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STATE OF MAINE  
OFFICE OF THE GOVERNOR  
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AUGUSTA, MAINE  
04333-0001

JOHN ELIAS BALDACCI  
GOVERNOR

October 5, 2009

EXECUTIVE SECRETARIAT  
2009 OCT 13 PM 3:06

Honorable Gary Locke  
Secretary  
U.S. Department of Commerce  
1401 Constitution Ave., NW  
Washington, DC 20230

Dear Secretary Locke:

During the spring and summer of 2009, the State of Maine experienced a failure of the commercial shellfish fishery, due to both extensive algal blooms (red tide) and rainfall closures. At this point we have been able to take stock of the magnitude of the impact statewide, and as a result, I am requesting disaster assistance under Section 312 (a) of the Sustainable Fisheries Act amendment to the Magnuson-Stevens Act.

As you are aware, Maine received disaster declarations for impacts of red tide on the shellfish industries in both 2005 and 2008. While the events of those summers were very severe, with far-reaching consequences for our shellfish industry and coastal economy, 2009 far surpassed both of those years with regard to the scope and duration of shellfish closures.

**Red Tide:**

Red tide closures began in late April 2009, and at the peak of the bloom, more than 97% of Maine's inshore shellfish resource was closed to harvest due to red tide, and 100% of the offshore federal waters were closed. Red tide was so dense that there were reports statewide of "red colored water," which has not been reported in decades. The shellfish toxicity measured this year peaked at over 8,700 ug stx eq/100g, which is more than 100 times the federally mandated quarantine level of 80 ug stx eq/100g. Maine has not seen toxicity at this level since the extremely severe red tide blooms of the late 1970s and early 1980s. Red tide closures remained in place in some parts of the state through late September.

To illustrate the exceptional scope of the event, we have compared 2009 to 2005, which had been our most severe red tide event in recent memory.



- In 2005, there were a total of 46 coastal towns (40%) that suffered closures of the clam flats within their boundaries for  $\geq 30$  days.
- In 2009, there were a total of 79 coastal towns (69%) that suffered closures of the clam flats within their boundaries for  $\geq 30$  days.

Considering both the geographic distribution and length of the closures, it appears that the 2009 event could be generally categorized to be at least 50% more intense than the 2005 event.

#### **Flood Closures:**

According to the National Weather Service, the summer of 2009 was the wettest in recorded history. For the first time ever, Portland measured over 20 inches of rain during the meteorological summer (June, July & August), with a total of 22.31 inches. This was more than three inches greater than the previous wettest summer, and more than twice the normal rainfall. Rainfall records in Portland go back to 1871.

There were 42 days with measurable rainfall, which is nearly 11 days more than normal. There were four times the normal number of days with over an inch of rain, and each month had a 24-hour period of more than three inches of rain.

The first flood closure was promulgated on April 3, 2009 and repealed on April 29, 2009. From June 12, 2009 until the final repeal on September 11, 2009 the majority of the Maine coast was under a flood closure. (See attached listing of legal notices with the specifications.) The Kennebec River has been closed for over 80 days in 2009. It was closed from April 29, 2009 to May 12, 2009 and from June 22, 2009 to August 19, 2009.

#### **Economic Importance:**

The shellfish industry is one of Maine's most valuable marine sectors. To date in 2009, 1,576 individuals have purchased commercial shellfish licenses, 58 individuals have purchased mussel licenses, and 44 individuals have purchased mahogany quahog licenses. Additionally, there are approximately 50 individuals holding shellfish aquaculture leases. On the dealer side of the industry, there are 108 wholesale dealers with a shellfish certificate. A significant percentage of the 1,111 retail seafood license holders sell shellfish.

According to research done by Dr. Kevin Athearn at the University of Maine at Machias, in 2006 the industry generated \$29.9 million in direct output and \$21.5 million in labor income from sales of soft-shell clams, mahogany quahogs, mussels, oysters, scallops, and hard clams. Dr. Athearn explained the importance of the shellfish industry to Maine's coastal economy in the following way:

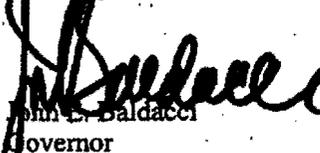
Because the industry sells much of its product out of state, it brings new money into the Maine economy. The shellfish sector's linkages to other local industries circulate money

within the Maine economy, boosting sales and incomes in businesses that serve the shellfish industry (indirect impacts). The household income created by shellfish sales and associated personal spending boost sales and income for numerous businesses that serve Maine residents (induced impacts). Indirect and induced impacts from shellfish sales accounted for another \$26.1 million in output for the state's economy. The total economic impact of the shellfish industry is estimated at \$56.0 million, with \$29.9 million accruing to Maine residents as labor income in 2006. (Economic Impact of Maine's Shellfish Industry, January 2008)

**Request:**

The severity and magnitude of the closures of Maine's shellfish industry in the spring and summer of 2009 exceeded the State's capacity to respond. For this reason, a federal disaster declaration and assistance is requested. Thank you for your consideration of these circumstances. Please let us know if there is additional information that would assist you in making a determination regarding a fishery failure and fishery resource disaster. I have designated Commissioner George Lapointe of the Department of Marine Resources (207-624-6553) to act on my behalf regarding this request. We have also been in communication with Maine's Congressional delegation to inform them of our request, and estimates of needed funding for relief to the shellfish industry.

Sincerely,



John E. Baldacci  
Governor

cc: George Lapointe, Commissioner, Department of Marine Resources