



## STATE OF LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES



### CARES ACT PROGRAM GUIDELINES

## **PLEASE READ THOROUGHLY PRIOR TO SUBMITTING AN APPLICATION**

This program begins at 8:00 a.m. on September 14, 2020 and will close at 11:59 p.m. on October 26, 2020.

If you need language assistance or assistance submitting your application, please contact South Central Planning and Development Commission (SCPDC) at 1-800-630-3791. If you have questions regarding the status of your application or payment, these questions can be directed to the LDWF Program Development section at 1-855-262-1764 or (225) 765-3980.

### **Purpose:**

The COVID-19 pandemic has devastated many important parts of Louisiana's economy, including fisheries. As a result of the pandemic Congress passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act providing \$300 million in funding to assist hard-hit fisheries in states and territories. Louisiana received \$14.8 million in assistance which is the eighth largest investment of CARES Act fisheries funding. Louisiana has chosen to assist with those economic losses through direct payments to qualifying participants. Funds will be provided to the Gulf States Marine Fisheries Commission which will work with the Louisiana Department of Wildlife and Fisheries to distribute these funds.

### **Program Eligibility:**

If applying as an individual, you must be a **resident** of Louisiana. If applying as a business, it must be **domiciled in LA** and registered with the Louisiana Secretary of State.

### **Eligible fishery participant sectors include:**

- Commercial fishermen
- Commercial fishing vessel owners
- Charter/for-hire captains
- Processors (possess a permit from the Louisiana Department of Health to process seafood)
- Docks (facilities that land seafood and purchase it directly from the fishermen and are required to report via trip tickets)
- Wholesalers/brokers (buy and resell seafood from other wholesale or retail dealers but do not land seafood or purchase it directly from fishermen, nor do they process the seafood they purchase)
- Qualified aquaculture operations that are not eligible for the USDA Emergency Assistance for Livestock, Honeybees and Farm-Raised Fish Program

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- Federally recognized Native American tribes of Louisiana, which have suffered at least a 35% economic loss or have experienced negative impacts to subsistence, cultural, or ceremonial fisheries.

### **All eligible fishery participant sectors must have suffered at least a 35% economic loss.**

Applicants under this award may apply for other Federal assistance programs under the CARES Act or other Federal programs, however, the sum of all federal assistance funds, and/or any traditional revenue, cannot exceed the average revenue earned across the previous 5 years.

Applicants must possess a **2020** qualifying Louisiana Department of Wildlife and Fisheries **resident** license. If a license/permit isn't required, you must provide proof that your qualifying business was active in 2020. Examples of acceptable documentation include, but are not limited to, municipal permits, occupational licenses, monthly or quarterly tax payment records, sales or financial reports, and payroll reports.

**Applicants must be able to show at least 35% loss of revenue during the selected time frame in 2020 compared to a five year (2015-2019) average of the same time frame. You may choose a 4 month (March – June) or 3 month (April – June) time frame.** Applicants with less than five years of revenue between 2015 and 2019 are still eligible and should only include years in which there was revenue.

Applicants Must be at least **18 years old**.

**Applicants who are required to report seafood sales on trip tickets must have documented landings with LDWF in 2018 or 2019 to be eligible for this program.** For applicants not required to submit LDWF trip tickets, proof of business activity in 2018 or 2019 is necessary. Examples of acceptable documentation include, but are not limited to, municipal permits, occupational licenses, monthly or quarterly tax payment records, sales or financial reports, and payroll reports.

If a business is owned by a limited liability company, corporation, or partnership, the business must register and remain in **Good Standing with the Louisiana Secretary of State.**

**A separate application must be submitted for each taxpayer identification number (EIN or SSN) held on your LDWF licenses.**

**Applicants may qualify for more than one sector as long as the greater than 35% loss requirement is met in each sector.**

Applicants qualifying for any combination of the commercial fishermen, vessel owner, and fresh product license sectors may submit one application. If a partnership, corporation, or limited liability company owns the vessel, a separate application must be submitted for that vessel. Applicants owning more than one vessel may submit one application for all vessels provided they are owned by and registered with the same legal entity (SSN or tax identification number (TIN)). Docks and processors may combine different locations on a single application provided they are owned by and licensed under the same legal entity (SSN or TIN). Charter captains, brokers, and aquaculture facilities sector applications cannot be combined with any other sector and must submit separate applications.

**Required Documentation / Information**

**Commercial Fisherman/Fresh Product Dealer/Vessel Owners/Charter Captain**

- Provide a copy of your Current Driver's License/Photo ID.
- Provide your LDWF Commercial License #'s/Vessel Registration #'s.
- If vessel is registered under a business, a Board Resolution form will have to be signed and completed if the person completing the application is not the registered agent according to the Secretary of State.
- Federal tax returns for the qualifying years of 2015-2019 (Gross receipts and sales will be determined using line 1 or 1a on tax return forms 1040 / Schedule C, Form 1120, Form 1120-S, or Form 1065. The forms needed are dependent upon how the business is classified.)
- If you requested a tax extension for any of the years 2015-2019 you will need a copy of the tax extension approval letter for those years.
- Signed and completed W-9 form.

**Wholesale/Retail Dealer(Dock/Broker/Vehicle/Processor), Aquaculture Operation**

- Provide a copy of your Current Driver's License/Photo ID.
- Provide your LDWF Commercial License #'s.
- Processors are required to provide their Department of Health Permit #.
- Board Resolution form will have to be signed and completed if the person completing the application is not the registered owner.
- Federal tax returns for the qualifying years of 2015-2019 (Gross receipts and sales will be determined using line 1 or 1a on tax return forms 1040 / Schedule C, Form 1120, Form 1120-S, or Form 1065. The forms needed are dependent upon how the business is classified.)
- If you requested a tax extension for any of the years 2015-2019 you will need a copy of the tax extension approval letter for those years.
- Signed and completed W-9 form.

**Federally Recognized Tribe**

- Provide a copy of your Current Driver's License/Photo ID.
- You must upload a document explaining your negative impacts to subsistence, cultural, or ceremonial fisheries if you don't have documents such as receipts showing a 35% loss.
- Signed and completed W-9 form

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### **Funding Distribution:**

All sectors, except federally recognized tribes and aquaculture facilities, will be sub-divided into full-time and part-time sectors. Funds allocated to each sector will then be split between these two sub-sectors so that full-time participants receive a larger payment than part-time participants. The criteria to qualify for the full-time sub-sector for each sector is listed below:

1. Commercial Fishermen – Those possessing the certified endorsement on their license qualify as full-time. To obtain the certified endorsement, a fisherman must show that more than 50% of their income comes from commercial fishing activity. Certified endorsements must be on the applicant's 2019 or 2020 LDWF license. Certification performed by the Louisiana Department of Revenue will also be accepted.
2. Vessel Owners – Those who qualify as full-time are those whose 2018 and 2019 average of landings by weight or trips taken exceeds 70 percent of all the other eligible vessels harvesting similar species. LDWF will automatically make this determination based on available trip ticket data. Vessels with only one year of landings will not be penalized and the year in which they had landings will be used as their average.
3. Charter / For-hire - Those possessing the certified endorsement on their license qualify as full-time. To obtain the certified endorsement, a charter captain must show that more than 50% of their income comes from for-hire fishing activity. Certified endorsements performed by LDWF must be on the applicant's 2019 or 2020 license.
4. Fresh Product Licensees – Those whose associated commercial fishermen's license is certified will qualify as full-time. Certified endorsements must be on the applicant's 2019 or 2020 LDWF license.
5. Wholesale Dealers / Docks - Those who qualify as full-time are those whose 2018 and 2019 average of landings by weight or trips landed exceeds 70 percent of all the other eligible dealers purchasing the same species. LDWF will automatically make this determination based on available trip ticket data. Dealers with only one year of landings will not be penalized and the year in which they had landings will be used as their average.
6. Wholesale Dealer / Brokers - Those who qualify as full-time are those whose 5-year average of gross receipts and sales exceeds 50 percent of the all the other applicants in this sector. LDWF will automatically make this determination once all dealer applications have been processed. Brokers with less than five years of gross receipts and sales will not be penalized and their average will be calculated using only those years in which they had sales.
7. Wholesale Dealer / Processors - Those who qualify as full-time are those whose 5-year average of gross receipts and sales exceeds 50 percent of the all the other applicants in this sector. LDWF will automatically make this determination once all processor applications have been processed. Processors with less than five years of gross receipts and sales will not be penalized and their average will be calculated using only those years in which they had sales.

Vessel and dock applicants who work with more than once species and do not qualify for the full-time sub-sector for any one individual species will have their landings combined and compared to the combined landings of their respective sector. This provides an alternative method to qualify for the full-time sub-sector. Please refer to tables 1 and 2 below for a detailed breakdown of full-time qualifying criteria.

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Table 1. Full-time minimum qualifying criteria for vessels by fishery based on the 70th percentile.

Sector	Fishery	Annual Trips (minimum #)	<b>OR</b>	Annual Landings (minimum lbs)
<b>Vessel Owners</b>	<b>Crab</b>	80		30,242
	<b>Oyster</b>	69		12,736
	<b>Saltwater Fish</b>	10		12,001
	<b>Shrimp</b>	18		34,185
	<b>Combined</b>	36		31,802

Table 2. Full-time minimum qualifying criteria for wholesale dealer/docks by fishery based on the 70th percentile.

Sector	Fishery	Annual Trips (minimum #)	<b>OR</b>	Annual Landings (minimum lbs)
<b>Wholesale Dealer / Docks</b>	<b>Crab</b>	125		34,307
	<b>Oyster</b>	480		76,067
	<b>Saltwater Fish</b>	50		87,572
	<b>Shrimp</b>	82		53,924
	<b>Combined</b>	207		97,161

Applicants not currently certified but who are eligible for certification will be allowed to submit certified applications by mail during the application process and beyond the application deadline. Payments to those claiming to be certified will not be made until the certification process is completed. The certification process will require copies of the most recent tax return. Applicants will need to have the form completed by a tax preparer possessing a preparer tax identification number (PTIN) and notarized. An electronic copy of this form can be submitted with the application or submitted via email. The original certification form should be mailed to LDWF.

Gross receipts and sales will be determined using line 1 or 1a on tax return forms 1040 / Schedule C, Form 1120, Form 1120-S, or Form 1065. The exact forms needed are dependent upon how the business is classified and how you file your taxes.

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The funding distribution process will be divided into two phases or payments.

1. During the first phase, the minimum payment will be issued as applications are approved in an effort to get funding to those in need as quickly as possible. The minimum payment was determined using an estimate of the maximum number of eligible applicants, and by setting aside a portion of the funding to ensure there is enough funding to pay all applicants should the number of approved applications exceed our estimation.
  
2. Upon closing of the application period and completion of the review process, the final number of eligible applicants within each sector will be determined. Any funds remaining in each sector after phase 1 will be applied to the total number of eligible applicants and a second payment will be calculated using the same criteria as used in phase 1 maintaining a full-time to part-time payment ratio. This will ensure that all funds within each sector are distributed. Final payment amounts will be determined by the total number of eligible applications received and may be of higher value than Phase 1 payments.

**All applicants will be checked against State records for delinquent child support.** Identified delinquencies will be deducted from the applicant’s payment amount and the funds provided to the appropriate government agencies.

**Applications will be processed in the order in which they are received.** This program is subject to the availability of funding. There is no guarantee that your application will qualify for this program. Applicants who qualify will at least receive the minimum payment amount. The maximum amount that each applicant can receive is **\$10,000**. Please refer to table 3 below for a detailed breakdown of the initial first phase allocation payments.

Table 3. Funding allocation by fishing sector and participation status.

Commercial Sector	Part-time Payout	Full-time Payout
<b>Commercial Fishermen Full time = Certified</b>	\$286.33	\$1,265.92
<b>Vessels Full time = 70%</b>	\$531.35	\$2,358.48
<b>LA Charter Captains Full time=Certified</b>	\$489.72	\$2,199.67
<b>Fresh-Product Full time=Certified</b>	\$132.99	\$604.95
<b>Wholesale Dealers (Brokers) Full time=70%</b>	\$302.46	\$1,375.22
<b>Wholesale Dealers (Dock) Full time=70%</b>	\$833.40	\$3,765.59
<b>Wholesale Dealers (Processors) Full time=70%</b>	\$1,202.92	\$5,397.35

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<b>Aquaculture Facilities Full time=None</b>	\$0.00	\$6,152.93
<b>Coastal Federal Indian Tribes</b>	\$0.00	\$14,063.84

**Additional Terms:**

Applications may be placed on a waiting list to receive funding from the Louisiana Department of Wildlife and Fisheries through this program. Additional documentation may be requested if necessary. Approval of applications does not entitle eligible entities to any funds disbursed through this program. Applicants will not qualify for program funding if previous funding has been received from USDA Emergency Assistance for Livestock, Honeybees and Farm-Raised Fish Program, processors or other fishery related businesses. Income received through participation in this program is legally required to be reported to the Internal Revenue Service (IRS) using a 1099-G form. By submitting an application, participants agree to follow the rules and requirements of the program, and certify all information provided on the application is correct to the best of their knowledge. Falsification of any information provided on the application will be cause for disqualification from the program. Application signatories must be named on the license, be listed as the registered agent, or be a recognized signatory as designated by either a Board Resolution or Mandate/ Power of Attorney documentation.

Eligible entities will be required to agree to a validation process allowing LDWF or its contractors to review business and financial records related to claims made in the application. Such records can include bank statements or ledgers, quarterly tax payments, sales records, payroll records, tax records, and accounting records. LDWF will attempt to validate a minimum of 20% of all applications submitted by entities not required to report trip ticket data. All applications submitted by entities reporting trip ticket data will be validated against the LDWF trip ticket database.

**Applicants found to have willfully falsified their loss and supporting documentation will be prosecuted to the full extent of the law.**