H. R. 3133

To amend the Marine Mammal Protection Act of 1972 to reduce unnecessary permitting delays by clarifying associated procedures to increase economic development and support coastal restoration programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 2017

Mr. JOHNSON of Louisiana (for himself, Mr. DUNCAN of South Carolina, Mr. HIGGINS of Louisiana, Mr. ABRAHAM, Mr. GRAVES of Louisiana, and Mr. JODY B. HICE of Georgia) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the Marine Mammal Protection Act of 1972 to reduce unnecessary permitting delays by clarifying associated procedures to increase economic development and support coastal restoration programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Streamlining Environmental Approvals Act of 2017” or the “SEA Act of 2017”.
SEC. 2. ADDRESSING PERMITS FOR TAKING OF MARINE MAMMALS.

Section 101(a)(5)(D) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(a)(5)(D)) is amended as follows:

(1) In clause (i)—

(A) by striking “citizens of the United States” and inserting “persons”;

(B) by striking “within a specific geographic region”;

(C) by striking “of small numbers”;

(D) by striking “such citizens” and inserting “such persons”; and

(E) by striking “within that region”.

(2) In clause (ii)—

(A) in subclause (I), by striking “, and other means of effecting the least practicable impact on such species or stock and its habitat”;

(B) in subclause (III), by striking “requirements pertaining to the monitoring and reporting of such taking by harassment, including” and inserting “efficient and practical requirements pertaining to the monitoring of such taking by harassment while the activity is being conducted and the reporting of such taking, in—
cluding, as the Secretary determines nec-

essary,”; and

(C) by adding at the end the following:

“Any condition imposed pursuant to subclause (I), (II),
or (III) may not result in more than a minor change to
the specified activity and may not alter the basic design,
location, scope, duration, or timing of the specified activ-

ity.”.

(3) In clause (iii), by striking “receiving an ap-

lication under this subparagraph” and inserting

“an application is accepted or required to be consid-
ered complete under subclause (I)(aa), (II)(aa), or
(IV) of clause (viii), as applicable,”.

(4) In clause (vi), by striking “a determination

of least practicable adverse impact on such species
or stock under clause (i)(I)” and inserting “condi-
tions imposed under subclause (I), (II), or (III) of
clause (ii)”.

(5) By adding at the end the following:

“(viii)(I) The Secretary shall—

“(aa) accept as complete a written request for
authorization under this subparagraph for incidental
taking described in clause (i), by not later than 45
days after the date of submission of the request; or
“(bb) provide to the requester, by not later than 15 days after the date of submission of the request, a written notice describing any additional information required to complete the request.

“(II) If the Secretary provides notice under subclause (I)(bb), the Secretary shall, by not later than 30 days after the date of submission of the additional information described in the notice—

“(aa) accept the written request for authorization under this subparagraph for incidental taking described in clause (i); or

“(bb) deny the request and provide the requester a written explanation of the reasons for the denial.

“(III) The Secretary may not make a second request for information, request that the requester withdraw and resubmit the request, or otherwise delay a decision on the request.

“(IV) If the Secretary fails to respond to a request for authorization under this subparagraph in the manner provided in subclause (I) or (II), the request shall be considered to be complete.

“(ix)(I) At least 90 days before the expiration of any authorization issued under this subparagraph, the holder of such authorization may apply for a one-year extension
of such authorization. The Secretary shall grant such ex-
tension within 14 days after the date of such request on
the same terms and without further review if there has
been no substantial change in the activity carried out
under such authorization nor in the status of the marine
mammal species or stock, as applicable, as reported in the
final annual stock assessment reports for such species or
stock.

“(II) In subclause (I) the term ‘substantial change’
means a change that prevents the Secretary from making
the required findings to issue an authorization under
clause (i) with respect to such species or stock.

“(III) The Secretary shall notify the applicant of
such substantial changes with specificity and in writing
within 14 days after the applicant’s submittal of the exten-
sion request.

“(x) If the Secretary fails to make the required find-
ings and, as appropriate, issue the authorization within
120 days after the application is accepted or required to
be considered complete under subclause (I)(aa), (II)(aa),
or (III) of clause (viii), as applicable, the authorization
is deemed to have been issued on the terms stated in the
application and without further process or restrictions
under this Act.”.
SEC. 3. REMOVING DUPLICATIONS.

Section 101(a)(5)(D) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(a)(5)(D)), as amended by section 2 of this Act, is further amended by adding at the end the following:

“(xi) Any taking of a marine mammal in compliance with an authorization under this subparagraph is exempt from the prohibition on taking in section 9 of the Endangered Species Act of 1973 (16 U.S.C. 1538). Any Federal agency authorizing, funding, or carrying out an action that results in such taking, and any agency action authorizing such taking, is exempt from the requirement to consult regarding potential impacts to marine mammal species or designated critical habitat under section 7(a)(2) of such Act (16 U.S.C. 1536(a)(2)).”.