

.....
(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. _____

To provide for the designation of areas within which fishing activities carried out using bottom trawls may be carried out.

IN THE HOUSE OF REPRESENTATIVES

Mrs. PELTOLA introduced the following bill; which was referred to the Committee on _____

A BILL

To provide for the designation of areas within which fishing activities carried out using bottom trawls may be carried out.

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 “Bottom Trawl Clarity
5 Act of 2024”.

6 **SEC. 2. DEFINING SUBSTANTIAL BOTTOM CONTACT.**

7 Not later than 18 months after the date of the enact-
8 ment of this Act, each Council that manages a fishery that

1 allows the use of any bottom trawl gear shall, after pro-
2 viding notice and an opportunity for public comment, sub-
3 mit to the Secretary—

4 (1) a definition of the term “substantial bottom
5 contact” as compared to the term “limited bottom
6 contact” when used to describe how often fishing
7 gear interacts with the seafloor;

8 (2) a monitoring and enforcement plan to en-
9 sure that any pelagic trawl fishing activity carried
10 out within a fishery managed by such Council has
11 limited bottom contact; and

12 (3) a list of each gear type that has substantial
13 bottom contact based on the definition submitted
14 under paragraph (1).

15 **SEC. 3. DESIGNATION OF BOTTOM TRAWL ZONES.**

16 (a) INITIAL DESIGNATIONS.—

17 (1) IN GENERAL.—Not later than 1 year after
18 the date on which a Council completes the require-
19 ments of section 2, such Council shall, after pro-
20 viding notice and an opportunity for public com-
21 ment, submit to the Secretary, and the Secretary
22 shall publish in the Federal Register—

23 (A) a list of each area within the jurisdic-
24 tion of such Council within which fishing activi-
25 ties using bottom trawls were carried out dur-

1 ing the 7-year period ending on December 31,
2 2024; and

3 (B) a recommendation regarding each area
4 identified under subparagraph (A), or portion
5 thereof, that is not ineligible for designation
6 under subsection (c) and should be designated
7 as a Bottom Trawl Zone under paragraph (2).

8 (2) DESIGNATION PROCESS.—

9 (A) PROPOSED DESIGNATION.—Not later
10 than 9 months after the date on which the rec-
11 ommendations of a Council are published in the
12 Federal Register pursuant to subsection
13 (a)(1)(B), the Secretary shall publish in the
14 Federal Register a proposed rule to designate
15 as a Bottom Trawl Zone each area, or portion
16 thereof, recommended for such designation by
17 such Council as the Secretary determines ap-
18 propriate.

19 (B) FAILURE TO RECOMMEND.—If a
20 Council fails to submit recommendations to the
21 Secretary under paragraph (1) by the deadline
22 described in that paragraph, not later than 1
23 year after such deadline, the Secretary, after
24 providing notice and an opportunity for public

1 comment, shall publish in the Federal Register
2 a proposed rule that—

3 (i) lists each area within the jurisdic-
4 tion of such Council within which fishing
5 activities using bottom trawls were carried
6 out during the 7-year period ending on De-
7 cember 31, 2024; and

8 (ii) indicates each area identified
9 under clause (i), or portion thereof, that is
10 not ineligible for designation under sub-
11 section (c) that the Secretary proposes to
12 designate as a Bottom Trawl Zone.

13 (C) COMMENT PERIOD.—The Secretary
14 shall accept comments on a proposed rule pub-
15 lished under subparagraph (A) or (B) for 60
16 days after the date of such publication.

17 (D) FINAL DESIGNATION.—

18 (i) IN GENERAL.—Not later than 30
19 days after the date on which a comment
20 period described in subparagraph (C) for a
21 proposed rule published under subpara-
22 graph (A) or (B) ends, the Secretary shall
23 designate as a Bottom Trawl Zone each
24 area, or portion thereof, included in such
25 proposed rule.

1 (ii) PUBLICATION.—The Secretary
2 shall publish in the Federal Register each
3 designation made under clause (i).

4 (b) SUBSEQUENT DESIGNATIONS.—

5 (1) IN GENERAL.—After the initial designations
6 of Bottom Trawl Zones under subsection (a)(2), the
7 Secretary, in consultation with the relevant Council
8 or upon the recommendation of a Council, may des-
9 ignate as a Bottom Trawl Zone an area, or portion
10 thereof, within the jurisdiction of such Council if—

11 (A) the area was not designated as a Bot-
12 tom Trawl Zone under subsection (a)(2);

13 (B) fishing activities using bottom trawls
14 were carried out within the area during the pre-
15 ceding 7-year period; and

16 (C) the area is not ineligible for designa-
17 tion under subsection (c).

18 (2) DESIGNATION PROCESS.—

19 (A) PROPOSED DESIGNATION.—The Sec-
20 retary shall publish in the Federal Register a
21 proposed rule to designate as a Bottom Trawl
22 Zone an area described in paragraph (1).

23 (B) COMMENT PERIOD.—The Secretary
24 shall accept comments on a proposed rule pub-

1 lished under subparagraph (A) for 60 days
2 after the date of such publication.

3 (C) FINAL DESIGNATION.—

4 (i) IN GENERAL.—Not later than 30
5 days after the date on which a comment
6 period described in subparagraph (B) for a
7 proposed rule published under subpara-
8 graph (A) ends, the Secretary shall des-
9 ignate as a Bottom Trawl Area each area,
10 or portion thereof, included in such pro-
11 posed rule.

12 (ii) PUBLICATION.—The Secretary
13 shall publish in the Federal Register each
14 designation made under clause (i).

15 (c) AREAS INELIGIBLE FOR DESIGNATION.—An area
16 may not be designated as a Bottom Trawl Zone if—

17 (1) the Secretary determines there is evidence
18 of the presence of a deep sea coral and sponge eco-
19 system within the area; or

20 (2) the area is designated pursuant to the Mag-
21 nuson-Stevens Fishery Conservation and Manage-
22 ment Act (16 U.S.C. 1801 et seq.) as—

23 (A) a Savings Area; or

24 (B) an otherwise protected area for a stock
25 of fish.

1 (d) ACTIVITIES WITHIN BOTTOM TRAWL ZONES.—
2 As of the date on which the Secretary designates an area
3 as a Bottom Trawl Zone under subsection (a)(2)(D), bot-
4 tom trawls may only be used in an area that is designated
5 as a Bottom Trawl Zone.

6 **SEC. 4. DEFINITIONS.**

7 In this Act:

8 (1) **BOTTOM TRAWL.**—The term “bottom
9 trawl” means, when used within the jurisdiction of
10 a Council, any trawl or dredge fishing gear that
11 makes substantial bottom contact with the seafloor
12 while in use, as defined by the Council or as deter-
13 mined by the Secretary, as applicable.

14 (2) **BOTTOM TRAWL ZONE.**—The term “Bottom
15 Trawl Zone” means an area within which bottom
16 trawls may be used.

17 (3) **COUNCIL.**—The term “Council” means a
18 Regional Fishery Management Council established
19 by section 302 of the Magnuson-Stevens Fishery
20 Conservation and Management Act (16 U.S.C.
21 1852).

22 (4) **DEEP SEA CORALS.**—The term “deep sea
23 corals” means species that—

24 (A) occur at a depth of greater than 50
25 meters;

1 (B) do not contain symbiotic algae; and

2 (C) are in the phylum Cnidaria, in the
3 order—

4 (i) Alcyonacea (soft corals);

5 (ii) Antipatharia (black corals);

6 (iii) Gorgonacea (horny corals);

7 (iv) Hydrocorallina (hydrocorals), in
8 the class Hydrozoa;

9 (v) Pennatulacea (sea pens), in the
10 class Anthozoa; or

11 (vi) Scleractinia (stony corals).

12 (5) DEEP SEA CORAL AND SPONGE ECO-
13 SYSTEM.—The term “deep sea coral and sponge eco-
14 system” means an ecosystem composed of living
15 deep sea corals or deep sea sponges, the benthic and
16 demersal species associated with such living deep sea
17 corals or deep sea sponges, and the biological, phys-
18 ical, chemical, and geologic components that con-
19 stitute habitat for living deep sea corals or deep sea
20 sponges.

21 (6) DEEP SEA SPONGES.—The term “deep sea
22 sponges” means species that—

23 (A) occur at a depth of greater than 50
24 meters; and

25 (B) are in the phylum Porifera.

1 (7) SECRETARY.—The term “Secretary” means
2 the Secretary of Commerce.