

113TH CONGRESS  
1ST SESSION

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

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

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IN THE SENATE OF THE UNITED STATES

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

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## **A BILL**

To require the Director of the Bureau of Safety and Environmental Enforcement to promote the artificial reefs, 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 “Artificial Reef Pro-  
5 motion Act of 2013”.

6 **SEC. 2. PERMITS FOR CONSTRUCTION AND MANAGEMENT**  
7 **OF ARTIFICIAL REEFS.**

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

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

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

5           “(a) ACTION ON PERMITS.—

6           “(1) IN GENERAL.—In issuing a permit for an  
7 artificial reef under section 10 of the Act entitled  
8 ‘An Act making appropriations for the construction,  
9 repair, and preservation of certain public works on  
10 rivers and harbors, and for other purposes’, ap-  
11 proved March 3, 1899 (commonly known as the  
12 ‘Rivers and Harbors Appropriation Act of 1899’)  
13 (33 U.S.C. 403), section 404 of the Federal Water  
14 Pollution Control Act (33 U.S.C. 1344), or section  
15 4(e) of the Outer Continental Shelf Lands Act (43  
16 U.S.C. 1333(e)), the Secretary shall—

17           “(A) consult with and consider the views of  
18 appropriate Federal agencies, States, local gov-  
19 ernments, and other interested parties;

20           “(B) ensure that the provisions for siting,  
21 constructing, monitoring, and managing the ar-  
22 tificial reef are consistent with the criteria and  
23 standards established under this Act;

24           “(C) ensure that the title to the artificial  
25 reef construction material is unambiguous, and

1 that responsibility for maintenance and the fi-  
2 nancial ability to assume liability for future  
3 damages are clearly established;

4 “(D) ensure that a State assuming liability  
5 under subparagraph (C) has established an ar-  
6 tificial reef maintenance fund; and

7 “(E) consider the plan developed under  
8 section 204 and notify the Secretary of Com-  
9 merce of any need to deviate from that plan.

10 “(2) REGULATIONS.—

11 “(A) IN GENERAL.—Not later than 180  
12 days after the date of enactment of this para-  
13 graph, the Directors shall promulgate regula-  
14 tions that expedite the review of a final applica-  
15 tion such that a decision is rendered not later  
16 than 150 days after the date on which the ap-  
17 plication is submitted.

18 “(B) REGULATIONS PROMULGATED BY  
19 THE COMMANDING GENERAL.—Not later than  
20 180 days after the date of enactment of the Ar-  
21 tificial Reef Promotion Act of 2013, the Com-  
22 manding General shall promulgate regulations  
23 that expedite the review of a final application  
24 by the Secretary such that a decision is ren-

1           dered not later than 120 days after the date on  
2           which the application is submitted.

3           “(b) SITING.—

4           “(1) NUMBER.—

5           “(A) IN GENERAL.—Not later than 1 year  
6           after the date of enactment of the Artificial  
7           Reef Promotion Act of 2013, the Commanding  
8           General shall, in consultation with the Directors  
9           and appropriate State agencies, designate not  
10          fewer than 20 artificial reef planning areas.

11          “(B) GULF STATES.—Of the artificial reef  
12          planning areas described in subparagraph (A)—

13                  “(i) 6 shall be located outside the sea-  
14                  ward boundary of the State of Texas;

15                  “(ii) 6 shall be located outside the  
16                  seaward boundary of the State of Lou-  
17                  isiana;

18                  “(iii) 3 shall be located outside the  
19                  seaward boundaries of the State of Ala-  
20                  bama and State of Mississippi; and

21                  “(iv) 5 shall be located outside the  
22                  seaward boundary of the State of Florida.

23          “(C) INCLUSIONS.—The sites described in  
24          subparagraph (A) include any artificial reef  
25          planning area existing on the day before the

1 date of enactment of the Artificial Reef Pro-  
2 motion Act of 2013 if the boundaries and area  
3 of the site are modified to meet the require-  
4 ments of this Act.

5 “(2) BOUNDARIES AND PROXIMITY TO SHORE-  
6 LINE.—

7 “(A) IN GENERAL.—The Directors shall,  
8 in consultation with the Commanding General  
9 and appropriate State agencies—

10 “(i) ensure that each artificial reef  
11 planning area described in paragraph  
12 (1)(A)—

13 “(I) is sited a reasonable prox-  
14 imity to the shoreline, as determined  
15 by the Directors; and

16 “(II) includes as many platforms  
17 as practical, as determined by the Di-  
18 rectors; and

19 “(ii) determine the appropriate size  
20 and boundaries for each site.

21 “(B) MINIMUM AREA.—

22 “(i) IN GENERAL.—Each artificial  
23 reef planning area described in paragraph  
24 (1)(A) shall be not smaller than 12 contig-  
25 uous lease blocks.

1                   “(ii) APPLICATION.—Clause (i) shall  
2                   apply to any artificial reef planning area  
3                   existing before, on, or after the date of en-  
4                   actment of the Artificial Reef Promotion  
5                   Act of 2013.

6                   “(3) DISTANCE BETWEEN SITES.—

7                   “(A) IN GENERAL.—Not later than [180  
8                   days] after the date of enactment of the Artifi-  
9                   cial Reef Promotion Act of 2013, the Director  
10                  of the Bureau of Safety and Environmental En-  
11                  forcement shall promulgate a regulation that  
12                  regulates the distance between platforms used  
13                  as artificial reefs.

14                  “(B) MAXIMUM.—The distance contained  
15                  in the regulation described in subparagraph (A)  
16                  shall be not greater than 2 miles.

17                  “(4) DEPTH.—

18                  “(A) IN GENERAL.—Of the artificial reef  
19                  planning areas described in paragraph (1)(A)—

20                         “(i) not fewer than 10 shall be located  
21                         at a water depth of—

22                                 “(I) not less than 100 feet; and

23                                 “(II) not greater than 200 feet;

24   and

1                   “(ii) not fewer than 10 shall be lo-  
2                   cated at a water depth of greater than 200  
3                   feet.

4                   “(B) SITES IN WATER DEPTH OF NOT  
5                   GREATER THAN 100 FEET.—The Commanding  
6                   General shall, in consultation with the Directors  
7                   and appropriate State agencies, designate artifi-  
8                   cial reef planning areas, where practicable, at a  
9                   water depth of not greater than 100 feet.

10                  “(5) REQUIREMENTS FOR PERMITTEES.—

11                  “(A) IN GENERAL.—A person to whom a  
12                  permit is issued under subsection (a)(1) shall—

13                         “(i) construct the artificial reef in an  
14                         artificial reef site located in an artificial  
15                         reef planning area described in paragraph  
16                         (1)(A);

17                         “(ii) comply with—

18                                 “(I) any regulation promulgated  
19                                 by the Director of the Bureau of Safe-  
20                                 ty and Environmental Enforcement  
21                                 relating to reef planning;

22                                 “(II) the plan developed under  
23                                 section 204; and

24                                 “(III) any applicable plan devel-  
25                                 oped by a State; and

1           “(iii) if the person owns platforms,  
2           not later than 180 days after the date on  
3           which the Commanding General designates  
4           the artificial reef planning areas under  
5           paragraph (1), submit to the Director of  
6           the Bureau of Safety and Environmental  
7           Enforcement and appropriate State agen-  
8           cies notice that identifies 20 percent of the  
9           platforms to be used as artificial reefs.

10          “(B) DONATED PLATFORMS.—

11           “(i) IN GENERAL.—A person de-  
12           scribed in subparagraph (A)(iii) shall in-  
13           clude in a final application the artificial  
14           reef planning area and the artificial reef  
15           site in which the platforms described in  
16           subparagraph (A)(iii) will be located.

17           “(ii) DEPTH.—The area and site de-  
18           scribed in clause (i) shall be consistent  
19           with the depth requirements in paragraph  
20           (4).

21           “(iii) AREA OR SITE FILLED TO CA-  
22           PACITY.—If the Director of the Bureau of  
23           Safety and Environmental Enforcement or  
24           appropriate State agency determines that  
25           the area or site chosen by the person under

1 clause (i) is filled to capacity, the person  
2 shall choose a different area or site.

3 “(6) REGULATIONS.—

4 “(A) CAPACITY OF REEF SITES.—No regu-  
5 lation shall require that an artificial reef plan-  
6 ning area described in paragraph (1)(A) be  
7 filled to capacity with platforms before another  
8 artificial reef planning area is established.

9 “(B) MINIMUM WATER DEPTH.—

10 “(i) IN GENERAL.—The Secretary  
11 shall, in consultation with the Secretary of  
12 the department in which the Coast Guard  
13 is operating, promulgate regulations for  
14 the minimum water depth required to  
15 cover an artificial reef.

16 “(ii) DEPTH NOT GREATER THAN 85  
17 FEET.—If the minimum water depth de-  
18 scribed in clause (i) is not greater than 85  
19 feet, the Secretary of the department in  
20 which the Coast Guard is operating shall—

21 “(I) evaluate each artificial reef  
22 site to ensure that the site is properly  
23 marked to reduce any navigational  
24 hazard;

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

6 “(III) indicate on appropriate  
7 nautical charts the location of each  
8 artificial reef planning area and artifi-  
9 cial reef site; and

10 “(IV) provide mariners with no-  
11 tice of the location of each artificial  
12 reef site in a manner that the Sec-  
13 retary of the department in which the  
14 Coast Guard is operating determines  
15 is appropriate.

16 “(7) REVIEW.—Not later than 3 years after the  
17 date of enactment of the Artificial Reef Promotion  
18 Act of 2013, the Director of the Bureau of Safety  
19 and Environmental Enforcement, shall review the  
20 artificial reef planning areas described in paragraph  
21 (1)(A) to determine the effectiveness of using de-  
22 commissioned platforms as artificial reefs.

23 “(c) PREFERENCE GIVEN TO APPLICATIONS SEEK-  
24 ING TO USE DECOMMISSIONED PLATFORMS AS ARTIFI-

1 CIAL REEFS.—The Regional Supervisor shall give pref-  
2 erence to a final application.

3 “(d) REGULATIONS GOVERNING DECOMMISSIONED  
4 PLATFORMS.—Any regulation in effect on the date of en-  
5 actment of the Artificial Reef Promotion Act of 2013 that  
6 governs the decommissioning or removal of a platform  
7 that is not being decommissioned for use as an artificial  
8 reef shall continue to govern the decommissioning or re-  
9 moval of the platform.”.

10 **SEC. 3. DEFINITIONS.**

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

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

15 (2) by inserting after paragraph (1) the fol-  
16 lowing:

17 “(2) ARTIFICIAL REEF.—The term ‘artificial  
18 reef’ means a structure that is constructed or placed  
19 in the Gulf of Mexico for the purpose of enhancing  
20 fishery resources and commercial and recreational  
21 fishing opportunities.

22 “(3) ARTIFICIAL REEF PLANNING AREA.—The  
23 term ‘artificial reef planning area’ means a des-  
24 ignated area within which artificial reef sites may be  
25 located when—

1           “(A) a person obtains all appropriate per-  
2           mits; and

3           “(B) each platform located in the artificial  
4           reef site is appropriately prepared.

5           “(4) ARTIFICIAL REEF SITE.—The term ‘artifi-  
6           cial reef site’ means an area within an artificial reef  
7           planning area that has been cleared to have decom-  
8           missioned platforms placed in the boundaries of the  
9           artificial reef planning area to be used as an artifi-  
10          cial reef.

11          “(5) COMMANDING GENERAL.—The term ‘Com-  
12          manding General’ means the Commanding General  
13          of the Corps of Engineers.

14          “(6) DECOMMISSIONING.—The term ‘decommis-  
15          sion’ includes removing and moving a platform to an  
16          artificial reef site.

17          “(7) DIRECTORS.—The term ‘Directors’  
18          means—

19                 “(A) the Director of the Bureau of Safety  
20                 and Environmental Enforcement; and

21                 “(B) the Director of the Bureau of Ocean  
22                 Energy Management.

23          “(8) FINAL APPLICATION.—The term ‘final ap-  
24          plication’ means a final application submitted to dis-  
25          pose of or remove a platform for use as an artificial

1 reef under section 250.1727(g) of title 30, Code of  
2 Federal Regulations (or successor regulations).

3 “(9) PLATFORM.—The term ‘platform’ means  
4 an offshore oil and gas platform in the Gulf of Mex-  
5 ico.

6 “(10) SECRETARY.—The term ‘Secretary’  
7 means the Secretary of the Interior.”.

8 **SEC. 4. SAVINGS CLAUSES.**

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

12 “(c) MISCELLANEOUS.—Nothing in this Act shall—

13 “(1) hinder or invalidate—

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

18 “(B) any term or condition of any existing  
19 lease; and

20 “(2) require that—

21 “(A) a platform be left standing above the  
22 surface of the water; and

23 “(B) an owner of a platform notify any  
24 party, other than the Directors and the appro-  
25 priate State agencies that coordinate with the

1           Commanding General, of any plan to decommis-  
2           sion a platform before abandonment operations  
3           commence.”.