

**Final Report
To the Legislature of Alabama**

**Submitted by
The Waterfront Access Study Committee
March 17, 2010**

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Introduction

During the 2008 Regular Session, House Joint Resolution 656 by Representative Spencer Collier was enacted to create the Waterfront Access Study Committee. This Committee was assigned the following duties:

1. Gather information about local land-use management and zoning, current shoreline development trends, and local tax rates, including tax assessment trends for shoreline properties.
2. Collect research and information from Alabama and other states and jurisdictions regarding incentive-based techniques and management tools used to preserve waterfront diversity.
3. Assess the applicability of such tools and techniques to the coastal shorelines of Alabama.
4. Hold three public meetings to present recommendations.
5. Submit a final report to the Legislature during the 2010 Regular Session. The final report of the Committee is to address the actions and resources needed to achieve the goals of the Committee.

The membership of the committee consisted of the following 28 appointments:

1. Director of the Mississippi-Alabama Sea Grant Consortium; this appointee was Dr. LaDon Swann.
2. A representative of the Alabama Department of Conservation and Natural Resources; this appointee was Commissioner Barnett Lawley.
3. A representative of the Alabama Department of Conservation and Natural Resources, Marine Resources Division; this appointee was Vernon Minton, Director.
4. A representative of the Alabama Working Waterfront Coalition; this appointee was Mr. Brett Dungan.
5. A representative of the Alabama Port Authority; this appointee was Mr. James Lyons.
6. A representative of the commercial fishing industry appointed by the Speaker of the House of Representatives; this appointee was Mr. Joseph Rodriguez, Jr.
7. A representative of the recreational fishing industry appointed by the President Pro Tempore of the Senate; this appointee was Ms. Bobbi Walker.
8. A representative of the United States Army Corps of Engineers appointed by the Speaker of the House of Representatives; this appointee was Dr. Susan Rees.
9. An economist appointed by the President Pro Tempore of the Senate from one of the major colleges or universities in the state; this appointee was Dr. Samuel Addy.
10. A social scientist appointed by the Speaker of the House of Representatives from one of the major colleges or universities in the state; this appointee was Dr. Diane Hite.
11. A representative of the Alabama Home Builders Association; this appointee was Mr. W. Russell Davis.

12. A representative of the Alabama Association of Realtors; this appointee was Mr. J. Danny Cooper.
13. A representative of the marine trades and manufacturing industry appointed by the President Pro Tempore of the Senate; this appointee was Mr. Tom Steber.
14. A representative of the Alabama Bureau of Tourism and Travel; this appointee was Mr. Lee Sentell.
15. A representative of the commercial fishing support industry appointed by the Organized Seafood Association of Alabama, Inc.; this appointee was Mr. B.G. Thompson.
16. A local government representative from each of the congressional districts, with the representatives from odd-numbered districts appointed by the Speaker of the House of Representatives and the representatives from even-numbered districts appointed by the President Pro Tempore of the Senate; these appointees were Mr. Charles Kelley and Mr. Cline Jones.
17. The Chair of the Agriculture, Conservation, and Forestry Committee of the Senate, or his or her designee; this appointee was Senator Kim Benefield.
18. The Chair of the Agriculture, Conservation, and Forestry Committee of the House of Representatives, or his or her designee; this appointee was Representative Thomas Jackson.
19. The members of the House of Representatives representing House Districts 95 and 105; these appointees were Representative Steve McMillan and Representative Spencer Collier, respectively.
20. The members of the Senate representing Senate Districts 32 and 35; these appointees were Senator Ben Brooks and Senator Trip Pittman, respectively.

Dr. LaDon Swann was appointed as chairman of the Committee and convened the first meeting on March 3, 2009. At the first meeting, members were provided with the following support materials:

1. House Joint Resolution 656
2. Florida House Bill 955
3. Florida Amendment 6
4. North Carolina Senate Bill 646
5. Maryland House Bill 612
6. Definitions of working waterfronts utilized by other states
7. Waterfront access issues and concerns from around the country
8. Incentive-based techniques and management tools
9. Final report to the Mississippi-Alabama Sea Grant Consortium – The Southwest Alabama Working Waterfront Inventory Project: An Interdisciplinary Approach
10. North Carolina Access Study Committee Final Report

During this initial meeting, the Committee discussed issues and concerns related to waterfront access and the working waterfront, learned of potential incentive-based techniques and tools that may be recommended to the Legislature in the final report, and suggested potential recommendations and data needs. The minutes of the meeting are found in Appendix 1.

On May 4, 2009, a financial roundtable was convened. Representatives of the Alabama Development Office, Mobile Chamber of Commerce, Alabama Port Authority, Alabama Department of Economic and Community Affairs and Alabama Department of Revenue and Finance were invited to discuss potential economic impacts that the recommendations made by the Committee may have on the state of Alabama. Minutes of this meeting are found in Appendix 2.

A second full Committee meeting was held on June 2, 2009. After presentations from the North Carolina Sea Grant and National Sea Grant Legal Program, the Committee discussed draft recommendations to be made to the Alabama Legislature. The minutes of the meeting are found in Appendix 3.

Between October and December of 2009, three public meetings were held in Decatur, Montgomery, and Dauphin Island, detailing the work of the Committee and giving the public the opportunity to comment on draft recommendations. These meetings were performed in accordance with HJR 656. The public was also given the opportunity to comment via written statements and an online submission. Comments were incorporated into the final draft recommendations presented to the Committee.

The final Committee meeting was convened on January 26, 2010. The final recommendations were presented to and approved by the Committee. Minutes of this meeting are found in Appendix 4.

The WASC Chair and Committee members acknowledge the dedication of Jody Thompson and Marie Dyson with the Auburn Marine Extension and Research Center who conducted much of the background research, coordinated logistics for all meetings, and drafted much of this report for review by the WASC. The WASC also thanks the invited speakers and panelists who participated in this one-year study and numerous state agencies who provided data for this report.

Final Report with Recommendations

Alabama is abundant with water. The identity, culture, and economy of the State are tied to this precious resource. The waters of the State are vital for tourism, transportation, municipal and industrial supply, fisheries production and recreation. It is important to balance access to Alabama's waters with other desires for waterfront development.

Water Resources

Alabama is ranked first in the nation with the amount of navigable waterways and is ranked seventh in the nation with the highest number of river and stream miles, according to the Alabama Department of Economic and Community Affairs (2008). Alabama's inland water resources are among the most valuable economic and recreational assets. Nineteen river drainage systems have been impounded to create 563,000 acres of public reservoirs, including 1400 miles of navigable waterways and over 23 state-managed public fishing lakes. (ADECA, 2008; ADCNR, 2009)

Economic Impacts

Tourism: As reported in the Alabama Tourism and Travel Economic Impact Report of 2008, it is estimated that over 22 million travelers visited Alabama in 2008. Baldwin, Jefferson, Madison, Mobile and Montgomery were among the counties experiencing the largest number (63%) of travelers. Travelers spent approximately \$9.6 billion in 2008, an increase of 3% from 2007 and a 13% increase from 2006. Travel industry expenditures represent 5.7% of Alabama's Gross Domestic Product. It is estimated that 8.5% of non-agricultural employment in Alabama is directly or indirectly attributable to the travel and tourism industry. The total economic impact of the travel and tourism industry on Alabama in 2008 is estimated at over \$3.7 billion, with \$702 million of that generated into state and local tax revenues. According to the Gulf Coast Convention and Visitors Bureau website, approximately 4.5 million people visited Alabama's beaches in 2008 and left behind \$2.3 billion in travel-related expenditures. An estimated 41,500 people were employed in travel-related jobs and collected around \$928 million in wages (2009).

Employment: The coastal region of Alabama is among one of the most densely populated areas in the Gulf of Mexico and the nation. Major economic impacts provided to the state along the coast include tourism, recreation, commercial fishing, commercial shipping and offshore gas production. Close to 50,000 jobs (between 5% and 15% of the state's employment) along the Alabama coast were created by tourism and recreation. (GOMA, 2008)

Fisheries: The annual commercial fisheries landing statistics for Alabama in 2008 include over 24 million pounds with a landed value of over \$44 million. The 2 nationally ranked commercial fishery ports in Alabama are Bayou La Batre, with 19 million pounds landed annually and a landed value of over \$36 million, and Bon Secour-Gulf Shores with 5 million pounds landed and a landed value of over \$7 million. (NMFS, 2009)

Transport: There are approximately 1400 miles of federally funded navigable waterways in Alabama with links to 21 states. Over \$140 million in Federal dollars are brought into the state each year for waterways. The Port of Mobile is ranked the 9th largest port in the U.S. and has an economic impact of \$10.3 billion for the state of Alabama. Combined, the Alabama, Apalachicola-Chattahoochee-Flint, and the Tennessee River Systems, and Tennessee-Tombigbee and Warrior-Tombigbee Waterways have an economic impact of over \$23 billion and ship over 85 million tons each year. (Coalition of Alabama Waterways, 2008)

Recreation: Alabama's water resources provide an abundance of sport fish and other aquatic fauna, with over 200 species of freshwater fish and an estimated 300 species of saltwater fish. Access to freshwater fishing is listed as one of the top ten recreation needs in Alabama. (ADECA, 2008) In 2008 there were 279,944 boat registrations and over 486,000 recreational and commercial water-related fishing licenses issued in Alabama. (ADCNR, 2009)

Water Access

The State provides resources for water-related activities. Most of the State's rivers have been impounded, increasing the scope of the water areas. It is projected that within the next year 83% of the recreational activities in which the population will participate will include activities involving water access. (ADECA, 2008) Access to inland waterways is abundant, but demand is outpacing access:

- The Alabama Division of Wildlife and Freshwater Fisheries maintains 182 inland public boat ramp lanes and water access areas.
- The U.S. Army Corps of Engineers maintains 14 impoundments and over 100 public-use areas throughout the state's waterways. The Corps recreation projects provide access to some of Alabama's major river systems, with swimming, picnicking, camping, fishing and boat launching facilities.
- The Tennessee Valley Authority maintains 4 reservoirs with 193,000 acres of surface water and 2662 miles of shoreline. There are 82,000 acres of shoreline available for public recreational use.
- Other river impoundments throughout the state are maintained by Alabama Power Company.

Threats

An expanding population, especially on the coast, is leading to increased pressure to develop the waterfront, thereby decreasing waterfront access for both recreation and industry. Between the years 2000 and 2008, there has been a 6.6% overall population increase averaged within Alabama. Regions experiencing the most growth include Auburn-Opelika (12.1%), Huntsville (9.6%), Montgomery (8.7%) and Mobile (8.1%). (ADECA) According to the Center for Business and Economic Research at the University of Alabama, it is estimated that by 2025, the combined coastal population of Alabama will exceed 690,000 people, a 76.9% increase in Baldwin County and a 10.9% increase in Mobile County. (Mobile Bay NEP, 2008) Since 2000, Mobile, Baldwin, Jefferson, Madison and Shelby counties have seen a combined increase of 89% in their populations, a combined increase of 27% in their per capita incomes and a combined increase of 15% in the number of housing units. (U.S. Census, 2009)

Current Efforts in Alabama

There are several municipalities located within the State that have comprehensive plans, strategic plans or land-use plans that designate specific districts and zoning for working waterfronts and/or waterfront access. These include Demopolis, Tuscaloosa, Dauphin Island and Orange Beach. Gulf Shores is in the process of developing their comprehensive plan to include working waterfronts zoning districts at the time of this report.

Management Tools in Other States

Several states have begun to address waterfront access in their planning and legislative practices. Several of these management techniques and tools were used to base the attached recommendations to the Alabama Legislature. These techniques include:

- Recreational and Commercial Working Waterfront or Mixed-Use zoning (Florida Legislature, 2005)
- Tax Increment Financing (Maine State Planning Office, 2002)
- Overlay and Historic District (North Carolina Legislature, 2007; Florida DCA, 2007; South Carolina Sea Grant, 2008)
- Maritime Zoning Districts in Maryland (Maine Sea Grant, 2007)
- Industrial Parks (Virginia Sea Grant)
- Develop a Geographic Information System (GIS) in North Carolina, Maine, Florida and others (Maine Sea Grant, 2007)
- Florida's Stan Mayfield Commercial Working Waterfronts Program funded through the Florida Forever Program (Florida Legislature, 2008)
- Maine's Working Waterfront Access Pilot Program, funded by the Maine Department of Marine Resources and the Land for Maine's Future Trust (Maine DMR, 2009)
- Hawaii's Coastal Land Trust (Maine Sea Grant, 2007)
- North Carolina's Waterfront Access and Marine Industry Fund (North Carolina DMF, 2008; North Carolina Legislature, 2007)

Definitions

The State of Alabama adheres to the public trust doctrine, which provides that the coastal waters of Alabama and the submerged lands below the mean high waterline belong to the people of the State and shall be available for their *use* and *enjoyment*. The State also recognizes that access to coastal and inland waters (waterfront access) is essential to economic development and the shared use and enjoyment of public trust waters, submerged lands, and inland streams, rivers, and lakes.

Working Waterfronts are commercial facilities that *require* direct access to or location on, over, or adjacent to Alabama's coastal public trust waters, submerged lands, and inland streams, rivers, and lakes. The term includes public waterfront access facilities that may be open to the public, offer access by vessels to State waters and lands, or support facilities for recreational, commercial, research, or government vessels.

Examples include, but are not limited to, commercial fishing facilities, including seafood processing facilities, wet and dry marinas, commercial or public docks, boat construction facilities, boat haul-out and repair facilities, recreational fishing facilities including fishing piers, facilities engaged in or offering boating for hire (e.g. charter, head, and tour boats), and facilities that require direct use/flow of coastal or inland waters, including wharf areas for marine aquaculture operations and product transport. Public municipal intakes or municipal water usage and delivery are not included.

Waterfront Access means a parcel, or parcels, of real property that provides access to *water-dependent* commercial and/or recreational activities in Alabama's public trust waters, on coastal public trust submerged lands, or inland streams, rivers, and lakes.

Public Waterfront Access Facility is a site or facility owned by a public entity that provides (or is capable of providing) public access for *water-dependent* activities in Alabama’s coastal and inland public trust areas.

Examples include, but are not limited to, public boat ramps and other boat launching sites, public mooring facilities, waterfront parks and boardwalks, and public rights-of-way adjacent to Alabama’s Department of Transportation roads and bridges.

Recommendations

The WASC submits the following recommendations to the Alabama Legislature in order to protect and preserve waterfront access in the State of Alabama. These recommendations have been prioritized into three tiers, with Tier I priorities requiring the most immediate attention.

Planning/Zoning Issues

1. Complete a Comprehensive Working Waterfront plan as defined and enacted by any federal legislation, for example, the “Keep America’s Waterfronts Working Act of 2009” [HR2548]. (*Tier I priority*)

A working waterfront plan should include:

- a. An assessment of the economic, social, cultural, and historic value of working waterfronts to the coastal state.
 - b. A description of relevant State and local laws and regulations affecting working waterfronts.
 - c. Identification of the geographic areas where working waterfronts are currently under threat of conversion to incompatible uses and the extent of this threat.
 - d. Identification of geographic areas with a historical connection to working waterfronts where working waterfronts are not currently available.
 - e. Identification of other working waterfront needs, including improvements to existing working waterfront areas.
 - f. Identification of current availability and the potential for expansion of public access to coastal waters in indicated areas.
 - g. A strategic and prioritized plan for the preservation, expansion, and improvement of working waterfronts in the state.
 - h. A description of the degree of community support.
2. Create a Waterfronts Alabama Partnership program to assist Regional Planning Commissions, state agencies, municipal planning organizations, counties and municipalities in incorporating working waterfront and water access issues into comprehensive planning and the implementation of those plans. (*Tier I priority*)

This program should perform the following:

- a. Collaborate with Regional Planning Commissions to develop regional comprehensive land-use plans along Alabama’s waterways.

- b. Allow eligible applicants to apply directly to the program for planning assistance. The program should employ technical expertise in land use planning.
 - c. Write model language for waterfront planning, such as overlay zones, historic districts, etc., for use by eligible applicants.
 - d. Encourage the use of business improvement districts, industrial parks, and transfer of development rights for waterfront access areas.
 - e. Encourage local zoning designations that may include Recreational and Commercial Working Waterfront or Mixed-Use, Tax Increment Financing, Overlay, Historic Districts, or special maritime zoning.
 - f. Develop industrial parks that preserve commercial fisheries-related businesses and services.
 - g. Encourage the updating of state and local comprehensive plans to include working waterfronts in their coastal, recreational, and land-use elements.
 - h. Develop a Geographic Information System (GIS) model to identify working waterfronts and waterfront access areas.
 - i. Encourage a dialogue with Congress and the Office of Management and Budget leading to increased funding to the U.S. Army Corps of Engineers for the prioritization of areas specifically included in a working waterfront plan in the maintenance process.
 - j. Encourage the beneficial use of dredge material suitable for environmental restoration and risk reduction.
 - k. Encourage the re-use of dredge material from upland areas in accordance with current law.
3. Seek legislative approval for the waiver of emergency permit fees for rebuilding waterfront properties after declared natural disasters. (*Tier III priority*)

Financial Incentive Issues

- 1. Create incentives for working waterfront businesses. (*Tier II priority*)
- 2. Establish a fund for the acquisition of property for working waterfront and waterfront access properties. (*Tier II priority*)
- 3. Identify high priority working waterfront areas and encourage funding under future Coastal Impact Assistance Programs or other federal funding mechanisms. (*Tier II priority*)
- 4. Enable the Department of Conservation and Natural Resources to increase boating registration fees and/or annually using the consumer price index (CPI) to make adjustments in boater registration due to inflation, with such funds to be used to maintain and/or increase the number of marine police officers on Alabama waterways and for other working waterfront related duties of the Marine Police Division. (*Tier III priority*)

Socio-Economic Issues

1. Conduct a statewide economic inventory of working waterfronts and waterfront access. The inventory should include tonnage shipped, transient boating business, job creation and retention, water-dependent tourism including nature-based and heritage-based, sociological and geographical data, and GIS mapping. The inventory should be updated each time the U.S. Economic Census is released. *(Tier I priority)*
2. Conduct an economic impact study of Alabama's working waterfronts. *(Tier I priority)*
3. Enable the Alabama Cooperative Extension System and the Mississippi-Alabama Sea Grant Consortium to provide technical assistance and support to waterfront stakeholders in sustainable business practices, and to provide public education on the economic, environmental, and societal importance of working waterfronts to the State. *(Tier II priority)*
4. Encourage continued commercial use associated with working waterfronts to better reflect economic values of shipping on waterways. *(Tier II priority)*

Infrastructure Issues

1. Direct all state agencies to expand public access to waters in project planning and construction programs. *(Tier III priority)*
2. Encourage federal and local agencies to incorporate public waterfront access and/or facilities in projects with access to public trust waters of the state of Alabama, for example, boat access and bank fishing. *(Tier III priority)*

References

1. Alabama Department of Conservation and Natural Resources website, 2009.
2. Alabama Department of Conservation and Natural Resources, Wildlife and Freshwater Fisheries Division, personal conversation, 2009.
3. Alabama Department of Economic and Community Affairs. *Statewide Comprehensive Outdoor Recreation Plan, 2008-2012*, 2008.
4. Alabama Tourism Department. *Travel Economic Impact Report*, 2008.
5. Coalition of Alabama Waterway Associations Presentation, 2008.
6. Florida Department of Community Affairs. *Guiding the Way to Waterfront Revitalization: A Best Management Practice Series, Waterfronts Florida Program*, 2007.
7. Florida Legislature, *Senate Bill 1468*, 2008.
8. Florida Legislature, *House Bill 955: Florida Working Waterfront Legislation*, 2005.
9. Gulf Coast Convention and Visitors Bureau website, <http://www.gulfshores.com>, 2009.
10. Gulf of Mexico Alliance. *Gulf of Mexico at a Glance, A Tool for the Gulf of Mexico Alliance and the American Public*, 2008.
11. Maine Department of Marine Resources, website <http://www.wwapp.org>, 2009.
12. Maine Sea Grant. *Access to the Waterfront: Issues and Solutions Across the Nation*, 2007.
13. Maine State Planning Office. *A Review of the Effectiveness of the Maine Coastal Plan in Meeting the State's Public Access and Working Waterfront Policy Goals*, 2002.
14. Mobile Bay National Estuary Program. *State of Mobile Bay: A Status Report on Alabama's Coastline from the Delta to Our Coastal Waters*, 2008.
15. National Marine Fisheries Service. website <http://www.st.nmfs.noaa.gov>, 2009.
16. North Carolina Department of Marine Fisheries. *Waterfront Access and Marine Industry Fund Report*, 2008.
17. North Carolina Legislature. *House Bill 1473*, 2007.
18. North Carolina Legislature. *Senate Bill 646*, 2007.
19. South Carolina Sea Grant. *Coastal Waterfront Access Challenges and Opportunities for South Carolina Marine Fisheries Stakeholders*, 2008.
20. United States Census. website <http://www.census.gov>, 2009.
21. *Virginia Sea Grant Bulletin*, Spring, 2007.

Additional Resources

Alabama

1. Working Waterfronts in Alabama and Mississippi
<http://www.olemiss.edu/SGLC/MS-AL/WWF.PDF>
2. The Southwest Alabama Working Waterfront Inventory Project: An Interdisciplinary Approach, April 2008
<http://masgc.org/wwf>
3. Alabama Coastal Area Management Plan, 1999
<http://www.adem.state.al.us>

Florida

4. *Guiding the Way to Waterfront Revitalization: A Best Management Practice Series, 2007*; Waterfronts Florida Program, Department of Community Affairs
<http://www.dca.state.fl.us>
5. Waterfronts Florida Program and the Stan Mayfield Working Waterfronts Program
<http://www.dca.state.fl.us>
6. University of Florida Law Conservation Clinic: “*Waterways and Waterfronts: A Community Guide and Policy Tools*”
<http://www.law.ufl.edu/conservation/waterways/waterfronts/access.htm>
7. Center for Urban and Environmental Solutions, Florida Atlantic University
<http://www.cuesfau.org/toolbox/workingwaterfronts>
8. Florida “Working Waterfront” House Bill 955, 2005
<http://www.myfloridahouse.gov>

Maine

9. *Access to the Waterfront: Issues and Solutions across the Nation, 2007*, Maine Sea Grant
<http://www.seagrant.umaine.edu>
10. A Review of the Effectiveness of the Maine Coastal Plan in Meeting the State’s Public Access and Working Waterfront Policy Goals (*A Report from the Land and Water Resources Council to the Maine Legislature*), 2002
<http://www.maine.gov/spo/coastal>
11. Maine’s Working Waterfront Access Pilot Program
<http://www.wwapp.org>
12. Maine’s Affordable Coast Fund
<http://www.islandinstitute.org/affordablecoast>

Maryland

13. Maryland Working Waterfront Commission Report, December, 2008 and Maryland House Bill 612, “Property Tax Credit for Commercial Waterfront Property”
<http://www.dnr.state.md.us/fisheries/commercial/WWC>

New York

14. New York State's Local Waterfront Revitalization Program, New York State, Department of State, Division of Coastal Resources
<http://www.nyswaterfronts.com/index.asp>

North Carolina

15. Waterfront Access Study Committee Final Report, April 2007.
16. General Assembly of North Carolina, Senate Bill 646, Ratified August 2007 (Working Waterfront Bill)
<http://www.ncseagrant.org>
17. Waterfront Access and Marine Industry State Fund
<http://www.ncleg.net/sessions/2007/bills/senate/pdf/s2043v1.pdf>

South Carolina

18. South Carolina Sea Grant Bulletin, Fall, 2007
19. "Coastal Waterfront Access Challenges and Opportunities for South Carolina Marine Fisheries Stakeholders" February, 2009
<http://www.scseagrant.org>

Virginia

20. Virginia Sea Grant, Spring 2007, Bulletin, "Working Waterways and Waterfronts, 2007" Conference

Appendix 1. Alabama Waterfront Access Study Committee

March 3, 2009 Meeting Minutes

Alabama Waterfront Access Study Committee

March 3, 2009
Old Archives Chamber
Alabama Capitol Building
Montgomery, Alabama

Minutes

Attendees: Bobbi Walker, Charles Kelley, Ahmad Ijaz for Samuel Addy, Brett Dungan, B.G. Thompson, Timothy Mulvaney, Dr. Michael Stovall, Cline Jones, Grey Brennan for Lee Sentell, Will Brantley for Barnett Lawley, Judith Adams for James Lyons, Joseph Rodriguez, Rep. Spencer Collier, Dr. Diane Hite, Jennings Byrd, Tracy Redding, Dr. LaDon Swann, Christian Miller, Marie Dyson, Jody Thompson

Chairman LaDon Swann convened the meeting at 10:00 am. Dr. Swann presented background information on the topic of waterfront access and working waterfronts, the goals and tasks of the Waterfront Access Study Committee, and a timeline the Committee will follow.

Michael Voiland was unable to attend the meeting to present the findings of a waterfront access committee in North Carolina due to weather, but will give the presentation at the next Committee meeting.

The Committee discussed the potential impacts of the recently passed Federal Economic Stimulus Package on the potential recommendations to the Legislature. “Shovel-ready” projects, those construction projects that would be completed within 2 years, would be considered for the 3-5 billion dollars of funding Alabama would receive. Suggestions for this type of project were as follows:

- Orange Beach charter fishing marina
- Bayou La Batre fish-drying facility

It was suggested that the Committee obtain guidelines from the Legislative Fiscal Office, and investigate what projects communities are planning to submit.

The Committee discussed issues related to waterfront access in Alabama and began discussing recommendations to be made in the final Committee report. Rep. Collier stated that recommendations to the Legislature should include suggested resolutions or proposals for legislation which the Legislature could take action on in the short term, and these must be realistic, fundable, and attainable. The following comments were made:

- Encroachment of development affects nature-based tourism and quality of life. Public waterfront access is important.
- Economy is slow now, but working waterfronts and waterfront access needs to be protected – plan now for future generations.
- Balance heritage and growth.

- Investigate how other states used public funding to purchase working waterfront properties (such as North Carolina)
- Terms such as working waterfront and access need to be defined for Alabama.
- Country of origin labeling legislation for fish and shellfish – this is currently in subcommittee review
- Increase funding for U.S. Army Corps of Engineers dredging projects, specifically waterbodies not on the regular schedule. Adapt tonnage reporting to better reflect economic values of shipping on waterways. There is inadequate dredge capacity in North America. Explore beneficial use of dredge material for waterfront access.
- Expand the working waterfront inventory to encompass the entire state.
- Complete an economic inventory of working waterfronts and waterfront access throughout Alabama. Include: tonnage shipped, jobs creation and retention; nature- and heritage-based tourism. This information would help to secure federal funding and federal budgeting. Some data already exists: Appalacicola-Chatahoochie-Flint waterway; Tennessee-Tombigbee; Alabama Port Authority through Sam Addy at University of Alabama; Seemoon Chang at University of South Alabama; Diane Hite of Auburn University has information on fishing licenses; Commercial Fishing information missing but easy to quantify.
- Property tax relief for working waterfront businesses, may include county-level ad valorem reform or tax development districts.
- Tie nature- and heritage- based tourism to working waterfronts; utilize information from Urban Land Institute report; tie in ADCNR coastal efforts, Alabama Scenic River Trail; Scenic By-ways; federal trails and parks, including lands adjacent to federal waterways managed by the U.S. Army Corps of Engineers and Department of the Interior. Identify lack of infrastructure key to success of nature-based tourism, such as Alabama Scenic River Trail.

Dr. Diane Hite presented the findings of the Auburn University inventory of working waterfronts in southwest Mobile County, funded by Mississippi-Alabama Sea Grant in 2007. This inventory could be expanded for the remainder of the state. Jody Thompson and Marie Dyson shared incentive-based techniques and management tools utilized in other states to protect waterfront access.

The committee suggested the following be invited to participate in the ad hoc technical committee to support the WASC: Alabama Department of Revenue and Finance, Alabama Development Office, ADECA, Mobile Chamber of Commerce. Chairman Swann will convene a meeting of the Committee and the MASGC Legal Program and ADECA to learn more about Alabama's current tax codes and assessments. The meeting was adjourned at 2:45 pm.

All presentations, supporting documents, reports, and presentations are available at:
<http://masgc.org/wwf>

**Appendix 2. Alabama Waterfront Access Study Committee
Financial Roundtable, May 4, 2009 Meeting Minutes**

Alabama Waterfront Access Study Committee
Financial Roundtable
Monday, May 4, 2009
Five Rivers Resources Center
Spanish Fort, Alabama
Minutes

Roundtable Participants:

- Linda Swann, Alabama Development Office
- Jessica James Boyle, Alabama Department of Economic and Community Affairs
- Troy Wayman, Mobile Chamber of Commerce
- Bridgette Clark, Mobile Chamber of Commerce
- James Lyons, Alabama State Port Authority

Attendees:

Ahmad Ijaz for Samuel Addy, Brett Dungan, B.G. Thompson, Cline Jones, Chris Denson for Vernon Minton, Tom Steber, Dr. LaDon Swann, Marie Dyson, Jody Thompson

Minutes:

The meeting was called to order at 1:15 pm. Dr. Swann made introductions and provided background information on the Waterfront Access Study Committee.

- LaDon Swann: Current use taxation for working waterfronts has been passed by Florida and North Carolina. How would the addition of water-dependent businesses to current use affect the General Fund? Would benefits (Preservation of heritage, jobs) outweigh negatives (impact funds)?
- Linda Swann: Would affect property taxes. Commercial is currently taxed at 20%. Can move towards same goal with zoning, but not everyone is in a zoned area. Changing current use may positively affect the General Fund by increasing tax rates.
- B.G. Thompson: Property tax values increase based on surrounding properties (i.e. condos increase the value of surrounding properties). National Marine Fisheries Service estimates that in the Gulf of Mexico \$1 catch equals \$7 economic benefit. By preserving access, you preserve economic benefits and jobs.
- Brett Dungan: 80 % of land use decisions are made outside of incorporated areas. Other suggestions for economic incentives?

- Linda Swann: Taxes would have to be raised substantially to discourage waterfront development. Real problem lies in lack of home rule for counties to make decisions.
- Brett Dungan: Federal legislation is pending to encourage states to get ahead of the problem. Can't debate home rule in this forum, so need other incentives and tools.
- LaDon Swann: Other states for other land uses have implemented transfers of development rights.
- Jimmy Lyons: Conservation easements exist.
- Linda Swann: Alabama also has transfers of mineral rights/surface rights.
- LaDon Swann: Can these be applied to commercial fishing land uses?
- Linda Swann: Industrial parks or cooperative districts can be formed outside of municipalities.
- Jessica Boyle: Cooperative district would be a type of overlay zone. Development districts and industrial parks can be created outside municipal districts. Are created by county commissions. Overlay zones can be created in municipalities only.
- Jimmy Lyons: Fowl River attempted to create a planning district outside the municipality. Must be voted on by residents. Must stay outside of industrial park.
- Troy Wayman: Current use right now would make a big difference to developers. During the building boom, they didn't care what taxes were. Changes would have to make massive taxes to make a difference.
- Linda Swann: Current use may be effective in states with high property taxes, but Alabama's taxes are very low.
- Jimmy Lyons – State Docks benefits from income tax credits and ad valorem exemptions, which are time-limited. Still they are threatened with gentrification and desire by city administration to take lands for development/ public use. Port of Cleveland is being moved. Large portion of Port of Baltimore has been converted to retail/restaurants. One of the most precious resources Alabama has is waterfront property. For all of the waterfront Alabama has, Mobile doesn't have a lot of it.
- LaDon Swann: Need to know what the economic value is of Alabama's waterways.

- Jimmy Lyons: Bits and pieces exist, but don't cover the entire state. State docks can "fight them off", but South Mobile and Baldwin counties are most threatened.
- Linda Swann: Problem exists all over state, including the Tennessee Valley and River. Ports need access. There are competing interests between commercial and residential interests. Need for county-level planning.
- Jessica Boyle: There are 10 regional planning commissions. SARPC/AL-Tombigbee have much time spent on other projects (Council on Aging) that there aren't enough resources to focus on planning, zoning, and implementation. Regional planning commissions don't always cooperate with each other.
- LaDon Swann: If we receive Federal funding, could RPC's develop regional waterway plans?
- Linda Swann: Yes, and could contract it out.
- Troy Wayman: Mobile Chamber's Gallis project is less about regional planning and more about regional marketing, particularly for the I-10 corridor. Mainly focused on port issues and Brookley.
- Bridgette Clark: From a regional standpoint, different areas want to focus on different aspects of their waterfronts, so regional planning may not be the best path to take.
- Brett Dungan: How long is it going to take and how much money will a state plan cost?
- Linda Swann: \$20 million dollars on the low end for comprehensive land use planning along Alabama's waterways.
- LaDon Swann: What might be funding sources? North Carolina appropriated \$25 million for land acquisition and planning. Would such projects be funded by Coastal Area Impact Assistance (CIAP)? State gets 80% of appropriation, which must be spent in Mobile and Baldwin counties, 20% goes to Mobile and Baldwin counties.
- Chris Denson: Alabama hasn't yet received CIAP monies from 4 years ago (first round of funding).
- LaDon Swann: What would a statewide economic impact study cost?
- Ahmad Ijaz: \$1 million.

- Linda Swann: Economic data for small businesses will be difficult to gather due to confidentiality issues.
- Jessica Boyle: Comprehensive plan timeline – to get zoning/home rule will be huge undertaking, publicly unpopular idea that elected officials may not support.
- Jimmy Lyons: Just to get zoning for small strip along Highway 43, it took a long time and hand-holding of the local delegation.
- LaDon Swann: Could we prioritize areas to zone? Decatur (Lawrence County), Dauphin Island, Selma, Bayou La Batre, Orange Beach, downtown Mobile?
- Panel: Yes, good idea.
- Jimmy Lyons: Waterway associations know their hot spots. Mobile and Baldwin counties would be easy to identify.
- Troy Wayman: Keep efforts at local/county level. Develop a model to apply in other areas of the state.
- LaDon Swann: Could this be done with \$1-2 million and within 12-18 months?
- Panel: Yes.
- Cline Jones: Land exists in a patchwork. Planning would be useful.
- Jessica Boyle: Work with RPC's, planning commissions, and chambers of commerce. They can help and know what they have. Tuscaloosa is looking at updating their comprehensive planning for the Black Warrior River, which encouraged Northport to do the same. Publicize efforts around the state. Instead of creating expense with tax increases, use resources to start that have already done it, market them to other areas.
- Jimmy Lyons: Easiest tasks would be to develop overlays project by project rather than taking on the entire state at once.
- Linda Swann: Still need some plan for what happened up-river and outside of municipalities. Partner with Forever Wild and large landowners (who don't want zoning). Acquire lands or easements.
- LaDon Swann: How does current use taxation impact the state budget? How might the application of current use taxation impact the finances of the state?
- Linda Swann: Panel in attendance is not familiar enough to answer these questions.

- Ahmad Ijaz: We could look into it.
- Chris Denson: Do you want to create a plan or purchase land with CIAP funds?
- LaDon Swann: Purchase property for public access.
- Chris Denson: ADCNR Marine Resources administers program to create boat ramps. Everyone does not want them due to traffic issues.
- Linda Swann: Acquiring lands won't necessarily protect working waterfronts.
- Chris Denson: Mississippi used Katrina funding to create a working waterfront access area north of I-10. Alabama used their funds to assist businesses. Will fisheries still be active in 10 years, so will using funds to build the facility be the best use?
- LaDon Swann: Mississippi did a feasibility study.
- Chris Denson: Property has been purchased and under construction.
- Linda Swann: Industrial parks do attract business to areas, so may attract additional commercial fishing business.
- Chris Denson: A few years ago developers wanted to buy the waterfront in Bayou La Batre and create a resort destination.
- B.G. Thompson: 400 boat storage shed to be built in Bayou La Batre.
- Cline Jones: Developer on Tennessee River is still selling condos and buying available land. In Decatur, the only land left is in Lawrence County; properties are still threatened.
- LaDon Swann: How does the TVA preserve their access?
- Linda Swann: Acquisition.
- Jimmy Lyons: Getting permission for development of water access is difficult. TVA received rights when the dams were built.
- Chris Denson: Gulf Shores property values were over \$1 million per acre of any waterfront.
- LaDon Swann: In Indiana, they have Right to Farm laws. Is there anything like that in Alabama?

- B.G. Thompson: Not in Alabama, but other states have them.
- LaDon Swann: Planning could work if done quickly and in targeted municipalities. Must be included in comprehensive plans.
- Jessica Boyle: Each change is a change in law, therefore each step includes public hearings. Will draw out process.
- Linda Swann: Contact state planning association. What value do they place on waterfront for comprehensive planning?
- Bridgette Clark: Work with the most friendly and willing municipalities.
- Jessica Boyle: Tuscaloosa would be very cooperative.
- Tom Steber: Orange Beach still owns property to create charter marine. Charter fleet is declining due to federal fishing regulations.
- Marie Dyson: Maine produced an economic impact study in 2004. Also economic data available on the National Ocean Economics program website.
- LaDon Swann: Thanks to all for participating.

Adjourned at 2:45 pm.

**Appendix 3. Alabama Waterfront Access Study
Committee
June 2, 2009 Meeting Minutes**

Alabama Waterfront Access Study Committee

**June 2, 2009
Main Dining Room
International Trade Club
Mobile, Alabama**

Minutes

Attendees: Ahmad Ijaz, Samuel Addy, Brett Dungan, B.G. Thompson, Cline Jones, Will Brantley for Barnett Lawley, James Lyons, Rep. Steve McMillan, Stephanie Showalter, Mary Thompson, Tina Sanchez, Jessica James Boyle, Bradley Hiatt, Melissa Schnieder, Steve Sempier, PJ Waters, Bill Walton, Wanda Sandagger, Courtney Coddington, Brian Fredieu, Meg Goecker, Mike Voiland, Tracy Redding, Neil Johnston, Dr. LaDon Swann, Christian Miller, Marie Dyson, Jody Thompson

Chairman LaDon Swann convened the meeting at 10:00 am. Dr. Swann presented a summary of the recently-introduced HR 2548 “Keep America’s Waterfronts Working Act of 2009.” If passed, this Bill would create a Federal program which would provide grant funding for working waterfront land acquisition to states with an approved waterfront management plan. B.G. Thompson asked if safe harbors would be included. There is no mention of safe harbors as an eligible acquisition.

Chairman Swann led the group in a discussion of a definition of working waterfront. The Committee was presented with definitions used in other states, as well as the definition used by the Alabama Working Waterfront Coalition. Though it was agreed that a definition must be determined, the discussion was tabled until a later time.

Mike Voiland of the North Carolina Sea Grant presented the history and achievements of the North Carolina Waterfront Access Study Committee. The North Carolina Committee delivered a report of recommendations to the North Carolina General Assembly in April 2007. The General Assembly adopted some of the recommendations, and put into place, including the creation of the Waterfront Access and Marine Industry (WAMI) Fund, which provided \$20 million in funds to acquire working waterfront properties.

LaDon Swann presented two video oral histories of the working waterfront of the Mississippi Gulf Coast.

Stephanie Showalter, director of the Mississippi-Alabama Sea Grant Legal Program, delivered an overview of the Legal Program and how it can assist the Committee. The Legal Program provides non-biased legal research and information. The Legal Program will review the final recommendations to the Legislature and fulfill any specific research requests.

LaDon Swann presented the Committee with suggested recommendations discussed at prior meetings and programs that exist in other states' waterfront access programs. A discussion was led, and the Committee made the following draft recommendations.

The State of Alabama should:

Planning/Zoning Issues

- Complete a Comprehensive Working Waterfront plan, as defined in the “Keep America’s Waterfronts Working Act of 2009” [HR2548] to be eligible for funding if implemented by Congress.
- Create a waterfront access program, similar to the Waterfronts Florida Partnership, to assist Regional Planning Commissions and municipalities in incorporating working waterfront and water access issues into comprehensive planning, and the implementation of those plans.
- Craft standardized sample working waterfront planning language, such as overlay zones, historic districts, etc. to be used by municipalities in existing planning.
- Encourage the use of business improvement districts, industrial parks and transfer of development rights for water access areas.

Financial Incentive Issues

- Implement a “suite of tax options
- Seek unique methods of funding waterfront access conservation, such as increased boat registration or fishing license fees.

Economic Issues

- Conduct a statewide economic inventory of working waterfronts and waterfront access, with factors including: tonnage shipped, nature-based and heritage-based tourism, transient boating business, job creation and retention, sociological and geographical data, and GIS mapping, and should capture the loss of opportunities due to land use changes. Update this inventory every ten years.

Infrastructure Issues

- Encourage increased funding for U.S. Army Corps of Engineers dredging projects, specifically waterbodies not on the regular schedule.
- Encourage the exploration of beneficial use of dredge material for waterfront access.
- Encourage the adaption of tonnage reporting to better reflect economic values of shipping on waterways.

Education and Outreach Issues

- Create a standard definition of working waterfronts for the State of Alabama.
- Define “public access” (following Coastal Zone program definition?)

These draft definitions will be emailed to the Committee for discussion and approval. Over the next six months, three public meetings will be held across the state to gather comments on the draft report of recommendations. Comments will be submitted to the Committee, and the report of recommendations will be submitted to the Legislature, once approved by the Committee, during the 2010 Legislative session. The meeting was adjourned at 2:45 pm.

All presentations, supporting documents, reports, and presentations are available at:
<http://masgc.org/wwf>

**Appendix 4. Alabama Waterfront Access Study
Committee
January 26, 2010 Meeting Minutes**

Alabama Waterfront Access Study Committee

January 26, 2010
Five Rivers Delta Resource Learning Center
Spanish Fort, Alabama

Minutes

Attendees: Tom Steber, Jessica James Boyle, Chris Denson, Phillip West, Will Brantley, Susan Rees, Diane Hite, Sam Addy, Cline Jones, B.G. Thompson, Brett Dungan, Niki Pace, Judith Adams, LaDon Swann, Marie Dyson, Jody Thompson

Chairman LaDon Swann convened the meeting at 10:05 am. Dr. Swann presented the goal of this, the final meeting of the Waterfront Access Study Committee: to finalize and approve the recommendations to the Alabama Legislature.

The committee discussed each draft recommendation individually.

- Motion to change the Public Waterfront Access Facility heading (striking facility)
 - **Moved: Addy; 2nd: Cline. Approved.**
- Motion to change the verbiage in Section 1, Planning/Zoning Issues (“as defined by any federal legislation...”), Line 79 (add “current availability”), Lines 85---to better define Waterfronts Alabama Partnerships, strike references to other states.
 - **Moved: Dungan; 2nd: Addy. Approved.**
- Motion to change Line 119, letter I (“Encourage increased funding...U.S. Army Corps of Engineers, congress and OMB...”)
 - **Moved: Steber; 2nd: Addy. Approved.**
- Motion to change Line 123 (“Encourage the beneficial use of...”)
 - **Moved: Steber; 2nd: Addy. Approved.**
- Motion to change Lines 124-126 to add a bullet item.
 - **Moved: Steber; 2nd: Addy. Approved.**
- Motion to change Line 126 (replace storms with “declared natural disasters”)
 - **Moved: Thompson; 2nd: ‘Steber. Approved.**
- Motion to change Line 129 under Financial Incentive Issues Section, (“create tax incentives...”)
 - **Moved: Steber; 2nd: Addy. Approved.**
- Motion to strike reference to other states’ programs from Lines 133 – 143
 - **Moved: Steber; 2nd: Addy. Approved.**

- Motion to change Lines 144 & 145 (strike in the event...add “and encourage funding...”)
 - **Moved: Steber; 2nd: Addy. Approved.**
- Motion to change Lines 147-153 (Replace “Direct” with “Enable” and other changes)
 - **Moved: Steber; 2nd: Dungan. Approved.**
- Motion to change Line 161 (add “economic” after U.S.)
 - **Moved: Thompson; 2nd: Brantley. Approved.**
- Motion to renumber section and to adopt as written.
 - **Moved: Thompson; 2nd: Addy. Approved.**
- Motion to change Line 167
 - **Moved: Dungan; 2nd; Thompson. Approved.**
- Motions for changes to recommendations under “Infrastructure Issues”
 - **Moved: Steber; 2nd: Addy; Discussion**
 - **Amended Motion to adopt the section as written.**
 - **Moved: Thompson; 2nd: Dungan. Motion failed.**
 - **Amended Motion to re-word #1 (“Direct all state agencies...”)**
 - **Moved: Hite; 2nd: Brantley. Approved.**
 - **Motion to re-word #2 (“Encourage” to replace “enable”...)**
 - **Moved: Rees; 2nd: Addy. Approved.**

The meeting was adjourned at 1:45 p.m.

All presentations, supporting documents, reports, and presentations are available at:
<http://masgc.org/wwf>