

# CARES Act Fisheries Disaster Assistance Program

Affidavit and Spend Plan Updates  
And  
Regulatory Package

# Allocation

- **These are the allocations we are rolling forward with**
- **These could change in the end depending on the claims process**

<b>Fishing Sector</b>	<b>Allocation</b>	<b>Amount*</b>
Commercial Fishing	62.6%	\$1,983,120
Aquaculture	5.4%	\$171,068
Party and Charter	3.5%	\$110,877
Processors	28.5%	\$902,858

\* Accounts for all potential overhead

# Updates

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- **Created a data request portal, its live on our website**
  - **Please do not wait to make your data request; the request window will end 5 days before the end of the application period, but will be posted well before the application window opens**  
<http://www.dem.ri.gov/programs/marine-fisheries/>
- **Received feedback from NOAA on some outstanding items, like what to do about PPP**
  - **Feedback: Make the assumption that the PPP loan will be forgiven**
  - **RIDEM's proposal to limit this to the period leading up to the date of application was rejected by NOAA**

# Updates

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- **“Home-ported in RI” removed as eligibility criterion for commercial fishing and for-hire businesses/vessels**
  - **Remaining criteria = Must be RI resident and owner of RI-licensed business/vessel**
- **Received feedback from NOAA on some other items as well; Losses and “More Than Whole”**
  - **Losses will be calculated on reference period only and do not need to account for anything beyond your 2020 revenue in reference period versus your average revenue for reference period from previous 5 years**

# Updates

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- **Received feedback from NOAA on some other items as well; Losses and “More Than Whole”**
  - **“More Than Whole” will be judged on an annual basis, not just the reference period**
  - **This means that if you get your claim, and by the end of 2020 you have earned more than your average annual revenue from the last 5 years, you will be considered “More Than Whole”**
  - **You would actually be expected to return the surplus; in other words, if you end up doing OK in 2020, this funding turns in to a loan**
  - **The accounting for this will not be a state process, it will be administered by NOAA and the return will be managed by the ASMFC**

# Updates

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- **Additional small items:**
  - **Recipients of direct assistance must retain records/documentation pertaining to their application for at least 3 years after close of the primary grant award to ASMFC**
  - **Examples of available and independently verifiable sources of information to determine eligibility and loss calculations provided for each sector**
  - **Timeline added; administrative budget added**

# Timeline

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- **Upon approval of RI Spend Plan by NOAA, RIDEM will enact the following steps:**
  - **Within two (2) weeks following approval:**
    - **Promulgate emergency regulations**
    - **Make Affidavit and Application form available**
    - **Announce the dates of the 15-day application period**
      - **15-day application period will take place (estimated: mid-September 2020)**

# Timeline

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- **Upon close of the application period, RIDEM will conduct an expeditious review and validation of all applications (estimated: late September/early October 2020)**
- **RIDEM will issue letters of eligibility to all qualifying applicants in all four sectors**
  - **Each letter will include award amount or denial**
  - **Applicants will be afforded a 15-day window of opportunity to appeal award amounts or denials (estimated: mid-October 2020)**



# Timeline

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- **Upon close of the 15-day appeal period, RIDEM will conduct an expeditious review of all appeals**
  - **Director will provide all applicants/appellants with written notification of her final agency decision (estimated: late October/early November 2020)**
- **RIDEM will forward the names/info to ASMFC (estimated: mid-November 2020)**
- **ASMFC will issue payments (estimated: late November 2020)**

# Regulations

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- **The regulations mirror the RI Spend Plan, while providing additional details, particularly regarding the application process, and coordination with RI Division of Taxation**
- **Key Provisions**
  - **Self-certification that applicants are not debarred from receiving federal assistance, nor on the federal government's "do not pay" list (both required by NOAA)**

# Regulations

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- **Key Provisions**
  - **Eligibility standard for commercial fishing sector (in addition to being RI resident); must be the owner of a commercial fishing vessel holding a RIDEM-issued commercial vessel declaration or landing permit valid for 2020 or hold a 2020 commercial fishing license issued by RIDEM if not affiliated with a vessel**
  - **Applications will be available online (for downloading and printing at home), and at: DEM Coastal, DEM Marine, and DEM OTCA**

# Regulations

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- **Key Provisions**
  - **Applications must be completed in full and notarized prior to submission**
  - **Fully completed, notarized applications must be hand-delivered to DEM Coastal or DEM Marine by the application deadline (no electronic submissions or mailed applications will be accepted)**
  - **No applications will be accepted after the deadline; No appeals can be based on the denial of an application due to submittal after the deadline**
  - **Firm 15-day application period, currently slated for Sept 14-28**

# Regulations

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- **Key Provisions**
  - **Self-certification that the applicant is in good standing with respect to the payment of all tax obligations owed to the State of Rhode Island; and acknowledgement and agreement that if the applicant is not current, or fails to remain current, with respect to such tax obligations, the Department may require the return of funds obtained pursuant to the application**
  - **Consent to allowing DEM to use SAFIS, VTRs, dockside sales, CRMC Questionnaires, etc., to verify info provided by applicant to quantify revenue loss; and consent to waive confidentiality pertaining to the application**

# Regulations

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- **Key Provisions**
  - **Consent to allow Division of Taxation access to the final award information**
  - **Determination as to how each applicant wishes to be notified on decision**
- **Appeals**
  - **Filed no later than 15 days following receipt of written notification**
  - **Must be submitted in writing**
  - **Appeals may be hand-delivered to DEM's Legal Office in Providence or mailed to DEM Providence**

# Questions

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# Extra Slide

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# Updates

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- **Received feedback from NOAA on some other items as well; Losses and “More Than Whole”**

- **Here is the same concept in a mathematical context:**

$$2020 \text{ Total Revenue} = (A + B) + C$$

$$(A+B)+C \leq D$$

$$(A+B)+C \not\leq D$$

- **A = 2020 reference period revenue**
- **B = Any direct assistance from government (PPP, Unemployment, and fisheries relief)**
- **C = 2020 revenue for rest of the year minus the reference period (A+B)**
- **D = Average annual revenue from 2015 – 2019 (or subset thereof)**