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GOVERNOR'S OFFICE OF EMERGENCY SERVICES
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MATHER, CALIFORNIA 95655
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May 19, 2005

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Mr. Roger Rodoni, Chairperson
Humboldt County Board of Supervisors
825 Fifth Street
Eureka, California 95501

Dear Mr. Rodoni:

Governor Arnold Schwarzenegger has requested I respond to your April 26, 2005, letter regarding planning and preparation for economic relief for Pacific Coast Salmon fisheries.

The Governor's Office of Emergency Services (OES) is aware of various situations that have affected the fishing industries and tribal areas of Northern California over the past several years. Because the problem has been evolving for some time and the full extent is not immediately evident, I am recommending that the OES Response and Recovery Division, under the direction of Deputy Director, Paul Jacks, continue to monitor the situation. In particular, I am recommending that the OES Coastal Regional Office continue to be in close communication with the Emergency Services Coordinator(s) of Humboldt and other Northern California coastal counties regarding the issues, and report back to Mr. Jacks additional information as it becomes available.

As you can imagine, defining and assisting situations with economic impacts is more complex than a "physical" disaster where damage can be seen and calculated. You should be aware, also, that federal disaster recovery programs have certain criteria for eligibility for implementation. As with the 2002 fish kill situation in the county of Del Norte, other federal and state agencies may be more appropriate avenues for efforts to relieve the situation.

For your information, I am enclosing a copy of a letter received by the previous OES Director from the U.S. Small Business Administration (SBA) regarding the 2002 fish kill situation and the issues that precluded SBA from implementing its economic injury disaster loan program. It outlines the criteria that must be met before SBA disaster assistance can be made available in similar, unusual circumstances.

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Thank you for informing the State of your concerns. OES hopes that there may be a viable resolution to the problem or a mechanism for relief for those who will be adversely affected by the closing of the fisheries.

Sincerely,



HENRY R. RENTERIA
Director

Enclosure

c: Arnold Schwarzenegger, Governor
Paul Jacks, OES Deputy Director
Honorable Mike Thompson
Honorable Barbara Boxer
Honorable Dianne Feinstein
Honorable Gordon Smith
Honorable Wally Herger
Honorable Ron Wyden
Honorable Nancy Pelosi
Honorable Peter DeFazio
Honorable Earl Blumenauer
Honorable Lynn Woolsey
Honorable George Miller
Honorable Ted Kulongoski
Honorable Anna Eshoo
Honorable Sam Farr
Honorable Lois Capps
Honorable Wes Chesbro
Honorable Patty Berg
Del Norte County Board of Supervisors
Mendocino County Board of Supervisors
Trinity County Board of Supervisors
Sonoma County Board of Supervisors
Siskiyou County Board of Supervisors
San Francisco County Board of Supervisors
Dr. William Hogarth, NOAA Assistant Administrator for Fisheries
Pacific Fishery Management Council
California Fish & Game Commission
Dan Larkin, Humboldt County Office of Emergency Services
Clifford Lyle Marshal, Chair, Hoopa Tribal Council
Alvis Johnson, Chair, Karuk Tribal Council
Howard McConnell, Chair, Yurok Tribal Council



U. S. Small Business Administration
Disaster Assistance - Area 4
P. O. Box 13795
Sacramento, California 95853-4795

(916) 566-7240
(800) 488-5323
TTY (916) 566-7388

December 3, 2002

Mr. Dallas Jones
Director
Governor's Office of Emergency Services
P. O. Box 419047
Rancho Cordova, CA 95741-9047

Dear Mr. Jones:

This replies to your letter to Hector V. Barreto, Administrator of the U. S. Small Business Administration (SBA) requesting that the SBA declare Del Norte County a disaster area due to large kill of salmon in the Klamath River. SBA's regulations provide that Governors should submit declaration requests to the Disaster Area Director. Because your letter requested an SBA disaster declaration, it was forwarded to me for further action.

We need additional information to determine whether the salmon kill qualifies as a disaster within the meaning of section 3(k) of the Small Business Act:

For purposes of this Act, the term "disaster" means a sudden event which causes severe damage including, but not limited to, floods, hurricanes, tornadoes, earthquakes, fires, explosions, volcanoes, windstorms, landslides or mudslides, tidal waves, commercial fishery failures or fishery resource disasters (as determined by the Secretary of Commerce under section 308(b) of the Interjurisdictional Fisheries Act of 1986), ocean conditions resulting in the closure of customary fishing waters, riots, civil disorders or other catastrophes, except that it does not include economic dislocations.

The event for which you seek SBA's economic injury disaster loan assistance, a large salmon kill in an important river, appears have the potential to be considered a commercial fishery failure or a fishery resource disaster. However, the Secretary of Commerce has not made such a determination under section 308(b) of the Interjurisdictional Fisheries Act of 1986, as is required to qualify as a disaster within the meaning of the Small Business Act. Thus, we are unable to proceed under this part of the definition.

Your letter mentions such causes as a lack of rainfall and higher than normal temperatures with continuing drought conditions resulting in a lack of cool water. These sound like various manifestations of drought, which is not a disaster within the meaning of the Small Business Act because a drought is not a sudden physical event.

We have seen reports attributing the Klamath salmon kill to a variety of factors other than drought, including reduced river flows from the Klamath Project, a troubled watershed in need of restoration, warmer river water due to water diversions and logging practices, and warmer water from the Trinity

Mr. Dallas Jones

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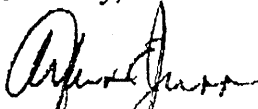
River due to reclamation projects. Those factors also don't appear to qualify as disasters within the meaning of the Small Business Act because they are not sudden physical events.

While we don't doubt the severity of the problem and the resulting economic dislocation in Del Norte County, we need a better understanding of how this event may qualify as a disaster as defined by Congress in the Small Business Act. Accordingly, we need clarification from you as to how you believe the event meets our statutory definition of disaster.

In addition to the certification you provided in your letter, we also need the normal documentation regarding at least five small businesses that have suffered substantial economic injury as a result of this event. Should your staff have any questions about the preparation of such documentation, they should contact Tanya N. Garfield, Deputy Area Director.

We look forward to assisting the State of California as fully as possible within our statutory authority.

Sincerely,



Alfred E. Judd
Area Director