

Testimony of  
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Before the  
House Natural Resources Committee  
Subcommittees on Energy and Mineral Resources  
United States House of Representatives

Regarding  
H.R. 5745, the Marine Fisheries Habitat Protection Act

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Thank you, Chairman Stauber, Ranking Member Ansari, and members of the Subcommittee. My name is Chris Horton, and I'm the Senior Director of Fisheries Policy for the Congressional Sportsmen's Foundation (CSF). First, I would like to thank the Chairman, Ranking Member, and Members of the Subcommittee for holding a hearing on H.R. 5745, the Marine Fisheries Habitat Protection Act, a bill strongly supported by CSF. This bipartisan, science-based, and very timely legislation will help to ensure that extremely important fishing and diving destinations and highly productive marine habitats off our coasts are protected today and for future generations.

Established in 1989, CSF is a non-partisan organization that works with the bipartisan Congressional Sportsmen's Caucus (CSC), the largest, most active caucus on Capitol Hill, and with state legislators and governors across the country. The current House CSC Co-Chairs are Representatives Bruce Westerman (AR) and Jimmy Panetta (CA), and Vice Chairs are Representatives August Pfluger (TX) and Troy Carter (LA). I have had the privilege to work with Members of Congress, state legislators, governor's offices, state and federal natural resource agencies, and recreational fishing organizations for the last 14 years serving as the fisheries policy lead for CSF.

After receiving a Master of Science degree with a major in Fisheries Science, I began my career as a fisheries research biologist for a state natural resource agency. Prior to joining CSF in 2010, I held the position of conservation director for B.A.S.S., the largest membership-based angling organization in the world. I am the immediate past chair of the Sport Fishing and Boating Partnership Council, a statutorily required Federal Advisory Council that reports to the Secretaries of Commerce and Interior, and I am currently on the board of the National Fish Habitat Partnership.

An avid angler from a very young age, saltwater fishing became a passion for me about 20 years ago while living in Florida. Today, the Gulf waters, and particularly those both inshore and offshore of Fort Morgan, Alabama, are where I spend much of my time chasing saltwater fish from red drum to red snapper. Not coincidentally, many of my best and most consistent fishing locations are associated with oil and gas platforms and their related infrastructure.

Energy infrastructure on the Outer Continental Shelf (OCS) has boosted fish, coral, and other marine animal productivity for more than three quarters of a century by providing the necessary hard substrate, in an otherwise soft mud/sand substrate, on which organisms can colonize and begin assimilating nutrients from the surrounding water column and developing local reef ecosystems. In addition to providing incredibly important destinations for recreational anglers, divers, and commercial fishermen, over time, these structures have been the catalyst for teeming communities of fish and marine life. In fact, the contributions of OCS energy infrastructure, as well as artificial reefs in general, to enhancing marine ecosystems is well documented, and I offer several examples below.

#### Fisheries Abundance and Production

A March 2020 report funded by the Bureau of Ocean Energy Management (BOEM) found that as much as 48% of the estimated greater amberjack stock in the Gulf of America is likely associated with OCS platforms and infrastructure.<sup>1</sup> In addition, the report stated that "Platform removals are likely having, and will likely have, significant adverse impacts on local fisheries, especially those offshore Louisiana and Mississippi." Likewise, studies suggest that the production of young red snapper in the Gulf of America has likely increased as a result of habitat enhancement by artificial structures, including OCS platforms.<sup>2 3</sup>

A 2014 study published in the Proceedings of the National Academy of Sciences found that, "...oil and gas platforms off the coast of California have the highest secondary fish production per unit area of seafloor of any marine habitat that has been studied, about an order of magnitude higher than fish communities from other marine ecosystems."<sup>4</sup> Furthermore, a 2015 modeling study published in Integrated Environmental Assessment and Management concluded the potential contribution of reefing a platform by partial removal to fish production in this region of California is significant.<sup>5</sup>

### Production vs. Aggregation

Until relatively recently, there has been a longstanding debate as to whether artificial structures like oil and gas platforms simply attracted and aggregated fish from surrounding areas or whether they contributed to secondary production and new biomass locally. While some level of aggregation no doubt occurs, recent research is adding to a growing body of evidence that artificial habitats provide important ecological functions, including secondary production.

For instance, using stable isotope ratios of carbon (<sup>13</sup>C) and nitrogen (<sup>15</sup>N) of the pelagic and benthic organic matter surrounding artificial reefs as a unique "fingerprint" (so to speak), Cresson et al. (2014) demonstrated that artificial reefs effectively support biomass production, as invertebrate species directly depended on locally produced organic matter, primarily from the water column. Isotopic ratios of surrounding fish confirmed the importance of the artificial reefs as a food supplier.<sup>6</sup> Essentially, this study supports the notion that OCS platforms and other artificial hard structure allow for sessile filter feeders (barnacles, clams, mussels, oysters, etc.) to attach and colonize. These organisms begin building biomass locally by collecting and feeding on phytoplankton from the surrounding

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<sup>1</sup> [https://espis.boem.gov/final%20reports/BOEM\\_2020-038.pdf](https://espis.boem.gov/final%20reports/BOEM_2020-038.pdf)

<sup>2</sup> <https://sedarweb.org/documents/s31rd18-a-life-history-review-for-red-snapper-in-the-gulf-of-mexico-with-an-evaluation-of-the-importance-of-offshore-petroleum-platforms-and-other-artificial-reefs/>

<sup>3</sup> <https://sedarweb.org/documents/sedar-52-rd-02-investigation-of-the-relative-habitat-value-of-oil-gas-platforms-and-natural-banks-in-enhancing-stock-building-of-reef-fish-in-the-western-gulf-of-mexico/>

<sup>4</sup> <https://www.pnas.org/doi/pdf/10.1073/pnas.1411477111>

<sup>5</sup> <https://setac.onlinelibrary.wiley.com/doi/10.1002/ieam.1689>

<sup>6</sup>

[https://www.researchgate.net/publication/265067101\\_Artificial\\_reefs\\_do\\_increase\\_secondary\\_biomass\\_production\\_Mechanisms\\_evidenced\\_by\\_stable\\_isotopes](https://www.researchgate.net/publication/265067101_Artificial_reefs_do_increase_secondary_biomass_production_Mechanisms_evidenced_by_stable_isotopes)

water column that would have otherwise drifted out to sea over soft mud/sand bottoms. The growth and increasing abundance of the filter feeders provides forage for other invertebrate predators and fish, thus allowing for the assimilation of planktonic organic matter, again otherwise lost in the absence of hard structure, to the top of the local trophic food chain.

In addition to the assimilation of pelagic organic matter to the trophic chain locally, the introduction of artificial habitat where natural reef habitat is absent can increase fish production by enhancing larval and juvenile fish survival. Heath et al. (2020) looked at production versus attraction at three widely separated estuaries with limited rocky-reef habitat along the coast of southeast Australia. Their findings “provide evidence that the fish seen on artificial reefs were not attracted from the nearby rocky-reefs and were likely ‘produced’ by the addition of artificial reefs in these estuaries. Artificial reefs can increase the carrying capacity in these estuaries by providing refuge that would otherwise be unavailable.”<sup>7</sup>

#### Benefits of OCS Platforms for Corals

While the abundance of fish around OCS platforms is an inherent draw for anglers and divers alike, it is the diving community that is privileged to see up close the true splendor of these artificial reefs. Many species of stony corals are commonly found in abundance on OCS platforms in the Gulf of America, and these artificial reefs could serve as important donor colonies for coral restoration efforts and provide a great example of real and effective climate resiliency opportunities.

Sammarco et al. (2004) surveyed thirteen OCS platforms for corals in the northern Gulf of America. They found eight hermatypic scleractinians (reef-building stony corals), two of the most common of which were the ten-ray star coral (*Madracis decactis*) and the symmetrical brain coral (*Diploria strigosa*, now *Pseudodiploria strigosa*)<sup>8</sup>. Both species are on the International Union for the Conservation of Nature (IUCN) red list and are considered critically endangered globally.<sup>9,10</sup> Subsequently, the authors conclude, “Platforms have facilitated the expansion of coral populations in the GOM. Such platforms possess an intrinsic environmental value through the presence of coral populations, and this may influence future decisions regarding their removal.”<sup>11</sup>

In a final report to BOEM on this study, as well as studies on coral recruitment and genetic affinity in 2013, Dr. Sammarco states, “These communities should be considered fragile

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<sup>7</sup> <https://besjournals.onlinelibrary.wiley.com/doi/full/10.1111/1365-2664.13666>

<sup>8</sup> <https://www.researchgate.net/publication/234046738> Expansion of coral communities within the Northern Gulf of Mexico via offshore oil and gas platforms

<sup>9</sup> <https://www.iucnredlist.org/species/133663/166001780>

<sup>10</sup> <https://www.iucnredlist.org/species/133155/165745174>

<sup>11</sup>

<https://www.researchgate.net/publication/234046738> Expansion of coral communities within the Northern Gulf of Mexico via offshore oil and gas platforms

because of their slow development rate. Mass coral mortality on these platforms would require decades for recovery.”<sup>12</sup> Yet, given current policies regarding OCS infrastructure at the end of its production life, we are on a trajectory to lose around 75% or more of these coral populations on OCS platforms in the near future. Furthermore, without the hard substrate throughout the water column that OCS platforms provide, there will be no chance for recovery.

### Cost To Replace

The cost to replace these habitats, once they have been removed, would be excessive. For instance, the Alabama Department of Conservation and Natural Resources (AL DCNR) has the most extensive artificial reef system in the world. A concrete pyramid 15 feet in height commonly used for artificial reefs costs around \$500 per cubic meter of volume for the agency to construct, haul, and deploy.

A real example of a basic 4-leg platform off the coast of Louisiana in around 130 feet of water depth would require 397 pyramids to replace the same volume of habitat at a cost of \$3.9 million dollars. The deeper the water and the more legs on the platform jacket, the cost is exponentially higher. Nonetheless, just assuming a \$3.9 million price tag for the shallow, four-leg example and applying to the remaining 1,017 platforms in the Gulf of America, a very conservative replacement cost of the lost habitat equals \$3.97 billion. However, this estimate does not account for the tremendous loss of revenue from recreational and commercial fishing over the decades it would take for reef ecosystems to develop on new artificial structures nor does it account for the immediate loss of marine life that often occurs when oil and gas infrastructure is removed from the water, including the loss of critically endangered corals as previously mentioned.

### Rigs-to-Reefs Program

Fortunately, there is an opportunity to convert these highly productive, climate resilient structures into permanent artificial structures through the Rigs-to-Reefs program. In 1984, Congress passed the National Fishing Enhancement Act (NFEA), which was followed shortly thereafter by the National Artificial Reef Plan (NARP) in 1985. The NARP allows for states that have an approved Rigs-to-Reef plan to accept liability and ownership of OCS infrastructures. In total, there are five federal agencies that have a role in the eventual permitting of platforms to a Rigs-to-Reefs program (Bureau of Safety and Environmental Enforcement, Environmental Protection Agency, National Marine Fisheries Service, US Coast Guard, US Army Corps of Engineers). However, three primary conditions that must be met are 1) a permit from the U.S. Army Corps of Engineers on the final reefing location and at a US Coast Guard-approved surface clearance depth; 2) all components to be reefed must be cleaned and clear of contaminants; and 3) the platform owner has permanently capped and abandoned all associated wells, just as they would if decommissioning the structure to shore.

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<sup>12</sup> <https://espis.boem.gov/final%20reports/5335.pdf>

An additional “win-win” to the Rigs-to-Reefs program is that the OCS platform owner shares a portion of their decommissioning cost savings of reefing a structure with the state accepting liability, typically at 50% of the difference in the cost to reef the structure versus towing to shore for decommissioning. To date, there have been over 600 OCS platforms reefed as part of a state’s Rigs-to-Reefs program. While the majority of those were off the coast of Louisiana and Texas, all five Gulf of America states have benefited from the Rigs-to-Reefs program, both through the permanent addition of habitat and financially in a way that would otherwise not exist if it were not for the Rigs-to-Reefs program.

#### Current Challenges for the Rigs-to-Reefs Program

Since the first OCS platform was constructed in the Gulf of America in the 1940’s, there have been somewhere around 7,000 platforms installed over time, though only 1,017 remain today. Given the lengthy process (24-48 months, personal communication with a state artificial reef coordinator) to secure permits in the transfer of liability of a single structure to the states, it is implausible that a majority of the hundreds of platforms that have reached, or are nearing, their end of life will remain to provide valuable habitat under the current Rigs-to-Reefs program unless action is taken.

Furthermore, the best option for reefing a structure is to reef in place, preserving the local marine ecosystem and biodiversity that took decades to develop. However, if a platform is not already located in a designated reefing area approved by the US Army Corps of Engineers, it must be towed to such an area, or a new and often time-consuming permit must be secured from the US Army Corps of Engineers to reef on site. The cost to tow these large structures more than a few miles can be prohibitive, and platform owners frequently opt to scrap the structure onshore.

#### The Solution

The Marine Fisheries Habitat Protection Act would facilitate the conversion of prolific marine habitats on standing OCS platforms to permanent artificial reefs under the Rigs-to-Reefs program, ensuring their contribution to fisheries productivity endures for future generations. Specifically, the bill allows for reefing structures in place if a science-based evaluation of remaining structures confirms the presence of established reef fish communities and allows for more time for the structures to be converted to a state’s Rigs-to-Reefs program.

This bill does not remove any platform decommissioning responsibilities by the owners. The bill also does not relieve oil and gas companies of their liability for any associated wells, which must be permanently plugged, capped, and abandoned whether the platform structure is decommissioned to the Rigs-to-Reefs program or decommissioned on land. Rather, this bill would assist in facilitating the timelier conversion of many end-of-life platforms where the disposition of which may be uncertain.

OCS platforms are incredibly important tourism destinations that provide significant economic benefits to nearby coastal communities. For anyone who has ever fished

offshore from Texas to Alabama, chances are, you fished around an oil and gas platform. Whether you are an angler or recreational diver from Louisiana, Maine, Alaska, or anywhere in between, these artificial habitats in federal waters belong to us all, and people come from all over the country and the world to experience the rich, diverse habitat and biodiversity OCS platforms have to offer.

Though not addressed in this legislation, but worth noting in the greater context of the value of artificial habitats, the NFEA prohibits the U.S. Government from assuming liability for artificial reefs. While the need to preserve state primacy is certainly necessary in state waters, there could be circumstances where new or existing artificial habitats located in federal waters have significant biodiversity or cultural values that would warrant preservation and management by the National Oceanic and Atmospheric Administration, provided the proximate coastal state is unable or unwilling to assume liability and where the risk of the U.S. holding title is acceptably low.

In closing, H.R. 5745, the Marine Fisheries Habitat Protection Act, is simply a “win” for anglers, commercial fishermen, recreational divers, fisheries productivity, biodiversity, climate resiliency, conservation funding, and nearby coastal communities. The bill uses a science-based approach to identify habitats associated with OCS energy infrastructure that support important assemblages of fish and coral and encourages the conversion of that infrastructure to permanent artificial reefs under state ownership, all while maintaining the environmental safety requirements for infrastructure decommissioning.

For these reasons, we urge your support for H.R. 5745.