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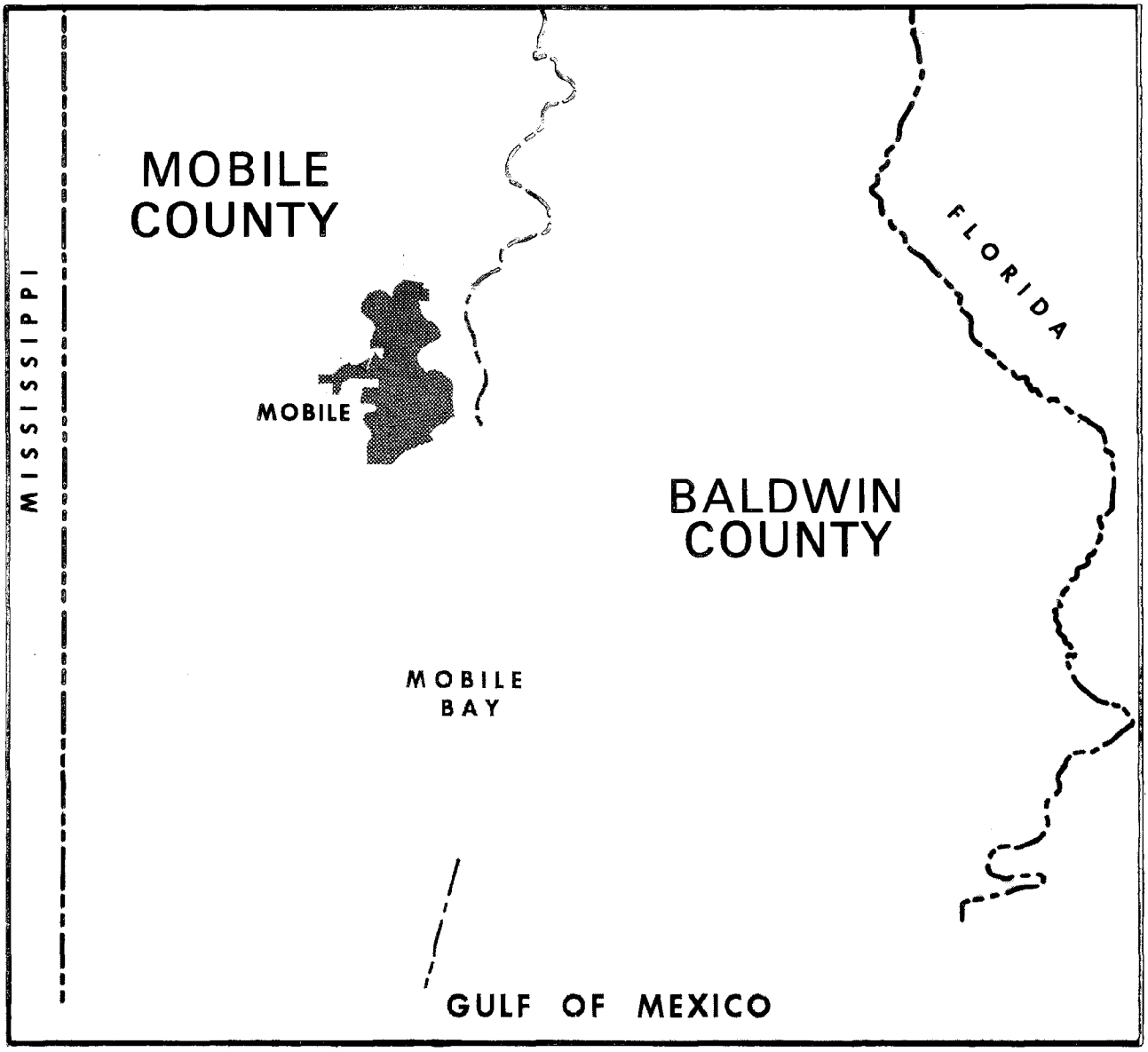
ALABAMA COASTAL AREA PROGRAM



Alabama Coastal Area Board.

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ALABAMA COASTAL AREA BOARD
STATE PLANNING DIVISION
ALABAMA DEVELOPMENT OFFICE
STATE OFFICE BUILDING
MONTGOMERY, ALABAMA 36104

OCTOBER, 1974

COASTAL ZONE
INFORMATION CENTER

AUTHENTICATED
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ALABAMA DEVELOPMENT OFFICE

George C. Wallace, Governor

R. C. "Red" Bamberg, Director

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ALABAMA COASTAL AREA PROGRAM

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October, 1974

CONTENTS

I. Introduction 1

II. Issues and Problems 11

III. Goals 17

IV. Management Program 19

V. Long Range Work Program 23

VI. Appendix A (Alabama Act No. 1274) 42

VII. Appendix B (Program Coordination) 53

ILLUSTRATIONS

Figure 1. Alabama Coastal Area 2

2. First Year Work Program 8

3. Three Year Work Program 9

4. Population by Census Districts Within 10 Miles of Shoreline 12

FOREWORD

The Coastal Area of Alabama is a valuable and, in many respects, irreplaceable resource of the State, region and Nation.

The Mobile Bay and its vast river system is the water gateway to the industrial and commercial complex in the Birmingham area. With the completion of the Tennessee-Tombigbee Waterway, which is now under construction, the Port of Mobile will be directly connected by water transportation with the industrial heartland of the Nation. Therefore, the proper development of the Alabama coast is of national importance.

The coastal bays of Alabama are part of a system of shallow-water estuaries which are the hatchery and nursery grounds for most species of finfish important to both commercial and sport fishermen along the Gulf coast of the United States. Point Aux Cheves Bay, Grand Bay and Fowl River Bay are some of the most productive finfish areas along the entire Gulf Coast. The tidal wetlands in Alabama have an important role in promoting recreational activities and preventing flood damage.

The Gulf of Mexico, Mobile Bay, and their surroundings are prime attractions for persons seeking water-based recreation. In recent years the tourist oriented businesses have expanded rapidly, and the expansion is expected to continue.

Many industries, early residences, and other places of historical and cultural significance are closely associated with the coastal area because the tidal streams and bays provided the transportation routes for the early settlers. Historically, the development of municipalities has been closely linked to one or more coastal assets such as water transportation, water-based recreation, and water-based industry. Industrial development continues to thrive in the coastal area. With the proposed development of a deep-water port terminal, industrial development will likely increase rapidly.

The coastal area contains extensive open spaces including beaches, tidal marshes, and woodlands bordering the Gulf, the Bay, and Mobile River and the River delta. Wetlands in the coastal area are mostly saline and are characterized by low level terrain, permanent or frequent submersion, and extensive vegetation. The coastal wetlands are associated with an estuary-land or ocean-land interface formed as the result of coastal submergence processes.

The preservation, enhancement and development of the total resources of the coastal area for the present and future well-being of the citizens of Alabama is the aim of the Alabama Coastal Area Board.

R. C. "Red" Bamberg
Chairman
Alabama Coastal Area Board

INTRODUCTION

PHYSICAL CHARACTERISTICS

Alabama's shorelines (Figure 1) vary from sandy Gulf coastal beaches to tidal marshes. From the Florida-Alabama boundary at Perdido Bay to Mobile Point at the mouth of Mobile Bay, the Baldwin County shoreline is an extension of the Florida coast, being characterized by relatively straight shoreline and wide, sandy beaches. Dauphin Island, beginning at the western edge of Mobile Bay and extending across two-thirds of Mobile County, is the easternmost of the chain of offshore islands which form the southern boundary of Mississippi Sound. Having these islands as the Gulf of Mexico shoreline results in a mainland shoreline of Mississippi Sound which is almost all tidal marsh. The shore of Bon Secour Bay, a major arm of Mobile Bay on the east, also is almost all tidal marsh, while the remainder of the eastern shore of Mobile Bay is high ground fronted by a small beach. The western shoreline bears the brunt of the current from Mobile River and has a mixture of beaches, mud flats, and tidal marsh. Total shore frontage for the Alabama coastal area is 351.7 miles. The Gulf of Mexico coast line is only 46.4 miles, all of which is good, sandy beach. Bay and estuary shoreline length is 305.3 miles, which includes but is not limited to, the western shore of Perdido Bay, Mobile Bay, and the eastern tip of Mississippi Sound. Of this length, 180.6 miles is beach with 124.7 miles being non-beach (mostly tidal marsh).

The Gulf of Mexico shoreline of Baldwin County is an extension of the Florida Panhandle beaches and has a similar history, with records indicating generally balanced erosion and accretion until recent years. During the period 1867 to 1962 accretion predominated east of Perdido Pass and erosion predominated west of the Pass. During the 95 year period Perdido Pass migrated about 2,800 feet westward and the minimum width increased 300 feet. In 1867 Ono Island was connected to Alabama Point. Sometime between 1867 and 1890, local residents excavated a pilot cut across this peninsula which has since widened and deepened. Record shorelines in the lower portion of Perdido Bay and its subdivisions for 1890-92 and 1934-35 indicate that erosion predominated the inner shorelines during that period.

Beginning about 4 miles east of Mobile Point there has been steady accretion southward and westward, extending Mobile Point about 1,400 feet in 87 years. The shores of Bon Secour Bay, except for those near Mobile Point, have been quite stable. However, from Mullet Point northward the eastern shore of Mobile Bay shows constant erosion. The western shoreline of the Bay also has a history of general, but erratic erosion. The marshy southern shoreline of Mobile County, except at Bayou La Batre, is generally regarded as stable. However, the long-term changes brought about by the erosion of Petit Bois Island indicate a general slow erosion.

SHORELINE OWNERSHIP

Federally owned shoreline in Alabama is limited. There is no federal ownership in Baldwin County. The U. S. Coast Guard owns about 1.7 miles total shoreline at its two Mobile Harbor facilities and the U. S. Air Force Defense Control Station on Dauphin Island

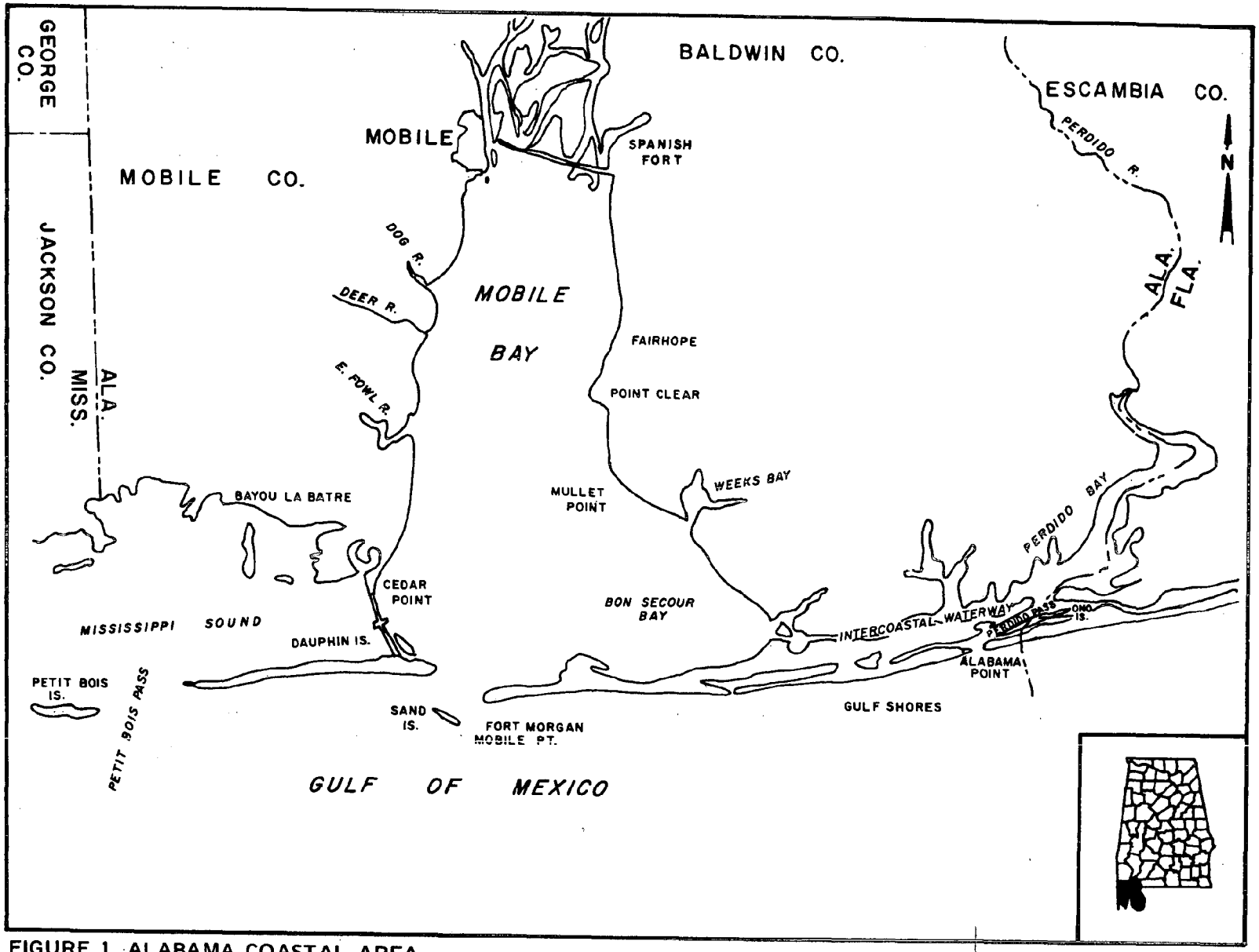


FIGURE 1. ALABAMA COASTAL AREA

has about 0.6 mile of shoreline, 0.2 on Mobile Bay and 0.4 on the Gulf of Mexico. Although federally owned, the U. S. Air Force Station at Dauphin Island is principally occupied by the Alabama Marine Environmental Sciences Consortium and is being turned over to the Consortium. The U. S. Shellfish Laboratory on Dauphin Island Bay has a few hundred feet of shoreline. Thus the Federal Government owns 2.3 miles of the Alabama shorelines, of which 0.4 miles is on the Gulf of Mexico.

The State of Alabama has four parks in Baldwin County. Gulf State Park, near Gulf Shores, has about 1.0 mile of Gulf shoreline. Fort Morgan State Park, at the mouth of Mobile Bay, has 1.2 miles of Gulf shoreline and 1.5 miles of shoreline on Bon Secour Bay. Meyer State Park, a small park south of Battleship Parkway has 0.3 miles on Mobile Bay. There is also a small park at Alabama Point with 0.1 mile shoreline on the Gulf and 0.1 mile on an arm of Perdido Bay. In addition, the State owns about a mile of Florida Point, with 1.0 mile on the Gulf and 1.0 mile on subdivisions of Perdido Bay. The Alabama Seafood Laboratory on Dauphin Island has 0.2 mile of shoreline on Dauphin Island Bay.

The University of South Alabama and the City of Mobile have obtained title to the old Brookley Air Force Base reservation. With the exception of the dock area now used by the Coast Guard and included in federal ownership above, this provides about 2.8 miles of publicly owned shoreline on Mobile Bay. The Alabama State Docks Authority has extensive harbor frontage on Mobile River.

The University of Alabama at Tuscaloosa and Birmingham has 2.0 miles of shoreline at Point aux Pins on Mississippi Sound.

The Dauphin Island Park and Beach Board, a division of the Mobile County Government, owns the Fort Gaines park area and the Bienville Beach and Park, former site of the Sand Dunes Casino, with a total of 1.5 miles on the Gulf. Nonfederal public ownership of Alabama shorelines is therefore 4.8 miles of Gulf shoreline and 7.9 miles of bay/estuary shoreline, or 12.7 miles total.

The remaining 41.2 miles of Gulf shoreline and 295.2 miles of bay/estuary shoreline are privately owned.

DEVELOPMENT

From the community of Gulf Shores eastward to Perdido Bay, the mainland Gulf of Mexico coast line has been extensively developed, with a combination of single-residence and touristic-type structures. Westward of Gulf Shores, towards Fort Morgan, development is beginning but has not been extensive. The eastern shore of Mobile Bay, from Point Clear to the Parkway, has been extensively developed, primarily for residential purposes. The shoreline south of Point Clear is developing rapidly and some marsh areas have been filled. The western shore has been similarly developed, excepting the marsh areas and the industrial areas in the vicinity of Mobile. About half of Dauphin Island has been developed, predominately by residential type homes, but with several motels and other tourist facilities.

LEGISLATIVE BACKGROUND

The Coastal Zone Management Act of 1972 (Public Law No. 92-583, 86 Statue 1280), defines the procedures by which states can qualify to receive development grants under Section 305 of the Act and policies for development of their management program. The purpose of the Act is to assist states in the development of a management program for the land and water resources of its coastal zone (development grant). Once a coastal state has developed a management program, it is submitted to the Secretary of Commerce for approval and, if approved, the state is then eligible, under Section 306, to receive annual grants for administering its management program (administrative grants).

In general terms, Section 306 requires a management program to include (1) the boundaries of the state's coastal zone; (2) a process pursuant to which permissible land and water uses which have a direct and significant impact on coastal waters are defined; (3) criteria for and designation of geographic areas in the coastal zone of particular concern to the state; (4) identification or establishment of the means by which the state, together with other levels of government, shall exert control over the land and water uses in its coastal zone; (5) designation of priority uses within specific geographic areas throughout the coastal zone; and (6) description of the organizational structure and intergovernmental arrangements sufficient to develop and maintain an effective and coordinated management process.

Act No. 1274 of the State of Alabama Legislature, Regular Session 1973, is an Act to provide for the preservation, enhancement and development of the coastal areas of Alabama; to establish a board with responsibility and authority for developing, coordinating and maintaining a coastal area program; and to provide for the promulgation of regulations and provisions for the enforcement of this Act. Further, the Act designated the Alabama Development Office (ADO) to solicit, accept and expend funds for coastal area management in Alabama. ADO was also designated to provide and administer the staff activities and technical functions of Act No. 1274 under the general direction of the Coastal Area Board. The purpose of this Act is to promote, improve and safeguard the lands and waters located in the coastal areas 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. A copy of Act No. 1274 is in Appendix A.

The Coastal Area Board established by the State Act became operational in late January, 1974. The Board, which is required to meet quarterly and may meet more often if necessary, met three times prior to submission of the initial application for federal funding. The Act specifies that the Board shall consist of:

1. The Director of the Alabama Development Office
2. The Director of the Alabama Department of Conservation and Natural Resources
3. The Director of the Alabama State Docks
4. The State Geologist
5. The Director of the Marine Environmental Sciences Consortium
6. A member of the Mobile County Commission
7. A member of the Baldwin County Commission
8. A member of the Mobile City Commission

At present the members of the Coastal Area Board are:

Mr. R. C. "Red" Bamberg, Chairman
Director
Alabama Development Office

Dr. Sidney Upham, Acting Chairman
Director
Marine Environmental Sciences Consortium

Mr. Claude Kelley
Director
Alabama Department of Conservation
and Natural Resources

Colonel Reuben Wheelis
Director
Alabama State Docks

Dr. P. E. LaMoreaux
State Geologist
Geological Survey of Alabama

Mr. Bay Haas
Member
Mobile County Commission

Mr. Archie M. McMillan
Member
Baldwin County Commission

Mayor Gary A. Greenough
Member
Mobile City Commission

Act 1274 further designates the following agencies as advisors to the Board:

1. State Health Department
   Dr. Ira L. Myers, Director

2. Alabama Water Improvement Commission
   Mr. James W. Warr, Chief Administrative Officer

3. State Highway Department
   Mr. Ray Bass Director

4. Department of Agriculture and Industries
   Mr. McMillan Lane, Commissioner

5. Alabama Public Service Commission
   Mr. Kenneth Hammond, President

6. State Oil and Gas Board
   Dr. P. E. LaMoreaux, Supervisor

7. Alabama Air Pollution Control Commission
   Mr. James W. Cooper, Director

The Coastal Area Board is charged with the task of directing the development of a comprehensive coastal area administration program in recognition of the national policy expressed in the Coastal Zone Management Act of 1972. A program was prepared in cooperation with local, regional, state and federal interests and complies with federal rules for coastal area planning and administration. The program includes the following:

1. Identification of the boundaries of the coastal areas subject to the program

2. Identification of all of the State's coastal resources

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

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

5. A definition of what shall constitute permissible land and water uses within the coastal area which have a direct and significant impact on the coastal waters

6. An inventory and designation of areas of particular concern within the coastal area

7. Broad guidelines on priority of uses in particular areas

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

9. 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

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

In addition to agency coordination, a strong public participation program, a workshop-seminar series, and an active public information program will be undertaken.

APPLICATION FOR MANAGEMENT PROGRAM FUNDS

The initial application (May 1974) for Coastal Zone Management funds in the amount of $100,000 was prepared and submitted by the State Planning Division of ADO. The application was reviewed by various state, regional, and local government bodies in accordance with the Office of Management and Budget Circular A-95, revised. A letter of Project Notification and Review from the State Clearinghouse was attached to the application.

In June 1974, a grant award of $100,000 from federal funds was received for FY 1975. This sum will be matched by $50,000 of State funds.

A summary of the first year work program is shown in Figure 2 and the three-year work program is shown in Figure 3. The management program will be developed within three years and, upon approval by the Secretary of Commerce, the State will be eligible to receive annual grants for administering its management program.

FIRST YEAR BUDGET

Budget categories are summarized for FY 1975 in the following table:

Personnel	$	43,260
Fringe Benefits		5,190
Travel		9,250
Equipment		1,200
Supplies		600
Contractual		84,700
Other (office space, printing, communications, etc.		5,800
Total	$	150,000

SUMMARY OF FIRST YEAR WORK PROGRAM

MAJOR ACTIVITY AREAS	INDIVIDUAL WORK ELEMENTS	MAN MONTHS FIRST YEAR	COST	FIRST YEAR 1	2	3	4	5		7	8	9	10	11	12	TOTAL MAN-MONTHS IN PROGRAM	% COMPLETE END OF FIRST YEAR
I PROGRAM ADMINSTRATION	A. PROGRAM COST AND SCHEDULE CONTROL	2	4,000													12	33
	B. GRANT APPLICATIONS	2	4,000														
II PROGRAM COORDINATION	A. AGENCY IDENTIFICATION AND COORDINATION	9	18,000													30	50
	B. PUBLIC PARTICIPATION AND INFORMATION DISSEMINATION	4	8,000														
	C. CONTINUING LIAISON	2	4,000														
III DATA AQUISTION AND EVALUATION	A. DATA AQUISITION	10	20,000													45	46
	B. DATA EVALUATION	9	18,000														
	C. PROVISIONAL POLICY GOALS	2	4,000														
IV POLICY DEVELOPMENT	A. BOUNDRIES OF THE COASTAL AREA	12	24,000													45	50
	B. PERMISSIBLE LAND AND WATER USES	10	20,000														
	C. GEOGRAPHIC AREAS OF PARTICULAR CONCERN	1	2,000														
V PUBLIC PARTICIPATION		2	4,000													12	33
		2	4,000														
VI LEGAL ACTIVITIES	A. LEGAL POLICY ANALYSIS	3	6,000													24	25
	B. PUBLIC HEARINGS	1	2,000														
	C. LEGISLATIVE DRAFTING	2	4,000														
VII COASTAL AREA MANAGEMENT PLAN PREPARATION	A. DEVELOPMENT OF COASTAL AREA PLAN	2	4,000													21	10
TOTALS		75	$150,000													189	39%

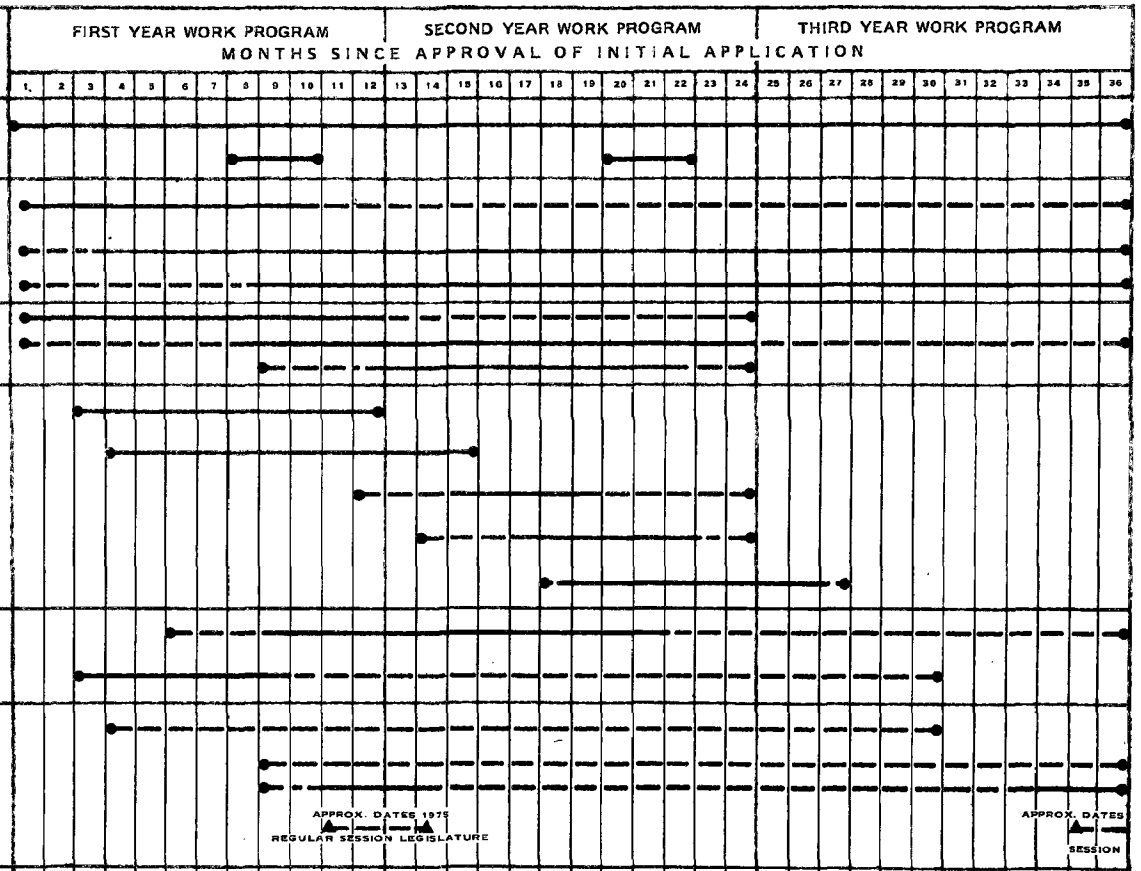
NOTE: SOLID LINES INDICATE TIMES OF PRIMARY WORK ACTIVITY. DASHED LINES INDICATE PERODIC ACTIVITY.

COASTAL AREA MANAGEMENT PROGRAM

FIGURE 3

THREE-YEAR WORK PLAN FOR SECTION 305 GRANT PROGRAM

MAJOR ACTIVITY AREAS	MAN-MONTHS REQUIRED	INDIVIDUAL WORK ELEMENTS
I PROGRAM ADMINSTRATION	12	A. PROGRAM COST AND SCHEDULE CONTROL B. GRANT APPLICATIONS
II PROGRAM COORDINATION	30	A. AGENCY IDENTIFICATION AND COORDINATION B. PUBLIC PARTICIPATION AND INFORMATION DISSEMINATION C. CONTINUING LIAISON
III DATA AQUISTION AND EVALUATION	45	A. DATA AQUISITION B. DATA EVALUATION C. PROVISIONAL POLICY GOALS
IV POLICY DEVELOPMENT	45	A. BOUNDRIES OF THE COASTAL AREA B. PERMISSIBLE LAND AND WATER USES C. GEOGRAPHIC AREAS OF PARTICULAR CONCERN D. DESIGNATION OF PRIORITY USES E. ORGANIZATIONAL STRUCTURE AND CONTROL
V PUBLIC PARTICIPATION	12	A. COASTAL LEADERS PROGRAM B. SEMINAR - WORKSHOP SERIES
VI LEGAL ACTIVITIES	24	A. LEGAL POLICY ANALYSIS B. PUBLIC HEARINGS C. LEGISLATIVE DRAFTING
VII COASTAL AREA MANAGEMENT PLAN PREPARATION	21	A. DEVELOPMENT OF COASTAL AREA PLAN B. FINAL REPORT PREPARATION
TOTAL		



NOTE: SOLID LINES INDICATE TIMES OF PRIMARY WORK ACTIVITY, DASHED LINES INDICATE PERODIC ACTIVITY.

PERSONNEL

Funds included under the category "Personnel" will provide for the administrative and technical staff within the State Planning Division of ADO as follows:

1 Resources Use Planner III for 12 man-months
1 Resources Use Planner II for 6 man-months
1 Resources Use Planner I for 6 man-months
1 Clerk Stenographer II for 12 months
1 Draftsman-Illustrator for 6 months

PURPOSE OF REPORT

The purpose of this report is to summarize the most important aspects of Alabama's activities related to the Coastal Zone Management Act of 1972 (Public Law 92-583). These important aspects are:

1. Major issues and problems that confront Alabama in developing a Coastal Zone Management Plan

2. General goals and objectives of coastal zone management as put forth by Congress and adapted to Alabama

3. Overall design of the State's program to develop a Coastal Zone Management Plan

ISSUES AND PROBLEMS

Alabama, like other states, has in the past and will continue to experience difficult conflicts within the coastal area as various groups and individuals pursue their own interests. The following are major areas of conflict as perceived at the present. Changing conditions in the coastal area will undoubtedly shift the emphasis from one conflict to another as development and management proceeds but major problems are likely to continue in one form or another.

I. Land Use and Population

Land use, and its inherent conflicts, most often lead to other problems and issues in the coastal area. Virtually all other problems listed here are related directly or indirectly to improper or unwise land use. In the past, competition in the State's coastal area among industrial, commercial, agricultural, and residential developers has often resulted in unwise development with the consequent loss of aesthetic values. Availability of land, particularly shoreline land, has become limited as competition among various interests has intensified. Land available for general public development for residences and recreation has decreased as more areas have been reserved for commercial recreation, industrial development and non-public uses. Unregulated development has also created unnecessary burdens on transportation, water and sewage, and other public facilities. The best available land use map is the 1968 map of Mobile, Baldwin and Escambia Counties prepared by the South Alabama Regional Planning Commission.

The majority of land use problems in the coastal area result directly or indirectly from increased population. This area is one of the fastest growing areas of the State. The 1972 population was 386,200[1/] an increase of 6 percent over the 1960 population of 363,389. The population is expected to increase 24 percent by 1980 for a total population of 434,000[2/]. Over 70 percent of the population of the coastal counties live within 20 miles of the shoreline in the major cities along the coast. Figure 4 shows the population distribution in Mobile and Baldwin Counties and indicates the concentration within 10 miles of the shoreline. This concentration and its needs place great stresses on the resources of the coastal area. Random development and the existing policies and institutions are not adequate to accommodate the pressures brought by the projected growth. New planning and regulatory methods are urgently required.

1/ Includes total population of Mobile and Baldwin Counties.
Source, U. S. Census of Population, 1970.

2/ Source, Alabama Social Sciences Advisory Committee.

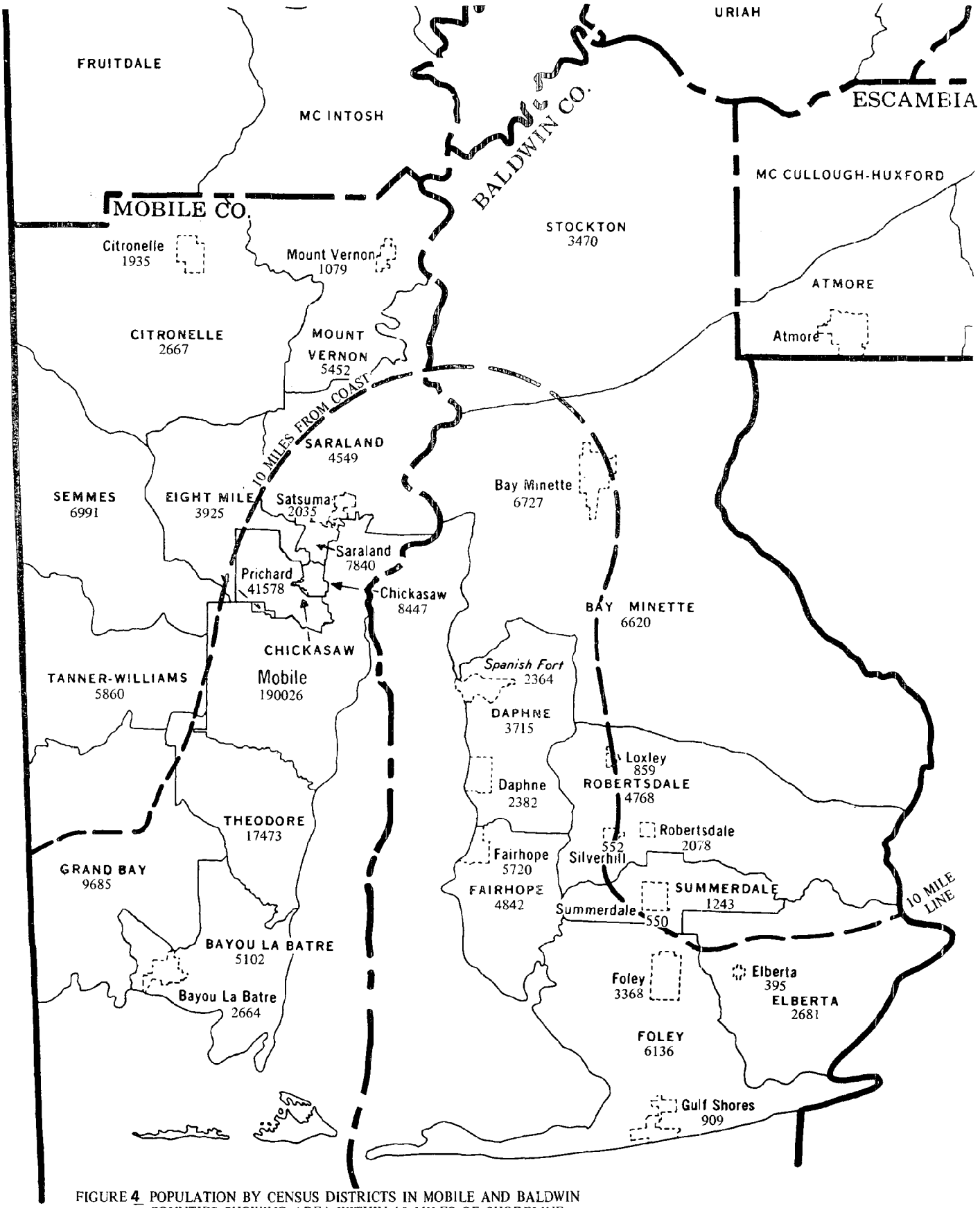


FIGURE 4 POPULATION BY CENSUS DISTRICTS IN MOBILE AND BALDWIN COUNTIES SHOWING AREA WITHIN 10 MILES OF SHORELINE

II. Water Resources

Nearly all authorities indicate that the Nation's need for fresh water will grow enormously during the next several decades. With its plentiful fresh water resources, coastal Alabama can be expected to play an important part in meeting this coming need. Surface water sources of the region discharge in excess of 75,000 million gallons per day (MGD). The average discharge of major streams in the coastal area ranges from 71 MGD for Fish River to 39,000 MGD for Mobile River. Average annual use of surface water is currently about 375 billion gallons, of which over 70 percent is used for cooling purposes.

The coastal area also has an abundant amount of good quality ground water. The discharge from industrial wells within the two counties in the area range from 10 to 1,500 gallons per minute (GPM) and average 450 GPM. Small capacity wells can be developed in most areas at relatively shallow depths.

Water and sewer studies for Mobile and Baldwin Counties were completed in 1969 by the South Alabama Regional Planning Commission.

III. Water Pollution

The coastal waters of Alabama are widely recognized as an invaluable economic and recreational resource. Extensive commercial fishing, including oyster harvesting and shrimping, provides income for many Alabamians, as does the operation of the Port of Mobile. In turn, the Port has given rise to industrial development, notably chemical plants and paper mills. The tourist industry is growing rapidly in recognition of the recreational potential of the area. Accompanying the development of the area are significant demands on the quality of its waters. Inadequately treated wastes from municipal and industrial sources give rise to high bacterial levels, oxygen depletion, and excessive nutrient levels. These problems are further complicated by polluted runoff from high density areas and agricultural sources, and seasonal low quality inflow from the Mobile River. As a result, oyster harvesting is frequently banned.

While much progress is being made in control of existing pollution, the future promises potential problems whose solution will require a unified effort of engineers and planners. The Tennessee-Tombigbee Waterway will greatly influence industrial activity and population growth in Alabama and its coastal area and bring with it associated pollution problems. The possibility of pollution from potential offshore oil drilling and the proposed deep water terminal must also be considered.

An inventory of sewer facilities was completed in 1969 for Mobile and Baldwin Counties by the South Alabama Regional Planning Commission.

IV. Coastal Zone Fisheries

The State's seafood industry was worth $17.7 million in dock-side values and approximately $70.8 million at the consumer level in 1972. The value of shrimp landed

within the State accounted for approximately 83 percent of the total value. Alabama's shrimp fleet is rapidly becoming one of the Gulf's most modern and progressive fleets, consisting primarily of offshore boats of 80 or more gross tons. The rapidity at which the fleet is being increased in numbers and gross tonnage places increased emphasis on protection and rational controlled development of the coastal estuarine areas. This is particularly important as 93.7 percent of all the species landed from the Gulf are estuarine dependent and spend a portion of their life within these important nursery grounds.

Alabama's multimillion dollar oyster industry is seriously affected annually by bacterial pollution originating within the coastal zone which has caused extended closures of the reefs and financial hardship for the industry and fishermen. A total of 73,584 acres of State waters are permanently closed to shellfish harvest because of domestic and industrial pollution.

Other fisheries have been adversely affected by rapid and uncontrolled coastal development. The finfish fishery in which nets are utilized has been virtually excluded from operation within areas bordering residential developments.

V. Wetland Conservation - Utilization

The coastal wetlands which support the annual crops of renewable marine fishery resources have been subjected to much unregulated development. This development, in many instances, resulted in the destruction of valuable marshlands which are important not only as nursery grounds for marine species but also in stabilizing the coastal shorelines from wind erosion and water erosion. Most of these developments could have been constructed without seriously altering the marsh environment.

Some degree of control of the alterations within the realm of the tidal marshes is possible under existing laws; however, there is no control over developments within the immediate upland vegetative zones. Uncontrolled development within this zone can adversely affect the wetlands through erosion and reduce the stability of adjoining lands to withstand the effects of coastal storms which are fairly frequent in coastal Alabama.

A national program of coastal development is needed to weigh the environmental considerations against the developmental needs of the coastal society. Developmental and sanctuary zones need to be established. The State needs to legally define the wetlands that it holds in trust which has never been done. And it needs to start from this point to develop a wetlands policy which is cognizant of the importance of these lands to renewable marine resources and the associated fisheries and recreational values.

VI. Petroleum Production

Petroleum production in offshore waters and the development of a deep-water terminal offshore to handle petroleum pose conflicts not only in terms of spills that would affect recreation, tourism, and other industries, but also with respect to large land areas that probably would be required to accommodate refining, distribution, and other related facilities. Development of large petro-chemical complexes will affect coastal areas land use,

transportation, water and sewage facilities, and numerous other factors. Several firms recently have indicated an interest in locating petro-chemical complexes in or near the coastal area. These and other near-term developments will require early action by the Coastal Area Board.

Recent leasing of the Outer Continental Shelf by the Federal Government for pretroleum exploration poses a serious question of accommodating development attendant to offshore activities. The likelihood of exploration in Mobile Bay and the potential for drilling in the wetlands are additional serious problems that must be confronted and solved.

VII. Natural Disasters

The greatest potential for loss of life and property damage along the coastal area is due to high winds, storm surge and waves, and torrential rainfall associated with hurricanes. The magnitude of these factors affecting coastal Alabama, were exemplified by Hurricane Camille in 1969. Hurricane Camille moved inland west of Pass Christian, Mississippi with gusts of wind estimated at almost 200 miles per hour near the center. At Bates Field in Mobile winds of up to 63 miles per hour were recorded. Mobile and coastal Alabama suffered extensive damages to power and telephone services and streets and roads were littered with fallen limbs and trees.

Studies have been made in the northern Gulf to determine the probability that a tropical storm, hurricane, or great hurricane will occur in any one year along a 50-mile segment of the coastline. In the 50-mile segment from Biloxi, Mississippi, to the mouth of Mobile Bay the probability is 13 percent for a tropical storm, 6 percent for a hurricane, and 1 percent for a great hurricane. The probability of occurrence for all disturbances is greater for the next 50 miles both eastward and westward.

Storm surge and waves generated by hurricanes cause extensive damage to coastal and low-lying structures, boats, and transportation facilities. Hurricane tides generated by Camille reached record heights of 22.6 feet above mean sea level (MSL) at Pass Christian, Mississippi. Hurricane tide at Dauphin Island, Alabama, was recorded at 5.8 feet above MSL. Maximum known tide recorded at Dauphin Island was 7.7 feet above MSL in July, 1916. Hurricane tide caused by Camille in Mobile was 7.4 feet above MSL, and the maximum recorded tide at Mobile was 10.8 feet above MSL in July, 1916.

Hurricanes are usually accompanied by torrential rains which cause severe flooding along rivers and estuaries. Available records indicate rainfall from Camille reached a maximum of 9.56 inches at Picayune, Mississippi. Mobile reported a rainfall of 6.97 inches which caused severe flooding of low-lying coastal areas.

An important part of the coastal area management program will be planning to direct development into areas to minimize losses of property and life due to natural disasters.

VIII. Industrial Development

Industrial development is being pursued actively in the coastal counties. A great deal of development is taking place in widely separated industrial parks. However, large firms

have expressed an interest in developing sites outside of these areas. These possibilities raise serious questions with respect to overall development patterns, growth, and open space.

Existing industrial development has been concentrated around Mobile and Prichard and to the north along the rivers. The Theodore Industrial Park south of Mobile is being developed at present and is expected to be the site of several large industries. The fishing industry is located primarily in the Bayou LaBatre area. Except for the Bay Minette area, Baldwin County is mostly agricultural and, along the coast, tourist oriented.

Attendant to industrial development and the land requirements is the question of water supply and disposal of liquid and solid wastes. Water supplies adequate for most industries should be available. Disposal of wastes, however, often presents a problem in the coastal area due to high ground-water levels and highly permeable soils. Industrial waste disposal is a problem which will require very careful planning.

The South Alabama Regional Planning Commission completed a regional solid waste study and a deep-well disposal study in 1970.

IX. Transportation and Navigation

Transportation in the South Alabama Regional Planning Commission area, which includes coastal Alabama, has been the subject of several studies. The Regional Commission completed a "Mobile Area Water Transportation Study" in 1968, and a "South Alabama Regional Transportation System" study in 1972. The Agency is currently working on a "Continuing Transportation Planning" project and the "National Transportation Study." With this background of studies and planning, a knowledge of coastal area transportation problems is available. Future efforts will be directed toward implementation programs to facilitate orderly coastal development.

Navigation is an integral part of the Alabama coast. Channels maintained by the Federal Government and local agencies enable water-borne commerce to serve the area. Along with the commercial benefits of these developments come a myriad of problems and conflicts. One of the most pressing areas of concern is that of managing disposal areas for material dredged during construction and maintenance of navigation channels.

X. Shoreline Erosion

Much of Alabama's shoreline is eroding to some extent. This includes 43.9 miles of the Gulf shoreline, out of a total 46.4 miles. Erosion is reported along much of the Alabama shoreline of Perdido Bay and its arms. The shoreline of Bon Secour Bay is not eroding, except for a few spots on Mullet Point Peninsula and a reach on each side of the mouth of Weeks Bay. From Mullet Point northward to Spanish Fort, the eastern shore of Mobile Bay is eroding, and from the industrial area of the Mobile Waterfront southward to Cedar Point, the western shore of the bay is also eroding. The northern shoreline of Dauphin Island, on Mississippi Sound, is eroding but the tidal marshes of the mainland shore apparently are not. However, the bulkheaded reach at Bayou LaBatre is reportedly eroding. Altogether, erosion is affecting 102.3 miles of bay/estuary shoreline out of a total of 305.5 miles.

GOALS

Alabama's Gulf Coast is a region endowed with abundant marine resources, scenic beauty, favorable location, good connection to inland waterways, and excellent on-shore facilities. The industrial, residential, municipal and county developers, the tourist oriented businesses, the shipping and sea-food industries, the pleasure boaters, and the enterprises serving these interests all are expanding. The growth is largely uncoordinated. Such uncoordinated growth is generally wasteful of the State's limited resources and many times causes destruction of natural assets through conflicting uses. The State of Alabama must establish a system which will allow informed choices among development alternatives, permit proper planning, and encourage recognition of the long-term importance of maintaining the quality of the coastal zone to insure both enjoyment of its amenities and the sound utilization of its resources.

The goals of the State of Alabama coastal area program are logical extensions of the findings of the United States Congress as stated in Public Law 92-583, 92nd Congress.

These goals are:

1. Develop available resources for the economic benefit of all the citizens of the State of Alabama.

    a. Development should be in an orderly and responsible manner, and should focus on using the resources inherent in Alabama's coastal zone.

    b. Develop resources in a manner that will preserve resource values and options for future generations.

2. Provide environmental protection for the citizens and the natural resources of the coastal area.

    a. Initiate a continuing program of inventorying the natural resources and the systems they function within, support and require.

    b. Determine, recognize, plan for and utilize the capabilities and limitations of the natural systems and of the human environment.

    c. Recognize land use planning as the key to preserving the natural environment.

    d. Minimize irreversible and irretrievable commitments of natural resources in developing a management plan.

    e. Avoid or minimize conflicts between various uses impinging on the natural environment.

    f. Provide protective mechanisms for resources important to the coastal area.

3. Direct marine-related research towards the solution of coastal area problems.

a. Set up mechanisms for establishing a coordinating framework within which problems can be recognized, defined, addressed and studied.

b. Identify problems stemming from all other areas of the coastal management effort.

c. Focus on the most immediate coastal area problems but with cognizance to long-term trends and activities within the coastal area.

d. Develop and maintain an educational system to disseminate information obtained through marine research as a part of coastal area management.

4. Develop an equitable system for resolving conflicts in the use of resources in the coastal area.

   a. Initiate a system as soon as possible to address the problems of today with a view toward handling long-term problems and opportunities.

   b. Establish a system for handling resource conflicts in the long-term, embodying the concepts of multiple use, shared use, irretrievable commitments capabilities and limitations, and available alternatives.

   c. Incorporate public education and involvement in resolving resource and user conflicts.

   d. Undertake periodic analysis to determine the sufficiency and effectiveness of methods used in the resolution of resource conflicts, and of public involvement in this process.

5. Facilities coordination in activities of the various agencies in the coastal area.

   a. Establish a system as soon as possible for coordination during program development.

   b. Establish uniform permit procedures and forms.

   c. Establish long-term coordination of various programs by the concerned agencies through a formal coordinating system.

   d. Resolve conflicts within the coordinating system.

MANAGEMENT PROGRAM

GENERAL AREAS OF ACTIVITY

The overall action plan for coastal area management in Alabama incorporates twenty (20) identified tasks which can be recognized at this time as essential to the completion of a program which can adequately address the problems and issues and achieve the goals described in the preceding section. As the program development proceeds, additional tasks probably will be identified beyond those presently envisioned; therefore, that modification is to be anticipated in subsequent applications. While all tasks as defined are interrelated and considered essential to the ultimate development of a Coastal Area Management Program, the tasks can be grouped into seven (7) major activity areas as follows:

1. Program Administration
2. Program Coordination
3. Data Acquisition and Evaluation
4. Policy Development
5. Public Participation
6. Legal Activities
7. Coastal Area Management Plan Preparation

These major activities are dicussed in the following paragraphs and are related to the requirements of Sub-part B of the Guidelines for the Coastal Zone Management Act of 1972.

I. Program Administration

This area of activity involves the annual reapplication process and any necessary program modification. The management of fiscal affairs and internal program coordination, schedule maintenance, and supervision are expected to be continuing tasks throughout the program management development period. This work effort will be a staff function executed within the Alabama Development Office (ADO) by the Technical Advisor and a Program Officer.

II. Program Coordination

Consistent with Section 6 of Act 1274 of the Regular Session of the Alabama Legislature, 1973, and with the intent of the Coastal Zone Management Act of 1972, the Coastal Area Administration Program will be developed in cooperation with local, state, regional and federal interests. To the greatest extent possible, existing data and planning information developed by other agencies concerned with Alabama's coastal area will be utilized. Although federally controlled lands are limited in Alabama's coastal area, coordination is especially important among the federal agencies as these lands are excluded from the provisions of the Coastal Zone Management Act. Activities of the U. S. Corps of Engineers will have a significant impact on the State's coastal area program and, therefore, will be coordinated closely. The coordinated system with federal agencies will be set up through the OMB Circular A-95 State Clearinghouse office which is located in the Alabama Development Office.

The objective of this work item is to seek as complete coordination and integration as possible of all local, state, regional and federal programs that should be considered and accommodated in setting policy regarding the State's coastal area.

This work item is very important in dealing with the coordination and integration of programs of agencies of all levels and will require continuing liaison. The tasks will be principally a staff function within ADO with input and assistance from other agencies as required.

III. Data Acquisition and Evaluation

The purpose of this area of activity is to acquire and evaluate existing data, reports, and plans and policies of the agencies identified during the accomplishment of agency coordination activities. To accomplish this task the Coastal Area Board will utilize and build upon available data and studies developed by these agencies. Where information for coastal area management planning is inadequate, the Board will undertake to develop programs to obtain the necessary information. Insofar as possible the data acquisition will be accomplished through contracts with other State agencies.

The presentation of coastal area data will generally be in folio type format. These subject areas will include but not be limited to:

1. Industrial Development
2. Commercial Development
3. Residential Development
4. Recreation
5. Mineral Extraction and Fossil Fuels
6. Transportation and Navigation
7. Waste Disposal
8. Fisheries
9. Agricultural Production

IV. Policy Development

This area of activity will depend upon information acquired through program coordination and through data acquisition and evaluation. Using all available information, State policies related to the following topics will be evolved as defined in Sub-part B of the Guidelines for Coastal Zone Management Program Development Grants:

1. Boundaries of the coastal area.
2. Permissible land and water uses.
3. Geographic areas of particular concern.
4. Designation of priority uses within specific geographic areas throughout the coastal area.
5. The organizational structure and alternate strategies for exerting State control in the coastal area.

The policy development activities will be closely related to citizen participation.

V. Public Participation

As a part of this activity, public hearings will be held according to guidelines set out in Sub-part D, Section 9210.31 of the Guidelines for Coastal Zone Management Program Development Grants.

This activity will go beyond the public participation required and attempt to obtain citizen input directly into the policy-making process. Such participation will be obtained by holding educational and planning meetings with citizen-user groups. Such groups will include recreation and tourist interests, housing developers, shipping and sea-food industries, sport fishing, conservation organizations, agricultural interests, municipalities and counties. These meetings will be planned and organized in cooperation with the Mississippi-Alabama Sea Grant Consortium, the South Alabama Regional Planning Commission and other interested groups. Each user group will select a committee to determine the most beneficial land use, conflicts of use, and needs of this particular group. A representative of each user group will be selected to represent that group on a citizens advisory council to consider the result of each group committee in a state and regional context. The results of the council's deliberations will be used as an input to the Coastal Area Board's policy for the above topics.

VI. Legal Activities

This area of activity will include a continuing review of State coastal legislative needs in line with evolving coastal area management policies to determine the extent to which existing state powers are able to satisfy the requirements for a Coastal Area Management Program in conformance with the Coastal Zone Management Act of 1972. That Act specifically requires that the authorized coastal area management agency have the legal authority to:

1. Regulate land and water uses in the coastal zone.
2. Control development in the coastal zone.
3. Resolve conflicts among competing users.
4. Acquire fee simple or less than fee simple interest in property to achieve conformance with the Coastal Zone Management Program.

These requirements, along with legislative modifications and legal problems attendant to program administration will require considerable legal council.

Another work effort which falls within the legal area of activities is the requirement for public hearings to be held in the development of the plan. It is expected that public hearings will be held at major milestones in the plan development and in concert with necessary legislative recommendations. This activity will proceed incrementally during each legislative session that occurs during the program development period. The final resulting product should be coastal legislation and agency responsibility empowered by a publicly-developed policy that meets the spirit and the requirement of the Coastal Zone Management Act of 1972. Principal responsibilities in this area of activity will be by the Attorney General's Office working in cooperation with the staff of ADO.

VII. Coastal Area Management Plan Preparation

This activity will involve the assembly of various studies, policy determinations, legislative revisions and other determining factors into a comprehensive document setting forth a Coastal Area Management Program for the State of Alabama. The completed Coastal Area Management Program will be approved by the Governor and the Secretary of Commerce.

OUTLINE OF MANAGEMENT PROGRAM

I. Program Administration

A. Program Cost and Schedule Control
B. Grant Application

II. Program Coordination

A. Agency Identification and Coordination
B. Public Participation and Information Dissemination
C. Continuing Liaison

III. Data Acquisition and Evaluation

A. Data Acquisition
B. Data Evaluation
C. Provisional Policy Goals

IV. Policy Development

A. Boundaries of the Coastal Area
B. Permissible Land and Water Uses
C. Geographic Areas of Concern
D. Designation of Priority Uses
E. Organizational Structure and Control

V. Public Participation

A. Coastal Leaders Program
B. Seminar-Workshop Series

VI. Legal Activities

A. Legal Policy Analysis
B. Public Hearings
C. Legislative Drafting

VII. Coastal Zone Management Plan Preparation

A. Development of Coastal Area Plan
B. Final Report Preparation

LONG RANGE WORK PROGRAM

Twenty distinct work efforts can be identified within the seven major areas of activity discussed in the previous section. These individual tasks are discussed below, and their scheduling relationships are shown on Figure 3. The work program is summarized on the Outline of Management Program.

I. PROGRAM ADMINISTRATION

Overall program administration is essential to the efficient and orderly development of the coastal area program. The administration of the program will be carried out by the Technical Advisor and a Programs Officer working as staff in the State Planning Division of the Alabama Development Office. The Alabama Coastal Area Board will provide general guidance to the ADO staff effort. This activity will require 12 man-months.

Work Element I-a: Program Cost and Schedule Control

Scope:

Management of fiscal affairs, internal program coordination and schedule maintenance. This effort will be principally an Alabama Development Office staff effort executed by the Technical Advisor with assistance from the Accounting Section. The effort will include accurate, current and complete disclosure and reporting on an accrued expenditure basis of Coastal Zone Management Grant funds. The effort will provide control and accountability for all funds and provide comparison of actual and budgeted amounts as provided in the OCE Grant Management Manual. Schedule maintenance and internal program coordination are major parts of this task which will focus on identifying major constraints or problems encountered in plan development and the reassessment of the program's broad goals and objectives. It may be necessary to revise program design in light of emerging or continuing priority problems and opportunities.

Prerequisites:

Initial grant approval.

Dependent Work Elements:

Continuing Coastal Zone Management Plan development.

Resources:

6 man-months.

Schedule:

This is a continuing effort.

Work Element I-b: Grant Applications

Scope:

The second and third year grant applications will generally follow the format for the first year grant application. The Management Program Design and the Annual Work Program will be updated to indicate progress made toward development of the State Coastal Area Management Program under the previous development grant.

Prerequisites:

Input from Program Cost and Schedule Control, Element I-a.

Dependent Work Elements:

VII-a, b.

Resources:

6 man-months.

Schedule:

Effort will be periodic and will take place near the end of year one and year two. Applications will be completed in time for submission to the Department of Commerce at least 60 days prior to funding date.

II. PROGRAM COORDINATION

The Coastal Zone Management Act of 1972 requires State coastal area programs to closely coordinate planning with local, state, regional and federal agencies in all stages of development of the management plan. The Act further requires broad-based citizen participation throughout the development of the management plan. To accomplish these elements, a program of coordination and public participation will be initiated early in the first year.

Program coordination will be carried out by the Staff of ADO, with input from the Attorney General's Office in developing certain rules and regulations. The coordination program during the three years will require 30 man-months professional staff time.

Work Element II-a: Agency Identification and Coordination

Scope:

This task will achieve coordination and integration into the state effort of all local, regional, state and federal programs and other coastal area interests that lead to the setting of policy or the development of public and private works, facilities or programs in the State's coastal area. This will be accomplished by identifying and describing the activities and authorities of any local, regional, state and federal planning, programming

or activity which may have a significant impact on the State's coastal area. The Coastal Area Board will utilize and build upon data, studies, and plans developed by these agencies, consider their functions and capabilities in design of the means for control over land and water uses, and design and implement mechanisms to assure maximum participation by these agencies in all phases of development of the coastal area management plan and its subsequent administration.

Prerequisites:

Initial grant approval.

Dependent Work Elements:

III-a, b; IV-a, b, c, d, e, and VII-a.

Resources:

To be undertaken by Alabama Development Office staff. 14 man-months required.

Schedule:

Effort will be periodic as required and will continue throughout program development.

Work Element II-b - Public Participation and Information Dissemination

Objective:

The Coastal Zone Management Act of 1972 requires public hearings with respect to the Coastal Zone Management Plan in the course of its development. Section 308 of the Act requires 30 days notification of such hearings, with all agency materials pertinent to the hearings to be made available to the public at the time of announcement. This task is concerned with the design of the process to achieve public hearings and the detailed protocol for those hearings, including location, period of notice, means of notification, participants and agenda for the hearings, nature of availability of relevant documents and data, and the means of incorporating citizen reaction into the Coastal Area Management Plan.

Scope:

Rules and regulations regarding protocol for public hearings, notification system and other tehnical data will be developed by the Attorney General's Office. Citizen participation will be a prominent part of the Coastal Area Plan. Such participation will be insured by holding educational and planning meetings with local citizen user groups under Work Elements V-a and b. Such groups will include recreation and tourist interests, housing developers, shipping and seafood industries, sport fishing, conservation organizations, agricultural interests, municipalities and counties. These meetings will be planned and organized through the Mississippi-Alabama Sea Grant Consortium. Participants in the meeting will be selected from the Mississippi-Alabama Sea Grant Consortium Coastal Leaders Program, from existing committees of the South Alabama

Regional Planning Commission and other sources. Each user group will select a committee to determine the most beneficial land use, conflicts of use and needs of that particular group. A representative of each user group will be selected to represent that group on a citizens advisory council to consider the results of each group committee in a state and regional context. The results of the council's deliberations will be used to develop the Coastal Area Board's management program.

Through the group meetings and user committees, a complete statement of goals, conflicts and needs of the Coastal Area from the citizens' viewpoint will be realized.

Information about the Coastal Area Board and progress of the coastal area program will be disseminated to the public through frequent news releases, through a periodic newsletter-type release, and through workshops and seminars. To execute this task the Coastal Area Board will work through the Public Relations Division of the Alabama Development Office, the Sea Grant Program, the South Alabama Regional Planning Commission and other interested organizations.

Prerequisites:

Initial grant approval.

Dependent Work Elements:

IV-a, b, c, d, e and V-a, b

Resources:

To be undertaken by ADO and Attorney General's Office; will require approximately 12 man-months.

Schedule:

Will begin with initiation of project and continue throughout the program.

Work Element II-c - Continuing Liaison

Objective:

A number of tasks depend upon the actions of agencies outside the direct control of the Coastal Area Board. To assure that these external actions occur constructively and in reasonable time in relation to other dependent tasks will require continuing contact and coordination by the Board. Areas where this continuing liaison will be particularly required include the Office of Coastal Environment (particularly for grant application, revisions, approvals and for plan submittal and approval), the Alabama State Legislature for necessary legislative actions, and other state and local agencies to expedite the availability of data and required concurrences and approvals.

Scope:

This element will be carried out by closely following day to day developments on the federal, state and local scene.

Prerequisites:

Initial grant approval and development of agency identification and coordination program (II-a).

Dependent Work Elements:

Data acquisition and evaluation, policy development and plan synthesis.

Resources:

To be undertaken by the staff of ADO; will require 4 man-months.

Schedule:

This effort will begin with the initiation of the program and will be continuous throughout the program.

III. DATA ACQUISITION AND EVALUATION

Work Element III-a - Data Acquisition

Scope:

The Act specifies that the Coastal Zone Management Plan must be coordinated with local, areawide, and interstate plans applicable to areas within the coastal zone. Initial interpretation by the Office of Coastal Zone Management is to the effect that formulation of the Coastal Zone Management Plan should utilize available data and information to the maximum practicable extent. The Coastal Area Board will seek out and utilize available data and information from existing local, regional, state and federal agencies and programs. Additionally, all existing published information and data concerning the coastal area will be acquired and incorporated into the plan development process.

Prerequisites:

Program coordination work elements (II-a, b, c).

Dependent Work Elements:

III-b.

Resources:

18 man-months.

Schedule:

Effort will be concentrated in the first 12 months of program development and by the 24th month the effort will terminate. Any further acquisition activities will be incorporated into Continuing Liaison (Work Element II-c).

Work Element III-b - Data Evaluation

Scope:

The data and information obtained in Element III-a and during its acquisition must be continually reviewed and related to data from other sources to assure its adequacy to the demands of subsequent required tasks, principally that of policy determinations. Where data are found inadequate a search for supplementary data must be initiated or additional ongoing investigation and/or research must be initiated.

Prerequisites:

Work Element III-a.

Dependent Work Elements:

III-c.

Resources:

21 man-months.

Schedule:

Efforts will be initiated at start of program and peak during the second year. During the third year a minimum continuing effort is envisioned to evaluate evolving new programs of other agencies.

Work Element III-c - Provisional Policy Goals

Scope:

This task entails the formulation of broad policy goals for the coastal area. These goals will utilize and build upon appropriate technical data, studies and programs developed through agency identification and coordination. The Board, through consultation with its advisory agencies, public participation and other procedures, will develop the broad policy goals for the State. These goals will address policy in subject areas which include but are not limited to 1) industrial development, 2) commerce, 3) residential development, 4) recreation, 5) mineral extraction and fossil fuels, (6) transportation and navigation, 7) waste disposal, and 8) fisheries.

Prerequisites:

Work Element III-b.

Dependent Work Elements:

IV-a, b, c, d, e.

Resources:

6 man-months.

Schedule:

This task will begin late in the first year and will peak in the second year and should terminate at the end of the second year.

IV. POLICY DEVELOPMENT

The Coastal Zone Management Act of 1972 requires state programs to consider certain elements which require adoption of state policy. These elements are described below. Other policy considerations may arise as the program develops.

Work Element IV-a; Boundaries of the Coastal Area

Scope:

The coastal zone of a state is generally defined to include the bays, estuaries, and waters within the territorial sea and to extend inland as far as the landward extent of maritime influences. Definitions vary from state to state depending upon natural, institutional and legal considerations within the area. In whatever manner the coastal area is defined, much of the data utilized in analysis and physical factors impacting the coastal area can be expected to encompass significantly larger geographic regions than the coastal area alone.

To accommodate the problem of area included within the defined boundaries, the Coastal Area Board has adopted a three-zone preliminary definition of the coastal area. The preliminary definition is included as Attachment A at the end of this section. This would allow the Board to undertake planning studies and policy development for a broader area aimed at a later final determination of the smaller coastal zone where specific land and water use controls, regulations, and active management activities will be applied.

Demographic, economic, developmental, and biophysical factors and their analysis, which will largely determine state management activities in coastal waters and the landward and seaward areas and uses affecting them, are likely to be based upon data, programs, and institutional boundaries (such as counties or areawide agencies) that encompass geographic areas larger than the coastal area designation. Some considerations must also be given to possible mechanisms and the reasonable extent of control of activities beyond the defined planning area, which have significant effect in the coastal area. The Coastal Area Board has appointed a subcommittee of three members to guide the technical work involved in finalizing the coastal area boundary.

Prerequisites:

Data Acquisition and Evaluation (Work Elements III-a, b, c).

Dependent Work Elements:

VII-a.

Resources:

12 man-months.

Schedule:

Begin as early as possible in the first year, to be completed by end of first year.

Work Element IV-b - Permissible Land and Water Uses

Scope:

The Coastal Zone Management Act specifically requires "a definition of what shall constitute permissible land and water uses within the coastal zone which have a direct and significant impact on the coastal waters," to be a part of the State Coastal Area Management Program. Section 302 of the Act recognizes certain existing uses 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. Section 303 states that these uses are to be managed giving full consideration to economic development as well as to ecological, cultural, historic, and aesthetic values.

A major factor in determining permissible uses will be the water quality criteria established for coastal waters under the Federal Water Pollution Control Act. The Coastal Zone Management Act specifies that it will not affect any requirement established by the Water Pollution Control Act or the Clean Air Act, and that the requirements established under these Acts must be incorporated into any coastal area management programs. Defining which land and water uses have a direct and significant impact upon coastal waters, and ultimately, therefore, the extent to which they must be limited or controlled will require:

1. Assessment of the plans for impact of existing, projected, or proposed uses of coastal lands and waters to determine the ability of the coastal area to accommodate the various uses.

2. Categorizing the nature, location, scope, and conflicts of current and anticipated coastal land and water uses.

3. Compiling, verifying, and assessing the general characteristics, values, and interrelationships among existing coastal land and water environments.

In establishing permissible uses, Section 306(c)(8) of the Act requires the State to provide "for adequate consideration of the national interest involved in the siting of facilities necessary to meet requirements which are other than local in nature."

Based upon studies undertaken as a part of this work element, it should be possible to define permissible uses.

Prerequisites:

Data Acquisition and Evaluation (Work Element III-a, b, c) and Boundaries of the Coastal Area (Work Element IV-a).

Dependent Work Element:

VII-a.

Resources:

12 man-months.

Schedule:

Begin as early as possible in the first year and complete by the first quarter of the second year.

Work Element IV-c - Geographic Areas of Concern

Scope:

Section 305(b)(3) of the Act requires that the management program include an inventory and designation of areas of particular concern within the coastal area. The Act recognizes that the problems and immediate needs in the coastal area can be expected to vary from state to state depending on the precise character of the coastal area, and the extent of existing pressures and competing demands for access to and irreversible development of sections of the coastal area. Potential criteria for designating areas of particular concern include:

1. Areas of unique, scarce, fragile, or vulnerable natural habitat, physical features, historical significance, cultural value, and scenic importance

2. Areas of high natural productivity for living resources including fish, wildlife, and the various trophic levels in the food chain critical to their well-being

3. Areas particularly suitable for agricultural production

4. Areas where developments and facilities are dependent on the utilization of, or access to, coastal waters

5. Areas where developments and facilities are dependent on the utilization of, or access to, coastal waters

6. Areas of unique geologic or topographic significance to industrial or commercial development

7. Areas of urban concentration where shoreline utilization and water uses are highly competitive

8. Areas of significant hazard if developed due to storms, floods, erosion, etc.

9. Areas needed to protect, maintain or replenish coastal lands or resources, such areas include coastal flood plains, aquifer recharge areas, sand dunes, beaches, shell-fish reefs, offshore sand deposits and others

10. Intensely developed areas where reclamation, restoration, public access, or other efforts are especially needed

11. Areas especially suited to intensive use or development of key facilities

Immediacy of need is an important consideration in designating an area of particular concern. Citizen participation will be essential in successfully defining areas of concern.

Prerequisites:

Data Acquisition and Evaluation (Work Elements III-a, b, c) and Boundaries of the Coastal Area and Permissible Land and Water Uses.

Dependent Work Elements:

Work Elements IV-d and VII-a.

Resources:

6 man-months.

Schedule:

Begin late in first year and complete by end of second year.

Work Element IV-d - Designation of Priority Uses

Scope:

Section 305(b)(5) of the Act requires that the approved management program include broad guidelines on priority of uses in particular areas, including specifically those uses of lowest priority. Generally, priority use guidelines should be developed based on the results of Work Elements IV-b definition of permissible uses, and IV-c areas of particular concern. These priority guidelines will serve three essential purposes:

1. To provide the basis for regulating land and water uses in the coastal area

2. To provide state and local governments, regional agencies and citizens with a common reference point for resolving conflicts

3. To articulate the state's specific point of view on the relative priorities and values of economic development as compared with the competing needs for preservation and conservation

Prerequisites:

Work Elements III-a, b, c, and IV-b and c.

Dependent Work Element:

VII-a.

Resources:

6 man-months.

Schedule:

Begin early in the second year and complete by end of second year.

Work Element IV-e - Organizational Structure and Control

Scope:

Section 305(b)(6) of the Act requires the management plan to include a description of the organizational structure proposed to implement the management program, including the responsibilities and interrelationships of local, areawide, state, regional, and interstate agencies in the management process. One essential element of the organizational structure is the requisite state involvement in land and water use decisions in the coastal area. Another, is the process of coordination by the State with local, areawide, regional and interstate agencies, in the development and administration of the management program. Guidance with respect to organizational structure is provided in Section 306(c) and (d) of the Coastal Zone Management Act of 1972. Techniques for control of land and water uses in the coastal area according to Section 306(e) of the Act may be one or a combination of:

1. State establishment of criteria and standards for local implementation, subject to administrative review and enforcement of compliance

2. Direct state land and water use planning and regulation

3. State administrative review for consistency with the management program of all development plans, projects, or land and water use regulations, including exceptions and variances thereto, proposed by any state or local authority or private developer, with power to approve or disapprove after public notice and opportunity for hearings

Prerequisites:

Work Elements III-a, b, c and IV-a, b, c, d.

Dependent Work Element:

VII-a.

Resources:

9 man-months.

Schedule:

Begin near middle of second year and complete early in third year.

V. PUBLIC PARTICIPATION

Work Element V-a - Coastal Leaders Program

Scope:

Periodic meetings with identified coastal area leaders (civic, governmental, industrial, conservation, developmental, etc.) at major milestones in plan development, especially in activities associated with the setting of provisional policy goals (Work Element III-c) and in the area of policy development (Work Elements IV-a, b, c, d, e). The meeting with these leaders will guide the Coastal Area Board in laying out the working objectives for specific tasks and will solicit their advice and attitudes regarding the issues and problems of the local level. Within the Alabama-Mississippi Sea Grant Program there is a Coastal Leaders Program developed to identify and prioritize industrial and socio-political problems. It is presently envisioned that the Sea Grant program will be employed and that existing committees of the South Alabama Regional Planning Commission will be called upon to accomplish a major portion of this task. This effort will tie in closely with Work Element II-b Public Participation and Information Dissemination.

Prerequisites:

Work Elements II-b, III-c and IV-a, b, c, d.

Dependent Work Elements:

VI-b, c and VII-a.

Resources:

6 man-months.

Schedule:

Begin near middle of first year, peak during second year in coordination with Work Elements IV-b, c, d, and be somewhat less in third year. Will continue to end of plan development.

Work Element V-b - Seminar-Workshop Series

Scope:

Seminars and workshops will be held as necessary to develop dialogue between the Coastal Area Board and specific concerned interest groups and agencies. These will be held at various stages of program development. Early in the first year a seminar will be held to provide an overview of the Coastal Area Program objective to the elected officials and the administrative heads of the several local, county, state, and federal offices and agencies that have a vested interest in the coastal area. Workshops growing out of this meeting will be held as required. Interstate conferences to coordinate a regional approach to problems common to the adjoining states, Mississippi and Florida, will be held. It is hoped that these conferences can lead to cooperative efforts to solve mutual problems.

The seminar and workshop series will be developed through the Mississippi-Alabama Sea Grant Program with support from local and state groups.

Prerequisites:

Initial Grant Approval.

Dependent Work Element:

Task VII-a.

Resources:

6 man-months.

Schedule:

Continuous throughout the plan development with peak activity during the second year.

VI. LEGAL ACTIVITIES

Work Element VI-a - Legal Policy Analysis

Scope:

This task is designed to provide a continuing review of the coastal area management goals and policies as they develop. These goals and objectives must be evaluated in relation to conflicts with existing agency powers, and they must be assessed in terms of fulfilling the regulative and control requirements for the State Coastal Area Management Program in compliance with the requirements of the Coastal Zone Management Act of 1972. Principal responsibility in this task will be assigned to the Office of the Attorney General.

Prerequisites:

Work Element III-c and IV-a, b, c, d, e.

Dependent Work Elements:

VI-c and VII-a.

Resources:

12 man-months.

Schedule:

Begin early in first year and continue to middle of third year.

Work Element VI-b - Public Hearings

Scope:

The purpose of this work element is to provide public hearings as required by Section 306(c)(3) of the Coastal Zone Management Act of 1972. Ample notice will be provided (not less than 30 days), and will be well announced in the news media in addition to the legal technical notice as required by state law. All agenda and complete documents will be made available to the public. The intent of these hearings is to assure that the public has an opportunity to participate in the coastal area plan development. In addition to a public hearing prior to final adoption of the plan, it is envisioned that hearings will be held on principal policy issues as they develop. A comprehensive summary of the hearings will be prepared by the hearings officer and shall be available to the public with 30 days after the hearing. Additionally, a concise summary of the hearing will be disseminated under Work Element II-b.

Prerequisites:

Work Element II-b.

Dependent Work Elements:

II-b, III-c, IV-a, b, c, d, e.

Resources:

6 man-months.

Schedule:

Begin in first year and continue through project at necessary intervals.

Work Element VI-c - Legislative Drafting

Scope:

As policies are developed and following public hearings, certain legislative measures will be desirable to clarify existing lines of authority and responsibilities. It is expected that the legal requirements to accommodate the emerging policies will be introduced during the 1975 Regular Session of the Legislature. The Coastal Area Management Plan should be completed and approved in time for submission of any additional legislative needs to the 1977 Regular Session. Included in the final phases of program development will be legislation providing the designated State agency with whatever additional authority it may require to meet the necessary regulative and control requirements set forth in the Coastal Zone Management Act of 1972. The principal responsibilities in this task will be placed on the staff of the Attorney General's Office.

Prerequisites:

Work Elements III-c, IV-a, b, c, d, e and VI-a, b.

Dependent Tasks:

Work Elements VII-a and b.

Resources:

6 man-months.

Schedule:

Begin latter part of first year and continue throughout program. Major effort will occur before and during 1975 and 1977 sessions of legislature.

VII. COASTAL AREA MANAGEMENT PLAN PREPARATION

Work Element VII-a - Development of Coastal Area Plan

Scope:

In this work element the results of all previous tasks will be integrated to formulate a comprehensive plan for the orderly development of the coastal area of Alabama. It will include the policy context and supporting rational record of public hearings and legislative documentation.

Prerequisites:

All previous work elements.

Dependent Work Element:

VII-b.

Resources:

12 man-months.

Schedule:

The development of the plan will be a continuous process starting early in the first year and building from that point. The formulization and drafting of the plan document will be concentrated in the third year. It should be completed at least three months before the end of the third year.

Work Element VII-b - Final Report Preparation

Scope:

The draft report will be edited and typed in final form and illustrations will be reviewed and drafted in final form. Upon completion, the report will be reviewed by the various Board members, agency heads and others as required. The final draft will be approved by the Governor of the State of Alabama. The document will be published and submitted to the Secretary of Commerce for approval.

Prerequisite:

Work Element VII-a.

Dependent Work Element;

Final review and approval by the Governor and the Secretary of Commerce.

Resources:

9 man-months.

Schedule:

Begin early in the third year and complete at least two months prior to the end of third year.

ATTACHMENT A

PRELIMINARY DEFINITION OF THE ALABAMA COASTAL AREA

The Coastal Zone Management Act of 1972 recognized that no single geographic definition would satisfy the management needs of all coastal states, because designation of the coastal area for management purposes must take into account the diverse natural, institutional, and legal characteristics that are subject to decisions made in fulfillment of other requirements of the Act.

In recognition of the need to define Alabama's coastal area, Act No. 1274 (the Coastal Areas Development Act) of the Regular Session of the 1973 Legislature requires the Coastal Area Board to identify the boundaries of the Alabama Coastal area (Section 6,a). The Alabama coastal area is defined by the Act (Sec. 3,a) 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 includes 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 use of which have a direct and significant impact on the coastal waters."

Although a precise definition of the coastal area is an early scheduled work element in Alabama's Coastal Area Management Plan, it is necessary to adopt a temporary definition of the area under the jurisdiction of the Coastal Area Board. The final definition of the Alabama coastal area will be the subject of considerable physical, biological and legal research with due consideration given to local input and to local and statewide goals and objectives. The work effort to establish a final definition of the coastal area will be undertaken in the Board's first-year work program.

The following is the preliminary definition of the Alabama coastal area as defined by the Alabama Coastal Area Board:

> The Alabama coastal area includes three zones; the Primary Zone, the Secondary Zone and the Tertiary Zone.
>
> In the Primary Zone, the Coastal Board will have primary authority for a broad range of responsibilities and authorities to comply with Section 306 of the Coastal Zone Management Act of 1972. The Primary Zone includes all publicly and privately owned lands at or below 10 feet above mean sea level in Mobile and Baldwin Counties and all lands exposed and submerged to the seaward limits of the State's territorial boundaries.
>
> In the Secondary Zone, the Coastal Area Board will have authority over "activities significantly affecting the Primary Zone." The determination of the "activities significantly affecting the Primary Zone" will be made by the Coastal Area Board. The Secondary Zone will include all of that area in Mobile and Baldwin Counties between the inland boundary of the Primary Zone and an altitude of 50 feet above mean sea level.

In the Tertiary Zone, the Coastal Area Board will act in an advisory capacity to local and county governments, the Regional Planning Commission and various developmental and conservation interests, and will cooperate in various planning and implementation studies that will benefit the Primary and Secondary Zones. The Tertiary Coastal Zone will extend from the inland boundary of the Secondary Zone to include all that land in Mobile and Baldwin Counties up to 100 feet above mean sea level.

For the purposes of interpreting the position of the boundaries of the Primary, Secondary and Tertiary Coastal Zones, the best available U. S. Geographical Survey topographic quadrangle maps will be used. At the time of adoption of the primary definition these maps are as follows:

Name of Quadrangle	Scale	Contour Interval
Choctaw Bluff	1:62,500	10 feet
Citronelle	1:62,500	10 feet
Tensaw	1:62,500	10 feet
Creola	1:62,500	10 feet
Bay Minette	1:62,500	10 feet
Hurley	1:62,500	10 feet
Dyas	1:62,500	10 feet
Robertsdale	1:62,500	10 feet
Muscogee	1:62,500	10 feet
Foley	1:62,500	10 feet
Weeks Bay	1:62,500	10 feet
Kushla	1:24,000	5 feet
Chickasaw	1:24,000	5 feet
Hurricane	1:24,000	5 feet
Tanner Williams	1:24,000	5 feet
Spring Hill	1:24,000	5 feet
Mobile	1:24,000	5 feet
Bridgehead	1:24,000	5 feet
Stapleton	1:24,000	5 feet
St. Elmo	1:24,000	5 feet
Theodore	1:24,000	5 feet
Hollingers Island	1:24,000	5 feet
Daphne	1:24,000	5 feet
Silverhill	1:24,000	5 feet
Kreola	1:24,000	5 feet
Grand Bay	1:24,000	5 feet
Coden	1:24,000	5 feet
Belle Fountaine	1:24,000	5 feet
Point Clear	1:24,000	5 feet
Grand Bay, SW	1:24,000	5 feet
Isle Aux Herbes	1:24,000	5 feet
Heron Bay	1:24,000	5 feet

Name of Quadrangle (Continued)	Scale	Contour Interval
Little Dauphin Island	1:24,000	5 feet
Petit Bois Island	1:24,000	5 feet
Petit Bois Pass	1:24,000	5 feet
Fort Morgan, NW	1:24,000	5 feet
Fort Morgan	1:24,000	5 feet
Lillian	1:24,000	5 feet
Perdido Bay	1:24,000	5 feet
West Pensacola	1:24,000	5 feet

Most important activities affecting land and water use in the coastal area fall within the Primary Coastal Zone. This zone, as defined herein, presently includes major metropolitan and urban areas, industrial developments, agricultural lands, beach resorts, and summer home developments, fishing and seafood industries, state parks and historical sites, marine research facilities, and estuarine sanctuaries and wildlife habitats. Because of the present development, the limited amount of coast line available and the Zone's special vulnerability to rapid degradation, the Coastal Board feels compelled to take immediate action to oversee activities in the Primary Zone.

The Secondary Zone includes much of metropolitan Mobile and is the source of much of the agricultural, industrial and domestic activities which have significant impact on the Primary Coastal Zone. The Board, therefore, declares its authority to review and act upon those activites in the Secondary Coastal Zone which significantly affect the Primary Zone.

Development in the Tertiary Zone will also have significant impact upon the other two (2) Zones. For that reason the Board will advise and cooperate fully with all interested governments and private parties in planning the orderly development of the area.

APPENDIX A

ALABAMA ACT NO. 1274

COASTAL AREAS DEVELOPMENT ACT

AN ACT

To provide for the preservation, enhancement and development of the coastal areas of Alabama; to establish a board with responsibility and authority for developing, coordinating and maintaining a coastal area program; and to provide for the promulgation of regulations and provisions for the enforcement of this act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Purpose. The purpose of this Act is to promote, improve and safeguard the lands and waters located in the coastal areas 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 such a program, the Legislature of Alabama recognizes and declares that:

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

b. 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.

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

d. Important ecological, cultural, historic and aesthetic values to the coastal area are essential to the well-being of all citizens.

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

f. There is a state interest in the effective administration, beneficial use, protection, and development of the coastal area.

g. 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 interests, land and water use programs for the coastal area, including unified policies, criteria, standards, methods, and processes for dealing with land and water use.

Section 2. State Policy. The Legislature finds and declares that it is State policy:

a. To preserve, protect, develop, and where possible, to restore or enhance, the resources of the state's coastal area for this and succeeding generations;

b. To encourage and assist counties and municipalities 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 ecological, cultural, historic, and aesthetic values as well as to needs for economic development.

c. 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;

d. 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 this Act; and

e. To encourage the participating of the public, of federal, state, and local governments and of regional agencies in the development of coastal area administration programs. With respect to implementation of such administration 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.

Section 3. Definitions. The following terms, whenever used in this Act, shall have the following respective meanings unless the context thereof clearly indicates otherwise:

a. "Coastal area" means 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 includes 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.

b. "Coastal waters" means those waters, adjacent to the shoreline, which contain a measurable quantity or percentage of sea water, including but not limited to, sounds, bays, lagoons, bayous, ponds and estuaries.

c. "Estuary" means that part of a river or stream or other body of water having unimpaired connection with the open sea, where the sea water is measurably diluted with fresh water derived from land drainage.

d. "Estuarine sanctuary" means a research area which may include any part or all of an estuary, adjoining transitional areas, and adjacent uplands, constituting to the extent feasible, a natural unit, set aside to provide scientists and students the opportunity to examine over a period of time the ecological relationships within the area.

e. "Administration Program" includes, but is not limited to, a comprehensive statement in words, maps, illustrations, or other media of communication, prepared and adopted by the state in accordance with the provisions of this Act, setting forth objectives, policies and standards to guide public and private users of lands and waters in the coastal area.

f. "Water use" means activities which are conducted in or on the water, but does not mean or include the establishment of any water quality standard or criteria or the regulation of the discharge or runoff of water pollutants except the standards, criteria, or regulations which are incorporated in any program as required by the provisions of this Act.

g. "Regulated activity" means any of the following activities: the dredging, excavating or removing of soil, mud, sand, gravel, flora, fauna or aggregate of any kind from any coastal area; the dumping, filling or depositing of any soil, stones, sand, gravel, mud, aggregate of any kind or garbage, either directly or indirectly, on or in any coastal areas; killing or materially damaging any flora or fauna on or in any coastal area; and the creation on coastal areas of structures which materially affect the ebb and flow of the tide.

h. "Dredging" means the removal or displacement by any means of soil, sand, gravel, shells or other material, whether of intrinsic value or not, from coastal areas.

i. "Filling" means either the displacement of waters by the depositing into coastal areas of soil, sand, gravel, shells or other material, or the artificial alteration of water levels or water currents by physical structures, drainage ditches or otherwise.

j. "Board" means the Board established under this Act.

Section 4. This act shall not apply to the following activities, areas and entities:

a. The accomplishment of emergency decrees or any duly appointed health officer of a county or municipality or of the state, acting to protect the public health and safety;

b. The conservation, repletion and research activities of the Marine Environmental Sciences Consortium, the Marine Resources Division of the Department of Conservation and Natural Resources and the Mississippi-Alabama Sea Grant Consortium;

c. Hunting, erecting duckblinds, fishing, shellfishing and trapping when and where otherwise permitted by law;

Department of Agriculture and Industries; (5) Alabama Public Service Commission; (6) State Oil and Gas Board; and (7) Air Pollution Commission.

Section 6. Development of Program by Board. The Board shall provide for the development of a comprehensive coastal area administration program in recognition of the national policy expressed in the Coastal Zone Management Act of 1972, Public Law 92-583. The program shall be prepared in cooperation with local, regional, state and federal interests and shall comply with federal rules, etc., for coastal area planning and administration. The program should include at least the following:

a. Identification of the boundaries of the Coastal Area subject to the program;

b. Identification of all of the state's coastal resources;

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

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

e. A definition of what shall constitute permissible land and water uses within the coastal area which have a direct and significant impact on the coastal waters;

f. An inventory and designation of areas of particular concern within the coastal area;

g. Broad guidelines on priority of uses in particular areas;

h. 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 which are other than local in nature.

i. 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.

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

Section 7. Permit Applications. Following development of the coastal area administration program provided for in Section 6 and review and approval of the program by the Governor, no regulated activity shall affect, subsequent to the effective date of said coastal area administration program, any coastal area without a permit unless such regulated activity is allowed without permit in the administration program promulgated pursuant to the provisions of this act. Any person proposing to conduct or cause to be conducted such a regulated activity upon any coastal area

subsequent to the effective date of said coastal area administration program shall file an application for a permit with the Board in such form and with such information as the Board may prescribe. An application fee in an amount to be established by the Board regulations shall accompany each application and shall be payable to the Board.

a. An application shall include the following:

(1) The name and address of the applicant;

(2) The names and addresses of the owners of record of adjacent land and of known claimants of riparian or water rights in or immediately adjacent to the coastal area, or a certification that after diligent search and inquiry the said names and addresses could not be found;

(3) A detailed description of the proposed activity and a map, drawn to an appropriate and uniform scale showing by section, township and range, the location and area of the coastal areas to be affected, indicating the location and area of existing and proposed fill, excavation or other regulated activities; showing the location, width, depth and length of any proposed channel and dredge spoil disposal site; showing all existing and proposed structures, sewage collection and treatment facilities, utility installations, roadways and related appurtenances or facilities, including those on adjacent uplands; describing the type of equipment to be used and the means of equipment access to the activity sites;

(4) An estimate of the cost of the activity;

(5) The primary and secondary purposes of the project, including contemplated future projects;

(6) A description of any public benefit to the derived from the proposed project dependent upon the proposed activity;

(7) A complete description of measures to be taken to reduce detrimental off-site effects to the coastal areas during and after the proposed activity;

(8) The completion date of the proposed activity and of the project dependent upon the activity;

(9) A written report or statement of the environmental impact of the proposed regulated activity and of the final project dependent on it upon the affected coastal areas and the life dependent upon them, provided that an environmental impact statement treating the same activity in the same area and supplied to another federal or state agency for considering a permit shall satisfy this requirement if submitted by the applicant; and

(10) A certification that permits from the Alabama Air Pollution Commission and the Alabama Water Improvement Commission have been applied for or that such permits are not required; that a permit from the United States Corps of Engineers has been applied for or that

such permit is not required; that permits or other certificates of compliance with applicable municipal or county building codes and zoning ordinances have been applied for or are not required.

b. However, any person filing an application to dredge an existing channel for navigational purposes need only show:

(1) That such channel was lawfully in existence on the date of enactment of this Act and on the date such application was filed;

(2) That such channel is regularly used for navigational purposes;

(3) That a permit from the U. S. Corps of Engineers, or its successors, was obtained for the original dredging or that such permit was not required;

(4) That such channel, because of silting or because of the movement of mud, sand, soil or other debris, has become, or is in danger of becoming, impaired for navigational purposes;

(5) Where and how the spoil shall be disposed of, so as to preserve existing areas; and

(6) Fulfill the requirements of subsections a.(1) and a.(7) above.

c. Any person filing an application to dredge a new channel through coastal areas for navigational purposes, must, in addition to the requirements of subsection a. above, show to the satisfaction of the Board:

(1) That such channel will be regularly used for navigational purposes;

(2) That such channel is necessary for access to existing or proposed docks, marinas, yacht basins or other facilities and that there are no other reasonable means of access to such facilities;

(3) Where and how the spoil shall be disposed of, so as to preserve existing areas;

(4) That such channel will be dredged in such a manner as to have the least detrimental effect on the ecological, economic, recreational and aesthetic value of surrounding coastal areas; and

(5) That such channel shall benefit the public at large or surrounding landowners.

d. The Board shall cause a copy of any application to be mailed immediately to the following parties:

(1) The chief administrative officer in the municipality or municipalities where any part of the proposed activity will be located;

(2) The chief administrative officer of any county where any part of the proposed activity

will be located;

(3) The chief biologist, Department of Conservation and Natural Resources;

(4) The county attorney of any county in which any part of the proposed activity will be located or in any county which may be affected by such activity;

(5) The district attorney of any judicial district in which any part of the proposed activity will be located or of any district which may be affected by such activity;

(6) The Director of the South Alabama Regional Planning and Development Commission.

e. Not later than sixty (60) days from the receipt of any application, the Board shall publish notice of a date on or before which written objections to any application must be filed. If written objection is filed or if the applicant requests a hearing, then a hearing must beheld within ten (10) days after the date on or before which objections must be filed unless a later date for the hearing is agreed to by all parties. Notice of the date on or before which objections must be filed shall be published once a week for at least three (3) consecutive weeks in at least one (1) newspaper of general circulation in the county or counties in which the affected areas are located. The first publication of such notice shall be made not less than twenty-one (21) days prior to the date on or before which objections must be filed and the last publication shall be made not more than seven (7) days prior to such date. The published notice shall describe the site of the proposed activity and shall give a general description of the proposed regulated activity. Further, notice shall be given describing the date, time and place for the said hearing by U. S. mail, postage prepaid, to each of the objectors and to the applicant at the address furnished to the Board by said parties, and by causing a copy of such notice to be published at least one (1) time in one (1) newspaper having general circulation in the county or counties in which the affected wetlands are located.

f. The following parties shall be notified of a hearing by the Board by mail prior to the date set for the hearing, but a failure to meet this requirement shall not invalidate any permit granted thereafter:

(1) All of those parties who are entitled to receive a copy of such application in accordance with subsection e. of this section of this Act; and

(2) All known owners of record of adjacent land and all known claimants to water or riparian rights in or adjacent to the coastal areas affected.

g. Any person who files a written objection pursuant to paragraph e. of this section may appear at the public hearing and be heard.

h. The burden of proof shall be on the applicant, whether a hearing is held or not; provided, however, no application shall be denied without giving the applicant a right to a hearing according to the provisions of this Act.

i. Evidence offered at hearings and all applications and related documents shall be open for public inspection at the office of the Board at reasonable times.

j. Within thirty (30) days of the completion of the public hearing on an application for permit the Board shall issue its order granting (with or without special conditions) or denying the application. In the event the Board denies the application it shall specify its reasons therefor and indicate any changes in the proposed activity that would make the applicant eligible to receive the permit. The decision of the Board shall become final unless appeal as provided for in Section 8 is taken therefrom.

Section 8. Appeals. An appeal may be taken by the applicant, or any person or corporation, municipal corporation, county or interested community group who has been aggrieved by such order, from the denial, suspension or revocation of a permit or the issuance of a permit or conditional permit and who has filed written protest or objection as specified in Section 7, within thirty (30) days after the mail to the parties of the order of issuance, denial, suspension or revocation of any such permit, to the circuit court of any county having jurisdiction over the property which may be affected by any such proposed activity to be authorized by such permit.

a. If the court finds that the order appealed from is supported by substantial evidence, consistent with the public policy set forth in this Act, is not arbitary or capricious and does not violate constitutional rights, it shall affirm the Board's order.

b. Such appeal shall be brought by a complaint in writing, stating fully the reason therefor, signed by an authorized party, and shall be served at least twelve (12) days before the return date upon the Board and upon all parties having an interest adverse to appellant as designated under Section 8. Such appeals shall be brought to the next return day of the court after the filing of such appeal or may be returned to a day set by fiat of the court. A cost bond must be posted with sufficient sureties payable to the state in the sum of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00), to be fixed in the order appealed from and to be filed with and approved by the director of the Board, who shall forthwith certify the same, together with a certified copy of the transcription record of the proceedings of the Board in the matter to the circuit court to which the appeal is taken, which shall thereupon become the record of the cause. An appeal to the circuit court as provided herein shall not stay the execution of an order of the Board; provided, however, that any party aggrieved by an order of the Board may petition the circuit court for an appeal with supersedeas and the court shall grant a hearing on said petition, and upon good cause shown may grant said appeal with supersedeas in which case the appellant shall be required to post a bond with sufficient sureties according to law in an amount to be determined by the court.

c. Upon the filing of an appeal, the clerk of the circuit court shall serve notice thereof upon the Board, whereupon the Board shall within sixty (60) days, or within such additional time as the court may for cause allow, from the service of such notice certify to the circuit court the record in the case, which record shall include a transcript of all testimony, all objections, all exhibits or copies thereof, all pleadings, proceedings, orders, findings, and opinions entered in the case; provided, however, that the parties and the Board may stipulate that only a specified portion of the record shall be certified to the court as the record on appeal.

d. If, upon hearing such appeal, it appears to the court that any testimony has been improperly excluded by the Board or that the facts disclosed by the record are insufficient for the equitable disposition of the appeal, it shall refer the case back to the Board to take such evidence as it may direct and report the same to the court with the Board's findings of fact and conclusions of law.

e. Such appeal shall have precedence in the order of trial, and the circuit order may order the granting, denial, revocation, suspension or limitation of any permit or may remand to the Board for such order.

f. Appeals may be taken from the circuit court to the Supreme Court in the manner as now required by law.

Section 9. Initiation of Actions. The State of Alabama at the request of the Board, a district attorney having jurisdiction, or a county attorney having jurisdiction may initiate the actions, as described in this Act against any person or persons believed to be in violation of this Act.

a. Jurisdiction and venue for judicial actions brought pursuant to this Act shall lie in any county or counties in which the alleged violation occurs or in which property affected by such violation is located.

b. Any person who violates the provisions of this Act shall be liable to the State of Alabama for the restoration of all affected coastal areas to their condition prior to such violation, insofar as such restoration is possible, and for any and all damages to such areas. The appropriate circuit court shall allow a reasonable time for completion of the restoration and may, in its discretion, order as punitive damages a sum not to exceed Five Hundred Dollars ($500.00) Per Day for each day such violation has existed. The said circuit court may further order in punitive damages a sum not to exceed Five Hundred Dollars ($500.00) Per day for each day that the violation exists beyond the date set by said court in its order for the restoration of said area.

c. Threatened or actual violations of this Act may be restrained by order of the Circuit Court of the county in which any affected area of the coastal area or any part thereof lies. Such suits shall be initiated as provided for above.

d. Nothing in this Act shall preclude other statutory or common law remedies by public or private parties against violators or non-violaters of this Act.

Section 10. Severability. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstititional, such declaration shall not affect the part which remains.

Section 11. Effective Date. This Act shall become effective 120 days from the date of its approval by the Governor or from the date it otherwise becomes law. (Act 1274 approved on 20 September 1973.)

APPENDIX B

PROGRAM COORDINATION - AGENCY CONTACTS

The following list of federal, state, regional and local agencies will be the major points of governmental contact for the Alabama Coastal Area Board. The list is tentative and additional agencies not included herein may be important contacts.

AGENCIES:	GENERAL DUTIES & RESPONSIBILITIES:
FEDERAL	
U. S. DEPT. OF AGRICULTURE	
- SOIL CONSERVATION SERVICE	Activities associated with coastal area relating to comprehensive inventory of soil resources and development of these resources through various legislative and executive authorities.
U. S. DEPT. OF COMMERCE	
- OFFICE OF COASTAL ENVIRONMENT (NOAA)	As administrator of the Coastal Zone Management Act, this agency will be the primary contact for the Board during development of the Coastal Area Management Program.
- NATIONAL MARINE FISHERIES SERVICE	Technical information will be sought from this agency, with prime responsibility for the Nation's marine fisheries.
- SEA GRANT	Sea Grant, as the primary institutional focus on marine activities, will be consulted for technical input and as a means of assuring public participation in the Coastal Area Management Program.
U. S. DEPT. OF DEFENSE	
- U. S. ARMY CORPS OF ENGINEERS	Federal agency entrusted with authority over Nation's navigable waters. Corps permit review, modification, and maintenance of navigation channels will be of prime interest, as will major projects investigated by the Corps.

U. S. ENVIRONMENTAL PROTECTION AGENCY	Administrator of Nation's air, water, and solid waste control programs. Coordination of grant proposals for these programs should be undertaken. Responsibilities for permitting ocean dumping and involvement with marine sanctuaries dictates close cooperation with the Board.
U. S. DEPT OF HOUSING AND URBAN DEVELOPMENT	Large overall planning functions in HUD to improve urban areas will require close and continuing coordination throughout planning stage of coastal area management; continuing function required as needs of coastal area should determine priority of funding.
U. S. DEPT. OF THE INTERIOR	
- BUREAU OF OUTDOOR RECREATION	Administrator of land and water conservation fund providing for acquisition of outdoor recreation areas and facilities; close contact needed to insure coastal area needs are considered.
- BUREAU OF SPORT FISHERIES AND WILDLIFE	Charged with protecting Nation's fish and wildlife resources; plans require coordination to insure minimal conflict with coastal area program.
- GEOLOGICAL SURVEY	Inventories Nation's water and mineral resources; will make valuable input in determining water resource availability.
- OTHER INTERIOR ACTIVITIES	Interior is slated to administer the National Land Use Act. If passed, close coordination will be required to mesh Coastal Area Management and Land Use Plan on state level.
- OTHER INTERIOR ACTIVITIES CONTINUED	Interior's functions as an energy coordinator and possible administrator of federal superport authority require continued coordination.

DEPARTMENT OF TRANSPORTATION	
– FEDERAL AVIATION ADMINISTRATION	Administers the Federal Airport Development Aid Program. Siting of regional facilities or expansion of existing facilities would significantly impact coastal area. Close coordination required to plan for and minimize impacts.
– FEDERAL HIGHWAY ADMINISTRATION	Planning for federally sponsored highway construction will constitute an important part of transportation facilities for the Coastal Area Coordination through State highway authorities will be required during initial program development and on a continuing basis.
– COAST GUARD	Primary responsibilities of safe navigation and oil pollution monitoring require increased coordination with coastal area agency in view of proposed channel improvements and offshore oil exploration.
STATE	
ALABAMA DEVELOPMENT OFFICE	
– INDUSTRIAL DEVELOPMENT DIVISION	Responsible for attracting industry into Alabama. Industrial development of coastal area will be greatly affected by this agency and therefore their efforts must be closely coordinated with coastal area program.
– STATE PLANNING DIVISION	Act 1274 charges the State Planning Division with the staff responsibilities for the Coastal Area Board. This agency will be carrying out the technical and coordinating work of the Board. The Director of Alabama Development Office is Chairman of the Coastal Area Board.
ALABAMA OFFSHORE HARBOR AND TERMINAL COMMISSION	Responsible for promoting and locating a deep-water terminal off the Alabama-Mississippi coast. Their activities will heavily impact on the offshore and on-shore activities of the Board. On-shore facilities will likely be sited in the coastal area.

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES	Responsible for developing and conserving the State's natural resources. Major part of their program is the regulation and promotion of the sea-food industry. Close coordination will be maintained as the Director is a member of the Coastal Area Board.
STATE DOCKS	Responsible for operating port facilities at Mobile. Close coordination will be maintained as the Director is a member of the Coastal Area Board.
MISSISSIPPI-ALABAMA SEA GRANT CONSORTIUM	Six Alabama institutions of higher learning and four Mississippi institutions of higher learning comprise the Mississippi-Alabama Sea Grant Consortium. The Consortium will cooperate with the Board through technical services and in the public participation program.
MARINE ENVIRONMENTAL SCIENCES CONSORTIUM	A group of 18 universities in Alabama which cooperate in a marine studies program at Dauphin Island. Close coordination will be maintained as the Director is a member of the Coastal Area Board.
ALABAMA WATER IMPROVEMENT COMMISSION	Responsible for the regulation of water quality. This agency will have a significant impact on the coastal area through control of waste water treatment facilities. The agency serves as an advisor to the Board.
ALABAMA AIR POLLUTION COMMISSION	Responsible for the regulation of clean air standards. Agency serves as an advisor to the Board.
ALABAMA HIGHWAY DEPARTMENT	Responsible for the planning, development and maintenance of the State road system. Will have significant impact in the coastal area through development of roadways. Agency serves as an advisor to the Board.

STATE HEALTH DEPARTMENT	Responsible for maintaining the public health of the citizens of Alabama. Agency serves as an advisor to the Board.
DEPARTMENT OF AGRICULTURE AND INDUSTRIES	Responsible for agricultural development and marketing permitting. Agency will have a significant impact in coastal area. Agency serves as an advisor to the Board.
GEOLOGICAL SURVEY	Responsible for assessing the minerals, water and other natural resources of the State. The agency will be a close coordinator in program involving an assessment of coastal area resources. The State Geologist is a member of the Coastal Area Board.
STATE OIL AND GAS BOARD	Responsible for the orderly development of oil and gas in Alabama. Will be involved in both offshore and on-shore drilling that will affect the coastal area. Agency serves as an advisor to the Board.
STATE SOIL AND WATER CONSERVATION COMMITTEE	Coordinates soil and water conservation district activities, disseminates information, and maintains contact with state and federal agencies in the coastal area.
<u>REGIONAL</u>	
SOUTH ALABAMA REGIONAL PLANNING COMMISSION	The SARPC is the principal planning agency for Mobile, Baldwin and Escambia Counties. Their program covers studies in land use, transportation, housing recreation, water and sewer facilities and other areas. SARPC is the A-95 review clearinghouse for applicable federal programs in the region.
MOBILE COUNTY COMMISSION	Responsible for governmental activities affecting coastal Mobile County. A member of the Commission is a member of the Coastal Area Board.

BALDWIN COUNTY COMMISSION	Responsible for governmental activities affecting coastal Baldwin County. A member of the Commission is a member of the Coastal Area Board.
MOBILE COUNTY SOIL AND WATER CONSERVATION DISTRICT	Responsible for planning and technical assistance to coastal landowners, communities and local governments concerning water and related land resources.
BALDWIN COUNTY SOIL AND WATER CONSERVATION DISTRICT	Responsible for planning and technical assistance to coastal landowners, communities and local governments concerning water and related land resources.
MOBILE COUNTY HEALTH DEPARTMENT	Responsible for assuring the public health of the citizens of Mobile County. Will be involved with those activities of coastal area development which impact on public health.
BALDWIN COUNTY HEALTH DEPARTMENT	Responsible for assuring the public health of the citizens of Baldwin County. Will be involved with those activities of coastal area development which impact on public health.
LOCAL	
MUNICIPALITIES IN THE COASTAL AREA	Responsible for local governmental concerns. Coastal area programs will be coordinated as closely as possible with local units of government. The Mayor of the City of Mobile is a member of the Coastal Area Board.
INSTITUTIONS	
	Work with Universities of the State will be accomplished through the Marine Environmental Sciences Consortium and the Mississippi-Alabama Sea Grant Program.

COMMENTS AND SUGGESTIONS ARE WELCOMED.

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The preparation of this document was partially financed through a federal grant from the Department of Commerce, National Oceanic and Atmospheric Administration, as authorized by Section 305 of the Coastal Zone Management Act of 1972. The program is administered by the State Planning Division, Alabama Development Office, Office of the Governor.

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