

Summary of Pre-Permitting Correspondence for the Escambia LAARS Permit

DATE	FROM	WITH	TO	WITH	SUBJECT	TYPE
Nov-94	Jon Dodrill	FDEP	file	FDEP	summary of pre-permit process	memo
9/1/1993	William Horn	FDEP	Janet Llewellyn	FDEP-Wetland Resources	Request for comments	memo
9/1/1993	William Horn	FDEP	Mike Ashy	FDEP-Submerged Lands	Request for comments	memo
9/1/1993	William Horn	FDEP	Bill Hincley	FDEP-Solid/Hazardous Waste	Request for comments	memo
4/22/1994	Jon Dodrill	FDEP	William Muir	USEPA	materials approvals	letter
4/22/1994	Jon Dodrill	FDEP	Mike Perkins	USCG	materials approvals	letter
4/26/1994	Jon Dodrill	FDEP	Ron Schmeid	NMFS	Alabama reefs program	phone
4/26/1994	Jon Dodrill	FDEP	Gimny Vail	FDEP	LAARS planning	memo
4/28/1994	Jon Dodrill	FDEP	James Hazlik	USCG	MARPOL	phone
5/6/1994	Mike Perkins	USCG	Jon Dodrill	FDEP	MARPOL regs	letter
5/10/1994	Jon Dodrill	FDEP	Gary Collins	USEPA	materials approvals	letter
5/12/1994	Jon Dodrill	FDEP	Shirley Stokes	USCOE	permit application	letter
5/16/1994	Wesley Crum	USEPA	Jon Dodrill	FDEP	EPA regs	letter
6/24/1994	Rodger Scofield	Pasco County	Shirley Stokes	USCOE	LAARS public comments	letter
6/28/1994	Tom Ash	Hillsborough	Shirley Stokes	USCOE	LAARS public comments	letter
7/3/1994	Curtis Kruer	Biologist	Shirley Stokes	USCOE	LAARS public comments	letter
7/7/1994	R.N. Harrison	USCG	Shirley Stokes	USCOE	LAARS public comments	letter
7/7/1994	Gail Carmody	USFWS	Shirley Stokes	USCOE	LAARS public comments	letter
7/15/1994	Marie Burns	USCOE	Jon Dodrill	FDEP	permit correspondence	letter
7/21/1994	Chris Oynes	MMS	Shirley Stokes	USCOE	LAARS public comments	letter
7/22/1994	Jon Dodrill	FDEP	Shirley Stokes	USCOE	permit correspondence	letter
7/28/1994	Marie Burns	USCOE	Jon Dodrill	FDEP	permit correspondence	letter
8/7/1994	Jon Dodrill	FDEP	Shirley Stokes	USCOE	permit correspondence	letter
10/19/1994	John Hall	USCOE	Jon Dodrill	FDEP	copy of signed permit	letter



Department of Environmental Protection

Lawton Chiles
Governor

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Virginia B. Wetherell
Secretary

STATUS OF LARGE AREA PERMITS APPLIED FOR BY THE STATE OF FLORIDA IN FEDERAL WATERS OFF THE WESTERN PANHANDLE. (NOVEMBER, 1994)

In August of 1993, the Artificial Reef section of the Office of Fisheries Management and Assistance Services under the Division of Marine Resources, Florida Dept. of Environmental Protection began work on determining possible large areas suitable for the deployment of small artificial reefs by local individuals associated with the charterboat industry. Following a series of three September 1993 public meetings in Pensacola, Shalimar, and Panama City, where charter fishermen stressed the importance of individual construction of numerous small artificial reefs to their livelihood, DEP spent many hours working on possible large areas for use as artificial reefs. Identifying these large areas was a response to resolutions by Escambia and Okaloosa Counties for the state to assume the responsibility (and liability) for these large areas and to make formal application to the Army Corps of Engineers for such sites.

Bills were subsequently introduced into the 1994 legislative session by Representative Buzz Richie and Senator Richard Dantzler that would have allowed for the state to hold permits to large areas in the panhandle for purposes of artificial reef construction, would have set up an inspection program for materials used in reef construction prior to deployment, and would have set forth penalties for failure of reef builders to comply with conditions of the permit, and for transporting uninspected or unapproved reef materials, as well as placing them outside the approved area. A second companion bill would have permitted individuals to deploy private reefs in these large areas but would not have required the exact location of the individual reef sites to be public information. Positions were requested to set up and administer an inspection program.

The bills passed in the House but did not make it to the floor to be voted on in the senate. The bill died in the senate and did not become a statutory change to the artificial reef construction statute 370.25 F.S. Some senators and members of the general public had expressed concern that the program would continue to foster the widespread use of materials such as white goods, un-ballasted tires, vehicles, fiberglass boats, and other miscellaneous solid waste or otherwise recyclable materials of short term durability (less than 10 years) and marginal stability. All of these items had been previously banned in reef programs of all other gulf and Atlantic states with the exception of Alabama and were not approved of in the state's own artificial reef development plan. There was concern that such a program would spread to other parts of the state. Secondly, there was concern that the large areas could not be adequately managed to insure that materials would not be deployed illegally outside the permitted sites as was occurring periodically off Alabama, to the dismay of the shrimping industry.

Following the failure of the large area artificial reef bill to pass, the Director, Division of Marine Resources, and the Assistant Executive Director, DEP determined that the senate had sent the message to DEP that they were not interested in the Large Area Program as long as it was

perceived by the public, some biologists, and other reef managers as a loosely controlled solid waste disposal operation merely providing a system of relatively shortlived fish attractor devices for the immediate economic gain of the charter industry. There was also no mechanism for determining impacts, positive or negative of such a program on long term fisheries management reef fish stock recovery plans. Despite the development of over 7,000 private reefs in the panhandle in the last 20 years, stocks of recreationally preferred reef fish species have continued to decline in the northern gulf since the 1960's.

The DEP Division of Marine Resources, remained interested in working with the charter fishing communities in the panhandle. The Office of Fisheries Management, Artificial Reef section was tasked with pursuing efforts to obtain permits to three large areas in the panhandle with the understanding from the Department that no private reef construction program in the large areas would be implemented without suitable law enforcement language in place that would address the continued chronic level of illegal reef construction and illegal dumping activity. Additionally, a functional inspection program, requiring use in accordance with Corps permit requirements, of those reef construction materials of a non polluting, longlasting, stable nature was also necessary.

Following two rounds of public comment, the large area permit application submitted to the Corps in the spring of 1994 was finally approved on October 12, 1994. The three large areas were reduced by nearly 50% at the request of the Department of Interior Minerals Management Service. They did not want the artificial reef sites overlapping with any of the active oil/gas lease blocks. There are dozens of these 3X3 mile blocks leased by several different oil companies in federal waters off the Panhandle. The U.S. Coast Guard also requested that the areas be moved away from all marked channels and shipping lanes. The DEP required that every effort be made to avoid known hard/live bottom areas.

The three current sites are Escambia West (43.3 sq. nautical miles), Escambia East (77.4 sq. nautical miles), and Okaloosa (56.7 sq. nautical miles). All three areas are rectangular in shape, range in depth from 15 to 25 fathoms, and are located in federal waters, a minimum of nine nautical miles offshore. A single permit number, 199402365 (IP-SS) covers all three sites. Until law enforcement language is in the statutes and a suitable inspection program is in place, these areas will not be utilized by private individuals without the direct involvement and oversight of DEP, the permit holder. The Corps permit limits materials placed on these sites to: natural limestone rock, clean concrete prefabricated materials, clean concrete rubble, heavy gauge construction grade steel materials, selected surplus military equipment or vessels cleaned in accordance with Coast Guard and EPA standards, and prefabricated designed artificial reef structures.

In the interim, the Department continues to work with panhandle counties by providing federal and state funds for the development of public reefs for recreational fishing and diving. DEP will support legislation that provides a framework for acceptable law enforcement language and penalties for illegal dumping as well as the funding and/or other means to set up a reasonable materials inspection program that may at a future date permit charter fishermen to legally develop individual reefs on state held permitted sites in federal waters off the western panhandle.

Jon W. Dodrill
Environmental Administrator

TO: Bill Hinckley, Chief,
Bureau of Solid & Hazardous Waste

THROUGH: Jon Dodrill, Environmental Administrator
Office of Fisheries Management & Assistance
Services

FROM: William Horn, Environmental Specialist
Office of Fisheries Management & Assistance
Services

DATE: September 1, 1993

SUBJECT: New Artificial Reef Program for the Northwest
Florida Region

This office has been requested by the Secretary of the Department to implement an "Alabama-like" artificial reef program for several areas of the Florida Panhandle, specifically Destin and Pensacola. Marine interests in these areas have requested this program due to the success that Alabama has had over the last 4 years with their artificial reefs.

The Artificial Reef Program, within the Office of Fisheries Management and Assistance Services has been tasked to develop this program, and we are in the initial phases of planning. We need the input of other sections of the department, such as yours, that may be able to give us assistance in the creation of this program.

Attached to this memo are two items; a brief summary of the proposed program with it's intent, and a rough draft outline with some details on how the program would be implemented. We have requested additional legislative authority and three positions to implement the program as outlined. It is too early in the process to determine the status of this request.

Please send your comments to this office before September 15, 1993. After we have received input from you and others within DEP, we plan to have several workshops in the affected areas as soon as possible to get local input for this plan, Thank you for your assistance and if you have any questions, feel free to call me at, 922-4340.

cc: Virginia Vail
Ed Irby
Lynn Griffin
Celso Alaisa
Fritz Wettstein

TO: Janet Llewellyn, Chief,
Bureau of Wetlands Resource Management

THROUGH: Jon Dodrill, Environmental Administrator
Office of Fisheries Management & Assistance
Services

FROM: William Horn, Environmental Specialist
Office of Fisheries Management & Assistance
Services

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cc: Virginia Vail
Ed Irby
Lynn Griffin
Celso Alaisa
Fritz Wettstein

TO: Mike Ashe, Chief,
Bureau of Submerged Lands and Preserves

THROUGH: Jon Dodrill, Environmental Administrator
Office of Fisheries Management & Assistance
Services

FROM: William Horn, Environmental Specialist
Office of Fisheries Management & Assistance
Services

DATE: September 1, 1993

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cc: Virginia Vail
Ed Irby
Lynn Griffin
Celso Alaisa
Fritz Wettstein



Lawton Chiles
Governor

Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Virginia B. Wetherell
Secretary

April 22, 1994

William C. Muir, Senior Oceanographer
U.S.EPA Region 3
841 Chestnut Building
Philadelphia, PA 19107-4431

Dear Bill:

For the last nine months, since I have been serving in the position of the artificial reef coordinator for Florida, I have been struggling with an issue that will have to be resolved very soon. Charter fishermen using the leverage of local legislators have pushed for the state of Florida to acquire permits to areas in federal waters encompassing several hundred square miles off the Western Florida Panhandle (Cape San Blas to the Perdido River, 10 fathom curve to the 50 fathom curve). They then want to be able to deploy private reefs at undisclosed locations within these zones. The materials they propose to use include but are not limited to: PVC plumbing pipe, PVC webbing material, corrugated PVC sheets glued together to form prefabricated structures, fiberglass sewer pipe, wood frames made from synthetic plastic woods, fiberglass portajohns, storage tanks, drums, and barrels, steel fuel tanks, porcelain sinks and toilets, wooden and fiberglass boat hulls, fiberglass boat molds, vehicles with fiberglass, glass windows, wiring and plastic elements and fuel tanks left in (petroleum products only removed), tires, concrete products containing fly ash, dishwashers, refrigerators, washers, dryers, (all with motors and wiring left in) shopping carts, chain link fence, aluminum products including aircraft.

The panhandle counties endorse the program but don't want the liability. Pressure has been placed on our department to proceed with securing an army corps permit for the above program. The Jacksonville District regulatory office will in all likelihood issue a permit unless somebody speaks up. They say they don't require an EIS for a permit to several hundred square miles of federal waters using such material as the above. Is this true?. With hundreds perhaps thousands of highly variable small reefs going out across a large area of largely unsurveyed bottom, within a few years, I find it hard to believe that no EIS would be required.

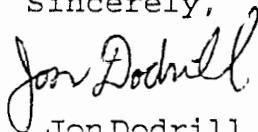
I have received no response from EPA region 4 when I called requesting assistance regarding the above several weeks back. Your name was provided as the expert. No other states are any longer

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dealing with these wide ranges of materials of opportunity which the fishing community proposes to use here.

My specific request is an EPA written stance (similar to what you did with the tanks) on the items I listed above, especially the fiberglass, pvc, plastic items. I need some sort of credible environmental ammunition to draw the line at what these private and charter fishermen can use to insure there will not be pollution or other environmental problems. Your assistance would be greatly appreciated. I do not have any EPA backed arguments not to use any of the above listed material.

Sincerely,

A handwritten signature in cursive script that reads "Jon Dodrill".

Jon Dodrill, Environmental Administrator
Office of Fisheries Management
and Assistance Services

April 22, 1994

Captain Mike Perkins
United State Coast Guard
150 North Royal Street
Mobile Alabama

Dear Captain Perkins:

Over five weeks ago I wrote the accompanying 03/16/94 letter to Lt. Robert Foster of the marine safety office in Panama City. The Florida Department of Environmental Protection is urgently in need of some written legal ruling regarding the use of fiberglass and plastic materials as "materials of opportunity" in the proposed development of private artificial reefs by charter and recreational fishermen in the western Florida panhandle. We have received no response from the U.S. Coast Guard to the accompanying letter.

Our department's Division of Marine Resources and Division of Law Enforcement as well as the Jacksonville District Office regulatory division of the Army Corps of Engineers respectfully request immediate guidance on the interpretation of MARPOL (33 CFR CH.1, Part 151.05, page 218, 7/1/93 edition) as it applies to artificial reefs. We are dealing with a situation which should be of great interest to the Coast Guard since it will potentially involve placement of a large quantity of material in federal waters over an area of several hundred square miles off the western panhandle at undisclosed locations by many different private individuals. This department has received pressure from fishing interests and local legislators in the western panhandle to hold army corps permits to large areas (hundreds of square miles) in federal and possibly state waters off Florida for the purpose of allowing private individuals to build reefs. These individuals are pushing for a program similar to what currently exists in Alabama. We are preparing an Army Corps application for a large area in federal waters and would like some Coast Guard guidance.

Potential private reef builders, some of whom are currently illegally putting out material, want to be able to legally expand their existing activities by placing in waters of your jurisdiction a wide range of materials which includes but is not limited to: derelict fiberglass or wooden vessels, fiberglass boat molds, prefabricated PVC modules consisting of PVC corrugated sheets glued together, PVC webbing, automobiles and other vehicles with plastic/fiberglass components, PVC piping, recycled plastic serving as synthetic wood products, fiberglass conduits, fiberglass

p. 2

portable toilets, metal and fiberglass fuel storage tanks, toilets, sinks, washers, dryers, refrigerators, dish washers, tires, aluminum products, concrete containing fly ash, glass, and rubber, products.

In summary, what is the formal position of the U.S. Coast Guard on the use or preparation for use of the above materials in state and federal waters off Florida? Where does your agency draw the line between disposal of solid waste materials in the name of "fishery enhancement" and development of artificial reefs? What are your feelings about undisclosed artificial reef sites at depths greater than 60'. What are your marking and navigational requirements regarding public reefs?

Thank you for your assistance in responding to the department's questions.

Sincerely,

Jan Dodrill, Environmental Administrator
Office of Fisheries Management
and Assistance Services
Mail Station 240
Phone: 904/922-4340
FAX: 904/922-0463

Phone Call with Ron Schmeid, National Marine Fisheries Service, St. Petersburg Florida. April 26 1994

Ron said he expressed to Alabama the following comments regarding the Alabama Large Area Reef Program:

1. No one is logging where exactly the material is being placed. No idea of what is being put out where; no big picture.
2. Basically the material on the bottom is a public resource but the public can't access it.
3. Charter fishermen have no basis or claim for secrecy since the material is public property when it hits the bottom.
4. He opposes the use of lightweight unstable materials that may move offsite.
5. He expressed concern over what happens to all the plastic pieces in automobiles and other items as the metal deteriorates.
6. The material must be of sufficient density that it needs to be properly anchored to remain where it is.

April 26, 1994

TO: Ginny Vail, Chief, OFMAS
FROM: Jon Dodrill, EA, OFMAS
SUBJECT: Brainstorm approaches to addressing the Western Panhandle Large Area Permit situation.

Bill Horn and I have spent many hours dealing with this panhandle artificial reef situation. We present a number of scenarios on how to move ahead if we are required by DEP to do so. Whatever option is ultimately selected needs to be evaluated based upon the following public and interagency concerns weighed against the objectives of the charter fleet.

The primary objective of developing personal artificial reefs is to enhance the potential for increased catch per unit effort (CPUE) of certain reef associated species by an unknown percentage of approximately 100-150 charterfishermen in the Destin/Fort Walton and Pensacola areas. Since most of the target species are already under heavy recreational and commercial fishing pressure, there are bag and size limits. Increased CPUE translates into bag limits more rapidly reached which translates into money saved on fuel, shorter trips, less time in transit between sites, and a sustained level of customer satisfaction manifested by repeat customers.

There is no mechanism in place for measuring change in CPUE in response to instituting a large area permit program and translating that change into measureable increased socio-economic benefit to either Pensacola or Destin/Fort Walton. The benefit of the charter fleets to the local economy, is mainly to the charter industry itself and to a lesser extent the motel/cottage rental and the drinking/eating industries (193 jobs, \$2,431,000 earned income for Destin with a fleet of 70 boats as of 1988 (Lunn and Halstrom, 1988; U. of W. Florida senior class marketing project)).

We feel that whatever interim action takes place regarding the Florida Large Area Permit Program, it must make some effort to address the following perceived programmatic weaknesses identified by various agencies and organizations:

1. Lack of control over where deployed material might end up, i.e. outside permitted zone, on live bottom, at locations other than reported. (NMFS, Florida SeaGrant, Shrimpers,). Alabama's program

has not set a sterling example.

2. Absence of design or any mechanism for measuring the effectiveness of what was described as a large uncontrolled experiment (NMFS, Fisheries biologists with U. of Florida, F.S.U., SeaGrant).

3. Unmanageable size of areas proposed. Normal requirements for site reconnaissance of permitted site can't be met due to prohibitive cost (\$100,000s of thousands of dollars) (DEP office of intergovernmental affairs, Agency on Bay Management, SW reef coordinators).

4. Problems with wide range of materials of opportunity considered, particularly as relates to durability, and stability. Don't want the Gulf to be continued to be used as a "light sheet metal dumping area". (SW reef coordinators, Committee on Bay Management, private citizens, charter divers, DEP Rec and Parks (biological services); DEP Office of Resource Management and Biological Services, DEP Bureau of Aquatic Plants.). Concern about residual plastic materials in autos and their fate when the autos corrode and disappear (NMFS). Conflict with DEP Division of Water Management General reef construction rule (formerly 17-12.812 F.A.C.) regarding use of some proposed materials in state waters.

5. Concern about legalities of confidentiality. How can DEP keep from the public specific sites when these sites are in the public domain and may present a potential hazard to trawlers. Public has a right of access (NMFS, Agency on Bay Management).

6. Concern about the legalities of subpermitting to private individuals from a liability standpoint, when the private individuals are not bonded (Agency on Bay Management).

Perceived Strong Points of the FLAP program were:

1. Law enforcement language, requirement that all reef material undergo inspection prior to deployment (FMP, SW reef coordinators)

2. Concept of many small sites in a large area that would spread out in space and time fishing effort as opposed to concentrating harvest on well known, heavily fished artificial reef sites encompassing a very localized geographical area (NMFS). Would reduce competition with recreational boats.

3. Allow for better determination of how extensive the private reef deployment situation really is in the panhandle.

4. May satisfy some charter captains but not those who resent bureaucratic control of any sort.

POSSIBLE SCENARIOS TO ADDRESS FLAP

Scenario #1: Until acceptable legislation is passed, operate all aspects of a reef building program for Escambia and Okaloosa Counties for a period of a year. Hold permit, use up to \$250,000 in special grant money, do our own contracting and deploy up to 200 patch reefs, 100 each off Destin and Pensacola, at sites known precisely to DEP using one or more modular concrete reef designs or concrete/steel designs. Charter fishermen could have input on design. Extent of advertisement of the sites beyond the charter fleet could be discussed. No other deployments authorized unless they are DEP projects. This scenario short term is the most expensive but in the absence of legislative backing has the fewest of the programmatic weaknesses described on pages 1 and 2.

Scenario #2: Make available through special grant money, finished modules ready to be deployed by the charter fleet. Fishermen would be responsible for covering cost of deployment (Concrete is usually \$30-50/ton to transport). No materials of opportunity would be authorized. No inspection required. Accurate loran readings required and would be spot checked but not advertised.

The remaining scenarios place personnel in shaky position of running an inspection program without any law enforcement or additional statutory support.

Scenario #3: Allow materials of opportunity based on what the Corps, EPA, and Coast Guard will allow and prepared to their specs. Restrict Deployment to the federal waters zones, as Bay county has done for their charter fleet. Narrow inspection window to winter months only (Dec-March). Inspection options for scenario #3 are:

1. Have marine institute staff out of Pensacola and Panama city do inspections and defray expenses through request for donations.
2. Hire dependable and trainable locally situated OPS to work out of their homes part time, able to accommodate irregular part time hours during the winter.
3. Have other DEP staff, located locally perform the inspections as a collateral duty.
4. Ask for local volunteer to do inspections and record keeping free of charge. This is least effective type of inspection.
5. ESIII reef staff travel from Tallahassee 2.5 days/week during winter and do one day of inspections in Destin/Fort Walton and one Day of inspection in Pensacola. Count on some other ESIII collateral duties, compliance dives, outreach programs being set aside during the winter to accomplish this. This has the greatest level of inspection control but is most expensive inspection.

April 28, 1994 Phone Call from Lt. James Hanzlik, Mobile Alabama
Port Operations Office, U.S. Coast Guard

The coast guard decision to be forthcoming basically interprets
MARPOL as a shipping waste disposal document that addresses wastes
dumped from ships during operational activity.

Whatever the EPA and the Army Corps find acceptable to place in
waters is not going to be contested by the U.S. Coast Guard as long
as there is a valid permit to carry the materials which the army
corps has signed off on.

for Dechill

U.S. Department
of Transportation

United States
Coast Guard



Captain of the Port

150 North Royal Street
P. O. Box 2924
Mobile, AL 36652-2924
PH (205)441-5288

16455/CPOD

6 MAY 1994

Mr. Jon Dodrill
Florida Department of Environmental Protection
Environmental Administrator,
Office of Fisheries Management
Mail Station 240
3900 Commonwealth Blvd.
Tallahassee, FL 32399

RECEIVED

MAY 10 1994

Dept. of Environmental Protection
Fisheries Mgmt. & Asst. Services

Dear Mr. Dodrill:

This is in response to your letter of April 22, 1994, concerning the development of artificial reefs in the eastern Florida panhandle and the interpretation of the Act to Prevent Pollution from Ships, [(MARPOL 73/78, Title 33, Code of Federal Regulations (CFR), part 151] as it applies to artificial reef building. Reef building/ocean dumping (40 CFR 220) is distinct from the disposal of ship-borne operational wastes (MARPOL). Because of complexities concerning these issues and to provide a brief response to your letter, enclosure (1) is provided as background information.

To answer your specific questions, the Coast Guard has no jurisdiction under MARPOL to specifically identify materials which may or may not be dumped for the construction of artificial reefs by individuals with valid permits issued by the Environmental Protection Agency (EPA), U.S. Army Corps of Engineers (USACE) or state designate. This applies unless these materials create a source of oil pollution or may be construed as ship-borne operational wastes. The Coast Guard is concerned with the dumping of materials that are not specifically identified in a general or special permit. Items such as loose garbage or plastics which may be identified as a vessel's operational wastes might be considered in violation of MARPOL if the delivery vessel dumping these items has them intermingled with reef building material not specifically identified on the vessel's permit. In addition, car bodies, engines or any other materials which may contain oil or hazardous substances should not be dumped until all of the oil and hazardous substances are properly removed. Otherwise, they would be violations of the Federal Water Pollution Control Act (FWPCA). With the exception of the items mentioned above, the State of Florida can permit the dumping of any materials which have been approved by the EPA/USACE on a special or general permit for ocean dumping/artificial reef construction.

In response to your question concerning navigation requirements, you will have to identify in your permit application to the EPA/USACE whether the reef construction would impede navigation.

16455/CPOD

6 MAY 1994

If you have any further questions please contact LT James Hanzalik at (205)441-5305.



M. R. PERKINS
Captain, U. S. Coast Guard
Captain of the Port
Mobile, AL

Encl: (1) Additional Information on MARPOL 73/78 and Ocean Dumping

Copy: Eighth Coast Guard District (m) (dl)
EPA Region IV
U.S. Army Corps of Engineers, Jacksonville District
Detached Duty Office Panama City, FL ✓

ADDITIONAL INFORMATION ON MARPOL AND OCEAN DUMPING

MARPOL 73/78 or the Act to Prevent Pollution from Ships, 33 CFR Part 151 was written to curtail ocean disposal of ship-generated operational wastes such as trash, plastics, garbage, dunnage, and packing material into the marine environment [There are also provisions for oil and noxious liquid substances (NLS) which for the sake of brevity will not be discussed]. These materials when dumped at sea by ships are considered violations of MARPOL under certain parameters and restrictions, i.e., no garbage within 3 miles, no plastics anywhere, etc. These materials are considered ship's operational wastes or materials because they are used by the vessel to sustain the crew or cargo.

The Ocean Dumping Program and "artificial reef building" are primarily the responsibility of the Environmental Protection Agency, which issues general permits for ocean disposal [Title I, Marine Protection, Research, and Sanctuaries Act, 33 U.S.C. 1401 et seq., (40 CFR 220)]. These general permits are authorized by the EPA for materials that are determined to have a minimal environmental impact; that is, for nontoxic materials generally disposed of in small quantities. The State of Florida may propose to the EPA criteria relating to the dumping of materials into ocean waters within its jurisdiction, or into the ocean waters to the extent that such dumping may affect waters within the jurisdiction of State of Florida.

Another type of permit is the "Special Permit" which is issued to specific applicants and has fixed expiration dates. The state may request a Special Permit through the EPA or the U.S. Army Corps of Engineers (USACE), to specifically transport material from the U.S. for ocean dumping or artificial reef building.

Given the above, the State of Florida can propose to the EPA or USACE via a request for a General permit or Special permit for materials which you would like to dump within state waters and those waters outside state control which may affect the State. The EPA and the USACE regulations require permit applications and copies of public notices to be forwarded the appropriate Coast Guard District; in your case the Seventh and the Eighth Coast Guard Districts.

The U.S. Coast Guard's responsibility for the enforcement of these permits may include surveillance activities, such as checking validity of permits; verifying vessel logs, permits, and waste documentation; obtaining radio reports of vessel position and dump activity; observing transportation routes and disposal sites; escorting or riding dump vessels; and monitoring dump activities. The various U.S. Coast Guard District offices issue appropriate guidance to the field offices (Marine Safety Offices (MSO) and other units) which may be directly engaged in ocean dumping surveillance activity. The Coast Guard can issue violations of general and special permits to responsible parties for not complying with those permits.

Enclosure (1)



Lawton Chiles
Governor

Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Virginia B. Wetherell
Secretary

May 10, 1994

Gary Collins
Water Management Division
EPA Region IV
345 Courtland St.
Atlanta, GA 30365

RE: Request for guidance on materials suitable for use as artificial reefs in federal waters off Florida Panhandle

Dear Mr. Collins:

Attached is a copy of a letter from the Coast Guard responding to my request concerning the interpretation of Marpol and Ocean Dumping laws. The Coast Guard indicates that they have no jurisdiction under MARPOL to specifically identify what materials may or may not be used in the development of artificial reefs. This, they maintain is the responsibility of EPA and the Army Corps of Engineers. The Army Corps Jacksonville District Regulatory Office (Shirley Stokes, ph. 904/232-1668) and I both are in need of guidance regarding what materials may or may not be used as reef building material in state and federal waters off the coast of Florida. Our Florida Department of Environmental Protection is preparing to send off a permit application for over 300 square miles of Federal Waters off Escambia and Okaloosa Counties in the western Florida Panhandle. The department's application is in response to pressure from charter boat organizations in Pensacola, and Destin/Fort Walton, who wish to build private reefs at undisclosed locations using a wide range of "materials of opportunity". The Jacksonville District and this Department are very interested in getting a formal EPA written stance on use of the following material as artificial reefs. I spoke with Bill Mui, EPA region 3 again last week and he indicated that he had talked with you and forwarded my letter of 04/22/94 to your office.

Bill told me verbally that he felt the EPA criteria for an artificial reef (to distinguish it from ocean dumping) was that

- 1). it can't be toxic/hazardous material
- 2). it must not move offsite
- 3). it must promote viable growth and have some lasting or long term effect. (What's a long term effect? 5yrs? 10? 25? 50?)

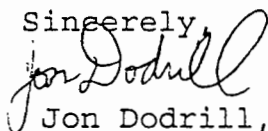
The army corps has specifically requested from me a list of suitable materials that would be allowed in artificial reef construction. The following is a list of items various people want

to use which I need some specific guidance from the EPA on:

Aluminum boats
Fiberglass boats
Wooden boats
Steel vessels
automobiles and other vehicles (how to deal with plastics, glass,
vinyl, wiring)
Aluminum products (miscellaneous scrap aluminum)
aircraft
railroad box cars
dumtsters
porcelin products (sinks, toilets, tubs, conductors)
concrete containing coal ash/fly ash (unknown concentration)
military equipment other than tanks
PVC pipe
Fiberglass pipe
Terracotta pipe
shopping carts, plastic coated steel baskets
Polyethylene webbing
Corrugated PVC sheets glued together
Wooden or plastic pallets,
dishwashers
dryers
washing machines
freezers
chain link fence
synthetic recycled plastics forming "lumber" products
storage drums: steel, fiberglass,
tires
concrete rubble
concrete prefab products (culverts,
heavy gauge steel (bridge spans, etc)
air conditioning window units
portajohns

I basically need written guidance as to how EPA draws the line between artificial reef construction and ocean dumping. The Corps and this Department have been on standby awaiting a written EPA judgement call on the above items. Your prompt response would be greatly appreciated.

Sincerely,



Jon Dodrill, Environmental Administrator
Office of Fisheries Management
and Assistance Services (MS 240)
(Ph. 904/922-4340)
FAX: 904/922-0463



Lawton Chiles
Governor

Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000
May 12, 1994

Virginia B. Wetherell
Secretary

Shirley Stokes
U.S. Army Corps of Engineers
Regulatory Division CESAJ-RD
P.O. Box 4970
Jacksonville, FL 32232

Dear Ms. Stokes:

Enclosed is a U.S. Army Corps of Engineers permit application to allow the state Department of Environmental Protection to hold permits for three areas in federal waters off the western Florida panhandle in the Gulf of Mexico. Two of these areas are off Escambia County (69.3 sq. nautical miles, and 105.9 sq. nautical miles) and one site lies off Okaloosa County (163.6 sq. nautical miles). Depths range from 50-138 ft.

The intent behind the Florida Department of Environmental Protection, Division of Marine Resources holding a permit to such large areas is to allow for the placement of many small patch reefs over a five year period with the intent to provide additional reef habitat for use by reef obligate species and those pelagic fishes that might be drawn to the reef. Increased additional fishing opportunities would then become available to charter fishermen, their clients, and recreational fishermen in those areas.

The legislative bill that would have provided the means to set up a DEP inspection program to allow charter captains to deploy their own reef materials at undisclosed locations within the large areas did not pass the senate this legislative session. The department feels that it is unreasonable to launch a private citizen reef building program without the law enforcement and inspection language, the necessary staffing to conduct proper inspections, and assuring a mechanism for properly documenting location of reefs deployed by private fishermen. The DEP is not at this time accepting the liability of allowing private individuals to independently build reefs across a large area for which the department would have a legal responsibility. Over the next year, or until the department obtains the supporting statutory enforcement language, the department will contract and direct the placement of all materials in these proposed large areas.

I respectfully request that the application fee be waived in the review of this application.

p.2.

Please feel free to contact me or Bill Horn at 904/922-4340 or by FAX 904/922-0463 if you need any additional information.

Sincerely,

Jon Dodrill, Environmental Administrator
Office of Fisheries Management
and Assistance Services

cc: Commander, Eighth Coast Guard District



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

RECEIVED

MAY 17 1994

MAY 16 1994

Dept. of Environmental Protection
Fisheries Mgmt. & Asst. Services

Mr. Jon Dodrill
Florida Dept. of Environmental
Protection
Office of Fisheries Mgmt. and Assistance Services (MS 240)
3900 Commonwealth Blvd.
Tallahassee, FL 32399-3000

Dear Mr. Dodrill:

This letter is in response to your telephone conversation with Mr. Gary Collins of my staff concerning a general permit for artificial reef sites off of the Florida panhandle.

EPA's primary regulatory authority concerns the suitability of the materials used in artificial reef construction. Additionally, all material placed must be done so consistent with an approved artificial reef program. This consistency has typically required that all materials provide long-term, viable fisheries habitat. The use of materials which would only act as short-term fish attractants have therefore been considered trash disposal requiring an ocean dumping permit.

The following materials are prohibited by federal and international law from being used as part of an artificial reef:

1. Atomic, biological or chemical warfare agents.
2. High level radioactive material and low level radioactive material above trace levels. Any article or device licensed by the Nuclear Regulatory Commission would be considered in greater than a trace concentration, including but not limited to radium dials on gauges.
3. Persistent inert synthetic or natural materials which may float or remain suspended in the ocean. This includes material which, within a reasonable time, could break off and float.

The following materials should not be used or are restricted in use for an artificial reef. Therefore, these materials are not acceptable under a general permit and should proceed only under an individual permit application:

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages ► 3

To Jon Dodrill	From G. COLLINS
Dept./Agency	Phone #
Fax # 904/922-0463	Fax #

- 03/15/74 14.13
1. Materials containing oil of any kind or in any form must be drained or removed from containers or surfaces such that deployment would not cause a sheen.
 2. Materials containing substances controlled under the Toxic Substances Control Act (TOSCA), which includes asbestos and PCBs (including wiring harnesses), except as provided below.
 - a. Asbestos insulation between vessel bulkheads or that is otherwise contained.
 3. Household appliances due to the rapid rate of deterioration and subsequent potential for movement or shifting.
 4. PVC, fiberglass materials due to recent information that suggests that these materials may contain toxic substances (i.e., Tributyltin) that leach and prohibit growth of fouling organisms.

The following materials are suitable for use as part of an artificial reef under a general permit:

1. Concrete materials which are free of contaminants.
2. Tires which are substantially weighted or embedded in concrete, or tire bundles approved by the National Marine Fisheries Service.
3. Vessels which do not contain prohibited or restricted materials listed above, and have been cleaned of debris.
4. Construction and rock rubble that is free of contaminants (including asphalt).
5. Construction-grade aluminum alloys and ferrous metals, such as bridges, which are free of contaminants.

Any material(s) that are not specifically covered by the above categories should not be allowed under the general permit.

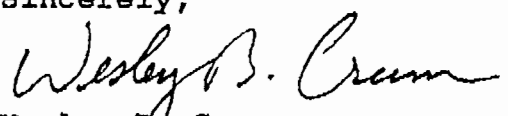
We believe that adequate measures and a system for inspections has to be developed and implemented to insure compliance with all conditions and restrictions that will be included in the general permit. Additionally, agreements need to be reached as to procedures of notification and delegation of authorities in the event of violations.

Our concurrence on the use of the above materials under a general permit is dependent upon compliance with all requirements of 40

CFR 220.1(c)(2).

We appreciate the opportunity to provide our comments and would be happy to discuss any of these items further if you desire.

Sincerely,



Wesley B. Crum
Chief, Coastal Programs Section

cc: William C. Muir - Region 3



PASCO COUNTY, FLORIDA

PARKS AND RECREATION DEPARTMENT
Central Pasco Professional Center
4111 Land O'Lakes Blvd., Ste. 202
Land O'Lakes, FL 34639-4402
(813) 929-1260
(813) 929-1258 FAX

June 24, 1994

District Engineer
Department of the Army
Jacksonville District Corps of Engineers
P. O. Box 4970
Jacksonville, FL 32232-0019

Re: Permit Application No. 199402365 (IP-SS)
and 199301080 (IP-TB)

Dear Sir:

As the artificial reef liaison for Pasco County's reef program, I am very much in favor of artificial reef development. I do, however, have several concerns relating to the methodology proposed for these two projects.

Both projects seem to be promoting the placement of material by private individuals for personal benefit over extensive areas. This would seem to make monitoring by F.D.E.P. nearly impossible and would rely entirely on the private permittees being forthright in reporting the type of material used and the location of the placement.

In order to prevent the Gulf of Mexico from becoming a dumping ground for undesirable and randomly placed materials, I suggest that the following restrictions be considered:

1. All materials must be inspected by a F.D.E.P. certified inspector after loading onto transporting vessel.
2. Material placement be allowed during daylight hours only.
3. Area permitted should be small enough (less than or equal to 1 square mile) so that monitoring and verification would be possible.
4. Make the loran coordinates available to the general public to prevent damage to the deployment areas by shrimp boat trawls, etc., and to allow for verification of materials used.

Thank you for considering our input on the permits under review.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rodger L. Scofield".

Rodger L. Scofield
Parks Construction Superintendent

RLS/mm
PR94L-1078

cc: Jon Dodrill, Environmental Adminsitrator
Office of Fisheries Management
Daniel R. Johnson, Assistant County Administrator
Nils E. Hallberg, Parks and Recreation Director
Thomas E. Brobeil, Administrative Services Manager

COMMISSION
PHYLLIS BUSANSKY
JOE CHILLURA
SYLVIA KIMBELL
LYDIA MILLER
JIM NORMAN
JAN KAMINIS PLATT
ED TURANCHIK

FAX (813) 272-5157



ROGER P. STEWART
EXECUTIVE DIRECTOR
ADMINISTRATIVE OFFICES
AND
WATER MANAGEMENT DIVISION
1900 - 9TH AVENUE
TAMPA, FLORIDA 33605
TELEPHONE (813) 272-5960

AIR MANAGEMENT DIVISION
TELEPHONE (813) 272-5530

WASTE MANAGEMENT DIVISION
TELEPHONE (813) 272-5788

ECOSYSTEMS MANAGEMENT DIVISION
TELEPHONE (813) 272-7104

June 28, 1994

Ms. Shirley Stokes
Department of the Army
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

Subject: ✓ Public Notice/Permit Application No. 199402365 (IP-SS)
Public Notice/Permit Application No. 199301080 (IP-TB)

Dear Ms. Stokes:

Reference is made to the subject permit applications for large area artificial reefs to be located in the Gulf of Mexico. The Florida Department of Environmental Protection, Office of Fisheries Management and Assistance Services has informed this agency of the Corps' interest in receiving comments related to these applications. The following comments are, therefore, offered for your consideration.

As you are probably aware, in March of 1994 Southwest Florida county artificial reef coordinators and Florida Sea Grant Extension agents produced a white paper addressing specific concerns regarding proposed legislation which would allow the construction of large area artificial reefs in Florida coastal waters (Florida Senate Bill 554, Senate Bill 1344, and House Bill 1303). Among the issues raised during the numerous meetings, discussions and phone calls which led to the drafting of this paper was the inability to perform a comprehensive, biological site survey for such a large area.

The Florida Department of Environmental Protection's own *Florida Artificial Reef Development Plan, September 1992* states, "Permit applications require a description of the bottom type and composition at a proposed reef site...This assessment may be based on diver inspections, or when not practicable, results of soft-core sounding lead method or bottom grab sample. A minimal survey should consist of sampling at 1/4-mile intervals, plus sampling at each of the four site corners and site center."

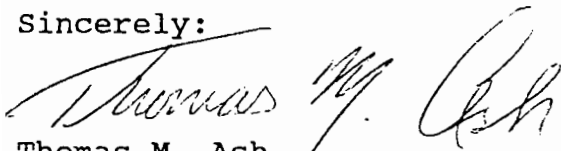
This document goes on to state, "DER regulations prohibit materials from being placed within 100 yards of any live coral reefs or seagrass beds, or within one mile of designated marine sanctuaries." and that natural rocky outcrop areas and existing hard bottom are to be avoided.

The State of Florida's Artificial Reef Development Plan also recognizes the Federal regulations regarding artificial reef development and states, "According to COE permitting regulations, a biological survey, ecological study, and hydrographic survey, together with information and studies provided by the applicant must affirmatively show that the proposed reef construction will not interfere with the conservation of fish, marine, and wildlife or other natural resources, to such an extent as to be contrary to the public interest. The environmental assessment must also show that planned construction will not result in the destruction of oyster beds, clam beds, or marine productivity, including, but not limited to destruction of natural marine habitats..."

Additionally, as you know, the special conditions for the SAJ-50 General Permit for Artificial Reefs and Fish Attractors states that "No authorization is granted by this permit for the construction of artificial reefs/fish attractors on significant submerged beds of sea grasses, fresh water grasses, or macroalgae, coral reefs, live bottom (areas supporting dense growth of sponges, sea fans, soft corals, and other sessile macroinvertebrates generally associated with rock outcrops), oyster reefs, scallop beds or clam beds.

The point to all this is that without massive amounts of field work and countless hours of bottom surveys the public cannot expect anything close to a complete appraisal of potentially impacted natural resources within an area which is tens of miles long and tens or even hundreds of square miles. The scientific community has worked hard for the last decade to infuse science, engineering and environmental management into reef development. This agency would discourage the permitting of such large reef areas until they can be adequately surveyed and managed.

Sincerely:



Thomas M. Ash
Artificial Reef Coordinator

cc: Mr. Jon Dodrill, OFMAS
Mr. Joe Bacheler, ACOE Tampa Field Office

CURTIS R. KRUER

Consulting and Research Biologist

P.O. Box 420334
Summerland Key, FL 33042-0334
(305) 745-1699
FAX (305) 745-8848

RECEIVED

JUL 12 1994

Ms. Shirley Stokes
Regulatory Program, North Permits
U.S. Army Corps of Engineers
P.O. Box 4970
Jacksonville, Fl 32232-0019

Dept. of Environmental Protection
Fisheries Mgmt. & Ass't. Service

July 3, 1994

Re: State of Florida, Florida DEP, Permit application No. 1994-02365 (IP-SS)

Dear Ms. Stokes:

Please accept the following comments and recommendations on the above referenced proposal for the State of Florida to hold an artificial permit for 340 square nautical miles of the Gulf of Mexico. I believe the Corps made a good decision in processing this proposal as an individual permit application.

My comments are based on active involvement in all aspects of an artificial reef program in the Keys for the past 14 years. My experiences with artificial reefs include site selection, permitting, compliance review, enforcement, construction, fabrication, and research and monitoring. Also, for eight years in the Keys I was employed as a field biologist by the Corps in the regulatory program. This work included extensive permit application review, compliance review, and enforcement.

I recommend that the Corps not authorize the State of Florida to hold permits for this type of artificial reef project. The science of artificial reefs and fishery management is much too undefined to allow projects of this type. And the State has limited resources for administering this size project. It's a can of worms. The State (with local government) needs to administer a well designed program in coastal Florida with small specific projects in small, manageable sites, all designed with good fishery management science as the basis. Although well intentioned, the Florida DEP is far from being able to manage a large scale program. This project could end up with the State continually chasing violators who dump all types of junk and debris in the name of artificial habitat development. That approach, of course, was the original motivation behind this project. That would then become an enforcement problem for the federal government. Oversight of this project will divert DEP

S. Stokes
7/3/94
Page 2

staff with other important responsibilities, such as wetland and water quality "protection" (as in their new name).

Private artificial reefs should be a thing of the past. Proper management of the coastal shelf around Florida is much too important to allow this activity to continue. The risks of attraction and overharvest of stressed commercial species, such as red snapper, should be of concern, as should limiting future uses of these areas of navigable waters.

I'm not opposed to the Corps permitting small, well designed projects for the State to pursue. I recommend against the current proposal because it's much too large, ill-defined, unstudied, untried, unmanageable, and unenforceable. Thank you for consideration of my comments.

Sincerely,



Curtis Kruer

cc J. Dodrill/DEP

U.S. Department
of Transportation

United States
Coast Guard



Commander
Eighth Coast Guard District
Hale Boggs Federal Building

501 Magazine Street
New Orleans, LA 70130-3396
Staff Symbol (oan)
Phone: (504) 589-6236
110. 665

16518/COE

JUL - 7 1994

Department of the Army
Jacksonville District Corps of Engineers
Attn: Ms. Shirley Stokes
Regulatory Branch
P.O. Box 4970
Jacksonville, FL 32232-0019

PUBLIC NOTICE, APPLICATION NO. 199402365(IP-SS)

In our conversation on June 28, 1994, we talked about our concerns, suggestions and changes on the proposed Artificial Fishing Reef planning areas in the Gulf of Mexico, off the Northwest coast of Florida. These reefs are very large, next to each other and by permitting an authorized minimum clearance of 50 feet on all three reefs, could pose an obstruction and a hazard to navigation.

We recommend the proposed Escambia DEP West and East Reef sites provide at least a two mile buffer zone on each side of the Safety Fairway leading into Pensacola Bay approaches. The entrance channel to Pensacola Bay provides a 44 foot channel depth. Accordingly, we have concerns on the proposed 50 foot minimum navigation clearances over the Escambia DEP West and East Reef sites and the Okaloosa DEP Reef site.

Should the applicant consider providing the buffer zone on each side of the Safety Fairway and lower profile reefs or greater minimum clearances relative to the varied water depths, we would be glad to reconsider our objections.

We have sent a copy of "Marking Artificial Fishing Reefs" to the applicant.

Any further information may obtained by contacting me directly at (504) 589-2238.

Sincerely,



R. N. HARRISON, Jr.

Chief, Private Aids to Navigation Section
Aids to Navigation Branch
By direction of the District Commander



IN REPLY REFER TO.

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Field Office
1612 June Avenue
Panama City, FL 32405-3721

Tel. (904) 769-0552

Fax (904) 763-2177

July 7, 1994

Colonel Terrence C. Salt
District Engineer
U.S. Army Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

Attn: Shirley Stokes

Re: Public Notice 199402365 (IP-SS)
State of Florida
Department of Environmental
Protection
Office of Fisheries Management
and Assistance (MS-240)
Dated June 9, 1994
Gulf of Mexico
Escambia and Okaloosa Counties,
Florida

Dear Colonel Salt:

The Fish and Wildlife Service (Service) has evaluated the project plans advertised by the above-cited public notice. Our report is submitted in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.). The Service is recommending that a special condition be incorporated into the issued permit.

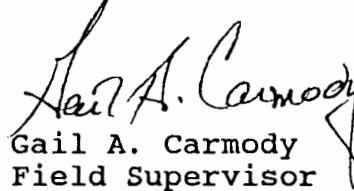
The State of Florida proposes to obtain permits for three area artificial reefs. Reef construction would be by private citizens and groups under the authority of the permit and permission by the State. Sites 1 and 2 are 11.4 and 17.5 nautical miles offshore Escambia County and encompass 69.3 square miles and 105.9 square miles, respectively. Site 3 is 20.2 nautical miles offshore Okaloosa County and encompasses 163.6 square miles. The material to be used on the reefs will be limited to natural limestone, clean concrete rubble or prefabricated materials, and vessels or other military surplus equipment cleaned in accordance with Coast Guard and EPA regulations. The height of the reef will be limited to 25 feet and will have navigation clearance of 50 feet.

The Service is concerned that there are no provisions for assurance that only suitable materials will be used for reef construction. We recommend that because such a quantity and variety of potential materials are involved, pre-placement inspections be required as a special condition of the permit. Not only will this ensure that the appropriate composition of materials is being used, but it will also provide a mechanism for cataloging the quantity of materials that are placed in the waters of the Gulf of Mexico.

Therefore, we recommend that a requirement for materials inspection and cataloging is added as a special condition of the permit.

Thank you for the opportunity to provide comments. If you have any questions, please contact Mr. Hildreth Cooper of this office.

Sincerely,



Gail A. Carmody
Field Supervisor

cc:

EPA, Gulf Breeze, FL

NMFS, Panama City, FL

FL G&FC, Tallahassee, FL (Environmental Services)

GSMFC, Ocean Springs, MS (Ron Lukens)

GCFCO, Ocean Springs, MS (Doug Fruge)

LAP/kh/permits3/9402365



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P. O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

REPLY TO
ATTENTION OF
Regulatory Division
North Permits Branch
199402365 (IP-SS)

Mr. Jon Dodrill
Florida Department of Environmental Protection
Office of Fisheries Management and Assistance Services
MS-240
Tallahassee, Florida 32399-3000

Dear Mr. Dodrill:

Reference your Department of the Army permit application for artificial reef sites off Escambia County and Okaloosa County. The application was assigned number 199402365 (IP-SS).

In response to the public notice for your project numerous concerns were received. The Fish and Wildlife Service is requesting the a special condition be made a part of any permit issued that the materials be inspected prior to placement. The U.S. Coast Guard is concerned that the Escambia County reef site is too close the navigation channels.

After reviewing the comment letters the Corps agrees that all materials should be inspected prior to placement. We also believe that a buffer zone of 2 miles between the Safety Fairway and the reef site. Please review and provide a written response to these comments and any issues raised in this review process.

If you choose to modify the permit application, submit revised plans and drawings to this office. If you choose not to modify your project, provide an explanation why the alternatives discussed are not feasible.

The above information must be provided for us to complete our public interest review. Any other information you believe may be helpful in order to fully justify the project should also be submitted at this time. Further evaluation of your application will be held in abeyance for **30 days** pending receipt of your response. If no response is received within this time frame, the application will either be considered withdrawn or a final decision will be made. A response should include all information needed to complete the public interest evaluation.

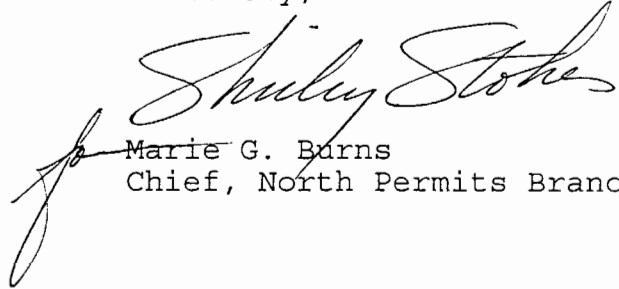
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JUL 21 1994

Dept. of Environmental Protection
Fisheries Mgmt. & Asst. Services

If you have any questions concerning the application please contact Shirley Stokes at the letterhead address or by telephone at 904-232-1668.

Sincerely,



Marie G. Burns
Chief, North Permits Branch

Enclosures



United States Department of the Interior

MINERALS MANAGEMENT SERVICE

Gulf of Mexico OCS Region
1201 Elmwood Park Boulevard
New Orleans, Louisiana 70123-2394

In Reply Refer To: MS 5440

JUL 21 1994

Ms. Shirley Stokes
U.S. Department of the Army
Jacksonville District Corps of Engineers
Post Office Box 4970
Jacksonville, Florida 32232-0019

Dear Ms. Stokes:

This is in response to your District's Public Notice for Permit Application No. 199402365 (IP-SS) by the State of Florida's Department of Environmental Protection (DEP) to obtain permits for three large artificial reef sites to be located off the northwest Florida coast.

We have reviewed the Public Notice and offer the following recommendations:

1. Relocate the proposed reef sites to lessen the potential for interaction with possible Outer Continental Shelf (OCS) natural gas and oil activities. Relocating the proposed sites would to some degree ensure that reef development does not unduly restrict potential OCS natural gas and oil activities in this area. We have enclosed a map (Enclosure 1) and listing (Enclosure 2) of all active natural gas and oil leases on the Federal OCS within the area of consideration. Enclosure 1 further identifies the three proposed artificial reef site areas and the locations of existing reef material on or in proximity to these proposed sites.

a. We are unaware of the criteria (water depth, bottom type, etc.) used to delineate each area's present configuration. However, the areas as configured encompass several active OCS leases as illustrated by Enclosure 1. Under the present configuration, the Escambia DEP Reef Site West includes Pensacola Block 889 which is presently under a Coastal Zone Management Act appeal before the Secretary of Commerce. Should Commerce find in favor of the lessee (Mobil), exploratory drilling could commence as early as the end of the 1994 calendar year. Escambia DEP Reef Site East includes portions of several blocks which are part of Chevron U.S.A.'s Destin Dome 56 Unit. Destin Dome Block 56 has been proven to contain commercially producible quantities of natural gas and is currently under a suspension of production, pending the preparation of a developmental environmental impact statement.

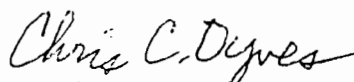
b. Relocating or reconfiguring the proposed sites could be done in such a manner as to avoid future OCS natural gas and oil activities in areas presently leased and to incorporate existing reef material sites which lie in close proximity to the proposed sites. Thus, we would recommend reconfiguring the areas as indicated by Enclosure 3.

2. Establish a site coordination and review mechanism between the MMS and Florida DEP. As a part of the permit condition, it is recommended that Florida DEP be required to coordinate with the MMS on all site specific permits proposed within the general permit areas. Issues to be coordinated may involve establishing guidelines addressing a minimum distance criteria for proposed artificial reef sites in proximity to OCS activities and associated infrastructure (facilities and pipelines).

3. Reef building materials should not be limited to just those published in the Public Notice. All suitable materials which meet the height standard and are cleaned in accordance with U.S. Coast Guard and U.S. Environmental Protection Agency specifications should be considered for use as reef building materials. Pre-placement inspection of all such materials should be conducted prior to their use and placement at the designated sites.

We appreciate the opportunity to comment on this permit application. We fully support the Gulf States' artificial reef programs and are committed to working closely with the Florida DEP in their endeavor. Should you have any questions on our comments, feel free to contact Mr. Burt Mullin at (504) 736-2904.

Sincerely,



Chris C. Oynes
Acting Regional Director

Enclosures

PENSACOLA AREA

ESCAMBIA DEP REEF SITE WEST BLOCKS WITH ACTIVE LEASES

	BLOCKS	LEASES (OCS-G)
1.	889	10406
2.	890	10407
3.	933	10411
4.	934	10412

OKALOOSA DEP REEF SITE WITH ACTIVE LEASES

1.	904	08308
2.	906	08309
3.	907	08310
4.	946	10414
5.	948	06391
6.	949	06392
7.	990	08318
8.	991	08319
9.	996	06396

DESTIN DOME AREA

ESCAMBIA DEP REEF SITE EAST BLOCKS WITH ACTIVE LEASES

1.	12	08320
2.	13	10418
3.	55	06405
4.	56	06406

revised

July 22, 1994

Shirley Stokes
U.S. Army Corps of Engineers
Regulatory Division CESAJ-RD
P.O. Box 4970
Jacksonville, FL 32232

Dear Ms. Stokes,

This office has reviewed the public comment letters on the large area permit #199402365. This letter constitutes the Division of Marine Resources formal response requested by your office.

We concur with most of the concerns expressed by the U.S. Fish and Wildlife Service, the Coast Guard, Pasco and Hillsborough Counties, and research biologist Curtis R. Kruer. Some of these concerns we cannot satisfy due to our current resource and staffing limitations, or the nature of the large area project promoted by the West Florida charter boat industry. We can address the Army Corps, most of the Coast Guard's and the U.S. Fish and Wildlife Service's immediate concerns.

To address the Coast Guard and Corps concerns, we have modified the Escambia zones to insure a two nautical mile buffer between the navigational safety fairways and the artificial reef zones (see revised chart, attached). We can insure a minimum of 70 ft. clearance over any deployed reef material in the zones, and if necessary 85 ft. of clearance over any substantial structure that one day could be placed in the zone (ship, oil rig section, etc.) that would have vertical profile exceeding 10 ft. in height.

We do endorse and can comply with the U.S. Fish and Wildlife Service's request that pre-placement material inspections by qualified personnel using inspection guidelines acceptable to the involved state and federal agencies be made a condition of the special permit, and that the quantity and type of material used be duly catalogued. No material placement will be authorized without such inspection and state oversight.

We cannot effectively address the following concerns at our current staffing and funding levels:

1. Buoys. Our state reef program does not have the funding or the resources to secure, deploy, and maintain any sort of a deep water

buoy system that would involve the installation and maintenance of multiple buoys meeting USCG specifications spread over a large area. Public workshop feedback from fishermen indicated that buoys in such offshore locations would be more of a navigational hazard than a benefit. Alabama has no such buoy system for its large areas and there is no extensive buoy system for any previously permitted artificial reef areas in the western panhandle. We are prepared to place materials in waters as deep as may be required to preclude the use of buoys but feel 70 ft. of clearance for the smaller objects is more than sufficient when compared with the draft of civilian and military vessels engaged in coastal shipping activities and the 44 ft. maximum dredged channel approach to Pensacola Harbor.

2. We do not presently have the manpower in this office to conduct large scale inspections of materials which private individuals may want to place in state permitted areas, nor do we have the statutory authority that would address issues involving transport or intent to transport across state waters uninspected materials, or materials illegally placed offsite. We will try again next legislative session to get the positions and the statutory enforcement language.

The Department of Environmental Protection will not, if a permit is granted, open up the permitted areas for large scale use by private individuals until the artificial reef Florida Statute 370.25 is appropriately revised to provide manpower for materials inspection and provide the statutory enforcement language necessary to manage such a program. We do feel we have the ability, on a very limited basis, to examine acceptable materials under the permit such as those that might be available through a grant project. It is our desire to work closely and in a cooperative manner in the future with local governments, fishing clubs, or private individuals who may wish to utilize these large area sites under the permit guidelines once the manpower is available to effectively manage and administer such an inspection program.

3. We do not have the resources and funds to conduct a thorough hydrographic and bottom survey of such a large area. We have made a good faith effort to consult published sources to extract information on the known location of live bottom and have modified and reduced the areas originally proposed to avoid these areas. We have worked with local representatives of the shrimping industry to avoid areas currently trawled. Any materials deployed under state contract at published sites within the zones will have more detailed bottom surveys associated with them. We cannot guarantee that all proposed areas are free of scattered live bottom but we believe any remaining represents a low percentage of the substrate surface (less than 5%) within the permitted areas.

4. Reducing the permitted sites to one square mile as proposed defeats the intent of this large area program as promoted by the charter fishermen of the panhandle. Fifty charter fishermen

reported to this office that over a period of years they had legally and illegally constructed over 6000 patch reefs in the panhandle. Small areas are not an option for them.

5. We concur with the concerns that such a large area may present potential management and enforcement issues, once private individuals get involved. These issues fall into two categories:

a. Lack of control and ability to enforce the precise location where materials may actually be placed since deployments generally will not be observed. Opportunities for monitoring or site verification of private sites may be limited as a result.

b. Unstudied impacts on fisheries/biological resources. The biological/fisheries impacts of such a program are currently not well documented even in Alabama where the program has been in place five years. Funding is currently not available in Florida for such research and evaluation.

In summary, we are aware of the management, monitoring, and enforcement issues associated with the proposed permitted area and accompanying large area program. The concerns raised by the public notice respondents have also been expressed by other individuals over the past year. There are certain management challenges and limitations that are inherent in this type of program where many small reefs may ultimately be deployed publicly by governmental entities and privately by a number of different individuals over a large area. The problem is that the private reef construction activity is occurring now in an unregulated manner. The large area permit is intended to be an improvement upon the current situation, with proper implementation.

All proposed areas lie in federal waters. The Department of Environmental Protection understands the liabilities associated with the assumption of responsibility as a permittee for such a large area and takes seriously its stewardship charge. We recognize that permitted areas this large should not be approved without the stipulation in the special conditions that there be direct state and/or federal oversight in the inspection of materials and coordination of all artificial reef activities in this zone.

Sincerely,

Jon Dodrill, Environmental Administrator
Office of Fisheries Management
and Assistance Services (MS 240)



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P. O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

REPLY TO
ATTENTION OF

Regulatory Division
North Permits Branch
199402365 (IP-SS)

JUL 28 1994

RECEIVED

AUG 02 1994

Dept. of Environmental Protection
Fisheries Mgmt. & Assl. Services

Mr. Jon Dodrill
Florida Department of Environmental Protection
Office of Fisheries Management and Assistance Services
MS-240
Tallahassee, Florida 32399-3000

Dear Mr. Dodrill:

Reference your Department of the Army permit application for artificial reef sites off Escambia County and Okaloosa County. The application was assigned number 199402365 (IP-SS).

On July 18, 1994, we forwarded to you, copies of the letters received in response to be public notice. Since that time we have received a letter from the U.S. Department of Interior, Minerals Management Service, dated July 21, 1994 (copy enclosed). Please review this letter and provide a written response.

The above information must be provided for us to complete our public interest review. Any other information you believe may be helpful in order to fully justify the project should also be submitted at this time. Further evaluation of your application will be held in abeyance for **30 days** pending receipt of your response. If no response is received within this time frame, the application will either be considered withdrawn or a final decision will be made. A response should include all information needed to complete the public interest evaluation.

If you have any questions concerning the application please contact Shirley Stokes at the letterhead address or by telephone at 904-232-1668.

Sincerely,

Marie G. Burns
Chief, North Permits Branch

Enclosures



Department of Environmental Protection

Lawton Chiles
Governor

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Virginia B. Wetherell
Secretary

August 7, 1994

Shirley Stokes
U.S. Army Corps of Engineers
Regulatory Division, CESAJ-RD
P.O. Box 4970
Jacksonville, FL 32232-0019

Dear Ms. Stokes,

This office has reviewed the comments submitted to your office by the U. S. Department of Interior's Minerals Management Service (MMS) in response to the public notice (permit application #199402365 (IP-OSS)) that described the Florida Department of Environmental Protection (DEP), Division of Marine Resources, Office of Fisheries Management and Assistance Service's request to secure permits to three areas in federal waters off Florida's Okaloosa and Escambia counties, totaling approximately 339 sq. nautical miles. This letter constitutes the Office of Fisheries Management's response to the MMS concerns as requested by your office.

The MMS states that the proposed large artificial reef building areas overlap with oil and gas leases held by Chevron, Mobile, and Unical. MMS also informed this office that oil and gas activities have priority over artificial reef construction activities in federal waters of the Gulf of Mexico (Burt Mullins, MMS, pers. communication). MMS recommended that the oil and gas lease blocks be excluded from the large areas and that the proposed artificial reef areas be redrawn and reduced in size to reflect the removal of those active lease sites from the proposed artificial reef construction areas.

We are modifying our application to comply with the recommendations of the Minerals Management Service. The purpose of the modification is to lessen the potential for current or future conflict with oil and gas activities. The three revised zones as outlined in the attachments are summarized below:

1. Escambia, DEP Reef Site West- The eastern border of the site is moved west to avoid conflicting with the Outer Continental Shelf (OCS) lease blocks 933, 934, 889, and 890. This revised site is now 6.1 X 7.1 miles. The area is reduced in size from 69.3 sq. nautical miles (nm) to 43.4 sq. nm.
2. Escambia, DEP Reef Site East- This site has been modified from a triangular-shaped site to a rectangle with east-west dimensions

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

of 10.5 miles and north-south dimensions of 7.1 miles. The new area excludes the previously affected oil and gas lease blocks 55, 56, 12, and 13. The site is reduced in area to 74.6 sq. nm from 105.9 sq. nm. and encompasses no active oil or gas lease blocks.

3. Okaloosa, DEP Reef Site- This site is being moved to the eastern side of the previous area and slightly to the north and east. The site excludes previously affected lease blocks 904, 906, 907, 948, 949, 991, and 996. The site is now 7 X 8.1 miles. The area is 56 sq. miles, reduced in size from 163 sq. nm.

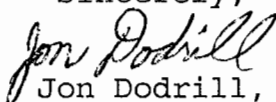
Item #2 in the MMS letter to the Army Corps recommended the establishment of a site coordination and review mechanism between the MMS and the Florida DEP. We agree with the MMS that this office should coordinate closely with them during all phases of this large area artificial reef project and any other artificial reef related activities that could affect the oil and gas lease blocks with respect to associated infrastructure (facilities and pipelines).

Item #3 of the MMS letter recommended that reef building materials should not be limited to just those published in the public notice. The MMS wanted all suitable materials that met height requirements and were cleaned in accordance to EPA and U.S. Coast Guard Standards to be considered for use as reef building materials and that pre-placement inspection of materials take place.

We are aware that not all materials desired for use by charter fishermen and perhaps the MMS (oil/gas rigs) are specifically mentioned in this permit. We have proposed only those items that are approved by the EPA under a general permit at this time which DEP as the permittee would be in a position to deal with. We do not currently have the manpower to embark upon a formal inspection program that would accommodate private individuals and a broad range of materials.

We believe that the current published list based upon experience and research constitutes materials that make good long term marine habitat and have made good, productive artificial reefs in the past. As we understand it, the list of items approved in the permit can be modified by letter of authorization when a formal pre-placement inspection program is in place and additional materials that are added to the list have been shown to provide suitable, environmentally safe habitat. If this is an incorrect assumption, please notify this office.

Sincerely,



Jon Dodrill, Environmental Administrator
Office of Fisheries Management
and Assistance Services (MS 240)



This notice of authorization must be conspicuously displayed at the site of work.

United States Army Corps of Engineers

OCT 12 1994
19_____

TO CONSTRUCT AN ARTIFICIAL REEFS AT THREE LOCATIONS. THE REEFS
A permit to WOULD BE FOR FISH PROPAGATION.
LOCATED IN THE GULF OF MEXICO, SITES 1 AND 2 ARE OFFSHORE FROM ESCAMBIA CO.
at AND SITE 3 IS LOCATED OFFSHORE FROM OKALOOSA CO., FLORIDA.

STATE OF FLORIDA DEPARTMENT
has been issued to OF ENVIRONMENTAL PROTECTION on OCT 12 1994 19
3900 COMMONWEALTH BOULEVARD MS-240
Address of Permittee TALLAHASSEE FLORIDA 32399 3000

Permit Number

199402365 (IP-SS)

Charles S. Ash
TERRY L RICE COL. US ARMY
District Commander



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P. O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

RECEIVED

OCT 19 1994

Dept. of Environment & Fisheries Mgmt. & Asst. Services

REPLY TO
ATTENTION OF

Regulatory Division
North Permits Branch
199402365 (IP-SS)

Mr. John Dodrill
State of Florida
Department of Environmental Protection
Office of Fisheries Management
and Assistance Services
MS-240
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Dear Mr. Dodrill:

Enclosed is a Department of the Army permit and a Notice of Authorization for application number 199402365 (IP-SS), submitted for the construction of artificial reefs in the Gulf of Mexico.

The placard should be prominently displayed at the construction site. You may begin the work authorized by this permit. This permit does not relieve you of your responsibilities for any other Federal, State or local permit.

A map showing the field office addresses and telephone numbers is enclosed. In order to determine compliance with the permit, U.S. Army Corps personnel or a contractor may inspect the project site at any time. A copy of the enclosed permit and drawings, in addition to the placard, must be available at the site of work at all times. Please be aware that failure to comply with the permit limits or the conditions may result in enforcement actions to include civil penalties.

If, in the future, you choose to modify your permitted work, this must be requested in writing and drawings showing the proposed changes must also be submitted. Any requests for extensions beyond the five year time limit must be requested, in writing, at least one month prior to the expiration date of the permit.

Sincerely,

John R. Hall
Chief, Regulatory Division

Enclosures

DEPARTMENT OF THE ARMY PERMIT

Permittee: STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Permit No: 199402365 (IP-SS)

Issuing Office : U.S. Army Engineer District, Jacksonville

NOTE: The term "you" and its derivatives, as used in this permit, mean the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the U.S. Army Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: To construct an artificial reefs at three locations. The reefs would be for fish propagation.

The work is to be completed in accordance with the attached plans numbered 199402365 (IP-SS) in 2 sheets dated September 21, 1994.

Project Location: The project sites are located in the Gulf of Mexico, sites 1 and 2 are offshore from Escambia County and site 3 is located offshore from Okaloosa County, Florida.

Permit Conditions:

General Conditions:

1. ~~Sept 22~~ ¹⁹⁹⁹ The time limit for completing the work authorized ends on September 22, 1999. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature and mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. The permittee, or designated agent will notify the U.S. Army Corps of Engineers Panama City Field Office, 1706 East 5th Street, Panama City, Florida 32401-4310, telephone 904-763-0717, the U.S. Coast Guard, (nearest station) and the Florida Marine Patrol, (nearest station), no less than 5 working days prior to departure of the vessel to allow for inspection of the reef nourishment material. The notification will include the point of departure, types of materials to be used for reef construction, and a point of contact at the departure site.

2. Each time a reef site is nourished, the permittee or designated agent, will prepare a report to include the type and amount of materials used in the nourishment, method for cleaning the materials if necessary, where the materials were placed, and the configuration, including height of the material after placement. A copy of the report will be submitted to the State of Florida, Department of Environmental Protection, the U. S. Fish and Wildlife Service, Panama City, The National Marine Fisheries Service, Panama City, the Environmental Protection Agency, Atlanta, and the U.S. Army Corps of Engineers, Jacksonville District.

3. The permittee, or designated agent, will prepare and present to Federal or State officials, upon request, and keep on board the vessel used to transport reef material, an original manifest that contains an itemized list of all the materials on board that are to be used as reef material.

4. Any vessel or platform used as artificial reef material will have all floatation materials removed from the vessel and will have "reef material" painted on the bottom of the vessel.

5. All loading of artificial reef material, departure of the vessel for construction of the reef and placement of the material on the reef will be accomplished during daylight hours, Monday through Friday only.

6. The permittee will notify the U.S. Coast Guard Station, (nearest station) and the Florida Marine Patrol, (nearest station) of the departure time of the vessel transporting the material, providing them with the approximate coordinates of the proposed reef, the Department of the Army permit number, and the estimated time of arrival at the reef site.

7. The material to be used on the artificial reef shall be cleaned and free of pollutants or toxins. The materials to be used are limited to natural limestone, clean concrete prefabricated material or clean concrete rubble, vessels properly ballasted and thoroughly cleaned in accordance with the U.S. Coast Guard (CG) and the Environmental Protection Agency (EPA) specifications, heavy gauge steel material including surplus military equipment properly cleaned in accordance with CG and EPA specifications, and prefabricated designed reef structures.
NO OTHER MATERIALS ARE AUTHORIZED

8. No reef will exceed 24 feet in height or have less than 50 feet of clearance between the top of the structure and the surface of the water.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

() Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, and local authorization required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

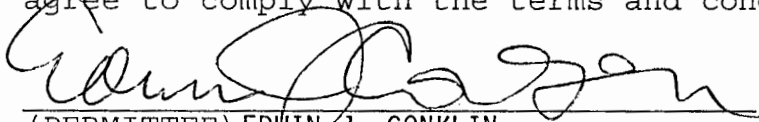
b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

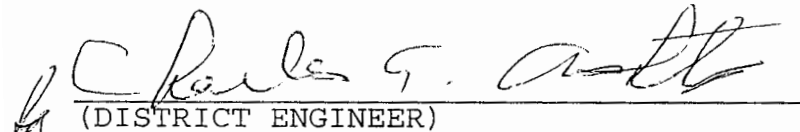
Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.



(PERMITTEE) EDWIN J. CONKLIN
DIRECTOR, DIVISION OF MARINE RESOURCES
DEPARTMENT OF ENVIRONMENTAL PROTECTION

9-28-94
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.



Terry L. Rice
Colonel, U.S. Army

OCT 12 1994
(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE - SIGNATURE)

(DATE)

(NAME - PRINTED)

(ADDRESS)

(CITY, STATE, AND ZIP CODE)

Sea level

MIN
50-foot
Clearance



MAX
25 feet

APPLICATION NUMBER 199402365 (T.R.S)

DATE 9/21/94

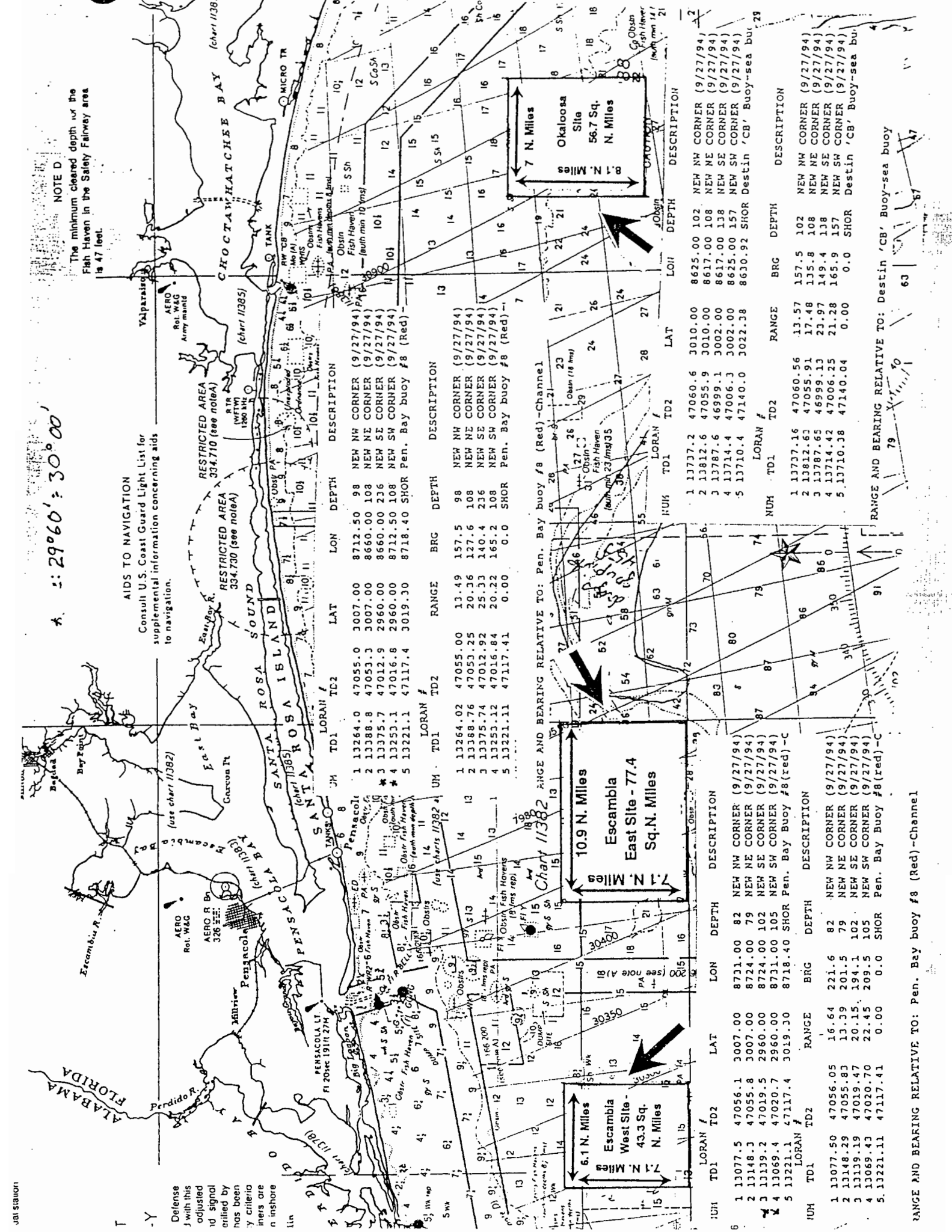
SHEET 2 OF 2

A. $\lambda: 29^{\circ}60' = 30^{\circ}00'$

NOTE D
The minimum cleared depth for the Fish Haven in the Safety Fairway area is 47 feet.

AIDS TO NAVIGATION
Consult U.S. Coast Guard Light List for supplemental information concerning aids to navigation.

Defense J with this adjusted to signal erilled by has been n criteria y. criteria iners are in shore lin



LOTRAN #	TD1	TD2	LAT	LONG	DEPTH	DESCRIPTION
1	13264.0	47055.0	3007.00	8712.50	98	NEW NW CORNER (9/27/94)
2	13388.8	47053.3	3007.00	8660.00	108	NEW NE CORNER (9/27/94)
3	13375.7	47012.5	2960.00	8660.00	236	NEW SE CORNER (9/27/94)
4	13253.1	47016.8	2960.00	8712.50	108	NEW SW CORNER (9/27/94)
5	13221.1	47117.4	3019.30	8718.40	SHOR	Pen. Bay buoy #8 (Red)

LOTRAN #	TD1	TD2	LAT	LONG	DEPTH	DESCRIPTION
1	13264.02	47055.0	3007.00	8712.50	98	NEW NW CORNER (9/27/94)
2	13388.76	47053.25	3007.00	8660.00	108	NEW NE CORNER (9/27/94)
3	13375.74	47012.52	2960.00	8660.00	236	NEW SE CORNER (9/27/94)
4	13253.12	47016.84	2960.00	8712.50	108	NEW SW CORNER (9/27/94)
5	13221.11	47117.41	3019.30	8718.40	SHOR	Pen. Bay buoy #8 (Red)

LOTRAN #	TD1	TD2	LAT	LONG	DEPTH	DESCRIPTION
1	13737.2	47060.6	3010.00	8625.00	102	NEW NW CORNER (9/27/94)
2	13812.6	47055.9	3010.00	8617.00	108	NEW NE CORNER (9/27/94)
3	13787.6	46999.1	3002.00	8617.00	138	NEW SE CORNER (9/27/94)
4	13714.4	47006.3	3002.00	8625.00	157	NEW SW CORNER (9/27/94)
5	13710.4	47140.0	3022.38	8630.92	SHOR	Destin 'CB' Buoy-sea buoy

LOTRAN #	TD1	TD2	LAT	LONG	DEPTH	DESCRIPTION
1	13737.16	47060.56	3010.00	8625.00	102	NEW NW CORNER (9/27/94)
2	13812.63	47055.91	3010.00	8617.00	108	NEW NE CORNER (9/27/94)
3	13787.55	46999.13	3002.00	8617.00	138	NEW SE CORNER (9/27/94)
4	13714.42	47006.25	2997.28	8625.00	157	NEW SW CORNER (9/27/94)
5	13710.38	47140.04	3022.38	8630.92	SHOR	Destin 'CB' Buoy-sea buoy

Escambia West Site - 43.3 Sq. N. Miles

Escambia East Site - 77.4 Sq. N. Miles

Okaloosa Site - 56.7 Sq. N. Miles

RANGE AND BEARING RELATIVE TO: Pen. Bay buoy #8 (Red)-Channel