and land red snapper that would have otherwise been wasted, allowing him to increase the profitability of his business, provide these fish to markets and restaurants, and ensure that they are counted against the catch limits, which promotes conservation.

Fox 8 New Orleans Statement:

An LSU survey of the program found the overall satisfaction to be tepid. Most shareholders say it was hard for others to enter the fishery, and said the program created a new class of sea lords who live off the profits of trading red snapper allocation, not fishing.

Response:

A five-year review conducted by the Gulf Council and required by the Magnuson Act concluded that the IFQ program has been “moderately to highly successful in achieving its stated goals,”⁹ which were to “reduce overcapacity in the commercial fishery and to eliminate...problems associated with derby fishing, in order to assist the (Gulf) Council in achieving [optimum yield]” from the red snapper stock.”

Rep. Graves Statement:

“That's not their asset,” Graves insists. “That's a public asset...”

Response:

Rep. Graves confirms what commercial fishermen have been saying all along – American red snapper are a public asset, and should not be limited to the exclusive use of people with enough wealth to buy their own boat or pay a charter to take them fishing. The American people own red snapper, and commercial fishermen (working through an accountable and responsible fishery management program) have the privilege of sustainably harvesting it for them and helping deliver it to their dinner plates.

⁹ Gulf of Mexico Fishery Management Council and National Oceanic and Atmospheric Administration, Red Snapper Individual Fishing Quota Program, 5-year Review, at pp. 6, 11, *available at* http://www.nmfs.noaa.gov/sfa/laws_policies/national_standards/documents/red-snapper-5-year-review.pdf.

Fox 8 New Orleans statement:

Dean Blanchard had red snapper shares. But he says, after the BP oil spill, he forgot to file some paperwork. They kicked a vocal opponent out of the program.

Response:

The IFQ program is governed by federal regulatory requirements, and all participants must comply with those requirements. Mr. Blanchard's situation is evidently one of his own making. NMFS had an appeals processes to address these situations; Mr. Blanchard does not say whether he used it.

2/8/17: Part II – ‘Sea lords’ hook a congressional reformer.

Fox 8 New Orleans Statement:

Fishermen in Louisiana and Texas give thousands of dollars to a candidate in a congressional election in Florida. The question is why? They're trying to hold on to a lucrative program that allows this small group to make millions off a public resource and pay nothing for it.

Response:

Fox 8 New Orleans is inconsistent in its reference to the IFQ program, calling it a “government resource” in Episode I and a “public resource” in Episode II. American red snapper in the Gulf of Mexico are a natural resource, owned by the United States public – they are not a government resource. Commercial fishermen have the privilege of harvesting this resource so a majority of Americans can enjoy a red snapper in their home or at a restaurant. Furthermore, the attack that catch share fishermen are “profiting from harvesting a public resource” could be applied to any fisherman operating under any management system. Why single out commercial red snapper fishermen when fisherman fishing under any management plan profit from harvesting the public fishing resource and deliver it to market for consumers? And again, it is inaccurate to say that they pay nothing for it. Three percent of the gross revenue of the Gulf's IFQ fisheries is reinvested in monitoring and operating these programs, to the tune of almost \$4 million between 2007 and 2015. When the final 2016 data are complete, another \$1 million (+/-) is expected to be generated that year.

Southerland Statement:

"I think it's time for all free people to be a threat to a government that picks and chooses winners and losers," he tells us now.

Response:

The suggestion that this program was secret or that the federal government arbitrarily picked winners and losers in the fishery is absurd. The initial allocation of fishing quotas was a public Gulf Council decision and was based on fishermen's historical participation in the fishery. Fishermen who had participated in the fishery and whose businesses depended on red snapper received a proportionately higher quota than those who were less dependent on red snapper.

Fox 8 New Orleans Statement:

The former Florida congressman led the effort to change a federal program - unknown to most taxpayers - that allows a handful of businesses and fishermen to make millions off a government resource...

Response:

American red snapper in the Gulf of Mexico are a natural resource, owned by the United States public – they are not a government resource. Commercial fishermen have the privilege of harvesting this resource so a majority of Americans can enjoy a red snapper in their home or at a restaurant. Furthermore, the attack that catch share fishermen are profiting from harvesting a public resource could be applied to any fisherman operating under any management system. Why single out commercial red snapper fishermen when fisherman fishing under any management plan profit from harvesting the public fishing resource and deliver it to market for consumers? Additionally, the IFQ program was developed over many years with dozens of opportunities for public input and hundreds of hours of testimony by stakeholders. It is now in its 10th year of operation, and the original

proposal and analysis are available on the Gulf Council website for the public to view at any time. Hundreds of people provided comment on a 2015 proposal to change how this program allocates fish, which indicates that they are aware of the program. Any taxpayer that chose to be informed about this program had, and continues to have, ample opportunity to learn more about the program and even participate in the regulatory procedure through the public and transparent Gulf Council and NMFS process. Finally, the IFQ program was developed by the Gulf Council – a stakeholder advisory body comprised of 16 Gulf state representatives and one federal representative. The Gulf Council, with input from the public and a formal industry Advisory Panel, determined how to allocate the fishery and directed NMFS to enact these regulations.

Fox 8 New Orleans Statement:

The federal government gave a select group of commercial fishermen shares of the annual red snapper harvest...

Response:

The IFQ program was developed by the Gulf Council – a stakeholder advisory body comprised of 16 Gulf state representatives and one federal representative. The Gulf Council, with input from the public and a formal industry Advisory Panel, determined how to allocate the fishery and directed NMFS to enact these regulations. The council followed the framework for catch-share programs created in the country’s bipartisan law that governs fisheries, the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson Act).

Southerland Statement:

"It's not right for anyone to own a public resource that is owned by the American people," Southerland says. "The American people own those fish that are in our waters."

Response:

Mr. Southerland confirms what commercial fishermen have been saying all along – American red snapper are a public asset, and should not be limited to the exclusive use of people with enough wealth to buy their own boat or pay a charter to take them fishing. The American people own red snapper, and commercial fishermen (working through an accountable and responsible fishery management program) have the privilege of sustainably harvesting it for them and helping deliver it to their dinner plates. Furthermore, the attack that catch share fishermen are “profiting from harvesting a public resource” could be applied to any fisherman operating under any management system. Why single out commercial red snapper fishermen when fisherman fishing under any management plan profit from harvesting the public fishing resource and deliver it to market for consumers?

Fox 8 New Orleans Statement:

The government essentially decides who will be a successful commercial fisherman and who will not.

Response:

This statement continues to be inaccurate. The initial allocation of fishing quotas was a public decision by Gulf Council - a stakeholder advisory body comprised of 16 Gulf state representatives and one federal representative.

Southerland Statement:

"And it doesn't matter how hard you work," Southerland says. "It doesn't matter, you know, how much money you have to... That you've borrowed. It's all based on a philosophy. And if you believed in that philosophy, then you win."

Response:

We’re surprised that Fox 8 New Orleans apparently didn’t question the validity of this statement. Commercial fishermen are some of the hardest working individuals in America, putting their lives at risk to spend days at sea on small boats harvesting the public’s resource so they can enjoy red snapper on their plates 365 days a year – American seafood consumers “win” when a fishery is sustainable, profitable and managed well. Whether you’re a commercial fisherman, politician, or funeral home director - those that work hard building and maintaining their business tend to succeed. Fishing and seafood-related jobs are more profitable now because of the IFQ program and because red snapper quotas have nearly tripled under the protections of the Magnuson Act.

Fox 8 New Orleans Statement:

In response, the same commercial fishermen profiting off this government resource poured tens of thousands of dollars into the campaign account of Southerland's congressional opponent. Those same fishermen contributed additional money to a political action committee called Ocean Champions that also went after Southerland.

Response:

Mr. Southerland was awarded the title of “Ocean Enemy #1” because of his terrible record of attempting to undermine healthy rivers and oceans, and restrict public access to our oceans and the natural resources that inhabit them.¹⁰ Mr. Southerland represented a threat to commercial and charter fishing businesses and seafood jobs in the Gulf and throughout the country. We are proud to have helped defeat Mr. Southerland in order to protect the public’s access to red snapper.

Rep. Graves Statement:

"You can't defend this," he says.

Response:

Actually, we can defend this; we have, and we will continue to do so. Red snapper is a success story, and despite attempts to tear down this program and hurt hard working commercial fishermen, we will continue to promote this profitable and sustainable fishery that provides red snapper access to 97% of Americans.

Fox 8 New Orleans Statement:

Graves' fix would be to take control out of the federal government and give it to the five Gulf states.

Response:

Fox 8 New Orleans clearly failed to research Rep. Graves’ “fix” (H.R. 3094) and the impact it would have on commercial fishermen. H.R. 3094 would strip the commercial fishery from the protections afforded to it under the Magnuson-Stevens Fishery Conservation and Management Act and allow 3 state bureaucrats to eliminate the commercial fishery in 10 years¹¹. It would take management responsibility away from the 16 state members (including recreational fishermen, charter fishermen, commercial fishermen, scientists, and state managers) of the Gulf Council (plus one federal representative) and hand it over to the very same state bureaucrats that constantly vote against commercial fishermen at the Gulf Council.

Rep. Graves Statement:

"It would allow for state control," he tells us. "The five Gulf states, with public participation, would determine what is in the public's best interest."

Response:

It is absurd to think that three state bureaucrats are better equipped to make decisions about this fishery than a 17-member body that includes representatives from the five Gulf states and all fishery sectors, and that is supported by credible scientists with decades of experience in fisheries management. Fox 8 New Orleans fails to mention that H.R. 3094 is an unfunded mandate being forced on states and their constituents, and also fails to mention that the states of Louisiana and Florida have withdrawn support for his proposal; Florida, specifically, highlighted the harm it will do to commercial fishermen.¹²

Fox 8 New Orleans Statement:

Just last week, a similar bill impacting the Dungeness crab program in the Northwest passed the House unanimously, while the same plan - impacting a different fish, red snapper, in a different region, the Gulf - has opposition.

¹⁰ <https://www.tradeonlytoday.com/2014/09/groups-calls-republican-lawmaker-ocean-enemy-no-1/>

¹¹ <https://www.congress.gov/bill/114th-congress/house-bill/3094?q=%7B%22search%22%3A%5B%22HR3094%22%5D%7D&r=1>

¹² <http://myfwc.com/media/4139289/3a-fed-legislation-presentation.pdf>

Response:

This is misleading, sloppy journalism. The Dungeness crab bill in question is not, in fact, the “same plan” as Rep. Graves’ proposal. The differences are clear:

Comparison of Dungeness Crab and Red Snapper Legislation		
	H.R. 2168 – the West Coast Dungeness Crab Management Act	H.R. 3094 – the Gulf States Red Snapper Management Authority Act (GSR SMA)
Stakeholder driven solution?	YES. Legislation providing for state management resulted from rigorous discussions and negotiations among relevant stakeholders.	NO. GSR SMA concept arose from secret negotiations with very little stakeholder input and commercial fishermen barred from being in the room.
Tested management regime?	YES. State management regime for Dungeness crab has been successful for decades.	NO. Proposed GSR SMA would be newly-established, has no track record of success, and would override Council management that is successfully rebuilding red snapper.
Uniformity of application?	YES. Management and resulting regulations are consistently applied in both state and federal waters	NO. States determine individual management measures under a patchwork system, of which 100% of Gulf states are noncompliant.
Consistent with the Magnuson Act?	YES.	NO. FMPs are to be consistent with Magnuson only "to the extent practicable." Management not required to prevent overfishing or ensure equitable treatment among user groups.
Fishery Council retains management authority?	YES. The Pacific Fishery Management Council retains authority to manage and may establish an FMP for the fishery if it elects to do so.	NO. GSR SMA would have exclusive responsibility for the management of red snapper, regardless of how well the experiment would work.
Original plan contained a sunset provision to protect against unintended consequences?	YES.	NO.
	NO.	YES.

Near unanimous opposition by commercial fishermen?		
Opposed by over 40 commercial fishing and sustainable seafood organizations, and members of the restaurant and lodging community?	NO.	YES.
Recreational fishery exists in federal waters?	NO.	YES.

Rep. Graves Statement:

"I've tried to change this in Congress, thinking this will a piece of cake, right?" Graves says. "You can't defend this stuff... You wouldn't believe the lobbyists that pop up out of woodwork and start fighting you on this. Who's paying for this stuff? Obviously, the millionaires that are benefiting from it. They are protecting their own best interests and sacrificing public interest."

Response:

Actually, we can defend this; we have, and we will continue to do so. American red snapper in the Gulf of Mexico are a natural resource, owned by the United States public – they are not a government resource. Commercial fishermen have the privilege of harvesting this resource so a majority of Americans can enjoy a red snapper in their home or at a restaurant. And again, the attack that catch share fishermen are “profiting from harvesting a public resource” could be applied to any fisherman operating under any management system. Why single out commercial red snapper fishermen when fisherman fishing under any management plan profit from harvesting the public fishing resource and deliver it to market for consumers? Finally, the commercial fishery is profitable, thanks to a recovering species and a sustainable management plan. Attacks like H.R. 3094 would take away everything the Gulf’s commercial fishermen and women have worked for. So of course we’re going to spend money to defend our businesses and to defend the interests of 97% of the public who can’t afford to go catch a red snapper themselves. If a politician came up with a proposal that could eliminate your small business, wouldn’t you defend yourself?

Fox 8 New Orleans Statement:

This program was started after a vote, but when we requested the tally of who voted yes and who voted no, the government told us no. They wouldn't let us see it.

Response:

This statement implies that federal officials chose not to identify these captains. This is a misrepresentation. Federal law - created by Congress - prevents this information from being released; therefore federal officials cannot provide this information.

2/9/17: Part III – Sea lords and the secret votes that made them rich.

Fox 8 New Orleans Statement:

If a vote takes place that essentially gives away a public resource for nothing, should you see who votes yes and who votes no?

Response:

American red snapper in the Gulf of Mexico are a natural resource, owned by the United States public – they are not a government resource. Commercial fishermen have the privilege of harvesting this resource so a majority of Americans can enjoy a red snapper in their home or at a restaurant. Yet again, it's simply not true to say that the government gives fishermen this allocation for free. The fishermen that invested the most into building their red snapper business received an allocation that reflected that investment. And we remind Fox 8 New Orleans that Federal law - created by Congress - prevents this information from being released, therefore federal officials are unable to provide this information. The fishermen who participated substantially in the fishery were the ones who were allowed to vote in the referendum. The Gulf of Mexico red snapper referendum requirements are specifically identified in Section 407(c) of the Magnuson Act:

(c) REFERENDUM.--

(1) On or after October 1, 2000, the Gulf Council may prepare and submit a fishery management plan, plan amendment, or regulation for the Gulf of Mexico commercial red snapper fishery that creates an individual fishing quota program or that authorizes the consolidation of licenses, permits, or endorsements that result in different trip limits for vessels in the same class, only if the preparation of such plan, amendment, or regulation is approved in a referendum conducted under paragraph (2) and only if the submission to the Secretary of such plan, amendment, or regulation is approved in a subsequent referendum conducted under paragraph (2).

(2) The Secretary, at the request of the Gulf Council, shall conduct referendums under this subsection. Only a person who held an annual vessel permit with a red snapper endorsement for such permit on September 1, 1996 (or any person to whom such permit with such endorsement was transferred after such date) and vessel captains who harvested red snapper in a commercial fishery using such endorsement in each red snapper fishing season occurring between January 1, 1993, and such date may vote in a referendum under this subsection. The referendum shall be decided by a majority of the votes cast. The Secretary shall develop a formula to weigh votes based on the proportional harvest under each such permit and endorsement and by each such captain in the fishery between January 1, 1993, and September 1, 1996. Prior to each referendum, the Secretary, in consultation with the Council, shall--

(A) identify and notify all such persons holding permits with red snapper endorsements and all such vessel captains; and

(B) make available to all such persons and vessel captains information about the schedule, procedures, and eligibility requirements for the referendum and the proposed individual fishing quota program.

Fox 8 New Orleans Statement:

We requested the vote count in our FOIA request, but the federal government gave us little of the information we requested, blacking out the key part: who voted yes and who voted no.

Response:

Fox 8 New Orleans neglects to inform its viewers that legally, NMFS cannot divulge that proprietary information. Federal law - created by Congress - prevents this information from being released; therefore federal officials cannot provide this information. The information here is the type of information that the Magnuson Act requires to be withheld because the vote information is submitted to NMFS pursuant to referendums as statutorily mandated in §1883(c)(2). As this information is collected pursuant to the Magnuson Act, the confidentiality provisions in §1881a(b)(1) apply to this information and cannot be disclosed in compliance with the requirements of the Magnuson Act. Specifically the Magnuson Act states “any information submitted to the Secretary...in compliance with the requirements of this chapter shall be confidential and shall not be disclosed.”

Rep. Graves Statement:

"This is a public body," notes Graves, a Louisiana Republican. "You can't hide the votes from this. That's not OK."

Response:

This statement misleads the viewers into thinking that NMFS made the choice to hide the results of the IFQ referendum. Fox 8 New Orleans does nothing to correct this misrepresentation when it neglects to inform its viewers that legally, NMFS cannot divulge that proprietary information as per Congress' orders. The votes of the Gulf Council – which is a public body – to approve the IFQ program are public record. It's unclear why there is confusion regarding the two votes.

Rep. Graves Statement:

When we showed him the blacked-out lists again, he tells us, "Not for long - because I'm going to get the answer to that."

Response:

Federal law - created by Congress - prevents this information from being released, therefore federal officials cannot provide this information. The information here is the type of information that the Magnuson Act requires to be withheld because the vote information is submitted to NMFS pursuant to referendums as statutorily mandated in § 1883(c)(2). As this information is collected pursuant to the Magnuson Act, the confidentiality provisions in § 1881a(b)(1) apply to this information and cannot be disclosed in compliance with the requirements of the Magnuson Act. Specifically the Magnuson Act states "any information submitted to the Secretary...in compliance with the requirements of this chapter shall be confidential and shall not be disclosed."

Fox 8 New Orleans Statement:

The federal program, unknown to most taxpayers, allows a handful of businesses and fishermen to make millions off a government resource swimming in federal waters: red snapper.

Response:

American red snapper in the Gulf of Mexico are a natural resource, owned by the United States public – they are not a government resource. Commercial fishermen have the privilege of harvesting this resource so a majority of Americans can enjoy a red snapper in their home or at a restaurant. Furthermore, the attack that catch share fishermen are "profiting from harvesting a public resource" could be applied to any fisherman operating under any management system. Why single out commercial red snapper fishermen when fisherman fishing under any management plan profit from harvesting the public fishing resource and deliver it to market for consumers? In addition, IFQ program was developed over many years with dozens of opportunities for public input and hundreds of hours of testimony by stakeholders. It is now in its 10th year of operation, and the original proposal and analysis are available on the Gulf Council website for the public to view at any time. Hundreds of people provided comment on a 2015 proposal to change how this program allocates fish, which indicates that they are aware of the program. Any taxpayer that chose to be informed about this program had, and continues to have, ample opportunity to learn more about the program and even participate in the regulatory procedure through the public and transparent Gulf Council and NMFS process.

Fox 8 New Orleans Statement:

And the government gets nothing in return from the fishermen.

Response:

Fox 8 New Orleans should know better - repeating this false statement over and over again doesn't make it true. Three percent of the gross revenue of the Gulf's IFQ fisheries is reinvested in monitoring and operating these programs, to the tune of almost \$4 million between 2007 and 2015. When the final 2016 data are complete, another \$1 million (+/-) is expected to be generated that year.

Rep. Graves Statement:

"This is a public asset," Graves says. "You and I own this. The public owns this. You know, people always talk about [how] government needs to run like a business. Could you ever imagine a business saying, 'Oh, here's our inventory, and it's free! You come in a grocery store, you take whatever you want.' No, it's not ever going to happen. And it shouldn't be happening here."

Response:

We agree with the first part of Rep. Graves' statement - American red snapper in the Gulf of Mexico are a natural resource, owned by the United States public. However, the notion that catch share fishermen are "profiting from harvesting a public resource" could be applied to any fisherman operating under any management system. Why single out commercial red snapper fishermen when fisherman fishing under any management plan profit from harvesting the public fishing resource and deliver it to market for consumers? The fishermen that invested the most into building their red snapper business received an allocation that reflected that investment. Commercial fishermen invested in their businesses just like any small business owner would – many put every penny they owned into the program, some taking out a second mortgage on their home. Why? Because they had a dream of becoming a commercial fisherman and they were willing to work hard and earn it.

Rep. Graves Statement:

"I think that IFQ's, or finding a way to allocate a sector of the commercial fisheries, is actually a good management tool," Graves says. "If you just say we're going to do 2 million pounds in commercial fisheries, what's going to happen is everyone who has a boat and a commercial license, they're going to go out there and fish as hard as they can. It's a race to the bottom."

Response:

We agree.

Fox 8 New Orleans Statement:

But the fishermen aren't the ones paying. Instead, the dealers who purchase the fish are responsible for collecting and submitting the fee.

Response:

While the second part of the statement is technically correct, the first part of the statement is incorrect. NMFS determined that it would be easier to collect the fee via a relatively small pool of dealers rather than a large pool of vessels. Many dealers factor this cost into what they pay the fishermen, and many of those take the fee right off the top of a trip settlement sheet.

Fox 8 New Orleans Statement:

Congress required three votes - first by a little-known public body called the Gulf of Mexico Fisheries Management Council, an 11-member body that's primarily appointed by the five Gulf states.

Response:

First, the IFQ program was developed over many years with dozens of opportunities for public input and hundreds of hours of testimony by stakeholders. It is now in its 10th year of operation, and the original proposal and analysis are available on the Gulf Council website for the public to view at any time. Hundreds of people provided comment on a 2015 proposal to change how this program allocates fish, which indicates that they are aware of the program. Any taxpayer that chose to be informed about this program had, and continues to have, ample opportunity to learn more about the program and even participate in the regulatory procedure through the public and transparent Gulf Council and NMFS process. Second, the Gulf Council has 17 voting members, not 11, and 16 of these members are appointed by the Gulf states (there is one federal representative). This is a prime example of the careless and shoddy reporting that plagued this series.

Fox 8 New Orleans Statement:

And those are the votes that the federal government won't let us see.

Response:

Fox 8 New Orleans misleads the viewers into thinking that NMFS made the choice to hide the results of the IFQ referendum and neglects to inform its viewers that legally, NMFS cannot divulge that proprietary information as per Congress' orders. Federal law - created by Congress - prevents this information from being released; therefore federal officials are unable to provide this information. The votes of the Gulf Council –a public body – to approve

the IFQ program are public record, and all three members from Louisiana voted for the program. It's unclear why a Congressman would confuse the two votes – and why Fox 8 New Orleans would repeat the error.

Rep. Graves Statement:

"To have some nameless, faceless bureaucrat or some nameless, faceless commission, making this decision - that's not the right way to do it," Graves says. "That's what happens when you have a lack of transparency."

Response:

The public made the decision to develop the program, and the fishermen who qualified were able to vote on whether or not to approve it. Congress determined what data were proprietary and what was not. Furthermore, the initial meeting of state bureaucrats that led to H.R. 3094 was done behind closed doors with no notice to the public. In fact, much of the public only found out about this meeting when a recreational fishing interest group announced it in a press release.

Rep. Graves Statement:

Graves says it's illogical to him that the government is not getting anything in return from such a valuable public resource –

Response:

The Magnuson Act requires up to three percent of the gross revenue of the Gulf's IFQ fisheries is reinvested in monitoring and operating these programs, to the tune of almost \$4 million between 2007 and 2015. When the final 2016 data are complete, another \$1 million (+/-) is expected to be generated that year.

Rep. Graves Statement:

"I can't wait to hear their explanation," he says, "for how they... think they can hide the vote for a public body and an entity that is allocating a public asset."

Response:

American red snapper in the Gulf of Mexico are a natural resource, owned by the United States public – they are not a government resource. Commercial fishermen have the privilege of harvesting this resource so a majority of Americans can enjoy a red snapper in their home or at a restaurant. The attack that catch share fishermen are “profiting from harvesting a public resource” could be applied to any fisherman operating under any management system. And to be clear – NMFS isn't allocating a public asset: NMFS is allocating the privilege of harvesting this public asset for the American people. How else will consumers in Ohio, Minnesota, Chicago, and countless other cities be able to access their public resource?

Fox 8 New Orleans Statement:

We appealed the redaction of the votes to the federal government. They denied our appeal.

Response:

Congress determined what data were proprietary, not NMFS. Fox 8 New Orleans introduces extreme bias into their work by failing to explain to their viewers that NMFS cannot divulge that proprietary information as per Congress' orders. If Fox 8 New Orleans read the Magnuson Act and had familiarized itself with how IFQ programs work, it should not have repeated this error over and over.

2/10/17: Part IV – Louisiana loses with snapper barons lock on quotas.

Blanchard Statement:

"We're kind of getting the short end of the stick," says Grand Isle seafood merchant Dean Blanchard. "We [were] purposefully cut out of the system. Does that sound right?"

Response:

Shouldn't an investigative reporter have asked Blanchard to clarify this statement? How were Louisiana fishermen intentionally cut out of the system and why? It is apparent that the reporter could find no other credible source to criticize the program, so he quoted an unreliable source – over and over.

Fox 8 New Orleans Statement:

In 2013, Gulf Coast fishermen brought 22 percent of the red snapper caught in federal waters to Louisiana docks. But Louisiana fishermen only have 9 percent of the shares to catch red snapper. So, much of the red snapper off Louisiana's coast is likely being caught by commercial fishermen from other states.

Response:

Fox 8 New Orleans misleads their viewers by comparing apples to oranges, and feigning alarm when the data don't match. By conflating Gulf-wide landings in Louisiana with shares owned by Louisiana fishermen, Fox 8 New Orleans attempts to manipulate the data in a way that supports a theory that Louisiana was harmed by the IFQ program. The IFQ system affords fishermen the flexibility to harvest red snapper in areas and at times that work best for their business plans. Furthermore, fishermen from other states who land red snapper in Louisiana are providing an economic benefit to Louisiana coastal fishing communities and the Louisiana seafood supply chain. Restricting this flexibility and the opportunities provided by the IFQ program would harm these Louisiana fishing communities and the state's seafood supply chain.

Rep. Graves Statement:

"We're 'The Sportsman's Paradise'," he tells us. "We have the most productive ecosystem, at the confluence of the Mississippi and Atchafalaya rivers and the Gulf of Mexico. Our fishermen should be the ones that are benefiting from this."

Response:

We defer to federal ecosystem scientists on which state has "the most productive ecosystem" off its shores in the Gulf. Regardless, Louisiana commercial red snapper fishermen benefit from this program because they have now have the opportunity to harvest red snapper 365 days a year – before the IFQ program, they were restricted to fishing only the first 10 days of each month, preventing them from fishing at least 245 days on land every year. And thanks to the IFQ program, the average annual red snapper price paid to Louisiana fishermen increased 45% between 2006 (before the IFQ program was in place) and 2013 - from \$2.71/lb to \$3.93/lb.¹³

Fox 8 New Orleans Statement:

Fishermen in Florida appear to benefit the most in the Gulf; 41 percent of the fish make it to Florida docks. But Florida fishermen control 50 percent of the commercial shares. You might ask why. The Gulf coast Council manages the fishery; its office is in Florida, whose fishermen hold the most shares of any state in the country.

Response:

A simple comparison of coastlines would reveal that the Gulf coast of Florida has nearly twice as much coastline as Louisiana, which may contribute to the fact that more red snapper are landed in Florida than in Louisiana. Furthermore, there are more than 25 times more legal red snapper landing locations in Florida than in Louisiana (356 vs. 14)¹⁴. This statement goes on to imply that Florida's fishermen benefit in the IFQ program because the management body is located in that state. This is just absurd, and we remind Fox 8 New Orleans that the Gulf Council meets five times per year – once in each Gulf state. The location of the Gulf Council's office has nothing to do with the results of the IFQ program, despite Fox 8 New Orleans' ludicrous correlation of these two statements.

¹³ <https://www.st.nmfs.noaa.gov/Assets/economics/publications/FEUS/FEUS-2014/Report-and-chapters/FEUS-2014-FINAL-v5.pdf>

¹⁴ <https://portal.southeast.fisheries.noaa.gov/cs/main.html#>

Rep. Graves Statement:

“Louisiana got crossways with the federal government and refused to agree to some licensing regime that the federal government had put in place. So, what happened is, folks in Florida complied, folks in Alabama complied, Texas, Mississippi complied. Louisiana didn't. And as a result, when they came in and did the historic look-back on how many pounds of fish, it further penalized Louisiana for the approach that our state had taken, compared to the others.”

Response:

It's unclear what this statement is referring to, and we question why Fox 8 New Orleans didn't further question its validity. The IFQ program was developed by the Gulf Council with input from its industry Advisory Panel. It was also approved by the Gulf Council, with all three members from Louisiana voting for the program.

Blanchard Statement:

“The way that they made the system is, you had to have the paperwork,” he says. “And they knew we didn't have it. They didn't give us a fighting chance.”

Response:

Apparently Fox 8 New Orleans didn't question the validity of this statement either - it's unclear what Blanchard is referring to here, and we question why Fox 8 New Orleans didn't pursue this further. If Fox 8 New Orleans is going to continue to include this statement in its series, its viewers deserve a more detailed explanation.

Blanchard Statement:

“...But apparently, you can't be a red snapper fisherman unless you've got a couple of million dollars to start.”

Response:

Starting a commercial fishing business is just like starting a cattle farm or alligator farm or a coffee shop – most fishermen invest in a business plan and secure a line of credit to purchase the equipment they need. The problem is that thanks to reckless and risky proposals, banks are often uncomfortable with the level of risk associated with fishing businesses. Reallocation proposals and schemes to eliminate the commercial fishery don't sit well with lending institutions, so the sad irony here is that these proposals are creating instability in the commercial fishery that is hampering the next generation of commercial fishermen from establishing a foothold in this profession.

Fox 8 New Orleans Statement:

Cameron Parish, south of Lake Charles, may have been impacted more than any other community by the changes. Federal records show, in 2000, Cameron Parish had the fifth most red snapper landings in the country - more than Grand Isle, Venice and Pensacola. But 11 years later, federal records show, Cameron Parish didn't even make the top 25 communities.

Response:

Fox New Orleans once again makes a biased statement and fails to follow through. Is this change because of the IFQ program or for another reason? Could it have to do with a shift in the biomass of red snapper away from Louisiana? Or a loss of commercial fishing infrastructure? Or are there other socio-economic factors that contributed to this shift over time, like community resilience, poverty levels, or industry development? Or are there environmental factors that Fox New Orleans failed to research or divulge? Insinuating that the IFQ program was the one and only reason for the change in red snapper landings is sloppy journalism.

2/15/17: Federal quotas, overcounting spell trouble for recreational snapper fishers

Fox 8 New Orleans Statement:

For most of the year, federal waters - waters owned by taxpayers - are off limits for fisherman looking to catch red snapper. Recreational and charter fisherman across the Gulf Coast feel commercial fishermen have an unfair allotment of a public resource...

Response:

A federal court ruled in 2014 that massive overharvesting by recreational anglers resulted in an unlawful “de facto reallocation” that gave anglers far more than their designated allotment, to the detriment of the commercial sector.¹⁵ Today, 48.5% of the red snapper quota services 97% of the American public, while the remaining 51.5% benefits the 3% that can afford to go catch their own red snapper. If anything, it’s the commercial fishermen that should feel unfairly treated. Furthermore, CCA advocates on the Gulf Council actively campaign against programs that would give private anglers a year-round season (e.g. a fish tag program), and their state counterparts consistently set lengthy state seasons that directly reduce the length of the federal season, so it is CCA and the five Gulf States that are the primary reason the federal season is so short. And we remind Fox 8 New Orleans that American red snapper in the Gulf of Mexico are a natural resource, owned by the United States public – they are not a government resource. Commercial fishermen have the privilege of harvesting this resource so a majority of Americans can enjoy a red snapper in their home or at a restaurant.

Fox 8 New Orleans Statement:

...the nine-day 2014 federal season...

Response:

CCA advocates on the Gulf Council actively campaign against programs that would give private anglers a year-round season (e.g. a fish tag program), and the five Gulf states consistently set lengthy state seasons that directly reduce the length of the federal season. CCA and the five Gulf States are the primary reason the federal season is so short.

Cresson Statement:

"We here in Louisiana know exactly who is fishing for these fish," says David Cresson, executive director of the Coastal Conservation Association. "The federal government really has no idea. It's kind of a wild guess for them."

Response:

NMFS uses Louisiana state data in its federal stock assessment. Furthermore, the U.S. Fish and Wildlife Service conducts a survey every five years that generates statistics on hunting and fishing activity , including estimates of the numbers of saltwater anglers by state. NMFS has provided estimates of the number of recreational saltwater fishing participants in each coastal state for many years in its annual publication "Fisheries of the United States" (FUS). In the 2015 FUS, NMFS reported an estimate of 2,426,000 fishing participants for Louisiana.¹⁶

Fox 8 New Orleans Statement:

The federal government had a 10-day red snapper season in 2015.

Response:

CCA advocates on the Gulf Council actively campaign against programs that would give private anglers a year-round season (e.g. a fish tag program), and the Gulf States consistently set lengthy state seasons that directly reduce the length of the federal season. CCA and the five Gulf States are the primary reason the federal season is so short.

Cresson Statement:

To look at it another way, the state of Louisiana says, each day in the 2015 season, recreational fishermen in state waters caught 3,646 pounds per day. But the federal government says recreational fishermen in its waters, its season, caught 51,105 pounds each day. "To imagine that we could catch... almost two-thirds of that amount during those nine days - It's just nonsense," Cresson says. "That's the simplest way to say it."

¹⁵ See *Guindon v. Pritzker*, 31 F. Supp. 3d 169 (D.D.C. 2014).

¹⁶ <https://www.st.nmfs.noaa.gov/Assets/commercial/fus/fus15/documents/FUS2015%20Fact%20Sheet.pdf>

Response:

Cresson's organization (CCA) often promotes a figure that claims that there are 11 million recreational anglers in the US¹⁷ and over one million recreational anglers in Louisiana alone.¹⁸ According to the FUS, there are over 2.4 million recreational fishermen in the state. With 1) a 2017 recreational annual catch target of 5.386 million pounds, 2) an 8 pound average per fish, and 3) a 2 fish limit, it would only take less than 337,000 anglers throughout *the entire Gulf of Mexico* to catch the entire recreational quota if they each took one trip and caught their limit. Factor in a 4-fish limit in Texas and the fact that many recreational red snapper fishermen take more than one trip, and that 337,000 angler number drops substantially. CCA can't have it both ways – they can't claim that Louisiana has 1 million recreational anglers, and then claim that private anglers in Louisiana don't have the capacity to catch the quota. Fox 8 New Orleans should've done the math and noted this.

Fox 8 New Orleans Statement:

The program is unknown to most taxpayers, but it allows a handful of businesses and fishermen to make millions from a government resource swimming in federal waters, red snapper. The government gets nothing in return for the right to fish.

Response:

Repeating this inaccurate statement doesn't make it true. American red snapper in the Gulf of Mexico are a natural resource, owned by the United States public – they are not a government resource. Commercial fishermen have the privilege of harvesting this resource so a majority of Americans can enjoy a red snapper in their home or at a restaurant. Again, the attack that catch share fishermen are “profiting from harvesting a public resource” could be applied to any fisherman operating under any management system. Why single out commercial red snapper fishermen when fisherman fishing under any management plan profit from harvesting the public fishing resource and deliver it to market for consumers? Additionally, the IFQ program was developed over many years with dozens of opportunities for public input and hundreds of hours of testimony by stakeholders. It is now in its 10th year of operation, and the original proposal and analysis are available on the Gulf Council website for the public to view at any time. Hundreds of people provided comment on a 2015 proposal to change how this program allocates fish, which indicates that they are aware of the program. Any taxpayer that chose to be informed about this program had, and continues to have, ample opportunity to learn more about the program and even participate in the regulatory procedure through the public and transparent Gulf Council and NMFS process. Finally, the Magnuson Act requires up to three percent of the gross revenue of the Gulf's IFQ fisheries is reinvested in monitoring and operating these programs, to the tune of almost \$4 million between 2007 and 2015. When the final 2016 data are complete, another \$1 million (+/-) is expected to be generated that year.

Cresson Statement:

While this small group of commercial fisherman profit, Cresson says, recreational fishermen along the coast suffer. "And that's the first thing to know, is that it's not fair, it hasn't been fair," he tells us.

Response:

Cresson's complaint goes to what we believe to be the heart of the problem – a radical CCA lobbying campaign that has succeeded in preventing the Gulf Council from effectively managing the private angler sector of the red snapper fishery. If CCA had taken half resources it spent on 1) advocating for reallocation of quota that benefits consumers, 2) delaying the appointment of a private angler advisory panel, and 3) fighting and losing in the courts to keep charter fishermen from being able to manage their fishery effectively, it would've likely been able to develop a management plan for the presently-unlimited private angler sector.

¹⁷ <http://sportsmenslink.org/uploads/home/AVisionForMarineFisheriesManagement21stCentury1.pdf>

¹⁸ http://www.nola.com/opinions/index.ssf/2014/04/protecting_recreational_fishin.html

Shipp Statement:

"The states are much better," Shipp says, at getting accurate counts. "In Alabama, we have cameras mounted at the launch site. We count the number of boats that go out and the rest. All the feds do is, some guy walks up with a pad of paper and talks to a few fishermen. They extrapolate the data from that."

Response:

The Gulf states are developing their own programs to get a better handle on who is fishing for red snapper and count landings from their recreational anglers. While these various programs will help supplement the information collected in the Marine Recreational Information Program (MRIP), they are not yet sufficient to replace it. Red snapper stock assessments require much more information -- including historical fishing trends, independent surveys of various sizes of fish in the water, biological data on the species - to determine the health of the stock and the allowable catch than just counting fish as they come over the dock. Furthermore, the dockside samplers are employed by each of the Gulf state's fish and wildlife agencies rather than by NMFS. The data these state samplers collect are provided to NMFS for input into the federal MRIP. The characterization in the "Hooked Up" series vastly under-represents the complexity and level of effort associated with the MRIP surveys that are jointly conducted by NMFS and the states.

Fox 8 New Orleans Statement:

Pam Anderson runs a marina in Panama City, Florida. She says she's no stranger to people who have gone out of business because of the federal catch share program.

Response:

Ms. Anderson claims to know fishermen that went out of business due to the IFQ program, yet neither she nor Fox 8 New Orleans provides any evidence to back this statement up. Apparently, this statement from a biased, longtime catch-share opponent was not verified but simply accepted.

Fox 8 New Orleans Statement:

The shortened recreational and charter red snapper season has forced charter fishermen to go out of business, marinas to close.

Response:

Again, Fox 8 New Orleans provides no evidence supporting this statement.

Anderson Statement:

"Our fuel sales dropped by 35 percent," Anderson says. "If boats are not going fishing, they're not buying fuel either."

Response:

Ms. Anderson insinuates that the red snapper IFQ program was the sole reason why her fuel sales dropped, but she offers no evidence to support this statement. We also have a hard time believing Ms. Anderson can attribute this supposed drop solely to the IFQ when any number of other factors may have contributed, including but not limited to changes in regulations for other species, increase in fuel costs, changes to her captains or fleet, availability of fuel elsewhere, access to her business, the state and federal economy, or a customer response to her continual vitriol and vocal attacks on commercial fishermen and charter fishing accountability in the news and/or at the Gulf Council meetings.

Fox 8 New Orleans Statement:

If, on average, four people ride on a boat that means each day 6,484 boats would have to leave docks along the Gulf Coast, every day. For those numbers to make sense, you would literally have to have hundreds or thousands of boats leaving all of those Gulf Coast docks, every day. Cresson says that's highly improbable.

Response:

Cresson's organization (CCA) often promotes a figure that claims that there are 11 million recreational anglers in the US and over one million recreational anglers in Louisiana alone. According to the FUS, there are over 2.4 million recreational fishermen in the state. With 1) a 2017 recreational annual catch target of 5.386 million

pounds, 2) an 8 pound average per fish, and 3) a 2 fish limit, it would only take less than 337,000 anglers throughout *the entire Gulf of Mexico* to catch the entire recreational quota if they each took one trip and caught their limit. Factor in a 4-fish limit in Texas and the fact that many recreational red snapper fishermen take more than one trip, and that 337,000 angler number drops substantially. CCA can't have it both ways – they can't claim claims that Louisiana has 1 million recreational anglers, and then claim that private anglers in Louisiana don't have the capacity to catch the quota.

Fox 8 New Orleans Statement:

But Cresson insists that recreational fishermen are not trying to take fish or money from commercial fishermen.

Response:

While many individual recreational fishermen may not be trying to take fish from commercial fishermen, members of the CCA should know that a primary goal of the CCA is to take fish away from commercial fishermen. The CCA has a very public and consistent track record lobbying for recreational fishermen to be gifted more of the commercial fishermen and seafood consumer's access. For instance, CCA representatives on the Gulf Council helped spearhead a well-funded campaign that succeeded in taking 5% of the commercial quota – seafood consumer access – away from the commercial fishermen in 2015. CCA is also a staunch supporter of Rep. Graves' legislation that could eliminate the commercial red snapper fishery altogether and turn it into a 100% recreational fishery similar to tarpon, snook, bonefish, permit, and most of the billfish species, and has a track record of advocating for eliminating the commercial red snapper fishery.¹⁹ Just look at the origins of the CCA – wealthy oil barons that conspired to eliminate a commercial fishery in the Gulf of Mexico under the banner of “conservation.” We suggest that Fox 8 New Orleans shine a light on this coordinated ruse rather than continue to demonize commercial fishermen in the Gulf of Mexico.

Cresson Statement:

"But the bottom line is we have privatized a public resource here at the expense of the public. So, you've got hundreds of thousands of people, families, my kids, your kids that would like access to these fish. And, because of a system that chooses a select few to benefit, the rest of us are left at the dock."

Response:

Cresson's continued propaganda is tiresome and Fox 8 New Orleans makes no attempt to present a balanced view by asking for a response from a commercial fisherman. First, the attack that catch share fishermen are profiting from harvesting a public resource could be applied to any fisherman operating under any management system. Why single out commercial red snapper fishermen when fisherman fishing under any management plan profit from harvesting the public fishing resource and deliver it to market for consumers? Second, American red snapper in the Gulf of Mexico are a natural resource, owned by the United States public – they are not a government resource. Commercial fishermen have the privilege of harvesting this resource so a majority of Americans can enjoy a red snapper in their home or at a restaurant. Since the attack that catch share fishermen are “profiting from harvesting a public resource” could be applied to any fisherman operating under any management system. Third, while some families can afford to catch their own red snapper, what about the millions of families throughout and outside the Gulf that can't afford that expense? How should they access their public resource? Fourth, Cresson has had ample opportunities to take his kids red snapper fishing, as evidenced by the following data²⁰:

- 215 days (plus federal season) in Louisiana
- 70 days (plus federal season) in Florida
- 31 days (plus federal season) in Alabama
- 108 days (plus federal season) in Mississippi
- 365 days (plus federal season) in Texas

¹⁹ <http://www.ccalouisiana.com/ccal1/index.php/press-room-60/press-releases/630-answer-to-red-snapper-issue-already-exists>

²⁰ http://sero.nmfs.noaa.gov/sustainable_fisheries

It's hard to take anyone seriously who complains about not being able to recreationally red snapper fish in the Gulf of Mexico.

Fox 8 New Orleans Statement:

Since 2007, when this federal program started, the number of fish commercial fisherman can catch, the quota, has grown from 2.9 million pounds to 6 million pounds. During the same time period, the number of days recreational fisherman can fish in federal waters has dwindled, from 194 all the way down to 12 days.

Response:

The commercial quota figures cited by Fox 8 New Orleans are incorrect, and the comparison between commercial quota and recreational days is misleading – quotas are a scientific decision, while season lengths are a management decision. The following table details the commercial and recreational quotas between 2006 and 2017.^{21,22,23,24,25}

Year	Commercial Quota (million lbs)	Recreational Quota (million lbs)
2007	2.986	3.185
2008	2.297	2.45
2009	2.297	2.45
2010	3.190	3.403
2011	3.301	3.870
2012	3.713	3.959
2013	5.054	5.390
2014	5.054	5.390
2015	6.570	7.007
2016	6.097	7.192
2017	6.004	7.192

Thanks to 1) state noncompliance, 2) a CCA-led attempt to delay management solutions at the Gulf Council, and 3) a likely increase in recreational fishing, the existing recreational management strategy (trip limits and seasons) has failed to take full advantage of such a large increase in recreational quota.

Cresson Statement:

"What they should take from it is that the federal system is failing," Cresson says. "It's based on faulty numbers, it's based on bad allocations, it's based on a system that allows for a very select few to profit at the expense of hundreds of thousands of people that would like access to this public resource."

Response:

Cresson misses the mark yet again. The take-home message here is that despite a minority of the American public controlling access to a majority of the quota, and despite a significant increase in recreational quota over the last decade, the CCA has succeeded in preventing recreational fishermen from developing a better management plan that would allow them to individually realize the benefits of a rebuilding red snapper resource. At a certain point, CCA should've acknowledged that a strategy of incrementally shortening seasons wasn't working and that they were falling prey to Einstein's definition of folly – doing the same thing over and over again and expecting a different result.

²¹ http://sero.nmfs.noaa.gov/sustainable_fisheries/acl_monitoring/index.html

²² http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_fisheries/red_snapper/index.html

²³ <https://portal.southeast.fisheries.noaa.gov/cs/documents/pdf/CommercialQuotasCatchAllowanceTable.pdf>

²⁴ <http://gulfcouncil.org/docs/amendments/Final%20Red%20Snapper%20Allocation%20-RF%20Amendment%2028.pdf>

²⁵ http://sero.nmfs.noaa.gov/sustainable_fisheries/acl_monitoring/recreational_gulf/index.html

2/6/17: A conversation with the federal representative to the Gulf Council

Fox 8 New Orleans Statement:

The federal government collects no money from these fishermen for the right to catch and sell red snapper.

Response:

This statement is incorrect. Three percent of the gross revenue of the Gulf's IFQ fisheries is reinvested in monitoring and operating these programs, to the tune of almost \$4 million between 2007 and 2015. When the final 2016 data are complete, another \$1 million (+/-) is expected to be generated that year.

Fox 8 New Orleans Statement:

Federal records show in 2015, the fishermen sold the red snapper allocation for \$29,767,325. \$893,021 went back to the Gulf Council.

Response:

This statement is patently incorrect. The Gulf Council does not receive funds from the IFQ cost recovery program.

Fox 8 New Orleans Statement:

But the fishermen aren't the ones paying this fee. Instead, the dealer who purchased the fish is responsible for collecting and submitting the fee.

Response:

While the second part of the statement is technically correct, the first part of the statement is inaccurate. NMFS determined that it would be easier to collect the fee via a relatively small pool of dealers rather than a large pool of vessels. Many dealers factor this cost into what they pay the fishermen, and many of those take the fee right off the top of trip settlement sheet.

2/6/17: Red snapper allotment a retirement to many shareholders

Fox 8 New Orleans Statement:

It essentially turns some fishermen into businessmen.

Response:

Fishermen are, in fact, businessmen.

Fox 8 New Orleans Statement:

Our research has revealed about 120 shareholders - 37 percent of the whole - sell their entire allocation each year.

Response:

This is the crux of the Fox 8 New Orleans campaign, yet despite what is labeled as investigative reporting, Fox 8 New Orleans fails to provide its viewers with any further details. Had Fox 8 New Orleans done proper research rather than only provide half-truths, they would've learned that there are many reasons why a shareholder may not currently have a boat. Here are some real-world examples:

- A fisherman sold his boat to his son, who wants to build a commercial fishing business. His son is leasing his father's allocation as a way to build capital in the business and pay off the boat before he starts buying the allocation in increments.
- A fisherman is in the process of selling his commercial fishing business to a young man who wants to become a red snapper fisherman. They agreed that the young man would purchase the boat first and the allocation/shares later.
- A commercial fisherman for over 50 years is now 90 and unable to operate his own boat, so he is working with a number of other fishermen – existing fishermen and young fishermen – to lease them the allocation they need to fish and provide his knowledge to help make them successful.

- A fisherman grew up fishing but left to pursue other interests prior to the allocation baseline period. When he returned, he purchased shares from a fisherman exiting the program. Now this fisherman works with more than 30 boats to supply them with the allocation they need to run their businesses and provide red snapper to local restaurants.
- A fisherman and his family have run a commercial fishing business since 1857 and owned a boat and red snapper shares. His boat was lost in a recent storm and now he is helping his captain to buy his own boat. The fisherman is giving red snapper allocation to the captain at no cost, so that the captain can invest in building his own business.

Rep. Graves Statement:

What makes it worse is that the public resource is being taken away from the actual public that owns it -- we can only fish for nine days while this guy can make millions by not ever lifting a finger.

Response:

American red snapper in the Gulf of Mexico are a natural resource, owned by the United States public – they are not a government resource. Commercial fishermen have the privilege of harvesting this resource so a majority of Americans can enjoy a red snapper in their home or at a restaurant. Furthermore, the attack that catch share fishermen are “profiting from harvesting a public resource” could be applied to any fisherman operating under any management system. Why single out commercial red snapper fishermen when fisherman fishing under any management plan profit from harvesting the public fishing resource and deliver it to market for consumers? Finally, there were 272 combined days to fish in Louisiana state waters last year, not the 9 days claimed in this statement.²⁶ The Texas state season is 365 days.²⁷

Rep. Graves Statement:

This guy "earned" a paycheck for his work. He never "earned" the public's natural resources. Let's apply this same logic to other natural resources -- oil and gas. What would happen if we just said that we would give away the nation's oil and gas for free? That whoever we give it away to and their heirs would get to keep making millions off of it forever. People would and should go nuts.

Response:

This statement is incorrect. Three percent of the gross revenue of the Gulf's IFQ fisheries is reinvested in monitoring and operating these programs, to the tune of almost \$4 million between 2007 and 2015.

²⁶ <http://www.wlf.louisiana.gov/news/40784>

²⁷ <http://tpwd.texas.gov/fishboat/fish/recreational/federal.phtml>