



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910

November 6, 2023

The Honorable Kay Ivey
Governor of Alabama
State Capitol
Montgomery, AL 36130

Dear Governor Ivey:

Thank you for your letter requesting a fishery resource disaster determination under Magnuson-Stevens Fishery Conservation and Management Act (MSA) Section 312(a) for Alabama shrimp fisheries due to the effects of market fluctuations and U.S. shrimp import tariff policies. I am responding on behalf of the Secretary of Commerce to acknowledge receipt of your request and to inform you that the Fishery Resource Disasters Improvement Act, which was passed in the Consolidated Appropriations Act of 2023, has amended the MSA, thereby outlining eligibility requirements for a fishery resource disaster determination.

The National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) conducts the evaluation needed for the Secretary's fishery resource disaster determinations. Specifically, the following requirements must be met in order for the Secretary to make a positive fishery resource disaster determination: 1) the cause for a *fishery resource disaster*¹ must be an *allowable cause* under the MSA; and 2) there must be an *economic or subsistence impact* stemming from the fishery resource disaster that supports a determination of a fishery resource disaster under MSA Section 312(a). The MSA requires that a fishery resource disaster must be a result of a natural cause, discrete anthropogenic cause, or undetermined cause, including a cause that occurred not more than 5 years prior to the date of a request for a fishery resource disaster determination that affected such applicable fishery.² In this instance, because the resource exists and is accessible, and the decision not to fish (i.e., not to access the resource) is based on economic factors, rather than inaccessibility of the resource, the allowable cause criteria for a fishery resource disaster are not satisfied.

Thus, based on our review, your request is ineligible for a fishery resource disaster determination. However, if you have additional information that addresses an allowable cause, please submit it to our Southeast Region Point of Contact, Mike Travis, at mike.travis@noaa.gov. The State of Alabama has up to 1 year from the date of this

¹ Fishery resource disaster means a disaster that is determined by the Secretary as follows: due to an unexpected, large decrease in fish stock biomass or other change that results in significant loss of access to the fishery resource, which may include loss of fishing vessels and gear, for a substantial period of time, and results in significant revenue loss or negative subsistence impact due to an allowable cause; but does not include reasonably predictable, foreseeable, and recurrent fishery cyclical variations in species distribution or stock abundance; or reductions in fishing opportunities resulting from conservation and management measures taken pursuant to the MSA.

² An anthropogenic cause means an anthropogenic event, such as an oil spill or spillway opening that could not have been addressed or prevented by fishery management measures; and that is otherwise beyond the control of fishery managers to mitigate through conservation and management measures, including regulatory restrictions imposed as a result of judicial action or to protect human health or animals, plants, or habitats.



acknowledgment letter, November 6, 2023 to submit all information required to deem a fishery resource disaster request complete under MSA Section 312(a).

Please note, eligible businesses and other entities may be able to access other loan/funding programs through other federal relief programs (e.g., Small Business Administration loans). Programs within the Department of Commerce (e.g., Economic Development Administration grants) may also be available.

If you have any questions, please contact Makeda Okolo, Director of NOAA's Office of Legislative and Intergovernmental Affairs, at Makeda.Okolo@noaa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Janet Coit".

Janet Coit
Assistant Administrator
for Fisheries