



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

February 19, 2009

DAM ZONE 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, totaling approximately 1,920 nm² in the vicinity of Jeffreys Ledge. 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 nm²) such that right whale density is equal to or greater than 0.04 right whales per nm². On February 10, 2009, an aerial survey reported a sighting of 10 right whales in the proximity of 43° 00' N latitude and 70° 11' 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 in the DAM zone. **Effective 0001 hours February 22, 2009, through 2400 hours March 8, 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. **Special note for gillnet fishermen: a portion of this DAM Zone overlaps the year-round Western Gulf of Maine Multispecies Closure Area 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.

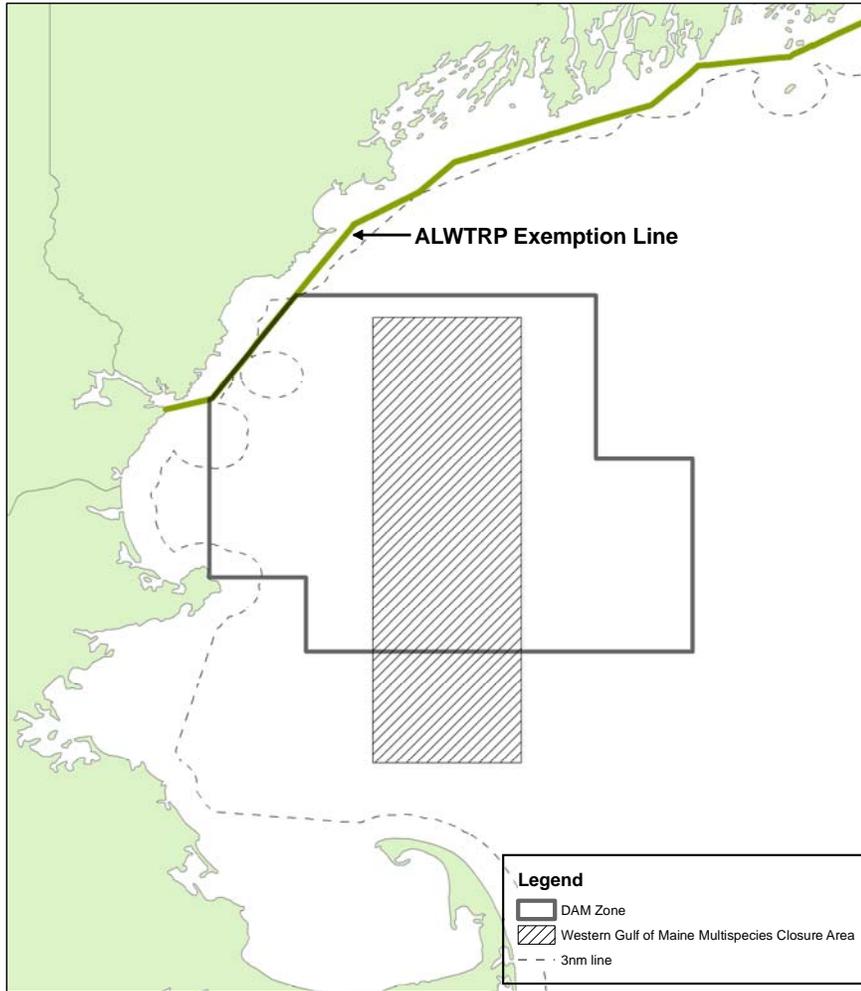
Sincerely,

Patricia A. Kurkul
Regional Administrator



Enclosure

DAM Zone from February 10, 2009
Sighting of 10 North Atlantic right whales
north and east of Portsmouth, NH



Coordinates for the DAM zone effective 0001 hours February 22, 2009, through 2400 hours March 8, 2009:

- 43° 18' N, 70° 25.4' W (NW Corner)
- 43° 18' N, 69° 45' W
- 42° 56' N, 69° 45' W
- 42° 56' N, 69° 32' W
- 42° 30' N, 69° 32' W
- 42° 30' N, 70° 24' W
- 42° 40' N, 70° 24' W
- 42° 40' N, 70° 37' W
- 43° 04' N, 70° 37' W
- 43° 04.1' N, 70° 36.7' W
- 43° 18' N, 70° 25.4' 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 Inshore State Trap/Pot Waters, Northern Nearshore Lobster Waters, and Stellwagen Bank/Jeffreys 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 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 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 Area and 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.