Reef loss may cost La. millions

By BOB ANDERSON
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Many of the exposed reefs that were used to establish an important state resource for purposes of oil and gas royalties have disappeared, and the state is losing the millions of dollars in revenue.

The key is the federal government, which can act at any time to reopen the coastal boundary. Louisiana’s three-mile mineral rights limit ends if the federal government is to be successful in putting the state’s boundary back from the Point au Fer Reefs to the line it previously used, the change could cut out rich gas fields and result in the loss of millions of dollars in royalties each year, according to members of the state mineral board.

The reefs in question once ran in a tight line from Shell Keys to Point au Fer, forming a barrier that fishermen say made navigation difficult. But a recent aerial survey of the reefs indicates that it is no longer the case, said Lindsey Dumond of the state mineral board.

Dumond said that confirms what he has seen personally on frequent fishing trips to the area.

There are only three reefs that still jut above the water level, says shrimpman John Maljevich, who adds that in the last few years there were just a few places that a boat could get through the tight line of reefs.

Date Givens, head of the Department of Natural Resources’ water division, said he believed the reefs were six months ago and made a similar observation.

DNR has requested satellite photographs to help determine how many exposed reefs remain, Deputy Secretary Winston Day said.

The loss of the reefs has come to light as a result of a series of controversies over shell dredging permits which were recently issued by the Department of Natural Resources.

The permits include restrictions against dredging the boundary reefs, but permit opponents say previous permits also contained such restrictions.

Schoettler, one of the dredging opponents, said he has witnessed dredging of some of these exposed reefs.

DNR says the dredgers maintain they have not dredged the reefs in that area. Other possible reasons for disappearance of the reefs are pipeline constriction and hurricanes, says Bill How of DNR.

Day says the new permits are much more strict than the old ones and for the first time contain provisions for monitoring the presence of shell dredgers.

Several state officials have been reluctant to talk about the loss of reefs, voicing concerns that if the federal government finds out there is a land loss it

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Reefs

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may try to change the state’s boundary to gain royalties for the federal government.

"I wouldn’t want to say anything that would jeopardize the state," said Alane Abbott, a member of the mineral board.

But she said she is very concerned about the reefs and wants to make sure no further harm comes to them.

A change of the state’s boundary in that area could have a "very significant impact," said Nick Troy of the attorney general’s office.

Abbott said the experts in his office feel there are persons in the U.S. Justice Department who would like to reopen the boundary dispute, but are waiting for the proper time to do so.

There may also be some persons in Congress who would like to push changes in those waters from state to federal, she said.

"I think it’s a concern to all of us," said Bill Mican, chairman of the mineral board.

He said he wants to see the state lose any land to the federal government, and that is why he would like to see the Louisiana congressional delegation push to have the state’s current boundary made permanent.

In the 1960s the federal government drew what has commonly been called the Chairmain line as the boundary for the state. In the Atchafalaya Bay area, that line ran from Marsh Island to Point Chevreuil, which did not include a large portion of what is now the state boundary.

That the state was successful in its argument to the U.S. Supreme Court that the reefs should be considered part of the state, forming a closing line between Marsh Island and the land to the east.

The state was only able to stretch its boundary across the Gulf in that area because of the line of reefs, since the distance between Marsh Island and Point Chevreuil is over 20 miles recognized by international law as a maximum for which a bay can be drawn across the mouth of a bay, according to How, who provided technical information for the case in the tidelands board.

Neither How nor any other staff interviewed would speculate on how many of the reefs need to be present to maintain the boundary.

What the federal government will do if all or a great portion of those reefs have disappeared or if they all disappear would probably depend on who is making the federal decisions, said How.

If it is left up to the U.S. Justice Department, he said, it is likely that the federal government would try to get the state’s boundary moved back.

Whether the U.S. Supreme Court would be willing to accept just a few reefs as a boundary remains to be seen, he added.

Neither How nor any of the other staff interviewed would speculate on what would have to be done to the reefs to keep the state’s boundary.

Todd said that one fall he fished next to a set of reefs and the next year they were gone.

"The entire area was covered with reefs," Todd said. "They no longer exist."

Map shows Point au Fer reefs, center, key part of state’s boundary in oil-rich area

what it would cost the state if its boundary were moved back in this area, although several said the amount would be large.

The Rabbit Island field, which is one of Louisiana’s biggest gas producers, could be lost to the state, How said.

Other fields in the area would also be jeopardized, he said.

Half of the Eugene Island Field, which is another top producer, could also be lost, said Harold Schoettler of the Sierra Club.

White Shell Key was a very prominent piece of land in the state’s boundary, said Schoettler. He said he has seen dredging working on White Shell Key and White Shoel Reef, both of which have disappeared.

"Some of those reefs were big enough to play a baseball game on," said Francis Todd of Franklin.