



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

DEPARTMENT: Neighborhood and Environmental Services

FROM: Keith Wilkins, Director

DATE: March 3, 2005

ISSUE: Resolution-Artificial Reefs submitted by Marine Advisory Committee

RECOMMENDATION:

That the Board take the following action regarding a Large Area Artificial Reef Site permit for artificial reef construction in the Gulf of Mexico waters off Escambia County, Florida:

- A. Adopt a resolution, forwarded to the Board by Escambia County Marine Advisory Committee (MAC), supporting expansion of Large Area Artificial Reef Site permit from the Florida Fish and Wildlife Conservation Commission (FWC) and US Army Corps of Engineers (ACOE); supporting the development of alternatives to exact artificial reef coordinate reporting and monitoring, and providing for an effective date;
- B. Authorize the Chairman to sign the Resolution; and
- C. Authorize staff on behalf of the Board to transmit this request to the FWC and ACOE.

BACKGROUND:

Construction of artificial reefs by charterboat operators for their business is authorized by the ACOE permit issued to the FWC. Escambia County Marine Resources Division implements artificial reef permitting as "Designated Agent" of FWC. At its February 15, 2005 meeting (excerpt from resume of minutes attached) Escambia County MAC received requests from charterboat operators requesting ACOE permit conditions be modified to reduce reporting requirements and to increase the size of the authorized artificial reef sites. Based on these requests, the MAC requested a resolution be submitted for BCC consideration in support of these requests.

BUDGETARY IMPACT:

N/A

LEGAL CONSIDERATIONS/SIGN-OFF:

Mike Godwin, Assistant County Attorney, has reviewed and approved the resolution as to legal form and sufficiency.

BCC 03-17-2005

RE: Resolution-Artificial Reefs submitted by Marine Advisory Committee

Date March 3, 2005

Page 2 of 2

PERSONNEL:

N/A

POLICY/REQUIREMENT FOR BOARD ACTION/DISCUSSION:

Board approval is required for all resolutions

IMPLEMENTATION REQUIREMENTS:

Upon approval of this recommendation, Neighborhood and Environmental Services Department, Marine Resources Division will provide copies of this resolution to MAC, agency staff, and stakeholders.

COORDINATION WITH OTHER AGENCIES/PERSONS:

County staff will coordinate with MAC, agency staff, and stakeholders in the administration of this resolution.

KW/rt

H:\NESD\BCC Recommendations\Marines Resources\Artificial Reefs\BCCRec LAARS MAC Res mar05.doc

Attachment

CONCUR:

George Touart, County Administrator

Excerpt from the February 15, 2005, Marine Advisory Committee meeting
Resume of Minutes regarding *Agenda Item IV, Artificial Reef Regulations:*

Paul Redman, President of the Pensacola Charter Boat Association (PCBA) and other association members were present regarding the Large Area Permit and new developments. Charter Boaters, as a result of damage from Hurricane Ivan, lost 90 percent of their reefs and are seeking assistance from the MAC on a viable method of quickly building reefs. Another concern expressed is the disclosure of exact coordinate readings required by the current federal permit procedure.

After lengthy discussion, a resolution was drafted for forwarding to the Board of County Commissioners for consideration at their next meeting. The resolution is about making the permit site larger and requesting a reduction in the reporting and monitoring requirements of their reefs.

The Marine Resources Division chief was asked to review, edit and forward the resolution with a recommendation to the BCC for consideration.

Robert Turpin encouraged MAC members attendance at the next BCC meeting to support the Resolution referenced above.

RESOLUTION R2005-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA, COUNTY, FLORIDA SUPPORTING EXPANSION OF LARGE AREA ARTIFICIAL REEF SITES (LAARS) IN THE ESCAMBIA COUNTY MARINE AREA; SUPPORTING THE DEVELOPMENT OF ALTERNATIVES TO EXACT ARTIFICIAL REEF COORDINATE REPORTING AND MONITORING; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, fishing and diving provide an estimated \$92M annual economic benefit to Escambia County; and

WHEREAS, recent hurricanes have greatly increased the rate of decline of existing artificial reefs; and

WHEREAS, due to lack of substantial natural reefs, such artificial reefs provide invaluable marine life habitat and additional fishing and diving opportunities for citizens and visitors to Escambia County; and

WHEREAS, overcrowding and resultant user conflicts at artificial reef sites are detrimental to the recreational, social, and economic benefits enjoyed by the citizens and visitors of Escambia County; and

WHEREAS, the U.S. Army Corps of Engineers has issued a Large Area Artificial Reef Site (LAARS) permit to Florida Fish and Wildlife Conservation Commission for the purpose of artificial reef construction by Escambia County Marine Resources Division and by local private citizens; and

WHEREAS, a “privately deployed” artificial reef is an artificial reef not deployed nor directly funded by FWC or county government but is instead constructed by private citizens at their own expense within the LAARS area at an exact location not published for general public use; and

WHEREAS, any such privately deployed artificial reef does not confer any ownership or exclusive use rights to the individual(s) that constructed such a reef nor does this Resolution endorse or promote any waiver from the requirements of Chapter 119, Florida Statutes, the Public Records Law, as it relates to this issue; and

WHEREAS, the local charterboat operators rely on the construction of such privately deployed artificial reefs, and possess the desire and ability to construct them for the purpose of conducting their businesses; and

WHEREAS, Escambia County Marine Advisory Committee (MAC) was established by Board of County Commissioners to provide recommendations regarding marine related issues; and

WHEREAS, pursuant to its meeting on February 15, 2004, Escambia County MAC presents these findings to the Board of County Commissioners and recommends their adoption as the official expression of Escambia County on the construction by citizens of such privately deployed artificial reefs; and

WHEREAS, the Board of County Commissioners finds it is in the best interest of the health, safety, welfare, and ecology of Escambia County that the County records its approval of these privately deployed artificial reef construction efforts through this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA AS FOLLOWS:

Section 1. The above recitals are true and correct and incorporated by reference.

Section 2. The Board of County Commissioners supports enlargement of existing LAARS areas and/or establishment additional such areas through privately deployed artificial reef construction.

Section 3. The Board of County Commissioners also supports efforts to establish alternative measures to the reporting of exact artificial reef coordinates and the monitoring of privately deployed artificial reefs; provided however, such measures shall remain at all times in compliance with Chapter 119, Florida Statutes.

Section 4. This Resolution shall take effect immediately upon adoption by the Board of County Commissioners.

ADOPTED this 17th day of March 2005.

BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

By: _____
J. W. Dickson, Chairman

ATTEST: Ernie Lee Magaha
Clerk of the Circuit Court

By: _____

(SEAL)

This document approved as to form
and legal sufficiency.

2

By: M. C. Gohm
Title: ACA
Date: 3 March 05