

## **Artificial Reef Council Meeting – June 30, 2021, 1:30 pm**

Joe L. Herring Louisiana Room, LDWF Headquarters, Baton Rouge, LA

### Council Members:

Chris D’Elia, Dean of the College of the Coast and Environment, LSU

Julie Lively, Executive Director of Louisiana Sea Grant

Patrick Banks, Assistant Secretary of the Office of Fisheries, LDWF

### Attendees:

Chad Courville, CCA

Jason Duet, LDWF

Nick Odinet

Jack Isaacs, LDWF

Maryam Tabarestani, LDWF

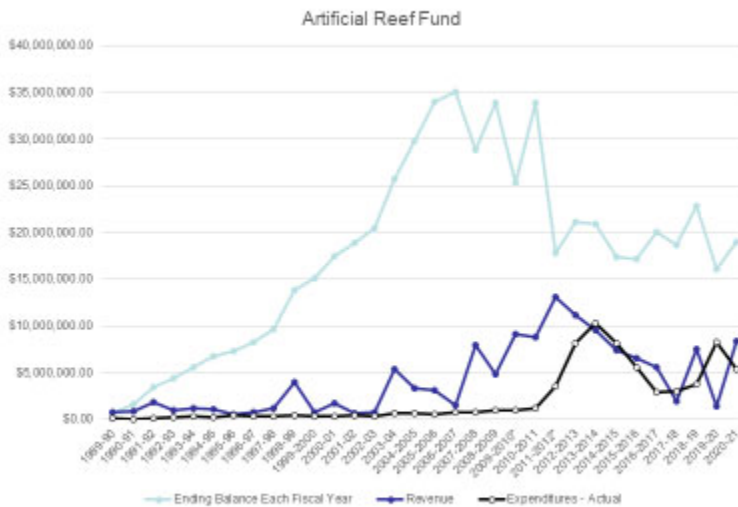
Scott Rolseth, Hunt Oil

Jim Dicharry, GHD

- 1) Patrick Banks introduces himself, has the other Council members introduces themselves, welcomes everyone, and begins the meeting
- 2) The Council approves the agenda
- 3) The Council approves the minutes.
- 4) Mike McDonough begins the Artificial Program update. Offshore: 79 reefs total—48 Planning Area, 19 Special Artificial Reef Sites, 12 Deepwater. Total of 407 platform jackets, 8 rig legs, 40 APC’s, 1 jackup barge, 1 tugboat; 1 oil & gas structure in FY-20-21. Recently reefed vessel for first time in ~20 years. Partnered with Omega Protein. Reefed in Main Pass 300; awaiting final survey plat. Making a lot of progress on nearshore reefs: have completed 15 reefs, Upcoming projects: have permits for Vermilion 69 & 69 A (VR-69 & 69 A), Eugene Island 51 (EI-51), and South Timbalier 51 (ST-51); awaiting permits for ST-165, West Cameron 45 (WC-45) & Bay Marchand 3 (BM-3). Ashley Ferguson gives inshore/NRDA update: the Program was awarded \$5,450,000 (NRDA) in 2019 to enhance 11 reefs. Completed 9 enhancements, one cancelled, Independence Island remaining. Materials included crushed limestone and ‘fish boxes.’ Fund balance is \$473,855—will petition LATIG to roll leftover money into monitoring. Built 4 reefs with Lake Pontchartrain Basin Foundation; used Reefballs, limestone, and shell. Two upcoming projects with CCA: Finfish Reef and Bay Ronquille; each will use roughly 2,000-4,000 tons of recycled concrete. P. Banks asks about Bay Ronquille. A. Ferguson: it’s an existing reef (2004) that will be enhanced. Popular area with Grand Isle anglers. P. Banks: close to Independence? A. Ferguson: yes, but close to pass (Abel) and different material type plus popular area made it worth enhancing. Zach Chain provides a

history of the NRDA Artificial Reef Enhancement program and an update on current monitoring efforts. The Artificial Reef Monitoring Program has been tasked with determining the presence or absence of aquatic animals, plants, invertebrates, and fish; and conducting human dimension surveys to assess utilization, awareness, and economic impact of reef enhancements. Methods for assessing presence or absence of aquatic animals include deployment of gill nets, benthic trays, rod and reel sampling, and user observations to assess use. 2020 biological survey results were discussed. Invertebrates, including incrusting organisms were observed in the benthic trays. Cryptic species were also observed. Gill net data was discussed. East Calcasieu Reef showed the greatest species abundance, while West End Reef had the greatest species diversity. Benthic tray sampling proved to be problematic. All trays that had been deployed were lost due to multiple storm events. Pictures of the benthic trays were shown with Flathead Catfish, Naked Gobies, grass shrimp, Bryozoans, hooked mussels, and Atlantic rangia. In questions, it was asked if any invasive species had been found in our sampling or indicators of climate change. ZChain responded that they had not. PBanks asked about species diversity at the East Calcasieu Reef and noted that the slide the data he was looking for was on a previous slide.

- 5) M. McDonough, budget: Council tasked with advising Program on how to spend Art Reef Fund



Variability, two contributions to State budget, currently constitutionally protected. Income up and down, likely to continue.

## Artificial Reef Fund

Year	Beginning Balance	Actual/ Projected Revenue	Actual/ Projected Interest Earned	Actual/ Projected Operating Expenditures	Other Expenditures/ Withdrawals	Ending Balance
2016-17	\$17,116,638.11	\$5,672,373.78	\$239,787.74	\$2,818,411.66	\$412,149.00	\$19,989,334.17
2017-18	\$19,989,334.00	\$1,542,637.00	\$370,262.13	\$2,933,739.64		\$18,997,282.91
2018-19	\$18,997,283.00	\$7,084,323.00	\$410,345.60	\$3,661,853.31		\$22,835,520.71
2019-20	\$22,835,521.00	\$959,415.00	\$407,088.07	\$8,211,322.23		\$16,013,479.45
2020-21	\$15,994,348.00	\$8,024,164.00	\$272,685.02	\$3,417,319.65		\$18,968,899.24

\$1,366,503.07

Attempting to budget to income, Strategic Plan: base current year's spending on two-fiscal-years-ago income (more time to account for variability); also 'banking' what we don't spend from each year, use in 'lean' years (including FY-21-22). C. D' Elia asked about Covid impact on planning. M. McDonough: FY-20-21 was strong year, included big donation, but only one for year. Didn't affect cash bottom line, but definitely fewer deployments. Oil price has stayed low—recovery will help, eventually.

### FY-21-22 Artificial Reef Budget

• Operations	\$2,520,000
• Permitting & planning and Monitoring	\$1,630,000
• Fisheries Research Laboratory	\$870,000
• Monitoring Activities	\$550,000
• Fund Master's-level research	\$50,000
• Other Monitoring activities	\$500,000
• Enhancement Activities	\$2,536,000
• Spat On Shell	\$1,186,000
• Reef deployments	\$1,000,000
• FAD Buoys	\$200,000
• Reef Marking	\$350,000
• Total	\$5,806,000
• **Menhaden by-catch study (legislative directive)	\$1,000,000**



P. Banks: menhaden study was not formal at time, expected during legislative session.

- 6) South Pass 37 “C” was a platform, the derrick was part of the Kerr-McGee Rig 56 installed on the platform. Derrick was toppled by Hurricane Betsy (1965). Now in two piles or pieces; water depth is ~160 ft. This is a SARS proposal; requires Council approval. Scott Rolseth presents for Hunt: stability, shrimp trawler interactions, and future liability. Site is 4 mi from shipping lane, 6 mi from South Pass; 140-170 ft water depth; is charted as an obstruction. Divers discovered the derrick in 2003, prior to site clearance trawling. Site is popular with recreational fishermen. Stability: dives in 1965 and in 2003 show that the site has remained in same location since 1965. 2016 survey by FUGRO shows derrick ~50 ft from former SP-37 “C” location. Geophysical surveys have found that mudflow gullies are at least 3,700 feet distant (2003); no further mudflow development in vicinity (2017). Many storms have passed over site since 1965; 14 storms have passed over the site b/w 2004 & 2016. There are no active pipelines within 500 ft. Site is charted, avoided by shrimp trawlers. Louisiana Shrimp Task Force (STF) passed motion in favor of leaving in place. Bureau of Safety and Environment Enforcement (BSEE) has expressed no concerns or objections. Hunt asserts that it is unlikely the site will give rise to future liability. C. D’ Elia asks about any objections to leaving in place. J. Dicharry answers that they’ve only gotten support. M. McDonough: Program has presented concerns previously, had been unable to get input from BSEE. Explains ‘further consideration’: Program presents to STF; informs other agencies of proposal; still need final approval from Council, Corps of Engineers permit, and Act of Donation. Positives to proposal: red snapper reef, very accessible; support from recreational anglers; STF in favor; least disruption to site. P. Banks asks why just + for red snapper. M. McDonough: we need something more quantitative than anecdotal. P. Banks: we have qualitative, we need quantitative. M. McDonough: yes, and explains that we received biological evaluation of East Cameron 278, recent successful SARS proposal. C. D’ Elia asks whether liability concerns had been alleviated. M. McDonough: it’s among the negatives. Negatives, or potential negatives: feedback from STF, not concerned; feedback from BSEE: no remaining concerns regarding infrastructure or future exploration; no active pipelines that would be impacted by reasonable movement. Precedent: site has been rejected by Program and Council; Robert Twilley: biological assessment would be better tool. Liability: if State were responsible for the derrick/debris, liable for 30-60% max recovery, wider salvage area, risk to pipelines. Hunt proposed sharing or retaining liability during previous Council meeting. A stability analysis could clarify this point also; WD-117 included an analysis that increased confidence in proposal. Recommendation: remain in further consideration, resolve liability questions, complete biological assessment; further Program outreach?; final approval at a subsequent meeting. C. D’ Elia asked if Council could give provisional approval, pending the biological assessment and resolving liability issues. P. Banks asks whether Program had discussed liability with Department legal staff: the law is that State accepts liability—can contracting share it? Duncan Kemp, LDWF attorney: we’ve discussed it, the statute states the donor shall not be liable if the materials meet the standards of the National Artificial Reef Plan (NARP). M. McDonough clarifies that Program has been taken hurricane-

downed platforms before, essentially determining that material met NARP; stability assessment would help to make that determination. D. Kemp: Hunt proposed sharing/retaining, first stop is statute (RS 56, 639.10); does see red flags, but could see some type of protection added to the Act of Donation—maybe adding clause whereby Hunt indemnifies LDWF. P. Banks: LDWF is liable, but we might be able to have the donor cover the liability, if agreed upon. D. Kemp: law does not preclude that. C. D' Elia: preference is to finalize now. P. Banks questions importance of a stability analysis when many storms have already passed over site. J. Lively asks whether SARS have been accepted with biological assessment. M. McDonough answers they haven't since the moratorium was lifted. There have not been a lot of biological assessment since moratorium was lifted—the larger picture is doing SARS in areas of Gulf where it makes sense (a new reef site would increase platforms being reefed instead of removed) AND demonstrating with a biological assessment that the SARS proposal supports the assemblages expected at a given platform. D. Kemp states that the liability does not concern legal from likelihood standpoint, but that indemnification would be helpful to comfort level. C. D' Elia asks whether further legislation would help. D. Kemp answers that legal can have that conversation with Program. P. Banks makes a motion to accept the South Pass 37 derrick into the SARS program pending biological evaluation and a reasonable indemnification assurance which is acceptable to the Program. C. D' Elia also encouraged exploring amending the statute to make this more clear in the future. M. McDonough expresses that a “yes” on a special case is likely to lead to more special cases. P. Banks feels that this structure has been down long enough, providing benefit to public; can't compare to every toppled structure. Motion, eventually, carries.

- 7) No public comment.
- 8) No other business
- 9) Meeting adjourns.