



# Gulf of Mexico Reef Fish Shareholders' Alliance

## Official Follow-Up on Inflammatory Fox News Red Snapper Series

Lee Zurik's five part Fox 8 New Orleans red snapper series entitled "Hooked Up" is filled with inaccuracies and conveyed a clear preconceived bias we did not expect from a professional media outlet. We question how Fox 8 New Orleans can stand behind this inflammatory series that calls into question the journalistic integrity of a news organization. It's unclear whether Fox 8 New Orleans intentionally decided to forgo objectivity and a balanced commitment to news.

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 the Fox 8 New Orleans website. We have requested that Zurik and his superiors address these mistakes and misrepresentations.

A number of biased and inaccurate statements were repeated consistently throughout this series; however, repeating these statements over and over doesn't make them true. Our response to these repetitive errors is below:

**Statement:** *[The IFQ is] 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 10<sup>th</sup> 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 fishery managers concluded that the IFQ program has been "moderately to highly successful in achieving its stated goals,"<sup>1</sup> 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

---

<sup>1</sup> 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](http://www.nmfs.noaa.gov/sfa/laws_policies/national_standards/documents/red-snapper-5-year-review.pdf).

allocates fish, which indicates that they are aware of the program.<sup>2,3,4,5</sup> 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).

Statement: *The government handed over shares of the annual red snapper commercial harvest to a select group of fishermen.*

Response: In 2007, NMFS implemented an individual fishing quota (IFQ) plan that was discussed and developed by the Gulf Council – a state-based stakeholder advisory body comprised of 16 Gulf state representatives and one federal representative.<sup>6</sup> The Gulf Council, at open meetings with input from the public, determined how to allocate the catch and directed NMFS to enact these regulations.

Statement: *The Government gets nothing in return from these fishermen.*

Response: This statement is blatantly incorrect. 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.<sup>7</sup> When the final 2016 data are complete, another \$1 million (+/-) is expected to be generated that year.

Statement: *It is like the government determining who is going to be a millionaire and who is not.*

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, dependence on, and investments in the fishery. In other words, allocation went primarily to the fishermen who were already catching the fish. 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.

Statement: *Many of the shareholders don't even fish.*

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.

---

<sup>2</sup> <https://docs.google.com/spreadsheets/ccc?key=0Atgbk2rxQkqhdHBYby1ad0F0THZiMGtoVTdIVDJ6cWc>

<sup>3</sup> [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](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)

<sup>4</sup> [http://gulfcouncil.org/fishery\\_management\\_plans/Public%20Comment/Reef%20Fish%20Amendment%2028%20-%20Allocation/Reef%20Fish%20Amendment%2028%20-%20Allocation.pdf](http://gulfcouncil.org/fishery_management_plans/Public%20Comment/Reef%20Fish%20Amendment%2028%20-%20Allocation/Reef%20Fish%20Amendment%2028%20-%20Allocation.pdf)

<sup>5</sup> [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](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)

<sup>6</sup> [http://gulfcouncil.org/about/fishery\\_council\\_members.php](http://gulfcouncil.org/about/fishery_council_members.php)

<sup>7</sup> [http://sero.nmfs.noaa.gov/sustainable\\_fisheries/ifq/documents/pdfs/annual\\_reports/2015\\_rs\\_annualreport\\_final.pdf](http://sero.nmfs.noaa.gov/sustainable_fisheries/ifq/documents/pdfs/annual_reports/2015_rs_annualreport_final.pdf)

- 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.

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: 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.<sup>8</sup> Restricting leasing would prevent fishermen from accessing the allocation they need, and would hence increase the cost of allocation by restricting the supply.

Statement: *Red snapper are a public resource.*

Response: This 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 operator 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. Fox 8 New Orleans apparently thinks red snapper are only a public resource if they're caught on a private recreational boat.

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 years<sup>9</sup>. 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. It is absurd to think that 3 state bureaucrats are better equipped to make decisions about this fishery than a 17-member body that includes representatives from all fishery sectors, 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

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

<sup>9</sup> <https://www.congress.gov/bill/114th-congress/house-bill/3094?q=%7B%22search%22%3A%5B%22HR3094%22%5D%7D&r=1>

Louisiana and Florida have withdrawn support for his proposal; Florida, specifically, highlighted the harm it will do to commercial fishermen.<sup>10</sup>

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.”

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.<sup>11</sup> 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.

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."*

Response: Cresson’s organization (CCA) often promotes a figure that claims that there are 11 million recreational anglers in the US<sup>12</sup> and between one million<sup>13</sup> and over 2.4 million<sup>14</sup> recreational anglers in Louisiana alone. According to the annual "Fisheries of the United States" publication, there are over 2.4 million recreational fishermen in the state.<sup>15</sup> 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.

<sup>10</sup> <http://myfwc.com/media/4139289/3a-fed-legislation-presentation.pdf>

<sup>11</sup> *See Guindon v. Pritzker*, 31 F. Supp. 3d 169 (D.D.C. 2014).

<sup>12</sup> <http://sportsmenslink.org/uploads/home/AVisionForMarineFisheriesManagement21stCentury1.pdf>

<sup>13</sup> [http://www.nola.com/opinions/index.ssf/2014/04/protecting\\_recreational\\_fishin.html](http://www.nola.com/opinions/index.ssf/2014/04/protecting_recreational_fishin.html)

<sup>14</sup> <https://www.st.nmfs.noaa.gov/Assets/commercial/fus/fus15/documents/FUS2015%20Fact%20Sheet.pdf>

<sup>15</sup> <https://www.st.nmfs.noaa.gov/Assets/commercial/fus/fus15/documents/FUS2015%20Fact%20Sheet.pdf>

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.<sup>16</sup> 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.

Statement: *And, because of a system that chooses a select few to benefit, the rest of us are left at the dock.”*

Response: It's hard to take anyone seriously who complains about not being able to recreationally red snapper fish in the Gulf of Mexico when the one looks at the following red snapper season data:

- 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

Fox 8 New Orleans presented a biased, misrepresentative, and overall factually inaccurate series that is based heavily on inaccurate data and unreliable sources. Hard working American commercial red snapper fishermen were demonized thanks to this sloppy journalism, and we are disappointed that Fox 8 New Orleans would allow their name to be associated with these attacks.

We will continue to defend this fishery from these brazen attacks that villainize commercial fishermen, and we are proud to have the charter fishing businesses, the restaurant industry and seafood consumers at our side.

For a complete and lengthy list of all inaccurate and misleading statements made during this series, please visit our website:

[www.shareholdersalliance.org/news-and-media.php](http://www.shareholdersalliance.org/news-and-media.php)

---

<sup>16</sup> <http://www.ccalouisiana.com/ccal1/index.php/press-room-60/press-releases/630-answer-to-red-snapper-issue-already-exists>