

**Regulation 4VAC15-340.
Fish: Seines and Nets.**

Section 4VAC15-340-30. Gill nets.

SUMMARY:

The proposals are to remove the summer portion of the Back Bay and North Landing River gill net season (July 1 through November 1, for “Striped” mullet only) and to allow the harvest of Striped Mullet during the remainder of the gill net season (November 1 through March 31).

PROPOSED LANGUAGE OF AMENDMENT:

4VAC15-340-30. Fish: Seines and Nets. Gill nets.

A. Authorization to take fish. A gill net permit shall authorize the holder thereof to take nongame fish during the times and in the waters and for the purposes provided for in this section. Such gill net shall not be more than 300 feet in length. The mesh size shall be not less than 1 inch bar or square mesh (three-inch stretch mesh). Applicants must annually purchase tags for each net the applicant intends to operate and attach a department tag to each net prior to use. A single permit will be issued to the permittee and shall list each tag number the permittee has been issued. All nets must be checked daily and all game fish returned to the wild.

B. Permit holder to be present when gill net is being set and checked for fish. The holder of a gill net permit must be present with the net at all times when it is being set and checked for fish. The holder may have others to assist him, and such persons assisting are not required to have a permit. However, those assisting the permittee must meet the fishing license requirements of the Commonwealth.

C. Times and places permitted in Virginia Beach City; fish which may be taken. Gill nets may be used in Virginia Beach City in Back Bay and its natural tributaries (not including Lake Tecumseh and Red Wing Lake) and North Landing River from the North Carolina line to Pungo Ferry (not including Blackwater River) ~~for the taking of mullet only for table use and also for sale from July 1 through November 1, both dates inclusive; and~~ for the taking of ~~other~~ nongame fish, except ~~mullet~~, alewife, and blueback herring, for table use and also for sale from November 1 through March 31, both dates inclusive. The harvest limit for anadromous American and hickory shad shall be 10 per day, in the aggregate. Gill nets set in Back Bay waters shall be at least 300 feet from any other net and at least 300 feet from the shoreline. All such nets must be marked at both ends and at least every 100 feet along the length of the net with a five-inch by 12-inch minimum dimensions float.

RATIONALE:

This regulation section was originally enacted in 1991, with the intent to allow the historical gill net fishery to persist, while minimizing potential impacts to depleted sport fish populations, at a time of significant degradation of habitat and reduced freshwater fish populations. It provided

commercial and subsistence gill net fishermen with a means by which to harvest and sell (if desired) non-game fish. Within the regulation sub-sections, the gill net season was split into two segments, representing two distinct fisheries. The first segment from July 1 through November 1 was specifically set to allow for a traditional fishery for “mullet,” specifically the Striped Mullet. Eliminating the summer “mullet” season is a housekeeping measure, given the ongoing lack of participation in summertime mullet fishery. Department biologists are unaware of any participation in this fishery for many years; this assessment is based on permit reports, staff observations, discussions with active gill net fishermen and extensive on-water fishery survey work.

While the summer gill net fishery is currently non-existent, staff has significant concerns regarding excessive mortality of fish captured in gill nets should the fishery re-commence. Mortality in gill nets is correlated to the ambient water temperature; that is, as water temperature increases, fish mortality in gill nets increases dramatically. Largemouth Bass interaction with gill nets is of particular concern, and this recommendation will afford protection of the recovering Largemouth Bass population in Back Bay.

Staff has heard from current, active commercial fishermen who have inquired about the potential to keep mullet during the later segment of the gill net season, specifically November 1 through March 31. The primary fish species targeted during this segment is White Perch, although other species are harvested as well. Current regulatory language does not allow the harvest of “mullet” during this segment of the gill net season. From a biological perspective, staff has identified no need to continue to exclude mullet (Striped Mullet) from this season. Staff supports allowing mullet to be harvested in the November 1 through March 31 segment.