THE SECRETARY OF COMMERCE
Washington, D.C. 20230

June 16, 2005

The Honorable Mitt Romney
Governor of Massachusetts
Boston, MA 02133

Dear Governor Romney:

Thank you for your letter requesting the Department of Commerce's National Oceanic and Atmospheric Administration (NOAA) examine the commercial shellfish fishery under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act.

We have determined a commercial fishery failure due to a fishery resource disaster within the meaning of Section 312(a) began in Massachusetts' molluscan shellfish fishery on April 27, 2005, when paralytic shellfish poisoning (PSP) toxin required state fishing closures which prevented the fishery's resource from entering commerce. We have also determined that PSP toxin has caused a commercial fishery failure in the federal fishery for Atlantic surf clams and ocean quahogs. We published a Federal Register notice today closing the affected federal fishery to fishing activity (70 Federal Register 35047).

It is unknown exactly how long this fishery resource disaster will continue, or what the longer-term social and economic effects will be for the fishing communities dependent on the resources of these fisheries. We realize, however, these effects have already begun in the state fishery and will increase with the disaster's duration.

Section 312(a) relief depends on the future appropriation of funds by Congress for this purpose. The federal share of any relief activities may not exceed 75 percent of their cost.

We will continue to coordinate with you and Cristine McCombs, Director of the Massachusetts Emergency Management Agency, as developments occur. If you have any further questions, please contact me or Brett Palmer, Assistant Secretary for Legislative and Intergovernmental Affairs at (202) 482-3663.

Sincerely,

Carlos M. Gutierrez