

SEP - 7 2006



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

THE DIRECTOR

The Honorable Benigno R. Fitial
Governor of the Commonwealth of the Mariana Islands
Saipan, MP 96950

Dear Governor Fitial:

On March 31, 2003, the former Governor of Commonwealth of the Northern Mariana Islands, the Honorable Jaun N. Babauta, submitted a letter to then Secretary of Commerce, Donald L. Evans, requesting disaster relief under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and/or the Interjurisdictional Fisheries Act (IFA) for damages resulting from Super Typhoon *Pongsona*. Recognizing that this natural disaster occurred some time ago, it is regrettable that the review of this request took so long

Section 312(a) of the MSA requires a determination that a commercial fishery failure has occurred due to a fishery resource disaster to be eligible for financial assistance. 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.

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. 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.

Based on the information provided by your office, our knowledge of events surrounding Super Typhoon *Pongsona*, and our review of the MSA and IFA qualifying criteria, I have determined that a fishery resource disaster did not occur that resulted in a commercial fisheries failure as described under Section 312(a) of the MSA or Section 308(b) or (d) of the IFA. Although this storm caused extensive damage and temporarily impacted day to day living after the storm, we did not find any evidence that the storm impacted the fishery stocks or disrupted the fishing for any extended period of time. Therefore, your request for disaster relief under the MSA and/or IFA can not be granted.

There is no formal appeal process for this decision; however, if you wish to discuss any of the findings of this response, please feel free to contact my office or William L. Robinson, Regional Administrator for NOAA's National Marine Fisheries Service Pacific Islands Region in Honolulu.

Sincerely,

A handwritten signature in black ink, appearing to read "William T. Hogarth".

William T. Hogarth, Ph.D.

THE ASSISTANT ADMINISTRATOR
FOR FISHERIES



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1315 East-West Highway
Silver Spring, Maryland 20910

THE DIRECTOR

SEP - 7 2006

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

Dear Governor Camacho:

Thank you for your March 17, 2003, letter to then Secretary of Commerce, Donald L. Evans, requesting disaster relief under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and/or the Interjurisdictional Fisheries Act (IFA) for damages resulting from Super Typhoon *Pongsona*. Recognizing that this natural disaster occurred some time ago, it is regrettable that the review of this request took so long

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Sincerely,

William T. Hogarth, Ph.D.

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