

**NJDEP Division of Fish and Wildlife
Marine Fisheries Administration**

**CARES Act Fisheries Assistance Program
Frequently Asked Questions (FAQ)**

1. Who is eligible?

From the CARES Act, “Tribes, persons, fishing communities, aquaculture businesses not otherwise eligible for [USDA] assistance under part 1416 of title 7CFR for losses related to COVID–19, processors, or other fishery-related businesses, who have incurred, as a direct or indirect result of the coronavirus pandemic”

In other words, commercial fisheries, aquaculture, for-hire fisheries, processors, commercial fish/shellfish dealers/wholesalers, and manufacturers are eligible to receive assistance.

There is a caveat that aquaculture businesses that can receive emergency agricultural disaster assistance through the USDA Farm Service Agency would not be eligible (7CFR part 1416). Aquaculture businesses should contact their county Farm Service Agency office to speak with them about their Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish Program (also known as ELAP) before applying for fisheries assistance through the Marine Fisheries Administration (MFA).

Businesses farther down the supply chain – including vessel repair businesses, restaurants, and seafood retailers are not considered “fishery-related businesses” and are not eligible for assistance.

In order to be approved for assistance, applicants must have incurred an eligible loss.

2. What counts as an eligible loss?

An eligible loss is any fisheries-related economic revenue losses greater than 35% between March 1, 2020 through June 30, 2020 as compared to the prior 5-year average revenue history of the same time period.

All applicants will be required to provide their fishery-related revenue from March 1, 2020 through June 30, 2020 for each sector in which they are applying. In addition, they will also need to provide their fishery-related revenue history from March 1 through June 30 for the previous five years (2015-2019). Applicants will be eligible for support if their 2020 revenue shows a greater than 35% loss over the previous five-year average. Applicants are required to have at least 1 year of revenue history in order to be eligible for payment.

An applicant will be required to report revenue data for all years in which the entity existed, even if the business was not active. Inactive years will still be used to calculate revenue loss, so long as the entity existed. All years in which the business was not active and had no revenue, but the entity existed, the total revenue that must be used is \$0. An applicant does not have to include prior year revenue in their calculation if their business did not yet exist. Revenue must be broken down per sector. All sectors that show a greater than 35% revenue loss compared to the prior 5-year average revenue will be eligible for payment. The sectors are broken down as follows:

1. Commercial
 - a. includes aquaculture
2. Recreational
 - a. For-Hire
 - b. Bait & Tackle Shops
3. Dealers & Processors

3. How do I apply for CARES Act funds?

The MFA is currently working on developing an application process for CARES Act assistance. Before the application process is made available to the public, it must first be approved through the National Marine Fisheries Service (NMFS) and The Atlantic States Marine Fisheries Council (ASMFC).

Once MFA has an approved spend plan, the online application will be launched through New Jersey’s SAGE (E-Grants) site. More information will be provided on creating a SAGE User account. More information on creating your online portal and applying for assistance will be made available once MFA has an approved spend plan. If you would like to create your online portal in advance of the opening of the application, new users can register [here](#).

4. In the instance that someone fishes in NJ but resides in another state, will they be given money from NJ or the state in which they reside?

Fishery participants will only be able to apply and receive funding through their state/territory of residence.

5. How long will it take to receive funding?

There are many steps that need to occur before fishery participants will receive funding. First, New Jersey’s MFA must develop a spend plan and application process in accordance with the CARES Act and NOAA’s guidance. MFA is working as fast as possible to develop this process and get it approved in order to begin accepting applications.

The application period to apply for funding will be 30 days. Payments will be issued after all applications are processed, timing will depend on the volume of applications.

6. Will approved applicants receive the same amount of assistance or will the amount differ depending on the loss? Who determines the amount?

The MFA is currently developing an application process and spend plan for the allocation of direct payments to applicants. MFA intends to scale payments based on the total dollar amount of revenue lost per sector. The actual amount of funding to be received per applicant will not be available until the application period closes and will be based on the number of approved applicants and the total revenue lost per sector. The distribution of funding per sector is as follows:

Sector Type	Percentage
Commercial & Aquaculture	55%
Recreational Fishery	10%
Processors & Dealers	35%

The allocation of funding per sector is based on NOAA's calculations for allocating money to the State of New Jersey.

Once MFA has an approved spend plan and application process, more information on direct payments will be provided.

MFA worked closely with the NJ Marine Fisheries Council and Shellfish Councils to develop their spend plan and application.

7. Why can't the state take my information to contact me when more information is available?

Unfortunately, New Jersey's MFA does not have the capacity to take contact information for every individual interested in the Fisheries Assistance Program and reach back out to them all directly as new information becomes available. We expect thousands of businesses to apply to this program. However, getting information out to the public once MFA has an approved application and spend plan is a top priority. MFA will update information as it becomes available on this web page:

www.njfishandwildlfe.com/saltwater.htm#cares

8. Can you explain the application process?

The application process will be made available online through New Jersey's SAGE (E-Grants) Portal. The application period will be 30 days and no applications will be accepted after the posted closing date.

Applicants will apply for eligible losses in every sector for which they participate. The sectors are as follows:

1. Commercial
 - a. includes aquaculture
2. Recreational
 - a. For-Hire
 - b. Bait & Tackle Shops
3. Dealers & Processors

All applicants will be required to provide their fishery-related revenue from March 1, 2020 through June 30, 2020 for each sector in which they are applying. This revenue must be broken out per sector. In addition, they will also need to provide their fishery-related revenue history from March 1 through June 30 for the previous five years (2015-2019) for each sector. Applicants will be eligible for support if their 2020 revenue shows a greater than 35% loss over the previous five-year average. Applicants are required to have at least 1 year of revenue history in order to be eligible for payment.

An applicant will be required to report revenue data for all years in which the entity existed, even if the business was not active. Inactive years will still be used to calculate revenue loss, so long as the entity existed. All years in which the business was not active and had no revenue, but the entity existed, the total revenue that must be used is \$0. An applicant only does not have to include prior year revenue in their calculation if their business did not yet exist.

For example, if an entity was created in 2010 but was not active in the years 2016 and 2017, they will have to report their revenue for those years as \$0. Their application may look something like this:

2015: \$100,000
2016: \$0
2017: \$0
2018: \$150,000
2019: \$110,000
2020: \$75,000

The calculation in this example will look like this: $(100,000+0+0+150,000+110,000)/5= \$72,000$ average revenue. In this example the entity would not qualify for a payment because their revenue from March 1 through June 30, 2020 totaling 75,000 was not a 35% loss compared to their average 5-year revenue history for the same time period totaling \$72,000.

Revenue must be broken down per sector. All sectors that show a greater than 35% revenue loss compared to the prior 5-year average revenue will be eligible for payment.

Applicants will also be required to provide information on all COVID-19 related monetary assistance that has been received.

Applicants must not be made more than whole for their losses seen between March 1 through June 30, 2020 over the course of 2020. Applicants will be required to provide an estimate of their total expected revenue for 2020. Applicants who expect to be made more than whole by December 31st, 2020 should note that if they are made more than whole they are required to return the excess money to ASMFC. Applicants are solely responsible for determining if they have been made more than whole.

In addition to meeting loss eligible requirements, applicants will answer a series of questions to determine if they meet all licensing and permitting requirements. Applicants should have handy any permit and license numbers while filling out the application. Here is a breakdown of required permits and licenses per sector:

Commercial Fishery Sector:

- Must be a resident of New Jersey
- Must have a current valid 2020 New Jersey commercial harvesting license if operating out of state waters
- Must have had a valid New Jersey commercial harvesting license for at least one year between 2015 and 2019 if operating out of state waters
- Must have a valid 2020 Federal Fishing license if operating out of federal waters

Aquaculture (within Commercial Sector):

- Must be resident of the State of New Jersey
- Must have a current valid 2020 New Jersey commercial shellfish license
- Must have had a valid commercial harvesting license for at least one year between 2015 and 2019
- Must have a valid 2020 New Jersey aquaculture permit from Bureau of Marine Water Monitoring
- Must have had a valid aquaculture permit for at least one other year between 2017 and 2019

Recreational Fishery Sector:

For-Hire

- Must be a resident of the State of New Jersey
- Must have 2020 New Jersey saltwater registration for vessel
- Must have had a New Jersey saltwater registration for the vessel for at least one year between 2015 and 2019
- Must be owner of the business

Bait Shops:

- Business must be physically located in the State of New Jersey
- Must be registered as a business with the State of New Jersey
- Must meet the State of NJ's Small Business definition of having under 100 full-time employees
- 75% of revenue must come from saltwater bait & tackle supply sales specifically

Dealers and Processors Sector:

- Business must be physically located in the State of New Jersey
- Must hold 2020 New Jersey Department of Health license to operate a wholesale food business
- Must have held a New Jersey Department of Health license to operate a wholesale food business for at least one year between 2015 and 2019.
- If dealing federally managed species, must hold a valid 2020 Federal Dealers Permit
- If purchasing species requiring a NJ dealers permit, must hold a valid 2020 NJDFW permit(s) for them. The following species require a NJ dealers permit:
 - Summer flounder
 - Scup
 - Black sea bass
 - Menhaden
- If handling oysters, clams or mussels, business must hold a valid 2020 New Jersey Department of Health Certificate to handle oysters, clams, or mussels.

In addition, applicants must not be debarred from doing business with the State of New Jersey or the Federal government. Applications will be automatically checked against the Federal Database based on their DUNS number, as well as with the state and Federal treasury for any back taxes or child support that may be owed.

At the end of the application, applicants will electronically sign an affidavit stating that all the information on their application is correct and that they are subject to additional review and audit. All applicants must have documented proof available for review by MFA of all information provided on their application for assistance, and if requested, they must provide it to MFA. If an applicant refuses to provide documented proof or is found to have knowingly acted in bad-faith and provided falsified or inaccurate information, they will be denied assistance. If the application has already received the assistance, they will be required to pay back in full all funding that was received and may be subject to additional penalties.

Applicants will be notified at the time of submission if they meet all eligibility requirements. If the online application determines that they have not met these requirements, their application will be sent for a manual review by MFA staff. Applicants will be notified via their online portal once the manual review is complete. If it is determined that they do not meet eligibility requirements after the manual review, applicants will be provided with an appeal form. The appeal form must be submitted within 5 days.

Approved eligible applicants can expect to receive payment within 14 days of the application close date.

9. Since the allocation of money will be based on lost revenue and not predicted, will boats need to wait until this is over to apply? If they are in need of the money, will they be able to add a supplemental addition down the line?

The eligible loss for this payment is based on lost revenue during the time period between March 1, 2020 and June 30, 2020. If additional money is allocated from NOAA to the States for Covid-19 fishery assistance then an additional application period for revenue loss after June 30, 2020 will be opened up. At this point, no additional money has been made available for losses after June 30.

10. What will happen to new businesses that have no previous record to indicate lost revenue?

Applicants must have at least 1 year of revenue history in order to be eligible to receive assistance. Any new businesses that began operation in 2020 and do not have prior revenue history between the months of March 1st and June 30th will not qualify for receive payment.

11. Am I allowed to apply for/receive multiple sources of relief funding?

Businesses can apply to multiple sources of relief funding. However, a business cannot receive a total combined benefit amount that exceeds their total losses. In other words, a business cannot be made more than whole. In order to ensure that fishery participants are not being made more than whole, they should not apply to other assistance programs to address the same impacts resulting from COVID-19. The different programs that participants apply for should all address different impact of COVID-19.

All applicants will be required to provide MFA a list of any COVID-19 related funding that they have received or expect to receive. In addition, applicants will be required to provide MFA with their estimated total revenue for the entirety of 2020. Applicants who expect to be made more than whole by December 31st, 2020 must note that if they are made more than whole they are required to return the excess money to ASMFC.

Applicants will be required to sign an affidavit stating that all information they provide on their application is true, to the best of their knowledge, and has been made in good faith. All applications will be subject to audit.

If you have any specific questions about where a program that you have received funding for counts against being made more than whole, please reach out to the MFA at 609-748-2020 or to reach us by email at njfisheriesaid@dep.nj.gov

12. Can aquaculture businesses receive assistance through the Department of Agriculture and the New Jersey Marine Fisheries Administration?

Yes, like other businesses, aquaculture business can receive assistance through multiple programs so long as they are not made more than whole by the assistance. However, the CARES Act section 12005 specifically states the following, “aquaculture businesses not otherwise eligible for assistance under part 1416 of title 7 of the Code of Federal Regulations (7CFR part 1416) for losses related to COVID-19” are eligible for fisheries assistance through the CARES Act.

7 CFR part 1416 refers for the USDA Farm Service Agency Emergency Agricultural Disaster Assistance Programs. Aquaculture businesses who are eligible to receive assistance through these disaster programs will not be eligible. Before applying for fisheries assistance through the MFA, aquaculture businesses should contact their county Farm Service Agency office to first determine if they are eligible to receive any assistance through them for COVID-19 related losses.

Applying to other USDA programs does not automatically disqualify aquaculture businesses from receiving assistance through MFA. They may receive assistance through both programs – as well as others- so long as the total benefit received does not exceed the total business losses. In order to ensure that fishery participants are not being made more than whole, they should not apply to other assistance programs to address the same impacts resulting from COVID-19. The different programs that participants apply for should all address different impacts of COVID-19.

A new Seafood Trade Relief Program was also announced by the USDA in September 2020 and applicants may also apply for funding through this program. This is for all commercial fishing businesses and not just aquaculture businesses. More information can be found [here](#).

13. What are some other programs that may be available to me?

Here is a list of helpful links to other assistance programs:

- USDA Seafood Trade Relief Program
 - www.usda.gov/media/press-releases/2020/09/09/usda-supports-us-seafood-industry-impacted-retaliatory-tariffs
- CARES Act – USDA Seafood Purchasing Program
 - www.seafoodsource.com/news/supply-trade/usda-to-spend-usd-70-million-in-covid-19-relief-funds-on-domestic-seafood
- Paycheck Protection Program
 - www.sba.gov/funding-programs/loans/coronavirus-relief-options/paycheck-protection-program
- SBA Economic Injury Disaster Loans (EIDL) & Advance
 - www.sba.gov/sites/default/files/articles/EIDL_Information_and_Documentation_-_3-25-2020_FINAL.pdf
- SBA Debt Relief
 - www.schatz.senate.gov/coronavirus/small-businesses/sba-debt-relief-program
- Reemployment Assistance
 - <https://myunemployment.nj.gov/before/about/howtoapply/callrcc.shtml>
- CARES Act Economic Impact Payments
 - www.irs.gov/newsroom/economic-impact-payments-what-you-need-to-know
- IRS Employee Protection Credit
 - www.irs.gov/newsroom/irs-employee-retention-credit-available-for-many-businesses-financially-impacted-by-covid-19
- USDA Disaster Assistance – Aquaculture Only
 - Programs - www.fsa.usda.gov/programs-and-services/disaster-assistance-program/

14. Will I have to pay back the funding that I receive for this program?

Any direct payments that are received through this program will not need to be paid back.

The only exception is if it is later discovered that falsified information was provided on an application that resulted in payment that should not have otherwise been received.

15. What else is the State of New Jersey doing to assist the fishing industry at this time?

Due to the COVID-19 pandemic and its economic impacts on New Jersey's local seafood industry, the DEP Division of Fish and Wildlife, in collaboration with New Jersey Department of Agriculture, Rutgers Cooperative Extension and NJ Sea Grant Consortium has developed the Support NJ Seafood Story Map. This site provides locations of seafood retail markets, wholesale distributors, delivery or pick-up businesses, and restaurants that sell seafood products that have been landed, grown or harvested in New Jersey and are available for sale to the public.

For more information about the Support NJ Seafood Story Map and to get your business added to the map, please visit www.njfishandwildlife.com/support_seafood_app.htm.

16. Will the spend plan be discussed at any of the Council meetings?

Yes, MFA has been in contact with the Marine Fisheries Council, the Atlantic Coast and Delaware Bay Shellfisheries Councils, and ASMFC in the development of the spend plan. In addition, the CARES Act Fisheries Assistance is on the agenda at council meetings. For more information on council meeting dates and times, please visit www.njfishandwildlife.com/mcnclmtg.htm.

17. Who can I contact if I have additional questions?

You are welcome to call the MFA at 609-748-2020 or to reach us by email at njfisheriesaid@dep.nj.gov