



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910

May 10, 2024

Mr. Robert E. Beal
Executive Director
Atlantic States Marine Fisheries Commission
1050 N. Highland Street
Suite 200A-N
Arlington, VA 22201

Dear Mr. Beal:

Thank you for your letter regarding the implementation of the Fishery Resource Disaster Improvement Act (FReDI). The Atlantic State Marine Fisheries Commission provides a vital service to its member states, and we remain prepared to assist the states' commercial and recreational fishing communities impacted by fishery disasters through FReDI. We understand the challenges fishing communities face, especially in the wake of natural disasters like Hurricane Idalia and the recent storms along the coast of Maine.

NMFS received Florida Governor Desantis' September 5, 2023 request that the Secretary of Commerce declare a fishery resource disaster for the Big Bend region of Florida affected by Hurricane Idalia. On September 26, 2023, NOAA's National Marine Fisheries Service (NMFS) requested additional information from the State of Florida to complete its analysis to assess whether a fishery resource disaster occurred. A copy of the letter is available on our [website](#).

As of the date of this letter, the requested information has not been received and the review of this request is pending. We are still waiting for the required information to evaluate a fishery resource disaster request, including the geographic boundaries of the affected fishery(ies). This information is key to evaluating the request, as FReDI outlines the revenue loss thresholds that NMFS must follow in its evaluation. To calculate the revenue loss, 12 months of finalized revenue data for the affected fishery(ies) and sector(s) or components thereof of the requested fishery resource disaster must be compared to the average annual revenues of the affected fishery by sector for the most recent 5 years when there were no positive fishery resource disaster determinations. This analysis is not possible, nor is an analysis of the exceptional circumstances provisions, without a clear delineation of the geographic boundaries of the fishery(ies) to parse out the data.

Furthermore, NMFS applies the definition of fishery from the Magnuson-Stevens Fishery Conservation Management Act (MSA) for the Fishery Resource Disaster Program, which states "the term 'fishery' means one or more stocks of fish, which can be treated as a unit for purposes of conservation and management and which are identified on the basis of geographic, scientific, technical, recreational, and economic characteristics; and any fishing for such stocks." Thus, to evaluate a fishery resource disaster request, the fishery as a whole is typically considered. For a federal fishery, NMFS uses the fishery as described in the relevant federal fishery management plan, though the requester(s) may provide a rationale for sub-units of a fishery or sub-regions, based on how the fishery is managed (e.g., for a state fishery the sub-units or sub-regions should



have been treated as a unit for management purposes prior to the disaster). We believe this approach balances the flexibility provided in FReDI to define a fishery in units smaller than the area represented by the requesting entity while preventing fisheries from being defined in such a way that they will always meet the economic thresholds for a fishery disaster. We are currently updating our FAQs on the website to explain this approach.

On October 28, 2022, Governor DeSantis sent a letter requesting a fishery disaster determination due to Hurricane Ian. NMFS asked for additional information from the State of Florida on October 28, 2022. This information is necessary to complete its analysis to assess whether a commercial fishery failure due to a fishery resource disaster occurred following Hurricane Ian. A copy of the letter is available on our [website](#). As this request was received prior to the passage of FReDI, it will be reviewed under the two relevant disaster statutes—the MSA) and the Interjurisdictional Fisheries Act—that previously provided the authority and requirements for a commercial fishery failure from a fishery resource disaster. NMFS received the data report for Hurricane Ian on April 30, 2024. We are working quickly to complete the review, after which the Secretary will make her determination.

NMFS has not received a Fishery Resource Disaster Request from Maine for the recent storms. In addition, general infrastructure impacts are not part of the required analysis under FReDI as it relates to a fishery resource disaster determination. In her evaluation of the economic impacts, the Secretary may consider the number and type of jobs and persons impacted, including an owner of a related fishery infrastructure or business affected by the disaster, such as a marina operator, recreational fishing equipment retailer, or charter, headboat, or tender vessel owner, operator, or crew., Other infrastructure impacts are typically addressed under other authorities of the Federal Government, such as the Federal Emergency Management Authority.

We are committed to working closely with you and other stakeholders to address these concerns and find equitable solutions that support our coastal economies and communities. We will keep you informed of any developments and welcome further dialogue on this matter. If you have further questions, please contact Kelly Denit, Director of the Office of Sustainable Fisheries, at (301) 427-8517 or kelly.denit@noaa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Janet Coit", is written over a light blue circular stamp.

Janet Coit
Assistant Administrator
for Fisheries