



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, March 21, 2024
Subject: Legislative Hearing on **H.R. 1395, H.R. 5487, H.R. 6814, and H.R. 7020**

The Subcommittee on Water, Wildlife and Fisheries will hold a legislative hearing on: H.R. 1395 (Rep. Fitzpatrick), “*Delaware River Basin Conservation Reauthorization Act*”; H.R. 5487 (Rep. Huffman), “*Help Our Kelp Act*”; H.R. 6814 (Rep. Graves of LA), “*Marine Fisheries Habitat Protection Act*”; and H.R. 7020 (Rep. McClain), “*Great Lakes Mapping Act*” **on Thursday, March 21, 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, March 20, 2024, if their Member intends to participate in the hearing.

I. KEY MESSAGES

- The legislation under consideration accomplishes key goals for Committee Republicans. These bills empower partnerships across levels of government and the private sector, encourage up-to-date mapping across the Great Lakes Region, and recognize the role offshore energy production plays in enhancing marine life.
- H.R. 1395 reauthorizes the Delaware River Basin Restoration Act, first signed into law in 2016, which encourages effective partnerships across the five Delaware River Basin states to pursue restoration projects.
- H.R. 5487 establishes a new grant program at the National Oceanic and Atmospheric Administration (NOAA) to monitor kelp forests and deploy monitoring and restoration efforts.
- H.R. 6814 establishes a program to allow operators and owners of offshore energy infrastructure—including oil and gas platforms—to reef them in place, recognizing the role that this infrastructure can play in enhancing fisheries.
- H.R. 7020 directs NOAA to conduct high-resolution mapping of the Great Lakes’ lakebeds by 2030. This will enhance safety for both the commercial and recreational sectors.

II. WITNESSES

Panel I

- *Members of Congress TBD*

Panel II

- **Mr. Clay Porch**, Director, Southeast Fisheries Science Center, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Miami, FL [*All bills*]
- **Ms. Jennifer Boehme**, Chief Executive Officer, Great Lakes Observing System, Ann Arbor, MI [*H.R. 7020*]
- **Mr. Chris Horton**, Senior Director, Fisheries Policy, Congressional Sportsmen’s Foundation, Bismarck, AR [*H.R. 6814*]
- **Mr. Kelly Knutson**, Director, Coalition for the Delaware River Watershed, Princeton, NJ [*H.R. 1395*]
- **Ms. Deb Self**, Senior Director of Restoration and Partnerships, Greater Farallones Association, San Francisco, CA [*Minority Witness, H.R. 5487*]

III. BACKGROUND

H.R. 1395 (Rep. Fitzpatrick, R-PA) “Delaware River Basin Conservation Reauthorization Act of 2023”

In December 2016, the Delaware River Basin Restoration Act was signed into law as part of the Water Infrastructure Improvements for the Nation Act.¹ This legislation established the Delaware River Basin Restoration Program “to identify, prioritize, and implement restoration and protection activities within the Basin.”² The program serves as a nonregulatory organization that helps devise a strategy that advances “science-based restoration and protection activities.”³ These efforts are led by the U.S. Fish and Wildlife Service (FWS), with agencies like the Environmental Protection Agency (EPA), NOAA, the Department of Agriculture’s Natural Resources Conservation Service (NRCS), the Governors of each of the Basin states, and other stakeholders.⁴ This legislation supports those conservation efforts through the Delaware River Basin Restoration Grant Program, which provides grants to nonprofits, higher education institutions, and state and local governments.⁵ Since 2018, these programs have helped fund 195 restoration projects across the Basin, totaling \$55.1 million.⁶ The projects have resulted in 76 miles of streams restored, 1,339 acres of wetlands conserved and enhanced, and 29,321 acres of forest under improved management.⁷

¹ P.L.114-322, Water Infrastructure Improvements for the Nation Act <https://www.govinfo.gov/content/pkg/PLAW-114publ322/pdf/PLAW-114publ322.pdf>.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ [FY 2025 Budget Justification, U.S. Fish and Wildlife Service](https://www.doi.gov/media/document/fy-2025-fish-and-wildlife-service-greenbook), March 11, 2024. Page 573. <https://www.doi.gov/media/document/fy-2025-fish-and-wildlife-service-greenbook>.

⁷ *Id.* at EX-10.

H.R. 1395 reauthorizes these programs through Fiscal Year (FY) 2030 to further restoration efforts across the Delaware River Basin, with a few changes. First, this bill adds the state of Maryland to the list of Delaware River Basin States in order to expand the reach of these partnerships. It also makes changes to the cost share for the grant program to allow for a 90 percent contribution of Federal funds, with a ten percent local match for projects in small, rural, and disadvantaged communities. The bill grants the FWS the ability to waive those cost share requirements “if the Secretary determines that the grant recipient is unable to pay, or would experience significant financial hardship if required to pay, the non-Federal share.”⁸

The Delaware River Basin program received \$13.5 million in FY 2023⁹ and \$11.5 million in FY 2024.¹⁰ According to the Coalition for the Delaware River Watershed, the Delaware River Basin provides ecosystem services totaling \$21 billion annually, including flood and stormwater control, air and water filtration, soil conservation, and nutrient management.¹¹

H.R. 1395 has three Republican cosponsors and thirteen Democrat cosponsors.

H.R. 5487 (Rep. Huffman, D-CA) “Help Our Kelp Act”

According to NOAA’s National Marine Sanctuaries Office, kelp plays several vital roles for marine life. Kelp forests are a source of habitat and protection for seals, sea otters, whales, and various fish species.¹² One study from Conservation International and the University of Western Australia found that, globally, kelp forests “could provide mitigation benefits in the range of 36 million tons of CO₂.”¹³ The National Park Service has found that kelp forests are predominately located across the Pacific Coast in the United States.¹⁴ However, the World Resources Institute has found that kelp forests exist along approximately one-quarter of the world’s coastlines.¹⁵ Because of their prevalence globally, gaining more insight into how to protect kelp forests and their impacts on species will be critical to global efforts to improve habitats.

H.R. 5487 would direct NOAA to establish a new grant program within six months of its enactment to encourage projects that address declining kelp forest ecosystems, bolster their long-term resilience, and improve monitoring efforts. Eligible projects also include those that involve tribal consultation, including projects identified by tribes as “focal areas for recovery of kelp forests and associated species.”¹⁶ These grants would be awarded through a competitive

⁸ H.R. 1395. *Delaware River Basin Conservation Reauthorization Act of 2023*.

<https://www.congress.gov/118/bills/hr1395/BILLS-118hr1395ih.pdf>.

⁹ P.L. 117-328 – Consolidated Appropriations Act, 2023. <https://www.congress.gov/117/cprt/HPRT50348/CPRT-117HPRT50348.pdf>.

¹⁰ P.L. 118-42 - Consolidated Appropriations Act, 2024, <https://www.congress.gov/118/crpt/hrpt122/CRPT-118hrpt122.pdf>.

¹¹ Kelly Knutson. *Testimony for the Delaware River Basin Conservation Act, Coalition for the Delaware River Watershed*. June 14, 2022. <https://www.delriverwatershed.org/news/2022/6/14/testimony-for-the-delaware-river-basin-conservation-act-coalition-for-the-delaware-river-watershed>.

¹² NOAA National Marine Sanctuaries. What is Kelp? <https://sanctuaries.noaa.gov/visit/ecosystems/kelpdesc.html>.

¹³ Conservation International. New Research Finds Kelp and Seaweed Forests are Overlooked Climate Change Solutions. July 12, 2023. <https://www.conservation.org/press-releases/2023/07/12/new-research-finds-kelp-and-seaweed-forests-are-overlooked-climate-change-solutions>.

¹⁴ National Park Service. Kelp Forests. <https://www.nps.gov/glba/learn/nature/kelp-forest.htm>.

¹⁵ World Resources Institute. What Is Kelp and Why is it Vital to People and the Planet? May 2, 2023. <https://www.wri.org/insights/what-kelp-forests-protect>.

¹⁶ H.R. 5487. Help Our Kelp Act. <https://www.congress.gov/118/bills/hr5487/BILLS-118hr5487ih.pdf>.

application process whose criteria will be determined by the NOAA Administrator and published ahead of time, “including information regarding what criteria will be used to monitor and evaluate the effectiveness of the project and the qualifications of the applicant to conduct, monitor, and evaluate the project.”¹⁷ Eligible entities for these grants include state and local governments, tribal entities, nonprofits, fishing industry organizations, and higher education institutions. The legislation specifies that grant funding for a project shall not exceed 85 percent of its total cost, although the Administrator has the authority to waive those requirements.

H.R. 5487 authorizes \$5 million per fiscal year from FY 2024 to FY 2028, with \$750,000 set aside for grants to tribal entities. As currently written, the bill does not include any offsets for the new authorization of appropriations.

H.R. 5487 has twenty Democrat cosponsors.

H.R. 6814 (Rep. Graves, R-LA) “Marine Fisheries Habitat Protection Act”

Louisiana is known as “Sportsman’s Paradise.” The Pelican State is a top destination for tourists hoping to take advantage of its abundant natural resources, especially in the Gulf of Mexico. For Louisiana and the Gulf Coast region of the United States, the Gulf of Mexico plays a vital role in fishing, recreational activity, and energy production. A 2023 study from the American Sportfishing Association found that anglers in Louisiana contributed \$2.5 billion in economic output in Louisiana and supported nearly 18,000 jobs.¹⁸ Overall, over 1.2 million anglers spent \$1.7 billion in Louisiana.¹⁹ Louisiana is also a leader in oil and gas production, particularly offshore in the Gulf of Mexico; the State ranks third in natural gas production in the United States according to the United States Energy Information Administration (EIA),²⁰ and the EIA notes that “the Gulf of Mexico is one of the largest U.S. crude oil-producing regions.”²¹

Background: Rigs to Reefs initiative

In 1984, Congress signed the National Fishing Enhancement Act (Act)²² in response to increased interest and participation in fishing at offshore oil and gas platforms and widespread support for effective artificial reef development by coastal states. The Act recognized the social and economic values in developing artificial reefs, established national standards for artificial reef development, provided for the creation of a National Artificial Reef Plan, and for the establishment of a reef-permitting system. The Rigs to Reefs initiative,²³ born out of this legislation, bridges the gap between artificial structures and the natural marine environment,

¹⁷ *Id.*

¹⁸ American Sportfishing Association. Economic Contributions of Recreational Fishing, Louisiana. https://asafishing.org/wp-content/uploads/2023/03/Louisiana/2023_ASA_Senate_Handout_Digital_Louisiana.pdf.

¹⁹ *Id.*

²⁰ Energy Information Administration. *State Profile and Energy Estimates. Louisiana Profile Overview*. <https://www.eia.gov/state/?sid=LA>.

²¹ Energy Information Administration. *State Profile and Energy Estimates. Louisiana Profile Analysis*. <https://www.eia.gov/state/analysis.php?sid=LA>.

²² Public Law 98-623, Title II [https://uscode.house.gov/view.xhtml?req=\(title:33%20section:2103%20edition:prelim\)](https://uscode.house.gov/view.xhtml?req=(title:33%20section:2103%20edition:prelim)).

²³ BSSEE Rigs to Reefs Directive Supplemental Data Sheet; <https://www.bsee.gov/sites/bsee.gov/files/rigs-to-reefs-program-policy.pdf>.

transforming decommissioned offshore rigs into thriving ecosystems that support a vast array of marine life along the American coastline.

Soon after an offshore rig is constructed, marine life begins to collect on the stationary rig jacket. Within six months, the underwater structure hosts a vibrant community including invertebrates, fish, sea turtles, and mammals.²⁴ As the average life cycle of an offshore rig in the Gulf of Mexico spans several decades, these structures become an integral part of the offshore environment. Both oil and gas operators and coastal fishing communities have long been aware of the bountiful marine ecosystem off these rigs and have strongly supported the program.



Figure 1 Artificial Reef. Source: Joe Platko/New York Times

Permitting Process

The Rigs to Reefs initiative allows for a more collaborative effort between federal and state entities. NOAA oversees the program at the federal level, ensuring the program's compliance with environmental and safety standards.²⁵ States with established artificial reef plans appoint coordinators to navigate the process of selecting suitable structures for reefing, including evaluating potential sites and negotiating cost savings.²⁶ The coordinator will also collaborate with the operator to develop a reefing proposal and obtain a permit from the Army Corps of Engineers. The Army Corps permit process includes consultations and assessments with the Coast Guard to ensure navigational safety.²⁷

The Bureau of Safety and Environmental Enforcement (BSEE) is responsible for permitting the placement and eventual removal of temporary facilities on the Federal Outer Continental Shelf (OCS).²⁸ When an OCS Lease expires or development and production operations cease, companies are obligated to decommission and remove their facilities²⁹ and clear the seabed of all obstructions.³⁰ Operators may also concurrently submit a reefing proposal to BSEE. After the state receives the Army Corps of Engineers permit and the proposal meets BSEE requirements, BSEE can grant the operator approval to convert the structure into an artificial reef. This collaborative framework allows for the transition from industrial use to environmental enhancement.

Legislation

²⁴ "Rigs to Reefs" <http://www.api.org/oil-and-natural-gas/environment/clean-water/oil-spill-prevention-and-response/rigs-to-reefs>.

²⁵ National Oceanic and Atmospheric Administration, Rigs to Reefs <https://www.noaa.gov/resource-collections/rigs-to-reefs>.

²⁶ U.S. Bureau of Ocean Energy Management, Rigs to Reefs Program Fact Sheet <https://www.bsee.gov/sites/bsee.gov/files/rigs-to-reefs-program-fact-sheet.pdf>.

²⁷ 33 CFR 322.

²⁸ 30 CFR § 250.1700.

²⁹ 30 CFR §250.1725(a).

³⁰ 30 CFR §250.1740.

H.R. 6814 capitalizes on the habitat benefits offshore rigs provide to the marine ecosystem by encouraging more active participation in the Rigs to Reefs initiative. The legislation allows owners and operators to reef idle, offshore energy infrastructure in place within five years if the Secretary of the Interior determines that the owner, lessee, or right-of-way holder has removed all hydrocarbons, taken the necessary steps to aid navigation if necessary, and either has no liability for the structure or has transferred liability to a Federal or State agency.³¹ Once structures are reefed in place, NOAA is granted the authority to designate the area around the reefed structure as a reef planning area.³² NOAA also may deem areas around a structure as reef planning areas at the request of the head of a state artificial reef program, if applicable.³³ While the legislation prohibits the Secretary of the Interior from requiring the removal of the structure, there are exceptions in place to remove the structure if it becomes a threat to the environment or navigation.

H.R. 6814 also gives states that have applicable programs the authority to assume liability for a structure and allows for revenues associated with this transfer of liability to be used for maintenance and upkeep, installation of technologies to monitor a reef's corals and fish stocks, or other coastal restoration and enhancement projects.³⁴

The legislation also aims to gain a better understanding of the potential for habitat at offshore energy infrastructure. NOAA is directed to “conduct an assessment of each idle structure,”³⁵ including its corals and fish species and the economic impact of reefing the structure in place, and “whether there is an established reef ecosystem on, under, or in the immediate vicinity of the idle structure.”³⁶ The legislation allows for NOAA to enter agreements with owners and operators of this infrastructure for these assessments to be conducted by third parties. The legislation also requires that NOAA provide the Secretary of the Interior with a report that includes “an identification of and map each idle structure that supports an established reef ecosystem.”³⁷

H.R. 6814 is supported by Congressman Jerry Carl (AL-01) and Congressman Marc Veasey (TX-33). Supporting organizations include the Congressional Sportsmen's Foundation, the American Sportfishing Association, the Coastal Conservation Association, and the Theodore Roosevelt Conservation Partnership.³⁸

H.R.7020 (Rep. McClain, R-MI) “Great Lakes Mapping Act”

According to the Great Lakes Fishery Commission, “The Great Lakes commercial, recreational, and tribal fisheries are collectively valued at more than \$7 billion annually and support more

³¹ H.R. 6814. *Marine Fisheries Habitat Protection Act*. <https://www.congress.gov/118/bills/hr6814/BILLS-118hr6814ih.pdf>.

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ U.S. Congressman Garret Graves. Graves and Veasey Introduce Bipartisan Legislation to Preserve Critical Marine Habitat in Gulf of Mexico. December 15, 2023. <https://garretgraves.house.gov/news/documentsingle.aspx?DocumentID=2920>.

than 75,000 jobs.”³⁹ In addition the Great Lakes are a vital shipping channel for the United States, with more than 200 million tons of cargo shipped across its waters annually.⁴⁰ The Great Lakes region has an economy totaling \$6 trillion, which would make it the third largest economy in the world.⁴¹

The Great Lakes system includes Lakes Ontario, Erie, Huron, Michigan and Superior, their connecting waters and the St. Lawrence River. A large amount of data on nautical charts of the Great Lakes is more than 50 years old, and only about 5 to 15 percent of the Great Lakes are mapped to modern standards.⁴² H.R. 7020 authorizes \$200 million through FY 2030 for NOAA to complete high-resolution mapping of the Great Lakes’ lakebeds, to collect the associated bathymetric data that is used to develop NOAA’s nautical charts, and to create a system to catalog this data and make it publicly available.⁴³ The bill requires NOAA to make publicly available the data and maps within six months of completing mapping activity. As currently written, the bill does not include any offsets for the new authorization of appropriations.

H.R. 7020 has seven Republican cosponsors and eleven Democrat cosponsors. The legislation is also supported by the Great Lakes Observing System.

I. MAJOR PROVISIONS & ANALYSIS

H.R. 1395 (Rep. Fitzpatrick, R-PA) “Delaware River Basin Conservation Reauthorization Act of 2023”

- Reauthorizes the Delaware River Basin Restoration Act through FY 2030 and adds the state of Maryland to the list of Delaware River Basin states.

H.R. 5487 (Rep. Huffman, D-CA) “Help Our Kelp Act”

- Establishes a grant program at NOAA dedicated to improving the health of kelp forests in the United States.

H.R. 6814 (Rep. Graves, R-LA) “Marine Fisheries Habitat Protection Act”

- Establishes a process to create artificial reefs from idle, offshore energy infrastructure by ensuring safety and security of the offshore structure, including oil and gas pipelines and platforms. The bill requires NOAA to assess coral and fish species at each idle structure and requires NOAA to provide the Secretary of the Interior a map of structures that support artificial reefs.

H.R.7020 (Rep. McClain, R-MI) “Great Lakes Mapping Act”

- Authorizes \$200 million through FY 2030 for NOAA to conduct high-resolution mapping of the lakebeds of the Great Lakes, develop a process to collect and store the associated bathymetric data, and share that data with the public. Specifically, the legislation requires

³⁹ Great Lakes Fishery Commission. “The Great Lakes Fishery: A world-class resource!” <http://www.glfsc.org/the-fishery.php>.

⁴⁰ Council of the Great Lakes Region. *The Great Lakes Economy: The Growth Engine of North America*. <https://councilgreatlakesregion.org/the-great-lakes-economy-the-growth-engine-of-north-america/>.

⁴¹ *Id.*

⁴² “NOAA focuses on the Great Lakes for the 2022 field season.” NOAA Office of Coast Survey. May 9, 2022 <https://nauticalcharts.noaa.gov/updates/noaa-focuses-on-the-great-lakes-for-the-2022-field-season/>.

⁴³ NOAA National Ocean Service. *How is bathymetric data used?* <https://oceanservice.noaa.gov/facts/bathyuses.html>.

NOAA to make publicly available the data and maps within six months of completing mapping activity.

II. COST

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

III. EFFECT ON CURRENT LAW

[H.R. 1395](#)

[H.R. 6814](#)