

- SUBJECT:** Donation and transfer of materials for construction of artificial reefs
- COMMITTEE:** Culture, Recreation, and Tourism — committee substitute recommended
- VOTE:** 5 ayes — Hilderbran, Kuempel, Baxter, Dukes, Dunnam
0 nays
2 absent — Gallego, Phillips
- WITNESSES:** For — Jim Morrison, Artificial Reef Advisory Committee; Joey Park, Coastal Conservation Association Texas
Against — None
- BACKGROUND:** Parks and Wildlife Code, ch. 89, the Artificial Reef Act of 1989, directed the Texas Parks and Wildlife Department (TPWD) to promote and enhance the artificial reef potential off Texas coasts. TPWD developed the Texas Artificial Reef Plan, which was adopted by the Parks and Wildlife Commission in 1990. The goals of the plan are to enhance fishery resources biologically, commercially, and recreationally. Artificial reefs are structures deliberately placed in the aquatic environment to enhance fishery resources and fishing opportunities.

Sec. 683.012 of the Transportation Code describes the methods that a law enforcement agency must use to send notice of abandonment to the owner of a watercraft or other vehicle so that person can have the opportunity to claim the vehicle.
- DIGEST:** CSHB 883 would allow TPWD to authorize a person to place a donation of reef materials in a permitted zone in accordance with chapter 89 of the Parks and Wildlife Code.

A law enforcement agency, with TPWD consent, could transfer to TPWD a watercraft not claimed under Transportation Code, sec. 683.012 for use as part of an artificial reef or for other appropriate TPWD use. When the watercraft was transferred, TPWD would have the title free and clear of all liens and claims of ownership and would be entitled to register the watercraft and receive a certificate of title.

Someone who waived rights to a watercraft once owned would consent to the transfer of the item as specified above if that watercraft were not claimed under sec. 683.012.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005.

**SUPPORTERS
SAY:**

CSHB 883 would open the door to expand The Texas Artificial Reef Program and promote the creation of more artificial reefs. Artificial reefs create fishing opportunities. They provide hard surfaces for attachment by habitat-limited creatures such as barnacles, corals, sponges, and clams, which are an early step in the food chain that supports a variety of reef fish. Reefs provide food and shelter for populations of resident fish like snapper and grouper. Transient species of fish can benefit by feeding on the resident fish. Enhanced fish populations would increase the angling and diving opportunities and, in turn, support local economies.

The bill would help ease the financial burden on TPWD for reef materials in a time of tight budgets. Law enforcement agencies that have confiscated a derelict watercraft could transfer that watercraft to TPWD to use as an artificial reef. The bill also would authorize TPWD to allow private citizens to deploy artificial reef materials, creating more recycling opportunities. TPWD could refuse an item or watercraft if it did not meet standards for appropriate reef material or if funds were not available to use it.

Derelict vessels are viewed by many as a problem along the Texas coast. Some estimates say as many as 400 abandoned watercraft are in Texas waterways, creating public safety hazards. CSHB 883 would provide a constructive use for derelict vessels. TPWD could use working vehicles for enhancement of the agency's reef building mission.

**OPPONENTS
SAY:**

CSHB 883 would create permitted zones for public placement of reef materials, but one problem with these zones is that recreational fishers sometimes create reefs around the edges and even outside the zone, hoping to increase the chances that no one else will find the reefs from which they fish. This creates conflicts with members of the commercial fishing industry, particularly with shrimpers as their boats intersect with the boundaries of these zones. Commercial fishing nets can be ruined by stray reef materials that may exist in higher quantities around the edges of the

artificial reef zones.

**OTHER
OPPONENTS
SAY:**

Artificial reef materials can interfere with commercial fishing. Car bodies used as artificial reef material have been known to be moved by storms or to break apart, resulting in interference with commercial fishing. One state now prohibits automobile reefs.

If individuals were held liable for reef construction, then private citizens might take more care in preventing the break-off of materials. TPWD should consider this in developing rules and guidelines for this program.

NOTES:

The committee substitute would allow law enforcement entities to transfer abandoned watercraft to TPWD for the artificial reef program or for other appropriate uses. This provision is in a related bill, HB 882 by Seaman.

SB 455 by Armbrister, the companion bill to HB 883 as filed, and SB 453 by Armbrister, the companion bill to HB 882 as filed, were reported favorably from the Senate Natural Resources Subcommittee on Agriculture and Coastal Resources on April 14 and were scheduled for a full committee hearing on April 19.