HARBOR PORPOISE (*Phocoena phocoena)*: Gulf of Maine/Bay of Fundy Stock

STOCK DEFINITION AND GEOGRAPHIC RANGE

This stock is found in USA and Canadian Atlantic waters. The distribution of harbor porpoises has been documented by sighting surveys, strandings, and takes reported by NMFS observers in the Sea Sampling Program. During summer (July to September), harbor porpoises are concentrated in the northern Gulf of Maine and southern Bay of Fundy region, generally in waters less than 150 m deep (Gaskin 1977; Kraus *et al.* 1983; Palka 1995a, b). During fall (October-December) and spring (April-June), harbor porpoises are widely dispersed from New Jersey to Maine, with lower densities farther north and south. They are seen from the coastline to deep waters (>1800m; Westgate *et al.* 1998), although the majority of the population is found over the continental shelf. During winter (January to March), intermediate densities of harbor porpoises can be found in waters off New Jersey to North Carolina, and lower densities are found in waters off New York to New Brunswick, Canada. There does not appear to be a temporally coordinated migration or a specific migratory route to and from the Bay of Fundy region. Though, during the fall, several satellite tagged harbor porpoises did favor the waters around the 92m isobath, which is consistent with observations of high rates of incidental catches in this depth range (Read and Westgate 1997). There were two stranding records from Florida (Smithsonian strandings data base).

Gaskin (1984, 1992) proposed that there were four separate populations in the western North Atlantic: the Gulf of Maine/Bay of Fundy, Gulf of St. Lawrence, Newfoundland and Greenland populations. Recent analyzes involving mtDNA (Wang *et al.* 1996; Rosel *et al.* 1999), organochlorine contaminants (Westgate *et al.* 1997; Westgate and Tolley 1999), heavy metals (Johnston 1995), and life history parameters (Read and Hohn 1995) support Gaskin's proposal. Genetic studies using mitochondrial DNA (Rosel *et al.* 1999) and contaminant studies using total PCBs (Westgate and Tolley 1999) indicate that the Gulf of Maine/Bay of Fundy females were distinct from females from the other populations in the NW Atlantic. While Gulf of Maine/Bay of Fundy males were distinct from Newfoundland and Greenland males, but not from Gulf of St. Lawrence males according to studies comparing mtDNA (Rosel *et al.* 1999; Palka *et al.* 1996) and CHLORs, DDTs, PCBs and CHBs (Westgate and Tolley 1999). Analyses of stranded animals from the mid-Atlantic states suggest that this aggregation of harbor porpoises consists of animals from more than just the Gulf of Maine/Bay of Fundy stock (Rosel *et al.* 1999). However, the majority of the samples used in the Rosel *et al.* (1999) study were from stranded juvenile animals. Further work is underway to examine adult animals from this region. Nuclear microsatellite markers have also been applied to samples from these four populations, but this analysis failed to detect significant population sub-division in either sex (Rosel *et al.* 1999). This pattern may be indicative of female philopatry coupled with dispersal of male harbor porpoises. This report follows Gaskin's hypothesis on harbor porpoise stock structure in the western North

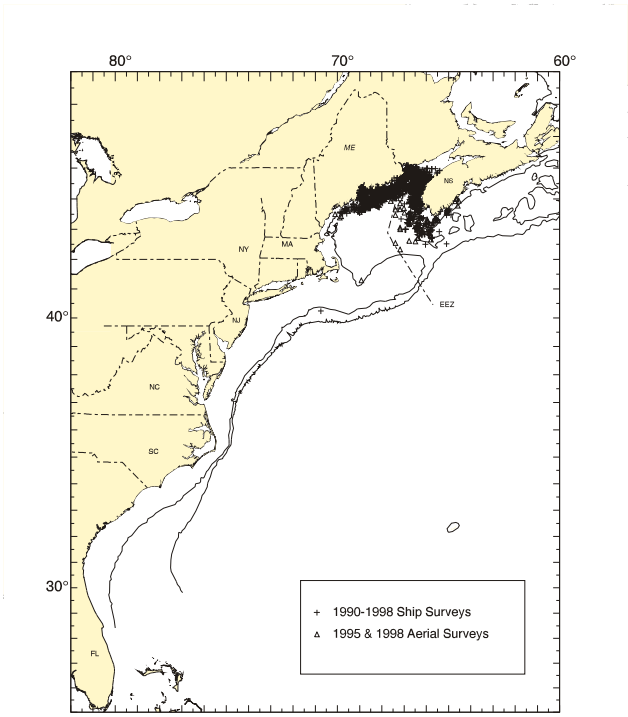

Figure 1. *Distribution of harbor porpoise sightings from NEFSC and SEFSC shipboard and aerial surveys during the summer in 1990-1998. Isobaths are at 100 m and 1,000 m.*

Atlantic; Gulf of Maine and Bay of Fundy harbor porpoises are recognized as a single management stock separate from harbor porpoise populations in the Gulf of St. Lawrence, Newfoundland, and Greenland.

POPULATION SIZE

To estimate the population size of harbor porpoises in the Gulf of Maine/Bay of Fundy region, three line-transect sighting surveys were conducted during the summers of 1991, 1992 and 1995 (Table 1; Figure 1).

The population sizes were 37,500 harbor porpoises in 1991 (CV=0.29, 95% confidence interval (CI) = 26,700-86,400) (Palka 1995a), 67,500 harbor porpoises in 1992 (CV=0.23, 95% CI = 32,900-104,600), and 74,000 harbor porpoises in 1995 (CV=0.20, 95% CI = 40,900-109,100) (Palka 1996). The inverse variance weighted-average abundance estimate (Smith *et al.* 1993) was 54,300 harbor porpoises (CV=0.14, 95% CI = 41,300-71,400). Possible reasons for inter-annual differences in abundance and distribution include experimental error between inter-annual changes in water temperature and availability of primary prey species (Palka 1995b), and movement among population units (e.g. between the Gulf of Maine and Gulf of St. Lawrence).

The shipboard sighting survey procedure used in all three surveys involved two independent teams on one ship that searched using the naked eye in non-closing mode. Abundance, corrected for g(0), the probability of detecting an animal group on the track line, was estimated using the direct-duplicate method (Palka 1995a) and variability was estimated using bootstrap re-sampling methods. Potential biases not explicitly accounted for are ship avoidance and time of submergence. During 1995 a section of the region was surveyed by airplane while the rest of the region was surveyed by ship, as in previous years. The 1995 abundance estimate, including g(0), was estimated for both the plane and ship (Palka 1996). During 1995, in addition to the Gulf of Maine/Bay of Fundy area, waters from Virginia to the mouth of the Gulf of St. Lawrence were surveyed and no harbor porpoises were seen except in the vicinity of the Gulf of Maine/Bay of Fundy.

Kingsley and Reeves (1998) estimated there were 12,100 (CV=0.26) harbor porpoises in the entire Gulf of St. Lawrence during 1995 and 21,700 (CV=0.38) in the northern Gulf of St. Lawrence during 1996. These estimates are presumed to be of the Gulf of St. Lawrence stock of harbor porpoises. The highest densities were north of Anticosti Island, with lower densities in the central and southern Gulf. During the 1995 survey, 8427 km of track lines were flown in an area of 221,949 km^2 during August and September. During the 1996 survey, 3,993 km of track lines were flown in an area of 94,665 km^2 during July and August. Data were analyzed using Quenouille's jackknife bias reduction procedure on line transect methods that modeled the left truncated sighting curve. These estimates were uncorrected for visibility biases, such as g(0).

Table 1. Summary of abundance estimates for the Gulf of Maine/Bay of Fundy harbor porpoise. Month, year, and area covered during each abundance survey, and resulting abundance estimate (N_{best}) and coefficient of variation (CV).

Month/Year	Area	N_{best}	CV
Jul-Aug 1991	N. Gulf of Maine & lower Bay of Fundy	37,500	0.29
Jul-Sep 1992	N. Gulf of Maine & lower Bay of Fundy	67,500	0.23
Jul-Sep 1995	N. Gulf of Maine & lower Bay of Fundy	74,000	0.20
Inverse variance-weighted average of above 1991, 1992 and 1995 estimates		54,300	0.14

Minimum Population Estimate

The minimum population estimate is the lower limit of the two-tailed 60% confidence interval of the log-normally distributed best abundance estimate. This is equivalent to the 20th percentile of the log-normal distribution as specified by Wade and Angliss (1997). The best estimate of abundance for harbor porpoises is 54,300 (CV=0.14). The minimum population estimate for the Gulf of Maine/Bay of Fundy harbor porpoise is 48,289 (CV=0.14).

Current Population Trend

There are insufficient data to determine the population trends for this species. Previous abundance estimates for harbor porpoises in the Gulf of Maine/Bay of Fundy are available from earlier studies, (e.g. 4,000 animals, Gaskin 1977, and 15,800 animals, Kraus *et al.* 1983). These estimates cannot be used in a trends analysis because they were for selected small regions within the entire known summer range and, in some cases, did not incorporate any estimate of g(0) (NEFSC 1992).

CURRENT AND MAXIMUM NET PRODUCTIVITY RATES

Although current population growth rates of Gulf of Maine/Bay of Fundy harbor porpoises have not been estimated due to lack of data, several attempts have been made to estimate potential population growth rates. Barlow and Boveng (1991), who used a re-scaled human life table, estimated the upper bound of the annual potential growth rate to be 9.4%. Woodley and Read (1991) used a re-scaled Himalayan tahr life table to estimate a likely annual growth rate of 4%. In an attempt to estimate a potential population growth rate that incorporates many of the uncertainties in survivorship and reproduction, Caswell *et al.* (1998) used a Monte Carlo method to calculate a probability distribution of growth rates. The median potential annual rate of increase was approximately 10%, with a 90% confidence interval of 3-15%. This analysis underscored the considerable uncertainty that exists regarding the potential rate of increase in this population. Consequently, for the purposes of this assessment, the maximum net productivity rate was assumed to be 0.04, consistent with values used for other cetaceans for which direct observations of maximum rate of increase are not available, and following a recommendation from the Atlantic Scientific Review Group. The 0.04 value is based on theoretical modeling showing that cetacean populations may not grow at rates much greater than 4% given the constraints of their reproductive life history (Barlow *et al.* 1995).

POTENTIAL BIOLOGICAL REMOVAL

Potential Biological Removal (PBR) is the product of minimum population size, one-half the maximum productivity rate, and a "recovery" factor (MMPA Sec. 3. 16 U.S.C. 1362; Wade and Angliss 1997). The minimum population size is 48,289 (CV=0.14). The maximum productivity rate is 0.04, the default value for cetaceans. The "recovery" factor, which accounts for endangered, depleted, threatened stocks, or stocks of unknown status relative to optimum sustainable population (OSP) is assumed to be 0.5 because this stock is of unknown status. PBR for the Gulf of Maine/Bay of Fundy harbor porpoise is 483.

ANNUAL HUMAN-CAUSED MORTALITY

Fishery Information

Gulf of Maine/Bay of Fundy harbor porpoise takes have been documented in the USA Northeast multispecies sink gillnet, mid-Atlantic coastal gillnet, Atlantic pelagic drift gillnet fisheries, and in the Canadian Bay of Fundy groundfish sink gillnet and herring weir fisheries. The USA average annual mortality estimate for 1994 to 1998 from the above USA fisheries is 1,521 (CV=0.10) harbor porpoises (Table 2). The Canadian average annual mortality estimate for 1994 to 1998 from the above Canadian fisheries is 57 harbor porpoises. It was not possible to estimate variance of the Canadian estimate. The total average annual mortality estimate for 1994 to 1998 from the USA and Canadian fisheries is 1,578 (Table 2).

USA

Recent data on incidental takes in USA fisheries are available from several sources. The only source that documented harbor porpoise bycatch is the Northeast Fisheries Science Center (NEFSC) Sea Sampling Observer Program that was initiated in 1989, and since that year, several fisheries have been covered by the program.

Northeast Multispecies Sink Gillnet

Before 1998, most of the harbor porpoise takes from USA fisheries were from the Northeast multispecies sink gillnet fishery. In 1984 the Northeast multispecies sink gillnet fishery was investigated by a sampling program that collected information concerning marine mammal bycatch. Approximately 10% of the vessels fishing in Maine, New Hampshire, and Massachusetts were sampled. Among the eleven gillnetters who received permits and logbooks, 30 harbor porpoises were reported caught. It was estimated, using rough estimates of fishing effort, that a maximum of 600 harbor porpoises were killed annually in this fishery (Gilbert and Wynne 1985, 1987).

In 1990, an observer program was started by NMFS to investigate marine mammal takes in the Northeast multispecies sink gillnet fishery. There have been 423 harbor porpoise mortalities related to this fishery observed between 1990 and 1998 and one was released alive and uninjured. In 1993, there were approximately 349 full and part-time vessels in the Northeast multispecies sink gillnet fishery (Table 2). An additional 187 vessels were reported to occasionally fish in the Gulf of Maine with gillnets for bait or personal use; however, these vessels were not covered by the observer program (Walden 1996) and their fishing effort was not used in estimating mortality. During 1998, it was estimated there were 301 full and part-time vessels participating in this fishery. This is the number of unique vessels in the commercial landings database (Weighout) that reported catch from this fishery during 1998 from the states of Rhode Island to Maine. This does not include a small percentage of records where the vessel number was missing. Observer coverage in terms of trips has been 1%, 6%, 7%, 5%, 7%, 5%, 4%, 6% and 5% for years 1990 to 1998, respectively. Bycatch in the northern Gulf of Maine occurs primarily from June to September; while in the southern Gulf of Maine bycatch occurs from January to May and September to December. Annual estimates of harbor porpoise bycatch in the Northeast multispecies sink gillnet fishery reflect seasonal distribution of the species and of fishing effort. Bycatch estimates included a correction factor for the under-recorded number of by-caught animals that occurred during unobserved hauls on trips with observers on the boat, when applicable. Need for such a correction became evident following re-analysis of data from the sea sampling program indicating that for some years bycatch rates from unobserved hauls were lower than that for observed hauls. Further analytical details are given in Palka (1994), CUD (1994), and Bravington and Bisack (1996). These revised bycatch estimates replace those published earlier (Smith *et al.* 1993). Estimates presented here are still negatively biased because they do not include harbor porpoises that fell out of the net while still underwater. This bias cannot be quantified at this time. Estimated annual bycatch (CV in parentheses) from this fishery during 1990-1998 was 2,900 in 1990 (0.32), 2,000 in 1991 (0.35), 1,200 in 1992 (0.21), 1,400 in 1993 (0.18) (Bravington and Bisack 1996; CUD 1994), 2100 in 1994 (0.18), 1400 in 1995 (0.27) (Bisack 1997a), 1200 (0.25) in 1996, 782 (0.22) in 1997, and 332 (0.46) in 1998. The increase in the 1998 CV is mainly due to the small number of observed takes. Average estimated harbor porpoise mortality and serious injury in the Northeast multispecies sink gillnet fishery during 1994-1998 was 1,163 (0.11).

There appeared to be no evidence of differential mortality in USA or Canadian gillnet fisheries by age or sex in animals collected before 1994, although there was substantial inter-annual variation in the age and sex composition of the bycatch (Read and Hohn 1995). However, with a larger sample, from harbor porpoises examined by necropsy or from tissues received from sea sampling observers (n=171 between 1989 and 1997), the sex ratio is now 58 females and 113 males (A. Read, pers. comm.). Investigations are currently underway to determine spatial-temporal patterns in the sex ratio.

Two preliminary experiments, using acoustic alarms (pingers) attached to gillnets, that were conducted in the Gulf of Maine during 1992 and 1993 and took 10 and 33 harbor porpoises, respectively. During fall 1994, a controlled scientific experiment was conducted in the southern Gulf of Maine, where all nets with and without active pingers were observed (Kraus *et al.* 1997). In this experiment 25 harbor porpoises were taken in 423 strings with non-active pingers (controls) and two harbor porpoises were taken in 421 strings with active pingers. In addition, 17 other harbor porpoises were taken in nets that did not follow the experimental protocol (Table 2). From 1995 to 1997, experimental fisheries were conducted where all nets in a designated area were required to use pingers and only a sample of the nets were observed. During November-December 1995, the experimental fishery was conducted in the southern Gulf of Maine (Jeffreys Ledge) region, where no harbor porpoises were observed taken in 225 pingered nets. During 1995, all takes from pingered nets were added directly to the estimated total bycatch for that year. During April 1996, three other experimental fisheries occurred. In the Jeffreys Ledge area, in 88 observed hauls using pingered nets nine harbor porpoises were taken. In the Massachusetts Bay region, in 171 observed hauls using pingered nets, two harbor porpoises were taken. And, in a region just south of Cape Cod, in 53 observed hauls using pingered nets no harbor porpoises were taken. During 1997, experimental fisheries were allowed in the mid-coast region during March 25 to April 25 and November 1 to December 31. During the 1997 spring experimental fishery, 180 hauls were observed with active pingers and 220 hauls were controls (silent). All observed harbor porpoise takes were in silent nets: 8 in nets with control (silent) pingers, and 3 in nets without pingers. Thus, there was a statistical difference between the catch rate in nets with pingers and silent nets (Kraus and Brault in press). During the 1997 fall experimental fishery, out of 125 observed hauls using pingered nets no harbor porpoises were taken.

From 95 stomachs of harbor porpoises collected in groundfish gillnets in the Gulf of Maine between September and December 1989-94, Atlantic herring (*Clupea harengus*) was the most important prey. Pearlsides (*Maurolicus*

weitzmani), silver hake (*Merluccius bilinearis*) and red and white hake (*Urophycis* spp.) were the next most common prey species (Gannon *et al.* 1998).

Mid-Atlantic Coastal Gillnet

Before an observer program was in place, Polacheck *et al.* (1995) reported one harbor porpoise incidentally taken in shad nets in the York River, Virginia. In July 1993 an observer program was initiated in the mid-Atlantic coastal gillnet fishery by the NEFSC Sea Sampling program. This fishery, which extends from North Carolina to New York, is actually a combination of small vessel fisheries that target a variety of fish species, some of the vessels operate right off the beach. During 1998, it was estimated that there were 302 full and part-time vessels participating in this fishery. This is the number of unique vessels in the commercial landings database (Weighout) that reported catch from this fishery during 1998 from the states of Connecticut to North Carolina. This does not include a small percentage of records where the vessel number was missing. Twenty trips were observed during 1993. During 1994 and 1995, 221 and 382 trips were observed, respectively. Observer coverage, expressed as percent of tons of fish landed, was 5% for 1995, 4% for 1996, 3% for 1997, and 5% for 1998 (Table 2). No harbor porpoises were taken in observed trips during 1993 and 1994. During 1995 to 1998, respectively, 6, 19, 32, and 53 harbor porpoises were observed taken (Table 2). Observed fishing effort has been concentrated off New Jersey and scattered between Delaware and North Carolina from the beach to 50 miles off the beach. Documented bycatches during 1995 to 1998 were from December to May. Bycatch estimates were calculated using methods similar to that used for bycatch estimates in the Northeast multispecies gillnet fishery (Bravington and Bisack 1996; Bisack 1997a). During 1998 a separate bycatch estimate was made for the drift gillnet and set gillnet sub-fisheries. The number presented here is the sum of these two sub-fisheries. The estimated annual mortality (CV in parentheses) attributed to this fishery was 103 (0.57) for 1995, 311 (0.31) for 1996, 572 (0.35) for 1997, and 446 (0.36) for 1998. Average estimated harbor porpoise mortality and serious injury from the mid-Atlantic coastal gillnet fishery during 1995 to 1998 was 358 (CV=0.20) (Table 2).

Pelagic Drift Gillnet

Because no harbor porpoises were taken in this fishery during the most recent five year period, 1994 to 1998, this section will be removed during the next update. In 1996 and 1997, NMFS issued management regulations which prohibited the operation of this fishery in 1997. The fishery operated during 1998. Then, in January 1999 NMFS issued a Final Rule to prohibit the use of drift net gear in the North Atlantic swordfish fishery (50 CFR Part 630). One harbor porpoise was observed taken from the Atlantic pelagic drift gillnet fishery during 1991-1998. The estimated total number of hauls in the Atlantic pelagic drift gillnet fishery increased from 714 in 1989 to 1,144 in 1990; thereafter, with the introduction of quotas, effort was severely reduced. Fifty-nine different vessels participated in this fishery at one time or another between 1989 and 1993. In 1994 to 1998 there were 11, 12, 10, 0, and 11 vessels, respectively, in the fishery (Table 2). The estimated number of hauls in 1991, 1992, 1993, 1994, 1995 and 1996 were 233, 243, 232, 197, 164, and 149 respectively. Observer coverage, expressed as percent of sets observed was 8% in 1989, 6% in 1990, 20% in 1991, 40% in 1992, 42% in 1993, 87% in 1994, 99% in 1995, 64% in 1996, and 99% in 1998. The decline in observer coverage in 1996 is attributable to trips made by vessels that were deemed unsafe for observers due to the size or condition of the fishing vessel. Fishing effort was concentrated along the southern edge of Georges Bank and off Cape Hatteras. Examination of the species composition of the catch and locations of the fishery throughout the year suggested that the drift gillnet fishery be stratified into two strata, a southern or winter stratum, and a northern or summer stratum. Estimates of the total bycatch, for each year from 1989 to 1993, were obtained using the aggregated (pooled 1989-1993) catch rates, by strata (Northridge 1996). Estimates of total annual bycatch after 1993 were estimated from the sum of the observed caught and the product of the average bycatch per haul and the number of unobserved hauls as recorded in logbooks. Variances were estimated using bootstrap re-sampling techniques (Bisack 1997b). The one observed bycatch was notable because it occurred in continental shelf edge waters adjacent to Cape Hatteras (Read *et al.* 1996). Estimated annual fishery-related mortality (CV in parentheses) attributable to this fishery was 0.7 in 1989 (7.00), 1.7 in 1990 (2.65), 0.7 in 1991 (1.00), 0.4 in 1992 (1.00), 1.5 in 1993 (0.34), 0 in 1994 to 1996, and 0 in 1998. The fishery was closed during 1997. Average estimated harbor porpoise mortality and serious injury in the Atlantic pelagic drift gillnet fishery during 1994-1998 was 0.0 (Table 2).

North Atlantic Bottom Trawl

One harbor porpoise mortality was observed in the North Atlantic bottom trawl fishery between 1989 and 1998. Vessels in this fishery, a Category III fishery under the MMPA, were observed in order to meet fishery management needs, rather than marine mammal management needs. An average of 970 (CV=0.04) vessels (full and part time) participated annually in the fishery during 1989-1993. This fishery is active in New England waters in all seasons. The one take

occurred in February 1992 east of Barnegatt Inlet, New York at the continental shelf break. The animal was clearly dead prior to being taken by the trawl, because it was severely decomposed and the tow duration of 3.3 hours was insufficient to allow extensive decomposition; therefore, the estimated bycatch for this fishery is 0 .

CANADA

Hooker *et al.* (1997) summarized bycatch data from a Canadian fisheries observer program that placed observers on all foreign fishing vessels operating in Canadian waters, on between 25-40% of large Canadian fishing vessels (greater than 100 feet long), and on approximately 5% of smaller Canadian fishing vessels. No harbor porpoises were observed taken.

Bay of Fundy Sink Gillnet

During the early 1980's, Canadian harbor porpoise bycatch in the Bay of Fundy sink gillnet fishery, based on casual observations and discussions with fishermen, was thought to be low. The estimated harbor porpoise bycatch in 1986 was 94-116 and in 1989 it was 130 (Trippel *et al.* 1996). The Canadian gillnet fishery occurs mostly in the western portion of the Bay of Fundy during the summer and early autumn months, when the density of harbor porpoises is highest. Polacheck (1989) reported there were 19 gillnetters active in 1986, 28 active in 1987, and 21 in 1988.

More recently, an observer program implemented in the summer of 1993 provided a total bycatch estimate of 424 harbor porpoises (± 1 SE: 200-648) from 62 observed trips, (approximately 11.3% coverage of the Bay of Fundy trips) (Trippel *et al.* 1996).

During 1994, the observer program was expanded to cover 49.4% of the gillnet trips (171 observed trips). The bycatch was estimated to be 101 harbor porpoises (95% confidence limit: 80-122), and the fishing fleet consisted of 28 vessels (Trippel *et al.* 1996).

During 1995, due to groundfish quotas being exceeded, the gillnet fishery was closed from July 21 to August 31, 1995. During the open fishing period of 1995, 89% of the trips were observed, all in the Swallowtail region. Approximately 30% of these observed trips used pingered nets. The estimated bycatch was 87 harbor porpoises (Trippel *et al.* 1996). No confidence interval was computed due to lack of coverage in the Wolves fishing grounds.

During 1996, the Canadian gillnet fishery was closed during July 20-31 and August 16-31 due to reduced groundfish quotas. From the 107 monitored trips, the bycatch in 1996 was estimated to be 20 harbor porpoises (Trippel *et al.* 1999; DFO 1998). Trippel *et al.* (1999) estimated that during 1996, gill nets equipped with acoustic alarms reduced harbor porpoise bycatch rates by 68% over nets without alarms in the Swallowtail area of the lower Bay of Fundy.

During 1997, the fishery was closed to the majority of the gillnet fleet during July 18-31 and August 16-31, due to reduced groundfish quotas. In addition a time-area closure to reduce porpoise bycatch in the Swallowtail area occurred during September 1-7, 1997. From the 75 monitored trips during 1997, 19 harbor porpoises were observed taken. After accounting for total fishing effort, the estimated bycatch in 1997 was 43 animals (DFO 1998). Trippel *et al.* (1999) estimated that during 1997, gill nets equipped with acoustic alarms reduced harbor porpoise bycatch rates by 85% over nets without alarms in the Swallowtail area of the lower Bay of Fundy.

During 1998, the number of fishing vessels was appreciably lower than in previous years due to very poor groundfish catch rates, even though the fishery was open throughout July to September. Seventeen trips were monitored and one harbor porpoise mortality was observed. Fishers independently reported an additional four porpoises. The Wolves and Head Harbour area had seven fishing trips in July and did not receive observer coverage. A preliminary total bycatch for Bay of Fundy in 1998 was estimated at 10 porpoises. Estimates of variance are not available (DFO 1998).

Average estimated harbor porpoise mortality in the Canadian groundfish sink gillnet fishery during 1994-1998 was 52 (Table 2). An estimate of variance is not possible.

Herring Weirs

Harbor porpoises takes have been observed frequently in Canadian herring weirs, though not recently in USA herring weirs. However, no program has been set up to observer USA fishing weirs. In the Bay of Fundy, weirs are operating from May to September each year. Weirs are found along the southwestern shore of the Bay of Fundy, and scattered along the western Nova Scotia and northern Maine coasts. There were 180 active weirs in the western Bay of Fundy and 56 active weirs in Maine in 1990 (Read 1994). According to state of Maine officials, in 1998, the number of weirs in Maine waters has dropped to nearly zero due to the limited herring market (Jean Chenoweth, pers. comm.). According to Canadian DFO officials, for 1998, there were 225 licenses for herring weirs on the New Brunswick side and 30 from the Nova Scotia side of the Bay of Fundy (In New Brunswick: 60 from Grand Manan Island, 95 from Deer and Campobello Islands, 30 from Passamaquoddy Bay, 35 from East Charlotte area, and 5 from the Saint John area). The

number of licenses has been fairly consistent since 1985 (Ed Trippel, pers. comm.). The number of active weirs is less than the number of licenses, and decreasing every year (A. Read, pers. comm.).

Smith *et al.* (1983) estimated approximately 70 harbor porpoises become trapped annually and, on average, 27 died annually, and the rest were released alive. At least 43 harbor porpoises were trapped in Bay of Fundy weirs in 1990, but the number killed is unknown. In 1993, after a cooperative program between fishermen and Canadian biologists began, over 100 harbor porpoises were released alive and an unknown number died (Read 1994). Due to the cooperative program, out of 263 documented harbor porpoises caught in herring weirs during 1992 to 1994, 57 died while the rest were either released or escaped. The numbers that died during the seining process (and were released alive) were 11 (and 50) in 1992, 33 (and 113) in 1993, and 13 (and 43) in 1994 (Neimanis *et al.* 1995). Out of 125 documented harbor porpoises caught in herring weirs during 1995 to 1998, 11 died while the rest were either released or escaped. The numbers that died (and were released alive or escaped) were 5 (and 60) in 1995; 2 (and 4) in 1996; 2 (and 24) in 1997; and 2 (and 26) in 1998 (Westgate, pers. comm.).

Clinical hematology values from 29 harbor porpoises released from Bay of Fundy herring weirs indicated that values were different than that reported in the literature for captive porpoises (Koopman *et al.* 1999). These data represent a baseline for free-ranging harbor porpoises that can be used as a reference for long-term monitoring of the health of this population, a mandate by the MMPA.

Average estimated harbor porpoise mortality in the Canadian herring weir fishery during 1994-1998 was 4.8 (Table 2). An estimate of variance is not possible.

Table 2. Summary of the incidental mortality of harbor porpoise (*Phocoena phocoena*) by commercial fishery including the years sampled (Years), the number of vessels active within the fishery (Vessels), the type of data used (Data Type), the annual observer coverage (Observer Coverage), the mortalities recorded by on-board observers (Observed Mortality), the estimated annual mortality (Estimated Mortality), the estimated CV of the annual mortality (Estimated CVs) and the mean annual mortality (CV in parentheses).

Fishery	Years	Vessels	Data Type [1]	Observer Coverage [2]	Observed Mortality	Estimated Mortality	Estimated CVs	Mean Annual Mortality
USA								
Northeast Multispecies Sink Gillnet	94-98	1993=349 1998=301	Obs. Data Weighout, Trip Logbook	.07, .05, .04, .06, .05	99[3], 43[3], 52[3], 47[3], 12[3]	2100[3],1400[3], 1200[3],782[3], 332[3]	.18, .27, .25, ,.22, .46	1163 (.11)
Mid-Atlantic Coastal Sink Gillnet	95-98[4]	1998=302	Obs. Data Weighout	.05, .04, .03, .05	6, 19, 32, 53	103, 311, 572, 446	.57, .31, .35, .36	358 (0.20)
Pelagic Drift Gillnet	94-98	1994=11 1995=12 1996=10 1997=NA[5] 1998=13	Obs. Data Logbook	.87, .99, .64, NA[5],.99	0, 0, 0, NA[5],0	0, 0, 0, NA[5],0	0, 0, 0, NA[5],0	0.0[5] (0)
USA TOTAL								1521 (0.10)
CANADA								
Groundfish Sink Gillnet	94-98	1994=28	Obs. Data Can. Trips	.49, .89, .8, .8, .8	49, 25, 13, 19, 1	101, 87, 20, 43, 10	NA	52 (NA)
Herring Weir	94-98	1998=255 licenses[6]	Coop. Data	NA	13,5, 2,2,2	13,5, 2,2,2	NA	4.8 (NA)
CANADIAN TOTAL								57 (NA)
TOTAL								1578 (NA)

NA = Not available.

[1] Observer data (Obs. Data) are used to measure bycatch rates; the USA data are collected within the Northeast Fisheries Science Center (NEFSC) Sea Sampling Program, the Canadian data are collected by DFO. NEFSC collects Weighout (Weighout) landings data, that are used as a measure of total effort for the USA sink gillnet fisheries. The Canadian DFO catch and effort statistical system collected the total number of trips fished by the Canadians (Can. trips), which was the measure of total effort for the Canadian groundfish gillnet fishery. Mandatory trip logbook (Trip Logbook) data are used to determine the spatial distribution of some fishing effort in the Northeast multispecies sink gillnet fishery. Mandatory logbook (Logbook) data, used to measure total effort for the pelagic drift gillnet fishery, are collected at the Southeast Fisheries Science Center (SEFSC). Observed mortalities from herring weirs are collected by a cooperative program between fishermen and Canadian biologists (Coop. Data).

[2] The observer coverage for the USA and Canadian sink gillnet fishery is measured in trips, for the pelagic drift gillnet fishery the unit of effort is a set, and for the mid-Atlantic coastal sink gillnet fishery the unit of effort is tons of fish landed.

[3] Harbor porpoise taken before 1997 in observed pinger trips were added directly to the estimated total bycatch for that year. During 1997, harbor porpoises were taken on non-pingered scientific experimental strings within a time/area stratum that require pingers; and during 1998, harbor porpoises were taken on a pingered string within a stratum that did not require

pingers. In both cases, a weighted bycatch rate was applied to effort from both pingered and non-pingered hauls within that stratum. The weighted bycatch rate was:

$$\sum_{i}^{ping,non-ping} \frac{\#porpoise_i}{sslandings_i} \cdot \frac{\#hauls_i}{total\#hauls}$$

There were 10, 33, 44, 0, 11, ,0 and 2 observed harbor porpoise takes on pinger trips from 1992 to 1998, respectively, that are included in the observed mortality column. In addition, there were 9, 2, and 1 observed harbor porpoise takes in 1995, 1997, and 1998, respectively, on trips dedicated to fish sampling versus marine mammals, that are included in the observed mortality column (Bisack 1997a).

[4] Only data after 1994 are reported because the observed coverages during 1993 and 1994 were negligible during the times of the year when harbor porpoise takes were possible.

[5] Fishery closed during 1997. So average bycatch is from 1994, 1995, 1996 and 1998.

[6] There were 255 licenses for herring weirs in the Canadian Bay of Fundy region.

Other Mortality

USA

There is evidence that harbor porpoises were harvested by natives in Maine and Canada before the 1960's, and the meat was used for human consumption, oil, and fish bait (NEFSC 1992). The extent of these past harvests is unknown, though it is believed to have been small. Up until the early 1980's, small kills by native hunters (Passamaquoddy Indians) were reported. In recent years it was believed to have nearly stopped (Polacheck 1989) until recent public media reports in September 1997 depicted a Passamoquoddy tribe member dressing out a harbor porpoise. Further articles describing use of porpoise products for food and other purposes were timed to coincide with ongoing legal action in state court.

During 1993, seventy-three harbor porpoises were reported stranded on beaches from Maine to North Carolina (Table 3; Smithsonian Marine Mammal Database). Sixty-three of those harbor porpoises were reported stranded in the USA mid-Atlantic region from New York to North Carolina between February and May. Many of the mid-Atlantic carcasses recovered in this area during this time period had cuts and body damage suggestive of net marking (Haley and Read 1993). Five out of eight carcasses and fifteen heads from the strandings that were examined showed signs of human interactions (net markings on skin and missing flippers or flukes). Decomposition of the remaining animals prevented determination of the cause of death. Earlier reports of harbor porpoise entangled in gillnets in Chesapeake Bay and along the New Jersey coast and reports of apparent mutilation of harbor porpoise carcasses, raised concern that the 1993 strandings were related to a coastal net fishery, such as the American shad coastal gillnet fishery (Haley and Read 1993).

Between 1994 and 1996, one hundred and seven harbor porpoise carcasses were recovered from beaches in Maryland, Virginia, and North Carolina and investigated by scientists. Only juvenile harbor porpoises were present in this sample. Of the 40 harbor porpoises for which cause of death could be established, twenty-five displayed definitive evidence of entanglement in fishing gear. In four cases it was possible to determine that the animal was entangled in monofilament nets (Cox *et al.* 1998).

Records of harbor porpoise strandings prior to 1997 are stored in the Smithsonian's Marine Mammal Database and records from 1997 to present are stored in the NE Regional Office/NMFS strandings and entanglement database. According to these records, the number of harbor porpoises that stranded on beaches from North Carolina to Maine during 1994 to 1998 were 106, 85, 94, 109 and 58, respectively (Table 3). Of these, three stranded alive on a Massachusetts beach in 1996, were tagged, and subsequently released. In 1998, two porpoises that stranded on a New Jersey beach had tags on them indicating they were originally taken on an observed mid-Atlantic coastal gill net vessel. The largest annual number of recorded strandings were from Massachusetts beaches. The states with the next largest numbers were Virginia, New Jersey and North Carolina, in that order. The percent of these strandings that show signs of human interactions is presently being determined.

Stranding data probably underestimate the extent of fishery-related mortality and serious injury because not all of the marine mammals which die or are seriously injured may wash ashore, nor will all of those that do wash ashore necessarily show signs of entanglement or other fishery-interaction. Finally, the level of technical expertise among stranding network personnel varies widely as does the ability to recognize signs of fishery interaction.

Table 3. Summary of number of stranded harbor porpoises during January 1, 1994 to December 31, 1998, by state and year.

State	Year					Total
	1994	1995	1996	1997	1998	
Maine	0	0	5	6	5	16
New Hampshire	0	0	2	0	0	2
Massachusetts[1]	9	26	31	20	17	103
Rhode Island	3	0	1	1	0	5
Connecticut	0	0	1	0	0	1
New York	7	6	3	10	5	31
New Jersey[2]	17	18	12	21	16	84
Delaware	3	4	4	3	7	21
Maryland	10	4	3	10	1	28
Virginia	42	18	20	12	3	95
North Carolina	15	9	12	26	4	66
TOTAL	106	85	94	109	58	452

[1] During 1996 three animals stranded alive on a Massachusetts beach. They were tagged and released.

[2] Two of the porpoises that stranded on a New Jersey beach in 1998 had been previously tagged and released from an observed mid-Atlantic coastal gill net fishing vessel.

CANADA

Whales and dolphins stranded between 1991 and1996 on the coast of Nova Scotia were documented by the Nova Scotia Stranding Network (Hooker *et al.* 1997). Strandings on the beaches of Sable Island were documented by researchers with Fisheries and Oceans, Canada (Lucas and Hooker 1997). Sable Island is approximately 170 km southeast of mainland Nova Scotia. On the mainland of Nova Scotia, a total of eight stranded harbor porpoises were recorded between 1991 and 1996 (Table 4); of these, two were released alive. On Sable Island, two stranded dead harbor porpoises were documented, both in January (Table 4). The harbor porpoises that stranded in the winter (January) were on Sable Island, those in the spring (March to May) were in the Bay of Fundy (2 in Minas Basin and 1 near Yarmouth), and those in the summer (July to September) were scattered along the coast from the Bay of Fundy to Halifax.

Table 4. Documented number of stranded harbor porpoises, by month and year, along the coast of Nova Scotia (Hooker *et al.* 1997), and on Sable Island (Lucas and Hooker 1996).

Year	Month	Number of strandings	
		Nova Scotia	Sable Island
1991	May	1	0
1992	Jan	0	1
1993	Jan	0	1
	July	1	0
	Sep	1	0
1994	Aug	1*	0
1995	Aug	1	0
1996	Mar	1	0
	Apr	1	0
	Jul	1*	0
TOTAL		8	2

* Released alive.

USA Management Measures Taken to Reduce Bycatch

A ruling to reduce harbor porpoise bycatch in USA Atlantic gill nets was published in the Federal Register (63 FR 66464) on 01 December 1998 and became effective 01 January1999. The Gulf of Maine portion of the plan pertains to all fishing with sink gillnets and other gillnets capable of catching multispecies in New England waters, from Maine through Rhode Island. This portion of the rule includes time and area closures, some of which are complete closures; others are closed to multispecies gillnet fishing unless pingers are used in the prescribed manner. Also the rule requires those who intend to fish using pingers to attend training and certification sessions on the use of the technology. The mid-Atlantic portion of the plan pertains to waters west of 72° 30'W longitude to the mid-Atlantic shore line from New York to North Carolina. This portion of the rule includes time and area closures, some of which are complete closures; others are closed to gillnet fishing unless the gear meets certain specifications.

STATUS OF STOCK

The status of harbor porpoises, relative to OSP, in the USA Atlantic EEZ is unknown. On January 7, 1993, the National Marine Fisheries Service (NMFS) proposed listing the Gulf of Maine harbor porpoise as threatened under the Endangered Species Act (NMFS 1993). On January 5, 1999, NMFS determined the proposed listing was not warranted (NMFS 1999). On or before July 31, 2001, NMFS will make available a review of the biological status of the Gulf of Maine/Bay of Fundy harbor porpoise population. There are insufficient data to determine population trends for this species. The total fishery-related mortality and serious injury for this stock is not less than 10% of the calculated PBR and, therefore, cannot be considered to be insignificant and approaching zero mortality and serious injury rate. This is a strategic stock because average annual fishery-related mortality and serious injury exceeds PBR.

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