

WEEKLY UPDATE: 02/10/12
NORTH CAROLINA FISHERIES ASSOCIATION
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JONES DELIVERS ON OREGON INLET

Corps Follows Jones' Request; Will Allocate \$4.5 Million in Disaster Dollars to Dredge Oregon Inlet

Congressman Walter B. Jones (NC-3) announced that the U.S. Army Corps of Engineers has followed his request and will allocate \$4.5 million in disaster dollars recently appropriated by Congress to Oregon Inlet. Jones has been actively working with the Corps of Engineers on the need to direct disaster funding to Oregon Inlet, including sending a letter last month to the Corps' Commanding General – Major General Bo Temple. Oregon Inlet is eligible to receive funding through the Disaster Relief Appropriations Act (H.R. 3672), a bill which Congressman Jones voted for last month and which was signed into law on December 23rd. H.R. 3672 provides \$534 million to the U.S. Army Corps of Engineers “for necessary expenses to dredge navigation channels in response to, and repair damage to Corps projects resulting from, a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act.” Jones has emphasized to the Corps that many Corps-maintained channels in Eastern North Carolina, including Oregon Inlet, sustained significant damage in late August of 2011 as a result of Hurricane Irene. The damage was so severe that President Barack Obama declared every coastal county in Eastern North Carolina to be a disaster area under the Stafford Act. As a result of that disaster declaration, Oregon Inlet is eligible for the funding included in H.R. 3672. Oregon Inlet is “critical to North Carolina’s coastal economy”, said Congressman Jones. “Fishermen and boaters depend on safe navigation through this channel. I am very pleased that the Corps agreed to use the money appropriated by Congress to help address the serious problems at Oregon Inlet.”

For additional information, please contact Catherine Fodor in Congressman Jones' office at (202) 225-3415.

Inspector General Finds More Action Needed to Improve Asset Forfeiture Fund; Bill in Congress Would Address Deficiencies

WASHINGTON, D.C. - February 9, 2012 - The Commerce Department Inspector General has released their final [report](#), *More Action Needed to Improve Controls in Asset Forfeiture Fund*. They conducted the review to address concerns with controls over the Asset Forfeiture Fund (AFF) raised in OIG reports published in January 2010 and July 2010, which revealed several weaknesses in NOAA's management and internal controls over the AFF. The July 2010 report also showed that NOAA inconsistently identified accounts that constituted the AFF. Their review focused on determining (1) if NOAA properly defined assets comprising the AFF, including the completeness and accuracy of funding sources, (2) if NOAA appropriately defined allowable uses of fund assets and developed controls over collections and disbursements, and (3) if the audit plan of the independent auditor of the AFF financial statements was designed to provide reliance on the AFF cash balances as of March 31, 2011, and if the independent auditor could provide an opinion on the balance. They found that NOAA (1) lacks appropriate controls to assure that all proceeds from fines, penalties, and forfeitures are received and accurately recorded, and (2) has not accurately recorded or adequately pursued the total amount owed for fines and penalties. Their report describes these weaknesses in detail and recommends steps to strengthen controls over Asset Forfeiture Fund activities. They also noted that the AFF does not contain all fines, penalties, and forfeited proceeds collected by NOAA for marine resource violations; described NOAA's accounting for the use of fines and penalties from Northeast Multispecies Fishery Management Plan violations; and provided a further clarification of AFF inflow and outflow data.

No Commercial Representation for North Carolina on Mid Atlantic Council

Despite approval by the NC Marine Fisheries Commission and despite Governor Perdue's "preferred" status for NC fisherman Dewey Hemilright to be named to the Council the Obama Administration's Commerce Secretary has not acted to name Hemilright to the Council in time for next week's meeting in

Virginia Beach. The Secretary's stalling tactics are truly outrageous when NC has many issues of significance before the Council and will be without one seat if the appointment is not made before next week's meetings. Governor Perdue and Senator Hagan (because they are in the president's party) have been asked to call the White House and the Secretary on behalf of Dewey and NC; as of this writing there has been no confirmation that either politician has done so. Governor Perdue "promised she would do just that several weeks ago, just before she announced she is not running for a second term. She is, however, still governor of this state and needs to act immediately and call her party's heads to get this done

ASMFC Atlantic Striped Bass Management Board Initiates Addendum to Address Illegal Commercial Striped Bass Harvest The Board's action is in response to recommendations of the Interstate Watershed Task Force (IWTF). The IWTF conducted a multi-year, multi-jurisdictional investigation on illegal striped bass harvest within Chesapeake Bay which resulted in over \$1.6 million dollars in fines levied against 19 individuals and three corporations for more than one million pounds of illegal striped bass harvested estimated to be worth up to seven million dollars. NCFR wanted to know about illegal recreational fishing and received this response from ASMFC "Sean -- The Board has been dealing with recreational landings for about 5 years and has taken several actions to address illegal harvest. Specifically, it has requested NMFS increase the striped bass fines. NMFS responded by doubling the fines. It has asked USCG and NMFS to increase patrols off VA, NC and NY. USCG has increased patrols and boardings as a result. It has also asked NMFS to apply the highest fines under the newly adopted federal penalty structure." To which we replied "Thank you Tina; as you can imagine we are dealing with a great deal of fallout from the so-called striped bass incident here in NC, fighting gamefish as a direct result. We are frustrated that the recreational sector has no limits on how many fish they can catch and their discard mortality is more than we are allowed to catch, yet we keep getting hit over the head with more regs...we would NEVER support illegal fishing of any kind, but, as you can imagine, we remain frustrated."

ASMFC Atlantic Menhaden Board Approves the Public Information Document for Draft Amendment 2

States to Conduct Public Hearings in March & April

The Commission's Atlantic Menhaden Management Board approved the Public Information Document (PID) for Amendment 2 to the Interstate Fishery Management Plan for Atlantic Menhaden for public comment and review. As the first step in the development of Amendment 2, the PID presents the current status of the fishery and resource, and solicits public input on which major issues and alternatives should be included for consideration and analysis in Draft Amendment 2. The PID's primary focus is to initiate discussion on the timing and implementation of achieving the new fishing mortality threshold ($F = 1.32$) and target ($F = 0.62$) reference points recently adopted through Addendum V. Since fishing mortality in 2008 (the latest year in the assessment) is estimated at 2.28, overfishing is occurring, however, the stock is not overfished. The goal of the new reference points is to increase abundance, spawning stock biomass, and menhaden availability as a forage species. The PID also seeks public input on a more timely and comprehensive catch reporting system, and scopes potential options to be used in managing Atlantic menhaden commercial bait and reduction fisheries as well as recreational fishery. Alongside the development of Amendment 2, the peer-reviewed stock assessment will be updated with data through 2011 to provide a more recent estimate of fishing mortality. Results of the assessment update will be used to estimate the harvest reductions needed to achieve the new threshold and target fishing mortality rates. Therefore, preliminary harvest reductions are provided in the PID but will likely change based on the results of the stock assessment update. Staff will be finalizing the draft over the next week based on the Board's input yesterday; a subsequent press release will announce the document's availability as well as the state public hearing schedule. The Board will meet in May at the Commission's Spring Meeting to review submitted comment and identify the measures to be included in the Draft Amendment. The Board will meet again in August to review and incorporate the results of the 2012 stock assessment update and consider approving the Draft Amendment for public comment. Final amendment

approval is anticipated for October, with plan implementation scheduled for 2013. For more information, please contact Michael Waine, Fishery Management Plan Coordinator, at 703.842.0740 or mwaine@asmfc.org.

NCDMF PROCLAMATIONS: For full details of proclamations go to: www.ncdenr.org

RE: 2012 OYSTER RESTRICTIONS

Effective at **sunrise, Thursday, February 9, 2012**, the following **changes in restrictions** will apply to the area open to the mechanical harvest of oysters: **I. MEANS AND METHODS MECHANICAL HARVEST RESTRICTIONS:**

A. Oysters may be taken by mechanical methods (See General Information Section VII. E., G. and H. for other gear restrictions).

B. Oysters may not be transferred from the catching vessel to any other vessel during oyster harvesting operations or be transported by any vessel other than the vessel in which they are harvested. **II.**

HARVEST DAYS AND TIME PERIOD A. Mechanical oyster harvest will be allowed Monday through Friday from sunrise until 4:00 p.m. each day. (See General Information Section VII. C. and F.). Oyster dredges must be out of the water and stowed on deck after 4:00 P.M. each weekday.

B. All oysters must be unloaded by sunset in accordance with N.C. Marine Fisheries Rule 15A NCAC 03K .0106. **III. QUANTITY**

Properly licensed persons may take or possess no more than **fifteen (15)** bushels of oysters per fishing operation per day, regardless of the number of persons or vessels involved **except as specified in Section VI. below.** (See General Information Section VII. I.) **IV. MINIMUM SIZE LIMIT**

The size limit will be three (3) inches shell length for oysters taken on public or private grounds. (See General Information Section VII. I.) **V. MECHANICAL HARVEST SEASON**

the season for harvesting oysters by mechanical methods shall be monitored and changes in harvest areas or season length may be implemented by proclamation at a later date. <http://portal.ncdenr.org/web/mf/proclamation-sf-1-2012>

Meetings:

February 14 - 16:

[Mid-Atlantic Fishery Management Council](#), Hilton Virginia Beach
Oceanfront, 3001 Atlantic Ave., Virginia Beach, Virginia; 757.213.3001.

For more information on any item in this update, contact the NCFA office (252) 745-0225. Also, visit NCFA Website for breaking news and other issues concerning our industry.

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