

**Private Artificial Reefs Issues**  
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Recently, members of the Charterboat Association held several meetings with County Commissioners, County Administrator and me. I will summarize the major points as follows:

- 1) Escambia County reduce the Artificial Reef Fee to that of Okaloosa County for some period of time to allow replacement of a large number of private artificial reefs destroyed by Hurricane Ivan
- 2) Request that Army Corps of Engineers eliminate or modify permit conditions requiring post-deployment reporting and compliance monitoring (LAARS Permit Special Conditions #9 and #10)
- 3) Increase the size of LAARS Permit area

In addition, they also suggested that Escambia County might take over the LAARS permit from FWC.

Before I address the above, it is important to provide some background information. There are a lot of misconceptions regarding the Large Area Artificial Reef Site (LAARS) program. These need to be corrected before we can move forward.

- 1) Escambia County did not make the LAARS rules. The LAARS Permit was issued to Florida Fish and Wildlife Conservation Commission (FWC) by US Army Corps of Engineers (ACOE). Escambia County Marine Resources Division (ECMRD) acts as the “Designated Agent” for FWC and is responsible for adhering to the permit conditions.
- 2) LAARS permit conditions, as required by ACOE, cannot be altered by Escambia County or ECMRD.
- 3) The “Escambia” LAARS and Okaloosa LAARS are similar in that they both require the applicant to provide post-deployment coordinates for ‘private’ reef deployments. However, the “Escambia” permit also requires ECMRD to randomly monitor 20-25% of the private reef deployments. Florida Department of Environmental Protection required this via their authority given by the Coastal Zone Management Act. (See June 4, 2001 letter from DEP to ACOE; also see 30 November 2000 letter from Fla. Dept. of Community Affairs to ACOE)
- 4) ECMRD policies and procedures for implementation of Escambia County’s role as LAARS designated agent were established in consultation with, and approved by ACOE and FWC. This “LAARS Document” can be found online on ECMRD website  
([http://www.co.escambia.fl.us/departments/nescd/documents/LargeArtificialReefPermit\\_000.pdf](http://www.co.escambia.fl.us/departments/nescd/documents/LargeArtificialReefPermit_000.pdf))

To summarize, LAARS “rules” (i.e., Permit Conditions) are set by ACOE after consultations with other state and federal agencies. The post-deployment monitoring

requirement was not requested by Escambia County, but was instead required by DEP when the reef criteria were reduced (steel materials thickness reduced from ¼ inch to 1/8 inch) at the request of local reefbuilders. Neither Escambia County nor ECMRD require the reef coordinates. ACOE staff have indicated that monitoring is also required by National Fisheries Enhancement Act.

The Artificial Reef Fee charges by Escambia County was set by Escambia County Board of County Commissioners (BCC). They were originally set at \$25 in 2001, but were increased to \$125 in 2003 to reflect actual costs to Escambia County. Escambia County BCC will vote 17 February 2005 on a resolution to temporarily reduce the Artificial Reef Fee to \$20.

The size and locations of the Escambia LAARS were determined during the original LAARS permitting process in 1993-1994. The permit areas were established to avoid areas of natural reef formations (e.g., 21 Hole, 29 Edge, Trysler Grounds, Green's Hole, Paradise, etc.). Although I was not present during those deliberations, reportedly there were also issues with active oil & gas leases.

The East and West sites comprise a combined area of approximately 120 square miles. ECMRD constructs public artificial reefs in the northwest corner of the East LAARS, and does not put public reefs in the West site to avoid user conflicts. Simply put, I try to keep all the public spots in one general area so people going to the public sites aren't running over & past private reefs. The exception to this policy is the Oriskany and DKE Knicklebine barge, which had to go in deeper waters.

ECMRD is actively seeking to increase the size of LAARS, either through expanding boundaries, or establishing separate LAARS site(s). This process may take some time, due to the above-listed constraints. I do not yet have an estimation for completion.

From the comments and questions I have heard and seen on a local fishing website forum, there are two major complaints about the LAARS. The first, the amount of seafloor upon which artificial reefs may be deployed, is hopefully going to be increased.

The biggest problem, and the one that ECMRD and Escambia County have little influence is the issue of reporting the exact coordinates of private reefs. In addition, there is strong objection to the 20-25% monitoring. To review, these are conditions over which Escambia County and ECMRD have no direct control. ACOE and DEP have cited state and federal regulations (Nat. Fisheries Enhancement Act and Fla. Administrative Code, respectively) as their basis for their requirements.

ECMRD is preparing a resolution (for consideration by Escambia BCC) that addresses these state and federal issues. In addition, ECMRD will request the input of the Escambia County Marine Advisory Committee. This standing committee advises Escambia BCC regarding marine-related issues.

Regarding the request that Escambia County request to become the LAARS permit holder, ECMRD cannot support that request at this time. Liability concerns, the Oriskany, and other logistical problems support my position. Moreover, since the regulations are required by federal and state agencies, supported by federal and state legislation, Escambia County would not have the authority to change the reef coordinate reporting and monitoring requirements. I will, however, to the fullest extent allowable, continue to assist local artificial reef stakeholders as they seek to achieve their goals.

The following is a list of present and near-future tasks I have committed to do:

- 1) Draft BCC Resolution to reduce Artificial Reef Fee from \$125 to \$20 until August 1, 2006 has been placed on the February 17, 2005 BCC Agenda
- 2) Obtain legal and risk management opinions and recommendations regarding Escambia County's role and potential liability in the LAARS process
- 3) Draft BCC Resolution to request elimination, modification, and/or alternative mechanism(s) for LAARS permit compliance assurance and monitoring
- 4) Engage Florida Fish and Wildlife Conservation Commission and US Army Corps of Engineers to develop and implement alternative mechanism(s) for LAARS permit compliance assurance and monitoring
- 5) Enlarge LAARS Permit areas
- 6) Initiate LAARS Permit renewal with Florida Fish and Wildlife Conservation Commission and US Army Corps of Engineers

An additional topic of much recent debate was a proposal I made in an attempt to convince ACOE to remove the requirement for reporting the exact coordinates of artificial reefs. I reasoned that one of the primary goals of the LAARS permit was to ensure that the artificial reef materials were deployed within the permitted boundaries. I searched for a way to create a disincentive for the deployment of artificial reefs outside the LAARS boundary. In an attempt to "think outside the box", I literally thought outside the box! Since hurricane Ivan destroyed or moved most of the lightweight private reef materials, everyone would be starting from scratch. Not many private spots would be left in their original position, so few could claim that any spot they found would be "theirs" by their own making. Thus, by my SONAR activities outside the LAARS (really just north, east & west of the boundaries) and putting the coordinates in the public reef database, I could assure ACOE that no one would want to deploy there. That was intended to give ACOE the assurance of permit compliance without having to require private reef coordinates. In addition, it would provide public benefit by increasing the number of fishing and diving sites. This would reduce congestion on all the reefs.

In 1996, after Hurricane Opal, I performed a SONAR survey of 14 square kilometers north and west of reefsite 15, and made the numbers public. There were no objections then, in fact, many folks appreciated the additional spots. I was the one that found and named the "Oops Barge", and as a result, many people have a "short spot" to try when the seas are rough or time is short. I try to manage the Escambia County Artificial Reef Program in a way that benefits the public. That includes recreational fishers and divers;

private boats and charterboats. Having been a Charterboat captain, I know how important it is to the industry for them to build reefs that they can provide reliable catches for their customers. Giving them the ability to build those reefs reduces overcrowding and over-harvest at the public reefs.

The seafloor, the waters, and the fish are public resources. Unfortunately, we are using these resources at levels that create competition and conflict. It is my job to try to assure that all stakeholders have equal opportunity to enjoy their share of our marine resources. That is difficult, sometimes impossible to do. But I will use my knowledge and experience to do my best. I also use my ears, to listen to stakeholders, and expand my realm of consideration.

For additional information, including original LAARS permitting documents, renewal documents, legislation, etc. please see other pdf files ECMRD Artificial Reefs webpage.

Periodically, I will update this file with additional information of interest to artificial reef stakeholders. (see below)