

DEPARTMENT OF THE ARMY PERMIT

ORIGINAL

Permittee: Escambia County Board of County Commission
223 Palafox Place
Pensacola, Florida 32501

Permit No: SAJ-200704277 (IP-CP)

U.S. Army Engineer District, Jacksonville

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

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

Project Description: Deploy artificial reef material within 2 artificial reef sites in the nearshore waters of the Gulf of Mexico. Material to be deployed will consist of concrete and stone rubble and prefabricated artificial reef modules. No material may exceed 8 feet in height and a minimum of 26' of water depth will be maintained from the highest point of any deployed material to the Mean Lower Low Water (MLLW). The county would implement a 0.10 nautical mile buffer along the perimeter of the sites.

Project Location:

The artificial reef sites are located in the Gulf of Mexico south of Escambia County, Florida and approximately 4.3 nautical miles south-southeast and south-southwest of Pensacola Pass. The sites are rectangular in shape and measure 1 x 2 nautical miles per side. The artificial reef sites are referred to as Nearshore East and Nearshore West. The proposed sites are located from approximately 0.64 - 2.24 nautical miles from the closest navigational safety fairway. The Nearshore East site is located

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3.72 nautical miles east of the federally maintained Pensacola Harbor Navigation Channel. The Nearshore West site is located approximately 1.73 nautical miles from this channel.

LATITUDE & LONGITUDE:

Escambia-Nearshore East
Corner

Northeast - Latitude:30° 18.362' North/ Longitude:87° 12.073' West
Northwest - Latitude:30° 17.981' North/ Longitude:87° 14.342' West
Southeast - Latitude:30° 17.364' North/ Longitude:87° 11.965' West
Southwest - Latitude:30° 16.984' North/ Longitude:87° 14.233' West

Escambia-Nearshore West
Corner

Northeast - Latitude:30° 16.063' North/ Longitude:87° 19.547' West
Northwest - Latitude:30° 16.065' North/ Longitude:87° 21.857' West
Southeast - Latitude:30° 15.060' North/ Longitude:87° 19.548' West
Southwest - Latitude:30° 15.062' North/ Longitude:87° 21.857' West

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on 19 March 2019. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

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

transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

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

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

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.

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

Special Conditions:

1. Reporting Addresses:

The Permittee shall reference this permit number, SAJ-2007-04277, on all correspondence. Unless specifically notified to the contrary, the Permittee shall use the following addresses for transmitting correspondence to the referenced agencies:

a. (1) For hard copies:

U.S. Army Corps of Engineers, Regulatory Division,
Enforcement Section, Terry Wells
41 North Jefferson Street Suite 111
Pensacola, FL 32502

(2) For email: CESAJ-ComplyDocs@usace.army.mil

b. National Oceanic and Atmospheric Administration (NOAA), Office of Coast Survey, N/CS26, Sta. 7317, 1315 East-West Highway, Silver Springs, MD, 20910-3282

c. Commander, U.S. Coast Guard (USCG)
Eighth Coast Guard District

Hale Boggs Federal Building
500 Poydras Street
New Orleans, LA 70130-3310

- d. Florida Fish and Wildlife Conservation Commission (FWC) Artificial Reef Program, 620 S. Meridian Street, Box 4B2, Tallahassee, FL 32399.
fax: 850-922-0463
email: Jon.Dodrill@myfwc.com, bill.horn@myfwc.com, and keith.mille@myfwc.com

2. Initial Agency Notification:

The Permittee shall provide to the Corps, NOAA and USCG written notification of the planned deployment start date at least two weeks prior to the initial deployment on the authorized artificial reef site.

3. Authorized Reef Materials:

No reef materials or module will weigh less than 500 pounds. Reef materials shall be clean and free from asphalt, petroleum, other hydrocarbons and toxic residues, loose free floating material or other deleterious substances. All artificial reef materials and/or structures will be selected, designed, constructed and deployed to create, stable and durable marine habitat. The Permittee shall deploy only the following authorized reef materials:

- a) Prefabricated artificial reef modules composed of ferrous and/or aluminum-alloy metals, concrete, rock or a combination of these materials.
- b) Natural rock boulders and other pre-cast concrete material, such as, culverts, stormwater junction boxes, power poles, railroad ties, jersey barriers, or other similar concrete material.
- c) Clean steel and concrete bridge or large building demolition materials such as slabs or pilings with all steel reinforcement rods severed as close to the concrete surface as possible but not to extend more than 6 inches to ensure the rod will not create a fishing tackle or diver ensnaring hazard.
- d) Heavy gauge ferrous & aluminum alloy metal material components or structures, $\frac{1}{4}$ " or more in thickness, such as utility poles, antenna towers.
- e) Heavy gauge ferrous & aluminum alloy metal hulled vessels which equal or exceed 60 ft. hull length prepared and deployed in accordance with all applicable U. S. Coast Guard, U.S. Environmental Protection Agency, Florida Fish and Wildlife Conservation Commission, or other applicable state or federal agency regulations or policies. The vessel shall not be deployed until all necessary inspections and clearances have been obtained or waived and a stability analysis has been completed demonstrating that the vessel will be stable during a 50-year storm event based on vessel and deployment site characteristics. The permittee shall follow the National guidance regarding preparation of vessels for deployment as artificial reefs which are available

at: <http://www.epa.gov/owow/oceans/habitat/artificialreefs/index.html>. The Permittee shall maintain a record of all inspections, clearances or waivers and provide to the Corps upon request.

4. Reef Parameters:

The Permittee shall deploy all reef materials within the site boundaries as defined on page 1 of this permit. A minimum clearance of 26 feet from the top of the deployed material relative to Mean Lower Low Water (MLLW) shall be maintained at all times.

5. Violation of Reef Parameters:

In the event reef material is deployed or discovered (i.e., after a storm event) in a location or manner that is contrary to the Reef Parameters Special Condition, the Permittee shall immediately notify the closest USCG Station and provide information as requested by the station. The Permittee shall notify NOAA, USCG Corps, and FWC in writing within 24 hours of the occurrence. At a minimum the written notification shall explain how the deployed material exceeds the authorized reef parameters, a description of the material, a description of the vessel traffic in the area, the deployment location in nautical miles at compass bearing from obvious landmarks, the location of the unauthorized material in latitude and longitude coordinates (degree, minute, decimal minute format to the third decimal place) and the water depth above the material from Mean Lower Low Water. The document will list the information provided by telephone to the USCG as noted above and include the time of the call and the name of the USCG personnel receiving the information.

6. Protection of Existing Resources:

The Permittee shall not deploy artificial reef materials until an assessment of the bottom conditions has been accomplished by diver, submersible video camera, fathometer, depth/bottom sounder (e.g. "fish finder"), or side-scan sonar. The inspection of the deployment area may occur at the time of deployment but no more than one year prior to deployment. The Permittee shall maintain a deployment buffer of at least 200 feet from any submerged beds of sea grasses or macroalgae, coral reefs, live bottom, areas supporting growth of sponges, sea fans, soft corals, and other sessile macroinvertebrates generally associated with rock outcrops, oyster reefs, scallop beds, clam beds, or areas where there are unique or unusual concentrations of bottom dwelling marine organisms. If during the inspection evidence is observed of cultural/archaeological resources, such as sunken vessels, ballast, historic refuse piles, or careenage areas the Corps will be notified by the Permittee and the above referenced deployment buffer will be implemented. The Permittee shall maintain a record of the information gained during the inspection such that it can be provided upon request to the Corps.

7. Pre-Deployment Notification:

No less than 14 days prior to deployment of material on an artificial reef, the Permittee shall transmit by electronic mail ("email") a complete and signed "Florida Artificial Reef Materials Cargo Manifest and Pre-Deployment Notification" form, as noted in ~~Attachment~~ of this permit, to the Corps and FWC to allow inspection of the proposed reef materials as deemed necessary by the agencies. Inspection is allowable at the staging area. By signing the Pre-Deployment Notification the Permittee certifies that all materials are

free from asphalt, petroleum, other hydrocarbons and toxic residues. The Permittee shall take digital photos of representative components/pieces of reef material and transmit with the above form as PDF attachments to the email addresses listed in special condition 1. The Permittee shall utilize read receipt email verification to ensure the electronic documents are received by the Corps and FWC. The form and photos should not exceed 4 megabytes. The Permittee shall not deploy material if notified by the Corps or FWC that the material is questionable or unacceptable until the material has been evaluated and released for deployment. Any material that is deemed unacceptable for reef material will be disposed in an approved upland disposal site.

Deployment of the material shall not occur until the end of the 14 day inspection period. The Permittee shall ensure both a copy of the Corps permit and the signed "Florida Artificial Reef Materials Cargo Manifest and Pre-Deployment Notification form" are maintained aboard the deployment vessel at all times during loading, transit, and deployment.

8. Post-Deployment Placement Report/As-Built Drawing/Summary: No less than 30 days after deployment at the reef site, the Permittee shall transmit by email to the Corps and FWC a complete and signed "Florida Artificial Reef Materials Placement Report and Post-Deployment Notification" form noted on ~~XXXXXX~~ of the permit drawings. The latitude and longitude should be accurate within 5 meters horizontal distance. Attach to the report, an as-built drawing that contains the approximate deployment configurations and the height of the material after placement. Depth shall be verified utilizing fathometer, depth sounder, or similar device accurate to within 1 meter. Also, include information on the condition of the material at the time of deployment. The report and drawing shall be limited to 1-2 pages per deployment. The permittee will submit to the Corps and FWC a summary spreadsheet listing the deployments that occurred within the previous 12 months and a written report which summarizes and draws conclusions regarding the activities. For each deployment, the spreadsheet will include the local tracking number, date deployed, latitude and longitude, description and quantity of the material deployed, depth of water above material, approximate area of seafloor covered. The report shall be limited to 1-2 pages of written text and include a permit drawing(s) or similar visual depiction of the location of each deployment in relation to the boundary of the reef site. The spreadsheet and report will cover the same time period and be submitted with the monitoring report referenced in condition 19 below.

9. Deployment Monitoring:

The Permittee or the permittee's representative shall be on site during every deployment to verify compliance with the permit and its conditions. The authorized representative shall not be the person who physically or contractually is responsible for deployment of the transported reef materials. The permittee or representative shall verify latitude and longitude coordinates using a Differential Global Positioning System (DGPS) or Wide Area Augmentation System (WAAS) enabled unit accurate to within 5 meters horizontal distance. Depth shall be verified utilizing fathometer, depth sounder, or similar device accurate to within 1 meter.

10. Ownership/Maintenance/Liability:

By signing this permit, the Permittee certifies and acknowledges ownership of all artificial reef materials deployed on the reef, accepts responsibility for maintenance of the artificial reef, and possesses the ability to assume liability for all damages that may arise with respect to the artificial reef.

The Permittee re-certifies these commitments upon signature and submission of the "Florida Fish and Wildlife Conservation Commission's Artificial Reef Materials Cargo Manifest and Pre-Deployment Notification" form in accordance with the Pre-Deployment Notification Special Condition.

11. Marine Life Entrapment:

Neither reef structure nor material or the method of design or deployment should pose a risk of entrapping fish, marine turtles, or marine mammals. Any observation of entrapped marine turtles or marine mammals on this artificial reef site must be reported immediately to the Corps and FWC.

12. Protected Species Guidance:

The Permittee shall comply with the "Vessel Strike Avoidance Measures and Injured or Dead Protected Species Reporting" guidance for marine turtles and marine mammals, as noted on sheets 11 and 12 of 15 of the permit drawings.

13. Sea Turtle/Sawfish/Sturgeon Guidelines:

The Permittee shall comply with the National Marine Fisheries Service's "Sea Turtle and Smalltooth Sawfish Construction Conditions", which also applies to sturgeon, as noted on sheet 10 of 15 of the permit drawings.

14. Right Whale Protection:

Artificial reef material shall not be transported or deployed between November 15 and April 15 for the conservation of the endangered Northern Right Whale within the boundaries of the NMFS designated Northern Right Whale Southeastern United States critical habitat area. Links to the NMFS critical habitat area maps can be found at the following web sites:

http://www.nmfs.noaa.gov/pr/pdfs/conservation/ch_rightwhale_southeast.pdf

http://www.nmfs.noaa.gov/pr/pdfs/shipstrike/msr_placard.pdf

15. Assurance of Navigation and Maintenance:

The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

16. Manatee Conditions For In-Water Work:

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.

b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.

d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.

e. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-561-562-3909) for south Florida.

17. Explosives:

Use of explosives by the permittee in association with in-water work is prohibited.

18. Marine Wildlife Safety Plan:

The permittee will implement the Marine Wildlife Safety Plan noted on sheets 13-15 of 15 of the permit drawings.

19. Monitoring:

As part of the yearly monitoring program the applicant will conduct a fathometer scan once per year of the two Nearshore sites to verify material location and condition and compare to such information from previous monitoring events to distinguish changes in either. As a component of the yearly monitoring the applicant will conduct monitoring utilizing SCUBA of 5 sites within the Nearshore East and 5 sites within the Nearshore West and conduct Level 1, 2, 4, and 4a monitoring. The monitoring period will extend from January - December and the reports for each site will be submitted on 1 April following closure of the monitoring period. The monitoring report will include a spreadsheet representation of the site inspected and data gained, written narrative, and still photo and/or video. Level 1, 2, 4, 4a monitoring is as noted on sheets 7-9 of 15 of the permit drawings.

Further Information:

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

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

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

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

2. Limits of this authorization.

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

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

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

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

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

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

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

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

- d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. **Reliance on Applicant's Data:** The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. **Reevaluation of Permit Decision:** This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

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

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

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

A total of 17 pages are affixed behind this signature page.

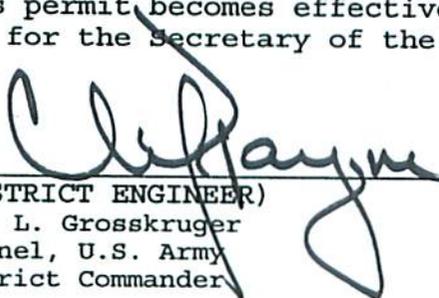


(PERMITTEE)

3/18/09

(DATE)

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



(DISTRICT ENGINEER)
Paul L. Grosskruger
Colonel, U.S. Army
District Commander

3/19/09

(DATE)



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DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

PERMIT NUMBER: SAJ-200704277 (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, Enforcement Section, 41 North Jefferson Street Suite 111, Pensacola, Florida 32502.

(TRANSFEREE-SIGNATURE)

(SUBDIVISION)

(DATE)

(LOT)

(BLOCK)

(NAME-PRINTED)

(ADDRESS)

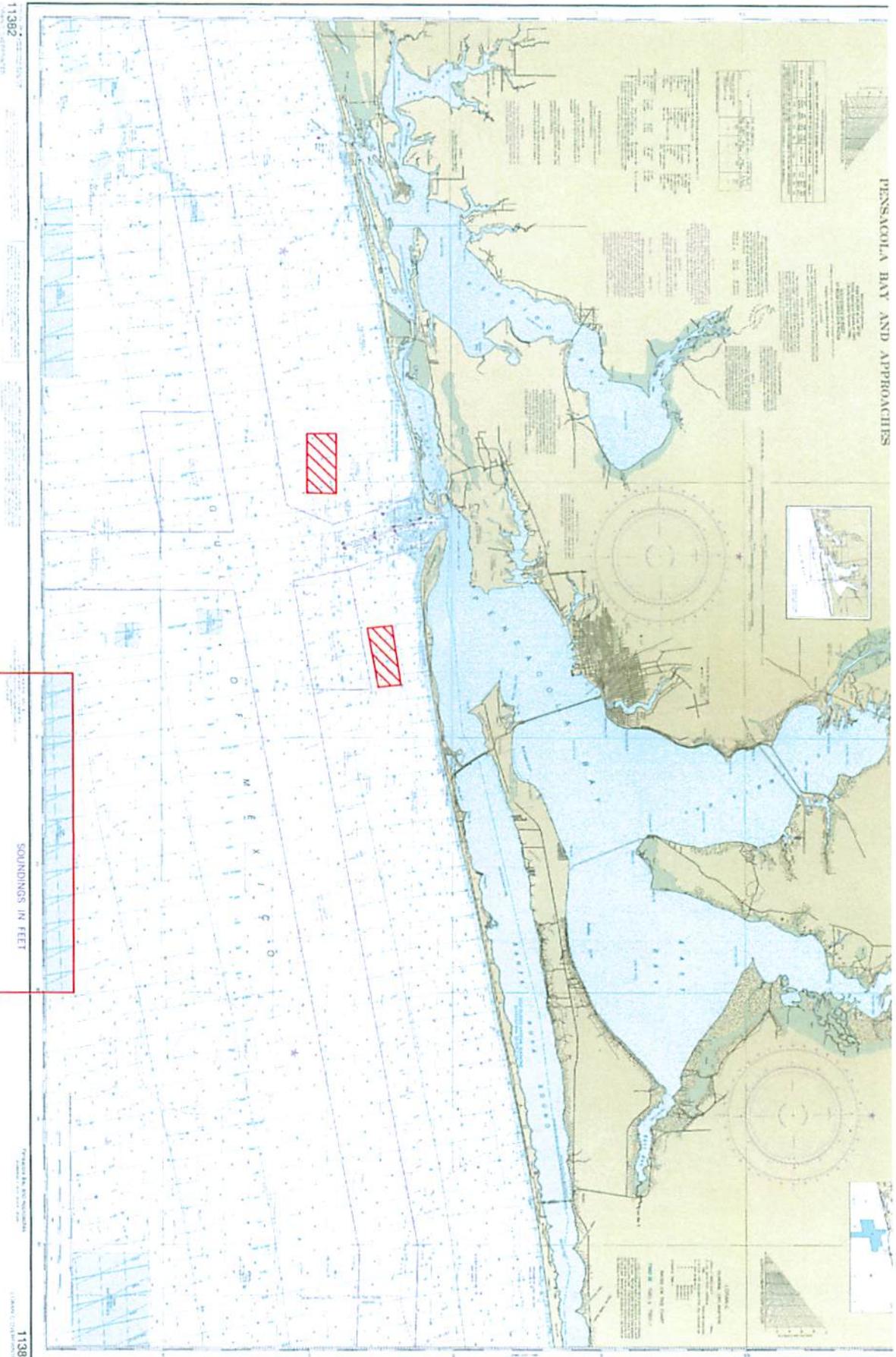
(CITY, STATE, AND ZIP CODE)

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Attachment to Department of the Army
Permit Number: SAJ-200704277 (IP-CP)

1. Cargo Manifest and Pre-Deployment Form - 2 Pages
2. Post-Deployment Form and Placement Report - 2 Pages

TENSACOLA BAY AND APPROACHES



Applicant: Escambia County Nearshore
 File: SAJ-200704277 IP-CP

Date: 16 March 2009
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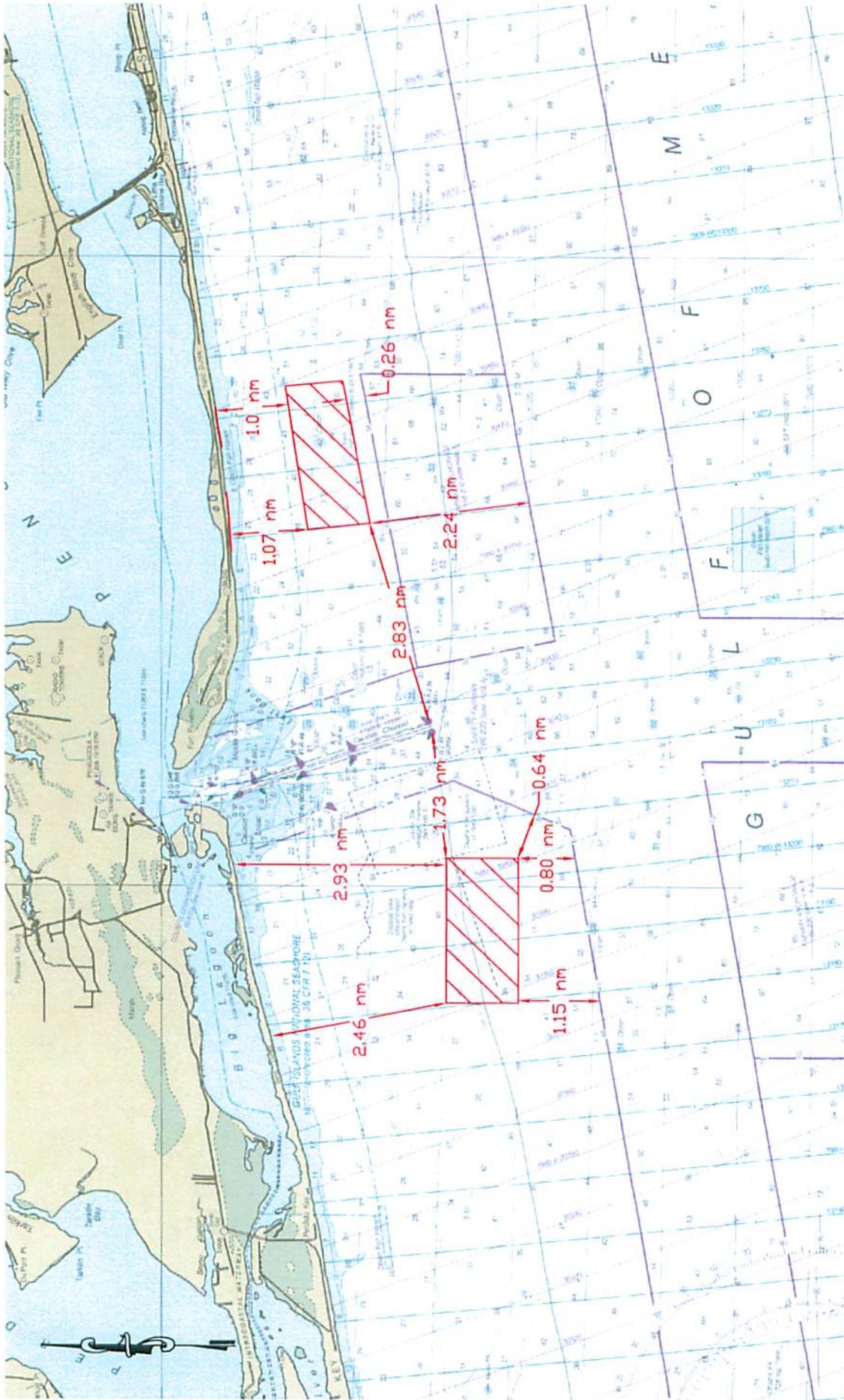
**OVERALL PLAN VIEW OF NEARSHORE
 SITES OVERLAIN ONTO NOAA 11382**

PROJECT #2007-103
 DATE: MARCH 2009
 DRAWN BY: KDJ
 SCALE: 1 Inch = 5 Nautical Miles

 PROPOSED NEARSHORE REEF DEPLOYMENT SITES



DATA TAKEN FROM NOAA CHART 11382,
 DATED 3/04



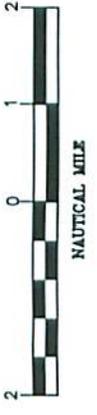
PROPOSED NEARSHORE REEF SITES



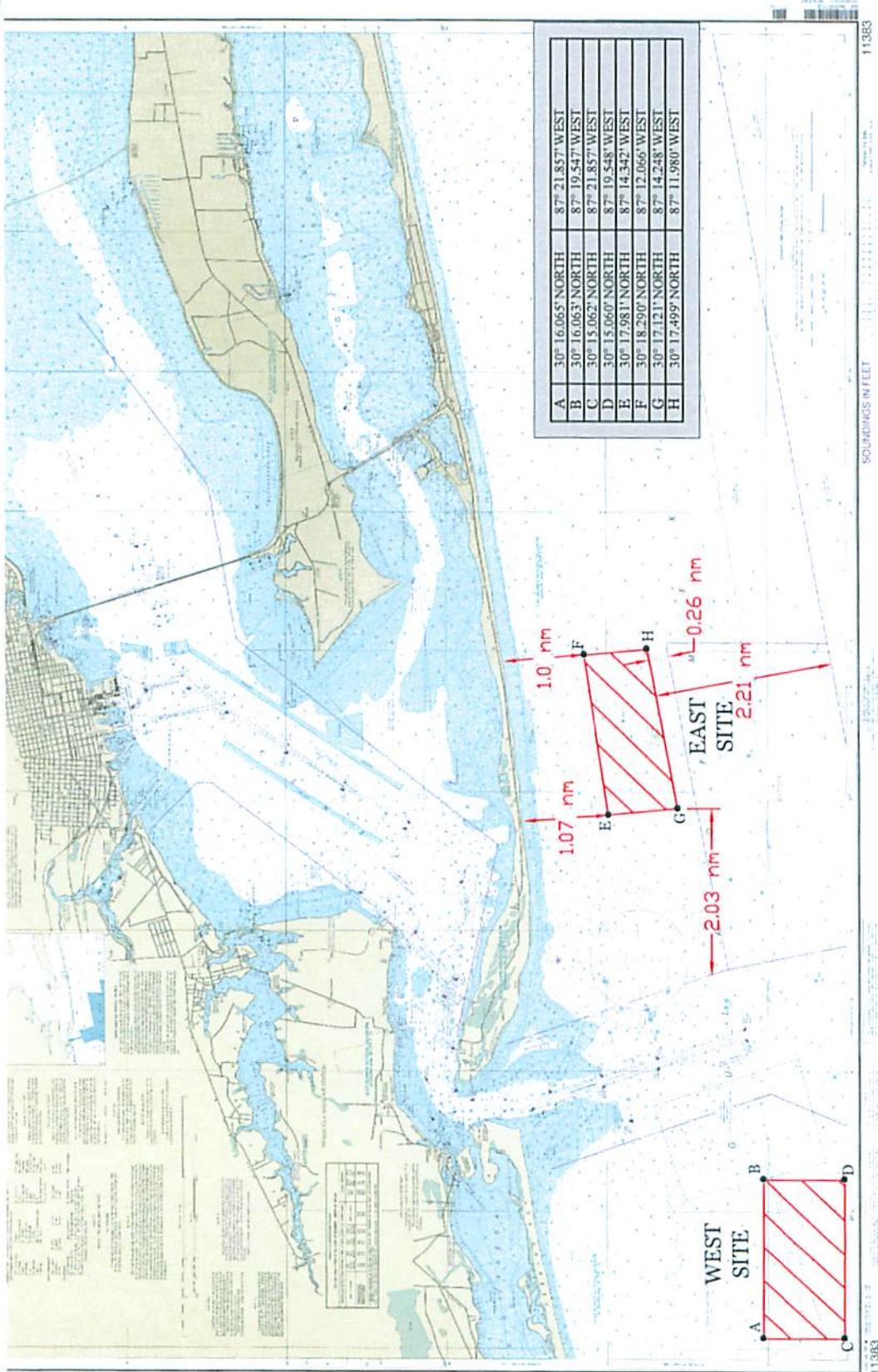
Applicant: Escambia County Nearshore
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 Date: 16 March 2009
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OVERALL PLAN VIEW OF NEARSHORE SITES OVERLAIN ONTO NOAA 11382

PROJECT #2007-103
 DATE: MARCH 2009
 SCALE: 1 inch = 2 nautical miles
 DRAWN BY: KDJ



DATA TAKEN FROM NOAA CHART 11382, DATED 3/04



NOTES:

- COORDINATES FOR CORNERS OF REEF SITES ARE REPORTED IN DEGREES, DECIMAL MINUTES, NAD 83 DATUM.

PROPOSED NEARSHORE REEF SITES

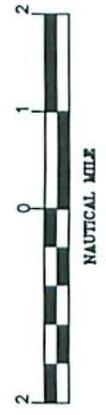
Applicant: Escambia County Nearshore
 File: SAJ-200704277 IP-CP
 Date: 16 March 2009
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OVERALL PLAN VIEW OF NEARSHORE SITES OVERLAIN ONTO NOAA 11383

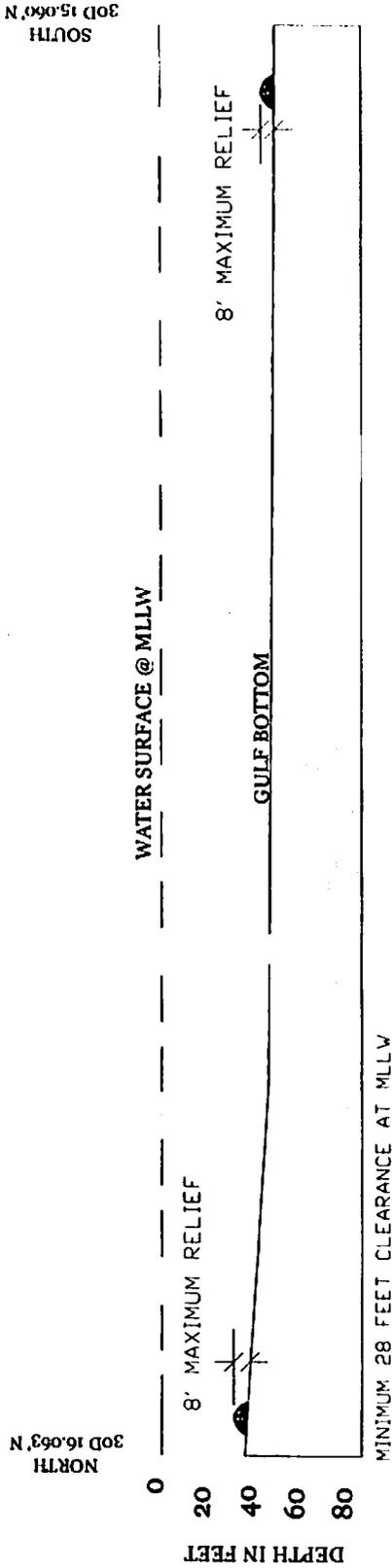
PROJECT #2007-103
 DRAWN BY: KDJ

DATE: MARCH 2009
 SCALE: 1 inch = 2 nautical miles

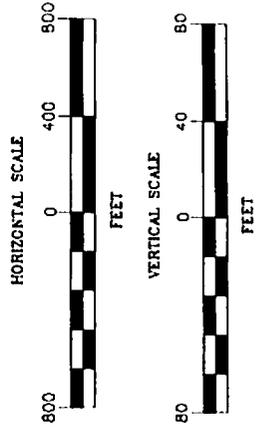
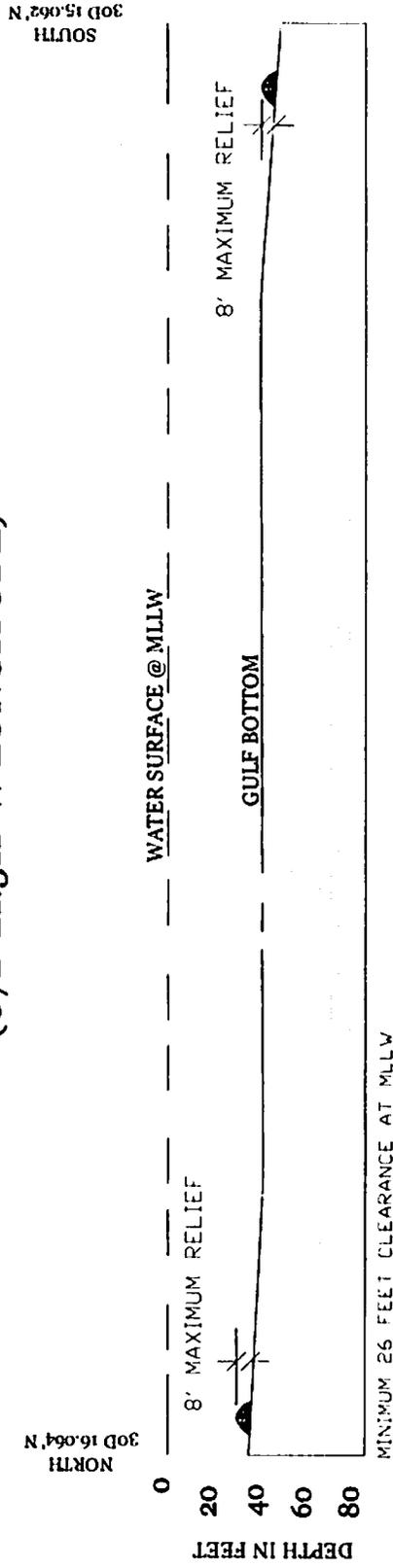


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 DATED 10/06

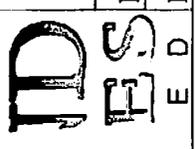
EASTERN BORDER (87D 19.769' W LONGITUDE)



WESTERN BORDER (87D 21.511' W LONGITUDE)



CROSS SECTION OF WEST NEARSHORE REEF SITE



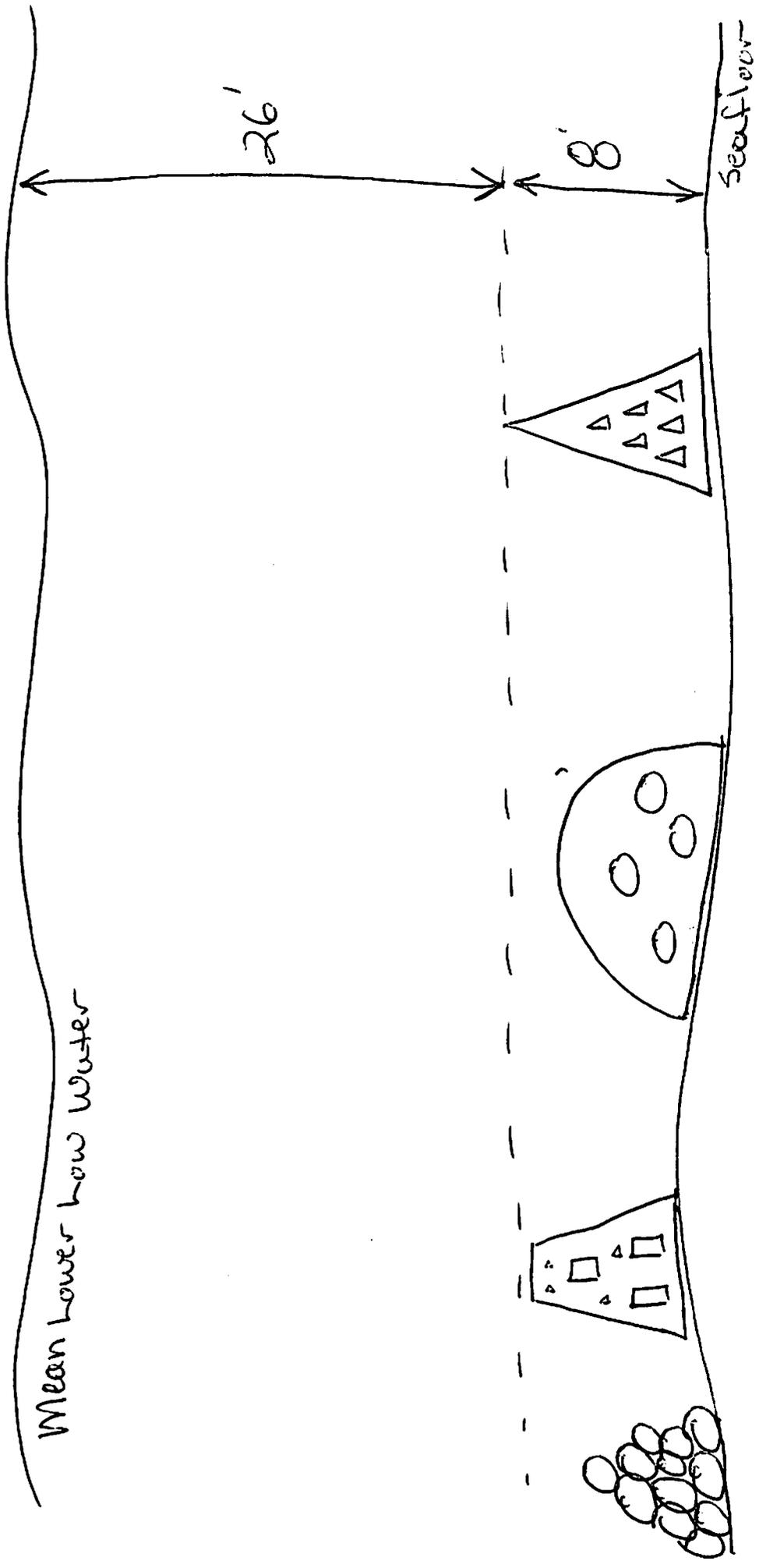
Applicant: Escambia County Nearshore
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PROJECT #2007-103

DATE: MARCH 2009

DRAWN BY: KDI

SCALE: VARIES



Material: concrete and rock rubble
 Pre-fabricate Reef Modules

- ~~2. Reef Condition Verification- MRD conducts underwater visual observations of approximately 10 public artificial reefs annually. Reefs are selected for monitoring based upon various criteria, including: permit requirements; reef materials/type/location; "adaptive management" needs; water depth and other factors.~~
- ~~3. Threatened/Endangered Species- Any observations (surface and/or underwater) of any federal or state-listed species are recorded. Any injured or dead listed species are immediately reported to the appropriate state and/or federal agencies.~~
- ~~4. Reef-user Monitoring- MRD utilizes Reef Report Cards and Personal Reef Users Surveys to obtain stakeholders' satisfaction, catch reports, suggestions, etc. (Surveys are distributed via internet, email, US Mail, and at outreach/education events)~~
- ~~5. Annual Reef Report- MRD compiles an annual (Fiscal Year) written summary of public artificial reef construction and monitoring activities.~~

Level 1: Geographic Monitoring

Exact coordinates (latitude/longitude and LORAN) of each public artificial reef and permit area boundary will be determined using separate Differential Geographic Positioning System (DGPS) and LORAN receivers. Latitude/longitude coordinates are recorded in degrees and decimal minutes (e.g., 30^o 12.345'N; 87^o 12.345'W). To determine with certainty the position of public artificial reefs, after the materials have been located using fathometer, visual certification (via SCUBA or other visual remote equipment) will be accomplished. Plotting of public artificial reefs will be performed utilizing latitude/longitude coordinates from DGPS equipment. Escambia County marine Resources Division maintains an Excel spreadsheet inventory of all public artificial reefs. These data are integrated with Escambia County's Global Information System (GIS) to plot artificial reefs. The spreadsheet and GIS maps are available to the public via Escambia County Website (www.myeescambia.com).

Geographic data are important to certify to permitting agencies that materials are at the designated location(s) and to verify permit compliance. The quality of these data are of the utmost importance to artificial reef users. The information is also important for comparison after storms or other events to determine if the artificial reef has been moved.

Level 2: Artificial Reef Physical Attribute Monitoring

Physical characteristics (e.g., length, width, height, materials type(s), and configuration) of public artificial reefs are measured and recorded using waterproof writing materials and/or underwater photography/videography. Other important data include: water depth, habitat complexity, condition and orientation of materials, and percent of materials that have subsided below the seafloor. (See Underwater Data Sheet in Appendix)

These data are important to determine the stability and durability of the artificial reef materials under consideration. Underwater configuration may also provide information regarding effectiveness of deployment methods. Amount of reef that has subsided into the seafloor may yield information regarding sediment suitability and hydrodynamic forces at that location. Escambia County MRD performs underwater monitoring of public artificial reefs using SCUBA gear. Typically, an initial underwater inspection dives is conducted immediately after each new public artificial reef is constructed. Reef physical

attributes are documented for the purposes of determining the effectiveness of reef construction/deployment and management, and for comparison with future reef inspections to determine the long-term effectiveness of the artificial reef materials/design. Reef physical attribute data may also be combined with Level 3 and Level 4 data to maximize satisfaction of user and marine-life preferences. These monitoring data are an important component of "adaptive management", and allow MRD to strive for continuous improvement in managing Escambia County Artificial Reef Program.

Level 3: Reef utilization and user satisfaction

Reef utilization and user satisfaction information may be obtained in several ways, each with its advantages and disadvantages. On-site surveys may be conducted on the water while the public artificial reef user is located at an artificial reef. Advantages of this approach include: ease of determination of the number of vessels at a particular (and nearby) artificial reef; fish catch information at the specific reef may be obtained; answers to survey questions are more likely to reflect user's satisfaction while at the reef; and ability to sample users at a predetermined number/variety of artificial reefs. Disadvantages include high cost of survey due to the need for surveyor to use a boat, vessel-to-vessel communication difficulty, and reef user may become irritated at the interruption of fishing/diving activities.

An alternate approach, ramp-intercept survey, is less expensive and easier to communicate, however, the accuracy of the responses may be lower than that of on-water surveys. Catch information may not allow determination of specific catch at specific reef(s); this information, combined with Level 4 data, may help explain some of the variation in Level 4 data.

Other sampling methods for artificial reef user data include "customer satisfaction" surveys conducted by Escambia County Marine Resources Division. These surveys may be conducted by various methods including direct mail, telephone, and internet.

Reef utilization and user satisfaction information are important to artificial reef managers for short and long term planning. Reef preferences and overcrowding may guide decisions for reef materials and/or placement. Level 3 data are important for the evaluation of Program Goals (#'s: 3, 5, and 6). On-water surveys have a "public relations" benefit, and artificial reef managers may make more confident decisions with knowledge gained in the field.

In September 2008, MRD established the Reef Report Card and Personal Reef User Survey programs. Reef Report Cards and Personal Reef User Surveys are questionnaires for use by the fishing and diving public to provide data for sound decision making and planning. Reef Report Card and Personal Reef User Survey are located in the Appendices. Personal Reef User Surveys are mailed to reefbuilders that successfully complete LAARS personal reef deployments. Reef Report Cards are provided via internet (<http://www.myescambia.com/departments/nescd/Marine-ArtificialReefs.php>), and paper copies will be provided to the public by MRD at education and outreach functions.

Level 4: Biological Monitoring

Biological monitoring protocols vary widely among artificial reef managers and researchers, probably because of differences in water conditions, habitat/community types, and questions/hypotheses. A survey of the scientific literature is an important step in determination of methodology for a particular biological monitoring study. Thus, it is outside the scope of this Plan to attempt to prescribe protocols.

Whenever possible, biological information are recorded. MRD usually records the presence of commercially/recreationally important fishes and threatened/endangered species observed during Level 2 monitoring dives (See Underwater Data Sheet in Appendix). Although SCUBA divers most often obtain Level 4 data using underwater video or pencil and waterproof paper, remote sensing technology may soon provide reliable methods that are not limited by divers' "bottom time". MRD consults with FWC Artificial Reef Program staff and artificial reef managers in other counties, states, and countries to determine and utilize best management practices regarding artificial reef monitoring.

Although arguably the most difficult and expensive to obtain, Level 4 data are potentially the most valuable in artificial reef program management. As previously stated, Level 3 (catch) data may explain some of the variation in Level 4 data.

Level 4A: Biological Monitoring- Threatened/Endangered Species

During all monitoring events, evidence of utilization by state or federally listed threatened or endangered species will be recorded. Any evidence of injury or mortality to any listed species will be immediately reported to the appropriate agencies (list of contacts in Appendix)

Oriskany Reef Monitoring:

To accomplish the Navy's plan to reef the decommissioned aircraft carrier *Oriskany*, approval was required from the US Environmental Protection Agency (EPA) to sink the ship with approximately 750 lbs of non-liquid polychlorinated biphenyls (PCBs) remaining onboard. The Navy's computer models indicated the remaining PCBs would not exceed the criteria of the federal Toxic Substance Control Act for environmental or human health risk. EPA's approval was granted with the condition of requiring Escambia County and Florida Fish and Wildlife Conservation Commission (FWC) to monitor fish tissue concentrations of PBCs from recreationally sought fish collected from Oriskany Reef. Fish collections and fish tissue analyses are ongoing.

V. Compliance with National Fishing Enhancement Act of 1984

US Army Corps of Engineers permits for artificial reefs require compliance with the National Fishing Enhancement Act (NFEA). The Army Corps of Engineers are required to "ensure that the provisions for siting, constructing, monitoring, and managing the artificial reef are consistent with the criteria and standards established under [NFEA]"



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701

SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

The permittee shall comply with the following protected species construction conditions:

- a. The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.
- b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.
- c. Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.
- d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.
- e. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or smalltooth sawfish is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.
- f. Any collision with and/or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.
- g. Any special construction conditions, required of your specific project outside these general conditions, if applicable, will be addressed in the primary consultation.

Revised March 22, 2006

O:\forms\Sea Turtle and Smalltooth Sawfish Construction Conditions.doc



THESE CONDITIONS APPLY TO GULF AND
SHORENOSE STURGEON

Applicant: Escambia County Nearshore

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Vessel Strike Avoidance Measures and Reporting for Mariners NOAA Fisheries Service, Southeast Region

Background

The National Marine Fisheries Service (NMFS) has determined that collisions with vessels can injure or kill protected species (e.g., endangered and threatened species, and marine mammals). The following standard measures should be implemented to reduce the risk associated with vessel strikes or disturbance of these protected species to discountable levels. NMFS should be contacted to identify any additional conservation and recovery issues of concern, and to assist in the development of measures that may be necessary.

Protected Species Identification Training

Vessel crews should use an Atlantic and Gulf of Mexico reference guide that helps identify protected species that might be encountered in U.S. waters of the Atlantic Ocean, including the Caribbean Sea, and Gulf of Mexico. Additional training should be provided regarding information and resources available regarding federal laws and regulations for protected species, ship strike information, critical habitat, migratory routes and seasonal abundance, and recent sightings of protected species.

Vessel Strike Avoidance

In order to avoid causing injury or death to marine mammals and sea turtles the following measures should be taken when consistent with safe navigation:

1. Vessel operators and crews shall maintain a vigilant watch for marine mammals and sea turtles to avoid striking sighted protected species.
2. When whales are sighted, maintain a distance of 100 yards or greater between the whale and the vessel.
3. When sea turtles or small cetaceans are sighted, attempt to maintain a distance of 50 yards or greater between the animal and the vessel whenever possible.
4. When small cetaceans are sighted while a vessel is underway (e.g., bow-riding), attempt to remain parallel to the animal's course. Avoid excessive speed or abrupt changes in direction until the cetacean has left the area.
5. Reduce vessel speed to 10 knots or less when mother/calf pairs, groups, or large assemblages of cetaceans are observed near an underway vessel, when safety permits. A single cetacean at the surface may indicate the presence of submerged animals in the vicinity; therefore, prudent precautionary measures should always be exercised. The vessel shall attempt to route around the animals, maintaining a minimum distance of 100 yards whenever possible.

NMFS Southeast Region Vessel Strike Avoidance Measures and Reporting for Mariners; revised February 2008.

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6. Whales may surface in unpredictable locations or approach slowly moving vessels. When an animal is sighted in the vessel's path or in close proximity to a moving vessel and when safety permits, reduce speed and shift the engine to neutral. Do not engage the engines until the animals are clear of the area.

Additional Requirements for the North Atlantic Right Whale

1. If a sighted whale is believed to be a North Atlantic right whale, federal regulation requires a minimum distance of 500 yards be maintained from the animal (50 CFR 224.103 (c)).
2. Vessels entering North Atlantic right whale critical habitat are required to report into the Mandatory Ship Reporting System.
3. Mariners shall check with various communication media for general information regarding avoiding ship strikes and specific information regarding North Atlantic right whale sighting locations. These include NOAA weather radio, U.S. Coast Guard NAVTEX broadcasts, and Notices to Mariners. Commercial mariners calling on United States ports should view the most recent version of the NOAA/USCG produced training CD entitled "A Prudent Mariner's Guide to Right Whale Protection" (contact the NMFS Southeast Region, Protected Resources Division for more information regarding the CD).
4. Injured, dead, or entangled right whales should be immediately reported to the U.S. Coast Guard via VHF Channel 16.

Injured or Dead Protected Species Reporting

Vessel crews shall report sightings of any injured or dead protected species immediately, regardless of whether the injury or death is caused by your vessel.

Report marine mammals to the Southeast U.S. Stranding Hotline: 877-433-8299

Report sea turtles to the NMFS Southeast Regional Office: 727-824-5312

If the injury or death of a marine mammal was caused by a collision with your vessel, responsible parties shall remain available to assist the respective salvage and stranding network as needed. NMFS' Southeast Regional Office shall be immediately notified of the strike by email (takereport.nmfsser@noaa.gov) using the attached vessel strike reporting form.

For additional information, please contact the Protected Resources Division at:

NOAA Fisheries Service
Southeast Regional Office

263 13th Avenue South
St. Petersburg, FL 33701
Tel: (727) 824-5312

Visit us on the web at <http://sero.nmfs.noaa.gov>

NMFS Southeast Region Vessel Strike Avoidance Measures and Reporting for Mariners; revised February 2008.

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MARINE WILDLIFE SAFETY PLAN

NEAR SHORE ARTIFICIAL REEF DEPLOYMENT SITES PENSACOLA, ESCAMBIA COUNTY, FLORIDA

This Marine Wildlife Safety Plan is prepared for the deployment of artificial reefs within two near shore artificial reef sites located in the near shore waters of the Gulf of Mexico waterward of the Escambia County, Florida. The intent of this plan is to ensure the safety of protected marine species during reef deployments.

To minimize the potential impact during deployments a continuous Marine Wildlife Watch Program (MWP) will be implemented during each deployment. The following conditions outline the MWP.

1. A formal MWP coordination meeting will be held at least one week prior to the deployment. Attendees could include the MWP observers, general contractor, U.S. Fish and Wildlife Service (USFWS), Florida Fish and Wildlife Conservation Commission (FFWCC), National Marine Fisheries Service (NMFS) and the U.S. Coast Guard. All will be informed about the possible presence of manatees, marine turtles, sturgeon or other marine life in the area and that civil or criminal penalty can result for harassment, injury and/or death of an endangered species. The scope of work, protocol and logistics of the deployment will also be address at this time.
2. Pre-deployment meeting will be accomplished the morning of the scheduled deployment. Lead observer will review species which may be encountered, provide observation package for data collection, review meteorological conditions, assign watch positions, transfer cell numbers, and provide safety equipment.
3. The observers shall have previous experience and at least one shall be included in FFWCC Manatee Watch Observer List. A minimum of two observers shall be utilized during deployments.
4. One observer shall be placed on the craft deploying the reef and the other on a separate watercraft.
5. A MWP log sheet shall be utilized to map and record all sighting of protected species.
6. Observers will follow the protocol established for the MWP and will conduct the watch in good faith and to the best of their ability.
7. Each observer will be equipped with a two way radio that will be dedicated exclusively to the watch. Observers will also be equipped with polarized sunglasses, binoculars, a red flag for a back up visual communication system and a manatee sighting log with a map to record sightings deployment site and vicinity. Additionally, observers will be equipped with cell phones as a backup to the verbal communications system.
8. A sonar fish-finder scan of the area will occur immediately before any deployment. If any schools of marine/estuarine species are observed transitioning within the deployment

zone. the deployment will be delayed until the congregation of fish have moved out of the area.

9. All deployment events will be weather dependent. Conditions must be suitable for optimal viewing. Conditions that may prohibit optimal viewing may include wind speeds in excess of 7 knots, fog, and heavy rain. The chief observer will make the decision on the presence of optimum observing conditions to initiate the survey for each deployment event. All deployment will occur during daylight hours.
10. For all deployments, a continuous survey of the area will be conducted for a period of 60 minutes prior to the deployment and 30 minutes afterwards.
11. All of the observers will be in close communication with the deployment subcontractor in order to halt the event. The event will be halted if any protected species are spotted within a 2,000 foot radius of the deployment site. The deployment will be immediately halted upon the request of the primary observers. The deployment will not take place until the animal(s) move away from the area under its own volition. The protected species shall not be herded away or harassed into leaving. If the protected species is sighted outside of the 2,000-ft. zone, the 30 minute observation period will resume. If the protected species is not sighted a second time, the 30 minute observation period will restart. Once the decision has been made to restart the pre-deployment observation period, the area will be observed for another 30 minutes prior to the deployment.
12. Deployment shall not commence without an "All Clear" signal from the Chief Observer. At any time before the deployment occurs, any observer or authorized personnel may abort the deployment.
13. The observers, contractor and subcontractor will evaluate any problems encountered during any of the deployment events and logistical solutions will be presented to USFWS and FFWCC. Corrections to the MWP will be made prior to the next deployment event.
14. If an injured or dead protected species is sighted after the deployment, the Manatee Watch Observers will contact FFWCC through the Florida Marine Patrol Hotline at (888) 404-FWCC, USFWS Panama City Office at (850) 769-0552, and the Imperiled Species Management Office at (850) 922-4330. The watch will act accordingly to the situation and maintain contact with the injured or dead protected species.
15. If an injured or dead protected species is rescued/recovered within the project area during the deployment or if the injuries/death of any protected species in the reasonable vicinity of the project is documented to be caused by deployment, the deployment will be postponed until cause of injury or mortality can be determined by the FFWCC or USFWS. If injuries are substantially documented, all deployment will be suspended until a revised plan can be agreed upon.
16. Within two weeks (14 days) after completion of any deployment, the chief observer will submit a report to the USFWS, NMPS and FFWCC (Imperiled Species Management Office, Mail Station 6A, 620 South Meridian Street, Tallahassee, Florida 32399-1600), providing the names of the observers and their position during the event, number and location of protected species seen, and what actions were taken when protected species were seen.

17. If anyone of the aforementioned conditions is not met prior to or during the deployment, the chief observer of the MWP will have the authority to terminate the event.
18. For all other in-water work besides deployment, the Standard Manatee Conditions for In-Water Work (revision 2005) shall be in effect.

Applicant: Escambia County Nearshore
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**Attachment 1 – Cargo Manifest and Pre-Deployment
Form – 2 pages**

EXPLANATION SHEET FOR THE ARTIFICIAL REEF MATERIALS CARGO MANIFEST FORM

The attached artificial reef cargo manifest has been developed in compliance with subsection 370.25 (6)(b), Florida Statutes, which states that:

“It is unlawful for any person to: store, possess or transport on or across state waters any materials reasonably suited for artificial reef construction and stored in such a manner providing ready access for use and placement as an artificial reef, unless a valid cargo manifest issued by the commission or a commission-certified inspector is onboard the transporting vessel. The manifest will serve as authorization to use a valid permitted site or land-based staging area, which will validate that the type of artificial reef construction material being transported is permissible for use at the permitted site, and will describe and quantify the artificial reef material being transported. The manifest will also include the latitude and longitude coordinates of the proposed deployment location, the valid permit number, and the copy off the permit conditions for the permitted site. The manifest must be available for inspection by any authorized law enforcement officer or commission employee.”

This requirement for a cargo manifest became part of the statutory revision of the artificial reef program statute Section 370.25 Florida Statutes (F.S.), modified during the 2000 State of Florida Legislature. The statutory language allows a “commission certified inspector” to complete and approve the artificial reef materials cargo manifest. Therefore, we are providing the attached cargo manifest form to all local coastal government artificial reef coordinators and eligible non-profit corporations who may physically construct artificial reefs with the approval of the permit holders.

INSTRUCTIONS

A separate cargo manifest form is to be completed for each load to be transported offshore (i.e., one manifest per voyage). The manifest is to list all, and only, the reef materials onboard.

The top of the form is to be filled out by the reef builder with his/her contact information and the information about the proposed reef materials to be deployed written into the boxes. If several materials are identical but have different tag numbers, please write “SAME” in the box for the other materials. Also put “SAME” under additional coordinates if all materials are going to the same deployment site.

The shaded portion of the form at the bottom is to be filled out by the materials inspector. The cargo manifest must be completed by an entity representing the holder of the applicable artificial reef permit to assure that all materials meet the requirements of the permit.

Completion of the artificial reef materials cargo manifest is required for all construction activities.

The requirement to complete this document is not intended to be an undue burden on entities wishing to legally construct artificial reefs within permitted sites, but is a tool to assist law enforcement personnel in preventing the illegal construction of artificial reefs without the knowledge of the permit holder or in areas outside of legally permitted sites. It is intended to allow law enforcement staff to determine whether or not a load of materials is legal under the permit conditions. Without a properly completed Cargo Manifest Form on board, reef builders will be returned to port pursuant to Chapter 370.25 (6) (b). It is not necessary to send a copy of the Cargo Manifest Form to the FWC artificial reef section in Tallahassee. Documentation of the reef building activity should be maintained by the entity issuing the manifest in the event of any FWC inquiries.

Reminder: the placement of all public artificial reefs in state or adjacent federal waters requires the submittal of a Materials Placement Report to the FWC artificial reef program within 30 days of public reef deployment in accordance with s. 370.25 F.S.

**Attachment 2 – Post-Deployment and Placement
Form – 2 pages**



FLORIDA ARTIFICIAL REEF MATERIALS PLACEMENT REPORT AND POST-DEPLOYMENT NOTIFICATION



US Army Corps
of Engineers

To Be Completed For Each Deployment Location or Date of Deployment

County or Municipality: _____ Date of Placement: _____

Grant No. FWC - _____ (if applicable) U.S. Army Corps Permit No.: _____

Total project cost: \$ _____ (Funding Source(s) and Amount(s): FWC \$ _____ Local \$ _____ Other \$ _____)

Name of Permitted Reef Site: _____ Location Name for This Deployment: _____

Latitude: _____ ° _____ ' North Longitude: _____ ° _____ ' West
Degrees minutes declmal minutes Degrees minutes declmal minutes

GPS Brand: _____ GPS Model number: _____

Geographical Location: _____ at _____ degrees from _____
(nautical miles) (bearing) (reference inlet)

Water Depth: _____ feet (minus) Max. Material Height: _____ feet (equals) Actual Vertical Clearance: _____ feet

TYPE AND AMOUNT OF MATERIAL DEPLOYED AT THE LOCATION DESCRIBED ABOVE:
ATTACH A PHOTOGRAPH OF THE MATERIAL ON THE BARGE IMMEDIATELY PRIOR TO DEPLOYMENT

Primary Type of Material: _____ Number of Pieces: _____

Dimensions: _____

Secondary Type of Material: _____ Number of Pieces: _____

Dimensions: _____

How was tonnage calculated?(Check all that apply, attach additional sheets if necessary): Before & after barge draft calculation

TOTAL TONNAGE FOR THIS DEPLOYMENT: _____ Known weight of individual pieces

DO HEREBY CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE Trucking receipts

Observer's Name: _____ (PLEASE PRINT) Title: _____ (PLEASE PRINT)

Observer's Signature: _____ Date: _____

Observer's Remarks: _____

DO HEREBY CERTIFY THAT THE ABOVE INFORMATION COMPLIES WITH THE ABOVE REFERENCED PERMIT CONDITIONS

Committee's Staff Name: _____ (PLEASE PRINT) Title: _____ (PLEASE PRINT)

Committee's Staff Signature: _____ Date: _____

Local Tracking number _____ FWC Tracking number _____ Entered by _____ on _____
4/23/2007 FWC initials date

Secorid page to contain instructions....

FOR GRANT-FUNDED REEFS, the following data will be recorded at the staging area prior to and after the deployment. This formula represents an average, single rake barge and may not represent the exact tonnage of materials placed.
USING THIS FORMULA FOR PAYMENT OF TRANSPORTATION COSTS SHOULD BE AGREED UPON IN ADVANCE WITH A CONTRACTOR.

Barge Length: _____ feet Barge Width: _____ feet Loaded Draft: _____ feet Unloaded Draft: _____ feet

(Length X Width X Loaded Draft X 0.93 X 65) = 2,000 = _____ (Loaded barge weight in tons)
SUBTRACT

(Length X Width X Unloaded Draft X 0.93 X 65) = 2,000 = _____ (Unloaded barge weight in tons)

TOTAL TONNAGE FOR THIS DEPLOYMENT = _____