

08-001621



**COMMONWEALTH of VIRGINIA**

*Office of the Governor*

Timothy M. Kaine  
Governor

May 2, 2008

OS EXECUTIVE SECRETARIAT  
2008 MAY -5 AM 10: 12

The Honorable Carlos M. Gutierrez  
U.S. Department of Commerce  
1401 Constitution Ave., NW  
Washington, DC 21230

Dear Secretary Gutierrez:

I write to you today regarding a matter of extreme urgency to the Commonwealth of Virginia. I ask that you immediately perform a disaster assistance evaluation pertaining to Virginia's blue crab fishery and, upon a thorough review of the available information, declare a Fishery Resource Disaster. I make this request as prescribed under sections 312 and 315 of the Magnuson-Stevens Fishery Conservation and Management Act.

I do not make this request lightly. Significant time and effort have been spent evaluating the underlying facts of the matter by legal counsel, the Virginia Secretary of Natural Resources, the Virginia Marine Resources Commission, and numerous fishery experts. After consultation with them, I have concluded that the current blue crab situation in Virginia's waters qualifies for, and is worthy of, federal fisheries disaster relief.

Scientific data collected during our annual winter crab dredge survey reveals the startling fact that the Chesapeake Bay blue crab population has fallen 70 percent in just 15 years. In the early 1990s, there were approximately 400 million crabs of harvestable size in the Bay, whereas today there are fewer than 120 million. Further, just 10 years ago, Virginia watermen were harvesting twice as many pounds of blue crabs as they did in 2007.

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Since 1994, the Virginia Marine Resources Commission has enacted a suite of 22 regulatory requirements to protect the Chesapeake Bay's blue crab population. Despite these significant proactive measures, the crab population has continued to trend toward lower levels.

In addition to crab management measures, Virginia has long been aggressively implementing actions to restore water quality and aquatic habitat to a healthy level in the Chesapeake Bay and its tributaries. Additionally, in recent years we have initiated other bold regulatory and funding initiatives to significantly reduce pollutant loads from point sources, agricultural lands, and urban stormwater. I am confident that our restoration efforts will produce results in the future, but unfortunately they have yet to yield near-term improvements in water quality and habitat sufficient to support a significantly improved blue crab population.

Given the severely compromised health of the crab population, our fishery experts are concerned that a single significant storm event, sufficient in magnitude to disrupt the recruitment of juvenile crabs into the Bay, could initiate a complete collapse of the Bay-wide blue crab fishery.

It has become abundantly clear to me that to avoid a catastrophe, swift and effective regulatory action was needed to significantly curtail the near-term harvest of blue crabs from Virginia waters. After close examination of stock assessments and other relevant data provided by Virginia fishery managers and scientists, I directed our Marine Resources Commission to pursue regulatory restrictions that would achieve a 34 percent reduction in the harvest of female crabs. On April 22, the Commission voted overwhelmingly to adopt a package of regulations to achieve that result.

I also would note that Virginia's fishery experts have worked very closely for several months with Maryland's fishery experts. The blue crab is a historic and iconic resource that both states share and which significantly benefits our citizens and economies. Our mutual goals have been to develop fishery management actions that support each state's individual efforts and to achieve positive results in short order for this Bay-wide resource.

The specific intent of Virginia's and Maryland's recent regulatory actions is to increase the abundance of female crabs to a minimum threshold of 100 million. I am confident that with these new stringent crab management measures in place we will see a significant rebound of the blue crab fishery within three years.

Unfortunately, in the interim, our Virginia watermen face severe economic hardship. The blue crab fishery is estimated to be at least a \$125 million Bay-wide industry. A preliminary estimate of the economic impact to Virginia waterman as result of our recent crab management measures is estimated to be \$11-15 million over the next

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three years. Federal funding made available upon declaration of a Fishery Resource Disaster is critical to off-set this significant impact to our waterman.

I stand ready to commit all necessary information and agency support as needed to help you with your review and determination.

I greatly appreciate your immediate attention to this urgent matter facing the Commonwealth of Virginia's preeminent fishery.

Sincerely,

  
Timothy M. Kaine

TMK:cbd

c: Virginia Congressional Delegation  
Virginia Senate  
Virginia House of Delegates  
L. Preston Bryant, Jr., Virginia Secretary of Natural Resources  
Steven G. Bowman, Commissioner, Virginia Marine Resources Commission