

107TH CONGRESS
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S. 2593

To protect diverse and structurally complex areas of the seabed in the United States exclusive economic zone by establishing a maximum diameter size limit on rockhopper, roller, and all other ground gear used on bottom trawls.

IN THE SENATE OF THE UNITED STATES

JUNE 6, 2002

Mr. TORRICELLI (for himself and Mr. CLELAND) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To protect diverse and structurally complex areas of the seabed in the United States exclusive economic zone by establishing a maximum diameter size limit on rockhopper, roller, and all other ground gear used on bottom trawls.

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 “Ocean Habitat Protec-
5 tion Act of 2002”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The fish and other marine species that are
2 associated with three-dimensional structurally com-
3 plex seafloor habitats within the exclusive economic
4 zone of the United States—

5 (A) constitute valuable and renewable nat-
6 ural resources;

7 (B) are an essential component of marine
8 biodiversity;

9 (C) contribute to the food supply, economy,
10 and health of the United States;

11 (D) support the economies of coastal com-
12 munities; and

13 (E) provide recreational opportunities.

14 (2) Commercial and recreational fishing con-
15 stitute major sources of employment and contribute
16 significantly to the economy of the United States.

17 (3) The United States is dependent upon
18 healthy and diverse ocean ecosystems for income,
19 nutrition, medicines, raw materials, and valuable
20 natural processes.

21 (4) Diverse types of sponges, deep sea corals,
22 and other species are found in marine habitats,
23 many of which have not been adequately studied for
24 their potential benefit to society or their ecological

1 importance to fish species and other forms of marine
2 life.

3 (5) Habitat complexity and marine biodiversity
4 created by geologic structures and structure-forming
5 organisms on the seabed are essential to numerous
6 fish species, including commercially and
7 recreationally harvested species, that rely on them
8 for food and shelter from predation.

9 (6) Bottom trawling reduces habitat complexity
10 and biological diversity by smoothing geologic
11 bedforms and by removing, crushing, burying, and
12 exposing benthic organisms to predators and scav-
13 engers.

14 (7) The reduction of biodiversity caused by bot-
15 tom trawling is detrimental to many commercially
16 and recreationally important species and to the in-
17 dustries and people that depend on them.

18 (8) In the past, the practice of bottom trawling
19 was conducted mainly on soft bottom areas, and was
20 rarely used in three-dimensional, structurally com-
21 plex habitats.

22 (9) Technological modifications to bottom
23 trawls, including the creation of large rockhopper
24 and roller gear and chafing gear, facilitate the use
25 of bottom trawls in rocky and other complex marine

1 habitats that were once refuges for fishes and other
2 marine life.

3 (10) The expansion in the use of bottom trawls
4 from soft bottom areas to three-dimensional, struc-
5 turally complex habitats over the past 20 years has
6 had and continues to have significant, adverse ef-
7 fects on the diversity and habitat complexity of these
8 areas.

9 (11) Numerous scientific studies show that bot-
10 tom trawling is especially damaging to three-dimen-
11 sional, structurally complex habitats such as corals,
12 boulder fields, sponge beds, and gravel bottoms.

13 (12) Bottom trawling in these habitats signifi-
14 cantly reduces their value for economically and eco-
15 logically important fishes and other marine life. Re-
16 ductions in structural complexity may be long-term
17 and irreversible. Recovery of some of these areas to
18 their natural state after a single pass of a trawl may
19 take decades or centuries. With repeated trawling in
20 the same area, the damage may be irreversible.

21 (13) Prohibiting the use of large rockhopper,
22 roller, and other ground gear is a practical, pre-
23 cautionary, and enforceable measure to protect
24 structurally complex, benthic marine habitats from
25 the damaging effects of bottom trawling.

1 **SEC. 3. PROHIBITION ON USE OF LARGE ROCKHOPPER AND**
2 **ROLLER GEAR ON BOTTOM TRAWL NETS.**

3 (a) PURPOSE.—The purpose of this section is to pre-
4 vent bottom trawls from accessing and damaging three-
5 dimensional, structurally complex marine habitats that are
6 needed by commercially and recreationally important fish
7 and other marine life for food and shelter from predation.

8 (b) PROHIBITION.—Section 307(1) of the Magnuson-
9 Stevens Fishery Conservation and Management Act (16
10 U.S.C. 1857(1)) is amended—

11 (1) by striking “or” at the end of subparagraph
12 (O);

13 (2) by striking the period at the end of sub-
14 paragraph (P) and inserting “; or”; and

15 (3) by inserting after subparagraph (P) the fol-
16 lowing:

17 “(Q) to use a bottom trawl with rollers,
18 bobbins, tires, rockhoppers, or any other devices
19 attached to the foot rope of the trawl net that
20 are in excess of 8 inches in diameter for fishing
21 that is subject to the jurisdiction of the United
22 States, including fishing by a vessel of the
23 United States beyond the equivalent of the ex-
24 clusive economic zone of all countries.”.

1 (c) REBUTTABLE PRESUMPTION.—Section 310(e) of
2 the Magnuson-Stevens Fishery Conservation and Manage-
3 ment Act (16 U.S.C. 1860(e)) is amended—

4 (1) by aligning paragraph (3) with paragraph
5 (2); and

6 (2) by adding at the end the following:

7 “(4) For purposes of this Act, it shall be a rebuttable
8 presumption that any vessel that is shoreward of the outer
9 boundary of the exclusive economic zone or beyond the
10 equivalent zone of all countries, and that has on board
11 gear comprised of a bottom trawl net with rollers, bobbins,
12 tires, rockhoppers, or any other device attached to the foot
13 rope of the trawl net that is in excess of 8 inches in diame-
14 ter, is engaged in fishing using such gear.”.

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