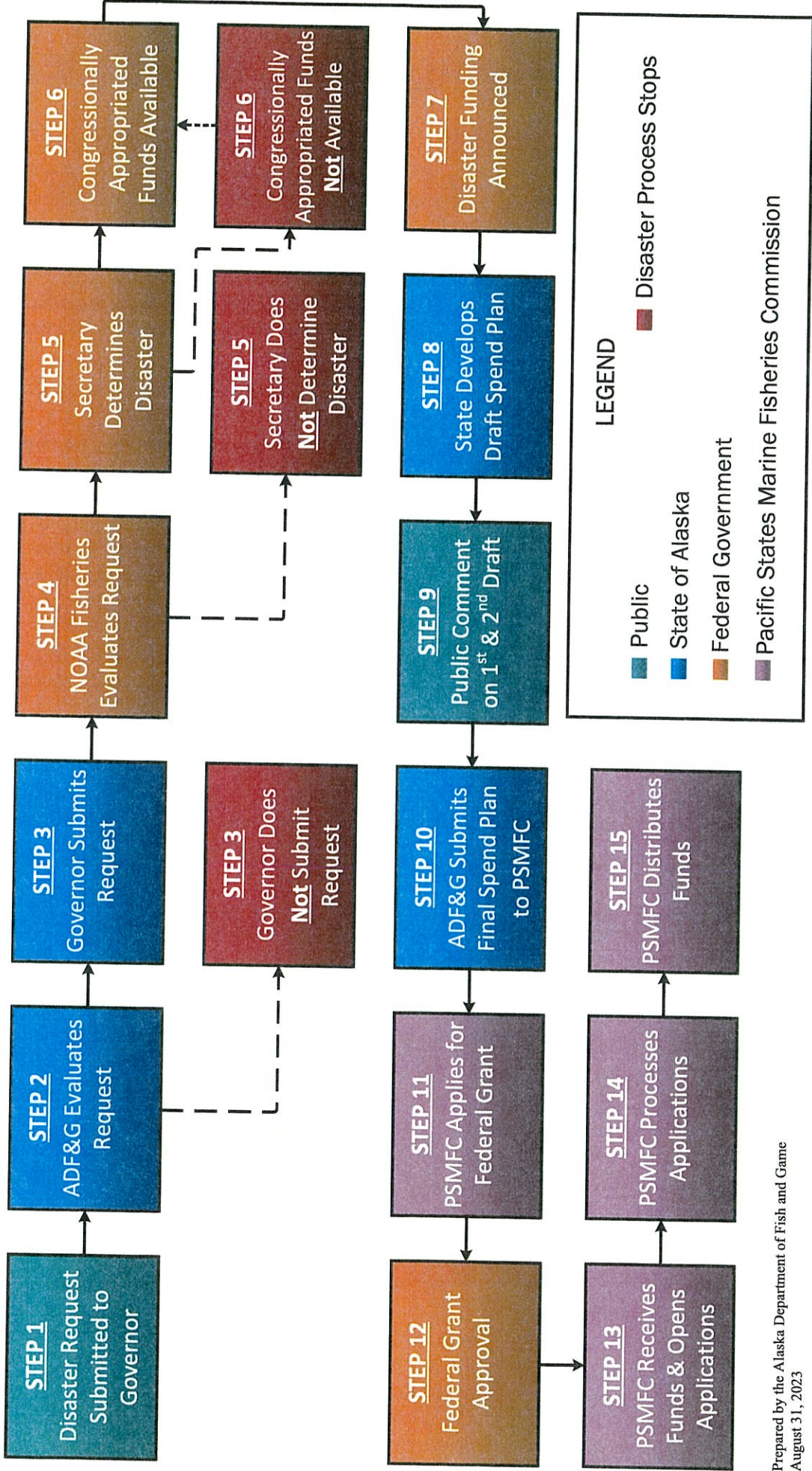


# FEDERAL FISHERY DISASTER PROCESS

## FLOW CHART



# FEDERAL FISHERY DISASTER PROCESS

## OUTLINE

A federal fishery resource disaster refers to an unexpected large decrease in fish stock biomass or other change that results in significant loss of access to the fishery resource, which may include loss of fishing vessels and gear for a substantial period of time and results in significant revenue loss or negative subsistence impact due to an allowable cause. It does not include reasonably predictable, foreseeable, and recurrent fishery cyclical variations in species distribution or stock abundance or reductions in fishing opportunities resulting from conservation and management measures.

### **Step 1: Disaster Request Submitted to Governor**

- a. Federal fishery resource disaster determinations are not automatic. An eligible entity must request a fishery resource disaster determination from the Secretary of Commerce (Secretary).
- b. Under federal law, if the Secretary has not independently determined that a fishery resource disaster has occurred, a request may be submitted to the Secretary by the Governor of an affected State, an official resolution of an Indian Tribe, or any other comparable elected or politically appointed representative as determined by the Secretary.
- c. In Alaska, requests to the Governor for consideration typically come from local governments or industry/user/community groups from the affected fishery.

### **Step 2: ADF&G Evaluates Request**

- a. Once submitted and upon request by the Governor's Office, the Alaska Department of Fish and Game (ADF&G) compiles information about the affected fisheries and evaluates each request relative to the criteria for a federal fishery resource disaster.
- b. This evaluation requires ADF&G to have final revenue data for the fishery in the disaster year as the Secretary will not make a determination on a disaster until final data are available.
- c. For Alaska fisheries, final revenue data are gross revenue data produced by the Commercial Fisheries Entry Commission. These data are available in the Fall of the following year after the fishery occurred. If there were no commercial harvests in the affected fishery, the revenue value in the disaster year is zero, and a determination can be made with less delay.
- d. ADF&G evaluations and fishery data are then forwarded to the Governor's Office.

### **Step 3: Governor Submits Request to Federal Government**

- a. If the State of Alaska (State) supports the public request, the Governor submits a letter to the Secretary requesting a federal fishery resource disaster determination.
- b. The request letter includes a clear description of the affected fishery(s), including identification of all fish stocks, whether the fishery is federal, non-federal, or both, and the geographical boundaries of the fishery. The letter also includes information on causes and impacts needed to support a finding of a fishery resource disaster, including
  - i. information demonstrating the occurrence of an unexpected large decrease in fish stock biomass or other change that results in significant loss of access to the fishery resource;
  - ii. significant 12-month revenue loss for the affected fishery or significant negative

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- subsistence impact for the affected fishery;
  - iii. information on lost resource tax revenues assessed by local communities, such as a raw fish tax and local sourcing requirements if applicable;
  - iv. information on affected fishery 12-month revenue loss for charter, headboat, or processors if applicable and available.
- c. ADF&G forwards the compiled fishery data to NOAA Fisheries, which may request additional information to aid in the review.

## **Step 4: NOAA Fisheries Evaluates Request**

- a. NOAA Fisheries evaluates the information provided by the requester to determine if the request meets the criteria for a fishery resource disaster.
- b. NOAA Fisheries provides the evaluation to the Secretary.

## **Step 5: Secretary of Commerce Determines Disaster**

- a. The Secretary makes a determination based on NOAA Fisheries' evaluation and notifies the requester of the determination.
- b. To make a positive determination, the Secretary must find the fishery resource disaster occurred:
  - i. based on the revenue loss thresholds as defined by the Fishery Disasters Improvement Act, beginning on page 803 of the Consolidated Appropriations Act, 2023<sup>1</sup>, amending the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and
  - ii. due to a natural cause, an anthropogenic cause, a combination of a natural cause and an anthropogenic cause, or an undetermined cause not more than 5 years prior to the date of a request for a fishery resource disaster determination.
- b. For charter fishing, the Secretary must also consider the economic impacts to the charter fishing industry to ensure financial coverage for charter fishing businesses.
- c. For subsistence fishing, the Secretary must evaluate the severity of negative impacts to the fishing community instead of applying the revenue loss thresholds.

## **Step 6: Congressionally Appropriated Funds Available**

- a. Congress *may* appropriate funds for fishery resource disaster relief.
- b. There is no standing fund for disasters. To provide assistance, congressionally appropriated funding must be available to help those affected by the disaster.

## **Step 7: Disaster Funding Announced**

- a. If funds are appropriated, the Secretary/NOAA Fisheries will announce the allocations for each fishery disaster.

## **Step 8: State Develops Draft Spend Plan**

- a. Once allocations are announced, ADF&G on behalf of the State and in partnership with NOAA Fisheries, begins developing a draft spend plan based on high priority needs for the fishery with input from fishery participants and other affected groups.
- b. Disaster spend plan guiding principles: funds are intended to assist fishery participants harmed by the fishery resource disaster, to improve fishery information used to assess and forecast future fishery performance, and to develop

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<sup>1</sup> [PL 117-328, December 29, 2022, 136 Stat 4459.](#)

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management approaches that mitigate the impacts of future fishery resource disasters that cannot be prevented

- c. Affected fishery participants/community groups may also develop a draft spend plan to help expedite the process. However, this should be done in coordination with ADF&G. The State must approve the final spend plan.

## **Step 9: Public Comment**

- a. The State supports an open and transparent process for distributing disaster relief funds, and ADF&G works with affected stakeholders and NOAA Fisheries to identify funding priorities and develop spend plans for each positive fishery disaster determination.
- b. ADF&G has developed a process that includes releasing both an initial and second draft spend plan for public comment.

## **Step 10: ADF&G Submits Final Spend Plan to PSMFC**

- a. ADF&G finalizes the spend plan after considering public comment on the second draft spend plan and submits a final draft spend plan to the Pacific States Marine Fisheries Commission (PSMFC).
- b. Questions about the spend plan should be directed to ADF&G.

## **Step 11: PSMFC Applies for Federal Grant**

- a. PSMFC has been selected to administer federal grants for Alaska's fishery resource disaster programs because of its significant expertise with the process and low administrative costs, which makes more funds available for those affected by the disaster.
- b. PSMFC uses the spend plan developed by ADF&G as a basis for the federal grant application.

## **Step 12: Federal Grant Approval**

- a. The federal grant must be approved by NOAA Fisheries and the White House Office of Management and Budget (OMB).
- b. NOAA Fisheries and OMB may request edits to the spend plan and grant application prior to approval.

## **Step 13: PSMFC Receives Funds & Opens Application Period**

- a. Once approved, the disaster relief funds are released from the Treasury to PSMFC which can then begin the application and distribution process.
- b. PSMFC will announce the open application period.
- c. All applications must be postmarked or otherwise received by PSMFC before the deadline set by PSMFC.
- d. Questions on completing an application should be directed to PSMFC.

## **Step 14: PSMFC Processes Applications**

- a. Once the application period closes, PSMFC must process and verify all applications before funds can be distributed.
- b. PSMFC typically attempts to contact applicants if there are errors or omissions on applications. Errors and incomplete applications can cause significant delays in PSMFC's ability to process applications and distribute funds.
- c. Currently, ADF&G does not have access to any applications submitted to PSMFC. Questions about the status of applications should be directed to PSMFC. Applicants submitting an electronic application have the option to receive notification by email

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upon successful submission of the application.

- d. In addition to serving as the administrator for Alaska's fishery relief programs, PSMFC administers federal fishery relief programs for Washington, Oregon, California, Idaho, Hawaii, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

## **Step 15: PSMFC Distributes Funds**

- a. Once all applications are processed and verified, payment distribution can begin.
- b. PSMFC may distribute funds by fishing sector as each sector's applications are processed, or it may distribute funds to all sectors once applications are processed, depending on the volume of applications and the details of a particular spend plan.

## **OTHER RESOURCES**

### **Federal Fishery Disasters, Alaska Department of Fish and Game**

- ADF&G's webpage provides information on Alaska fishery disasters determinations and includes information for the public on how to participate in the spend plan drafting process.

### **Fishery Disaster Determinations | NOAA Fisheries**

- NOAA Fisheries webpage shows a list and summary of pending and approved fishery disasters determinations.

### **Fishery Disaster Assistance | NOAA Fisheries**

- NOAA Fisheries webpage provides an overview of fishery disaster assistance with links to the Fishery Disaster Improvement Act, NOAA's policy on Disaster Assistance, and frequently asked questions.

### **Fishery Disaster Administration – Fisheries Relief (psmfc.org)**

- PSMFC's webpage provides the status of approved fishery disasters in Alaska and links to applications once available.

## **CONTACTS**

### **Alaska Department of Fish and Game**

- [dfg.com.fisheriesdisasters@alaska.gov](mailto:dfg.com.fisheriesdisasters@alaska.gov)

### **Pacific States Marine Fisheries Commission**

- [fishdisaster@psmfc.org](mailto:fishdisaster@psmfc.org)