



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

June 26, 2002

Dear Commercial Lobster Trap/Pot and Gillnet Fishermen:

This letter is to inform you that the National Marine Fisheries Service (NMFS) has established a DAM zone with temporary restrictions on lobster trap/pot and anchored gillnet fishing gear. The temporary restrictions on lobster trap/pot and anchored gillnet gear, which include both mandatory and voluntary measures, will be in effect for a 15-day period in an area off Cape Cod, Massachusetts, totaling approximately 3,500 square nautical miles (nm²) (6,486 km²). This action is necessary to provide immediate protection to an unexpectedly high aggregation of North Atlantic right whales (right whales).

The regulations implementing the Atlantic Large Whale Take Reduction Plan (ALWTRP) provide NMFS 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 June 18, 2002, NMFS Aerial Survey Team reported a sighting of 75 right whales, 45 right whales in the proximity of 41E 21' N latitude and 69E 17' W longitude and 30 right whales in the proximity of 41E 21' N latitude and 69E 01' W longitude. These positions lie east of Cape Cod, Massachusetts, in an area called the Great South Channel. NMFS determined that this sighting was a reliable report submitted by a qualified individual that meets the DAM zone trigger.

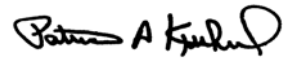
Therefore, NMFS is implementing a DAM zone in the waters bounded by the coordinates found on the enclosure to this letter. **Effective 0001 hours July 1, 2002, through 2400 hours July 15, 2002**, all anchored gillnet and lobster trap gear must be removed and no new gear may be set in the portion of the DAM zone east of the line that designates the western boundary of the Outbound Boston Harbor Traffic Lane. In addition, **effective 0001 hours July 1, 2002, through 2400 hours July 15, 2002**, NMFS requests the voluntary removal of all lobster trap and gillnet gear and asks that no new gear be set in the portion of the DAM zone west of the line that designates the western boundary of the Outbound Boston Harbor Traffic Lane. NMFS may extend the restricted period, through notification in the *Federal Register*, if the trigger continues to be met.

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.

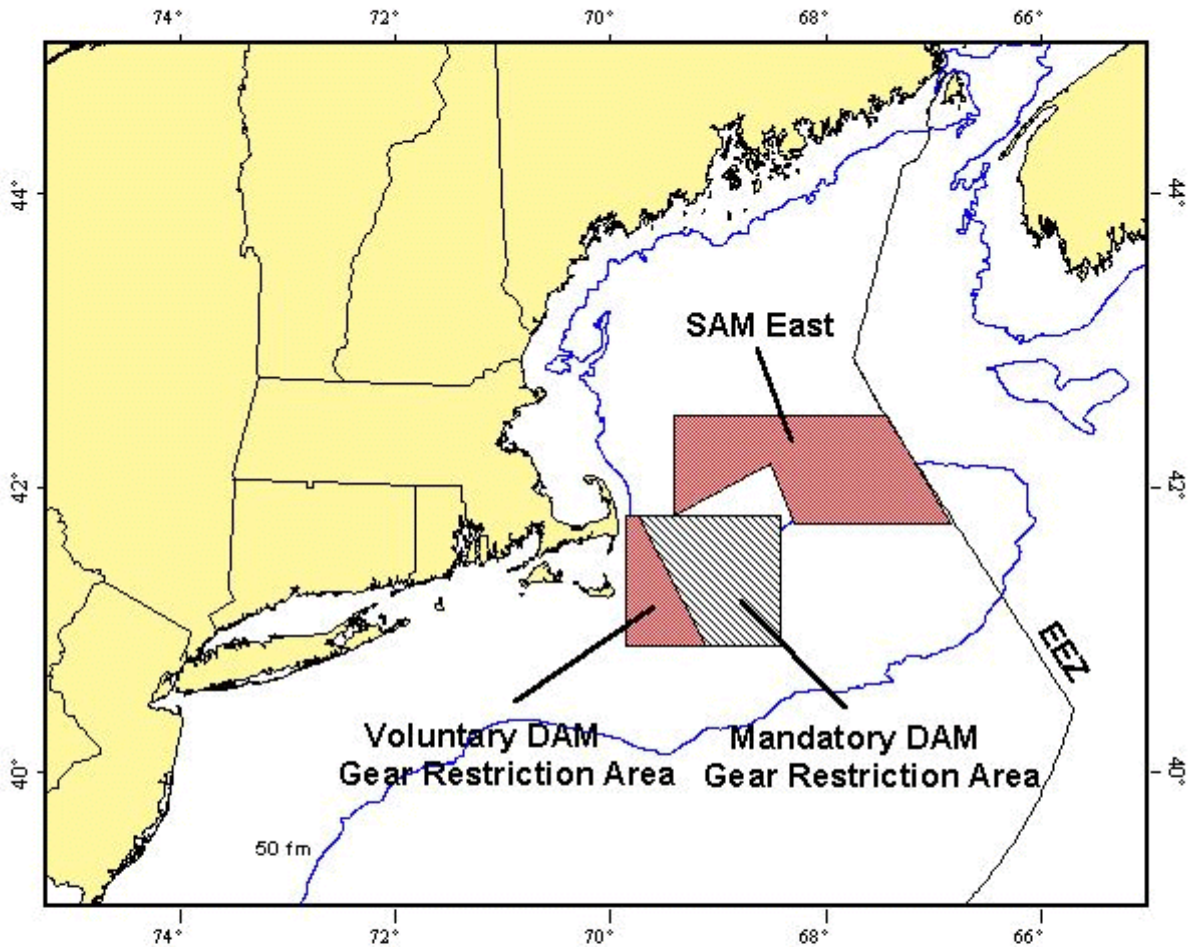
Sincerely,

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

Patricia A. Kurkul
Regional Administrator

Enclosure

DAM Zone from June 18, 2002 Sighting of 75 North Atlantic Right Whales in the Great South Channel



Coordinates for the DAM Gear Restriction Areas from 0001 hours July 1, 2002, through 2400 hours July 15, 2002, are as follows:

Voluntary DAM Gear Restriction Area

41°48'N, 69°51'W
 41°48'N, 69°44'W
 40°54'N, 69°06'W
 40°54'N, 69°51'W

Mandatory DAM Gear Restriction Area

41°48'N, 69°44'W
 41°48'N, 68°25'W
 40°54'N, 68°25'W
 40°54'N, 69°06'W