North Carolina Consolidated Appropriations Act Fisheries Relief Program (CARES Act II)

Application/Spending Plan

June 2021

(REVISED July 2021)

1. Applicant Name (Sub-Award)

North Carolina Department of Environmental Quality, Division of Marine Fisheries

2. Introduction

CARES Act I Summary

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 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 were awarded to the Atlantic States Marine Fisheries Commission (ASMFC), who provided sub-awards to the Atlantic coastal states once the National Oceanic and Atmospheric Administration (NOAA) Fisheries approved each individual state's spending plan. North Carolina was notified of eligibility to receive \$5,416,773¹ (ASMFC 2020 and Appendix 1). The North Carolina Division of Marine Fisheries (NCDMF) subsequently prepared a detailed spending plan to allocate these funds across three stakeholder groups: 1) commercial fishermen and marine aquaculture operations, 2) seafood dealers and processors, and 3) for-hire fishing operations. NCDMF distributed its funds via direct payments to stakeholders that submitted valid applications with a demonstrated revenue loss of greater than 35% between March 1 to May 31, 2020.

For the NC CARES Act Fisheries Relief Program (herein called CARES Act I), NCDMF mailed applications to 6,736 stakeholders, of which 291 completed applications were received. NCDMF created an internal advisory review committee to evaluate applications and corresponding documentation. Of the 291 applications submitted, two-thirds were approved for direct payments (Table 2). While most applications and approvals occurred in the fisherman/aquaculture category, seafood dealers and processors and for-hire operations exhibited the highest approval rates (80% and 87%, respectively). Only 16 appeals were submitted, with most of these denied by NCDMF (Table 1). After \$161,287 was set aside for NCDMF administrative costs, \$5,255,486 was distributed to qualified applicants. The original allocation to each stakeholder group was set by NOAA Fisheries ratios of contribution (Table 4; NOAA Fisheries 2020; Appendix 2). The seafood dealer and processor ratio and the for-hire operation ratio were amended once the for-hire operations had reached 100% of their losses. The extra \$827,074.44 was moved from the for-hire operations' allocation to the seafood dealers and processors allocation, which changed the for-hire operations' ratio from 24% to 8.26% and the seafood dealer and processors

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

ratio from 11.8% to 27.54%. This allocation adjustment resulted in 40% of losses being covered for seafood dealers and processors instead of only 17% coverage (Table 3).

Table 1: Summary statistics of CARES ACT I applications by stakeholder method of engagement with NCDMF.

	Method of Engagement						
Number of:	Mail	Mail Drop box/ In person		Phone/ Fax	Total		
Received							
Applications	230	54	6	1	291		
Received Appeals	9	3	1	3	16		

Table 2: Summary statistics of CARES ACT I applications by stakeholder category.

	Stakeholder Categories					
Number of:	Fishermen/ Aquaculture Operations	Seafood Dealers/ Processors	For-Hire Fishing Operations	Total		
Received Applications	217	35	39	291		
Approved Applications	137	26	34	197		
Denied Applications	80	9	5	94		
Received Appeals	12	3	1	16		
Approved Appeals	4	2	0	6		
Denied Appeals	8	1	1	10		

Table 3: Summary statistics of CARES Act I check amounts¹ by stakeholder category.

	Stakeholder Categories				
Summary Statistic	Fishermen/ Aquaculture Operations	Seafood Dealers/ Processors	For-Hire Fishing Operations		
Total Amount Paid	\$3,374,022	\$1,447,221	\$434,243		
Average Check Amount	\$23,929	\$51,686	\$12,772		
Percent of Claimed Loss					
Recovered via Checks	79%	40%	100%		

¹All values are rounded to the nearest whole dollar.

CARES Act II Introduction

On March 29, 2021, NOAA Fisheries announced the allocation of an additional \$255 million in assistance (NOAA 2021), funded through the Consolidated Appropriations Act of 2021 (CAA 2021). Of this \$255 million, \$4,545,946 was allocated to the state of North Carolina (NOAA 2021), which initiated the NC Consolidated Appropriations Act Fisheries Relief Program II (CARES Act II). Like CARES Act I funds, CARES Act II funds will be distributed via the ASMFC to provide financial relief to affected commercial fishermen and aquaculture operations, seafood dealers and processors, and for-hire operations in the state.

Because of the similar guidance in relief distribution between CARES Act I and CARES Act II, NCDMF plans to distribute relief aid to the same stakeholder categories as in CARES Act I and will continue to employ direct payments as the primary channel for the distribution of monies. However, as a result of experiences from the CARES Act I approach, NCDMF proposes certain changes to streamline the direct payment process, specifically related to eligibility determination for commercial fishermen, aquaculture operations, and seafood dealers. Using the approach from the approved CARES Act I spending plan, the following spending plan for CARES Act II provides an overview of the intended approach, with a specific focus on how the methods deviate from and improve on those used during CARES Act I. While reviewing the approach below, any omitted details should be defaulted to those of CARES Act I.

3. Approach

Public Comment

A draft version of the NCDMF spend plan was posted online and shared via news release for public comment, starting May 28, 2021. Public comment lasted roughly three weeks, ending June 20, 2021. During this time, two North Carolina residents provided public comment on the CARES Act II spend plan process. One comment expressed that the participant fishes out of state and was not aware of the CARES Act I program funds available to them, and expressed interest in participating in CARES Act II. The other public comment approved of the process and noted that funds should be delivered as quickly as possible. These public comments have been considered and incorporated into the following approach.

<u>Overview</u>

NCDMF will administer federal CARES Act II fishery relief funds to North Carolina's qualified applicants as direct payments after a sub-award is allocated by ASMFC. In a deviation from the CARES Act I approach, NCDMF will focus heavily on using North Carolina Trip Ticket Program (NCTTP) landings data to determine which commercial fisherman/aquaculture operation participants and seafood dealer participants pre-qualify for the greater than 35% loss threshold. Pre-qualified applicants will be given the option to use NCTTP data when submitting their application. Due to the lack of data for the for-hire operation participants and seafood processors, along with part of the commercial fishermen and aquaculture operation participants, these stakeholders will still be required to submit revenue documentation with their applications. Additionally, participants not pre-qualified will still be able to apply but must provide their own revenue documentation to meet the eligibility requirements. All applications will undergo the same review process as CARES Act I, which includes a recommendation by program staff, a review committee screening, and an appeal period, if necessary.

ASMFC is developing a sub-award template that NCDMF will complete to initiate executing a contract. Once the NCDMF spending plan is approved and ASMFC submits the plan in the Grants Online portal, ASMFC will be able to provide a sub-award to NCDMF. At that point, ASMFC will be invoiced in the amount of \$11,393.25 for administrative costs. Once all applications for assistance are submitted by NCDMF and received by ASMFC, NCDMF will submit an additional invoice in the amount of \$4,385,651 for economic relief to North Carolina's affected stakeholders; this total amount accounts for the removal of \$160,295 to cover NCDMF administration costs. Applicants will be required to submit a Substitute W-9 to be registered in the North Carolina Accounting System in order to create an account

to receive direct payments. NCDMF will collect this documentation from all applicants and will provide it to the NC Department of Environmental Quality (NCDEQ) Financial Services Division. The NCDEQ Financial Services Division will be responsible for working with the NCDEQ Controller's office to load applicants into the North Carolina Accounting System. After eligibility requirements and allocations have been determined, NCDMF will compile the amount of funds and applicant information and submit a password protected secure spreadsheet to the NCDEQ Financial Services Division who will disburse (i.e., cut and mail checks) the funds to applicants through the state's financial system.

<u>Timeline</u>

Upon review of commercial landings data from North Carolina for the year 2020, program staff determined that the most effective use of relief monies would be to compensate stakeholders for losses occurring from the start of the COVID-19 pandemic through the rest of 2020. For this reason, the timeframe considered for relief is March 1, 2020, to December 31, 2020. However, to avoid double-counting, NCDMF will remove the value received by stakeholders who received relief monies through CARES Act I.

Allocation

A total of \$4,545,946 in CARES Act II funds has been designated to North Carolina. This amount includes an ASMFC administrative fee, totaling \$11,393.25. Additionally, an NCDMF administrative fee totaling \$160,295 will be removed from this total allocation, resulting in \$4,385,651 available for relief to eligible stakeholders. Of the \$160,295 in NCDMF administrative fees, \$4,400 of this total will need to be spent prior to spend plan approval. This \$4,400 will cover supply expenses for the initial mailings, which need to be prepared ahead of time due to the large volume of individual mailings that need to be prepared. Direct assistance will be provided to North Carolina residents falling into one of the following three categories: 1) commercial fishermen and aquaculture operations, 2) seafood processors and dealers, and 3) for-hire fishing operations (Table 4). The designated funds per stakeholder category are based on the same NOAA Fisheries ratios of contribution used in CARES Act I (NOAA Fisheries 2020; Appendix 2). Although North Carolina has one federally recognized Tribe and several state-recognized Tribes, there are no fishery-specific allocations to these Tribes. North Carolina does not have any non-Tribal subsistence fisheries that would be eligible for this program, so subsistence fisheries are not considered.

Table 4. Allocation of funds per affected stakeholder category based on stakeholder's ratio of contribution.

Affected Eligible Stakeholder Category	Ratio in Percent ¹	Allocation of Funds
Commercial Fishermen and Aquaculture Operations	64.2%	\$2,815,588
Seafood Dealers and Processors	11.8%	\$517,507
For-Hire Fishing Operations	24.0%	\$1,052,556
Total	100%	\$4,385,651

¹Ratio contribution provided from NOAA Fisheries 2020 (Appendix 2).

Eligibility Determination and Outreach

Once approved by NOAA Fisheries and a sub-award is established between ASMFC and NCDMF, implementation of the spending plan will be initiated (see the *Milestone Schedule* section for timeline). Prior to contacting stakeholders, NCDMF will analyze NCTTP landings data to determine which commercial fishermen/aquaculture operation participants and seafood dealer participants pre-qualify for the greater than 35% loss threshold. This will be done by comparing the total value of landings reported from each license holder from March 1, 2020, to December 31, 2020, to the annual average over the same time period from 2015 to 2019. These stakeholders will then be characterized as "pre-qualified" or "initially denied."

Pre-qualified applicants will be given the option to use NCTTP data without having to provide any further revenue documentation. Initially denied applicants will be able to provide their own revenue values if they also provide supporting revenue documentation demonstrating qualification for assistance. If no supporting documentation is provided, NCDMF staff will use NCTTP values, regardless of whether the applicant was pre-qualified or initially denied. Applicants who do not participate in the NCTTP (e.g., for-hire operations, seafood processors, and commercial fisherman with out of state landings) must provide their own values and supporting documentation, or their applications will be denied, as NCDMF does not have a way to internally verify their revenue.

Once pre-qualifications are determined, NCDMF will mail application packets to each individual with a Standard Commercial Fishing License (SCFL), Retired Standard Commercial Fishing License (RSCFL), Shellfish License without a SCFL, Dealer's License, or any in-state for-hire license. Application packets will include a cover letter (Appendix E), an application form, a self-certifying affidavit, and a NC Substitute W-9 form (Appendix F).

To expedite the relief payment process, 17 different cover letter templates have been developed, which serve to alert the stakeholder about their pre-qualification status across all potential categories in which they may hold a license. Applicants who participate in the NCTTP will be informed of their prequalification status in their cover letter, while those who do not will simply be invited to participate in the program via the cover letter. In all, each letter alerts the stakeholder of which eligible categories they currently hold a license in, if applicable, whether they meet the greater than 35% loss threshold for pre-qualification or if they are initially denied, and instructions on next steps. The 17 different cover letter criteria and a brief description can be found in Table 5 below: Table 5: Description of the 17 prepared cover letter templates depending on stakeholder's initial prequalification status. Note, all pre-qualified stakeholders meet the greater than 35% revenue loss criteria from March 1 to December 31, 2020 compared to the previous 5-year average via NCTTP data. Non prequalified stakeholders have either not met that threshold through NCTTP data, or do not participate in the NCTTP.

Pre- Qualification	Group				
Status	#	Definition			
	1	Active Fisherman Only			
	2	Active Dealer Only			
Net Dre	3	Active Fisherman, Active Dealer			
Not Pre- qualified	4	Active Fisherman, For-Hire			
4	5	Active Dealer, For-Hire			
	6	Active Fisherman, Active Dealer, For-Hire			
	7	For-Hire Only			
	8	Active Fisherman, Pre-qualified Fisherman			
Pre-qualified	9	Active Fisherman, Pre-qualified Fisherman, Active Dealer			
Fisherman	10	Active Fisherman, Pre-qualified Fisherman, For Hire			
	11	Active Fisherman, Pre-qualified Fisherman, Active Dealer, For-Hire			
Pre-qualified	12 Active Fisherman, Pre-qualified Fisherman, Active Dealer, Prequalified Dealer				
Both 13 Active Fisherman, Pre-qualified Fisherman, Active Dealer, Pre-qu		Active Fisherman, Pre-qualified Fisherman, Active Dealer, Pre-qualified Dealer, For-Hire			
	14	Active Dealer, Pre-qualified Dealer			
Pre-qualified	15	Active Dealer, Pre-qualified Dealer, Active Fisherman			
Dealer	16	Active Dealer, Pre-qualified Dealer, For-Hire			
	17	Active Dealer, Pre-qualified Dealer, Active Fisherman, For-Hire			

For eligible stakeholders who are not licensed by NCDMF (i.e., processors and residents who hold licenses/permits from other states), NCDMF will issue news releases and work with trade organizations such as the North Carolina Fisheries Association and NC Coastal Conservation Association to communicate how these stakeholders can apply.

The application packet will be made available on the NCDMF website for anyone to access and download, along with contact information so that a prospective applicant can call or email NCDMF concerning eligibility or any other CARES Act II program questions. The application process will be a paper, mail-based system. The applicant will complete the application that is either received through the mail, or downloaded from the NCDMF website, and will mail the application and all supporting documentation to NCDMF for processing. Applicants will also be able to drop off applications at NCDMF's Morehead City Headquarters Office in person or via the drop-box.

Application Process

The application process will be broken into three phases and will commence on the publishing date for the NCDMF news release that announces the application period has opened. The application

phase will last 45 days, which is longer than the 30 days allotted in CARES Act I. These extra days are added due to an expected increase in applications relative to CARES Act I. More participants are aware of CARES Act II than there were with CARES Act I, and the pre-qualification process will further encourage participants to apply. Additionally, applicants may require more time to gather documentation since the time frame of loss each year was extended from three months to 10 months. During this phase, all eligible stakeholders, regardless of pre-qualification status, must turn in a physical application to the NCDMF Morehead City Headquarters Office in order to be considered for relief from this program. All applicants must fill out and return the application, self-certifying affidavit, the NC Substitute W-9 form, and accompanying documentation. Pre-qualified stakeholders that accept the NCTTP calculated loss ratio will not be required to provide revenue information. Initially denied stakeholders, for-hire operations, and stakeholders wishing to use their own revenue values will be required to provide appropriate revenue documentation. The application packet and necessary documentation must be submitted in this 45-day time period.

Once the application period is complete, NCDMF staff will have 90 days to process all received applications. This includes both accepted NCTTP-calculated applications and original applications with revenue documentation. Information received by NCDMF will be entered into a spreadsheet that meets all confidentiality and security regulations. Information will include name, license number (if any), contact information, tax identification number, stakeholder category, amount of claim, and links or file name codes that house supporting documentation (supporting documentation may be uploaded and linked to the database or it may be housed in a separate file with a unique identification code). NCDMF will review applications to determine the validity of each claim. In addition to the affidavit for self-certification, validation will ensure:

- Application is complete.
- Applicant is 18 years or older and was a legal resident of North Carolina during the CARES Act II time period.
- Applicant held the license, permit, or lease listed on the application and that the license, permit, or lease was active, not expired, and was not suspended or revoked during March-December 2020 and the last five years, 2015 to 2019, except for those who were in business less than five years; those in business for less than 5 years must have held a license during some year prior to 2020 but after 2015 to provide a baseline to determine loss. For applicants who claim eligibility but did not hold a North Carolina issued license, but held a federal permit or license issued from another state, NCDMF will require the applicant to submit a copy of all the licenses and permits held during 2020 and the prior five years as verification. If not using NCTTP data, applicant provides suitable documentation to prove loss. Approved documentation will be based on the decision tree and revenue documentation table developed during CARES Act I (Appendix G).

Throughout the 90-day processing period, NCDMF will notify all applicants of the review committee's approval/denial decision. Approved applicants will receive an approval letter. Denied applicants will receive an initial phone contact (up to two attempts) along with a certified letter explaining the reason for denial and the appeals process. If the denied applicant wants to appeal, they must file a letter stating their appeal of the NCDMF decision and must include any additional documentation as outlined in the *Distribution of Funds* section to supplement for any missing or

inadequate information within two weeks of signing for the certified letter. The letter and documentation must be either emailed, postmarked, or put in the drop-box outside of the NCDMF Headquarters office by the end of the two-week deadline. If the applicant does not respond to the certified letter two weeks after the certified letter was mailed, even if not signed, then the applicant will be permanently denied and not allowed to appeal the NCDMF decision. Additionally, appeals will not be accepted for applications received after the published application due date. NCDMF will maintain records of the date, method, and status of each contact attempt for consistency and quality control.

After the processing period, NCDMF staff will have 30 days to process all received appeals. During the appeals period, any denied applicants will have the opportunity to appeal the decision with new documentation or information. Appeals will be reviewed, and applicants will be contacted and notified of the appeal decision in the same way they were during the application process. This appeals decision is the final decision on the application.

Through the self-certification process, applicants will affirm that the combination of financial assistance from Section 12005, other programs funded by the CARES Act (e.g., Payment Protection Program), and their traditional revenue stream will not exceed in 2020 an individual's total average annual revenue from the previous five years, or the time-period the participant held a license for those in business less than five years, thus making them "more than whole" as a result of this relief process.

Distribution of Funds

Once all final appeal determinations are made, and stakeholders receive final notification, NCDMF staff will begin determining individual relief amounts per approved applicant. As stated, the ratio of available funds per each stakeholder category has been determined by NOAA Fisheries in the CARES Act I process; NCDMF will maintain these ratios when calculating direct payments for stakeholders. Under this approach, NCDMF will calculate each approved stakeholder's total revenue loss from March 1, 2020 to December 31, 2020, compared to the average over that same time period from 2015 to 2019. Inflation will not be considered.

Upon determining the maximum allowable payment for each stakeholder, the total value of loss for each category will be summed and determined. Using these values described, NCDMF staff will then calculate the payment allocations so that each stakeholder will have the same percentage of their loss repaid as all others in their category to ensure equity. In any cases where all approved stakeholders in one category are fully compensated (100% of losses recovered), and funds remain, those leftover monies will be transferred to the category that is compensating the lowest proportion of the total loss. This occurred in CARES Act I, where monies from the for-hire category were transferred to the seafood dealer/processor category, with the consent of ASMFC, to improve program efficiency.

In the case where all approved applicants are fully compensated, and monies remain, NCDMF will develop one additional project related to seafood marketing to use the remaining funds. The focus of this outreach would be to promote both NC seafood and coastal tourism to mitigate impacts of COVID-19 and promote both commercial and recreational industries. It is anticipated that this promotion of these affected industries will result in an increase of the consumer base thus allowing affected fishery participants to increase revenue, which would offset some of the revenue losses caused by COVID-19.

The scope and methods of marketing would be determined at the time of the project, based on the amount of remaining funds, and will be submitted to NOAA for review and approval. However, NCDMF does not anticipate that funds will remain if all approved stakeholders are compensated for their total losses. At this time, no additional details on this marketing project shall be developed.

Once all of the above calculations are determined, NCDMF will submit approved application documents and applicant check amounts to ASMFC, who will then issue the sub-award in the amount of \$4,385,651 to NCDEQ. NCDMF will provide confidential identifying information to NCDEQ, who will prepare and issue checks to all approved stakeholders.

4. Expected Benefits

The direct payments will provide financial relief to the fishing sectors in North Carolina that have been affected by COVID-19. This assistance will provide each recipient funds to assist with considerable revenue loss of greater than 35% from March 1, 2020 and December 31, 2020, compared to the previous five-year average.

5. Milestone Schedule

The milestone schedule starts when NCDMF is notified of the sub-award from ASFMC. NCDMF intends to complete the entire program within one year of being notified that the plan is approved and the sub-award has been granted to NCDMF from ASMFC.

Timeline and Tasks	Calculate Initial Losses and Prepare Mailings	Application Period	Processing Applications, Notification of Eligibility, and Start Receiving Appeals	Resolve Appeals and Make Final Decision	Deliver Final Results to ASMFC	NCDEQ Issues Checks	Finalize and Develop Report
60 Days	Х						
45 Days ²		Х					
90 Days			Х				
30 Days				Х			
30 Days					Х		
30 Days ²						Х	
60 Days							Х

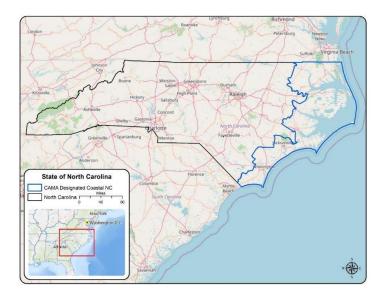
Table 5. Expected timeline of CARES Act II events.¹

¹ Tax information (e.g., 1099 forms) will be issued to anyone who receives economic relief, and CARES Act II will need to pay for those costs. If all of the funds are issued in the 2021 calendar year, tax information will be issued during the first quarter of 2022, and final reports can be finalized in 2022. If any funds are issued in the 2022 calendar year, the tax information will be issued during the first quarter of 2023, and reports cannot be finalized until 2023.

² NCDMF expects pre-qualification to increase the number of applications received in CARES Act II as compared to CARES Act I, so some of the allotted times are longer than those allocated for CARES Act I.

6. Geographic Location

The location and scope of this project will cover all North Carolina residents who are eligible participants in the marine fishing industries, as outlined in this proposal. The project will be administered from the NCDMF Headquarters Office in Morehead City, NC.



7. <u>Cost Summary (Budget)</u>

North Carolina = \$4,545,946 (NOAA Fisheries and ASMFC administrative fees of approximately 0.7% and 0.1%, respectively, have already been removed).

Description	Budget (\$)
Temporary Salaries for Two Personnel	93,757
Purchases Services	51,935
Supplies	6,516
Equipment	8,087
SUBTOTAL NCDMF ADMINISTRATIVE COSTS	160,295
Direct Payments	
Commercial Fishermen/Aquaculture Operations	2,815,588
Seafood Dealers/Processors	517,507
For-Hire Fishing Operations	1,052,556
SUBTOTAL DIRECT PAYMENTS	4,385,651
TOTAL	4,545,946

Temporary Salaries - NCDMF hired two temporary employees for one year to carry out the duties of this program at the beginning of the CARES Act I sub-award. These employees will remain on staff for the entirety of the CARES Act II process, as well. One position is an administrative assistant position at ~\$15/hour to assist by providing telephone and email support, preparing application packages, mailing and receiving packages, and other general office support functions for the program. The other temporary position is a more specialized biologist at ~\$25/hour to assist with data analysis, verifying information provided by applicants, and managing disputes. These two employees will also assist in other License and Statistics section duties that will indirectly enhance the CARES Act II program and future assistance projects. This includes helping to update fishing license information, verifying trip ticket data, and other data improvement projects.

<u>Purchased Services</u> – Purchased services will cover postage for direct payments and 1099 forms issued to eligible stakeholders in this spending plan. While exact costs remain dependent upon the number of approved applicants, an estimate was developed based on postage costs accrued during CARES Act I. Purchased services will also cover postage fees acquired from the application packages submitted by applicants using the postage-paid envelopes and any certified mail sent to notify denied applicants of the appeal process. Travel costs may be needed to cover mail-outs, which will use a stateowned vehicle and the requirements of NC Department of Administration Motor Fleet Management.

<u>Supplies</u> – Supply costs will fall under general office supplies. These supplies, including pens, paper, envelopes, etc., and will be used in direct support of this project to facilitate the mailing of applications, direct payments, and mail-outs of 1099 forms to stakeholders. Initial supplies will be purchased to support temporary staff. As mentioned, \$4,400 in supplies will need to be spent prior to spend plan approval to purchase mailing supplies. This accounts for over 7,100 individual mailings, and additional time to prepare the letters is necessary to maintain the milestone schedule and efficiently deliver assistance to stakeholders. Therefore, funds must be spent prior to disbursement.

<u>Equipment</u> – Equipment costs are requested to cover the costs of temporary staff informational technology and infrastructure needs. To comply with CDC guidelines and State requirements for the COVID-19 work environment and to provide prompt financial relief to stakeholders, temporary staff may need to be supplied with teleworking equipment to include, but not limited to, laptops, printers, scanners, and communication equipment.

NCDMF will also provide in-kind support to this project. In-kind support will be provided by NCTTP staff (i.e., processing clerks, biologists, biologist supervisor, technicians), Administrative and Maintenance Services staff (business and budget officers), (NCDEQ) Financial Services Division, and North Carolina Department of Information Technology staff. Oversight of the project will be provided by the NCDMF Director and Deputy Director along with the NCDEQ Secretary's Office, Office of General Counsel, and the NCDEQ Auditor.

8. Appendices

Appendix A: Letter from NOAA Fisheries to ASMFC on process and requirements

Appendix B: State allocations for CARES Act II

Appendix C: Ratios of contribution by affected stakeholders

Appendix D: Additional details on the data sources used for revenue data. This document was provided from NOAA Fisheries to the Delaware Congressional delegation. ASMFC provided this document to states on June 15, 2020.

Appendix E: Cover Letters (See table 5 for details)

Appendix F: Application Documents

Appendix G: Decision Tree and Revenue Documentation Table

Appendix H: Approval and Denial Letters

9. <u>References</u>

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Appendix A



UNITED STATES DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration National Marine Fisheries Service Silver Spring, Maryland 20910

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

Dear Mr. Beal,

The Division B of the Consolidated Appropriations Act, 2021, Pub. L. 116-260 (December 27, 2020) (the "Act") authorizes \$300,000,000 to remain available until September 30, 2021, "to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall only be for activities authorized under section 12005 of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136) (the "CARES Act")." Under the Act, this funding shall only be available to the states bordering the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, or the Great Lakes, as well as Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, and federally recognized Tribes in any of the Nation's coastal States and territories, and federally recognized Tribes in any of the Nation's Great Lakes States with fisheries on the Tribe's reservation or ceded or usual and accustomed territory. In making allocation determinations for this funding to marine coastal states and territories, the National Oceanic and Atmospheric Administration (NOAA), 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, and territories, and also took into consideration negative impacts to subsistence, cultural, and ceremonial fisheries. Given the foregoing, the Atlantic States Marine Fisheries Commission has been allocated \$104,722,158 for the purpose of assisting fishery participants affected by COVID-19 in the Atlantic States.

BACKGROUND AND PROCESS:

In order to receive your allocation, you must submit a grant application for NOAA review and approval. Your grant application, which must be submitted through <u>Grants.gov</u>, must reflect the appropriate use of your allocated funds and compliance with the below-listed requirements, as well as those specifically detailed in the Act. Your award will include a special award condition that will require the development of a detailed spend plan for sub-awards within the states. Spend plans must be submitted for NOAA Fisheries review and NOAA Grants Officer approval before you may disburse funds to sub-awardees for the purpose of providing assistance to "fisheries participants." Addenda of previously approved spend plans may be submitted for review and approval to expedite the distribution of your allocated funding. Funds may be expended to support administrative processes of the grantee, as well as to support the activities of sub-awardees conducting economic or other analyses that may be necessary for a detailed spend plan.



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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 fisheryrelated 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
- (2) any negative impacts to subsistence, cultural, or ceremonial fisheries.

REQUIRED CONTENTS

In addition to the requirements outlined in the <u>GrantsOnline Application Portal</u>, your application must:

- Describe how you will identify and determine fishery participants who would be eligible to receive funding. For the purposes of carrying out the provisions of the Act, "fisheryrelated 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) as "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 funding, individual states, and territories will have the discretion to determine how they will identify eligible fishery participants, consistent with the requirements of the Act.
 - 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 have incurred (1) economic revenue losses greater than 35 percent as compared to the applicable prior five-year average revenue (2015-2019) or (2) negative impacts to subsistence, cultural, or ceremonial fisheries.
 - Entities that have been in business less than five years are still eligible for assistance. Participants can only be eligible for assistance from their state/territory of residence.
- Describe the main categories of funding as applicable (e.g., direct payments, fisheryrelated infrastructure, fishery-related education, research, restoration) 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 authorized under section 12005 of the CARES Act. However, applications must address direct payments as follows:
 - Applications should demonstrate how the state/territory will adjust "more than whole" calculations to account for direct payments provided under PL 116-136, along with any other direct financial assistance received through programs including, but not limited to, the Small Business Administration's Paycheck Protection Program and Economic Injury Disaster Loan/Advance, and the U.S. Department of Agriculture's Coronavirus Food Assistance Program.
 - 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 (e.g. FEMA disaster assistance funding, National Flood Insurance Program assistance funding, Hurricane disaster relief funding, etc.), and describe the process you use to account for and ensure no duplication with such funds. Funds provided by NOAA under this award shall not be used for activities or relief for which the recipient has received Federal or other funds. In addition, NOAA will not pay for costs that are funded by other sources (*Department of Commerce, Standard Terms and Conditions*, <u>Other Federal Awards with Similar Programmatic Activities</u>, Section A.03).

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

PAWLAK.BRI Digitally signed by PAWLAK.BRIAN.T.136 AN.T.136586 5864710 Date: 2021.04.02 13:44:06 -04:00

Paul N. Doremus

Acting Assistant Administrator for NOAA Fisheries



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Appendix B

Attachment:

Allocation Table by State

Massachusetts	\$23,372,808
Florida	\$19,727,548
Maine	\$16,949,864
New Jersey	\$9,462,737
New York	\$5,633,906
North Carolina	\$4,557,339
Virginia	\$3,772,873
Maryland	\$3,442,901
Rhode Island	\$2,967,030
New Hampshire	\$2,967,030
Georgia	\$2,967,030
Connecticut	\$2,967,030
South Carolina	\$2,967,030
Delaware	\$2,967,030
Total	\$104,722,158

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.

Г	Percentage of Total Annual Revenue (All Sectors)				
Entity	For-Hire Fishing	Commercial Fishing and Aquaculture	Seafood Sector	Tribal Commercial Fishing, Aquaculture & For Hire	Allocation
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					90 Sc 85
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

To allocate the Sec. 12005 funds, NOAA Fisheries used readily available multi-year averages to estimate the total average annual revenues from commercial fishing operations, aquaculture firms, the seafood supply chain (processors, dealers, wholesalers and distributors) and charter fishing businesses from each coastal state, Tribe, and territory. Additional details regarding the sources of revenue data are included below:

1) *Commercial fishing revenues*: For most states, five year average commercial fishing revenues from 2014-2018 were based on data obtained from NOAA Fisheries' Office of Science and Technology's <u>commercial landings database</u>. For U.S. territories, five year average commercial fishing revenues from 2014-2018 were obtained from the <u>Fisheries of the United</u> <u>States</u> report.

2) Aquaculture revenues: Most aquaculture revenue data was embedded within the commercial landings revenue data used to calculate five year average commercial fishing revenues. Updated <u>USDA Census of Aquaculture data</u> was used to account for aquaculture sales not accounted for within commercial fishing landings data (e.g., oysters, mussels, clams from select states). Multi-year averages were not available for aquaculture sales derived from the USDA Census of Aquaculture data.

3) Seafood Sector Revenues: The commercial fishing landings revenue and aquaculture sales (defined as described above) were used to calculate direct value-added estimates for the seafood sector (i.e., processors, dealers, and wholesalers/distributors) using NOAA Fisheries' Commercial Fishing & Seafood Industry Economic Impact Model, while Alaska and West Coast direct value added estimates were calculated from regional models. In layman's terms, direct value added is essentially sales revenue less the cost of seafood inputs. This metric essentially ensures that revenue was not double counted in both the commercial and seafood sectors and that expenditures that flow out of the country from imported seafood products were not included in any revenue estimates.

4) *For-hire fishing revenues*: For most states, average for-hire fishing revenues from 2015-2019 were based on angler payments to for-hire operations for fishing trips. Data on angler payments were based on NOAA Fisheries' <u>Angler Expenditures Surveys</u> and data on directed for-hire fishing trips were derived from NOAA Fisheries' <u>Marine Recreational Information</u> <u>Program</u>. For Hawaii, Alaska and the Caribbean territories, NOAA Fisheries used charter vessel cost earnings surveys.

Additional notes: All sales and value added data was converted into 2019 dollars. Several additional adjustments were made to the data described above in order to accommodate the unique needs of allocating Sec. 12005 funds. For example:

 Homeporting Adjustment: Average annual landings revenue data from Alaska, New England, and Mid-Atlantic states were adjusted to attribute landings in those regions to a vessel owner's state of residence to better reflect where fishing income accrues. These adjustments were made by determining the proportion of landings in a particular state attributed to vessel owners residing in another state and distributing revenue accordingly. A similar adjustment was also applied to at-sea processors on the West Coast. • *Ceremonial, Subsistence, Cultural Fisheries Multiplier:* A multiplier was also applied to available multi-year averages of Tribal and territorial commercial and for-hire fishing revenues to account for subsistence, cultural, and ceremonial fisheries.

<u>Proportional Allocation Formula:</u> NOAA Fisheries proportionally allocated Sec. 12005 based on the total average annual revenues from coastal states, Tribes, and territories. The general formula used is included below. However, NOAA Fisheries also applied a minimum and maximum funding level (\$1M and \$50M, respectively).

300,000,000 × State/Territory/Tribes Total Average Annual Revenue (all sectors) Total Average Annual Revenue across all States/Territories/Tribes

Appendix E



ROY COOPER Governor JOHN NICHOLSON Interim Secretary KATHY B. RAWLS

Name Address Address City, State Zip

Dear Potential Applicant:

The Consolidated Appropriations Act of 2021 (CARES Act II) authorized the U.S. Secretary of Commerce to provide a second round of economic assistance to affected fishery participants due to the coronavirus (COVID-19) pandemic. North Carolina received approximately \$4.5 million from this funding to provide financial relief to fishery-related stakeholder groups affected by the COVID-19 pandemic through direct payout. The affected stakeholder categories approved for payments are commercial fishermen (including shellfish license holders), marine aquaculture operations, seafood processors and dealers, and for-hire fishing operators.

Date

Similar to the CARES Act (CARES Act I), the National Oceanic and Atmospheric Administration (NOAA) Fisheries guidance requires applicants for CARES Act II to demonstrate a sustained reduction in revenue greater than thirty-five percent (35%) due directly to COVID-19 during the period between March 1 and Dec 31, 2020, as compared to the average revenue for that same period of March 1 – Dec 31 for the five preceding years of 2015-2019. Note that the time period included is different from CARES Act I and approval or denial for CARES Act I does not exclude you from applying for CARES Act II.

Based on North Carolina Trip Ticket Program (NCTTP) data, we have determined you may not qualify for these relief funds as a commercial fisherman. This does not exclude you from applying with your own revenue values. If you would like to apply, please complete the enclosed forms:

- Program Self-Certification and Assurances (Affidavit)
- Program Application
- State of North Carolina Substitute W-9 Form

Please submit all three documents, as well as proof of identity. Please provide your own revenue values and supporting documentation. If you do not provide documentation, your application will be denied. Applications and supporting documentation must be delivered in person to the NCDMF Headquarters Office located in Morehead City or mailed and postmarked by 5pm on [Insert Date]. Applications and supporting documentation cannot be submitted to other NCDMF offices. Applications and supporting documentation that are submitted after 5pm on [Insert Date] will not be considered.

If you have any questions about the Program, you may send an email to <u>covid19relief@ncdenr.gov</u> or call NCDMF staff in Morehead City, NC at (252) 503-3091 or 1-800-682-2632 (toll-free in N.C. only).

Sincerely,

Kathy Rawls Director



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Based on North Carolina Trip Ticket Program (NCTTP) data, we have determined you may not qualify for these relief funds as a seafood dealer. This does not exclude you from applying with your own revenue values. If you would like to apply, please complete the enclosed forms:

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Kathy Rawls Director

> State of North Carolina | Division of Marine Fisheries 3441 Arendell Street | P.O. Box 769 | Morehead City, North Carolina 28557 292-726-7021

ROY COOPER Governor

JOHN NICHOLSON Interim Secretary KATHY B. RAWLS Director



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> State of North Carolina | Division of Marine Fisheries 3441 Arendell Street | P.O. Box 709 | Morehead City, North Carolina 28557 252-726-7025

ROY COOPER

JOHN NICHOLSON Interim Secretary KATHY B. RAWLS



ROY COOPER Governor

Director

JOHN NICHOLSON Interim Secretary KATHY B. RAWLS

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ROY COOPER Governor

JOHN NICHOLSON Interim Secretary KATHY B. RAWLS

Director



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ROY COOPER

JOHN NICHOLSON Interim Secretary

KATHY B. RAWLS



ROY COOPER

JOHN NICHOLSON Interim Secretary KATHY B. RAWLS Director

Name Address Address City, State Zip

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ROY COOPER Governor JOHN NICHOLSON Interim Secretary KATHY B. RAWLS

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Appendix F



STATE OF NORTH CAROLINA – DIVISION OF MARINE FISHERIES NC Consolidated Appropriations Act Fisheries Relief Program (CARES Act II) Application

Please read the following information carefully before beginning this application.

This application will be used to assist the North Carolina Department of Environmental Quality, Division of Marine Fisheries (NCDMF) to distribute approximately \$4.6 million in federal relief money, less administrative costs, to select fishing industry stakeholders through the Consolidated Appropriations Act of 2021 (CARES Act II). Eligible applicants for relief assistance include commercial fishermen (including shellfish license holders) and marine aquaculture operations, licensed seafood dealers and seafood processors, and for-hire fishing operations.

Potential affected stakeholder groups will be separated into three different application categories: 1) commercial fishermen and marine aquaculture operations; 2) seafood dealers and processors; and 3) for-hire fishing operations. To assist as many stakeholders as possible, applicants will only be allowed to apply for relief within one category regardless of whether an applicant qualifies under the other two categories. Each license holder must submit their own application, and only landings attributed to their license will be considered (if applicable).

Funds were made available through Division M of the Consolidated Appropriations Act of 2021 to support activities previously included in Sec. 12005 of the CARES Act. Applicants are required to demonstrate a reduction in revenue greater than thirty-five percent (35%) during the period between March 1 and December 31, 2020, as compared to the average revenue for that same period of March 1 – December 31 for the five preceding years of 2015-2019. NOAA Fisheries also requires that any relief monies received from the Program cannot result in a participant's annual (January 1 to December 31) 2020 earnings exceeding their five-year average annual (January to December) revenue between the years 2015-2019. Participants may be required to pay back some or all of the relief monies that exceed this limit, as NCDMF is unable to verify this information independently. Acceptable revenue documentation is described in Section 2. You will also be required to sign the Self-Certification and Assurances (Affidavit) form verifying that your claimed losses are accurate.

If you were not pre-qualified and you do not think you experienced a sustained revenue loss greater than thirty-five percent (35%) due to COVID-19 between March 1 and December 31, 2020, or you cannot provide supporting documentation to demonstrate your loss, you are unlikely to qualify for a relief payment. You must be a resident or registered business of the State of North Carolina and 18 years or older in order to be eligible for relief. Please note that bait and tackle shop owners, gear and vessel suppliers, employees, crew members, and those who are assigned but do not own any individual fishing licenses, are not eligible to apply for relief.

All applicants, regardless of pre-approval status, must complete and sign all application forms in order to be eligible for relief. Please read all directions carefully. Applications and supporting documentation must be delivered in person to the NCDMF Headquarters Office located in Morehead City or postmarked by 5pm on [Insert Date]. Applications and supporting documentation cannot be submitted to other NCDMF offices.

> State of North Carolina | Division of Marine Fisheries 3441 Arendell Street | PO Box 769 | Morehead City, NC 28557 Covid19relief@ncdenr.gov 252-503-3091



STATE OF NORTH CAROLINA – DIVISION OF MARINE FISHERIES NC Consolidated Appropriations Act Fisheries Relief Program (CARES Act II) Application

SECTION 1: PRELIMINARY INFORMATION - ALL APPLICANTS MUST COMPLETE THIS SECTION

Legal Name: (Last, First, Middle-Suffix)				
Residential Mailing Address:	Residential Physical Address: Check if same as mailing address []			
Business Mailing Address:	Business Pl	Business Physical Address:		
Check if N/A []		me as mailing address []		
Date of Birth (MM/DD/YYYY):	Please list all active out-of-state of federal licenses own, as well as the corresponding license number:		ou	
Please provide the following, all that apply:	Please list all active NCDMF-issued licenses/permit own:		you	
Cell phone number	Type License/Permit Number			
Home phone number				
Business phone number				
Email address				
Which category will you be applying for CARES Act II relie	ef through? (ON	ILY CHOOSE ONE CATEGORY)		
Commercial Fisherman or Marine Aquaculture Op	peration			
Seafood Dealer or Processor				
For-Hire Operation (Proceed to Section 2)				
Are you using NCMDF TT data or are you supplying your own documentation? (Please Circle) For-hire operators and seafood processors must provide own documentation.	NCDMF T	T Data Own Documentatio	'n	

Page 2



STATE OF NORTH CAROLINA – DIVISION OF MARINE FISHERIES NC Consolidated Appropriations Act Fisheries Relief Program (CARES Act II) Application

SECTION 2: SUPPORTING DOCUMENTATION

Required by <u>ALL</u> applicants:

- Copy of current North Carolina Driver's License or North Carolina-issued identification
- Copies of business permits or licenses issued by government agencies outside of NCDMF showing the physical location of the processor in North Carolina
- Copies of any corporation, limited liability, registered 'doing business as' or other legal documentation showing the
 physical location of the processor in North Carolina

Required by applicants providing SELF-REPORTED VALUES and their OWN DOCUMENTATION*:

- Copy of out-of-state or federal commercial fishing licenses or permits if reporting out-of-state landings
- Supporting revenue documentation:
 - Personal Trip Tickets showing actual prices
 - Receipts
 - o Invoices
 - Accounting software reports (e.g. QuickBooks)
 - Calendars with for-hire trip dates and prices
 - Bank Statements for business accounts
 - Profit-Loss Statements

*If you are a commercial fisherman or seafood dealer and do not provide your own revenue documentation, you are accepting the information NCDMF has on record in the Trip Ticket Database as your supporting documentation. If you are a seafood processor without a NC seafood dealer permit or a for-hire operation and do not provide your own revenue documentation, you will be denied.

(A) \$				
	-tax revenue from comme – 2019, in the spaces belo		for the time period of N	larch 1 – December 31 for
2015 (B)	2016 (C)	2017 (D)	2018 (E)	2019 (F)
\$	\$	\$	\$	\$
Act II, Section 12 estimate you co	005 assistance, and other uld receive from this progr	relief programs in the CA am and not be made mo	RES Act, what is the ma re than 100% whole, as	e for 2020, including CARES ximum amount of money yo described in the attached unt that you receive from th

Thank you for completing the NC Consolidated Appropriations Act Fisheries Relief Program (CARES Act II) Application! You will be contacted by NCDMF staff to notify you of your status in this relief program once your application has been reviewed.

Page 3



STATE OF NORTH CAROLINA – DIVISION OF MARINE FISHERIES NC Consolidated Appropriations Act Fisheries Relief Program (CARES Act II) Self-Certification and Assurances (Affidavit)

[1	hereby requests federal assistance from the
Last Name,	First Name	MI	
Department of Commerce	National Oceanic and	Atmospheric Ac	Iministration National Marine Fisheries Servi

Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service; through the Atlantic States Marine Fisheries Commission.

As the Organization's Authorized Representative, I self-certify and attest that (please initial each statement below):

	This organization is a Fishery Participant that is an eligible recipient of assistance under the Consolidated
	Appropriations Act (P.L. 116-260) Division M.
	Direct payments will not be directed to minors.
	Funds will not be used to compensate state, local, or tribal governments for lost municipal or government tax
	revenue.
	Funds will be used to address fishery-related direct or indirect losses or subsistence/cultural/ceremonial
	impacts.
	The Fishery Participant applying for assistance is: (initial only if all statements below are true)
	not de-barred
	 not on the government's "do not pay" list in good standing with the Federal and State Government
	· In good standing with the rederal and state dovernment
	The Fishery Participant is aware that direct payments are taxable and may potentially be subject to federal
	auditing processes.
201-20	The Fishery Participant verifies that all information submitted in the application, affidavit, and supporting
	documentation is true, accurate, and complete.
	The Fishery Participant understands that the combination of financial assistance from section 12005 of the
	CARES Act, other programs in the CARES Act, CARES Act II, and the Fishery Participant's traditional revenue earnings in 2020 must not exceed the Fishery Participant's total average annual revenue from the previous
	five years, or the time-period the Fishery Participant held a license if the Fishery Participant has been in
	business for less than five years, thus making the Fishery Participant "more than whole" in annual revenue as
	a result of this relief program.
	The Fishery Participant understands that they may be required to pay back some or all the relief monies
	received if the Fishery Participant's total earnings from the sources described above exceeds the Fishery
	Participant's five-year average earning from 2015-2019.
2-2	If applying as a commercial fisherman or seafood dealer, the Fishery Participant agrees to use North Carolina
	Trip Ticket data if they fail to provide supporting revenue documentation (profit-loss statements, invoices,
	receipts, etc.).
<u>s - 8</u>	If applying as a or a seafood processor without a NC seafood dealer permit or a for-hire operation, the
	Fishery Participant understands they will be denied if they fail to provide supporting revenue documentation
	(calendars, profit-loss statements, bank statements, etc.).
	State of North Carolina Division of Marine Fisheries
	3441 Arendell Street PO Box 769 Morehead City, NC 28557 Covid19relief@ncdenr.gov 252-503-3091
	COMPTAGENERIC CONTRACTOR COMPT



STATE OF NORTH CAROLINA – DIVISION OF MARINE FISHERIES NC Consolidated Appropriations Act Fisheries Relief Program (CARES Act II) Self-Certification and Assurances (Affidavit)

Should the fishery participant receive assistance to mitigate the effects of the novel coronavirus (COVID-19) as allowed under Division M of the Consolidated Appropriations Act of 2021, the sum of these funds combined with any additional COVID-19 related federal financial assistance and/or any traditional revenue will not exceed the average revenue earned across the previous five years.

Should the fishery participant receive assistance to mitigate the effects of the novel coronavirus (COVID-19) as allowed under Division M of the Consolidated Appropriations Act of 2021, other financial assistance received will not be used to support or fund any portion of the scope of work incorporated into the NC CARES Act Fisheries Relief Program. Department of Commerce will not pay for costs that are funded by other sources.

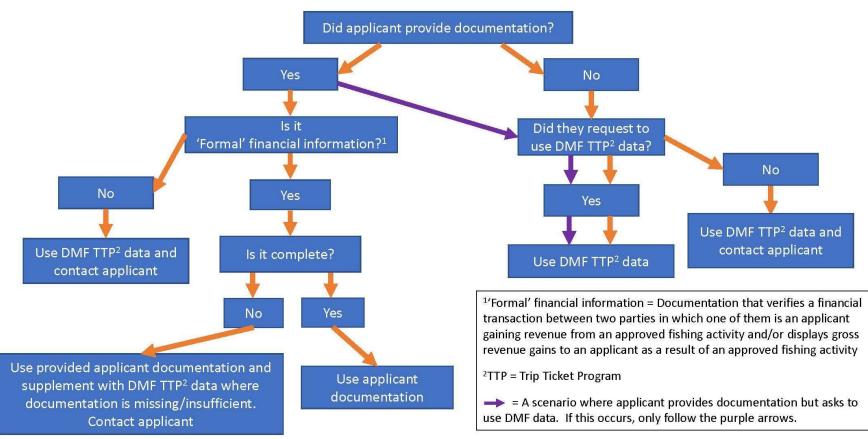
By signing this affidavit and applying for assistance as allowable under P.L. 116-260 the Fishery Participant attests to having documentation/records to support the losses recorded on this form, and that were used as the basis of eligibility. Further, the eligible Fishery Participant agrees to maintain these records for a period of no less than 3 years after the close of the primary grant award to North Carolina Division of Marine Fisheries. Records must be made available upon request from the primary grantee, state/territory, NOAA, or the Office of the Inspector General.

This form must accompany the application to be considered as a valid applicant, as allowable under P.L. 116-260 division M. Applications, affidavits, and other required documentation must be delivered in person to the NCDMF Headquarters Office located in Morehead City or postmarked by [Insert Date]. Applications and supporting documentation cannot be submitted to other NCDMF offices. Applications and supporting documentation that are submitted after [Insert Date] will not be considered. Incomplete applications will not be considered. Applications that cover periods of time outside of the eligibility period identified on the application documentation will not be considered.

All information provided on this document is true, accurate, and complete.

Authorized Representative/Fisherie	es Participant Signature Date	
Last Name,	First Name	MI
Authorized Representative (Please I	Print)	

Documentation Flow Chart



Documentation Hierarchy

Source	Type of Documentation	Level of Acceptance]
3 rd Party	Trip Tickets	Very High	Formal
3 rd Party	Bank Statements	High	
3 rd Party	Receipts	High	These documents should generally be considered 'formal' because they verify a
Business Software	Logbooks	High	financial transaction between two parties in which one of them is an applicant gaining revenue from an
Business Software	Profit-Loss statements	High	 approved fishing activity and/or display gross revenue gains to an applicant as a result of an approved fishing activity. If
3 rd Party	Transaction Reports	High	these documents do not verify either of these statements, then their acceptance
3 rd Party	Deposit Slips	High	level would drop to medium or low.
3 rd Party	Invoices	High	
3 rd Party	Tax Forms	Medium	
3 rd Party	Calendar of Appointments	Medium	These documents could either be 'formal' or 'informal' and should be discussed.
3 rd Party	Summary Sheets	Medium	If the applicant does not provide their own
DMF	DMF Trip Ticket Program (TTP)		documentation, or the level of acceptance
Personal	Basic Spreadsheets	Low	is low, DMF TTP data is used. These documents are considered
Personal	Handwritten Calculations	Low	'informal' and should not be considered unless provided in conjunction with
Personal	Calendar of Appointments	Low	other documentation.

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Appendix H



ROY COOPER Governor JOHN NICHOLSON Interim Secretary KATHY B. RAWLS

Director

Date

Name Address 1 Address 2 City, State ZIP

RE: CARES Act II Application Approval

Dear,

Thank you for submitting your application to the North Carolina Consolidated Appropriation Act Fisheries Relief Program (CARES Act II) through the North Carolina Division of Marine Fisheries (NCDMF). After careful review of your application, the Review Committee has determined that you qualify for CARES Act II relief funds with this program. Please be patient while waiting for your check to arrive. Determination of disbursement amounts, and subsequent check writing will not be finalized until the end of the appeal process. We estimate that you will receive relief in [insert date].

If you have any questions about the program, you may send an email to covid19relief@ncdenr.gov or call NCDMF staff in Morehead City, N.C. at (252) 503-3091 or 1-800-682-2632 (toll-free in N.C. only).

Sincerely,

Kathy Rawls Director

> State of North Carolina | Division of Marine Fisheries 3441 Arendell Street | P.O. Box 769 | Morehead City, North Carolina 28557 252-726-7021



ROY COOPER

JOHN NICHOLSON Interim Secretary

KATHY B. RAWLS Director

Date

Name Address 1 Address 2 City, State ZIP

RE: CARES Act II Application Denial and Appeal Process

Dear,

Thank you for submitting your application to the North Carolina Consolidated Appropriations Act Fisheries Relief Program (CARES Act II) through the North Carolina Division of Marine Fisheries (NCDMF). After careful review of your application, the Review Committee has determined that you do not qualify for CARES Act II relief funds with this program. This determination was made based on the documentation you provided, along with any documentation NCDMF had on file. Specifically, you did not qualify due to the following reason(s):

Under 18 years of age
 Invalid or suspended license/permits

- Incomplete application/missing
 - documentation

- Nonresident of North Carolina
- Failed to prove 35% loss for March -
- May 2020
- Other

Additional Comments:

If you would like to appeal this determination, you must send an appeal letter, along with additional documentation to supplement any missing or inadequate information. The appeal letter and documentation must be either postmarked or put in the Trip Ticket drop-box outside of the NCDMF Headquarters office within two weeks of receiving and signing for this certified denial letter. Please note, if you do not submit your appeal within two weeks of signing, or you do not sign for the denial letter within two weeks of it being sent, your appeal will not be considered. NCDMF will review your appeal and make the final determination on eligibility within 90 days of receiving the appeal. NCDMF will notify you of its final disposition of the appeal via a phone call followed-up by a letter. NCDMF's appeal determination will be final, and no other appeals can be made.

If you have any questions about the program, you may send an email to covid19relief@ncdenr.gov or call NCDMF staff in Morehead City, N.C. at (252) 503-3091 or 1-800-682-2632 (toll-free in N.C. only).

Sincerely,

Kathy Rawls Director

> State of North Carolina | Division of Marine Fisheries 3441 Arendell Street | P.O. 8ox 769 | Morchead City, North Carolina 28557 252-726r-7021



ROY COOPER

JOHN NICHOLSON Interim Secretary

KATHY B. RAWLS

Date

Name Address 1 Address 2 City, State ZIP

RE: CARES Act II Application - Appeal Approval

Dear,

Thank you for submitting your appeal of the initial denial of your application for the North Carolina Consolidated Appropriations Act Fisheries Relief Program (CARES Act II) through the North Carolina Division of Marine Fisheries (NCDMF). After careful review of your appeal, the Review Committee has made a final determination that you qualify for CARES Act II relief funds under this program. Please be patient while waiting for your check to arrive. Determination of disbursement amounts, and subsequent check writing will not be finalized until the end of the appeal process. We estimate that you will receive relief in [insert date].

If you have any questions about the program, you may send an email to covid19relief@ncdenr.gov or call NCDMF staff in Morehead City, N.C. at (252) 503-3091 or 1-800-682-2632 (toll-free in N.C. only).

Sincerely,

Kathy Rawls Director

> State of North Carolina | Division of Marine Fisheries 3441 Arendell Street | P.O. Box 769 | Morchead City, North Carolina 28557 252-726-7021



ROY COOPER Governor

JOHN NICHOLSON Interim Secretary

KATHY B. RAWLS

Date

Name Address 1 Address 2 City, State ZIP

RE: CARES Act II Application Denial Determination

Dear ,

Thank you for submitting your appeal of the initial denial of your application for the North Carolina Consolidated Appropriations Act Fisheries Relief Program (CARES Act II) through the North Carolina Division of Marine Fisheries (NCDMF). After careful review of your appeal, the Review Committee has made a final determination that you do not qualify for CARES Act II relief funds with this program. This determination was made based on the documentation you provided, along with any documentation NCDMF had on file. Specifically, you did not qualify due to the following reason(s):

- Under 18 years of age
- □ Invalid or suspended license/permits
- Incomplete application/missing
- documentation

 Nonresident of North Carolina
 Failed to prove 35% loss for March – May 2020
 Other

Additional Comments:

No other appeals can be made at this time as NCDMF appeal determinations are final. Please do not attempt to provide any further evidence for your case, as it will not be considered.

If you have any questions about the program, you may send an email to covid19relief@ncdenr.gov or call NCDMF staff in Morehead City, N.C. at (252) 503-3091 or 1-800-682-2632 (toll-free in N.C. only).

Sincerely,

Kathy Rawls Director

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