



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

February 19, 2010

Small Entity Compliance Guide

Dear Gillnet Vessel Owner/Operator:

This letter is to inform you that NOAA's National Marine Fisheries Service (NMFS) has recently approved a Final Rule to amend the regulations implementing the Harbor Porpoise Take Reduction Plan (HPTRP) to meet the goals under the Marine Mammal Protection Act (MMPA). NMFS determined that modifications to the HPTRP were warranted due to an increase in the serious injury and mortality of harbor porpoises due to entanglements in commercial gillnet gear in New England and Mid-Atlantic waters. **The amended HPTRP regulations will become effective March 22, 2010**, and can be found in their entirety by visiting the HPTRP website at www.nero.noaa.gov/hptrp.

The amendments to the HPTRP described in the Final Rule include non-regulatory and regulatory measures. The non-regulatory measures are to improve monitoring, outreach, and collaboration on HPTRP management efforts. Regulatory changes include the following:

New England

- Expand the size of the Massachusetts Bay Management Area, as well as pinger use to include November;
- Establish the Stellwagen Bank Management Area and require pingers from November 1 through May 31;
- Establish the Southern New England Management Area where pingers are required from December 1 through May 31; and
- Establish the Cape Cod South Expansion Consequence Closure Area and Coastal Gulf of Maine Consequence Closure Area. These areas would be closed to gillnetting for two to three months if harbor porpoise bycatch levels are too high.

Mid-Atlantic

- Establish the Mudhole South Management Area, with a seasonal closure and gear modifications for large and small mesh gear;
- Modify the northern boundary of the Waters off New Jersey Management Area to intersect with the southern shoreline of Long Island, NY at 72° 30' W longitude; and
- Modify tie-down spacing requirement for large mesh gillnets in all Mid-Atlantic management areas (Waters off New Jersey, Mudhole North and South, and Southern Mid-Atlantic Management Areas).



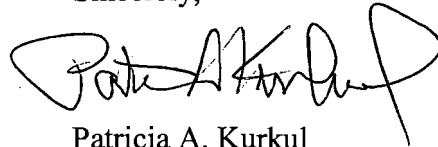
Additional amendments include the creation of a scientific research provision in the HPTRP to promote harbor porpoise research within HPTRP management areas, and modifications to the regulatory text for the purposes of clarification and consistency.

Enclosed with this letter are compliance guides for both the New England and Mid-Atlantic components of the HPTRP, which summarize the current requirements. Smaller, laminated outreach cards ideal for use on board a fishing vessel are available upon request (see below).

Please note that NMFS strongly encourages all gillnet fishermen to obtain a complete copy of the Final Rule and become familiar with the HPTRP requirements. NMFS encourages fishermen to become aware of the areas which will become closed to gillnets for certain months of the year if harbor porpoise bycatch is above levels described in the amended HPTRP regulations. NMFS will be monitoring these areas and communicating with the Harbor Porpoise Take Reduction Team (HPTRT) and the gillnet fishing industry regarding harbor porpoise bycatch levels.

If you have any questions regarding this letter or the information included, please contact the NMFS Northeast Regional Office at 978-281-9328. A complete copy of the HPTRP Final Rule and/or laminated outreach cards can also be obtained by calling this number. You may also contact the industry liaison for your area: John Higgins (207-677-2316) in New England or Glenn Salvador (757-414-0128) in the Mid-Atlantic.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia A. Kurkul". The signature is stylized and cursive, with a large initial "P" and "K".

Patricia A. Kurkul
Regional Administrator

Enclosures