

Harbor Porpoise Take Reduction Plan: New England

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JANUARY 2010





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For more information,
contact NOAA Fisheries
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Division at 978-281-9328
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Overview of the Harbor Porpoise Take Reduction Plan

The Marine Mammal Protection Act (MMPA) directs NOAA Fisheries Service to reduce marine mammal injuries and mortality caused by incidental interactions with commercial fishing gear. In particular, the MMPA requires that NOAA Fisheries Service protect any marine mammal stock in which the potential biological removal level is being exceeded. Potential biological removal (PBR) is defined as the number of human-caused incidental mortalities a marine mammal stock can withstand annually and still reach and maintain an optimum population level.

The Harbor Porpoise Take Reduction Plan (HPTRP) was developed to reduce interactions between harbor porpoises and commercial gillnet gear in waters off New England and the Mid-Atlantic. On December 1, 1998, NOAA Fisheries Service published a final rule in the Federal Register to implement the HPTRP. Subsequent to the final rule publication, two minor revisions to the HPTRP were made.

The HPTRP manages harbor porpoise bycatch in two components: the New England component and the Mid-Atlantic component. In New England, the HPTRP utilizes seasonal time and area closures that correspond with the highest seasonal abundances of harbor porpoises. Also in New England, acoustic alarms, or pingers, are required seasonally in specific management areas to deter harbor porpoises and to prevent entanglement in commercial gillnet gear. In the Mid-Atlantic, time and area closures are utilized in combination with seasonal gear modification requirements. Gear modification requirements ensure that commercial gillnet gear is deployed in configurations least likely to result in harbor porpoise entanglement.

In New England, NOAA Fisheries Service is closely monitoring harbor porpoise bycatch rates in specific locations of high historic harbor porpoise bycatch, specifically in the southern New England and coastal Gulf of Maine areas. If bycatch rates in these areas exceed specified bycatch thresholds, additional seasonal closures could be implemented in these specific areas in New England.

This outreach guide pertains to the New England component of the HPTRP described in 50 CFR 229.33. A separate outreach guide is available for the Mid-Atlantic component of the HPTRP (described in 50 CFR 229.34). For more information about the HPTRP, contact NOAA Fisheries Service Northeast Regional Office Protected Resources Division at 978-281-9328 or visit the HPTRP website at www.nero.noaa.gov/hptrp.

General Harbor Porpoise Information

Harbor porpoises (*Phocoena phocoena*) are found in coastal and offshore waters where they prey on small schooling fish and can become entangled in gillnet gear. These animals are difficult to study because they are widely dispersed in small groups and spend little time at the surface. The southern-most stock of harbor porpoises is the Gulf of Maine/Bay of Fundy stock, which is the stock that is managed by the HPTRP. Along the east coast of North America, they can be found from Labrador to North Carolina and their distribution varies unpredictably from year to year depending on environmental conditions such as water temperature and prey distribution. Generally, in the winter, a portion of this stock moves south to waters between New York and North Carolina. In the summer, harbor porpoises are generally found in the northern Gulf of Maine and southern Bay of Fundy area. In the fall and spring, they are widely dispersed from Maine to New Jersey.

The most recent US and Gulf of Mexico marine mammal stock assessment report provides the most current information about the Gulf of Maine/Bay of Fundy stock of harbor porpoises, including PBR level, population abundance, and estimates of incidental bycatch.





New England Gillnet Management Areas

The New England component of the HPTRP pertains to all fishing with sink gillnets and other gillnets capable of catching multispecies in New England waters from Maine through Rhode Island east of 72°30' W longitude. Vessels using pelagic gillnets/baitnets (as described in 50 CFR 648.81 (f)(2)(ii)) are exempt from this plan. The HPTRP includes time and area closures, and closures to commercial sink gillnet fishing unless pingers are used in the prescribed manner (See page 4).

Northeast Closure Area

Latitude	Longitude
44°27.3'	68°55.0'
43°29.6'	68°55.0'
44°04.4'	67°48.7'
44°06.9'	67°52.8'
44°31.2'	67°02.7'
44°45.8'	67°02.7'

Mid-Coast Management Area

Latitude	Longitude
42°30.0'	70°50.1'
42°30.0'	70°15.0'
42°40.0'	70°15.0'
42°40.0'	70°00.0'
43°00.0'	70°00.0'
43°00.0'	69°30.0'
43°30.0'	69°30.0'
43°30.0'	69°00.0'
44°17.8'	69°00.0'

Massachusetts Bay Management Area

Latitude	Longitude
42°30.0'	70°50.1'
42°30.0'	70°30.0'
42°15.0'	70°30.0'
42°15.0'	70°00.0'
42°00.0'	70°00.0'
42°00.0'	70°01.2'
42°00.0'	70°04.8'
42°00.0'	70°42.2'

Stellwagen Bank Management Area

Latitude	Longitude
42°30.0'	70°30.0'
42°30.0'	70°15.0'
42°15.0'	70°15.0'
42°15.0'	70°30.0'
42°30.0'	70°30.0'

Offshore Management Area

Latitude	Longitude
42°50.0'	69°30.0'
43°10.0'	69°10.0'
43°10.0'	67°40.0'
43°05.8'	67°40.0'
42°53.1'	67°44.5'
42°47.3'	67°40.0'
42°10.0'	67°40.0'
42°10.0'	69°30.0'
42°50.0'	69°30.0'

Cashes Ledge Closure Area

Latitude	Longitude
42°30.0'	69°00.0'
42°30.0'	68°30.0'
43°00.0'	68°30.0'
43°00.0'	69°00.0'
42°30.0'	69°00.0'

Cape Cod South Closure Area

Latitude	Longitude
41°19.6'	71°45.0'
40°40.0'	71°45.0'
40°40.0'	70°30.0'
41°20.9'	70°30.0'
41°23.1'	70°30.0'
41°33.1'	70°30.0'

Southern New England Management Area

Latitude	Longitude
Western boundary as specified ¹	
40°00.0'	72°30.0'
40°00.0'	69°30.0'
42°15.0'	69°30.0'
42°15.0'	70°00.0'
41°58.3'	70°00.0'

¹Bounded on the west by a line running from the Rhode Island shoreline at 41°18.2' N. lat. and 71°51.5' W. long. (Watch Hill, RI), southwesterly through Fishers Island, NY, to Race Point, Fishers Island, NY; and from Race Point, Fishers Island, NY; southeasterly to the intersection of the 3-nautical mile line east of Montauk Point; southwesterly along the 3-nautical mile line to the intersection of 72°30.0' W. long.

New England Management Measures

Areas and Dates	Restrictions	Associated Figure
Northeast Closure Area August 15 through September 13	Closed (No Gillnets)	Figure 3 (page 6)
Mid-Coast Management Area September 15 through May 31	Gillnets with Pingers	Figure 4 (page 7)
Massachusetts Bay Management Area November 1 through February 28/29 March 1 through March 31 April 1 through May 31	Gillnets with Pingers Closed (No Gillnets) Gillnets with Pingers	Figure 5 (page 8)
Stellwagen Bank Management Area November 1 through May 31	Gillnets with Pingers	Figure 6 (page 9)
Offshore Management Area November 1 through May 31	Gillnets with Pingers	Figure 7 (page 10)
Cashes Ledge Closure Area February 1 through February 28/29	Closed (No Gillnets)	Figure 7 (page 10)
Cape Cod South Closure Area March 1 through March 31	Closed (No Gillnets)	Figure 8 (page 11)
Southern New England Management Area December 1 through May 31	Gillnets with Pingers	Figure 8 (page 11)

Note: Figure 1 describes pinger specifications and placement on gillnet gear. Please see page 4. Figure 2 depicts each of the New England management areas described above on a single nautical chart. Please see page 5.



Pinger Requirements

Pinger Specifications: a pinger is an acoustic deterrent device which, when immersed in water, broadcasts a 10 kHz (± 2 kHz) sound at 132 dB (± 4 dB) re 1 micropascal at 1 m, lasting 300 milliseconds (± 15 milliseconds), and repeating every 4 seconds (± 0.2 seconds).

Pinger Attachment: a pinger must be attached at each end of a gillnet string and at the bridle of every net within a string of nets, or every 300 feet (See Figure 1 below). For example, in a gillnet string consisting of 3 net panels, 4 pingers would be required.

Pinger Training and Authorization: The operator of a vessel may not fish with, set, or haul back sink gillnets or gillnet gear, or allow such gear to be in closed areas where pingers are required unless the operator has satisfactorily completed the NOAA Fisheries Service pinger training program and possesses on board the vessel a valid pinger training authorization.

For more information about pinger training and authorization, please contact the NOAA Fisheries Service Northeast Fisheries Liaison, John Higgins, at the Maine office at 207-677-2316.

Figure 1: Placement of Pingers on Gillnet Gear

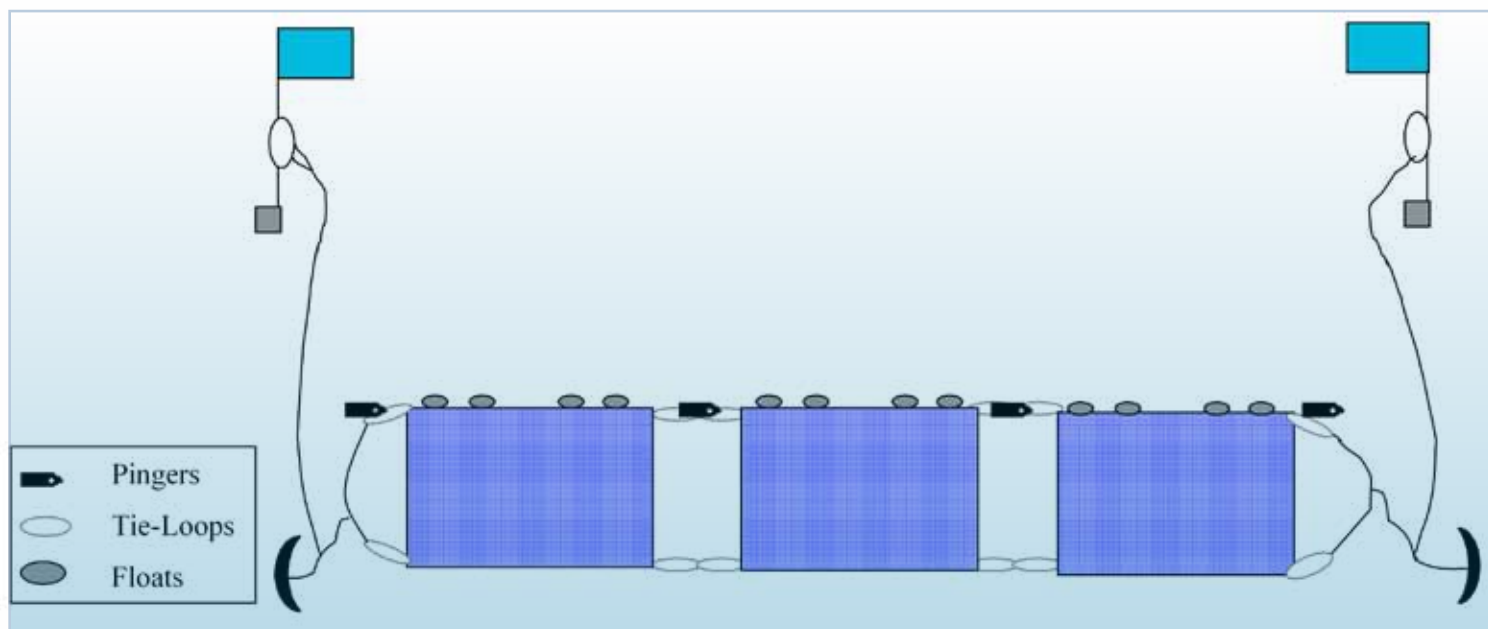


Figure 2: HPTRP Management Areas for New England

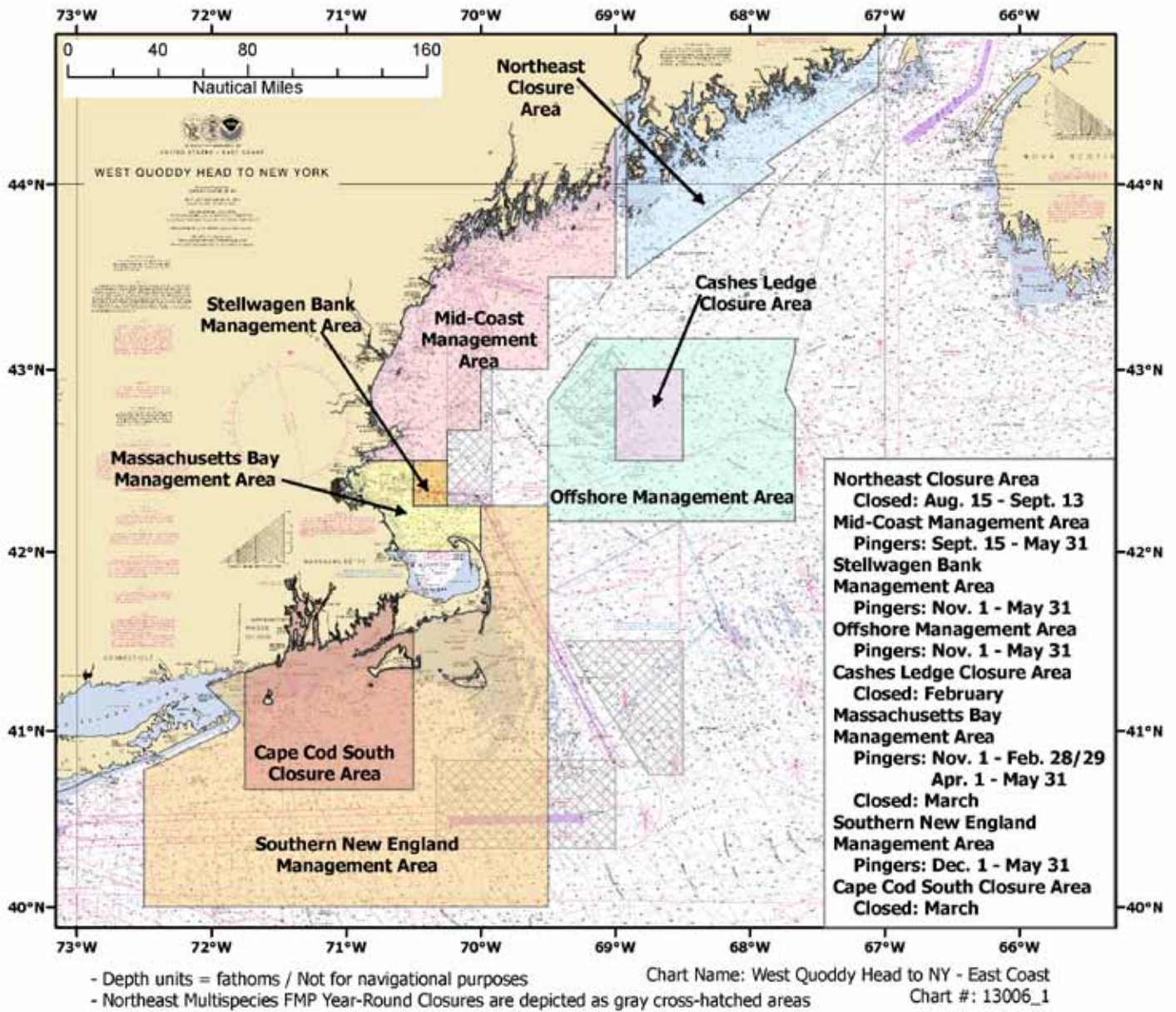


Figure 4: HPTRP Mid-Coast Management Area

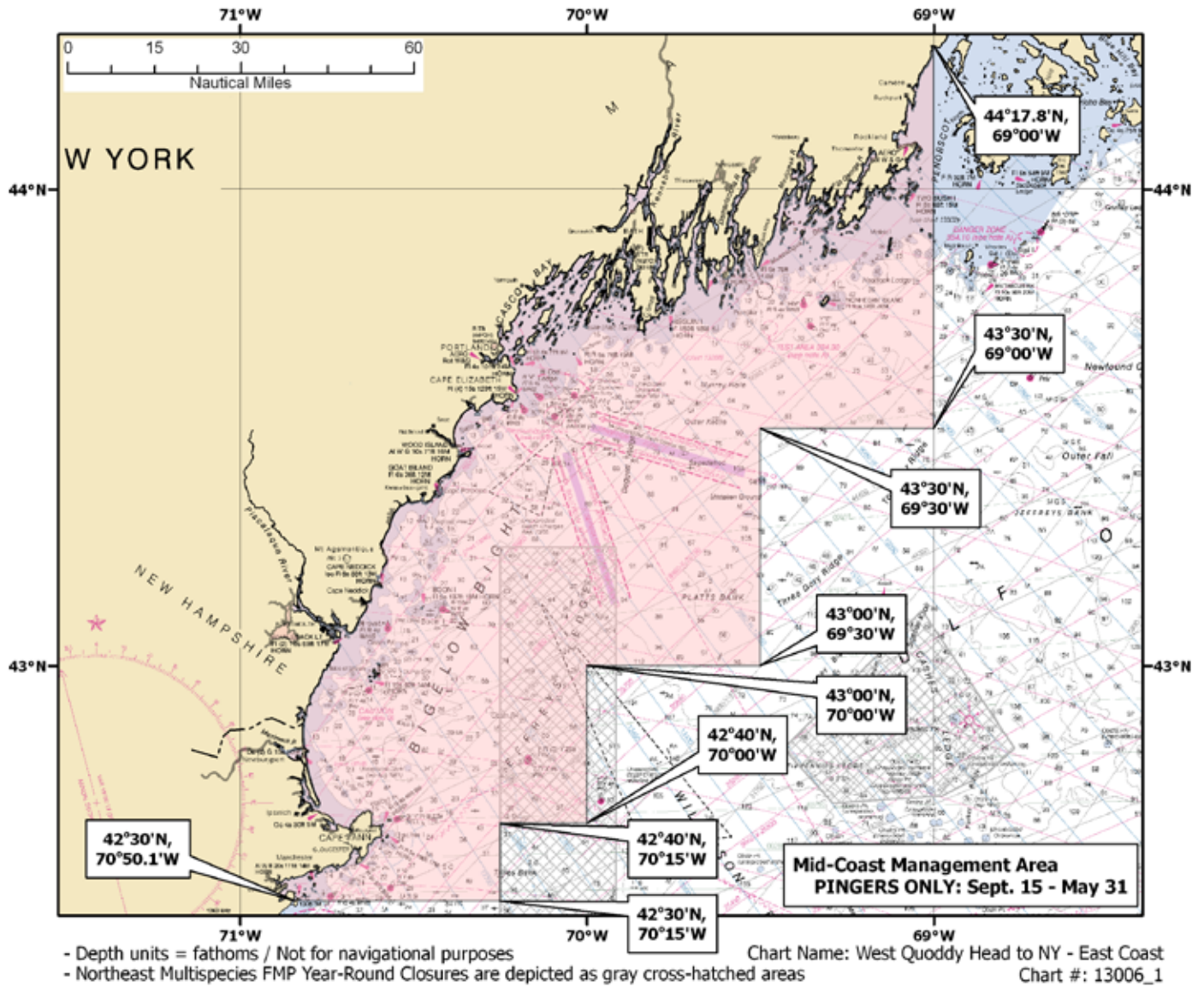


Figure 6: HPTRP Stellwagen Bank Management Area

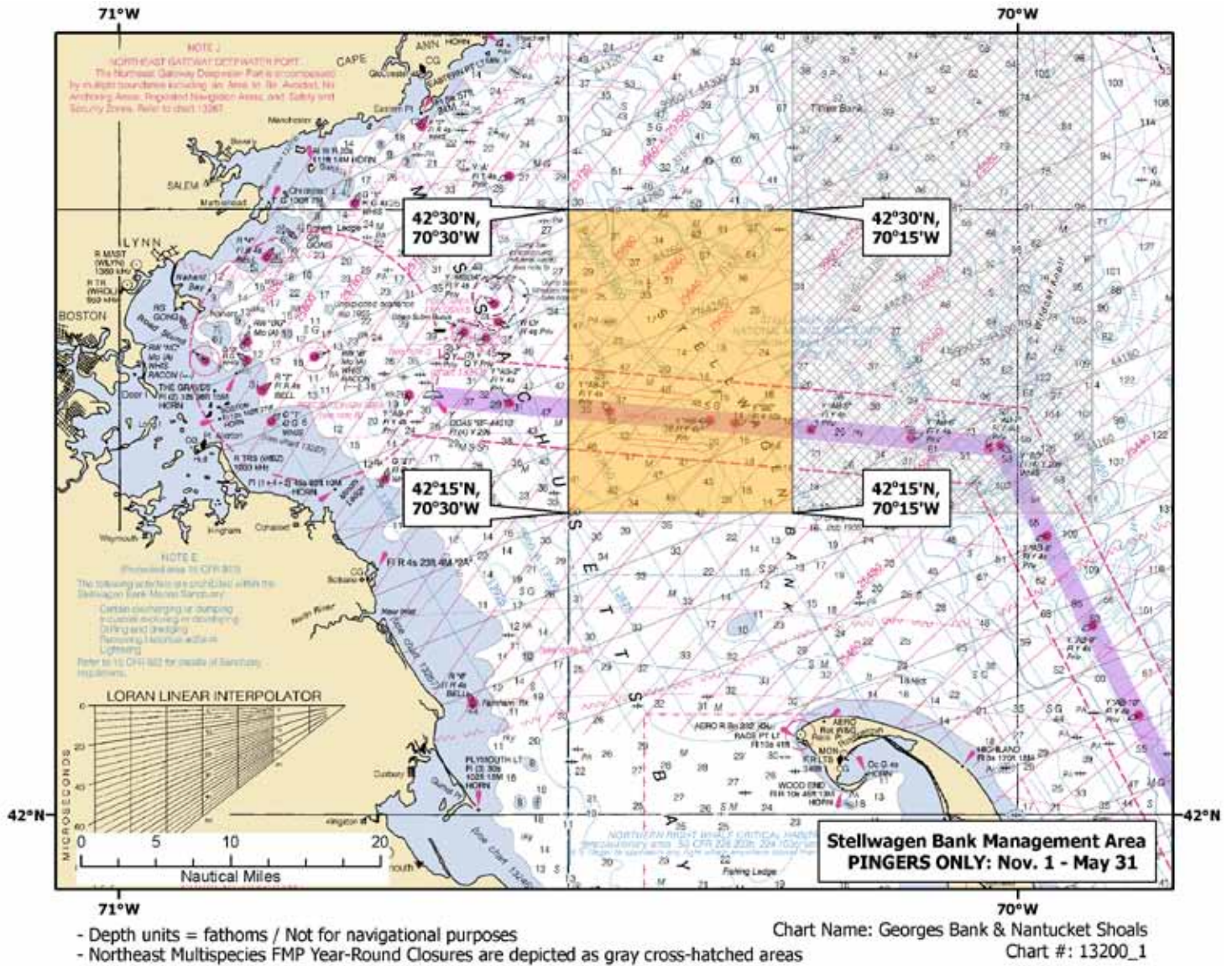
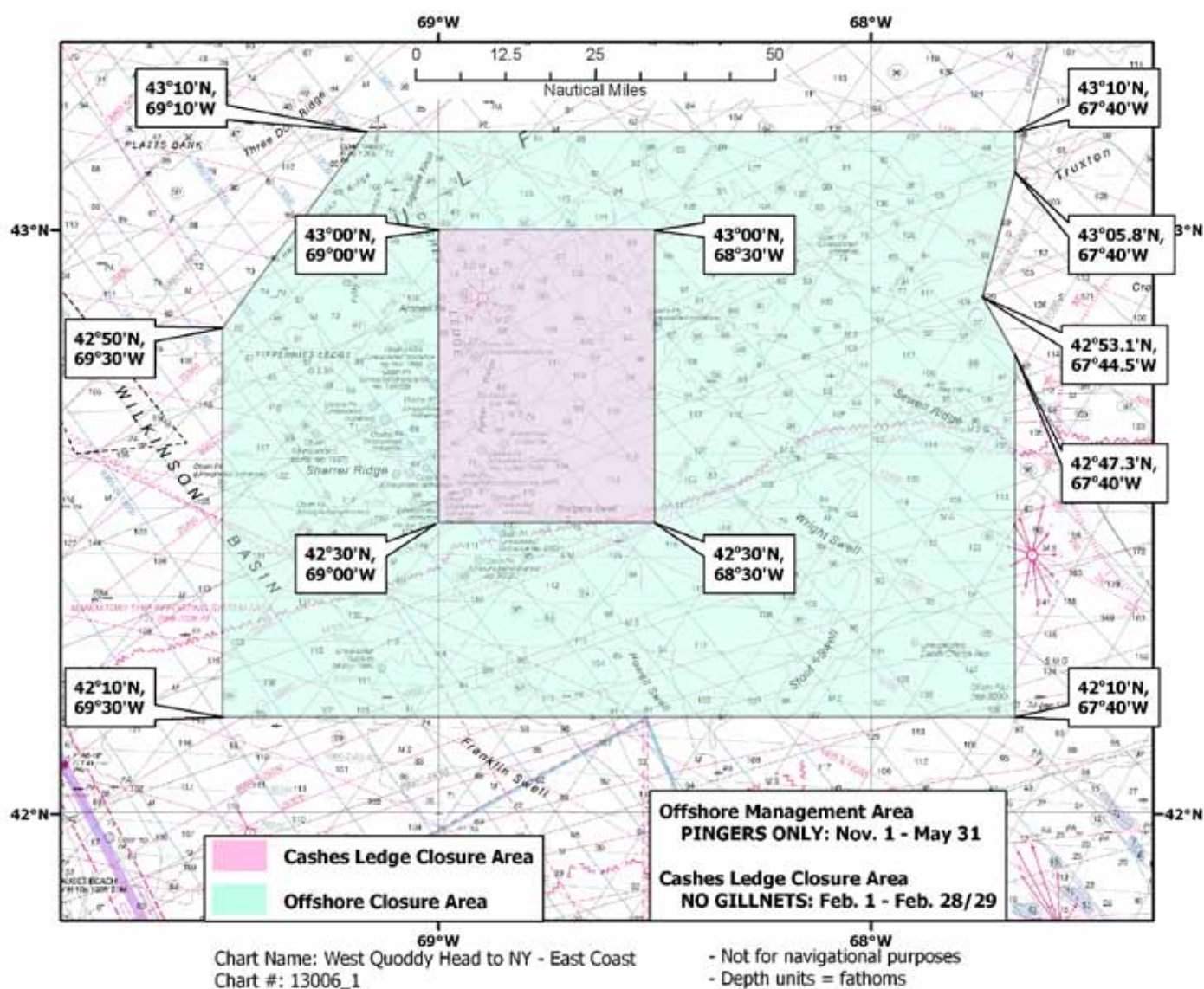


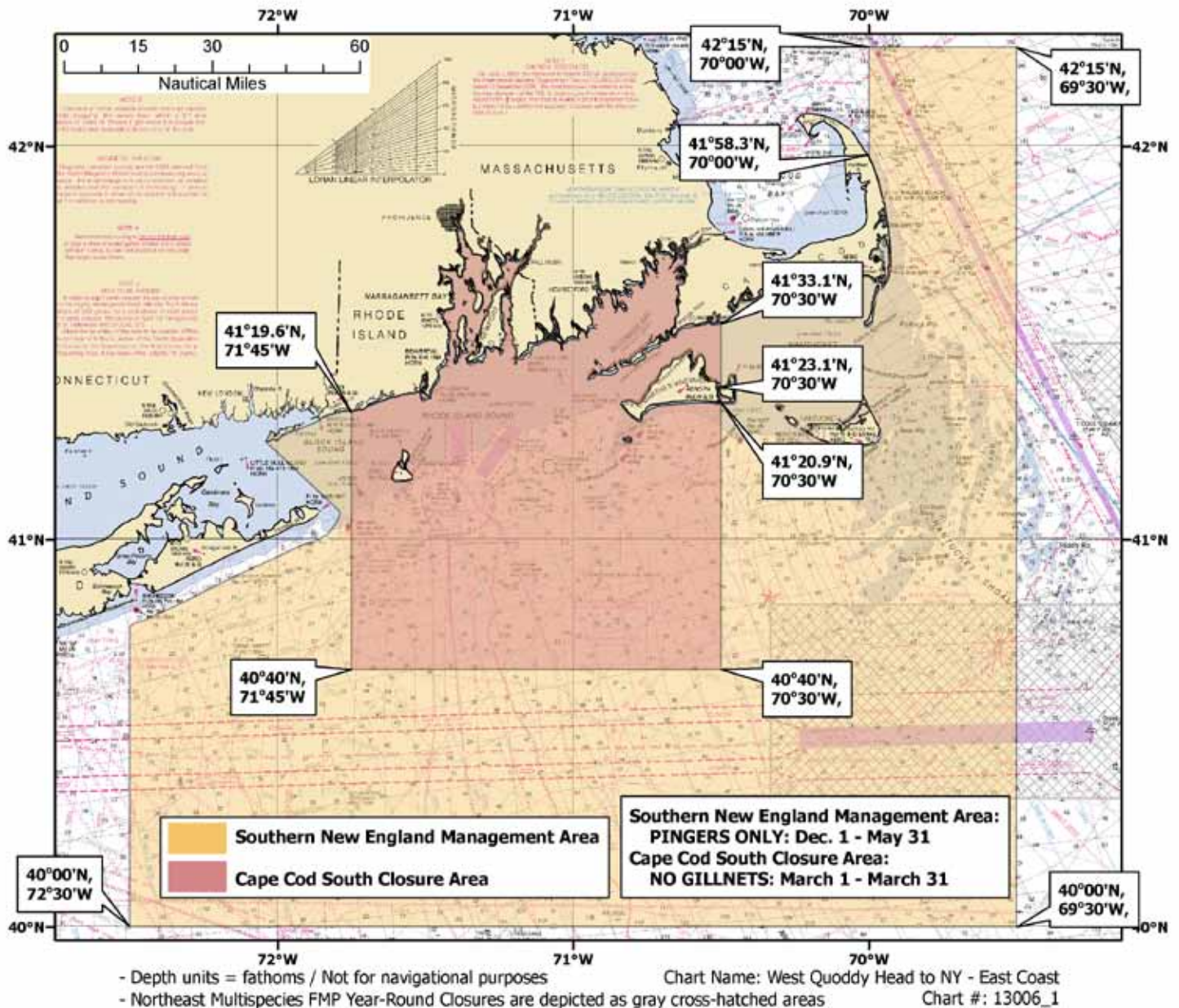


Figure 7: HPTRP Offshore Management Area & Cashes Ledge Closure Area



Note: When the boundaries of HPTRP management areas overlap, the more stringent restrictions apply. When the Cashes Ledge Closure Area is not in effect, it is subsumed by the Offshore Management Area.

Figure 8: HPTRP Southern New England Management Area & Cape Cod South Closure Area



Note: When the boundaries of HPTRP management areas overlap, the more stringent restrictions apply. When the Cape Cod South Closure Area is not in effect, it is subsumed by the Southern New England Management Area.



HPTRP Consequence Closure Areas

NMFS, in consultation with the Harbor Porpoise Take Reduction Team (HPTRT), has established a strategy to ensure compliance with HPTRP pinger requirements. Consequence closure areas are specific areas of historically high levels of harbor porpoise bycatch that will seasonally close if bycatch rates over two consecutive management seasons exceed a specified rate.

If any of the consequence closure areas are triggered, they will remain in effect until bycatch levels achieve the zero mortality rate goal (ZMRG) established for harbor porpoises or until the HPTRT and NMFS develop and implement new measures. NMFS is currently monitoring the rates of harbor porpoise bycatch and is evaluating the most recent two years of harbor porpoise bycatch information to be averaged and compared to the specified bycatch rate. Consequence closure areas will only be in effect after the specified rate of harbor porpoise bycatch is exceeded.

Please note, if harbor porpoise bycatch rates result in the implementation of any of the HPTRP consequence closure areas, NMFS will issue notification to commercial fishermen via a letter to permit holders, notification on the HPTRP website (www.nero.noaa.gov/hptrp), and notification to the HPTRT.

Three consequence closure areas have been established:

1. Coastal Gulf of Maine Consequence Closure Area (see Figure 9)

If the harbor porpoise bycatch rate in the Mid-Coast Management Area, Massachusetts Bay Management Area, and Stellwagen Bank Management Area combined exceeds 0.031 harbor porpoises per metric tons (which is equivalent to **1 harbor porpoise taken per 71,117 lbs**) landed after two consecutive management seasons, the Coastal Gulf of Maine Consequence Closure Area will be closed to gillnet fishing each year during the months of October and November. When this area is not closed, the current seasonal requirements of the HPTRP management areas remain in effect.

2. Cape Cod South Expansion Consequence Closure Area (see Figure 9)

3. Eastern Cape Cod Consequence Closure Area (see Figure 9)

If the harbor porpoise bycatch rate for the Southern New England Management Area exceeds 0.023 harbor porpoises per metric tons (which is equivalent to **1 harbor porpoise taken per 95,853 lbs**) landed after two consecutive management seasons, both the Cape Cod South Expansion Consequence Closure Area and the Eastern Cape Cod Consequence Closure Area will be closed to gillnet fishing each year from February through April. When these areas are not closed, the current seasonal requirements of the Southern New England Management Area remain in effect.

Figure 9: HPTRP Consequence Closure Areas

Please Note: This figure depicts the locations of the three consequence closure areas should they become implemented in the future. Consequence closure areas will be implemented only if the harbor porpoise bycatch rate averaged over two management seasons exceeds the specified harbor porpoise bycatch rate established by NMFS. Prior to this trigger, these closure areas are not in effect.

