



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
One Blackburn Drive
Gloucester, MA 01930-2298

August 19, 2004

Dear Commercial Lobster Trap/Pot and Gillnet Fishermen:

This letter is to inform you that the National Marine Fisheries Service (NOAA Fisheries) has established a DAM zone with required gear modifications for lobster trap/pot and anchored gillnet fishing gear. The required gear modifications for lobster trap/pot and anchored gillnet gear will be effective for 15 days, in an area southeast of Cape Cod, Massachusetts, totaling approximately 1,942 square nautical miles (nm²) (6,600 km²). In addition, NOAA Fisheries requires that no additional gear be set in the DAM zone during the restricted period unless that gear has been modified accordingly. This action is being taken to respond to reported aggregations of endangered North Atlantic right whales (right whales).

The regulations implementing the Atlantic Large Whale Take Reduction Plan (ALWTRP) provide NOAA Fisheries the authority to temporarily restrict the use of lobster trap/pot and anchored gillnet fishing gear on an expedited basis to protect right whales through its Dynamic Area Management (DAM) program.

A DAM zone is triggered by a single reliable report from a qualified individual of three or more right whales within an area (75 nm²) such that right whale density is equal to or greater than 0.04 right whales per nm². On August 10, 2004, NOAA Fisheries received a report of 6 right whales in the proximity of 41° 15' N latitude and 69° 18' W longitude. This position lies southeast of Cape Cod, Massachusetts. NOAA Fisheries determined that these sightings were reliable reports submitted by qualified individuals that meet the DAM zone trigger.

Therefore, NOAA Fisheries is announcing required gear modifications for the DAM zone. **Effective 0001 hours August 25, 2004, through 2400 hours September 8, 2004**, anchored gillnet and lobster trap/pot gear in the DAM zone must comply with the required gear modifications. The required gear modifications and the coordinates for the DAM zone are found in the enclosure to this letter. **Special note for gillnet fishermen: Portions of this DAM zone overlap the year round Northeast Multispecies' Closed Area I and the Nantucket Lightship Closed Area. This DAM action does not supersede Northeast Multispecies Closures found at 50 CFR 648.81.** To obtain the DAM regulations in their entirety, please call 978-281-9328 x6505. In addition, these regulations are available by accessing the ALWTRP web page (<http://www.nero.nmfs.gov/whaletrp/>). If you have any questions regarding these regulations, please call 978-281-9328 x6505.

Sincerely,

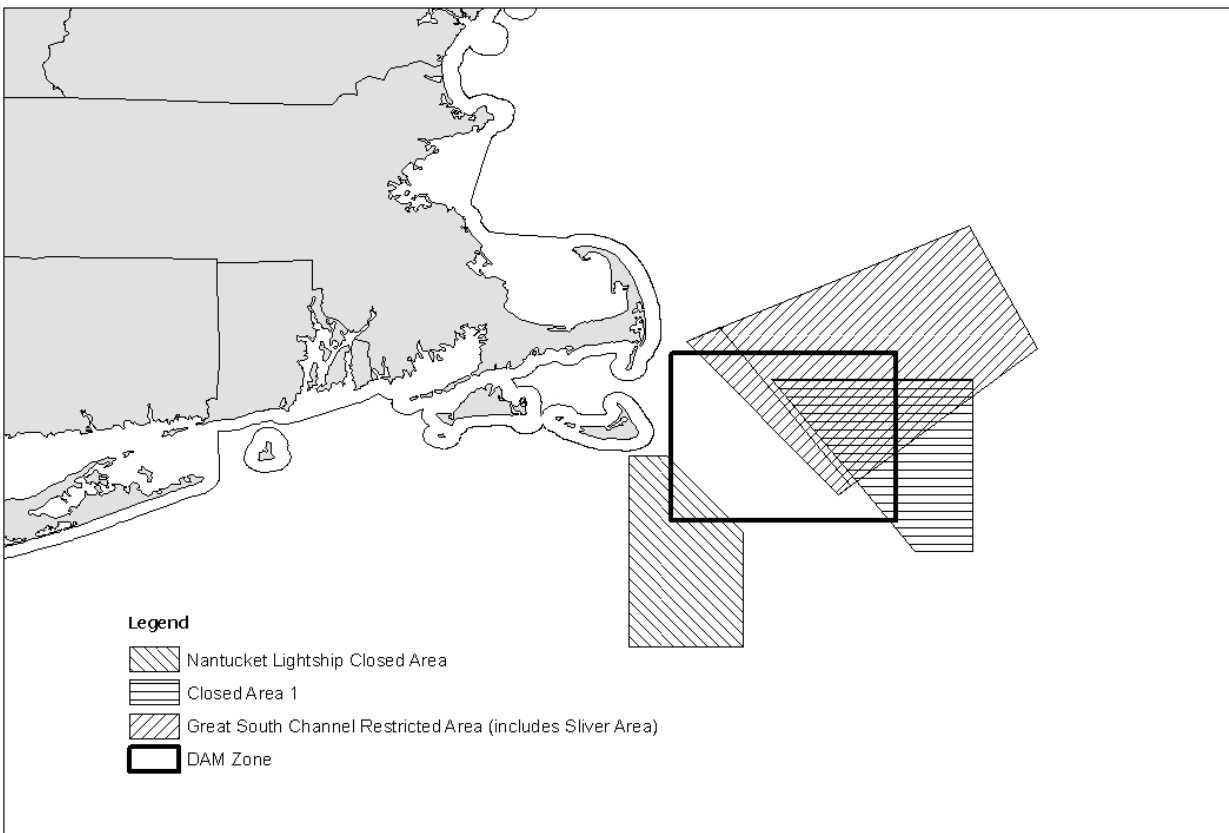
A handwritten signature in cursive script that reads "Chris Mantzaris".

for Patricia A. Kurkul
Regional Administrator

Enclosure



**August DAM Zone from August 10, 2004
sighting of 6 North Atlantic Right
Whales southeast of Cape Cod, MA**



Coordinates for the DAM Zone effective from 0001 hours August 25, 2004, through 2400 hours September 8, 2004, are as follows:

41°37'N, 69°49'W (NW Corner)

41°37'N, 68°50'W

40°53'N, 68°50'W

40°53'N, 69°49'W

DAM Program Gear Requirements

In addition to those gear modifications currently implemented under the ALWTRP at 50 CFR 229.32, the following gear modifications are required in the DAM zone. If the requirements and exceptions for gear modification in the DAM zone, as described below, differ from other ALWTRP requirements for any overlapping areas and times, then the more restrictive requirements will apply in the DAM zone. Please note that the below provides a summary of the DAM Program gear requirements and is not a substitute for the ALWTRP regulations.

Lobster Trap/Pot Gear

Fishermen utilizing lobster trap/pot gear within the portion of the Northern Nearshore Lobster Waters that overlap with the DAM zone are required to utilize all of the following gear modifications while the DAM zone is in effect:

1. Groundlines must be made of either sinking or neutrally buoyant line. Floating groundlines are prohibited;
2. All buoy lines must be made of either sinking or neutrally buoyant line, except the bottom portion of the line, which may be a section of floating line not to exceed one-third the overall length of the buoy line;
3. Fishermen are allowed to use two buoy lines per trawl; and
4. A weak link with a maximum breaking strength of 600 lb (272.4 kg) must be placed at all buoys.

Fishermen utilizing lobster trap/pot gear within the portions of the Offshore Lobster Waters Area and the Great South Channel Restricted Lobster Area that overlap with the DAM zone are required to utilize all of the following gear modification while the DAM zone is in effect:

1. Groundlines must be made of either sinking or neutrally buoyant line. Floating groundlines are prohibited;
2. All buoy lines must be made of either sinking or neutrally buoyant line, except the bottom portion of the line, which may be a section of floating line not to exceed one-third the overall length of the buoy line;
3. Fishermen are allowed to use two buoy lines per trawl; and
4. A weak link with a maximum breaking strength of 1,500 lb (680.4 kg) must be placed at all buoys.

Anchored Gillnet Gear

Fishermen utilizing anchored gillnet gear within the portions of the Other Northeast Gillnet Waters, the Great South Channel Restricted Gillnet Area, and the Great South Channel Sliver Restricted Area that overlap with the DAM zone are required to utilize all the following gear modifications while the DAM zone is in effect:

1. Groundlines must be made of either sinking or neutrally buoyant line. Floating groundlines are prohibited;
2. All buoy lines must be made of either sinking or neutrally buoyant line, except the bottom portion of the line, which may be a section of floating line not to exceed one-third the overall length of the buoy line;
3. Fishermen are allowed to use two buoy lines per string;
4. Each net panel must have a total of five weak links with a maximum breaking strength of 1,100 lb (498.8 kg). Net panels are typically 50 fathoms (91.4 m) in length, but the weak link requirements would apply to all variations in panel size. These weak links must include three floatline weak links. The placement of the weak links on the floatline must be: one at the center of the net panel and one each as close as possible to each of the bridle ends of the net panel. The remaining two weak links must be placed in the center of each of the up and down lines at the panel ends; and
5. All anchored gillnets, regardless of the number of net panels, must be securely anchored with the holding power of at least a 22 lb (10.0 kg) Danforth-style anchor at each end of the net string.