



New England Fishery Management Council

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Frank Blount, *Chairman* | Paul J. Howard, *Executive Director*

August 2, 2005

Ms. Pat Kurkul
Northeast Regional Administrator
NMFS/NOAA
One Blackburn Drive
Gloucester, MA 01930-2298

Subject: Harbor Porpoise Closure in Massachusetts Bay

Dear Pat:

At its June 21-23 meeting the Council agreed with a recommendation included in the Groundfish Committee's package of issues related to Framework Adjustment 42 --- to reconsider an analysis of the groundfish rolling closures. Specifically, the language calls for a reexamination of rolling closures that are longer than one month with a focus on developing alternatives that address cod spawning aggregations. This will, of course, necessitate ensuring any new scenario is conservation neutral.

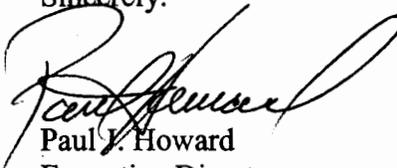
While Plan Development Team work on this issue will not occur before the receipt of updated groundfish stock assessment information in early September, it might be prudent to look at the impact of this action relative to closures that affect sink gillnet gear in the Harbor Porpoise Take Reduction Plan (TRP). The March 1-31 Massachusetts (Mass) Bay closure is of particular interest and is the subject of this information request.

As you know, the groundfish rolling closures were enacted on top of those in the Harbor Porpoise TRP. When modified under Amendment 13, the Mass Bay groundfish closure was changed from February through April to a two month closure during April and May. Fishermen using gillnets became confused by notices published last year informing them of the changes to the rolling closures, resulting in the opening of Mass Bay in March, only to learn that their gear was still subject to the long-standing harbor porpoise closure which remained in effect. The issue, which also has come up at Groundfish Committee meetings, is one that continues to cause consternation. The Mid-Coast Area has historically accounted for the highest levels of porpoise bycatch in the Gulf of Maine and is one in which pingers only are required when porpoises are most common. Mass Bay is closed for a month and historically has accounted for far less porpoise interactions.

According to the Harbor Porpoise TRP, the strategy of small, discrete and complete closures surrounded by longer time/area closures where pingers are required was developed to account for the interannual variability in porpoise distribution and changes in fishing effort. Months during which pingers are required in the Mass Bay area are December through February as well as April and May. In view of improved information on the status harbor porpoise, the overall reduced level of porpoise interactions in the Gulf of Maine sink gillnet fishery, days-at-sea reductions required by the Council's Groundfish Plan and changes in the gillnet fishery itself, it may be an appropriate time to reevaluate the necessity of the Mass Bay Closure. Toward that end, the Council requests the available information relating to parameters that affect porpoise bycatch in Mass Bay, including numbers and locations of animals taken in the gillnet fishery, impacts of fishing regulations on interactions (including the curtailment of the dogfish fishery through implementation of trip limits) and a rationale for continuance of the closure versus a change to the TRP that would make Mass Bay an area in which pingers would be used. This information would be very useful as the Groundfish Committee discusses possible rolling closure modifications.

I am also sending a copy of this letter to John Boreman to facilitate any dialogue that might be necessary. If you have questions please feel free to contact me. Staff contacts are Pat Fiorelli and Tom Nies. Framework 42 will be in development throughout the fall, but receipt of the harbor porpoise take information would be appreciated as soon as possible. Thank you for your attention to this request.

Sincerely,



Paul V. Howard
Executive Director

cc: Dr. John Boreman

✓ bcc: Mary Cooligan - NOAA/NMFS