

ALABAMA UNDERWATER FOREST NATIONAL MARINE
SANCTUARY AND PROTECTION ACT

JUNE 27, 2024.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. WESTERMAN, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 897]

The Committee on Natural Resources, to whom was referred the bill (H.R. 897) to provide for the establishment of the Alabama Underwater Forest National Marine Sanctuary, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Alabama Underwater Forest National Marine Sanctuary and Protection Act”.

SEC. 2. FINDINGS.

Congress finds the following:

- (1) An ancient cypress forest dating back 50,000 to 70,000 years has been exposed in the Gulf of Mexico off the Alabama coastline.
- (2) The cypress trees, which were uncovered by massive waves associated with Hurricane Ivan, are still rooted in the mud they were growing in at least 50,000 years ago.
- (3) The Underwater Forest site is unique on a global scale, the only known site where trees between 50,000 and 70,000 years old have been preserved intact with the ecosystem they were growing in.
- (4) Exploration of the site continues to yield invaluable scientific insight in a variety of fields, though scientists have just begun to study the ancient forest.

SEC. 3. POLICY AND PURPOSE.

(a) **POLICY.**—It is the policy of the United States to protect and preserve the ancient cypress trees located off the coast of Alabama, known as the Alabama Underwater Forest.

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

SEC. 4. DEFINITIONS.

In this Act—

- (1) **SANCTUARY.**—The term “Sanctuary” means the Alabama Underwater Forest National Marine Sanctuary designated under section 5(a).
- (2) **SECRETARY.**—the term “Secretary” means the Secretary of Commerce.

SEC. 5. SANCTUARY DESIGNATION.

(a) **DESIGNATION.**—The area described in subsection (b) is designated as the Alabama Underwater Forest National Marine Sanctuary pursuant to title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.).

(b) **AREA INCLUDED.**—

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

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

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

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

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

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

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

(3) **CHARTS.**—The Sanctuary shall be generally identified and depicted on National Oceanic and Atmospheric Administration charts that shall be maintained on file and kept available for public examination during regular business hours at the Office of Ocean and Coastal Resource Management of the National Oceanic and Atmospheric Administration and in online format and which shall be updated to reflect boundary modifications made pursuant to this section.

SEC. 6. PROHIBITION OF CERTAIN USES.

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

- (1) Cutting, removing, or any kind of subsurface salvage of the cypress trees.
- (2) Lowering below the surface of the water any grappling, suction, conveyor, dredging, or wrecking device.
- (3) Detonating below the surface of the water any explosive or explosive mechanism.
- (4) Drilling or coring the seabed.
- (5) Lowering, laying, positioning, or raising any type of seabed cable or cable-laying device.

(b) **EXCEPTIONS.**—

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

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

(B) Necessary operations of public vessels, including operations essential for national defense, law enforcement, and responses to emergencies that threaten life, property, or the environment.

(C) Construction or placement of artificial reef structures for the purpose of enhancing fishery resources, fishing opportunities, or recreational diving opportunities.

(D) Exploration, development, or production of oil or gas pursuant to a lease, permit, or other authorization, provided such lease, permit, or authorization is issued on or before the date of the enactment of this Act.

(2) **OTHER ACTIVITIES.**—The Secretary, acting through the Director of the Office of National Marine Sanctuaries, may allow a person to conduct an activity that would otherwise be prohibited under subsection (a) if such activity meets the standards of Title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.), as determined by the Secretary.

SEC. 7. COMPREHENSIVE MANAGEMENT PLAN.

(a) **PREPARATION OF PLAN.**—

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

(2) **APPLICABLE LAW.**—In developing the comprehensive management plan and implementing regulations under paragraph (1), the Secretary shall follow the procedures described in sections 303 and 304 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1433 and 1434).

(3) **PLAN DETAILS.**—The comprehensive management plan required under paragraph (1) shall—

(A) facilitate all public and private uses of the Sanctuary compatible with the primary objective of Sanctuary resource protection, with a focus on facilitating—

(i) fishing, diving, or similar recreational or commercial activities; and

(ii) construction or placement of artificial reef structures for the purpose of enhancing fishery resources, fishing opportunities, or recreational diving opportunities;

(B) consider temporal and geographical zoning, to ensure protection of Sanctuary resources;

(C) identify needs for research and ecological monitoring; and

(D) ensure coordination and cooperation between Sanctuary managers and—

(i) other Federal, State, and local authorities with jurisdiction within or adjacent to the Sanctuary; and

(ii) owners, operators, and stakeholders with respect to existing oil and gas operations within or adjacent to the Sanctuary.

(b) **PUBLIC PARTICIPATION.**—The Secretary shall provide for the participation of the general public in the development of the comprehensive management plan.

SEC. 8. ADVISORY COUNCIL.

(a) **ESTABLISHMENT.**—The Secretary shall establish an advisory council pursuant to section 315 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1445a) to advise the Secretary with respect to the designation and management of the Sanctuary.

(b) **MEMBERSHIP.**—The Secretary shall include a representative from the Alabama Department of Conservation and Natural Resources as a voting member of the advisory council.

PURPOSE OF THE LEGISLATION

The purpose of H.R. 897 is to provide for the establishment of the Alabama Underwater Forest National Marine Sanctuary, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 897 seeks to protect an underwater forest off the coast of Alabama in the Gulf of Mexico. This forest—which scientists have found to be roughly 60,000 years old—has attracted global attention and is the source of extensive scientific research. As one witness stated during the Committee’s legislative hearing, this is the only place in the world where a coastal ice age forest has been preserved in place. In addition to the scientific purpose the forest plays for several universities in the region, the forest has been an attraction for tourists and has been the subject of significant media attention. Protecting this forest under Title II of the Marine Protection, Research, and Sanctuaries Act of 1972 (P.L. 92–532) will help to ensure it is protected for future generations.

In protecting this forest as a National Marine Sanctuary, this bill recognizes the multiple uses of resources like the Gulf of Mexico and the important role it plays for the American economy. The bill prevents the cutting or removing of the forest’s trees within the sanctuary’s defined boundaries. However, there are important exemptions for commercial and recreational fishing and the exploration, development, and production of oil and gas if the activity was approved prior to the enactment of the legislation. These exemptions ensure that the sanctuary is protected in a way that al-

lows for the critical industries of the Gulf of Mexico region to continue to operate.

COMMITTEE ACTION

H.R. 897 was introduced on February 9, 2023, by Rep. Jerry Carl (R–AL). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Water, Wildlife and Fisheries. On January 18, 2024, the Subcommittee on Water, Wildlife and Fisheries held a hearing on the bill. On May 7, 2024, the Committee on Natural Resources met to consider the bill. The Subcommittee on Water, Wildlife and Fisheries was discharged from further consideration of H.R. 897 by unanimous consent. Chairman Bruce Westerman (R–AR) offered an amendment designated Westerman #1. The amendment was agreed to by unanimous consent. The bill, as amended, was ordered favorably reported to the House of Representatives by unanimous consent.

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on Water, Wildlife and Fisheries held on January 18, 2024.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This Act may be titled the “Alabama Underwater Forest National Marine Sanctuary and Protection Act.”

Section 2. Findings

Congress finds that the ancient underwater forest in the Gulf of Mexico off the coast of Alabama dates back 50,000 to 70,000 years and that the forest’s trees “were growing in at least 50,000 years ago.” Congress finds that this is a globally unique sight that provides “invaluable scientific insight.”

Section 3. Policy and purpose

Establishes that the policy of the United States is to protect this forest, and that the purpose of this Act is to protect its resources, to educate the public, and manage human uses of the forest.

Section 4. Definitions

Defines sanctuary as “the Alabama Underwater Forest National Marine Sanctuary designated under section 5(a)” and that the Secretary is the Secretary of Commerce.

Section 5. Sanctuary designation

Provides the specific latitude and longitude coordinates that are the boundaries of the Alabama Underwater Forest National Marine Sanctuary and stipulates that the sanctuary shall be “generally identified and depicted” on charts published by the National Oceanic and Atmospheric Administration (NOAA). These charts must be available for public viewing within NOAA’s Office of Ocean and Coastal Resource Management.

Section 6. Prohibition of certain uses

Prohibitions include cutting or removing the forest's trees, lowering "any grappling, suction, conveyor, dredging, or wrecking device," detonating explosives below the surface, drilling or coring seabed, or "lowering, laying, positioning, or raising" cable or a cable-laying device. However, the legislation includes an exception for commercial and recreational activities, law enforcement and national security activity, development of artificial reef structures, and oil and gas exploration, development, or production that was leased, permitted, or authorized prior to the enactment of this legislation.

Section 7. Comprehensive management plan

The legislation requires that within two years of enactment, the Secretary of Commerce consult with Federal, state, and local partners, and the advisory council established in Section 8, to develop a comprehensive management plan that is consistent with sections 303 and 304 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1433 and 1434). The plan will help dictate the terms by which public and private uses of the sanctuary can occur within the sanctuary while ensuring its protection. In developing the plan, sanctuary managers shall work with other local, state, and Federal officials, along with the oil and gas sector in the surrounding region. The Secretary shall give the public the opportunity to provide input on the plan's development.

Section 8. Advisory council

The Secretary shall establish an advisory council pursuant to section 315 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1445a) to help manage the sanctuary. One voting member of the advisory council must be from the Alabama Department of Conservation and Natural Resources.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* Pursuant to clause 3(c)(2) of House rule XIII and section 308(a) of the Congressional Budget Act of 1974, and pursuant to clause 3(c)(3) of House rule XIII and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received from the Director of the Congressional Budget Office a budgetary analysis and a cost estimate of this bill.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to provide for the establishment of the Alabama Underwater Forest National Marine Sanctuary, and for other purposes.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

An estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chair of the Committee shall cause such estimate to be printed in the Congressional Record upon its receipt by the Committee, if such estimate is not publicly available on the Congressional Budget Office website.

EXISTING PROGRAMS

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

FEDERAL ADVISORY COMMITTEE STATEMENT

The functions of the proposed advisory committee authorized in the bill are not currently being nor could they be performed by one or more agencies, an advisory committee already in existence or by enlarging the mandate of an existing advisory committee.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW

As ordered reported by the Committee on Natural Resources, H.R. 897 would make no changes in existing law.