

## S.1079 - Artificial Reef Promotion Act of 2013

113th Congress (2013-2014)

### Overview: Senate Bill

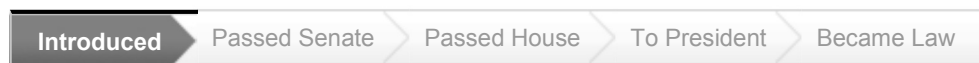
**Sponsor:** [Sen. Vitter, David \[R-LA\]](#) (Introduced 05/23/2013)

**Cosponsors:** [2](#)

**Latest Action:** 05/23/2013 Read twice and referred to the Committee on Commerce, Science, and Transportation.

**Major Recorded Votes:** There are no Roll Call votes for this bill

#### Tracker:



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#### Subjects:

Primary Subject:  
Public Lands and  
Natural Resources

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Summary (0)

**Text (1)**

Actions (1)

Titles (2)

Amendments (0)

Cosponsors (2)

Committees (1)

Related Bills (0)

### Text: S.1079 — 113th Congress (2013-2014)

There is one version of the bill.

Bill text available as: [TXT](#) | [PDF](#) | [HTML/XML](#)

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Introduced in Senate (05/23/2013)

[Congressional Bills 113th Congress]  
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[S. 1079 Introduced in Senate (IS)]

113th CONGRESS  
1st Session

S. 1079

To require the Director of the Bureau of Safety and Environmental Enforcement to promote the artificial reefs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

May 23, 2013

Mr. Vitter introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require the Director of the Bureau of Safety and Environmental Enforcement to promote the artificial reefs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ``Artificial Reef Promotion Act of 2013''.

SEC. 2. PERMITS FOR CONSTRUCTION AND MANAGEMENT OF ARTIFICIAL REEFS.

Section 205 of the National Fishing Enhancement Act of 1984 (33 U.S.C. 2104) is amended--

(1) by redesignating subsections (b) through (e) as subsections (d) through (g), respectively; and

(2) by striking subsection (a) and inserting the following:

``(a) Action on Permits.--

``(1) In general.--In issuing a permit for an artificial reef under section 10 of the Act entitled `An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes', approved March 3, 1899 (commonly known as the `Rivers and Harbors Appropriation Act of 1899') (33 U.S.C. 403), section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344), or section 4(e) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333(e)), the Secretary shall--

``(A) consult with and consider the views of appropriate Federal agencies, States, local governments, and other interested parties;

``(B) ensure that the provisions for siting, constructing, monitoring, and managing the artificial reef are consistent with the criteria and standards established under this Act;

``(C) ensure that the title to the artificial reef construction material is unambiguous, and that responsibility for maintenance and the financial ability to assume liability for future damages are clearly established;

``(D) ensure that a State assuming liability under subparagraph (C) has established an artificial reef maintenance fund; and

``(E) consider the plan developed under section 204 and notify the Secretary of Commerce of any need to deviate from that plan.

``(2) Regulations.--

``(A) In general.--Not later than 180 days after the date of enactment of this paragraph, the Directors shall promulgate regulations that expedite the review of a final application such that a decision is rendered not later than 150 days after the date on which the application is submitted.

``(B) Regulations promulgated by the commanding general.--Not later than 180 days after the date of enactment of the Artificial Reef Promotion Act of 2013, the Commanding General shall promulgate regulations that expedite the review of a final application by the Secretary such that a decision is rendered not later than 120 days after the date on which the application is submitted.

``(b) Siting.--

``(1) Number.--

``(A) In general.--Not later than 1 year after the date of enactment of the Artificial Reef Promotion Act of 2013, the Commanding General shall, in consultation with the Directors and appropriate State agencies, designate not fewer than 20 artificial reef planning areas.

``(B) Gulf states.--Of the artificial reef planning areas described in subparagraph (A)--

``(i) 6 shall be located outside the seaward boundary of the State of Texas;

``(ii) 6 shall be located outside the seaward boundary of the State of Louisiana;

``(iii) 3 shall be located outside the seaward boundaries of the State of Alabama and State of Mississippi; and

``(iv) 5 shall be located outside the seaward boundary of the State of Florida.

``(C) Inclusions.--The sites described in subparagraph (A) include any artificial reef planning area existing on the day before the date of enactment of the Artificial Reef Promotion Act of 2013 if the boundaries and area of the site are modified to meet the requirements of this Act.

``(2) Boundaries and proximity to shoreline.--

``(A) In general.--The Directors shall, in consultation with the Commanding General and appropriate State agencies--

``(i) ensure that each artificial reef planning area described in paragraph (1) (A)--

``(I) is sited a reasonable

proximity to the shoreline, as determined by the Directors; and

- ``(II) includes as many platforms as practical, as determined by the Directors; and
- ``(ii) determine the appropriate size and boundaries for each site.

``(B) Minimum area.--

- ``(i) In general.--Each artificial reef planning area described in paragraph (1)(A) shall be not smaller than 12 contiguous lease blocks.
- ``(ii) Application.--Clause (i) shall apply to any artificial reef planning area existing before, on, or after the date of enactment of the Artificial Reef Promotion Act of 2013.

``(3) Distance between sites.--

- ``(A) In general.--Not later than 180 days after the date of enactment of the Artificial Reef Promotion Act of 2013, the Director of the Bureau of Safety and Environmental Enforcement shall promulgate a regulation that regulates the distance between platforms used as artificial reefs.
- ``(B) Maximum.--The distance contained in the regulation described in subparagraph (A) shall be not greater than 2 miles.

``(4) Depth.--

- ``(A) In general.--Of the artificial reef planning areas described in paragraph (1)(A)--
  - ``(i) not fewer than 10 shall be located at a water depth of--
    - ``(I) not less than 100 feet; and
    - ``(II) not greater than 200 feet;and
  - ``(ii) not fewer than 10 shall be located at a water depth of greater than 200 feet.
- ``(B) Sites in water depth of not greater than 100 feet.--The Commanding General shall, in consultation with the Directors and appropriate State agencies, designate artificial reef planning areas, where practicable, at a water depth of not greater than 100 feet.

``(5) Requirements for permittees.--

- ``(A) In general.--A person to whom a permit is issued under subsection (a)(1) shall--
  - ``(i) construct the artificial reef in an artificial reef site located in an artificial reef planning area described in paragraph (1)(A);
  - ``(ii) comply with--
    - ``(I) any regulation promulgated by the Director of the Bureau of Safety and Environmental Enforcement relating to reef planning;
    - ``(II) the plan developed under section 204; and
    - ``(III) any applicable plan developed by a State; and
  - ``(iii) if the person owns platforms, not later than 180 days after the date on which the Commanding General designates the artificial reef planning areas under paragraph (1), submit

to the Director of the Bureau of Safety and Environmental Enforcement and appropriate State agencies notice that identifies 20 percent of the platforms to be used as artificial reefs.

``(B) Donated platforms.--

``(i) In general.--A person described in subparagraph (A) (iii) shall include in a final application the artificial reef planning area and the artificial reef site in which the platforms described in subparagraph (A) (iii) will be located.

``(ii) Depth.--The area and site described in clause (i) shall be consistent with the depth requirements in paragraph (4).

``(iii) Area or site filled to capacity.--If the Director of the Bureau of Safety and Environmental Enforcement or appropriate State agency determines that the area or site chosen by the person under clause (i) is filled to capacity, the person shall choose a different area or site.

``(6) Regulations.--

``(A) Capacity of reef sites.--No regulation shall require that an artificial reef planning area described in paragraph (1) (A) be filled to capacity with platforms before another artificial reef planning area is established.

``(B) Minimum water depth.--

``(i) In general.--The Secretary shall, in consultation with the Secretary of the department in which the Coast Guard is operating, promulgate regulations for the minimum water depth required to cover an artificial reef.

``(ii) Depth not greater than 85 feet.--If the minimum water depth described in clause (i) is not greater than 85 feet, the Secretary of the department in which the Coast Guard is operating shall--

``(I) evaluate each artificial reef site to ensure that the site is properly marked to reduce any navigational hazard;

``(II) not later than 30 days on which a final application is submitted, review the application to ensure that the artificial reef site will contain the markings described in subclause (I);

``(III) indicate on appropriate nautical charts the location of each artificial reef planning area and artificial reef site; and

``(IV) provide mariners with notice of the location of each artificial reef site in a manner that the Secretary of the department in which the Coast Guard is operating determines is appropriate.

``(7) Review.--Not later than 3 years after the date of enactment of the Artificial Reef Promotion Act of 2013, the Director of the Bureau of Safety and Environmental Enforcement, shall review the artificial reef planning areas described in

paragraph (1) (A) to determine the effectiveness of using decommissioned platforms as artificial reefs.

``(c) Preference Given to Applications Seeking To Use Decommissioned Platforms as Artificial Reefs.--The Regional Supervisor shall give preference to a final application.

``(d) Regulations Governing Decommissioned Platforms.--Any regulation in effect on the date of enactment of the Artificial Reef Promotion Act of 2013 that governs the decommissioning or removal of a platform that is not being decommissioned for use as an artificial reef shall continue to govern the decommissioning or removal of the platform.''.

### SEC. 3. DEFINITIONS.

Section 206 of the National Fishing Enhancement Act of 1984 (33 U.S.C. 2105) is amended--

(1) by redesignating paragraphs (2) and (3) as paragraphs (11) and (12), respectively; and

(2) by inserting after paragraph (1) the following:

``(2) Artificial reef.--The term `artificial reef' means a structure that is constructed or placed in the Gulf of Mexico for the purpose of enhancing fishery resources and commercial and recreational fishing opportunities.

``(3) Artificial reef planning area.--The term `artificial reef planning area' means a designated area within which artificial reef sites may be located when--

``(A) a person obtains all appropriate permits; and

``(B) each platform located in the artificial reef site is appropriately prepared.

``(4) Artificial reef site.--The term `artificial reef site' means an area within an artificial reef planning area that has been cleared to have decommissioned platforms placed in the boundaries of the artificial reef planning area to be used as an artificial reef.

``(5) Commanding general.--The term `Commanding General' means the Commanding General of the Corps of Engineers.

``(6) Decommissioning.--The term `decommission' includes removing and moving a platform to an artificial reef site.

``(7) Directors.--The term `Directors' means--

``(A) the Director of the Bureau of Safety and Environmental Enforcement; and

``(B) the Director of the Bureau of Ocean Energy Management.

``(8) Final application.--The term `final application' means a final application submitted to dispose of or remove a platform for use as an artificial reef under section 250.1727(g) of title 30, Code of Federal Regulations (or successor regulations).

``(9) Platform.--The term `platform' means an offshore oil and gas platform in the Gulf of Mexico.

``(10) Secretary.--The term `Secretary' means the Secretary of the Interior.''.

### SEC. 4. SAVINGS CLAUSES.

Section 208 of the National Fishing Enhancement Act of 1984 (33 U.S.C. 2106) is amended by adding after subsection (b) the following:

``(c) Miscellaneous.--Nothing in this Act shall--

``(1) hinder or invalidate--

``(A) the transfer of liability to the person to whom title of a platform is transferred when the platform is donated or becomes an artificial reef; and

``(B) any term or condition of any existing lease;  
and  
``(2) require that--  
``(A) a platform be left standing above the surface  
of the water; and  
``(B) an owner of a platform notify any party,  
other than the Directors and the appropriate State  
agencies that coordinate with the Commanding General,  
of any plan to decommission a platform before  
abandonment operations commence.''.