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BCC: 06-21-2007



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

DEPARTMENT: Neighborhood and Environmental Services
FROM: Keith Wilkins, ~~Director~~
DATE: June 7, 2007
ISSUE: Public Hearing: Artificial Reef Permitting Program Ordinance

RECOMMENDATION:

That the Board take the following action regarding an Artificial Reef Permitting Program Ordinance:

- A. Adopt an ordinance of Escambia County, Florida creating Article V, Chapter 102, Sections 102-77 to 102-79, of the Escambia County Code of Ordinances; for the Escambia County Artificial Reef Permitting Program; providing for establishment of artificial reef permitting requirements by Resolution of the Board; providing for severability; providing for inclusion in the code; providing for an effective date;
- B. Authorize the chairman to sign the ordinance;
- C. Approve a Resolution establishing terms, conditions and procedures regarding authorized areas for construction or nourishment of reef sites, appropriate materials, cleaning and preparation of reef materials, fees and other matters;
- D. Authorize the chairman to sign the resolution;
- E. Approve the Policy and Procedures to be used by the Marine Resources Division to implement the Artificial Reef Permitting Program;
- F. Ratify Transferee Signature of Keith Wilkins, Director, Neighborhood and Environmental Services Department, on the Department of the Army Permit Transfer Request transferring Florida Fish and Wildlife Conservation Commission's Permit No. 19402365 (IP-CP) to Escambia County; and
- G. Authorize Escambia County seeking renewal of the permit that expires September 22, 2007.

BACKGROUND:

At it's June 7, 2007, meeting the Board scheduled a public hearing for 5:32 p.m., to consider adopting an Ordinance regarding the Artificial Reef Permitting Program. On November 1, 2001,

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the Board approved a Memorandum of Understanding between the Florida Fish and Wildlife Conservation Commission (FWC) and Escambia County established the county's role in managing personal reef deployments on their behalf. At the January 25, 2007 Committee of the Whole meeting, the Board directed Neighborhood and Environmental Services Department (NESD) to accomplish transfer of the Army Corps of Engineers permit for Large Area Artificial Reef Site from FWC to Escambia County.

BUDGETARY IMPACT:

The Ordinance contains recommended permit fees and penalties.

LEGAL CONSIDERATIONS/SIGN-OFF:

Alison Perdue Rogers, Assistant County Attorney, has reviewed and approved the Ordinance and Resolution as to legal form and sufficiency.

PERSONNEL:

No additional staff is required.

POLICY/REQUIREMENT FOR BOARD ACTION/DISCUSSION:

This action is consistent with the Board's Comprehensive Plan goal "to properly manage and conserve the natural resources of the County..."

IMPLEMENTATION REQUIREMENTS:

Upon adoption of the Ordinance, NESD Marine Resources Division will manage the Escambia County Artificial Reef Permitting Program according Board-approved policies and procedures and Army Corps of Engineers permit conditions.

COORDINATION WITH OTHER AGENCIES/PERSONS:

Escambia County Marine Resources Division will continue coordination with Army Corps of Engineers.

RT/sa

H:\NESD\NESD\BCC Recommendations\Marine Resources\Artificial Reefs\LAARS Ord May07\LAARS Ord public hearing 06 21 07.doc

Attachments

CONCUR:

George Touart, County Administrator

ORDINANCE NO. 2007-__

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA CREATING ARTICLE V, CHAPTER 102, SECTIONS 102-77 TO 102-79, OF THE ESCAMBIA COUNTY CODE OF ORDINANCES; FOR THE ESCAMBIA COUNTY ARTIFICIAL REEF PERMITTING PROGRAM; PROVIDING FOR ESTABLISHMENT OF ARTIFICIAL REEF PERMITTING REQUIREMENTS BY RESOLUTION OF THE BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Escambia County has accepted delegation from the U. S. Army Corps of Engineers and the Florida Fish and Wildlife Commission for permitting of artificial reef deployments in Escambia County's designated LAARS areas; and,

WHEREAS, pursuant to this delegation, Escambia County will oversee and permit artificial reef deployments in the permit areas.

WHEREAS, designated artificial reefs create habitat for many species of marine life; and,

WHEREAS, marine life is vital for sustaining several commercial and recreational pursuits in Escambia County including fishing, snorkeling, scuba diving and boating; and,

WHEREAS, such activities play a vital role in the local economy, including the tourism industry; and,

WHEREAS, fishing and diving opportunities contribute greatly to the quality of life for Escambia County residents and visitors.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA:

Section 1. Article V, Chapter 102, Sections 102-77 to 102-79 of the Code of Ordinances of Escambia County, Florida is hereby created to read as follows:

Section 102-77 **Short Title.**

This ordinance shall be known as "Escambia County Artificial Reef Ordinance," and may be cited as such.

Section 102-78 **Creation.**

Escambia County hereby establishes an artificial reef program whereby the County, through delegation from the U. S. Army Corps of Engineers and transfer from the Florida Fish and Wildlife Commission, permits and oversees artificial reef deployment and nourishment in those areas established as Escambia County Large Area Artificial Reef Sites (LAARS).

Section 102-79 **Procedures.**

The Board may establish by resolution the terms, conditions and procedures regarding authorized areas for the construction or nourishment of reef sites, designation of appropriate reef material(s), cleaning and preparation of reef material(s), fees and other matters relating to this section. The resolution may be amended from time to time as required by the permit or the determination of the board.

Section 2. **SEVERABILITY.**

It is declared the intent of the Board of County Commissioners that if any subsection, clause, sentence, provision or phrase of this Ordinance is held to be invalid or unconstitutional by a Court of competent jurisdiction, such invalidity or

unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

Section 3. INCLUSION IN THE CODE.

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Escambia County Code; and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 4. EFFECTIVE DATE.

This Ordinance shall become effective upon its filing with the Department of State.

DONE AND ENACTED this ____ day of _____, 2007.

BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

By: _____
Kevin W. White, Chairman

ATTEST: ERNIE LEE MAGAHA
Clerk of the Circuit Court

By: _____
Deputy Clerk

(SEAL)
ENACTED:
FILED WITH DEPARTMENT OF STATE:
EFFECTIVE:

This document approved as to form and legal sufficiency

By: _____
Title Deputy County Attorney
Date 6/11/07

RESOLUTION R2007-116

A RESOLUTION PROVIDING FOR AUTHORIZED LAARS (LARGE AREA ARTIFICIAL REEF SITE) AREAS FOR CONSTRUCTION AND/OR NOURISHMENT OF ARTIFICIAL REEFS; DESIGNATING APPROPRIATE REEF MATERIAL(S), CLEANING AND PREPARATION OF REEF MATERIAL(S); ESTABLISHING ARTIFICIAL REEF FEES FOR LAARS AUTHORIZATIONS; ESTABLISHING FINANCIAL SAFEGUARDS FOR DEPLOYMENT AND/OR TOWING OF VESSELS AS REEFS; PROVIDING FOR PROHIBITION OF PARTICIPATION DUE TO NONCOMPLIANCE OF PERMIT TERMS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Escambia County has accepted a transfer from the FWC and delegation from the Department of the Army for responsibility for that Large Area Artificial Reef Site (LAARS) currently assigned Permit (the Permit) #199402365; and

WHEREAS, pursuant to this delegation, Escambia County will oversee and authorize artificial reef deployments in the Permit areas; and,

WHEREAS, artificial reefs create habitat for many species of marine life; and,

WHEREAS, marine life is vital for sustaining several commercial and recreational pursuits in Escambia County including fishing, snorkeling, scuba diving and boating; and,

WHEREAS, such activities play a vital role in the local economy, including the tourism industry; and,

WHEREAS, fishing and diving opportunities contribute greatly to the quality of life for Escambia County residents and visitors.

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

Section 1: Permit and Terms: Escambia County is permitted to authorize and oversee artificial reef inspections and deployments for designated LAARS areas, currently assigned Permit Number 199402365. Copies of the Permit and its terms as expressed by the Army Corps of Engineers are attached and incorporated with this Resolution as Exhibit "A". The terms or conditions of the Permit are subject to change due to requirements of the Department of Army, the courts or other circumstances and such changes are incorporated with this Resolution. The Permit number is subject to change and multiple permit numbers may be assigned to Escambia County jurisdiction and shall be subject to this Resolution.

Date: 6-27-2007 Verified By: P. Cotton

Section 2. Authorized Area. Escambia County shall only issue authorizations for the construction or nourishment of artificial reef sites within authorized Permit areas. Current authorized LAARS Permit sites are described herein and encompass a total seafloor area of 118 square nautical miles.

EAST AREA

Coordinates of East LAARS:

Center Point –	Latitude:	30° 03.50' North	Longitude:	87° 06.25' West
Northeast Corner -	Latitude:	30° 07.00' North	Longitude:	87° 00.00' West
Southeast Corner -	Latitude:	30° 00.00' North	Longitude:	87° 00.00' West
Southwest Corner -	Latitude:	30° 00.00' North	Longitude:	87° 12.50' West
Northwest Corner -	Latitude:	30° 07.00' North	Longitude:	87° 12.50' West

WEST AREA

Coordinates of West LAARS:

Center Point –	Latitude:	30° 03.50' North	Longitude:	87° 27.50' West
Northeast Corner -	Latitude:	30° 07.00' North	Longitude:	87° 24.00' West
Southeast Corner -	Latitude:	30° 00.00' North	Longitude:	87° 24.00' West
Southwest Corner -	Latitude:	30° 00.00' North	Longitude:	87° 31.00' West
Northwest Corner -	Latitude:	30° 07.00' North	Longitude:	87° 31.00' West

A map illustrating these LAARS Permit sites is attached and incorporated with this Resolution as Exhibit "B".

Section 3. Reef Materials. Escambia County shall only issue authorizations for the construction or nourishment of artificial reef sites using stable materials as authorized in the Permit, which are currently as described below:

Materials shall be free of pollutants and toxins and composed of:

- a. Non-productive oil platforms thoroughly clean in accordance with U.S. Coast Guard and U.S. Environmental Protection Agency (EPA) standards.
- b. Surplus military equipment 1/4 inch or greater in thickness thoroughly clean in accordance with U. S. Coast Guard and U. S. Environmental Protection Agency (EPA) standards.
- c. Steel hull vessels ballasted and thoroughly clean in accordance with U. S. Coast Guard and U. S. Environmental Protection Agency (EPA) standards.

- d. Natural limestone boulders weighing a minimum of 150 pounds each.
- e. Clean concrete rubble weighing a minimum of 150 pounds each.
- f. Clean concrete prefabricated reef materials or modules weighing a minimum of 150 pounds each.
- g. Clean and structurally stabilized steel/aluminum/metal alloy boxes or structures (1/8 inch or greater in thickness) weighing 150 pounds or more.

No reef materials shall be allowed to trap marine life and must be configured, cut or shaped, so as not to function as a fish trap. All materials/structures must be configured and constructed to be stable, durable, and provide habitat. No material whatsoever may be deployed within one-quarter mile of the boundaries of the Large Area Artificial Reef Sites (LAARS). No other materials are authorized. Materials expressly prohibited include cars and trucks and any parts thereof, white goods (i.e. appliances), shopping carts, bread trays, 55 gallon drums, storage or fuel tanks, loose metal materials, plastics, fiberglass, or materials that upon inspection by Escambia County staff are found to be potentially unstable or lack acceptable habitat qualities.

Section 4. Cleaning of Reef Materials. All reef material(s) must be properly cleaned before being loaded for transport to a reef site. All inspections must be completed and certification made that the materials have been properly cleaned. Inspections must be performed by qualified County personnel. Inspections of steel-hulled vessels will be accomplished by the United States Coast Guard. Inspection criteria shall include, but may not be limited to, the following items:

- (1) All decks, bilges and cargo spaces should be free of oil, other hydrocarbons and toxic residue.
- (2) All electrical components that contain PCB contaminants must be removed.
- (3) All floatable materials must be removed.
- (4) Floatable asbestos insulation must be removed.

Section 5. Artificial Reef Fees. The fee for each authorization for deployment of artificial reef materials shall be Twenty-five dollars (\$25.00). If an applicant has failed to deploy authorized artificial reef materials within sixty (60) days of issuance of the authorization and subsequently applies for an authorization to deploy the previously authorized materials, then the Artificial Reef Fee to reauthorize those materials is two hundred dollars (\$200.00), in order to help offset necessary staff time.

Section 6: Deployment of Vessels as Artificial Reefs. In order to obtain a permit to deploy and/or tow a vessel, including but not limited to, barges and tug boats, an

applicant must make assurances that protect the County from liability in the event the vessel is purposefully or accidentally deployed outside the Permit areas or is improperly deployed. Such assurances shall include a signed statement of responsibility and liability and, where possible, listing the County as an additional insured on a relevant insurance policy or posting a surety sufficient to address possible deployment errors. Fiberglass hulls are not permissible deployment materials.

Section 7. Monitoring of Reef Deployments. Monitoring shall be carried out by the County staff as required by the Permit.

Section 8. Other Terms and Restrictions. Other terms and restrictions set forth in the Permit shall apply. Administrative policies may be applied by County staff. This Resolution shall be amended from time to time as necessary.

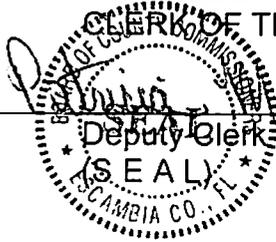
Section 9. Noncompliance. Those individuals determined to be in noncompliance with the terms of the Permit or this Resolution shall be prevented from obtaining authorization for artificial reef materials until such time as the individual comes into compliance. Coming into compliance could mean, for example, reporting coordinates of deployed materials or returning unused authorization tags. However, those who refuse or are unable to come into compliance shall be prohibited from any further participation in the artificial reef program unless it can be demonstrated that the inability to come into compliance is due to circumstances beyond the applicant's control.

ADOPTED this 21st day of June, 2007.

BOARD OF COUNTY COMMISSIONERS
OF ESCAMBIA COUNTY, FLORIDA

By: *Kevin W. White*
Kevin W. White, Chairman

ATTEST: ERNIE LEE MAGAHA
CLERK OF THE CIRCUIT COURT

By: *Ernie Lee Magaha*
 Deputy Clerk
(SEAL)
ESCAMBIA CO., FL

BCC APPROVED 6-21-2007

Date Executed
6-21-2007

This document approved as to form
and legal sufficiency
By: *[Signature]*
Title Deputy County Attorney
Date 6/21/07

EXHIBIT A



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
PENSACOLA REGULATORY OFFICE
41 North Jefferson Street, Suite 111
PENSACOLA, FLORIDA 32502-5794

Regulatory Division
North Permits Branch
199402365 IP-CP
MODIFICATION #11

March 20, 2007

Robert Turpin
Chief, Marine Resources
Escambia County
1190 West Leonard Street
Pensacola, Florida 32501

Dear Mr. Turpin:

This letter is in reference to your correspondence of February 16 and 25, 2007 on behalf of Escambia County commission, to modify conditions of Department of the Army Individual Permit 199402365 related to pre-deployment notifications. The permit authorizes deployment of artificial reef material on two Large Area Artificial Reef Sites (LAARS) located in the Gulf of Mexico south of Pensacola, Florida.

In accordance with your request, the Jacksonville District Corps of Engineers (Corps), will modify pre-deployment notifications in accordance with **Special Condition 5** of the permit within the limitations noted below. The modified procedure will require submittal of sheets 1-3 of 5 of the Escambia LAARS forms to initiate the 5 day review period as referenced in Special Condition 5. Upon the passing of the 5 day period, unless notified to the contrary by the Corps, the county will have 30 days to deploy bridge rubble under the tracking number (e.g. 2007-045, 2007-046, etc) the county assigned to the submitted pre-deployment notification. The final date in the 30 day period will be listed in the designated location on sheet 3 of the form. Each subsequent deployment which would occur under a pre-deployment notification would be designated alphabetically (e.g. 2007-045A, 2007-045B, etc). If more than 26 deployments occur within a 30 day period the alphabetic designations will be duplicated (e.g. 2007-045AA, 2007045BB, etc.) In accordance with the appropriate text in Special Conditions 5 and 9, the county will provide 24-hour pre-deployment notifications and post deployment notifications in accordance with the permit for each deployment (e.g. 2007-045A, 2007-045B, etc). All deployments that would occur under a pre-deployment notification would occur within such a proximity to be considered one large discrete deployment with the center point of the deployment matching the

Latitude and Longitude coordinates on the pre-deployment notification.

The requirement for photographs as referenced in Special Condition 5, is modified to allow weekly submittal of digital photos of materials deployed in the preceding 7 calendar days beginning on Monday and ending on Sunday. Photos will be delivered to the Pensacola Regulatory Office each Monday prior to 5:00PM CDT. The photos will be copied to compact disk and photos will be organized by deployment (e.g. 2007-045A, 2007-045B, etc.). Photos will be clear and framed at such a range to allow sufficient detail to allow verification of permit compliance.

Special Condition 7 is clarified to acknowledge the pre-deployment notification (sheets 1-3 of the LAARS form) will remain valid for 30 days.

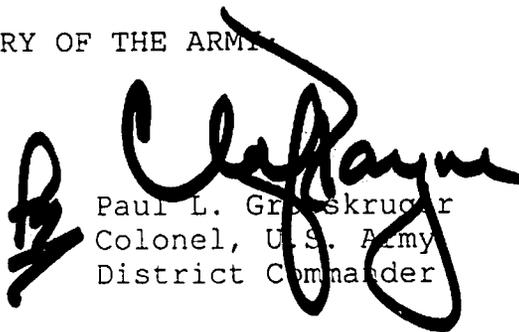
This modification applies solely to the deployment of concrete bridge rubble of basically uniform dimension and condition which will be generated by the demolition of the Interstate 10 bridge spanning Escambia Bay and the Pensacola Bay Bridge Fishing Pier (Escambia and Santa Rosa sections).

Unless specifically extended, the above modifications will expire on September 22, 2007.

All of the other conditions, limitations, and stipulations as well as the September 22, 2007 expiration date for permit number 199402365 not specifically changed by this modification remain in full effect.

Thank you for your cooperation with our regulatory program.

BY AUTHORITY OF THE SECRETARY OF THE ARMY


Paul L. Grosskrueger
Colonel, U.S. Army
District Commander



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
PENSACOLA REGULATORY OFFICE
41 North Jefferson Street, Suite 111
PENSACOLA, FLORIDA 32502-5794

REPLY TO
ATTENTION OF

Regulatory Division
North Permits Branch
199402365 IP-CP
MODIFICATION #10

November 22, 2006

Robert Turpin
Chief, Marine Resources
Escambia County
1190 West Leonard Street
Pensacola, Florida 32501

John Dodrill
Fish and Wildlife Conservation Commission
620 Meridian Street Box 4-B
Tallahassee, Florida 32399-1600

Dear Messer's Turpin and Dodrill:

On or about April 11, 2006, an agreement was entered into between the U.S. Navy, Florida Fish and Wildlife Conservation Commission (FWC), and Escambia County regarding transfer of the Ex-Oriskany (CVA 34) from the U.S. Navy for deployment as an artificial reef in the Gulf of Mexico south of Pensacola Florida. The deployment would occur within the bounds of the FWC Large Area Artificial Reef (LAARS) under Department of the Army permit number 199402365. Item 2(e) of the transfer agreement stipulates that Escambia County would accept responsibility for the Department of the Army permit from FWC before a request was made for reauthorization of the permit which was to expire on September 22, 2006. By correspondence dated 7 August 2006, Escambia County requested reauthorization of the Department of the Army permit and transfer of the permit from FWC to Escambia County. By correspondence dated 15 September 2006, FWC acknowledged its desire to transfer responsibility for the Department of the Army permit to Escambia County. By correspondence dated September 15, 2006, the Corps of Engineers extended the permit expiration date until September 22, 2007.

The proposed transfer has been evaluated and its anticipated impact on navigation and the environment has been determined to be insignificant. Therefore the Department of the Army permit 199402364 is hereby transferred from the Florida Fish and Wildlife Conservation Commission to the Escambia County Board of County Commission. The enclosed transfer document should be completed and signed by a duly authorized representative of the

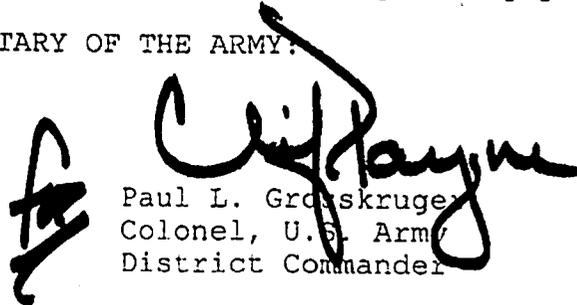
Board of County Commission and returned to the letterhead address within 14 calendar days of the date of this letter.

To facilitate pre and post deployment notification the county should immediately begin utilizing the enclosed modified deployment forms.

All of the other conditions, limitations, and stipulations as well as the September 22, 2007 expiration date for permit number 199402365 not specifically changed by this modification remain in full effect.

Thank you for your cooperation with our regulatory program.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:


Paul L. Grosskruger
Colonel, U.S. Army
District Commander

Enclosure

Copy Furnished w/o encl.:

Department of Environmental Protection
160 Governmental Center
Pensacola, Florida 32501

U.S. Department of the Interior
Mineral Management Service
Office of Leasing and Environment
1201 Elmwood Park Boulevard
New Orleans, Louisiana 70123-2394

Director, National Imagery and Mapping Agency
Hydrographic Center
Washington, D.C. 20390
ATTN: Code NS12

Director, Office of Marine Recreational Fisheries,
National Marine Fisheries Service
Washington, D.C. 20235

Commanding Officer, United States Coast Guard
Eighth Coast Guard District
501 Magazine Street
New Orleans, La. 70136

Coast Guard Group Mobile
South Broad Street
Brookley Complex
Mobile, Alabama 36615
ATTN: Operations Officer

Coast Guard Marine Safety Office
150 North Royal Street
Post Office Box 2924
Mobile, Alabama 36652-2924

Coast Guard Station Pensacola
21 Slemmer Avenue
Pensacola, Florida 32508

Coast Guard Station Destin
Post Office Box 1289
Destin, Florida 32541

U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Nautical Data Branch
N/CS26, SSMC3, Sta. 7308
1315 East-West Highway
Silver Springs, Maryland 20910-3282

U.S. Fish and Wildlife Service
1601 Balboa Street
Panama City, Florida 32406

National Marine Fisheries Service
3500 Delwood Beach Road
Panama City, Florida 32408-7403

Fish and Wildlife Conservation Commission
Division of Law Enforcement, Florida Marine Patrol
District 5C Field Office
1101 East Gregory Street
Pensacola, Florida 32501



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
PENSACOLA REGULATORY OFFICE
41 North Jefferson Street, Suite 111
PENSACOLA, FLORIDA 32502-5794

September 15, 2006

Regulatory Division
North Permits Branch
199402365 IP-CP
MODIFICATION #9

Roy Williams
Fish and Wildlife Conservation Commission
620 Meridian Street BOX 4-B
Tallahassee, Florida 32399-1600

Dear Mr. Williams:

Reference is made to my recent verbal communication with Jon Dodrill of your agency regarding the Commission's desire to extend the expiration date of Department of the Army Individual Permit 199402365 IP-CP which expires on September 22, 2006. The permit authorizes the deployment of artificial reef material on two Large Area Artificial Reef Sites (LAARS) in the Gulf of Mexico south of Pensacola in Escambia County, Florida.

During my conversation with Mr. Dodrill I acknowledged receipt of a request dated August 7, 2006 by Escambia County to transfer the LAARS permit from the Fish and Wildlife Conservation Commission to Escambia County. The correspondence from Escambia County also requested certain modifications to the permit involving permit conditions and duration.

In accordance with my conversation with Mr. Dodrill, the Corps hereby request a brief correspondence clarifying if the Commission desires or does not desire to transfer responsibility for the above referenced Individual Permit to Escambia County. To allow sufficient time for evaluation of the requested permit modification, the Corps will grant a 1 year administrative permit expiration date extension.

The permit is hereby extended until September 22, 2007. You should attach this letter to the permit. All of the other conditions, limitations, and stipulations of permit number 199402365 not specifically changed by this modification remain in effect.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
PENSACOLA REGULATORY OFFICE
41 North Jefferson Street, Suite 104
PENSACOLA, FLORIDA 32501-5794

Regulatory Division
North Permits Branch
199402365 IP-CP
MODIFICATION #8

May 20, 2003

Roy Williams
Fish and Wildlife Conservation Commission
620 Meridian Street Box MF-MFM
Tallahassee, Florida 32399-1600

Dear Mr. Williams:

Reference is made to the Fish and Wildlife Conservation Commission (FWCC) correspondence dated May 19, 2003 in regards to the Escambia Large Area Artificial Reef Sites (LAARS). In the correspondence FWCC requested the Corps of Engineers (Corps) modify Special Condition 6 of Department of the Army (DA) Permit 199402365. The requested modification would allow transport of reef materials during the period between sunset and sunrise by contractors under hire, employment, or sponsorship of FWCC or Escambia County if FWCC staff or Escambia County Chief of Marine Resources is aboard the transport vessel or companion vessel to monitor the transport and deployment activity. The requested permit modification would not apply to private reef material deployments.

The impacts of the requested permit modification on navigation and the environment have been evaluated and found to be insignificant. The permit is hereby modified in accordance with the following special conditions which replace special conditions 1-12 of the 9 May 2003 permit modification:

1. The materials to be deployed on the Large Area Artificial Reef Sites (LAARS) shall be cleaned and free of pollutants and toxins and composed of: non-productive oil platforms thoroughly clean in accordance with US Coast Guard and US Environmental Protection Agency (EPA) standards, surplus military equipment (1/4 inch or greater in thickness thoroughly clean in accordance with US Coast Guard and US Environmental Protection Agency (EPA) standards, steel hull vessels ballasted and thoroughly clean in accordance with US Coast Guard and US Environmental Protection Agency (EPA) standards,

natural limestone boulders weighing a minimum of 150 pounds each, clean concrete rubble weighing a minimum of 150 pounds each, clean concrete prefabricated reef materials or modules weighing a minimum of 150 pounds each, clean and structurally stabilized steel/aluminum/metal alloy boxes or structures (1/8 inch or greater in thickness) weighing 150 pounds or more.

No reef material shall be allowed to trap marine life, and must be configured, cut or shaped, so as to not function as a fish trap. All materials/structures must be configured and constructed to be stable, durable, and provide habitat. No material whatsoever may be deployed within one-quarter mile of the boundaries of the Large Area Artificial Reef Sites (LAARS). No other materials are authorized by this permit. Materials expressly prohibited include cars and trucks and any parts thereof, white goods (i.e. appliances), shopping carts, bread trays, 55 gal drums, storage or fuel tanks, loose metal materials, plastics, fiberglass, materials that upon inspection by FWCC staff or designated agent are found to be potentially unstable or lack acceptable habitat qualities

2. Any steel hull vessel which will be utilized, as reef material should be prepared for deployment by the removal of all flotation from the vessel and it should be properly cleaned to remove any petroleum product or residue. For vessels with built in petroleum tanks, the closest U.S. Coast Guard (USCG) Marine Safety Office (MSO) should be contacted to allow inspection of the vessel prior to deployment. The vessel should not be deployed until cleared by the USCG.

3. The permittee shall use the attached form (Pages 1 through 6 of 6) entitled Application To Use Florida Fish and Wildlife Conservation Commission (FWCC) Large Area Artificial Reef Sites (LAARS) and implement the procedures specified on the form. This form will be referred to as the "FWCC-LAARS FORM". All coordinates referenced on the form will be provided in degrees and decimal minutes.

4. FWCC staff or designated agent (Escambia County Chief of Marine Resources) shall inspect all artificial fishing reef materials proposed for deployment pursuant to this permit and assure that all materials conform to the materials list, as stated in Special Condition 1. All proposed reef material will be described on sheet 1 of 6 of the FWCC-LAARS FORM. All material to be privately deployed (ie. not deployed or directly funded by FWCC for FWCC sponsored projects or deployed or funded by county government where FWCC and/or county employees are present on the deployment vessel during deployment) will be tagged with numbered tamper proof tags. The tag number and associated materials will be listed on sheet 1 of 6 of the FWCC-LAARS FORM.

5. FWCC staff or designated agent will accomplish Pre-deployment notification by providing completed and signed sheets 1-3 of the FWCC-LAARS FORM by facsimile to the U.S. Army Corps of Engineers Pensacola Regulatory Office (Corps), U.S. Coast Guard (USCG), and Fish and Wildlife Conservation Commission (FWCC) to the following numbers:

Corps (Pensacola)	850-433-8160		
USCG (Pensacola)	850-458-5653	ATTN: OFFICER IN CHARGE	
(Destin)	850-244-0845	"	"
(Mobile)	334-441-6169	"	"
FWCC (Pensacola)	850-595-8981	ATTN: Captain Dist. 5C	
FWCC (Tallahassee)	850-922-0463	ATTN: Jon Dodrill	

This procedure will be accomplished no later than 5 days prior to departure of vessel from the staging site to allow inspection of materials by the noted agencies. The reef deployment must occur within 30 days of the close of the 5-day inspection period. The notification to the Corps shall be accompanied by either digital or 35mm photographs that clearly show the reef material that is proposed for deployment. At least 24-hours prior to initiating the deployment voyage, the applicant listed on sheet 1 of 6 of the FWCC-LAARS FORM will transmit sheet 4 of 6 of the FWCC-LAARS FORM to the FWCC and Corps and verbally transmit the information on sheet 4 of 6 to Escambia County Marine Resources in accordance with the instructions on sheet 4 of 6.

6. All loading of reef material on to the transport vessel will occur at the staging site referenced on sheet 1 of 6 of the FWCC-LAARS FORM. Loading, transport, and deployment of the reef material will occur between sunrise and sunset, Monday through Sunday of a given week for private reef material deployments. Transport only of reef materials by contractors under hire, employment, or sponsorship by FWCC or Escambia County would be allowed during the period sunset to sunrise if FWCC staff or Escambia County, Chief of Marine Resources is aboard the transport vessel or a companion vessel to monitor the transport and deployment. Loading and deployment of reef materials for FWCC or Escambia County sponsored projects must still occur during the period sunrise to sunset.

7. The transport vessel will carry sheets 1-4 (completed and signed) of the FWCC-LAARS FORM and a full copy of Department of the Army permit number 199402365 (IP-CP). These documents will be provided to any county, state or federal officials upon their request and will serve as a cargo manifest. The forms will provide an itemized listing of the materials being transported for deployment as reef material.

8. This permit expressly prohibits the deployment of reef material on submerged seagrass beds, macroalgae, coral reef, rock outcroppings, rock ledges, rock bottoms, or areas supporting sea fans, sponges, soft coral, and other macroinvertebrates. To ensure that damage to existing resources does not occur, deployments for private reefs will involve a seafloor survey using a vessel mounted fathometer. For deployments on public and sanctuary reefs the seafloor survey will be accomplished by fathometer and/or submersible video equipment whichever is most appropriate for site conditions.

9. Within 48 hours of the transmittal of sheet 4 of 6 of the FWCC-LAARS FORM to the Corps, the applicant listed on page 1 of 6 of the FWCC-LAARS FORM will provide sheet 5 of 6 of the FWCC-LAARS FORM completed and signed to the FWCC and the FWCC designated agent. Within 120 hours of the transmittal of sheet 4 of 6 of the FWCC-LAARS FORM to the Corps, the FWCC will provide copies of the completed and signed FWCC-LAARS FORM sheets 1-5 to the Corps, Minerals Management Service (MMS), and National Oceanic and Atmospheric Administration (NOAA) at the addresses listed on sheet 6 of the FWCC-LAARS FORM..

10. FWCC staff or the Chief of the Escambia County Division of Marine Resources will accompany charter captains and/or private individual fishers offshore to observe deployments on unpublicized private reefs within the LAARS. Such monitoring will be implemented on 20-25% of the unpublicized private reefs deployed within the LAARS.

11. Prior to deployment of private reefs within the "single study area" referenced on page 7 of 8 of the permit drawings, the FWCC will provide the Pensacola Regulatory Office the coordinates for the study area and exhibit the location of the area on pages 3 or 4 of 8 of the permit drawings.

12. The FWCC will accomplish monitoring activities for the LAARS in accordance with pages 7 and 8 of 8 of the permit drawings. Information gained from the monitoring and management will be compiled for review by appropriate agencies upon expiration of this permit or request for extension of this permit.

The time limit for completing the work authorized will expire on September 22, 2006. You should attach this letter and the FWCC-LAARS FORM sheet 1-6 dated 5 May 2003 to the permit. All of the other conditions, limitations, and stipulations of permit number 199402365 not specifically changed by this modification remain in effect.

If you have questions regarding this letter please contact Clif Payne at the letterhead address or at telephone number 850-433-8732.

Thank you for your cooperation with our regulatory program.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

A handwritten signature in black ink, appearing to read "Clif Payne". The signature is written in a cursive, somewhat stylized font.

James G. May

Enclosure

Copy Furnished:

Department of Environmental Protection
160 Governmental Center
Pensacola, Florida 32501

U.S. Department of the Interior
Mineral Management Service
Office of Leasing and Environment
1201 Elmwood Park Boulevard
New Orleans, Louisiana 70123-2394

Director, National Imagery and Mapping Agency
Hydrographic Center
Washington, D.C. 20390
ATTN: Code NS12

Director, Office of Marine Recreational Fisheries,
National Marine Fisheries Service
Washington, D.C. 20235

Commanding Officer, United States Coast Guard
Eighth Coast Guard District
501 Magazine Street
New Orleans, La. 70136

Coast Guard Group Mobile
South Broad Street
Brookley Complex
Mobile, Alabama 36615
ATTN: Operations Officer

Coast Guard Marine Safety Office
150 North Royal Street
Post Office Box 2924
Mobile, Alabama 36652-2924

Coast Guard Station Pensacola
21 Slemmer Avenue
Pensacola, Florida 32508

Coast Guard Station Destin
Post Office Box 1289
Destin, Florida 32541

U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Nautical Data Branch
N/CS26, SSMC3, Sta. 7308
1315 East-West Highway
Silver Springs, Maryland 20910-3282

U.S. Fish and Wildlife Service
1601 Balboa Street
Panama City, Florida 32406

National Marine Fisheries Service
3500 Delwood Beach Road
Panama City, Florida 32408-7403

Fish and Wildlife Conservation Commission
Division of Law Enforcement, Florida Marine Patrol
District 5C Field Office
1101 East Gregory Street
Pensacola, Florida 32501

Master
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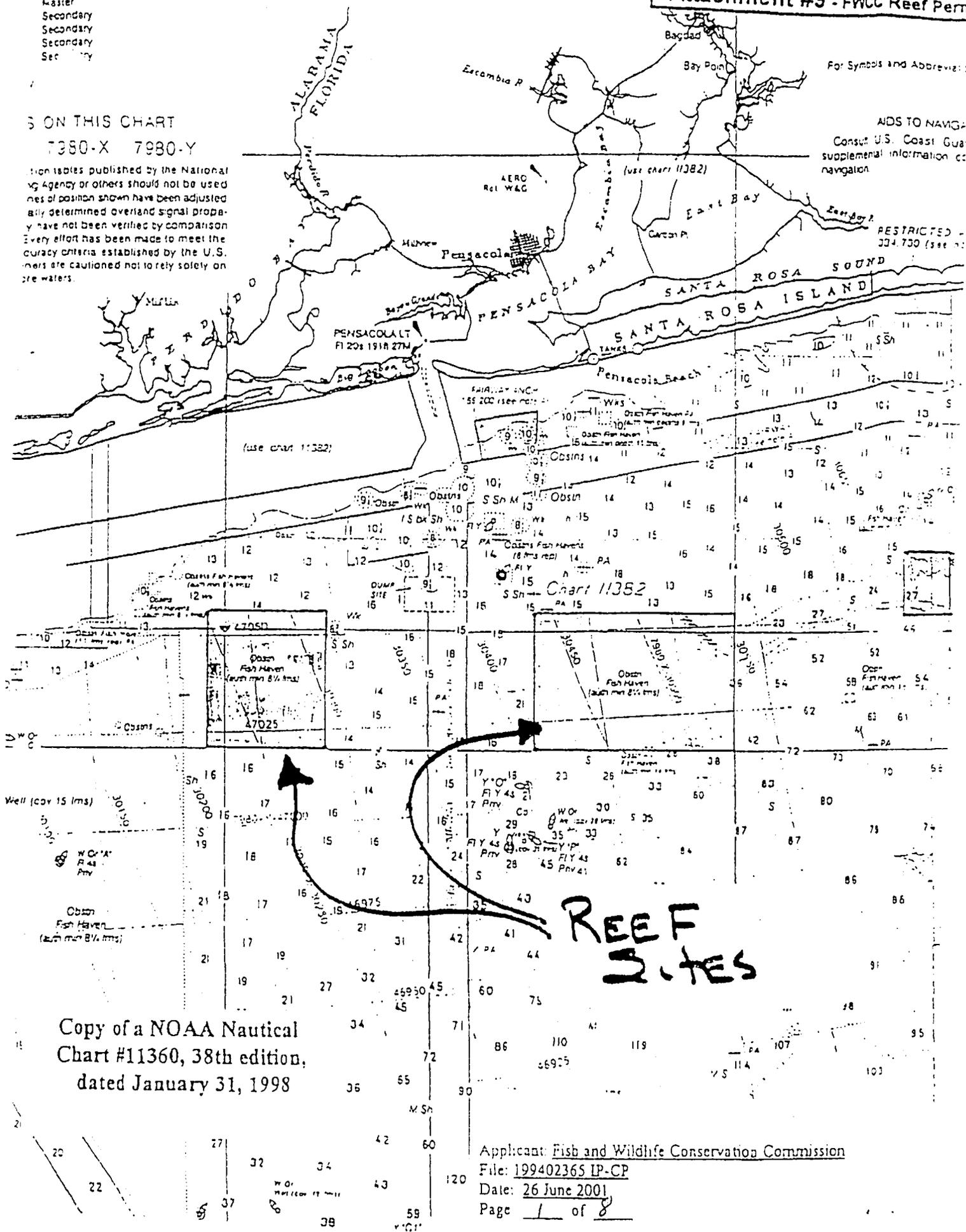
For Symbols and Abbreviations

ON THIS CHART
7980-X 7980-Y

Information published by the National Oceanic and Atmospheric Administration should not be used unless it has been determined that the information is reliable. The U.S. Coast Guard is not responsible for errors or omissions in this publication. Every effort has been made to meet the accuracy criteria established by the U.S. Coast Guard. Users are cautioned not to rely solely on this information.

ADDITIONAL INFORMATION
Consult U.S. Coast Guard
supplemental information for
navigation

RESTRICTED -
334.730 (see 11)

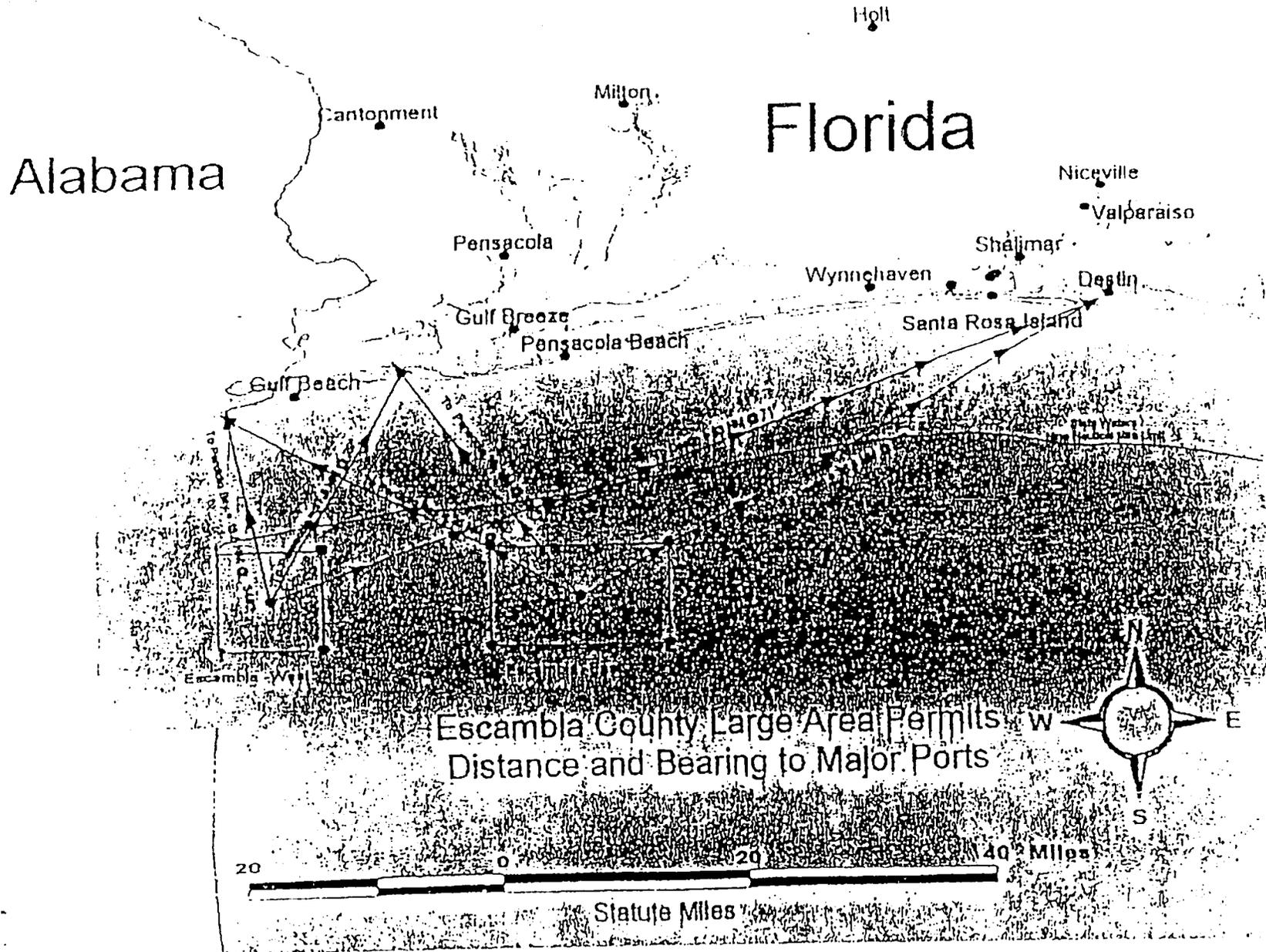


Copy of a NOAA Nautical
Chart #11360, 38th edition,
dated January 31, 1998

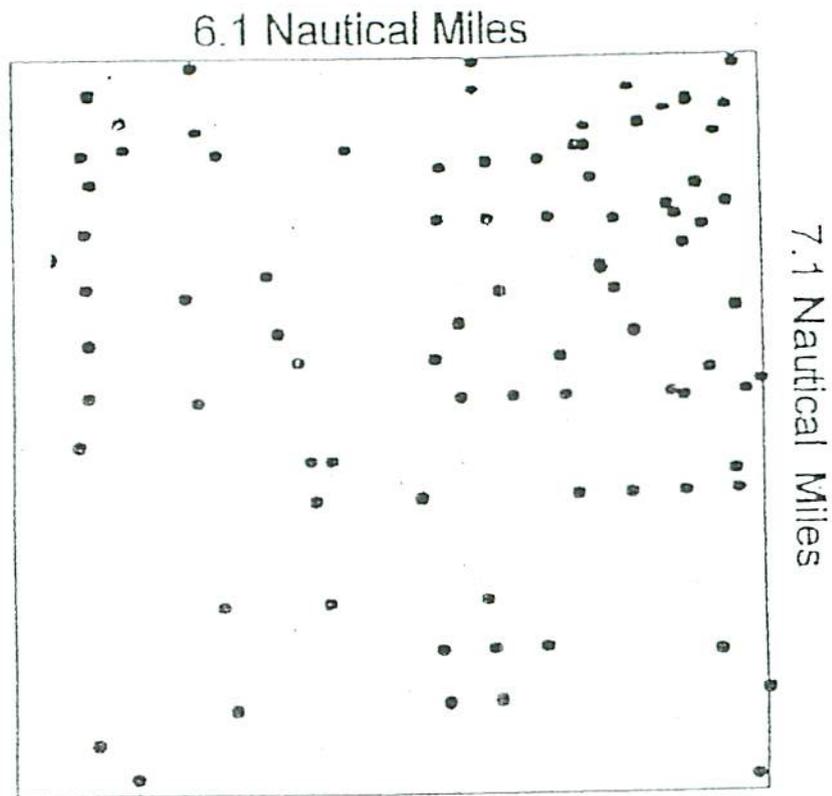
REEF
SITES

Applicant: Fish and Wildlife Conservation Commission
File: 199402365 LP-CP
Date: 26 June 2001
Page 1 of 8

Escambia County Large Area Permits



Artificial reef deployments in
FWCC Escambia West Large Area Permit

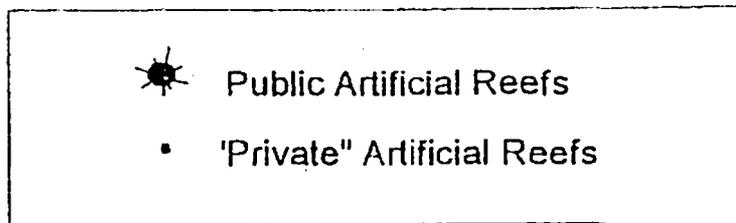
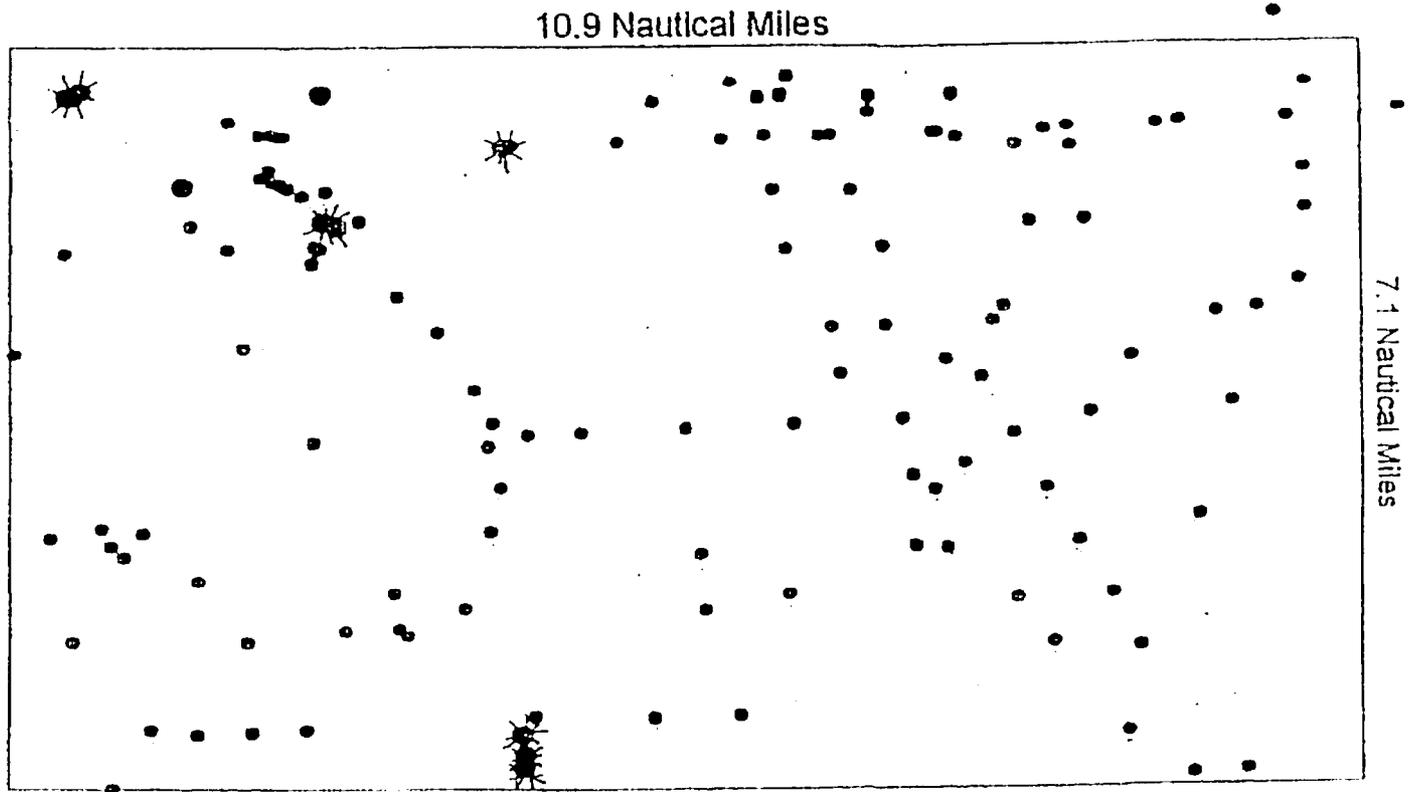


- Public Artificial Reefs (none)
- "Private" Artificial Reefs

Scale = 5 Nautical Miles

Applicant: Fish and Wildlife Conservation Commission
File: 199402365 IP-CP
Date: 26 June 2001
Page 3 of 8

All reef deployments in FWCC Ecambia East Large Area Permit

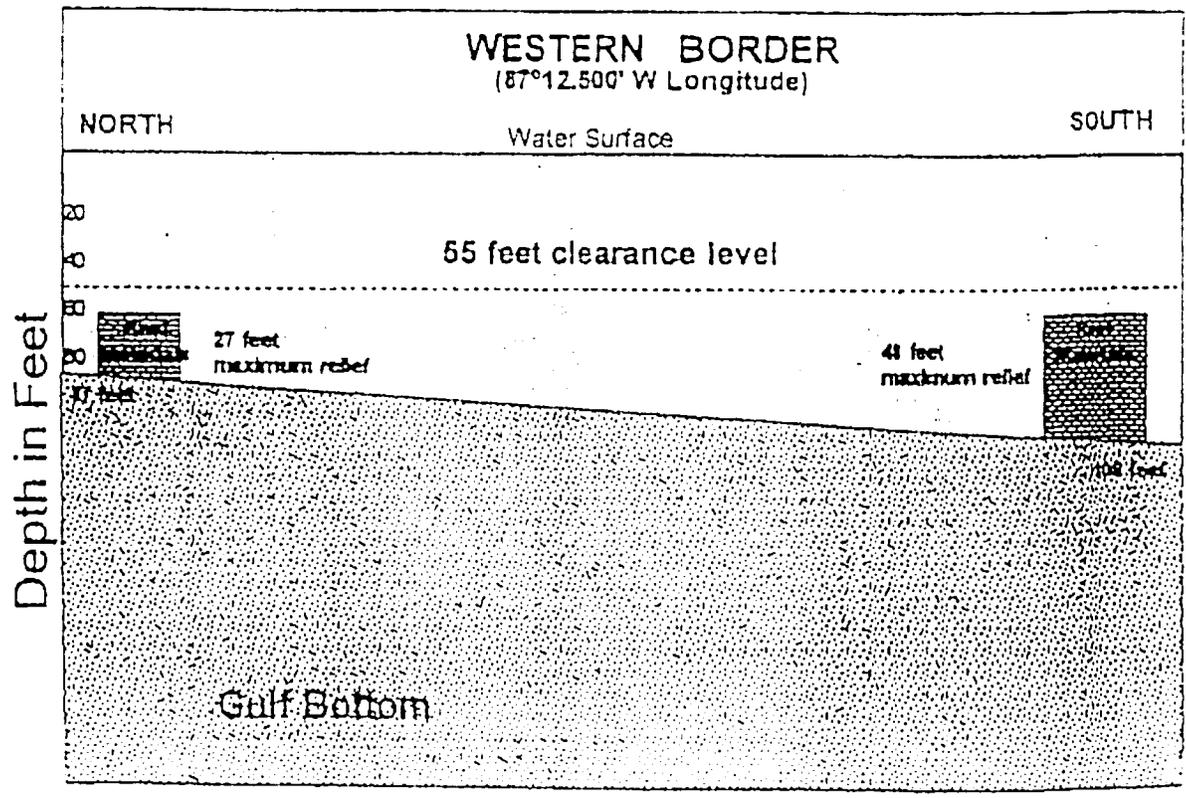
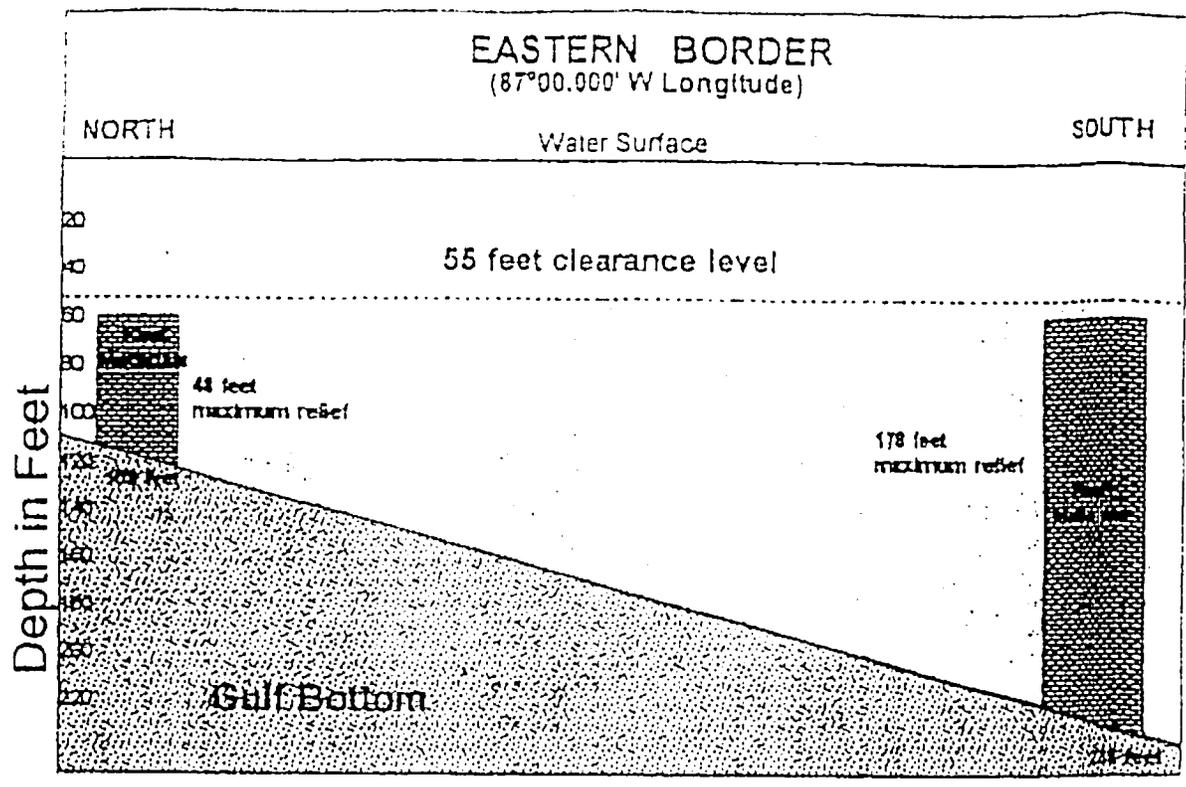


Scale = .5 Nautical Miles

Applicant: Fish and Wildlife Conservation Commission
File: 199402365 IP-C1
Date: 26 June 2001
Page 4 of 8

FWCC Escambia East Large Area Permit

Cross Sectional view of proposed deployments

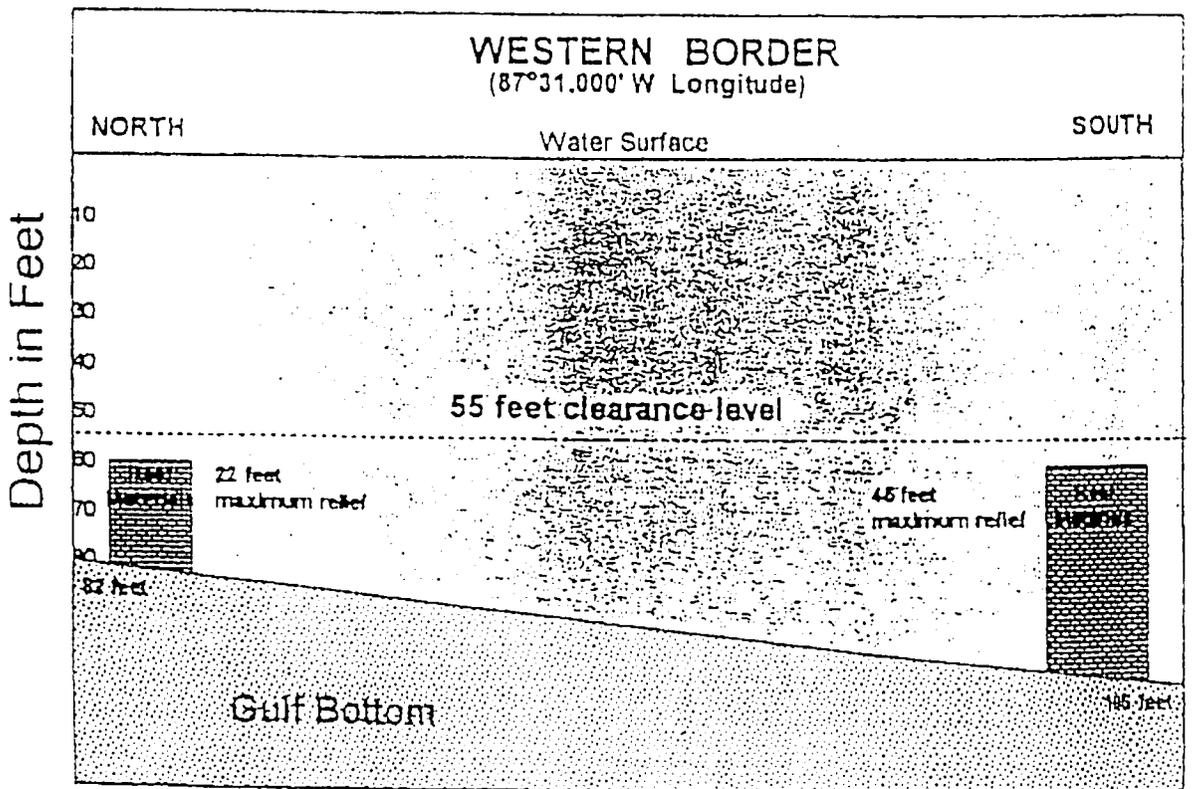
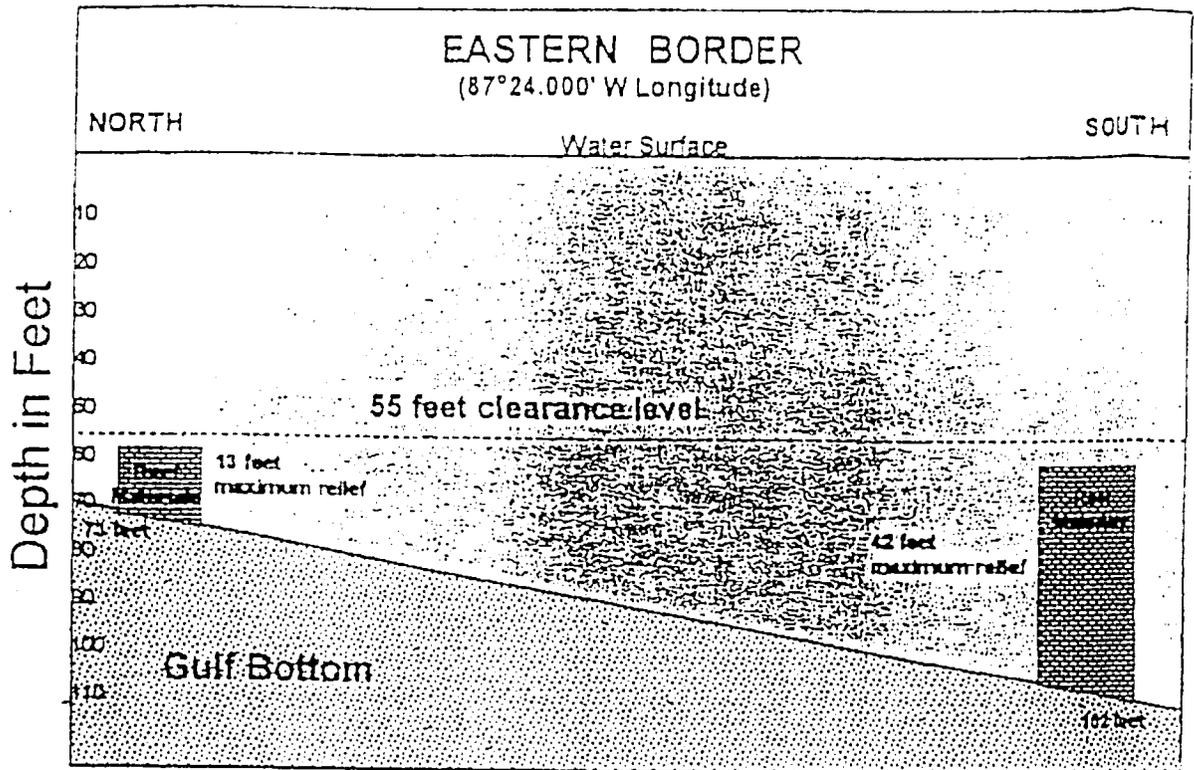


Graphic representation only, Drawings not to scale.

Applicant: Fish and Wildlife Conservation Commission
 File: 199402365 JP-CF
 Date: 26 June 2001
 Page 5 of 8

FWCC Escambia West Large Area Permit

Cross Sectional view of possible proposed deployments



Graphic representation only, Drawings not to scale.

1. Public and Sanctuary Reef Monitoring.

The goals and objectives for public and sanctuary reefs have been described in the response to item II-D. Monitoring of the public and sanctuary reefs will be conducted in a cooperative effort among the FWC Assessment Dive Team, Escambia County staff, local volunteers and hired outside assistance as needed. The establishment of an Escambia County Division of Marine Resources (ESCMR) gives Escambia County a powerful artificial reef management tool to assist the FWC in monitoring and management of the Escambia LAARS as well as other County artificial reef sites. For example, ECDMR received from FWC a \$14,000 monitoring grant to ground truth and assess older artificial reef sites inshore of the LAARS in 2000-2001. The County is committed to a cooperative partnership with FWC in the monitoring and management efforts of the LAARS sites.

Compliance monitoring of the correct physical placement at appropriate depths of all publicly funded reefs (both public and sanctuary reefs) will be through an on-site observer who will either be a staff member of the Escambia County Recreation and Parks Department or a FWC staff member.

Physical and biological performance of the public reefs will be conducted through the combined resources of the Escambia County Division of Marine Resources (ECDMR), FWC staff, and additional assistance obtained through monitoring grants to the County. Biological monitoring of fishery resources using point count, total count, or roving diving methodology on 5 selected sanctuary reefs will be conducted beginning one year post deployment in spring, summer, and fall and compared with similar publicly fished structures placed at similar depths and during a similar time frame for a four year period (30 dive events/yr). Ten other examples of selected public reefs which have been deployed for two or more years will be visually inspected for performance on an annual basis. The intent is that all public reefs will be visually inspected at least once every two years, during which structural condition and utilization by marine fish and macroinvertebrates will be assessed. Additionally, after the first year, hook and line fish censuses targeting recreational species will also be made on five additional sanctuary and five comparable public reefs for length/weight comparison purposes (assuming availability of private reef funding).

2. Private Reef Monitoring.

Four aspects of private reef monitoring will take place: 1) monitoring for suitability of material leaving the dock through a formal inspection program; 2) monitoring of representative materials of previously unknown stability, durability or habitat history by setting examples of these materials aside in a study site; 3) pre and post deployment compliance monitoring of selected private reefs through cooperation with the private reef builders.

Examples of representative materials deployed by private fishermen will be placed in a single study area location within the Escambia LAARS and monitored for biological and physical performance on an annual basis.

Applicant: Fish and Wildlife Conservation Commission

File: 199402365 IP-CP

Date: 26 June 2003

Page 7 of 8

The Chief of ECDMR, Captain Robert Turpin, will also arrange through charter captains and private individuals to accompany them offshore to observe deployments of representative unpublicized artificial reefs in the LAARS areas. A target number of 20-25% of the annual private pre-deployment trips will be monitored to document development and permit compliance.

Beginning in year #2, and to continue each year thereafter over a five year period, the Chief of ECDMR will also arrange with private reef builders to confirm reported post deployment locations of other randomly selected five sites previously deployed in year #1 or in subsequent years. The intent is to conduct sample spot checks of deployed private reefs to: 1) insure they have been placed in the LAARS ; 2) assess their physical condition in relation to the 10 year longevity goal and 3) obtain feedback from the users on how they feel their private reef sites are performing in terms of meeting their fishing objectives.

For the above post deployment assessments, the two large areas will be divided into one nautical mile square grids. Location of private reefs will be randomly selected from these grids. Arrangements will be made with the user to proceed to the appropriate grid and identify the reef and if possible its current condition. Initial deployments will have been based upon providing coordinates that fell within an agreed upon one square nautical mile grid square within the LAARS areas.

3. Public and Sanctuary Reef Management.

Management will start with planning. On an annual basis, based upon the availability of funding for public reefs, the Chief of ECDMR in consultation with FWC will develop a detailed plan (usually in the form of a grant application) for the construction and deployment of artificial reefs in the LAARS for that year. Ongoing management of existing reefs will include active efforts on the part of the County to solicit feedback from the general public and charter fleet on their experiences with public artificial reef use in these LAARS areas. At the five year conclusion of this proposed re-authorization, a formal user evaluation of this LAARS site will be conducted. Using GIS mapping, the relationships of existing public reefs to each other will be used in determining future locations of public reefs over the next five years as well as the locations of unpublicized sanctuary reefs proposed for placement, depending on the availability of funding.

Management of the public reefs will include provisions for siting of the public reefs in differing locations (water depths) to accomplish public reef objectives 1,3,4, and 5. Objective 2 will be accomplished by selecting the materials for public reefs that will provide suitable habitat for target species, with sufficient mass at the proposed water depth to ensure a minimum of 20 year durability and stability.

Management of the sanctuary reefs will include an analysis of previous public reef locations and the general locations of private reefs to determine travel and use patterns. Locations for the siting of sanctuary reefs will be selected so as to minimize their discovery by fishers using public reefs or those using their own private reefs.

Application for Use of
ESCAMBIA-Large Area Artificial Reef Sites
Escambia-LAARS FORM
Pre-Deployment Notification Inspection Request

Name of Applicant _____

Address of Applicant _____

Name and Telephone Number for Point of Contact at Reef Material Staging Site

Name _____ Area Code () _____

Address of the Staging Site _____

Name of Captain and Name and Registration # of Transport Vessel _____

Tag Number/ Itemized Description of Reef Material:

How Reef Materials Were Cleaned (if necessary) _____

Proposed Deployment Site #1

Latitude: ____ ° ____ ' North Water depth above deployed material ____ feet
Longitude: ____ ° ____ ' West Tag Number(s) _____

Proposed Deployment Site #2

Latitude: ____ ° ____ ' North Water depth above deployed material ____ feet
Longitude: ____ ° ____ ' West Tag Number(s) _____

Proposed Deployment Site #3

Latitude: ____ ° ____ ' North Water depth above deployed material ____ feet
Longitude: ____ ° ____ ' West Tag Number(s) _____

Proposed Deployment Site #4

Latitude: ____ ° ____ ' North Water depth above deployed material ____ feet
Longitude: ____ ° ____ ' West Tag Number(s) _____

Proposed Deployment Site #5

Latitude: ____ ° ____ ' North Water depth above deployed material ____ feet
Longitude: ____ ° ____ ' West Tag Number(s) _____

Department of the Army Permit 199402365 IP-CP
Issued to: Escambia County Board County Commission
ESCAMBIA-LAARS FORM

Deployment Tracking # _____

Coordinates of East LAARS:

Center Point - Latitude: 30 ° 03.50' North Longitude: 87 ° 06.25' West
Northeast Corner - Latitude: 30 ° 07.00' North Longitude: 87 ° 00.00' West
Southeast Corner - Latitude: 30 ° 00.00' North Longitude: 87 ° 00.00' West
Southwest Corner - Latitude: 30 ° 00.00' North Longitude: 87 ° 12.50' West
Northwest Corner - Latitude: 30 ° 07.00' North Longitude: 87 ° 12.50' West

Coordinates of West LAARS:

Center Point - Latitude: 30 ° 03.50' North Longitude: 87 ° 27.50' West
Northeast Corner - Latitude: 30 ° 07.00' North Longitude: 87 ° 24.00' West
Southeast Corner - Latitude: 30 ° 00.00' North Longitude: 87 ° 24.00' West
Southwest Corner - Latitude: 30 ° 00.00' North Longitude: 87 ° 31.00' West
Northwest Corner - Latitude: 30 ° 07.00' North Longitude: 87 ° 31.00' West

Public Access Statement: In applying for this authorization and by signing below, I understand the ESCAMBIA-Large Area Artificial Reef Sites (LAARS) are open to public access and this authorization does not provide any rights or exclusive private use over those rights or uses of the general public.

Corps Permit Requirements: By signing below I certify that I have received a full copy of and read Corps permit number 199402365 (IP-CP) and agree to abide by its terms and Special Conditions.

Environmental Damage: By signing below I certify the reef material to be deployed will not be placed on submerged seagrass beds, macroalgae, coral reef, rock outcroppings, rock ledges, rock bottoms, or areas supporting sea fans, sponges, soft coral, and other macroinvertebrates. If such were to occur, I agree to be responsible for the removal of the deployed material and for any cost or damages incurred

Signature of Applicant _____

Date _____

Submitted by : _____

Escambia County Staff (print & signature & date)

ESCAMBIA COUNTY Deployment Approval Form

(For Use By County Staff ONLY)

Approved _____

Denied _____

Comments: _____

Certification of Ownership/Maintenance/Liability of Reef Material:

I hereby certify that the Escambia County Board of County Commission accepts ownership of the materials described in this application for approval to use the ESCAMBIA Large Area Artificial Reef Sites. I hereby certify that the Escambia County Board of County Commission accepts responsibility for maintenance of the Large Area Artificial Reef Sites. I hereby certify that the Escambia County Board of County Commission financially possesses the ability to assume liability for all damages that may arise with respect to the ESCAMBIA Large Area Artificial Reef Sites

Escambia County Staff (Printed & Signature & Date)

This deployment authorization is valid until 1159 PM on

(date)

24 - Hour Pre-Deployment Notification

Applicant listed on page 1 of 6 of the ESCAMBIA-LAARS FORM to accomplish the following no less than 24 hours prior to departing on the deployment voyage:

1. Contact Escambia County Marine Resources at (850) 595-4395 and verbally provide the below listed information.
2. Provide sheet 4 of 5 (this sheet) of the ESCAMBIA-LAARS FORM by facsimile to the Corps of Engineers Pensacola Regulatory Office at 850-433-8160.
3. USCG (Pensacola) 850-458-5653 ATTN: OFFICER IN CHARGE
(Destin) 850-244-0845 " "
(Mobile) 334-441-6169 " "

Name and Telephone Number for Point of Contact at the Staging Site

Name _____ Area Code (____) _____

Address of the Staging Site _____

Name of Captain and Name and Registration # of Transport Vessel _____

Proposed Date and Time for Departure from Staging Site _____

Deployment Voyage Route _____

Estimated Time of Arrival at Deployment Site #1 _____

Estimated Time of Arrival at Deployment Site #2 _____

Estimated Time of Arrival at Deployment Site #3 _____

Estimated Time of Arrival at Deployment Site #4 _____

Estimated Time of Arrival at Deployment Site #5 _____

Post Deployment Notification

Applicant to submit Post Deployment Notification by facsimile to Escambia County Marine Resources 850-595-3495 w/in 48 hours of transmitting sheet 4 of 6 of the ESCAMBIA-LAARS FORM to the Corps. Escambia County Marine Resources shall provide by facsimile Post Deployment Notification to the Corps w/in 5 days of sheet 4 of 6 of the ESCAMBIA-LAARS FORM being transmitted to the Corps.

Environmental Damage: By signing below I certify the reef material was deployed at the coordinates listed below and was not placed on submerged seagrass beds, macroalgae, coral reef, rock outcroppings, rock ledges, rock bottoms, or areas supporting sea fans, sponges, soft coral, and other macroinvertebrates.

Applicant Name _____
(Print & Signature & Date of Deployment)

Actual Deployment Site #1

Latitude: ____ ° ____ ' North Water depth above deployed material ____ feet
Longitude: ____ ° ____ ' West Tag Number(s) _____

Actual Deployment Site #2

Latitude: ____ ° ____ ' North Water depth above deployed material ____ feet
Longitude: ____ ° ____ ' West Tag Number(s) _____

Actual Deployment Site #3

Latitude: ____ ° ____ ' North Water depth above deployed material ____ feet
Longitude: ____ ° ____ ' West Tag Number(s) _____

Actual Deployment Site #4

Latitude: ____ ° ____ ' North Water depth above deployed material ____ feet
Longitude: ____ ° ____ ' West Tag Number(s) _____

Actual Deployment Site #5

Latitude: ____ ° ____ ' North Water depth above deployed material ____ feet
Longitude: ____ ° ____ ' West Tag Number(s) _____

Make/Model/Level of accuracy of equipment utilized to determine coordinates and depths
Latitude/Longitude: _____
Depth: _____

Drawing of Configuration of Reef Material Attached:
yes ___ No ___ Provide explanation if drawing not provided:

Escambia County Staff (Print & Signature & Date)

DEPLOYMENT CANCELLATION REPORT FORM

**To Be Completed Immediately Upon Reaching The Expiration
Date Listed on Sheet XX of XX of the LAARS Form**

The intent of this document is to notify the below listed agencies and departments that materials authorized for deployment under tracking number _____ will not be deployed.

Date: _____

Printed Name of Applicant: _____

Signature of Applicant : _____

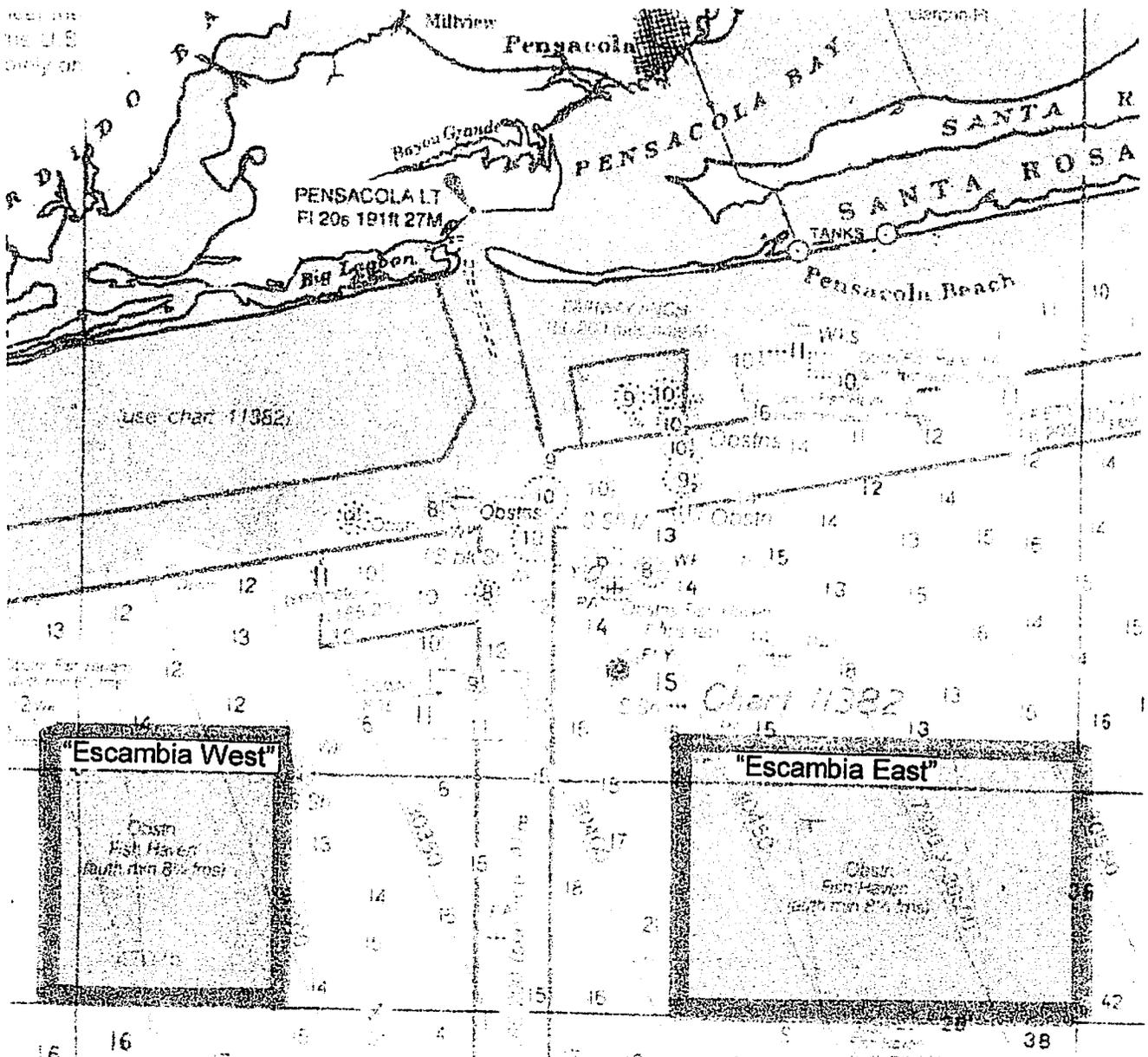
Fax to Escambia County Marine Resources (850) 595-~~34~~95

Fax to Florida Fish and Wildlife Conservation Commission (850) 922-0463

Fax to U.S. Army Corps of Engineers (850) 433-8160

EXHIBIT B Florida Fish and Wildlife Conservation Commission "Large Area Artificial Reef Sites" (LAARS) in the Gulf of Mexico off Pensacola, Florida. These two LAARS locations, highlighted (in pink) below, encompass a total seafloor area of 118 nautical miles².

Scale: 10 nautical miles



(Soundings in fathoms (6 feet))



Escambia County LAARS Policy and Procedures

Large Area Artificial Reef Site (LAARS): Overview and Description

The Gulf of Mexico seafloor off the coast of Escambia County is comprised mostly of sand, with less than 5% natural "hard bottom" reef habitat. This regional limitation of reef habitat restricts the potential for local fishery harvest (recreational and commercial). Artificial reefs are a widely-used and accepted solution to this dilemma. Federal (e.g., Clean Water Act) and state (chapters 403 and 370 Florida Statutes) laws and regulations govern the allowable materials and placement of artificial reefs. Generally, materials must be: free of pollutants; durable enough to provide long-term habitat; placed within permitted areas; and stable enough to remain within permitted sites in the event of hurricanes.

Escambia County has been building public artificial reefs (e.g., *Avocet*, *Antares*, *Oriskany*) for over three decades. Additionally, charter fishing/diving captains have been building "private" or "personal" artificial reefs for at least forty years. (The term "private" does not confer exclusive usage rights to an artificial reef; once the reef is built, anyone that finds it may utilize it. Therefore, the term "personal reef" will be used to describe these reefs.) The "Large Area Artificial Reef Site" (LAARS) concept was initiated to manage the deployment of personal artificial reefs.

The original LAARS Permit (No. 199402365 IP-SS) for the two sites off Pensacola (see Diagram 1) was issued by the US Army Corps of Engineers (USACE) to Florida Department of Environmental Protection (DEP) in 1994. These two sites, "Escambia East" and "Escambia West", encompass a total seafloor area of 118 nautical miles². When Florida established the Fish and Wildlife Conservation Commission (FWC), the LAARS Permit was transferred to FWC. The LAARS Permit was renewed (after a lengthy public input and review process) by the Corps on July 25, 2001 with modifications, notably:

- reduction of steel materials thickness from ¼ inch to 1/8 inch
- minimum weight of 150 lbs for individual artificial reef units
- mandatory reporting of precise final artificial reef deployment locations (using GPS only)
- mandatory compliance monitoring of 20-25% of all personal artificial reef deployments

Only the following materials will be allowed (from Army Corps Permit):

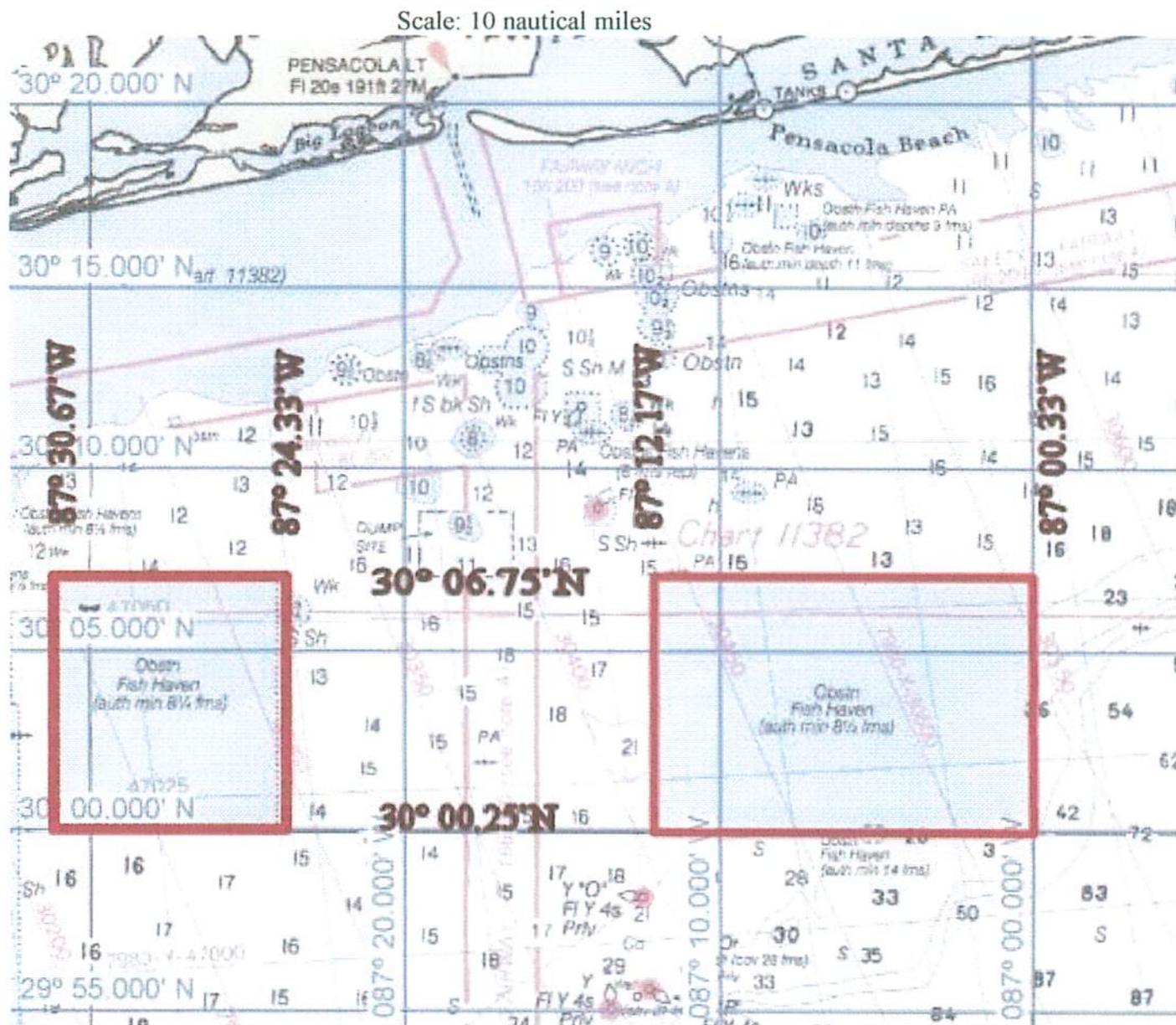
Materials “shall be free of pollutants and toxins and composed of: non-productive oil platforms thoroughly clean in accordance with US Coast Guard and US Environmental Protection Agency (EPA) standards, surplus military equipment (1/4 inch or greater in thickness thoroughly clean in accordance with US Coast Guard and US Environmental Protection Agency (EPA) standards, steel hull vessels ballasted and thoroughly clean in accordance with US Coast Guard and US Environmental Protection Agency (EPA) standards, natural limestone boulders weighing a minimum of 150 pounds each, clean concrete rubble weighing a minimum of 150 pounds each, clean concrete prefabricated reef materials or modules weighing a minimum of 150 pounds each, clean and structurally stabilized steel/aluminum/metal alloy boxes or structures (1/8 inch or greater in thickness) weighing 150 pounds or more.

No reef materials shall be allowed to trap marine life, and must be configured, cut or shaped, so as not to function as a fish trap. All materials/structures must be configured and constructed to be stable, durable, and provide habitat. No material whatsoever may be deployed within one-quarter mile of the boundaries of the Large Area Artificial Reef Sites (LAARS). No other materials are authorized. Materials expressly prohibited include cars and trucks and any parts thereof, white goods (i.e. appliances), shopping carts, bread trays, 55 gal drums, storage or fuel tanks, loose metal materials, plastics, fiberglass, materials that upon inspection by FWCC staff or designated agent are found to be potentially unstable or lack acceptable habitat qualities”. *From Permit No.199402365 (IP-CP)*

DIAGRAM 1

Escambia County “Large Area Artificial Reef Sites” (LAARS) in the Gulf of Mexico off Pensacola, Florida. These two LAARS locations, highlighted (in pink) below, encompass a total seafloor area of 118 nautical miles².

(From NOAA Chart No. 11360, 38th Ed., Jan 1998).



I. LAARS Policy and Procedures

LAARS permit is issued by U.S. Army Corps of Engineers (USACE) Permit # 199402365 (IP-CP) authorizes the placement of inspected and approved artificial reef materials in two large area artificial reef sites (LAARS), known as Escambia East and Escambia West located in federal waters south of Pensacola, Florida. The USACE has included a number of special conditions in the permit that any entity authorized to utilize the LAARS is required to comply with. Any person utilizing the Escambia County Artificial Reef Permitting Program must abide by all Escambia County Policies and Procedures as well as all LAARS permit conditions. Applicant must submit all Forms included in LAARS Permit as required by Army Corps of Engineers and Escambia County. Failure to comply with LAARS permit conditions and Escambia County Artificial Reef Permitting Program Policies and Procedures will prohibit Applicant from obtaining future LAARS Authorizations and may subject Applicant to enforcement actions by Escambia County and/or US Army Corps of Engineers.

II. Steps To Construct 'Personal' Artificial Reefs

- 1) Applicant must submit a completed LAARS Application Form (see Page 8) to Escambia County Marine Resources Division (by Fax: 850-595-3495 or mail: 1190 West Leonard Street, Pensacola, FL 32501) to schedule an inspection (8:00 AM to 4:30 PM, Monday – Friday) of the materials proposed for deployment as an artificial reef. The LAARS Application Form is intended to allow ECMRD to schedule the inspection, and to give the Applicant the opportunity to ensure that the proposed materials meet the LAARS Permit conditions. This should reduce the number of materials "Rejections".
- 2) Upon receipt of a completed LAARS Application Form, ECMRD will schedule an inspection of the proposed materials. Every effort will be made to schedule the inspection (8:00 AM to 4:30 PM, Monday – Friday) within 2 business days of receipt of the LAARS Application Form. The ***Applicant must be present at the time of the inspection.*** ECMRD will meet applicant at reef materials staging location (within Escambia County or Santa Rosa County only) and will inspect the physical artificial reef materials to determine compliance with the LAARS permit (see Permit No. 199402365 (IP-CP)). The artificial reef materials will be photographed. Permit paperwork will be completed by ECMRD and individual artificial reef builder must have determined latitude/longitude of proposed reefs. Individual, numbered tamper-proof tags will be attached to each separate reef material by ECMRD. These metal tags shall not be removed, and shall remain attached to the reef materials at all times throughout loading, transport, and deployment onto the seafloor. Applicant will sign a written "Statement of Responsibility acknowledging financial liability and responsibility for any LAARS permit noncompliance. Applicant will be required to list Escambia County as an additional insured on a relevant insurance policy or posting a surety sufficient to address possible deployment errors. Escambia County Board of County Commissioners established an Artificial Reef Fee of \$25.00. **The \$25.00 Fee is due at the time of the inspection, and is assessed on each vessel load of artificial reef materials per deployment voyage.**
- 3) ECMRD will inspect the proposed artificial reef materials to ensure compliance with LAARS permit compliance. Only concrete and steel (1/8th inch or greater in thickness)

materials are allowed. Each reef unit must be rigidly constructed and weigh at least 150 pounds. Reef materials may not entangle marine life. Exposed rebar or other metal components must not have unconnected 'free ends' longer than 12 inches. ECMRD will advise Applicant regarding preliminary determination of reef materials, however, final determination will be made after Army Corps of Engineers and other agencies have concurred (see Step 3).

- 4) ECMRD will plot the proposed artificial reef deployment locations to ensure that the location is within the LAARS permitted area. The Army Corps of Engineers established a ¼-mile "buffer zone" around the inside perimeter of each LAARS to prevent artificial reef materials from being moved outside the permitted area during hurricanes. ECMRD will notify US Army Corps of Engineers, US Coast Guard, and FWC of the proposed artificial reef by sending the LAARS Application Form, photographs, and other pertinent information. Notification of the above-listed agencies initiates a 5-(business) day waiting period for those agencies to inspect the materials, request additional information, or register an objection to the proposed artificial reef.

- 5) After the 5-day waiting period has expired, ECMRD will notify the applicant of the status of the Application. The status of the Application will be categorized into one of the following:
 - A. "Approved" - Artificial reef materials meet all LAARS Permit conditions; materials deemed to be stable and durable at the proposed location(s). For "Approved" artificial reef Applications, the "LAARS Authorization Form" will be mailed to the Applicant. At the request of the Applicant, the Authorization Form may be picked up (8:00 am to 4:30 pm; Monday - Friday) at 1190 West Leonard St., Pensacola.
 - B. "Conditionally Approved"- Artificial reef materials, configuration, location, and/or deployment depth may be modified to meet LAARS permit conditions for habitat, stability, durability, or other concerns. (For example, LAARS Permit Condition 1 prohibits the use of storage or fuel tanks; cylindrical tanks and other similarly-shaped objects may be required to be altered to prevent "rolling" on the seafloor during storm events. Additionally, artificial reef materials may be required to be placed in deeper water. For "Conditionally Approved" artificial reef Applications, the Applicant must schedule an appointment with ECMRD to discuss and agree in writing to the additional conditions attached to the LAARS Authorization Form.
 - C. "Denied"- Grounds for denial may include: non-compliance with LAARS Permit conditions.

- 6) Upon receipt of the LAARS Authorization Form, the Applicant has 30 calendar days to deploy the artificial reef. ***Artificial reef materials may be loaded, transported, and deployed during daylight hours only.*** Once reef materials are inspected and photographed, they must remain in that configuration during loading/transport over the water, and deployment. If the artificial reef materials are not deployed by the end of the

30-day deployment period, the LAARS Authorization expires. After the expiration date, ECMRD will notify the Applicant in writing. The Applicant may make a written request for a one-time 30-day administrative extension (extension period begins immediately after original LAARS authorization expiration date). With approval from Army Corps of Engineers, ECMRD may issue a written extension approval that becomes part of the LAARS Authorization. If Applicant fails to deploy the artificial reef materials before expiration of the LAARS Authorization or extension, Applicant must return all metal tamper-proof tags and LAARS permit (with last page "Deployment Cancellation Report Form" filled out and signed) to ECMRD. If an applicant has failed to deploy authorized reef materials within the authorization period, and subsequently applies for an authorization to deploy the previously authorized materials, then the Artificial Reef Fee to reauthorize those materials will be \$200 to help offset necessary staff time. Applicant must abide by the terms and conditions of the LAARS Permit and Authorization Form. **No less than 24 hours prior to deploying the artificial reef materials, Applicant must call 850-595-3474 and leave a message containing the information required on the "24-Hour Pre-Deployment Notification". Applicant must fax the "24-Hour Pre-Deployment Notification" to the agencies list on the Notification form.** Applicant must keep a copy of the Permit No. 199402365 (IP-CP) onboard the deployment vessel at all times until the artificial reef materials have been deployed.

- 7) As required by the Army Corps of Engineers LAARS Permit, **20-25% of all LAARS artificial reefs must be monitored for permit compliance** via: A) on-site verification by ECMRD; and, B) post-deployment verification by ECMRD.
- A. On-site verification may be accomplished by ECMRD as the artificial reef materials are deployed. Materials must be as listed on the LAARS Authorization Form; the deployment location must be within the LAARS boundary, and as listed on the authorization Form. ECMRD will:
- 1) Meet the deployment vessel on-site
 - 2) Meet the deployment vessel at the dock (or other location) and follow the deployment vessel to the deployment location; or
 - 3) Arrange to be transported to the deployment site via the deployment vessel.

Therefore, **for every artificial reef deployment, no less than 24 hours prior to departure from the dock, the applicant must call (850) 595-3474 and state the applicant's name, permit number, departure dock, and departure time. Deployment vessel must monitor VHF channel 16.**

- B. If "on-site verification" is not possible, ECMRD will conduct a post-deployment verification to confirm the location of the artificial reef deployment via visual inspection of the artificial reef materials. A presence-or-absence visual inspection of the artificial reef materials will be performed by hull-mounted fathometer and/or submersible camera based on a randomly selected sample of at least 20-25% of all private reefs deployed in the Escambia LAARS.

7. *Within 48 hours after the artificial reef has been deployed, the applicant must submit the "Post-Deployment" information to: Robert Turpin, 1190 West Leonard St., Pensacola 32501.* In compliance with the U.S. Army Corps of Engineers LAARS Permit issued to Escambia County, the exact location of the artificial reef deployment(s) shall be listed in latitude and longitude, recorded from a Global Positioning System (GPS) receiver as follows: __° __' __" N; __° __' __" W. LORAN C coordinates or LORAN conversions to latitude and longitude are NOT acceptable. These coordinates will be used **ONLY** to verify the location of artificial reef materials. ECMRD will neither utilize these personal reef coordinates for any non-work-related or fishing or diving uses nor include them in any public artificial reef databases. Applicant may schedule an appointment with ECMRD to sign the Post Deployment Notification with the minimum coordinate precision required to ensure the reef materials were deployed within the permit area. After ECMRD signs the Post Deployment Notification and makes a copy for Escambia County records, Applicant will then complete the Post Deployment Notification as required by the Army Corps of Engineers. The Post Deployment Notification will be sealed in a mailing envelope (addressed to Army Corps of Engineers) marked "confidential" and deposited into the US Mail by ECMRD.
8. Applicant is responsible for reading, understanding and compliance with all LAARS permit conditions, policies and procedures. Failure to comply with any LAARS permit condition, policy or procedure will void the LAARS authorization. Applicant is responsible for LAARS permit noncompliance, including accidental or intentional deployment of artificial reef materials outside the LAARS area. Applicant may not obtain additional LAARS authorization until the non-compliance is resolved, unless it can be demonstrated that the inability to come into compliance is due to circumstances beyond the applicant's control.

Robert K. Turpin, Manager
Escambia County Marine Resources Division
1190 West Leonard Street, Pensacola, FL 32501
(850) 595-4395; Fax 595-3495
Email; robert_turpin@co.escambia.fl.us

Application for Inspection of Materials for use as Artificial Reefs within Large Area Artificial Reef Sites (LAARS) Permit No. 199402365 (IP-CP)

Instructions: Fill out this LAARS Application form and mail, fax or deliver: Robert K. Turpin, Manager, Escambia County Marine Resources Division, 1190 West Leonard St., Pensacola, FL 32501 (FAX 850-595-3495). Pease read the materials criteria at the bottom of this page.

Upon receipt of this Application, Escambia County Marine Resources Division (ECMRD) will contact the Applicant to schedule an appointment for inspection of the proposed artificial reef materials. **Applicant must be present at the inspection.** A \$25.00 Artificial Reef Fee (for the quantity of reef materials to be deployed on a single reef deployment voyage) is due at the time of the inspection. Once the inspection has been performed, ECMRD will notify regulatory agencies and initiate a **5-DAY (BUSINESS DAYS) WAITING PERIOD** to allow those agencies the opportunity to inspect the proposed artificial reef materials. After the **5-DAY WAITING PERIOD**, ECMRD will issue authorization for the deployment of the artificial reef materials by regular mail, OR, Applicant may pick up authorization during regular business hours (8:00 AM to 4:30 PM; Mon-Fri) at 1190 W. Leonard St., Pensacola.

(PLEASE FILL OUT THIS LAARS APPLICATION FORM COMPLETELY)

Applicant Name: _____ Date: _____

Mailing Address: _____

Daytime telephone: _____ Fax Number: _____

Address of Proposed Artificial Reef Materials: _____

Detailed description of Proposed Artificial Reef Materials ***: _____

*** Materials "shall be free of pollutants and toxins and composed of: non-productive oil platforms thoroughly clean in accordance with US Coast Guard and US Environmental Protection Agency (EPA) standards, surplus military equipment (1/4 inch or greater in thickness thoroughly clean in accordance with US Coast Guard and US Environmental Protection Agency (EPA) standards, steel hull vessels ballasted and thoroughly clean in accordance with US Coast Guard and US Environmental Protection Agency (EPA) standards, natural limestone boulders weighing a minimum of 150 pounds each, clean concrete rubble weighing a minimum of 150 pounds each, clean concrete prefabricated reef materials or modules weighing a minimum of **150 pounds** each, clean and structurally stabilized steel/aluminum/metal alloy boxes or structures (1/8 inch or greater in thickness) weighing 150 pounds or more.

No reef materials shall be allowed to trap marine life, and must be configured, cut or shaped, so as not to function as a fish trap [no exposed rebar >6-12inches]. All materials/structures must be configured and constructed to be **stable, durable, and provide habitat**. No material whatsoever may be deployed within one-quarter mile of the boundaries of the Large Area Artificial Reef Sites (LAARS). No other materials are authorized. **Materials expressly prohibited include cars and trucks and any parts thereof, white goods (i.e. appliances), shopping carts, bread trays, 55 gal drums, storage or fuel tanks, loose metal materials, plastics, fiberglass, materials that upon inspection by FWCC staff or designated agent are found to be potentially unstable or lack acceptable habitat qualities".**

From Permit No. 199402365 (IP-CP)

RELEASE AND ASSUMPTION OF RISK

I _____ acknowledge and accept as a condition of authorization from Escambia County to deploy a vessel as artificial reef materials in the permitted LAARS area, the following terms:

- 1. As I intend to tow and/or deploy a vessel of acceptable materials as an artificial reef, I understand and accept the risks associated with such a deployment, and do so at my own risk.
- 2. By receiving authorization from Escambia County to deploy these materials, I am not a contractor, employee agent or other representative of Escambia County. I hold Escambia County harmless and indemnify it for any and all actions, intentional or unintentional, or failure to act I may perform or fail to perform in deploying this material.
- 3. I understand that in the event materials are deployed outside of a designated LAARS area for any reason, including but not limited to error, act of God, action or negligence of third parties, emergency, mechanical or equipment failure, I shall be solely responsible for any and all costs associated with the removal of the materials left outside the LAARS area, including, but not limited to raising, relocating, removing or otherwise complying with an appropriate agency's direction to remedy the improper deployment. Should any cost, fine or damage occur to the County or a third party as a direct or indirect result of the deployment of material outside of a LAARS area, I accept sole responsibility and shall defend, indemnify and hold harmless the County, its officers and employees for my actions, intentional or unintentional. This shall include, but not be limited to expenses, damages, direct or consequential damages, economic loss, fine, penalty, interest, demands, judgments, and costs of suit, including attorney's fees.

Print Name

STATE OF FLORIDA
COUNTY OF ESCAMBIA

The foregoing instrument was acknowledged before me this ____ day of _____, 200_, by _____, who did take an oath and who:

____ is/are personally known to me.
____ produced current Florida driver=s license as identification.
____ produced current _____ as identification.

Signature of Notary

(Notary Seal)

Name of Notary (printed)
Commission No.: _____
Commission Expires: _____

Permittee: Florida Fish and Wildlife Conservation Commission
Permit No: 19402365 (IP-CP)

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

PERMIT NUMBER: 199402365 (IP-CP)

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. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

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 and mail to the U.S. Army Corps of Engineers, Pensacola Regulatory Office, 41 North Jefferson Street Suite 111, Pensacola, Florida 32502-5794.

Keith Wilkins
(TRANSFEREE-SIGNATURE)

(SUBDIVISION)

(DATE)

(LOT)

(BLOCK)

Keith Wilkins
(NAME-PRINTED)

1190 West Leonard St
(ADDRESS)

Pensacola, FL 32501
(CITY, STATE, AND ZIP CODE)

BCC APPROVED 6-21-2007

Certified to be a true copy of
the original on file in this office.
Witness my hand and official seal
ERNIE LEE MAGAHA
Clerk of the Circuit Court
Escambia County, Florida

By: *Ernie Lee Magaha*
Date: 6-27-2007



**MEMORANDUM OF UNDERSTANDING
BETWEEN THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
AND ESCAMBIA COUNTY, FLORIDA
RELATING TO INSPECTION OF MATERIALS SCHEDULED FOR
DEPLOYMENT AS ARTIFICIAL REEFS ON SITES PERMITTED
UNDER U. S. ARMY CORPS OF ENGINEERS PERMIT NUMBER 199402365 (IP-CP)**

WHEREAS, the Florida Fish and Wildlife Conservation Commission (hereinafter referred to as "FWCC" has been issued a permit by the U.S. Army Corps of Engineers to construct artificial reefs in two large area artificial reef sites, Escambia East and Escambia West (hereinafter referred to as the "LAARS") and encompassing approximately 120 square nautical miles in federal waters off Escambia County; and

WHEREAS, this permit (199402365 IP-CP) as Modification #5 was reauthorized on July 25, 2001 to allow artificial reef construction under the terms and conditions of the permit until September 22, 2006; and

WHEREAS, this permit requires that all potential reef materials must be visually inspected prior to placement in the FWCC LAARS; and

WHEREAS, the FWCC and Escambia County have agreed to execute a Memorandum of Understanding establishing each party's respective duties and responsibilities to complete the necessary inspections in accordance with all the General and Special Conditions specified within the above-referenced permit,

NOW, therefore in consideration of the mutual promises made by the parties and other good and valuable consideration, be it therefore agreed as follows:

1. Escambia County agrees to provide at no expense to the FWCC, inspection of artificial reef materials proposed for deployment in the permitted LAARS.
2. The FWCC shall approve the selection of any and all county employees identified by Escambia County, who will perform inspection services. The primary inspector shall be the Chief of the Escambia County Division of Marine Resources or his FWCC approved designee (hereinafter referred to as the Escambia County Artificial Reef Liaison).
3. The Escambia County Artificial Reef Liaison will attend a training and coordination meeting sponsored by the FWCC, possess sufficient knowledge and understanding of materials allowed under the Corps permit to engage in inspection activities, adhere to the written inspection protocol jointly developed with the FWCC, and confer with FWCC Division of Marine Fisheries staff and the Army corps of Engineers as necessary if questions arise relating to the suitability of proposed artificial reef material or other conditions of the Army Corps of Engineers Permit (199402365 IP-CP).
4. Any and all materials inspected and deployed must comply with the general and specific conditions of the Army Corps of Engineers permit for the FWCC LAARS.

5. Escambia County agrees that the Escambia County Artificial Reef Liaison shall inspect all materials prior to being placed on a vessel in preparation for final deployment to the LAARS.

6. The Escambia County Artificial Reef Liaison shall prepare a color photographic print of at least 3.5 by 5 inches to be submitted to the FWCC with each completed artificial reef application/manifest and shall maintain archival photographic records of all materials inspected.

7. The Escambia County Artificial Reef Liaison shall mark all materials with an assigned FWCC LAARS-FORM cargo manifest number in non-water soluble florescent green paint that will be clearly legible in the photograph stated in (6).

8. The Escambia County Artificial Reef Liaison shall notify the U.S. Army Corps of Engineers, Pensacola Field Office, the U.S. Coast guard Marine Safety Offices in Destin and Mobile, and the FWCC Bureau of Marine Enforcement in Pensacola no less than five working days prior to departure of a vessel containing material for deployment and allow any of these entities to conduct additional inspection of the reef construction material prior to deployment. The notification will include identification of the point of the vessel's departure, types of material and an individual to contact at the departure site for additional information.

9. Each time a reef is constructed or replenished, the Escambia County Artificial Reef Liaison will, on behalf of the FWCC, and in accordance with condition #9 of permit 199402365 (IP-CP) modification #5, provide completed copies of the permit's LAARS FORM (pages 1-5) identifying the type and amount of materials used in the construction, coordinates of placement, the depth, and the configuration of the reef including height. The report shall be submitted to the FWCC, Bureau of Marine Fisheries Management in Tallahassee, with a copy to the U.S. Army Corps of Engineers Pensacola Regulatory Office; the U.S. Fish and Wildlife Service in Panama City, FL; the National Marine Fisheries Service in Panama City, FL; the Minerals Management Service in New Orleans, LA; and the National Oceanic and Atmospheric Administration Nautical Chart Section in Silver Springs, MD.

10. The Escambia County Artificial Reef Liaison will require that all loading of artificial reef materials, departure of vessels for construction of the reef and placement of the reef materials will only occur during the daylight hours, on any day between Monday through Sunday.

11. In accordance with condition #10 of permit 199402365 (IP-CP) modification #5, the FWCC staff or the Escambia County Artificial Reef Liaison will accompany charter captains and/or private individual fishers offshore to observe deployments on unpublicized private reefs within the LAARS. Such monitoring will be implemented on 20-25% of the unpublicized private reefs deployed within the LAARS.

12. This Memorandum of Understanding may be terminated or modified at the request of either party upon 30 days written notice.

13. Notices under this Memorandum of Understanding will be mailed or delivered to the following:

TO ESCAMBLA COUNTY:
Artificial Reef Liaison
Escambia County, Florida
10370 Aston Brosnaham Drive
Pensacola, Florida 32501
Telephone No. (850) 475- 5571

TO FWCC:
Fish and Wildlife Conservation Commission
Bureau of Marine Fisheries Management
620 South Meridian Street
Mail Box MF-MFM
Tallahassee, Florida 32399-1600
Telephone No. (850) 922-4340

With a copy to:

Escambia County Administrator
Escambia County, Florida
223 Palafox Place
Pensacola, Florida 32501

And

Escambia County Attorney's Office
14 W. Government Street, Room 411
Pensacola Florida 32501
Telephone No. (850) ~~436-5450~~ ⁵⁹⁵⁻⁴⁹⁷⁰ *DB*

Notices will be personally delivered or given by registered or certified mail, return receipt requested. Notices delivered personally will be deemed to have been given as of the date of delivery and notices given by overnight mail will be deemed to have been delivered the next day. Each party may change its address from time to time by written notice given to the other as specified above.

14. If any term or condition of this Memorandum of Understanding is, to any extent, invalid or unenforceable, the remainder of the Memorandum of Understanding is not to be affected. This Memorandum of Understanding shall be construed in accordance with the laws of the State of Florida. The FWCC acknowledges that it has not relied upon any statement, representation, prior or contemporaneous written or oral promises, agreements or warranties, except such as are expressed herein.

15. Nothing contained in this Memorandum of Understanding shall be deemed by the parties or by any third party to create the relationship of principal and agent, partnership, joint venture, or any association between Escambia County and the FWCC.

16. This Memorandum of Understanding shall not be more strictly construed against either party hereto by reason of the fact that one party may have drafted or prepared any or all of the terms and provisions hereof.

IN WITNESS WHEREOF, THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION AND THE COUNTY OF ESCAMBIA have caused implementation of this Agreement as the officers and agents thereunto lawfully authorized.

FLORIDA FISH AND WILDLIFE
CONSERVATION COMMISSION

BY: [Signature]
Executive Director or Designee

Approved as to form and legality

BY: [Signature]
FWCC Attorney

COUNTY OF ESCAMBIA
BOARD OF COUNTY COMMISSIONERS

BY: [Signature]
Chairman

Approved as to form and legality

BY: [Signature]
County Attorney

ATTEST: ERNIE LEE MAGAHA
Clerk of the Circuit Court

[Signature]
Deputy Clerk



BCC APPROVED 11-01-2001

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-6. Approval of Various Consent Agenda Items – Continued
6. Continued...
- C. Report of the January 25, 2007, C/W Workshop – Continued

AGENDA NUMBER – Continued

7. Michael McClung's Request at Public Forum Concerning Sale of Drug Paraphernalia in Tattoo Parlors

A. Discussion – The C/W discussed Michael McClung's request at Public Forum (on November 2, 2006) concerning the sale of drug paraphernalia in tattoo parlors, and was advised by Alison Perdue Rogers, Deputy County Attorney, that the City of Hollywood and Pinellas County have adopted Ordinances that reiterate the Florida Statutes which address the use of controlled substances and the sale of drug paraphernalia, in detail, and at the Board's direction a similar Ordinance can be drafted for the Board's consideration; and

B. Board Direction – None.

8. Large Area Artificial Reef Sites Permitting and Marine Protection Area Discussion

A. Discussion – The C/W discussed Large Area Artificial Reef Sites Permitting and Marine Protection Area and the C/W:

(1) Was advised by Commissioner Whitehead that it is the consensus of the Board that staff move forward with this issue; and

(2) Heard the request from County Administrator Touart that the permit application fee be reverted from \$125 to \$25, to match the State of Alabama; and



(Continued on Page 14)