



*Municipal Corp. of
Cape Charles*

June 16, 2014

Joe Grist
Fisheries Management Division
Virginia Marine Resources Commission
2600 Washington Avenue
Newport News, VA 23607

RE: Pound Net Permit Applications -
Edward H. Bender

Dear Mr. Grist:

The issue of the two applications from Edward H. Bender of Cheriton, Virginia was recently brought to our attention and we do not understand why the Town was not notified by the Virginia Marine Resources Commission (VMRC) as both applications have a direct impact on the Town and our businesses. We realize the 30-day comment period has passed, but by submission of this letter, the Town of Cape Charles would like to officially submit our reasons in opposition to the approval of the two applications.

May 8, 2014: *Notice is hereby given that Edward H. Bender of Cheriton, Virginia has applied to the Marine Resources Commission to license and locate one pound net in the Chesapeake Bay as follows: The proposed net is to be located approximately 75 feet northeast of Cape Charles City Range B Front Light 8. The length of the net will be approximately 775 feet. The offshore end of the net is to be located at Latitude 37° 15.7347'N and Longitude 76° 01.6754'W and the inshore end of the net is to be located at Latitude 37° 15.7632'N and Longitude 76° 01.5199'W.*

- 1. Safety and Health:** This particular net will be placed next to a Federal Channel. With all the boat traffic that utilizes the Town Harbor, having a vessel fishing right on a turn could hinder safe navigation. Another safety issue would be the amount of seagulls that this could bring to the area which would hinder operations at Bayshore Concrete Products. Bird droppings have also been linked to disease and these nets would be fished during the months that our tourist season is in full swing.
- 2. Recreational Fishing:** In 2005, the Town extended the Cape Charles Fun Pier with funding assistance from the Virginia Saltwater Recreational Fishing Development Fund (Grant #RF 05-08). The Fun Pier brings thousands of people into our community every year. Allowing this net to be placed in this location would directly eliminate the supply of fish to the pier.
- 3. Environment:** Over the past several years the Town has made great strides to clean up our waterfront. We have removed a majority of creosote pilings and

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replaced them with treated pilings. Most pound nets are installed using former telephone poles which contain creosote. We don't understand why this is allowed, and we would prefer that it was not permitted at the entrance to our Harbor. During the course of any summer, Town staff has to remove a large number of dead fish floating in the Harbor and we fear that pound nets this close to our Harbor entrance will create an even greater problem.

4. **Other:** The Town has been rejuvenated by an influx of tourism over the past several years. Although we support our commercial watermen, we also believe in balance and the number of possible issues related to a pound net in this area, including additional flies and other items mentioned up above, could cause the harbor and beach areas to become undesirable to the point that our visitors may not return.

May 8, 2014: *Notice is hereby given that Edward H. Bender of Cheriton, Virginia has applied to the Marine Resources Commission to license and relocate one pound net in the Chesapeake Bay as follows: The proposed net is to be relocated to approximately 2,800 feet southeast of Cherrystone Channel Light 2C. The length of the net will be approximately 925 feet. The offshore end of the net is to be located at Latitude 37°11.5840'N and Longitude 76°01.3180'W and the inshore end of the net is to be located at Latitude 37°11.6710'N and Longitude 76°01.1620'W. The offshore end of the current approved pound net is located at Latitude 37° 52.1100'N and Longitude 75° 41.7600'W.*

5. Although this net has more impact to our neighbors, Cherrystone Camping and RV Resort, it will have a lot of the same effects to Kings Creek as the other net has to the Town Harbor. Cherrystone Camping and RV Resort has three fishing piers available for their customers and placement of this net would also eliminate the supply of fish to Cherrystone's piers.

The Town of Cape Charles respectfully requests that the Virginia Marine Resource Commission consider our comments and deny both permit applications. In the future, please consider notification to the affected localities regarding permits that would directly impact the localities, their residents and visitors.

Please contact Town Manager Heather Arcos at 757-331-3259, ext. 12 with any questions.

Sincerely,



Dora Sullivan
Mayor

cc: Town Council
Lt. Governor Ralph Northam
Senator Lynwood Lewis
Delegate Robert Bloxom