



**UNITED STATES DEPARTMENT OF COMMERCE**  
National Oceanic and Atmospheric Administration  
**NATIONAL MARINE FISHERIES SERVICE**  
Southeast Regional Office  
263 13th Avenue South  
St. Petersburg, Florida 33701-5505  
<http://sero.nmfs.noaa.gov>

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F/SER31:NA  
SER-2014-13081

Ms. Leslie Craig  
Supervisor, NOAA Restoration Center - Southeast Region  
NOAA Fisheries, Office of Habitat Conservation  
263 13<sup>th</sup> Avenue South  
St. Petersburg, Florida 33701

Ref.: DWH-ERP, NOAA RC, Florida Artificial Reefs Project in Bay, Escambia, Okaloosa, Santa Rosa, and Walton Counties, Florida

Dear Ms. Craig:

This letter responds to the National Oceanic and Atmospheric Administration (NOAA) Restoration Center's (RC) January 30, 2014, letter requesting National Marine Fisheries Service (NMFS) concurrence under Section 7 of the Endangered Species Act (ESA) for a project-effects determination for multi-county artificial reef projects ("the project") included in the Deepwater Horizon Oil Spill Draft Phase 3 Early Restoration Plan. The NOAA RC, a lead federal agency, is requesting consultation on behalf of the federal natural resource trustees for the Deepwater Horizon oil spill. You requested concurrence from NMFS with your determinations that the project may affect, but is not likely to adversely affect, Gulf sturgeon, smalltooth sawfish, and 5 species of sea turtles (loggerhead, Kemp's ridley, green, leatherback, and hawksbill), and designated Gulf sturgeon critical habitat within Florida Nearshore Gulf of Mexico Unit 11 in the Gulf of Mexico (GOM). NMFS requested additional information from the applicant/natural resources trustee, Florida Fish and Wildlife Conservation Commission (FWC), via email on February 12, 2014, March 19 and 20, 2014, and April 3, 2014. We received the responses on February 18 and 24, 2014, and April 1 and 3, 2014. We initiated consultation on April 3. NMFS's determinations regarding the effects of the proposed action are based on the description of the action in this informal consultation. Any changes to the proposed action may negate the findings of the present consultation and may require reinitiation of consultation with NMFS.

#### *Deepwater Horizon Oil Spill Early Restoration*

Under the Oil Pollution Act, designated agencies of the federal government and affected state governments act as trustees on behalf of the public. The Trustees are charged with recovering damages from the responsible parties to restore the public's natural resources that sustained injuries. NOAA shares trusteeship with the other natural resource trustees over all of the resources that will benefit from these restoration actions. The Trustees developed the Early Restoration selection process to be responsive to the purpose and need for conducting Early Restoration. Early Restoration project selection is a step-wise process comprised of: (1) project solicitation; (2) project screening; (3) negotiation with BP; and (4) public review and comment.



The Trustees released a Phase I Early Restoration Plan (ERP) in April 2012, a Phase II ERP in December 2012, and a draft Phase III ERP on May 6, 2013. On June 26, 2014, the Trustees released a final Phase III Plan. These plans contain a series of restoration actions that may be selected independently by the Trustees. NMFS has previously completed consultations on the Phase I ERP projects and 13 of the projects included in the Phase III ERP.<sup>1</sup>

The Phase I ERP consists of eight projects that address an array of injuries and are located throughout the Gulf (See Appendix 1). Specifically, Phase I includes two oyster projects (one in Louisiana and one in Mississippi), two marsh projects (one in Louisiana and one in Alabama), a nearshore artificial reef project in Mississippi, two dune projects, and a boat ramp enhancement project in Florida. Consultation on the Phase I projects was completed on April 2, 2012. NMFS determined that one of the marsh projects and both dune projects would have no effect on listed species and that other projects are not likely to adversely affect listed species or designated critical habitat under NMFS's purview. NMFS evaluated potential impacts on listed species (five species of sea turtles, Gulf sturgeon and smalltooth sawfish) from placement of material, site exclusion, and dredging, and determined that these effects will be discountable or insignificant because of the species' mobility and ability to find suitable habitat for foraging in the surrounding areas. NMFS also evaluated potential impacts to sea turtles and Gulf sturgeon from fishing activities associated with the artificial reef project and determined that the effects are discountable because the enhancement of the existing artificial reefs is not expected to induce new fishing effort or increase the risk of harmful interactions between recreational fishers and listed species. The boat ramp project will enhance two existing boat ramps and allow an additional 92 vessels to be launched from two new public boat ramps. The purpose of these projects is to relieve traffic and congestion at other boat ramps in the areas. NMFS determined that any increase in vessel strike risk to sea turtles is discountable because the new boat ramps are likely to be used by people who currently have vessels and a previous NMFS analysis concluded that a typical dock or marina project in Florida that introduces less than 300 new vessels to an area will have an insignificant or discountable effect on sea turtles.

Three of the Phase I projects (one boat ramp, one oyster project, and the nearshore artificial reef project) are located in Gulf sturgeon critical habitat. The boat ramp is located Unit 9, and the oyster project and artificial reef project are located in Unit 8. NMFS determined that the boat ramp project is not likely to adversely affect Gulf sturgeon critical habitat in Unit 9 because the construction will occur in the same footprint and will be to the same dimensions as the existing piers, any increases in turbidity are expected to be localized and temporary and insignificant, and the texture and quality of the sediments and its ability to support prey items are expected to be the same pre- and post-project. NMFS similarly concluded that oyster project and artificial reef project will not adversely affect Gulf sturgeon critical habitat in Unit 8 because the placement of clean, toxin-free material will not alter the water or sediment quality and the addition of this material to existing hardbottom will not alter prey availability.

To date, NMFS has completed consultations on 13 Phase III projects (See Appendix 2). These projects are three artificial reefs in Texas, two oysters projects (one in Florida and one in Alabama), four living shoreline projects (one in Alabama, one in Mississippi and two in Florida),

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<sup>1</sup> Neither of the Phase II ERP projects involve in-water work and, therefore, NMFS did not receive a request for section 7 consultation.

a scallop enhancement project in Florida, a Florida beach enhancement project, a North Breton Island, Louisiana, restoration project, and a Mississippi fishing pier project. As with the Phase I projects, NMFS evaluated potential impacts on listed species (five species of sea turtles and Gulf sturgeon) from placement of material, site exclusion, and dredging, and determined that these effects will be discountable or insignificant because of the species' mobility and ability to find suitable habitat for foraging in the surrounding areas. NMFS also evaluated the impacts of noise created from construction, where applicable, and determined that the risk of short- or long-term exposure to harmful noise is discountable, and any sounds heard by them will have insignificant health effects. NMFS determined that the potential impacts to sea turtles and Gulf sturgeon from fishing activities associated with the three artificial reef project are discountable because the enhancement of the existing artificial reefs is not expected to induce new fishing effort. NMFS also determined that the risk of vessels strike impacts to turtles from future use of the artificial reef sites is discountable because use of the site will generally coincide with fair weather patterns and calm sea states that will allow boaters to detect and avoid any sea turtles in their path.

Six of the Phase III projects (three living shoreline projects, the beach enhancement project, the Florida oyster reef project, and the scallop enhancement project) are located in Gulf sturgeon critical habitat. The living shoreline projects are located in Units 8, 9 and 13. The beach enhancement project is located in Unit 11, the oyster project is located in Units 9 and 13, and the scallop enhancement project is located in Units 9, 10, 12, and 13. NMFS determined that the scallop enhancement project will have no effect on of Gulf sturgeon critical habitat and that the other projects are not likely to adversely affect the essential features of Gulf sturgeon critical habitat (water quality, sediment quality, prey abundance, and safe and unobstructed migratory pathways). The oyster reef project will place clean, non-toxic material over existing hardbottom, which will make any impacts to water quality, sediment quality, or prey abundance discountable. The beach enhancement project will improve sediment quality and effects to prey abundance, water quality and migratory pathways will be insignificant because the work will take place in shallower water than normal foraging depths, any increased turbidity will be temporary and within natural background levels, and sand placement in the shallow waters along the beach will not interfere with migration. Last, the living shoreline projects may temporarily increase turbidity and displace some prey species but these impacts are expected to be insignificant. With respect to prey abundance, the living shoreline projects are expected to have long-term beneficial impacts by increasing prey abundance in adjacent areas.

#### *Current Project*

This project is part of the Phase III ERP and is designed to install artificial reefs offshore in Florida coastal waters in 5 Florida counties (Escambia, Santa Rosa, Okaloosa, Walton, and Bay Counties). The Florida artificial reef deployment ranges from Escambia County, Florida (30.259383°N, 87.345033°W) to Bay County, Florida (29.918167°N, 85.471317°W), North American Datum (NAD) 1983 (Figure 1, Table 1). The project spans 123 miles (107 nautical miles [M] or 198 kilometers [km]) along the coast of Florida in the nearshore as well as the offshore zone. Some project sites are located within Gulf sturgeon critical habitat Unit 11 (68 FR 13370, March 19, 2003), although there are no sites in proposed loggerhead sea turtle critical



habitat (78 FR 43005, July 18, 2013). Each county project component is described in detail below and locations are shown in Figures 5-9:



Figure 1. Image of the proposed Florida artificial reef project indicated by the triangles for Escambia County (red), Santa Rosa County (orange), Okaloosa County (yellow), Walton County (green) and Bay County (blue). The Gulf sturgeon critical habitat Unit 11- Florida nearshore (red polygon), and the proposed loggerhead critical habitat Unit, N-33 and N-32, are the pink polygons in the far left and right part of the image, respectively.

The FWC proposes to build and deploy artificial reefs through a competitive bid process. The commercial marine contractor with the winning bid will be contracted by FWC, who holds the permit for the reef site. They will place 2 types of reef structures, consisting of concrete and stone rubble (Figure 2) and pre-fabricated artificial reef pyramid/tetrahedron modules (Figure 3), at depths ranging from 12-100 feet (ft) (or 3.7-30.5 meters [m]) below mean lower low water (MLLW) (Table 1). The pyramid/tetrahedron type units shown in Figure 3 weigh approximately 6,000 pounds (lb) (2,722 kilograms [kg]), and have open-bottoms; therefore, a modification would be made prior to deployment that would remove the top of the pyramid to create a minimum 3-ft (0.9 m) opening at the top allowing adult sea turtles to escape. FWC or its contractor will use a vessel/barge (i.e., not anchored) with a crane on a barge equipped with a global positioning system (GPS) accurate to within a meter. The reef modules will be placed by lowering them into position using a barge-mounted crane with a quick-release mechanism. Deployment vessels would travel to the reef locations where boundaries would be marked by the county or their designee using GPS.



**Table 1. Artificial reef sites for 5 Florida counties with corresponding area, depths, and distance from shore**

County	Center Latitude °N (NAD 1983)	Center Longitude °W (NAD 1983)	Total Area (module footprint) (ft <sup>2</sup> )	Depth (ft)	Distance center point is from shore (M)	Total Area (module footprint) (m <sup>2</sup> )	Depth (m)	Distance center point is from shore (km)
Escambia	30.3120167	87.1220667	14,419	50-60	1.3	1,340	15.2-18.3	2.41
Escambia <sup>2</sup>	30.2945500	87.2192167	14,419	45-60	1.52	1,340	13.7-18.3	2.82
Escambia	30.2593833	87.3450333	14,419	35-50	3.19	1,340	10.7-15.2	5.91
Escambia	30.1876167	87.1501333	14,462	85-100	8.27	1,344	25.9-30.5	15.32
Santa Rosa <sup>2</sup>	30.3789000	86.8537333	960	12-14	0.1	89	3.7-4.3	0.19
Santa Rosa	30.3528000	86.8610833	30,440	55-70	1.57	2,828	16.8-21.3	2.91
Okaloosa	30.3803000	86.4350000	832	9-17	0.1	77	2.7-4.3	0.19
Okaloosa	30.3949000	86.6168667	832	9-17	0.1	77	2.7-5.2	0.19
Okaloosa	30.3565167	86.5479333	8,660	69	1.4	805	21.0	2.59
Okaloosa	30.3523500	86.6145667	8,660	69	2.59	805	21.0	4.80
Okaloosa	30.3648500	86.7062333	8,660	70	1.8	805	21.3	3.33
Okaloosa	30.3481833	86.7062333	8,660	70	2.4	805	21.3	4.44
Walton	30.3760833	86.3886667	1,024	14-20	0.1	95	4.3-6.1	0.19
Walton	30.3565500	86.2776833	1,024	14-19	0.1	95	4.3-5.8	0.19
Walton	30.3226500	86.1578500	928	13-18	0.1	86	4.0-5.5	0.19
Walton	30.2706167	86.0058000	1,200	15-21	0.1	111	4.6-6.4	0.19
Walton	30.3229167	86.2009333	2,598	52-54	0.67	241	15.8-16.5	1.24

Walton	30.2895833	86.0809333	2,598	52-57	0.44	241	15.8-17.4	0.81
Walton	30.3012500	86.1226000	2,598	53-56	0.56	241	16.2-17.1	1.04
Walton	30.2612500	86.0142667	2,598	54-57	0.67	241	16.5-17.4	1.24
Walton	30.3329167	86.2309333	2,598	55-58	0.59	241	16.7-17.7	1.09
Walton	30.3112000	86.1609333	2,598	56-59	0.66	241	17.1-18.0	1.22
Walton	30.3645833	86.3892667	2,598	59-62	0.64	241	18.0-18.9	1.19
Walton	30.3562500	86.3226000	2,598	59-64	0.52	241	18.0-19.5	0.96
Walton	30.3395833	86.2559333	2,598	59-63	0.61	241	18.0-19.2	1.13
Walton	30.3221167	86.2979167	2,598	70	2.4	241	21.3	4.44
Walton <sup>2</sup>	30.3283333	86.3816667	4,330	77-83	2.85	402	23.5-25.3	5.28
Walton	30.2684833	86.2312500	2,598	80	4.4	241	24.4	8.15
Bay	30.2262000	85.9075833	528	15	0.1	49	4.6	0.19
Bay <sup>2</sup>	29.9181667	85.4713167	29,357	15-30	2.27	2,727	4.6-9.1	4.20
Bay	30.1572333	85.8310500	2,728	60	1.58	253	18.3	2.93
Bay	30.1431667	85.8637500	2,728	63	3.25	253	19.2	6.02
Bay	30.1493833	85.8961667	2,728	64	3.87	253	19.5	7.17
Bay	30.1221167	85.8472000	2,728	64	3.74	253	19.5	6.93
Bay	30.1698500	85.9104000	2,728	69	3.16	253	21.0	5.85
Bay	30.0211333	85.6632333	2,728	69	3.18	253	21.0	5.89
Bay	30.0021333	85.6953333	2,728	75	4.95	253	22.9	9.17

<sup>2</sup>Sites that already contain reef material/modules



Figure 2. Layered artificial reef unit, also known as the EcoSystem Reef snorkel modules (©2012, Florida Department of Environmental Protection)



Figure 3. Artificial reef pyramid/tetrahedron unit, also known as “Florida Limestone” module (©2012, Florida Department of Environmental Protection)

For shallower water sites, the disk-type reef modules are deployed from a tripod which is set in place adjacent to a barge which is in a fixed position (Figure 4). The 4-ft (1.2 m) to 9-ft (2.7 m) high by 54-inch (in) (4.5 ft, 1.4 m) diameter disk-type reef modules are also known as the EcoSystem Reef snorkel modules (Figure 2), weigh approximately 2,000 lb (907 kg) and have a 15.9 ft<sup>2</sup> (1.5 m<sup>2</sup>) footprint. The top of the fully constructed disk reef with a hollow central piling is suspended by a hydraulic collar. Once the hollow center pipe is placed in position in contact with the sea floor, ambient saltwater is pumped through the center of the hollow pipe and the pipe subsides to the appropriate depth in the sand layer. The pump is then turned off, the positioning of the disk reef is verified, the hydraulic collar and tripod are removed, and the next disk module is similarly deployed.



Figure 4. Disk-type reef module deployment with tripod followed by ambient seawater pumping (©2011, Robert Turpin, Escambia County Marine Resources Division)



For the deeper water sites, the pyramid/tetrahedron type modules, also known as the “Florida Limestone” modules, will be deployed. Each module measures 10 ft along each base and is 8 ft in height, with a 43.3 ft<sup>2</sup> (4.0 m<sup>2</sup>) footprint. These pyramid/tetrahedron type modules have an open-top and open-bottom (Figure 3). They will be individually lifted by crane from the barge deck using a pelican hook, and then lowered to the seafloor and the hook disengaged. The modules would be deployed on either side of the vessel in a specific order and adjusted so each successive placement would be far enough from the previous one to prevent any two modules from touching.

No hard bottom, live bottom, or submerged aquatic vegetation are present at project sites, but if encountered they will be avoided. All reef module positioning will occur on open sand bottom with a mix of coarse-, medium-, and fine-grained terrigenous substrate. Construction crews will follow NMFS’s 2006 *Sea Turtle and Smalltooth Sawfish Construction Conditions*. The entire project is expected to take up to 2 years to complete.

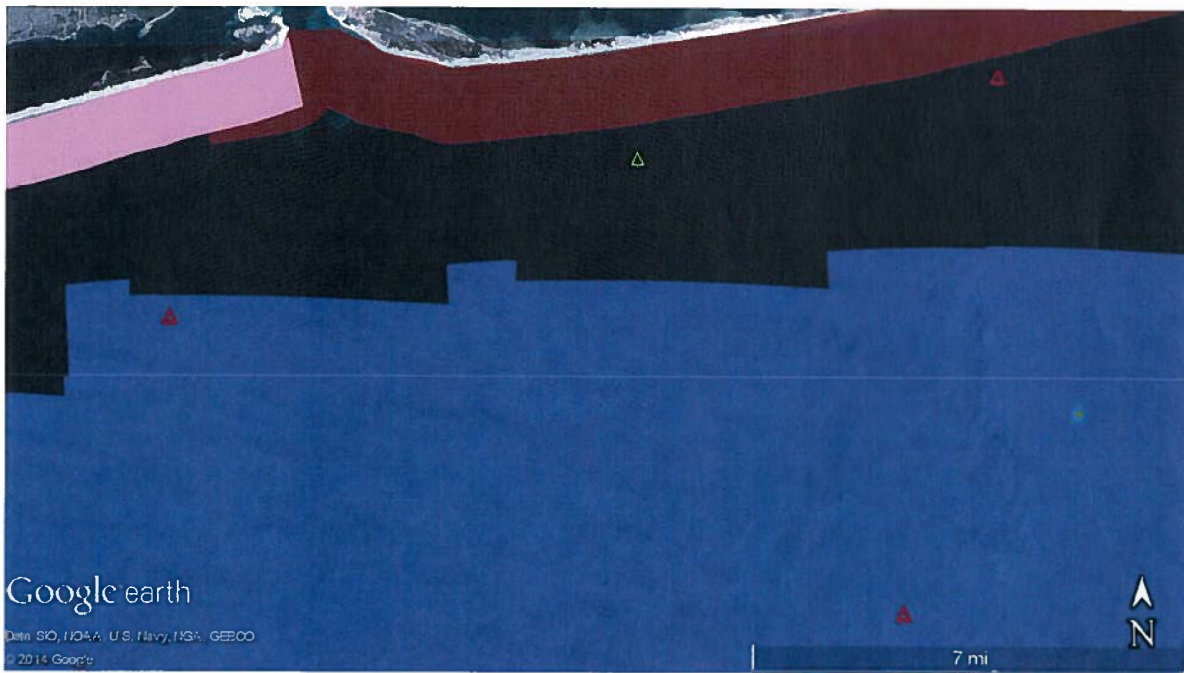


Figure 5. Location of artificial reefs (red triangles), Gulf sturgeon critical habitat Unit 11- Florida nearshore (red polygon), and proposed loggerhead critical habitat Unit N-33 (pink polygon) in Florida State waters off Escambia County.

1. The Escambia County component is located within the GOM off Escambia County, Florida (Figure 5) between 30.2593833°N, 87.3450333°W and 30.312067°N, 87.1220667°W (NAD 1983). The 4 sites are located 1.3-8.3 M (2.4-15 km) off Escambia County shoreline (near Rabbit and Santa Rosa Island, Florida) and not in Gulf sturgeon critical habitat nor proposed loggerhead critical habitat. The current reef sites are permitted for a cumulative 14.3-square-nautical-mile (M<sup>2</sup>) (48.9 km<sup>2</sup> or 12,088 acre) but only the nearshore east site (i.e., green triangle in Figure 5) contains materials within its 2 M<sup>2</sup> (6.86 km<sup>2</sup>, 1,695 acre or 73,834,200

ft<sup>2</sup>). This 1,695 acres of the nearshore east site contains 218 modules consist of 218 units or modules of 119 concrete pieces that included bridge deck spans and large concrete rubble pieces; 78 modules- concrete fish havens (4-sided pyramid 4.5 tall, six ft. along base); 8 concrete deck "T" spans; 5 modules-concrete grouper module (hollow rectangular box- 3-ft tall, 5-ft wide, 10-ft long, one long side open); 7 concrete Walter Florida limestone special tetrahedron (8-ft tall by 10-ft base) modules and; a metal deck barge 175-ft long x 40-ft wide x 10-ft tall. The applicant will place 1,333 open-bottom and open-top tetrahedron/pyramid modules over the 4 sites (14.3 M<sup>2</sup>, 48.9 km<sup>2</sup>, 12,088 acre or 526,553,280 ft<sup>2</sup>) positioning them on open barren sand bottom with a mix of coarse-, medium-, and fine-grained terrigenous substrate in depths ranging from 35-100 ft (11-31 m) MLLW. The cumulative project footprint is 57,719 ft<sup>2</sup> (5,362 m<sup>2</sup> or 1.33 acre). Deployment of reef materials is expected to take 24 days, working 14 hours per day during daylight hours, thereby limiting the duration of any potential impacts.

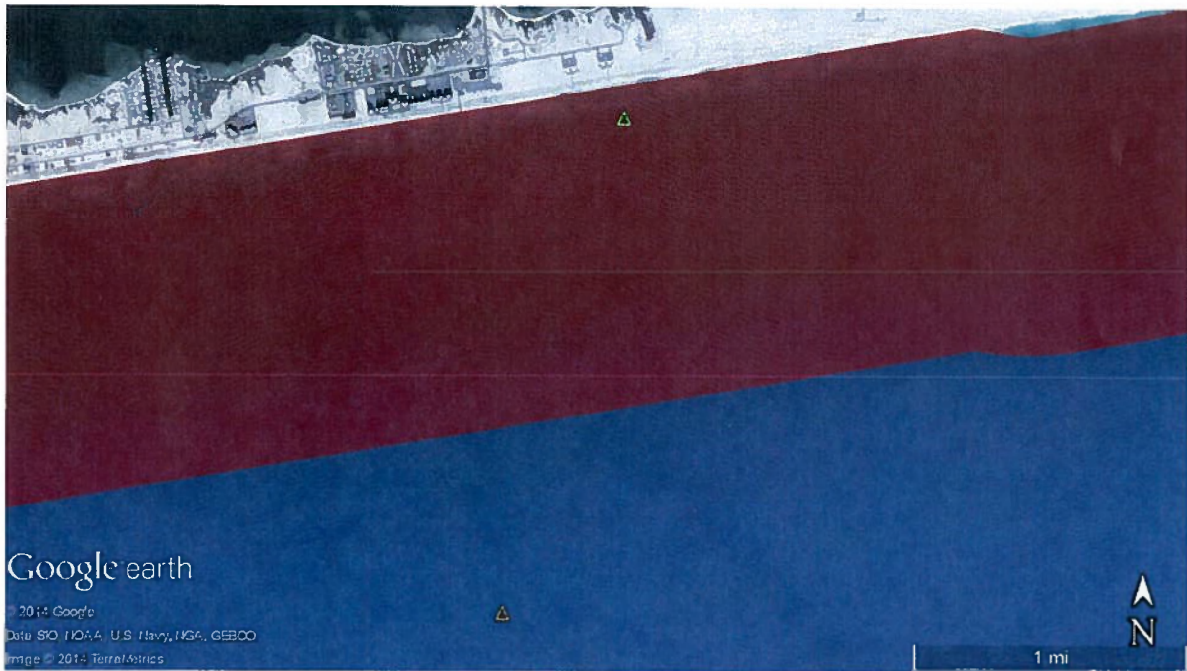


Figure 6. Location of artificial reefs (triangles) and Gulf sturgeon critical habitat Unit 11- Florida Nearshore (red polygon) in Florida state waters off Santa Rosa County.

2. The Santa Rosa County component is located within the GOM off Santa Rosa County, Florida (Figure 6) between 30.3528000°N, 86.8610833°W and 30.3789000°N, 86.8537333°W (NAD 1983). The 2 sites are located 0.1-1.6 M (0.2-2.9 km) off the Santa Rosa county shoreline (near Santa Rosa Island, Florida) with 1 of the 2 sites within Gulf sturgeon critical habitat Unit 11. The current reef sites are permitted for a cumulative 2.0018 M<sup>2</sup> (6.87 km<sup>2</sup> or 1,697 acre) but only the nearshore snorkel site (i.e., green triangle in Figure 6) contains materials within its 0.0018 M<sup>2</sup> (0.006 km<sup>2</sup>, 1.5 acre, 66,420 ft<sup>2</sup>). This 1.5 acre site contains 30 Walter ecosystems disk reef modules. The applicant will place 60 disk reef modules, in the nearshore snorkel site, in depths of 12-14 ft (3.7-4.21 m) MLLW within Gulf



sturgeon critical habitat, and will place 703 open-bottom and open-top tetrahedron/pyramid modules at depths of 55-70 ft (16.8-21.3 m) MLLW (not located within Gulf sturgeon critical habitat). The cumulative project footprint is approximately 31,400 ft<sup>2</sup> (2,917 m<sup>2</sup> or 0.72 acre) where 960 ft<sup>2</sup> (89 m<sup>2</sup> or 0.02 acre) are inside Gulf sturgeon critical habitat Unit 11. Deployment of all Santa Rosa County reef materials is expected to take 14 days, working 14 hours per day during daylight hours, thereby limiting the duration of any potential impacts.

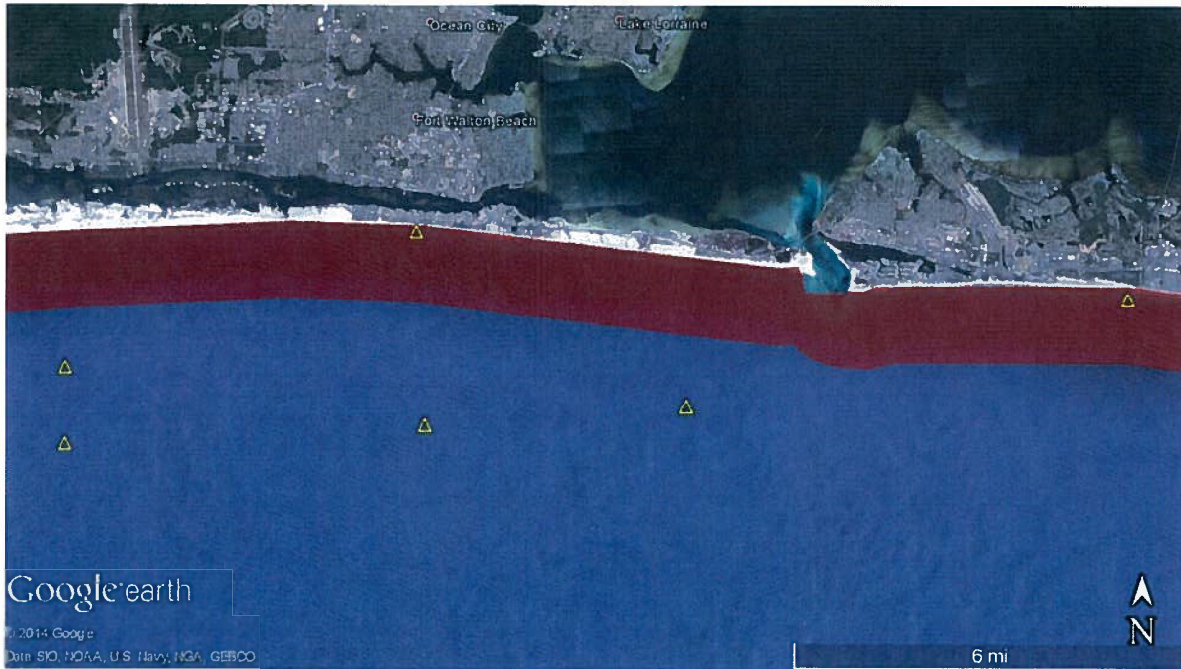


Figure 7. Location of artificial reefs (triangles) and Gulf sturgeon critical habitat Unit 11-Florida nearshore (red polygon) in Florida state waters off Okaloosa County.

3. The Okaloosa County component is located within the GOM off Okaloosa County, Florida (Figure 7) between 30.3481833°N, 86.7062333°W and 30.3803000°N, 86.4350000°W (NAD 1983). The 6 sites are located 0.1-2.6 M (0.2-4.8 km) off the Okaloosa county shoreline (near Okaloosa Island and Destin, Florida) with 2 of the 6 sites within Gulf sturgeon critical habitat Unit 11. The applicant will place 104 disk reef modules in depths of 9-17 ft (2.7-4.3 m) MLLW within Gulf sturgeon critical habitat Unit 11, and will place 800 open-bottom and open-top tetrahedron/pyramid modules in depths of 69-70 ft (21.0-21.3 m) MLLW (not located within Gulf sturgeon critical habitat). The 0.1893-M<sup>2</sup> (0.6493 km<sup>2</sup> or 160 acre) currently permitted artificial reef deployment area will have a cumulative project footprint of approximately 36,304 ft<sup>2</sup> (3,373 m<sup>2</sup> or 0.83 acre) where 1,664 ft<sup>2</sup> (155 m<sup>2</sup> or 0.04 acre) are inside Gulf sturgeon critical habitat. Deployment of all Okaloosa County reef materials is expected to take 20 days, working 14 hours per day during daylight hours, thereby limiting the duration of any potential impacts.





Figure 8. Location of artificial Reefs (triangles) and Gulf sturgeon critical habitat Unit 11- Florida nearshore (red polygon) in Florida state waters off Walton County.

4. The Walton County component is located within the GOM off Walton County, Florida (Figure 8) between 30.3760833°N, 86.3886667°W and 30.2706167°N, 86.0058000°W (NAD 1983). The 16 sites are located 0.1-2.85 M (0.2-5.3 km) off the Walton county shoreline (near Miramar Beach, Seagrove Beach, and Rosemary Beach, Florida) with 13 of the 16 sites within Gulf sturgeon critical habitat Unit 11 and 3 of 16 located outside Gulf sturgeon critical habitat. The current reef sites are permitted for a cumulative 0.7409 M<sup>2</sup> (2.54 km<sup>2</sup>, 628 acre or 27,353,420 ft<sup>2</sup>) but only one site (i.e., orange triangle in Figure 8) contains materials within its 0.0625 M<sup>2</sup> (0.21 km<sup>2</sup>, 214,369 m<sup>2</sup>, 53 acre or 2,307,449 ft<sup>2</sup>). Of those 13 sites within Gulf sturgeon critical habitat, 4 of the sites are situated within 0.1 M (0.19 km) from shore in 13-21 ft (4.0-6.4 m) water depth MLLW and the remaining 9 sites are located 0.44-0.67 M (0.81-1.24 km) from shore in 52-64 ft (15.8-19.5 m) water depth MLLW. The other 3 sites located outside Gulf sturgeon critical habitat in water depths ranging from 70-80 ft (21.3-24.4 m) MLLW and 1 of the 3 sites contains materials within its 0.0018 M<sup>2</sup> (0.006 km<sup>2</sup>, 1.5 acre, 66,420 ft<sup>2</sup>). The applicant will place 261 disk reef modules in depths of 13-21 ft (4.0-6.4 m) MLLW within Gulf sturgeon critical habitat, and will place 760 open-bottom and open-top tetrahedron/pyramid modules in depths of 52-80 ft (15.8-24.4 m) MLLW. The 0.7409-M<sup>2</sup> (2.54 km<sup>2</sup> or 628 acre) currently permitted artificial reef deployment area will have a cumulative project footprint of 37,084 ft<sup>2</sup> (3,445 m<sup>2</sup> or 0.85 acre) where 4,000 ft<sup>2</sup> (372 m<sup>2</sup> or 0.09 acre) are inside Gulf sturgeon critical habitat Unit 11 at depths of 13-21 ft (or 4.0-6.4 m) MLLW. Deployment of all Walton County reef materials is expected to take 22 days, working 14 hours per day during daylight hours, thereby limiting the duration of any potential impacts.



Figure 9. Location of artificial reefs (triangles), the Gulf sturgeon critical habitat Unit 11- Florida nearshore (red polygon), and proposed loggerhead critical habitat Unit N-32 (pink polygon) in Florida state waters off Bay County.

5. The Bay County component is located within the GOM off Bay County, Florida (Figure 9) between 30.22262000°N, 85.9075833°W and 29.9181667°N, 85.4713167°W (NAD 1983). The 9 reef sites are permitted for a cumulative 3.50 M<sup>2</sup> (12.00 km<sup>2</sup>, 2,966 acre or 129,217,128ft<sup>2</sup>) but only one site (i.e., green triangle in Figure 9) contains materials within its 0.0625 M<sup>2</sup> (0.21 km<sup>2</sup>, 53 acre or 2,307,448 ft<sup>2</sup>). The 9 sites are located 0.1-5 M (or 0.2-9.2 km) off the Bay County shoreline (near Laguna Beach, Panama City Beach, Shell Island, and Crooked Island, Florida) with 1 site within Gulf sturgeon critical habitat Unit 11. The applicant will place 33 disk reef modules at -15 ft (or 4.6 m) MLLW within Gulf sturgeon critical habitat, and will place 1,119 open-bottom and open-top tetrahedron/pyramid modules in depths ranging from 15-75 ft (or 5-23 m) MLLW (not located within Gulf sturgeon critical habitat nor proposed loggerhead critical habitat). The cumulative project footprint of the modified artificial reef modules has an area approximately 48,981 ft<sup>2</sup> (4,550 m<sup>2</sup> or 1.124 acre) where 528 ft<sup>2</sup> (49 m<sup>2</sup> or 0.0121 acre) are inside Gulf sturgeon critical habitat Unit 11. Deployment of all Bay County reef materials is expected to take 20 days, working 14 hours per day during daylight hours, thereby limiting the duration of any potential impacts.

NMFS believes due to the infrequent (i.e., less than 1 per year) reported sightings of smalltooth sawfish in the proposed project areas, smalltooth sawfish are not likely to be present, thus they will not be affected by the Florida artificial reef project activities.<sup>3</sup> The proposed project is located approximately 2 M from proposed loggerhead critical habitat Unit N-33 and N-32, thus the units will not be affected by project activities. Five ESA-listed species of sea turtles (the

<sup>3</sup> NMFS, Recovery Plan for Smalltooth Sawfish (*Pristis pectinata*), 2006, Prepared by the Smalltooth Sawfish Recovery Team for the National Marine Fisheries Service: Silver Spring, MD.



endangered leatherback, Kemp's ridley, and hawksbill; the threatened/endangered<sup>4</sup> green; and the threatened loggerhead), and the threatened Gulf sturgeon can be found in or near the action area and may be affected by the project.

The proposed project is located within designated Gulf sturgeon critical habitat Unit 11 (Florida Nearshore). The features essential for the conservation of Gulf sturgeon present in Unit 11 are: abundant prey items; water quality and sediment quality necessary for normal behavior, growth, and viability of all life stages; and safe and unobstructed migratory pathways necessary for passage within and between riverine, estuarine, and marine habitats.

Potential project effects to listed species and designated and proposed critical habitat are discussed separately in the following sections.

### *Species Effects*

NMFS has identified the following potential effects to sea turtles and Gulf sturgeon from the deployment of these artificial reef materials at the different project locations in Bay, Escambia, Okaloosa, Santa Rosa, and Walton Counties and concluded that these species are not likely to be adversely affected.

1. Effects include being struck by artificial reef materials during deployment from barges, or being struck by the barges.<sup>5</sup> Due to the species' mobility, the risk of injury will be discountable. The controlled rate of descent of the reef materials and compliance with the *Sea Turtle and Smalltooth Sawfish Construction Conditions* will further reduce the risk. The slow transit speed of the towed barge (5 knots or less) to and from the sites renders the risk of a vessel strike interaction discountable.
2. Sea turtles may be temporarily unable to use the sites for forage or refuge habitat due to potential avoidance of deployment activities, but this effect will be insignificant, given the short duration of deployments. Also, the drop sites consist of coarse-, medium-, and fine-grained terrigenous sands and are unlikely to attract sea turtles because they lack physical features which could be used for foraging or shelter and these habitat types are very common throughout this region of the Gulf of Mexico.
3. Post-construction, as their surfaces get colonized and encrusted with marine organisms, the artificial reef pyramids may attract recreational fishermen and foraging sea turtles, or sea turtles seeking shelter inside the structures, which may potentially result in interactions with local fishermen (i.e., by hooking and/or entanglement). Thus, increased fishing effort may result from the proposed reef creation and associated broken off/remnant fishing lines and hooks wrapped around the reef structures could pose a long-term entanglement/hooking risk to foraging sea turtles and Gulf sturgeon. The objective of the restoration effort is to make up for recreational fishing opportunities lost as a result of the DWH event. Still, the addition of new artificial reef sites and concomitant new fishing opportunities is not expected to exceed overall effort levels existing prior to reef creation: One would not expect a new fisherman to purchase a boat merely to be able to fish the "new" artificial reef. Effort would merely shift where that effort currently occurs. Consequently, any potential use of each site

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<sup>4</sup> Green turtles are listed as threatened, except for breeding populations in Florida and the Pacific coast of Mexico, which are listed as endangered.

<sup>5</sup> NMFS's Gulf of Mexico Reef Fish Fishery Biological Opinion, September 30, 2011.



will likely reduce commercial and recreational pressure at other nearby reef sites (including natural reefs), resulting in no net increase in commercial and recreational activities in the area or increased risk of remnant fishing gear entanglement interactions. Compliance with the Army Corps of Engineers' and the Environmental Protection Agency's artificial reef guidance,<sup>6</sup> developed and refined over time to avoid adverse impacts to marine wildlife—including prevention of sea turtles entering and potentially becoming trapped in reef structures—is a condition of the permit.

4. Sport fishermen boating to and from the artificial reefs will be an indirect effect of the proposed action. These and other high-speed recreational boats can strike sea turtles, leading to injury or death. The addition of a new artificial reef to the areas may cause an increase in vessel traffic to the new sites, but this will generally coincide with fair weather patterns and calm sea states that will largely allow boaters to detect and avoid most sea turtles in their path, as they would normally avoid hitting any floating objects. Therefore, we believe the risk of vessel strike impacts to sea turtles from construction and future use of the reef sites is discountable. Frequently, sea chop and wind will compel boaters to slow down or curtail their trips, further reducing the strike risk.<sup>7</sup>
5. A potential effect at the 9 Walton County sites, that will be placed in 52-64 ft (15.8-19.5 m) water depth MLLW, is the temporary exclusion from the project areas for Gulf sturgeon foraging or use as refuge habitat due to potential avoidance of construction activities. However, these effects will be insignificant because there are equally suitable forage and refuge habitat in deep as well as shallower waters around the project areas. In addition, Gulf sturgeon primarily occupied shoreline areas between 2 and 4 m of depth characterized by low relief sand substrate<sup>8</sup>. Fox et al. (2002) illustrated that Gulf sturgeon appeared to use only the deeper bay waters (>4 m) for movement between shoreline areas. Furthermore, the presence of artificial reefs may provide an indirect benefit to Gulf sturgeon by enhancing the diversity of available prey.<sup>9</sup> Moreover, in-water work (i.e. reef module deployment) will only occur during daylight hours in a very small portion of the overall project area at any given time, leaving access to large portions of the project area for foraging and refuge.
6. Gulf sturgeon foraging could be adversely affected by sand displacement and increased turbidity. The increases in turbidity and the alterations in benthic topography will be temporary, highly localized, and short-lived (i.e. individual artificial reef deployments range 14-22 days). Although the anticipated project is expected to last up to 2 years, the project areas should not affect listed species due to the short duration of individual artificial reef deployments having a cumulative total of 100 days for all 5 counties. Moreover, Gulf sturgeon have the ability to avoid disturbed areas. Gulf sturgeon are opportunistic feeders that forage over large distances and thus will be able to locate prey throughout Unit 11 in areas unaffected by this action and in available sandy areas adjacent to those impacted by this project.

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<sup>6</sup> <http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>, Permitting: Artificial Reefs

<sup>7</sup> Barnette, M. NMFS Memorandum dated April 18, 2013: Threats and Effects Analysis for Protected Resources on Vessel Traffic Associated with Dock and Marina Construction. NMFS Southeast Regional Office, Protected Resources Division.

<sup>8</sup> Fox, D.A., J.E. Hightower, and F.M. Parauka. Estuarine and Nearshore Marine Habitat Use by Gulf Sturgeon from the Choctawhatchee River System, Florida. in American Fisheries Society Symposium. 2002. American Fisheries Society.

<sup>9</sup> Boudreaux, M.L., J.L. Stiner, and L.J. Walters. 2006. Biodiversity of sessile and motile macrofauna on intertidal oyster reefs in Mosquito Lagoon, Florida. *Journal of Shellfish Research*, Vol. 25, No. 3.

7. The nearest sea turtle nesting beach is approximately 2 M away on the Gulf side of Rabbit Island (LOGG-N-33) and St. Joseph Bay (LOGG-N-32) (78 FR 43005, July 18, 2013). The risk that reef deployment impacts from this project would impact any sea turtles approaching the beach to nest is discountable because the applicant has agreed to restrict construction to daylight hours; therefore, there would be no potentially disruptive effects from work barge lighting.

Based on the above analyses, all potential project effects to sea turtles and Gulf sturgeon will be insignificant or discountable. Based on this information, this project is not likely to adversely affect listed species under our jurisdiction.

NMFS has also considered the effects of this project in conjunction with the effects associated with the Phase I and Phase III projects that have previously undergone section 7 consultations and concludes there are no additive effects of the overall projects that rise above the level of effects considered for each of the individual projects. The potential impacts to listed species from construction activities are limited in time and place, and cease to exist once the project is complete. As stated above, artificial reefs projects may cause a shift in fishing effort and an increase in vessel traffic. However, NMFS expects that any changes in fishing effort or vessel traffic will be localized and thus, that combined effects of these artificial reef projects, which are located throughout the Gulf, will not result in any additional impacts beyond those considered for each of the individual projects.

#### *Critical Habitat Effects*

NMFS believes the project is not likely to adversely affect Gulf sturgeon critical habitat Unit 11. Of the 4 essential features of critical habitat (sediment quality, water quality, prey abundance, and safe and unobstructed migratory pathways) the latter 3 may be affected, but these effects will be insignificant. The total project footprint located within Gulf sturgeon critical habitat 11 is 7,152 ft<sup>2</sup> (or 664 m<sup>2</sup> or 0.16 acre) out of the 4,633,477,000 ft<sup>2</sup> (430,464,118 m<sup>2</sup> or 106,370 acre) area. This yields a 0.00015% alteration of Gulf sturgeon critical habitat unit 11, however this alteration will not appreciably impact any of the essential features of critical habitat as described below:

1. Sediment quality will not be affected by the placement of artificial reefs associated with the project activities.
2. Water quality impacts from project activities will be limited to a very short-term elevation in suspended sediments (i.e., turbidity) in the immediate vicinity of the project sites associated with placing the reef structures in the water. Increases in turbidity will be temporary and the disturbed sediments will settle out quickly. The overall suspended sediment levels in Gulf sturgeon critical habitat unit 11 will not be measurably affected and the effects are insignificant.
3. Gulf sturgeon prey abundance (and consequently, foraging success) will be insignificantly affected. The placement of the EcoSystem Reef snorkel disk modules in shallow water initially removes direct access to prey items to the Gulf sturgeon. However, this does not permanently impede the availability of prey items. The FWC will place fully constructed disk reef with a hollow central piling on the sea floor. They will pump ambient saltwater through the center of the hollow pipe as the pipe subsides to the appropriate depth in the sand layer. By using this technique, they will displace any prey

below the immediate footprint of the reef module into ambient sediment. The prey abundance and Gulf sturgeon foraging will not be significantly affected by the proposed action because each reef module is only 54-in in diameter and they are spaced out over a wide area. Based on the size of the project areas and the number of reef modules proposed (totaling 458 for the 8 artificial reef sites), modules will be spaced one per 1,107 to 3,044 ft<sup>2</sup>. The placement of the pyramidal/tetrahedron reef units in deeper waters may initially remove the direct access to prey items to Gulf sturgeon, however the prey abundance and Gulf sturgeon foraging will not be adversely affected by the proposed action because each reef are spaced out over a wide area (i.e., 540 units in 2,307,361 ft<sup>2</sup> area resulting in 1 artificial reef unit every 4,373 ft<sup>2</sup>). The artificial reef footprint of the sediment in critical habitat would preclude sturgeon from feeding within the footprint of the reefs, but it would not adversely affect prey availability overall in the areas surrounding the reef modules. The reef placement may result in moving prey items outside the footprint of the artificial reef but Gulf sturgeon are opportunistic feeders and will still be able to forage around the structures to find prey.

4. Safe and unobstructed migratory pathways for Gulf sturgeon could be affected by the placement of artificial reefs by impeding migratory pathways to and from spawning areas. However, these reef structures are in open water, consist of only a single reef structure with the reef elevated above the ocean floor, and are spaced out sufficiently for Gulf sturgeon to move (i.e., modules will be spaced one per 1,107 to 4,373 ft<sup>2</sup>). Therefore, the risk of obstructing migratory pathways is discountable.

Finally, as noted above, the presence of artificial reefs may provide an indirect benefit to Gulf sturgeon by enhancing the diversity of prey available to Gulf sturgeon by creating patchwork reefs that, over time, provide more dissimilar and structurally complex habitat for prey species. The presence of reefs may encourage neritic/coastal production that could have a productivity spillover effects that lead to greater prey availability (e.g., macrofaunal species such as amphipods, polychaetes, gastropods, and bivalves) in the immediate surroundings for Gulf sturgeon. Thus, the effects to the essential features that are necessary to support the conservation of Gulf sturgeon are minor, and there is no discernible impact on the status of that essential feature in Gulf sturgeon critical habitat Unit 11. Based on the preceding, NMFS believes that effects on the essential features of critical habitat Unit 11 will be insignificant.

NMFS has also considered the effects of this project on Gulf sturgeon critical habitat in conjunction with the effects associated with the Phase I and Phase III projects that have previously undergone section 7 consultations. We conclude there are no additive effects of the overall projects that rise above the level of effects considered for each of the individual projects. The potential impacts to water and sediment quality from construction activities associated with all of these projects are localized and temporary. Similarly, any impacts to prey abundance will be localized and although some projects may displace some prey species, none are expected to reduce overall prey abundance in the project area or critical habitat unit. NMFS previously consulted on the Phase III Gulf Island National Seashore beach enhancement project off also located in Gulf sturgeon critical habitat Unit 11 off Escambia County, Florida, and determined that the project, which will remove fragments of asphalt and road-base material from the sand in shallow waters along the beach in, may affect migratory pathways but that any effect will be insignificant. The proposed artificial reef project has an Escambia County component but none



of the four Escambia sites is located in Gulf sturgeon critical habitat. Thus, NMFS concludes none of the proposed artificial reef activities will result in impacts to the migratory pathway essential feature beyond those previously analyzed.

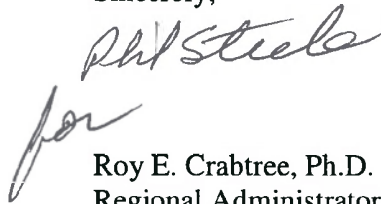
*Summary*

Finally, we concur with your project-effect determinations that the Florida Artificial Reef Project is not likely to adversely affect leatherback, Kemp's ridley, hawksbill, loggerhead, and green sea turtles; Gulf sturgeon; and Gulf sturgeon critical habitat.

This concludes the NOAA Restoration Center's consultation responsibilities under the ESA for species under NMFS's purview. Consultation must be reinitiated if a take occurs or new information reveals effects of the action not previously considered, or the identified action is subsequently modified in a manner that causes an adverse effect to the listed species or critical habitat in a manner or to an extent not previously considered, or if a new species is listed or critical habitat designated that may be affected by the identified action.

We have enclosed additional relevant information for your review. We look forward to further cooperation with you on other projects to ensure the conservation of our threatened and endangered marine species and designated critical habitat. If you have any questions on this consultation, please contact Nicolas Alvarado, Consultation Biologist, at (727) 209-5955, or by email at Nicolas.Alvarado@noaa.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Roy E. Crabtree".

Roy E. Crabtree, Ph.D.  
Regional Administrator

- Enc.: 1. *Sea Turtle and Smalltooth Sawfish Construction Conditions* (Revised March 23, 2006)  
2. *PCTS Access and Additional Considerations for ESA Section 7 Consultations*  
(Revised June 11, 2013)

File: 1514-22.C

Appendix 1 Phase I Early Restoration Plan Projects with corresponding Public Consultation Tracking System (PCTS)

Ref.	PCTS Tracking #	Project	Description	Determinations
PI-1	SER-2012-889	Lake Hermitage Marsh Creation – NRDA Early Restoration Project	Project proposed involves the creation of marsh within the project footprint of the larger Lake Hermitage Marsh Creation Project. The primary goals of the Project are: (1) to restore the eastern Lake Hermitage shoreline to reduce erosion and prevent breaching into the interior marsh, and (2) to re-create marsh in the open water areas south and southeast of Lake Hermitage. The marsh creation project will substitute approximately 104 acres of created brackish marsh for approximately 5-6 acres (7,300 linear feet) of earthen terraces.	Project is not likely to adversely affect sea turtles or Gulf sturgeon. The project is not located in designated critical habitat. All activities associated with the Lake Hermitage Restoration project are outside the known range of Gulf sturgeon. Sea turtles are not likely to be at the dredge site in the Mississippi River, which is 70 miles from the Gulf of Mexico. Additionally, sea turtles are not likely to be at the marsh restoration site.
PI-2	SER-2012-889	Louisiana Oyster Culch Project	Project involves (1) the placement of oyster culch onto approximately 850 acres of public oyster seed grounds throughout coastal Louisiana, and (2) construction of an oyster hatchery facility that will produce supplemental larvae and seed. The project consists of placing oyster culch material on public oyster seed grounds to produce seed- and sack-sized oysters to compensate the public for impacts to oyster areas exposed to oil, dispersant, and response activities.	Project is not likely to adversely affect sea turtles or Gulf sturgeon. The project is not located in designated critical habitat.
PI-3	SER-2012-889	Mississippi Oyster Culch Restoration	Project consists of placing oyster culch material on public oyster seed grounds in the footprint of existing oyster culch areas to produce seed- and sack-sized oysters to compensate the public for impacts to oyster areas exposed to oil, dispersant, and response activities.	Project is not likely to adversely affect sea turtles, Gulf sturgeon, or Gulf sturgeon critical habitat.
PI-4	SER-2012-889	Mississippi Artificial Reef Habitat	Project includes the deployment of artificial reefs in bays and nearshore Mississippi Sound waters in and off of Hancock, Harrison, and Jackson Counties, Mississippi	Project is not likely to adversely affect sea turtles, Gulf sturgeon, or Gulf sturgeon critical habitat.
PI-5	SER-2012-889	Marsh Island (Portersville Bay) Marsh Creation	Project involves the addition 50 acres of salt marsh to the existing 24 acres along Marsh Island in the Portersville Bay portion of Mississippi Sound in south Mobile County, Alabama. This entails the construction of a permeable segmented breakwater, the placement of sediments, and the planting of native marsh vegetation.	Project is not likely to adversely affect sea turtles or Gulf sturgeon. The project is not located in designated critical habitat.
PI-6	SER-2012-889	Alabama Dune Restoration Cooperative Project	Project will restore 55 acres of dune habitat by installing sand fencing and planting native dune vegetation in Orange Beach and Gulf Shores, Alabama	Project will have no effect on listed species or designated critical habitat under NMFS jurisdiction. NMFS does not believe there will be any direct or indirect effects to our listed species or designated critical habitat, as all activities will occur solely in upland areas.
PI-7	SER-2012-889	Florida Boat Ramp Enhancement and Construction Project	Project will entail repairing the existing Navy Point Park public boat ramp, located in a developed residential area in Pensacola Bay, and constructing the new Mahogany Mill public boat ramp that will be located in a commercial and industrial area in Pensacola Bay	Project is not likely to adversely affect sea turtles, Gulf sturgeon, smalltooth sawfish, or Gulf sturgeon critical habitat. The Navy Point project is not likely to adversely affect Gulf sturgeon critical habitat in Unit 9, Pensacola Bay. The remaining boat ramp projects are not located in designated critical habitat.
PI-8	SER-2012-889	Florida (Pensacola Beach) Dune Restoration	Native dune vegetation will be planted on the primary dune on Pensacola Beach in Escambia County, Florida	This project will have no effect on listed species or designated critical habitat under NMFS jurisdiction. NMFS does not believe there will be any direct or indirect effects to listed species or designated critical habitat, as all activities will occur solely in upland areas.

Appendix 2 Phase III Early Restoration Plan Projects with corresponding Public Consultation Tracking System (PCTS)

Reference	PCTS Tracking #	Project	Description	Determinations
P3-1	SER-2014-12910	Texas Artificial Reefs Corpus	3 projects are designed to install artificial reefs in Texas coastal waters. They are not located within designated Gulf sturgeon critical habitat, or proposed loggerhead sea turtle critical habitat.	The project effect determinations of the proposed actions are not likely to adversely affect ESA listed species (leatherback, Kemp's ridley, hawksbill, loggerhead, or green sea turtles).
P3-2	SER-2014-12916	Texas Artificial Reefs Freeport		
P3-3	SER-2014-12920	Texas Artificial Reefs Matagorda		
P3-4	SER-2014-12924	Alabama Oyster Cultch	The applicant proposes to restore and enhance 319 acres of oyster reefs within historic footprint of oyster reefs in Mobile Bay. It is not located within any designated or proposed critical habitat.	The project effect determinations of the proposed actions are not likely to adversely affect ESA listed species (leatherback, Kemp's ridley, hawksbill, loggerhead, or green sea turtles, or Gulf sturgeon).
P3-5	SER-2014-12925	Hancock County Living Shorelines	The applicant proposes to reduce shoreline erosion and restore oyster and marsh habitat by (1) use of breakwater materials to reduce shoreline erosion, (2) creation of 46 acres of salt marsh, and (3) enhancement of 46 acres of oyster reef habitat that have historically supported oyster habitat. It is located within designated Gulf sturgeon critical habitat Unit 8, but not within proposed loggerhead sea turtle critical habitat.	The project effect determinations of the proposed action are not likely to adversely affect ESA listed species Kemp's ridley, loggerhead, or green sea turtles, or Gulf sturgeon) or designated Gulf sturgeon critical habitat. Leatherback and hawksbill sea turtles were withdrawn.
P3-6	SER-2014-12926	Swift Tract Living Shorelines	The applicant proposes to reduce shoreline erosion by creating breakwaters (8,500 ft) from natural materials (15,800 tons of riprap and 2,200 yd <sup>3</sup> of bagged oyster shell). Covering 2.9 acres of fine-grained sediment. It is not located within any designated or proposed critical habitats.	The project effect determinations of the proposed action are not likely to adversely affect ESA listed species Kemp's ridley, loggerhead, or green sea turtles, or Gulf sturgeon). Leatherback and hawksbill sea turtles were withdrawn.
P3-7	SER-2014-13016	FL Pensacola Bay Living Shorelines	The applicant proposes to reduce shoreline erosion by expanding existing breakwaters at 2 sites (25,000 tons of riprap, covering 5 acres of fine-grained sediment total) and backfilling marsh areas with 102,000 yd <sup>3</sup> of fill, total. It is located within designated Gulf sturgeon critical habitat Unit 9, but not within proposed loggerhead sea turtle critical habitat.	The project effect determinations of the proposed action are not likely to adversely affect ESA listed species Kemp's ridley, loggerhead, or green sea turtles, smalltooth sawfish, or Gulf sturgeon) or designated Gulf sturgeon critical habitat. Leatherback and hawksbill sea turtles and smalltooth sawfish were withdrawn.
P3-8	SER-2014-13083	FL Cat Point Living Shorelines	The applicant proposes to reduce shoreline erosion by expanding an existing breakwater structure (up to 0.3 miles) and creating 1 acre of salt marsh habitat. It is located within designated Gulf sturgeon critical habitat Unit 13, but not within proposed loggerhead sea turtle critical habitat.	The project effect determinations of the proposed action are not likely to adversely affect ESA listed species Kemp's ridley, loggerhead, or green sea turtles, smalltooth sawfish, or Gulf sturgeon) or designated Gulf sturgeon critical habitat. Leatherback and hawksbill sea turtles and smalltooth sawfish were withdrawn.



P3-9	SER-2014-13017	Beach Enhancement Project at Gulf Island National Seashore	The applicant proposes to remove fragments of asphalt and road-base material from a long, thin area approximately 20 feet (ft) by 2 miles long (211,200 ft <sup>2</sup> or ~4.8 acres) in the inter- and sub-tidal zone within the GUIIS. The project is located within Gulf Sturgeon Critical Habitat Unit 11 and is approximately 4 miles east of Proposed Loggerhead Critical Habitat Unit LOGG-N-33.	The project effect determinations of the proposed action is not likely to adversely affect ESA listed species (leatherback, Kemp's ridley, hawksbill, loggerhead, or green sea turtles, or Gulf sturgeon) or designated or proposed critical habitats for these species.
P3-10	SER-2014-13018	North Breton Island Restoration	The applicant proposes to dredge 3.7 million cubic yards (yd <sup>3</sup> ) (2.8 x 10 <sup>6</sup> cubic meters (m <sup>3</sup> )) of sand, silt, and clay materials, using a cutterhead dredge, from 1 or more sites within offshore shoals borrow sites from a water depth range of 6-20 feet (ft) or 1.8-6.1 meters (m) deep mean lower low water (MLLW). The in-water project footprint is 38 square miles (mi <sup>2</sup> ) or 98.4 square kilometers (km <sup>2</sup> ); 41.4 mi <sup>2</sup> (or 106.4 km <sup>2</sup> ) including proposed North Breton Island restoration. The project is not located within Gulf sturgeon critical habitat, or proposed loggerhead sea turtle critical habitat.	The project effect determinations of the proposed action is not likely to adversely affect ESA listed species (leatherback, Kemp's ridley, hawksbill, loggerhead, or green sea turtles, or Gulf sturgeon).
P3-11	SER-2014-13026	MS Popp's Ferry Causeway Park	The applicant proposes to install 4 fishing piers and 1 overlook pier, covering approximately 5,000 ft <sup>2</sup> of open water with vibratory hammering. It is not located within any designated or proposed critical habitat.	The project effect determinations of the proposed action are not likely to adversely affect ESA listed species Kemp's ridley, loggerhead, or green sea turtles, or Gulf sturgeon). Leatherback and hawksbill sea turtles were withdrawn.
P3-12	SER-2014-13079	FL Oysters Cultch	The applicant proposes to restore and enhance oyster populations in Pensacola and Apalachicola Bays in FL (total placement of 42,000 yd <sup>3</sup> of cultch material over 210 acres of previous oyster reefs). It is located within designated Gulf sturgeon critical habitat Units 9 and 13. It is not located in proposed loggerhead sea turtle critical habitat.	The project effect determinations of the proposed actions are not likely to adversely affect ESA listed species (leatherback, Kemp's ridley, hawksbill, loggerhead, or green sea turtles, or Gulf sturgeon) or Gulf sturgeon designated critical habitat.
P3-13	SER-2014-13080	FL Scallop Enhancement	The applicant proposes to restore and enhance scallop production by the placement of scallop spat into FL coastal waters. It is located within designated Gulf sturgeon critical habitat Units 9, 10, 12, and 13. It is not located in proposed loggerhead sea turtle critical habitat.	The project effect determinations of the proposed actions are not likely to adversely affect ESA listed species (leatherback, Kemp's ridley, hawksbill, loggerhead, or green sea turtles, smalltooth sawfish, or Gulf sturgeon) and no effect on Gulf sturgeon designated critical habitat.

# ***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

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](mailto: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

**Permittee: Escambia County - Nearshore Artificial Reef Sites**  
**Permit No: 200704277 (IP-CP)**

**Page 4**

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](mailto:Jon.Dodrill@myfwc.com), [bill.horn@myfwc.com](mailto:bill.horn@myfwc.com), and [keith.mille@myfwc.com](mailto: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, ½" 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

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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 1 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



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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 ~~Attachment 1~~ 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.

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**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/conservation/ch_rightwhale_southeast.pdf)

[http://www.nmfs.noaa.gov/pr/pdfs/shipstrike/msr\\_placard.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:

**Permittee: Escambia County - Nearshore Artificial Reef Sites**  
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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.



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Permit No: 200704277 (IP-CP)  
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**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.

Permittee: Escambia County - Nearshore Artificial Reef Sites  
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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)



Permittee: Escambia County - Nearshore Artificial Reef Sites  
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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)

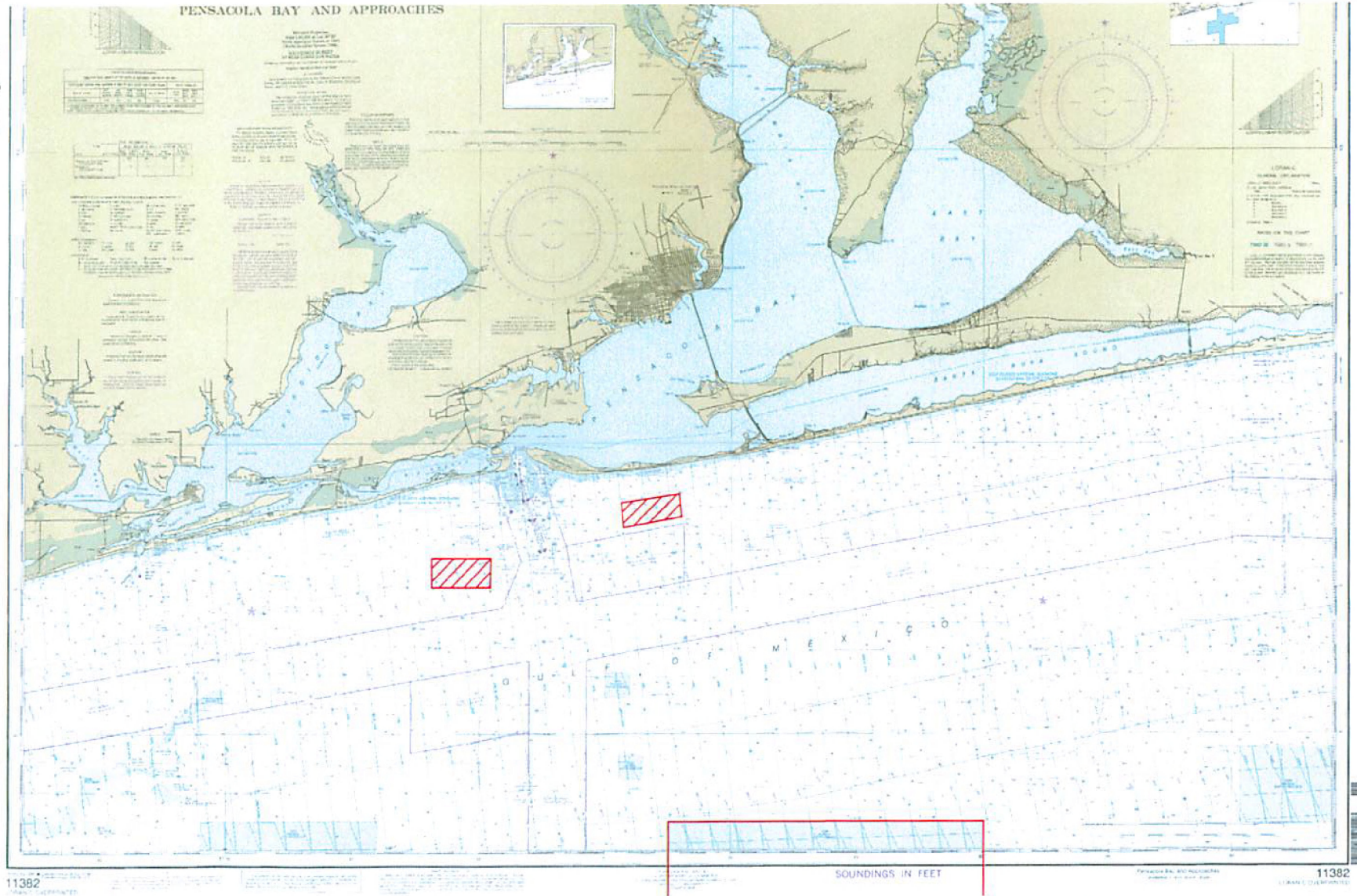
\_\_\_\_\_  
(ADDRESS)

\_\_\_\_\_  
(CITY, STATE, AND ZIP CODE)

**Permittee: Escambia County - Nearshore Artificial Reef Sites**  
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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



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**

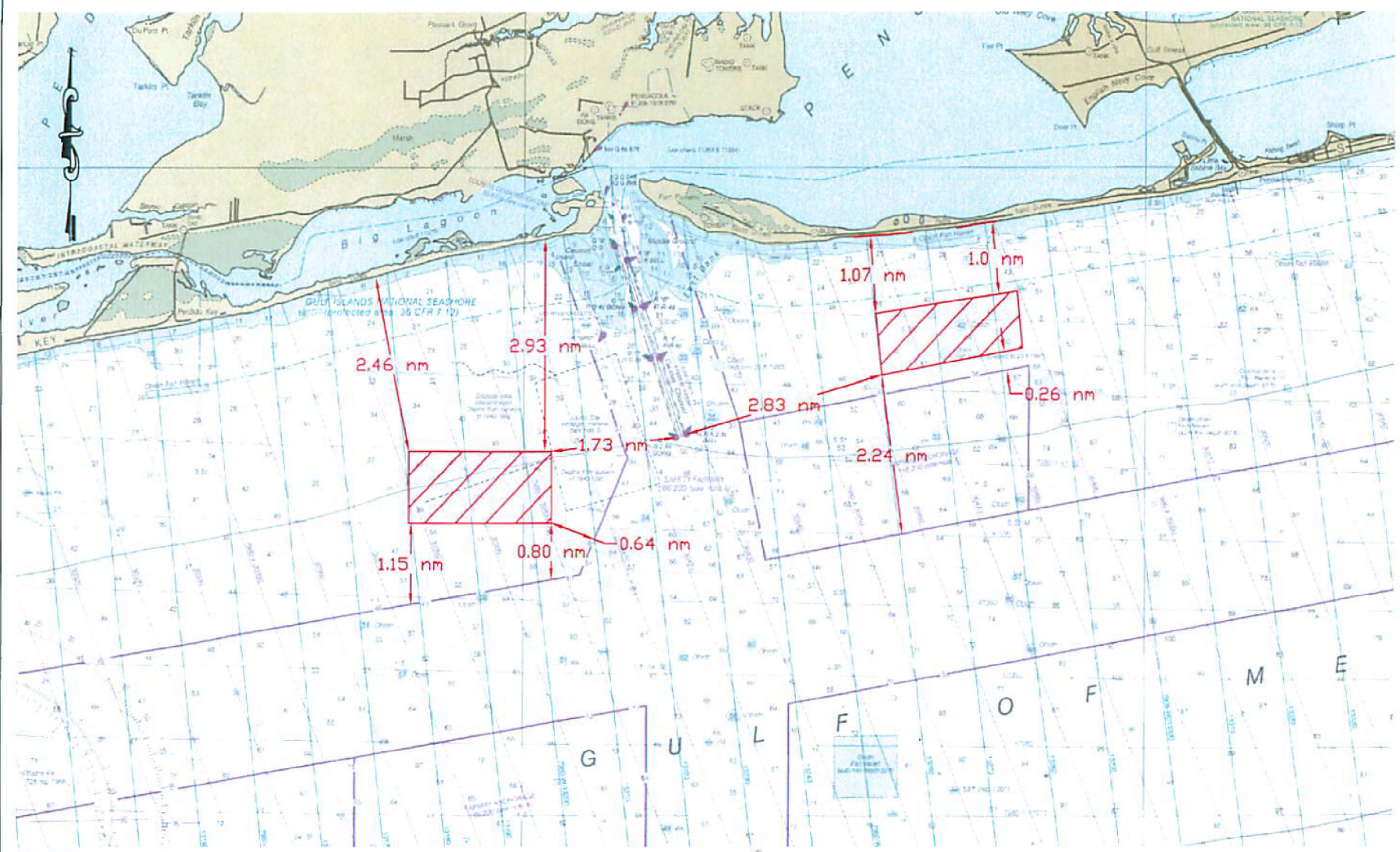
PROJECT #2007-103      DATE: MARCH 2009  
 DRAWN BY: KDJ      SCALE: 1 Inch = 5 Nautical Miles

 PROPOSED NEARSHORE REEF DEPLOYMENT SITES



DATA TAKEN FROM NOAA CHART 11382,  
 DATED 3/04





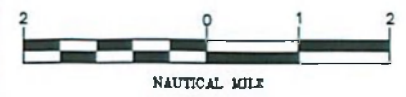
 PROPOSED NEARSHORE REEF SITES

Applicant: Escambia County Nearshore  
 File: SAJ-200704277\_IP-CP  
 Date: 16 March 2009  
 Page 2 of 15



### OVERALL PLAN VIEW OF NEARSHORE SITES OVERLAIN ONTO NOAA 11382

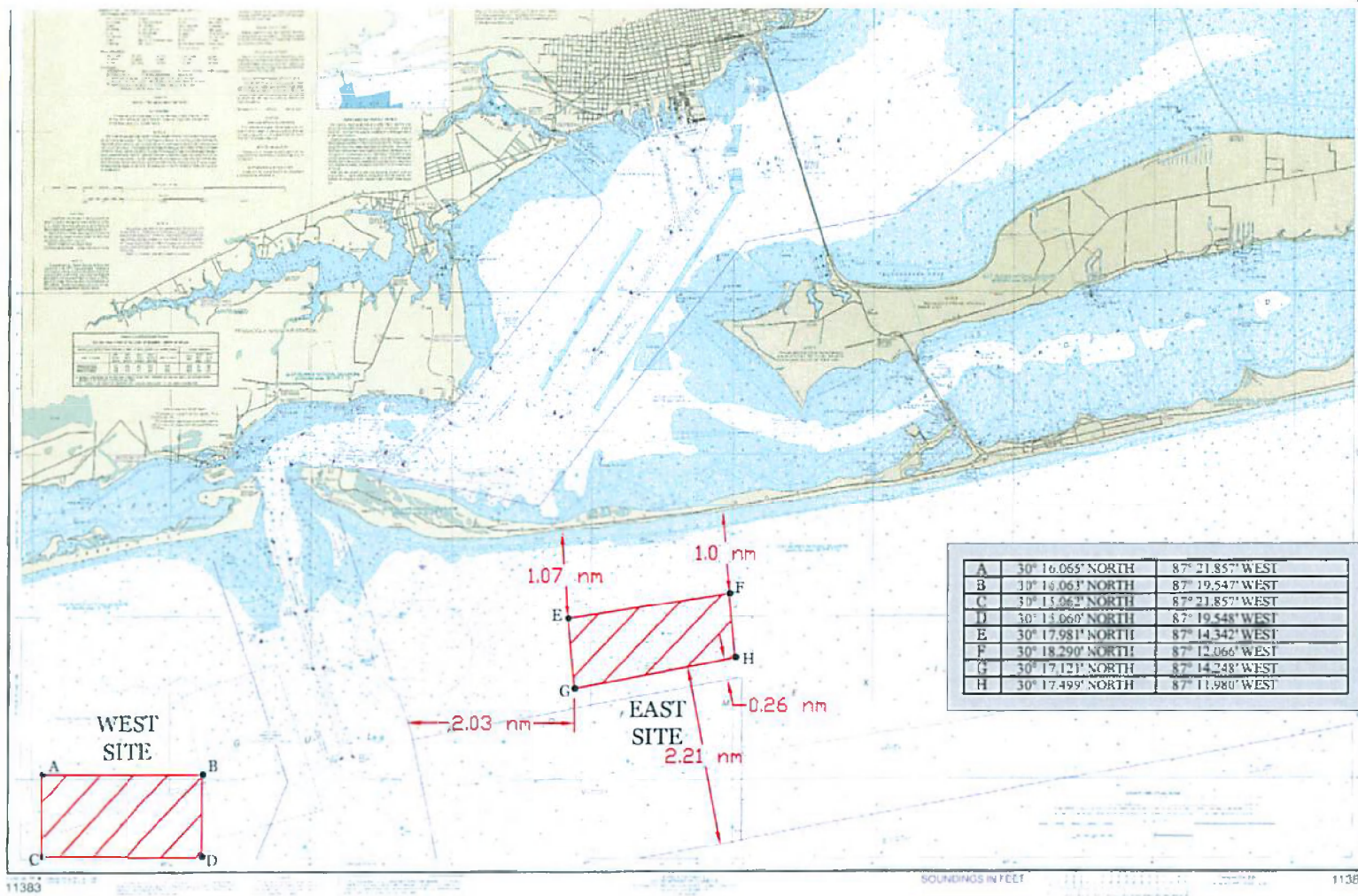
PROJECT #2007-103      DATE: MARCH 2009  
 DRAWN BY: KDJ      SCALE: 1 inch = 2 nautical miles



DATA TAKEN FROM NOAA CHART 11382, DATED 3/04

DWH-AR0219886





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

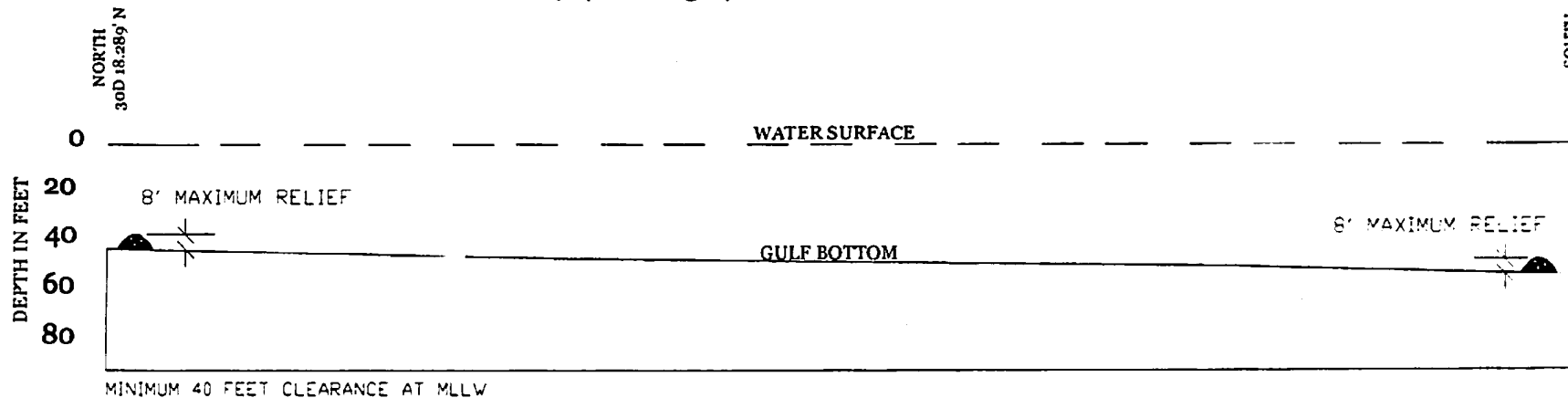
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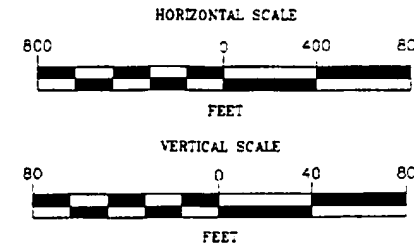
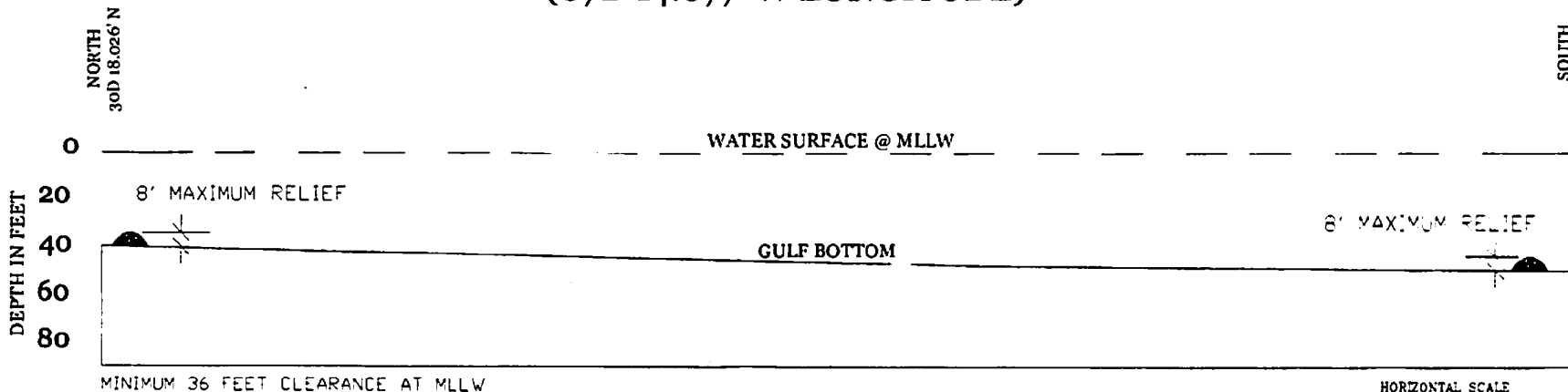
DATA TAKEN FROM NOAA CHART 11382, DATED 10/06

DWH-AR0219887

### EASTERN BORDER (87D 12.507' W LONGITUDE)



### WESTERN BORDER (87D 14.077' W LONGITUDE)



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**D**  
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## CROSS SECTION OF EAST NEARSHORE SITE

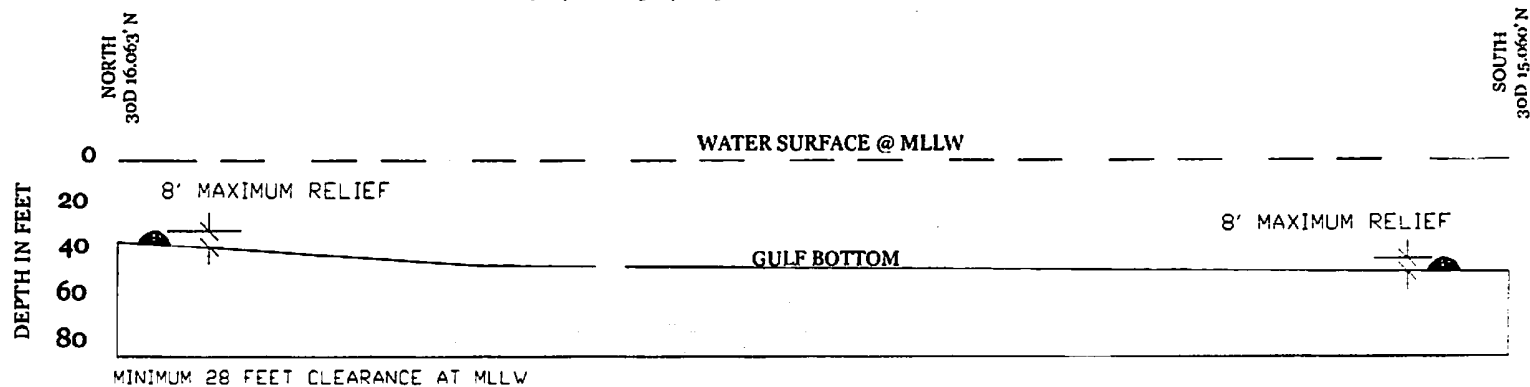
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DATE: MARCH 2009

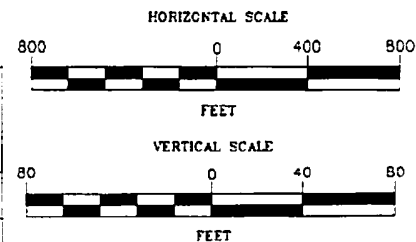
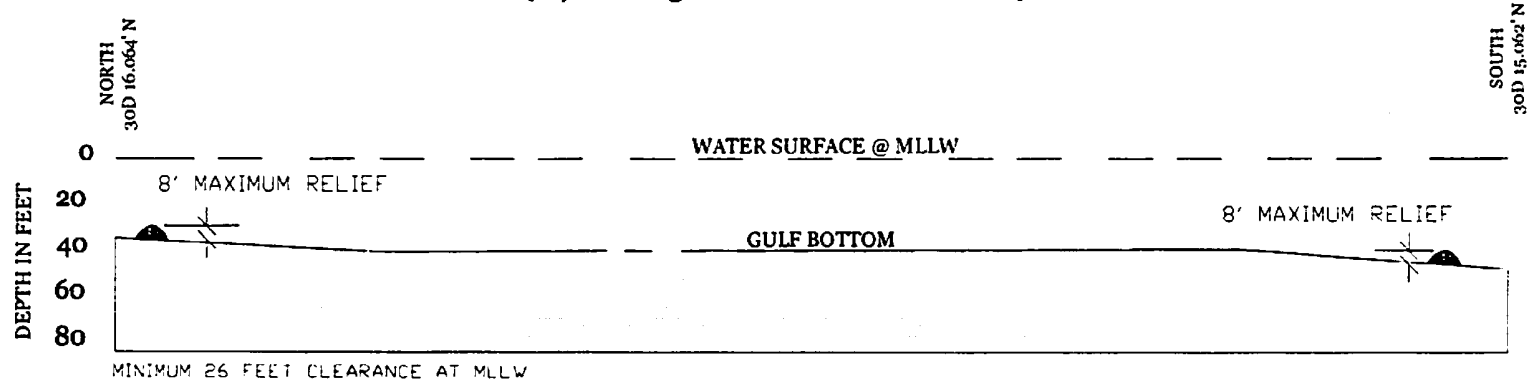
DRAWN BY: KDJ

SCALE: VARIES

### EASTERN BORDER (87D 19.769' W LONGITUDE)



### WESTERN BORDER (87D 21.511' W LONGITUDE)



Applicant: Escambia County Nearshore  
 File: SAJ-200704277 IP-CP  
 Date: 16 March 2009  
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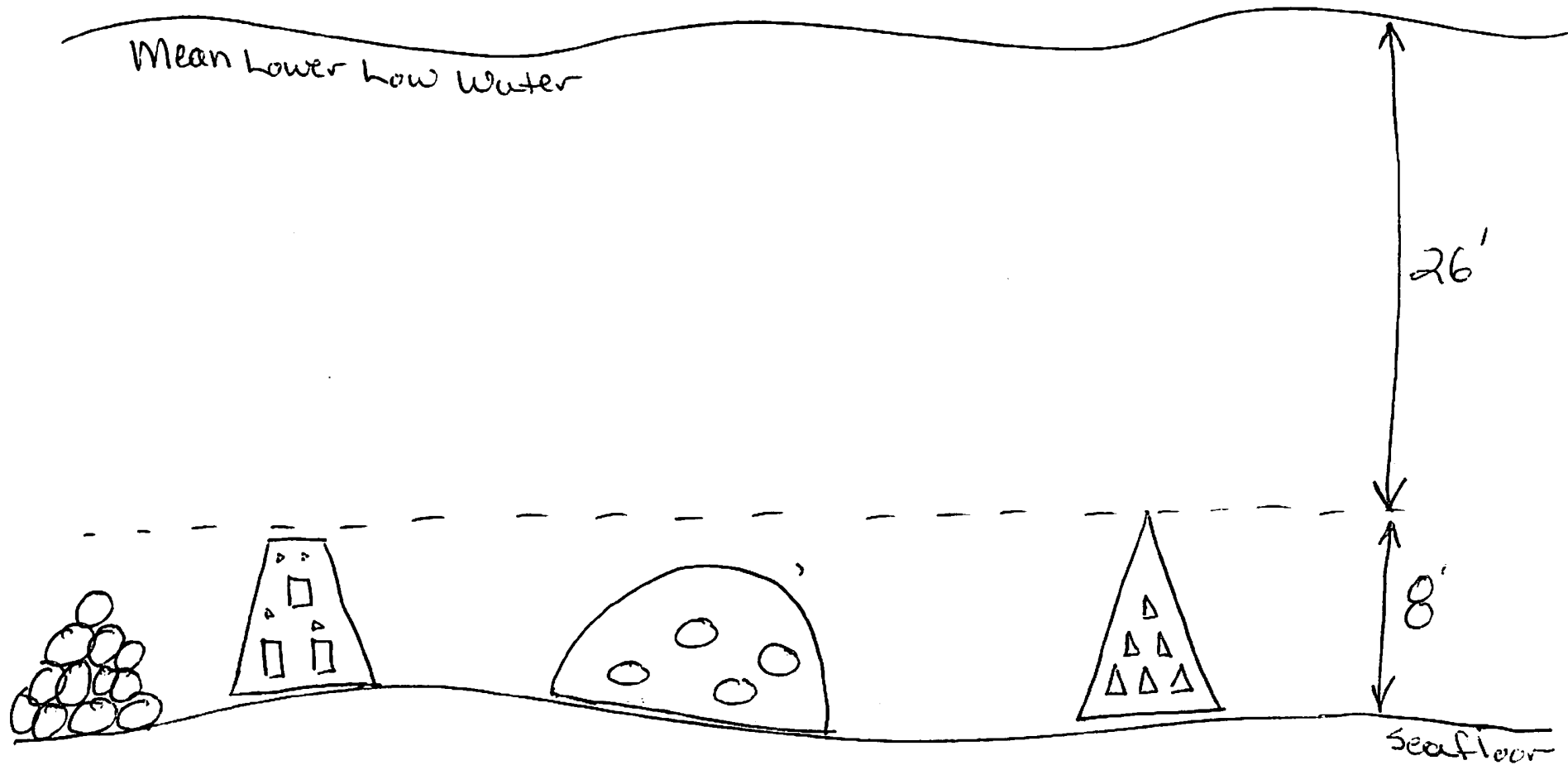
## CROSS SECTION OF WEST NEARSHORE REEF SITE

PROJECT #2007-103

DATE: MARCH 2009

DRAWN BY: KDJ

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<sup>o</sup> 12.345'N; 87<sup>o</sup> 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.myescambia.com](http://www.myescambia.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, and6). 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]"

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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 23, 2009

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



THESE CONDITIONS APPLY TO GULF AND  
SHORENOSE STURGEON

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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.nmfs@noaa.gov](mailto:takereport.nmfs@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 13<sup>th</sup> 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

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zonic. 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, NMFS 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.

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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.

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**Attachment 1 – Cargo Manifest and Pre-Deployment  
Form – 2 pages**



**FLORIDA ARTIFICIAL REEF MATERIALS  
CARGO MANIFEST AND PRE-DEPLOYMENT NOTIFICATION  
(Issued pursuant to Ch. 370.25(6)(b), Florida Statutes)**



I, \_\_\_\_\_  
Name of individual managing reef deployment (print) Signature Date

whose address is \_\_\_\_\_ (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_  
Street City State Zip Code Phone

declare that I am staging and transporting the following artificial reef construction materials allowable pursuant to the U.S. Army Corps of Engineers Artificial Reef Permit referenced below and agree to comply with all permit conditions in the permit listed below and attached to this manifest. I understand this artificial reef site is open to public access and this authorization does not provide any rights or exclusive private use over those rights or uses to the general public.

The address of the land based reef materials staging area is: \_\_\_\_\_

Transporting Vessel Registration Number: \_\_\_\_\_

Vessel Owner: \_\_\_\_\_ Vessel Operator: \_\_\_\_\_

The following items are to be deployed as reef material (attach additional sheets when more than four locations):

MATERIAL TAG ID NUMBER(S), if applicable	Descriptions of material (number of pieces, type, dimension, weight)	GPS Coordinates degrees, minutes, decimal minutes (DD°MM.mmm')
		Lat: _____ ° _____ ' _____" Lon: _____ ° _____ ' _____"
		Lat: _____ ° _____ ' _____" Lon: _____ ° _____ ' _____"
		Lat: _____ ° _____ ' _____" Lon: _____ ° _____ ' _____"
		Lat: _____ ° _____ ' _____" Lon: _____ ° _____ ' _____"

A copy of the below referenced permit(s) and all associated conditions is attached to this manifest and shall be carried on board the vessel during loading, storing, or transporting artificial reef material.

**-- OFFICIAL USE ONLY --**  
(TO BE COMPLETED BY PERMIT HOLDER, OR AUTHORIZED ARTIFICIAL REEF INSPECTOR)

Permit Holder: \_\_\_\_\_  
Name of U.S. Department of the Army, Corps of Engineers (ACOE) Permit Holder

ACOE permit number \_\_\_\_\_, permitted site name \_\_\_\_\_  
issued on \_\_\_\_\_ and has an expiration date of \_\_\_\_\_

Local tracking number (if applicable): \_\_\_\_\_

\_\_\_\_\_  
(Name of FWC authorized Artificial Reef Inspector, printed)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

# 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



## 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 decimal minutes      Degrees minutes decimal 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  
 Known weight of individual pieces  
 Trucking receipts

TOTAL TONNAGE FOR THIS DEPLOYMENT: \_\_\_\_\_

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

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 \_\_\_\_\_  
FWC initials      date

4/23/2007

Second 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**

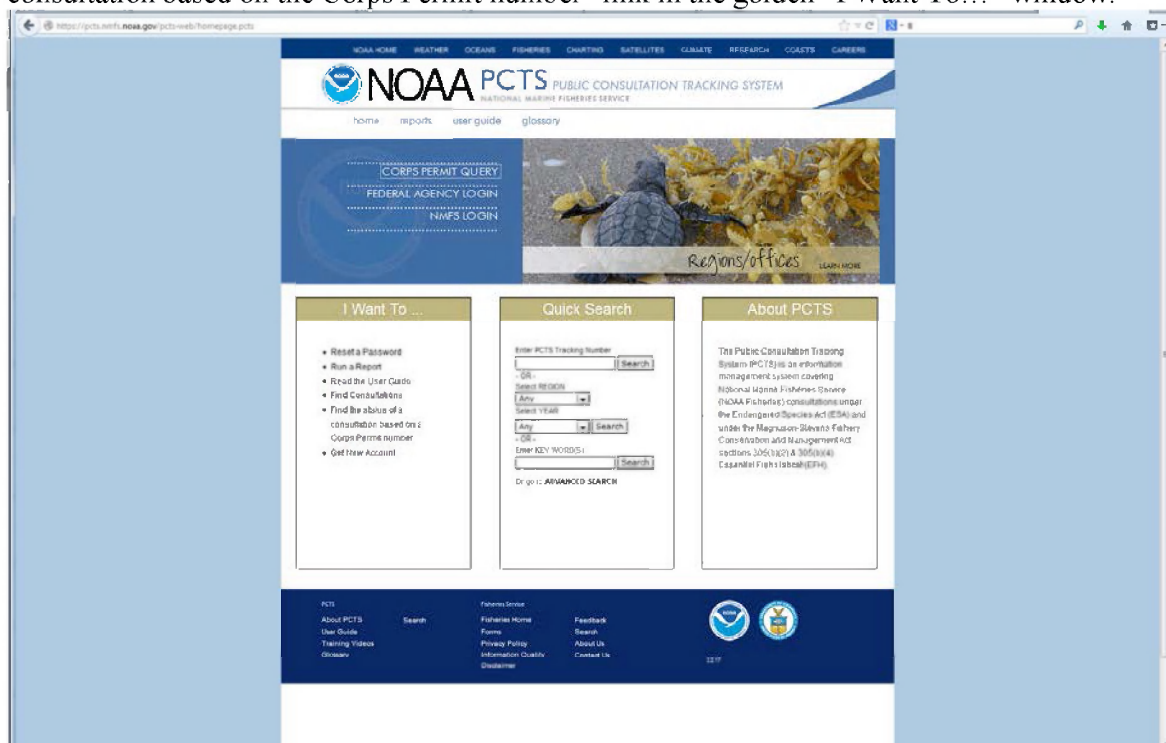
**(Length X Width X Unloaded Draft X 0.93 X 65) = 2,000 = \_\_\_\_\_ (Unloaded barge weight in tons)**

**TOTAL TONNAGE FOR THIS DEPLOYMENT = \_\_\_\_\_**

## PCTS Access and Additional Considerations for ESA Section 7 Consultations (Revised 6-11-2013)

**Public Consultation Tracking System (PCTS) Guidance:** PCTS is a Web-based query system at <https://pcts.nmfs.noaa.gov/> that allows all federal agencies (e.g., U.S. Army Corps of Engineers - USACE), project managers, permit applicants, consultants, and the general public to find the current status of NMFS's Endangered Species Act (ESA) and Essential Fish Habitat (EFH) consultations which are being conducted (or have been completed) pursuant to ESA Section 7 and the Magnuson-Stevens Fishery Conservation and Management Act's (MSA) Sections 305(b)2 and 305(b)(4). Basic information including access to documents is available to all.

The PCTS Home Page is shown below. For USACE-permitted projects, the easiest and quickest way to look up a project's status, or review completed ESA/EFH consultations, is to click on either the "Corps Permit Query" link (top left); or, below it, click the "Find the status of a consultation based on the Corps Permit number" link in the golden "I Want To..." window.



Then, from the "Corps District Office" list pick the appropriate USACE district. In the "Corps Permit #" box, type in the 9-digit USACE permit number identifier, with no hyphens or letters. Simply enter the year and the permit number, joined together, using preceding zeros if necessary after the year to obtain the necessary 9-digit (no more, no less) number. For example, the USACE Jacksonville District's issued permit number SAJ-2013-0235 (LP-CMW) must be typed in as 201300235 for PCTS to run a proper search and provide complete and accurate results. For querying permit applications submitted for ESA/EFH consultation by other USACE districts, the procedure is the same. For example, an inquiry on Mobile District's permit MVN201301412 is entered as 201301412 after selecting the Mobile District from the "Corps District Office" list. PCTS questions should be directed to Eric Hawk at [Eric.Hawk@noaa.gov](mailto:Eric.Hawk@noaa.gov) or (727) 551-5773.

EFH Recommendations: In addition to its protected species/critical habitat consultation requirements with NMFS' Protected Resources Division pursuant to Section 7 of the ESA, prior to proceeding with the proposed action the action agency must also consult with NMFS' Habitat Conservation Division (HCD) pursuant to the MSA requirements for EFH consultation (16 U.S.C. 1855 (b)(2) and 50 CFR 600.905-.930, subpart K). The action agency should also ensure that the applicant understands the ESA and EFH processes; that ESA and EFH consultations are separate, distinct, and guided by different statutes, goals, and time lines for responding to the action agency; and that the action agency will (and the applicant may) receive separate consultation correspondence on NMFS letterhead from HCD regarding their concerns and/or finalizing EFH consultation.

Marine Mammal Protection Act (MMPA) Recommendations: The ESA Section 7 process does not authorize incidental takes of listed or non-listed marine mammals. If such takes may occur an incidental take authorization under MMPA Section 101 (a)(5) is necessary. Please contact NMFS' Permits, Conservation, and Education Division at (301) 713-2322 for more information regarding MMPA permitting procedures.