

**FEAB MEETING MINUTES**

May 13, 2022

3 p.m. @ Library Board Room

**Member Attendees:** Gary Gover, Jim Horner, Nigel Temple, Michelle Melton, Jennifer Foutch, Ben Frater

**Members not in attendance:**

Rick Speight, excused absence; Amy Paulson, excused absence

**City of Fairhope:** Kim Burmeister -Planning and Zoning Department

**City Council:** None

**Honored Guests:** Darrel Williams (SALT), Nicole Love (Thompson Engineering, Eastern Shore Watershed Management Plan), Tom Hutchings and Lee Yokel (Eco Solutions)

**Minutes taken by:** Kim Burmeister

Jennifer stood in for Amy. Jennifer called the meeting to order at 3 p.m.

**Summary of meeting:**

1. Tom & Lee (Eco Solutions) gave a presentation on Living Shorelines and presented a draft bill to help support living shoreline projects.
2. Motion was passed to amend by-laws: from 9 members to an allowance of 11 members.
3. Motion was passed to accept Darrel Williams membership application to FEAB as a new member, in the place of Mike Shelton who has resigned.
4. Nicole Love's membership is pending approval of by-law amendment to allow for (11) members.
5. FEAB members will rotate attendance at Planning Commission meetings, monthly.
6. FEAB is interested in extending meeting times from 1 hour to 1.5 hour. By-laws will have to be amended, if pursued.
7. June's FEAB meeting will be a "special meeting" starting at 2:30 p.m. to allow time for a presentation from MS/AL Sea Grant staff; topic: CRI.
8. Jim Horner shared an article on the upcoming Storm Sewer Infrastructure Inventory project (RESTORE funding).

**FEAB Minutes/Updates to Board:**

1. Jim made a motion to approve FEAB April minutes, approved unanimously.

Agenda:

Amy drafted this agenda to share with FEAB:

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**AGENDA**  
**THE CITY OF FAIRHOPE ENVIRONMENTAL ADVISORY BOARD MONTHLY MEETING**  
**MAY 13, 2022**

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1. Housekeeping (~5 min)
  - a. Acceptance of prior meeting minutes – Kim
  - b. Membership
    - i. Nicole, Darrell
    - ii. Resolution for membership increase
  - c. Meeting Duration: June's meeting to have 30-minute internal work session to clear up housekeeping and other ongoing discussions (i.e., agenda items 1, 6) and then 1-hr public meeting: total 1.5 hours (2:30 – 4:00) → official?
  - d. Planning Commission Rotation Assignments (see last page of Agenda- revise as needed)
2. Guest: EcoSolutions, Lee Yokel and Tom Hutchings re: Living Shorelines (~20 min)
  - a. Guest presentation
  - b. Discussion: Incentivizing and assisting private and government property holders
  - c. Discussion: Describe existing rights and responsibilities proximate to the shoreline types we have.
3. Old Action Items (~5 mins) – *Any Progress?*
  - a. Ben / Amy to follow up with Pat White / Recreation Dept. for park planning (Colony, Dyas) (any more thoughts on how to proceed since last month)?
  - b. Amy / Gary to request agenda presence at Harbor Board, Recreation Board, Bike & Ped Committee regular monthly meeting to present FEAB slideshow/ discuss mutual priorities and opportunities to partner.
  - c. Ben / Amy to arrange onsite field trip with FEAB, Mayor, City Council at Dyas to discuss use of property. (Invite Bike and Ped rep?)
  - d. Kim to gather info from ALDOT / Public Works regarding Fly Creek culvert at Hwy 98 and Dyas property erosion and fish passage issues.
  - e. Connie / Nicole to find an Auburn extension property representative to attend ESWMP committee, especially regarding Fly Creek 303-d listing status in that segment.
  - f. Amy to reach out to ~~highschool~~ for representative on FEAB.
4. Introduce Involvement Opportunities – Gary (<5)
  - a. **ADCNR: AL Gov Restoration Summit**, May 19, Spanish Fort Community Center <https://gulfofmexicoalliance.org/events/adcnr-alabama-governors-restoration-summit/>
  - b. Comment on the **DRAFT 2022 Comprehensive Plan Update: Restoring the Gulf Coast's Ecosystem and Economy** ~~chrome-~~  
[extension://efaidnbmnnnibpcajpcglclefindmkai/https://www.restorethegulf.gov/sites/default/files/PRDFT\\_2022\\_Draft\\_Comp\\_Plan\\_Update\\_PublicComment\\_508\\_Final\\_20220321.pdf](https://www.restorethegulf.gov/sites/default/files/PRDFT_2022_Draft_Comp_Plan_Update_PublicComment_508_Final_20220321.pdf)
  - c. **Wetland Regulations and Compliance Workshop**. Guidance for Professionals Involved in Land Use Issues Thursday, June 16, 2022. Mobile Area Association of Realtors\* 2827 Airport Boulevard Mobile, AL 36606 Registration Deadline: Thursday, June 9 OR Tuesday, July 19, 2022 Baldwin REALTORS 23280 County Road 65 Robertsdale, AL 36567 Registration Deadline: Tuesday, July 12
  - d. **Advanced Wetland Regulations and Compliance Workshop**: Additional Topics for Professionals Involved in Land Use Issues, Thursday, June 16, 2022, 8:30am - 3:10pm Mobile Area Association of Realtors 2827 Airport Boulevard, Mobile, AL 36606
5. POC Status Report on FEAB Focus Issues (<5 min)  
**LIMITED DISCUSSION ~ PASS IF NO NEWS TO SHARE**

- a. Fairhope City Council – Jennifer / Corey
  - b. Fairhope Mayor's Office – Amy / Gary
  - c. Fairhope City Departments – Kim / Christina
  - d. Baldwin County Environmental Advisory Committee and EAC sub-committees (wetlands and neighborhoods) – Kim
    - i. Rotational responsibility? (First Tuesday of every month, 4PM, Robertsdale Baldwin County Annex.)
  - e. Community Resiliency Index – Nicole
  - f. Dyas Triangle – Ben / Michelle
  - g. Fairhope Wetlands Protection – Nigel
    - i. City goal to write wetland ordinance requirements into subdivision regulations.
  - h. Eastern Shore Watershed Management Plan and Hotspot identification– Kim / Nicole
  - i. Fairhope Comprehensive LUP – Ben
  - j. Recycling – Jennifer
    - i. Litter Gitter update?
    - ii. Establish FEAB subcommittee?
  - k. Clean Marina Project – Gary, Rick, Jim?
6. New Business / Other Interests (~5 min)  
**LIMITED DISCUSSION ~ PASS IF NO NEWS TO SHARE**
- a. Stormwater – Jim / Rick / Kim
  - b. Bike and Pedestrian Committee – Gary / Nigel
  - c. Energy Conservation Initiatives (climate change action) – Gary
7. Wrap up (< 5min)
- a. Topics for June:
    - i. Jody Thompson, MS/AL ~~SeaGrant~~ and Casey Gay Williams, President Eastern Shore Chamber of Commerce for organization of Community Resiliency Index – Nicole
    - ii. FEAB Mission/Vision/Priorities discussion (10 Min) – Gary
      1. Should we move more toward identifying and defining actions or projects the City should pursue?
      2. Should we get into monitoring grant opportunities and the work of preparing grant applications?
      3. Should we produce presentations for the community on environmental responsibilities?
      4. Should we open up virtual participation in meetings by members and the public?
  - b. Potential Topic for Inlv?: special discussion with Eric Cortinas re: wetland charette details and planning? – Nigel?
  - c. New action items – review/list.
  - d. Adjourn

**Monthly Planning Commission Meeting Rotation**

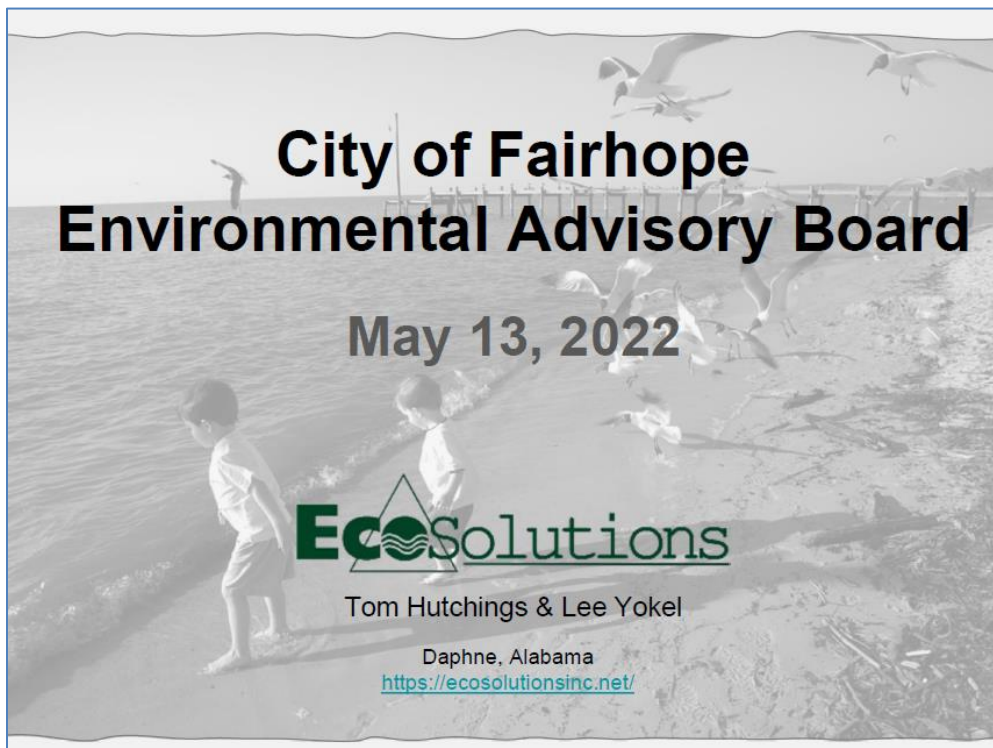
<b>Date – first Monday of every month Public Hearing at 5</b>	<b>FEAB Assigned Representative</b>
May 2, 2022	Rick Speight
June 6, 2022	Jennifer Foutch
July 7, 2022	Michelle Melton
August 1, 2022	Gary Gover
September 8, 2022	Jim Horner
October 3, 2022	Ben Frater
November 7, 2022	Nicole Love
December 5, 2022	Darrel Williams
January 5, 2023	Nigel Temple

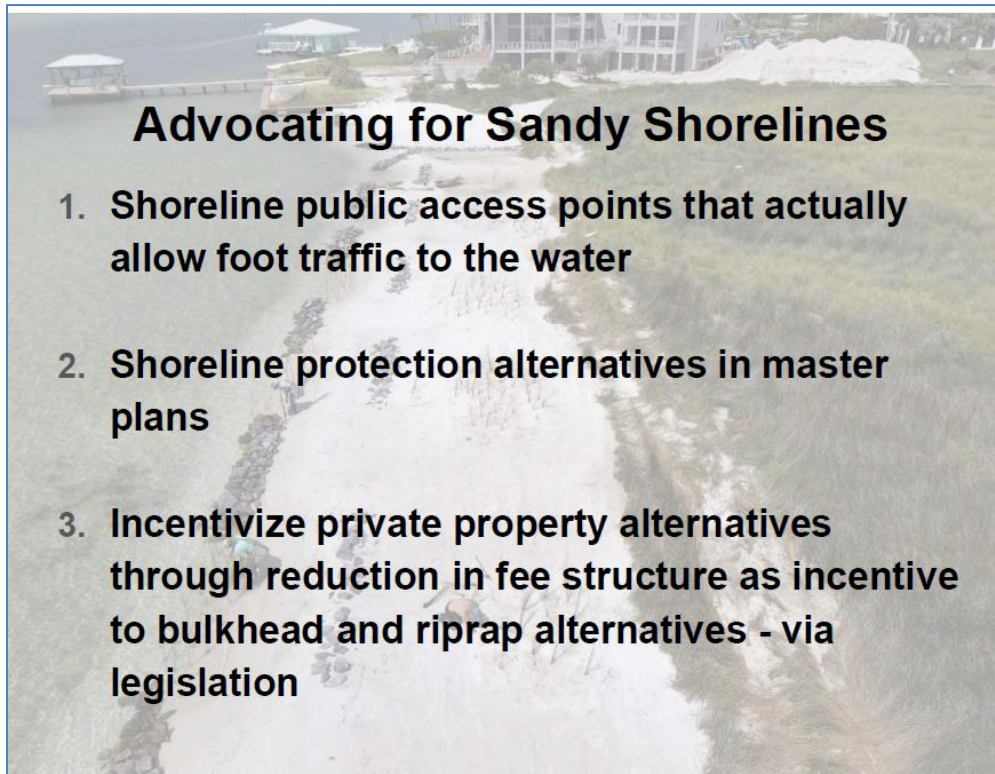
\*Revised to reflect actual dates. If PC date falls on a holiday, the make up date is noted instead of the 1<sup>st</sup> Monday. Meetings start at 5 p.m. |

**Living Shoreline Presentation**

Lee Yokel, Eco Solutions, gave a presentation about living shorelines and highlighted the City of Fairhope’s 2016 Magnolia Beach Management Plan (partially implemented-beach renourishment- but apparently not officially approved).

<https://www.fairhopeal.gov/home/showpublisheddocument/13270/636126576192530000>



An aerial photograph of a shoreline. In the foreground, there is a body of water with a small boat. The middle ground shows a sandy beach area with some vegetation. In the background, there are several buildings, including a large white structure that looks like a warehouse or a large house. The sky is overcast.

## Advocating for Sandy Shorelines

- 1. Shoreline public access points that actually allow foot traffic to the water**
- 2. Shoreline protection alternatives in master plans**
- 3. Incentivize private property alternatives through reduction in fee structure as incentive to bulkhead and riprap alternatives - via legislation**

## Shoreline Authorities

- US Army Corps of Engineers
  - Navigable waters to the mean high tide line, wetlands
- AL Department of Environmental Management
  - Wetlands, submerged aquatic vegetation, endangered species
- AL Dept. of Conservation and Natural Resources, State Lands Division
  - State water bottoms to the mean high water line
- Baldwin County
  - All marine related construction above and below mean high tide
- City
- Public
  - Below the mean high tide
- Private Property
  - Above the mean high tide line, riparian rights



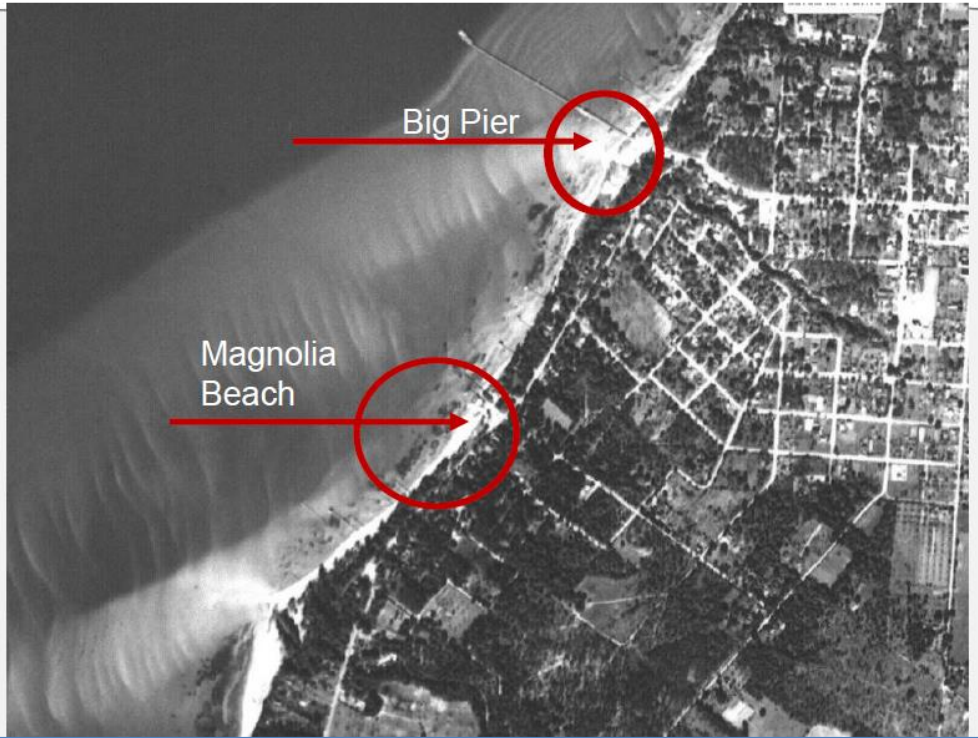
## Riparian Rights

- You have the rights to use water bottoms of the State of Alabama
- You do not own the water bottoms of State of Alabama
- You can be denied use of the water bottoms of the State of Alabama
- You cannot encroach on neighboring riparian rights without the neighbor's written permission
  - Caveat – you can with a bulkhead but not any other structure
- Riparian boundaries are not obvious and often convoluted

## Fairhope Yacht Club Renourishment



### Fairhope Shoreline Magnolia Beach 1938



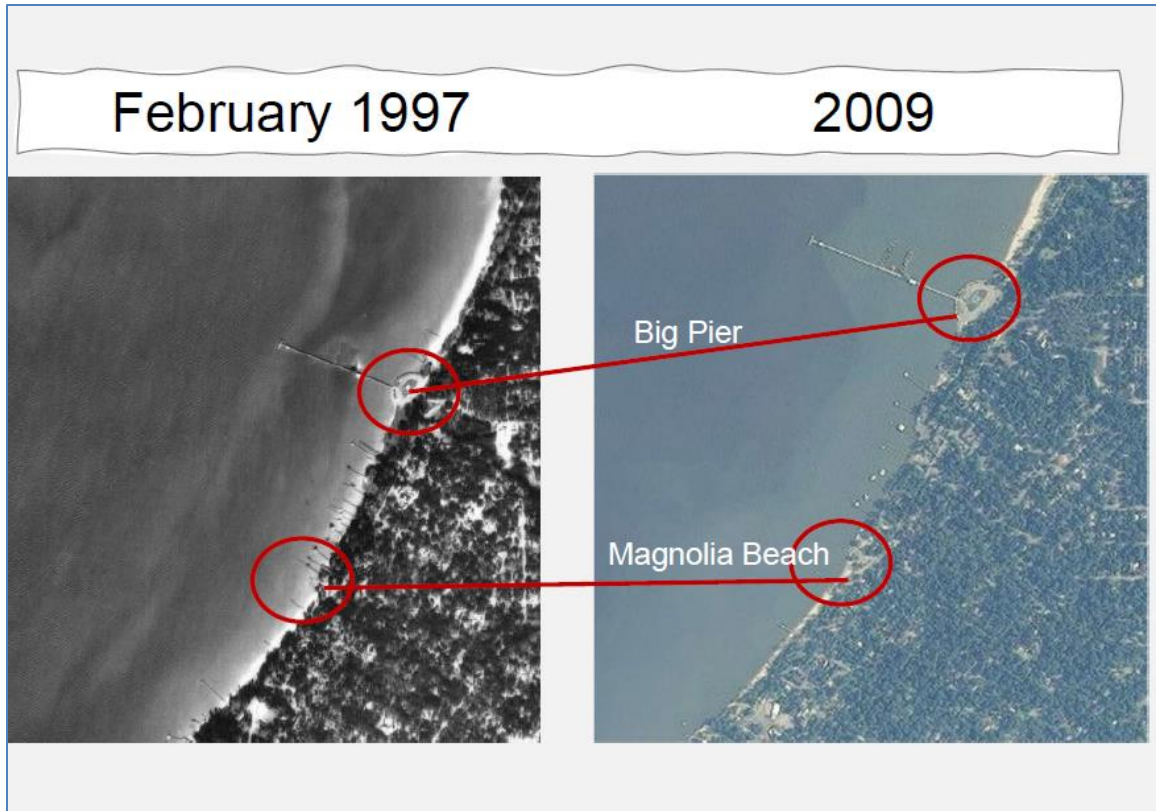
### December 1960



### November 1974







## Renourishment Magnolia Beach

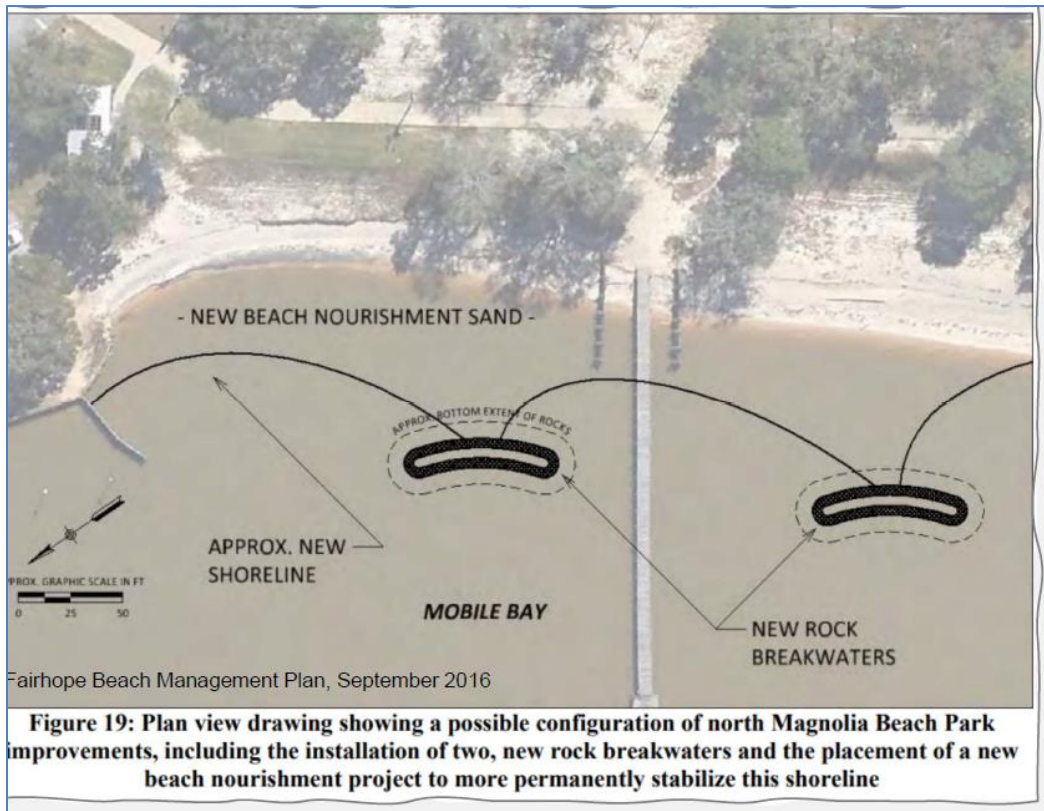
Year	Coastal Engineering
2004	Small (unknown quantity) amount of sand placed on beach to address beach and bluff erosion and cover roots of large live oak tree (after Hurricane Ivan)
2005	Construction of the existing timber headland-jetty structure and beach nourishment with 2,900 cy (cubic yards) of sand (after Hurricane Katrina)
2014	Beach nourishment with 3,300 cy of sand
2015	Beach nourishment with 350 cy of sand
2016	Beach nourishment with 900 cy of sand

Fairhope Beach Management Plan, September 2016

2021	Renourishment Quotes
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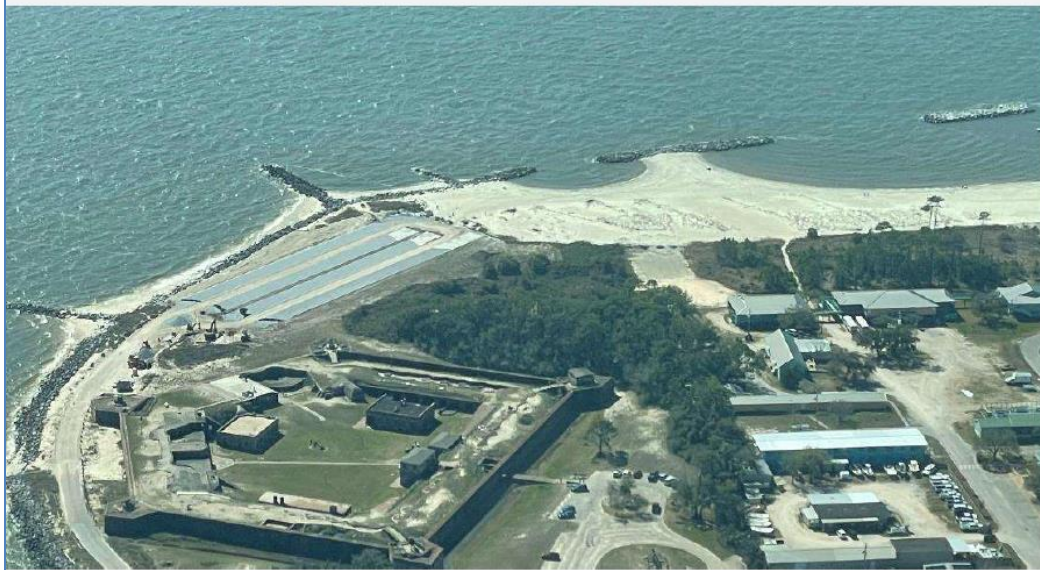




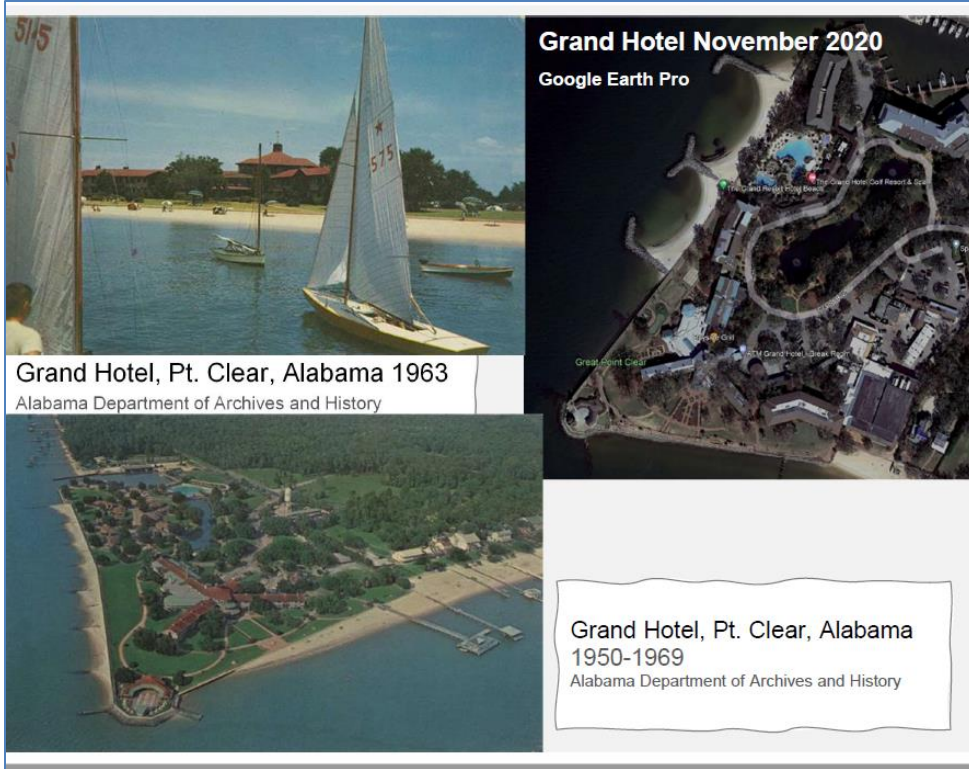
Example Ono Island, Old River

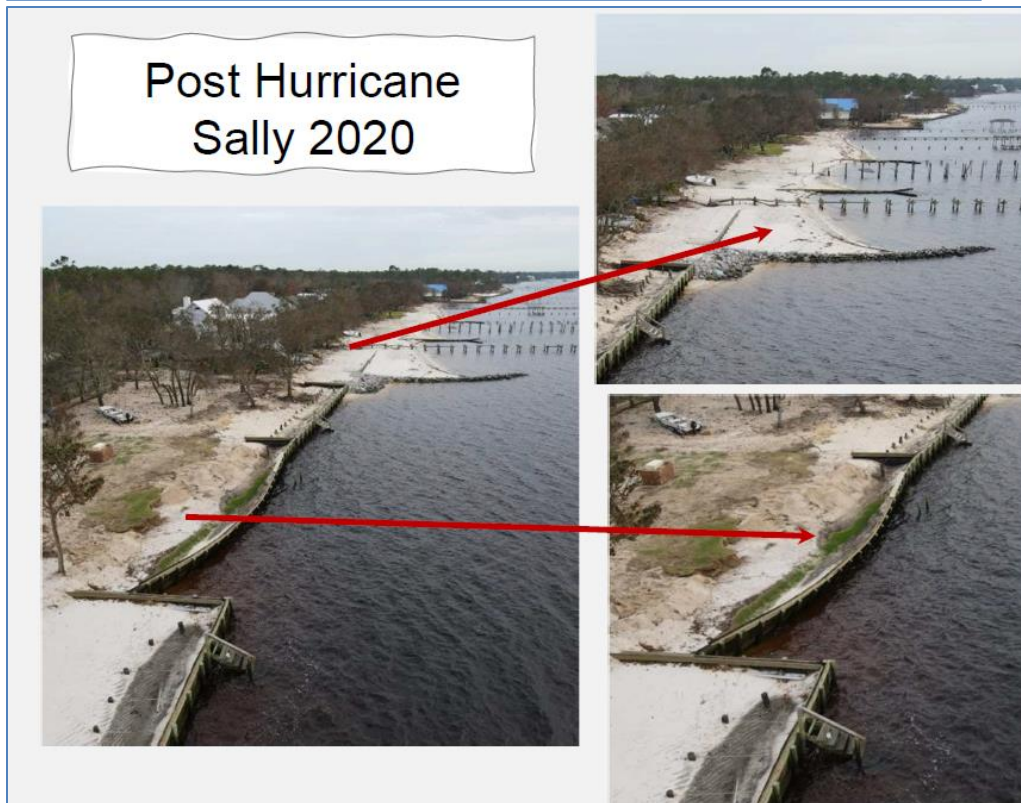


Dauphin Island East End at Fort Gains









## Sample Living Shoreline Permitting Fee Costs

Small landowner wants to stabilize their shoreline using a living shoreline.

The contractor is applying for a USACE individual permit.

The shoreline length is 100 feet of beach.

### USACE

Individual Permit	\$100
ADCNR (dredge and fill)	
\$1.25 per cubic yard of material	\$557
ADEM (dredge and fill)	
Greater than 1000 <u>sqft</u>	\$4,235

### CONSULTANT

Vegetation, monitoring, dredging, etc	variable
Engineering consultant	\$5,000+
Project costs	variable

**TOTAL 10,549**

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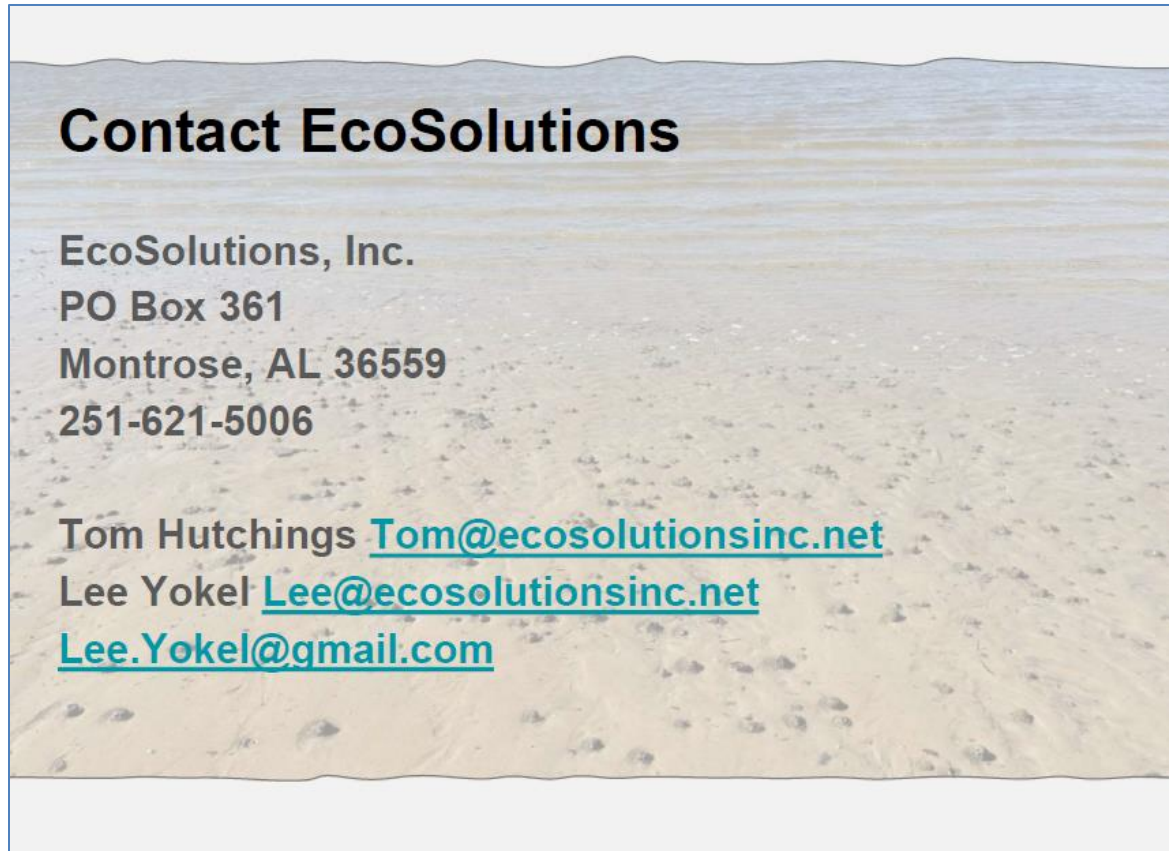
### BULKHEAD ALTERNATIVE

Individual Permit 100' stabilization	\$800
Project costs	variable

## 2016 Draft Legislation Synopsis

This bill would further provide for **permits for shoreline restoration**, including the **use of living shoreline techniques**, by riparian property owners in coastal areas. The bill would authorize riparian property owners to sever and **use materials in their riparian rights use area** and for the **purposes of shoreline restoration without fee or charge** by the Department of Conservation and Natural Resources or the Department of Environmental Management **when the source sediment is used for the construction of living shorelines in front of a property owner's riparian property**.





Copy of draft bill was presented (below). Tom is hopeful City of Fairhope will support and consider the language of the bill synopsis to help promote living shoreline projects in Fairhope:

1 179084-1 : n : 08/10/2016 : FC / tj LRS2016-2529

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8 SYNOPSIS: This bill would further provide for permits  
9 for shoreline restoration, including the use of  
10 living shoreline techniques, by riparian property  
11 owners in coastal areas. The bill would authorize  
12 riparian property owners to sever and use materials  
13 in their riparian rights use area and for the  
14 purposes of shoreline restoration without fee or  
15 charge by the Department of Conservation and  
16 Natural Resources or the Department of  
17 Environmental Management when the source sediment  
18 is used for the construction of living shorelines  
19 in front of a property owner's riparian property.

20

21

A BILL

22

TO BE ENTITLED

23

AN ACT

24

25

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Relating to coastal areas; to further provide for  
permits for living shoreline restoration from the State Lands  
Division of the Department of Conservation and Natural  
Resources and the Department of Environmental Management and  
for the use of source sediment by riparian property owners.

Page 1

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. (a) For the purposes of this act, the  
3 term "living shoreline" means shoreline restoration techniques  
4 for shoreline stabilization including, but not limited to,  
5 planting of native vegetation, the placement of wave  
6 attenuation structures, the placement of fill material, and  
7 other similar techniques designed to allow natural coastal  
8 processes to continue to operate.

9 (b) (1) The purpose of this act is to encourage the  
10 use of living shoreline techniques in coastal areas in lieu of  
11 vertical seawalls or bulkheads.

12 (2) The Legislature finds that sand and sediment  
13 material available for dredging within a property owner's  
14 riparian use area is the best compatible source material and  
15 provides the highest degree of success in living shoreline  
16 restoration and that the use of the material serves a public  
17 purpose to reduce erosion, improve and restore wildlife and  
18 fish habitat, and increase coastal infrastructure resiliency.

19 (c) The State Lands Division of the Department of  
20 Conservation and Natural Resources and the Department of  
21 Environmental Management shall issue permits to riparian  
22 property owners to dredge without a charge or fee for sand and  
23 source sediment in front of the respective owners' riparian  
24 property, or immediately adjacent property with consent of the  
25 riparian owner of that property, for sand and source sediment  
26 to be used in front of the owners' riparian property when the  
27 sand and sediment will be used for the construction of living  
28 shoreline in front of the riparian property.



1 (d) This act shall not be construed to affect the  
2 title to state owned submerged lands.  
3 Section 2. The provisions of this act are  
4 supplemental and shall not be construed to repeal any other  
5 provision of law not in direct conflict herewith.  
6  
7 Section 3. This act shall become effective on the  
8 first day of the third month following its passage and  
9 approval by the Governor, or its otherwise becoming law.

Tom said riparian rights are highly contested and not clearly defined, even by the state/federal agencies that oversee them.

Dauphin Island beach management plan is similar to Fairhope's 2016 proposed plan. In Tom's opinion it is not holding up well.

Pocket beaches installed south of the Grand Hotel seem to be functioning properly and holding up well per Tom.

In closing, Lee asked FEAB to advise City of Fairhope to consider natural alternatives versus conventional structures such as bulkheads.

Gary would like to assign someone from FEAB to work with Eco Solutions for further discussions on living shorelines in Fairhope. Gary will contact Tom soon to discuss this.

**New Member:**

Jim made a motion for FEAB to accept Darrel William's membership to replace the vacancy of Mike Shelton. Michelle 2<sup>nd</sup> the motion. Unanimously passed. This will go to City Council for final acceptance.

**Motion#1: FEAB recommends Darrel Williams as a new FEAB member to fill position #9 of 9 members. This is pending council approval.**

**Change of By-Laws:**

1. Gary proposed a membership allowance change from nine (9) members-current by-law allowance-to eleven (11) members. This would require a quorum of 6. Currently the quorum is 5 with a 9 member allowance.

Jim gave a motion of support. Nigel seconded the motion. Motion passed unanimously to recommend by-law change to allow for eleven (11).

**Motion#2: Amend by-laws to allow for eleven members.**

2. Following Amy's agenda, Jennifer mentioned the request to move the meeting time from 3 p.m. to 2:30 p.m. for informal pre-meeting discussions.

Kim said Hunter supports staff take minutes for one hour, but does not support the increase to 1.5 hours (except under "special meeting" circumstances). Kim will check with Lisa to see if this would require a change in by-laws or if this can be done internally; does this trigger the public meeting requirements?

\*Per Lisa: FEAB can hold a "special meeting" at 2:30 p.m. but this is considered a "public meeting" so announcements for meeting will say "2:30 p.m." for the June meeting. For future FEAB meetings, to continue the 2:30 p.m. meeting time, FEAB will need to:

1. Pass a motion to amend by-laws (time currently listed in by-laws at 3:00 p.m.)
2. Motion will go to City Council for consideration

No motion was passed at this time.

**Future FEAB Presentations:**

Nicole said representatives of MS / AL Sea Grant will be at the June meeting to give a presentation on Community Resiliency Indexing.

Nigel advises that all presenters be encouraged to present concise points throughout the presentation.

**Storm Sewer Infrastructure Inventory Upgrades:**

Jim shared this recent article:

MAY 4, 2022

## Fairhope seeks \$1.7 million in

## grants for sewer, drainage work

into Mobile Bay. The program would also include a repetitive flood loss assessment of property damaged or destroyed by floods in the past and an update of the city's stormwater management plan, according to Fairhope reports.

The inventory would include studies of drainage areas in the city including Stack Gully in the Fruit and Nut District, Big Mouth Gully in central Fairhope, Volanta in north Fairhope, Tatumville Gully in south Fairhope, Fly Creek in Montrose, Rock Creek in north Montrose, Cowpen Creek in east Fairhope, Point Clear Creek in Point Clear, Waterhole

Branch near the city airport and Pensacola Worm Branch in northeast Fairhope.

Council President Jimmy Conyers said the work is needed to improve stormwater management in Fairhope.

"This would be substantial," he said.

The city would pay \$162,500 as its 25% share of the grant, while the grant would provide \$487,500, according to the council resolution.

The RESTORE program uses money from civil and administrative penalties charged as a result of the 2010 Deepwater Horizon oil spill to provide funds for environmental projects in Gulf Coast states affected by the spill.

The council also voted to apply for a RESTORE Act grant of \$650,000 to conduct a stormwater infrastructure inventory. The inventory would be a digital study of existing stormwater systems draining



Meeting adjourned at 4 p.m.

Next meeting is Friday, June 10th, 2022 @ 2:30 p.m. for “special meeting” presentation and discussions @ Library Board Room

**FEAB CONTACT INFORMATION:**

Chairman:

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Jim Horner                                    none                                    (251) 928-9722

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