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ANDREW M. CUOMO
GOVERNOR

December 6, 2019

Honorable Wilbur L. Ross Jr.
Secretary
United States Department of Commerce
1401 Constitution Ave., NW
Washington, D.C. 20230

Dear Secretary Ross:

I am writing to request that you determine, pursuant to section 312 of the Magnuson-Stevens Fishery Conservation and Management Act and section 308 of the Interjurisdictional Fisheries Act, that there is a commercial fishery failure in the bay scallop fishery in the Peconic Bay Estuary of eastern Long Island, New York, due to a fishery resource disaster.

New York's bay scallop resource is primarily located in the waters of Peconic and Gardiners bays in eastern Suffolk County and situated within the five East End townships of Riverhead, Southold, Shelter Island, Southampton, and East Hampton. During the summer of 2019, there was a catastrophic die-off of adult bay scallops in Peconic Bays with estimates of more than 90 percent mortality of adult scallops throughout the Peconics and some areas documented with 100 percent mortality. Although the exact cause of the die-off is unknown, scientists theorize that the mortality event was due to physiological stress during bay scallop spawning which was exacerbated by high summer water temperatures (mid-80s) and low dissolved oxygen. Juvenile (sublegal) "bug" scallops were not impacted by the die-off.

The bay scallop population in Peconic Estuary historically supported one of the State's commercially important fisheries and provided significant economic revenues to the fishing industry, east end businesses, and related industries. The estuary includes more than 100 distinct bays, harbors, embayments, and tributaries and is a prime location for bay scallops. Congress designated the Peconic Estuary as an estuary of national significance in 1992, leading to the creation of the Peconic Estuary Program - a cooperative effort between New York State, Suffolk County, the U.S. Environmental Protection Agency, the scientific community, and citizens of the Peconic Estuary watershed. The bay scallop population was decimated from 1985 through 1994 due to repeated harmful algal blooms of brown tide. Bay scallop restoration efforts conducted over the past 15 years by the State, County, and other partners in Peconic Bays helped to jumpstart the resource, rehabilitate the adult scallop population, and restore this commercially and recreationally important resource and fishery before the 2019 die-off occurred.

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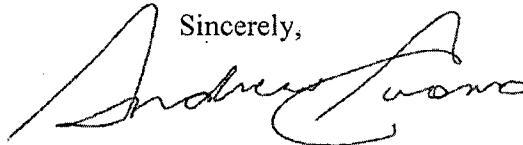
Historically, bay scallop landings in the Peconic Bay estuary represented an average of 300,000 pounds per year of annual harvest with dockside values of more than \$1 million prior to the onset of the brown tide. Bay scallop landings in 2017 and 2018 exceeded 108,000 pounds with a dockside value of \$1.6 million, which are the highest landings reported since the blooms of the brown tide in Peconic Bays. Bay scallop population surveys conducted in the fall of October 2018 and in May/June 2019 documented significant populations of juvenile and adult scallops with a prediction that 2019's harvest would exceed the previous two years of landings. The unexpected and sudden loss of the bay scallop resource represents a total collapse of this important commercial fishery and devastating financial hardship for fishermen and maritime businesses that warrants immediate need of disaster relief to the industry.

We estimate that hundreds of baymen participate in the bay scallop fishery which provides a significant portion of their income during the seasonal period from November through March. Bay scallops are also an important resource for recreational harvesters and businesses on the East End of Long Island and a maritime tradition for East End communities. The current catastrophic loss of adult scallops is a devastating fishery disaster for both commercial baymen, and local seafood dealers and markets that depend on this resource and increased revenues annually.

Recognizing the historical importance of the bay scallop fishery to New York's environmental and economic health, federal assistance in funding efforts are urgently needed to help New York restore this important resource to benefit the health of the estuary and to support this important commercial and recreational fishery.

For these reasons, I urgently request that you determine that there is a commercial fishery failure due to a fishery resource disaster resulting from the population collapse of the Peconic Bay scallops. Immediate implementation of a disaster declaration is required to provide direct economic relief for the New York fishing industry.

Sincerely,



ANDREW M. CUOMO