



**UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration**

NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910

THE DIRECTOR

APR 06 2011

The Honorable Andrew M. Cuomo
Governor of New York
Albany, NY 12224

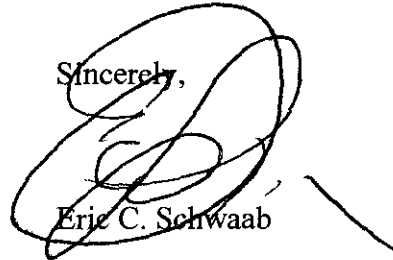
Dear Governor Cuomo:

On October 3, 2008, former Governor Paterson requested a determination of a commercial fishery failure due to a fisheries resource disaster in the New York hard clam fishery in Great South Bay, Long Island, under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and the Interjurisdictional Fisheries Act (IFA).

We recognize that there was a commercial fishery for hard clams in Great South Bay almost 30 years ago, but there has not been a viable commercial fishery since then and, hence, the recent harmful algal blooms and reduced spawning stock did not result in the failure of a commercial fishery. Disaster assistance for commercial fishery failures is based on recent events, and therefore the Secretary of Commerce determined that there is no commercial fishery failure due to a fishery resource disaster under section 312(a) of the MSA or section 308(b) of the IFA.

If you have any questions, please contact John Gray, Director of NOAA's Office of Legislative Affairs, at (202) 482-4981.

Sincerely,



Eric C. Schwaab

