



# Alabama Marine Debris Emergency Response Guide: Comprehensive Guidance Document

NOAA Marine Debris Program  
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# Table of Contents

List of Acronyms .....	4
Definitions .....	6
<b>1. Introduction .....</b>	<b>11</b>
1.1. Purpose .....	11
1.2. Scope of <i>Guide</i> .....	11
1.3. <i>Guide</i> Maintenance .....	12
<b>2. Incident Waterway Debris in Alabama .....</b>	<b>13</b>
2.1. Foreseeable Waterway Debris Incidents in Coastal Alabama.....	13
2.2. Prominent Debris Types .....	13
<b>3. Alabama Waterway Debris Response Flowchart .....</b>	<b>16</b>
<b>4. Roles and Responsibilities .....</b>	<b>18</b>
4.1. Local Governments .....	18
4.2. State Agencies .....	18
4.3. Federal Agencies .....	20
4.4. Private Landowners .....	23
4.5. Alabama Waterway Debris Response Map .....	23
<b>5. Permitting and Compliance Requirements in Alabama.....</b>	<b>25</b>
5.1. State Requirements.....	25
5.2. Federal Requirements .....	26
5.3. Permitting and Compliance for Waterway Debris Removal in Alabama One-Pager .....	29
<b>6. Alabama Waterway Debris Response Needs .....</b>	<b>31</b>
6.1. Response Challenges in Alabama.....	31
6.2. Recommended Actions.....	31
6.2.1. Funding and Policy.....	31
6.2.2. Pre-event Data and Research .....	32
6.3. Additional Resources .....	33
<b>7. References.....</b>	<b>34</b>
<b>8. Appendices.....</b>	<b>36</b>
8.1. Risk Description for Select Acute Debris Incident Hazards in Coastal Alabama.....	36
8.2. Response Capabilities .....	37
8.3. Contact Information .....	39
8.4. Alabama Legislation Applicable to Waterway Debris Response .....	42

## List of Acronyms

ACP	Area Contingency Plan
ADCNR	Alabama Department of Conservation and Natural Resources
ADEM	Alabama Department of Environmental Management
AEMA	Alabama Emergency Management Agency
AHC	Alabama Historical Commission
ALEA	Alabama State Law Enforcement Agency
ASPA	Alabama State Port Authority
BMP	Best Management Practices
BCEMA	Baldwin County Emergency Management Agency
BSEE	Bureau of Safety and Environmental Enforcement
CBRA	Coastal Barrier Resources Act
CBRS	John H. Chafee Coastal Barrier Resources System
C&D	Construction and Demolition Debris
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act (Superfund)
EFH	Essential Fish Habitat
EMA	Emergency Management Agency
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
ESF	Emergency Support Function
ESI	Environmental Sensitivity Index Map
EWP	Emergency Watershed Protection (of NRCS)
FEMA	Federal Emergency Management Agency
FOSC	Federal On-Scene Coordinator
GIS	Geographic Information Systems
GRP	Geographic Response Plan
GSA	Geological Survey of Alabama
HHM	Household Hazardous Material
HHW	Household Hazardous Waste
LIDAR	Light Detection and Ranging
MCEMA	Mobile County Emergency Management Agency
NCP	National Oil and Hazardous Substances Pollution Contingency Plan
NEPA	National Environmental Policy Act
NMFS	NOAA's National Marine Fisheries Service (also known as NOAA Fisheries)
NOAA	National Oceanic and Atmospheric Administration
NRC	National Response Center
NRCS	Natural Resources Conservation Service
NRT	Navigation Response Team (of NOAA)
NWR	National Wildlife Refuge (of USFWS)
OCS	Outer Continental Shelf
OGB	State Oil and Gas Board of Alabama

RCRA	Resource Conservation and Recovery Act
RP	Responsible Party
SART	Alabama State Agricultural Response Team
SHPO	State Historic Preservation Office
SOSC	State On-Scene Coordinator
SUPSALV	U.S. Navy Supervisor of Salvage and Diving
USACE	U.S. Army Corps of Engineers
USCG	U.S. Coast Guard
USFWS	U.S. Fish and Wildlife Service
WBNERR	Weeks Bay National Estuarine Research Reserve/Weeks Bay Reserve

## Definitions

**Abandoned Vessel** – A vessel left unattended for four or more weeks after a hurricane, tropical storm, or other natural event resulting in a declaration of emergency by the Governor or, in the absence of a hurricane, tropical storm, or other natural event resulting in a declaration of emergency by the Governor, any of the following:

- a. A vessel left unattended that is moored, anchored, or otherwise in the waters of the state or on public property for a period of more than 10 days.
- b. A vessel not left on private property for repairs that is moored, anchored, or otherwise on private property for a period of more than 10 days without the consent of the owner or lessee of the property.
- c. A vessel left on private property for repairs that has not been reclaimed within 10 days from the latter of either the date the repairs were completed or the agreed-upon redemption date (Alabama State Act No. 2018-179).

**Acute waterway debris incident** – An incident that results in the release of large amounts of waterway debris. This may include natural incidents such as severe storms or anthropogenic incidents such as maritime disasters.

**Alabama Coastal Area** – As authorized by the Coastal Zone Management Act of 1972, waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder) lying seaward of the continuous 10-foot contour and extending to the outer limit of the United States territorial sea (Ala. Admin. Code r. 335-8-1.02(k)).

**Area Contingency Plan (ACP)** – Reference document prepared for the use of all agencies engaged in responding to environmental emergencies in a defined geographic area. For Alabama, this document is the U.S. Coast Guard Sector Mobile ACP. An ACP also encompasses the processes for development and managing Geographic Response Plans (U.S. Coast Guard [USCG], 2014).

**Chemical, Biological, Radiological, and Nuclear-Contaminated Debris** – Any debris contaminated by chemical, biological, radiological, or nuclear materials (Federal Emergency Management Agency [FEMA], 2017).

**Coastal zone (ACP coastal zone)** – U.S. Coast Guard area of responsibility for response under the National Contingency Plan, with geographic boundaries defined in the U.S. Coast Guard Sector Mobile Area Contingency Plan (ACP) (USCG, 2014).

**Construction and Demolition debris (C&D)** – Components of buildings and structures, such as lumber and wood, gypsum wallboard, glass, metal, roofing material, tile, carpeting and other floor coverings, window coverings, pipe, concrete, asphalt, equipment, furnishings, and fixtures (FEMA, 2017).

**Derelict Vessel** – A vessel in the waters of this state that satisfies any of the following:

- a. Is sunk, in danger of sinking, or is otherwise taking on water without an effective means to dewater.
- b. Is obstructing a waterway.
- c. Is endangering life or property.
- d. Has broken loose or is in danger of breaking loose from its anchor.
- e. Is listing due to water intrusion.

- f. Does not have an effective means of propulsion for safe navigation or is otherwise not seaworthy (Alabama State Act No. 2018-179).

**Electronic waste (e-waste)** – Electronics that contain hazardous materials, such as computer monitors, televisions, cell phones, and batteries. These products may contain minerals and chemicals that require specific disposal methods (FEMA, 2017).

**Eligible applicant (FEMA definition)** – Entities who may receive public assistance reimbursement funding from the Federal Emergency Management Agency under the Stafford Act. Eligible applicants include state and territorial governments, Indian Tribal Governments, local governments, and private nonprofit organizations that serve a public function and have the legal responsibility to remove the debris (FEMA, 2017).

**Eligible debris (FEMA definition)** – Debris that is a direct result of a major disaster declared by the President, in the designated disaster area, and whose removal is necessary to eliminate the immediate threat to life, public health and safety, or improved property (FEMA, 2017).

**Emergency Support Function (ESF)** – Mechanism for grouping functions most frequently used to provide federal support to states and federal-to-federal support, both for declared disasters and emergencies under the Stafford Act and for non-Stafford Act incidents. The State of Alabama also adopts the federal ESFs and assigns corresponding state agencies to each ESF in the State of Alabama Emergency Operations Plan as prepared by the Alabama Emergency Management Agency. (Federal Emergency Management Agency, 2008; Alabama Emergency Management Agency [AEMA], 2012).

**Environmental Sensitivity Index (ESI) Map** – Maps produced by NOAA that are a compilation of information about coastal shoreline sensitivity, biological resources, and human use resources. This information is used in planning to create cleanup strategies before an accident occurs so that authorities are prepared to take action in the event of such a spill (USCG, 2014).

**Federally maintained waterways and channels** – A waterway that has been authorized by Congress, and which U.S. Army Corps of Engineers operates and maintains for general (including commercial and recreational) navigation (Federal Emergency Management Agency [FEMA], 2012).

**Geographic Response Plan (GRP)** – Geographic maps that are part of the Area Contingency Plans for oil spills to water. They include response strategies tailored to a specific beach, shore, or waterway and are designed to minimize impacts on sensitive resources threatened by a spill. In Alabama, the GRP includes all coastal and inland waters of the Sector Mobile Area Contingency Plan geographic boundaries (USCG, 2014).

**Hazardous waste** – Waste that appears on one of the four hazardous waste lists in 40 CFR 261 or exhibits at least one of the following four characteristics: ignitability, corrosivity, reactivity, or toxicity. Hazardous waste is regulated under the Resource Conservation and Recovery Act (RCRA) and contains properties that make it potentially harmful to human health or the environment (FEMA, 2017).

**Household Hazardous Waste/Material (HHW/HHM)** – Hazardous products or materials used and disposed of by residential consumers, rather than commercial or industrial consumers, and include some paints, stains, varnishes, solvents, pesticides, and other products containing volatile chemicals that catch fire, react, or explode under certain circumstances, or that are corrosive or

toxic. HHW mixed with other debris types will contaminate the entire load, which necessitates special disposal methods (FEMA, 2017).

**Improved property (FEMA definition)** – any structure, facility, or equipment that was built, constructed, or manufactured. Examples include buildings, levees, roads, and vehicles. Land used for agricultural purposes is not improved property, nor are vacant lots, forests, heavily wooded areas and unused areas (44 CFR 206.221(d)).

**Incident waterway debris** – See definition for [Waterway debris](#).

**Infectious waste** – Waste capable of causing infections in humans, including contaminated animal waste, human blood and blood products, medical waste, pathological waste, and discarded sharp objects (needles, scalpels, or broken medical instruments; FEMA, 2017).

**Inland zone (ACP inland zone)** – U.S. Environmental Protection Agency area of responsibility for response under the National Contingency Plan, with geographic boundaries defined in the U.S. Coast Guard Sector Mobile Area Contingency Plan (USCG, 2014).

**Marine debris (NOAA definition)** – Any persistent solid material that is manufactured or processed and directly or indirectly, intentionally or unintentionally, disposed of or abandoned into the marine environment or Great Lakes (33 U.S.C. § 1956(3)).

**National Contingency Plan (NCP)** – Federal regulation (National Oil and Hazardous Substances Pollution Contingency Plan) that defines the authorities and responsibilities of designated federal agencies for responding to releases of oil, pollutants, and hazardous substances (U.S. Environmental Protection Agency, 2017).

**Navigable waterways** – Navigable waterways include both waterways which are federally maintained and waterways which are not federally maintained. U.S. Army Corps of Engineers defines navigable waters of the United States as those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. A determination of navigability, once made, applies laterally over the entire surface of the waterbody, and is not extinguished by later actions or events which impede or destroy navigable capacity (33 C.F.R. § 2.36; 33 CFR §329.4). Because the Federal Emergency Management Agency only funds waterway debris removal when another federal agency does not have authority to fund the activity, their definition for navigable waterways (non-federally maintained) includes public waterways that are currently used for commercial and recreational navigation traffic and are not federally maintained or under the authority of a federal agency (FEMA, 2012).

**Outer Continental Shelf (OCS)** – The submerged lands, subsoil, and seabed, lying between the seaward extent of the state of Alabama’s jurisdiction and the seaward extent of federal jurisdiction. The OCS is subject to the jurisdiction and control of the federal government (Bureau of Ocean Energy Management [BOEM], n.d.).

**Public waters** – See definition for [State waters](#).

**Putrescent debris** – Debris that will decompose or rot, such as animal carcasses and other fleshy organic matter (FEMA, 2017).

**Recoverable waterway debris** – Generally any documented vessel, vehicle, recreational vehicle or shipping container traceable to an owner (U.S. Army Corps of Engineers [USACE], 2010).

**Severe marine debris event (NOAA definition)** – An atypically large amount of marine debris caused by a natural disaster, including a tsunami, flood, landslide, or hurricane, or other source (33 U.S.C. § 1956(6)).

**Soil, Mud, and Sand** – Soil, mud, and sand deposited on improved public property and rights-of-way after floods, landslides, winds, and storm surges (FEMA, 2017).

**Stafford Act** – The Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, provides the authorities and funding for federal support to state and local entities in responding to Presidential major disaster and emergency declarations (U.S. Department of Homeland Security, 2019).

**State owned submerged lands** – Lands within the jurisdiction of the State of Alabama that are waterward of the mean low water line beneath navigable fresh water or waterward of the mean high tide line beneath tidally-influenced waters to the three nautical mile territorial sea are the property of the State of Alabama (Code of Alabama 1975, §9-12-22 and Ala. Admin. Code r. 220-4-.09(3)(n)). Alabama Department of Conservation and Natural Resources is charged with maintaining, supervising, operating, and controlling all state lands including state owned submerged lands (Code of Alabama 1975, §9-2-2(4)).

**State waters (Public waters)** – All waters of any river, stream, watercourse, pond, lake, coastal, ground or surface water, wholly or partially within the state, natural or artificial. This does not include waters which are entirely confined and retained completely upon the property of a single individual, partnership or corporation unless such waters are used in interstate commerce (Ala. Admin. Code r. 335-8-1-.02(ggg) and Code of Alabama 1975, §9-11-80(a)).

**Tidally-influence waters (Tidal waters)** – Areas subject to the ebb and flow of the tide.

**Vegetative debris** – Whole trees, stumps, branches, trunks, and other leafy material (FEMA, 2017).

**Vehicles and vessels** – Vehicles and vessels damaged, destroyed, displaced, or lost as a result of a disaster and may eventually be abandoned because of the damage incurred or because the original owners have relocated. Vehicles and vessels may be classified as debris if they block public access and critical facilities (FEMA, 2017).

**Vessel** – Every description of watercraft, other than a seaplane, capable of being used as a means of transportation on the water. This term does not include a vessel built or constructed before the year 1918 (Alabama State Act No. 2018-179).

**Waters of this state** – Any waters within the territorial limits of this state and the marginal sea adjacent to this state and the high seas when navigated as a part of a journey or ride to and from the shore of this state; provided, however, that "waters of this state" shall not be interpreted to mean any private pond which is not used for boat rentals or the charging of fees for fishing therein (Code of Alabama 1975, §33-5-3(2)).

**Waterway debris (Incident waterway debris)** – Any solid material, including but not limited to vegetative debris and debris exposed to or that has the potential to release oil, hazardous

substances, pollutants or contaminants, that enters a waterway following an acute incident and poses a threat to the natural or man-made environment. This may include shoreline and wetland debris and debris in some inland, non-tidal waterways.

**White goods** – Discarded household appliances such as refrigerators, freezers, air conditioners, heat pumps, ovens, ranges, washing machines, dryers, and water heaters. May contain refrigerants, mercury, or compressor oils that must be removed before disposal (FEMA, 2017).

# 1. Introduction

## 1.1 Purpose

The purpose of this document is to improve preparedness for response and recovery operations following an acute waterway debris incident in coastal Alabama. The term acute waterway debris incident is used to describe an incident – either natural or anthropogenic – that results in the release of large amounts of waterway debris. This document outlines existing response structures at the local, state, and federal levels to facilitate a coordinated, well-managed, and immediate response to potential waterway debris incidents impacting coastal areas in the state of Alabama.

Individual organization roles and responsibilities are presented in text form as well as in a consolidated one-page flowchart which functions as a decision tree for waterway debris response. The document also includes an overview of permitting and compliance requirements that must be met before waterway debris removal work begins. This information is synthesized in a one-page reference handout.

Because all incidents are different, some aspects of waterway debris response are subjective and not solely dependent on prevailing roles and authorities. This is especially true following a major, catastrophic, or unprecedented incident. This document seeks to capture the most likely response structure and actions with the understanding that flexibility is an inherent component of an effective response.

The *Alabama Marine Debris Emergency Response Guide: Comprehensive Guidance Document (Guide)* serves as a complete reference for Alabama incident waterway debris response. The accompanying *Field Reference Guide* only includes the most pertinent information for quick reference in the field and during emergency response operations.

## 1.2 Scope of Guide

The *Guide* addresses potential acute waterway debris incidents affecting Alabama's two coastal counties, Mobile and Baldwin. Throughout this document, the term waterway debris (or incident waterway debris) is used in lieu of the term marine debris. In 33 U.S.C. § 1956(3), marine debris is defined as any persistent solid material that is manufactured or processed and directly or indirectly, intentionally or unintentionally, disposed of or abandoned into the marine environment or Great Lakes. Although vegetative debris is not included in the legal definition for marine debris, stakeholders have identified it as a common debris stream of concern following natural disasters. To account for both marine debris and vegetative debris in this document, the term waterway debris is used and includes any solid material, including but not limited to vegetative debris and debris exposed to or that has the potential to release oil, hazardous substances, pollutants or contaminants, that enters a waterway following an acute incident and poses a threat to the natural or man-made environment. This may include shoreline and wetland debris and debris in some inland, non-tidal waterways. This *Guide* specifically addresses waterway debris resulting from acute episodic incidents, such as disaster debris, and may not apply to chronic waterway debris issues.

### 1.3 *Guide* Maintenance

The *Alabama Marine Debris Emergency Response Guide* is a living document and is subject to change as additional information becomes available and updates are needed. The *Guide* will be maintained by the National Oceanic and Atmospheric Administration's (NOAA) Marine Debris Program in coordination with federal, state, and local stakeholders. Contact information will be verified annually, and the *Guide* will undergo a formal review every three years. The *Comprehensive Guide* and subsequent versions will be posted the on NOAA's Marine Debris Program website at <https://marinedebris.noaa.gov/> (National Oceanic and Atmospheric Administration [NOAA], 2019).

## 2. Incident Waterway Debris in Alabama

### 2.1 Foreseeable Waterway Debris Incidents in Coastal Alabama

Coastal Alabama is vulnerable to many natural and man-made hazards that could result in an acute waterway debris incident. Table 1 includes an overview of the risk of occurrence for hazards that could result in a release of incident waterway debris in Mobile and Baldwin counties. The data presented in Table 1 is a composite of information collected from state and county sources. Detailed impacts at the municipal level can be found in the county multi-hazard mitigation plans. A corresponding risk description for select hazards is included in [Appendix 8.1](#).

Table 1. Risk of occurrence of natural and technological hazards that could result in a release of incident waterway debris in coastal Alabama. Data adapted from AEMA, 2012; Alabama Emergency Management Agency [AEMA], 2013; Baldwin County Emergency Management Agency [BCEMA], 2015; and Mobile County Emergency Management Agency [MCEMA], 2015.

		Risk of Occurrence		
		High	Medium	Low
Hazard	Flooding	H		
	Hurricanes/Tropical Storms	H		
	Tornadoes/Wind Storms	H		
	Winter/Ice Storms		M	
	Tsunamis			L
	Earthquakes			L
	Landslides/Subsidence			L
	Transportation Incident (Air/Sea/Rail)		M	

### 2.2 Prominent Debris Types

Response to an acute waterway debris incident will vary depending on the type of debris to be removed. Primary debris types generated after a disaster as defined by the Federal Emergency Management Agency (FEMA, 2017) include the following:

- Chemical, Biological, Radiological, and Nuclear-Contaminated Debris
- Construction and Demolition Debris (C&D)
- Electronic waste (e-waste)
- Garbage
- Hazardous Waste
- Household Hazardous Waste/Material (HHW/HHM)
- Infectious Waste
- Putrescent Debris
- Soil, Mud, and Sand
- Vegetative Debris
- Vehicles and Vessels
- White Goods

A description of each debris type is included in the [Definitions](#) section of this document. While it is difficult to predict the exact mix of waterway debris types that will be generated after a disaster, different types of hazard incidents generally result in a different mix of debris types. Table 2 includes an overview of typical debris streams for different types of natural hazard incidents. While Table 2 only includes debris resulting from natural hazard incidents, man-made hazards such as a hazardous material accident at a manufacturing site or an accident during shipping operations are also concerns. However, man-made hazards are highly variable in both quantity and type of waterway debris.

Table 2. Typical debris streams for different types of hazard incidents. Data adapted from Federal Emergency Management Agency, 2007.

		Typical Debris Streams									
		Vegetative	Construction and Demolition (C&D)	Hazardous Waste	Household Hazardous Waste (HHW)	White Goods	Soil, Mud, and Sand	Vehicles and Vessels	Putrescent	Personal Property, Household Items	
Natural Hazards	Floods	X	X	X	X	X	X	X	X	X	
	Hurricanes/Tropical Storms	X	X	X	X	X	X	X	X	X	
	Tornadoes/Wind Storms	X	X	X	X	X		X	X	X	
	Winter/Ice Storms	X			X						
	Earthquakes		X	X	X	X	X			X	
	Tsunamis	X	X	X	X	X	X	X	X	X	

For any natural hazard impacting coastal Alabama, the type and quantity of waterway debris generated is dependent on the land use types and existing infrastructure along waterways in Mobile and Baldwin counties. For example, agricultural lands bordering Fish River in Baldwin County are likely to generate vegetative debris, while developed lands bordering Mobile Bay in Mobile County are likely to generate C&D debris. Figure 1 shows a land cover map for Mobile and Baldwin counties. Increased development in the floodplain will also increase the likelihood of waterway debris following a natural hazard event. In Baldwin County, 3 percent of the county’s floodplain is developed as compared to 7 percent in Mobile County (National Oceanic and Atmospheric Administration [NOAA], 2010). Figure 2 depicts relative marine debris risk (for storm-generated anthropogenic waterway debris) based upon assumed storm wind speed and surge, and the distribution of on-shore infrastructure likely to generate debris (National Oceanic and Atmospheric Administration [NOAA], 2013).

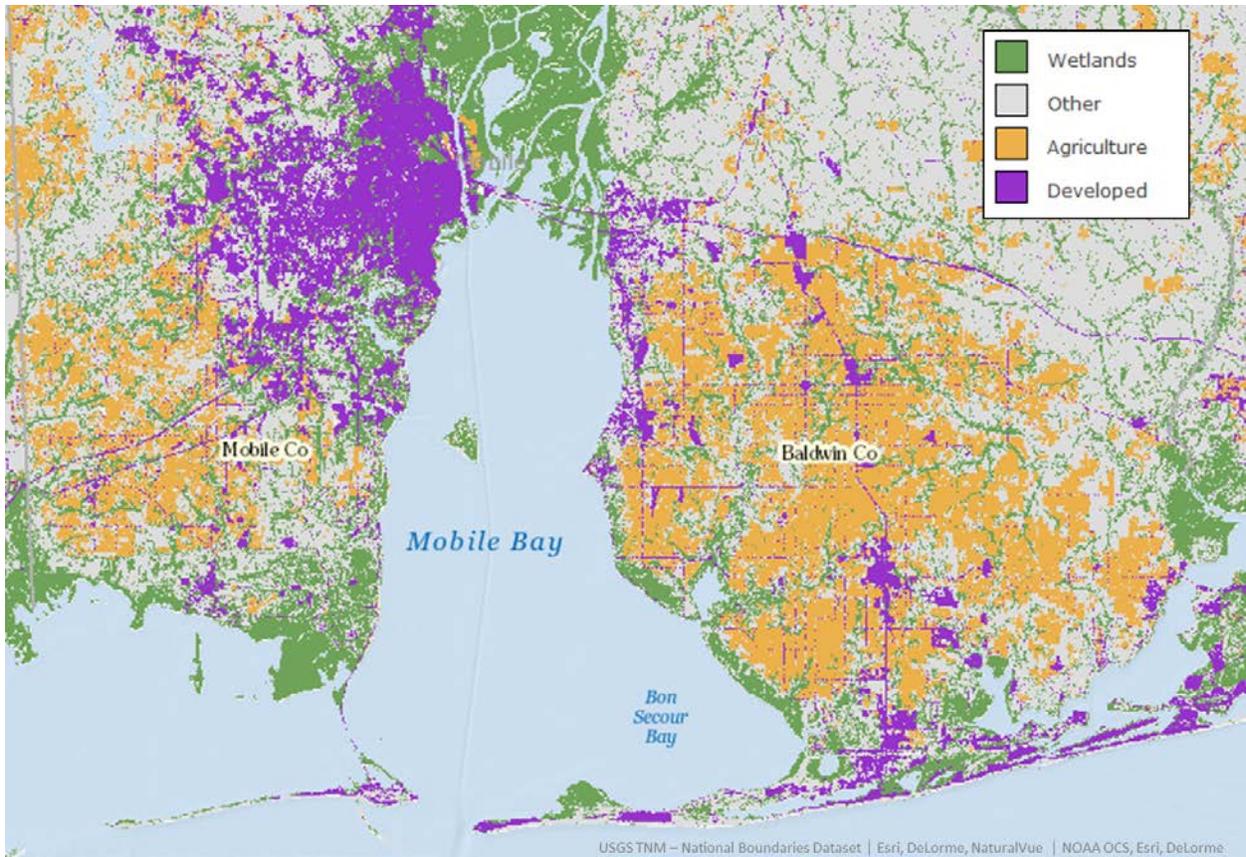


Figure 1. Land cover map for Mobile and Baldwin counties in coastal Alabama (NOAA, 2010).

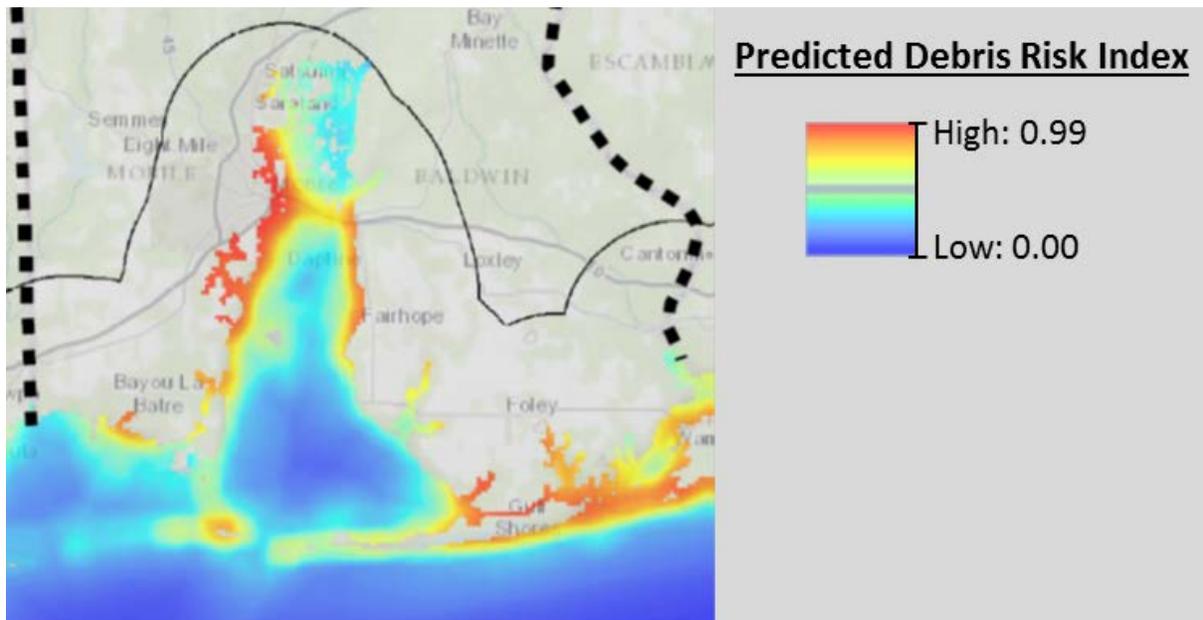


Figure 2. Relative marine debris risk for storm-generated anthropogenic waterway debris (NOAA, 2013).

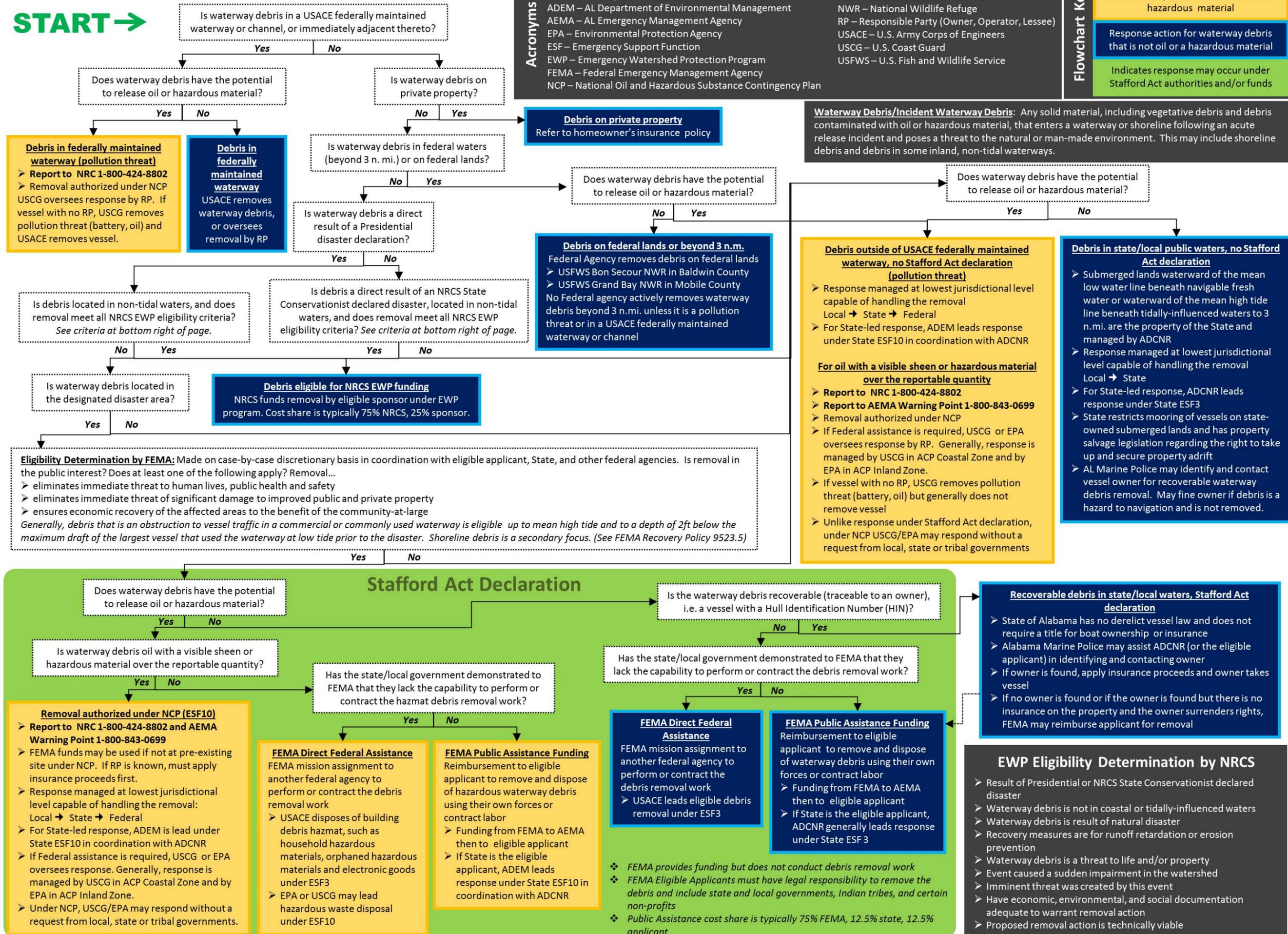
### 3. Alabama Waterway Debris Response Flowchart

The “Alabama Waterway Debris Response Flowchart” included in this section provides a visual one-page representation of organization roles and responsibilities. The flowchart functions as a decision tree for waterway debris response with color-coded endpoints. Yellow endpoints represent response to waterway debris that is exposed to or has the potential to release oil, hazardous substances, pollutants or contaminants. Blue endpoints represent response to waterway debris that is not exposed to and does not have the potential to release oil, hazardous substances, pollutants or contaminants. Endpoints within the green shaded area indicate that response may occur under Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) authorities and/or funding.

For detailed information regarding individual organization roles and responsibilities, see [Section 4](#).

# Alabama Incident Waterway Debris Response Action Flowchart

**START** →



**Acronyms**

- ACP – Area Contingency Plan
- ADCNR – AL Department of Conservation and Natural Resources
- ADEM – AL Department of Environmental Management
- AEMA – AL Emergency Management Agency
- EPA – Environmental Protection Agency
- ESF – Emergency Support Function
- EWP – Emergency Watershed Protection Program
- FEMA – Federal Emergency Management Agency
- NCP – National Oil and Hazardous Substance Contingency Plan

- NRC – National Response Center
- NRCS – Natural Resources Conservation Service
- NWR – National Wildlife Refuge
- RP – Responsible Party (Owner, Operator, Lessee)
- USACE – U.S. Army Corps of Engineers
- USCG – U.S. Coast Guard
- USFWS – U.S. Fish and Wildlife Service

**Flowchart Key**

- Response action for waterway debris that has the potential to release oil or hazardous material
- Response action for waterway debris that is not oil or a hazardous material
- Indicates response may occur under Stafford Act authorities and/or funds

**Waterway Debris/Incident Waterway Debris:** Any solid material, including vegetative debris and debris contaminated with oil or hazardous material, that enters a waterway or shoreline following an acute release incident and poses a threat to the natural or man-made environment. This may include shoreline debris and debris in some inland, non-tidal waterways.

**Debris in federally maintained waterway (pollution threat)**

- Report to NRC 1-800-424-8802
- Removal authorized under NCP
- USCG oversees response by RP. If vessel with no RP, USCG removes pollution threat (battery, oil) and USACE removes vessel.

**Debris in federally maintained waterway**

- USACE removes waterway debris, or oversees removal by RP

**Debris on private property**

- Refer to homeowner's insurance policy

**Debris on federal lands or beyond 3 n.m.**

- Federal Agency removes debris on federal lands
- USFWS Bon Secour NWR in Baldwin County
- USFWS Grand Bay NWR in Mobile County
- No Federal agency actively removes waterway debris beyond 3 n.mi. unless it is a pollution threat or in a USACE federally maintained waterway or channel

**Debris outside of USACE federally maintained waterway, no Stafford Act declaration (pollution threat)**

- Response managed at lowest jurisdictional level capable of handling the removal
- Local → State → Federal
- For State-led response, ADEM leads response under State ESF10 in coordination with ADCNR

**Debris in state/local public waters, no Stafford Act declaration**

- Submerged lands waterward of the mean low water line beneath navigable fresh water or waterward of the mean high tide line beneath tidally-influenced waters to 3 n.mi. are the property of the State and managed by ADCNR
- Response managed at lowest jurisdictional level capable of handling the removal
- Local → State
- For State-led response, ADCNR leads response under State ESF3
- State restricts mooring of vessels on state-owned submerged lands and has property salvage legislation regarding the right to take up and secure property adrift
- AL Marine Police may identify and contact vessel owner for recoverable waterway debris removal. May fine owner if debris is a hazard to navigation and is not removed.

**For oil with a visible sheen or hazardous material over the reportable quantity**

- Report to NRC 1-800-424-8802
- Report to AEMA Warning Point 1-800-843-0699
- Removal authorized under NCP
- If Federal assistance is required, USCG or EPA oversees response by RP. Generally, response is managed by USCG in ACP Coastal Zone and by EPA in ACP Inland Zone.
- If vessel with no RP, USCG removes pollution threat (battery, oil) but generally does not remove vessel
- Unlike response under Stafford Act declaration, under NCP USCG/EPA may respond without a request from local, state or tribal governments

**Debris eligible for NRCS EWP funding**

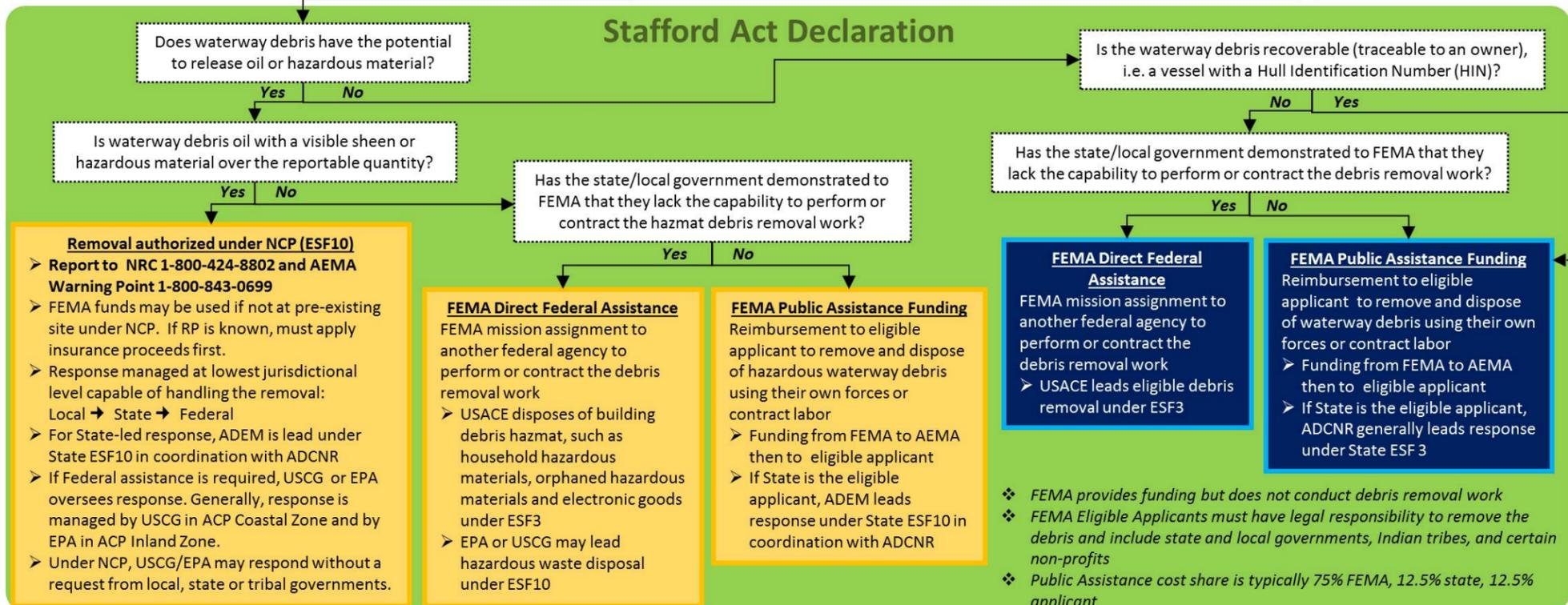
- NRCS funds removal by eligible sponsor under EWP program. Cost share is typically 75% NRCS, 25% sponsor.

**Eligibility Determination by FEMA:** Made on case-by-case discretionary basis in coordination with eligible applicant, State, and other federal agencies. Is removal in the public interest? Does at least one of the following apply? Removal...

- eliminates immediate threat to human lives, public health and safety
- eliminates immediate threat of significant damage to improved public and private property
- ensures economic recovery of the affected areas to the benefit of the community-at-large

Generally, debris that is an obstruction to vessel traffic in a commercial or commonly used waterway is eligible up to mean high tide and to a depth of 2ft below the maximum draft of the largest vessel that used the waterway at low tide prior to the disaster. Shoreline debris is a secondary focus. (See FEMA Recovery Policy 9523.5)

## Stafford Act Declaration



**Recoverable debris in state/local waters, Stafford Act declaration**

- State of Alabama has no derelict vessel law and does not require a title for boat ownership or insurance
- Alabama Marine Police may assist ADCNR (or the eligible applicant) in identifying and contacting owner
- If owner is found, apply insurance proceeds and owner takes vessel
- If no owner is found or if the owner is found but there is no insurance on the property and the owner surrenders rights, FEMA may reimburse applicant for removal

**EWP Eligibility Determination by NRCS**

- Result of Presidential or NRCS State Conservationist declared disaster
- Waterway debris is not in coastal or tidally-influenced waters
- Waterway debris is result of natural disaster
- Recovery measures are for runoff retardation or erosion prevention
- Waterway debris is a threat to life and/or property
- Event caused a sudden impairment in the watershed
- Imminent threat was created by this event
- Have economic, environmental, and social documentation adequate to warrant removal action
- Proposed removal action is technically viable

- FEMA provides funding but does not conduct debris removal work
- FEMA Eligible Applicants must have legal responsibility to remove the debris and include state and local governments, Indian tribes, and certain non-profits
- Public Assistance cost share is typically 75% FEMA, 12.5% state, 12.5% applicant

## 4. Roles and Responsibilities

Response to an acute waterway debris incident will generally be managed at the lowest jurisdictional level capable of handling the response and removal. The federal government may supplement state and local response efforts when local resources have been exceeded or when unique capabilities are needed. Local, state, and federal agency roles and responsibilities as they relate to waterway debris response are outlined in the following sections followed by responsibilities of private landowners. For a visual one-page representation of organization roles and responsibilities, see “Alabama Waterway Debris Response Flowchart” in [Section 3](#). For a map defining agency jurisdictional authorities, see [Section 4.5](#). Additionally, organization response capabilities and corresponding contact information can be found in [Appendix 8.2](#) and [8.3](#), respectively.

### 4.1 Local Governments

- May act as first responders to reports of waterway debris incidents which impact Mobile or Baldwin counties and their municipalities
- Following a Stafford Act declaration, may serve as eligible applicant and receive public assistance reimbursement funding from the Federal Emergency Management Agency (FEMA) to perform or contract waterway debris removal
  - As applicant, responsible for determining ownership of recoverable waterway debris, providing a staging area for temporary storage of recoverable waterway debris, and demonstrating the pre-disaster condition and capacity of waterways
- Mobile and Baldwin County Emergency Management Agencies are the lead local agencies for emergency planning, preparedness, mitigation, response, and recovery
  - Following a Stafford Act declaration, local emergency management agency (EMA) offices serve as the beginning point for contact with Alabama Emergency Management Agency (AEMA).
  - Maintain Multi-Hazard Mitigation Plans for both coastal counties
  - Provide resource coordination and support to on scene incident commanders during response and recovery. This support includes the ability to request external resources from AEMA.
  - Mobile County EMA can assist in maintaining situational awareness utilizing the web-based incident management application WebEOC.
- Association of County Commissions of Alabama manages a joint bid program for debris removal and monitoring to make these services available in each county after a disaster

### 4.2 State Agencies

#### Alabama Department of Agriculture and Industries

- Plans and coordinates actions to dispose of animal carcasses following a disaster
- Responsible for early detection, control, and/or eradication of harmful exotic plant pest and noxious weed introductions
- Maintains Alabama State Agricultural Response Team (SART) to effectively communicate and plan for agriculturally-related emergencies and disasters

#### Alabama Department of Conservation and Natural Resources (ADCNR)

- Lead state agency during response to an acute waterway debris incident

- Responsible for maintenance, supervision, operation, and control of state owned submerged lands waterward of the mean low water line beneath navigable fresh water and waterward of the mean high tide line beneath tidally-influenced waters to the 3 nautical mile territorial sea
- Following a Stafford Act declaration, may serve as eligible applicant and receive public assistance reimbursement funding from FEMA to perform or contract waterway debris removal
  - As applicant, responsible for determining ownership of recoverable waterway debris, providing a staging area for temporary storage of recoverable waterway debris, and demonstrating the pre-disaster condition and capacity of waterways
- Identifies ecologically sensitive areas and provides watercraft support under state Emergency Support Function (ESF) 3 Public Works and Engineering
- Serves as support agency to Alabama Department of Environmental Management (ADEM) during a state-led response to waterway debris that is a pollution threat in state or local waters or adjacent public lands

#### **Alabama Department of Environmental Management (ADEM)**

- Lead state agency during response to waterway debris that is contaminated with oil or hazardous material
  - Serves as State On-Scene Coordinator (SOSC) following release of hazardous material or oil to state waters
  - Provides point of coordination between state and federal response resources
- Supports local governments in response to actual or potential releases of oil and hazardous material
- Coordinates with lead federal agency to determine whether proposed debris removal activities are fully consistent with the enforceable policies of the Alabama Coastal Management Program
- Reviews U.S. Army Corps of Engineers (USACE) permit applications for consistency with the Alabama Coastal Area Management Program for waterway debris removal conducted in the Alabama Coastal Area
- Provides damage assessment for beaches, shores, parks, and recreation areas as support agency under state ESF 3 Public Works and Engineering

#### **Alabama Emergency Management Agency (AEMA)**

- Lead state agency for emergency planning, preparedness, mitigation, response, and recovery
- Coordination point between FEMA and state and local eligible applicants following a Stafford Act declaration
  - Coordinates damage assessment and needs assessment process with local and federal assessment teams
  - Serves as FEMA grantee and administers public assistance funding to eligible applicants
- Implements the State Emergency Operations Plan (EOP)
  - EOP defines the roles, responsibilities, resources and procedures necessary to ensure emergency assistance becomes available as soon as possible following an incident that exceeds local capabilities
- Maintains the State Hazard Mitigation Plan
- Maintains State Warning Point line for reporting of oil and hazardous material releases
- May dispatch personnel to assist in the response and recovery

- Following a Stafford Act declaration, local Emergency Management Agency offices serve as the beginning point for contact with AEMA

#### **Alabama Historical Commission (AHC)**

- Serves as the State Historic Preservation Office (SHPO) and ensures compliance with the National Historic Preservation Act
- Reviews proposed debris removal activities to evaluate potential impacts to historic or cultural sites

#### **Alabama Law Enforcement Agency (ALEA)**

##### **Alabama Marine Patrol**

- Patrols public waterways as state law enforcement agency responsible for laws and regulations governing operation and registration of vessels
- Marks hazards to navigation and notifies USCG for issuance of Notice to Mariners
- Identifies and contacts vessel owner for recoverable waterway debris removal. May fine owner if debris is a hazard to navigation and is not removed.
- May provide first responder capabilities, as required, for conducting the initial assessment of waterway debris as well as addressing public safety concerns
- Oversees registration of all pleasure boats and the licensing of all boat operators
- Facilitate subject matter expertise as it applies to recreational boating and marine safety related impacts
- Administers regulatory waterway marking program

#### **Alabama State Port Authority (ASPA)**

- Owns and operates the State of Alabama's deepwater port facilities at the Port of Mobile
- Area of authority includes the federally maintained waterways and channels of the state
- May request assistance from NOAA's NRT to survey ports and near-shore waterways to identify dangerous objects or changes in water depth following a disaster
- Provides safe harbor to pilot ships and requires barges leave port 96 hours before landfall of major storms

#### **Geological Survey of Alabama (GSA)**

- Develops and maintains digital geospatial data sets related to beach and shoreline change, environmental quality, land use, and potential geological hazards
- Archives digital aerial orthophotography
- Collects field data following landslides, sinkholes, and earthquakes as support to local emergency management agencies
- Maintains GIS support team for natural disasters which provides online and hardcopy visualizations of digital data on demand to AEMA

#### **State Oil and Gas Board of Alabama (OGB)**

- Responds to oil and gas incidents involving fires, spills, leaks, and blowouts

### **4.3 Federal Agencies**

#### **Animal, Plant and Health Inspection Service (APHIS)**

- Veterinary Services program provides for removal and burial of diseased animal carcasses
- Manages Plant Protection and Quarantine program to reduce the risk of introduction and spread of invasive species through planning, surveillance, quick detection, and containment

### **Bureau of Safety and Environmental Enforcement (BSEE)**

- Manages a Marine Trash and Debris program to eliminate debris associated with oil and gas operations on the Outer Continental Shelf (OCS)
- Regulates marine trash and debris for oil and gas operations and renewable energy development on the OCS
- Enforces requirement that items be clearly marked to identify the owner and items lost overboard be recorded, reported, and retrieved if possible

### **Federal Emergency Management Agency (FEMA), Region IV**

- Under the Stafford Act, provides reimbursement funding for eligible debris removal from navigable waterways (non-federally maintained) or wetlands during Presidential major disaster declarations when another federal agency does not have authority to fund the activity
  - Provides funding to eligible applicants at a typical cost share of 75 percent FEMA, 12.5 percent state, and 12.5 percent eligible applicant
  - Issues mission assignments to other federal agencies for technical assistance, federal operations support, or to perform or contract debris removal when local and state capabilities are exceeded
- Makes eligibility determinations for debris removal on a case-by-case discretionary basis in coordination with the eligible applicant, state, and other federal agencies
  - Debris that is an obstruction to vessel traffic is generally eligible up to mean high tide and to a depth of 2 feet below the maximum draft of the largest vessel that used the waterway at low tide prior to the disaster
  - Shoreline debris is generally a secondary focus
- Employs debris specialists that can be mobilized to assist eligible applicants with debris management
- May reimburse costs for use of side scan sonar that identifies eligible submerged debris and sunken vessels

### **National Oceanic and Atmospheric Administration (NOAA)**

- Funds marine debris assessment and removal projects, through grants or congressional supplemental funding
- May prepare for and respond to severe marine debris events
- Facilitates inter-agency coordination planning and provides scientific support for debris response planning and operations, including baseline information, debris behavior, debris impact, debris survey and detection protocols, removal best management practices (BMPs), disposal guidance, and information management
- Reviews proposed debris removal activities for compliance with the Endangered Species Act (ESA) and Magnuson-Stevens Fisheries Conservation and Management Act
- Mobilizes Navigation Response Team (NRT) to survey ports and near-shore waterways for sunken debris, changes in water depth, and hazards to navigation following a disaster
- Acquires and rapidly disseminates a variety of spatially-referenced remote-sensing datasets to support national emergency responses. Imagery is obtained using high-resolution digital cameras, film-based aerial camera systems, LIDAR, and thermal and hyperspectral imagers.

### **Natural Resource Conservation Service (NRCS)**

- Provides emergency financial and technical assistance for debris removal in non-tidally influenced waters through its Emergency Watershed Protection (EWP) program

- Help communities address watershed impairments that pose imminent threats to lives and property as a result of natural disasters
- Typical cost share of 75 percent NRCS and 25 percent project sponsor
- Public and private landowners are eligible for assistance but must be represented by a project sponsor, including state government, legal subdivisions of the state, such as a city, county, general improvement district, conservation district, or any American Indian tribe or tribal organization
- Assists in the location of burial pits for animal mortality
- See “Alabama Waterway Debris Response Flowchart” in [Section 3](#) for EWP eligibility criteria

#### **U.S. Army Corps of Engineers (USACE), Mobile District**

- Responsible for operation, maintenance and debris removal from federally maintained waterways and channels
- Issues permits for debris removal within waterways and wetlands
- Maintains pre-event contracts regionally for all U.S states and territories
- Serves as lead federal agency under ESF 3 Public Works and Engineering
- Following a Stafford Act declaration, may lead eligible debris removal from navigable waterways (non-federally maintained) and wetlands if FEMA mission assigns another federal agency to perform or contract debris removal and surveying
- May request assistance from NOAA’s NRT to survey ports and near-shore waterways

#### **U.S. Coast Guard (USCG), District 8, Sector Mobile**

- Responds to oil and hazardous material releases or threats of release in waterways within the coastal zone as defined in the USCG Sector Mobile Area Contingency Plan (ACP)
  - Removal actions generally limited to removing oil and other hazardous substances, while leaving vessels in place
  - Responds to pollution threats in federally maintained waterways in coordination with USACE
- Serves as lead federal agency, or Federal On-Scene Coordinator (FOSC), under ESF 10 Oil and Hazardous Materials Response in the ACP coastal zone
  - Directs response in accordance with the National Contingency Plan (NCP)
  - Coordinates with state, tribal and territorial governments and oversees response by a responsible party
  - Unlike response under a Stafford Act declaration, USCG may respond without a request from local, state or tribal governments under the NCP. During Stafford Act declarations, USCG retains the authority to take action under the NCP.
- Broadcasts maritime safety warnings including the Broadcast Notice to Mariners and the Local Notice to Mariners
- Maintains a year-round, 24-hour telephone watch through the National Response Center (NRC) for reporting of oil and hazardous material releases
- Following a Stafford Act declaration, may lead removal of contaminated waterway debris under a FEMA mission assignment to perform or contract the work
- May request assistance from NOAA’s NRT to survey ports and near-shore waterways

#### **U.S. Environmental Protection Agency (EPA), Region IV**

- Responds to oil and hazardous material releases or threats of release in waterways within the inland zone as defined in the USCG Sector Mobile ACP

- Serves as lead federal agency (FOSC) under ESF 10 Oil and Hazardous Materials Response in the ACP inland zone and in incidents affecting both inland and coastal zones
  - Directs response in accordance with the NCP
  - Coordinates with state, tribal and territorial governments and oversees response by a responsible party
  - Unlike response under a Stafford Act declaration, EPA may respond without a request from local, state or tribal governments under the NCP. During Stafford Act declarations, EPA retains the authority to take action under the NCP.
- Following a Stafford Act declaration, may lead removal of contaminated waterway debris under a FEMA mission assignment to perform or contract the work

#### **U.S. Fish and Wildlife Service (USFWS)**

- Coordinates and manages waterway debris assessment and cleanup in National Wildlife Refuges (NWR), including Bon Secour NWR in Baldwin County and Grand Bay NWR in Mobile County
- Reviews proposed debris removal activities for compliance with ESA and Coastal Barrier Resources Act (CBRA)
- Provides BMPs to protect listed threatened or endangered land and freshwater species, certain marine species, and their critical habitat

#### **U.S. Navy Supervisor of Salvage and Diving (SUPSALV)**

- Provides expertise and conducts/supports specialized salvage/wreck removal operations
- Exercises and manages regional standing emergency salvage contracts to quickly draw upon the required resources of the commercial salvage industry
- Accesses and coordinates the U.S. Navy’s hydrographic survey assets and capabilities.
- Provides technical, operational, and emergency support in pollution abatement and diving services

#### **4.4 Private Landowners**

- After a Stafford Act declaration, debris removal from private property or privately-owned waterways and banks is generally the responsibility of the property owner and not eligible for FEMA funding
- May report acute waterway debris incidents to local EMA office to begin a coordinated, proper response

#### **4.5 Alabama Waterway Debris Response Map**

The “Alabama Waterway Debris Response Map” displays relevant agency jurisdiction boundaries in coastal Alabama. After an acute waterway debris incident, the agency (or agencies) with jurisdiction and authority for removing debris will vary depending on where the debris is located. This map includes information that stakeholders identified as important in determining jurisdiction within the state. For detailed information regarding local, state, and federal agency roles and responsibilities, see Sections [4.1](#), [4.2](#), and [4.3](#), respectively.

# Alabama Incident Waterway Debris Response Map



## 5. Permitting and Compliance Requirements in Alabama

Before waterway debris removal work can begin, agencies responsible for removal must meet certain permitting and compliance requirements. While the agency or individual conducting the debris removal work is responsible for obtaining necessary permits – such as a USACE permit – it is the responsibility of the lead federal agency to ensure compliance with the National Environmental Policy Act (NEPA) and to consult with tribal and resource agencies including Alabama Historical Commission (AHC), U.S. Fish and Wildlife Service (USFWS) and NOAA’s National Marine Fisheries Service (NMFS).

During response under a Stafford Act declaration, FEMA provides funding to applicants for debris removal and is therefore considered the lead federal agency responsible for tribal and resource agency coordination. If waterway debris removal is conducted without FEMA funding and there are no federal agencies involved in removal activities, USACE is considered the lead federal agency as the permitting agency.

A brief description of individual agency requirements is outlined below and is also summarized in the “Permitting and Compliance for Waterway Debris Removal in Alabama” handout in [Section 5.3](#).

### 5.1 State Requirements

#### Alabama Department of Environmental Management (ADEM)

- For waterway debris removal conducted in the Alabama Coastal Area, ADEM Coastal Program simultaneously reviews USACE permit applications for consistency with Alabama’s Coastal Area Management Program. The “USACE-ADEM Joint Application and Notification” must be submitted to both USACE and ADEM.
  - ADEM will notify both the applicant and USACE of concerns or requests for additional information.
  - Waterway debris removal activities must be consistent with ADEM Administrative Code R. 335-8 (Division 8 Regulations), and activities that may impact coastal resources such as wetlands, submersed grassbeds, oyster reefs and state water bottoms are evaluated.
  - If USACE determines that the waterway debris removal project does not fit a nationwide or general permit that has been evaluated for coastal consistency, then the project is processed under a letter of permission or standard permit process, and a separate determination must be obtained from ADEM that will have specific permit conditions.
- If a waterway debris removal project in Alabama involves a federal agency (directly or through funding and/or issuance of a federal permit), it is the responsibility of the lead federal agency to coordinate with ADEM prior to beginning debris removal work to determine whether activities are fully consistent with the enforceable policies of Alabama Coastal Management Program.
- Any proposed open debris burning must be coordinated with ADEM Air Division.
- For waterway debris that involves oil and/or hazardous material spills in state waters, notify Alabama Emergency Management Agency State Warning Point.

### **Alabama Historical Commission (AHC)**

- The National Historic Preservation Act requires federal agencies to take into account an undertaking's potential to affect any district, site, building, structure, or object included in or eligible for the National Register of Historic Places.
- If a waterway debris removal project in Alabama involves a federal agency (directly or through funding and/or issuance of a federal permit), it is the responsibility of the lead federal agency to coordinate with the State Historic Preservation Office (Alabama Historical Commission, AHC) prior to beginning debris removal work to determine whether activities affect historic or cultural sites.

## **5.2 Federal Requirements**

### **National Environmental Policy Act (NEPA)**

- NEPA requires federal agencies to follow a specific planning process to ensure environmental consequences of a federally funded action have been considered.
- If a waterway debris removal project involves a federal agency (directly or through funding and/or issuance of a federal permit), it is the responsibility of the lead federal agency to ensure NEPA compliance.
  - FEMA is provided with statutory exclusions under Section 316 of the Stafford Act, which exempts debris removal from the NEPA review process.
  - Therefore, the NEPA review process is not required when FEMA is providing funding for waterway debris removal under a Stafford Act declaration. However, compliance with all other federal, state and local environmental laws and regulations is still required, even when a project is statutorily excluded from NEPA review.
- For waterway debris removal operations, the impact of removal must be evaluated to minimize environmental and ecological damage to the maximum practical extent. In some cases, debris removal may be more environmentally damaging than leaving the debris in place.

### **National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS or NOAA Fisheries)**

- If a waterway debris removal project in Alabama involves a federal agency (directly or through funding and/or issuance of a federal permit), it is the responsibility of the lead federal agency to coordinate with NMFS Southeast Region prior to beginning debris removal work to ensure compliance with the Endangered Species Act (ESA) and Magnuson-Stevens Fisheries Conservation and Management Act.
  - ESA directs all federal agencies to ensure the actions they take, including those they fund or authorize, do not adversely affect listed threatened or endangered species or critical habitat. Generally, USFWS manages land and freshwater species, while NMFS manages marine and anadromous species. See USFWS's endangered species webpage for an up to date Alabama ESA-listed land and freshwater species list (U.S. Fish and Wildlife Service [USFWS], 2017). See NMFS Southeast Region's endangered species webpage for an up to date Alabama ESA-listed marine species list (National Oceanic and Atmospheric Administration [NOAA], 2016).
  - Magnuson-Stevens Fisheries Conservation and Management Act directs all federal agencies to ensure the actions they take, including those they fund or authorize, do not adversely affect Essential Fish Habitat (EFH). Generally, in the Gulf Region areas that are tidally influenced have been identified as EFH. For additional information,

see the Gulf of Mexico Fishery Management Council EFH web page (Gulf of Mexico Fishery Management Council, 2010).

- NMFS defines an emergency as “a situation involving an act of God, disasters, casualties, national defense or security emergencies, etc., and includes response activities that must be taken to prevent imminent loss of human life or property.”
- Consultation during emergencies can be expedited so federal agencies can complete their critical missions in a timely manner while still providing protections to listed species and EFH.
- During emergency waterway debris removal operations, the NMFS Southeast Region utilizes the same process for initiating contact for both ESA and EFH Consultations. Steps to complete the NMFS Emergency Response Consultation Process are included below.
  1. **Initiating Contact** – During any emergency response, the federal agency should contact NMFS by telephone (and if possible, also by email) as quickly as possible following the onset of the emergency. See [Appendix 8.3](#) for contact information.
  2. **NMFS Recommendations** – During this initial contact, NMFS will recommend steps to minimize the impacts to EFH and any listed species or critical habitat in the area during the emergency response. The federal agency should implement these protective mechanisms if practical. NMFS will also provide the agency, within 48 hours, a written response detailing the protective procedures that were identified during the initial contact.
  3. **NMFS Evaluation** – NMFS will continue to evaluate the emergency. If this evaluation indicates that emergency response procedures are likely to adversely affect ESA-listed species or critical habitat and result in a lethal take, and no means of reducing or avoiding this impact are available, NMFS will advise the responding agency of this and document this conclusion. The agency will not stop or delay their emergency response because of this notification. In such a situation, the federal agency and NMFS will discuss actions to remediate the effects following conclusion of the emergency.
  4. **Emergency Over** – Once the emergency is under control, the action agency will evaluate the emergency consultation measures, identify any adverse impacts to EFH caused by response actions or incidental take of a species or critical habitat, and initiate a post emergency consultation with NMFS.
  5. **Consultation Completed** – If take occurs during the emergency response, NMFS will prepare an after-the-fact biological opinion to cover any incidental take that occurred during the emergency response and document the final impacts to the ESA-listed species. If no take occurred, the action agency should notify NMFS and no further consultation is required. NMFS will also provide after-the-fact EFH Conservation Recommendations to cover any adverse impacts to EFH. If no adverse impacts from response actions occurred, the action agency should notify NMFS and no further consultation is required.
- See [Appendix 8.3](#) for contact information for routine ESA consultation requests (during non-emergencies). For additional information on ESA consultation, see National Oceanic and Atmospheric Administration, n.d.-a.
- For additional information on EFH consultation, see National Oceanic and Atmospheric Administration, n.d.-b.

#### **U.S. Army Corps of Engineers (USACE)**

- USACE permit is required for debris removal within waterways and wetlands. One or multiple permits may be needed depending on the scope of work to be conducted.

- In Mobile and Baldwin counties, permit applications are jointly reviewed by USACE and ADEM.
- Complete “USACE-ADEM Joint Application and Notification” to apply for a USACE permit. The form is available for download at the USACE, Mobile District, Regulatory Division webpage and must be submitted to both USACE and ADEM.
- Permits that may be required include:
  - **Alabama General Permit 4: Debris Removal.** Issued for debris removal from any waterway for navigational or drainage purposes. Debris includes but is not limited to fallen trees, woody debris, appliances, lumber, metal objects, etc. Trees and/or wood vegetation may be removed provided they are not rooted or have been cut above ground elevation so that the root mass remains intact.
  - **Nationwide Permit 3: Maintenance.** Authorizes repair, rehabilitation or replacement structures or fills destroyed or damaged by storms, floods, fires or other discrete events. This permit may be issued for removal or maintenance of culverts, sediments or debris accumulated around outfalls, bridges, etc. in wetland areas.
  - **Nationwide Permit 22: Removal of Vessels.** Authorizes temporary structures or minor discharges of dredged or fill material required for the removal of wrecked, abandoned, or disabled vessels, or the removal of man-made obstructions to navigation.
  - **Nationwide Permit 37: Emergency Watershed Protection and Rehabilitation.** Issued for work conducted under the Natural Resources Conservation Service’s Emergency Watershed Protection program.
  - **Nationwide Permit 38: Cleanup of Hazardous and Toxic Waste.** Issued for the containment, stabilization, or removal of hazardous or toxic waste materials that are performed, ordered, or sponsored by a government agency with legal or regulatory authority. Activities undertaken entirely on a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) site are not required to obtain permits.
- In emergency situations, permitting procedures may be expedited and resource agency coordination (or completion of coordination/consultation) occurs “after the fact” as opposed to before a permit is issued. This may result in additional work by the applicant once the emergency and immediate threat has been mitigated. USACE designates an emergency as “a situation which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process the application under standard procedures.”

### U.S. Fish and Wildlife Service (USFWS)

- If a waterway debris removal project in Alabama involves a federal agency (directly or through funding and/or issuance of a federal permit), it is the responsibility of the lead federal agency to coordinate with USFWS’s Alabama Ecological Services Field Office prior to beginning debris removal work to ensure compliance with the Endangered Species Act and Coastal Barrier Resources Act.
  - ESA directs all federal agencies to ensure the actions they take, including those they fund or authorize, do not adversely affect listed threatened or endangered species or critical habitat. Generally, USFWS manages land and freshwater species and certain marine species such as manatee, while NMFS manages marine and anadromous species. See USFWS’s endangered species webpage for an up to date Alabama ESA-listed land and freshwater species list (USFWS, 2017). See NMFS

Southeast Region’s endangered species webpage for an up to date Alabama ESA-listed marine species list (NOAA, 2016).

- Coastal Barrier Resources Act (CBRA) restricts federal expenditures and financial assistance that encourage development of coastal barriers so that damage to property, fish, wildlife, and other natural resources associated with the coastal barrier is minimized. The John H. Chafee Coastal Barrier Resources System (CBRS) is a collection of specific units of land and associated aquatic habitats that serve as barriers protecting the Atlantic, Gulf, and Great Lakes coasts. After a Stafford Act Declaration, costs for debris removal and emergency protective measures in designated CBRS units may be eligible for reimbursement under FEMA’s Public Assistance Program provided the actions eliminate an immediate threat to lives, public health and safety, or protect improved property. A map of CBRS units in Alabama can be downloaded at U.S. Fish and Wildlife Service [USFWS], n.d.
- Reviews may be expedited in emergencies, and USFWS staff may embed in response teams.
- Each debris removal project is reviewed individually unless USFWS prepares a programmatic consultation. Under a programmatic consultation, all parties agree on certain conservation measures that must be implemented. If a waterway debris removal project arises that does not fit the programmatic measures, then it must be reviewed individually.
- Generally, USFWS will provide Best Management Practices that, when followed, provide necessary protections while allowing projects to go forward.
- If the proposed waterway debris removal project will not impact listed threatened or endangered species, or if the federal consulting agency agrees to implement USFWS’s recommendations, the consultation process is completed at the "informal" stage. However, if debris removal operations will adversely affect a listed species or critical habitat, the federal consulting agency must initiate "formal" consultation, a process which typically ends with the issuance of a biological opinion by USFWS (or NMFS, if the ESA-listed species affected is under NMFS’s purview).
- For projects that do not involve federal permits or funding, USFWS consultation is not required, but is recommended. Harassing or harming (“taking”) an endangered or threatened species or significantly modifying their habitat is still prohibited under ESA regardless of federal nexus involvement.

### **5.3 Permitting and Compliance for Waterway Debris Removal in Alabama One-Pager**

The “Permitting and Compliance for Waterway Debris Removal in Alabama” handout on the following page synthesizes permitting and compliance requirements that must be met before waterway debris removal operations begin. The top portion of the one-pager outlines the process to follow to stay in compliance, while the bottom portion highlights specific state and federal agency requirements with general contact information.

For detailed information regarding individual state and federal requirements, see Sections [5.1](#) and [5.2](#), respectively.

# Permitting and Compliance for Waterway Debris Removal in Alabama

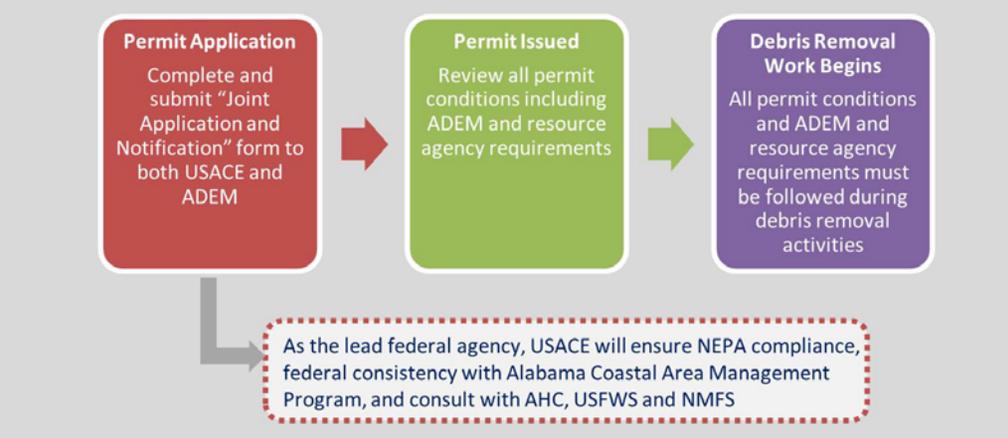
- U.S. Army Corps of Engineers (USACE) permit is required for debris removal within waterways and wetlands. One or multiple permits may be needed.
- In Mobile and Baldwin Counties, permit applications are jointly reviewed by USACE and Alabama Department of Environmental Management (ADEM). A “Joint Application and Notification” can be downloaded at the USACE, Mobile District, Regulatory Division webpage.
- It is the responsibility of the **lead Federal agency** to ensure compliance with National Environmental Policy Act (NEPA), federal coastal consistency, and consult with tribal and resource agencies including Alabama Historical Commission (AHC), U.S. Fish and Wildlife Service (USFWS) and NOAA’s National Marine Fisheries Service (NMFS).

## Compliance Process Under Federally Funded Response

(for example, FEMA funding under Stafford Act declaration)



## Compliance Process Under State/Local Agency-led Response



## Agency Requirements and Legislation Details

U.S. Army Corps of Engineers (USACE)

Mobile District  
Regulatory Division  
251-690-2658

- Permit(s) required for debris response/removal work within waterways and wetlands
  - ALG-04 Debris Removal** from waterway for navigational or drainage purposes
  - NWP-3 Maintenance** for removal/maintenance of culverts, sediments or debris accumulated around outfalls, bridges, etc. in wetland areas
  - NWP-22 Removal of Vessels** for removal of wrecked, abandoned, or disabled vessels or other man-made obstructions to navigation
  - NWP-37 Emergency Watershed Protection & Rehabilitation** for work done under NRCS’s Emergency Watershed Protection program
  - NWP-38 Cleanup of Hazardous and Toxic Waste** for containment, stabilization, or removal of hazardous or toxic waste materials not under CERCLA/NCP

Alabama  
Department of  
Environmental  
Management  
(ADEM)

Coastal Program  
251-304-1176  
Warning Point  
1-800-843-0699  
Air Division  
334-271-7879

- In Mobile and Baldwin Counties, ADEM Coastal Program simultaneously reviews USACE permit applications and notifies both the applicant and USACE of concerns or requests for additional information.
  - Activities that may impact coastal resources such as wetlands, submersed grassbeds, oyster reefs, and state water bottoms are evaluated.
  - If the project does not fit a nationwide or general permit, a separate determination must be obtained from ADEM with specific conditions.
- Report **oil and/or hazmat spills** to AL Emergency Management Agency State Warning Point
- Call ADEM Air Division for proposed **open debris burning**
- Disposal of hazardous waste must be coordinated with ADEM

Alabama Historical  
Commission (AHC)  
334-242-3184 x 692

- Consultation with State Historic Preservation Office required if waterway debris response involves Federal permits and/or funding (USACE permit, FEMA funding, etc.) to comply with National Historic Preservation Act
- AHC evaluates whether activities affect historic or cultural sites included in or eligible for the National Register of Historic Places

U.S. Fish and  
Wildlife Service  
(USFWS)  
Alabama Ecological  
Services Field Office  
251-441-5181

- Consultation required if waterway debris response involves Federal permits and/or funding (USACE permit, FEMA funding, etc.) to comply with:
  - Endangered Species Act (ESA) to ensure actions do not adversely affect listed threatened or endangered species or critical habitat for land and freshwater species and certain marine species such as manatee.
  - Coastal Barrier Resources Act to ensure actions do not encourage development on coastal barriers in Mobile and Baldwin Counties

NOAA National  
Marine Fisheries  
Service (NMFS)  
ESA: 727-824-5312  
EFH: 409-766-3699

- Consultation required if waterway debris response involves Federal permits and/or funding (USACE permit, FEMA funding, etc.) to comply with:
  - Endangered Species Act (ESA) to ensure actions do not adversely affect listed threatened or endangered species or critical habitat for marine species.
  - Magnuson-Stevens Fisheries Conservation and Management Act to ensure actions do not adversely affect Essential Fish Habitat (EFH).

National  
Environmental Policy  
Act (NEPA)

- Requires Federal agencies to follow a specific planning process to ensure environmental consequences of a Federally funded actions are considered
- FEMA is provided with statutory exclusions under the Stafford Act which exempts debris removal from NEPA review when FEMA is providing funding

## 6. Alabama Waterway Debris Response Needs

Waterway debris response needs and associated recommendations are outlined below. Response challenges identified will serve as future points of discussion and action for the Alabama waterway debris response community. Potential opportunities for addressing response needs include a table-top activity planned to exercise this *Guide* and coordination meetings associated with the *Guide's* formal review.

### 6.1 Response Challenges in Alabama

The following response challenges have been reported by stakeholder agencies engaged in waterway debris response in Alabama.

- Waterway debris is not actively removed without outside funding – such as through grants or following a Presidential major disaster declaration.
- Following a Presidential major disaster declaration, if waterway debris is outside of the designated disaster area or if its removal is not in the public interest (determined to be ineligible by FEMA), no state source of funding exists for removal.
- If a derelict vessel is in state waters and has the potential to release oil or hazardous material, USCG will remove pollution threats such as oil and batteries. However, USCG generally leaves the vessel itself in place.
- There is no established mechanism for coordination between ADCNR personnel with debris removal expertise and those with environmental and natural resource expertise.
- There is no established procedure for reporting an acute waterway debris incident.
- There is no agreed upon inter-agency communication plan for disseminating information during an acute waterway debris incident in coastal Alabama.
- Requirements for an incident to qualify as an “emergency” differ among federal agencies responsible for permitting and environmental compliance, which can lead to confusion and delayed response.

### 6.2 Recommended Actions

The following recommendations have been compiled based on stakeholder agency input to improve preparedness for response and recovery operations following an acute waterway debris incident in coastal Alabama. Recommended actions include funding and policy actions to address challenges in response as well as data collection and research actions to meet pre-event data needs.

#### 6.2.1 Funding and Policy

- Identify and establish a standing source of funds for operation and maintenance of public waterways in coastal Alabama.

- Establish a procedure for reporting of waterway debris and a mechanism for disseminating this information to local authorities and the public in coastal Alabama. One possibility includes notification to local 911 centers, which will then contact on-duty EMA personnel to initiate proper response.
- Establish a legal definition for derelict vessel and corresponding derelict vessel program or law to reduce the number of derelict vessels.
- Require that all vessels that require registration must also be titled.
- Establish formal procedure for determining ownership of recoverable waterway debris.
- Establish an agreed upon consistent set of terminology and definitions among federal, state and local government waterway debris response agencies. This includes inter-agency discussions regarding what constitutes an emergency among federal agencies responsible for permitting and environmental compliance.
- Within ADCNR, establish a procedure for coordination between personnel responsible for debris removal operations and personnel with environmental and natural resource expertise after an acute waterway debris incident.
  - Note: ADCNR held an internal tabletop exercise in March 2016.
- Develop an inter-agency communication plan for disseminating information during an acute waterway debris incident in coastal Alabama. Plan should clearly define stakeholder audiences, identify trusted spokespeople, and outline agency responsibilities.

### **6.2.2 Pre-event Data and Research**

- Develop and maintain a pre-event abandoned vessel database for coastal Alabama.
- Conduct widespread hydrographic surveys in coastal Alabama to demonstrate pre-event bathymetric conditions.
- Develop map of the extent of tidal influence for waterways in Mobile and Baldwin counties.
- Use waterway debris distribution models and field data to identify natural collection points.
- Identify and prioritize key areas for waterway debris response based on an agreed-upon set of conditions such as ecological sensitivity, commercial use, recreational use, etc.
  - Note: USCG Sector Mobile Geographic Response Plan (GRP) and NOAA Environmental Sensitivity Index (ESI) maps contain information that could be of use for waterway debris response prioritization planning, including shoreline sensitivity, biological resources, and human use resources. A map viewer is available online at Florida Fish and Wildlife Conservation Commission, n.d.
- Identify and pre-designate facilities suitable for establishing an emergency operations center, docks for wet storage of vessels, staging areas, debris management off-loading and special handling areas, disposal sites, and recycling facilities in or near coastal Alabama.

- Note: GRP and ESI maps contain information on staging areas, natural collection points, boat ramps, and beach access locations. A map viewer is available online at Florida Fish and Wildlife Conservation Commission, n.d.
- Establish pre-event waterway debris removal contracts or a list of pre-qualified contractors. This may include a registration list of local fishers for hire.

### 6.3 Additional Resources

Barnea, N., J. Michel, B. Bray, Z. Nixon, G. Imahori, & Moegling, C. (2009). *Marine debris emergency response planning in the north-central Gulf of Mexico* (Technical Memorandum NOS-OR&R-31). Silver Spring, MD: National Oceanic and Atmospheric Administration. Retrieved from <https://marinedebris.noaa.gov/marine-debris-emergency-response-planning-north-central-gulf-mexico>

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National Response Team. (2014). *Abandoned vessel authorities and best practices guidance*. Retrieved from [https://www.nrt.org/sites/2/files/NRT\\_Abandoned\\_Vessel\\_Authorities\\_and\\_Best\\_Practices\\_Guidance\\_FINAL.pdf](https://www.nrt.org/sites/2/files/NRT_Abandoned_Vessel_Authorities_and_Best_Practices_Guidance_FINAL.pdf)

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## 8. Appendices

### 8.1 Risk Description for Select Acute Debris Incident Hazards in Coastal Alabama

Debris Incident Hazard	Incident Risk Description for Coastal Alabama
<b>Flooding</b>	<ul style="list-style-type: none"> <li>▪ Frequent and recurring riverine, coastal and flash flooding</li> <li>▪ High potential for coastal flooding from storm surge that accompanies tropical storms, hurricanes, and other coastal events</li> </ul>
<b>Hurricanes/Tropical Storms</b>	<ul style="list-style-type: none"> <li>▪ Location at the center of the Gulf Coast puts region at high risk of hurricane landfalls</li> <li>▪ Communities adjacent to Gulf of Mexico and low-lying areas bordering Mobile Bay are most at risk of high winds and storm surge.</li> <li>▪ Greatest concentration of debris is likely to be located along shorelines</li> </ul>
<b>Tornadoes/Wind Storms</b>	<ul style="list-style-type: none"> <li>▪ Alabama and Kansas had more reported EF5 tornadoes on official record than any other state for the period of January 1, 1950 to October 31, 2006</li> <li>▪ Coastal Alabama is in low-threat area for tornadoes, and tornadoes tend to be moderate in severity and relatively infrequent when they occur in the southern portion of the state</li> <li>▪ High winds accompanying severe storms are possible</li> </ul>
<b>Winter/Ice Storms</b>	<ul style="list-style-type: none"> <li>▪ Infrequent and relatively brief and mild when they occur</li> <li>▪ Rarity increases impact because residents and authorities are not equipped to handle the unfamiliar conditions.</li> </ul>
<b>Earthquakes</b>	<ul style="list-style-type: none"> <li>▪ Damaging earthquake is possible but likelihood is extremely low</li> <li>▪ Impact increases because structures are not built to withstand earthquake shaking</li> </ul>
<b>Landslides</b>	<ul style="list-style-type: none"> <li>▪ Low likelihood due to flat topography</li> <li>▪ Baldwin County has experienced mild landslides, generally induced by construction activity alongside highways</li> </ul>
<b>Tsunamis</b>	<ul style="list-style-type: none"> <li>▪ Risk on Gulf Coast is very low</li> <li>▪ Could be high impact event if occurred</li> </ul>
<b>Man-made / Technological Hazards</b>	<ul style="list-style-type: none"> <li>▪ Hazardous material accidents at manufacturing sites, storage sites, and during transport are the main hazard of concern</li> <li>▪ Risk of incident during transportation at sea</li> <li>▪ Risk of spill from oil and gas operations</li> </ul>

Note: Data adapted from State Hazard Mitigation Plan Update (AEMA, 2013), Baldwin County Multi-Hazard Mitigation Plan (BCEMA, 2015), and Mobile County Multi-Hazard Mitigation Plan (MCEMA, 2015).

## 8.2 Response Capabilities

	Yes - In-house Capability	Baldwin County EMA	Mobile County EMA	ADCNR	ADEM	ASPA	GSA	USACE Mobile District	USFWS	FEMA Region IV <sup>12</sup>	NOAA	USCG Sector Mobile	NRCS
	Contract - Contracted capability												
Technology	GIS mapping and plotting of imagery	Yes	Yes	Yes	Yes	-	Yes	Yes <sup>8</sup>	-	Yes	Yes	-	-
	Side scan sonar	-	Contract	Yes	-	-	-	Contract	-	-	Yes	-	-
	Multi-beam sonar	-	-	-	-	-	-	Contract	-	-	Yes	-	-
	Single-beam sonar	-	-	Yes	-	-	-	Contract	-	-	Yes	-	-
	Remote sensing capabilities	-	-	-	-	-	Yes	Contract	-	-	Yes	-	-
Manpower	Volunteer manpower	Contract	Contract	Yes	-	-	-	-	Yes	-	-	-	Yes
	Technical expertise for removal operations	-	-	Yes	-	-	-	Yes <sup>9</sup>	-	Yes	Yes	Yes	Yes
	Environmental expertise (location of sensitive areas, endangered species present, etc.)	-	-	Yes	Yes	-	Yes	Yes	Yes	Yes	Yes <sup>13</sup>	Yes	Yes
	Compliance and permitting expertise	-	-	Yes	Yes	-	-	Yes	Yes	Yes	Yes	-	Yes
	Dive support	-	Contract	Yes	-	-	Yes	-	-	-	Yes	Yes <sup>15</sup>	-
Equipment	Vessels	-	-	Yes	Yes	Yes <sup>7</sup>	Yes	Contract	Yes	-	Yes	Yes	-
	Aircraft	-	-	-	-	-	-	-	-	-	Yes	Yes	-
	Barge, Self-loading barge	-	-	-	-	-	-	Contract	-	-	-	-	-
	Crane, Knuckleboom Crane	-	-	-	-	-	-	Contract	-	-	-	-	-
	Excavator	-	-	-	-	-	-	Contract	-	-	-	-	-
	Boom	-	-	-	-	-	-	Contract	-	-	-	Contract <sup>16</sup>	-
	Surplus parts for terrestrial and marine work	-	-	-	-	-	-	-	-	-	-	-	-
	Surveillance drones	-	-	-	-	-	-	Yes <sup>10</sup>	-	-	-	Yes <sup>17</sup>	-
	Other specialized equipment that cannot be readily procured immediately following a debris incident	-	Yes	Yes <sup>1</sup>	-	-	Yes	Contract	Yes	-	-	Yes	-
	Funding for waterway debris removal	-	-	-	-	-	-	Yes <sup>11</sup>	-	-	Yes <sup>14</sup>	Yes <sup>18</sup>	Yes
Logistics	Facility suitable for establishing an operations center	Yes	Yes	Yes <sup>2</sup>	-	Yes	-	Yes	-	-	Yes	Yes	-
	Docks for wet storage of vessels	-	-	Yes <sup>3</sup>	-	Yes	-	-	-	-	-	Yes <sup>19</sup>	-
	Staging area for dry storage of vessels	Yes	-	Yes <sup>4</sup>	-	Yes	-	Yes	Yes	-	Yes	Yes <sup>20</sup>	-
	Pre-designated landfill/disposal sites	Yes	-	-	-	-	-	-	-	-	-	-	-
	Pre-event contracts and staged agreements in place	Yes	-	-	-	-	-	Yes	-	-	-	Yes <sup>21</sup>	-
	Contract authority and oversight capabilities	Yes	-	Yes	-	Yes	-	Yes	-	-	Yes	Yes <sup>22</sup>	-
	Land with water access to offload (has not been evaluated for suitability or officially pre-designated)	Yes	-	Yes <sup>5</sup>	-	Yes	-	-	-	-	-	-	-
	Pre-designated staging, off-loading and special handling areas (already evaluated for suitability)	Yes	-	-	-	-	-	-	-	-	-	Yes	-
	Other logistical support, including fuel, housing, food, etc.	Yes	Yes	Yes <sup>6</sup>	-	-	-	-	-	-	-	-	-

Each agency self-reported capabilities which could be used during waterway debris response in Mobile and Baldwin Counties. Agencies were asked to indicate whether capabilities were in-house or were contracted through a third party. Footnotes refer to additional information provided for a particular capability.

- <sup>1</sup>ADCNR Amphibious excavator, Marsh Master
- <sup>2</sup>ADCNR LG Adams: Weeks Bay Resource Center and Visitors Center/Auditorium. May be limits on internet/Wi-Fi bandwidth.
- <sup>3</sup>ADCNR Terry Boyd: Boggy Point, Cotton Bayou; Hank Burch: Coastal Section has inventory of public launches in Mobile and Baldwin Counties; LG Adams: Safe Harbor Launch/Weeks Bay Reserve (WBNERR) (limited draft), Baywatch/Fish River Launch (public launch at mouth of Fish River), and Viewpoint Launch (public launch at Big Mouth/Pelican Point)
- <sup>4</sup>ADCNR Terry Boyd: Claude Peteet Mariculture Center; LG Adams: Weeks Bay Resource Center parking area and Safe Harbor at Weeks Bay Reserve
- <sup>5</sup>ADCNR Public launch at mouth of Fish River
- <sup>6</sup>ADCNR Lodging for 8-12 persons at Weeks Bay Reserve Dormitory
- <sup>7</sup>ASPA Have one patrol vessel and one work boat
- <sup>8</sup>USACE Has a GIS cadre for response
- <sup>9</sup>USACE Has planning response teams
- <sup>10</sup>USACE Surveillance drone housed at USACE District, Jacksonville
- <sup>11</sup>USACE Funding in place for federal projects only
- <sup>12</sup>FEMA Capabilities contingent upon a Presidential major disaster declaration. FEMA capable of mission-assigning other Federal support to increase capabilities. FEMA has interactive live collection and mapping capabilities and a template wet debris collector map for Region IV.
- <sup>13</sup>NOAA Coordinates marine mammal and sea turtle stranding response and reviews proposed debris removal activities for compliance with ESA and Magnuson-Stevens Fisheries Conservation and Management Act
- <sup>14</sup>NOAA Funding through grant program and possible Congressional supplemental funding
- <sup>15</sup>USCG Has divers but not typically used for waterway debris
- <sup>16</sup>USCG Small amounts of boom on hand but capable of using pre-event contracts for larger pollution events
- <sup>17</sup>USCG Surveillance drones not typically used for waterway debris
- <sup>18</sup>USCG Funding for pollution incidents only
- <sup>19</sup>USCG Docks for wet storage of vessels has limited space and suitable for larger vessels only
- <sup>20</sup>USCG Staging area for dry storage of vessels has limited space
- <sup>21</sup>USCG Pre-event contracts and staged agreements in place for pollution incidents only
- <sup>22</sup>USCG Contract authority and oversight capabilities for USCG contracts only

### 8.3 Contact Information

Agency	Topic	Point of Contact	Phone	Email
U.S. Army Corps of Engineers (USACE), Mobile District	Compliance and permitting expertise	Mobile District, Regulatory Division	251-690-2658	<a href="mailto:Cesam-rd@usace.army.mil">Cesam-rd@usace.army.mil</a>
	Federally maintained waterway or channel	Duane Poiroux, Operations Division	251-694-3720	<a href="mailto:Duane.B.Poiroux@usace.army.mil">Duane.B.Poiroux@usace.army.mil</a>
	Response capabilities	Bo Ansley, Emergency Management	251-690-2027	<a href="mailto:Hubert.R.Ansley@usace.army.mil">Hubert.R.Ansley@usace.army.mil</a>
U.S. Coast Guard (USCG), District 8, Sector Mobile	Potential to release oil or hazardous material	National Response Center (NRC)	1-800-424-8802	-
	Response capabilities	USCG Sector Mobile Command Center	251-441-6211	-
EPA, Region IV	Potential to release oil or hazardous material	National Response Center (NRC)	1-800-424-8802	<a href="mailto:R4.DutyOSC@epa.gov">R4.DutyOSC@epa.gov</a>
	Response capabilities and coordination	Leo Francendese, On Scene Coordinator, EPA Region IV	404-606-2223	<a href="mailto:Francendese.Leo@epa.gov">Francendese.Leo@epa.gov</a>
FEMA, Region IV	Funding following Presidential disaster declaration	Contact local Emergency Management Agency	-	-
	Technical expertise for removal operations and environmental, compliance and permitting expertise	Valerie Rhoads, Public Assistance Branch Chief	770-220-5618	-
U.S. Fish and Wildlife Service (USFWS)	Bon Secour NWR and response capabilities	Brittany Petersen, Assistant Refuge Manager	251-540-7720	<a href="mailto:Brittany_Petersen@fws.gov">Brittany_Petersen@fws.gov</a>
	Compliance and permitting expertise	Alabama Ecological Services Field Office	251-441-5181	<a href="mailto:Bill_Pearson@fws.gov">Bill_Pearson@fws.gov</a>
		Bill Pearson, Field Supervisor	251-441-5870	<a href="mailto:Bill_Pearson@fws.gov">Bill_Pearson@fws.gov</a>
National Oceanic and Atmospheric Administration (NOAA)	Emergency ESA/EFH Consultation	-	-	<a href="mailto:Nmfs.ser.emergency.consult@noaa.gov">Nmfs.ser.emergency.consult@noaa.gov</a>
	EFH information	Rusty Swafford	409-766-3699	<a href="mailto:Rusty.Swafford@noaa.gov">Rusty.Swafford@noaa.gov</a>
	ESA information	General Contact, Routine ESA Consultation	727-824-5312	<a href="mailto:Nmfs.ser.esa.consultations@noaa.gov">Nmfs.ser.esa.consultations@noaa.gov</a>
		Joseph Cavanaugh	-	<a href="mailto:Joseph.Cavanaugh@noaa.gov">Joseph.Cavanaugh@noaa.gov</a>
		Dennis Klemm	727-551-5777	<a href="mailto:Dennis.Klemm@noaa.gov">Dennis.Klemm@noaa.gov</a>
	Potential to release oil or hazardous material	Adam Davis, Scientific Support Coordinator for USCG District 8	206-549-7759 (C) 206-526-4911 (24hr)	<a href="mailto:Adam.Davis@noaa.gov">Adam.Davis@noaa.gov</a>
Response capabilities and coordination	Caitlin Wessel, Gulf of Mexico Regional Coordinator, Marine Debris Program	251-222-0276 (C)	<a href="mailto:Caitlin.Wessel@noaa.gov">Caitlin.Wessel@noaa.gov</a>	
Natural Resource Conservation Service (NRCS)	Emergency Watershed Protection (EWP) Program Information	Vernon Abney, State Conservation Engineer	334-887-4536	<a href="mailto:Vernon.Abney@al.usda.gov">Vernon.Abney@al.usda.gov</a>
	Baldwin County	Joey Koptis, District Conservationist	251-937-3297x3	<a href="mailto:Joey.Koptis@al.usda.gov">Joey.Koptis@al.usda.gov</a>
	Mobile County	Joyce Nicholas, District Conservationist	251-441-6505	<a href="mailto:Joyce.Nicholas@al.usda.gov">Joyce.Nicholas@al.usda.gov</a>
Bureau of Safety and Environmental Enforcement (BSEE)	Marine Trash and Debris Program	James Sinclair, Marine Ecologist	504-736-2789	<a href="mailto:James.Sinclair@bsee.gov">James.Sinclair@bsee.gov</a>

Agency	Division	Topic	Point of Contact	Phone	Email
Alabama Department of Conservation and Natural Resources (ADCNR)	Engineering Division	Response in state waters; technical expertise for removal operations; contract authority; docks for wet storage of vessels; staging for dry storage of vessels; compliance and permitting	Terry Boyd, Chief Engineer	334-242-3836 (O) 334-868-9851 (C)	<a href="mailto:Terry.Boyd@dcnr.alabama.gov">Terry.Boyd@dcnr.alabama.gov</a>
		GIS mapping and plotting of imagery	Sam Lanier, Design Technician	334-242-3837	<a href="mailto:Sam.Lanier@dcnr.alabama.gov">Sam.Lanier@dcnr.alabama.gov</a>
		Technical expertise for removal operations; compliance and permitting expertise	Todd Mize, Graduate Engineer	334-353-8596	<a href="mailto:Todd.Mize@dcnr.alabama.gov">Todd.Mize@dcnr.alabama.gov</a>
	Marine Resources Division	Side scan sonar/single-beam sonar; dive support; docks for wet storage of vessels; environmental expertise (location of sensitive areas, endangered species present, etc.); facility suitable for establishing an operations center; vessels; volunteer manpower	Major Jason Downey, Chief Enforcement Officer	251-861-2882 (O) 251-635-8114 (C)	<a href="mailto:Jason.Downey@dcnr.alabama.gov">Jason.Downey@dcnr.alabama.gov</a>
	State Lands Division	Docks for wet storage of vessels; environmental expertise (location of sensitive areas, endangered species present, etc.); facility suitable for establishing an operations center; land with water access to offload; lodging; staging area for dry storage of state-owned submerged lands; vessels; vessels	Hank Burch, Assistant Director	251-621-1216	<a href="mailto:Hank.Burch@dcnr.alabama.gov">Hank.Burch@dcnr.alabama.gov</a>
			Will Underwood, Coastal Section Administrator	251-621-1216	<a href="mailto:Will.Underwood@dcnr.alabama.gov">Will.Underwood@dcnr.alabama.gov</a>
			LG Adams, Manager, Weeks Bay Reserve	251-928-9792	<a href="mailto:LG.Adams@dcnr.alabama.gov">LG.Adams@dcnr.alabama.gov</a>
		Environmental expertise (location of sensitive areas, endangered species present, etc.); vessels	Eric Brunden, Stewardship Coordinator, Weeks Bay Reserve	251-928-9792	<a href="mailto:Eric.Brunden@dcnr.alabama.gov">Eric.Brunden@dcnr.alabama.gov</a>
			Scott Phipps, Research Coordinator, Weeks Bay Reserve	251-928-9792	<a href="mailto:Scott.Phipps@dcnr.alabama.gov">Scott.Phipps@dcnr.alabama.gov</a>
		GIS mapping and plotting of imagery	Sarah Johnston, GIS Specialist, Weeks Bay Reserve	251-928-9792	<a href="mailto:Sarah.Johnston@dcnr.alabama.gov">Sarah.Johnston@dcnr.alabama.gov</a>
Ashley Peters, GIS Specialist Sr., Heritage Section	334-353-7878		<a href="mailto:Ashley.Peters@dcnr.alabama.gov">Ashley.Peters@dcnr.alabama.gov</a>		

Agency	Topic	Point of Contact	Phone	Email
Alabama Department of Environmental Management (ADEM)	Compliance and permitting expertise: Air Division	Don Barron	334-271-7879	<a href="mailto:DRB@adem.state.al.us">DRB@adem.state.al.us</a>
	Compliance and permitting expertise: Coastal Program; Environmental expertise (location of sensitive areas, endangered species present, etc.)	Scott Brown, Chief, Mobile Field Operations	215-304-1176	<a href="mailto:JSB@adem.state.al.us">JSB@adem.state.al.us</a>
	Potential to release oil or hazardous material; Vessels	Mark Ornelas, Environmental Supervisor	251-450-3400	<a href="mailto:MEO@adem.state.al.us">MEO@adem.state.al.us</a>
Alabama Emergency Management Agency (AEMA)	Funding following Presidential disaster declaration	Contact local Emergency Management Agency	-	-
	Potential to release oil or hazardous material	AEMA Warning Point	1-800-843-0699	-
	Waterway debris response	Michael Johnson, Public Assistance Officer	205-280-2276	<a href="mailto:Michael.Johnson@ema.alabama.gov">Michael.Johnson@ema.alabama.gov</a>
Alabama Historical Commission (AHC)	Compliance and permitting expertise	Amanda McBride, Environmental Review Coordinator	334-242-3184x692	<a href="mailto:Amanda.Mcbride@ahc.alabama.gov">Amanda.Mcbride@ahc.alabama.gov</a>
Alabama Law Enforcement Agency (ALEA), AL Marine Patrol	Response capabilities and coordination	Duty Officer	251-981-2673	-
		Sgt. Jody Kelley	251-424-0227 (C)	<a href="mailto:Jody.Kelley@alea.gov">Jody.Kelley@alea.gov</a>
Alabama State Port Authority (ASPA)	Harbor Operations	Terry D. Gilbreath, Harbor Master/Facility Security Officer	251-441-7074 (O) 251-510-7399 (C)	<a href="mailto:Tgilbreath@asdd.com">Tgilbreath@asdd.com</a>
	Response capabilities	Bill Inge, Vice President Operations	251-441-7236	<a href="mailto:Binge@asdd.com">Binge@asdd.com</a>

Agency	Topic	Point of Contact	Phone	Email
Geological Survey of Alabama (GSA)	Response capabilities	Stephen Jones, Geological Investigation Division, Coastal Resources Section	205-247-3601	<a href="mailto:Sjones@gsa.alabama.gov">Sjones@gsa.alabama.gov</a>
Alabama Department of Agriculture and Industries	Response to animal carcasses or invasive species following disaster	Dr. Brad Fields, Director of Emergency Programs, Veterinary Medical Officer	334-240-7278 (24hr)	<a href="mailto:Brad.Fields@agi.alabama.gov">Brad.Fields@agi.alabama.gov</a>
State Oil and Gas Board of AL (OGB)	South Alabama OGB issues	Ralph Hellmich, Operations Supervisor - South Alabama	251-438-4848	<a href="mailto:Rhellmich@ogb.state.al.us">Rhellmich@ogb.state.al.us</a>
Baldwin County Emergency Management Agency (BCEMA)	Funding following Presidential disaster declaration and response capabilities	Zack Hood, Director	-	<a href="mailto:Zack.Hood@baldwincountyal.gov">Zack.Hood@baldwincountyal.gov</a>
	Response emergency	BCEMA On-call Duty Officer	251-947-4911 (Baldwin County 911 Direct Line)	-
Mobile County Public Works	Response in Mobile County	Eddie Kerr, Director Environmental Services	-	<a href="mailto:Ekerr@mobilecounty.net">Ekerr@mobilecounty.net</a>
Mobile County Emergency Management Agency (MCEMA)	Funding following Presidential disaster declaration	Ronnie Adair, Director	251-460-8000	<a href="mailto:Radair@mcema.net">Radair@mcema.net</a>
	Response capabilities	Mike Evans, Deputy Director	251-460-8000	<a href="mailto:Mevans@mcema.net">Mevans@mcema.net</a>

## 8.4 Alabama Legislation Applicable to Waterway Debris Response

### Public and Private Waters of Alabama

- **State waters defined:** All waters of any river, stream, watercourse, pond, lake, coastal, ground or surface water, wholly or partially within the state, natural or artificial. This does not include waters which are entirely confined and retained completely upon the property of a single individual, partnership or corporation unless such waters are used in interstate commerce (Ala. Admin. Code r. 335-8-1-.02(ggg)).
- **Public waters defined:** All waters of this state are hereby declared to be public waters if such waters are natural bodies of water such as rivers, creeks, brooks, lakes, bayous, bays, channels, canals or lagoons or are dug, dredged or blasted canals and if these waters traverse, bound, flow upon or through or touch lands title to which is held by more than one person, firm or corporation. Any water impounded by the construction of any lock or dam or other impounding device placed across the channel of a navigable stream is declared a public water. All waters caused to be impounded or owned or leased by any municipality, county or other governmental unit are also declared to be public waters; likewise, all impoundments owned or operated by public utilities when such impoundments touch or bound lands title to which is held by more than one person, firm or corporation are declared to be public waters; provided, that before any person may go or be upon the posted lands of another for the purpose of fishing he shall procure the consent of the landowner or his agent (Code of Alabama 1975, §9-11-80(a)).
- **Private waters defined:** Private waters are defined as any body of water wholly on lands held in fee or in trust or under lease by any one person, firm, corporation or club and include impoundments that are wholly on lands held in fee or in trust, or under lease by any one person, firm, corporation or club, and regardless of the extent of the impounded stream, provided such stream is non-navigable (Code of Alabama 1975, §9-11-80(b)).

### Alabama State Owned Submerged Lands

- **Alabama ownership of submerged lands:** All the beds and bottoms of the rivers, bayous, lagoons, lakes, bays, sounds and inlets within the jurisdiction of the State of Alabama are the property of the State of Alabama to be held in trust for the people thereof (Code of Alabama 1975, §9-12-22).
- **State owned submerged lands defined:** “State owned submerged lands” means those lands including but not limited to, tidal lands, sand bars, shallow banks, and lands waterward of the mean low water line beneath navigable fresh water or the mean high tide line beneath tidally-influenced waters, to which the State of Alabama acquired title on December 14, 1819, by virtue of statehood, or thereafter and which have not been heretofore conveyed or alienated (Ala. Admin. Code r. 220-4-.09(3)(n)).
- **Alabama Department of Conservation and Natural Resources (ADCNR) maintenance of state lands:** ADCNR powers and duties generally include “To maintain, supervise, operate, and control all state lands other than those specifically committed to the use or control of some other department, board, bureau, commission, agency, office, or institution of the state (Code of Alabama 1975, §9-2-2(4)).

### Abandoned and Derelict Vessels, Obstructions to Navigation, Illegal Mooring, and Removal of Dangerous Vessels

- **Abandoned and Derelict Vessels:** (1) authorizes the removal of a vessel from the waters of this state under certain conditions by a law enforcement officer and a private property owner; (2) provides that a person who removes a vessel pursuant to the act must provide

notice of the removal to the Alabama State Law Enforcement Agency (ALEA), perform a lien search on the vessel, and give written notice of the removal to the owner and lienholder of record; (3) provides that a person who removes, stores, or sells a vessel under the act has a lien on the vessel; (4) provides for a right of redemption; (5) authorizes ALEA, without a court order, to sell, donate, destroy, or otherwise dispose of an abandoned or derelict vessel that has a certain value; (6) provides for the distribution of the proceeds of the sale of an abandoned or derelict vessel; (7) creates the Alabama Abandoned and Derelict Vessel Fund; (8) authorizes law enforcement officers to perform an unattended vessel check; and (9) makes it unlawful for the owner of a derelict vessel to refuse or fail to remove the derelict vessel from the waters of this state within 24 hours after a verbal or written request from a law enforcement officer (Alabama State Act No. 2018-179).

- **Obstructing navigation on public waters:** Any person who anchors, moors, or abandons a floating pier, barge, or vessel or sunken or submerged pier, barge, or vessel that obstructs navigation on a public water, as defined in subsection (a) of Section 9-11-80, shall be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) per day (Code of Alabama 1975, §33-7-3.1(a)).
- **Vessel mooring restrictions on state owned submerged lands:** Vessel operators without riparian access rights are prohibited from mooring on state-owned submerged water bottoms adjacent to corresponding upland locations for any period of time beyond any immediate water transit needs necessitating a temporary cessation in such transit. Indefinite mooring of such vessels shall be prohibited. The penalty for the violation of this rule is as provided in §9-1-4, Code of Ala. 1975 (Ala. Admin. Code r. 220-4-.08).
- **Vessel mooring restrictions on booms, bulkheads or piles erected, etc., by riparian proprietors:** Any person who, having been warned within the 12 months next preceding by the owner or proprietor not to do so, trespasses upon any boom, bulkhead or piles, lawfully erected or maintained in any of the waters of this state by any riparian owner or proprietor, by fastening any boat or other thing thereto, or by making any other use thereof, without first having obtained the consent of such owner or proprietor, or any person who continues to make such use of any such boom, bulkhead or piles, after being warned by the owner or proprietor thereof to discontinue the same, shall, on conviction, be fined not less than \$10.00 nor more than \$100.00 for each day he continues to make such use of such boom, bulkhead or piles, and one half of the fine shall go to the owner or proprietor thereof (Code of Alabama 1975, §33-7-9).
- **Removal of dangerous vessels on order of port authority:** Any owner or any agency in control of any vessel that is anchored, moored, or made fast to the shore when the same is in bad repair, liable to sink, liable to pollute adjacent water or determined to be a substantial threat to pollute adjacent water, or deemed to be a derelict vessel, or in violation of any law or regulation, who fails to remove it from the harbor to a designated place when directed to do so by an accredited agent of the port authority, shall be guilty of a Class A misdemeanor and shall be fined not exceeding five thousand dollars (\$5,000) and may also be imprisoned for not more than one year. The offender shall be guilty of a new and similar offense and subject to the same penalty for each 48 hours that elapses after the order to remove the vessel from the harbor or seaport is served. Any fines so collected shall be paid to the port authority and by it placed to the credit of the operating fund (Code of Alabama 1975, §33-1-33).

#### Waterway Debris Removal by County and Private Property Owners

- **County opening and cleaning navigable streams:** The county commission is authorized to make contracts for opening or cleaning out any navigable stream within the county, and for keeping the same free from obstructions (Code of Alabama 1975, §33-7-2).

- **Property owner right to clean out a stream:** Any law, or any rule or regulation promulgated by a state agency, to the contrary notwithstanding, any property owner shall have the authority to clean out or dredge a creek or stream running through his property. However, such person shall only be authorized to maintain any stream or creek which runs through or onto his property and no other. Provided, further, that such cleaning or dredging shall not adversely affect the rights of property owners either upstream or downstream from the site of such cleaning or dredging work, nor shall it change the natural course of said stream (Code of Alabama 1975, §33-7-54).

### Salvage Rights for Property Adrift

- **Right to take up and secure property adrift.** All property adrift may be taken up by any person and secured (Code of Alabama 1975, §35-13-1).
- **Appraisal and description of property.**
  - a. Such person must, within two days after the same is taken up, exhibit the property to the district court, and if, in his opinion, it is worth over \$30.00, he must issue an order of appraisal to three disinterested freeholders or householders, who, after being duly sworn to estimate the value of such property fairly, must appraise and certify the same to the court, with a description of the property; if not exceeding the value of \$30.00, the court must make the appraisal and description of the property.
  - b. The court must give the taker a copy of the appraisal and description of the property, retaining the original (Code of Alabama 1975, §35-13-2).
- **Notice.**
  - a. If the appraised value is over \$30.00, the taker must, within 10 days thereafter, give notice thereof, once a week for three successive weeks, in a newspaper published nearest to the place where the property was taken up. Such advertisement must state the name of the taker, the time and place, a description of the property, with its marks, and the name of the owner, if known, its appraised value, and where the same is secured or deposited.
  - b. If the property is not worth exceeding \$30.00, the same must be advertised at the next steamboat landing, if the property was taken up on a navigable stream, otherwise, at the nearest public place, within five days after the taking up (Code of Alabama 1975, §35-13-3).
- **Limitations.** The owner may prove his property, if appraised at not more than \$30.00, within three months; between \$30.00 and \$100.00, in six months; at more than \$100.00, within one year after the appraisal; and, on failure to do so, the right to the same is vested in the taker, under the provisions of this chapter (Code of Alabama 1975, §35-13-7).
- **Liability for concealment or destruction, etc.** If any person conceals, destroys, injures, obliterates or defaces any mark, or disposes of, or carries beyond the state any property taken up adrift, before the expiration of the time allowed by this chapter for the owner to prove his property, he is liable to such owner to the extent of the injury he may sustain thereby (Code of Alabama 1975, §35-13-9).



Wilbur L. Ross, Jr.  
United States Secretary of Commerce

Dr. Neil Jacobs  
Assistant Secretary of Commerce for Environmental Observation and Prediction,  
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