



**NEW YORK**  
STATE OF  
OPPORTUNITY.

**Department of  
Environmental  
Conservation**

# **CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT**

## **NEW YORK FISHERIES RELIEF PROGRAM**

**Spend Plan**

### **DIVISION OF MARINE RESOURCES**

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**Background:**

On May 7, 2020, the Coronavirus Aid, Relief, and Economic Security (CARES) Act was authorized by the U.S. Secretary of Commerce to provide \$300 million in economic assistance to states, Tribes and territories for coastal and marine fishery participants that were negatively impacted due to the novel coronavirus (COVID-19) pandemic. New York was notified of eligibility to receive an allocation of \$6,750,276 of federal CARES Act funds subject to receipt and approval of the state's spending plan by the National Oceanic and Atmospheric Administration (NOAA) Fisheries. New York's allocation was later adjusted to \$6,696,362 to account for administrative fees for NOAA Fisheries (~0.7%) and the Atlantic States Marine Fisheries Commission's administrative fees (0.1%). These fees will be used to reimburse expenses for the allocation and distribution of the funding.

New York's allocation was determined by NOAA Fisheries based on the total average annual revenues from the State's fishery-related businesses and does not reflect the current economic losses due to COVID-19. New York's \$6.7 million funding allocation was broken into the following three sectors by NOAA Fisheries based on their percentage contribution to the State's total annual revenues: Commercial Fishing and Aquaculture (31.4%); Seafood Dealers and Processors (57.1%); and For-Hire Fishing (11.6%). The State of New York has opted not to use these sector allocations because of the large difference between relief funding and the actual COVID-19 impact and instead chooses to treat fishery participants of the various sectors in a more consistent fashion. New York's federal relief funds will be administered through the Atlantic States Marine Fisheries Commission (ASMFC) who will provide a sub-award to the New York State Department of Environmental Conservation (NYSDEC or DEC) once NOAA Fisheries approves the state's spending plan. The methodology in the following Detailed Spend Plan, once reviewed and approved by NOAA, may be used for any future funds appropriated by Congress for the same purpose.

Under Section 12005 of the CARES Act, eligible 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, economic revenue losses greater than 35 percent as compared to the prior 5-year average revenue (2015-2019) or any negative impacts to subsistence, cultural, or ceremonial fisheries.

New York's eligible fishery-related businesses include NYSDEC-permitted resident commercial fishing businesses, charter/for-hire fishing businesses, qualified marine aquaculture operations, seafood wholesalers (dealers) and processors. 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. Non-resident fishery-related businesses who participate in these fisheries and contribute to New York State's seafood economy should be eligible for federal relief in their home state of residence. However, NYSDEC will consider non-resident fishery-related businesses that hold permits in New York and has associated history (reported activity and revenue), but do not qualify for relief in their home state because their home state did not receive a CARES Act allocation. In addition, federally permitted vessels with documented NY landings in the prior 5 years that are not eligible for CARES Act 12005 relief elsewhere will also be considered by DEC. This program does not include funding for vessel repair businesses, restaurants, or seafood retailers.

As part of the allocation process for this program, NOAA Fisheries considered the negative impacts to subsistence, cultural, and ceremonial fisheries. In New York, there are no fishery-specific quotas for federally recognized tribes or identified ceremonial fisheries that were affected. New York acknowledges Tribal fishing rights that may take place in the State for subsistence purposes such as the harvest and consumption of various types of marine resources (e.g., fish, shellfish, crustacea) by tribal members and their families. This activity was not restricted by the pandemic or by any State Executive Order enacted due to COVID-19. NYSDEC is not aware of the extent to which these activities may take place in the marine and coastal district by federally recognized tribes. All persons and tribes in New York are required to possess valid permits to conduct fishery-related businesses identified in the three sectors covered by the CARES Act funding. Therefore, tribal businesses and tribal members that possess valid permits for any of the sectors and meet the established minimum eligibility criteria are eligible to apply for federal economic assistance under this program.

NOAA Fisheries left the inclusion of bait and tackle operations in this federal relief program to the states' discretion to identify eligible fishery participants. New York has decided to exclude bait and tackle operations from the CARES Act funding based on available information on the fishery-related businesses that were most negatively impacted by COVID-19. The State's Executive Order (202.8) enacted on March 20, 2020 implemented NY on PAUSE which closed non-essential businesses and required strict restriction of all non-essential services. The subsequent phased reopening of non-essential businesses based on downward trends ("flattening the curve") and decreasing number of infected coronavirus cases in regions of the state benefitted bait and tackle operations. The state received reports of significant increases in bait and tackle business sales and recreational fishing as individuals were seeking safe outdoor and social distancing activities. See article on increases in bait and tackle sales in Appendix I. In addition, inquiries were made to bait and tackle industry representatives to confirm that COVID-19 has had a positive impact on their sales.

New York's commercial fishing, seafood wholesalers (dealers) and processors, marine aquaculture industry and recreational for-hire fishing operations represent a significant contribution to the State's economy and maritime industry, accounting for over \$175 million in direct sales per year (as of 2016) without taking into account other trip related expenses or seafood imports. New York's fishery participants and fishery-related businesses suffered tremendous economic hardship due to the impacts of COVID-19 as the State led the nation in the highest number of positive coronavirus cases. This led to the enactment of Executive Orders that closed non-essential businesses and required "NY PAUSE" restriction orders for all non-essential services in March 2020. Although food services, commercial fishing, shellfishing, seafood wholesalers (dealers) and processors and aquaculture industries were considered essential businesses, the closure of restaurants, seafood markets, and related non-essential businesses severely impacted the supply chain and distribution of seafood products. The price of fish was also negatively impacted with sharp declines in wholesale fish prices for the already-reduced seafood markets. Fish dealers and processing businesses laid off employees due to the lack of demand for fresh seafood products in grocery stores, retail markets and other seafood distribution centers. During this initial period, for-hire fishing operations were considered non-essential businesses and were prohibited from operating. The majority of seafood wholesalers (dealers) and processors, which are largely based in the five boroughs of New York City and in Nassau and Suffolk Counties on Long Island, temporarily closed their businesses or operated at a significantly reduced scale due to the closure of restaurants and reduced demand at wholesale and retail markets.

## **Spend Plan Goal and Allocation Breakdown:**

The goal of the federal CARES Act Spend Plan submitted by the New York State Department of Environmental Conservation (NYSDEC) is to provide economic relief to the State's eligible fishery-related businesses that were negatively affected by the COVID-19 pandemic but in no way represents the extent of the losses sustained by these fishery participants. The relief funds for qualified fishery participants must be dispersed by September 30, 2021. All awards will be made to qualified applicants through direct payments from the Atlantic States Marine Fisheries Commission (ASMFC). The affected fishery-related businesses eligible for this federal relief are resident commercial fishermen, marine aquaculture operations, seafood wholesalers (dealers) and processors, and for-hire fishing operations (Table 1).

The State's allocation was determined by NOAA Fisheries. The eligible fishery sectors, percent allocation by sector, and number of licenses/permits issued to fishery participants or businesses as of May 31, 2020 in New York are listed below (Table 1). A number of the license holders possess multiple licenses/permits in one or multiple sectors, and as of May 31, 2020, there were 2,441 individual entities that possessed one or more commercially oriented licenses or permits. Not all of these entities actively

use their licenses/permits, so the qualified applicant pool is expected to be less than this total. As noted above, sector percentages will not be used to distribute the State's \$6.7 million among the three fishery-related fishing sectors.

Table 1. NYS Sector Breakdown

<b>Eligible Fishery Sector</b>	<b>Percentage Contribution<sup>1</sup></b>	<b>Number of Licenses or Permits for Fishery Participants or Businesses as of May 31, 2020<sup>2</sup></b>
Commercial Fishermen and Marine Aquaculture Operations	31.4%	3,956 New York Resident Commercial Fishing Licenses; 108 Marine Aquaculture Permit Holders (Private Marine Hatchery and On/Off-Bottom Culture)
Seafood Wholesalers (Dealers) and Processors	57.1%	812 Food Fish & Crustacea Shipper/Dealers and Shellfish Dealers/Shippers and Processors
For-Hire Fishing Operations	11.6%	372 Party/Charter Fishing licenses

<sup>1</sup>Percentage of Total Average Annual Revenue by Sector from NOAA Fisheries (Appendix I).

<sup>2</sup>NYSDEC Marine Permit data on licenses/permits as of May 31, 2020.

## **Outreach and Stakeholder Involvement:**

NYSDEC developed a [CARES Act Marine Fisheries Relief Program](#) webpage to provide New York State marine fishery stakeholders with general information and updates relating to the CARES Act federal economic assistance funding for states, Tribes and territories. The DEC webpage provides background details on the federal CARES Act,

references links to additional information maintained by NOAA Fisheries and ASMFC, and will be updated with the latest information as it becomes available.

The State's Marine Resources Advisory Council (MRAC), made up of commercial and recreational fishing stakeholders, was informed of the development of the draft Spend Plan and the timeline for submission as outlined by NOAA Fisheries during the May 19, 2020 public webinar. During the July 14, 2020 MRAC public webinar, NYSDEC provided an update on the development of the Spend Plan and notified Councilors and members of the public of the upcoming release of the stakeholder survey described below. NYSDEC will provide the final Spend Plan, application information, and updates to the program timeline to MRAC Councilors at the fall 2020 public webinar.

An electronic survey was created by NYSDEC using ArcGIS Survey 123 to gain input from fishery stakeholders and was available from July 20 through August 5, 2020. Information collected from the survey included potential applicants, contact information, eligible sector categories, estimated percentage of annual income from fishery sector business, time period for the qualifying greater than 35% revenue losses, estimated magnitude of revenue losses, types of documentation they could provide to demonstrate revenue loss, and other input on eligibility and distribution of relief funds. The survey was used to help inform the qualifying criteria and distribution of funds for the State's spend plan. The survey details were emailed to all Marine Permit Office (MPO) license holders that have provided NYSDEC with a valid email address. A total of 1,722 license holders were sent the survey details through email notification. Notices about the survey were also distributed to GovDelivery subscribers of the Saltwater Fishing & Boating and Shellfishing newsletters, 83,747 and 53,031 subscribers respectively. DEC survey details were subsequently distributed through Suffolk County's Department of Economic and Development Agriculture & Fishing Newsletter and the MRAC bulletin email list. Additionally, details about the survey and the survey link was available on [DEC's CARES Act](#) webpage, as well as the [Saltwater Fishing](#) and [Commercial Fishing](#) webpages, during the extent of the survey. Survey participants that provided an email address were notified their responses were received and were informed that more information will be forthcoming as it's made available.

Lastly, NYSDEC assembled an Advisory Committee consisting of stakeholders from each of the fishery sectors, some of which are also MRAC Councilors, to provide input on the State's spend plan. The goal of the Advisory Committee was to ensure each of the eligible fishery sectors were provided the opportunity to review and offer feedback on eligibility requirements being considered.

NYSDEC will continue to provide updates regarding the determination of eligibility and final application process on our public webpage, through GovDelivery notices and communications directly to our MPO license holders, and at public webinars with MRAC.

## **Eligibility Criteria and Application Process:**

### **Eligibility Criteria**

Under federal CARES Act guidelines, only fishery-related businesses that suffered a greater than 35% economic revenue loss due to COVID-19 relative to the prior 5-year average revenue (2015-2019) for the same period will be eligible for funds. Additionally, qualified applicants may not be “made more than whole” based on an evaluation of annual revenues that take in account traditional revenue, federal funding from this program, and other forms of COVID-19 pandemic-related aid.

### **To be eligible for funding, all applicants for all sectors must meet the following minimum criteria:**

- Resident of New York
- Applicant is 18 years or older at time of application (awards cannot be made to minors)
- Hold a valid Resident commercial fishing license (Food Fish, Crab, Whelk, Lobster, Shellfish Digger, Food Fish Landing, Lobster Landing, or Marine Bait Permit), For-Hire Fishing Permit (Party and Charter Boat License), Marine Aquaculture Permit (Private Marine Hatchery or On/Off-Bottom Culture), or Seafood Dealer or Processor Permit (Food Fish & Crustacea Shipper/Dealer License or Shellfish Dealer or Processor Permit) issued by NYSDEC for 2020 (as of July 31, 2020) and previous years, as required for fishing history and qualifying income. Non-resident permit holders and federally permitted vessels may be considered as described above (see Background).
- Active participant in one or more of the fishery related sectors in 2020 and previous years with documented fishing history as required under this spend plan. Fishing history to be verified by NYSDEC from Marine Permit records and mandatory reporting requirements (Vessel Trip Reports, Dealer Purchase Reports, Marine Aquaculture Reports, and Shellfish Dealer Production Reports). For applicants not required to report harvest to NYSDEC, logbooks or other forms of documentation (invoices, tax returns) must be provided, upon request, to verify minimum qualifications.
- Submit a Self-certification form that declares the following:
  - Self-certify that the applicant has suffered a greater than 35% revenue loss caused by COVID-19 from commercial fishing, for-hire fishing operations, marine aquaculture, or seafood distribution (dealers/processors/wholesalers) over a minimum of 60 consecutive days during the period February 1 to July 31, 2020 relative to a previous 5-year period (2015-2019) for the same period.  
Note: Five-year averages must be calculated using 2015-2019, unless an applicant has not been in operation for the preceding five years or if they can reasonably justify excluding a year through documentation of

difficulties due to aquaculture crop failures, production cycles, medical hardship and/or extensive vessel maintenance (see Qualifying Fishing History). The applicant must provide an explanation of the revenue average used to calculate eligibility and demonstrate qualifying revenue loss under this program.

- The applicant will not be made more than whole through traditional revenue, federal funding from this program, and any other form of COVID-19 related aid, when compared to the total average annual revenue from the previous five years.
- The applicant does not have any unresolved violations of any federal or state laws, including state executive orders.
- Acknowledgement that the information provided is subject to verification or audit by either New York State or the US Department of Commerce.
- The applicant has not applied to other Federal programs for assistance to address the same impacts resulting from COVID-19. Applicants shall disclose any other federal aid funds they have received due to impacts and revenue losses from the COVID-19 pandemic.
- The applicant is not De-barred, not on the government “do not pay list”, is in good standing with the Federal and State Government, and has no unresolved NYSDEC violations.
- The applicant attests to having applicable documentation/records to support the greater than 35% fishery-related income loss and will maintain these records for a period of no less than 3 years after the close of the primary grant award. Records must be made available upon request from NYSDEC, ASMFC, NOAA Fisheries, or the Office of the Inspector General.
- All applicants will be subject to random audits. New York State reserves the right to seek documentation that supports the economic loss from the fishery participant at any time and for any reason. If the documentation supplied does not support the loss or is not provided within a reasonable amount of time, the State may seek to enforce compliance with the request, or the person may forfeit the award and be subject to repayment of the award.

## **Qualifying Fishing History:**

**To be eligible for federal fishery relief, applicants must meet the following fishery license and participation history:**

### **Commercial Fishing; Seafood Wholesale Dealers/Processors; and For-Hire Fishing Sectors:**

- License holders must have a valid 2020 NYS issued commercial (i.e. profit oriented, product or service for sale) fishery related license/permit

and associated history (reported activity and revenue) in at least 3 of the last 5 years (2015-2019), except as follows:

- The license holder was first issued their license within the last 3 years (2017 or later), in which case they must have associated history in at least 2 of the last 3 years; or
- The license holder was first issued their license within the last 2 years (2018 or later), in which case they must have associated history in at least one previous year; or
- The license holder was first issued their license in 2019, in which case they must have been issued their permit prior to June 1, 2019 and have associated history in 2019.
- NYSDEC will verify qualifying history/activity for all fishery related applicants with the DEC Marine Resources Permit database and mandatory reporting records submitted prior to March 27, 2020 (the date on which the CARES Act was signed into Law). The only exception is for Shellfish Diggers that are not subject to mandatory reporting but must maintain logbooks with daily catch records that must be made immediately available to the Department upon request. Qualifying history is defined as at least one for-profit trip or transaction reported in each year used to qualify.

#### **Aquaculture:**

- Must possess a valid 2020 Marine Aquaculture Permit (Private - Marine Hatchery or Private - On/Off-Bottom Culture Permit) and associated history (reported activity and revenue) in at least 3 of the last 5 years (2015-2019), except as follows:
- The license holder was first issued their license within the last 3 years (2017 or later), in which case they must have associated history in at least 2 of the last 3 years; or
- The license holder was first issued their license within the last 2 years (2018 or later), in which case they must have associated history in at least one previous year; or
- The license holder was first issued their license in 2019, in which case they must have been issued their permit prior to June 1, 2019 and have associated history in 2019.
- NYSDEC will verify qualifying fishing history for all marine aquaculture applicants with the DEC Marine Resources Permit database and State reporting records. Qualifying history is defined as at least one reported purchase or sale of seed or cultured marine seafood products.

#### **Qualifying Income:**

Since New York's allocation of CARES Act funds represents only a fraction of the income lost to fishery-related businesses, the following qualifying income has been

established to provide economic assistance to the greatest number of fishery participants while considering those fishery participants that are dependent on revenues from these fisheries for their livelihood. The qualifying income represents 50% of the annual income threshold that is used by NYSDEC for establishing minimum eligibility criteria as described in the Environmental Conservation Law for commercial fishing licenses that are subject to limited entry (Food Fish, Crab, Whelk) and was used to qualify applicants during the New York Superstorm Sandy Disaster Relief Program.

**Applicants must meet the following qualifying income to be eligible for funding:**

**Commercial Fishing, Seafood Wholesale Dealers/Processors, For-Hire Fishing**

- o Applicants must demonstrate  $\geq \$7,500$  average annual income from participation in the applicable sector based on fishing history for 3 of the last 5 years (2015-2019), with exceptions for less than 5-year history as described and corresponds to the Qualifying Fishing History section of this plan.

**Aquaculture**

- o Applicants must demonstrate  $\geq \$7,500$  average annual income from sales of cultivated marine products for 3 of the last 5 years (2015-2019), with exceptions for less than 5-year history as described and corresponds to the Qualifying Fishing History section of this plan.  
Applicants that fail to meet the minimum income threshold in any given year due to unforeseen circumstances such as crop failure or non-marketable production year may seek a hardship exemption for the Qualifying Income requirement. Applicants will need to provide written justification and appropriate documentation to support a hardship exemption under this requirement.

**Application Process and Deadline**

DEC compiled statistics on fishery participants issued a valid 2020 NYS commercial fishery related license/permit by May 31, 2020, with exception of shellfish diggers, using existing state and federal mandatory reporting records

(vessel trip reports[VTRs], Shellfish Dealer/Processor Landing Reports, Food Fish and Crustacea Dealer and Shipper Purchase Reports) for the period 2015-2019 and Marine Aquaculture Annual Production Reports for 2017-2019 to conduct a preliminary assessment of NYS license/permit holders' fishery related activities based on fishing participation and ex-vessel landings. Information regarding the application process will be mailed and/or sent electronically to all potential applicants that met the permit and fishing history requirements from this list. Additionally, information on the application process will be mailed and/or sent electronically to all shellfish diggers permit holders that met the general permit requirements.

- o **COVID-19 period for evaluation and qualifying revenue loss:** February 1, 2020 through July 31, 2020 (using a minimum of 60 consecutive days for the evaluation)
- o **Application Period:** 30 days from the date that applications are available to be submitted by eligible license/permit holders following approval of the State's Spend Plan.
- o **Application Deadline:** Application deadline dependent on approval of the State's spend plan but will be identified on all application forms for eligible applicants. Deadline will be 30 days from the start of the application process but will allow 10 business days for those applications that are submitted by the application deadline but are deemed incomplete and need to provide additional supporting documentation or complete the application form.
- o **Application Filing:** Applications will be available for submission electronically or by paper filing. Applicants will be strongly encouraged to submit their applications electronically to expedite the application process and reduce paper and administrative handling by staff. Protocols for accepting electronic signatures will be provided on the application consistent with the Department's Policies and Procedures to ensure appropriate criteria is met. Applications post-marked or electronically time-stamped after the application deadline will not be considered and cannot be appealed.
- o **Self-Certification:** All applications must include a properly completed and executed self-certification form that satisfies the minimum eligibility requirements under Section 12005 of the CARES Act and DEC's Spend Plan.
- o **Application Review Period:** All applications will be reviewed by DEC for completeness with minimum eligibility requirements within 30 days of receipt. Applications that are complete will be verified by the DEC to support the minimum of greater than 35% revenue loss and fishing history/income criteria for an award. DEC will notify all applicants that filed incomplete applications and provide ten business days to satisfactorily complete the application process.

- **Notification to Applicants:** Applicants will be notified by DEC of the status of their application. Qualified applicants will be notified of the award amount to be received through direct payment(s) from ASMFC.

## **Appeals Process:**

Applicants may appeal NYSDEC's determination that they are ineligible to receive an award under this program as follows:

- Appellants must fully explain the reason for the appeal and describe why they think they are qualified for an award under the CARES Act.
- Appellants must submit a completed appeals form and additional documentation (tax returns, Invoices, Logbooks, etc.) to support the minimum of greater than 35% revenue loss due to COVID-19 and qualifying fishing history and income established under this Spend Plan within ten business days or by the appeal deadline indicated within the of notification of ineligibility by DEC. Appeals received after the published appeal deadline will not be considered.
- DEC will hold back 2.0% of the State's allocation to include any fishery participant appeals in this program.
  - ★ Funds leftover after the appeals process is complete will be distributed evenly to applicants that have experienced the largest magnitude impact (top 5%) to their business from COVID-19.
- DEC will work with the appellant on a case-by-case basis to provide an opportunity to satisfy the minimum eligibility requirements, especially in cases of undue hardship.
- Failure to provide the additional documentation within the requested timeframe will deem the appellant ineligible for funding.
- DEC will review all additional supporting documentation within thirty days to ensure that a proper determination is made consistent with criteria for this program.
- All appeal ineligibility decisions are final.

## **Award Amounts to Qualified Fishery Participants:**

All qualified applicants will receive an award scaled to their COVID-19 related loss, regardless of sector, not to exceed their reported loss. As part of the application and self-certification, fishery participants must provide and attest to the following information which will be used to establish tiers and award amounts:

- Annual fishery related revenue for each qualifying year from 2015-2019 (A)
- Fishery related revenue from a minimum of 60 consecutive days during the COVID-19 impact period February 1 – July 31, 2020 (B)

- An average of fishery related revenue generated during the same minimum of 60 consecutive days of February 1 – July 31 for the qualifying years from 2015-2019 (C)

Quantity B divided by Quantity C must be less than 0.65 for the applicant to have experienced a greater than 35% loss during the COVID-19 impact period in 2020 and qualify for an award.

1. Establish Tiers based on losses during COVID-19 period: Initial tiers based upon self-certified losses during the COVID-19 period (February 1 – July 31, 2020) set at <\$7,500; \$7,500 to <\$50,000; \$50,000 to <\$100,000, and \$100,000 or greater; subject to review and revision after all applications have been received. Awards would then be sized by tier to address losses given the limited relief funds. Tiers may be adjusted, and additional tiers added once all applications are received. To the extent practicable, awards across tiers would be proportional to the loss experienced by those in the tier. Within a tier, all applicants will receive the same award.

Final tiers and awards cannot be established until completed applications have been received and revenue information entered electronically. A list of eligible applicants, their award amounts, as well as their tax identification number, mailing address, phone number, and email, will be provided to the ASMFC, who will mail payment checks to everyone appearing on the eligible applicants list.

## Project Timeline

- **Complete Survey and Outreach:** July/early August 2020
- **Submit Draft Spend Plan for Review:** late August 2020
- **NOAA approval of Spend Plan:** October 2020
- **Distribute Information for Application Submission:** November 2020
- **Application Period:** 30-days November/December 2020
- **Review of Applications:** November 2020 - January 2021
- **Appeals Process:** January/ February 2021
- **Coordinate Payments with ASMFC/Send List of Awardees:** January - March 2021
- **Complete Report of CARES Act Program:** June 2021

## Budget

New York State's federal CARES Act allocation was \$6,750,276. After adjusting for administrative fees for NOAA Fisheries (~0.7%), the Atlantic States Marine Fisheries Commission (0.1%), and \$7,500 for NYSDEC postage needs, \$6,688,862 will be dedicated for direct payments to qualified applicants.

## **Benefits to Fishery Participants**

New York's commercial fishing, aquaculture, for-hire fishing, and seafood dealers and processors are vitally important to the State's economy and maritime industry. The economic assistance provided to the fishery-related businesses that were negatively impacted due to COVID-19 under the CARES Act will provide some relief to assist them financially during this pandemic. Although it is only a fraction of the revenue loss to these businesses and will not make them whole, it provides direct payments to the industry to help support them during this unprecedented pandemic and economic hardship to the industry.

## Appendix I: 5/8/2020 NOAA Fisheries Press Release: CARES State Allocations

<https://www.fisheries.noaa.gov/feature-story/commerce-secretary-announces-allocation-300-million-cares-act-funding>



# Commerce Secretary Announces Allocation of \$300 Million in CARES Act Funding

May 07, 2020

Interstate marine fisheries commissions, Puerto Rico, and U.S. Virgin Islands will disburse funds to address coronavirus-related losses.



*Fishing boats in Washington State. Photo: iStock*

Today, the Secretary of Commerce announced 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.

"This relief package will support America's fishermen and our seafood sector's recovery," said U.S. Department of Commerce Secretary Wilbur Ross. "Thank you President Trump, Secretary Mnuchin, and our Congressional leaders of both parties for your work to pass the historic legislation that is bringing much needed relief to America's fishermen. This Administration stands with the men and women working to provide healthy and safe seafood during this uniquely challenging time, while our U.S. fisheries work to continue to support 1.7 million jobs and to generate \$200 billion in annual sales. The nation is grateful to our fishermen for their commitment."

As a next step, NOAA Fisheries will use these allocations (see below) to make awards to our partners—the interstate marine fisheries commissions, Puerto Rico, and the U.S. Virgin Islands—to disburse funds to address direct or indirect fishery-related losses as well as subsistence, cultural, or ceremonial impacts related to COVID-19.

"We are going to rely primarily on our partners at the interstate marine fishery commissions during the award process because they have a demonstrated track record of disbursing funds provided to them quickly and effectively," said Chris Oliver, Assistant Administrator for NOAA Fisheries.

The commissions then will work with each state, Tribe, and territory to develop spend plans consistent with the CARES Act and NOAA's guidance. Puerto Rico and the U.S. Virgin Islands will submit award applications and spend plans to the agency directly. All spend plans must describe the main categories for funding, including direct payments, fishery-related infrastructure, and 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 other fishery-related businesses. Once a spend plan has been approved by NOAA, the agency anticipates that the three Commissions will review applications and process payments to eligible fishery participants on behalf of the states and territories. The states will have the option to process payments themselves.

Fishery participants eligible for funding include Tribes, commercial fishing businesses, charter/for-hire fishing businesses, qualified aquaculture operations, processors, and other fishery-related businesses. They should work with their state marine fisheries management agencies, territories, or Tribe to understand the process for applying for these funds.

Also of note, for the purposes of Sec. 12005 funding, businesses farther down the supply chain—including vessel repair businesses, restaurants, or seafood retailers—are not considered "fishery-related businesses."

## Summary of Allocations\*

Entity	Allocation of Sec. 12005 Funding
Alaska	\$50,000,000
Washington	\$50,000,000
Massachusetts	\$28,004,176
Florida	\$23,636,600
Maine	\$20,308,513
California	\$18,350,586
Oregon	\$15,982,827
Louisiana	\$14,785,244
New Jersey	\$11,337,797
Texas	\$9,237,949
New York	\$6,750,276
North Carolina	\$5,460,385
Federally Recognized Tribes on the West Coast	\$5,097,501
Virginia	\$4,520,475
Hawaii	\$4,337,445
Maryland	\$4,125,118
Pennsylvania	\$3,368,086
Alabama	\$3,299,821
Rhode Island	\$3,294,234
New Hampshire	\$2,732,492
American Samoa	\$2,553,194

Georgia	\$1,921,832
Connecticut	\$1,835,424
Mississippi	\$1,534,388
South Carolina	\$1,525,636
Delaware	\$1,000,000
Puerto Rico	\$1,000,000
United States Virgin Islands	\$1,000,000
Federally Recognized Tribes in Alaska	\$1,000,000
Guam	\$1,000,000
Commonwealth of the Northern Mariana Islands	\$1,000,000
<b>Total</b>	<b>\$300,000,000</b>

*\* Final award amounts will be different due to Hollings and other assessments.*

## Appendix I: NOAA Guidance to ASMFC



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](mailto:Dan.Namur@NOAA.gov).

We look forward to working with you to expedite the distribution of this much needed assistance to the affected fishing industry and affiliated constituents.

Sincerely,

Paul N. Doremus  
Deputy Assistant Administrator for Operations at NOAA Fisheries

## Appendix I: Bait and Tackle Industry Articles

### THE EAST HAMPTON STAR

## *On the Water: Off the Hook!*



Sebastian Gorgone, left, owner of Mrs. Sam's Bait and Tackle in East Hampton, and Harvey Bennett, right, proprietor of the Tackle Shop in Amagansett, have seen a big uptick in business during the pandemic, but both said that getting stock has been problematic.

Jon M. Diat

By Jon M. Diat

June 25, 2020

Many businesses have struggled to survive during the coronavirus pandemic and subsequent economic shutdown, but one niche industry is witnessing solid sales. Bait and tackle shops around Long Island have seen a significant uptick in business as more people take up fishing as a social distancing pastime.

Tight Lines Tackle on Bay Street in Sag Harbor has been around for 25 years, but the owner, Ken Morse, says he has never seen anything quite like this.

"It's unfortunate that the virus has been the root of the increase, but I'm glad that so many people have discovered fishing as a safe hobby to get out of the house and enjoy nature," he said on Saturday afternoon in his shop, while helping a father and his two daughters with the purchase of a basic rod and reel combo. "Ever since the virus broke out, it has been beyond busy."

Morse said that while his regular customers continue to show up, it has been a surge in people new to the sport that has comprised the vast bulk of recent sales. "I literally have had hundreds of people come into my shop that I've never seen before," he said. "It's been crazy, but I'm not complaining. Since the virus started, people have gone to try different outdoor activities and fishing is one of them."

Over at the Tackle Shop in Amagansett, the owner, Harvey Bennett, who has been in business for 40 years, reported that a steady stream of anglers has come through his doors since he opened in mid-May. "Springtime is not really busy in this business as the summer crowd is not here yet, but this year has been good," he said. Since many people weren't able to go to work or to school, Bennett said more people have started fishing in the last few months than ever before. In fact, according to the New York State Department of Environmental Conservation, fishing poles are the perfect measuring stick for social distancing.

However, while there has been an increase in demand for bait and tackle, Bennett and other proprietors lamented that a lot of the factory and warehouse suppliers they work with were shut down or lacked inventory of many fishing essentials.

"A vast majority of tackle is produced in Asia, and hardly anything is coming into the U.S.," Bennett observed. "I was fortunate that I bought a lot of inventory last year, but it's been a real challenge trying to secure many items the past few months. Even getting a basic snapper popper lure has been tough."

"Business has been really off the hook," agreed Sebastian Gorgone, the owner of Mrs. Sam's Bait and Tackle in East Hampton. "I've had many new faces and first-timers come in the door. Some said they've been here for over 20 years, but have only now taken up fishing. And it's not just fishing equipment and tackle. I'm having a hard time keeping clam rakes and crab traps in stock."

Gorgone agreed that it's been a challenge to get many types of tackle. "If I have an order for \$5,000 of goods from my supplier, I'm lucky if I get \$2,000 worth. I'm sold out of my beginner types of rod and reel combos, and I'm not sure when my distributor will get more. I know I could sell a lot more if I had them."

"The other day, I placed an order for \$3,000 of tackle and I received \$680 worth," said Bennett. "No matter who you call, it's the same response. I tell anyone in my shop if they see what they want, they better buy it, as I don't know when I may get it again."

Fishing tackle has even entered into the cross hairs of the Trump administration's trade war with China. Last month, the office of the United States Trade Representative said that items including rods, reels, hooks, line, lures, and line are likely to be hit with a 25-percent tariff in the near future.

"As good as business has been, it could be even better if I had access to the tackle supplies I need," said Morse. "It's really frustrating. And I don't think the supply chain will change for the better any time soon."

With the influx of anglers fishing from both the beach and boat, keeping bait and tackle shop owners happy, thankfully the action has been good for a wide variety of species.

"Porgy fishing remains excellent in many local spots and at Gardiner's Island," said Gorgone. "The fish are big and hungry." The veteran shop owner said that fluke fishing had picked up, in particular in the Napeague and Accabonac areas, and that blowfish are still around.

"Plenty of porgies around everywhere," said Bennett. "Bass and blues are keeping folks happy, and the bite from the ocean shore on Napeague has been hot of late. Fluke action picked up nicely on the bay side at Napeague, and there are shad everywhere too. Plus, the bluefin tuna bite south and west of Montauk continues."

Bennett added that large striped bass have shown up at Montauk, with fish up to 50 pounds landed. However, the big ones need to be safely returned: Only one fish between 28 and 35 inches can be retained.

Anglers who have been throwing back the multitude of black sea bass that have jumped on their baited hooks the past few weeks can finally rejoice, as the season for the popular fish finally opened on Tuesday. There is a three-fish-per-person limit with a minimum size of 15 inches. The creel limit increases to seven fish on Sept. 1.

Full versions of articles below available here: <https://fishingtackleretailer.com/author/dena/>



BUSINESS TRENDS, COLUMNS

## How Tackle Retailers Are Adapting to Face COVID-19

By Dena Vick • April 23, 2020 • 10 mins read

COVID-19 disrupted our lives in more ways than one. Aside from the fear of becoming gravely ill or the loss of loved ones, the isolation for some and boredom for others has caught many off guard. In a matter of weeks, consumers became hunters and gatherers of toilet paper, thermometers and Tylenol, and became teachers to their children as well as telecommuters. State and federal governments began closing bars, restaurant dining rooms, gyms and hair salons. Many were told to shelter in place only to leave the house to attend work or

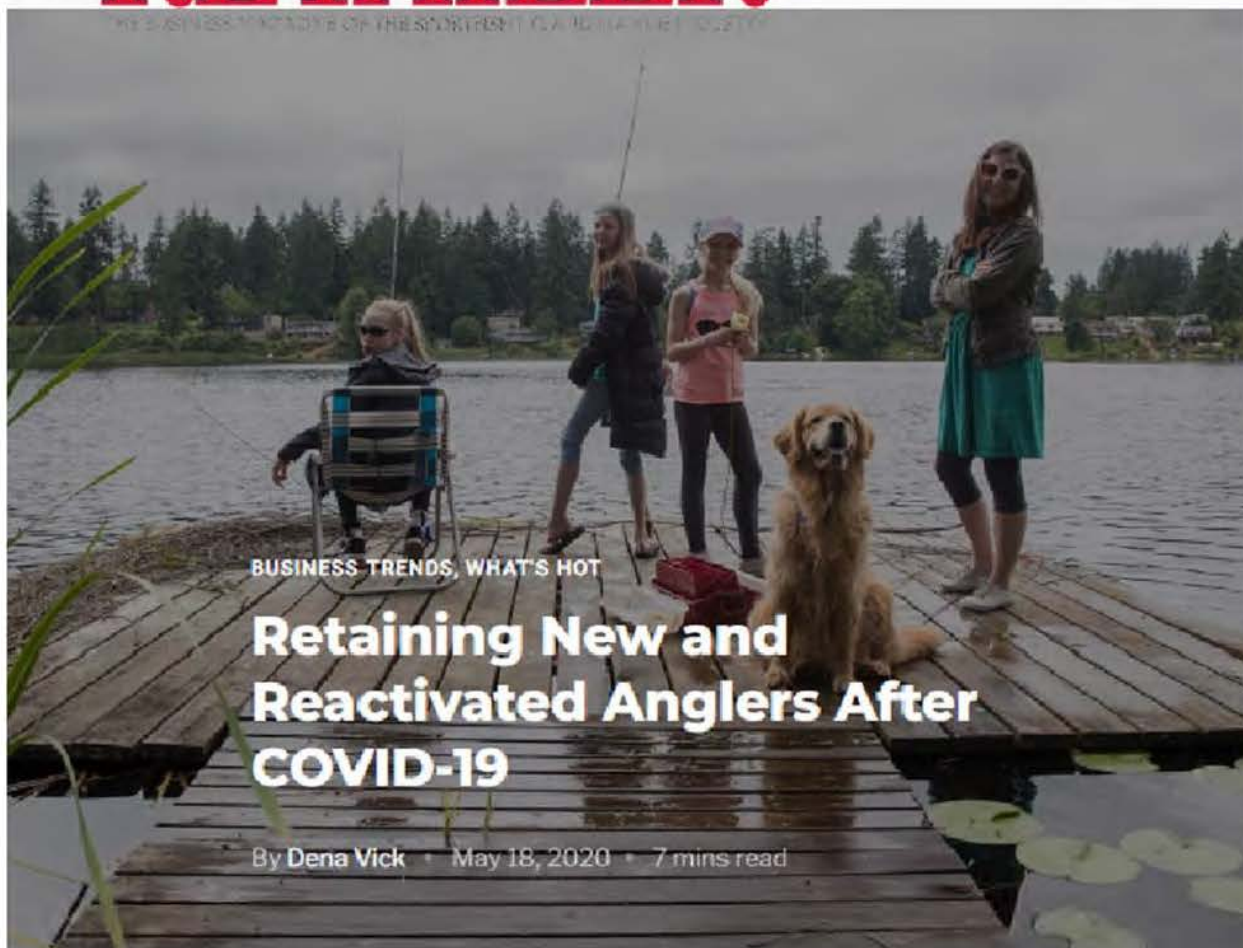
for outdoor recreation like fishing.

Luckily, many states deemed bait and tackle stores as essential businesses. This was great news for both retailers and consumers. State game and fish commissions and natural resource agencies encouraged Americans to get outside and fish, reminding them to remain courteous to others by staying cognizant of crowding at boat ramps, encouraging local fishing by avoiding the temptation to travel more than a days' drive to a hot fishing location—filling up your vehicle locally—and to exercise the six-foot social distancing rule while on the water.

## **Bad for life as we know it; Great for fishing**

This time of year, fishing often takes a back seat to team sports, family vacation and work. This year, however, all group and team activities were cancelled, allowing fishing to move up the list. Where did this leave independent retailers?

For the most part, open, religiously wiping down doorknobs, registers, displays and encouraging social distancing at their locations. Signs adorn doors advising that anyone feeling ill or having a fever need not enter the store. Social media is the advertising tool of choice advising the public of operating hours and special instructions. Reorders have been slower to arrive, but they credit manufacturers and distributors for keeping them in the loop and informed of shipment delays and



BUSINESS TRENDS, WHAT'S HOT

## Retaining New and Reactivated Anglers After COVID-19

By Dena Vick • May 18, 2020 • 7 mins read

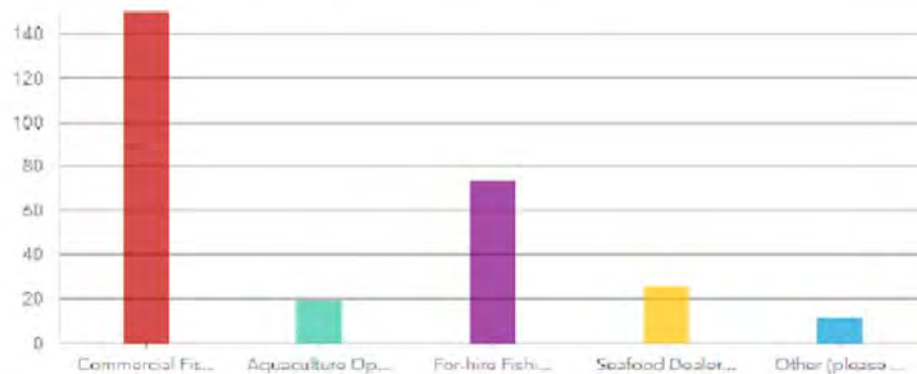
Fishing license sales are up nationwide since the COVID-19 outbreak. Many bait and tackle stores are reporting positive traffic and steady sales. Fishing, it seems, has been one of the few approved pandemic activities in most states. The result has been a surge of new anglers and reactivated anglers that are teaching their families to fish.

But how can you encourage those anglers to keep fishing when the world returns to something close to

## Appendix I: Survey Summary

DEC CARES Act Disaster Fishery Relief Survey  
July 20, 2020 – August 5, 2020: Total Participants: 237

1. Please choose your category(ies) of eligibility (multiple selection):



Commercial Fisherman: 150

Aquaculture Operation: 19

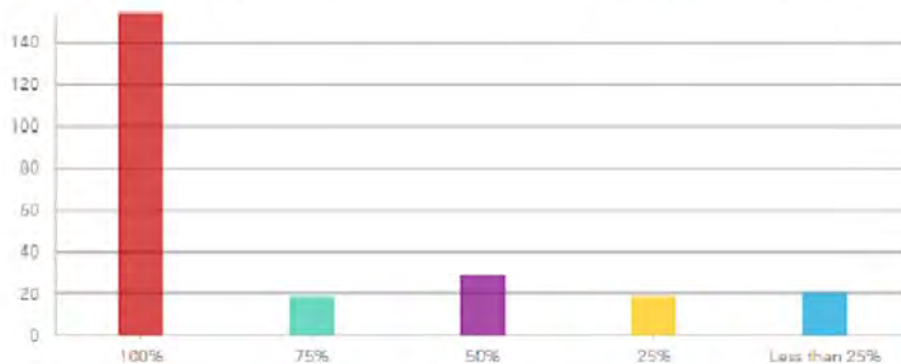
For-Hire Operation: 73

Seafood Dealer/Shipper/Processor: 25

Other: 11

- Manufacturing of commercial crab & eel pots & supplies
- Angler
- Customer of for-hire boats
- Commerical fishing marina
- Commercial bayman
- Recreational only
- Recreational fisherman
- Wholesale food distributor

2. What estimated percentage of your total annual income comes from your Fishery Sector Business?



100%: 152

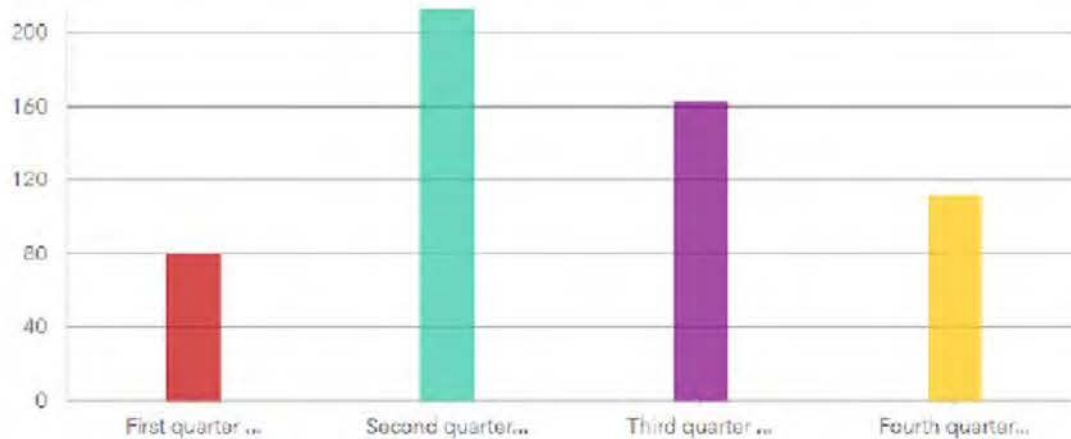
75%: 18

50%: 29

25%: 18

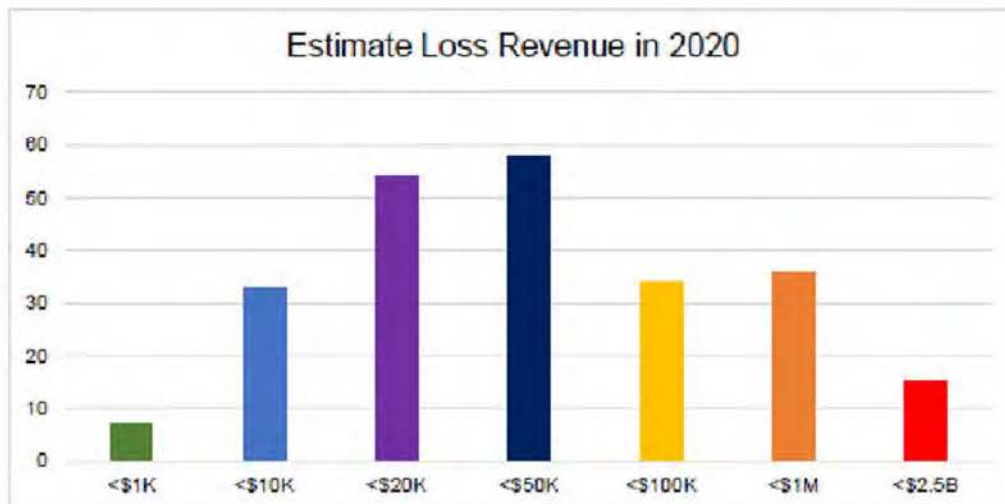
<25%: 20

3. Recipients of the funds will have to demonstrate that they have experienced a revenue loss from COVID-19 of more than 35% during a period in 2020 compared to their prior five-year revenue average over the same period. For some individuals, that amount of loss will not occur until later this year. During which time period(s) do you anticipate experiencing revenue losses associated with COVID-19? (multiple selection):



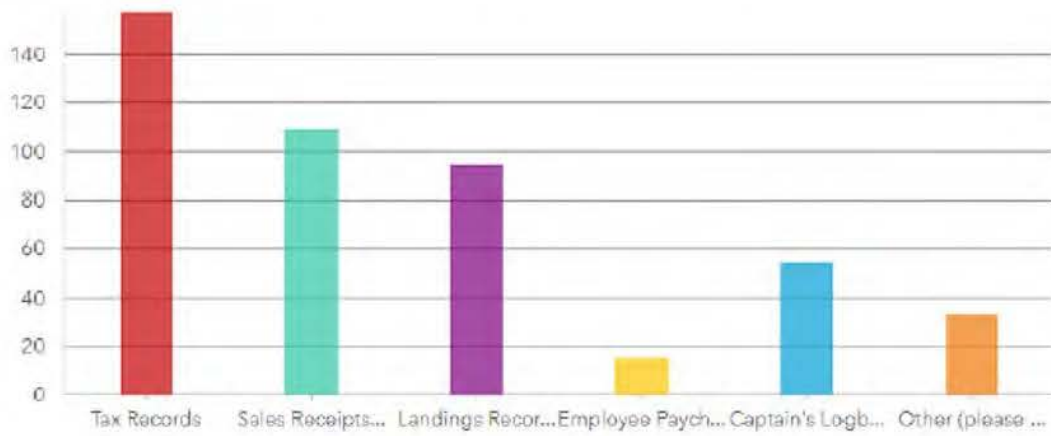
First quarter of 2020 (January - March): 79  
 Second quarter of 2020 (April - June): 212  
 Third quarter of 2020 (July - September): 162  
 Fourth quarter of 2020 (October - December): 111

4. What is your estimated 2020 loss of revenue in whole dollars due to COVID-19 to date?



<\$1,000: 7  
 1K - <10K: 33  
 10K - <20K: 54  
 20K - <50K: 58  
 50K - <100K: 34  
 100K - <1M: 36  
 1M - 2.5B: 15

5. If required, how will you demonstrate that you have experienced a period-specific revenue loss from COVID-19 of more than 35 percent compared to the prior five-year revenue average? (multiple selection):



Tax Records: 157  
Sales Receipts and/or Invoices: 109  
Landings Records: 94  
Employee Paycheck Stub: 15  
Captain's Logbook: 54  
Other (please specify): 33