



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910
THE DIRECTOR

JUN 22 2005

The Honorable John E. Baldacci
Governor of Maine
1 State House Station
Augusta, ME 04333

Dear Governor Baldacci:

Thank you for your letter to Secretary of Commerce, Carlos M. Gutierrez, requesting the Department of Commerce's National Oceanic and Atmospheric Administration (NOAA) examine the Maine commercial shellfish fishery under Section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act.

I have determined a commercial fishery failure within the meaning of Section 312(a) began in Maine's molluscan shellfish fishery when paralytic shellfish poisoning toxins required state fishing closures in the past month, which prevented the fishery's resource from entering commerce.

It is undetermined 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.

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

NOAA's National Marine Fisheries Service will continue to coordinate with the State of Maine as developments occur.

Sincerely,

William T. Hogarth, Ph.D.



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THE ASSISTANT ADMINISTRATOR
FOR FISHERIES

