

118TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To provide for the establishment of the Alabama Underwater Forest National Marine Sanctuary, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. TUBERVILLE introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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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. POLICY AND PURPOSE.**

7        (a) POLICY.—It is the policy of the United States to  
8 protect and preserve the ancient cypress trees located off  
9 the coast of Alabama, known as the “Alabama Underwater  
10 Forest”.

1 (b) PURPOSE.—The purpose of this Act is to protect  
2 the resources of the area described in section 4(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 and title III  
7 of the Marine Protection, Research, and Sanctuaries Act  
8 of 1972 (16 U.S.C. 1431 et seq.).

9 **SEC. 3. DEFINITIONS.**

10 In this Act:

11 (1) SANCTUARY.—The term “Sanctuary”  
12 means the Alabama Underwater Forest National  
13 Marine Sanctuary designated under section 4(a).

14 (2) SECRETARY.—The term “Secretary” means  
15 the Secretary of Commerce.

16 **SEC. 4. SANCTUARY DESIGNATION.**

17 (a) DESIGNATION.—The area described in subsection  
18 (b) is designated as the Alabama Underwater Forest Na-  
19 tional Marine Sanctuary pursuant to title III of the Ma-  
20 rine Protection, Research, and Sanctuaries Act of 1972  
21 (16 U.S.C. 1431 et seq.).

22 (b) AREA INCLUDED.—

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

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

4           (A) 30°, 7 minutes, 20.2116 seconds north  
5 latitude; 87°, 49 minutes, 15.7404 seconds west  
6 longitude.

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

10          (C) 30°, 5 minutes, 42.6552 seconds north  
11 latitude; 87°, 43 minutes, 44.8536 seconds west  
12 longitude.

13          (D) 30°, 5 minutes, 42.6552 seconds north  
14 latitude; 87°, 49 minutes, 15.7404 seconds west  
15 longitude.

16          (E) 30°, 7 minutes, 20.2116 seconds north  
17 latitude; 87°, 49 minutes, 15.7404 seconds west  
18 longitude.

19          (3) CHARTS.—The Sanctuary shall be generally  
20 identified and depicted on National Oceanic and At-  
21 mospheric Administration charts that shall be main-  
22 tained in an online format and which shall be up-  
23 dated to reflect boundary modifications made pursu-  
24 ant to this section.

1 **SEC. 5. PROHIBITION OF CERTAIN USES.**

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

5 (1) Cutting, removing, or damaging cypress  
6 trees.

7 (2) Any kind of subsurface salvage of the cy-  
8 press trees.

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

12 (4) Detonating below the surface of the water  
13 any explosive or explosive mechanism.

14 (5) Drilling or coring the seabed.

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

17 (b) EXCEPTIONS.—

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

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

22 (B) Necessary operations of public vessels,  
23 including operations essential for national de-  
24 fense, law enforcement, and responses to emer-  
25 gencies that threaten life, property, or the envi-  
26 ronment.

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

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

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

18 **SEC. 6. COMPREHENSIVE MANAGEMENT PLAN.**

19           (a) PREPARATION OF PLAN.—

20           (1) IN GENERAL.—Not later than 2 years after  
21 the date of enactment of this Act, the Secretary, in  
22 consultation with appropriate Federal, State, and  
23 local government authorities and with the advisory  
24 council established under section 7, shall develop a  
25 comprehensive management plan and implement reg-

1       ulations to achieve the policy and purpose of this  
2       Act.

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

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

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

15              (i) fishing, diving, or similar rec-  
16      reational or commercial activities; and

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

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

24              (C) identify needs for research and ecologi-  
25      cal monitoring; and

1 (D) ensure coordination and cooperation  
2 between Sanctuary managers and—

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

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

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

13 **SEC. 7. ADVISORY COUNCIL.**

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

19 (b) MEMBERSHIP.—The Secretary shall include a  
20 representative from the Alabama Department of Con-  
21 servation and Natural Resources as a voting member of  
22 the advisory council.