



## **Coronavirus Aid, Relief, and Economic Security (CARES) Act**

### **Delaware Application/Spending Plan**

**December 28, 2020**

#### **Applicant Name (Sub-Award)**

Delaware Department of Natural Resources and Environmental Control, Division of Fish and Wildlife (DNREC).

#### **Introduction**

The Coronavirus Aid, Relief, and Economic Security (CARES) Act authorized the U.S. Secretary of Commerce to provide \$300 million for economic assistance to affected fishery participants nationwide due to the coronavirus (COVID-19) pandemic. On May 7, 2020, the Secretary of Commerce announced the allocation of \$300 million to states, Tribes, and territories with coastal and marine fishery participants (NOAA Fisheries 2020). Funds for the Atlantic coastal states are awarded to the Atlantic States Marine Fisheries Commission (ASMFC), which will provide sub-awards to the Atlantic coastal states after National Oceanic and Atmospheric Administration (NOAA) Fisheries approval of respective state spending plans. Delaware was notified of eligibility to receive \$992,013<sup>1</sup> on May 14, 2020. The methodology in the following Detailed Spending Plan, once reviewed and approved by NOAA, may be used for any future funds appropriated by Congress for the same purpose.

Eligible fishery participants include fishery-related businesses that have incurred, as a direct or indirect result of the COVID-19 pandemic, economic revenue losses greater than 35 percent as compared to the prior five-year average revenue (2015-2019) or, for businesses in operation for less than the specified five years, the number of years that a business operated through 2019. Eligibility is restricted to businesses that operated for at least one full year during 2015 through 2019. Eligible fishery-related businesses under this plan are Delaware residents and non-residents of states that did not receive CARES Act Section 12005 assistance and have a Delaware business license, commercial fishing license, or aquaculture lease operating in Delaware within the following fishing business sectors: commercial fishermen, seafood processors and dealers, for-hire fishing, bait and tackle shops, and privately-owned marine aquaculture growing products in Delaware or federal marine waters of the United States (i.e., shellfish leases, hatcheries, nurseries) (Appendix 1). There are no Federally recognized tribes in Delaware.

Delaware commercial fishing, marine aquaculture, recreational for-hire, bait and tackle shops, and seafood processor and dealer businesses were impacted by the COVID-19 pandemic. As Delaware and other states closed restaurants, casinos, and other venues that buy more than half of the fresh seafood harvested locally, the demand for seafood dropped dramatically across the supply chain. This reduction or elimination immediately affected commercial fishermen, aquaculture operations, and seafood processors and dealers. Value of the harvested product decreased, and some products were not able to be sold and distributed to a market. Some product had to be destroyed due to the lack of storage capacity. Some commercial seafood harvesters have been able to find new markets, but the value of the product was still low compared to previous years, causing financial hardships for these businesses.

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<sup>1</sup>State allocation has been adjusted to account for administration fees as allowed under the CARES Act. NOAA Fisheries' administrative fees (~0.7%) and the ASMFC's administrative fees of (0.1%) are significantly below the CARES Act maximum cumulative administrative fee of 2%. These fees will be used to reimburse expenses for the allocation and distribution of the funding.

Recreational for-hire (charter and head boat) fishing businesses and bait and tackle shops also suffered substantial revenue losses. These were among the businesses initially closed by the Governor's COVID-19 Emergency Order and for-hire fishing businesses were not allowed to operate until May 29, 2020. These businesses, while now open, are operating at reduced capacity to ensure social distancing of customers and crew. Reduced income or job loss in the customer base supporting for-hire fishing and bait and tackle shops have also contributed to the decline in for-hire fishing and bait and tackle shop businesses and have resulted in economic hardships. Bait and tackle shops were added to the recreational for-hire fishing business category eligible for payments due to their recreational fishing focus and partial interdependency with the for-hire fishing sector. Only bait and tackle shops that derive at least 75% of their total revenue from the sale of saltwater bait and tackle and had a greater than 35% loss in saltwater bait and tackle revenue are eligible.

The goal of this spending plan is to provide financial relief through direct payments to eligible fishery-related businesses affected by the COVID-19 pandemic. The affected stakeholder categories used by NOAA Fisheries to determine respective total appropriations to each state, *but not prescribing funding allocations proportions to eligible fishery business sectors*, were commercial fishermen and marine aquaculture businesses, seafood processors and dealers, and recreational for-hire fishing operations (Table 1). On May 22, 2020, NOAA Fisheries published the ratio of each stakeholder group's contribution to funds allocated to Delaware (Appendix 2). This ratio was based on NOAA Fisheries' assessment of readily available fishing sector annual revenue information, with marine aquaculture and commercial fishing combined as one sector.

Table 1. Contribution ratio of select Delaware stakeholder categories to Delaware allocation as determined by NOAA Fisheries.

Affected Stakeholder Category	Ratio Contribution <sup>1</sup>	Number of Licensed, Leased, or Permitted Participants or Businesses during in 2020
Commercial Fishermen and Marine Aquaculture Operations <sup>4</sup>	50.3%	127 Delaware Commercial Finfish License Holders <sup>2</sup> 230 Delaware Commercial Shellfish Licensees <sup>2</sup> 13 Delaware Shellfish Aquaculture Lessees <sup>3</sup>
Seafood Dealers and Processors	40.6%	5 Dealers <sup>4</sup> Unknown number of processors; will need to be determined by application.
For-Hire Fishing Operations	9.1%	3 Head Boat licenses <sup>5</sup> 52 Charter Boat licenses <sup>5</sup>

<sup>1</sup>Ratio contribution provided from NOAA Fisheries.

<sup>2</sup>Based on DNREC 2020 license sales and 2019 landings data.

<sup>3</sup>Based on leases issued by DNREC through May 2020.

<sup>4</sup>Includes dealers operating in Delaware and those with federal dealer permits.

<sup>5</sup>Based on 2020 DNREC license sales.

## Approach

DNREC will administer these relief funds as direct payments to Delaware's affected eligible businesses. DNREC will request the funds to be transferred from ASMFC in a lump sum after all necessary documentation supporting funds disbursement to eligible participants are provided to ASMFC. Fund administration includes check writing through the DNREC's fiscal management processes and subsequently sending any required tax information to participants.

\$992,013 in CARES Act funds will be allocated to Delaware. To maximize direct assistance to stakeholders, DNREC will not collect administrative fees to process applications, distribute funding, or provide required documentation. Direct assistance will be provided to eligible applicants from one of the following three categories: 1) commercial fishermen and marine aquaculture operations 2) seafood processors and dealers, and 3) the for-hire fishing industry and bait and tackle shops based on the sector ratio contributions in Table 1 (Table 2).

Table 2. Initial allocation of funds to Delaware affected stakeholders.

Affected Stakeholder Category	Initial Allocation of Funds
Commercial Fishermen and Marine Aquaculture Operations	\$498,983
Seafood Dealers and Processors	\$402,757
Recreational For-Hire Fishing Operations and Bait and Tackle Shops	\$90,273
Total	\$992,013

### Stakeholder Input

Due to the current COVID-19 State of Emergency at both state and federal levels, DNREC was unable to hold in-person public meetings and operating and capacity limitations otherwise prevented seeking public comment in developing this spending plan. The final spending plan, upon approval by NOAA Fisheries, will be posted on DNREC's website and otherwise be made available to the public through a variety of outreach outlets before funding applications are accepted.

### Application for Distribution of Funds

The scope of this project is limited to individuals at least 18 years of age or eligible businesses. The minimum value of relief distributed to each validated application will be \$100 even if a claim is determined to be less than \$100. Note that the demonstrated need may far exceed the funds available for disbursement. It is also recognized that the cumulative demonstrated funding demand and distribution for a certain stakeholder category(ies) may differ from the allocation(s) indicated in Table 2, in which case, should a stakeholder category receive fewer applications than expected or it is anticipated that not all funds will be distributed, funds will be equitably reallocated to the other stakeholder category(ies). DNREC will maintain all supporting documents under this grant for a period of no less than 3 years after the close of the primary grant award to ASMFC for audit purposes. Applicants will only be allowed to apply for funds under one of the following categories and cannot apply for multiple categories:

### ***Commercial Fishermen and Marine Aquaculture Operations - \$498,983***

To qualify for CARES Act relief funding, Commercial Fishermen and Aquaculture Operations must meet all the following qualifications:

1. Was a permitted/licensed commercial fisherman or shellfish aquaculture lease holder in Delaware during the COVID-19 impact period defined herein as 1 March through 31 December 2020; and
2. Has maintained a Delaware or federal commercial fishing license and permits or Delaware shellfish aquaculture lease for the five years before 2020 (those holding licenses/permits or leases for less than five years are eligible if their licenses/permits or leases were active for a full year during 2015 through 2019) as evidenced by license records or recorded activity in the monthly wholesale seafood dealer reports with corresponding fishermen, vessels, or dealers;
3. Has suffered an economic loss greater than 35% from the previous 5-year average (2015-2019) or average for the years the applicant held the license/permit or lease in landings revenue value from 1 March through 31 December, 2020 (applicants whose businesses only operated for a portion of the 1 March through 31 December period may also apply); and
4. Provides proof of economic loss to DNREC through a self-certification affidavit. DNREC will verify claims by comparing losses claimed by affidavit with the applicant's previous 5-year average landings revenue value or aquaculture sales value from 2015-2019 or average for the term of the license/permit or lease.

The application process will be open for at least 30 calendar days. Applications received after the published due date will not be reviewed or considered. The process will require applicants to provide supporting materials in the form of an affidavit that will include documentation of income loss and/or other supporting information such as tax records. The affidavit will require additional acknowledgements and self-certification with penalties outlined for false information.

DNREC will make payments available to Delaware commercial fishermen and aquaculture operators who are commercially permitted/licensed during the COVID-19 impact period (1 March through 31 December 2020) that are deemed eligible by DNREC according to the above criteria. Eligibility and economic loss will be determined by comparing landings revenue values for the COVID-19 impact period (1 March through 31 December 2020 or any part thereof 28 consecutive days or longer if the business did not operate for the entire impact period) with the average landings revenue value for March through 31 December of 2015-2019 or the years through 2019 that the applicant held the permit/license or lease. Eligibility is restricted to businesses that operated for at least one full year during 2015 through 2019.

For those applicants deemed eligible, payment amounts will be determined by pro-rating the number of years fished and the average revenue value of reported landings for 2015- 2019 or, for businesses in operation for less than the specified five years, the number of years that a business operated through 2019 (the business must have operated for at least one full year), as a weighted proportion of the total eligible applicant pool that will then be applied to the amount of award money available in this sector. For example: if the weighted proportion of an individual licensed commercial fisher was 0.0103, this would be multiplied by the total amount available within that sector (\$498,983) and the award amount would be \$5,140. The minimum value of relief distributed to a validated application will be \$100 even if the claim is determined to be less than \$100. Note that the demonstrated need may exceed the funds available for disbursement. After applicants have been verified, recipients will be notified of their relief award amount and given 30 calendar days to appeal. Appeals will not be accepted for applications received after the published application due date. If an applicant decides to appeal to DNREC their relief payment amount, they must submit any documentation or records that support the appeal and a written justification for

appealing their award. Appealing the relief amount will also extend the amount of time required to receive relief funds, thus delaying eventual payment. Relief applicant appeals will be reviewed in a similar format as the original applications in addition to taking into consideration the supporting documentation and the written justification for the appeal. DNREC will attempt to render appeal decisions within 14 calendar days and all decisions rendered in the appeal process are final.

DNREC staff will use mandated records of commercial fishing and aquaculture activity to determine eligibility and guide disbursement of funds. DNREC commercial fishing and aquaculture records are required by law and regularly submitted in the ordinary course of business by licensed commercial operations potentially eligible for funding under this Program. It will be incumbent upon the applicant to supply all supporting documents upon application or when resolving an appeal.

DNREC will notify all applicants on the status of their claim, including eligibility status of the applicant and the claimed loss before any funds are issued to any eligible applicant. DNREC will attempt to process applications within 30 calendar days, but some applications may take longer to validate.

### ***Seafood Dealers and Processors - \$402,757***

To qualify for CARES Act relief funding, seafood dealers and processors must meet all the following qualifications:

1. Was a permitted/licensed seafood dealer or processor in Delaware during the COVID-19 impact period defined herein as 1 March through 31 December 2020; and
2. Has maintained a business as a seafood dealer or processor for the five years before 2020 (those in business for less than five years are eligible if their business was active for a full year during 2015 through 2019) as evidenced by business records or recorded activity in the monthly wholesale seafood dealer reports with corresponding fishermen, vessels, or dealers;
3. Has suffered an economic loss greater than 35% from the previous 5-year average (2015-2019) or, if in business less than five years, average for the life of the business in revenue from 1 March through 31 December 2020 (applicants whose businesses only operated for a portion of the 1 March through 31 December period may also apply); and
4. Provides proof of economic loss to DNREC through a self-certification affidavit. DNREC will verify claims by comparing losses claimed by affidavit with the applicant's previous 5-year average revenue from 2015-2019 or, if in business less than five years, but at least one full year, average for the life of the business.

The application process will be open for at least 30 calendar days. Applications received after the published due date will not be reviewed or considered. The process will require applicants to provide supporting materials in the form of an affidavit that will include documentation of income loss and/or other supporting information such as tax records. The affidavit will require additional acknowledgements and self-certification with penalties outlined for false information.

DNREC will make payments available to Delaware seafood dealers and processors affected during the COVID-19 impact period (1 March through 31 December 2020) that are deemed eligible by DNREC according to the above criteria. Eligibility and economic loss will be determined by comparing revenues for the COVID-19 impact period (1 March through 31 December 2020 or any part thereof 28 consecutive days or longer if the business did not operate for the entire impact period) with the average revenues for 1 March through 31 December of 2015-2019 or the years through 2019 that the applicant was in operation. Eligibility is restricted to businesses that operated for at least one full year during 2015 through 2019.

For those applicants deemed eligible, payment amounts will be determined by pro-rating the number of years in business and the average revenue of business for 2015- 2019 as a weighted proportion of the total eligible applicant pool that will then be applied to the amount of award money available in this sector. For example: if the weighted proportion of an individual seafood dealer or processor was 0.0103, this would be multiplied by total amount available within that sector (\$402,757) and the award amount would be \$4,148. The minimum value of relief distributed to a validated application will be \$100 even if the claim is determined to be less than \$100. Note that the demonstrated need may exceed the funds available for disbursement. After applicants have been verified, recipients will be notified of their relief award amount and given 30 calendar days to appeal. Appeals will not be accepted for applications received after the published application due date. If an applicant decides to appeal to DNREC their relief payment amount, they must submit any documentation or records that support the appeal and a written justification for appealing their award. Appealing the relief amount will also extend the amount of time required to receive relief funds, thus delaying eventual payment. Relief applicant appeals will be reviewed in a similar format as the original applications in addition to taking into consideration the supporting documentation and the written justification for the appeal. DNREC will attempt to render appeal decisions within 14 calendar days and all decisions rendered in the appeal process are final.

DNREC staff most familiar with commercial seafood dealers and processors will oversee the application process and DNREC's records relating to these businesses will be used to help determine eligibility and amounts of funds being disbursed. DNREC seafood dealer records are required by law and regularly submitted by licensed wholesale seafood dealers. It will be incumbent upon the applicant to supply all supporting documents upon application or when resolving an appeal.

DNREC will notify all applicants on the status of their claim, including eligibility status of the applicant and the claimed loss before any funds are issued to any eligible applicant. DNREC will attempt to process applications within 30 calendar days, but some applications may take longer to validate.

### ***Recreational For-Hire Fishing Operations and Bait and Tackle Shops - \$90,273***

To qualify for CARES Act relief funding, recreational for-hire licensees (Resident Head Boat, Non-Resident Head Boat, Resident Charter Boat, Non-Resident Charter Boat, Resident Fish Guide, or Non-Resident Fish Guide) and established bait and tackle shops must meet all the following applicable qualifications:

1. Was a permitted/licensed recreational for-hire individual or business in Delaware, herein defined as an individual or business possessing a Delaware Head Boat, Charter Boat, or Fishing Guide license, or an established bait and tackle shop, herein defined as a business that derives at least 75% of its total revenue from the sale of saltwater bait, tackle, and other saltwater fishing supplies used for recreational fishing purposes, during the COVID-19 impact period defined herein as 1 March through 31 December 2020; and
2. Has maintained a recreational for-hire fishing or bait and tackle shop business in Delaware for the five years before 2020 (those in business for less than five years are eligible if their business was active for a full year during 2015 through 2019) as evidenced for recreational for-hire fishing by license records or reported to NOAA Fisheries in the Vessel Trip Reports (VTR) or, for bait and tackle shops, revenue; and
3. Can demonstrate an economic loss greater than 35% from the previous 5-year average (2015-2019) for recreational for-hire fishing in revenue from recreational for-hire trips or, for bait and tackle shops, revenue; if in business less than five years, average for the life of the business through 2019 in revenue from 1 March through 31 December 2020 (applicants whose businesses only operated for a portion of the 1 March through 31 December period may also apply).

4. Proof of economic loss will be determined by DNREC for recreational for-hire fishing by comparing VTR records and associated revenue from recreational for-hire trips for the COVID-19 impact time period defined herein as 1 March through 31 December 2020 to the average revenue from trips from the previous 5 years, 2015-2019 or, if in business less than five years, but at least one full year, average revenue for the life of the business. For bait and tackle shops, revenue will be compared for the same time period.

The application process will be open for at least 30 calendar days. Applications received after the published due date will not be reviewed or considered. The process will require applicants to provide supporting materials in the form of an affidavit that will include documentation of income loss and/or other supporting information such as tax records. The affidavit will require additional acknowledgements and self-certification with penalties outlined for false information.

DNREC will make payments available to applicants who are licensed or in business during the COVID-19 impact period (1 March through 31 December 2020 or any part thereof) deemed eligible under the above criteria. DNREC will use VTR data to determine the average number of for-hire trips for 1 March through 31 December of 2015-2019 or, for those in business less than five years, the average number of for-hire trips from 1 March through 31 December for the years of business through 2019. Eligibility and economic loss for for-hire fishing businesses will be determined by comparing the number of VTR trips and associated revenue from recreational for-hire trips during the COVID-19 impact period (1 March through 31 December 2020 or any part thereof 28 consecutive days or longer if the business did not operate for the entire impact period) with the average number of VTR trips and associated revenue from recreational for-hire trips for 1 March through 31 December of 2015-2019 or the years through 2019 that the applicant was in operation. For bait and tackle shops, revenue will be compared for the same applicable time period. Eligibility is restricted to businesses that operated for at least one full year during 2015 through 2019.

For those applicants deemed eligible, payment amounts will be determined for the recreational for-hire category by pro-rating the average revenue from for-hire trips for 2015- 2019 as a weighted proportion of the total eligible applicant pool that will then be applied to the amount of award money available in this sector. For bait and tackle shops, payment amounts will be determined by pro-rating revenue for 2015- 2019 as a weighted proportion of the total eligible applicant pool that will then be applied to the amount of award money available in this sector. For example: if the weighted proportion of a licensed recreational for-hire individual or business was 0.0103, this would be multiplied by total amount available within that sector (\$90,273) and the award amount would be \$930. The minimum value of relief distributed to a validated application will be \$100 even if the claim is determined to be less than \$100. Note that the demonstrated need may exceed the funds available for disbursement. After applicants have been verified, recipients will be notified of their relief award amount and given 30 calendar days to appeal. Appeals will not be accepted for applications received after the published application due date. If an applicant decides to appeal to DNREC their relief payment amount, they must submit any documentation or records that support the appeal and a written justification for appealing their award. Appealing the relief amount will also extend the amount of time required to receive relief funds, thus delaying eventual payment. Relief applicant appeals will be reviewed in a similar format as the original applications in addition to taking into consideration the supporting documentation and the written justification for the appeal. DNREC will attempt to render appeal decisions within 14 calendar days and all decisions rendered in the appeal process are final.

This Program is being administered by the DNREC staff who are most familiar with recreational for-hire fishing and bait and tackle shops and DNREC's related records which are being used to determine eligibility and amounts of funds being disbursed. It will be incumbent upon the applicant to supply all supporting documents upon application or when resolving an appeal.

DNREC will notify all applicants on the status of their claim, including eligibility status of the applicant and the claimed loss before any funds are issued to any eligible applicant. DNREC will attempt to process applications within 30 calendar days, but some applications may take longer to validate.

#### **Administrative Costs:**

To maximize direct assistance to stakeholders, DNREC will not retain administrative costs to offset costs to administer this Program.

#### **10% Holdback for Appeals: (\$99,201)**

Ten percent of the CARES award money will be held initially back to cover appeals on a pro rata basis from the respective funding amounts indicated above. Any appeal funds not used will be distributed at the end of the program on a pro rata basis to the eligible applicants across all sectors so that all funds are exhausted and distributed to eligible stakeholders.

#### **Expected Benefits and Evaluation of Program:**

The direct payments will provide some financial relief to these fishery businesses that suffered severe revenue loss due to the COVID-19 pandemic. The program will be deemed completed upon the successful distribution of all appropriated CARES Act funds to qualified applicants.

#### **Geographic Location**

The location and scope of the project shall cover all Delaware fishing businesses who are eligible to participate as outlined in this proposal. The project will be administered by DNREC, which is in Dover, DE.

#### **Cost Summary**

Delaware was allocated \$992,013 in CARES Act funds after removal of administrative fees by NOAA Fisheries (0.7%) and ASMFC (0.1%).

#### **Project Timeline**

##### **March 2020**

- The Secretary of Commerce announces the allocation of \$300 million in fisheries assistance funding provided by Sec. 12005 of the Coronavirus Aid, Relief, and Economic Security Act, also called the CARES Act, to states, Tribes, and territories with coastal and marine fishery participants who have been negatively affected by COVID-19.

##### **May 2020**

- Delaware notified of CARES Act funding appropriation in the amount of \$992,013.

##### **May – October 2020**

- Background research and develop spending plan for CARES relief money awarded to



Delaware.

November 2020

- DNREC administrative review and finalize spending plan.
- Submit spending plan to NOAA for review and approval.

January 2021

- Upon approval of spending plan by NOAA, DNREC open application period to eligible applicants and initiate evaluation and identification of individual applicant eligibility for relief funds as outlined in spending plan.
- DNREC provide written notification to applicants of eligibility for relief funds within the different fishery sectors.

February– March 2021

- Process and evaluation of applications and any appeals.
- Payments to all qualified applicants.

## **Appendices**

Appendix 1: Letter from NOAA Fisheries to ASMFC on process

Appendix 2: Ratios of contribution by affected stakeholders

## Appendix 1



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Silver Spring, MD 20910

Mr. Robert Beal  
1050 N. Highland Street  
Suite 200 A-N  
Arlington, VA 22201

Dear Mr. Beal,

Sec. 12005 of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) authorizes the Secretary of Commerce (Secretary) to provide \$300 million in appropriated funds to assist fishery participants affected by the novel coronavirus (COVID-19). (See below for complete text). Given the definition of "fishery participant" identified in Sec. 12005 of the CARES Act, the National Marine Fisheries Service (NOAA Fisheries) used readily available total annual revenue information from the commercial fishing, charter fishing, aquaculture, and processor sectors of coastal states, Tribes, and territories to allocate Sec. 12005 funding. NOAA Fisheries also took into consideration negative impacts to subsistence, cultural, and ceremonial fisheries during the allocation process.

### BACKGROUND AND PROCESS:

NOAA Fisheries has determined that the Atlantic States Marine Fisheries Commission will be a recipient of \$118,983,017 for the purpose of assisting fishery participants affected by COVID-19 in the Atlantic States. NOAA Fisheries will provide you with these funds, after we receive, review, and approve a grant application. Your grant application must reflect the appropriate use of funds and considerations as outlined here, in the allocation table (see attachment) and consistent with the requirements of the CARES Act. Your award will include a special award condition that will require you to develop a detailed spend plan for sub-awards with the states for NOAA Fisheries review before you may disburse funds to sub-awardees for the purpose of providing assistance to fisheries participants. Funds may be expended for administrative processes of the grantee, as well as to sub-awardees for the purpose of economic analyses that may be necessary for a detailed spend plan.

Section 12005 of the CARES Act defines "fishery participants" to 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 (2015-2019); or
- (2) any negative impacts to subsistence, cultural, or ceremonial fisheries.

### REQUIRED CONTENTS

In addition to the requirements outlined in the GrantsOnline application portal, your application for this award must:

- Describe how you will identify and determine fishery participants eligible for funding. For the purposes of carrying out the provisions in Section 12005 of the CARES Act, "fishery-related businesses" are limited to commercial fishing businesses, charter/for-hire fishing businesses, qualified aquaculture operations, processors, and dealers.
  - NOAA does not consider businesses farther down the supply chain (e.g., vessel repair



businesses, restaurants, or seafood retailers) “fishery-related businesses” for the purposes of this funding. While NOAA Fisheries generally does not expect bait and tackle operations and gear and vessel suppliers to be eligible for Section 12005 funding, individual states, Tribes, and territories will have the discretion to determine how they will identify eligible fishery participants, consistent with the requirements of the CARES Act, in their spend plans.

- Qualified aquaculture operations include privately owned aquaculture businesses growing products in state or federal marine waters of the United States and the hatcheries that supply them. This includes all molluscan shellfish and marine algae. Non-salmonid marine finfish grown in marine waters not covered by USDA are also included.
  - All eligible participants must, consistent with the requirement under Section 12005 of the CARES Act, have incurred economic revenue losses greater than 35 percent as compared to the applicable prior five year average revenue (2015-2019) or negative impacts to subsistence, cultural, or ceremonial fisheries.
  - Entities that have been in business less than five years are still eligible for assistance. If needed, NOAA Fisheries can provide revenue loss estimates and five year average revenue estimates in each state. Participants can only be eligible for assistance from their state/territory of residence.
- Describe the main categories for funding by state as applicable (e.g., direct payments, fishery-related infrastructure, fishery-related education) that address direct and indirect COVID-19 impacts to commercial fishermen, charter businesses, qualified aquaculture operations, subsistence/cultural/ceremonial users, processors, and dealers.
  - Direct payments are expressly allowed by the CARES Act. However, applications must address direct payments as follows:
    - Direct payments may not be directed to minors.
    - Funds cannot be used to compensate state, local, or tribal governments for lost municipal or government tax revenue.
    - Funds must be used to address fishery-related direct or indirect losses or subsistence/cultural/ceremonial impacts.

Your application should also, if applicable, identify funds available from other Federal programs for disaster relief and describe the process you use to coordinate across Federal assistance programs from multiple agencies. While eligible fishery participants under this award may apply for other Federal assistance programs under the CARES Act or other Federal programs, they should not apply to other Federal programs for assistance to address the same impacts resulting from COVID-19. Funds provided by NOAA under this award shall not be used for activities for which the recipient has received Federal or other funds. DOC will not pay for costs that are funded by other sources (*Department of Commerce, Standard Terms and Conditions, Other Federal Awards with Similar Programmatic Activities, Section A.03*).

As soon as possible, please have a member of your staff contact Daniel Namur from the Fisheries Financial Assistance Division to begin the grant application process via the grants.gov website. You may contact him at 301-742-7475 or Dan.Namur@NOAA.gov.

Attachment:

Allocation for States

Massachusetts	\$27,808,315
Florida	\$23,471,286
Maine	\$20,166,476
New Jersey	\$11,258,500
New York	\$6,703,065
North Carolina	\$5,422,195
Virginia	\$4,488,859
Maryland	\$4,096,267
Pennsylvania	\$3,344,529
Rhode Island	\$3,271,194
New Hampshire	\$2,713,381
Georgia	\$1,908,391
Connecticut	\$1,822,587
South Carolina	\$1,514,966
Delaware	\$993,006
Total	\$118,983,017

## Appendix 2

### Sec. 12005 Allocation: Sector-Based Revenues

NOAA Fisheries is providing this data for informational purposes only. Please note that states, Tribes, and territories are not obligated to utilize this data when developing their spend plans for their allocated Sec. 12005 funds. Specifically, allocated funds are not required to be distributed based on the proportions outlined below, as the number of eligible fishery participants across sectors may vary based on the CARES Act requirement that fishery participants must have incurred a 35% economic revenue loss or negative impacts to subsistence, cultural, or ceremonial fisheries in order to be eligible for Sec. 12005 funds.

Entity	Percentage of Total Annual Revenue (All Sectors)				Allocation
	For-Hire Fishing	Commercial Fishing and Aquaculture	Seafood Sector	Tribal Commercial Fishing, Aquaculture & For Hire	
Alaska	5.5%	35.2%	59.3%		\$50,000,000
Washington	0.6%	67.8%	31.6%		\$50,000,000
Massachusetts	1.5%	47.3%	51.2%		\$28,004,176
Florida	27.0%	30.7%	42.3%		\$23,636,600
Maine	0.4%	81.5%	18.1%		\$20,308,513
California	18.6%	30.6%	50.8%		\$18,350,586
Oregon	2.1%	45.6%	52.3%		\$15,982,827
Louisiana	11.4%	74.2%	14.4%		\$14,785,244
New Jersey	6.0%	64.2%	29.8%		\$11,337,797
Texas	10.6%	64.3%	25.1%		\$9,237,949
New York	11.6%	31.4%	57.1%		\$6,750,276
North Carolina	24.0%	64.2%	11.8%		\$5,460,385
Federally Recognized Tribes on the West Coast				100.0%	\$5,097,501
Virginia	4.9%	52.8%	42.3%		\$4,520,475
Hawaii	13.8%	69.4%	16.8%		\$4,337,445
Maryland	13.0%	42.2%	44.8%		\$4,125,118
Pennsylvania	0.0%	0.0%	100.0%		\$3,368,086
Alabama	25.9%	46.3%	27.7%		\$3,299,821
Rhode Island	3.5%	68.0%	28.5%		\$3,294,234
New Hampshire	4.3%	40.1%	55.6%		\$2,732,492
American Samoa	0.0%	8.0%	92.0%		\$2,553,194
Georgia	4.8%	23.5%	71.8%		\$1,921,832
Connecticut	6.4%	41.9%	51.7%		\$1,835,424
Mississippi	16.2%	51.9%	31.9%		\$1,534,388
South Carolina	46.4%	45.2%	8.4%		\$1,525,636
Delaware	9.1%	50.3%	40.6%		\$1,000,000
Puerto Rico	20.8%	42.1%	37.2%		\$1,000,000
United States Virgin Islands	27.8%	38.4%	33.9%		\$1,000,000
Federally Recognized Tribes in Alaska*				100.0%	\$1,000,000
Guam	0.0%	53.1%	46.9%		\$1,000,000
Commonwealth of the Northern Mariana Islands	0.0%	53.1%	46.9%		\$1,000,000

\*Encompasses the only Federally-recognized Tribe in the state with a Tribally managed commercial fishery