



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 9, 2008

**DAM ZONES EAST OF GLOUCESTER, MASSACHUSETTS/ PORTSMOUTH, NEW HAMPSHIRE  
AND EAST OF PORTLAND, MAINE**

Dear Commercial Lobster Trap/Pot and Gillnet Fishermen:

This letter is to inform you that NOAA's National Marine Fisheries Service (NMFS) has established **two** Dynamic Area Management (DAM) zones with required gear modifications for lobster trap/pot and anchored gillnet fishing gear. The first DAM Zone (DAM A) is east of Gloucester, MA/Portsmouth NH in the proximity of Jeffreys Ledge, totaling approximately 1,650 square nautical miles (nm<sup>2</sup>). The second DAM Zone (DAM B) is east of Portland, ME in the proximity of Jeffreys Bank/Jordan Basin, totaling approximately 1,939 square nautical miles (nm<sup>2</sup>). The required gear modifications for lobster trap/pot and anchored gillnet gear in **both** areas 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 3, 2008, an aerial survey reported a sighting of 11 right whales in the proximity of 42° 54' N. latitude and 70° 19' W. longitude, east of Gloucester, MA/Portsmouth, NH. NMFS received another report on December 3, 2008, sighting 43 right whales in the proximity of 43° 37' N. latitude and 68° 54' W. longitude, east of Portland, ME. NMFS determined that both sighting reports were reliable and submitted by qualified individuals that met the DAM zone trigger.

Therefore, NMFS is announcing required gear modifications for both DAM zones. **Effective 0001 hours December 14, 2008, through 2400 hours December 28, 2008**, anchored gillnet and lobster trap/pot gear in the DAM zones must comply with the required gear modifications. The required gear modifications and the coordinates for the DAM zones are found in the enclosure to this letter. **Special note for gillnet fishermen: a portion of DAM Zone A overlaps the Western Gulf of Maine Closure Area for Northeast Multispecies found at 50 CFR 648.81(e). 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,

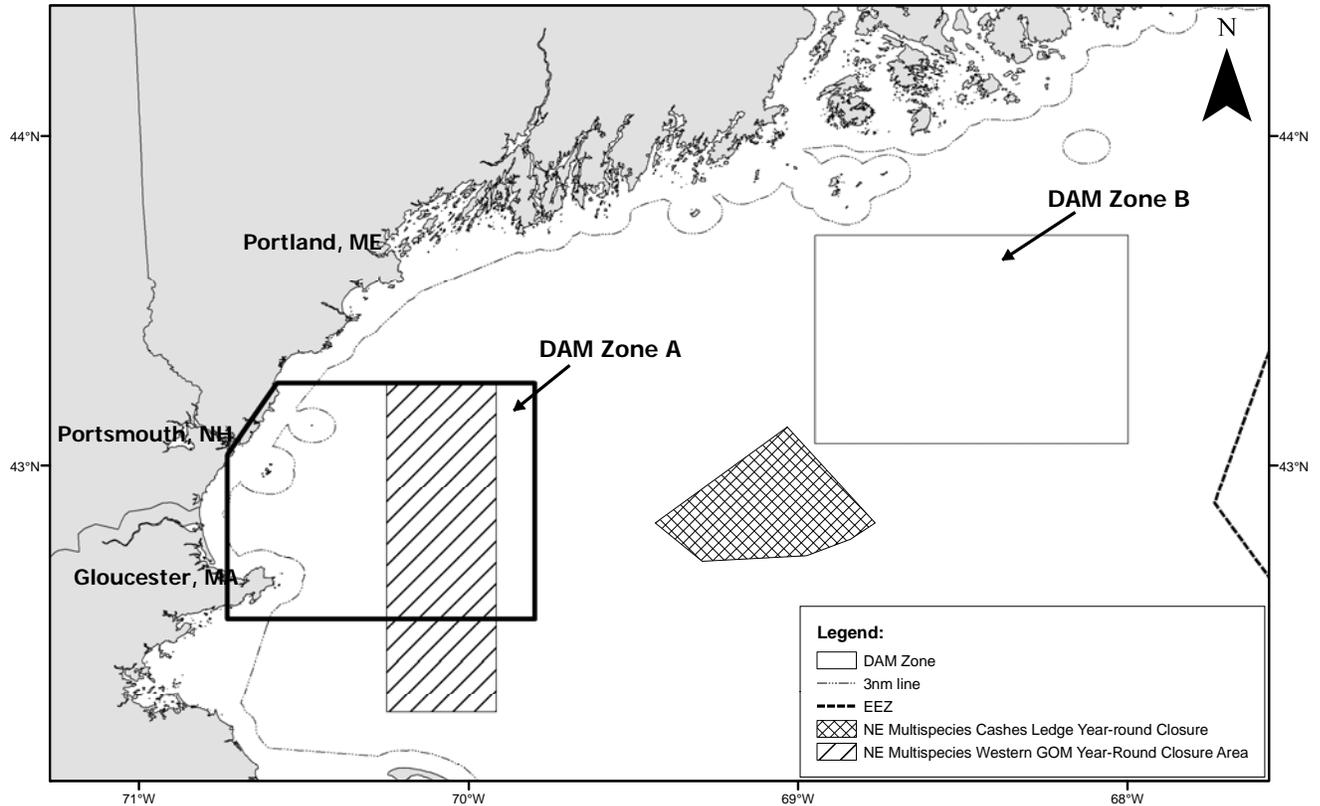
Patricia A. Kurkul  
Regional Administrator



Enclosure

ATTACHMENT 1

**DAM Zone (A) from December 3, 2008 sighting of 11 North Atlantic right whales east of Gloucester, MA/Portsmouth, NH and DAM Zone (B) from December 3, 2008 sighting of 43 North Atlantic right whales east of Portland, ME.**



Coordinates for the DAM Zones, effective from **0001 hours December 14, 2008**, through **2400 hours December 28, 2008**, are as follows:

**DAM Zone A, east of Gloucester, MA and Portsmouth, NH:**

- 43° 15' N., 70° 35' W (NW Corner)
- 43° 15' N., 69° 48' W
- 42° 32' N., 69° 48' W
- 42° 32' N., 70° 44' W
- 42° 34' N., 70° 44' W following the coastline north to
- 42° 40' N., 70° 44' W
- 43° 02' N., 70° 44' W following the coastline north and east to
- 43° 15' N., 70° 35' W (NW Corner)

**DAM Zone B, east of Portland, ME:**

- 43° 42' N., 68° 57' W (NW Corner)
- 43° 42' N., 68° 00' W
- 43° 04' N., 68° 00' W
- 43° 04' N., 68° 57' W
- 43° 42' N., 68° 57' W (NW Corner)

## **DAM ZONE A (EAST OF GLOUCESTER, MA/PORTSMOUTH, NH):**

### **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 Inshore State Trap/Pot Waters, Northern Nearshore Trap/Pot Waters, and the Stellwagen Bank/Jeffrey's Ledge Restricted 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 sinking line. Floating groundlines are prohibited;
2. All buoy lines must be made of sinking 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 Trap/Pot 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 sinking line. Floating groundlines are prohibited;
2. All buoy lines must be made of sinking 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 and the Stellwagen Bank/Jeffreys Ledge Restricted 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 sinking line. Floating groundlines are prohibited;
2. All buoy lines must be made of sinking 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.

## **DAM ZONE B (EAST OF PORTLAND, ME):**

### **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 Trap/Pot 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 sinking line. Floating groundlines are prohibited;
2. All buoy lines must be made of sinking 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 Trap/Pot 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 sinking line. Floating groundlines are prohibited;
2. All buoy lines must be made of sinking 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 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 sinking line. Floating groundlines are prohibited;
2. All buoy lines must be made of sinking 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.