

107TH CONGRESS
1ST SESSION

H. R. 108

To establish a moratorium on bottom trawling and use of other mobile fishing gear on the seabed in certain areas off the coast of the United States.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2001

Mr. HEFLEY introduced the following bill; which was referred to the
Committee on Resources

A BILL

To establish a moratorium on bottom trawling and use of other mobile fishing gear on the seabed in certain areas off the coast of the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Seabed Protection
5 Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) More than $\frac{2}{3}$ of Earth’s surface is covered
9 by oceans.

1 (2) The oceans and marine waters contain a
2 greater variety of forms of life than exists on land,
3 and scientists are continually discovering new forms
4 of life in previously unexplored, unique habitats.

5 (3) The earth's human population is dependent
6 upon the products of the oceans for income, nutri-
7 tion, medicines, raw materials, and valuable natural
8 services such as climate regulation, flood control,
9 and storm surge protection.

10 (4) The practice and technology of bottom
11 trawling and use of other mobile fishing gear on the
12 seabed has increased to the point that an area of
13 seabed twice the size of the contiguous United
14 States is affected by these practices each year.

15 (5) These practices result in a loss of biological
16 diversity, which is detrimental not only to the ocean
17 environment itself but also to the industries and peo-
18 ple that depend on that environment.

19 (6) Little is known about the recoverability of
20 the seabed from the effects of bottom trawling and
21 use of other mobile fishing gear on the seabed. How-
22 ever, due to the slow rates of growth and reproduc-
23 tion of some marine species, it is believed that full
24 recovery in some areas may take decades or cen-
25 turies.

1 **SEC. 3. MORATORIUM.**

2 (a) IN GENERAL.—Notwithstanding any provision of
3 the Magnuson-Stevens Fishery Conservation and Manage-
4 ment Act (16 U.S.C. 1801 et seq.), no person may engage
5 in bottom trawling or use of other mobile fishing gear on
6 the seabed in any marine area described in subsection (b),
7 until—

8 (1) the National Marine Fisheries Service has
9 completed a study and determined the effects of
10 those practices in those areas;

11 (2) the Secretary of Commerce has determined,
12 based on findings of such a study and other perti-
13 nent scientific information, that the impacts of bot-
14 tom trawling and such other mobile fishing gear on
15 biodiversity, marine habitat, and productivity of fish
16 stocks is negligible; and

17 (3) the Secretary of Commerce has approved
18 and implemented fishery management plans for
19 those areas, that—

20 (A) are developed by the appropriate re-
21 gional fishery management councils in accord-
22 ance with that Act;

23 (B) encourage the use of fishing gears that
24 are less destructive of habitat than bottom
25 trawling and other mobile fishing gear on the
26 seabed; and

1 (C) prohibit use of bottom trawling and
2 other mobile fishing gear practices that threat-
3 en the continued sustainability of ecosystems in
4 those areas.

5 (b) MARINE AREAS DESCRIBED.—

6 (1) IN GENERAL.—The marine areas referred
7 to in subsection (a) are the following:

8 (A) The Heceta Banks, located off the
9 coast of Oregon, 125 00' w–124 45' w/ 43 55'
10 n–44 15' n.

11 (B) Cordell Bank, located off the coast of
12 central California, 123 20' w–123 38' w/ 37 55'
13 n–30 05' n.

14 (C) The Gulf of the Farallones outside of
15 the line that is three miles from the coastline,
16 located off the coast of California, 122 35' w–
17 123 15''w/ 37 30' n–38 05' n.

18 (D) Tanner and Cortez Banks, located off
19 the coast of southern California, 119 00' w–119
20 25' w/ 32 50 n–32 20' n.

21 (E) Punta Gorda, located off the coast of
22 northern California, 124 23' w–124 50' w/ 4–
23 20' n–40 10' n.

1 (F) Cape Blanco, located off the coast of
2 Oregon, 124 42' w-124 55' w/ 42 40' n-43
3 00n.

4 (G) Florida Middle Grounds located in the
5 Gulf of Mexico off the coast of Florida, 84
6 40'w-85 15' w/ 28 10'n-28 55n.

7 (H) Dry Tortugas, located in the Gulf of
8 Mexico off the coast of Florida, 82 40'2w-83
9 10'w/ 24 30'n 24 50'n.

10 (I) Nantucket Shoals, located off the coast
11 of Cape Cod, Massachusetts, 69 00'w-70 20'w/
12 40 30'n-41 00'n.

13 (J) Jeffrey's Ledge, Tillies Bank, and
14 Stellwagon Bank, located in the Gulf of Maine,
15 69 50'w-70 30'w/42 08'n-43 15'n.

16 (K) Cashes Ledge, located in the Gulf of
17 Maine, 68 40'w-69 15'w/42 30'n-43 15'n.

18 (L) Stonewall Bank of the central Oregon
19 coast, 124 20'w-124 28'w/44 27'n-44 39'n.

20 (M) Rogue River Reef off the southern Or-
21 egon coast, 124 35'w-124 50'w/42 25'n-42
22 35'n.

23 (2) FURTHER DESCRIPTION BY SECRETARY.—
24 For purposes of this Act, the Secretary of Commerce

1 may more particularly describe the areas listed in
2 paragraph (1).

3 (c) REPORT.—The Secretary of Commerce shall re-
4 port annually to the Committee on Resources of the House
5 of Representatives and the Committee on Commerce of the
6 Senate regarding the recovery of areas described in sub-
7 section (b) from the effects of bottom trawling and use
8 of other mobile fishing gear on the seabed.

9 (d) LIMITATION ON APPLICATION.—Subsection (a)
10 shall not apply to an area after the date the Secretary
11 publishes a finding that there are in effect, under State
12 law or a fishery management plan under the Magnuson-
13 Stevens Fishery Conservation and Management Act (16
14 U.S.C. 1801 et seq.), measures that are at least as effec-
15 tive as subsection (a) in maintaining the sustainability of
16 ecosystems in that area.

17 (e) DEFINITIONS.—In this section:

18 (1) NEGLIGIBLE.—The term “negligible”
19 means—

20 (A) insufficient to diminish the produc-
21 tivity of fish stocks; and

22 (B) insufficient to significantly reduce
23 other marine life.

1 (2) SUSTAINABILITY OF ECOSYSTEMS.—The
2 term “sustainability of ecosystems” means the capa-
3 bility of ecosystems to—

4 (A) maintain productivity of fish stocks at
5 maximum sustainable yield specified for those
6 fish stocks in fishery management plans in ef-
7 fect under the Magnuson-Stevens Fishery Con-
8 servation and Management Act (16 U.S.C.
9 1801 et seq.); and

10 (B) maintain types and abundances of
11 other marine species normally found within
12 similar areas that are not subject to bottom
13 trawling and other mobile fishing gear prac-
14 tices.

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