

# **COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS CARES ACT SPEND PLAN 2020**



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# **Commonwealth of the Northern Mariana Islands**

## **CARES Act Spend Plan**

### **Purpose**

To provide guidelines for the distribution and management of funds to eligible participants that were affected by the COVID-19 pandemic pursuant to the CARES Act Section 12005, and to provide guidelines that meets CARES Act reporting requirements. The methodology in the following Detailed Spend Plan, once reviewed and approved by NOAA, may be used for any future funds appropriated by Congress for the same purpose. When warranted or if necessary, the CNMI will have the flexibility to change approaches. And if Congress changes any of the parameters (e.g., 35% loss threshold, eligible entities), spend plan would have to be updated.

### **Definitions**

**Business day:** Any day except any Saturday and Sunday or any day which is a Federal or State legal holiday.

**Charter/for-hire fishing businesses:** is an entity with a valid CNMI charter/for-hire Business License and must have been in business for more than one year.

**Commercial Fishing Businesses:** fishing in which the fish harvested, either in whole or in part, enter commerce through sale, barter, or trade and has been in business of locally caught marine seafood in the CNMI for one year or more.

**Fish dealer:** is an entity who primarily sells locally caught marine seafood products. Must have a valid CNMI Business License and be in business for one year or more.

**Marine fish:** any marine aquatic species including fish and invertebrates

**Processors:** an entity who adds value to locally caught marine seafood products for resale. Must have a valid CNMI Business License and be in business for one year or more.

**Qualified aquaculture:** an entity who cultures marine fish in the CNMI. Must have a valid CNMI Business License and be in business for one year or more.

**Revenue loss:** loss of sales associated with locally caught marine seafood products within the period of eligibility compared to previous years for up to five years.

**Period of eligibility:** the period of time used to determine revenue loss due to COVID 19. The reference period for determining a greater than 35% loss of revenue loss is January 1 – July 31, 2020.

**Seafood retailer:** an entity that is an end-user such as a restaurant, fish market, or supermarket for which 25% or more of total sales for that year constitute locally caught seafood.

Subsistence fishermen: any individual who fishes primarily for noncommercial purposes to feed family and relatives. Subsistence fishing includes fishing for ceremonial and cultural purposes. If a subsistence fisherman sells, barter, or trades their fish, they are eligible to apply separately as commercial fisherman.

Wholesale fish dealer: an entity who takes possession or ownership of locally caught seafood for the purpose of re-selling.

## **Eligibility**

### **Who is eligible:**

- a) Fishing related businesses eligible for CARES Act assistance primarily include commercial fishing business, charter/for-hire fishing businesses, qualified aquaculture operations, processors, dealers and certain other fisheries related businesses.
  - i. For fishing related businesses applicant must demonstrate and provide proof of evidence that they have sustained an economic revenue loss greater than 35% during the time period between January 1 and July 31, 2020, compared to the prior 5-year average revenue.
- b) Subsistence fishermen
  - i. Subsistence fishermen must provide an affidavit indicating loss of fishing opportunity to certify the negative impact of COVID 19 compared to previous years.
  - ii. The period of loss of fishing opportunity is based on CNMI COVID-19 fishing restrictions and shutdown from March through July 2020.
- c) To be eligible to apply, applicants must be at least 18 years of age prior to the start date of eligibility.
  - i. Participants may apply to all categories which they are eligible.
- d) Eligibility extends to all residents of the CNMI that meet the age requirement, regardless of nationality or immigration status. The fisheries community in the CNMI is made up of citizens from other islands all across the Pacific in which fishing is an integral aspect of their cultural identity. To exclude participants based on citizenship will not portray an accurate picture of the loss incurred by the subsistence or commercial fishing community in the CNMI. By allowing a wider pool of applicants, DLNR-DFW will be able to illustrate and project future fishing measurements, projects, and possible regulations.

**Who is not eligible:** Businesses farther down the supply chain – including vessel repair businesses, restaurants, or seafood retailers – are not considered “fishery-related businesses” for the purposes of this funding. Bait and tackle businesses are not eligible.

## **Criteria**

- a. Commercial Business

- i. Must demonstrate revenue loss greater than 35% between January 1 and July 31, 2020 when compared to the prior five years' average per period of eligibility (January 1 and July 31).
  - ii. Businesses operating for more than one year but less than five years, the reference period will be used to calculate the average for each year of operation.
  - iii. Need to have a valid CNMI Business License or must provide affidavit in support of business operations.
  - iv. Need to provide documentation of revenue loss (Business Gross Revenue Tax documents) or an affidavit of loss (Self-certification and Assurances).
- b. Subsistence Fisherman
  - i. Must demonstrate loss of subsistence fishing opportunity. Subsistence fishing opportunity loss is defined as the number of missed fishing opportunities during the period of loss of fishing opportunity (March through July 2020) that is based on CNMI COVID-19 fishing restrictions and shutdown.
  - i. Subsistence fishermen must provide an affidavit indicating loss of fishing opportunity to certify negative impact of COVID 19 compared to previous years.
- c. Application Form
  - i. All applicants must submit a complete application form and required documents (see documentation requirements section below).
  - ii. No applications will be accepted after the published deadline. Application deadline will be published within 15 calendar days from the approval of the CNMI State Spend Plan and a notice to proceed from Pacific States Marine Fisheries Commissions (PSMFC) to begin distributing and receiving applications. Application deadline will be 90 calendar day from the published date.
  - iii. This application is for a one-time payment only.
  - iv. Separate applications must be submitted for each eligible category.

### **Payment and Distribution of Funding**

- a. Application must be reviewed by the CNMI Office of Grants Management for completeness and eligibility. Once determined complete and application period ends, all applications will be forwarded to the Pacific State Marine Fisheries Commission (PSMFC) for final approval and payment disbursement.
- b. Payments will be distributed by check from the Pacific State Marine Fisheries Commission (PSMFC) and mailed directly to the applicant within 90 calendar days after the application deadline.
- c. Any funding received through the CARES Act is subject to federal and local tax requirements. The Pacific State Marine Fisheries Commission (PSMFC) will be responsible for issuing 1099 Forms directly to the applicants.
- d. Payment will be one time only for each approved application.

## Funding Allocation

- Participants in all categories, excluding the Subsistence Category, will be paid out the total average revenue loss they experienced during the period of eligibility.
- The remaining balance of direct aid will be available to distribute equally to all eligible subsistence fishery participants.
- All inquiries and grievances will be handled by the CNMI Office of Grants Management.

## Methodology

- Revenue Loss Computation for Commercial Fishing Activities
  - Determine period of eligibility (January 01, 2020 to July 31, 2020)
  - Compute greater than 35% Revenue Loss
 
$$(A) \text{ Last year } 5 \text{ yrs ave revenue} - (B) \text{ this year's revenue} = (C) \text{ difference}$$

$$(C) \text{ Difference} \div (A) \text{ last 5 year's average revenue} = (D)$$

$$(D) \times 100 = \text{percentage revenue loss or gain}$$

### Example:

$$\begin{aligned} \$30,000 - \$17,000 &= \$13,000 \\ \$13,000 / \$30,000 &= 0.433 \\ 0.433 \times 100 &= 43.3\% \end{aligned}$$

## Revenue Loss Computation for Subsistence Fishermen

Average of 5 Years Period of Eligibility vs. COVID 19 Period Eligibility								
Year	Jan	Feb	Mar	Apr	May	Jun	July	Total
2015	\$ 7,383	\$ 11,826	\$ 14,946	\$ 14,187	\$ 9,512	\$ 13,372	\$ 11,247	\$ 82,473
2016	\$ 10,989	\$ 12,143	\$ 12,168	\$ 14,874	\$ 13,282	\$ 8,032	\$ 7,157	\$ 78,645
2017	\$ 9,800	\$ 12,628	\$ 13,652	\$ 9,471	\$ 11,912	\$ 8,777	\$ 11,666	\$ 77,906
2018	\$ 10,314	\$ 8,613	\$ 7,667	\$ 10,616	\$ 12,225	\$ 9,745	\$ 9,741	\$ 68,921
2019	\$ 11,718	\$ 11,765	\$ 13,344	\$ 10,993	\$ 13,688	\$ 11,319	\$ 13,857	\$ 86,684
	\$ 10,041	\$ 11,395	\$ 12,355	\$ 12,028	\$ 12,124	\$ 10,249	\$ 10,734	\$ 78,926
COVID 19 Period of Eligibility								
	\$ 5,459	\$ 1,784	\$ 2,901	\$ 4,446	\$ 2,067	\$ 4,203	\$ 20,860	\$ 41,720
	\$ 78,926	-	\$ 41,720	=	37,206			
	\$ 37,206	÷	\$ 78,926	=	47.14%	Eligible		
Year	Jan	Feb	Mar	Apr	May	Jun	July	Total
2015	\$ 7,383	\$ 11,826	\$ 14,946	\$ 14,187	\$ 9,512	\$ 13,372	\$ 11,247	\$ 82,473
2016	\$ 10,989	\$ 12,143	\$ 12,168	\$ 14,874	\$ 13,282	\$ 8,032	\$ 7,157	\$ 78,645
2017	\$ 9,800	\$ 12,628	\$ 13,652	\$ 9,471	\$ 11,912	\$ 8,777	\$ 11,666	\$ 77,906
2018	\$ 10,314	\$ 8,613	\$ 7,667	\$ 10,616	\$ 12,225	\$ 9,745	\$ 9,741	\$ 68,921
2019	\$ 11,718	\$ 11,765	\$ 13,344	\$ 10,993	\$ 13,688	\$ 11,319	\$ 13,857	\$ 86,684
	\$ 10,041	\$ 11,395	\$ 8,344	\$ 3,993	\$ 6,688	\$ 4,319	\$ 6,857	\$ 51,637
COVID 19 Period of Eligibility								
	\$ 10,041	\$ 11,395	\$ 8,344	\$ 3,993	\$ 6,688	\$ 4,319	\$ 6,857	\$ 51,637
	\$ 78,926	-	\$ 51,637	=	27,289			
	\$ 27,289	÷	\$ 78,926	=	34.58%	Ineligible		



## Outreach Plan

- a. Public Notice: Public outreach will commence immediately upon approval of the CNMI Spend Plan by NOAA Fisheries. No open public meetings will be held due to COVID 19 and social distancing guidelines. Public outreach will be carried out using the following mediums:
  1. Media Advertisement
    - Radio Announcement (KKMP, Power 99, Magic 100.3, Marianas Agupa radio show)
    - Television Announcement (KSPN 2 news)
  2. Public Notices
    - Local newspaper (Marianas Variety and Saipan Tribune)
  3. Social Media
    - Facebook, Instagram, WhatsApp
  4. Targeted Stakeholder
    - Local seafood dealers and fishing groups
  5. Spend Plan Quick Reference Guideline
    - Local seafood dealers and fishing groups

## Registration Process

- a. Application.
- b. Supporting documentation.
- c. Submission deadlines.
- d. Checklist.
- e. Application submission confirmation.

## Application Process

- a. Applications will become available upon approval of the CNMI Spend Plan by the NOAA Fisheries.
- b. Applications and other requirements will be made available at:
  1. Saipan (DLNR & CNMI Grants Office)
  2. Tinian (Tinian Mayor's Office)
  3. Rota (Rota Mayor's Office)
  4. Through email upon request to the CNMI Grants Office
- c. No applications will be accepted by the CNMI Office of Grants Management after midnight of the published deadline date (90 days from published date).
- d. Applicants will be notified about deficient applications. Applicants will be given 15 calendar days to address any deficiencies. Applications will be put on hold until all deficiencies are addressed. If deficiencies are not addressed within the allotted timeframe, the application will no longer be valid and be automatically cancelled.
- e. The CNMI Office of Grants Management will create, maintain, and monitor a spreadsheet to account for distributions of applications, applications received, deficiency notices, deficiency corrections, and other pertinent tracking information.
- f. The CNMI Office of Grants Management will have 15 calendar days to review all applications for completeness and to notify applicants of any deficiencies. Applicants have fifteen (15) calendar days to correct any deficiencies.
- g. Applicants have 5 calendar days to submit an appeal after being notified of their ineligibility. Applicants will need to include in their appeal the reason for the appeal



and provide supporting documents to support their appeal. Appeals received after the published appeal period date will not be reviewed or considered.

- h. The CNMI Office of Grants Management have 15 business days to review, make a final determination of the appeal and send a written notification of the appeal decision to the applicant. All applications and appeals will be entertained, determined, and resolved before any application is sent to PSMFC for review and distribution of checks.

### **Documentation Requirements**

- a. Subsistence Fishermen
  - 1. Application
  - 2. Affidavit of loss of fishing opportunities due to COVID19 government restrictions.
  - 3. Proof of ID (copy driver's license or Mayor's ID, proof of residency (billing for CUC, telephone, trash, etc. in name of applicant), birth certificate and/or passport, declaration of residency affidavit).
- b. Commercial fishing business, charter/for-hire fishing businesses, qualified aquaculture operations, processors, dealers and certain other fisheries related businesses;
  - 1. Application
  - 2. Business Gross Receipts Tax (BGRT) for period of eligibility (January 1 to July 31, 2020) and the BGRT from the previous five years OR provide affidavit in support of revenue loss.
  - 3. Proof of ID (copy driver's license or Mayor's ID, birth certificate and/or passport).

### **Submittal and Review Process**

- a. Application review will be conducted by the CNMI Office of Grants Management and reviewed pursuant to the approved CNMI Spend Plan. Information considered confidential per CNMI law will not be made available for public disclosure.
- b. Applications can be submitted in only one of two ways (application period will be open for 90 days):
  - 1. Hand delivered to the designated office(s) in Saipan, Tinian, and Rota during normal Government working hours. The CNMI Office of Grants Management is located inside the Administration Building on Capitol Hill, Saipan.
  - 2. Electronically submitted in PDF format to (email address TBD)
- c. All hand delivered applications will be stamped with a time/date receipt for each application submitted;
- d. The CNMI Office of Grants Management will be responsible for notifying applicants for application deficiencies within 15 business days of receipt.
- e. Applicants have 15 business days to correct deficiencies and re-submit;
- f. Once the CNMI Office of Grants Management certifies the applicant as eligible and their application complete, they will have five (5) days to scan and package applications before it will be sent to Pacific State Marine Fisheries Commission (PSMFC) for final review and approval. Because funding allocation will be based on proportional revenue loss within each sector, applications and supporting documents will be submitted at one time.

- g. The CNMI Office of Grants Management will be notified of approved applications and payment status by PSMFC.
- h. The PSMFC will notify applicants of the status of their applications under the CARES Act.
- i. The PSMFC will provide a list of payments made to recipients to the CNMI Office of Grants Management for reconciliation.
- j. All application concerns will be addressed by the CNMI Office of Grants Management. Appeals must be submitted in writing to the CNMI Office of Grants Management within five (5) calendar days after the published being notified of their ineligibility. The CNMI Office of Grants Management will be responsible for notifying applicants of appeal decision within 15 business days of receipt of appeal.

### **Direct Cost 2%**

The CNMI Department of Lands and Natural Resources and CNMI Office of Grants Management will develop a budget that will not exceed 2% of the total funding amount to cover administrative costs as allowed by Section 12005 of the CARES Act. See attached Budget Worksheet

### **Accomplishment Timeline Table – Upon Spend Plan approval and a notice to proceed, the following will commence within 15 business days:**

- a. Public notices initiated for radio, television, and newspapers, etc. (2 weeks)
- b. Application distribution. (80 days)
- c. Establish application deadline. (210 calendar days from the start of Application distribution)
- d. CNMI Office of Grants Management will start accepting and reviewing applications two weeks after the initial distribution of the application and will continue to accept and review applications up to the application deadline.
- e. Once Office of Grants Management reviewed all the applications for the following:
  - 1. Completeness (meets document requirements)
  - 2. Met eligibility requirements (Greater than 35% loss of revenue or negative impacts to subsistence / ceremonial)
  - 3. Determines how much each applicants will receive.
 Office of Grants Management will then package all applications and supporting documentation, and submit them to PSMFC for processing of checks.
- f. Appeals must be submitted in writing to the CNMI Office of Grants Management within five (5) business days. The CNMI Office of Grants Management will be responsible for notifying applicants of appeal decision within 15 business days of receipt of appeal.
- g. All applications and appeals will be entertained, determined, and resolved before any application is sent to PSMFC for review and distribution of checks.
- h. Pacific State Marine Fisheries Commission (PSMFC) review and make determinations on eligibility. (TBD by PSMFC)
- i. Pacific State Marine Fisheries Commission will notify CNMI Office of Grants Management of eligibility determination for payment processing.
- j. Closeout and final report will be submitted to the Pacific State Marine Fisheries Commission (PSMFC) 90 days after the grant award funding expires.

### **Reporting Requirements**

- a. Reports will be submitted pursuant to award conditions and requirements to PSMFC. Responsible party will be CNMI Grants Office.

- b. All records will be maintained for a minimum of 3 years after the close of the primary grant award to PSMFC by the CNMI Department of Lands and Natural Resources.

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## APPENDIX

### CNMI CARES ACT FUNDING DISTRIBUTION METHODOLOGY

STEP ONE: Account for Revenue Loss Per Non-Subsistence Participant				
	ELIGIBLE CATEGORIES	REVENUE LOSS	CATEGORY TOTAL LOSS	TOTAL FUNDING TO BE DISTRIBUTED TO PARTICIPANT
1	Commercial Fishermen	38.71	38.71	38.71
		38.71		38.71
	ELIGIBLE CATEGORIES	REVENUE LOSS	CATEGORY TOTAL LOSS	PERCENTAGE DISTRIBUTION
2	Charter/for Hire Fishing Business	336.00	36,652.76	336.00
3	Charter/for Hire Fishing Business	477.86	36,652.76	477.86
4	Charter/for Hire Fishing Business	447.14	36,652.76	447.14
5	Charter/for Hire Fishing Business	1,461.43	36,652.76	1,461.43
6	Charter/for Hire Fishing Business	2,657.14	36,652.76	2,657.14
7	Charter/for Hire Fishing Business	2,591.43	36,652.76	2,591.43
8	Charter/for Hire Fishing Business	640.00	36,652.76	640.00
9	Charter/for Hire Fishing Business	9,933.26	36,652.76	9,933.26
10	Charter/for Hire Fishing Business	11,599.49	36,652.76	11,599.49
11	Charter/for Hire Fishing Business	2,844.93	36,652.76	2,844.93
12	Charter/for Hire Fishing Business	464.28	36,652.76	464.28
13	Charter/for Hire Fishing Business	2,924.80	36,652.76	2,924.80
14	Charter/for Hire Fishing Business	275.00	36,652.76	275.00
		36,652.76		36,652.76

  

STEP TWO: Calculate Funding Distribution for Subsistence Participants			
ELIGIBLE CATEGORIES	NUMBER OF ELIGIBLE APPLICANTS	TOTAL AMOUNT TO BE DISTRIBUTED	FUNDING PER PARTICIPANT
Subsistence Fishermen	1153	870,076.86	754.62

#### CARES Act Funding Allocation, Direct Costs, and Available for Distribution Amongst Eligible Participants

Funding Allocation	\$ 988,803.58
-Direct Cost Rate (2% Limit)	2%
-Available for Distribution	\$ 969,219.20
-Total Direct Charges	\$ 19,584.38

**CARES Act 2% Direct Cost  
BUDGET INFORMATION**

Department : Lands & Natural Resources  
Activity :  
Program : CARES Act Budget Proposal

<b>Class Code</b>	<b>Object Classification</b>	<b>CNMI Class Code</b>	<b>Approved Budget SF-424A Class Code</b>
<b>a. Personnel</b>			
61090	Wages/Salaries - CSC	-	
61100	Wages/Salaries - Ung	11,045.76	
61110	Overtime Compensation		
		<u>11,045.76</u>	\$ 11,045.76
<b>b. Fringe Benefits</b>			
61180	Personnel Insurance	441.83	
61195	Retirement Contribution (DC)	-	
61196	FICA @ 6.2%	684.84	
61210	Health Insurance	1,104.58	
61220	Medicare Contribution	160.16	
		<u>2,391.41</u>	2,391.41
<b>c. Travel</b>			
62500	Travel	2,493.00	
		<u>2,493.00</u>	2,493.00
<b>d. Equipment (Capitalized Property)</b>			
64550	Computer Systems & Equip. (Non-Capitalized Property)	-	
		<u>-</u>	-
<b>e. Supplies</b>			
63040	Supplies Office	200.00	
63050	Supplies Operations		
		<u>200.00</u>	200.00
<b>f. Contractual</b>			
62080	Advertisement	300.00	
62300	Printing and Photocopying	1,099.32	
62680	Freight & Handling	300.00	
62750	Cleaning Services		
		<u>1,699.32</u>	1,699.32
<b>g. Construction</b>			
		<u>-</u>	-
<b>h. Others</b>			
62710	Utilities - Power	100.00	
62720	Utilities - Water		
		<u>100.00</u>	100.00
<b>i. Total Direct Charges (sum of 6a-6h)</b>		<u>17,929.49</u>	17,929.49
<b>j. Indirect Charges @ 9.23%</b>		<u>1,654.89</u>	1,654.89
<b>k. Totals (sum of 6i and 6 j)</b>		<u><u>\$ 19,584.38</u></u>	<u><u>\$ 19,584.38</u></u>

**The following are the expenditure cost categories explanation:**

- Personnel – Salary: (\$11,045.76) This is to pay for four persons to be helping with the distribution, receiving, reviewing, and approving the application and documentation. These four personnel will also assist in corresponding with the eligible applicants regarding their application status.
- Fringe Benefits: (\$2,391.41.00) The fringe benefits is part of the salary components and its' comprised of (a) Personnel insurance, (b) FICA, (c) Health insurance, & (d) Medicare Contribution.
- Travel: (\$2,493.00) This expenditure cost category is to pay for 1 personnel to travel from Saipan to Rota & Tinian and vice-versa from Tinian & Rota to Travel for CARES Act related operation and meeting with agency personnel from the other islands to ensure that they understand the Spend Plan, how the CARES Act is to implemented and what are the expectations.
- Supplies Office: (\$200.00) This amount is to pay for office supplies that may be needed to carry out the implementation of the CARES Act Spend Plan.
- Advertisement: (\$300.00) This is to pay for newspaper advertisement and radio announcement for dissemination of CARES Act program information to the general public so that we can reach as many eligible applicants affected by the COVID19.
- Printing and Photocopying: (\$1,099.32) This will help pay for printing of applications, self-certification and assurance documents, and quick reference guidelines to be distributed to eligible applicants.
- Freights & Handling: (\$300.00) This expenditure cost category is to pay for the shipment cost of the applications, self-certifications, and other supporting documents provided by the eligible applicants from Saipan to Rota & Tinian, and from Rota & Tinian to Saipan.
- Utilities – Power: (\$100.00) The CNMI has to type of approved indirect cost rate, (1) Indirect Cost Rate of 9.23% if utility cost is included in budget, and (2) Indirect Cost Rate of 32% if utility cost is not included in the budget. A minimum of \$100.00 is included in the proposed budget in order to apply the lower rate of \$9.23%.
- Indirect Cost: (\$1,654.89) This is to pay for the Central Government Services that are not part of direct charges.

The 2% Direct Charges is taken from the total amount **\$988,803.58** allocated for the CNMI which equals to **\$19,584.38**. The balance of which **\$969,219.20** will be used to be distributed amongst eligible participants. The 2% Direct Charges is very nominal for the implementation of the CARES Act. The 2% Direct Charge is most likely to be insufficient to cover all the expenses associated with the delivery and implementation of the CARES Act. Thus, if the administrative cost associated with the delivery and implementation of the CARES Act is greater than what is allowable, the CNMI Government will have to contribute for the overage.