



**Western
Pacific
Regional
Fishery
Management
Council**

May 19, 2006

Dr. William T. Hogarth
Assistant Administrator for Fisheries
National Marine Fisheries Service, NOAA
1315 East West Highway
Silver Spring, MD 20910

Dear Bill:

In December of 2002, Guam and the Commonwealth of the Northern Mariana Islands (CNMI) were hit by Super Typhoon Pongsona, with extensive damage reported to fishing harbors, vessels, gear and shoreside facilities. Subsequently the Governors of Guam and CNMI transmitted assessment reports to the Secretary of Commerce documenting this damage and associated loss of revenues, and requesting federal assistance under the terms of Section 312 of the Magnuson-Stevens Fishery Conservation and Management Act, the Inter-jurisdictional Fisheries Act and other Acts of Congress.

To date we can find no record of any response to either of the Governors' requests, and it is unclear who is in charge of this program nationally, as well as locally. We would like to understand what happened to these requests as it was clearly the intent of Congress that assistance be provided to fishery participants and associated community members following natural disasters such as Super Typhoon Pongsona. In addition, significant time, effort and resources were spent in preparing the damage assessments. Could you please assist the Council in determining whether the requested relief funds are available and if so what further information or actions are needed to release them?

To fail to even respond to the governors for more than three years sends the unfortunate message that there is no interest in such requests from these island areas. We do not believe that this was the intent and we look forward to this matter being resolved, as well as an examination and, if necessary, revision of the current procedures that led to this lapse. Although the Western Pacific region has been spared fishery disasters on the scale of Hurricane Katrina, hopefully we have all learned a lesson regarding the need for response planning, preparation and follow-through.

Sincerely,

Kitty M. Simonds
Executive Director

JUN 19 2006



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

Ms. Kitty M. Simonds
Executive Director
Western Pacific Regional Fishery
Management Council
1164 Bishop Street
Honolulu, Hawaii 96813

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Dear Ms. Simonds:

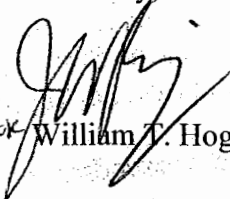
Thank you for your letter regarding Super Typhoon Pongsona and the status of the Governors' requests for federal assistance to Guam and the Commonwealth of the Northern Mariana Islands (CNMI), under the terms of Section 312 of the Magnuson-Stevens Fishery Conservation and Management Act, the Interjurisdictional Fisheries Act, and other Acts of Congress.

On April 11, 2003, the Secretary of Commerce responded to the March 1, 2003, letter from CNMI Governor Juan N. Babauta, and on April 18, 2003, the Secretary responded to the March 17, 2003, letter from Guam Governor Felix P. Camacho. The responses stated the provisions of the Magnuson-Stevens Act and the Interjurisdictional Fisheries Act, and that NOAA's National Marine Fisheries Service (NMFS) would advise the Governors of a determination under these statutes. Copies of these responses are enclosed for your information.

There appears to have been an inordinate delay in the follow-up to these responses, for which I apologize. I have asked the NMFS Pacific Islands Regional Administrator to complete an immediate review of all relevant data and make a determination as soon as possible. Subsequently, I will make a timely determination regarding whether a commercial fishery failure determination due to a fishery resource disaster can be supported at this time for this situation. To date no relief funds associated with Super Typhoon Pongsona have been appropriated by Congress.

Please be assured that NMFS is working to ensure such requests are addressed in a more timely manner in the future. I will advise you if any further information or actions are needed. I appreciate your commitment to the efforts under way to address this situation, and will immediately communicate the findings of the Pacific Islands Regional Office once a determination has been made.

Sincerely,


for William T. Hogarth, Ph.D.

Enclosures



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03-001344-C



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Juan N. Babauta
Governor

Diego T. Benavente
Lieutenant Governor

(MAR 3 : 2003

Mr. Donald L. Evans
Secretary of Commerce
U.S. Department of Commerce
Herbert Hoover Bldg. Room 5858
14th St. and Constitution Ave., N.W.
Washington, DC 20230

Dear Secretary Evans:

As you know, on December 11, 2002 President Bush declared the Commonwealth of the Northern Marianas Islands a major disaster area due to damages resulting from Super Typhoon Pongsona on December 8, 2002. The authorization of federal relief and recovery assistance for the affected island of Rota is most welcomed.

Due to the limitations imposed by the eligibility criteria for some federal relief programs, I am also requesting the federal assistance be provided under the terms of Section 312 of the Magnuson-Stevens Fishery Conservation Act, and other Acts of Congress, including the Inter-jurisdictional Fisheries Act.

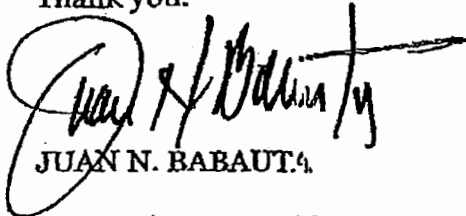
The enclosed Assessment Report prepared by the Western Pacific Fishery Management Council and my staff reveals that Rota's fishing community and associated industries suffered devastating damages resulting from Super Typhoon Pongsona. In particular, damages to shore side facilities were estimated as exceeding \$212,000, with another \$95,000 incurred in damages to and losses to merchandise. In addition, fishery participants reported over \$800,000 in damages to their vessels and related equipment. Finally, losses to industry revenues since the super typhoon were estimated to exceed \$290,000.

Consistent with the requirements of the Magnuson-Stevens Act, the complete report is being submitted for your review and consideration in extending

financial support to assist our fishery participants and other community members who sustained damages caused by Super Typhoon Pongsona.

Please contact me at your earliest convenience to discuss this urgent request.

Thank you.



JUAN N. BABAUT

cc: The Honorable George W. Bush
The Honorable Daniel Inouye
The Honorable Daniel Akaka
The Honorable Neil Abercrombie
The Honorable Ed Case
The Honorable Pedro A. Tenorio
The Honorable Madeline Bordallo
The Honorable E.F. Hunking Faleomavaega



THE SECRETARY OF COMMERCE
Washington, D.C. 20230

APR 11 2003

The Honorable Juan N. Babauta
Commonwealth of the Northern Mariana Islands
Caller Box 10007
Saipan, MP 96950

Dear Governor Babauta:

Thank you for your letter requesting assistance under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and/or the Interjurisdictional Fisheries Act (IFA) to address damages from Super Typhoon Pongsona.

Section 312(a) of the Magnuson-Stevens Act provides for a determination that a commercial fishery failure has occurred due to a fishery resource disaster. The fishery resource disaster must result from natural or undetermined causes, or man-made causes beyond the control of fisheries managers to mitigate through conservation and management measures. If a commercial fishery failure is determined, financial assistance may be provided to assess the effects of the commercial failure, or to restore the fishery or prevent a similar future failure and to assist the affected fishing community. However, the federal share of the cost of any activity cannot exceed 75 percent.

Section 308(b) of the IFA provides for grants or cooperative agreements to states determined to have been affected by a commercial fishery failure or serious disruption affecting future production due to a fishery resource disaster from natural or undetermined causes. The federal share of the cost of assistance is limited to 75 percent.

Section 308 (d) of the IFA, as amended, provides for assistance to commercial fishermen, either directly or indirectly through state and local government agencies and nonprofit organizations, to alleviate harm determined to have been caused by a fishery resource disaster arising from hurricanes or any other natural disasters. The extent, and the beginning and ending dates, of the fishery resource disaster must be determined. Appropriate limitations, terms, and conditions for receiving assistance under this subsection must be provided in a notice with the opportunity for public comment. However, there is no cost share requirement.

The National Marine Fisheries Service will analyze the information you provided, and determine whether the situation meets the conditions for a determination under any of these provisions. If a determination is made, assistance would depend on an appropriation from Congress for this purpose.

I appreciate your interest in this important issue. If you need more information please contact Brenda Becker, Assistant Secretary for Legislative and Intergovernmental Affairs, at 202-482-3663.

Sincerely,

Donald J. Evans

03-001368-C

*Office of the Governor of Guam*

Agdclup, Guam 96932

TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: gov@guam.gu

Felix Perez Camacho
*Governor*Kaleo Scott Moylan
Lieutenant Governor

March 17, 2003

Mr. Donald L. Evans
Secretary of Commerce
U.S. Department of Commerce
Herbert Hoover Bldg. Room 5858
14th St. and Constitution Ave. N.W.
Washington, DC 20230

Dear Secretary Evans:

Super-Typhoon Pongsona recently devastated Guam, causing millions of dollars in damage to all sectors of the island, including fisheries. As an island community, our economic health is tied to the marine environment and our ability to utilize its resources. While the Federal Emergency Management Agency and the Small Business Administration have provided excellent support to eligible persons and projects, these agencies have been unable to assist our domestic fishermen for a variety of reasons. Yet the fishermen have been among those most severely impacted by the super-typhoon. For this reason, I am formally requesting that disaster relief be urgently sought for our fishermen under the terms of Section 312 of the Magnuson-Stevens Fishery Conservation and Management Act and other Acts of Congress, including the Interjurisdictional Fisheries Act.

Although Guam is perhaps better known for the volume of foreign fish that is transshipped through Guam (over 11,000 metric tons during 2000), the island's domestic small-scale fishing community has been a vibrant and growing sector of our economy over the past decade. This community includes subsistence, recreational, and commercial participants, many of whom have come together to form a cooperative fishing association that provides both fishing supplies (fuel and ice) and a marketing outlet for fishery landings. In 2000, this sector reported landings of over 75,000 pounds of pelagic and bottomfish species, with total ex-vessel revenues of over \$700,000. The total impact of this fishery and its support industries on Guam's economy is unknown, but in addition to the estimated 656 fishery participants, there are known to be at least 50 fishing suppliers, charter vessel operations, fish markets, and other shoreside support industries located on Guam.

In addition to the damages and revenue losses suffered by fishery participants and support industries, the infrastructure on which these fishing activities depend was hit

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Mr. D. Evans/ Disaster Relief
3/17/03 -- Page 2

particularly severely. Guam's main commercial port and smaller marinas all suffered structural damage and must be made safe for community use.

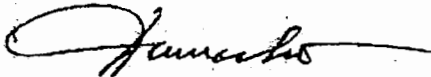
Our domestic fishery sector is comprised of subsistence, commercial, and recreational participants, fish farms and those involved in shoreside fishery support industries. The estimated total losses of \$8,962,000 include \$6,513,000 in damages and losses to buildings, merchandise, equipment, and vessels, as well as an additional \$2,449,000 in estimated revenue losses for the period from December 8, 2002 to February 28, 2003.

These estimates are based on the average losses reported by more than 100 respondents to a Fisheries Sector Rapid Damage Assessment that was jointly conducted by the Guam Bureau of Statistics and Plans and the Western Pacific Fishery Management Council (see attached).

Guam's fishing community is an important part of our economy and culture, as well as providing an important food source to community members who could not afford to buy the imported fish upon which we would have to rely if our fishery sector is unable to weather this latest setback.

Please contact me at your earliest convenience to discuss this urgent request.

Sincerely,



FELIX P. CAMACHO
I Maga'lahañ Guåhan
Governor of Guam

attachment

cc: President George W. Bush
Senator Daniel Inouye
Senator Daniel Akaka
Representative Neil Abercrombie
Representative Ed Case
Honorable Madeline Bordallo
Honorable Pedro Agulto Tenorio
Honorable E.F. Hunking Faleomavaega



THE SECRETARY OF COMMERCE
Washington, D.C. 20230

APR 18 2003

The Honorable Felix P. Camacho
Governor of Guam
Adelup, Guam 96932

Dear Governor Camacho:

Thank you for your letter requesting disaster relief under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and/or the Interjurisdictional Fisheries Act (IFA) to address damages from Super Typhoon Pongsona.

As you know, Section 312(a) of the Magnuson-Stevens Act provides for a determination that a commercial fishery failure has occurred due to a fishery resource disaster. The fishery resource disaster must result from natural or undetermined causes, or man-made causes beyond the control of fisheries managers to mitigate through conservation and management measures. If a commercial fishery failure is determined, financial assistance may be provided to assess the effects of the commercial failure, or to restore the fishery or prevent a similar future failure and to assist the affected fishing community. The federal share of the cost of any activity cannot exceed 75 percent.

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The National Oceanic and Atmospheric Administration's National Marine Fisheries Service is analyzing the information you provided, and will advise me on a determination under these statutes. Please be aware that, if a determination is made, assistance would require an appropriation from Congress for this purpose.

I look forward to working with you on this important issue. If you have any further questions please contact me or Brenda Becker, Assistant Secretary for Legislative and Intergovernmental Affairs, at 202-482-3663.

Sincerely,

Donald L. Evans