



THE COUNTY OF ESCAMBIA
PENSACOLA, FLORIDA

NEIGHBORHOOD AND ENVIRONMENTAL
SERVICES DEPARTMENT

KEITH WILKINS
Director

Marine Resources Division
Mosquito Control Division
Environmental Quality Division
Community Redevelopment Agency
Soil and Water Conservation Division
Neighborhood Enterprise Foundation, Inc.

February 27, 2007

Mr. Clif Payne
Department of the Army
Jacksonville District Corps of Engineers
Pensacola Regulatory Office
41 North Jefferson St, Suite 104
Pensacola, FL 32501-5794

RE: **Enlargement and Renewal of Escambia West LAARS (previously DA Permit 199402365 IP-CP)**

Dear Mr. Payne:

Please accept this letter and application to initiate enlargement and renewal of Escambia West Large Area Artificial Reef Site (LAARS) permit (previously DA Permit 119402365 IP-CP). By my signature on January 25, 2007 on the Permit Transfer Form (copy attached), Escambia County now holds the above-referenced permit.

Since the original Corps permit was issued, use of the two LAARS sites "East" and "West" has evolved. In the past five years, there has been minimal use of the East site for "personal" reef deployment. In contrast, nearly all "personal" reefs were deployed in the West site. By separating public and private deployments, we hope to reduce user conflicts. Individuals deploying private reefs in the West site are not in the pathway of boaters heading to and from our public reefs. A notable exception is the deployment of I-10 bridge rubble in the northern sector of the Escambia West LAARS. This was an unavoidable and unfortunate exception to our policy, but was permitted in order to prevent the loss of valuable reef materials.

Because of significant differences between future uses of the two sites, Escambia County requests separate permit renewals with different permit conditions for the Escambia East and Escambia West LAARS. On February 16, 2007, Escambia County submitted an application to



CLEANUP

Mr. Clif Payne

RE: **Enlargement and Renewal of Escambia West LAARS (previously DA Permit 199402365 IP-CP)**

February 28, 2007

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renew Escambia East LAARS under the original DA Permit 199402365. The enclosed Application pertains only to Escambia West LAARS. Our application for renewal of Escambia West LAARS includes several substantial modifications from existing permit conditions:

- 1) Enlargement in size to approximately 404 nautical mile²
- 2) Elimination of precise reef location reporting for personal reefs
- 3) Elimination of monitoring personal reef deployments by Marine Resources Division
- 4) Expansion of the reef deployment period from 30 days to 60 days

These requests are made on behalf of LAARS users and potential users. These stakeholders have requested the above modifications to achieve a more "user-friendly" permit, and to reduce the potential for premature discovery of their "personal" artificial reefs. Enlargement of the size of the permit area provides for a larger area benefited by additional reef habitat, and increases safety by allowing personal reef deployments closer to safe harbor.

Escambia County NESD Marine Resources Division purchased and deployed artificial reef materials representative of commonly used "personal" reef materials and construction techniques. Marine Resources Division continues to acquire examples of personal reefs to be deployed in Escambia East LAARS, and will monitor these and future "representative reefs" to determine stability, durability, and marine life utilization. By increasing our monitoring efforts on representative reefs, we can increase our understanding of the fisheries potential of "personal" reefs without compromising the reef builders' desire to keep their locations confidential.

To increase efficiency of permit administration by Escambia County and Army Corps of Engineers, we respectfully request a ten-year permit duration. In the interim, please grant an extension to allow continued use of the existing permit until a new permit is issued.

Escambia County Board of County Commissioners approved the enclosed proposed permit changes by Resolution 2005-41 (copy enclosed) and via Committee direction to County Administration on January 25, 2007. Please contact Robert Turpin if you need additional documentation, or if we can assist with any additional information.

Sincerely,



Keith Wilkins
Director

KW/rt

H:\NESD\NESD\Marine Resources\Artificial Reefs\LAARS\permit & procedures\Permit Applications\LAARSWest Permit Renewal 2007\Letter to Clif Payne requesting renewal West LAARS Draft27Feb07

Enclosures

c: George Touart, County Administrator
Bob McLaughlin, Assistant County Administrator

Joint Application for Works in the Waters of Florida

Department of the Army (Corps/Florida Department of Environmental Protection (DEP)/
Water Management District (WMD))

Corps Application Number (official use only)	DEP Application Number (official use only)
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Type or Print Legibly

1. Applicant's Name and Address	
Name Escambia County, Florida Last Name, First Name (if individual); Corporate Name; Name of Govt. Agency	
Street 1190 West Leonard Street	
City Pensacola	State: FL Zip: 32501
Telephone (Day) (Night)	
2. Name, Address, Zip Code, Telephone Number and Title of Applicant's Authorized Agent	
Name Wilkins, Keith Last Name, First Name	
Corporate Name; Name of Govt. Agency Escambia County Neighborhood and Environmental Services Department	
Street 1190 West Leonard Street	
City Pensacola	State FL Zip 32501
Telephone 850-595-3496 (Day) 850-595-3496 (Night)	
3. Name of Waterway at Work Site: Gulf of Mexico	
4. Street, Road or Other Location of Work N/A	
Incorporated City or Town	
Section	Township - Range
Section	Township - Range
Section	Township - Range
County(ies)	
Coordinates in Center of Project:	
Latitude 29 ° 55 ' 30 "	Federal Projects Only: x y
Lot Block Subd Plat Bk	Longitude 87 ° 25 ' 15 "
Pg	
Directions to Locale Site: From Pens. Pass Buoy #1: 21.7 n. miles @ 198 deg. to center of Enlarged Escambia West LAARS	
5. Names, Addresses, and Zip Codes of Adjacent Property Owners Whose Property Also Adjoins the Water (Excluding Applicant). Show Numbers or Names of These Owners on Plan Views. If More Than Six (6) Owners Adjoin the Project, You May Be Required to Publish a Public Notice for the DEP.	
1. N/A	2.
3.	4.
5.	6.

6. Proposed Use (Check one or more as applicable) Private: Single Family Multi-Family
 Public Commercial New Work Alteration of Existing Works Maintenance Other (Explain): Renewal

7. Desired Permit Duration (see Fee Schedule): 5 Yr. 10 Yr Other (Specify)

8. General Permit or Exemption Requested: Separation from original DA Permit 199402365; issue as separate permit

DEP General Permit FAC Rule 17-312. DEP Exemption FAC Rule 17-312. Section 403. FS.

9. Total Extent of Work in Jurisdictional Open Waters or Wetlands: (Use additional sheets and provide complete breakdown of each category if more space is needed.)

a. Within Corps Jurisdiction: (Please see project description)

Fill:	Sq. Ft.	Acres	Cu. Yds
Excavation:	Sq. Ft.	Acres	Cu. Yds.

b. Within DEP Jurisdiction:

Fill:	Sq. Ft.	Acres	Cu. Yds.
Excavation:	Sq. Ft.	Acres	Cu. Yds.
Excavation Waterward of MHW	cu. yds (information needed for DEP)		

c. DEP Jurisdictional Area Severed (Area Landward of Fill Structures which will be Severed):

Sq. Ft.	Acres
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d. DEP Jurisdictional Area Created (New Excavation from Uplands, Exclusive of Mitigation):

Sq. Ft.	Acres
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e. Docks, Piers, and Over Water Structures: N/A

Total Number of Slips:	Total Number of Mooring Pilings:
Length Width	Height above MHW
Length Width	Height above MHW
Number of Finger Piers	Length Width Height
Number of Finger Piers	Length Width Height
Total area of structure over waters & wetlands	sq. ft.
Use of structure	

Will the docking facility provide:

	No	Yes	Number
Live-aboard Slips	<input type="checkbox"/>	<input type="checkbox"/>	
Fueling Facilities	<input type="checkbox"/>	<input type="checkbox"/>	
Sewage Pump-out Facilities	<input type="checkbox"/>	<input type="checkbox"/>	
Other Supplies or Services Required for Boating (Excluding refreshments, bait and tackle)	<input type="checkbox"/>	<input type="checkbox"/>	

f. Seawall length: ft. Seawall material:

Riprap revetment length:	ft.	Slope	H:	V	Toe width
Riprap at toe of seawall length	ft.	Slope	H:	V	Toe width
Size of riprap:					

Type of riprap or seawall material:

g. Other (See item 10).X

10. Description of Work (be specific; use additional sheets as necessary). This application seeks separation of Escambia West LAARS from DA Permit 199402365 IP-CP formerly issued to Florida Fish and Wildlife Conservation Commission, and transferred to Escambia County, Florida on 25 January 2007. Escambia County seeks renewal of the "Escambia West" Large Area Artificial Reef Site (LAARS) and substantial enlargement for the purpose of allowing the public to build "personal" artificial reefs. The vast majority of artificial reef deployments in Escambia West over the past 5-year permit period consisted of "personal" reefs built from scrap steel and rebar. Escambia County seeks to increase public participation in "personal" reef construction via permit modifications to make it more "user-friendly" (please see attached).

11. Turbidity, Erosion, and Sedimentation Controls Proposed:
 Only clean materials will be deployed, therefore no such controls are planned.

12. Date Activity is Proposed to Commence Immediately upon approval to be Completed upon permit expiration date
 Total Time Required to Construct Request 10-year permit period

13. Previous Applications for this Project have been: DEP No. N/A Corps no. 199402365IP-CP
 A. Denied (date)
 B. issued (date) Originally issued to DEP in 1995; Renewed in 2001 by FWC
 C Other (please explain) Transfer Request (to Esc.Co.) signed 25 January 2007
 Differentiate between existing work and proposed work on the drawings.

14. Certification. Application is hereby made for a permit or permits to authorize the activities described herein.
 A. I Certify That: (Please check appropriate space)
 1. I am the record owner ; lessee , or the record easement holder of the property on which the proposed project is to be undertaken, as described in the attached legal document.
 2. I am not the record owner, lessee or record easement holder of the property on which the proposed project is to be undertaken, as described in the attached legal document, but I will have, before undertaking the proposed work the requisite property interest. (Please explain what the interest will be and how it will be acquired.)
 Attach legal description of property or copy of deed to the property on which project is to occur (must be provided).
 B. I understand I may have to provide any additional information/data that may be necessary to provide reasonable assurance or evidence that the proposed project will comply with the applicable State Water Quality Standards or other environmental standards both before construction and after the project is completed.
 C In addition, I agree to provide entry to the project site for inspectors with proper identification or documents as required by law from the environmental agencies for the purpose of inspecting the site. Further, I agree to provide entry to the project site for such inspectors to monitor permitted work, if a permit is granted.
 D. This is a Joint Application and is not a Joint Permit. I hereby acknowledge the obligation and responsibility for obtaining all of the required state federal or local permits before commencement of construction. I also understand that before commencement of this proposed project, I must be granted separate permits or authorizations from the U.S. Corps of Engineers, the U.S. Coast Guard, the Department of Environmental Protection and the Delegated Water Management District (where applicable), as necessary.

E. I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete and accurate, I further certify that I possess the authority to undertake the proposed activities or am acting as the duly

authorized agent of the applicant. I understand that knowingly making any false statement or representation in this application is a violation of Section 403.161, ES. and Chapter 837, FS.

Typed/Printed Name of Applicant or Agent Keith Wilkins, Director
 Escambia County Neighborhood and Environmental Services Department

Signature of Applicant or Agent  Date 2/28/07

(Corporate Title if applicable) AN AGENT MAY SIGN ABOVE IF APPLICANT COMPLETES THE FOLLOWING:

I hereby designate and authorize the agent listed above to act on *my* behalf as my agent in the processing of this permit application and to furnish on request, supplemental information in support of the application.

Typed/Printed Name of Applicant	_____ Signature of Applicant	Date
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(Corporate Title if applicable)

15. For your Information: Section 370.034, Florida Statutes, requires that all dredge and fill equipment owned, used, leased, rented or operated in the state shall be registered with the Department of Natural Resources. Before selecting your contractor or equipment you may wish to determine if this requirement has been met. For further information, contact the Chief of the Bureau of Saltwater Licenses and Permits, Department of Natural Resources, 3900 Commonwealth Blvd, Tallahassee- Florida 32399. Telephone No. (904) 487-3122. This is not a requirement for a permit from the Department of Environmental Regulation.

18 U.S.C. Section 1001 provides that, Whoever, in any manner within the jurisdiction of any department or agency of The United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

16. Please submit this completed form, with attached drawings and the complete DEP processing fee to the appropriate DEP or Delegated WMD office with jurisdiction over the project site.

Expansion of Escambia West Large Area Artificial Reef Site (LAARS), Separation from Escambia East LAARS and Renewal and Modification of Conditions of LAARS Permit to Escambia County, Florida

Introduction

Escambia East and West Large Area Artificial Reef Sites (LAARS) were originally permitted by Army Corps of Engineers to Florida Department of Environmental Protection in 1995. The permit allowed charterboat operators a legal mechanism to construct “personal” artificial reefs for use by their fishing customers (in contrast to “public” artificial reefs constructed by state and local governments and publicized for open public access). Although these personal reefs had been built for decades (predominantly by charterboat operators and commercial fishermen), state and federal agencies began to regulate the activity in the early 1990’s.

Escambia East and West LAARS were renewed by Florida Fish and Wildlife Conservation Commission in 2001. Throughout the second operational period of the LAARS permit, FWC informed Escambia County that the state would not seek LAARS permit renewal upon expiration in 2006. Escambia County signed the LAARS Permit Transfer Agreement on 25 January 2007, an immediately initiated permit renewal efforts.

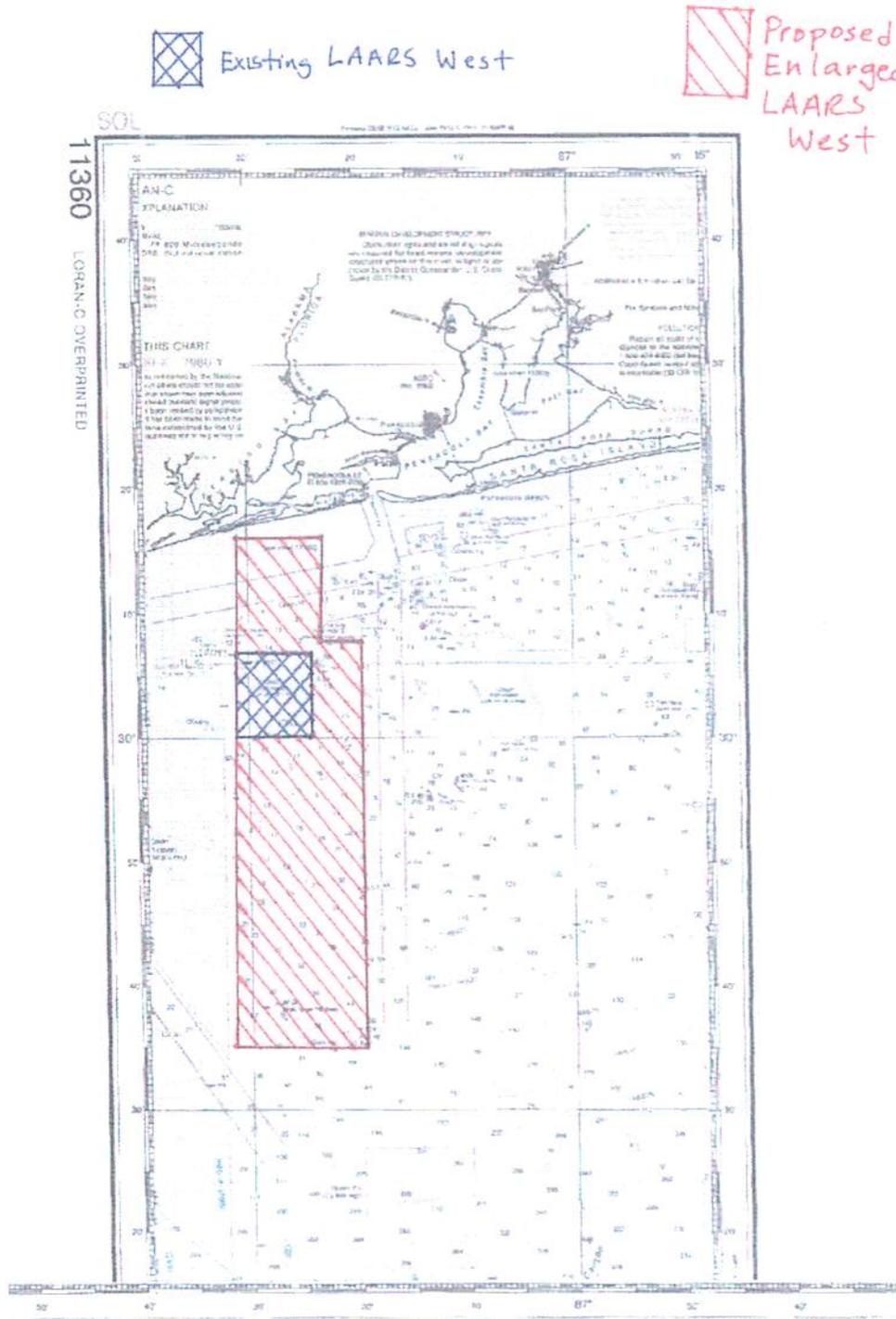
LAARS Permit renewal is incorporated into Escambia County Marine Resources Division’s Artificial Reef Plan. Although the primary goals and objectives of Escambia West LAARS remain essentially unchanged, numerous stakeholder requests for changes to LAARS indicate lack of satisfaction by user groups. Lack of “customer” satisfaction is clearly demonstrated in very low levels of LAARS by charterboat operators and other serious fishers and divers. Marine Resources Division has received numerous requests from user groups (e.g., Pensacola Charterboat Association) and policy direction from Escambia County Board of County Commissioners (Resolutions enclosed), and incorporates the county’s requests to enlarge the size and modify the conditions of the “Escambia West” portion of the previous DA Permit 199402365 (IP-CP).

Escambia West LAARS Permit Renewal/Separation, Enlargement and Modification

Although the original primary purpose of Escambia East and West LAARS was to provide a legal mechanism for charterboat operators to construct “personal” artificial reefs for use by their fishing customers, Escambia County also began constructing public artificial reefs in Escambia East LARRS in the mid 1990s. Escambia County became completely dependent upon LAARS for all public artificial reef construction in 1998, when requests to renew permits for Escambia County Artificial Reef Sites Sites 7 and 15.

Because LAARS use patterns have changed, and because Escambia County desires to minimize conflicts between users of public artificial reefs and users of personal reefs, Escambia county is focusing public artificial reef deployment into Escambia East

LAARS. The removal of approximately 65% of the area previously available to personal reef construction necessitates enlargement of Escambia West LAARS to avoid overcrowding in that site. The map (below) depicts the requested area of Escambia West enlargement (depicted in red).



The following coordinates of the requested enlarged Escambia West LAARS proceed from the existing southwest corner of Escambia West at 30° 07.0'N / 87° 31.0'W; due North to 30° 16.0'N / 87° 31.0'W; due East to 30° 16.0'N / 87° 23.0'W due North to 30° 08.0'N / 87° 23.0'W; due East to 30° 08.0'N / 87° 19.5'W; due South to 29° 35.0'N / 87° 19.5'W; due West to 29° 35.0'N / 87° 31.0'W due South to the starting point at the northwest corner of existing Escambia West LAARS. The new geographic center of the enlarged Escambia West LAARS is: 29° 55.5'N / 87° 25.25'W. The requested enlargement of Escambia West LAARS from approximately 42 nmi.² to 404 nmi.² provides for anticipated increased personal reef deployments over the 10-year requested permit renewal period.

During previous versions of DA Permit 199402365 (IP-CP), Florida Fish and Wildlife Conservation Commission (FWC), as LAARS permit holder, supported several permit conditions that were somewhat restrictive. Moreover, policy guidance from FWC is viewed by Escambia County as unnecessarily restrictive. LAARS permits issued to Okaloosa and Bay Counties are much less restrictive than the Escambia LAARS. This is viewed as unfair and presents the impression that Escambia County has been “singled out” and over-regulated. As a result, there has been a substantially lower number of personal reef deployments than in the LAARS off Okaloosa and Bay counties. Escambia County Board of County Commissioners have requested, via formal Resolutions, that these overly-restrictive permit conditions and guidelines be modified or eliminated. The attached Application requests the following:

- 1) Enlargement in size to approximately 404 nautical mile²
- 2) Elimination of precise reef location reporting for personal reefs
- 3) Elimination of monitoring personal reef deployments by Marine Resources Division
- 4) Expansion of the reef deployment period from 30 days to 60 days

For several decades between the 1960s and 1990s, charterboat operators and commercial fishermen deployed thousands of personal artificial reefs in the northern Gulf of Mexico. These activities were virtually unregulated by any governmental agency. Many of these materials consisted of items not used today (e.g., appliances and automobiles). If these materials caused some environmental harm, evidence of that harm would have been obvious and documented. Apart from tires washing up onto the beach, there have been no disastrous effects of personal reef-building off Escambia County. Using the reef materials standards of today, it is inconceivable that the proposed deployment of improved reef materials in the open Gulf would have some deleterious effect.

The LAARS program was instituted to give the charterboat operators a legal mechanism to build reefs for their customers. Successful fishing is the backbone of the charter industry, and an important component of Florida’s valuable tourism industry. Moreover, it is an important economic and recreational component of Escambia County. The requested changes to Escambia West LAARS permit are vital to the continued existence of the charter fishing industry in Escambia County. As permit holder, Escambia County requests these changes.



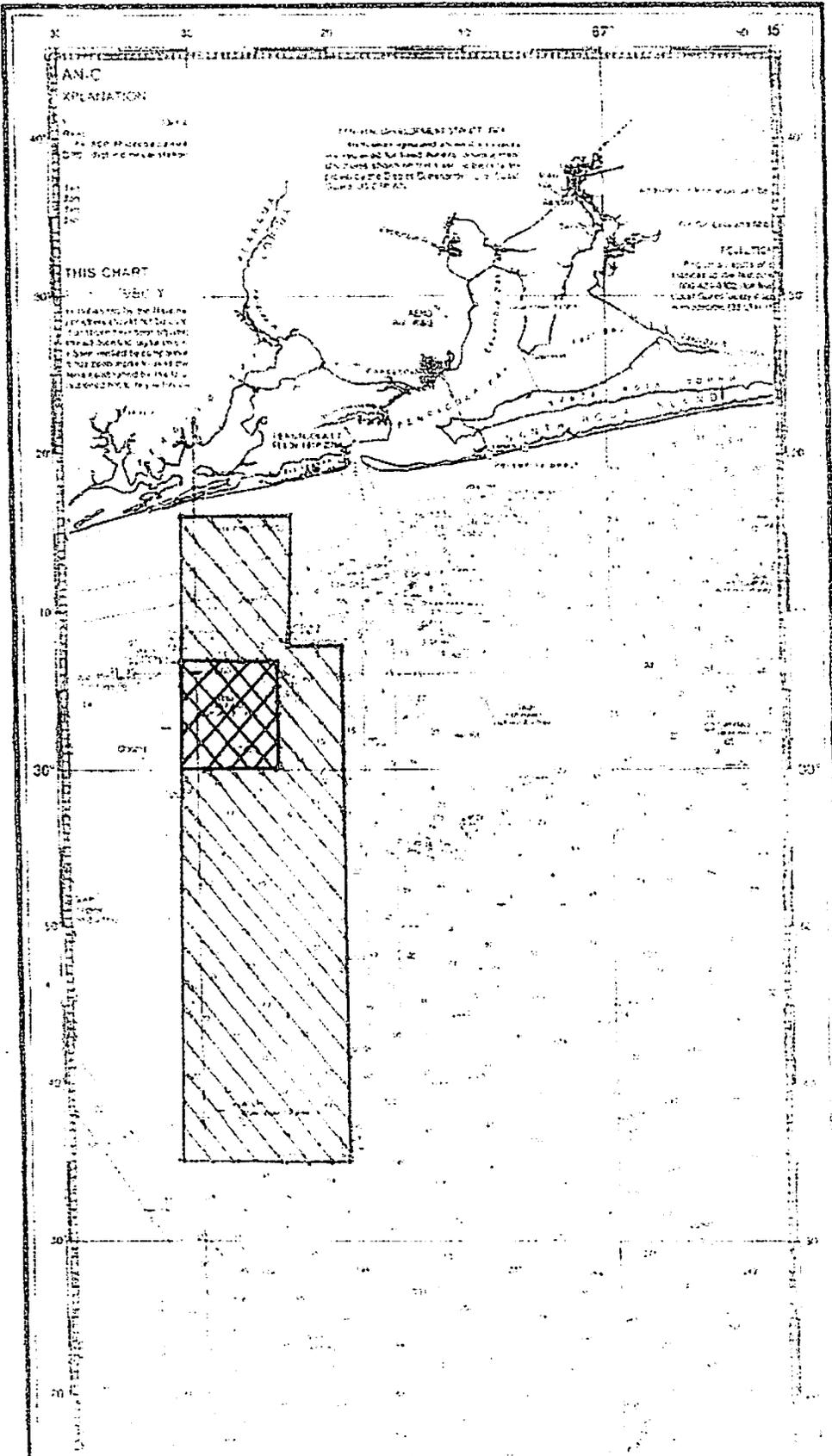
Existing LAARS West



Proposed Enlarged LAARS West

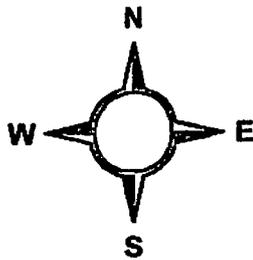
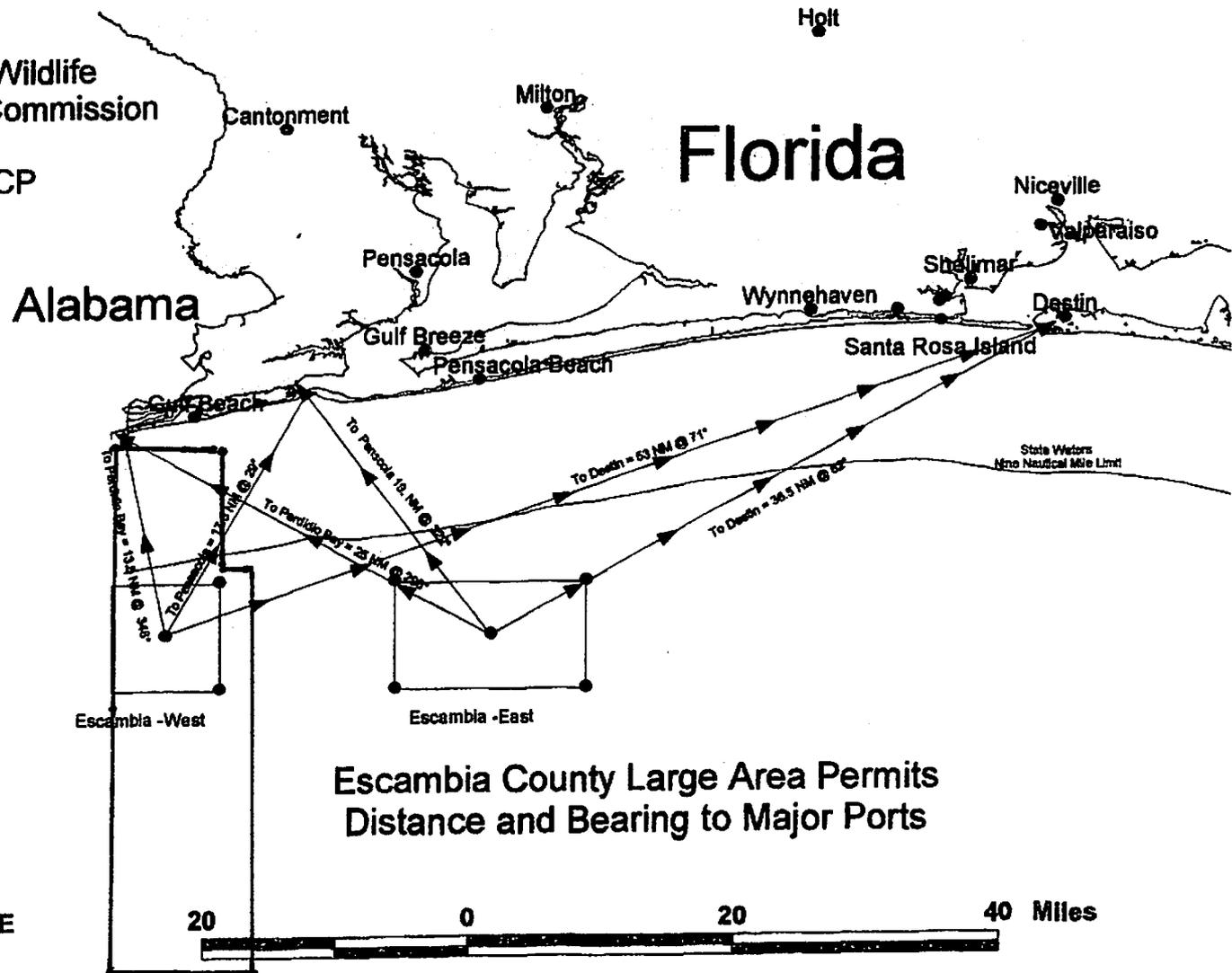
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Escambia County Large Area Permits

Applicant:
Florida Fish & Wildlife
Conservation Commission
File #:
199402365 IP-CP
Date:
26 June 2001
Page 2 of 8



Requested Enlargement
of LAARS West

RESOLUTION R2005- 41

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

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

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

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

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

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

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

WHEREAS, Section 62-312.807 of the Florida Administrative Code states that a private citizen who is an artificial reef permittee shall notify the National Ocean Service, National Oceanographic and Atmospheric Association, U.S. Department of Commerce, Rockville, Maryland, of the "precise" location of such reef; and

WHEREAS, the Board of County Commissioners hereby interprets in this context "precise" as to mean coordinates expressed in degrees and minutes of latitude and longitude; and

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

Date: 3-2005 Verified By: P. Cotton

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

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

WHEREAS, pursuant to its meeting on February 15, 2005, Escambia County MAC presents these findings to the Board of County Commissioners and recommends their adoption as the official expression of Escambia County on the construction by citizens of such privately deployed artificial reefs; and

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

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

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

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

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

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

ADOPTED this 17th day of March 2005.

Date Executed

3-17-2005

BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

By: J. W. Dickson
J. W. Dickson, Chairman

TEST: Ernie Lee Magaha
Clerk of the Circuit Court



By: Patricia M. Cottan

Date BCC Approved

3-17-2005

This document approved as to form and legal sufficiency

By: John Under
Title: County Attorney
Date: March 17, 2005

STATE OF FLORIDA

COUNTY OF ESCAMBIA

I, ERNIE LEE MAGAHA, CLERK OF THE CIRCUIT COURT, and ex-officio Clerk to the Board of County Commissioners in and for the County and State aforesaid, do hereby certify that the above and foregoing is a true and correct copy of Resolution R2005-41 as the same was duly adopted and passed at a Meeting of the Board on the 17th day of March, 2005, and as the same appears on record in my office.

IN WITNESS WHEREOF, I hereunto set my hand and official seal this 22nd day of March, 2005.

ERNIE LEE MAGAHA, CLERK OF THE CIRCUIT COURT, AND EX-OFFICIO CLERK TO THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA

By: *Doris Harris*
Deputy Clerk

