



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

July 3, 2003

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 and requests the voluntary removal of lobster trap/pot and anchored gillnet fishing gear. The request for the voluntary removal of lobster trap/pot and anchored gillnet gear will be effective for a 15-day period in an area east of Cape Cod, Massachusetts, totaling approximately 1,640 square nautical miles (nm^2)(5,625 km^2). In addition, NOAA Fisheries asks that no additional gear be set in the DAM zone during the 15-day period. This action is being taken to respond to a reported aggregation 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 nm^2) such that right whale density is equal to or greater than 0.04 right whales per nm^2 . On June 25, 2003, NMFS Aerial Survey Team reported a sighting of 11 right whales in the proximity of $42^\circ 06' \text{ N}$ latitude and $69^\circ 32' \text{ W}$ longitude. This position lies east of Cape Cod, Massachusetts. NOAA Fisheries determined that this sighting was a reliable report submitted by a qualified individual that meets the DAM zone trigger.

Therefore, NOAA Fisheries is announcing a voluntary action for the DAM zone. **Effective 0001 hours July 3, 2003, through 2400 hours July 17, 2003**, fishermen are strongly encouraged to remove all anchored gillnet and lobster trap gear in the DAM zone. Additionally, fishermen are asked not to set gear in these areas during the restricted time period. The coordinates for these areas are found on the enclosure to this letter. **Special note for gillnet fisherman: A portion of this DAM zone overlaps with the Northeast multispecies' Western Gulf of Maine Closure Area. This voluntary DAM notice does not supersede Northeast multispecies closures found at 50 CFR 648.81.** If the trigger continues to be met, NOAA Fisheries may extend the restricted period, through notification in the *Federal Register*.

To obtain the DAM regulations in their entirety, please call 978-281-9328. 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.

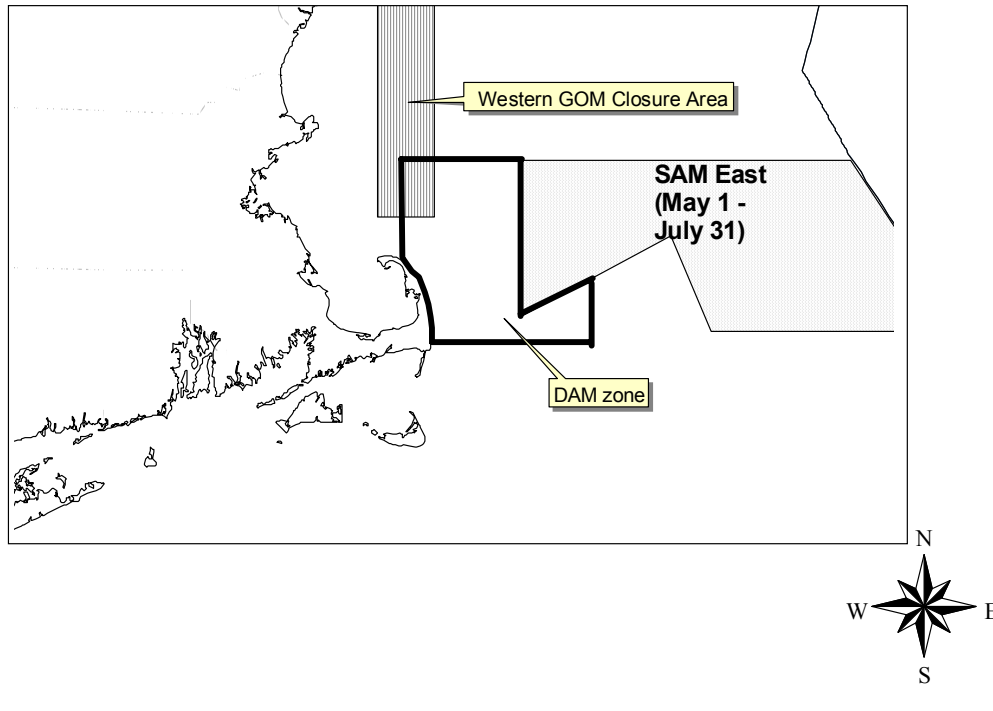
Sincerely,

Patricia A. Kurkul
Regional Administrator

Enclosure



**DAM zone from June 25, 2003, sighting
of 11 North Atlantic Right Whales
east of Cape Cod, MA**



Coordinates for the DAM Zone effective from 0001 hours July 3, 2003, through 2400 hours July 17, 2003, are as follows:

- 42°30'N, 70°06'W (NW Corner)
- 42°30'N, 69°24'W
- 41°49'N, 69°24'W
- 41°58'N, 69°00'W
- 41°42'N, 69°00'W
- 41°42'N, 69°59'W (MA Coast)
- Follow MA Coast northward to
- 42°03'N, 70°06'W
- 42°30'N, 70°06'W