

118TH CONGRESS  
1ST SESSION

# H. R. 897

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

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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  
9 50,000 to 70,000 years has been exposed in the Gulf  
10 of Mexico off the Alabama coastline.

1           (2) The cypress trees, which were uncovered by  
2           massive waves associated with Hurricane Ivan, are  
3           still rooted in the mud they were growing in at least  
4           50,000 years ago.

5           (3) The Underwater Forest site is unique on a  
6           global scale, the only known site where trees between  
7           50,000 and 70,000 years old have been preserved in-  
8           tact with the ecosystem they were growing in.

9           (4) Exploration of the site continues to yield in-  
10          valuable scientific insight in a variety of fields,  
11          though scientists have just begun to study the an-  
12          cient forest.

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

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

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

24 **SEC. 4. DEFINITIONS.**

25          In this Act—

1           (1) SANCTUARY.—The term “Sanctuary”  
2 means the Alabama Underwater Forest National  
3 Marine Sanctuary designated under section 5(a).

4           (2) SECRETARY.—the term “Secretary” means  
5 the Secretary of Commerce.

6 **SEC. 5. SANCTUARY DESIGNATION.**

7           (a) DESIGNATION.—The area described in subsection  
8 (b) is designated as the Alabama Underwater Forest Na-  
9 tional Marine Sanctuary pursuant to title III of the Ma-  
10 rine Protection, Research, and Sanctuaries Act of 1972  
11 (16 U.S.C. 1431 et seq.).

12           (b) AREA INCLUDED.—

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

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

19                   (A) 30 degrees, 7 minutes, 20.2116 sec-  
20 onds north latitude; 87 degrees, 49 minutes,  
21 15.7404 seconds west longitude.

22                   (B) 30 degrees, 7 minutes, 20.2116 sec-  
23 onds north latitude; 87 degrees, 43 minutes,  
24 44.8536 seconds west longitude.

1 (C) 30 degrees, 5 minutes, 42.6552 sec-  
2 onds north latitude; 87 degrees, 49 minutes,  
3 15.7404 seconds west longitude.

4 (D) 30 degrees, 5 minutes, 42.6552 sec-  
5 onds north latitude; 87 degrees, 43 minutes,  
6 44.8536 seconds west longitude.

7 (E) 30 degrees, 7 minutes, 20.2116 sec-  
8 onds north latitude; 87 degrees, 49 minutes,  
9 15.7404 seconds west longitude.

10 (3) CHARTS.—The Sanctuary shall be generally  
11 identified and depicted on National Oceanic and At-  
12 mospheric Administration charts that shall be main-  
13 tained on file and kept available for public examina-  
14 tion during regular business hours at the Office of  
15 Ocean and Coastal Resource Management of the Na-  
16 tional Oceanic and Atmospheric Administration and  
17 in online format and which shall be updated to re-  
18 flect boundary modifications made pursuant to this  
19 section.

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

21 (a) PROHIBITED ACTIVITIES.—The following activi-  
22 ties are prohibited and are unlawful for any person to con-  
23 duct or to cause to be conducted within the Sanctuary:

24 (1) Cutting, removing, or any kind of sub-  
25 surface salvage of the cypress trees.

1           (2) Lowering below the surface of the water any  
2 grappling, suction, conveyor, dredging, or wrecking  
3 device.

4           (3) Detonating below the surface of the water  
5 any explosive or explosive mechanism.

6           (4) Drilling or coring the seabed.

7           (5) Lowering, laying, positioning, or raising any  
8 type of seabed cable or cable-laying device.

9           (b) EXCEPTIONS.—

10           (1) IN GENERAL.—The prohibitions in sub-  
11 section (a) shall not apply to the following:

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

14                   (B) Necessary operations of public vessels,  
15 including operations essential for national de-  
16 fense, law enforcement, and responses to emer-  
17 gencies that threaten life, property, or the envi-  
18 ronment.

19                   (C) Construction or placement of artificial  
20 reef structures for the purpose of enhancing  
21 fishery resources, fishing opportunities, or rec-  
22 reational diving opportunities.

23                   (D) Exploration, development, or produc-  
24 tion of oil or gas pursuant to a lease, permit,  
25 or other authorization, provided such lease, per-

1           mit, or authorization is issued on or before the  
2           date of the enactment of this Act.

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

11 **SEC. 7. COMPREHENSIVE MANAGEMENT PLAN.**

12          (a) PREPARATION OF PLAN.—

13           (1) IN GENERAL.—Not later than 2 years after  
14           the date of the enactment of this Act, the Secretary,  
15           in consultation with appropriate Federal, State, and  
16           local government authorities and with the advisory  
17           council established under section 8, shall develop a  
18           comprehensive management plan and implement reg-  
19           ulations to achieve the policy and purpose of this  
20           Act.

21           (2) APPLICABLE LAW.—In developing the com-  
22           prehensive management plan and implementing reg-  
23           ulations under paragraph (1), the Secretary shall  
24           follow the procedures described in sections 303 and

1       304 of the Marine Protection, Research, and Sanc-  
2       tuaries Act of 1972 (16 U.S.C. 1433 and 1434).

3               (3) PLAN DETAILS.—The comprehensive man-  
4       agement plan required under paragraph (1) shall—

5               (A) facilitate all public and private uses of  
6       the Sanctuary compatible with the primary ob-  
7       jective of Sanctuary resource protection, with a  
8       focus on facilitating—

9               (i) fishing, diving, or similar rec-  
10       reational or commercial activities; and

11              (ii) construction or placement of arti-  
12       ficial reef structures for the purpose of en-  
13       hancing fishery resources, fishing opportu-  
14       nities, or recreational diving opportunities;

15              (B) consider temporal and geographical  
16       zoning, to ensure protection of Sanctuary re-  
17       sources;

18              (C) identify needs for research and ecologi-  
19       cal monitoring; and

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

22              (i) other Federal, State, and local au-  
23       thorities with jurisdiction within or adja-  
24       cent to the Sanctuary; and

1 (ii) owners, operators, and stake-  
2 holders with respect to existing oil and gas  
3 operations within or adjacent to the Sanc-  
4 tuary.

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

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

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

14 (b) MEMBERSHIP.—The Secretary shall include a  
15 representative from the Alabama Department of Con-  
16 servation and Natural Resources as a voting member of  
17 the advisory council.

18 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

19 There is authorized to be appropriated \$1,000,000  
20 for each of the fiscal years 2024 through 2028 to carry  
21 out the provisions of this Act.

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