



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
NORTHEAST REGION  
Fifty Five Great Republic Drive  
Gloucester, MA 01930-2298

December 11, 2008

## DAM ZONES EAST OF PORTSMOUTH, NEW HAMPSHIRE

Dear Commercial Lobster Trap/Pot and Gillnet Fishermen:

This letter is to inform you that NOAA's National Marine Fisheries Service (NMFS) has established a new Dynamic Area Management (DAM) zone with required gear modifications for lobster trap/pot and anchored gillnet fishing gear. This DAM Zone is east of Portsmouth NH in the vicinity of Cashes Ledge, totaling approximately 1,284 nm<sup>2</sup> to 1,354 nm<sup>2</sup> depending on the temporal and spatial overlap with another previously established DAM zone. The required gear modifications for lobster trap/pot and anchored gillnet gear in this area will be effective for 15 days. In addition, NMFS requires that no additional gear be set in the DAM zones during the restricted period unless that gear has been modified accordingly. These actions are being taken to respond to reported aggregations of endangered Northern 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 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 December 6, 2008, an aerial survey reported a sighting of 3 right whales in the proximity of 42° 56 latitude and 69° 13' W longitude, east of Portsmouth, NH. NMFS determined that this sighting report is reliable and was submitted by qualified individuals and that this report meets the DAM zone trigger.

Therefore, NMFS is announcing required gear modifications for the DAM zone. **Effective 0001 hours December 18, 2008, through 2400 hours January 1, 2009**, 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. Gear modifications for the currently established DAM zone was previously sent to affected fishermen. **Special note for gillnet fishermen: a portion of this DAM Zone overlaps the year-round Cashes Ledge Closure Area found at 50 CFR 648.81(d)). Due to this closure, sink gillnet gear is prohibited from the portion of this DAM zone.**

To obtain the DAM 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,

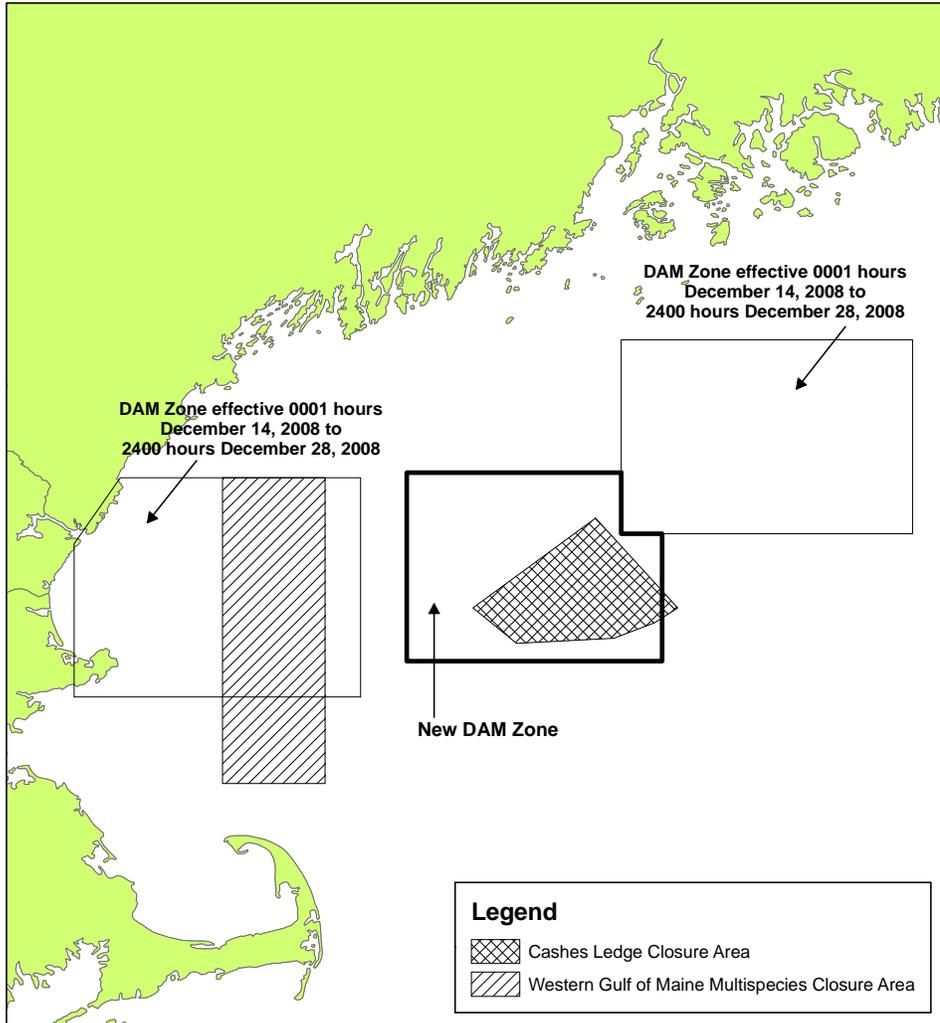
Patricia A. Kurkul  
Regional Administrator



Enclosure

ATTACHMENT 1

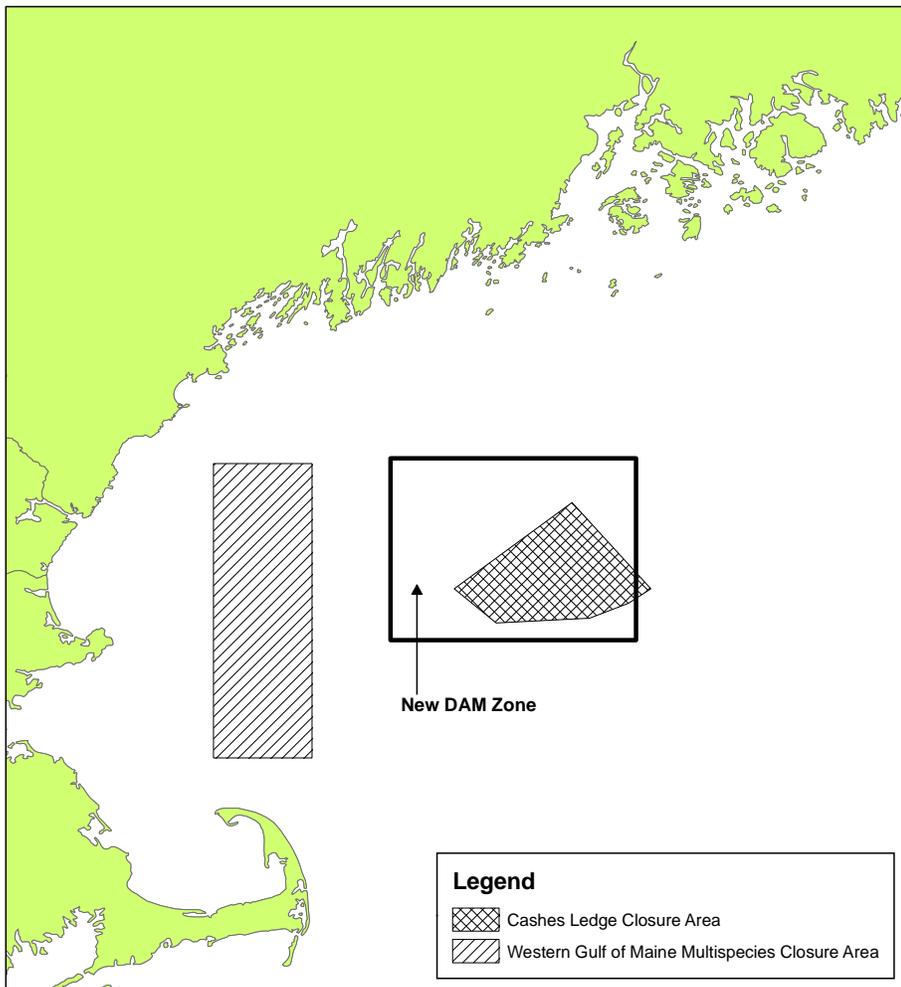
DAM Zone from December 6, 2008  
sighting of 3 North Atlantic right whales east of  
Portsmouth, New Hampshire



Coordinates for the DAM zone effective from **0001 hours December 18, 2008 through 2400 hours December 28, 2008:**

- 43° 16' N., 69° 39' W (NW Corner)
- 43° 16' N., 68° 57' W
- 43° 04' N., 68° 57' W
- 43° 04' N., 68° 49' W
- 42° 39' N., 68° 49' W
- 42° 39' N., 69° 39' W
- 43° 16' N., 69° 39' W (NW Corner)

DAM Zone from December 6, 2008  
sighting of 3 North Atlantic right whales east of  
Portsmouth, New Hampshire



Coordinates for the DAM zone effective from **0001 hours December 29, 2008 through 2400 hours January 1, 2009:**

- 43° 16' N., 69° 39' W (NW Corner)
- 43° 16' N., 68° 49' W
- 42° 39' N., 68° 49' W
- 42° 39' N., 69° 39' W
- 43° 16' N., 68° 39' W (NW Corner)

## **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 portions of 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 portion of the Offshore Lobster Waters Area 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 1,500 lb (680.4 kg) must be placed at all buoys.

### Anchored Gillnet Gear

Fishermen utilizing anchored gillnet gear within the portions of Other Northeast Gillnet Waters 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. The breaking strength of each net panel weak link must not exceed 1,100 lb (498.8 kg). The weak link requirements apply to all variations in net panel size. One weak link must be placed in the center of the floatline and one weak link must be placed in the center of each of the up and down lines at both ends of the net panel. Additionally, one weak link must be placed as close as possible to each end of the net panels on the floatline; or, one weak link must be placed between floatline tie-loops between net panels and one weak link must be placed where the floatline tie-loops attach to the bridle, buoy line, or groundline at each end of a net string;
5. A weak link with a maximum breaking strength of 1,100 lb (498.8 kg) must be placed at all buoys; and
6. 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.