

1 **Alabama Waterfront Access Study Committee**
2 **Draft Recommendations to the State of Alabama**
3 **October 7, 2009**

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5 During the 2008 legislative session, a House Joint Resolution (HJR656) was passed
6 establishing a statewide Waterfront Access Study Committee (WASC). The
7 committee is charged with gathering information leading to a final report containing a
8 statement of the issues, a summary of the research, and recommendations to address
9 issues of diversity of waterfront use and access in Alabama. The following document
10 contains proposed definitions and recommendations from the WASC. This document
11 is also available at <http://masgc.org/wwf>.

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13 **Draft Definitions**

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

21
22 **Working Waterfronts** – are commercial facilities that *require* direct access to or
23 location on, over, or adjacent to Alabama’s coastal public trust waters; submerged
24 lands; and inland streams, rivers, and lakes. The term includes *water-dependent*
25 facilities that may be open to the public, offer access by vessels to State waters and
26 lands, *or* support facilities for recreational, commercial, research, or government
27 vessels.

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29 Examples include, but are not limited to, commercial fishing facilities, including fish
30 houses; wet and dry marinas or docks; boat construction facilities; boat haul-out and
31 repair facilities; recreational fishing facilities, including fishing piers; facilities

32 engaged in or offering boating for hire (e.g. charter/headboats); and facilities that
33 require direct use/flow of coastal or inland waters, including wharf areas for marine
34 aquaculture operations and product transport.

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

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

44

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

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Draft Recommendations

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51 Alabama’s working waterfronts are found statewide and are key sources of economic
52 development for the state. To receive the full economic and social benefits of the
53 vibrant working waterfronts, the State of Alabama should take the following actions:

54

Planning/Zoning Issues

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- 56 1. Complete a Comprehensive Working Waterfront plan, as defined in the “Keep
57 America’s Waterfronts Working Act of 2009” [HR2548] (or similar federal
58 legislation) to be eligible for funding if implemented by Congress. This Act
59 would amend the Coastal Zone Management Act of 1972 to include a grant
60 funding program to eligible states to acquire and improve working waterfront
61 properties, as defined in the legislation. Eligible states are those coastal states

62 with an approved working waterfront plan. Under the program, grant funds
63 may be made available to the state for the development of such a plan.

64
65 An eligible working waterfront plan must include:

- 66 a. An assessment of the economic, social, cultural, and historic value of
67 working waterfront to the coastal state.
- 68 b. A description of relevant State and local laws and regulations affecting
69 working waterfronts.
- 70 c. Identification of the geographic areas where working waterfronts are
71 currently under threat of conversion to incompatible uses and the
72 extent of this threat.
- 73 d. Identification of geographic areas with a historical connection to
74 working waterfronts where working waterfronts are not currently
75 available.
- 76 e. Identification of other working waterfront needs, including
77 improvements to existing working waterfront areas.
- 78 f. Identification of currently available and potential for expansion of
79 public access to coastal waters in indicated areas.
- 80 g. A strategic and prioritized plan for the preservation, expansion, and
81 improvement of working waterfronts in the state.
- 82 h. A description of the degree of community support.

83
84 2. Create a Waterfronts Alabama Partnership program, similar to the Waterfronts
85 Florida Partnership, to assist Regional Planning Commissions and
86 municipalities in incorporating working waterfront and water access issues
87 into comprehensive planning and the implementation of those plans. This
88 program should do the following:

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

- 91 b. Write model language for waterfront planning, such as overlay zones,
92 historic districts, etc., for use by municipalities and regional planning
93 commissions.
- 94 c. Encourage the use of business improvement districts, industrial parks,
95 and transfer of development rights for water access areas.
- 96 d. Encourage local zoning designations that may include Recreational
97 and Commercial Working Waterfront or Mixed-Use (Florida), Tax
98 Increment Financing (Maine), Overlay, Historic District (North
99 Carolina, Florida, and other states)), or special maritime zoning. For
100 example, Annapolis, Maryland, passed zoning ordinances to create
101 “Maritime Zoning Districts.” These districts encourage maritime
102 businesses to locate on the waterfront, reserve areas along the water
103 for maritime uses, and encourage the preservation of existing buildings
104 and uses, thus creating vibrant commercial waterfronts with a variety
105 of maritime support services.
- 106 e. Develop industrial parks that preserve commercial fisheries-related
107 businesses and services (Virginia’s Newport News Seafood Industrial
108 Park).
- 109 f. Encourage the updating of state and local comprehensive plans to
110 include working waterfronts in their coastal, recreational, and land-use
111 elements.
- 112 g. Develop a Geographic Information System (GIS) model to identify
113 working waterfronts and waterfront access areas (North Carolina,
114 Maine, Florida, and others).
- 115 h. Encourage increased funding for U.S. Army Corps of Engineers
116 dredging projects specifically for waterbodies not on a regular
117 dredging schedule, to enable and maintain working waterfront
118 commerce in areas dependent on channel dredging.
- 119 i. Encourage the use of dredge material suitable for water-dependent
120 business access and protection against natural hazards.

- 121 3. Seek legislative approval for the waiver of emergency permit fees for
122 rebuilding waterfront properties after storms (North Carolina and other states).

123

124 **Financial Incentive Issues**

- 125 1. Create property tax incentives for working waterfront businesses through the
126 inclusion of working waterfront under current-use taxation as used for the
127 agriculture and forestry industries.
- 128 2. Establish a fund for the acquisition of waterfront property by state and local
129 governments, non-profit organizations, and fishing cooperatives. The
130 following are examples of such funds in other states:
- 131 a. Florida's Stan Mayfield Commercial Waterfronts Restoration and
132 Preservation Program, which is funded through the Florida Forever
133 Program;
- 134 b. Maine's Working Waterfront Access Pilot Program, funded by the Maine
135 Department of Marine Resources and the Land for Maine's Future Trust;
- 136 c. Hawaii's "Coastal Land Trust," that acquired conservation easements on
137 commercial fishing property slated for development;
- 138 d. North Carolina's "Waterfront Access and Marine Industry Fund," created
139 by the legislature to purchase working waterfront property.
- 140 3. Identify high priority working waterfront projects in the event working
141 waterfront projects become eligible for funding under future Coastal Impact
142 Assistance Programs or other federal funding mechanisms.
- 143 4. Direct the Department of Conservation and Natural Resources to increase
144 boating registration fees and to annually use the consumer price index (CPI) to
145 make adjustments in boater registration due to inflation. The Department of
146 Conservation and Natural Resources' Marine Police Division will utilize these
147 funds to maintain and/or increase the number of marine police officers on
148 Alabama waterways and for other working waterfront related duties of the
149 Division.

150 Based on 2008 boating registrations, this increase would generate
151 approximately \$1.2 million per year to enforce boating laws and improve
152 boater safety.

153 The proposed State increase in boater registration fees is as follows:

154 Class I vessels (<16'): from \$20 to \$24

155 Class II vessels (16' to < 26'): from \$25 to \$30

156 Class III vessels (26' to <40'): from \$75 to \$90

157 Class IV vessels (40' and above): from \$100 to \$120

158 In 2008, 251,688 vessels were registered with the state of Alabama:

159 Class I: 94,565

160 Class II: 150, 615

161 Class III: 5,504

162 Class IV: 984

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164 **Socio-Economic Issues**

- 165 1. Conduct a statewide economic inventory of working waterfronts and
166 waterfront access. The inventory should include tonnage shipped, transient
167 boating business, job creation and retention, water-dependent tourism
168 including nature-based and heritage-based, sociological and geographical
169 data, and GIS mapping. The inventory should also include lost economic
170 opportunities due to land-use changes. The inventory should be updated each
171 time the U.S. Census is conducted.
- 172 2. Enable the Alabama Cooperative Extension System and the Mississippi-
173 Alabama Sea Grant Consortium to provide technical assistance and support to
174 waterfront stakeholders in sustainable business practices and provide public
175 education on the economic, environmental, and societal importance of
176 working waterfronts to the State.

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178 **Infrastructure Issues**

- 179 1. Direct the Alabama Department of Transportation to expand public access to
180 waters in its road project planning and construction programs. The

181 Department should work with the Department of Conservation and Natural
182 Resources, other State agencies, and other government entities to address
183 public access to waters of the state along the roadways, bridges, and other
184 transportation infrastructure owned or maintained by the Department.
185 2. Encourage the adaption of tonnage reporting to better reflect economic values
186 of shipping on waterways.

PUBLIC COMMENT DRAFT