

and 2. In addition to small mesh multispecies, vessels target herring in Small Mesh Areas 1 and 2 and therefore use mesh smaller than 2.5-inches in the codend. The net specifications listed in Section 3.1.3.1 of this document are intended to apply *only* to the raised footrope trawl fishery established through this framework adjustment.

3.1.3.1 Net Specifications

The Council is proposing a minimum mesh size of 2.5-inches for vessels participating in the raised footrope trawl fishery, as well as a prohibition from using outside net strengtheners, even when fishing with 2.5-inch mesh. These specifications are intended to apply *only* to the raised footrope trawl fishery established in this framework adjustment (and *not* to Small Mesh Areas 1 and 2).

3.1.3.1.1 Minimum Mesh Size

For any vessel participating in this raised footrope trawl fishery, the minimum codend mesh size will be 2.5 inches. Minimum mesh size is measured by the inside stretch of the net. Nets can consist of either square or diamond mesh. In terms of management for small mesh multispecies (whiting, red hake, and offshore hake), the codend is defined by the Amendment 12 regulations as the following:

For a vessel less than or equal to 60 feet in length overall, the minimum mesh to retain small mesh multispecies must be applied to a minimum of the first 50 meshes (100 bars in the case of square mesh) from the terminus of the net. For a vessel greater than 60 feet in length overall, the minimum mesh to retain small mesh multispecies must be applied to a minimum of the first 100 meshes (200 bars in the case of square mesh) from the terminus of the net. This specification does not apply to vessels that fish with mesh smaller than 2.5-inches and are subject to other codend specifications for other small mesh fisheries (loligo squid, for example).

3.1.3.1.2 Prohibition on the Use of Net Strengtheners

Although current regulations for small mesh multispecies allow the use of an outside net strengthener when fishing with 2.5-inch mesh (Framework 32), the use of liners, codend covers, and/or outside net strengtheners will be prohibited when participating in the raised footrope trawl fishery established in this framework adjustment.

3.1.3.2 Other Net Specifications

The following net specifications apply *not only* to the raised footrope trawl fishery established by this framework adjustment, *but also* to Small Mesh Areas 1 and 2, where use of the raised footrope trawl is already required. These net specifications are intended to clarify the current specifications for Small Mesh Areas 1 and 2 to allow both fishermen and enforcement agents to have a better understanding of how to properly “rig” raised footrope trawl gear.

3.1.3.2.1 Headrope

Floats with a minimum diameter of eight inches must be attached along the entire length of the headrope with a maximum spacing between each float of four feet.

3.1.3.2.2 Ground Gear

- Ground gear must be all bare wire not larger than 1/2-inch in diameter for the top leg, not larger than 5/8-inch in diameter for the bottom leg, and not larger than 3/4-inch in diameter for the ground cables.
- The top legs must be at least as long as the bottom legs.
- The total length of the ground cables must not be greater than forty fathoms from the doors to the wing ends.

3.1.3.2.3 Footrope

- The footrope must be longer than the headrope, but not more than twenty feet longer than the headrope.
- The footrope must be rigged so that it does not contact the bottom while fishing.

3.1.3.2.4 Drop Chains

- Drop chains must be 42-inches in length or greater.
- The maximum size drop chain stock when used with a sweep is 5/16-inch. Drop chains may be a maximum of 3/8-inch stock when no sweep is used.
- Only bare chain may be used; cookies or additional weights on the drop chains are prohibited.
- Drop chains must be hung from the center of the footrope and each corner (the quarter, or the junction of the bottom wing to the belly at the footrope).
- Drop chains must be hung at eight foot intervals along the footrope from the corners to the wing ends.

3.1.3.2.5 Sweep Specifications and Optional Sweepless Trawl

The raised footrope trawl may be used with a chain sweep or without a chain sweep. The sweep, if used, must be rigged in the following manner:

- The sweep must be bare chain the same length as the footrope. (Note: The required drop chains at the wing ends of the footrope effectively makes the sweep seven feet longer than the footrope.)
- The maximum size of the sweep is 5/16-inch stock chain.
- The sweep must be attached to the ends of the drop chains.
- The center of the sweep must be attached to the drop chain from the center of the footrope.
- The attachment points of each drop chain on the sweep and the footrope must be the same distance from the center drop chain attachments.
- The ends of the sweep must be attached to the drop chains at the end of the footrope.

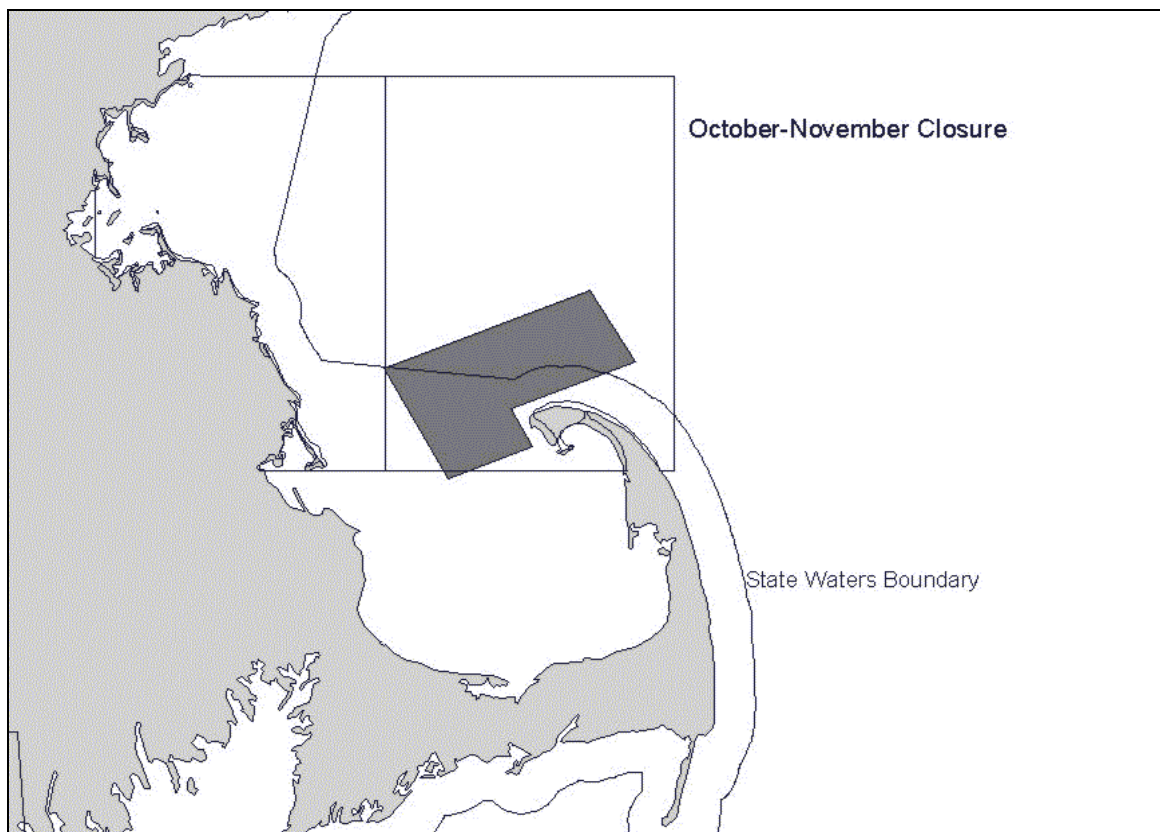
3.1.4 Adjustment to Framework 33 October/November Closure

Participants in the raised footrope trawl fishery will be “exempt” from the closure of Blocks 124 and 125 during October and November *only* in the area proposed for the raised footrope trawl fishery and *only* to fish for small mesh species (Figure 8).

Participants will be required to possess a letter of authorization to fish in the raised footrope trawl fishery throughout the entire season and will be subject to all other restrictions specified in this framework document. The exemption certification program should be structured and administered similarly to the program for the Cultivator Shoal Whiting Fishery, which includes the following specifications:

- Minimum seven-day enrollment
- While enrolled, a vessel can use its Multispecies DAS to target regulated species in large mesh areas (with regulated mesh and no small mesh on board), provided that it complies with all Multispecies DAS restrictions
- While enrolled, a vessel can fish for small mesh multispecies in other designated small mesh areas, provided that it complies with the most restrictive small mesh regulations (3-inch mesh and 30,000-pound possession limit), no matter where it fishes.

Figure 8 Raised Footrope Trawl Fishery Exemption to October/November Rolling Closure



Discussion and Rationale: Analysis of this option is contained in Section 5.1.3.1.4. The Council selected this option because it is predicted to have a lesser impact on some large mesh regulated species than Option 2, the rejected alternative. For further discussion of the rationale for selecting this option, see Section 5.1.3.1 of this document.

3.1.5 Allowable Landings and Bycatch Restrictions

3.1.5.1 Whiting/Offshore Hake Possession Limits

Vessels participating in the raised footrope trawl fishery will be restricted by the combined whiting/offshore hake possession limits specified in Amendment 12. Since vessels will be prohibited from fishing with a codend mesh smaller than 2.5-inches, the following are the applicable mesh size/possession limit categories when fishing in this raised footrope trawl fishery:

- A. Vessels electing to use a minimum 2.5-inch mesh are allowed to possess/land combined whiting and offshore hake up to 7,500 pounds. (Vessels may *not* use an outside net strengthener when fishing in this category in the raised footrope trawl fishery. See Section 3.1.3.1.2.)
- B. Vessels electing to use a minimum 3-inch mesh are allowed to possess/land combined whiting and offshore hake up to 30,000 pounds.

According to regulations implemented through Framework 32, a vessel's whiting/offshore hake possession limit will be determined by the smallest codend mesh the vessel has on board (either stowed or available for fishing) OR the smallest mesh on board not incorporated into the body of a fully-constructed net, whichever is smaller.

3.1.5.2 Additional Bycatch Restrictions

For the raised footrope trawl fishery established through this framework adjustment, the bycatch restrictions reflect those that were incorporated into the annual experimental raised footrope trawl fisheries.

Vessels may retain butterfish, dogfish, herring, mackerel, scup, squid, silver hake, and red hake up to the amounts allowed by the regulations for those species. In addition, the following restrictions apply:

- a prohibition on the possession of regulated species (Atlantic cod, witch flounder, American plaice, yellowtail flounder, haddock, pollock, winter flounder, windowpane flounder, redfish, and white hake)
- a prohibition on the possession of monkfish
- a prohibition on the possession of lobsters
- a prohibition on the possession of skates
- a prohibition on the possession of crabs, longhorn sculpin, sea raven, summer flounder (fluke), and ocean pout.

Discussion and Rationale: During the series of experiments, DMF identified two key elements needed for success of this fishery: (1) educating fishermen about the gear's design and its proper use; and (2) promoting compliance through conservative bycatch restrictions and strong penalties for non-compliance. In addition, fishermen and dealers noted a market incentive for fishing the net as designed – soft-bodied whiting and red hake are less likely to be damaged and will fetch a

higher price when the catch is free of crabs, sculpins, lobster, and other hard-bodied or spiny organisms.

At a minimum, *Multispecies Exempted Fisheries* are required to comply with the following bycatch restrictions:

- a prohibition on the possession of regulated species
- a limit of 10 percent monkfish or monkfish parts, by weight, of all other species on board
- a limit of 10 percent lobsters, by weight, of all other species on board or 200 lobsters, whichever is less
- a limit of 10 percent skate or skate parts in the Southern New England regulated mesh area, by weight, of all other species on board.

The restrictions proposed for the raised footrope trawl fishery in this framework adjustment are more conservative than the restrictions for *Multispecies Exempted Fisheries* and are intended to discourage vessels from rigging their nets improperly by not allowing them to keep *any* species that are usually caught when nets fish directly on the ocean bottom. This should minimize the bycatch of *all* non-target species in this fishery. In addition, these are the same bycatch restrictions that were imposed on the experimental raised footrope trawl fishery from 1996-1999. These restrictions are widely supported by the participants in the experimental fishery as a mechanism to discourage improper use of the net.

Since a substantial portion of effort in this fishery will take place both in state and federal waters (Figure 6), it is imperative for enforcement purposes to have rules that are consistent for both the state and federal waters portions. State law (MGL sec 37) prohibits the take of lobsters in state waters by dragging. Moreover, DMF has maintained that if fishermen are allowed to retain quantities of certain valuable benthic species (lobster, monkfish, flounders), some may rig their nets to increase the catch of these species thereby nullifying the conservation benefits of this “off-bottom” trawl. DMF’s historical sea sampling data show juvenile American plaice the predominant regulated bycatch species in this area prior to the introduction of the raised footrope trawl. The raised footrope trawl reduces flatfish bycatch up to 95%.

3.1.6 Recommended Level of Monitoring

The Council believes that monitoring this fishery is important to ensure that regulated species bycatch remains at a minimum. Therefore, NMFS should work closely with DMF to monitor this fishery on a seasonal basis. The Council recommends that as a goal, observers are included on as many trips occurring in this fishery as practicable. Observers will likely be provided by both NMFS and Massachusetts DMF.

Massachusetts DMF intends to contribute 4-7 sea sampling trips per month during the raised footrope trawl fishery season to monitor the bycatch of regulated species in this fishery.

Discussion: Since the raised footrope trawl was not designed specifically to eliminate the catch of cod (it was designed primarily to eliminate flatfish catch), and since conservation and rebuilding of Gulf of Maine cod is a high priority for the Council, this fishery should be monitored closely to ensure that cod bycatch remains at minimal levels. Groundfish PDT members have expressed this concern and recommend an at-sea monitoring program to collect