

For more detailed information about the experimental raised footrope trawl fisheries, see Appendix II. In addition, annual reports on the experimental fisheries (1997-1999) are available from Massachusetts DMF and are referenced in Section 7.0 of this framework document.

## **2.0 PURPOSE**

The purpose of this framework adjustment is to modify existing multispecies regulations to establish a seasonal whiting raised footrope trawl fishery in northern Cape Cod Bay. This action will allow for a transition from a successful experimental fishery for whiting and red hake focused on minimizing regulated species bycatch to a more permanent fishery that provides a seasonal small mesh fishing opportunity for vessels fishing in the southern Gulf of Maine.

### **2.1 NEED FOR ADJUSTMENT**

In a letter dated January 13, 2000 (Appendix I), the NMFS Northeast Regional Administrator informed the Council of her decision to *not* grant an exemption for the raised footrope trawl fishery based on the 5% groundfish bycatch standard. Although DMF demonstrated that regulated species bycatch levels consistently averaged below 5% in the fishery, NMFS denied the request for the exemption because regulated species bycatch on a *few* individual trips exceeded 5%. The letter from NMFS explained that when the multispecies exempted fisheries program was enacted, the Council directed NMFS to take a conservative approach for granting multispecies exemptions and that based on a consistent application of the 5% standard (on a per-trip basis), NMFS does not have the authority to grant such an exemption. The letter noted, however, that while the Regional Administrator's authority is limited by the 5% criteria, the Council's authority is not. The letter urges the Council to consider developing a framework adjustment to allow this fishery to occur, especially in light of the research completed by DMF and the industry as well as the importance of this fishery as an economic alternative for fishermen in and around the Gulf of Maine. The Council is submitting this framework adjustment in response to the January 13, 2000 letter from the Regional Administrator.

### **2.2 OBJECTIVES**

The primary objective of this framework adjustment is to provide the industry with a viable small mesh fishing opportunity in the Gulf of Maine consistent with the conservation objectives for both regulated multispecies and small mesh multispecies. This objective will be achieved by establishing a seasonal small mesh raised footrope trawl fishery in northern Cape Cod Bay with specifications that address the following:

- minimizing regulated species bycatch
- ensuring consistency with small mesh multispecies regulations implemented through Amendment 12
- encouraging proper gear design and use
- prohibiting the catch of bottom-dwelling species that the raised footrope trawl is designed to avoid (monkfish, lobsters, for example).

In addition, this framework adjustment is intended to achieve secondary objectives, most of which relate to the primary objective, including:

- improving flexibility for the fishing fleet
- other objectives consistent with all fishery management plans, such as maximizing the

enforceability of regulations, minimizing administrative burdens, and minimizing impacts on habitat, marine mammals, and endangered and threatened species.

### 2.3 OPPORTUNITY FOR PUBLIC COMMENT

The initial meeting for this framework adjustment occurred at the January 18-20, 2000 Council meeting. However, the Council had intended to include measures to allow for a raised footrope trawl fishery in Framework 33 to the Multispecies FMP (the groundfish annual adjustment for the 2000-2001 fishing year) and even began discussing this issue during the development of Framework 31. Because the National Marine Fisheries Service did not approve this fishery as a *Multispecies Exempted Fishery* under the 5% regulated species bycatch standard, the Council agreed to delay action regarding the raised footrope trawl fishery until a framework adjustment could be developed to add this fishery to the list of *Multispecies Exempted Fisheries*. This framework adjustment serves as the mechanism to not only add this fishery to the list of *Multispecies Exempted Fisheries*, but also to specify, by regulation, provisions for the fishery including season, area, gear specifications, and bycatch restrictions. Opportunity for public comment regarding this action occurred prior to the initial framework meeting, during Groundfish Committee and Council meetings that addressed Framework 33 to the Multispecies FMP. Table 1 lists meetings for which public notice included discussion of the raised footrope trawl fishery.

**Table 1 Opportunity for Public Comment on Framework 35 Measures**

DATE	MEETING	AGENDA/DISCUSSION
11/16-19/99	Council	<ul style="list-style-type: none"> <li>Initial Meeting for Framework 33</li> </ul>
12/13/99	Groundfish Committee and Advisory Panel	<ul style="list-style-type: none"> <li>Develop options, as needed, for recreational fishery, scallop vessel access to closed areas, and exemptions to closed areas (including the raised footrope trawl fishery)</li> </ul>
1/13/00	Groundfish Advisory Panel	<ul style="list-style-type: none"> <li>Review draft Framework 33 document, recommend preferred alternatives to the Groundfish Committee</li> </ul>
1/14/00	Groundfish Committee	<ul style="list-style-type: none"> <li>Review draft Framework 33 document, recommend preferred alternatives to the Council</li> </ul>
1/18-20/00	Council	<ul style="list-style-type: none"> <li>Final meeting for Framework 33</li> <li>Initial meeting for Framework 35</li> </ul>
5/3-4/00	Council	<ul style="list-style-type: none"> <li>Final meeting for Framework 35: finalize framework measures</li> </ul>

The mailing lists for meeting notices contain approximately 900 and 1,600 interested parties for Groundfish Committee and Council meetings respectively. Notices are mailed at least two weeks in advance of Committee meetings and three weeks in advance of Council meetings. Council meeting notices are also published in the Federal Register three weeks prior to the meeting. Agendas, meeting summaries, and minutes for the above meetings are available from the Council office.