



**NOAA
FISHERIES**

An Overview of NOAA's Fishery Resource Disaster Program

Michael D. Travis, Ph.D.
Social Science Branch Chief
Southeast Regional Office
NOAA Fisheries

June, 2024

Organization of Presentation

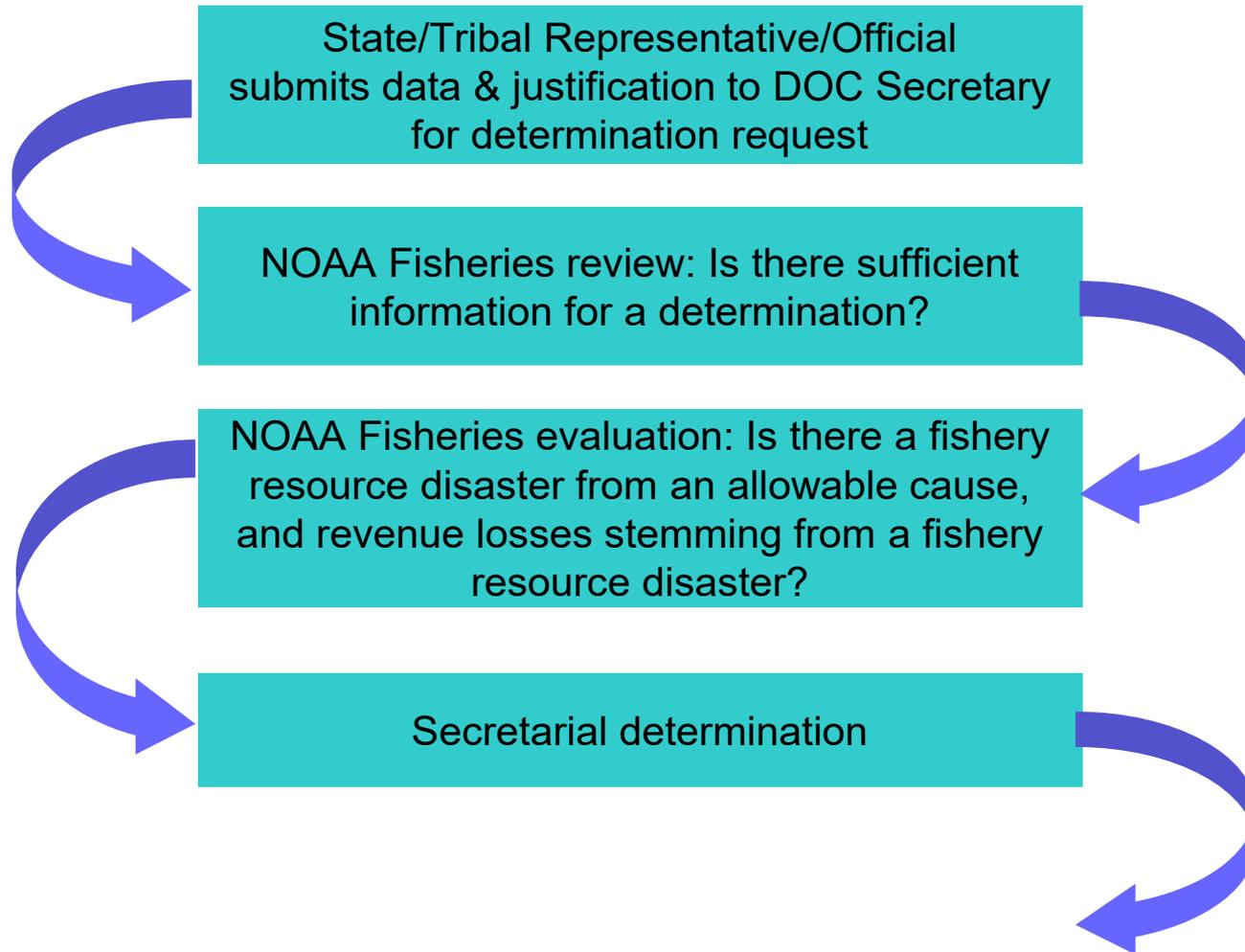
- Overview of the Fishery Resource Disaster Program and Processes
- Highlight Recent Statutory Changes within the Program and Processes

Overview

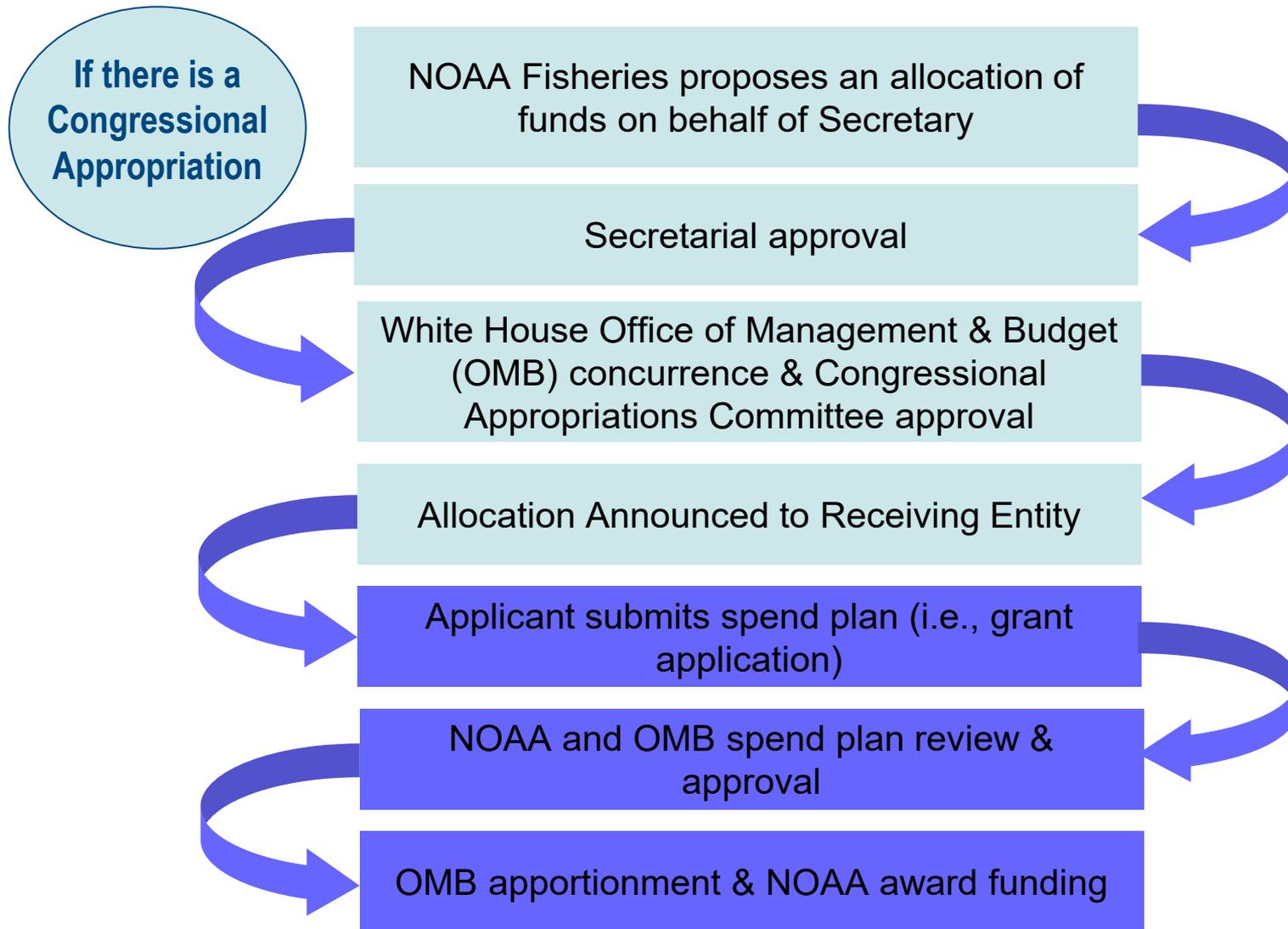


- Sole authority now Magnuson-Stevens Act (MSA) Section 312(a)
 - **Section 315 of MSA and section 8 of IFA repealed**
 - A request for a fishery resource disaster determination is generally made by the Governor or Tribal leader, although the Secretary of Commerce may also initiate a review at their own discretion. Can NOT come from legislative branch.
 - Disaster determinations are made by the Secretary through NOAA Fisheries, which also administers assistance if funds are provided by Congress.
 - Under the MSA, the Secretary may provide funds that restore the fishery affected by a disaster, prevent a similar disaster in the future, or assist the affected fishing community.
 - There are two main components of the fishery disaster process: 1) Determinations and 2) Funding

Fishery Resource Disaster Review Process



Fishery Resource Disaster Review Process



New Statutory Timelines

- 365 days: To submit request after triggering event
- 20 days: For the NMFS AA to acknowledge the request
- 120 days: For the Secretary to make a determination once the **complete** package is received
- 14 days: To notify the requester of the determination
- 14 days: To notify the requester of a fishery disaster award allocation
- 120 days: Requester to submit application (aka “spend plan”) after notification of allocation*
- 90 days: Funds need to be available after Secretary receives the full spend plan
 - OMB review can average longer than 90 days, though legislation recently introduced (not passed yet) to reduce to 30 days

Fishery Resource Disaster

- “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”;

But 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 taken pursuant to the MSA.

The Criteria for a Fishery Resource Disaster

- Allowable Cause
- Revenue losses



Allowable Causes

- **Natural:** a weather, climate, hazard, or biology-related event.
- **Anthropogenic:** a human event or activity (e.g., oil spill or spillway opening) that could not have been prevented or addressed by fishery management measures.
- **Undetermined:** causes in which the available information does not allow the Secretary to identify the exact cause(s).
- With respect to the ongoing economic issues in the shrimp fisheries caused by **market forces**, because the resource exists and is accessible, and the decision not to fish (i.e., not to access the resource) is based on economic factors, rather than inaccessibility of the resource, **the allowable cause criteria are not satisfied.**

Revenue Losses

- Thresholds are to be applied in making the determination based on the **loss of 12-month revenue** compared to average annual revenue in the **most recent five-year period** when no fishery resource disaster occurred (or equivalent for stocks with cyclical life histories).
 - Revenue loss calculations are done for commercial, charter vessels, headboats, and/or processors (does not include dealers that are not processors)

Revenue Loss Thresholds

- Revenue losses greater than 80 percent **may** result in a positive determination that a fishery resource disaster has occurred, based on the information provided or analyzed.
- Revenue losses between 35 and 80 percent will be **evaluated** to determine whether economic impacts are **severe** enough to determine that a fishery resource disaster has occurred.
- Factors to consider could include: dependence of vessels/fishers on affected fishery, economic impacts via I-O models, infrastructure losses, or whether affected communities are highly dependent or highly engaged on the fishery or fisheries in general
- Revenue losses less than 35 percent **will not** be eligible for a determination that a fishery resource disaster occurred.

Information Needed for a Complete Request:

- 1. A clear definition of the fishery**, including identification of all presumed affected fish stocks, the appropriate fishery management entity or entities (Federal or non-Federal), and the geographical boundaries of the relevant fishery or fisheries.
 - a. Must be defined **prior** to the disaster;
- 2. Describe the fishery resource disaster;**
- 3. Identify the allowable cause;**

Information Needed for a Complete Request:

4. 12-month revenue data pertaining to the year and sector of the fishery affected by the alleged resource disaster, as well as sector-specific fishery revenue data for the five years prior to the requested disaster year or the most recent five years when no **fishery** resource disaster has occurred;
5. If applicable, information on lost resource tax revenues for the 12 months of the disaster year and the previous 5-year average; and
6. If applicable, information on negative subsistence impacts for the affected fishery.

How are the Most Recent 5 Years Calculated?

- Generally NOAA Fisheries reviews the requester generated average revenue losses for the most recent five years without fishery disasters up to the 10th year before the requested disaster determination.
- If fewer than 5 disaster-free years exist within the last decade, MSA section 312(a) requirements cannot be met, leading NOAA Fisheries not to recommend a positive determination to the Secretary.

Spend Plan Uses:

- Funds allocated for fishery resources disasters under this subsection shall restore the fishery affected by such a disaster, prevent a similar disaster in the future, or assist the affected fishing community, and shall prioritize the following uses, which are not in order of priority:
 - Habitat conservation and restoration and other such activities.
 - The collection of fishery information and other activities that improve management of the affected fishery.
 - In a commercial fishery, capacity reduction and other activities that improve management of fishing effort.
 - Developing, repairing, or improving fishery-related public infrastructure.
 - **Direct assistance to a person, fishing community (including assistance for lost fisheries resource levies), or a business to alleviate economic loss incurred as a direct result of a fishery resource disaster.**
 - Hatcheries and stock enhancement to help rebuild the affected stock or offset fishing pressure on the affected stock.



Review Significant Statutory Changes

On December 29, 2022, the Fishery Resource Disaster Improvement Act was signed into law.

- Fishery Disasters are now consolidated under one section of one act
 - MSA Section 312(a)
- Strict timelines
- Requestors specify the management unit, but should be previously defined through management (e.g., FMP)
- Losses can now include revenues from for-hire and processor sectors as well as subsistence impacts
- 12 month revenue loss calculation – compared to the most recent 5-year average, excluding **fisheries** disaster years and taking into account life cycles
- Clear revenue threshold loss and fishery resource disaster correlation
- Exceptional circumstances for disasters determined under other statutory authority (e.g. Stafford Act)
- Direct language for eligible uses



Implementation Challenges

- Fishery disasters are a time-consuming, data-driven, multi-step process
- There is no standing fund for fishery disasters
- Lack of data to evaluate subsistence impacts
- Data and revenue sources for “new sectors” such as charter vessels, headboats, and processors
- Including data variability between regions, fisheries, etc.
- Coordinating across NOAA, DOC, OMB, and the Hill to meet statutory timelines
- Communicating these changes to our state, tribal, and territorial partners

Resources

- [Updated disaster webpage](#)
- [FAQs](#)
- Graphics, [one pagers](#), and [more!](#)

Disasters 128-144 are processed under the [Fishery Resource Disasters Improvement Act of 2022](#).

Table of Contents

144. California Sacramento River Fall Chinook and Klamath River Fall Chinook Salmon Fisheries *Pending*

143. Tolowa Dee-ni' Nation Smith River Chinook Salmon Fishery, 2023/2024 *Pending*

142. Alaska Upper Cook Inlet East Side Setnet Salmon Fishery, 2023 *Pending*

141. Chignik Salmon Fishery, 2022 *Pending*

140. Alaska Bering Sea Snow Crab Fishery, 2023/2024 *Pending*

139. Louisiana Shrimp Fisheries, 2023 *Pending*

138. Alaska Upper Cook Inlet East Side Setnet, 2021/2022 and Nelson Lagoon Salmon Fishery, 2022

137. Alabama Shrimp Fisheries, 2023 *Pending*

136. Alaska Kuskokwim River Chinook, Chum, and Coho Salmon Fisheries, 2022

135. Florida Hurricane Idalia, 2023 *Pending*

134. Yurok Tribe Klamath River Fall Chinook Salmon, 2022

133. Resighini Rancheria Tribe Klamath

144. California Sacramento River Fall Chinook and Klamath River Fall Chinook Salmon Fisheries *Pending*

Fishery/Area Affected: Sacramento River Fall Chinook and Klamath River Fall Chinook Salmon Fisheries

Region: West Coast Region

Fishery Resource Disaster Assistance Request

Requester: Acting Governor Eleni Kounalakis

Request Received: 04/12/2024

[Request Letter](#) (PDF, 2 pages)

Acknowledgment Letter

Request Deemed Complete: [Table of Contents](#)

Determination Due:

Secretary of Commerce De

Determination:

Determination Date:

Cause of Disaster:

Determination Letter

Allocation Date:

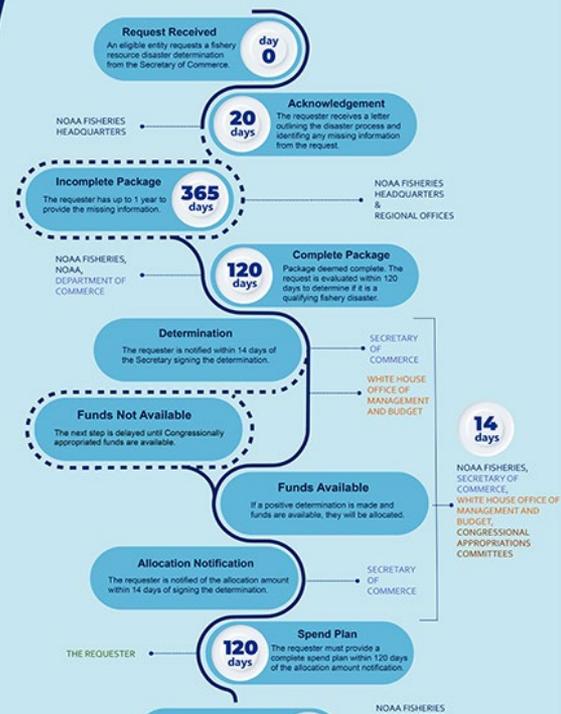
Allocation Press Release

Amount:

- What is a Fishery Resource Disaster?
- Fishery Resource Disaster Determination Process
- Process to Request a Fishery Resource Disaster
- Requirements for a Fishery Resource Disaster Determination
- Process for Providing Disaster Resource Assistance Following Appropriation of Funds
- Laws and Authorities Covering Fishery Resource Disaster Assistance
- More Information



Fishery Resource Disaster Timeline



Process to Request a Fishery Resource Disaster

3. How do you request a fishery resource disaster?

- A request for a fishery resource disaster determination must be sent to the Secretary by a state governor, an official resolution of an Indian tribe, or other comparable elected or politically appointed executive representative of an affected fishing community (e.g., mayor, official tribal representative, city manager, county executive). The Secretary may determine a fishery resource disaster has occurred without a request in exceptional circumstances where substantial economic impacts affect a fishery and fishing community and are subject to a disaster declaration under another law.
- Requests must include the information specified in #4 below and generally be submitted within 1 year of the disaster. Additional details on deadlines can be found in #6.

4. What information is needed in a fishery resource disaster request?

- Requestors may include other information, but all requests submitted must include:
 - A clear definition of the fishery, including identification of all presumed affected fish stocks, the appropriate fishery management entity or entities (federal or non-federal),

Thank you!
Please check [our website](#) for periodic updates.
Please feel free to reach out with any questions
nmfs.hq.disasters@noaa.gov

