

### 115TH CONGRESS 1ST SESSION

# H. R. 3682

To direct the Director of the Office of National Marine Sanctuaries of the National Oceanic and Atmospheric Administration to create a Blue Whales and Blue Skies Program to reduce air pollution and harmful underwater acoustic impacts and the risk of fatal vessel whale strikes by recognizing voluntary reductions in the speed of vessels transiting the Greater Santa Barbara Channel Region, California, and for other purposes.

### IN THE HOUSE OF REPRESENTATIVES

**SEPTEMBER 6, 2017** 

Mr. Lowenthal (for himself, Ms. Brownley of California, Mr. Carbajal, and Mr. Khanna) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

## A BILL

To direct the Director of the Office of National Marine Sanctuaries of the National Oceanic and Atmospheric Administration to create a Blue Whales and Blue Skies Program to reduce air pollution and harmful underwater acoustic impacts and the risk of fatal vessel whale strikes by recognizing voluntary reductions in the speed of vessels transiting the Greater Santa Barbara Channel Region, California, 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,

#### 1 SECTION 1. SHORT TITLE.

- This Act may be cited as the "Blue Whales and Blue
- 3 Skies Act".
- 4 SEC. 2. BLUE WHALES AND BLUE SKIES PROGRAM.
- 5 (a) In General.—Not later than 12 months after
- 6 the date of the enactment of this Act, the Director of the
- 7 Office of National Marine Sanctuaries of the National
- 8 Oceanic and Atmospheric Administration, in consultation
- 9 with the Commandant of the Coast Guard, shall establish
- 10 the Blue Whales and Blue Skies Program, to—
- 11 (1) reduce air pollution and harmful under-
- water acoustic impacts and the risk of fatal whale
- strikes by encouraging voluntary reduction in the
- speed of eligible vessels transiting the Greater Santa
- 15 Barbara Channel Region; and
- 16 (2) annually award Blue Whales and Blue Skies
- 17 Excellence Awards for verified successful participa-
- tion in, and compliance with, the program by eligible
- vessels.
- 20 (b) Program Requirements.—The Director
- 21 shall—
- 22 (1) model the program after the pilot Vessel
- 23 Speed Reduction Program administered by the
- 24 Santa Barbara County Air Pollution Control Dis-
- 25 trict, the Ventura County Air Pollution Control Dis-
- trict, the Channel Islands National Marine Sanc-

- tuary, the Environmental Defense Center (a nonprofit corporation established under the laws of the State of California as in effect on the date of the enactment of this Act), and the National Marine Sanctuary Foundation, except the Director may not provide a financial incentive for participation in the program; and
  - (2) develop the program in consultation with the entities referred to in paragraph (1).

### 10 (c) Annual Awards.—

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- (1) IN GENERAL.—Under the program, the Director shall annually award Blue Whales and Blue Skies Excellence Awards to owners of eligible vessels that have complied with the program during the preceding year.
- (2) AWARD CONDITIONS.—As a condition of an award under this subsection, the Director shall require, at a minimum, that each eligible vessel of the awardee—
  - (A) transit the Greater Santa Barbara Channel Region at speeds of 12 knots or lower, or at a lower maximum speed as provided in guidance established under the program; and
- 24 (B) participate in the Port of Los Angeles 25 or Port of Long Beach vessel speed reduction

1	program, respectively, if the vessel calls at that
2	port in the transit for which the award is con-
3	sidered.
4	(d) Official Seal.—The Director shall create an
5	official seal to be recognized as the symbol of excellence
6	in compliance with the program, that—
7	(1) may be used by shipping companies with eli-
8	gible vessels for which a Blue Whales and Blue
9	Skies Excellence Award is awarded under this sec-
10	tion;
11	(2) includes the name of the shipping company;
12	(3) includes the year for which such award was
13	made; and
14	(4) includes the percentage of transits through
15	the Greater Santa Barbara Channel Region by eligi-
16	ble vessels of the shipping company in such year
17	that were in compliance with the program, cal-
18	culated as—
19	(A) the number of such transits, divided by
20	(B) the total number of transits through
21	the Greater Santa Barbara Channel Region by
22	all vessels of the shipping company in such
23	year, excluding transits directed by the Coast
24	Guard to proceed in excess of the speed require-
25	ments of the program.

1	(e) Extension of Program.—No later than 4 years
2	after the date of the enactment of this Act, the Director
3	shall—
4	(1) consider the feasibility of extending the pro-
5	gram to encompass all shipping channels along the
6	United States Pacific coast between Canada and
7	Mexico; and
8	(2) report the findings and recommendations
9	under paragraph (1) to the Committee on Transpor-
10	tation and Infrastructure and the Committee on
11	Natural Resources of the House of Representatives,
12	and to the Committee on Commerce, Science, and
13	Transportation of the Senate.
14	(f) Limitations.—Nothing in this section shall be
15	construed—
16	(1) to require participation in the program;
17	(2) to authorize appropriations for, or the pro-
18	vision of, any financial incentive for participation in
19	the program; or
20	(3) to authorize any action that affects naviga-
21	tion safety.
22	(g) Definitions.—In this section:
23	(1) Eligible vessel.—The term "eligible ves-
24	sel" means a vessel that has been approved by the
25	Director to participate in the program.

1	(2) Program.—The term "program" means
2	the Blue Whales and Blue Skies Program estab-
3	lished under this section.
4	(3) Greater santa barbara channel re-
5	GION.—The term "Greater Santa Barbara Channel
6	Region''—
7	(A) means such portion of the geographic
8	zone used by vessels transporting goods to tran-
9	sit the area surrounding the Channel Islands,
10	including the Santa Barbara Channel, Cali-
11	fornia, as is designated by the Director for pur-
12	poses of this section; and
13	(B) includes, at a minimum, the geo-
14	graphic area identified in the pilot Vessel Speed
15	Reduction Program referred to in subsection
16	(b)(1).

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