

## Union Calendar No.

118<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 897

[Report No. 118-]

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

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### 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

MAY --, 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]

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# 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       (i) *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.*