UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910

THE DIRECTOR

The Honorable Rick Perry
Governor of Texas
Austin, TX 78711

OCT 5 2012

Dear Governor Perry:

Thank you for your letter requesting a determination of a commercial fishery failure due to a fishery resource disaster under Section 312 (a) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and Sections 308 (b) and (d) of the Interjurisdictional Fisheries Act (IFA). You requested this determination because of the closure of the oyster fishery due to the red tide along the Texas coast in 2011.

NOAA's National Marine Fisheries Service (NMFS), Southeast Region, worked with the State of Texas (State) to assess whether a commercial fishery failure occurred due to a fisheries resource disaster in the commercial oyster fishery. After reviewing the information provided by the State, I have determined that the request does not meet the requirements for such a finding under either the MSA or the IFA.

The revenues for the fishery during the months the fishery was affected were $9,650,367. This is a 21 percent reduction from the four-year average and a 28 percent reduction from the three-year average for the comparable months. While a red tide is an allowable cause for a fishery resource disaster, the revenue losses, compared to recent historical averages, do not meet the minimum threshold (a 35 percent revenue loss) for such a determination under the NMFS Policy Guidance for Disaster Assistance.

I know that the affected fisheries and coastal communities in your region have had unprecedented challenges from numerous natural and man-made events that have occurred in the past few years. I also understand that effects from these events may not be fully understood at this time. If new information for your commercial fisheries related to the oyster fishery does change the conclusion from our evaluation, you may again request a fisheries resource disaster.

If you have further questions, please contact Amanda Hallberg Greenwell, Acting Director of NOAA's Office of Legislative and Intergovernmental Affairs, at (202) 482-4981.

Sincerely,

Samuel D. Rauch III
Deputy Assistant Administrator
for Regulatory Programs,
performing the functions and duties of the
Assistant Administrator for Fisheries

THE ASSISTANT ADMINISTRATOR
FOR FISHERIES

Printed on Recycled Paper