UNITED STATES DEPARTMENT OF COMMERCE
The Secretary of Commerce
Washington, D.C. 20230

September 12, 2012

The Honorable Dewey Phillip Bryant
Governor of Mississippi
Jackson, MS 39205

Dear Governor Bryant:

On June 22, 2011, former Governor Barbour wrote to request a determination of a commercial fishery failure due to a fishery resource disaster under the Magnuson-Stevens Fishery Conservation and Management Act of 1976 (MSA) as a result of flooding from the Mississippi River waterway system that required the Bonnet Carré Spillway to be opened on May 9, 2011. Governor Barbour expressed concern that the freshwater release would cause substantial impacts to fisheries within the Mississippi Sound.

After reviewing the information provided by the State of Mississippi, I have determined that a commercial fishery failure due to a fishery resource disaster exists for the oyster fishery from 2011-2013 and the blue crab fishery in 2011 under Section 308(b) of the Interjurisdictional Fisheries Act of 1986 (IFA) and Section 312(a) of the MSA. "Natural causes" are an allowable cause under the IFA and the MSA, and the resulting damage caused a significant loss of access to fishery resources with revenue declines that have greatly affected these commercial fisheries. This determination provides a basis for Congress to appropriate disaster relief funding under the IFA and the MSA. If Congress appropriates disaster relief funding, NOAA will work with the State of Mississippi to develop appropriate economic spending plans. Please be aware that the MSA limits the Federal share of such activities to no more than 75 percent.

At the same time, I have determined that a commercial fishery failure did not occur for the inshore shrimp fishery of Mississippi in 2011. While flooding is an allowable cause, the available information does not support a conclusion that this event caused a fishery resource disaster in accordance with the IFA or the MSA. Results indicated landings for the 6 months following the flood declined by 41 percent compared to the same time period during 2006-2009, but revenue losses for this time period were only 19 percent less than the 2006-2009 average. For calendar year 2011, revenues were 28 percent greater than the 2006-2009 average. These revenue losses do not meet the minimum threshold set out in NOAA's Policy Guidance on disaster assistance.

If you have any questions, please contact Jim Stowers, Acting Assistant Secretary for Legislative and Intergovernmental Affairs, at (202) 482-3663.

Sincerely,

Rebecca Blank

Rebecca M. Blank
Acting Secretary of Commerce