



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
55 Great Republic Drive
Gloucester, MA 01930-2276

APR 27 2010

Dear Gillnet Vessel Owner/Operator:

This letter is to restate the impact of the delay of new pinger requirements under the Harbor Porpoise Take Reduction Plan (HPTRP) within the Southern New England Management Area and how this affects the existing pinger requirements of the Cape Cod South Closure Area. The long-standing requirements for the Cape Cod South Closure Area (i.e., closure from March 1-31 and pinger requirements from December 1 to February 28/29 and April 1 to May 31) remain in effect. **Gillnet vessels fishing within the Cape Cod South Closure Area must continue to use pingers for the remainder of the Cape Cod South Closure Area season, through May 31, 2010.**

In a letter dated March 16, 2010, NOAA's National Marine Fisheries Service (NMFS) announced that it had published a final rule delaying the effective date for new pinger requirements within the Stellwagen Bank and Southern New England Management Areas from March 22, 2010, to September 15, 2010 and reminded vessel owners that all other new requirements became effective March 22, 2010. The new pinger requirements were established as part of a final rule implementing an amendment to the HPTRP (75 FR 7383, February 19, 2010).

The Cape Cod South Closure Area was established through the regulations implementing the original HPTRP (63 FR 66464, December 2, 1998). Pingers are required on gillnet gear from December 1 through May 31 in this area, with the exception of March, in which this area is closed to commercial gillnet fishing. The final rule published on March 16, 2010 only delayed implementation of new pinger requirements within the Southern New England Management Area, an expansion of the Cape Cod South Closure Area, to alleviate concerns expressed by the gillnet industry over the availability of pingers and the time needed for new gillnet vessels to complete their required pinger authorization training by the March 22, 2010 effective date. The delay did not rescind the existing requirements of the Cape Cod South Closure Area. Therefore, pingers continue to be required within the Cape Cod South Closure Area through May 31, 2010, despite the delay in new pinger requirements for the expanded Southern New England Management Area (see Figure 1).

If you have questions about this letter or would like additional information on HPTRP gillnet requirements or pinger authorization training, please visit the HPTRP website at www.nero.noaa.gov/hptrp or contact Amanda Johnson (978-282-8463; Amanda.Johnson@noaa.gov) or John Higgins (207-677-2316; John.Higgins@noaa.gov).

Sincerely,


Patricia A. Kurkul
Regional Administrator



Figure 1. Explanation of pinger requirements after publication of delay of effective date for new pinger requirements under the HPTRP.

