

Flower Garden Banks National Marine Sanctuary Advisory Council Advice Acknowledgment

Issue Synopsis & Superintendent's Request of the Council

At the November 14, 2012 FGBNMS advisory council meeting, the chair of the artificial reef working group gave a presentation on the status of the working group's artificial reef study, including their online survey. The artificial reef working group also presented, for consideration by the full council, a special recommendation for HI-A-389-A.

Previously, in the spring of 2012, the sanctuary superintendent requested a recommendation from the council on the preferred option for platform disposition. At that time, the council endorsed deferring removal activities of HI-A-389-a until September 2013 to allow the sanctuary's artificial reef working group to gather further stakeholder input to make a recommendation to the full council and sanctuary management.

Subsequent to the Advisory Council recommendation referenced above, the artificial reef working group met to further consider this issue. It became obvious that deferment of a decision on the HI-A-389A until September 2013 was not possible, due to the time requirements established by the Bureau of Offshore Energy Management (BOEM). Therefore the working group prepared a new recommendation for consideration by the full Council.

The recommendation made at the November 14 meeting applies only to HI-A-389-A and is not the final recommendation of the working group study, which is not yet complete. The working group felt a need to make a special recommendation now due primarily to the platform owner's time constraints and their desire to be released of liabilities by summer 2013.

Necessary Attachments:

None; this advice acknowledgement is the sole document at this time.

Council's Majority Opinion

Irby Basco moved to accept the recommendation as presented. The FGBNMS advisory council voted in favor of accepting the recommendation made by the artificial reef working group. The motion carried with seven in favor and two opposed.

Council's Minority Opinion

Two of the nine voting members present at the November 14 council meeting disagree with the recommendation to leave the HI-A-389-A platform structure in place with mechanical partial removal at 60 feet below the water surface.

Recommendation Made to Sanctuary Superintendent

On November 14, 2012, the council adopted the following statement as their official position regarding the disposition of HI-A-389-A:

"The FGBNMS advisory council artificial reef working group recommends that the HI-A-389-A platform structure remain in the FGBNMS but be mechanically cut below the surface at a nominal depth of 60 feet, which is the same depth as the natural reefs nearby. This is called a partial removal. Additionally, we recommend that: a) the ten vertical well conductors be retained to maximize the marine environment, and b) the FGBNMS management and the Texas Parks and Wildlife Department (TPWD) artificial reef program agree on a monitoring program that makes sense for benefitting the sanctuary without requiring the donating operator to pay more than called for by the typical rigs to reef program rules. These recommendations apply only to HI-A-389-A and in no way indicate the final recommendations of the artificial reef study. Because of W&T's timing to complete decommissioning, it is critical that the FGBNMS management communicate the preferred disposition to W&T before the end of the year."

Sanctuary Superintendent's Final Decision

Concurs with Council X* Disagrees with Council

*With conditions/modifications

Manager's Reasons for Disagreement:

There are three components to the recommendation.

- 1) Partial removal of the platform at a depth of 60 feet. I concur with the recommendation of partial removal (with the proviso that an adequate monitoring program be established – see below). However, I have concerns about the recommendation to cut the platform at 60 feet. This portion of the recommendation is in conflict with the US Coast Guard guidelines for artificial reef development and the Army Corps of Engineers general permit to the Texas Parks and Wildlife Department Artificial Reef Program. The USCG recommends a clearance depth of 85 feet. There is the possibility that a shallower depth could be negotiated with USCG during the permitting process. Regardless, I believe that 60 feet is too shallow and could pose a threat as a navigational hazard. The statement in the recommendation that "this is the same depth as the natural reefs nearby" is inaccurate and irrelevant. There are only a few, very small areas of the reef that are that shallow. The "average" depth of the shallow reef cap is approximately 76 feet. In addition, the structural aspects of the platform should be taken into consideration. The platform should be cut at a location where there will be maximum stability, provided by horizontal cross-members. These components are located at 28 feet, 72 feet and 120 feet. The best location for the platform to be cut would be just above these structural components. The shallowest that I could recommend is therefore 72 feet. If cut at 72 feet, USCG will require that a lighted buoy be placed on the submerged structure until the obstruction is charted. The artificial reef applicant (TPWD) must provide funding and maintenance for this navigational aid.

- 2) Vertical conductors retained to maximize the marine environment. I concur with this part of the recommendation.

- 3) FGBNMS and TPWD agree on a monitoring program that does not require additional funds above that to be received through the "Rigs to Reefs" donation program. I generally concur with this portion of the recommendation, but it is dependent upon information that we do not have at this time. This information includes: a) the amount of the donation to TPWD, and b) whether TPWD is willing and able to utilize the donation funds for platform monitoring. Assuming that the donation will be sufficient to support a monitoring program, and TPWD will commit to a mutually agreeable monitoring framework, then I will concur with this portion of the recommendation.

Signature of Transmittal of Information to ONMS Director

Acknowledges what has transpired:



Daniel J. Basta
Director, Office of National Marine Sanctuaries



Date

ONMS Director Comments: