

115TH CONGRESS  
1ST SESSION

# H. R. 3133

To amend the Marine Mammal Protection Act of 1972 to reduce unnecessary permitting delays by clarifying associated procedures to increase economic development and support coastal restoration programs, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 2017

Mr. JOHNSON of Louisiana (for himself, Mr. DUNCAN of South Carolina, Mr. HIGGINS of Louisiana, Mr. ABRAHAM, Mr. GRAVES of Louisiana, and Mr. JODY B. HICE of Georgia) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To amend the Marine Mammal Protection Act of 1972 to reduce unnecessary permitting delays by clarifying associated procedures to increase economic development and support coastal restoration programs, 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 “Streamlining Environ-  
5 mental Approvals Act of 2017” or the “SEA Act of  
6 2017”.

1 **SEC. 2. ADDRESSING PERMITS FOR TAKING OF MARINE**  
2 **MAMMALS.**

3 Section 101(a)(5)(D) of the Marine Mammal Protec-  
4 tion Act of 1972 (16 U.S.C. 1371(a)(5)(D)) is amended  
5 as follows:

6 (1) In clause (i)—

7 (A) by striking “citizens of the United  
8 States” and inserting “persons”;

9 (B) by striking “within a specific geo-  
10 graphic region”;

11 (C) by striking “of small numbers”;

12 (D) by striking “such citizens” and insert-  
13 ing “such persons”; and

14 (E) by striking “within that region”.

15 (2) In clause (ii)—

16 (A) in subclause (I), by striking “, and  
17 other means of effecting the least practicable  
18 impact on such species or stock and its habi-  
19 tat”;

20 (B) in subclause (III), by striking “re-  
21 quirements pertaining to the monitoring and re-  
22 porting of such taking by harassment, includ-  
23 ing” and inserting “efficient and practical re-  
24 quirements pertaining to the monitoring of such  
25 taking by harassment while the activity is being  
26 conducted and the reporting of such taking, in-

1 including, as the Secretary determines nec-  
2 essary,”; and

3 (C) by adding at the end the following:

4 “Any condition imposed pursuant to subclause (I), (II),  
5 or (III) may not result in more than a minor change to  
6 the specified activity and may not alter the basic design,  
7 location, scope, duration, or timing of the specified activ-  
8 ity.”.

9 (3) In clause (iii), by striking “receiving an ap-  
10 plication under this subparagraph” and inserting  
11 “an application is accepted or required to be consid-  
12 ered complete under subclause (I)(aa), (II)(aa), or  
13 (IV) of clause (viii), as applicable,”.

14 (4) In clause (vi), by striking “a determination  
15 of least practicable adverse impact on such species  
16 or stock under clause (i)(I)” and inserting “condi-  
17 tions imposed under subclause (I), (II), or (III) of  
18 clause (ii)”.

19 (5) By adding at the end the following:

20 “(viii)(I) The Secretary shall—

21 “(aa) accept as complete a written request for  
22 authorization under this subparagraph for incidental  
23 taking described in clause (i), by not later than 45  
24 days after the date of submission of the request; or

1           “(bb) provide to the requester, by not later than  
2           15 days after the date of submission of the request,  
3           a written notice describing any additional informa-  
4           tion required to complete the request.

5           “(II) If the Secretary provides notice under subclause  
6 (I)(bb), the Secretary shall, by not later than 30 days after  
7 the date of submission of the additional information de-  
8 scribed in the notice—

9           “(aa) accept the written request for authoriza-  
10          tion under this subparagraph for incidental taking  
11          described in clause (i); or

12          “(bb) deny the request and provide the re-  
13          quester a written explanation of the reasons for the  
14          denial.

15          “(III) The Secretary may not make a second request  
16 for information, request that the requester withdraw and  
17 resubmit the request, or otherwise delay a decision on the  
18 request.

19          “(IV) If the Secretary fails to respond to a request  
20 for authorization under this subparagraph in the manner  
21 provided in subclause (I) or (II), the request shall be con-  
22 sidered to be complete.

23          “(ix)(I) At least 90 days before the expiration of any  
24 authorization issued under this subparagraph, the holder  
25 of such authorization may apply for a one-year extension

1 of such authorization. The Secretary shall grant such ex-  
2 tension within 14 days after the date of such request on  
3 the same terms and without further review if there has  
4 been no substantial change in the activity carried out  
5 under such authorization nor in the status of the marine  
6 mammal species or stock, as applicable, as reported in the  
7 final annual stock assessment reports for such species or  
8 stock.

9 “(II) In subclause (I) the term ‘substantial change’  
10 means a change that prevents the Secretary from making  
11 the required findings to issue an authorization under  
12 clause (i) with respect to such species or stock.

13 “(III) The Secretary shall notify the applicant of  
14 such substantial changes with specificity and in writing  
15 within 14 days after the applicant’s submittal of the exten-  
16 sion request.

17 “(x) If the Secretary fails to make the required find-  
18 ings and, as appropriate, issue the authorization within  
19 120 days after the application is accepted or required to  
20 be considered complete under subclause (I)(aa), (II)(aa),  
21 or (III) of clause (viii), as applicable, the authorization  
22 is deemed to have been issued on the terms stated in the  
23 application and without further process or restrictions  
24 under this Act.”.

1 **SEC. 3. REMOVING DUPLICATIONS.**

2 Section 101(a)(5)(D) of the Marine Mammal Protec-  
3 tion Act of 1972 (16 U.S.C. 1371(a)(5)(D)), as amended  
4 by section 2 of this Act, is further amended by adding  
5 at the end the following:

6 “(xi) Any taking of a marine mammal in compliance  
7 with an authorization under this subparagraph is exempt  
8 from the prohibition on taking in section 9 of the Endan-  
9 gered Species Act of 1973 (16 U.S.C. 1538). Any Federal  
10 agency authorizing, funding, or carrying out an action  
11 that results in such taking, and any agency action author-  
12 izing such taking, is exempt from the requirement to con-  
13 sult regarding potential impacts to marine mammal spe-  
14 cies or designated critical habitat under section 7(a)(2)  
15 of such Act (16 U.S.C. 1536(a)(2)).”.

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