

118TH CONGRESS
2D SESSION

H. R. 897

IN THE SENATE OF THE UNITED STATES

JULY 9, 2024

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Alabama Underwater
3 Forest National Marine Sanctuary and Protection Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) An ancient cypress forest dating back
7 50,000 to 70,000 years has been exposed in the Gulf
8 of Mexico off the Alabama coastline.

9 (2) The cypress trees, which were uncovered by
10 massive waves associated with Hurricane Ivan, are
11 still rooted in the mud they were growing in at least
12 50,000 years ago.

13 (3) The Underwater Forest site is unique on a
14 global scale, the only known site where trees between
15 50,000 and 70,000 years old have been preserved in-
16 tact with the ecosystem they were growing in.

17 (4) Exploration of the site continues to yield in-
18 valuable scientific insight in a variety of fields,
19 though scientists have just begun to study the an-
20 cient forest.

21 **SEC. 3. POLICY AND PURPOSE.**

22 (a) **POLICY.**—It is the policy of the United States to
23 protect and preserve the ancient cypress trees located off
24 the coast of Alabama, known as the Alabama Underwater
25 Forest.

1 (b) PURPOSE.—The purpose of this Act is to protect
2 the resources of the area described in section 5(b), to edu-
3 cate and interpret for the public regarding the ancient
4 Alabama Underwater Forest environment, and to manage
5 human uses of the Alabama Underwater Forest National
6 Marine Sanctuary consistent with this Act.

7 **SEC. 4. DEFINITIONS.**

8 In this Act—

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

12 (2) SECRETARY.—the term “Secretary” means
13 the Secretary of Commerce.

14 **SEC. 5. SANCTUARY DESIGNATION.**

15 (a) DESIGNATION.—The area described in subsection
16 (b) is designated as the Alabama Underwater Forest Na-
17 tional Marine Sanctuary pursuant to title III of the Ma-
18 rine Protection, Research, and Sanctuaries Act of 1972
19 (16 U.S.C. 1431 et seq.).

20 (b) AREA INCLUDED.—

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

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

(A) 30 degrees, 7 minutes, 20.2116 seconds north latitude; 87 degrees, 49 minutes, 15.7404 seconds west longitude.

(B) 30 degrees, 7 minutes, 20.2116 seconds north latitude; 87 degrees, 43 minutes, 44.8536 seconds west longitude.

(C) 30 degrees, 5 minutes, 42.6552 seconds north latitude; 87 degrees, 49 minutes, 15.7404 seconds west longitude.

(D) 30 degrees, 5 minutes, 42.6552 seconds north latitude; 87 degrees, 43 minutes, 44.8536 seconds west longitude.

(E) 30 degrees, 7 minutes, 20.2116 seconds north latitude; 87 degrees, 49 minutes, 15.7404 seconds west longitude.

(3) CHARTS.—The Sanctuary shall be generally identified and depicted on National Oceanic and Atmospheric Administration charts that shall be maintained on file and kept available for public examination during regular business hours at the Office of Ocean and Coastal Resource Management of the National Oceanic and Atmospheric Administration and

1 in online format and which shall be updated to re-
2 flect boundary modifications made pursuant to this
3 section.

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

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

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

10 (2) Lowering below the surface of the water any
11 grappling, suction, conveyor, dredging, or wrecking
12 device.

13 (3) Detonating below the surface of the water
14 any explosive or explosive mechanism.

15 (4) Drilling or coring the seabed.

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

18 (b) EXCEPTIONS.—

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

21 (A) Fishing, diving, mooring, or similar
22 recreational or commercial activities.

23 (B) Necessary operations of public vessels,
24 including operations essential for national de-
25 fense, law enforcement, and responses to emer-

1 agencies that threaten life, property, or the envi-
2 ronment.

3 (C) Construction or placement of artificial
4 reef structures for the purpose of enhancing
5 fishery resources, fishing opportunities, or rec-
6 reational diving opportunities.

7 (D) Exploration, development, or produc-
8 tion of oil or gas pursuant to a lease, permit,
9 or other authorization, provided such lease, per-
10 mit, or authorization is issued on or before the
11 date of the enactment of this Act.

12 (2) OTHER ACTIVITIES.—The Secretary, acting
13 through the Director of the Office of National Ma-
14 rine Sanctuaries, may allow a person to conduct an
15 activity that would otherwise be prohibited under
16 subsection (a) if such activity meets the standards of
17 Title III of the Marine Protection, Research, and
18 Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.),
19 as determined by the Secretary.

20 **SEC. 7. COMPREHENSIVE MANAGEMENT PLAN.**

21 (a) PREPARATION OF PLAN.—

22 (1) IN GENERAL.—Not later than 2 years after
23 the date of the enactment of this Act, the Secretary,
24 in consultation with appropriate Federal, State, and
25 local government authorities and with the advisory

1 council established under section 8, shall develop a
2 comprehensive management plan and implement reg-
3 ulations to achieve the policy and purpose of this
4 Act.

5 (2) APPLICABLE LAW.—In developing the com-
6 prehensive management plan and implementing reg-
7 ulations under paragraph (1), the Secretary shall
8 follow the procedures described in sections 303 and
9 304 of the Marine Protection, Research, and Sanc-
10 tuaries Act of 1972 (16 U.S.C. 1433 and 1434).

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

13 (A) facilitate all public and private uses of
14 the Sanctuary compatible with the primary ob-
15 jective of Sanctuary resource protection, with a
16 focus on facilitating—

17 (i) fishing, diving, or similar rec-
18 reational or commercial activities; and

19 (ii) construction or placement of arti-
20 ficial reef structures for the purpose of en-
21 hancing fishery resources, fishing opportu-
22 nities, or recreational diving opportunities;

23 (B) consider temporal and geographical
24 zoning, to ensure protection of Sanctuary re-
25 sources;

1 (C) identify needs for research and ecologi-
2 cal monitoring; and

3 (D) ensure coordination and cooperation
4 between Sanctuary managers and—

5 (i) other Federal, State, and local au-
6 thorities with jurisdiction within or adja-
7 cent to the Sanctuary; and

8 (ii) owners, operators, and stake-
9 holders with respect to existing oil and gas
10 operations within or adjacent to the Sanc-
11 tuary.

12 (b) PUBLIC PARTICIPATION.—The Secretary shall
13 provide for the participation of the general public in the
14 development of the comprehensive management plan.

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

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

21 (b) MEMBERSHIP.—The Secretary shall include a
22 representative from the Alabama Department of Con-

1 servation and Natural Resources as a voting member of
2 the advisory council.

Passed the House of Representatives July 8, 2024.

Attest: KEVIN F. MCCUMBER,
Clerk.