

114TH CONGRESS
2D SESSION

H. R. 5797

To protect certain seamounts, ridges, and banks in the Exclusive Economic Zone off the coast of California by the establishment of the California Seamounts and Ridges National Marine Conservation Area, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 14, 2016

Mr. FARR (for himself and Mr. TED LIEU of California) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To protect certain seamounts, ridges, and banks in the Exclusive Economic Zone off the coast of California by the establishment of the California Seamounts and Ridges National Marine Conservation Area, and for other purposes.

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 “California Seamounts
5 and Ridges National Marine Conservation Area Designa-
6 tion and Management Act”.

1 **SEC. 2. FINDINGS AND PURPOSE.**

2 (a) FINDINGS.—Congress makes the following find-
3 ings:

4 (1) The California Seamounts and Ridges Na-
5 tional Marine Conservation Area established by this
6 Act contains a series of ancient volcanos and under-
7 water geological features in the Exclusive Economic
8 Zone.

9 (2) Found on the seamounts, ridges, and banks
10 in the Conservation Area are rare deep-water corals,
11 sponges, anemones, tunas, sharks, seabirds, marine
12 mammals (including orcas, sperm whales, and blue
13 whales), endangered sea turtles, octopuses, and di-
14 verse fish populations, some of which are endemic to
15 the area.

16 (3) The only hydrothermal vents in the conti-
17 nental Exclusive Economic Zone are found on Gorda
18 Ridge located off the north coast of California and
19 the south coast of Oregon.

20 (4) These areas' remote location and depth con-
21 tribute to their remarkably pristine condition, lim-
22 ited human footprint, and reputation as a vital fron-
23 tier for scientific discovery, with research expeditions
24 continuing to yield new and rare species, greater un-
25 derstanding about ecological relationships, and re-

1 newed appreciation of the uniqueness of deep-sea
2 ecosystems.

3 (5) Despite currently limited direct pressure
4 from extractive use, the Conservation Area is under-
5 going rapid change due to warming waters, ocean
6 acidification, and ecological stress from pollution and
7 other sources the management of which transcends
8 the jurisdiction of any single government agency or
9 department.

10 (6) According to many scientists, comprehensive
11 marine habitat protection is one of the most impor-
12 tant actions for building resilience in ocean environ-
13 ments to current and emerging challenges presented
14 by anthropogenic and other stressors impacting ma-
15 rine ecosystems.

16 (b) PURPOSE.—The purpose of this Act is to protect,
17 conserve, and enhance for the benefit and enjoyment of
18 present and future generations the nationally significant
19 historical, natural, cultural, scientific, and educational val-
20 ues of the California Seamounts and Ridges National Ma-
21 rine Conservation Area.

22 **SEC. 3. DEFINITIONS.**

23 In this Act:

24 (1) EXCLUSIVE ECONOMIC ZONE.—The term
25 “Exclusive Economic Zone” means the Exclusive

1 Economic Zone of the United States established by
2 Presidential Proclamation No. 5030 of March 10,
3 1983.

4 (2) CONSERVATION AREA.—The term “Con-
5 servation Area” means the California Seamounts
6 and Ridges National Marine Conservation Area es-
7 tablished by section 4(a).

8 (3) OUTER CONTINENTAL SHELF.—The term
9 “Outer Continental Shelf” has the meaning given
10 the term “outer Continental Shelf” in section 2 of
11 the Outer Continental Shelf Lands Act (43 U.S.C.
12 1331).

13 **SEC. 4. DESIGNATION.**

14 (a) ESTABLISHMENT.—There is established the Cali-
15 fornia Seamounts and Ridges National Marine Conserva-
16 tion Area, consisting of the waters of the Exclusive Eco-
17 nomic Zone and the Outer Continental Shelf contained in
18 the area described in subsection (b).

19 (b) AREA DESCRIBED.—The area referred to in sub-
20 section (a)—

21 (1) is the area generally depicted as the Con-
22 servation Area on the map entitled “_____” and
23 dated _____, as is more particularly described by
24 the Secretary of Commerce and the Secretary of the
25 Interior under subsection (c); and

1 (2) includes—

2 (A) Gorda Ridge;

3 (B) the portion of Mendocino Ridge in the
4 Conservation Area west of longitude 125° 40'
5 4.8" W; and

6 (C) Guide, Pioneer, Taney, Gumdrop,
7 Rodriguez, San Juan, and Northeast
8 seamounts.

9 (c) DETAIL BOUNDARY DESCRIPTION AND MAP.—

10 (1) IN GENERAL.—As soon as practicable after
11 the date of enactment of this Act, the Secretary of
12 Commerce and the Secretary of the Interior shall
13 jointly develop a detailed boundary description and
14 map of the Conservation Area.

15 (2) FORCE AND EFFECT.—The map and bound-
16 ary description developed under paragraph (1) shall
17 have the same force and effect as if included in this
18 Act, except that the Secretaries may correct any
19 minor errors in the map and boundary descriptions.

20 (3) PUBLIC AVAILABILITY.—The map and
21 boundary description developed under paragraph (1)
22 shall be on file and available for public inspection
23 within the management plan required under section
24 5 of this Act.

1 **SEC. 5. ADMINISTRATION.**

2 (a) IN GENERAL.—The Secretary of Commerce and
3 the Secretary of the Interior shall have joint responsibility
4 for management of the California Seamounts and Ridges
5 National Marine Conservation Area.

6 (b) CONSULTATION AND MANAGEMENT.—

7 (1) IN GENERAL.—The Secretaries may not im-
8 plement the establishment of the Conservation Area
9 without—

10 (A) direct and thorough consultation with
11 the Pacific Fishery Management Council, stake-
12 holders from commercial and recreational fish-
13 ing sectors, and other key fishery groups, in-
14 cluding working with such persons and affected
15 Indian tribes to develop and implement a plan
16 for the comprehensive and long-term protection
17 and management of the Conservation Area; and

18 (B) prior, timely, and ongoing notice and
19 consultation between the Secretaries and af-
20 fected Indian tribes, including working with
21 such Indian tribes to—

22 (i) develop and implement mutually
23 agreed-upon plans for the comprehensive
24 and long-term protection and management
25 of the Conservation Area; and

1 (ii) ensure that management of the
2 Conservation Area does not in any way im-
3 pact traditional uses of the waters of the
4 Conservation Area by members of such
5 tribes.

6 (2) PROHIBITIONS.—

7 (A) IN GENERAL.—The plan required
8 under paragraph (1)(A) shall, subject to sub-
9 paragraph (B) and subsections (c) and (d), pro-
10 hibit—

11 (i) exploring for, developing, or pro-
12 ducing oil, gas, or minerals;

13 (ii) using or attempting to use poi-
14 sons, electrical charges, or explosives in the
15 collection or harvest of any living or non-
16 living marine resource;

17 (iii) intentionally introducing or other-
18 wise releasing an introduced species from
19 within or into the Conservation Area;

20 (iv) anchoring on or having a vessel
21 anchored on any living or dead coral in the
22 Conservation Area;

23 (v) drilling into, dredging, or other-
24 wise altering the Outer Continental Shelf
25 in the Conservation Area; and

1 (vi) other activities determined by the
2 Secretary, as appropriate for the long-term
3 protection and management of the Con-
4 servation Area.

5 (B) EXCEPTIONS.—The prohibitions set
6 forth in subparagraph (A) shall not apply to—

7 (i) activities and exercises of the
8 Armed Forces (including those carried out
9 by the Coast Guard) that are consistent
10 with applicable laws;

11 (ii) actions necessary to respond to
12 emergencies threatening life, property, or
13 the environment, and activities necessary
14 for national security or law enforcement
15 purposes;

16 (iii) scientific exploration or research
17 activities, subject to such terms and condi-
18 tions as the Secretaries consider necessary
19 for the care and management of the living
20 and nonliving marine resources of the Con-
21 servation Area;

22 (iv) the troll Albacore fishery; and

23 (v) recreational fishing and charter
24 fishing, as those terms are defined in sec-
25 tion 2 of the Magnuson-Stevens Fishery

1 Conservation and Management Act (16
2 U.S.C. 1802).

3 (c) EMERGENCIES, NATIONAL SECURITY, AND LAW
4 ENFORCEMENT ACTIVITIES.—

5 (1) IN GENERAL.—The prohibitions required by
6 subsection (b) shall not apply to activities necessary
7 to respond to emergencies threatening life, property,
8 or the environment, or to activities necessary for na-
9 tional security or law enforcement purposes.

10 (2) EMERGENCY RESPONSE.—Nothing in this
11 Act limits the authority of government agencies to
12 take actions to respond to emergencies that pose an
13 unacceptable threat to human health or safety or to
14 the marine environment and for which there is no
15 other feasible solution.

16 (d) ARMED FORCES ACTIONS.—

17 (1) IN GENERAL.—The prohibitions required by
18 subsection (b) shall not apply to activities and exer-
19 cises of the Armed Forces, including those carried
20 out by the Coast Guard.

21 (2) COMPLIANCE WITH THIS ACT.—The Armed
22 Forces shall ensure, by the adoption of appropriate
23 measures not impairing their operations or oper-
24 ational capabilities, that its vessels and aircraft op-

1 erate in a manner consistent, so far as is reasonable
2 and practicable, with this Act.

3 (3) DESTRUCTION OF, LOSS OF, OR INJURY TO
4 LIVING MARINE RESOURCES.—In the event of threat-
5 ened or actual destruction of, loss of, or injury to a
6 living marine resource of the Conservation Area re-
7 sulting from an incident caused by a component of
8 the Department of Defense or the Coast Guard, in-
9 cluding as a result of a spill of oil or other haz-
10 ardous material or vessel grounding, the responsible
11 component shall promptly coordinate with the Sec-
12 retary of the Interior or Commerce, as appropriate,
13 for the purpose of taking appropriate actions to re-
14 spond to and mitigate any actual harm and, if pos-
15 sible, restore or replace the affected Conservation
16 Area resources.

17 (4) MILITARY PROPERTY NOT AFFECTED.—
18 Nothing in this Act or any regulation implementing
19 it limits or otherwise affects the Armed Forces dis-
20 cretion to use, maintain, improve, manage, or con-
21 trol any property under the administrative control of
22 a military department or otherwise limit the avail-
23 ability of such property for military mission pur-
24 poses.

1 **SEC. 6. WITHDRAWALS.**

2 The areas of the Outer Continental Shelf comprised
3 of Cortes and Tanner Banks, and of the portion of
4 Mendocino Ridge bounded by a square with a south-
5 western corner located at $40^{\circ} 0' N$, $125^{\circ} 40' 4.8'' W$ and
6 a northeastern corner located at $40^{\circ} 30' N$, $125^{\circ} 10' 4.8''$
7 W , are withdrawn from commercial leasing under Federal
8 law for exploration, development, or production of oil and
9 gas, mining minerals, energy sighting, and cable laying.

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