

118TH CONGRESS
2D SESSION

H. R. 10491

To require the Administrator of the National Oceanic and Atmospheric Administration to establish a Blue Carbon Program to conserve and restore blue carbon ecosystems, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 18, 2024

Mr. HUFFMAN (for himself, Ms. BONAMICI, Ms. NORTON, Ms. PINGREE, and Ms. MATSUI) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require the Administrator of the National Oceanic and Atmospheric Administration to establish a Blue Carbon Program to conserve and restore blue carbon ecosystems, 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 “Blue Carbon Protec-
5 tion Act”.

1 **SEC. 2. BLUE CARBON PROGRAM.**

2 (a) ESTABLISHMENT.—The Administrator shall es-
3 tablish and maintain a Blue Carbon Program for the pur-
4 poses of conserving and restoring fish and wildlife habitat
5 and improving coastal resilience, including developing
6 ways to incorporate ecosystem services from coastal and
7 marine carbon storage into domestic and international
8 policies, programs, and activities.

9 (b) ACTIVITIES.—In carrying out the Program, the
10 Administrator shall carry out the following activities:

11 (1) Collaborate with Federal agencies, State
12 agencies, Indian Tribes, and non-governmental orga-
13 nizations with regard to research, restoration, and
14 protection efforts relating to blue carbon ecosystems.

15 (2) Develop a database of blue carbon stocks,
16 inputs, and storage potential trends in the United
17 States.

18 (3) Explore the feasibility of using market-
19 based financing mechanisms, such as a blue carbon
20 credit market, as tools to support protection and res-
21 toration initiatives for blue carbon ecosystems, in-
22 cluding research on types of such mechanism, devel-
23 opment of protocols, and the efficacy of each such
24 mechanism as a tool for protecting blue carbon eco-
25 systems.

1 (4) Raise awareness of blue carbon ecosystems
2 as a tool to further conservation objectives through
3 education and extension activities.

4 (5) Use existing models or develop new models
5 to assess the blue carbon storage potential of eco-
6 systems, including best practices for quantification,
7 verification, storage trends, and storage permanence.

8 (6) Quantify current total and net carbon se-
9 questration and carbon storage in coastal and ma-
10 rine areas.

11 (7) Project future total and net blue carbon
12 storage and sequestration under different scenarios
13 influenced by human population growth, sea level
14 rise, and other system-wide changes.

15 (8) Protect and restore habitats, waters, and
16 organisms that are long-term carbon sinks and will
17 be subject to habitat change as a result of climate
18 change and development.

19 (9) Quantify co-benefits of protecting and re-
20 storing blue carbon ecosystems, including—

21 (A) flood risk reduction;

22 (B) habitat for and benefit to—

23 (i) endangered and threatened species;

24 and

1 (ii) commercial and recreational fish-
2 eries;

3 (C) improved water quality;

4 (D) cycling of nutrients other than carbon;

5 and

6 (E) any other economic or societal benefit
7 the Administrator determines appropriate.

8 (10) Assess regional and national environmental
9 and socioeconomic impacts of blue carbon sequestra-
10 tion and storage.

11 (11) Research innovative techniques for effec-
12 tive, long-term natural blue carbon sequestration
13 and storage, including variability in effectiveness and
14 risk of reversal.

15 (12) Identify coastal and marine areas of par-
16 ticularly high potential for carbon sequestration and
17 high rates of carbon storage.

18 (13) Assess legal issues of landownership and
19 leases in blue carbon markets and develop guidelines
20 to help landowners navigate the requirements of blue
21 carbon markets.

22 (14) Assess the impacts of protection and res-
23 toration efforts in blue carbon ecosystems on meth-
24 ane emissions.

1 **SEC. 3. BLUE CARBON PARTNERSHIP GRANT PROGRAM.**

2 (a) ESTABLISHMENT.—The Administrator shall es-
3 tablish a competitive grant program, to be known as the
4 “Blue Carbon Partnership Grant Program”, to award
5 amounts to eligible entities to carry out projects that pro-
6 tect, restore, or research blue carbon stocks or blue carbon
7 ecosystems and increase the long-term carbon sequestra-
8 tion and carbon storage of marine and coastal ecosystems.

9 (b) REQUIREMENTS.—In carrying out the grant pro-
10 gram, the Administrator shall develop—

11 (1) criteria for the selection of eligible entities
12 to be awarded amounts under the grant program;

13 (2) guidelines for the use by eligible entities of
14 awarded amounts and any contracts relating to the
15 use of such amounts;

16 (3) reporting requirements for eligible entities
17 that are awarded amounts under the grant program;
18 and

19 (4) metrics to evaluate the effectiveness of the
20 use by eligible entities of any awarded amounts.

21 (c) APPLICATIONS.—To be eligible for a grant under
22 this section, an eligible entity shall submit to the Adminis-
23 trator an application in such form, at such time, and con-
24 taining such information as the Administrator determines
25 appropriate.

1 (d) PRIORITY.—In awarding amounts under the
2 grant program, the Administrator shall give priority to ap-
3 plications from eligible entities that propose projects that
4 the Administrator determines will result in long-term pro-
5 tection and sequestration of carbon stored in coastal and
6 marine environments, and would—

7 (1) protect key habitats for fish, wildlife, and
8 the maintenance of biodiversity;

9 (2) provide coastal protection from develop-
10 ment, storms, flooding, and land-based pollution;

11 (3) protect coastal resources of national, histor-
12 ical, or cultural significance;

13 (4) benefit communities of color, low-income
14 communities, Tribal or Indigenous communities, or
15 rural communities; or

16 (5) capitalize on public-private partnerships es-
17 tablished before the date of the enactment of this
18 section.

19 (e) ACREAGE GOAL.—To the maximum extent pos-
20 sible, the Administrator shall award amounts under the
21 grant program to eligible entities to carry out projects to
22 protect and restore blue carbon ecosystems on at least
23 1,500,000 acres over 10 years.

24 (f) REPORT.—The Administrator shall annually sub-
25 mit to Congress, and make available to the public, a report

1 regarding the grant program, including an analysis, by
2 State, of the—

3 (1) total number of acres of land and water
4 protected or restored through fee title acquisition,
5 easement, restoration, or other activities carried out
6 under the grant program;

7 (2) status of each project carried out using
8 amounts awarded under the grant program; and

9 (3) amount of blue carbon captured or pro-
10 tected over a 100-year time period as a result of the
11 grant program.

12 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated to the Administrator to
14 carry out this section \$300,000,000 for each of fiscal
15 years 2025 to 2029.

16 **SEC. 4. BLUE CARBON AREAS OF SIGNIFICANCE.**

17 (a) IN GENERAL.—The Administrator shall, based on
18 the guidelines established under subsection (b), identify
19 for designation as a blue carbon area of significance under
20 subsection (c) each area that—

21 (1) is within the—

22 (A) coastal zone;

23 (B) territorial waters of the United States;

24 or

1 (C) exclusive economic zone of the United
2 States;

3 (2) contains water, a substrate, or an ecosystem
4 that provides for significant amounts of long-term
5 carbon sequestration and carbon storage and—

6 (A) limits erosion and facilitates future
7 landward migration of coastal wetlands;

8 (B) provides a buffer against storm surge,
9 especially for communities of color, low-income
10 communities, and Tribal and Indigenous com-
11 munities; or

12 (C) provides a spawning, breeding, feeding,
13 or nesting habitat for fish or wildlife; and

14 (3) is not exclusive of coastal or other resources
15 that are significant in for mitigating or adapting to
16 climate change.

17 (b) GUIDELINES.—

18 (1) IN GENERAL.—Not later than 1 year after
19 the date of the enactment of this section, the Admin-
20 istrator shall, by regulation and based on the best
21 available science, establish guidelines to describe and
22 identify—

23 (A) blue carbon areas of significance; and

24 (B) measures to ensure the protection of
25 blue carbon areas of significance.

1 (2) REVIEW AND UPDATE.—The Administrator
2 shall review and update the guidelines established
3 under paragraph (1) not less frequently than once
4 every 5 years or when new information warrants
5 such a review and update.

6 (c) DESIGNATION.—

7 (1) IN GENERAL.—The Administrator shall des-
8 ignate as a blue carbon area of significance each
9 area identified under subsection (a).

10 (2) INITIAL DESIGNATIONS.—Not later than 1
11 year after the date on which the guidelines required
12 under subsection (b) are established, the Adminis-
13 trator shall make initial designations of any blue
14 carbon area of significance in each coastal State.

15 (d) SCHEDULE.—The Administrator shall establish a
16 schedule—

17 (1) for the identification of blue carbon areas of
18 significance under subsection (a);

19 (2) to review and update the guidelines estab-
20 lished under subsection (b); and

21 (3) to make designations under subsection (c).

22 (e) RECOMMENDATIONS AND INFORMATION.—The
23 Administrator shall, with respect to each blue carbon area
24 of significance, provide recommendations and information
25 regarding—

1 (1) adverse impacts and threats to the carbon
2 storage, ecosystem services, and habitat capacity of
3 the blue carbon area of significance; and

4 (2) the actions that should be considered to
5 avoid such adverse impacts and threats and ensure
6 the conservation and enhancement of the blue car-
7 bon area of significance.

8 (f) REQUIREMENTS FOR FEDERAL AGENCIES.—

9 (1) IN GENERAL.—A Federal agency that pro-
10 poses an action that has the potential to cause an
11 adverse impact to the carbon storage, carbon seques-
12 tration, ecosystem services, or habitat capacity of a
13 blue carbon area of significance shall notify the Ad-
14 ministrator of such proposed action.

15 (2) DETERMINATION OF ADVERSE IMPACT.—
16 Upon notification under paragraph (1), the Adminis-
17 trator, in consultation with the head of the notifying
18 Federal agency, shall determine whether the pro-
19 posed action that is the subject of the notification
20 will cause an adverse impact described in that para-
21 graph to a blue carbon area of significance.

22 (3) ALTERNATIVE ACTION.—

23 (A) IN GENERAL.—If the Administrator
24 determines, under paragraph (2), that a pro-
25 posed action that is the subject of a notification

1 under paragraph (1) will cause an adverse im-
2 pact described in that paragraph to a blue car-
3 bon area of significance, the head of the noti-
4 fying Federal agency, in consultation with the
5 Administrator, shall determine whether there is
6 an available alternative action that will prevent
7 the adverse impact and fulfill the purpose of the
8 proposed action.

9 (B) ALTERNATIVE ACTION AVAILABLE.—If
10 the head of the notifying Federal agency deter-
11 mines, under subparagraph (A) that there is an
12 available alternative action described in that
13 subparagraph, the notifying Federal agency
14 may not take the proposed action.

15 (C) ALTERNATIVE ACTION NOT AVAIL-
16 ABLE.—If the head of the notifying Federal
17 agency determines, under subparagraph (A)
18 that there is no available alternative action de-
19 scribed in that subparagraph, the notifying
20 Federal agency shall—

21 (i) in consultation with the Adminis-
22 trator, take measures to mitigate the ad-
23 verse impact;

24 (ii) take such action as the Adminis-
25 trator determines necessary to create a

1 marine blue carbon and blue carbon eco-
2 system storage offset that, taken in con-
3 junction with the proposed action, will re-
4 sult in a long-term net increase in carbon
5 storage, lasting an equivalent time period
6 as the carbon storage lost by the adverse
7 impact;

8 (iii) demonstrate quantitatively, using
9 the best available science, that the carbon
10 storage offset created under clause (ii)—

11 (I) will result in a net increase in

12 biological carbon storage; and

13 (II) is located in close proximity

14 to the original site to keep the af-

15 fected communities whole; and

16 (iv) maintain such carbon storage off-

17 set for a period of time to be determined

18 by the Administrator that is not less than

19 100 years.

20 (g) REQUIRED RESTRICTIONS.—A Federal agency

21 may only enter into a lease, easement, right-of-way, or sale

22 that involves an area designated as a blue carbon area of

23 significance if the Federal agency attaches such restric-

24 tions to the use of the area as the Administrator deter-

1 mines appropriate to protect the blue carbon area of sig-
2 nificance.

3 (h) REQUIREMENT FOR AUTHORIZATION OR APPRO-
4 PRIATION.—Each request for a new authorization or ap-
5 propriation from a Federal agency transmitted to the Of-
6 fice of Management and Budget shall include, if such au-
7 thorization or appropriation may affect a blue carbon area
8 of significance, a certification that the Federal agency will
9 use such authorization or appropriation in compliance
10 with this section.

11 (i) EXCEPTION.—Preparation, revision, implementa-
12 tion, or enforcement of a fishery management plan under
13 the Magnuson-Stevens Fishery Conservation and Manage-
14 ment Act (16 U.S.C. 1801 et seq.) that applies to an area
15 that is subject to a prohibition on all bottom-tending fish-
16 ing gear shall not be treated as a proposed action that
17 is subject to subsection (f).

18 (j) USE OF CERTAIN PROGRAMS.—The Adminis-
19 trator shall use programs administered by the Adminis-
20 trator to carry out this section and ensure the conserva-
21 tion and enhancement of each blue carbon area of signifi-
22 cance.

1 **SEC. 5. FEDERAL COASTAL AND MARINE RESTORATION**
2 **AND PROTECTION ACTIVITIES.**

3 (a) IN GENERAL.—The Director of the United States
4 Fish and Wildlife Service, the Director of the National
5 Park Service, and the Administrator shall each conduct
6 coastal and marine restoration and protection activities on
7 land and water managed by each such agency sufficient
8 to achieve at least 1 of the following:

9 (1) The sequestration of additional atmospheric
10 carbon dioxide through—

11 (A) the restoration of degraded blue car-
12 bon ecosystems; and

13 (B) the protection of threatened blue car-
14 bon ecosystems.

15 (2) The halting of ongoing carbon dioxide emis-
16 sions within the area in which the activities are car-
17 ried out, and the resumption of the natural rate of
18 carbon sequestration of the area, through the res-
19 toration of drained coastal wetlands.

20 (3) The halting of ongoing methane emissions
21 within the area in which the activities are carried
22 out, and the resumption of the natural rate of car-
23 bon sequestration of the area, through the restora-
24 tion of impounded wetlands.

25 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
26 authorized to be appropriated to each of the Director of

1 the United States Fish and Wildlife Service, the Director
2 of the National Park Service, and the Administrator to
3 carry out this section \$200,000,000 for each of fiscal
4 years 2025 through 2029.

5 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

6 There is authorized to be appropriated to the Admin-
7 istrator to carry out sections 1 through 5 of this Act
8 \$16,000,000 for each of fiscal years 2025 to 2029.

9 **SEC. 7. DEFINITIONS.**

10 In this Act:

11 (1) ADMINISTRATOR.—The term “Adminis-
12 trator” means the Under Secretary of Commerce for
13 Oceans and Atmosphere in the Under Secretary’s
14 capacity as Administrator of the National Oceanic
15 and Atmospheric Administration.

16 (2) BIOLOGICAL CARBON STORAGE.—The term
17 “biological carbon storage” means the storage of at-
18 mospheric carbon dioxide in vegetation, soils, woody
19 products, and aquatic environments.

20 (3) BLUE CARBON.—The term “blue carbon”
21 means atmospheric carbon dioxide sequestered by
22 the ocean or a blue carbon ecosystem.

23 (4) BLUE CARBON AREA OF SIGNIFICANCE.—
24 The term “blue carbon area of significance” means

1 an area designated by the Administrator under sec-
2 tion 4 as a blue carbon area of significance.

3 (5) BLUE CARBON ECOSYSTEM.—The term
4 “blue carbon ecosystem” means a vegetated coastal
5 habitat, including mangroves, tidal marshes,
6 seagrasses, kelp forests, and other tidal- or salt-
7 water wetlands, that has the capacity to sequester
8 atmospheric carbon dioxide for a period of not less
9 than 100 years.

10 (6) BLUE CARBON STOCKS.—The term “blue
11 carbon stocks” means coastal and marine vegetation
12 and wildlife, and underlying sediment, that have the
13 capacity to sequester and store atmospheric carbon
14 dioxide.

15 (7) CARBON SEQUESTRATION.—The term “car-
16 bon sequestration” means the process of capturing
17 and storing atmospheric carbon dioxide.

18 (8) CARBON SINK.—The term “carbon sink”
19 means a natural or artificial system that absorbs
20 more atmospheric carbon dioxide than it releases.

21 (9) CARBON STORAGE.—The term “carbon
22 storage” means the storing of sequestered atmos-
23 pheric carbon dioxide out of the atmosphere in bio-
24 genic material or sediment.

1 (10) COASTAL STATE.—The term “coastal
2 State” has the meaning given the term “coastal
3 state” in section 304 of the Coastal Zone Manage-
4 ment Act of 1972 (16 U.S.C. 1453).

5 (11) COASTAL ZONE.—The term “coastal zone”
6 has the meaning given the term in section 304 of the
7 Coastal Zone Management Act of 1972 (16 U.S.C.
8 1453).

9 (12) ECOSYSTEM SERVICES.—The term “eco-
10 system services” means the direct and indirect bene-
11 fits that ecosystems provide to humans.

12 (13) ELIGIBLE ENTITY.—The term “eligible en-
13 tity” means—

14 (A) a private landowner or group of land-
15 owners;

16 (B) a State agency that manages natural
17 resources or wildlife;

18 (C) an Indian Tribe;

19 (D) a unit of local government;

20 (E) a nonprofit organization or land trust;

21 (F) an institution of higher education and
22 research; or

23 (G) any group of entities described in sub-
24 paragraphs (A) through (F).

1 (14) GRANT PROGRAM.—The term “grant pro-
2 gram” means the Blue Carbon Partnership Grant
3 Program established under section 3(a).

4 (15) IMPOUNDED WETLAND.—The term “im-
5 pounded wetland” means an area that was a tidal
6 wetland but, as a result of a loss of tidal
7 connectivity, has become a freshwater wetland.

8 (16) INDIAN TRIBE.—The term “Indian Tribe”
9 has the meaning given the term in section 4 of the
10 Indian Self-Determination and Education Assistance
11 Act (25 U.S.C. 5304).

12 (17) MARINE BLUE CARBON.—The term “ma-
13 rine blue carbon” means carbon dioxide sequestered
14 in pelagic and deep sea ecosystems, including in
15 sediments and through the ecosystem impacts of ma-
16 rine wildlife.

17 (18) PROGRAM.—The term “Program” means
18 the Blue Carbon Program established under section
19 2(a).

○