

**NCFA UPDATE: 8/14/2020**  
**NORTH CAROLINA FISHERIES ASSOCIATION**  
**"Serving the Commercial Fishing Families of North Carolina since 1952"**  
**PO Box 86; Morehead City, NC 28557**  
**Phone: (252) 726-NCFA (6232) Fax: (252) 726-6200**  
[www.ncfish.org](http://www.ncfish.org)

## LEGISLATIVE UPDATE

### RESIGNATIONS & APPOINTMENTS:

Senator Andy Wells resigned July 27<sup>th</sup>. He co-chaired the Senate Agriculture, Environment & Natural Resources Committee with Norman Sanderson. Norman is now the Chairman of the Committee. Andy's replacement in the Senate has not yet been named.

Senator Phil Berger has named former Senators Jerry Tillman and Andy Wells to the Transportation Board.

### FEDERAL:

As noted in a special notice earlier this week, Senator Thom Tillis objected to a measure on the Senate floor that stopped the passage of a bill that would have changed the summer flounder quota allocations, meaning North Carolina would have lost a substantial percentage of our quota to some northern states, primarily New York. If you did not receive that notice, let us know.

Observers: NOAA/NMFS has decided to once again require observers in some fisheries. There has been an effort with both letters to the agency and to Congress to get them reconsider this absurd action during Covid-19. NCFA is one of the groups that has been engaged.

## OTHER NEWS

### USDA announced that Aquaculture is eligible for CFAP direct assistance.

The item below is from American Farm Bureau. (Please note that USDA will not use CFAP funds to cover related fishery commodities such as oysters, clams, mussels, scallops and marine algae.) These are covered through CARES Act money that is to be distributed through DMF. The draft plan for how \$3,399,778 in funding would be allocated to commercial fishing and marine aquaculture is here:

([http://portal.ncdenr.org/c/document\\_library/get\\_file?uuid=162d3660-625f-4405-bc16-1ac9cb32de4f&groupId=38337](http://portal.ncdenr.org/c/document_library/get_file?uuid=162d3660-625f-4405-bc16-1ac9cb32de4f&groupId=38337)).

#### **Expanded Aquaculture CFAP Eligibility**

**Producers of certain aquaculture** (<https://www.farmers.gov/cfap/aquaculture>) are now eligible for CFAP direct financial assistance including catfish, crawfish, largemouth bass and carp sold live as food fish, hybrid striped bass, red drum, salmon, sturgeon, tilapia, trout, ornamental/tropical fish, and recreational sportfish. USDA has separated payments for fish from payments for crustaceans.

Producers of eligible aquaculture species, not including crawfish, will receive a single payment calculated using the sum of the species sold from January 15 through April 15, 2020, multiplied by the CARES Act payment rate, and the inventory of the aquaculture species that was not sold but was market size and available to be marketed between January 15 and April 15, 2020, multiplied by the CCC payment rate.

***The payment formula equals: [Aquaculture Species Sold Jan. 15 to Apr. 15]×[CARES Act Payment Rate] + [Marketable Inventory Jan. 15 to Apr. 15]×[CCC Payment Rate]***

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Producers of eligible crawfish will receive a single payment calculated using the sum of the crawfish sales from January 15 through April 15, 2020, multiplied by the CARES Act payment rate, and the inventory of crawfish that was not sold as of April 15, 2020, due to lack of market and will not be sold in the calendar year 2020, multiplied by the CCC payment rate.

*The payment formula equals: [Crawfish Sold Jan. 15 to Apr. 15]x[CARES Act Payment Rate] + [Apr. 15 Inventory for Calendar Year 2020]x[CCC Payment Rate]*

For molluscan shellfish and marine algae producers needing direct financial assistance, the Secretary of Commerce is providing assistance with funding provided by Sec. 12005 of the CARES Act, e.g., [The Ins and Outs of Direct Assistance for Fisheries](#). To avoid duplicate payments for the same losses, USDA has determined that CFAP will not cover related fishery commodities such as oysters, clams, mussels, scallops and marine algae.

## American Fishermen Call on State Department to Help Captain Illegally Detained in British Virgin Islands

August 14, 2020 — *The following was released by the American Sword and Tuna Harvesters. The American Sword and Tuna Harvesters are fishermen, fish buyers, vessel owners and support businesses who represent a significant harvesting segment of the U.S. Pelagic Longline Industry. We strive for equitable, logic and science based fishery management that results in maximizing the harvest of the United State's allocation of highly migratory fish species to supply the American public with a healthy, renewable food source.*

During the week of June 8, the government of the island of Tortola, in the British Virgin Islands (BVI), detained the documented U.S. fishing boat *Rebel Lady*, arrested Captain Michael Foy, held the foreign crew without charge, and confiscated 8,000 pounds of tuna and swordfish valued at more than \$60,000. Captain Foy was initially denied bail by the local magistrate, Later today, the Tortola High Court will decide on his appeal of that decision. Captain Foy has been imprisoned 67 days as of this writing.

The American Sword and Tuna Harvesters urge all relevant agencies of the United States Government, and specifically the Department of State, to take all possible actions to obtain justice for Captain Foy. On June 8, the *Rebel Lady* was drifting outside Tortola territorial waters for several hours, awaiting permission to enter Road Town as she has done more than 9 times in the past year, most recently on April 27th. The purpose of the visits was to fulfill the U.S. Government visa requirement that the foreign crew "go foreign" every 29 days. The Captain and crew do not disembark for this formality. The protocol is: documents are submitted, including COVID-19 health certificates, passports are stamped, and the vessel departs.

On June 9, Captain Foy was instructed to follow a Customs boat into port. There, he was arrested on charges of illegal entry, arrival at a place other than a Port, and operating an unlicensed and unregistered fishing vessel. The Director of Public Prosecution (DPP) requested and received a denial of bail. In addition, DPP is seeking \$511,000 in fines, seizure of the vessel, and up to one-year imprisonment for Captain Foy. The catch was seized "to be forfeited and resold to benefit the government," the DPP wrote in a circular.

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Captain Foy, who has fished five different oceans and has never been accused of a fishery or customs/immigration violation in his forty years at sea, has been kept in a rat and cockroach infested prison with a court date set for September. Dinners are a piece of bread and tea. Upon initial detainment, Captain Foy was not afforded the bare necessities – a shower, toothbrush and toothpaste, or even a change of clothes – for almost two weeks. Senators Marco Rubio (R-FL) and Bob Menendez (D-NJ) and Congressman Andy Kim (D-NJ) have beseeched BVI Deputy Governor David Archer Jr. for fair treatment and humane detention. Humanitarian groups such as Amnesty International, the United Nations Office for the Coordination of Humanitarian Affairs, and Human Rights at Sea were contacted to investigate the squalid conditions of the Indonesian crew.

The U.S. National Marine Fisheries Service Office of Law Enforcement in St. Petersburg, Florida monitors all U.S. flagged fishing vessels with mandatory Vessel Monitoring System (VMS) records. These hourly GPS readings have been made available and are believed to indicate the exact location of the *Rebel Lady* outside of Tortola's territorial waters. Additionally, NOAA's Greater Atlantic Fisheries Office in Gloucester, Massachusetts has authorized the release of the mandatory camera surveillance records from the *Rebel Lady*, which indicates where the boat was fishing. Captain Foy's family and friends are confident this technology will prove his innocence.

The Acting Chief of Customs, who was contacted by the *Rebel Lady's* friend and agent in San Juan the day prior to the boat's arrival, has refused to comment on the case.

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