



THE SECRETARY OF COMMERCE
Washington, D.C. 20230

September 22, 2008

The Honorable Timothy M. Kaine
Governor of Virginia
Richmond, VA 23219

Dear Governor Kaine:

This letter is in response to your letter requesting a determination of a commercial fishery failure due to a fisheries resource disaster affecting the Chesapeake Bay, based on Sections 312(a) and 315 of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and Section 308 of the Interjurisdictional Fisheries Act (IFA). Thank you for the additional background information submitted by the Virginia Marine Resources Commission that further described the status of Virginia's commercial blue crab fishery.

The National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) has analyzed the data regarding the Chesapeake Bay blue crab commercial fishery and the provisions under the MSA and the IFA regarding the declaration of a commercial fishery failure due to a fishery resource disaster. Our review found that bay-wide Maryland and Virginia landings value for the soft and peeler blue crab fishery have decreased by 41 percent. Therefore, we have determined that a commercial fishery failure has occurred under MSA Section 312(a) for the soft and peeler blue crab commercial fishery in both Maryland and Virginia waters.

NMFS will continue to work with you through the NOAA Chesapeake Bay Office to rebuild blue crab stocks and strengthen the commercial blue crab fishery. If you have any questions, please contact me or Nathaniel F. Wienecke, Assistant Secretary for Legislative and Intergovernmental Affairs, at (202) 482-3663.

Sincerely,

A handwritten signature in black ink, appearing to read "Carlos M. Gutierrez".

Carlos M. Gutierrez