



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

May 29, 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 northeast of Cape Cod, Massachusetts, totaling approximately 925 square nautical miles (nm<sup>2</sup>)(1,714 km<sup>2</sup>). 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 the sighting of an 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<sup>2</sup>) such that right whale density is equal to or greater than 0.04 right whales per nm<sup>2</sup>. On May 18, 2003, NMFS Aerial Survey Team reported a sighting of 3 right whales in the proximity of 42° 13' N latitude and 69° 37' W longitude. This position lies northeast of Cape Cod, Massachusetts, in an area called Wilkinson Basin. 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 May 29, 2003, through 2400 hours June 13, 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. 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.

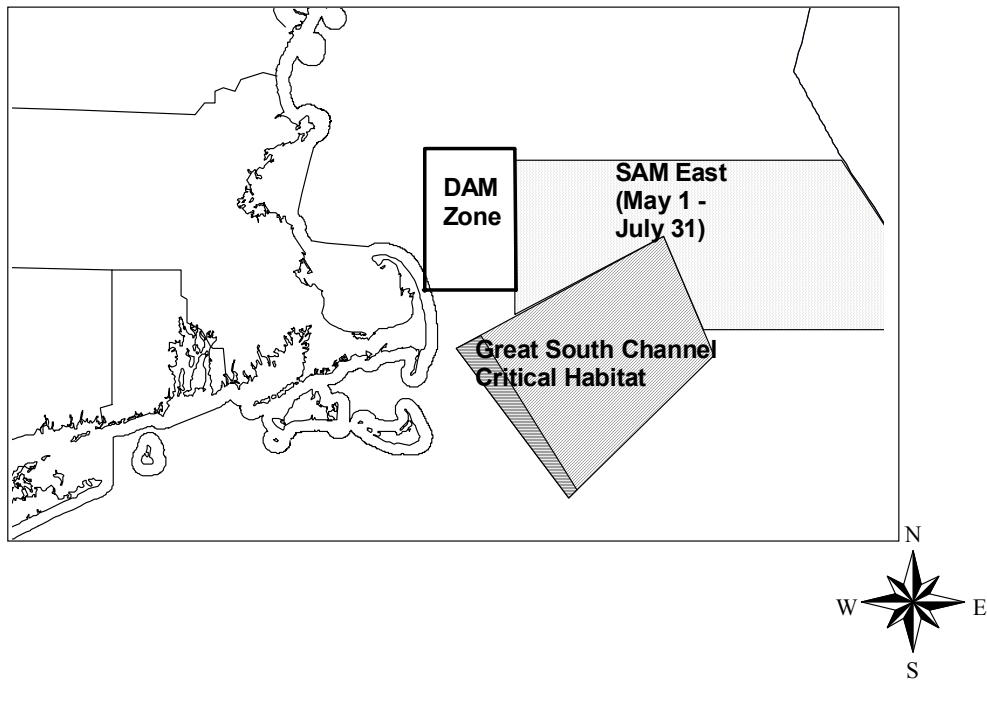
Sincerely,

Patricia A. Kurkul  
Regional Administrator

Enclosure



**DAM Zone from May 18, 2003, sighting of  
3 North Atlantic right whales northeast of Cape Cod, MA**



Coordinates for the DAM Zone effective from 0001 hours May 29, 2003, through 2400 hours June 13, 2003, are as follows:

- 42°33'N, 69°56'W (NW Corner)
- 42°33'N, 69°24'W
- 41°55'N, 69°24'W
- 41°55'N, 69°56'W