

Interim Report
To the Legislature of Alabama

From
The Waterfront Access Study Committee
Friday, March 6, 2009

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. This is an interim report on the activities 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 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.
4. A representative of the Alabama Working Waterfront Coalition; this appointee was Brett Dungan.
5. A representative of the Alabama Port Authority; this appointee was James Lyons.
6. A representative of the commercial fishing industry appointed by the Speaker of the House of Representatives; this appointee was Joseph Rodriguez, Jr.
7. A representative of the recreational fishing industry appointed by the President Pro Tempore of the Senate; this appointee was 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 Susan Rees.
9. An economist appointed by the President Pro Tempore of the Senate from one of the major colleges or universities of 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 W. Russell Davis.
12. A representative of the Alabama Association of Realtors; this appointee was 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 Tom Steber.
14. A representative of the Alabama Bureau of Tourism and Travel; this appointee was Lee Sentell.
15. A representative of the commercial fishing support industry appointed by the Organized Seafood Association of Alabama, Inc.; this appointee was 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 Charles Kelley, Cline Jones.
17. The Chair of the Agriculture, Conservation, and Forestry Commission committee of the Senate, or his or her designee; this appointee was Sen. Kim Benefield.
18. The Chair of the Agriculture, Conservation, and Forestry Commission committee of the House of Representatives, or his or her designee; this appointee was Rep. Thomas Jackson.
19. The members of the House of Representatives representing House Districts 95 and 105; these appointees were Rep. Steve McMillan and Rep. Spencer Collier.
20. The members of the Senate representing Senate Districts 32 and 35; these appointees were Sen. Ben Brooks and Sen. Trip Pittman.

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 waterfront utilized by other states
7. Water 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 and ideas discussed are attached to this document.

Chairman Swann will convene a meeting with committee members, the Mississippi-Alabama Sea Grant Legal Program, and the Alabama Department of Economic and Community Affairs to learn current tax codes and economic information relevant to waterfront access and working waterfronts.

Alabama Waterfront Access Study Committee

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

Minutes

Attendees: Bobbi Walker, Charles Kelley, Ahmad Ijac 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.

Unfortunately, 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 the committee obtain guidelines from the Legislative Fiscal Office, and investigate what projects communities are planning to submit.

The committee discussed issues related to water 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 water access is important.
- Economy is slow now, but working waterfront and 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 US 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: Appalachian-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 Train; Scenic By-ways; federal Trails and Parks, including lands adjacent to federal waterways managed by the US 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>