

3.0 PROPOSED ACTION AND ALTERNATIVES

The Council proposes the management measures/specifications described in Section 3.1 for implementation through this framework adjustment. Section 3.2 contains a description of the alternatives considered and rejected during the framework development process as well as a discussion of the reasons for rejection.

3.1 PROPOSED ACTION

3.1.1 Raised Footrope Trawl Fishery Season

The whiting raised footrope trawl fishery season is proposed to begin on September 1 and end on November 20 of each year.

Discussion and Rationale: This period encompasses the period for which Massachusetts DMF has documented the presence of harvestable quantities of whiting and red hake in the areas of upper Cape Cod Bay and Massachusetts Bay. While these species may also be available in certain months prior to September, DMF experimental fisheries have documented only a few trips during spring and summer months – too few to support an exempted fishery prior to September at this time.

The closing date for the raised footrope trawl fishery (November 20) was chosen based on landings and bycatch trends identified through the series of experimental fisheries (1995 – 1999). During the past four years, DMF has documented a sharp decline in whiting catch rates in *most* years by mid- to late November, except in 1999 when catches remained high on top of southern Stellwagen Bank through the first week of December. However, cod bycatch spiked in late November and early December on top of Stellwagen Bank. *One half* of the estimated cod bycatch in the 1999 fishery occurred after November 20. In turn, DMF proposes to minimize expected cod bycatch (while still maximizing whiting catch) by closing the fishery on November 20 of each year.

DMF also considered trends in whiting ex-vessel value and price when proposing November 20 as the closing date for this fishery. According to both fishermen and dealers, whiting and red hake prices decrease during Thanksgiving week due to a lack of consumer demand. Dealers have reported to DMF that the urban fish distribution centers in New York and other cities are unable to accept fish to during the days prior to and following Thanksgiving Day. Therefore, while the fleet may sacrifice some potential whiting catch after November 20, the lower prices at that time reduce the economic impact this season closure may have. An earlier closing date for the fishery is not proposed because of the expected additional loss in whiting catch if the fishery were to close prior to November 20. A November 20 closing date minimizes cod bycatch while maximizing whiting catch and productivity in the fishery.

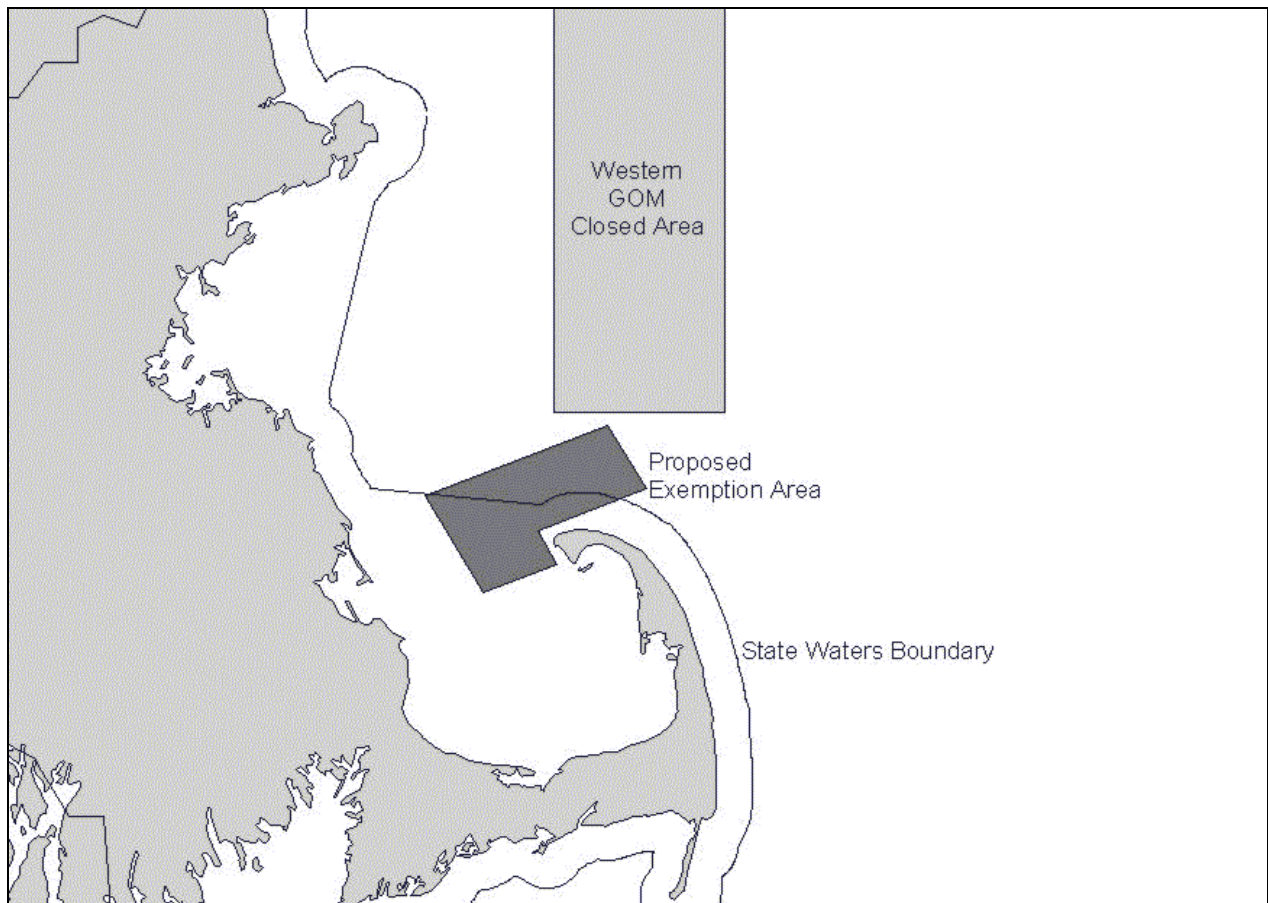
3.1.2 Raised Footrope Trawl Fishery Area

The proposed area for the raised footrope trawl exempted fishery is identified in Table 2 and Figure 6.

Table 2 Coordinates for Area Proposed for Raised Footrope Trawl Exempted Fishery

POINT NUMBER	LATITUDE		LONGITUDE	
	Degrees	Minutes	Degrees	Minutes
1	42	01.900	70	14.750
2	41	59.450	70	23.650
3	42	07.850	70	30.100
4	42	14.050	70	08.800
5	42	08.350	70	04.050
6	42	04.750	70	16.950
1	42	01.900	70	14.750

Figure 6 Map of Area Proposed for Raised Footrope Trawl Exempted Fishery



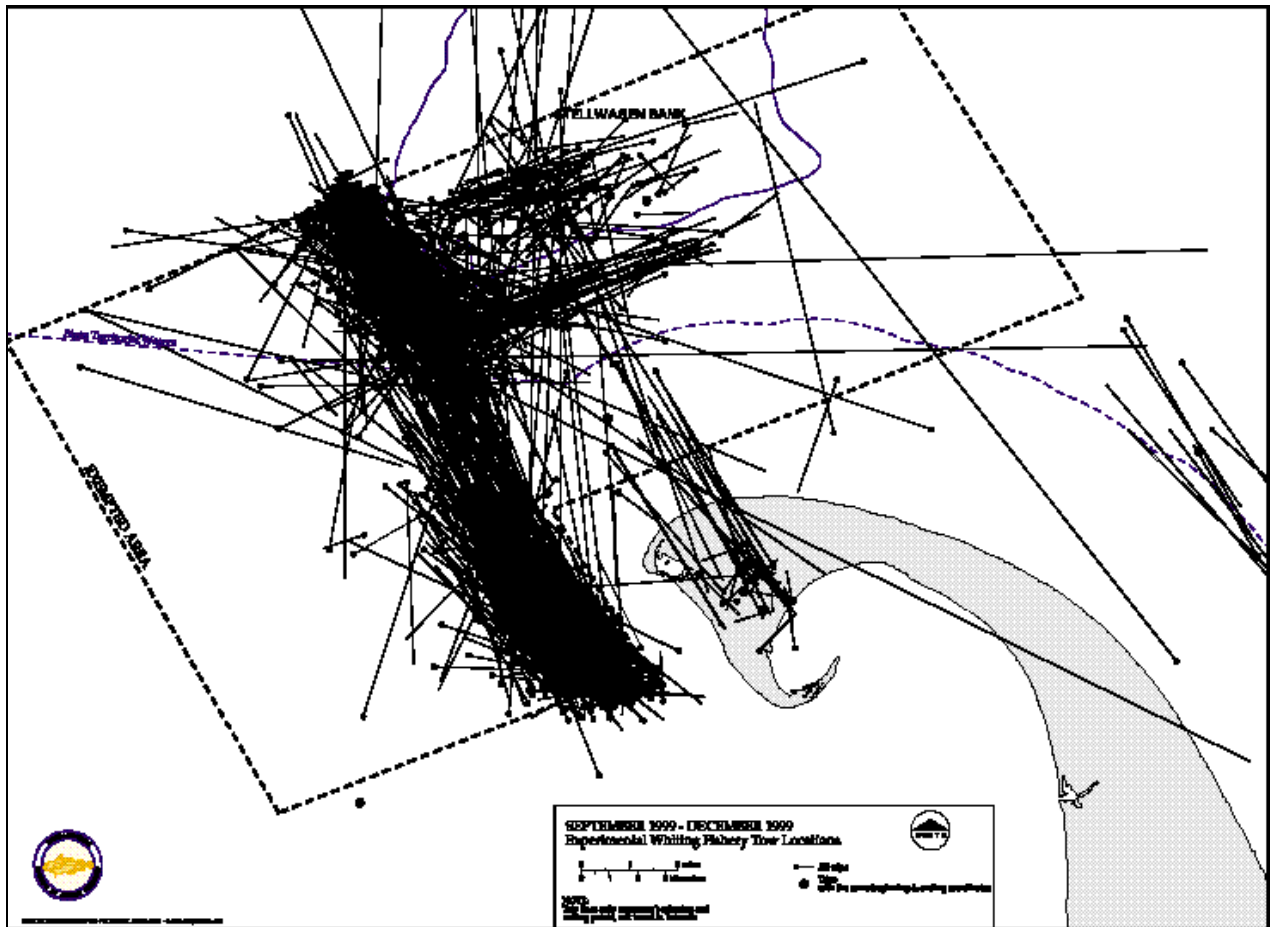
Discussion and Rationale: DMF is proposing a simplified area that encompasses most of the observed fishing activity in upper Cape Cod Bay and southern Stellwagen Bank and is essentially a combination of portions of DMF Experimental Fishery Areas 2B and 4. Area 2B is located in upper Cape Cod Bay (mostly in state waters) and has been fished traditionally by the Provincetown fleet. Trawlers in this area have been sampled intensively by DMF observers since the late 1980s, and this area has been the site of successful experimental whiting fisheries since 1995. Area 4 is located along southern Stellwagen Bank where Provincetown fishermen have historically fished during October and November after whiting catches decline in Cape Cod Bay. Once catches decline on southern Stellwagen, the fleet has historically followed what fishermen perceive to be a whiting migration along the back side (east) of Cape Cod to the “Nauset grounds” during November and December. In terms of overall area, the circumference of experimental Area 2B and Area 4 was 84.1 nautical miles. The circumference of the area proposed for exemption in this framework adjustment is 53.8 nautical miles. This represents a reduction in Areas 2B and 4 of about 36%.

The coordinates of the proposed area are refined slightly from those approved for previous experimental fisheries. They are designed to match those LORAN coordinates originally requested by industry representatives in 1996 and 1997 when experimental fisheries were conducted in these areas. During the past four years, some of the coordinates were altered through transcription error or rounding when transforming LORAN to latitude/longitude.

There are three changes from the experimental fisheries that are notable:

- (a) The northern boundary of the proposed area is further south than the line in the experimental fisheries; cod was reported near this line in 1998, so DMF moved the line south on November 6, 1998. The proposed line better coordinates with the LORAN 44160 line.
- (b) The area northeast of Provincetown (formerly the southern portion of Area 4) has been excluded from the proposed area since this area is primarily hard bottom and not suitable for the raised footrope trawl fishery. As expected, there was no documented fishing for whiting in this portion of Area 4 with the raised footrope trawl during the 1997-1999 experiments.
- (c) The eastern boundary of Area 4 was moved to the west. The eastern portion of Area 4 that is not proposed for exemption will be included as part of a limited experimental raised footrope trawl fishery east of Cape Cod (Area 3) that DMF will be proposing to NMFS for September – December 2000. Despite three years of work in this area, DMF seeks additional data collection on target species catch and regulated species bycatch before formally requesting that NMFS approve the area (or portion of the area) as a *Multispecies Exempted Fishery*.

Figure 7 All Observed and Unobserved Tows Reported in the Proposed Exemption Area During the 1999 Experimental Raised Footrope Trawl Fishery



3.1.3 Raised Footrope Trawl Gear Specifications

To ensure that raised footrope trawl nets are fished properly and to minimize the bycatch of regulated groundfish species, the Council is proposing the following net specifications for any vessel participating in this fishery. These specifications were developed through a series of gear tests completed by Massachusetts DMF (in cooperation with the industry) as part of the raised footrope trawl experimental fisheries from 1995-1999.

The Council is proposing that the raised footrope trawl gear specifications for Small Mesh Areas 1 and 2, as established by Framework 25 to the Multispecies FMP, be modified to reflect the specifications listed in Section 3.1.3.2 of this framework document (headrope, ground gear, footrope, drop chains, sweep). This will ensure consistency with all raised footrope trawl gear required in small mesh fisheries in the Gulf of Maine and will improve both fishermen's understanding and the enforceability of the raised footrope trawl gear specifications.

The net specifications listed in Section 3.1.3.1 of this document (minimum mesh size and prohibition from using strengtheners), however, are *not* intended to apply to Small Mesh Areas 1