



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

October 19, 2007

Dear Commercial Lobster Trap/Pot and Gillnet Fishermen:

This letter is to inform you that NOAA's National Marine Fisheries Service (NMFS) has rescinded the temporary restrictions for anchored gillnet and lobster trap/pot fishing gear in an area south of Machias, Maine, totaling approximately 841 square nautical miles (nm²), that were to go into effect on October 20, 2007. The area remains open to normal fishing operations.

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 October 5, 2007, an aerial survey reported a sighting of 3 right whales in the proximity 44° 15' N latitude and 67° 11' W longitude. This position lies south of Machias, Maine. NMFS determined that the sighting was a reliable report submitted by qualified individuals that met the DAM zone trigger.

Therefore, NMFS implemented a DAM zone and restricted lobster trap/pot and anchored gillnet gear set in the waters bounded by the coordinates found on the reverse side of this letter. Effective 0001 hours October 20, 2007, through 2400 hours November 3, 2007, anchored gillnet and lobster trap/pot gear in the DAM zone were to comply with the required gear modifications.

A subsequent survey of the full DAM zone occurred on October 17, 2007, and indicated that right whales have left the designated DAM zone triggered on October 5, 2007. **Based on this information, NMFS has rescinded the restrictions on anchored gillnet and lobster trap/pot fishing gear and reopened the DAM zone that was to go into effect on October 20, 2007. The DAM zone remains open without DAM program restrictions.**

To obtain the regulations in their entirety, please call 978-281-9300 x6503. 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 978-281-9300 x6503.

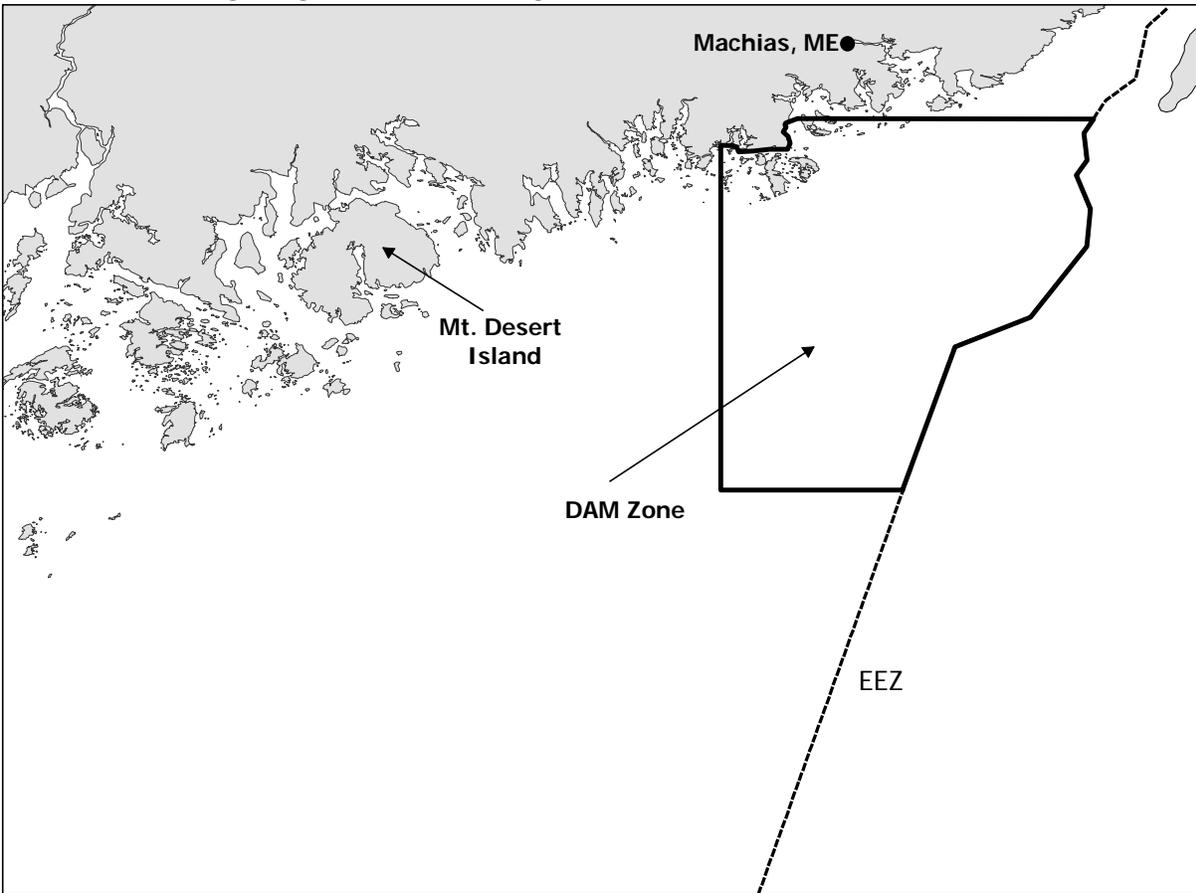
Sincerely,

Patricia A. Kurkul
Regional Administrator

Enclosure



Reopened DAM Zone from October 5, 2007
Sighting of 3 Northern right whales southeast of Machias, ME



Coordinates for the DAM Zone, to reopen without DAM program restrictions, are as follows:

- 44° 35' N., 67° 33' W (NW Corner)
- 44° 35' N., 67° 01' W and follow the EEZ south to
- 43° 56' N., 67° 22' W
- 43° 56' N., 67° 41' W
- 44° 32' N., 67° 41' W and follow the coastline north to
- 44° 35' N., 67° 33' W (NW Corner)