

Testimony
of
U.S. Rep. Joel Hefley, R-Colorado-5th District
on
H.R. 4003, the Ocean Habitat Protection Act
before the
House Resources Subcommittee on Fisheries Conservation, Wildlife and Oceans

Thursday, May 2, 2002

Mr. HEFLEY. Mr. Chairman, I'd like to thank you for the opportunity to give testimony today on my bill, H.R. 4003, the Ocean Habitat Protection Act.

This subject first caught my interest more than three years ago with an article in my local newspaper, the Colorado Springs Gazette Telegraph. At a December 14, 1998 press conference, representatives of the American Oceans Campaign and the Marine Conservation Biology Institute said that, worldwide, an area equivalent to twice the size of the lower 48 states was being subjected to bottom trawling each year with an effect equal to that of clear-cutting a forest.

I was concerned by that word picture. While I represent - or perhaps because I represent -- a district in a land-locked state, I have always been fascinated by the sea. My family and I regularly vacation at Edisto Island in South Carolina and I've enjoyed my time on the Chesapeake Bay in Maryland. I applaud and support the efforts made by the chairman and others to restore the health of the Chesapeake Bay.

Based on what I have read, the ecological impacts of bottom-trawling are every bit as bad as those which have crippled the Chesapeake. Worse than mere over-fishing, bottom-trawling can completely alter the series composition, shifting from species such as snapper or grouper to flounder and dogfish. The practice seems short-sighted for, while bottom-trawling can maximize the take of bottom fishermen, it can leave an environment sterile of species that associate with structured habitat during some stages of their life, including juvenile Atlantic cod, lobster and Pacific rockfish species. Recent studies suggest part of the reason that Atlantic cod are not rebuilding as quickly as expected is because they depend on structured habitat for protection while they are small juveniles. Without structured habitat, the juveniles are unable to hide and are quickly eaten by predators long before they reach reproductive age.

Because of this, in the last Congress I introduced H.R. 3059, the Seabed Protection Act. H.R. 3059 would have placed a moratorium on the use of bottom trawls and dredges in 16 key areas considered essential for maintaining fisheries and other marine life until the Secretary of Commerce determined that the impacts of dredging on the productivity of fisheries, marine life and seafloor habitat were negligible. That bill attracted 14 bipartisan cosponsors.

H.R. 3059 was a shot across the bow of the National Marine Fisheries Service and its regional fishery management councils. The 1996 Sustainable Fisheries Act amendments to the Magnuson-Stevens Fishery

Conservation and Management Act, NMFS had been directed to study the impact of bottom-trawling and develop ways to ensure that the practice proceeded in a manner that was self-sustaining. Yet five years after these mandates, NMFS had yet to issue a policy on the subject.

At the beginning of this Congress, I planned to reintroduce H.R. 3059; my goal had always been to have its measures included in the larger Magnuson-Stevens Act. But, after deliberation and discussion with those groups that have supported my efforts, we decided to take a different approach and focus on the most damaging type of bottom gear, which is responsible for wiping out the last safe havens for fish in the oceans. My new bill, H.R. 4003, is narrowly tailored to protect the most bottom structure and sustainable habitat while having a minimal impact on bottom trawlers who use large rollers and rockhoppers to gain access to these sensitive habitats. Rather than terrifying the fishing industry by shutting down designated areas while the NMFS took an indeterminate amount of time to develop a policy, we decided to develop legislation which would eliminate the gear which was causing the problem.

The bill that emerged was H.R. 4003, the Ocean Habitat Protection Act.

H.R. 4003 would protect complex, rocky seabed habitats by restricting the use of rollers and rockhoppers more than eight inches in diameter and rockhoppers. Until the 1980s, bottom-trawling was used mainly to harvest haddock and other species that inhabit sandy, mud and small gravel sea floor habitats. But, as with so many things, the technology improved and trawlers began to direct their efforts to these complex areas they had previously avoided or had been unable to access. These newly accessible areas provide homes to living structures such as sea anemones, sponges and deep-sea corals and often serve as settlement and nursery areas for juvenile groundfish and crustaceans of commercial and recreational importance. The new method of improved trawling improved fishing yields but left many of these complex areas barren of species that depend on structure.

"When there is no place for fish to hide," says Jeff Hutchings of Dalhousie University, "we can devastate entire populations. There is evidence that severely overexploited populations may not recover, even decades after depletion." Large rollers and rockhoppers, similar to the large drift-nets that have been banned due to the needless destruction that they cause, flatten precious and unique species like deep-sea corals, homogenize seafloor habitat and leave fish that depend on structured habitat with no place to hide.

On March 18, the National Academy of Sciences issued a report on the effects of bottom-trawling. The report stated that bottom-trawling had different effects on different types of bottom habitats. Recovery times also varied but the NAS study concluded that some sensitive areas would require so long a period of time to recover as to be irrecoverable.

The NAS report also gave NMFS a conclusion that sounded a lot like that heard before wolves were released into Yellowstone, namely that there was no need for further study of the issue. Enough data already exists to properly manage fisheries and bottom-trawling.

"The lack of area-specific studies on the effect of trawling and dredging gear is insufficient justification to postpone management of fishing effects on sea floor habitat," the report said.

My bill mimics trends at the state and regional level. All 18 coastal states with structurally complex habitat and five of the eight federal fishery management councils have begun to limit the size of rollers and rockhoppers or have outright banned bottom trawling. The problem is, we now have a complicated set of regulations that only apply to certain fisheries, areas and times, and leave much complexly structured habitat

unprotected.

At the present time, the bill has 15 cosponsors and the support of the Recreational Fishing Alliance, the West Coast Fishing Alliance, The Ocean Conservancy, Friends of the Earth, the Natural Resources Defense Council, Oceana and the American Oceans Campaign, the Marine Conservation Biology Institute, the National Environmental Trust, the National Coalition for Marine Conservation, Fish Forever and the Jersey Coast Anglers Association, among others. I'd like to enter into the record of full record my bill's supporters and cosponsors.

I am often asked why I, a congressman from a landlocked state, would have such an interest in ocean fishing and bottom-trawling. I answer that I like to fish. But, aside from that, it's because I don't have a commercial stake in this issue. I don't have to answer to a vocal fishing industry in Colorado. But I can appreciate that something has to be done.

As a member of the Resources Committee, I have listened to many debates concerning commercial activities on our public lands and, generally speaking, I support the multiple-use of those lands. The Forest Service used to put up signs that read "A Land of Many Uses." I believe that's the way it should be.

The nation's forests are beautiful but they've also yielded timber that provided jobs for Americans and lumber for homes and furniture. When we eliminate lumbering - either by regulation or by overcutting - we are not just eliminating jobs, we're cutting out a part of our heritage.

So it is with the fishing banks, as well. I don't have to tell any of you about the place the commercial and recreational fishing industries hold in this country's history. Fishing factored into the reasons for the American Revolution and in the works of Herman Melville and Jack London. And, it may be argued that crabcakes, cod and clam chowder are at least as American as apple pie. I fear that, unless we take steps to preserve the environment that sustains our fishing industry, we won't have one in 20 years. And with that, we will not only have lost jobs but a part of our heritage. The Ocean Habitat Protection Act is endorsed by a wide array of environmental organizations and recreational and commercial fishing groups that recognize that the devastation must be stopped. And that is why I urge your inclusion of H.R. 4003 in the re-authorization of the Magnuson-Stevens Act.

Again, thank you for hearing my testimony.

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