

116TH CONGRESS  
2D SESSION

# H. R. 8684

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

OCTOBER 27, 2020

Mr. BYRNE 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       The Congress finds and declares the following:

8               (1) An ancient cypress forest dating back  
9       50,000 to 70,000 years B.C. has been exposed in the  
10       Gulf of Mexico off the Alabama coastline. The trees,

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

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

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

12 (4) Commercial interests are seeking to mine  
13 the ancient trees for the purpose of making con-  
14 sumer goods, which would result in an irreplaceable  
15 loss to the scientific community.

16 (5) Protection of the forest from commercial  
17 harvest also protects the site as a globally significant  
18 destination for scuba diving and associated tourism.  
19 Millions of people from around the world have seen  
20 news stories and documentaries about the forest, in-  
21 undating dive tourism operators with requests to  
22 visit the site.

23 **SEC. 3. POLICY AND PURPOSE.**

24 (a) POLICY.—It is the policy of the United States to  
25 protect and preserve the ancient cypress trees located off

1 the coast of Alabama, known as the Alabama Underwater  
2 Forest.

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

8 **SEC. 4. DEFINITIONS.**

9 In this Act, the term “adverse effect” means any fac-  
10 tor, force, or action that would independently or cumula-  
11 tively damage, diminish, degrade, impair, destroy, or oth-  
12 erwise harm—

13 (1) any Sanctuary resource, as defined in sec-  
14 tion 302(8) of the Marine Protection, Research, and  
15 Sanctuaries Act of 1972 (16 U.S.C. 1432(8)); or

16 (2) any of those qualities, values, or purposes  
17 for which the Sanctuary is designated.

18 **SEC. 5. SANCTUARY DESIGNATION.**

19 (a) DESIGNATION.—The area described in subsection  
20 (b) is designated as the Alabama Underwater Forest Na-  
21 tional Marine Sanctuary (in this Act referred to as the  
22 “Sanctuary”) under title III of the Marine Protection, Re-  
23 search, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et  
24 seq.). The Sanctuary shall be managed, and regulations

1 enforced under all applicable provisions of title III as if  
2 the Sanctuary had been designated under such title.

3 (b) AREA INCLUDED.—

4 (1) Subject to subsections (c) and (d), the area  
5 referred to in subsection (a) consists of all sub-  
6 merged objects and lands within the Sanctuary  
7 boundary. The Sanctuary shall be generally identi-  
8 fied and depicted on National Oceanic and Atmos-  
9 pheric Administration charts which shall be main-  
10 tained on file and kept available for public examina-  
11 tion during regular business hours at the Office of  
12 Ocean and Coastal Resource Management of the Na-  
13 tional Oceanic and Atmospheric Administration and  
14 in online format and which shall be updated to re-  
15 flect boundary modifications under this section.

16 (2) The boundary referred to in paragraph (1)  
17 shall encompass the area within the following coordi-  
18 nates:

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

8 (a) PROHIBITED ACTIVITIES.—The following activi-  
9 ties are prohibited and thus are unlawful for any person  
10 to conduct or to cause to be conducted within the Sanc-  
11 tuary:

12 (1) Harvesting the trees or other resources of  
13 the sanctuary.

14 (2) Any type of subsurface salvage or recovery  
15 operation.

16 (3) Lowering below the surface of the water any  
17 grappling, suction, conveyor, dredging, or wrecking  
18 device.

19 (4) Detonating below the surface of the water  
20 any explosive or explosive mechanism.

21 (5) Drilling or coring the seabed.

22 (6) Lowering, laying, positioning, or raising any  
23 type of seabed cable or cable-laying device.

24 (7) Discharging waste material into the water  
25 in violation of any Federal statute or regulation.

1 (b) RULES OF CONSTRUCTION.—The prohibitions  
2 contained in subsection (a) shall not be construed as to:

3 (1) Restrict fishing, diving, anchoring, or any  
4 other recreational or commercial sea activities that  
5 do not cause an adverse effect to the resources or  
6 property of the Sanctuary or that do not pose harm  
7 to users of the Sanctuary.

8 (2) Apply to necessary operations of public ves-  
9 sels. For the purposes of this paragraph, necessary  
10 operations of public vessels shall include operations  
11 essential for national defense, law enforcement, and  
12 responses to emergencies that threaten life, property,  
13 or the environment.

14 (c) EFFECTIVE DATE.—This subsection shall be ef-  
15 fective upon enactment of this Act.

16 **SEC. 7. COMPREHENSIVE MANAGEMENT PLAN.**

17 (a) PREPARATION OF PLAN.—The Secretary of Com-  
18 merce, in consultation with appropriate Federal, State,  
19 and local government authorities and with the Advisory  
20 Council established under section 8, shall develop a com-  
21 prehensive management plan and implementing regula-  
22 tions to achieve the policy and purpose of this Act. The  
23 Secretary of Commerce shall complete such comprehensive  
24 management plan and final regulations for the Sanctuary  
25 not later than 18 months after the date of enactment of

1 this Act. In developing the plan and regulations, the Sec-  
2 retary of Commerce shall follow the procedures specified  
3 in sections 303 and 304 of the Marine Protection, Re-  
4 search, and Sanctuaries Act of 1972 (16 U.S.C. 1433 and  
5 1434), except those procedures requiring the delineation  
6 of Sanctuary boundaries and development of a resource  
7 assessment report. Such comprehensive management plan  
8 shall—

9           (1) facilitate all public and private uses of the  
10       Sanctuary consistent with the primary objective of  
11       Sanctuary resource protection;

12           (2) consider temporal and geographical zoning,  
13       to ensure protection of Sanctuary resources;

14           (3) identify needs for research and establish a  
15       long-term ecological monitoring program;

16           (4) identify alternative sources of funding need-  
17       ed to fully implement the plan's provisions and sup-  
18       plement appropriations under section 9 of this Act  
19       and section 313 of the Marine Protection, Research,  
20       and Sanctuaries Act of 1972 (16 U.S.C. 1444); and

21           (5) ensure coordination and cooperation be-  
22       tween Sanctuary managers and other Federal, State,  
23       and local authorities with jurisdiction within or adja-  
24       cent to the Sanctuary.

1 (b) PUBLIC PARTICIPATION.—The Secretary of Com-  
2 merce shall provide for participation by the general public  
3 in development of the comprehensive management plan.

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

5 (a) ESTABLISHMENT.—The Secretary of Commerce,  
6 in consultation with the Governor of the State of Alabama  
7 shall establish an Advisory Council to assist the Secretary  
8 in the development and implementation of the comprehen-  
9 sive management plan for the Sanctuary.

10 (b) MEMBERSHIP.—Members of the Advisory Council  
11 may be appointed from among Sanctuary managers, mem-  
12 bers of other government agencies with overlapping man-  
13 agement responsibilities for the Gulf Coast environment,  
14 and representatives of local conservation groups, the ma-  
15 rine scientific and educational community, recreational  
16 user groups, or the general public. Provided, membership  
17 in the council shall include representation from the local  
18 commercial and recreational fishing and boating commu-  
19 nity.

20 (c) EXPENSES.—Members of the Advisory Council  
21 shall not be paid compensation for their service as mem-  
22 bers but may be reimbursed for actual and necessary trav-  
23 eling and subsistence expenses incurred by them in the  
24 performance of their duties as such members.



1       (d) ADMINISTRATION.—The Advisory Council shall  
2 elect a chairperson and may establish subcommittees, and  
3 adopt by-laws, rules, and such other administrative re-  
4 quirements and procedures as are necessary for the ad-  
5 ministration of its functions.

6       (e) STAFFING AND OTHER ASSISTANCE.—The Sec-  
7 retary of Commerce shall make available to the Advisory  
8 Council such staff, information, and administrative serv-  
9 ices and assistance as the Secretary of Commerce deter-  
10 mines are reasonably required to enable the Advisory  
11 Council to carry out its functions.

12 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

13       There is authorized to be appropriated \$7,000,000  
14 for each of the fiscal years 2021 through 2025 to carry  
15 out the provisions of this Act.

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