



Guidance for Fisheries Participants Regarding CARES Act Relief Funding

On May 7th the U.S. Secretary of Commerce announced allocations of Section 12005 CARES Act fisheries assistance funding to all coastal states and territories. The State of Alaska will receive \$50 million of the \$300 million available for this assistance program. This money will be distributed through the Pacific States Marine Fisheries Commission (PSMFC) based on a spend plan developed by the Alaska Department of Fish and Game (ADF&G).

ADF&G is awaiting guidance from the NOAA Fisheries and the PSMFC relating to the development of the spend plan. The department has been told that this guidance is forthcoming and is expected soon. Once the guidance is received, the ADF&G will work expeditiously to develop a spend plan to ensure fund distribution can occur quickly and within established federal timeframes.

To get a jump start on the development of the spend plan, ADF&G is evaluating the very broad guidance received from NOAA Fisheries thus far. At this time, only the following information can be provided. If you are interested in staying informed, please see information at the end of this document.

Section 12005 of the CARES Act specifies:

ASSISTANCE TO FISHERY PARTICIPANTS

SEC. 12005. (a) IN GENERAL.—The Secretary of Commerce is authorized to provide assistance to Tribal, subsistence, commercial, and charter fishery participants affected by the novel coronavirus (COVID–19), which may include direct relief payments.

(b) FISHERY PARTICIPANTS.—For the purposes of this section, “fishery participants” include Tribes, persons, fishing communities, aquaculture businesses not otherwise eligible for assistance under part 1416 of title 7 of the Code of Federal Regulations for losses related to COVID–19, processors, or other fishery-related businesses, who have incurred, as a direct or indirect result of the coronavirus pandemic—

- (1) economic revenue losses greater than 35 percent as compared to the prior 5-year average revenue; or*
- (2) any negative impacts to subsistence, cultural, or ceremonial fisheries.*

(c) ROLLING BASIS.—Funds may be awarded under this section on a rolling basis, and within a fishing season, to ensure rapid delivery of funds during the COVID–19 pandemic.

(d) APPROPRIATIONS.—In addition to funds that are otherwise made available to assist fishery participants under this Act, there are authorized to be appropriated, and there are appropriated, \$300,000,000,

to remain available until September 30, 2021, to carry out this section, of which up to 2 percent may be used for administration and oversight activities.

(e) EMERGENCY REQUIREMENT.—The amount provided by this section is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Frequently Asked Questions

Who is eligible?

- Commercial fishermen, charter businesses, aquaculture businesses, processors, subsistence fishery users, tribes and other fishery-related businesses affected by the coronavirus pandemic.
- Commercial and charter businesses must have incurred a 35% revenue loss compared to their past 5-year average.
- Fisheries must be marine-based or target anadromous fish.
- Subsistence fisheries must demonstrate some negative impact.

Can a business receive funds from more than one CARES Act relief program?

- Yes – The stipulation from NOAA Fisheries is that fishery participants may receive assistance from multiple CARES Act funding programs, but the total amount of assistance cannot exceed losses incurred due to the coronavirus pandemic.

How will funds be distributed?

- NOAA Fisheries will distribute Alaska's funds to the Pacific States Marine Fisheries Commission (PSMFC).
- The state will work with PSMFC to develop and submit a spending plan to NOAA Fisheries.
- NOAA Fisheries must approve the spending plan before any distributions can be made to eligible fishery participants.

How do I apply?

- At this time, an application process has not been finalized. The application will be released as soon as possible.
- Impacted businesses will need to apply based on their residency, not the location fished. For example, if a fishermen's residence is Washington, they would need to apply to Washington for relief.

Will stakeholders have a role in drafting the spending plan?

- Yes – The state will work with representatives of eligible fishery sectors across the state to finalize the spending plan for submission to the PSMFC.

What criteria is being used in drafting the spending plan?

- The state will consider the eligibility criteria specified in Section 12005 of the CARES Act and in forthcoming guidance from NOAA Fisheries. The state will provide additional information on eligibility criteria as soon as possible.

Is there a deadline for fund distribution?

- Yes – Section 12005 of the CARES Act specifies that all funds must be distributed by September 30, 2021.

What methodology did NOAA Fisheries use to determine allocations to states and territories?

- NOAA Fisheries used readily available total annual revenue information from the commercial fishing, charter fishing, marine shellfish and finfish aquaculture, and seafood-related businesses of coastal states, tribes, and territories to proportionately allocate funding. NOAA Fisheries also took into consideration negative impacts to subsistence, cultural, and ceremonial fisheries during the allocation process.
- In addition to allocating the funds proportionately based on readily available total average annual revenue data, NOAA Fisheries established a minimum and maximum funding level that each state and territory will receive (\$1M and \$50M, respectively).

Who do I contact with questions or concerns?

- The commissioner's office is receiving comments and questions.
 - **Kari Winkel, Office Manager**
Alaska Department of Fish and Game
Office of the Commissioner
dfg.com.caresact@alaska.gov
Phone: 907-465-6136

How do I stay informed of developments in the CARES Act process and Wednesday, May 20, 2020 opportunities to participate?

- Please visit <https://public.govdelivery.com/accounts/AKDFG/subscriber/new> to sign up for regular updates. Once you have submitted your email, look for the CARES Act topic in the list. Check the box, or boxes, of which you wish to subscribe.