

ALABAMA COASTAL AREA MANAGEMENT PROGRAM IV

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**ALABAMA
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STATE LANDS DIVISION, COASTAL SECTION**

Prepared for

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ABBREVIATIONS & ACRONYMS

ACAMP	Alabama Coastal Area Management Program
ACAMP-FEIS	Alabama Coastal Area Management Program-Final Environment Impact Statement
ACT No. 534	1976 Alabama Coastal Area Act
ACT No. 82-612	1982 Alabama Environmental Management Act
ADCNR	Alabama Department of Conservation & Natural Resources
ADEM	Alabama Department of Environmental Management
ADECA	Alabama Department of Economic & Community Affairs
APR	Areas for Preservation & Restoration
CIAP	Coastal Impact Assistance Program
Coastal Area	Alabama Coastal Area
Coastal regulations	Division 335-8 Coastal Area Management Program
CPS	coastal political subdivisions
CRAC	Coastal Resources Advisory Committee
CZMA	Coastal Zone Management Act of 1972, as amended
EMC	Environmental Management Commission
Enforceable policies ...	Division 335-8 Coastal Area Management Program
GAPC	Geographic Areas of Particular Concern
GOM	Gulf of Mexico
GOMESA	Gulf of Mexico Energy Security Act
LWCF	Land & Water Conservation Fund
NOAA	National Oceanic & Atmospheric Administration
OCM	Office for Coastal Management
OCS	Outer Continental Shelf
SMA	Special Management Area

INTRODUCTION

This document, Alabama Coastal Area Management Program IV (ACAMP), revises and updates the ACAMP Amendment III document published in 1999.

ACAMP IV describes the Alabama Coastal Area Management Program and includes program changes submitted to and approved by the National Oceanic & Atmospheric Administration (NOAA), Office for Coastal Management (OCM) since the publication of Amendment III.

ACAMP IV falls under existing state authority within the ACAMP, and revisions are not so substantial as to warrant being classified as an amendment pursuant to 15 C.F.R. § 930.80, which defines substantial changes as changes in one or more of five listed coastal management program areas. Therefore, ACAMP IV does not change or add to the Uses Subject to Management (15 C.F.R. Part 923, Subpart B); change or add Special Management Areas (15 C.F.R. Part 923, Subpart C); change or add to the coastal area Boundaries (15 C.F.R. Part 923, Subpart D); change or add to Authorities (enforceable policies) and Organization (agencies designated to implement the ACAMP) (15 C.F.R. Part 923, Subpart E); or change or add to the Coordination, Public Involvement and/or National Interest (15 C.F.R. Part 923, Subpart F).

ACAMP IV is written to specifically accomplish three goals: to improve readability and clarity for all interested parties and the general public; to update the planning policies, which form the non-regulatory component of the ACAMP; and to clarify program procedures to reflect statutory references to the Code of Alabama and the federal regulations.

To improve readability and clarity, the following changes were made: Corrections to errors of fact and typographical errors and to general language conformity; removal of obsolete references, language and terminology; removal of redundant references; updates to formatting; and removal of extraneous detail.

The update of the planning policies have been made in accordance with federal and state legislation that created the coastal area management program, the 1979 ACAMP-Final Environmental Impact Statement under which Alabama's program received federal approval for implementation, and program guidance from NOAA, OCM and in consideration of research and studies conducted by federal and state agencies and the issues and concerns raised by the Alabama Department of Environment Management (the enforcement agency of the ACAMP), the Coastal Resources Advisory Committee (the advisory group for the ACAMP), local governments, state and federal agencies, and the general public.

To clarify program procedures and to make it easier to look up statues in public law now available to the general public, statutory references to the Code of Alabama and the federal regulations were added to appropriate passages in the text.

SECTION I: ALABAMA COASTAL AREA MANAGEMENT PROGRAM

Program Description

The Alabama Coastal Area Management Program (ACAMP) was developed by the state in accordance with the passage and codification of the 1976 Alabama Coastal Area Act (Act No. 534) in order to manage certain land and water activities within the Alabama Coastal Area (Coastal Area). The act adheres to the federal rules and regulations established by the Coastal Zone Management Act (CZMA) of 1972, as amended. As such, the ACAMP is a federally-approved coastal program and receives financial benefits in the form of federal grants for its implementation, (*USC 16 §§1451-1466*).

The Coastal Area is the area that lies between the continuous 10-foot contour in Mobile and Baldwin counties seaward to the outer limits of the United States territorial sea, (*Code of Alabama 1975 §9-7-10(1)*). The 10-foot contour refers to a continuous line on a map joining points of equal elevation above mean sea level. See Section II.

The ACAMP derives authority from Act No 534 and the 1982 Alabama Environmental Management Act (Act No. 82-612) for the purpose of promoting, improving and safeguarding the lands and waters located in the Coastal Area of the state through a comprehensive and cooperative program designed to preserve, enhance and develop such valuable resources for the present and future well-being and general welfare of the citizens of the state. See Section III.

The ACAMP is implemented by two state agencies: the Alabama Department of Conservation & Natural Resources (ADCNR) and the Alabama Department of Environmental Management (ADEM). ADCNR is responsible for administration, planning and public engagement functions, while ADEM is responsible for permitting, monitoring and enforcement functions. See Section IV.

The opportunity for public participation in the process of coastal management is an important component of the ACAMP and is required by statutes and federal rules and regulations guiding ACAMP's implementation. See Section V.

There are certain land and water uses that have been determined to have a direct and significant impact within the boundaries of the Coastal Area and, thus, are subject to management by the ACAMP. In addition, the ACAMP lists activities that constitute permissible uses and provisions that allow for adequate consideration of uses of regional benefit along with the authority to prevent unreasonable restriction or the exclusion of uses of regional benefit. See Section VI.

The ACAMP is authorized to inventory and designate Special Management Areas (SMA) within the Coastal Area. These areas are identified, based on established guidelines, as requiring attention beyond the general provisions of the legislation that established the ACAMP. Certain areas that have been designated as SMAs are further classified as Geographic Areas of Particular Concern (GAPC) or Areas for Preservation and Restoration (APR). See Section VII.

A revision to ACAMP policies is required from time to time. This is accomplished according to federal and state rules and regulations and includes public notice and the opportunity for full participation by relevant federal agencies, state agencies, local governments, regional organizations, port authorities and other interested parties, both public and private. See Section VIII.

Under the ACAMP, the management of activities in the Coastal Area is accomplished through the development and implementation of planning policies and enforceable policies. Planning policies address coastal hazard management, coastal development and natural and coastal resources. Enforceable policies are rules and regulations that provide for the permitting, monitoring and enforcement functions of the ACAMP and are contained in the ADEM document entitled Division 335-8 Coastal Area Management

Program. These rules and regulations are referred to in this document as the coastal regulations. See Section IX and X.

ACAMP policies apply to the general public, all levels of government, and others interested in promoting the policies of the ACAMP and/or who submit applications for state permits, federal assistance, federal licenses and permits, or undertake federal development activities or Outer Continental Shelf (OCS) activities that affect any land or water use or natural resource within the Coastal Area to ensure that activities are undertaken in a manner consistent with the coastal regulations.

Brief History of the ACAMP

In August 1979, the state submitted *The Alabama Coastal Area Management Program and Final Environmental Impact Statement* (ACAMP-FEIS) to the National Oceanic & Atmospheric Administration (NOAA), Office of Coastal Zone Management for approval. ACAMP-FEIS was approved and is the official document upon which all federal consistency determinations and grant award decisions are based. It contains the following federal and state required elements that guided the development and subsequent implementation of the program:

Identification of all of the state's coastal resources.

Evaluation of these resources in terms of their quality, quantity and capability for their use both now and in the future.

Determination of the present and potential uses and the present and potential conflicts in the uses of each coastal resource.

An inventory and designation of areas of particular concern within the Coastal Area.

Broad guidelines on priority of uses in particular areas.

Provision for adequate consideration of the local, regional, state and national interest involved in the siting of facilities for the development, generation, transmission and distribution of energy, adequate transportation facilities and other public services necessary to meet requirements that are other than local in nature.

Provision for consideration of whether a proposed activity of an applicant for a federal license or permit complies with the state's coastal area program and for the issuance of notice to any concerned federal agency as to whether the state concurs with or objects to the proposed activity.

Adequate provision for public notice, public hearings and judicial review as provided for under Alabama law.

The ACAMP shall determine permissible land and water uses that have a direct and significant impact within the boundaries of the Coastal Area and must give due consideration to requirements for agriculture, industry, commerce, resource conservation, residential development, recreation, extraction of mineral resources and fossil fuels, harvesting of timber and pulpwood, transportation and navigation, waste disposal and harvesting of fish, shellfish and other living marine resources.

(Code of Alabama 1975 §9-7-15)

Since 1979, sections of the ACAMP have been revised, as allowed by the CZMA of 1972, as amended, to improve the efficiency and effectiveness of implementation. This document, ACAMP IV, describes the ACAMP and includes revisions that have been approved to date.

Benefits of a Coastal Program

With a federally-approved coastal program, the state of Alabama receives financial benefits in the form of federal grants to implement the ACAMP and is allowed the opportunity to review federal assistance, federal licenses and permits, federal development activities and OCS activities that affect any land or water use or natural resource within the defined Coastal Area to determine consistency with the coastal regulations (*Division 335-8 Coastal Area Management Program*).

Other benefits that have accrued to the state are the distribution of federal funds described as follows:

The Commerce, State, Justice Fiscal Year 2001 Appropriations Act, Congress provided a one-time appropriation of \$150 million to be allocated to Alabama and six other coastal states and their political subdivisions (counties, parishes and boroughs) to assist in mitigating the impacts associated with OCS oil and gas production. The appropriation, referred to as the Coastal Impact Assistance Program (CIAP), was administered by NOAA. The states and political subdivisions receiving funding had to be situated within all or part of the coastal zone and not more than 200 nautical miles from the geographic center of any leased tract as defined by Section 304(1) of the CZMA of 1972, as amended, and had to submit a plan of action for federal approval. The authorized uses of the funds included activities that support and are consistent with the CZMA, including National Estuarine Research Reserve programs, the National Marine and Management Act, or the National Estuaries program, and the protection, restoration and enhancement of coastal water quality consistent with the provisions of the CZMA, including the reduction or monitoring of coastal polluted runoff or other coastal contaminants. The state of Alabama, through the ADCNR, received approximately \$13.2 million, and Mobile and Baldwin counties received approximately \$7.1 million to implement their plans from 2002 – 2007. (*2001 Federal Register: 66 FR 51396-51400*)

Section 384 of the Energy Policy Act of 2005 (Public Law 109-58) reauthorized CIAP, distributing funds to OCS oil and gas producing coastal states and coastal political subdivisions (counties, parishes and boroughs) for conservation, protection and preservation of coastal areas, including wetlands. The act defined a coastal state, its political subdivisions and its coastal population as having the same definitions described in Section 304 of the CZMA. For fiscal years 2007 through 2010, the state received, through the ADCNR, federal funding of over \$58.7 million, and Mobile and Baldwin counties received federal funding of over \$31.6 million. Funding was used for federally-approved projects that met one or more of the following criteria:

- Projects and activities for the conservation, protection or restoration of coastal areas, including wetlands.
- Mitigation of damage to fish, wildlife or natural resources.
- Planning assistance and the administrative costs of complying with CIAP.
- Implementation of a federally-approved marine, coastal or comprehensive conservation management plan.
- Mitigation of the impact of OCS activities through funding of onshore infrastructure projects and public service needs.

The Gulf of Mexico Energy Security Act (GOMESA) of 2006 (Public Law 109-432) was signed by the President on December 20, 2006 and significantly enhances OCS oil and gas leasing activities and revenue sharing in the Gulf of Mexico (GOM). The act specifies sharing leasing revenues with Gulf-producing states and their coastal political subdivisions (CPS) and the Land and Water Conservation Fund (LWCF) for

coastal restoration projects. The act names Alabama as one of the four Gulf-producing states and defines CPS as a political subdivision of a Gulf-producing state any part of which political subdivision is within the coastal zone (as defined in Section 304 of the CZMA) of the Gulf-producing state as of the date of enactment, and not more than 200 nautical miles from the geographic center of any leased tract.

There are two phases of revenue sharing.

Phase I: Beginning in Fiscal Year 2007, 37.5 percent of all qualified OCS revenues, including bonus bids, rentals and production royalty, will be shared among the four states and the CPS from those new leases issued in the 181 Area in the Eastern planning area (also known as the 224 Sale Area) and the 181 South Area. Additionally, 12.5 percent of revenues are allocated to the LWCF. Final regulations for Phase I revenue sharing specify that funds be disbursed on or before March 31 of the fiscal year following the fiscal year to which the qualified OCS revenues were attributed.

Phase II: The second phase of revenue sharing begins in Fiscal Year 2017. It expands the definition of qualified OCS revenues to include receipts from GOM leases issued either after December 20, 2006, in the 181 Call Area, or, in 2002–2007, GOM Planning Areas subject to withdrawal or moratoria restrictions. A revenue sharing cap of \$500 million per year for the four Gulf-producing states, the CPS and the LWCF applies from fiscal years 2016 through 2055. The \$500 million cap does not apply to qualified revenues generated in those areas associated with Phase I of the GOMESA program. The final regulations to implement Phase II of the GOMESA legislation were published in the Federal Register on December 30, 2015, and the final rule was effective 30 days after publication.

Funding can be used for federally-approved projects that meet one or more of the following criteria:

Projects and activities for the purpose of coastal protection, including conservation, coastal restoration, hurricane protection, and infrastructure directly affected by coastal wetland losses.

Mitigation of damage to fish, wildlife or natural resources.

Implementation of a federally-approved marine, coastal or comprehensive conservation management plan.

Mitigation of the impact of OCS activities through funding of onshore infrastructure projects.

Planning assistance and the administrative costs of compliance.

(State of Alabama Final CIAP Plan FY2007-2008 & State of Alabama CIAP Plan Amendment for FY2009 & 2010; Outer Continental Shelf Lands Act, Section 1356a; Energy Policy Act of 2005, Section 384; Gulf of Mexico Energy Security Act of 2006)

SECTION II: ALABAMA COASTAL AREA DEFINITION & BOUNDARY

The Alabama Coastal Area Act, which was passed in 1976 and codified, defined the Alabama Coastal Area (Coastal Area) and established the boundary.

The Coastal Area is defined as the coastal waters, including the lands therein and thereunder, and the adjacent shorelands, including the waters therein and thereunder, strongly influenced by each and in proximity to the shorelines of Alabama and including transitional and intertidal areas, salt marshes, wetlands and beaches. The area extends seaward to the outer limit of the United States territorial sea and extends inland from the shorelines only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters.

(Code of Alabama 1975 §9-7-10 (1))

The Coastal Area boundary is generally described as Baldwin and Mobile counties beginning at the continuous 10-foot contour seaward to the outer limits of the United States territorial sea. *(See Map, pg. 11)*

The specific limits of the boundary are as follows:

Inland Boundary

The inland boundaries of the Coastal Area subject to the management program are described as follows: begin at the southernmost point on the Mississippi-Alabama state line where the land surface elevation reaches 10 feet above mean sea level and continue in a general easterly direction along the 10-foot contour to the proximity of Mobile Bay; continue in a northerly direction on the 10-foot contour along the western shore of Mobile Bay and the Mobile River delta to the north line of Mobile County; thence southeastward along the north line of Mobile County to the intersection with the Baldwin County lines in the Mobile River; thence along the west and north lines of Baldwin County in the Mobile and Alabama Rivers to the intersection of the southwest corner of Monroe County; thence eastward along the Baldwin County line to the intersection of the westernmost point of Baldwin County where the land surface altitude reaches 10 feet above mean sea level; thence along the 10-foot contour in a southwesterly and southern direction along the Alabama River, the Mobile River delta and the east shore of Mobile Bay to the proximity of Bon Secour; thence continue along the 10-foot contour in an easterly and northeasterly direction to the Alabama-Florida state line.

(Code of Alabama 1975 §9-7-15)

Lateral Boundaries

The eastern boundary of the Coastal Area is the Alabama-Florida state line. This lateral boundary continues due south to the outer limit of the United States territorial sea.

The western boundary of the Coastal Area is the Alabama-Mississippi state line. This lateral boundary extends due south from the point where the Mississippi-Alabama state line passes the barrier islands to the outer limit of the United States territorial sea.

Seaward Boundary

The seaward boundary, which is the outer limit of the United States territorial sea, runs parallel to the Alabama coast southward from the land-sea interface of Mobile and Baldwin Counties.

Interstate Boundary

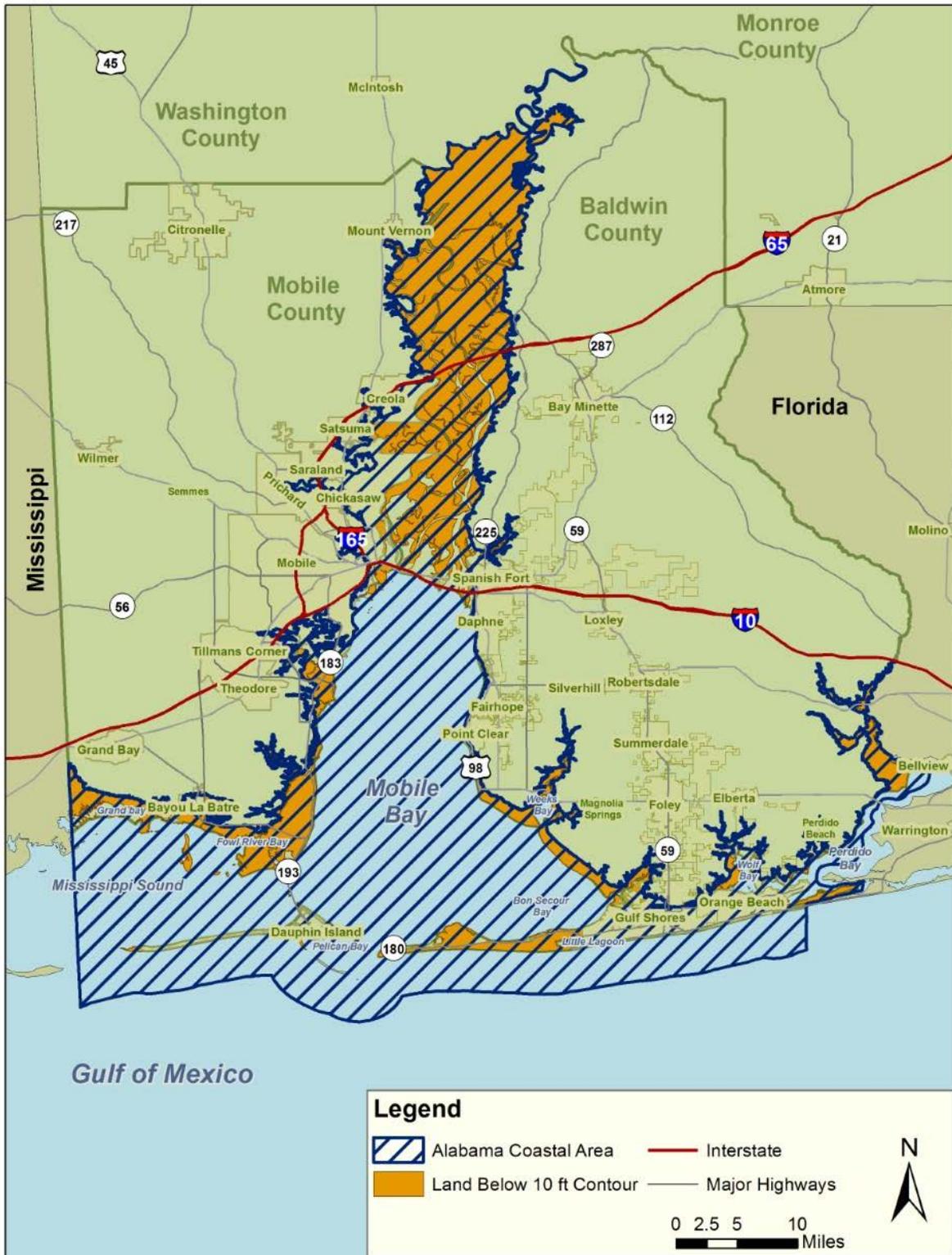
The Mississippi Coastal Management Program was approved in September 1980, and is being implemented. The Mississippi coastal boundary includes all three coastal counties – Hancock, Harrison and Jackson.

Florida's Coastal Management Program was approved in September 1981. The entire state and its territorial waters are included in the coastal boundary.

Excluded Federal Lands, per 16 U.S.C. §1453(1)

In accordance with the Coastal Zone Management Act of 1972, as amended, federal lands (all lands and types of land owned, leased, held in trust or otherwise solely used by federal agencies) within the Alabama Coastal Area are excluded from the Coastal Area boundary. However, any activities or projects conducted within these excluded lands which have a significant impact on the lands or waters of the Alabama Coastal Area are subject to the consistency provisions of the ACAMP.

MAP – Alabama Coastal Area



SECTION III: AUTHORITY, PURPOSE & STATE POLICIES

Program Authority

The ACAMP derives authority from the passage and codification of two acts:

- 1976 Alabama Coastal Area Act (Act No. 534)
(Code of Alabama 1975 §§9-7-10 thru 20)
- 1982 Alabama Environmental Management Act (Act No. 82-612)
(Code of Alabama 1975 §§22-22A-1 thru 13)

Program Purpose

The purpose of the ACAMP is to promote, improve and safeguard the lands and waters located in the Coastal Area of this state through a comprehensive and cooperative program designed to preserve, enhance and develop such valuable resources for the present and future well-being and general welfare of the citizens of this state.

In promulgating the ACAMP, the state recognizes and declares the following:

The Coastal Area is rich in a variety of natural, commercial, recreational, industrial and aesthetic resources of immediate and potential value to the present and future well-being of the state.

There are increasing and competing demands upon the lands and waters of the Coastal Area occasioned by population growth and economic development, including requirements for industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuels, transportation and navigation, waste disposal and harvesting of fish, shellfish and other living marine resources.

The Coastal Area and the fish, shellfish, other living marine resources and wildlife therein are ecologically fragile and consequently vulnerable to destruction by man's alterations.

Important ecological, cultural, historic and aesthetic values to the Coastal Area are essential to the well-being of all citizens.

Special natural and scenic characteristics may be damaged by ill-planned development.

There is a state interest in the effective administration, beneficial use, protection and development of the Coastal Area.

In light of competing demands and the urgent need to balance development for the preservation of the natural systems in the Coastal Area, the key to more effective protection and use of land and water resources of the Coastal Area is to encourage the state to exercise its authority for improved and better methods of utilizing the lands and waters in the Coastal Area by developing, in cooperation with counties and municipalities and other vitally affected interest, land and water use programs for the Coastal Area, including unified policies, criteria, standards, methods and processes for dealing with land and water use.

(Code of Alabama 1975 §9-7-11)

Act 82-612 further recognizes the importance of the Coastal Area: "It is the intent of the legislature to recognize the unique characteristics of the Alabama coastal region and to provide for its protection and enhancement through a continued coastal area program."

(Code of Alabama 1975 §22-22A-2(3))

State Policies

The state declared five policies to guide the development and implementation of the ACAMP. The policies encourage the preservation, protection, development, restoration and enhancement of the Coastal Area for this and succeeding generation; assure adequate consideration of certain uses within the Coastal Area; and encourage the cooperation and participation of state, regional and local governments in effectuating the purpose of the ACAMP.

It is state policy

To preserve, protect, develop and, where possible, to restore or enhance the resources of the state's Coastal Area for this and succeeding generations;

To encourage and assist counties and municipalities, wherever applicable, to exercise effectively their responsibilities in the Coastal Area through the development and implementation of administration programs to achieve wise use of the land and water resources of the Coastal Area, giving full consideration to needs for economic development as well as to ecological, cultural, historic and aesthetic values;

To assure that in development of the state's Coastal Area, adequate consideration is given to such uses of the Coastal Area as the establishment of harbor facilities for the receiving of oil, gas and other commodities from ships and tankers, pipelines from such ports and utility plant sites, utility generation, transmission, distribution and transportation facilities;

To urge that all state agencies engaged in programs affecting the Coastal Area cooperate and participate with local governments and regional agencies in effectuating the purposes of Title 9, Chapter 7 of the Alabama Code 1975; and

To encourage the participation of the public, of federal, state and local governments and of regional agencies in the development of coastal area management programs.

With respect to implementation of such management programs, it is the state policy to encourage cooperation among the various state and regional agencies, including establishment of interstate and regional agreements, cooperative procedures and joint action, particularly regarding environmental problems.

(Code of Alabama 1975 §9-7-12)

SECTION IV: ORGANIZATION, ROLES & RESPONSIBILITIES

The ACAMP is a comprehensive and cooperative program implemented by two state agencies: the Alabama Department of Conservation & Natural Resources (ADCNR) and the Alabama Department of Environmental Management (ADEM). The agencies are mandated to conduct certain activities, either separately or in concert with each other, in order to promote and implement the ACAMP.

(Code of Alabama 1975 §§9-7-10 thru 20 & 22-22A-1 thru 13)

In addition, both agencies routinely address coastal issues by initiating and/or engaging in activities with other state and federal agencies, local governments, academic institutions and other organizations, persons, groups or businesses that conduct activities or otherwise have an interest in the Coastal Area.

(Code of Alabama 1975 §§9-7-12 & 16)

ADCNR and ADEM are advised on all matters concerning the Coastal Area by the Coastal Resources Advisory Committee (CRAC).

(Code of Alabama 1975 §22-22A-12)

Alabama Department of Conservation & Natural Resources (ADCNR)

ADCNR is under the direction of a Commissioner, who is appointed by the Governor and is a member of the Governor's Cabinet. ADCNR is the lead agency for the ACAMP.

ADCNR serves as official liaison with respect to the federal granting agency, National Ocean and Atmospheric Administration (NOAA); receives and distributes federal funding to implement the planning and regulatory functions of the ACAMP; assures adherence to federal award conditions attached to grant funds; maintains accurate financial and performance records; submits financial and performance reports in a timely manner; and is authorized to solicit, accept and expend other funding (state, federal or otherwise) in carrying out provisions of the ACAMP.

(Code of Alabama 1975 §§9-7-10 thru 20 & 22-22A-10)

ADCNR conducts all planning functions and non-permitting, non-regulatory and non-enforcement activities that provide for the implementation and management of the ACAMP. This includes developing broad policy statements that encourage the sustainable use of coastal resources, the orderly growth of the Coastal Area, and the preservation and protection of wildlife and fisheries resources and historical and archaeological sites in the Coastal Area.

(Code of Alabama 1975 §22-22A-10)

ADCNR initiates and conducts public outreach activities that promote the ACAMP to the general public, provides technical assistance to local governments, as requested, and develops relationships with partner organizations to reduce duplication of planning activities and maximize the use of funding in promoting a sustainable Coastal Area.

(Code of Alabama 1975 §§9-7-12 & 14)

ADCNR coordinates activities and plans of state, federal and regional agencies, local governments, interstate compacts, commissions and other interests that have programs relevant to the Coastal Area.

(Code of Alabama 1975 §9-7-14(i))

ADCNR provides ADEM sufficient funds to administer the permitting, regulatory and enforcement functions of the ACAMP (contained in the coastal regulations) from federal funds obtained by ADCNR for such purposes.

(Code of Alabama 1975 §22-22A-10(g))

Whenever possible, ADCNR distributes federal funding in the form of sub-grants to county, municipal and regional governments, state agencies, and academic institutions for projects and non-regulatory activities that directly support the policies of and assist in implementing the ACAMP.

(Code of Alabama 1975 §9-7-14(h))

Whenever possible, ADCNR distributes federal funding in the form of sub-grants to local governments and state agencies to construct low-cost public access facilities.

(Code of Alabama 1975 §9-7-14(h))

Alabama Department of Environmental Management (ADEM)

ADEM is under the direction of a Director who is selected and advised by the Environmental Management Commission. The commission is a seven-member board created by Act No. 82-612. The act describes the type of professionals and nonprofessionals who may serve as members of the commission. Commission members are appointed by the Governor with the advice and consent of the state senate. Members serve a term of six years and may be reappointed, but cannot serve longer than 18 years.

(Code of Alabama 1975 §§22-22A-4 & 6)

ADEM is the regulatory authority for the ACAMP and receives pass-through federal funding from the ADCNR to develop and implement the rules and regulations of the ACAMP, known as the coastal regulations. These coastal regulations are enforceable policies of the ACAMP and form the permitting, monitoring, enforcement and federal consistency components of the program. Coastal regulations are contained in the ADEM document entitled 335-8 Coastal Area Management Program. *(See Section X: Coastal Regulations).*

(Code of Alabama 1975 §§22-22A-5(14) & 10(g))

ADEM develops and promulgates, after notice and opportunity for full participation by relevant federal agencies, state agencies, local governments, regional organizations, port authorities and other interested parties, both public and private, such rules and regulations as may be necessary to carry out the management program.

(Code of Alabama 1975 §§9-7-16 & 22-22A-4(j), 5(1) & 8)

ADEM reviews the permitting activities of persons within the Coastal Area to ensure consistency with the ACAMP and, where necessary, to issue permits to persons to ensure compliance and consistency with said program. No agency can issue a permit for any activity in the Coastal Area that ADEM finds to be inconsistent with the ACAMP.

(Code of Alabama 1975 §§9-7-20(b) & 22-22A-4(j) & 5(1))

ADEM determines whether federal activities, projects, permits and assistance are consistent with the ACAMP as provided by the CZMA of 1972, as amended, which conveys to the state of Alabama the authority to review federal projects, federal licenses and permits, OCS plans, and federal assistance for consistency. ADEM takes measures available under the federal act to ensure that actions of federal agencies are consistent with the ACAMP.

(16 U.S.C. §1456; Code of Alabama 1975 §§9-7-15 (7) & 20(b) & 22-22A-4(j) & 5(1))

ADEM provides local governments the option to enforce local codes and implement a permitting program for uses that are subject to the ACAMP. Before local governments are delegated this authority, the codes, regulations, plans or rules under which local licenses or permits are issued must be reviewed by ADEM for consistency with the ACAMP. If the local mechanism is consistent and is enforced in that manner, ADEM defers its review function to the local government. Nevertheless, ultimate authority to review these uses rests with ADEM.

(Code of Alabama 1975 §§9-7-16 & 22-22A-4(j) & 5)

ADEM establishes, adopts, modifies, repeals or suspends rules and regulations as necessary to carry out the management of the ACAMP. However, prior to these actions, ADEM must adhere to federal and state rules and regulations and must provide notice and opportunity for full participation by relevant federal agencies, state agencies, local governments, regional organizations, port authorities and other interested parties, both public and private.

(Code of Alabama 1975 §§9-7-16 & 22-22A-4(j) & 8)

ADEM conducts studies and projects related to coastal resource management and concerns and provides assistance to local governments relative to coastal resource management issues through funding and technical assistance.

(Code of Alabama 1975 §22-22A-5(7))

CZMA FEDERAL CONSISTENCY REVIEWS

A major focus of the ADEM's permitting, monitoring, and enforcement activities in the coastal area is determining whether federal activities, projects, permits and assistance are consistent with the ACAMP as provided by the CZMA of 1972, as amended, which conveys to the state of Alabama the authority to review federal projects, federal licenses and permits, OCS plans, and federal assistance for consistency. ADEM takes measures available under the federal act to ensure that actions of federal agencies are consistent with the ACAMP.

(16 U.S.C. §1456; Code of Alabama 1975 §§9-7-15 (7) & 20(b) & 22-22A-4(j) & 5(1))

This means that federal or federally-related uses and activities are required to be conducted in a manner consistent with the ACAMP. ADEM reviews and responds to coastal consistency certifications, coastal consistency determinations, and federal assistance applications in accordance with the provisions set forth in the Code of Federal Regulations 15 CFR 930 under subparts C, D, E, or F as it applies to the following:

federally licensed or permitted activities affecting the coastal area;

proposed activities requiring a federal license or permit which is described in detail in any plan for the exploration of, or development of, or production from, any area leased under the Outer Continental Shelf Lands Act, (*43 U.S.C. 1331 et seq.*), and the regulations under that Act, which is submitted to the United States Secretary of the Interior and which affects the coastal area;

functions performed by or on behalf of a federal agency in the exercise of its statutory responsibilities and development projects undertaken by or on behalf of the federal agency involving the planning, construction, modification, or removal of public works, facilities, or other structures, in the acquisition, utilization, or disposal of land or water resources which affect the coastal area; and

assistance provided under a federal program to any unit of state or local government, or any related public entity such as a special purpose district, through grant or contractual arrangements, loans, subsidies, guarantees, insurance, or other form of financial aid for activities affecting the coastal area.

The requirements and process for federal consistency review is detailed in the ADEM Division 8 Coastal Regulations. (*See Section X*).

ADCNR & ADEM

ADCNR and ADEM are authorized to conduct certain activities within the framework of the ACAMP and according to state and federal rules and regulations guiding the development of coastal programs.

Acquisition of Real Property

When necessary to achieve conformance with the ACAMP, ADCNR and ADEM shall have the power to acquire fee simple or less than fee simple, interest in land, water, and other property under the procedures of Title 18 of the Code of Alabama 1975, or other means; provided, however, that such power shall not apply to property and interest therein which is devoted to public use. In the implementation, no governmental agency shall adopt a rule or regulation that is unduly restrictive or constitutes a taking of property without payment or full compensation in accordance with the Constitution of the State of Alabama or of the United States.

(16 U.S.C. §1455 (d)(10)(b); Code of Alabama 1975 §§9-7-14 (j) & 22-22A-5(13))

Other Authorities

ADCNR and ADEM have the authority within the Coastal Area to determine permissible uses in addition to those determined by legislation and to ensure that uses of regional benefit are adequately considered and not unreasonably restricted. In addition, ADEM is

provided the authority to allow uses which do not have a direct and significant impact on coastal waters to be subject to regulation by local units of government. These authorities are explained in Section VI, Uses Subject to Management.

(U.S.C. 16 §1455 (d) (12) & Code of Alabama 1975 §§9-7-13(b), 9-7-15 (6), & 9-7-20(c))

Coastal Resources Advisory Committee (CRAC)

The CRAC is the advisory component of the ACAMP and is mandated by statute to consist of not less than seven members who shall be predominantly from Baldwin and Mobile counties. The committee shall have at least the following configuration:

One member shall be a member of the Mobile City Commission and shall be selected by that commission;

One member shall be a member of the Mobile County Commission and shall be selected by that commission;

One member shall be a member of the Baldwin County Commission and shall be selected by that commission;

One member shall be an official of a municipal corporation in Baldwin County and shall be selected by the Baldwin County Mayors' Association;

One member shall be the Commissioner of Conservation & Natural Resources, who may designate an employee of his department to represent him on the committee;

One member shall be the State Geologist who may designate an employee of his agency to represent him on the committee; and

One member shall be the director of the Marine Environmental Science Consortium.

The term of each member of the CRAC shall be consistent with his elective or appointive office.

Additional members of the CRAC may be appointed by the Governor for terms not to exceed four years and shall be eligible for reappointment.

Committee meetings shall be at the call of the chairman of the CRAC or the Commissioner of the ADCNR.

(Code of Alabama 1975 §22-22A-12)

Agency Coordination

Agency coordination requires that ADCNR and ADEM routinely address coastal issues.

(Code of Alabama 1975 §9-7-12)

ADCNR and ADEM achieve this by

initiating and/or engaging in coordination activities with government agencies, local governments, academic institutions and other organizations, persons, groups or businesses that conduct activities or otherwise have an interest in the Coastal Area;

responding to inquiries for information regarding the ACAMP; attending national, state, and local meetings, as resources allow, to keep abreast of new developments, issues and related coastal management topics at all levels; interacting with NOAA staff and other state

and federal coastal zone managers; and routinely coordinating with and participating in working groups, committees and other entities with interests in the Coastal Area; and

coordinating activities between the two agencies to implement the ACAMP and promote a balance between development and preservation/conservation of coastal resources; conducting joint staff meetings; and engaging in informal contact on a regular basis with regard to grant applications, performance reports, research, program changes, program revisions, and permit and regulatory activities.

Resolving Conflicts on Matters of Regulated & Non-Regulated Uses

Coordination of ACAMP regulatory matters between ADCNR and ADEM are routine and customary. This is due, at least in part, to overlapping responsibilities regarding protection of coastal resources. While ADEM is the regulatory arm of the ACAMP, ADCNR is the proprietary agency for state-owned submerged lands. Much of ACAMP's enforceable policies deal with proposed impacts to Rivers and Harbors Act (1899) Section 10 navigable waters, which are inextricably linked to state-owned submerged lands. ADEM Administrative Code 335-8-2-.01 requires ADEM to consider the extent to which any proposed new use (activity) would impact public access to tidal and submerged lands, navigable waters and beaches, as well as other public recreational resources prior to making consistency decisions. This requirement captures uses that include construction, refurbishment, and/or modification to piers, docks, boat shelters, and/or similar pile supported structures. ADEM Admin. Code 335-8-2-.04 requires applicants for new and/or expanding marinas to submit either a lease or waiver from ADCNR prior to obtaining from ADEM a coastal consistency concurrence pursuant to 15CFR930 Subpart D. Thus, interaction between the two agencies on coastal consistency matters is both frequent and routine.

Nevertheless, during a new application review process, the two agencies could find themselves in disagreement on a consistency matter. In such cases, the staff and lower management of both agencies would first meet informally and debate such disagreement in effort to reach consensus and, if appropriate include NOAA coastal management staff. During the period of consensus building, the agencies would remain cognizant of the ACAMP's responsibilities to the person or applicant with respect to state agency review timelines, as set forth in the appropriate 15CFR930 subparts. Should the consensus building effort at the lower management level fail to resolve the disagreement within a reasonable time constraint, the Commissioner of ADCNR would advise the Director of ADEM in writing of the disagreement and the inability of lower management to resolve same. If senior management of the agencies fails to reach a consensus, the Governor's Office will be notified immediately of the issue and the failure to reach consensus.

SECTION V: PUBLIC PARTICIPATION

The opportunity for public participation in the process of coastal management is an important component of the ACAMP. The requirement for public participation is contained in the federal rules and regulations guiding the development of a state's coastal management program and is included in state statutes.

(USC 16 §§1451-1465; Code of Alabama 1975 §§9-7-12(5), 15(8), 16 & 22-22A-8)

Public participation in the ACAMP is formally achieved through the Governor's appointment of citizen members to the CRAC, as described in Section IV. Citizen members serve for terms not to exceed four years and are eligible for reappointment.

(Code of Alabama 1975 §22-22A-12)

Other provisions for public participation are found in the state rules and regulations to give notice and opportunity for comment and full participation by relevant parties prior to the establishment, adoption, modification, repeal or suspension of coastal regulations by ADEM. Copies of proposed rules, regulations or standards and the summary of the reasons supporting an adoption, amendment or repeal are made available to any person upon request.

(Code of Alabama 1975 §§9-7-16 & 22-22A-8)

In addition, the coastal regulations include the procedure for public notices and/or hearings prior to decisions on

the issuance, modification or denial of any permit or variance under the regulations;

the concurrence with or objection to a certification of consistency for a use requiring a federal permit or license;

the approval or disapproval of a local permitting program; or

the issuance, modification or denial of a certificate of compliance for a use requiring a state agency permit.

(Code of Alabama 1975 §§9-7-16; 22-22A-5 & 8)

The state is also required to provide for public notice on the concurrence or objection to a federal agency's consistency determination.

(15CFR930.42(b))

Other opportunities for public participation are provided through the ACAMP's public outreach programs and publications. These offer opportunities to liaison with other agencies, educators, environmental and civic groups and the general public to aid in ACAMP staff awareness of the coastal community's perceptions of coastal issues.

(Code of Alabama 1975 §9-7-12)

SECTION VI: USES SUBJECT TO MANAGEMENT

The ACAMP is required to determine certain land use and water use activities within the Coastal Area that are subject to management. In addition, the ACAMP must identify certain uses that are permissible within the Coastal Area, such that they are consistent with coastal regulations, and determine which uses constitute a use of regional benefit and what method and authorities ACAMP will use to assure that local land and water use regulations do not unreasonably restrict or exclude uses of regional benefit. *(Code of Alabama 1975 §§9-7-13, 15 & 16)*

Uses subject to management are those land and water uses that are determined to have a direct and significant impact within the boundaries of the Coastal Area. Direct impact is defined as a causal relationship in which the consequence of an action or use exerts an impact upon the Coastal Area through an identifiable link or process. Significant impact is defined as the result of any activity carried out by a person which is known to have more than a negligible adverse effect on the Coastal Area. Uses subject to management are described in the coastal regulations and are reviewed by ADEM in accordance with the regulations. *(see Section X)*

Permissible uses are certain land and water uses found by the state to be permissible within the Coastal Area. Permissible uses are listed in the coastal regulations *(see Section X)*. ADEM, upon the recommendation of ADCNR, has the authority to determine, by rule and regulation, from time to time, additional permissible uses within the Coastal Area. *(Code of Alabama 1975 §9-7-13(b))*

Uses of regional benefit is defined in the coastal regulations as a use that is other than local in nature and produces benefits to citizens of more than one unit of local government or that is in the national interest. The definition includes the following uses and others of similar nature to be of regional benefit: regional or statewide public recreational facilities; major transportation facilities such as state and federal highways, commercial ports, federal navigation projects and airports; major energy facilities; regional water and wastewater treatment facilities; and facilities relating to national security. The state declared that the ACAMP shall include provision for adequate consideration of the local, regional, state and national interest involved in the siting of facilities for the development, generation, transmission and distribution of energy, adequate transportation facilities and other public services necessary to meet requirements that are other than local in nature. *(Code of Alabama 1975 §9-7-15(6) & Division 335-8 Coastal Area Management Program)*

Authority to prevent unreasonable restrictions on or exclude uses of regional benefits by local land and water use regulations is provided to ACAMP by the state by requiring adequate consideration to local, regional, state and national interests involved in the siting of public services necessary to meet requirements that are other than local in nature and by giving ADEM, upon the recommendation of ADCNR, the authority to determine, by rule and regulation, from time to time, additional permissible uses within the Coastal Area. *(16 U.S.C. §1455 (d)(12) & Code of Alabama 1975 §§9-7-13(b) & 15(6))*

The state declared that there may well be uses of certain lands included within the boundaries of the Coastal Area that will not have a direct and significant impact on coastal waters. Such uses may be subject to regulation by local units of government (cities or counties) within the framework of the ACAMP. *(Code of Alabama 1975 §9-7-20(c))*

SECTION VII: SPECIAL MANAGEMENT AREAS

ACAMP has the authority to inventory and designate Special Management Areas (SMA) within the Coastal Area boundary. These areas have been identified, based on established guidelines, as requiring attention beyond the general provisions of the legislation that established the ACAMP.

The SMA designation has been given to any federally-designated National Estuarine Research Reserve within the Coastal Area. The uses allowed or prohibited within the proposed reserve boundaries are described in the coastal regulations. (*see Section X: Coastal Regulations*).

Other SMAs can be further designated as Geographic Areas of Particular Concern (GAPC) and Areas for Preservation and Restoration (APR). The GAPC and APR classifications have specific criteria established by NOAA. The authority of the ACAMP to inventory and designate such areas is a requirement of the CZMA and is provided for by state statute.
(16 U.S.C. §1455(d)(2)(C); Code of Alabama 1975 §9-7-15(4))

Geographic Areas of Particular Concern (GAPC)

Within the Coastal Area, certain areas have been determined to be GAPCs because of their coastal-related values or characteristics or because they may face special pressures. These areas deserve special attention because of their uniqueness and importance to the Coastal Area. Additional analysis and evaluation is required because of the complex issues related to these areas. Within the GAPC designation, the ADCNR can work with other agencies as well as within its own resources to make these areas a focus for planning and studies to help ease the stress that might be placed on them by the expected growth in the Coastal Area.

Based on guidelines established by NOAA, ACAMP delineates the following categories and criteria as a basis for GAPC nominations:

Important Natural Areas – These are areas of unique, fragile, scarce or vulnerable natural habitat; areas of high natural productivity or essential habitat for living resources, including fish and wildlife, as well as the various trophic levels in the food web critical to the well-being of fish and wildlife.

Culturally Valuable Areas – These are coastal areas of cultural value, historical significance and scenic importance.

Recreation Areas – These are areas of urban concentration where shoreline and water uses are highly competitive.

High Density Areas – These are areas of urban concentration where shoreline and water uses are highly competitive.

Significant Commercial and Industrial Areas – These are areas of unique or topographic significance to industrial or commercial development.

Natural Hazard Areas – These are coastal areas that are vulnerable to hazards such as storms, hurricanes, floods, erosion or land settlement.

Natural Protection Areas – These are areas needed to protect, maintain or replenish coastal lands or resources.

Areas that have been designated as a GAPC are incorporated in the coastal regulations along with each area's use priorities. (see *Section X: Coastal Regulations*).

ADCNR has the authority to designate an area as a GAPC. The GAPC designation may be generic or site specific.

(*Code of Alabama 1975 §9-7-15 & 2001 Governor's Order #43*)

The procedure to designate an area as a GAPC is set forth as follows:

A proposal to designate a GAPC may be made by the CRAC or ADEM to ADCNR.

After review and initial consultation with relevant parties, ADCNR may elect to have the proposal considered for GAPC designation by the ACAMP.

If, after a complete review and consultation with relevant parties, the ACAMP elects to proceed with a proposed designation, under applicable federal law, the proposal would have to be promulgated as a new rule, and thus a revision to the coastal regulations. Revisions to the regulations require public notice, public hearing and concurrence by the Environmental Management Commission (EMC), which oversees ADEM.

(*Code of Alabama 1975 §22-22A-8*)

If the EMC concurs and the new rule is adopted, the ACAMP is required to initiate the process for having the rule change considered by NOAA Office for Coastal Management (OCM) as a routine program change pursuant to the Code of Federal Regulations. Upon federal approval of the rule change, the GAPC designation is officially incorporated into the ACAMP. (see *Section X, Coastal Regulations*)

Areas for Preservation & Restoration (APR)

Within the Coastal Area, certain areas have been designated as APRs. They have been singled out based on criteria that they have very special conservation, recreation or ecological values. An APR designation indicates an area that deserves special regulatory emphasis in order to preserve the area in its natural state.

Within the APR designation, the ADCNR can help to preserve these areas for future generations of Alabamians by providing financial assistance, as funds allow, to maintain these areas in a natural state and technical assistance to cope with the many factors that could threaten them.

The procedure for designating an area as an APR is identical to the procedure for designating an area as a GAPC.

Areas that have been designated as an APR are incorporated in the coastal regulations along with each area's use priorities. (see *Section X, Coastal Regulations*)

SECTION VIII: PROGRAM REVISIONS

The 1979 ACAMP-FEIS remains in effect for all of the original program approval requirements; however, the ACAMP may be revised according to federal and state rules and regulations, which includes a provision to give notice to and the opportunity for full participation by relevant federal agencies, state agencies, local governments, regional organizations, port authorities and other interested parties, both public and private.

(U.S.C. 16 §1455(e); Code of Alabama 1975 §§9-7-16 & 22-22A-8)

A proposal to revise the ACAMP may be made by the ADCNR, ADEM or CRAC.

Depending upon the extent and structure of the proposed revision as determined by ADCNR and ADEM in consultation with NOAA, either ADCNR or ADEM will initiate the appropriate process to expedite the change. The state's process for any proposed revision requires public notice; public comment or public hearing; and, depending upon the type of revision, concurrence by the Environmental Management Commission prior to submitting the revision to NOAA for review and approval.

Revisions can be made in the form of routine program changes or amendments.

Routine program changes are revisions to administrative procedures or enforceable policies of the ACAMP, as long as the change does not result in a substantial change to ACAMP policy or enforcement authority.

Amendments are substantial revisions in one or more of the following areas of the ACAMP: uses subject to management, special management areas, boundaries, authorities and organization, coordination, public involvement and the national interest.

(Code of Federal Regulations §923.80)

However, a change to one of these program areas is not necessarily substantial. In determining whether a program change is substantial, NOAA reviews the change in the context of the program approval findings and considers whether the program, as changed, would bring into question the continued approvability of the program in accordance with the program approval criteria specified in the CZMA and in 15 CFR930.23.

Most program changes are routine program changes that are revisions the state makes to provide further detail to the ACAMP. Routine program changes are also subject to NOAA approval. A state request for approval of a program change as a routine program change can be subject to the amendment review process if NOAA determines that the program change is substantial.

(Code of Federal Regulations §923.84)

Since the approval of the ACAMP in 1979, revisions have been made with the submittal of Amendment I (1984), Amendment II (1986), Amendment III (1999), and ACAMP IV (2016). These documents were approved by NOAA-OCM.

Amendment I is an amendment to the program. It revises the original ACAMP to include the provisions of Alabama Act 82-612. The act abolishes the Coastal Area Board and transfers the ACAMP's planning, non-regulatory functions to the Alabama Department of Economic & Community Affairs (ADECA) and the regulatory functions to ADEM. In addition to specifying the agencies responsible for administering and implementing the ACAMP, Amendment I includes informational updates; program clarification; 1984 amendments to the coastal regulations, including the addition of a public notice and records provision; and the amendment of the construction setback line.

(Code of Alabama 1975 §§22-22A-1 thru 13)

Amendment II is a routine program change. It adds the 1985 amendments to the coastal regulations, which includes deleting the construction setback line requirement in certain areas and replacing it with a

clearly identifiable construction control line along with a variance provision. Other changes include clarification in the description of the program in accordance with changes in the U.S. Code of Federal Regulations.

Amendment III is a routine program change. It provides informational updates and program clarification.

ACAMP IV is a routine program change. It updates the 1999 program document, including updates to the planning policies, and describes revisions to the organizational structure of the ACAMP and coastal regulations that have been approved as routine program changes by NOAA-OCM since 1999. The organizational structure of the ACAMP has been revised according to Governor's Executive Order #43 issued in 2001. The executive order transfers the lead agency functions and the planning, non-regulatory functions of the ACAMP from ADECA to ADCNR.

SECTION IX: COASTAL PLANNING POLICIES

The ACAMP contains broad planning policies that form the non-regulatory component of the program. ADCNR is charged with implementing the non-regulatory component.
(2001 Executive Order #43)

The planning policies are intended to promote, improve and safeguard the lands and waters located in the Coastal Area of the state.
(Code of Alabama 1975 §§9-7-10(5) & 15)

In addition, the planning policies form the basis for the decision-making process and foster innovative responses to coastal management issues and resource protection concerns. The planning policies are developed

in accordance with federal and state legislation that created the coastal area management program, the 1979 ACAMP-FEIS document under which Alabama's program received federal approval for implementation and program guidance from NOAA and

in consideration of research and studies conducted by federal and state agencies and issues and concerns raised by ADEM, the CRAC, local governments, state and federal agencies, and the general public.

Coastal Hazard Management

Coastal Hazard Management is the management of human activity within an area that is highly susceptible to a variety of natural hazards, including coastal storms, flooding and coastal erosion. Thus, in order to prevent or mitigate damages to life and property within the Alabama Coastal Area, the following coastal hazard management policies are presented.

Coastal Hazard Management Policy 1

It is the policy of the ACAMP that human activities within coastal hazard areas are carried out in a manner that sustains or improves the area's natural capacity to absorb the effects of flood and tropical storm events. Therefore, development within these areas should be located, designed and constructed in a manner that promotes community resiliency and minimizes the possibility of property damage and human suffering resulting from hazard events.

Coastal Hazard Management Policy 2

It is the policy of the ACAMP that the existing natural or man-made character of Alabama Coastal Area shorelines be maintained in a manner that minimizes shoreline erosion, with primary emphasis on non-structural forms of erosion control, and to provide technical and financial support, as funds are available, to address erosion and related sediment management issues in the Alabama Coastal Area, educate the public regarding erosion-related matters, encourage the use of regional sediment management techniques and maintain sediment within the near shore system.

Coastal Hazard Management Policy 3

It is the policy of the ACAMP to encourage, where feasible, the enhancement and restoration of the natural protective functions of the shoreline and encourage the use of living shorelines.

Coastal Hazard Management Policy 4

It is the policy of the ACAMP to support efforts of local governments to achieve community resiliency through the development of hazard mitigation plans, participation in the National Flood Insurance Program's Community Rating System and initiation of other efforts that mitigate the effects of natural hazards and/or protect vulnerable areas.

Coastal Hazard Management Policy 5

It is the policy of the ACAMP to work with federal, state, and local governments to acquire and/or preserve lands within the Alabama Coastal Area prone to inundation and/or that provide a natural buffer from such events to local communities and infrastructure.

Coastal Hazard Management Policy 6

It is the policy of the ACAMP to maintain a planning process for assessing the effects of, and studying and evaluating ways to control or lessen the impact of shoreline erosion and, where feasible and as funding allows, restore areas adversely affected by such erosion.

Coastal Development

Coastal development and the economic use of Alabama Coastal Area resources must be managed in such a way that minimizes impacts to the function of natural processes and provides for a balance of economic development and resource protection.

Development in the Alabama Coastal Area is driven by a variety of economic factors, including meeting the needs of an increasing coastal population; providing for the transport and distribution of goods through ports; providing for uses of regional benefit and the exploration and extraction of mineral resources; accommodating the siting of energy and government facilities; harvesting of ocean resources; accommodating a tourism industry; and providing for public recreation and access. In order to meet the economic needs of the region and sustain a healthy and viable set of natural resources within the Alabama Coastal Area, the following policies are presented.

Coastal Development Policy 1

It is the policy of the ACAMP that development within the Alabama Coastal Area be carried out in a manner that is consistent with the ACAMP's natural resource policies and, within this parameter, encourage and support, to the maximum extent practicable, the development of the economic resources so they may continue their full contribution to the economic well-being of all citizens.

Coastal Development Policy 2

It is the policy of the ACAMP, within its means, to provide assistance to port development agencies to plan harbor facilities to meet future demand, to determine appropriate areas for disposal of dredged materials, to promote the development of port facilities, and to facilitate a productive and environmentally responsible port operation within the Alabama Coastal Area.

Coastal Development Policy 3

It is the policy of the ACAMP to encourage all water dependent industrial development to utilize existing urban and commercially developed areas.

Coastal Development Policy 4

It is the policy of the ACAMP to encourage non water dependent industries to locate outside of environmentally sensitive areas and coastal hazard areas.

Coastal Development Policy 5

It is the policy of the ACAMP to encourage redevelopment of urban waterfront areas under waterfront revitalization special area management plans.

Coastal Development Policy 6

It is the policy of the ACAMP to encourage a practice of consistency with ACAMP's water quality and natural resource policies in the extraction of mineral resources in the Alabama Coastal Area.

Coastal Development Policy 7

It is the policy of the ACAMP, within its means, to provide technical assistance to meet Alabama's energy needs by assisting appropriate agencies to devise an environmentally acceptable statewide energy plan and by assessing site suitability as well as anticipating and managing impacts for planned energy facilities within the Alabama Coastal Area.

Coastal Development Policy 8

It is the policy of the ACAMP to support the state's conservation practices favoring sustainable management of marine and estuarine species, which will increase the potential yield of Alabama's coastal fisheries.

Coastal Development Policy 9

It is the policy of the ACAMP, within its means, to support and promote a viable domestic aquaculture industry that incorporates the use of best management practices and avoids environmental impacts to the natural systems.

Coastal Development Policy 10

It is the policy of the ACAMP to promote and support, as financial means allow, continued development of public access areas to coastal lands and waters for recreational purposes and to encourage the acquisition, development and/or improvement of properties within the Alabama Coastal Area for public access in a manner consistent with the ACAMP.

Coastal Development Policy 11

It is the policy of the ACAMP to encourage a sustainable coastal tourism industry that ensures long-term economic and environmental benefits for coastal communities and the state.

Natural and Cultural Resources

The natural and cultural resources of the Alabama Coastal Area play a vital role in the health, safety and welfare of the state's citizens. These resources include natural habitats, wildlife species, and historical and archaeological sites. The following policies encourage, support and promote conservation, preservation and protection activities in order to assure the continued benefits of these resources for the citizens of the state.

Biological Productivity Policy

It is the policy of the ACAMP to encourage the maintenance and enhancement of the quality and quantity of the living resource base for this and future generations.

Water Quality Policy 1

It is the policy of the ACAMP to encourage and support the maintenance of coastal waters of the state in order to support optimum levels of healthy and productive estuarine organisms, plants and animals and, where feasible, to enhance and restore water quality to support optimum levels of healthy and productive estuarine organisms, plants and animals.

Water Quality Policy 2

It is the policy of the ACAMP to encourage activities that leads to coastal water bodies exceeding applicable water quality standards.

Water Resources Policy 1

It is the policy of the ACAMP to encourage and support the management of water resources of the Alabama Coastal Area, which are held in trust by the State of Alabama for the population of the state, in a manner that ensures sufficient quantities of clean water are available to meet present and future demands.

Water Resources Policy 2

It is the policy of the ACAMP to encourage the maintenance and restoration of natural hydrologic characteristics throughout the watersheds and streams of the Alabama Coastal Area.

Water Resources Policy 3

It is the policy of the ACAMP to encourage protection of groundwater resources in a manner that prevents saltwater intrusion, prevents a significant lowering of the water table, and prevents a decrease in the base flow of adjacent surface water resources.

Air Quality Policy

It is the policy of the ACAMP to support state regulation to maintain air quality in coastal Alabama at a level that supports the health and well-being of Alabama's citizens and, where feasible, to enhance air quality.

Wetlands and Endemic Submerged Aquatic Vegetation Policy 1

It is the policy of the ACAMP to encourage and support the protection of coastal wetlands and endemic submerged aquatic vegetation to maintain or increase the vital role they play in the coastal ecosystem and the coastal quality of life.

Wetlands and Endemic Submerged Aquatic Vegetation Policy 2

It is the policy of the ACAMP to encourage and support the preservation and, where possible, the restoration, enhancement or creation of coastal wetlands and endemic submerged aquatic vegetation.

Wetlands and Endemic Submerged Aquatic Vegetation Policy 3

It is the policy of the ACAMP to encourage and support the use of best management practices in the management of upland and water-based activities in order to prevent or lessen adverse effects to coastal wetlands and endemic submerged aquatic vegetation.

Beach and Dune Protection Policy 1

It is the policy of the ACAMP to encourage and support the maintenance of the natural attributes of the beach and dune system for erosion control, wildlife habitat and recreational opportunities; to restore and enhance this resource where feasible; and to encourage dune creation where appropriate.

Beach and Dune Protection Policy 2

It is the policy of the ACAMP to encourage acquisition of beach and dune areas for restoration, preservation and enhancement.

Wildlife Habitat Protection Policy 1

It is the policy of the ACAMP to encourage and support the maintenance of wildlife habitat areas sufficient to support optimum levels of terrestrial and aquatic life.

Wildlife Habitat Protection Policy 2

It is the policy of the ACAMP to encourage the acquisition, preservation, restoration and expansion of wildlife habitats and habitat corridors connecting coastal ecosystems in order to promote and protect species diversity and viability.

Threatened and Endangered Species Policy

It is the policy of the ACAMP to promote and encourage the preservation of the critical habitat of recognized federal and state threatened and endangered species.

Cultural Resource Protection Policy

It is the policy of the ACAMP to encourage and support preservation, promotion, documentation and protection of the Alabama Coastal Area's unique and representative archaeological and historical sites for their educational and cultural values.

SECTION X: COASTAL REGULATIONS (ENFORCEABLE POLICIES)

The coastal regulations are the enforceable policies that provide for the permitting, monitoring and enforcement functions of the ACAMP and are a requirement of the CZMA of 1972, as amended. All of the coastal area regulations for the state of Alabama are contained in the ADEM document entitled Division 8 Coastal Area Management Program. ADEM is the state agency responsible for the development, promulgation, periodic review, modification and enforcement of the regulations. (*Code of Alabama 1975 §§9-7-10(8) & 16*)

CZMA Federal Consistency Review: Included in the Division 8 Coastal Regulations are the requirements and process for determining that federal and federally-related activities are conducted in accordance with the ACAMP. These regulations along with a list of the federal license and permit activities, federal activities, and types of federal assistance programs subject to review are detailed under 335-8-1-.09 -- Review Process for Federally Regulated Activities and 335-8-1-.10 -- Review Process for Federal Projects, Activities and Assistance.

As of the date of the publication of this document, the entirety of ADEM Division 8 Coastal Regulations have been approved by NOAA, OCM as appropriate for federal consistency review and determination. Subsequent revisions to the Division 8 regulations will be submitted to NOAA, OCM for approval prior to use as a basis for consistency review and determination.

The regulations are published at <http://www.adem.state.al.us/alEnviroReglaws/default.cnt>. This website has a link not only to the Division 8 coastal regulations but also to all environmental regulations developed and promulgated for the state by ADEM.

Accessing the coastal regulations via the ADEM website provides users, interested parties and the general public with the most accurate and up-to-date information for obtaining a permit to conduct certain activities within the Coastal Area. In addition, users, interested parties and the general public may contact the offices of ADEM or ADCNR for information and assistance in obtaining the regulations via website, email or U.S. Mail.

Alabama Department of Environmental Management
2204 Perimeter Road, Mobile, AL 36695

Alabama Department of Conservation & Natural Resources
State Lands Division – Coastal Section
31115 – 5 Rivers Blvd., Spanish Fort, AL 36527