DETERMINATION OF A COMMERCIAL FISHERY FAILURE AFFECTING THE STATES OF LOUISIANA AND MISSISSIPPI

During the spring of 1997 and continuing into the fall 1997, the fishery resources of Louisiana and Mississippi suffered from the effects of the opening of the Bonnet Carre Spillway in Louisiana. The release of large amounts of freshwater from Bonnet Carre Spillway caused a severe loss of shrimp production in the Pontchartrain Basin and adjacent Mississippi coastal waters. The Gulf States Marine Fisheries Commission, in a letter dated October 10, 1997, requested a declaration of a fishery resource disaster for the Gulf of Mexico, pursuant to Section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), and requested financial assistance for its member states under authority of the Magnuson-Stevens Act to respond to the commercial fishery failure in Gulf of Mexico coastal waters.

Section 312(a) of the Magnuson-Stevens Act (16 U.S.C. 1861a) authorizes the Secretary of Commerce to exercise discretion in determining whether there is a commercial fishery failure due to a fishery resource disaster as a result of:

(A) natural causes;
(B) man-made causes beyond the control of fishery managers to mitigate through conservation and management measures; or
(C) undetermined causes.

Determination of a fishery resource disaster

In 1997, Pontchartrain basin brown shrimp abundance significantly decreased. Shrimp landings for May through July 1997 were down nearly 80 percent from the nine-year average (1989-1996) for these months. Brown shrimp landings for June 1997 in Mississippi were 1,054,857 pounds. Compared with the eleven-year average (1986-1996) for this month of 4,203,465 pounds, this represents a decrease of 75 percent. Mississippi landings for all of 1997 were down approximately 700,000 pounds from the 1986-1996 annual average of 9,304,937 pounds.

Therefore, I find that a fishery resource disaster occurred that significantly reduced the number of commercially harvestable brown shrimp in Louisiana and Mississippi during 1997.

Determination of the cause of the fishery resource disaster

The Bonnet Carre Spillway release was caused by heavy rains in the Ohio River Valley resulting in the highest flood stages of the Mississippi River ever recorded for the month of March. The spillway was opened on March 17, 1997, in an effort to protect life and property from devastating floods in the vicinity of New Orleans, Louisiana. The spillway remained open until April 17, 1997, and during that time the maximum flow rate reached 240,000 cubic feet per

second. This large pulse of freshwater, diverted directly into Lake Pontchartrain, displaced or killed shrimp, as well as finfish, crabs, and other organisms in the Pontchartrain Basin. In addition to displacing or killing adults or subadults, the lower salinities and lower temperatures likely reduced the survival of larval fish and crustaceans recruiting to the impacted area.

Therefore, I find that the cause of the fishery resource disaster is due to natural conditions.

Determination of a commercial fishery failure

The Louisiana harvest of brown shrimp in the Pontchartrain Basin in 1997 resulted in landings that were only 20.85 percent of the nine-year annual average (1988-1996). The State of Louisiana reported that the average annual dollar value of this fishery was $1,329,091 from 1988-1996, but the value of the catch in 1997 was only $277,156. This represents a loss to the fishery in 1997 of $1,051,935. The state of Mississippi reported that landings of brown shrimp experienced a similar drop after the spillway release when compared to the eleven-year annual average from 1986-1996. Mississippi brown shrimp landings for June 1997 were 1,054,857 pounds versus the eleven-year average for June of 4,203,465 pounds (a 75 percent decrease). For all of 1997, shrimp landings were down approximately 700,000 pounds, representing a loss of slightly more than $1,000,000.

Therefore, I find that in 1997 the states of Louisiana and Mississippi suffered commercial fishery failures due to a fishery resource disaster as provided under Section 312(a) of the Magnuson- Stevens Act.

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Date