

# FISHERY RESOURCE DISASTERS

## For Local Governments

### WHAT IS A FISHERY RESOURCE DISASTER?

A fishery resource disaster occurs when there has been a large, unexpected loss in fish stock or other change that causes a significant loss to fishery resources, including the loss of gear or fishing vessels. Those who have been affected by a fishery resource disaster may be eligible to apply for aid under the Magnuson-Stevens Fishery Resource Disasters Improvement Act. In order to receive assistance under the Magnuson-Stevens Act, a fishery resource disaster must create a significant loss of revenue or negative impact to the continuation of the fishery due to an “**allowable cause**.”

An allowable cause is any **natural cause**, such as a hurricane, marine heat wave, disease, or other weather, climate, hazard, or biological event. An allowable cause also includes discrete **anthropogenic causes**, or human-made causes, such as oil spills or spillway openings. In some instances, **undetermined causes** may also be considered an allowable cause. An allowable cause does not include events that are reasonably predictable, foreseeable, or repetitive, such as normal fisheries variation, including location and amount of fisheries stock. Reductions in fishing opportunities resulting from conservation and management measures taken under the Magnuson-Stevens Act are also not considered allowable causes.

### WHAT IS THE PROCESS FOR REQUESTING A FISHERY RESOURCE DISASTER?

A request for a fishery resource disaster determination must be submitted to the Secretary of Commerce by a state governor, an official resolution of an Indian Tribe, or any other comparable elected or politically appointed representative of an affected fishing community. Requests must be submitted to the Secretary within one year of the disaster. If a fishery resource disaster has taken place for more than one consecutive fishing season, the request must be submitted within two years of the date of the first disaster.

### WHAT MUST BE INCLUDED IN THE REQUEST?

When requesting a fishery resource disaster determination, certain information must be included:

- the name of the fishery management entity or entities, specifying whether the entity is federal, non-federal, or both;
- the geographical boundaries of the fishery;
- a description of all affected fish stocks;
- any information known about the cause(s) of the fishery resource disaster; and
- any information needed to support the showing of a fishery resource disaster.

The Secretary and National Oceanic and Atmospheric Administration (NOAA) Fisheries may also ask the requester to collect additional information or documents from the fishing community to support the existence of a fishery resource disaster. This will likely include some showing of the following:

- unexpectedly large decrease in fish stock biomass or other change that results in significant loss of access to the fishery resource, which could include the loss of fishing vessels and gear, for a substantial period of time;
- the affected fishery’s 12-month revenue loss ;
- negative impact on the 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.



## WHAT REQUIREMENTS MUST BE MET FOR A POSITIVE FISHERY RESOURCE DISASTER DETERMINATION?

To have a fishery resource disaster application approved, the disaster must be considered an allowable cause. Additionally, the disaster must cause a significant loss of revenue. This is determined by NOAA Fisheries, who will consider all economic impacts and relevant information. When making a determination, revenue losses must meet a certain threshold. Any revenue loss greater than 80 percent is likely to lead to a positive determination. Loss that is between 35 and 80 percent must undergo additional research to determine the severity of the economic impact brought about by the event. Finally, any revenue loss below 35 percent is not eligible for a positive fishery resource disaster determination.

## WHAT IS THE TIMELINE FOR RECEIVING A DETERMINATION?

Within 20 days of the Secretary receiving the request, the requester will receive an acknowledgement letter, which will state that the Secretary has received the request and provide a regional point of contact. Additionally, if the request is considered incomplete, the acknowledgement letter will list any additional information needed to conduct the review. This additional information must be provided by the requester within 12 months of receiving the acknowledgement letter.

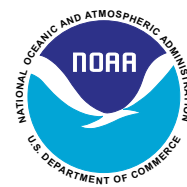
Once all information has been properly submitted by the requester and the package is deemed complete, NOAA Fisheries will evaluate the request to determine whether there is a qualifying fishery disaster. This process may take up to 120 days. Once a determination has been reached, the requester will be notified within 14 days of the Secretary signing the determination.

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 may be delayed until congressionally appropriated 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.

## HOW ARE THE FUNDS DISPERSED?

Once the requester has been notified of the allocated amount of funding they will be granted, the requester must create a spend plan. The requester must include in their spend plan an outline of where and how the funds will be spent, a statement of work, and a budget detailing each expense or activity that the funds will be used for. For this reason, it is recommended that the requester meet with the local fishing communities to hear their needs or concerns. If an expense or project is not outlined in the spend plan, it may not be covered by the funding.

The spend plan must be submitted to NOAA Fisheries within 120 days of the requester receiving their allocation amount notification. Once the spend plan has been received 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 their approved spend plan.



## RESOURCES

Visit our project website: [laseagrant.org/resources/disaster-aid](https://laseagrant.org/resources/disaster-aid)

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