

FISHERY RESOURCE DISASTERS

For the Public

WHAT IS A FISHERY RESOURCE DISASTER?

A fishery resource disaster happens when there has been a large, unexpected loss in fish stocks or other changes that lead to a major loss of fishery resources, including the loss of gear, equipment, or fishing boats. Those who have been affected by a fishery resource disaster might qualify for financial assistance under the Magnuson-Stevens Fishery Resource Disasters Improvement Act. To receive assistance under this Act, the disaster must cause a significant loss of revenue or harm to the continuation of the fishery due to an **"allowable cause."**

An allowable cause includes **natural events** like hurricanes, marine heat waves, diseases, or other weather, hazard, or biological events. It also covers specific **human-made causes**, like oil spills or spillway openings. In some cases, **undetermined causes** may also be considered an allowable cause. However, events that are predictable or happen regularly, such as normal fisheries variations, including location and amount of fisheries stock, are not included. Reductions in fishing opportunities resulting from conservation and management measures taken under the Magnuson-Stevens Act are also not considered allowable causes.

HOW IS A FISHERY RESOURCE DISASTER DETERMINED?

To seek a fishery resource disaster determination, a state governor, an official resolution of an Indian Tribe, or another elected or politically appointed representative from the affected fishing community (referred to as the **"requester"**) must submit a request to the Secretary of Commerce within one year of the disaster. If the fishery resource disaster lasts for more than one consecutive fishing season, the request must be submitted within two years from the date of the first disaster. The Secretary can also declare a disaster without a formal request.

After the Secretary receives a request, NOAA Fisheries will have up to 20 days to respond. The response may also ask for additional information. Once all necessary information has been submitted, NOAA Fisheries will review the request, which can take up to 120 days. After the review, the Secretary will make a decision based on the information gathered by NOAA Fisheries, and the requester will be notified within 14 days of the Secretary's decision.

HOW ARE THE FUNDS DISPERSED?

It is important to note that **there is no standing fund for fishery resource disasters under the Magnuson-Stevens Act, so funds may not be available immediately following a positive determination.** If funds are not available, allocation notifications (notice of the amount of funding being granted) may be delayed until the funds become available. If funds are available at the time of a positive determination, the requester will be notified of the allocation amount within 14 days of the determination being signed.

Once the requester has been notified of the amount of funding they will be granted, the requester must create a spend plan. This spend plan must include an outline of how and where the funds will be spent, a statement of work, and a budget detailing each expense or activity that the funds will be used for. Although it is not specifically required, the state or tribal representative may choose to hold listening sessions or ask the affected fishing community to submit public comments. This will give the community the chance to bring their concerns and priorities to the requester so that they can be included in the spend plan. Because the requester is the person who creates the spend plan, it is important that they are aware of all concerns or priorities that should be included before the plan is submitted. Once the spend plan has been approved by the Secretary and the funds have become available, they will be released to the requester, or state or tribal representative, to be distributed or used on the projects outlined in the spend plan.



WHAT CAN YOU DO TO BE PREPARED?

When a state or tribal representative requests a fishery resource disaster, the Secretary and NOAA Fisheries will collect certain information to review the request. Although the requester handles most of the application process, the fisheries will need to provide information to help this process. For this reason, **it is important to keep good financial records and documentation** (ex. equipment receipts, tax returns, trip tickets) each year, as most assistance programs require proof of eligibility.

General information that the Secretary and NOAA Fisheries will need includes:

- the name of the fishery management entity or entities, stating whether they are federal, non-federal, or both;
- the geographical area covered by the fishery;
- a description of all affected fish stocks;
- any details you have about what caused the disaster;
- any additional information that can help demonstrate that a fishery resource disaster has occurred.

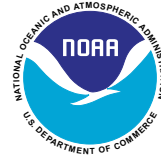
Additional information that may be needed to help support the claim of a fishery resource disaster includes:

- an unexpectedly large decrease in fish stock biomass or other changes that lead to major loss of access to fishing resources, including loss of fishing vessels and gear, for substantial period of time;
- the loss of revenue for the affected fishery over the past 12 months;
- negative impact on the maintenance, upkeep, or existence of the affected fishery;
- lost resource tax revenues charged by local communities, such as a raw fish tax and local sourcing requirements; and
- any available information on the affected fishery's 12-month revenue loss for charter, headboat, or docks processors, if applicable.

It is also important to participate in public listening sessions and submit public comments to the state or tribal representative when they are creating the spend plan. This is an opportunity to voice any needs or concerns so that the requester can include these funds in their outline of projects.

WHAT HAPPENS IF THERE ARE MULTIPLE DECLARATIONS FOR THE SAME DISASTER?

When a major disaster is declared, several types of assistance may become available. A fishery resource disaster can occur from the same event (like a hurricane) that triggers a major disaster declaration. However, there are different requirements and categories of information that must be provided for each type of assistance, so each program requires its own request or application. Remember, it is important to keep good financial records each year, as most assistance programs require proof of eligibility.



RESOURCES

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