



PRD-01

3/28/13

COMMONWEALTH of VIRGINIA

Marine Resources Commission

2600 Washington Avenue
Third Floor

Newport News, Virginia 23607

Douglas W. Domenech
Secretary of Natural Resources

Jack G. Travelstead
Commissioner

February 19, 2013

Mr. John K. Bullard
Regional Administrator
U. S. Department of Commerce, NOAA
National Marine Fisheries Service
Northeast Regional Office
55 Great Republic Drive
Gloucester, MA 01930

Dear Mr. Bullard:

Please find the letter that was mentioned by Scott MacDonald of Spots Fish Company, at your recent listening session. As you can see it has been a while since this letter was sent to the National Marine Fisheries Service by our former Commissioner. The letter underscores the difficulty that our striped bass fishermen along the coast face in complying with the Harbor Porpoise Take Reduction Plan. The standing information is 1 of 8 takes of harbor porpoise could have occurred in Virginia (it is listed as occurring near the North Carolina-Virginia border). No takes occurred near the Chesapeake Bay area.

I have tried to reach Mr. MacDonald, but he is away, so I will contact him when he returns to find out if he has any additional information to share with you.

Your listening sessions have been very helpful to those in industry, and it was very important that Virginia fisherman could interact with you at last week's session.

Thank you for your offer to review this letter, as no response was ever provided to this agency.

Sincerely,

Robert L. O'Reilly

Robert L. O'Reilly

cc: Jack Travelstead
Scott MacDonald

FEB 25 2013

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Telephone (757) 247-2200 (757) 247-2292 V/TDD Information and Emergency Hotline 1-800-541-4646 V/TDD



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*Marine Resources Commission
2600 Washington Avenue
Third Floor
Newport News, Virginia 23607*

Douglas W. Domenech
Secretary of Natural Resources

Steven G. Bowman
Commissioner

August 19, 2010

Ms. Mary Colligan
Assistant Regional Administrator for Protected Resources
NMFS, Northeast Region, Protected Resources Division
55 Great Republic Drive, Suite 04-400
Gloucester, MA 01930

ATTN: Harbor Porpoise Take Reduction Plan boundary.

The Virginia Marine Resources Commission (VMRC) requests that the boundary of the Harbor Porpoise Take Reduction Plan be adjusted eastward, from the Chesapeake Bay Bridge Tunnel to the COLREGS line.

The COLREGS line has historical and practical significance and is currently the recognized boundary for several state and federal regulations and management plans, including the Atlantic Large Whale Take Reduction Plan. This management adjustment would also be consistent with the Atlantic State Marine Fisheries Commission's (ASMFC) Striped Bass Fisheries Management Plan along the Atlantic Coast. The ASMFC plan separates the Chesapeake Bay from the coastal area along a border from Cape Henry to Cape Charles that is virtually identical to the COLREGS line (Figure 1).

The Virginia striped bass fishery is highly regulated and is managed as two separate fisheries, the Chesapeake Bay and coastal (ocean). Striped bass harvest in both the coastal and lower Chesapeake Bay has declined in recent years (Figure 2), as have the landings of striped bass in the southeastern Virginia municipalities. The Chesapeake Bay fishery is restricted by the striped bass management plan to harvesting striped bass west of the COLREGS line. However, the Harbor Porpoise Take Reduction Plan limits the large mesh gill net fishery, with a February 15 through March 15 large mesh gillnet closure, east of the Chesapeake Bay Bridge Tunnel (westward of the COLREGS line). The reduction plan's large mesh gillnet closure has presented a significant hardship to Virginia's striped bass fishery for an area, between the Chesapeake Bay Bridge Tunnel and the COLREGS line, that has had no recorded harbor porpoise takes since 1999.

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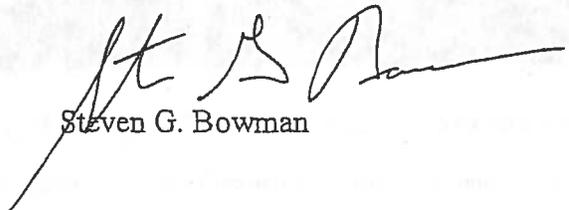
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According to the most recent summary of harbor porpoise bycatch (NOAA Technical Memorandum NMFS-NE-212), eight harbor porpoise takes were recorded in the Southern Mid-Atlantic region since 1999. Seven of those takes occurred well north of the Chesapeake Bay, and the other take was near the Virginia/North Carolina border. No harbor porpoise takes have been documented as having occurred in the mouth of the Chesapeake Bay. Of the eight takes recorded, four of those takes occurred in large mesh gill-nets and all were out of compliance with the current Harbor Porpoise plan. Because no recorded takes have occurred in the Chesapeake Bay area, there is no conclusive evidence supporting the provisions of the harbor porpoise plan that extend the management area west of the COLREGS line to the Chesapeake Bay Bridge Tunnel.

Prior requests on this measure, specifically adjustments to the season of the southern Mid-Atlantic closure area, have been disregarded by the NMFS. The VMRC requests that the Harbor Porpoise Take Reduction Plan boundary be moved eastward to the COLREGS line to alleviate the burden on the Virginia striped bass fishery operating in the Chesapeake Bay.

Sincerely,



Steven G. Bowman

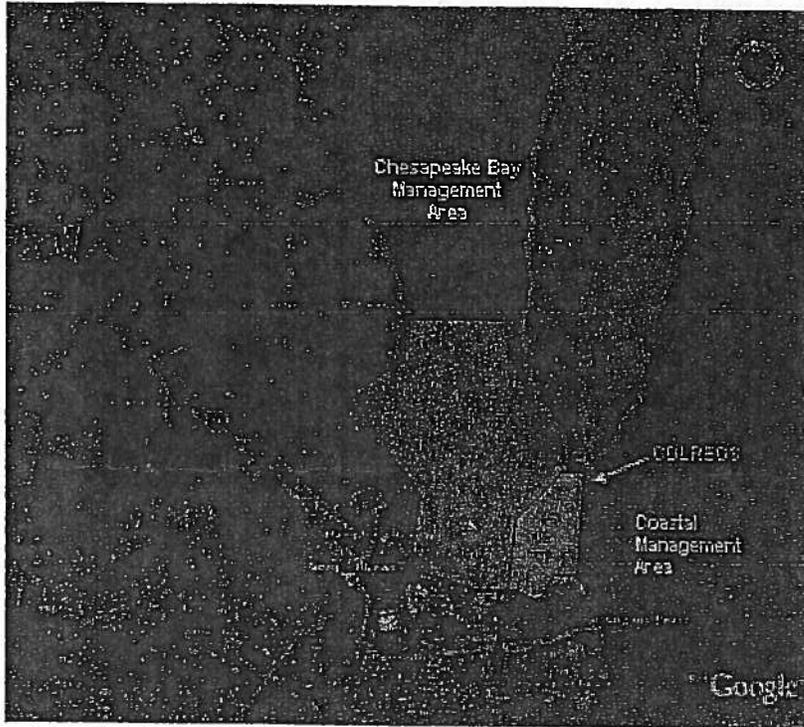


Figure 1: Management area conflict in lower Chesapeake Bay.

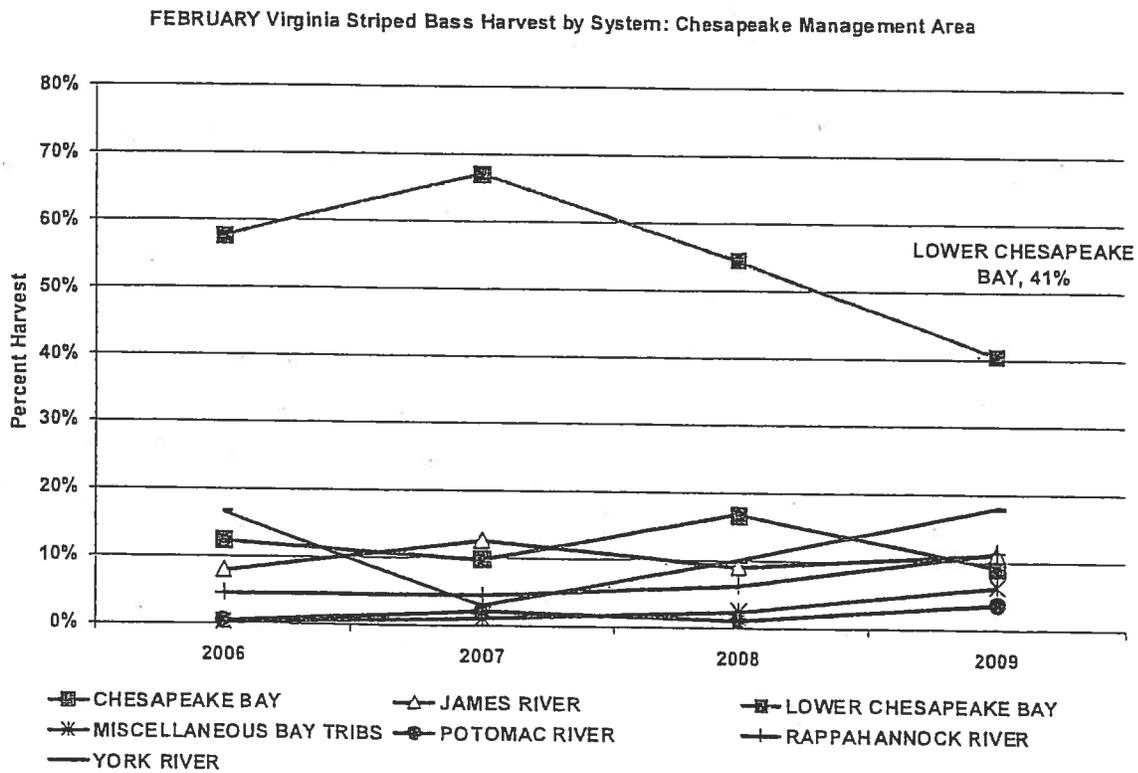


Figure 2: Decline of striped bass harvest from lower Chesapeake Bay.