

AMENDMENT TO RULES COMMITTEE PRINT

119–8

OFFERED BY MR. LICCARDO OF CALIFORNIA

At the end of subtitle B of title XVII, add the following new section:

1 **SEC. 17____. PILOT PROGRAM TO ESTABLISH A CETACEAN**
2 **DESK FOR SAN FRANCISCO BAY REGION.**

3 Subtitle A of title CXIII of the James M. Inhofe Na-
4 tional Defense Authorization Act for Fiscal Year 2023 (16
5 U.S.C. 1390 et seq.) is amended by inserting after section
6 11304 the following (and conforming the table of contents
7 at the beginning of such Act accordingly):

8 **“SEC. 11304A. PILOT PROGRAM TO ESTABLISH A CETACEAN**
9 **DESK FOR SAN FRANCISCO BAY REGION.**

10 “(a) ESTABLISHMENT.—

11 “(1) IN GENERAL.—Not later than 1 year after
12 the date of the enactment of this section, the Sec-
13 retary, with the concurrence of the Under Secretary,
14 shall carry out a pilot program to establish a Ceta-
15 cean Desk, which shall be—

16 “(A) located and manned within the San
17 Francisco Vessel Traffic Service; and

18 “(B) designed—

1 “(i) to improve coordination with the
2 maritime industry to reduce the risk of
3 vessel impacts on large cetaceans, includ-
4 ing impacts from vessel strikes, disturb-
5 ances, and other sources; and

6 “(ii) to monitor the presence and loca-
7 tion of large cetaceans during the months
8 during which such large cetaceans are
9 present in the San Francisco Bay, Gulf of
10 the Farallones, and Monterey Bay Na-
11 tional Marine Sanctuary.

12 “(2) DURATION AND STAFFING.—The pilot pro-
13 gram required under paragraph (1)—

14 “(A) shall—

15 “(i) be for a duration of 4 years; and

16 “(ii) require not more than 1 full-time
17 equivalent position, who shall also con-
18 tribute to other necessary San Francisco
19 Vessel Traffic Service duties and respon-
20 sibilities as needed; and

21 “(B) may be supported by other existing
22 Federal employees, as appropriate.

23 “(b) ENGAGEMENT WITH VESSEL OPERATORS.—

24 “(1) IN GENERAL.—In carrying out the pilot
25 program required under subsection (a), the Sec-

1 retary shall require personnel of the Cetacean Desk
2 to engage with vessel operators in areas where large
3 cetaceans have been seen or could reasonably be
4 present to ensure compliance with applicable laws,
5 regulations, and voluntary guidance, to reduce the
6 impact of vessel traffic on large cetaceans.

7 “(2) CONTENTS.—In engaging with vessel oper-
8 ators as required under paragraph (1), personnel of
9 the Cetacean Desk shall communicate where and
10 when sightings of large cetaceans have occurred.

11 “(c) MEMORANDUM OF UNDERSTANDING.—The Sec-
12 retary and the Under Secretary may enter into a memo-
13 randum of understanding to facilitate real-time sharing of
14 data relating to large cetaceans between the State of Cali-
15 fornia, the National Oceanic and Atmospheric Administra-
16 tion, the San Francisco Vessel Traffic Service, and other
17 relevant entities, as appropriate.

18 “(d) DATA.—The Under Secretary shall leverage ex-
19 isting data collection methods, the program required by
20 section 11303, and public data to ensure accurate and
21 timely information on the sighting of large cetaceans.

22 “(e) CONSULTATIONS.—In carrying out the pilot pro-
23 gram required under subsection (a), the Secretary shall
24 consult with Tribal governments, the State California, in-
25 stitutions of higher education, the maritime industry,

1 ports in the San Francisco Bay region, and nongovern-
2 mental organizations.

3 “(f) SAN FRANCISCO VESSEL TRAFFIC SERVICE
4 LOCAL VARIANCE AND POLICY.—The Secretary, with the
5 concurrence of the Under Secretary and in consultation
6 with the Captain of the Port for the San Francisco Bay—

7 “(1) shall implement local variances, as author-
8 ized by subsection (c) of section 70001 of title 46,
9 United States Code, to reduce the impact of vessel
10 traffic on large cetaceans; and

11 “(2) may enter into cooperative agreements, in
12 accordance with subsection (d) of such section, with
13 Federal, State, Tribal, and local officials to reduce
14 the likelihood of vessel interactions with protected
15 large cetaceans, which may include—

16 “(A) communicating marine mammal pro-
17 tection guidance to vessels;

18 “(B) training on requirements imposed by
19 local, State, Tribal, and Federal laws and regu-
20 lations and guidelines concerning—

21 “(i) vessel buffer zones;

22 “(ii) vessel speed;

23 “(iii) seasonal no-go zones for vessels;

1 “(iv) protected areas, including areas
2 designated as critical habitat, as applicable
3 to marine operations; and

4 “(v) any other activities to reduce the
5 direct and indirect impact of vessel traffic
6 on large cetaceans;

7 “(C) training to understand, utilize, and
8 communicate large cetacean location data; and

9 “(D) training to understand and commu-
10 nicate basic large cetacean detection, identifica-
11 tion, and behavior, including—

12 “(i) cues of the presence of large
13 cetaceans such as spouts, water disturb-
14 ances, breaches, or presence of prey;

15 “(ii) important feeding, breeding,
16 calving, and rearing habitats that co-occur
17 with areas of high risk of vessel strikes;

18 “(iii) seasonal large cetacean migra-
19 tion routes that co-occur with areas of high
20 risk of vessel strikes; and

21 “(iv) areas designated as critical habi-
22 tat for large cetaceans.

23 “(g) REPORT REQUIRED.—Not later than 1 year
24 after the date of enactment of this section, and every 2
25 years thereafter for the duration of the pilot program, the

1 Commandant, in coordination with the Under Secretary
2 and the Administrator of the Maritime Administration,
3 shall submit to the appropriate congressional committees
4 a report that—

5 “(1) evaluates the functionality, utility, reli-
6 ability, responsiveness, and operational status of the
7 Cetacean Desk, including a quantification of reduc-
8 tions in vessel strikes to large cetaceans as a result
9 of the pilot program;

10 “(2) assesses the efficacy of communication be-
11 tween the Cetacean Desk and the maritime industry
12 and provides recommendations for improvements;

13 “(3) evaluates the integration and interoper-
14 ability of existing data collection methods, as well as
15 public data, into the Cetacean Desk operations;

16 “(4) assesses the efficacy of collaboration and
17 stakeholder engagement with Tribal governments,
18 the State of California, institutions of higher edu-
19 cation, the maritime industry, ports in the San
20 Francisco Bay region, and nongovernmental organi-
21 zations; and

22 “(5) evaluates the progress, performance, and
23 implementation of guidance and training procedures
24 for San Francisco Vessel Traffic Service personnel,
25 as required under subsection (f).

1 “(h) CETACEAN DESK DEFINED.—In this section,
2 the term ‘Cetacean Desk’ means the Cetacean Desk estab-
3 lished by the pilot program required under subsection
4 (a).”.

