

FINAL Evaluation Findings

Alabama Coastal Area Management Program

December 2003 through November 2007

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I. EXECUTIVE SUMMARY

Section 312 of the Coastal Zone Management Act of 1972, as amended (CZMA), requires the National Oceanic and Atmospheric Administration's (NOAA) Office of Ocean and Coastal Resource Management (OCRM) to conduct periodic evaluations of the performance of states and territories with federally approved coastal management programs. This review examined the operation and management of the Alabama Coastal Area Management Program (ACAMP or coastal program) by the Alabama Department of Conservation and Natural Resources, the designated lead agency, for the period from December 2003 through November 2007.

This document describes the evaluation findings of the Director of NOAA's OCRM with respect to the ACAMP during the review period. These evaluation findings include discussions of major accomplishments as well as recommendations for program improvement. This evaluation concludes that the Alabama Department of Conservation and Natural Resources is successfully implementing and enforcing its federally approved coastal management program, adhering to the terms of the Federal financial assistance awards, and addressing the coastal management needs identified in section 303(2) (A) through (K) of the CZMA.

The evaluation team documented a number of ACAMP accomplishments during this review period. The ACAMP staffs within both ADCNR and ADEM are well respected and knowledgeable and have developed extensive, long-term relationships with many partners and local governments. The ACAMP expends significant effort in working with local governments and communities in the coastal zone. To that end, the program has engaged an increasing number of local communities through an open, competitive subgrant award process. It has continued to emphasize and support local and state projects to improve public access to the coast. The coastal program has provided technical and financial assistance to local governments for a wide range of efforts and needs, including hazards planning and mitigation, wetlands protection, onsite sewage disposal system issues, local beach and dune protection ordinances, and ordinances and strategic planning to address growth and development. The ACAMP-ADEM staff worked with the City of Orange Beach to enable the City to assume delegation authority for beach and dune permits.

The ACAMP also recognizes the value of partnerships with a wide range of organizations and agencies to leverage and maximize its ability to address coastal issues and provide assistance to local governments. Many of these partnerships help the ACAMP to educate and reach out to both residents and visitors at the coast about the importance of coastal resources and the stresses they face.

The evaluation team also identified areas where the ACAMP could be strengthened. The lead agency change from the Alabama Department of Economic and Community Affairs to ADCNR in 2000 has never been submitted to NOAA for approval through the program change process and must be done. There is some uncertainty about precisely which Alabama statutes, policies, and rules or regulations are a part of the approved ACAMP, whether all enforceable policies

have been incorporated into the program, or whether those already in the program may have been revised but not yet submitted through the change process. This, too, must be accomplished. The appropriate ADCNR and ADEM personnel should make sure that decisions about funding levels and other issues of concern in the annual funding contract are determined prior to the start of a fiscal year. The coastal program document update should be completed, and the ACAMP website should be revised and maximized as an important source of information and materials. Finally, the ACAMP should continue to find ways to translate the scientific research it funds to management applications for coastal managers and decision-makers.

II. PROGRAM REVIEW PROCEDURES

A. OVERVIEW

The National Oceanic and Atmospheric Administration (NOAA) began its review of the ACAMP in August 2007. The §312 evaluation process involves four distinct components:

- An initial document review and identification of specific issues of concern;
- A site visit to Alabama, including interviews and a public meeting;
- Development of draft evaluation findings; and
- Preparation of the final evaluation findings, partly based on comments from the State regarding the content and timetables of necessary actions specified in the draft document.

The recommendations made by this evaluation appear in boxes and **bold** type and follow the findings section where facts relevant to the recommendation are discussed. The recommendations may be of two types:

Necessary Actions address programmatic requirements of the CZMA's implementing regulations and of the ACAMP approved by NOAA. These must be carried out by the date(s) specified;

Program Suggestions denote actions that the OCRM believes would improve the program, but which are not mandatory at this time. If no dates are indicated, the State is expected to have considered these Program Suggestions by the time of the next CZMA §312 evaluation.

A complete summary of accomplishments and recommendations is outlined in Appendix A.

Failure to address Necessary Actions may result in a future finding of non-adherence and the invoking of interim sanctions, as specified in CZMA §312 (c). Program Suggestions that must be reiterated in consecutive evaluations to address continuing problems may be elevated to Necessary Actions. The findings in this evaluation document will be considered by NOAA in making future financial award decisions relative to the ACAMP.

B. DOCUMENT REVIEW AND ISSUE DEVELOPMENT

The evaluation team reviewed a wide variety of documents prior to the site visit, including: (1) the 2005 ACAMP §312 evaluation findings; (2) the federally-approved Environmental Impact Statement and program documents; (3) federal financial assistance awards and work products; (4) semi-annual performance reports; (5) official correspondence; and (6) relevant publications on natural resource management issues in Alabama.

Based on this review and discussions with NOAA's OCRM, the evaluation team identified the following priority issues:

- Program accomplishments since the last evaluation, including changes to the core statutory and regulatory provisions of the ACAMP;
- The effectiveness of the Alabama Department of Conservation and Natural Resources (ADCNR) and the other networked agencies in implementing, monitoring, and enforcing the core authorities that form the legal basis for the ACAMP;
- Implementation of the federal consistency process, including: a) adherence to procedural requirements for program change requests, b) coordination between the ADCNR and the Alabama Department of Environmental Management (ADEM), and c) coordination with networked state agencies and federal agencies;
- Effectiveness of interagency and intergovernmental coordination and cooperation;
- Effectiveness of technical assistance, training, and outreach to local governments and public outreach and education in order to further the goals of the ACAMP;
- Long-term planning to guide the program in identifying priorities, gaps, and the most effective role for the ACAMP;
- How the ACAMP measures and tracks its success in effectively managing the coast; and
- The state's response to the previous evaluation findings dated June 2, 2005. These included program suggestions addressing: 1) an update of the program document; 2) strategic planning; 3) the federal consistency process; 4) grants management; and 5) permitting issues. The ACAMP's assessment of how it has responded to each of the recommendations in the 2005 evaluation findings is located in Appendix B.

C. SITE VISIT TO ALABAMA

Notification of the scheduled evaluation was sent to the Alabama Department of Conservation and Natural Resources, the ACAMP, members of Alabama's congressional delegation, and regional newspapers. In addition, a notice of NOAA's "Intent to Evaluate" was published in the *Federal Register* on October 12, 2007.

The site visit to Alabama was conducted from December 3 - 7, 2007. The evaluation team consisted of L. Christine McCay, Evaluation Team Leader, National Policy and Evaluation Division, Office of Ocean and Coastal Resource Management; Elizabeth Mountz, Program Specialist, Coastal Programs Division, Office of Ocean and Coastal Resource Management; and Jim Rives, Manager, Louisiana Coastal Management Program. Tina Sanchez, NOAA Gulf Coast Services Center, was an observer during a portion of the site visit.

During the site visit the evaluation team met with ACAMP staff, ADCNR and Alabama Department of Environmental Management (ADEM) administrators and staff, representatives of other state agencies, federal agency representatives, local government elected officials and agencies, and representatives of nongovernmental organizations and interest groups. Appendix C lists individuals and institutions contacted during this period.

As required by the CZMA, NOAA held an advertised public meeting on Monday, December 3, 2007, at 5:30 p.m. at 5 Rivers--Alabama's Delta Resource Center, Tensaw Theater, 30945 - 5

Rivers Boulevard, Spanish Fort, Alabama. The public meeting gave members of the general public the opportunity to express their opinions about the overall operation and management of the ACAMP. Appendix D lists persons who signed in at the public meeting. NOAA's responses to written comments submitted during this review are summarized in Appendix E.

The ACAMP staff members were crucial in setting up meetings and arranging logistics for the evaluation site visit. Their support is most gratefully acknowledged.

III. COASTAL MANAGEMENT PROGRAM DESCRIPTION

The National Oceanic and Atmospheric Administration (NOAA) approved the Alabama Coastal Area Management Program (ACAMP) in 1979. The Alabama Department of Conservation and Natural Resources (ADCNR) is the lead agency with primary administrative responsibility for ACAMP. ADCNR has jurisdiction over state lands and is responsible for protecting and conserving wildlife and marine resources and for surveillance and enforcement. The ACAMP is positioned within the Coastal Section of ADCNR's State Lands Division. The Alabama Department of Environmental Management (ADEM) has responsibility for the regulatory and permitting functions of ACAMP. ADEM's regulatory and permitting responsibilities include review of outer continental shelf oil and gas drilling permits and U.S. Army Corps of Engineers (USACE) permits for dredging and filling. ADEM also has oversight of non-regulated uses and review of other state permits. ADEM has direct permit authority for air and water quality, solid waste, hazardous waste, industrial waste and water supplies.

The coastal zone extends from the continuous 10-foot contour to the limit of the state's territorial waters three miles offshore. This area is composed of the coastal areas of Mobile and Baldwin counties, including the Mobile-Tensaw River Delta, Mobile Bay, Dauphin Island and the Gulf Shores/Fort Morgan Peninsula. At 10 miles wide and 40 miles long, the Mobile-Tensaw River Delta is the largest wetland in Alabama and the second largest river delta in the nation. The delta was formed by soil deposition from the Coosa, Tallapoosa, Black Warrior, Tombigbee and Alabama Rivers. The Mobile-Tensaw River Delta includes 250,000 acres of marsh, cypress tupelo swamp and bottomland hardwoods. The delta filters approximately 20 percent of the country's fresh water. Mobile Bay, the fourth largest estuary in the nation, encompasses 413 square miles. It is approximately 31 miles long and has a maximum width of 24 miles. Mobile Bay is a shallow estuary that provides a transition between the fresh water wetlands of the Mobile-Tensaw River Delta and the marine environment of the Gulf of Mexico. One of Mobile Bay's primary functions is as a nursery ground for many commercially and recreationally valuable species. Alabama's main barrier island is Dauphin Island, which is 17 miles long and less than one mile wide. Alabama's barrier island habitats include sandy beaches, dune systems and maritime forests.

ACAMP is based primarily on the Alabama Coastal Area Act of 1976, which mandated the establishment of a comprehensive coastal management program and established a coastal zone boundary. In 1982, the state legislature passed the "Alabama Environmental Management Act," which restructured and reorganized the ACAMP.

ACAMP coordinates all uses and plans affecting the coastal area with various federal and state agencies as well as with local governments to avoid duplication of permitting efforts. ADEM is responsible for much of this coordination, which is achieved through memoranda of agreement, interagency reviews and contracts. Uses subject to ACAMP have been divided into two categories: regulated and nonregulated. A regulated use has a direct and significant impact on the coastal area and requires a state permit or is required by federal law to be consistent with

ACAMP. A use that necessitates a state permit must receive a certificate of compliance. A non-regulated use has a direct and significant impact on the coastal area but does not require a state permit or federal consistency certification. Examples of non-regulated uses include construction and other activities on Gulf beaches and dunes, commercial and residential development greater than five acres, groundwater extraction, and shoreline stabilization and erosion mitigation. Non-regulated uses must be consistent with ACAMP and may or may not require local permits. Local governments may participate in ACAMP by developing local codes, regulations, rules, ordinances, plans, maps, or other means to issue permits or licenses for non-regulated activities that have direct and significant impacts on the coastal area. If these instruments are certified consistent with ACAMP, ADEM may allow the local government to administer them by delegating its beach and dune permit authority, thereby eliminating the need for ADEM to review each case individually.

IV. REVIEW FINDINGS, ACCOMPLISHMENTS, AND RECOMMENDATIONS

A. OPERATIONS AND MANAGEMENT

1. Organization and Administration

The Alabama Department of Conservation and Natural Resources (ADCNR) is the lead agency with primary administrative responsibility for ACAMP. ADCNR has jurisdiction over state lands and is responsible for protecting and conserving wildlife and marine resources and for surveillance and enforcement. The ACAMP is positioned within the Coastal Section of ADCNR's State Lands Division and has a staff of seven. Two also work a percentage of their time with the Weeks Bay National Estuarine Research Reserve, which is a part of the Coastal Section. The ADCNR has been successful in fully staffing the Coastal Section with positions that are full time and whose time is wholly dedicated to the Coastal Section. NOAA commends that effort and encourages the ADCNR to maintain current staff levels and support for the Coastal Section.

The Alabama Department of Environmental Management (ADEM) has responsibility for the regulatory and permitting functions of ACAMP. This is directly handled by a staff of approximately eight people in the Coastal/Facilities Unit of the ADEM Field Operations Mobile Branch.

Throughout the site visit, everyone with whom the team met complimented the ACAMP staff for being knowledgeable, helpful, and accessible. The ACAMP staff members in ADCNR have built upon their core non-regulatory activities, providing funding to local governments for a variety of local projects and working with non-governmental organizations as well as other agencies and institutions on coast-wide management issues and tools. Many of these specific projects and tools are discussed elsewhere in this document. The ACAMP is able to provide significant technical assistance to local governments beyond the direct capabilities of the ADCNR staff through a contract with the South Alabama Regional Planning Council (SARPC). Its work is also discussed in other sections of these findings, but the contractual relationship provides a strong connection for the ACAMP to local governments in the coastal area.

Federal agencies and local governments involved with permitting issues with the ACAMP-ADEM Mobile staff were complimentary in their assessment of coordination and staff involvement. Since the last evaluation, the Mobile Branch chief has designated a staff member to serve as 'local government liaison,' an action that has been particularly beneficial to local governments in Mobile and Baldwin counties within the coastal zone and which they specifically noted during the site visit meetings.

The ACAMP maintains a strong presence and plays a significant leadership role in the Gulf of Mexico Alliance, which is a regional effort among Alabama, Florida, Louisiana, Mississippi, and

Texas to protect the Gulf. The ACAMP program manager has been the chair of the Coastal States Organization during this evaluation period. Staff members have also been involved in various management structures and committees of the Gulf of Mexico Program and the Mobile Bay National Estuary Program

ACCOMPLISHMENT: The ADCNR has been successful in fully staffing the Coastal Section with positions that are full time and whose time is wholly dedicated to the Coastal Section. NOAA encourages the ADCNR to maintain current staff levels and support for the Coastal Section. The ACAMP staff in both ADCNR and ADEM are well respected and knowledgeable. They have sought ways to work more efficiently and effectively with local governments in the coastal zone and play a leadership role at regional and national levels.

The ADCNR staff has been relocated to the new 5 Rivers Delta Resource Center. This is a facility of the ADCNR State Lands Division, houses Coastal Section and other State Lands staff members, and provides public access to over 250,000 acres in the Mobile-Tensaw Delta. The location is more equitably located for ACAMP staff to Baldwin and Mobile counties than the previous office location, is closer to the Mobile Branch ADEM staff, provides several meeting facilities available for both the ACAMP and Weeks Bay NERR, and is a strong, positive visual reminder for both staff and visitors of why coastal management is an important issue for the state of Alabama.

ACCOMPLISHMENT: The 5 Rivers Delta Resource Center provides more centrally-located office space for ADCNR ACAMP staff, meeting room facilities, and excellent public access to the coastal resources of the Mobile-Tensaw Delta.

2. Grants Management

As the designated lead agency, ADCNR receives federal CZMA funding and then provides some of that funding to ADEM and SARPC to carry out core coastal program functions and to other agencies and local governments to conduct both local and coast-wide projects and studies. During the period covered by this evaluation, the ADCNR staff has worked to encourage a variety of smaller local units of government to apply for grant funding for both planning and public access projects, thereby building relationships with communities that previously had not been closely involved in coastal management. NOAA encourages the ACAMP to continue grant funding to local communities under the open, competitive process that has been established.

Tracking subgrants and tasks associated with them can be a time-consuming and sometimes inefficient process. The ADCNR State Lands Division is in the process of setting up a database for all grants and leases the Division manages, and ACAMP will be using this database for all its subgrants and contracts. A specific ACAMP database is being set up as part of the larger database and will be able to generate various reports as needed by the ACAMP staff.

ACCOMPLISHMENT: The ACAMP has engaged an increasing number of local communities through the competitive open subgrant award process, and a database is being established to track and report on subgrants and associated activities.

At the time of the site visit, the contract between ADCNR and ADEM to conduct core coastal program responsibilities involving permitting and federal consistency had not been executed (two months into the fiscal year). It was not executed for almost four more months because of concerns over funding amounts and the wording of certain provisions. Thus, for almost six months of the fiscal year, the ADEM staff carried out core program functions without federal funding. Although both agencies were able to resolve the issues, this delay is not in the best interests of anyone and should not be allowed to go unresolved for this long again.

PROGRAM SUGGESTION: ACAMP personnel at the appropriate management levels in both ADCNR and ADEM are strongly encouraged to meet and discuss the proposed funding levels and other issues of concern in the annual funding contract prior to the start of a fiscal year and to execute a contract in an expeditious time frame.

3. Coastal Resources Advisory Committee (CRAC)

The Coastal Resources Advisory Committee was established by the 1982 Alabama Environmental Management Act to advise the Alabama Department of Economic and Community Affairs (now superseded by the ADCNR as the coastal program lead agency) and ADEM on all matters concerning the coastal area. Membership is composed of not less than seven members, including one member each from Mobile City Commission, Mobile County Commission, and Baldwin County Commission, one official of a municipal corporation in Baldwin County, the Commissioner of ADCNR or his designee, the State Geologist or employee designee, and the director of the Marine Environmental Science Consortium. Additional members may be appointed by the governor.

The CRAC has served to review proposed cooperative agreement award tasks, subgrants, and project products; Coastal Impact Assistance Program proposals; and policy and regulation changes.

4. Program Document

The previous evaluation findings dated June 2005 included a program suggestion that the ACAMP update its coastal program document as soon as possible. That has still not occurred. Although OCRM agrees with ACAMP staff that much of the demographic, coastal issues, and other partner/agency/program information is out of date (the last update occurred in 1999), the most vital piece to be updated and approved by NOAA involves the authorities and enforceable policies by which the ACAMP meets its CZMA requirements and maintains its approved program status. This is particularly important for its federal consistency authority. This is

further discussed and includes a recommendation in the section of these findings titled “Federal Consistency and Program Changes.”

Updating the entire program document can be a time intensive task, and the evaluation team and ACAMP staff discussed how much of the actual document requires NOAA approval and various ways to make the process less onerous, both now and for future updates. A document that is written in a less bureaucratic and easier-to-read format can be a good educational and outreach tool for the public as well as for state and federal agency staffs and applicants for various federal actions. The “Federal Consistency and Program Changes” section includes recommendations that address the enforceable policy issues, but OCRM still suggests that the other parts of the program document be revised and completed as well.

PROGRAM SUGGESTION: The ACAMP should complete a coastal program document update that will serve as an educational and outreach tool for the public, federal agency staffs, and applicants for various federal actions.

5. Use of Technology

The need for and use of technology, particularly geographic information system (GIS) technology, is ever-increasing. The ACAMP staff includes a member whose responsibilities include GIS technology and resource mapping. During this evaluation period, ACAMP has provided GIS support to the Division of State Lands stewardship officer (law enforcement); obtained post-Katrina aerial imagery for Mobile County; worked with ADECA to obtain high resolution aerial imagery for Dauphin Island, Bayou La Batre, Fort Morgan peninsula, and the eastern shore of Mobile Bay; received training on post-processing the aerial imagery for use in a GIS; and created a series of maps for the Little Lagoon Watershed Management Plan.

The Mobile County Septic Tank Program used ACAMP funds to purchase GIS software and hardware to assist in locating septic tanks and field lines, tracking permits, and recording pump-outs conducted by contractors (who use GPS systems to record the tank locations). ACAMP funds have directly provided GIS hardware and software to the City of Gulf Shores for recording and tracking building permits and beach and dune renourishment inspections.

The SARPC has recognized that there is a need for local governments to have GIS capability and that the major single use of GIS by local governments is by building permit staff. Local governments provide the building permit information to ACAMP with the goal of identifying building trends on the coast. The Commission’s geographic information systems service greatly expands the planning capabilities of member governments. This capability combines mapping and information stored as data to generate maps and reports, to provide a planned and systematic approach to collecting and managing location-based information, and to enable elected and appointed officials to improve planning and decision making. SARPC is able to provide direct technical assistance to local governments as part of its contract from ACAMP.

B. PUBLIC ACCESS

Alabama faces the same pressures as other coastal states for public access to the coast: increased population and development, much of it private, vying for the same stretches of coastal property. The state itself is setting an example as it has worked to provide or enhance public access on state-owned property.

- The new “5 Rivers – Alabama’s Delta Resource Center” (so named because it is located where the Mobile, Spanish, Tensaw, Apalachee, and Blakely rivers flow into Mobile Bay) is a facility of the ADCNR State Lands Division and home of the Coastal Section offices. It provides public access to over 250,000 acres that comprise part of the Mobile-Tensaw Delta. Funding from the ACAMP helped to complete some of the facilities at 5 Rivers, including a power boat dock, canoe and kayak landing, walking trails, picnic shelters and tables, and some permeable parking.

- The parking area at the Rice Creek boat ramp, owned by ADCNR, was resurfaced with gravel in a manner so as to deter storm water runoff from silting in the small landing area. Posts were also placed to prevent parking in a wetland area adjacent to the landing. Both of these activities enhanced public parking and access.

ACAMP has been and continues to be supportive of local government efforts to provide public access. Some of the projects which were completed during this evaluation period with Section 306A funding provided to local governments include:

- City of Satsuma: Funding was used to construct picnic areas, boardwalks, and a gazebo at Steele Creek.
- Baldwin County: Boardwalks were constructed at Perdido Bay Park.
- Town of Dauphin Island: A pier was constructed at Alonzo Landing.
- City of Fairhope: Restrooms were constructed at the Pier Street Access Area.
- City of Daphne: A restroom facility and underground power were installed at the City’s May Day Park.
- Dauphin Island Park and Beach Board: The ACAMP provided funds to construct a boardwalk at the main beach and Audubon Sanctuary.
- City of Mobile/Mobile Bay National Estuary Program: The State Lands Division owns the Helen Wood Park property, and a memorandum of agreement was executed among these three entities to improve parking and provide a shelter/gazebo.
- City of Foley: The ACAMP has begun to work with the city concerning development of Graham Creek Park. Graham Bayou, a tributary to Wolf Bay, runs throughout the 483-acre property, which is environmentally sensitive. Plan development will analyze current conditions and produce site plans and designs for improved public access opportunities.

NOAA encourages the ADCNR to support the competitive grant process for projects that improve access to the coast, as exemplified by the examples above.

ACCOMPLISHMENT: The ACAMP continues to emphasize and support state and local projects to improve public access to Alabama's coast.

C. COASTAL HABITAT

The ACAMP has been supportive of research involving aspects of coastal habitat. Wetland and submerged aquatic vegetation protection has been a priority of ACAMP even before this evaluation period. Both the current and previous Section 309 assessments and strategies identified wetlands as a high priority. Staff of ACAMP participates in the Mobile Bay NEP Coastal Habitat Coordinating Team. The coastal program and the Mobile Bay National Estuary Program (NEP) are mapping uplands and wetlands in the coastal counties, and the NEP maintains the database. Such mapping and data can provide the justification and scientific underpinning for management decisions about habitat loss, change, and trends. Funds were also provided to the City of Gulf Shores to develop a local wetlands ordinance.

The Division of State Lands Natural Heritage Program completed an inventory and evaluation of the flora and fauna of Lillian Swamp, phase II of the rallid (bird family of rails, gallinules, and coots) survey along Alabama coastal marshes, and phase II of the survey of pitcher plant bogs. The Natural Heritage Program functions as a central depository for historic and current biological distribution records of species that occur within Alabama. The depository enhances conservation by supporting planning and operations of academic research, federal and state agencies, as well as developmental planning interests.

The University of Alabama received funding to conduct a project assessing the historical salinity variation in Choccolatta and Mobile Bays. This is being done by analysis of mollusk shells obtained from core samples. The Dauphin Island Sea Lab (DISL) has been a significant partner with the ACAMP (and Weeks Bay NERR within the Coastal Section) as well. During this evaluation period, researchers at DISL received ACAMP funds to research the trophic dynamics of created and natural salt marshes in coastal Alabama. The studies concentrate on the interactions between a predatory species (the blue crab) and an herbivorous marsh periwinkle, which grazes on *Spartina*. A newer restored marsh and two older sites were studied to provide insight into marsh function.

The ACAMP is commended for its commitment to provide some funding for various coastal habitat and water quality (see section below) research projects, recognizing that such studies and projects can provide the scientific basis and justification for making coastal resource management decisions. It has recognized that a strong partnership with the Weeks Bay National Estuarine Research Reserve's Coastal Training Program is one vehicle for provide this information and data to coastal managers and decision-makers. The coastal program should seek ways to "translate" the research information and data into a format and information that managers and decision-makers with little science background can use and should seek additional venues to provide this information.

PROGRAM SUGGESTION: The ACAMP should continue to look for linkages and mechanisms for the translation of scientific research it funds to management applications for coastal managers and local decision-makers.

D. WATER QUALITY

Alabama's coastal nonpoint pollution control program (CNPCP) has not received final approval from NOAA and EPA, but the ACAMP is actively addressing water quality issues through a variety of projects and partnerships. CNPCP implementation funds have been used to address impacts of marinas through implementation of best management practices (BMPs) and development of a Clean Marina Program. The Auburn University Marine Extension and Research Center (AUMERC) worked with ACAMP staff to redesign the Clean Boater's and Angler's Pledge, to establish a monofilament line recycling program, and to promote and educate the boating public about marine sanitation devices. AUMERC also worked with ADEM's Clean Vessel Program for pump-out promotion and boating grant information. ADEM and the Alabama Department of Agriculture and Industries developed both pre- and post-workshop surveys for the "Full Circle Pesticide Container Recycling Program" workshops and conducted two workshop presentations with information about basic pesticide container recycling to raise awareness concerning the recycling program.

The ACAMP has also used CNPCP funds to address forestry BMPs and septic tank data collection and maintenance. The Mobile County Public Health Department has used CNPCP funds to acquire and use GIS technology (hardware and software) for locating septic tanks and field lines and developing a "tickler" system to remind homeowners every three years about maintenance and pumpout of their septic systems.

ADCNR provided funding for the City of Foley, Riviera Utilities, and Wolf Bay Water Watch, in concert with the US Geological Survey to install a real time surface water quality data station on Wolf Creek. This station and a number of stations in the coastal area are linked to the Mobile Bay NEP website. The ACAMP funded the Geological Survey of Alabama to conduct an assessment of sedimentation in the D'Olive Creek watershed. Data will be used to estimate suspended and bed sediment loads for each monitored site. A project to monitor the mercury levels in largemouth bass was conducted in partnership with the Mobile Bay NEP and the US Fish and Wildlife Service. Total mercury levels in largemouth bass of an appropriate size were analyzed and water samples for total and methyl mercury were collected and analyzed. Another study was conducted involving the continued bacteria source tracking and investigation of methods of bacteria source identification in the Fish River watershed.

ADEM staff completed a two-year study of the Fowl River sub-watershed of the Mobile Bay watershed. Surface waters were monitored at seven sampling stations at least monthly, in association with rain events if possible, for a number of parameters. Surface water drainage pathways within the watershed were also identified and evaluated during significant rain events.

ACAMP provided funding to the University of Alabama to conduct phased studies of groundwater resources in South Baldwin County and Ft. Morgan Peninsula. Both developed

groundwater flow models and can be used to project demands for various water uses into the future to explore the potential problems that might arise.

All of these studies have the potential to provide scientific justification for management decisions. As noted in the section above addressing Coastal Habitat, the ACAMP should seek ways to translate the results of the water quality-related research it is funding into an informational format that will be of direct use to managers and officials making coastal resource and community development decisions.

E. COASTAL HAZARDS

During this evaluation period, the ACAMP has addressed coastal hazards in a variety of ways. Following landfall of Hurricane Ivan on the Alabama coast on September 16, 2004, the Geological Survey of Alabama conducted monitoring/field reconnaissance, cross-shore profile data acquisition, and analysis to generate shoreline rate-of-change maps representative of 1990 to 2004. Local government officials noted that this beach profile rate-of-change information has been useful in making strategic planning, zoning, and land use decisions. Local communities have utilized the data to receive additional credit under the Nation Floor Insurance Community Rating system.

Beach renourishment projects to reduce future damages from storms have been conducted at Gulf Shores and Orange Beach, and the Town of Dauphin Island is pursuing funding for beach renourishment as well. The ACAMP and SARPC have worked with several local governments regarding local hazards plans and beach and dune protection ordinances. ACAMP staff coordinated with the Alabama Emergency Management Agency and local units of government on hazards planning, review, and development after Hurricane Katrina and participated in the Baldwin County Hazard Mitigation Plan and Orange Beach Flood Plain Hazard Mitigation Plan updates.

Inlet management plans and regional sediment management planning are mechanisms that enable disposal of dredged materials to be conducted so as to provide some local hazard protection or to replace hazard protection lost during storms such as done with the Perdido Pass navigation project with a new disposal site in a beach area.

ACCOMPLISHMENT: The ACAMP has worked to address coastal hazards planning through shoreline monitoring and change mapping, beneficial regional sediment management and disposal, and has provided technical and financial assistance to local governments for hazards planning and local beach and dune protection ordinances.

F. COASTAL DEPENDENT USES AND COMMUNITY DEVELOPMENT

Much of the ACAMP's focus is toward assistance at the local government and community level. In particular, beach access funding and projects have served local community development as discussed in a previous section of this document. Other sections in these findings note the

assistance, both financial and technical, provided to address community development issues of hazards planning and mitigation, wetlands protection, sea turtle protection, and water quality related to marinas and onsite sewage disposal systems. During this evaluation period, the coastal program provided financial assistance to Baldwin County, which collaborated with the Auburn University Center for Architecture and Urban Studies to conduct a small town design initiative in the community of Stockton in Baldwin County. Numerous informal public meetings were conducted and a final public meeting was held in late April 2007. The initiative resulted in the planning and design of a community town center and strategies to implement the design concepts of the plan.

ACCOMPLISHMENT: The ACAMP addresses coastal dependent uses through projects such as the Clean Marina Program and provides technical and financial assistance to local communities to address issues such as hazards planning and mitigation, wetlands protection, onsite sewage disposal systems, and ordinances and strategic planning to address growth and development.

G. GOVERNMENT COORDINATION AND DECISION-MAKING

1. Federal Consistency and Program Changes

The US Army Corps of Engineers now has nationwide permits in place with regional conditions for Alabama as a result of ADEM involvement in that process. Both the Corps of Engineers and ADEM staffs indicated that the federal consistency process generally works well, there is a joint public application and public notice process, both agencies cooperate on monitoring and enforcement, and that ADEM responds in a timely fashion to Corps questions and concerns.

The ACAMP is not up-to-date with regard to submittal of program changes to address changes in enforceable policies. Of greatest concern is the fact that the gubernatorial executive order transferring lead agency status for the ACAMP from the Alabama Department of Economic and Community Affairs to the ADCNR in the year 2000 has not been submitted to and approved by NOAA. The most recent (1995) revisions to the ADEM Division 8 Coastal Regulations have also not been approved by NOAA for incorporation into the coastal program, which is a significant issue with regard to federal consistency concurrence.

NECESSARY ACTION: By October 10, 2008, the ACAMP must submit the coastal lead agency change documentation (state executive order transferring coastal lead agency authority from the Alabama Department of Economic and Community Affairs to the Alabama Department of Conservation and Natural Resources) and the most current version of the Alabama Department of Environmental Management's Division 8 regulations to NOAA for approval through the program change process.

During the site visit, discussions among ADCNR and ADEM coastal staff and the evaluation team centered on several issues with regard to program changes and the enforceable policies of the ACAMP, particularly related to federal consistency:

- whether the ADCNR policies, regulations, and consent/leasing pertaining to submerged lands are or should be included in the ACAMP;
- whether there might be additional regulations or enforceable policies adopted since state program approval that should be incorporated into the ACAMP;
- how to identify and resolve inconsistencies within ACAMP policies for purposes of federal consistency;
- how ADCNR and ADEM can coordinate and clarify the federal consistency process and permitting decisions, for the benefit of federal and state agencies, local governments, and applicants.

There is some uncertainty about precisely which Alabama statutes, policies, and rules or regulations are a part of the approved ACAMP, whether all enforceable policies have been incorporated into the program, or whether those already in the program may have been revised but not yet submitted through the change process. These questions must be addressed by both agencies in consultation with NOAA and Office of Ocean and Coastal Resource Management staff.

NECESSARY ACTION: By August 7, 2009, the Alabama Department of Conservation and Natural Resources and the Alabama Department of Environmental Management must have completed work with NOAA and OCRM staff to:

- a) identify the specific Alabama statutes, policies, and rules or regulations that are a part of the approved ACAMP;**
- b) determine whether any of the Alabama statutes, policies, and rules or regulations that are a part of the approved ACAMP have been amended or revised since incorporation into the ACAMP and are now subject to the program change process;**
- c) determine whether there are additional or new Alabama statutes, policies, or rules or regulations adopted by the state since program approval that should be considered for incorporation into the ACAMP;**
- d) clearly map out the federal consistency process as it relates to: the enforceable policies in the ACAMP, how permitting decisions will be reflected in the federal consistency process when appropriate, and how federal consistency concurrence/nonconcurrence determinations will be made; and**
- e) identify how any differences within ACAMP enforceable policies will be resolved for purposes of federal consistency determinations. This can be accomplished by a variety of different mechanisms, including, but not limited to: a memorandum of understanding or agreement between or among agencies, a determination that the decision will be made by the Governor, or a mutual agreement to review and revise conflicting agency rules or policies.**

By August 7, 2009, a document reflecting the outcome of items a) through e) above and including a schedule for submission of any program changes must be submitted to OCRM.

2. Permitting

Uses subject to ACAMP have been divided into two categories: regulated and nonregulated. A regulated use has a direct and significant impact on the coastal area and requires a state permit or is required by federal law to be consistent with ACAMP. A use that necessitates a state permit must receive a certificate of compliance. A non-regulated use may have a direct and significant impact on the coastal area but does not require a state permit or federal consistency certification. Examples of non-regulated uses include construction and other activities on Gulf beaches and dunes, commercial and residential development greater than five acres, groundwater extraction, and shoreline stabilization and erosion mitigation. Non-regulated uses must be consistent with ACAMP and may or may not require local permits.

Local governments may participate in ACAMP by developing local codes, regulations, rules, ordinances, plans, maps, or other means to issue permits or licenses for non-regulated activities that have direct and significant impacts on the coastal area. If these instruments are certified consistent with ACAMP, ADEM may delegate its beach and dune permit authority to a local government to administer, thereby eliminating the need for ADEM to review each case individually.

The City of Gulf Shores has had delegation of authority for beach and dune permits since the approval of the ACAMP. Since the last evaluation, ADEM has work with the City of Orange Beach, and the City now has assumed delegated authority for permitting as well. ADEM has also worked with the Town of Dauphin Island regarding delegation. Dauphin Island is a small community and could assume delegation. As a result of ongoing discussions with ADEM, Dauphin Island has determined that it does not want to assume delegation, however.

ACCOMPLISHMENT: The ACAMP-ADEM staff worked with the City of Orange Beach to enable the City to assume delegation authority for beach and dune permits.
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2. Programmatic Coordination and Partnerships

The ACAMP coordinates effectively with a variety of partners on projects that are mutually beneficial and that effectively increase the scope and reach of the coastal program beyond the capabilities of its staff. These partnerships and programmatic coordination efforts include:

US Army Corps of Engineers (Corps)

In addition to good coordination between the Corps and ACAMP on issues of water quality certification, federal consistency, nationwide permits with regional conditions, and monitoring and enforcement, the two agencies have an ongoing partnership in regional sediment management planning. In September 2004, Hurricane Ivan wiped out an area called Florida Point, and sand from that area was deposited by the hurricane into Perdido Pass. Perdido Pass had been the subject of an earlier cooperative regional sediment management project, and by building on that expertise and planning, the Corps was able to deposit the dredged materials from Perdido Pass following Hurricane Ivan to recreate bird nesting habitat. The project started in

November and birds were nesting by late March. The Corps and ACAMP are also discussing plans for use of fine-grained sand material that is currently dredged from Mobile Bay and either dumped in upland sites or in an ocean dump site. The materials would be good for marsh restoration, so this use is being discussed.

The Corps is also the technical lead agency in a project that has come out of the Gulf of Mexico Alliance. A Gulf of Mexico regional sediment management plan is being developed and is approximately half completed. The ACAMP is playing a major role in the plan, whereby data collected by ACAMP will be used to help establish the regional sand budget.

US Fish and Wildlife Service (USFWS)

The USFWS has had a significant role in the partnerships involving beneficial use of dredged materials for restoration of habitat at Perdido Pass and at Coffee Island. As a partner in the Alabama sea turtle “Share the Beach” volunteer program, staff from the USFWS coordinated with ACAMP and the cities of Gulf Shores and Orange Beach to protect sea turtles and nesting areas during planning for beach renourishment projects. The USFWS also worked with Gulf Shores to develop lighting ordinances to protect sea turtle hatchlings.

Weeks Bay National Estuarine Research Reserve (Reserve)

As a part of the ADCNR Coastal Section, the Reserve works well with the ACAMP in several arenas. The ACAMP and Reserve share a GIS position as well as data layer collection and have collaborated on land acquisition projects. The Reserve’s Coastal Training Program hopes to increase its reach and grow to become the training arm of the ACAMP, and the coastal program’s location at the 5 Rivers facility now provides larger and more centrally located meeting facilities for seminars and workshops. Both have coordinated on other outreach and education projects like the annual Alabama Coastal Cleanup and Alabama BirdFest.

Both the Reserve and the ACAMP recognize that the research and monitoring conducted at the Reserve are extremely valuable to coastal managers and federal and state permitting agencies and are actively seeking ways to translate science into data and information that can be used by coastal managers.

Mobile Bay National Estuary Program (NEP)

The Mobile Bay NEP and the ACAMP produce a joint newsletter, the NEP serves on the Gulf of Mexico Program representing Alabama, and ACAMP- ADCNR staff serve on various management structures of the NEP. As noted earlier, both organizations are collaborating on a large project to map the uplands and wetlands in the coastal counties. The NEP is implementing a restoration plan for Coffee Island that was prepared by the Mobile District Army Corps of Engineers. The ACAMP provided funding to the NEP for its role as facilitator of the restoration plan development and for a flora and fauna characterization of the island. Both ACAMP and the NEP assisted Dauphin Island as it developed its strategic plan: the ACAMP provided funding and the NEP provided staff assistance.

South Alabama Regional Planning Commission (SARPC)

As noted in earlier discussions, the SARPC provides a specific collaborative link between the ACAMP and local governments. It handles the federal consistency public comment/participation component for local governments for all federal actions except those that are jointly permitted by the Corps and ACAMP. In large measure, the SARPC serves as an extension of the ACAMP staff, providing a variety of technical assistance to coastal local governments. This has included (but is not limited to) assistance to the City of Bayou La Batre for hazard mitigation, downtown redevelopment, and stormwater management issues, and the development of a city land disturbance permit; development of hazard mitigation grant applications for the Town of Dauphin Island to acquire 22 properties; assistance to the City of Orange Beach with its National Flood Insurance Program Community Rating System Program audit; and assistance to the Mobile Stormwater Consortium for permit compliance issues.

ACCOMPLISHMENT: The ACAMP continues to maintain strong partnerships and networks with numerous agencies to maximize the coastal program's ability to address issues and provide assistance to local governments.

4. Public Participation and Outreach

The ACAMP has maintained a strong emphasis on public participation, education, and outreach, primarily through partnerships with a variety of organizations. The Alabama BirdFest was founded in 2004 and has been held for four years now every October. For the first time in 2007, the BirdFest began at the 5 Rivers Delta Resource Center. Although Faulkner Community College is the primary coordinating agency responsible for the BirdFest, ACAMP staff have provided funding, participated in many aspects of the planning and activities, and distributed program brochures and information materials.

The Alabama Coastal Cleanup was held for the 20th time in September 2007. It is the largest public outreach activity in terms of ACAMP staff involvement. The 2007 Cleanup involved 3,300 volunteers who collected 94,000 pounds of trash, which puts the 20-year total of trash collected just 2,000 pounds short of 1 million pounds removed from Alabama coastal beaches. Corporate sponsors provide the \$30,000-\$35,000 necessary to conduct an annual cleanup.

Coastal program staff, in partnership with the Mississippi-Alabama Sea Grant, coordinate and fund the Clean Boater's & Angler's Pledge program. ACAMP is also a partner with the Alabama Gulf Coastal Convention and Visitors Bureau in the Alabama sea turtle "Share the Beach" volunteer program. The ACAMP and the Mobile Bay NEP publish a quarterly joint newsletter. There are numerous other public events at which ACAMP staff make presentations about the coastal program or coastal issues and provide program brochures and informational materials.

ACCOMPLISHMENT: The ACAMP continues to maintain a strong emphasis on outreach and education to the public through a variety of venues and in partnership with other organizations.

The ACAMP-ADEM website provides some overall information about the Alabama coastal program, includes a link to the ACAMP-ADCNR website, and provides appropriate regulatory and permitting information. The link on the ADEM website to the Alabama Coastal Nonpoint Pollution Control Program opens up program information and further links required under Section 319 of the Clean Water Act administered by the Environmental Protection Agency. This can be somewhat confusing for anyone seeking information about the Alabama Coastal Nonpoint Pollution Control Program established by Section 6217 of the Coastal Zone Management Act, implemented under Section 310 of the CZMA, and administered jointly by NOAA and the EPA. It would be helpful to somehow differentiate between the two.

Perhaps the single greatest missed opportunity to reach the public with educational and coastal program information is the ACAMP – ADCNR website. It is located on the ADCNR website which is entitled “Outdoor Alabama” and is located at www.outdooralabama.com – not an easy connection for the general public to make. The ACAMP website is extremely brief, has only four or five links, two of which are “mis-connected,” and is of very limited value to a member of the public. There is no link to the ACAMP-ADEM website, to the newsletter it jointly publishes with the Mobile Bay NEP, to any partners with whom it works, or to the Weeks Bay NERR, which is part of the Coastal Section. It has no descriptive information dealing with activities that the ACAMP is involved in – no way to find out about the Coastal Cleanup, BirdFest, sea turtle program, projects the ACAMP has funded and is funding, local government activities, or coastal resource management issues.

PROGRAM SUGGESTION: The ADCNR is strongly encouraged to put financial and personnel resources into a significant effort to completely revise and maximize the ACAMP website as a location for important coastal resource information materials and ACAMP activities and accomplishments.

VI. APPENDICES

Appendix A. Summary of Accomplishments and Recommendations

The evaluation team documented a number of the ACAMP's accomplishments during the review period. These include:

Issue Area	Accomplishment
Organization and Administration	The ADCNR has been successful in fully staffing the Coastal Section with positions that are full time and whose time is wholly dedicated to the Coastal Section. NOAA encourages the ADCNR to maintain current staff levels and support for the Coastal Section. The ACAMP staff in both ADCNR and ADEM are well respected and knowledgeable. They have sought ways to work more efficiently and effectively with local governments in the coastal zone and play a leadership role at regional and national levels.
Organization and Administration	The 5 Rivers Delta Resource Center provides more centrally-located office space for ADCNR ACAMP staff, meeting room facilities, and excellent public access to the coastal resources of the Mobile-Tensaw Delta.
Grants Management	The ACAMP has engaged an increasing number of local communities through the subgrant award process, and a database is being established to track and report on subgrants and associated activities.
Public Access	The ACAMP continues to emphasize and support state and local projects to improve public access to Alabama's coast.
Coastal Hazards	The ACAMP has worked to address coastal hazards planning through shoreline monitoring and change mapping, beneficial regional sediment management and disposal, and has provided technical and financial assistance to local governments for hazards planning and local beach and dune protection ordinances.
Coastal Dependent Uses and Community Development	The ACAMP addresses coastal dependent uses through projects such as the Clean Marina Program and provides technical and financial assistance to local communities to address issues such as hazards planning and mitigation, wetlands protection, onsite sewage disposal systems, and ordinances and strategic planning to address growth and development.

Permitting	The ACAMP-ADEM staff worked with the City of Orange Beach to enable the City to assume delegation authority for beach and dune permits.
Programmatic Coordination and Partnerships	The ACAMP continues to maintain strong partnerships and networks with numerous agencies to maximize the coastal program's ability to address issues and provide assistance to local governments.
Public Participation and Outreach	The ACAMP continues to maintain a strong emphasis on outreach and education to the public through a variety of venues and in partnership with other organizations.

In addition to the accomplishments listed above, the evaluation team identified several areas where the program could be strengthened. Recommendations are in the form of Program Suggestions and Necessary Actions. Areas for improvement include:

Issue Area	Recommendation
Grants Management	PROGRAM SUGGESTION: ACAMP personnel at the appropriate management levels in both ADCNR and ADEM are strongly encouraged to meet and discuss the proposed funding levels and other issues of concern in the annual funding contract prior to the start of a fiscal year and to execute a contract in an expeditious time frame.
Program Document	PROGRAM SUGGESTION: The ACAMP should complete a coastal program document update that will serve as an educational and outreach tool for the public, federal agency staffs, and applicants for various federal actions.
Coastal Habitat	PROGRAM SUGGESTION: The ACAMP should continue to look for linkages and mechanisms for the translation of scientific research it funds to management applications for coastal managers and local decision-makers.
Federal Consistency and Program Changes	NECESSARY ACTION: By October 10, 2008, the ACAMP must submit the coastal lead agency change documentation (state executive order transferring coastal lead agency authority from the Alabama Department of Economic and Community Affairs to the Alabama Department of Conservation and Natural Resources) and the most current version of the Alabama Department of Environmental Management's Division 8 regulations to NOAA for approval through the program change process.

<p>Federal Consistency and Program Changes</p>	<p>NECESSARY ACTION: By August 7, 2009, the Alabama Department of Conservation and Natural Resources and the Alabama Department of Environmental Management must have completed work with NOAA and OCRM staff to:</p> <ul style="list-style-type: none"> a) identify the specific Alabama statutes, policies, and rules or regulations that are a part of the approved ACAMP; b) determine whether any of the Alabama statutes, policies, and rules or regulations that are a part of the approved ACAMP have been amended or revised since incorporation into the ACAMP and are now subject to the program change process; c) determine whether there are additional or new Alabama statutes, policies, or rules or regulations adopted by the state since program approval that should be considered for incorporation into the ACAMP; d) clearly map out the federal consistency process as it relates to: the enforceable policies in the ACAMP, how permitting decisions will be reflected in the federal consistency process when appropriate, and how federal consistency concurrence/nonconcurrence determinations will be made; and e) identify how any differences within ACAMP enforceable policies will be resolved for purposes of federal consistency determinations. This can be accomplished by a variety of different mechanisms, including, but not limited to: a memorandum of understanding or agreement between or among agencies, a determination that the decision will be made by the Governor, or a mutual agreement to review and revise conflicting agency rules or policies. <p>By August 7, 2009, a document reflecting the outcome of items a) through e) above and including a schedule for submission of any program changes must be submitted to OCRM.</p>
<p>Public Participation and Outreach</p>	<p>PROGRAM SUGGESTION: The ADCNR is strongly encouraged to put financial and personnel resources into a significant effort to completely revise and maximize the ACAMP website as a location for important coastal resource information materials and ACAMP activities and accomplishments.</p>

Appendix B. Response to Previous (2004) Evaluation Findings

Note: Some recommendations and responses reference the Weeks Bay National Estuarine Research Reserve (WBNERR) because the previous evaluation was a joint evaluation of both the ACAMP and WBNERR, which is administratively located within the ACAMP. The previous evaluation findings included recommendations for the ACAMP separately, the WBNERR separately, and the ACAMP and WBNERR jointly. The responses here address those recommendations directed only to the ACAMP and to the joint recommendations.

Program Suggestion: NOAA encourages ACAMP to proceed with the coastal program document update as soon as possible.

Response: Work on the update of the program documents began in early 2007. Step 1 of the process has been completed. This was a comparison of program documents from the inception of the program to present. The conclusion of this comparison is that the set of policy statements that were listed in the original program document have not changed with subsequent versions. What has changed in the current (1999) version of the document is that lists of statements that “encourage” certain actions were incorporated under each of the natural resource or resource use categories. These statements are not policy statements; thus, they can only be used as guidance for the planning staff’s activities. Therefore, the question is, what new or revised policy statements should be developed? Staff members have discussed the fact that for any new policy statements to have the potential for enforcement, current studies and research findings, especially those funded by the program, should be used to develop the statements. The groundwater research, which is in phase three, is an example of what staff can use to develop policy statements. Development of the policy statements will be step three in the process and will include all staff. Step two is described below.

Step two of the process will begin in late November or early December 2007. The regulations from the inception of the program to the present will be compared to determine what has changed. Changes will be reviewed by staff and recommendations made as to what can and should be done to correct any perceived deficiencies. Work on this step must include the coastal program staff of the Alabama Department of Environmental Management (ADEM). This response also acknowledges that ADEM must address issues with their 1994 version of the regulations.

An overall correction will be made to the document to change references from “plan” to “program” since the document was never, and never meant to be, a plan, but is a program document. Another change will be to include the documentation that moved the program from the Alabama Department of Economic Affairs to the Alabama Department of Conservation and Natural Resources and to add a narrative to explain the results of that move. A final change will be to update the statistics and demographic information. To assist with this, a sub-award was issued to the South Alabama Regional Planning Commission to gather current statistics/demographics to incorporate into the document. These three changes can be accomplished within this grant year. Potential date for completion of the entire process can be discussed during the December 2007 evaluation visit.

Program Suggestion: NOAA strongly encourages ADCNR and ADEM to engage in long range strategic planning and to document roles and relationships in order to facilitate interagency communication and coordination in the ACAMP implementation.

Response: The ADCNR staff completed a strategic planning process and produced a strategic plan document in early 2007. This document has been submitted to the evaluation team.

Program Suggestion: NOAA strongly encourages ACAMP to continue to work with the USACE to improve the federal consistency process so that project applicants are aware of the need for ACAMP review and federal consistency certification for regulated use projects. NOAA also strongly encourages ACAMP to continue to work with local governments to develop processes whereby federal consistency certification is efficiently incorporated into the local permitting process.

Response: This program suggestion requires further follow-up with ADEM during the evaluation visit.

Program Suggestion: NOAA strongly encourages ADCNR to provide training in agency procedures to ACAMP and WBNERR staff. NOAA also encourages ACAMP and WBNERR to work with all points along ADCNR's chain of command so that there is a consistent and clear understanding of the scope, mission and unique features of each program.

Response: The ACAMP staff routinely attends state training programs and receives, interprets and distributes correspondence on new or changed procedures. The administrative staff remains current in procedures for all support activities and assures that each staff member is aware of changes that affect his/her work – and the WBNERR staff is included in all such activities. This is an on-going process. The physical distance between the Coastal Office and the State Lands Office and the workload on all staff continues to result in occasional miscommunications and delays. This can be further explored by the evaluation team during their visit.

Program Suggestion: NOAA strongly encourages ACAMP and WBNERR to address issues hampering the timely completion of grant tasks as soon as possible.

Response: The ACAMP staff has been working to reduce the amount of time that grants are opened. Staff members have pledged to work more closely with sub-grantees and have begun a competitive process for the awarding of sub-grants. This has resulted in the timely completion of more, but not all, sub-awards.

Staff has also reversed a procedure that probably resulted in long delays for closing out grants. Formerly, staff would continue to award funds from an older grant rather than a recent grant. And, because the sub-grantee requires up to a year (or more) to complete a project, the end result would be to extend the older federal grant to accommodate a project that wasn't completed on time. Now the staff has determined that funds remaining in older grants will be used for

operations rather than new projects (unless the new project is certain to be completed with the older grant's performance period). This accomplishes two goals: timely close out of the older federal grant since staff has complete control on the timely use of these funds and maximizing the use of funds in the newest grant since additional projects, which can be completed within the newest grant's performance period, can be funded.

Currently, there are three awards opened.

1) The FY2005-2006 grant is expected to be completed up to three months prior to its extended expiration date of September 30, 2008. The extension was made to accommodate the very complicated task of developing a GIS-based building permit program with coastal communities. To date, there are only six sub-awards opened on this grant. Two are expected to be completed by January 2008, one by March 2008, and the remainder by early summer 2008.

2) The FY2006-2007 award was extended only nine months instead of the usual 18 months, and this was only to accommodate a delay in issuing a sub-award for the D'Olive Creek watershed survey (a task that was approved in the original grant application). Staff expects this project to be completed by September 30, 2008, three months prior to the expiration date.

3) The FY2007/2008 award that was recently issued contains enough projects to close out the award on a timely basis, assuming that all tasks and budgets in the grant application are approved as sub-awards. This issue can be further discussed during the evaluation visit.

Program Suggestion: NOAA strongly encourages ACAMP and WBNERR to place a stronger emphasis on communication and coordination regarding permitting issues. WBNERR and ACAMP should work closely with USACE to ensure that the reserve's special area management guidelines are incorporated in the next round of USACE's General Permits. NOAA also strongly encourages ADCNR, ACAMP and WBNERR to improve follow-up and feedback regarding program comment on permit applications.

Response: This suggestion is not directly applicable to the ACAMP, but is a responsibility of the WBNERR. The WBNERR recently underwent a 312 evaluation and the assumption is that this was addressed at that time. The ACAMP staff are ready to support and present WBNERR's case with the regulatory agencies when asked. To date, this issue had not been brought forward to ACAMP by the WBNERR.

Appendix C. Persons and Institutions Contacted

Alabama Department of Conservation and Natural Resources

James Griggs, Director, State Lands Division

Hank Burch, State Lands Division

Jeff Jordan, State Lands Division

Alabama Coastal Area Management Program (ADCNR State Lands Coastal Section)

Phillip Hinesley, Manager

Kelly Brinkman

Carl Ferraro

Janis Helton

Amy King

Linda McCool

Sharon Nobles

L.G. Adams, Manager, Weeks Bay National Estuarine Research Reserve

Mike Shelton, CTP Coordinator, Weeks Bay NERR

Dr. Scott Phipps, Research Coordinator, Weeks Bay NERR

Alabama Department of Environmental Management

Steve Jenkins, Chief, Field Operations Division

Mike Sherman, Deputy Chief, Field Operations Division

Scott Brown, Chief, Mobile Branch, Field Operations Division

Roy Collins, Mobile Branch, Field Operations Division

Randy Shaneyfelt, Mobile Branch, Field Operations Division

Mark Ornelas, Mobile Branch, Field Operations Division

Chris Sasser, Office of General Counsel

Shawn Sibley, Office of General Counsel

Federal Agency Representatives

Tunis McElwain, US Army Corps of Engineers, Mobile District-Regulatory

Joy Earp, US Army Corps of Engineers, Mobile District-Regulatory

Jenny Jacobson, US Army Corps of Engineers, Mobile District-Environmental

Larry Parsons, US Army Corps of Engineers, Mobile District-Environmental

Patric Harper, US Fish and Wildlife Service

Local Government Representatives

Keith Smith, Mobile County Health Department

Jeff Collier, Mayor, Town of Dauphin Island

Bill Bush, Mayor, City of Satsuma

Pat Hicks, Councilwoman, City of Satsuma

Vicki Miller, City Clerk, City of Satsuma

James Elmore, Public Works Supervisor, City of Satsuma

Billy Duke, Mayor, City of Gulf Shores

Mark Acreman, Public Works Director, City of Gulf Shores

Brandan Franklin, Chief Building Official, City of Gulf Shores
Don Williams, Building Inspector, City of Gulf Shores
Steve Henderson, City of Gulf Shores
Nancy Moon, City of Gulf Shores
Kit Alexander, Engineer, City of Orange Beach
Julie Batchelor, Senior Natural Resource Planner, Planning Department, Baldwin County

Academic/Educational Representatives

Dr. George Crozier, Director, Dauphin Island Sea Lab
Dr Rich Aronson, Dauphin Island Sea Lab
Dr. Just Cebrian, Dauphin Island Sea Lab
Dr. Geoffrey Tick, University of Alabama

Other Organizations and Representatives

Collette Boehm, Alabama Gulf Coast Convention & Visitors Bureau
David Yeager, Director, Mobile Bay National Estuary Program
Roberta Swann, Deputy Director, Mobile Bay National Estuary Program
Diane Burnett, Planning Director, South Alabama Regional Planning Commission
Jenny White, South Alabama Regional Planning Commission
Tina Sanchez, formerly with South Alabama Regional Planning Commission
Steve Jones, Geological Survey of Alabama

Appendix D. Persons Attending the Public Meetings

The public meeting was held on Monday, December 3, 2007, at 5:30 p.m. at 5 Rivers-- Alabama's Delta Resource Center, Tensaw Theater, 30945 – 5 Rivers Boulevard, Spanish Fort, Alabama. In addition to staff members from ADCNR and ADEM, the following members of the public attended the meeting:

Jim Duffy, M&N of Alabama
David Walter, Walter Marine

Appendix E. NOAA's Response to Written Comments

NOAA received no written comments regarding the Alabama Coastal Area Management Program.