



New England Fishery Management Council

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MEMORANDUM

DATE: September 21, 2018
TO: Council
FROM: Tom Nies, Executive Director
SUBJECT: Fishery Disaster Assistance

The Council, at its September 2018 meeting, may discuss a fishery disaster declaration for the Atlantic herring fishery. This memo provides a brief overview of the process and is based on National Marine Fisheries Service Policy Directive 31-108¹.

Disaster assistance is authorized by both the Magnuson-Stevens Act (MSA) and the Inter-Jurisdictional Fisheries Act (IFA), though there are differences in what each authorizes. “Under MSA Sections 312(a)3 and 3154, the Secretary may provide disaster assistance for assessing the economic and social effects of a commercial fishery failure, for activities to restore the fishery or prevent a similar failure in the future, and for assisting fishing communities.” There are five steps:

1. An eligible entity requests a fishery disaster determination from the Secretary of Commerce. “Eligible entities” are governors of an affected state or an elected or politically appointed representative of a fishing community. The Secretary may initiate a review at his or her discretion.
2. The National Marine Fisheries Service conducts an evaluation to determine whether a qualifying fishery disaster has occurred.
3. The Secretary makes a determination based upon the evaluation, and notifies the requestor of the determination.
4. If the determination is positive, Congress may appropriate funds for fishery disaster relief. The fishery may also qualify for other forms of Federal assistance.
5. If Congress appropriates fishery disaster relief funds, NOAA works with the affected parties to distribute the funds consistent with the statutory requirements and conditions of the appropriation.

Once a review is initiated, the determination is made on whether there is a commercial fishery failure, serious disruption affecting future production, or harm. There are defined criteria for determining if one or more of these situations exist. If a determination is made that a disaster exists, Congress **may** appropriate funds for assistance.

¹ <https://www.fisheries.noaa.gov/national/funding-and-financial-services/fishery-disaster-assistance>