



HOUSE COMMITTEE ON
NATURAL RESOURCES
CHAIRMAN BRUCE WESTERMAN

To: Subcommittee on Water, Wildlife and Fisheries Republican Members
From: Subcommittee on Water, Wildlife and Fisheries staff: Annick Miller, x58331
(annick.miller@mail.house.gov) and Kirby Struhar (kirby.struhar@mail.house.gov)
Date: Thursday, January 18, 2024
Subject: Legislative Hearing on **H.R. 897, H.R. 3925, H.R. 5441, and H.R. 6235**

The Subcommittee on Water, Wildlife and Fisheries will hold a legislative hearing on: H.R. 897 (Rep. Carl), “*Alabama Underwater Forest National Marine Sanctuary and Protection Act*”; H.R. 3925 (Rep. Salazar), “*Youth Coastal Fishing Program Act of 2023*”; H.R. 5441 (Rep. LaLota), “*Long Island Sound Restoration and Stewardship Reauthorization Act of 2023*”; and H.R. 6235 (Rep. Bonamici), “*Harmful Algal Bloom and Hypoxia Research and Control Amendments Act of 2023*” **on Thursday, January 18, 2024, at 10:00 a.m. in 1324 Longworth House Office Building.**

Member offices are requested to notify Thomas Shipman (thomas.shipman@mail.house.gov) by 4:30 p.m. on Wednesday, January 17, 2024, if their Member intends to participate in the hearing.

I. KEY MESSAGES

- The bills under consideration will encourage effective coordination and collaboration to solve pressing environmental challenges, empowering the next generation of Americans to participate in outdoor recreation and fishing, and protect resources in the Long Island Sound and off the Alabama Gulf Coast.
- H.R. 897 would establish a sanctuary under the Marine Protection, Research, and Sanctuaries Act of 1972 (P.L. 92-532) at the underwater forest off the coast of Gulf Shores, Alabama, while balancing the other vital industries that operate in the Gulf of Mexico.
- H.R. 3925 would establish a grant program at the National Oceanic and Atmospheric Administration (NOAA) that would provide applicants with financial resources to connect America’s youth with fishing activities.
- H.R. 5441 reauthorizes the Long Island Sound Office and additional funding programs, providing both financial resources and critical expertise to preserve and restore an important watershed in the Northeast United States.
- H.R. 6235 reauthorizes and revamps the *Harmful Algal Bloom and Hypoxia Research and Control Amendments Act*, a critical program that encourages federal agencies, along with state and local governments, to develop best practices to respond to hypoxia events and harmful algal blooms (HABs).

II. WITNESSES

Panel I

- *Members of Congress TBD*

Panel II

- **Mr. Paul M. Scholz**, Deputy Assistant Administrator of the National Ocean Service, National Oceanic and Atmospheric Administration, Silver Spring, MD [*H.R. 897, H.R. 3925, and H.R. 6235*]
- **Mr. Mike Lum**, Fundraising and Event Coordinator, Captain Rollo's Kids at Sea, San Diego, CA [*H.R. 3925*]
- **Mr. Chris Pickerell**, Marine Program Director, Cornell Cooperative Extension of Suffolk County, Riverhead, NY [*H.R. 5441*]
- **Mr. Ben Raines**, Environmental Fellow, Writer and Filmmaker in Residence, University of South Alabama, Mobile, AL [*H.R. 897*]
- **Dr. Donald Anderson**, Senior Scientist and Director, U.S. National Office for Harmful Algal Blooms, Woods Hole Oceanographic Institute, Woods Hole, MA [*H.R. 6235*]

III. BACKGROUND

H.R. 897 (Rep. Carl, R-AL), "Alabama Underwater Forest National Marine Sanctuary and Protection Act"

In the aftermath of Hurricane Ivan in 2004, fishermen off the coast of Alabama discovered an ancient underwater forest.¹ Located roughly 10 miles south of Gulf Shores, Alabama,² scientists have predicted that the forest is 60,000 years old.³

This legislation would designate the underwater forest as a National Marine Sanctuary under Title II of the Marine Protection, Research, and Sanctuaries Act of 1972 (P.L. 92-532). Title II authorizes NOAA to conduct research at sanctuaries to study "the effects not only of ocean dumping, but also of pollution, overfishing, and other human-induced changes on the marine ecosystem."⁴ Scientists from Northeastern University and the University of Utah have conducted preliminary studies, funded by NOAA, of samples from bacteria recovered from the underwater forest.⁵ NOAA has stated that the researchers are "gaining important insights into the ways terrestrial plant material can support unusual but highly productive marine communities."⁶

¹ NBC News. The Unveiling of an Ancient Underwater Forest off Alabama Coast. September 25, 2017.

<https://www.nbcnews.com/science/environment/unveiling-ancient-underwater-forest-alabama-coast-n804496>.

² AL.com. Alabama's ancient underwater forest focus of new federal preservation proposal. December 8, 2021.

<https://www.al.com/news/2021/12/alabamas-ancient-underwater-forest-focus-of-new-federal-preservation-proposal.html>.

³ CNN. Scientists uncover a 60,000-year-old forest underwater and think its preserved trees may help pioneer new medicines. April 8, 2020. <https://www.cnn.com/2020/04/07/us/ancient-underwater-forest-alabama-scen-trnd/index.html>.

⁴ Congressional Research Service. Ocean Dumping Act: A Summary of the Law. Updated October 18, 2016.

<https://crsreports.congress.gov/product/pdf/RS/RS20028>.

⁵ CNN. Scientists uncover a 60,000-year-old forest underwater and think its preserved trees may help pioneer new medicines. April 8, 2020. <https://www.cnn.com/2020/04/07/us/ancient-underwater-forest-alabama-scen-trnd/index.html>.

⁶ National Oceanic and Atmospheric Administration. Bioprospecting for Industrial Enzymes and Drug Compounds in an Ancient Submarine Forest. August 2020-October 2022. <https://oceanexplorer.noaa.gov/explorations/20ancient-forest/welcome.html>.

The legislation specifies that NOAA must clearly identify the sanctuary boundaries in charts kept on file, and available for the public to view, and update those charts accordingly if modifications are made to the sanctuary boundaries. Additionally, the legislation prohibits the cutting or removing the forest's trees and offshore activities such as drilling, detonating explosives, or laying seabed cable. However, the legislation provides exceptions for: recreational and commercial fishing activity, national defense and law enforcement activity, and exploration, development, and production of oil and gas that was authorized or permitted prior to enactment of this legislation. Additionally, within two years of enactment, the legislation requires the Secretary of Commerce—along with other federal, state, and local officials—to develop an action plan with other federal, state, and local government agencies and an appointed advisory council to determine best practices to protect the underwater forest area for education and research efforts while balancing the other critical industries that operate off Alabama's coast.

H.R. 897 has four Republican and two Democrat cosponsors.

H.R. 3925 (Rep. Salazar, R-FL), “Youth Coastal Fishing Program Act of 2023”

According to the American Sportfishing Association, fishing in the United States supports nearly 950,000 jobs and \$148 billion in economic activity.⁷ More broadly, the Bureau of Economic Analysis has found that outdoor recreation in the United States made up 2.2% of overall gross domestic product in 2022, totaling \$563.7 billion.⁸ Due to the important role that these industries play, particularly along our coasts, it is critical to encourage future generations to participate in these activities. Recent studies have found that 86% of those that fish started before the age of 12.⁹ In 2021, 52.4 million Americans ages 6 and up participated in recreational fishing, 4% less than in 2020.¹⁰

H.R. 3925 encourages America's youth to fish by creating a NOAA grant program that would allow nonprofits, educational institutions, state, local, and Tribal governments, and Native Hawaiian organizations to apply for grant funding that could be used to purchase fishing equipment and cover costs associated with youth fishing activities. The legislation appropriates \$2 million for each fiscal year (FY) from FY 2024 to FY 2028 and requires that no more than 3% of appropriated funds be used to cover administrative expenses. As introduced, the bill does not have offsets for the new authorization of appropriations. Grants would be awarded to applicants based on criteria developed by NOAA, including the Office of Coastal Management, the National Sea Grant Office, and the National Marine Fisheries Service, with priority given to applications in underserved communities. Additionally, NOAA will be required to submit a report to Congress on the grants awarded, including their individual amounts and how the funds were used.

⁷ American Sportfishing Association. Economic Contributions of Recreational Fishing By U.S. States and Congressional Districts Released. March 8, 2023. <https://asafishing.org/advocacy/economic-contributions-of-recreational-fishing-by-u-s-states-and-congressional-districts-released/>.

⁸ Bureau of Economic Analysis. Outdoor Recreation Satellite Account, U.S., and States, 2022. November 17, 2023. <https://www.bea.gov/data/special-topics/outdoor-recreation>.

⁹ Outdoor Foundation and Recreation Boating & Fishing Foundation. 2022 Special Report on Fishing. July 19, 2022. <https://asafishing.org/wp-content/uploads/2022/07/2022-Special-Report-on-Fishing.pdf>.

¹⁰ *Id.*

In a June 7, 2023 letter to the sponsors of this legislation, Congresswoman Salazar (FL-27) and Congresswoman Kamlager-Dove (CA-37), organizations supporting this legislation noted that recreational fishing contributes \$1.7 billion to conservation efforts annually through donations and licensing fees and highlighted the importance of connecting America’s youth with recreational fishing.¹¹ They also noted that, “while other federal land management agencies have dedicated programs to connect the public to nature, there is no such recreation program within the National Oceanic and Atmospheric Administration (NOAA).”¹² Organizations supporting this legislation include the Congressional Sportsmen’s Foundation, the American Sportfishing Association, the Chesapeake Bay Foundation, and the Theodore Roosevelt Conservation Partnership, among others.¹³

H.R. 3925 has 12 Republicans and 18 Democrat cosponsors.

H.R. 5441 (Rep. LaLota, R-NY), “Long Island Sound Restoration and Stewardship Reauthorization Act of 2023”

The Long Island Sound (Sound) is a vital source of recreation and economic activity, and is home to a wide variety of fish, migratory birds, and other species.¹⁴ Roughly 4 million people live in the communities along the Sound, with more than 9 million people living in the watershed.¹⁵ The economic activity on the Sound generates \$9.4 billion annually.¹⁶ Given its wide variety of activity and uses, protecting and restoring this resource is critical.

There are several vital programs that ensure the long-term health of the Sound. In 1985, the Environmental Protection Agency (EPA) created the Long Island Sound Study (LISS) with the states of New York and Connecticut to bring together state and federal officials and other interested stakeholders across the region to restore and protect the Long Island Sound.¹⁷ Additionally, when the Clean Water Act was amended in 1987, the LISS was added to the EPA’s National Estuary Program (NEP),¹⁸ and today is one of 28 estuaries included in the NEP. LISS went on to create a Comprehensive Conservation and Management Plan in 1994, focused on

¹¹ Letter to Representatives Maria Elvira-Salazar and Sydney Kamlager-Dove. June 7, 2023. <https://asafishing.org/wp-content/uploads/2023/06/Youth-Coastal-Fishing-Program-Act-Support-Letter-2023-118thCongress.pdf>.

¹² *Id.*

¹³ *Id.*

¹⁴ Long Island Sound Study. ‘What Makes Long Island Sound Special?’ <https://longislandsoundstudy.net/about-the-sound/what-makes-it-special/>.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Long Island Sound Study. About the Study. <https://longislandsoundstudy.net/about/about-the-study/>.

¹⁸ Testimony of Mark Tedesco, Technical Director, Long Island Sound Office, U.S. EPA. Testimony before the Long Island Sound Caucus. May 21, 1997. https://archive.epa.gov/ocir/hearings/testimony/105_1997_1998/web/html/052197.html.

habitat restoration, water quality monitoring, nitrogen load reduction, and public engagement.¹⁹ The LISS and its management plan has made significant strides in protecting and restoring the Sound; from 1998 to 2019, 2,056 acres of habitat have been restored.²⁰ The Plan was recently revised in 2015 to set ecosystem targets over the next 20 years.²¹

In 1990, to complement LISS's efforts to restore this vital ecosystem, Congress passed the *Long Island Sound Improvement Act* as part of the *Great Lakes Critical Programs Act of 1990* (P.L. 101-596).²² This legislation established a formal Long Island Sound Office overseen by the EPA to manage LISS's efforts more effectively and extended them.²³

In 2006, President Bush signed the *Long Island Sound Stewardship Act of 2006* (P.L. 109-359), which created a Long Island Sound Stewardship Initiative Region and allowed for the EPA Administrator to designate certain areas that help restore and protect the Sound as stewardship sites, while also establishing an advisory committee to consider the varied interests in the region when designating stewardship sites.²⁴ That legislation provided \$25 million per fiscal year for these efforts.

H.R. 5441 would reauthorize the Long Island Sound Office and the funding programs of the *Long Island Sound Stewardship Act of 2006* through FY 2028 and at current authorization levels.

H.R. 5441 has three Republican and two Democrat cosponsors.

H.R. 6235 (Rep. Bonamici, D-OR), “Harmful Algal Bloom and Hypoxia Research and Control Amendments Act of 2023”

The Harmful Algal Bloom and Hypoxia Research and Control Act (P.L. 105-383) was first enacted in 1998 and created the Interagency Task Force on HABs and Hypoxia (Task Force).²⁵ The Interagency Task Force is chaired by NOAA and the EPA.²⁶ Other members of the Task Force include the Council on Environmental Quality (CEQ), the National Science Foundation (NSF), and the U.S. Army Corps of Engineers, among many others.²⁷ In 2016, the Task Force



Figure 1: Map of Long Island Sound Watershed | Source: Long Island Sound Study

¹⁹ *Id.*

²⁰ *Id.*

²¹ Long Island Sound Comprehensive Conservation and Management Plan 2015. https://longislandsoundstudy.net/wp-content/uploads/2015/09/CCMP_LowRes_Hyperlink_singles.pdf.

²² PL 101-596.

²³ Long Island Sound Study. Supporting Implementation. <https://longislandsoundstudy.net/about/our-mission/management-plan/supporting-implementation/>.

²⁴ PL 109-359.

²⁵ Congressional Research Service. Marine Harmful Algal Blooms (HABs): Background, Statutory Authorities, and Issues for Congress. September 27, 2021. <https://crsreports.congress.gov/product/pdf/R/R46921>.

²⁶ NOAA National Centers for Coastal Ocean Science. An Interagency Approach to Harmful Algal Bloom and Hypoxia Research and Control. <https://coastalscience.noaa.gov/science-areas/habs/habhrca/>.

²⁷ Congressional Research Service. Marine Harmful Algal Blooms (HABs): Background, Statutory Authorities, and Issues for Congress. September 27, 2021. <https://crsreports.congress.gov/product/pdf/R/R46921>.

published an action strategy and research plan to address hypoxia events and HABs, the *Harmful Algal Blooms and Hypoxia Comprehensive Research Plan and Action Strategy: An Interagency Report*.²⁸

In 2018, the Task Force issued a report on the progress in advancing the goals of the action strategy and research plan.²⁹ The 2018 report identified that the Task Force needed to better address hypoxia events and HABs, including a more effective evaluation of the social and economic impacts of hypoxia and HABs.³⁰ Additionally the report found that improved practices in agriculture and conservation activities to reduce nutrient loads was needed, along with development strategies and best practices for prevention.³¹ The EPA has found that HABs have been a challenge in all 50 states.³² This makes interagency coordination, community readiness, and cutting-edge science and research all the more critical.

Most recently, the Harmful Algal Bloom and Hypoxia Research and Control Amendments Act was reauthorized through the *National Integrated Drought Information System Reauthorization Act of 2018* (P.L. 114-423),³³ reauthorizing these programs at \$20.5 million per fiscal year from FY 2019 through FY 2023.

H.R. 6235 would reauthorize these programs at \$34.6 million per fiscal year from FY 2024 through FY 2028 and would make significant changes to respond to these threats more effectively. In June 2022, the U.S. Government Accountability Office (GAO) issued a report, *Agencies Should Take More Actions to Manage Risks from Harmful Algal Blooms and Hypoxia*, where they noted that “the working group has taken some actions to help guide federal agencies’ efforts to manage the risks of HABs and hypoxia, such as developing a research plan and action strategy,” but that the agencies “have not implemented a national HAB and hypoxia program under the act nor developed performance measures to assess the results of federal agencies’ efforts to manage the risks of HABs and hypoxia.”³⁴

The GAO also noted in their report that Federal agencies have conducted more monitoring efforts in coastal and marine waters, but “have done less for inland freshwater bodies.”³⁵ The legislation directs the EPA Administrator to coordinate these research, monitoring, and coordination efforts to respond to HABs in freshwater bodies.

H.R. 6235 would require the Interagency Working Group (previously referred to as the “Task Force”) to submit an action strategy to Congress at least every five years.³⁶ The ‘Action Strategy’ must examine the causes and impacts of HABs, while examining potential methods to prevent,

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² United States Environmental Protection Agency. Harmful Algal Blooms. <https://www.epa.gov/nutrientpollution/harmful-algal-blooms#:~:text=Harmful%20algal%20blooms%20are%20a,Algal%20blooms%20can%20be%20toxic>.

³³ PL 115-423.

³⁴ U.S. Government Accountability Office. Agencies Should Take More Actions to Manage Risks from Harmful Algal Blooms and Hypoxia. June 2022. <https://www.gao.gov/assets/gao-22-104449.pdf>.

³⁵ U.S. Government Accountability Office. Agencies Should Take More Actions to Manage Risks from Harmful Algal Blooms and Hypoxia. June 2022. <https://www.gao.gov/assets/gao-22-104449.pdf>.

³⁶ H.R. 6235. The “Harmful Algal Bloom and Hypoxia Research and Control Amendments Act of 2023.” <https://www.congress.gov/118/bills/hr6235/BILLS-118hr6235ih.pdf>.

control, and mitigate them.³⁷ The action strategy must also identify needed areas of research along with ways to improve coordination across federal agencies. It also requires the Interagency Working Group to examine “social and economic costs of harmful algal blooms and hypoxia.”³⁸

H.R. 6235 also establishes a national observation network to examine HABs—led by NOAA’s Integrated Ocean Observing System (IOSS)—and establishes a national incubator program to develop new technologies and strategies to prevent HABs, prioritizing activities that protect habitats, public health, and coastal resources, among other things. Finally, the legislation allows NOAA to transfer up to \$2 million per fiscal year to an event of significance fund to reimburse states, tribes, and local governments for costs associated with a HAB or hypoxia event of significance, which the legislation defines as an event “that has had or will likely have significant detrimental environmental, economic, social, subsistence use, or public health impacts.”

H.R. 6235 has two cosponsors, Rep. David Joyce (R-OH) and Rep. Josh Harder (D-CA).

I. MAJOR PROVISIONS & ANALYSIS

H.R. 897 (Rep. Carl, R-AL), “Alabama Underwater Forest National Marine Sanctuary and Protection Act”

- Designates an ancient cypress forest in the Gulf of Mexico as the Alabama Underwater Forest National Marine Sanctuary under the Marine Protection, Research, and Sanctuaries Act of 1972.

H.R. 3925 (Rep. Salazar, R-FL), “Youth Coastal Fishing Program Act of 2023”

- Directs NOAA to establish a grant program to support and encourage youth fishing in the United States. Requires offices with NOAA—including the Office of Coastal Management, the National Marine Fisheries Service, and the National Sea Grant Office—to develop criteria to award grants. Also requires a report to Congress within one year of enactment that outlines the list of grant recipients, the amount each recipient received, and how the awarded funds were used. The grant program is authorized at \$2 million per fiscal year from FY 2024 to FY 2028.

H.R. 5441 (Rep. LaLota, R-NY), “Long Island Sound Restoration and Stewardship Reauthorization Act of 2023”

- Reauthorizes the *Long Island Sound Improvement Act*, which created the Long Island Sound Office, and the *Long Island Sound Stewardship Act of 2006*, which created the Long Island Sound Stewardship Initiative, which provided additional resources to protect and preserve the Long Island Sound. These programs are reauthorized at current funding levels.

H.R. 6235, (Rep. Bonamici, D-OR), the “Harmful Algal Bloom and Hypoxia Research and Control Amendments Act of 2023”

- Reauthorizes the *Harmful Algal Bloom and Hypoxia Research and Control Act*, which was originally enacted in 1990. Encourages more effective coordination across federal

³⁷ *Id.*

³⁸ *Id.*

agencies, and the development of new technologies to detect and monitor for hypoxia events/HABs more effectively. Increases the authorization from \$20.5 million per fiscal year to \$34.6 million per fiscal year. The legislation reauthorizes these programs through FY 2028.

II. COST

The Congressional Budget Office has not provided cost estimates for these bills.

III. EFFECT ON CURRENT LAW

[H.R. 5441](#)

[H.R. 6235](#)