Justification for Emergency Regulation

EMERGENCY REGULATIONS GOVERNING THE ADMINISTRATION OF ADDITIONAL FEDERAL FISHERIES DISASTER RELIEF FUNDING PROVIDED TO THE STATE OF RHODE ISLAND UNDER THE CONSOLIDATED APPROPRIATIONS ACT OF 2021

250-RICR-90-00-25

On December 27, 2020, the President signed into law the Consolidated Appropriations Act of 2021, or the CAA, as P.L. 116-260.

Division M of the CAA authorizes the Secretary of Commerce to provide $300 million in appropriated fisheries disaster assistance funds for activities previously authorized under section 12005 of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136, aka the CARES Act), namely, to assist fishery participants affected by COVID-19, which may include direct payments. It defines fishery participants as Tribes, persons, fishing communities, aquaculture businesses, processors, or other fishing-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 their prior 5-year average revenue, or any negative impacts to subsistence, cultural or ceremonial fisheries.

Rhode Island was initially allocated $3,000,000. That amount was subsequently reduced to $2,959,612 to account for administrative fees assessed by NOAA Fisheries and the ASMFC for the allocation and distribution of funding.

Consistent with the provisions of the CAA and the associated guidance provided by NOAA Fisheries, the Department initiated a public process to develop the a spend plan for Rhode Island. The public process included a series of webinars and workshops to brief stakeholders on the program and solicit input on the development of the revised Rhode Island spend plan. A total of three workshops were held on April 28, June 1, and June 16, 2021.

On August 2, 2021, NOAA Fisheries granted final approval to the Rhode Island spend plan. The State of Rhode Island carried out the spend plan actions in 2021 and 2022, with payments going out to industry participants in 2022.

On February 15, 2023, NOAA Fisheries reallocated remaining funds under the CAA and Rhode Island was allocated an additional $985,375.

On May 17, 2023, NOAA Fisheries granted final approval to the amended CAA Rhode Island spend plan. Within this spend plan, $255,549 was allocated to seafood marketing efforts in Rhode Island and the remaining $729,826 was allocated to distribution to fisheries participants whose needs were not met with the original $2,959,612 allocation.

These emergency regulations operationalize the process of disbursing Rhode Island's additional $985,375 allocation under the Consolidated Appropriations Act of 2021 (P.L. 116-260 (H.R. 133, Division M)), consistent with the provisions of the Act, the guidance provided by NOAA Fisheries, and the approved Rhode Island spend plan.

The State of Rhode Island has until July 31, 2023 to disperse the full $585,375 to eligible fishery participants in the commercial fishing and seafood processing/wholesaling sectors.