

MEDIA RELEASE FROM KEITH GUINDON, et al, Plaintiffs

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Court Decision Requires Federal Government to Address Mismanagement of Recreational Red Snapper Fishery in the Gulf of Mexico

Galveston, Texas. – The U.S. District Court for the District of Columbia has ruled that the federal government violated the law by failing to properly manage the red snapper fishery in the Gulf of Mexico. Persistent overharvesting by the recreational fishing sector in recent years has harmed all stakeholders in the fishery, including commercial and recreational fishermen and fishing communities, and deprived consumers of access to fresh fish. Commercial fishermen and associated businesses that filed the lawsuit last June hailed the Court’s decision as a step towards better management of the red snapper fishery.

The court agreed with the plaintiffs’ arguments that the National Marine Fisheries Services (“NMFS”) violated the Magnuson-Stevens Fishery Conservation and Management Act, the law governing federal fisheries, by failing to implement sufficient accountability measures to ensure that the recreational fishing sector adheres to its annual fishing quota. The decision also found that the lack of accountability measures in the recreational sector caused a *de facto* reallocation of the red snapper fishery from the commercial sector to the recreational sector in violation of statutory and regulatory requirements.

“Litigation was not our first choice, but the agency’s mismanagement posed a real threat to the entire red snapper fishery, and to the businesses dependent on it,” said Buddy Guindon, a commercial red snapper fisherman from Galveston, Texas. “We look forward to working with NMFS and the Gulf Council to solve a longstanding issue in this fishery—the need for accountability measures in the recreational sector.”

Inadequate controls have permitted the recreational sector to routinely catch far more red snapper than it is allocated under the fishery management plan. As the Court recognized, “[o]verages in the recreational sector have occurred in six of the last seven years.” By contrast, the commercial sector of the fishery, which operates under an individual fishing quota (“IFQ”) system (a form of catch share), complies with its catch limit every year.

Wayne Werner, a commercial red snapper fisherman from Alachua, Florida said, “We want to make sure that red snapper fishing is available for generations to come. And we want to make sure the public has access to red snapper in restaurants and grocery stores. This decision will allow the stock to rebuild more rapidly and allow all sectors to catch more fish in the future.”

As a result of the Court’s decision, any future management actions for red snapper – including any potential reallocation of quota to the recreational sector – must be developed with adequate accountability measures consistent with the Court’s order. NMFS will have to revise its regulations governing the recreational red snapper fishery in the Gulf of Mexico to “require whatever accountability measures are necessary to constrain catch to the quota.”

“The commercial sector has an effective IFQ program,” said Donny Waters, a commercial red snapper fisherman from Pensacola, Florida. “The agency’s actions on the recreational side were undermining the tremendous progress we’ve made. But we hope this decision will improve accountability in the recreational sector.”

The case is KEITH GUINDON, et al, Plaintiffs, v. PENNY SUE PRITZKER, in her official capacity as Secretary of the United States Department of Commerce; NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION; and NATIONAL MARINE FISHERIES SERVICE, Defendants, and COASTAL CONSERVATION ASSOCIATION, Defendant-Intervenor (Case number *1:13-cv-00988-BJR*). K&L Gates LLP served as attorneys for the Plaintiffs.

A copy of the Court’s decision is attached.

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