



July 26, 2001

The Honorable James V. Hansen
Chairman, Committee on Resources
House of Representatives
Washington, DC 20515-6201

Dear Mr. Chairman:

This letter provides you with the views of the Department of Commerce on H.R. 108, the "Seabed Protection Act," which would establish a moratorium on the use of bottom trawling and other mobile fishing gear (such as dredges) in 13 specifically designated marine areas in the Atlantic and Pacific Oceans and Gulf of Mexico. The Department recognizes the importance of abundant habitat and healthy ecosystems to support sustainable populations of commercial and recreational fishery resources, protected species, and biological diversity.

Through the Sustainable Fisheries Act amendments to the Magnuson-Stevens Act, in particular the provisions of Sections 303(a)(7) and 305(b) regarding "essential fish habitat" (EFH), and the National Marine Sanctuary System under the National Marine Sanctuaries Act (NMSA), the Department has established procedures with extensive public comment and review by all of the National Oceanic and Atmospheric Administration's (NOAA) stakeholders to address these types of issues. Fishery management plans include, as practicable and appropriate, specific regulations, developed through this public process, designed to reduce the harmful effects of fishing gear on fish habitats and the larger surrounding ecosystems. NOAA is also currently undergoing public reviews of the sanctuary management plans for its 13 established sanctuaries, including examining the impacts of various activities such as bottom trawling. These management plans will be revised to reflect any changes that we conclude are needed to protect better the resources.

NOAA has carried out and funded habitat-related research for years. In fact, NOAA has already begun to conduct studies similar to those recommended in the bill. A critical concern is the state of scientific knowledge on the effects of all fishing gear, including bottom trawling and other mobile gear, on fish and shellfish populations and their habitat, including the seabeds that support many of them during important phases of their life cycles. Scientific work on these issues is strongly supported by the Department, but more research must be completed and verified before appropriate regulatory actions are put in place. In this regard, the Department is concerned that the number and variety of site- and gear-specific mandatory studies required by

Finally, it should be noted that the Department has other related efforts and partnerships currently underway. The Department has begun implementation of Presidential Executive Order 13158 on Marine Protected Areas (MPAs), which shares many of the long-term objectives of this legislation. Executive Order 13158 mandates a series of science-based assessments needed to identify gaps in current levels of protection. The Department believes that this science-based approach will provide, if needed, the most effective targeting of additional protective regulations. Also, NOAA is working with the National Research Council (NRC) to address the impacts of mobile fishing gear on special habitat areas. By 2002, the anticipated NRC report should clarify which bottom fishing practices adversely affect specific habitats and identify management approaches to improve habitat protection and recovery.

The Department's efforts for the past 25 years under the NMSA, since 1996 on EFH, and since last year on MPAs, testify to our commitment to the long-term health of the seabed and living marine resources. However, from a regulatory standpoint, the Department does not believe that H.R. 108 is necessary as the Department has a number of authorities under which it can take such actions, should they prove necessary, through clearly defined processes. Actions proposed under this bill should be taken only if supported by the results of the studies and public input conducted under NOAA's existing authorities.

The Office of Management and Budget has advised the Department that there is no objection to the submission of this letter to the Congress from the standpoint of the Administration's program.

Sincerely,



Theodore W. Kassinger

cc: The Honorable Nick Rahall, II
The Honorable Wayne Gilchrest
The Honorable Robert Underwood