



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
PENSACOLA REGULATORY OFFICE
41 NORTH JEFFERSON STREET, SUITE 301
PENSACOLA, FLORIDA 32502

Regulatory Division
North Branch
Pensacola Permits Section

August 21, 2019

PUBLIC NOTICE

Permit Application No. SAJ-2007-04277 (SP-SWA)

TO WHOM IT MAY CONCERN: The Jacksonville District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403) as described below:

APPLICANT: Escambia Board of County Commissioners
c/o: Robert Turpin
223 Palafox Place
Pensacola, Florida 32501

WATERWAY AND LOCATION: The proposed artificial reef sites are located in the Gulf of Mexico, south of Escambia County Florida. Nearshore East is located approximately 1 nautical mile south of the southern shoreline of Santa Rosa Island, 3.65 nautical miles southeast of Pensacola Pass, 2.83 nautical miles north of the east/west safety fairway and 3.38 nautical miles east of the Pensacola Harbor Navigation Channel. Nearshore West is located approximately 2.70 nautical miles south of the southern shoreline Perdido Key, 3.42 nautical miles southwest of Pensacola Pass, 2.24 nautical miles north of the east/west safety fairway and 2.09 nautical miles west of the Pensacola Harbor Navigation Channel.

APPROXIMATE COORDINATES:

Nearshore East		
Corner	Latitude	Longitude
Northeast	30.306015°	-87.201117°
Northwest	30.299652°	-87.239007°
Southeast	30.289439°	-87.199379°
Southwest	30.283156°	-87.237200°

Nearshore West		
Corner	Latitude	Longitude
Northeast	30.267724°	-87.325778°
Northwest	30.267763°	-87.364298°
Southeast	30.251004°	-87.325802°
Southwest	30.251042°	-87.364278°

PROJECT PURPOSE:

Basic: Artificial Reef

Overall: Reauthorization of the Nearshore East and West artificial reef sites in the Nearshore waters off of Escambia County to provide habitat, recreational fishing and diving opportunities.

EXISTING CONDITIONS: The substrate within the proposed reef sites are predominately sand bottom devoid of all vegetation except a surficial layer of microalgae/cyanobacteria. These bottom conditions are typical of near-shore gulf benthic habitat off the northwest coast of Florida and contain no natural rock outcrops, hard bottom formations or submerged aquatic vegetation (SAV's). The water depth within Nearshore East ranges from -43 feet to -61 feet at Mean Lower Low Water (MLLW). The water depth within Nearshore West ranges from -34 feet to -49 feet at MLLW.

PROPOSED WORK: The applicant seeks the reauthorization of Nearshore East and Nearshore West artificial reef sites, to provide habitat and recreational fishing and diving opportunities. Each of the artificial reef sites are rectangular in shape and measure 1 nautical mile by 2 nautical miles. Both reef sites would have a deployment buffer of 0.10 nautical mile on each side. Material to be deployed would consist of clean concrete or rock, heavy gauge steel products ¼ inch or more in thickness, military surplus items, prefabricated structures that are a mixture of clean concrete and heavy gauge steel and chicken transport devices. A minimum authorized depth of -26 feet would be maintained from the highest point of any deployed material to the MLLW line. The county is seeking a permit duration of 10 years.

AVOIDANCE AND MINIMIZATION INFORMATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment:

The applicant selected areas that are devoid of submerged aquatic vegetation (SAV's) and where there are no natural rock outcrops or hard bottom formations.

COMPENSATORY MITIGATION: The applicant has provided the following explanation why compensatory mitigation should not be required:

There are no SAV's, natural rock outcrops, hard bottom or other aquatic resources that would be impacted by the project. In addition, the project would not involve impacts to special aquatic sites such as wetlands. Therefore, compensatory mitigation is not warranted.

CULTURAL RESOURCES: The Corps is not aware of any known historic properties within the permit area. By copy of this public notice, the Corps is providing information for review. Our final determination relative to historic resource impacts is subject to review by and coordination with the State Historic Preservation Officer and those federally recognized tribes with concerns in Florida and the Permit Area.

ENDANGERED SPECIES: The Corps has determined the proposed project may affect, but is not likely to adversely affect swimming sea turtles, including green turtle (*Chelonia mydas*), hawksbill (*Eretmochelys imbricate*), Kemp's ridley turtle (*Lepidochelys kempii*), leatherback turtle (*Dermochelys coriacea*), loggerhead turtle (*Caretta caretta*) and the endangered West Indian manatee (*Trichechus manatus*), threatened Gulf Sturgeon (*Acipenser oxyrinchus desotoi*), and endangered smalltooth sawfish (*Pristis pectinata*). The Corps will request U.S. Fish and Wildlife and the National Marine Fisheries Service concurrence with this determination pursuant to Section 7 of the Endangered Species Act.

ESSENTIAL FISH HABITAT (EFH): This notice initiates consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996. The proposal would impact approximately 5 square nautical miles of unvegetated bottom in the Gulf of Mexico which may be utilized by various life stages of species within the following Fisheries Managements Plans (Shrimp, Reef Fish, Stone Crab and Coastal Migratory Pelagics). Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The jurisdictional line has not been verified by Corps personnel.

AUTHORIZATION FROM OTHER AGENCIES: Water Quality Certification may be required from the Florida Department of Environmental Protection and/or one of the state Water Management Districts.

COMMENTS regarding the potential authorization of the work proposed should be submitted in writing to the attention of the District Engineer through the Pensacola Permits Section, 41 North Jefferson Street, Suite 301, Pensacola, Florida 32502 within 30 days from the date of this notice.

The decision whether to issue or deny this permit application will be based on the information received from this public notice and the evaluation of the probable impact to the associated wetlands. This is based on an analysis of the applicant's avoidance and minimization efforts for the project, as well as the compensatory mitigation proposed.

QUESTIONS concerning this application should be directed to the project manager, Steve Andrews Jr., in writing at the Pensacola Permits Section, 41 North Jefferson Street, Suite 301, Pensacola, Florida 32502; by electronic mail at stephen.w.andrews@usace.army.mil; by facsimile transmission at (850) 433-8160; or, by telephone at (850) 439-0707.

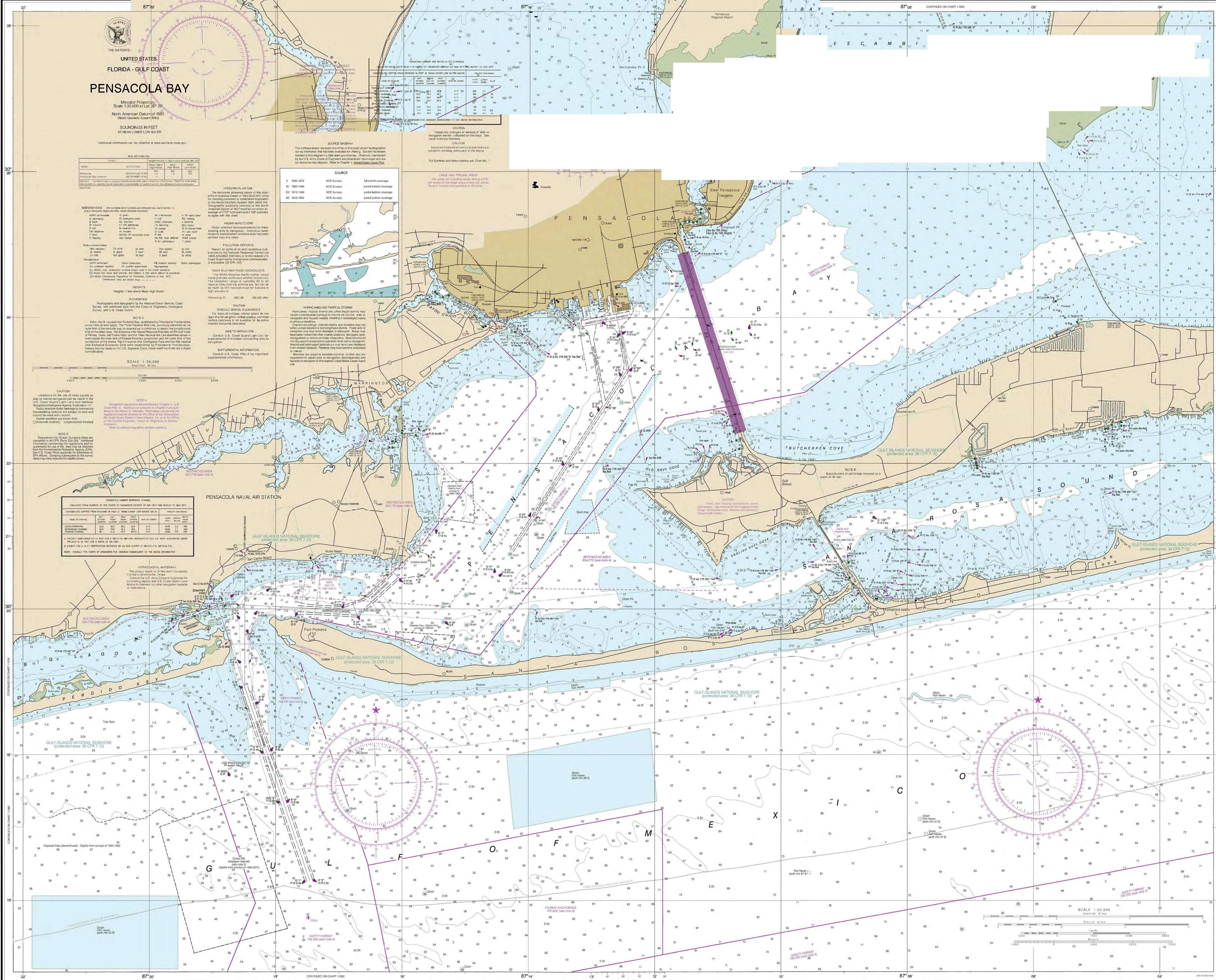
IMPACT ON NATURAL RESOURCES: Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

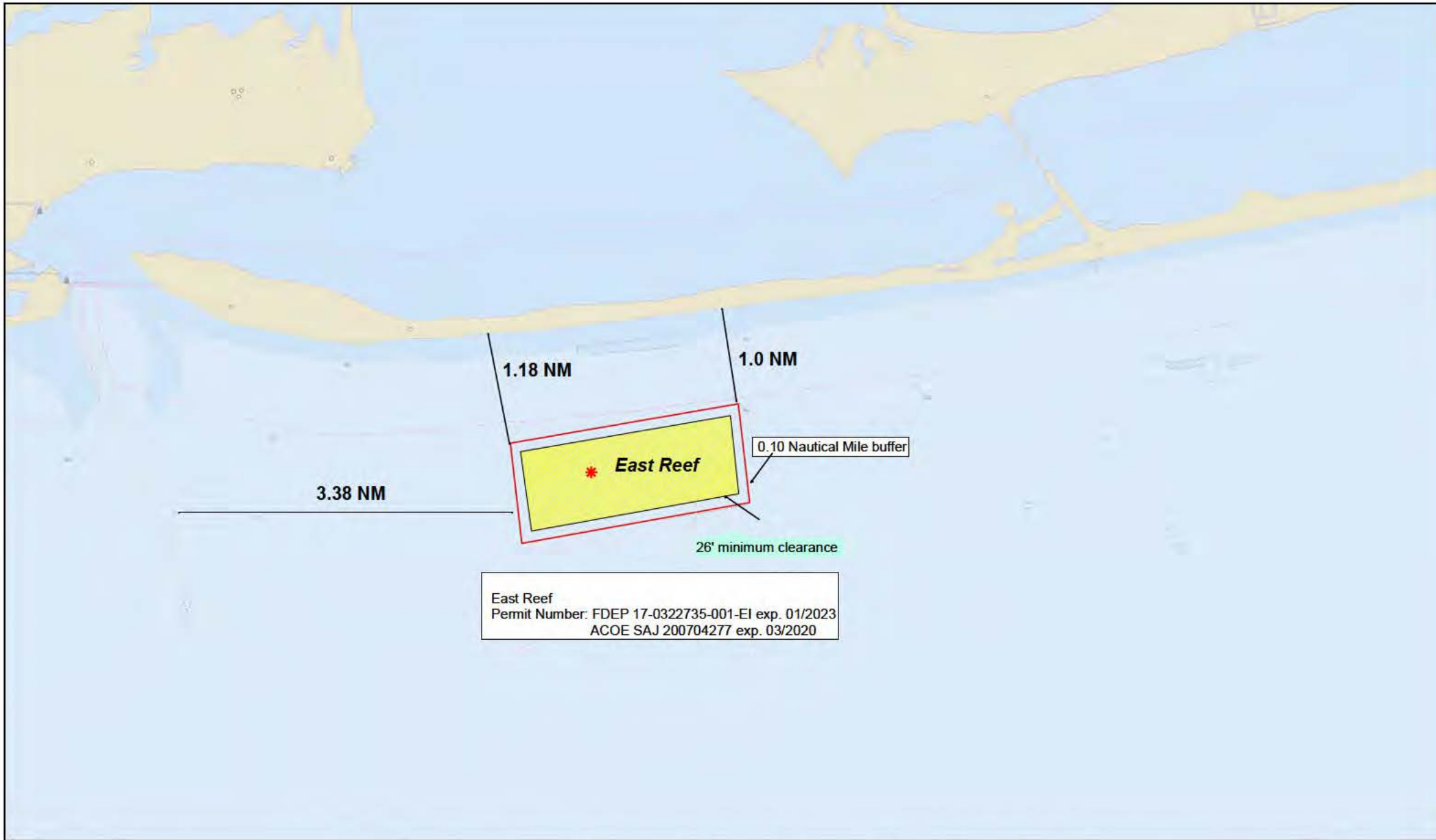
The US Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

COASTAL ZONE MANAGEMENT CONSISTENCY: In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance with the Coastal Zone Management Plan.

REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.



East Nearshore Reef



1.5 0.75 0 1.5 Nautical Miles
Reference Scale: 1:20,000

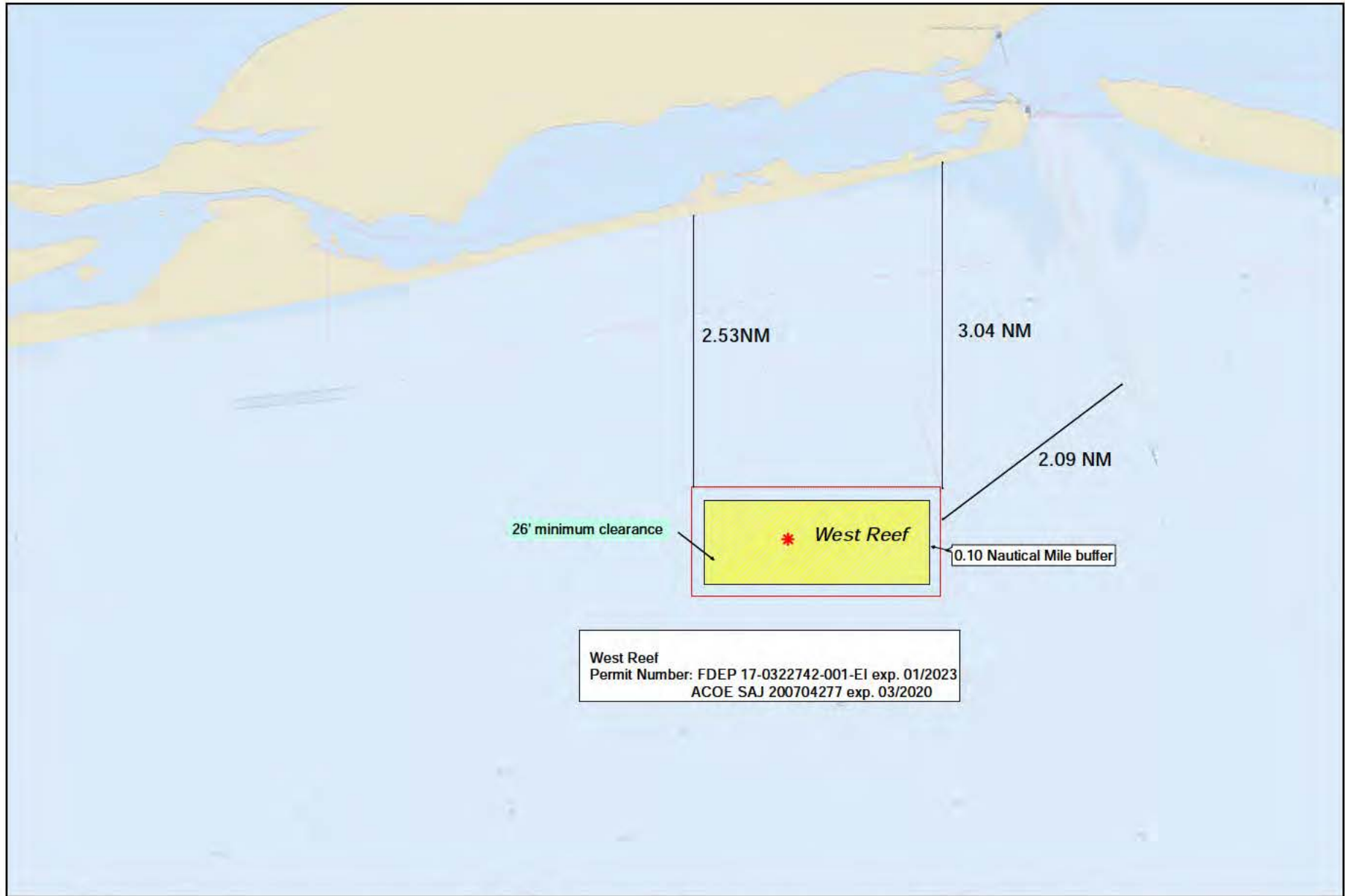


Map Source: US4FL71M
Title: Pensacola Bay and approaches
RNC: 11382 Scale: 1:80,000
Edition: 20.0 NOAA
Published: 7/12/2018

Drawn by: Heather Reed
www.ecologicalconsultingservices.com
850-417-7004 Date: March 15, 2019



West Reef Nearshore Reef



1.5 0.75 0 1.5 Nautical Miles
Reference Scale: 1:20,000

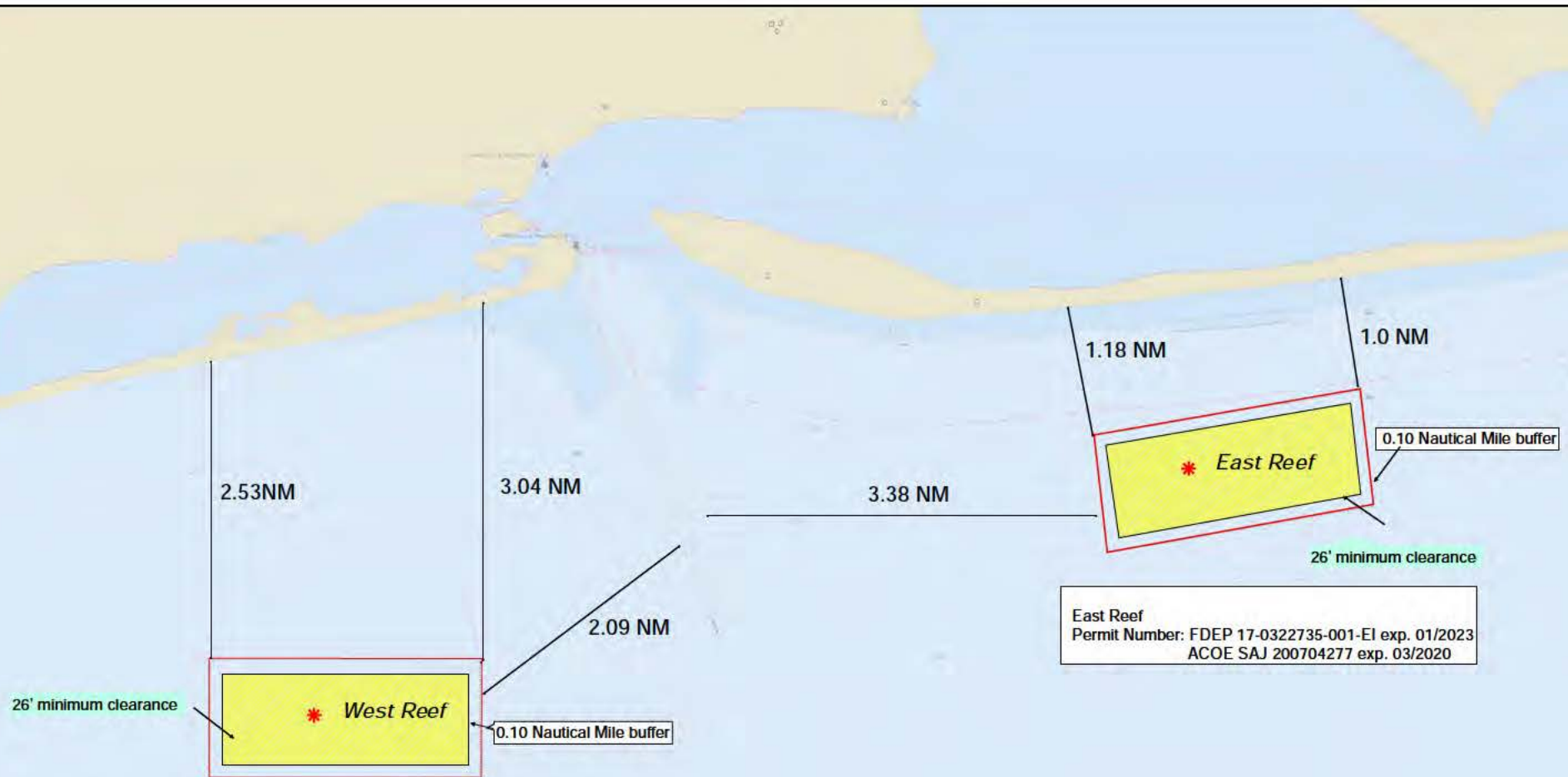


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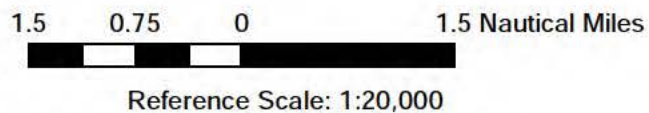


West and East Nearshore Reef



West Reef
Permit Number: FDEP 17-0322742-001-EI exp. 01/2023
ACOE SAJ 200704277 exp. 03/2020

East Reef
Permit Number: FDEP 17-0322735-001-EI exp. 01/2023
ACOE SAJ 200704277 exp. 03/2020



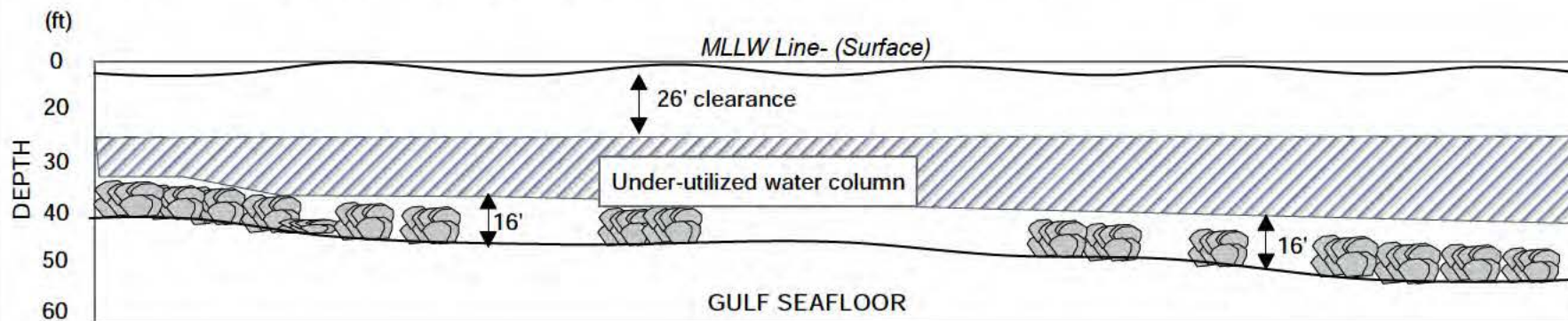
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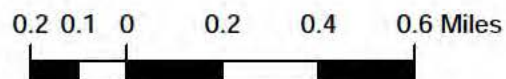
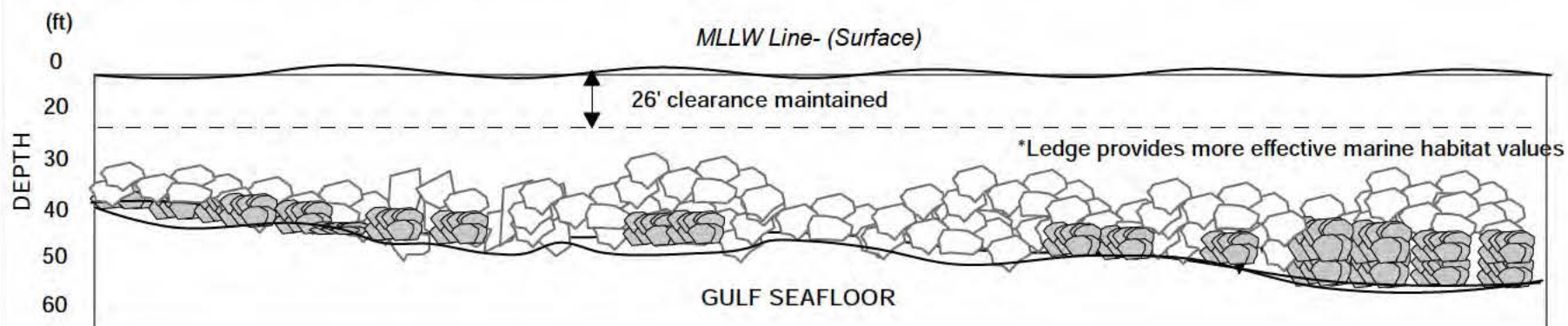


PROFILE: BEFORE AND AFTER REEF HEIGHT RESTRICTIONS ARE REMOVED

Reef height previously authorized for Nearshore East Reef



After-Reef height restriction removed at nearshore East Reef



Coordinate System: Elevation:NAVD 88

Drawn by: Heather Reed
www.ecologicalconsultingservices.com
850-417-7004
Revision:02

