

Union Calendar No. 462

118TH CONGRESS
2D SESSION

H. R. 897

[Report No. 118–560]

To provide for the establishment of the Alabama Underwater Forest National Marine Sanctuary, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 9, 2023

Mr. CARL (for himself, Mr. GRAVES of Louisiana, Ms. SEWELL, and Mr. MOULTON) introduced the following bill; which was referred to the Committee on Natural Resources

JUNE 27, 2024

Additional sponsors: Mr. Wittman, Mr. Doggett, and Mr. Jackson of North Carolina

JUNE 27, 2024

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on February 9, 2023]

A BILL

To provide for the establishment of the Alabama Underwater
Forest National Marine Sanctuary, 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 “Alabama Underwater*
5 *Forest National Marine Sanctuary and Protection Act”.*

6 **SEC. 2. FINDINGS.**

7 *Congress finds the following:*

8 *(1) An ancient cypress forest dating back 50,000*
9 *to 70,000 years has been exposed in the Gulf of Mex-*
10 *ico off the Alabama coastline.*

11 *(2) The cypress trees, which were uncovered by*
12 *massive waves associated with Hurricane Ivan, are*
13 *still rooted in the mud they were growing in at least*
14 *50,000 years ago.*

15 *(3) The Underwater Forest site is unique on a*
16 *global scale, the only known site where trees between*
17 *50,000 and 70,000 years old have been preserved in-*
18 *tact with the ecosystem they were growing in.*

19 *(4) Exploration of the site continues to yield in-*
20 *valuable scientific insight in a variety of fields,*

1 *though scientists have just begun to study the ancient*
2 *forest.*

3 **SEC. 3. POLICY AND PURPOSE.**

4 (a) *POLICY.*—*It is the policy of the United States to*
5 *protect and preserve the ancient cypress trees located off the*
6 *coast of Alabama, known as the Alabama Underwater For-*
7 *est.*

8 (b) *PURPOSE.*—*The purpose of this Act is to protect*
9 *the resources of the area described in section 5(b), to educate*
10 *and interpret for the public regarding the ancient Alabama*
11 *Underwater Forest environment, and to manage human*
12 *uses of the Alabama Underwater Forest National Marine*
13 *Sanctuary consistent with this Act.*

14 **SEC. 4. DEFINITIONS.**

15 *In this Act—*

16 (1) *SANCTUARY.*—*The term “Sanctuary” means*
17 *the Alabama Underwater Forest National Marine*
18 *Sanctuary designated under section 5(a).*

19 (2) *SECRETARY.*—*the term “Secretary” means*
20 *the Secretary of Commerce.*

21 **SEC. 5. SANCTUARY DESIGNATION.**

22 (a) *DESIGNATION.*—*The area described in subsection*
23 (b) *is designated as the Alabama Underwater Forest Na-*
24 *tional Marine Sanctuary pursuant to title III of the Marine*

1 *Protection, Research, and Sanctuaries Act of 1972 (16*
2 *U.S.C. 1431 et seq.).*

3 *(b) AREA INCLUDED.—*

4 *(1) IN GENERAL.—The Sanctuary shall consist*
5 *only of all waters and submerged lands within the*
6 *boundary described in paragraph (2).*

7 *(2) BOUNDARY.—The boundary referred to in*
8 *paragraph (1) shall encompass only the area within*
9 *the following coordinates:*

10 *(A) 30 degrees, 7 minutes, 20.2116 seconds*
11 *north latitude; 87 degrees, 49 minutes, 15.7404*
12 *seconds west longitude.*

13 *(B) 30 degrees, 7 minutes, 20.2116 seconds*
14 *north latitude; 87 degrees, 43 minutes, 44.8536*
15 *seconds west longitude.*

16 *(C) 30 degrees, 5 minutes, 42.6552 seconds*
17 *north latitude; 87 degrees, 49 minutes, 15.7404*
18 *seconds west longitude.*

19 *(D) 30 degrees, 5 minutes, 42.6552 seconds*
20 *north latitude; 87 degrees, 43 minutes, 44.8536*
21 *seconds west longitude.*

22 *(E) 30 degrees, 7 minutes, 20.2116 seconds*
23 *north latitude; 87 degrees, 49 minutes, 15.7404*
24 *seconds west longitude.*

1 (3) *CHARTS.*—*The Sanctuary shall be generally*
2 *identified and depicted on National Oceanic and At-*
3 *mospheric Administration charts that shall be main-*
4 *tained on file and kept available for public examina-*
5 *tion during regular business hours at the Office of*
6 *Ocean and Coastal Resource Management of the Na-*
7 *tional Oceanic and Atmospheric Administration and*
8 *in online format and which shall be updated to reflect*
9 *boundary modifications made pursuant to this sec-*
10 *tion.*

11 **SEC. 6. PROHIBITION OF CERTAIN USES.**

12 (a) *PROHIBITED ACTIVITIES.*—*The following activities*
13 *are prohibited and are unlawful for any person to conduct*
14 *or to cause to be conducted within the Sanctuary:*

15 (1) *Cutting, removing, or any kind of subsurface*
16 *salvage of the cypress trees.*

17 (2) *Lowering below the surface of the water any*
18 *grappling, suction, conveyor, dredging, or wrecking*
19 *device.*

20 (3) *Detonating below the surface of the water*
21 *any explosive or explosive mechanism.*

22 (4) *Drilling or coring the seabed.*

23 (5) *Lowering, laying, positioning, or raising any*
24 *type of seabed cable or cable-laying device.*

25 (b) *EXCEPTIONS.*—

1 (1) *IN GENERAL.*—*The prohibitions in subsection*
2 *(a) shall not apply to the following:*

3 *(A) Fishing, diving, mooring, or similar*
4 *recreational or commercial activities.*

5 *(B) Necessary operations of public vessels,*
6 *including operations essential for national de-*
7 *fense, law enforcement, and responses to emer-*
8 *gencies that threaten life, property, or the envi-*
9 *ronment.*

10 *(C) Construction or placement of artificial*
11 *reef structures for the purpose of enhancing fish-*
12 *ery resources, fishing opportunities, or rec-*
13 *reational diving opportunities.*

14 *(D) Exploration, development, or produc-*
15 *tion of oil or gas pursuant to a lease, permit, or*
16 *other authorization, provided such lease, permit,*
17 *or authorization is issued on or before the date*
18 *of the enactment of this Act.*

19 (2) *OTHER ACTIVITIES.*—*The Secretary, acting*
20 *through the Director of the Office of National Marine*
21 *Sanctuaries, may allow a person to conduct an activ-*
22 *ity that would otherwise be prohibited under sub-*
23 *section (a) if such activity meets the standards of*
24 *Title III of the Marine Protection, Research, and*

1 *Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.), as*
2 *determined by the Secretary.*

3 **SEC. 7. COMPREHENSIVE MANAGEMENT PLAN.**

4 *(a) PREPARATION OF PLAN.—*

5 *(1) IN GENERAL.—Not later than 2 years after*
6 *the date of the enactment of this Act, the Secretary,*
7 *in consultation with appropriate Federal, State, and*
8 *local government authorities and with the advisory*
9 *council established under section 8, shall develop a*
10 *comprehensive management plan and implement reg-*
11 *ulations to achieve the policy and purpose of this Act.*

12 *(2) APPLICABLE LAW.—In developing the com-*
13 *prehensive management plan and implementing regu-*
14 *lations under paragraph (1), the Secretary shall fol-*
15 *low the procedures described in sections 303 and 304*
16 *of the Marine Protection, Research, and Sanctuaries*
17 *Act of 1972 (16 U.S.C. 1433 and 1434).*

18 *(3) PLAN DETAILS.—The comprehensive manage-*
19 *ment plan required under paragraph (1) shall—*

20 *(A) facilitate all public and private uses of*
21 *the Sanctuary compatible with the primary ob-*
22 *jective of Sanctuary resource protection, with a*
23 *focus on facilitating—*

24 *(i) fishing, diving, or similar rec-*
25 *reational or commercial activities; and*

1 (ii) construction or placement of artifi-
 2 cial reef structures for the purpose of en-
 3 hancing fishery resources, fishing opportu-
 4 nities, or recreational diving opportunities;

5 (B) consider temporal and geographical
 6 zoning, to ensure protection of Sanctuary re-
 7 sources;

8 (C) identify needs for research and ecologi-
 9 cal monitoring; and

10 (D) ensure coordination and cooperation be-
 11 tween Sanctuary managers and—

12 (i) other Federal, State, and local au-
 13 thorities with jurisdiction within or adja-
 14 cent to the Sanctuary; and

15 (ii) owners, operators, and stakeholders
 16 with respect to existing oil and gas oper-
 17 ations within or adjacent to the Sanctuary.

18 (b) *PUBLIC PARTICIPATION.*—The Secretary shall pro-
 19 vide for the participation of the general public in the devel-
 20 opment of the comprehensive management plan.

21 **SEC. 8. ADVISORY COUNCIL.**

22 (a) *ESTABLISHMENT.*—The Secretary shall establish
 23 an advisory council pursuant to section 315 of the Marine
 24 Protection, Research, and Sanctuaries Act of 1972 (16

1 *U.S.C. 1445a) to advise the Secretary with respect to the*
2 *designation and management of the Sanctuary.*

3 *(b) MEMBERSHIP.—The Secretary shall include a rep-*
4 *resentative from the Alabama Department of Conservation*
5 *and Natural Resources as a voting member of the advisory*
6 *council.*

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