



Alabama Marine Debris Emergency Response Guide: Comprehensive Guidance Document

NOAA Marine Debris Program
National Oceanic and Atmospheric Administration
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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
CBRA	Coastal Barrier Resources Act
CBRS	John H. Chafee Coastal Barrier Resources System
EFH	Essential Fish Habitat
EMA	Emergency Management Agency
EPA	U.S. Environmental Protection Agency
ERMA	Environmental Response Management Application
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 System
GRP	Geographic Response Plan
GSA	Geological Survey of Alabama
LIDAR	Light Detection and Ranging
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)
RP	Responsible Party
SHPO	State Historic Preservation Office
USACE	U.S. Army Corps of Engineers
USCG	U.S. Coast Guard
USFWS	U.S. Fish and Wildlife Service

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 (Code of Alabama 2019, §33-5A-1(1))

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 *Alabama, Mississippi, Northwest Florida Coastal ACP*. An ACP also encompasses the processes for development and managing Geographic Response Plans (U.S. Coast Guard [USCG], 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 *Alabama, Mississippi, Northwest Florida Coastal Area Contingency Plan (ACP; USCG, 2017)*.

Construction and demolition debris – 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 (Federal Emergency Management Agency [FEMA], 2007).

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 (Code of Alabama 2019, §33-5A-1(3))

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, 2007).

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, 2020b).

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, 2020b).

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. (Alabama Emergency Management Agency [AEMA], 2017; FEMA, 2020a).

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, 2017).

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 (FEMA, 2010).

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 *Alabama, Mississippi, Northwest Florida Coastal Area Contingency Plan* geographic boundaries (USCG, 2017).

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 (commonly known as RCRA) and contains properties that make it potentially harmful to human health or the environment (FEMA, 2007).

Household hazardous waste/material – 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. Household hazardous waste mixed with other debris types will contaminate the entire load, which necessitates special disposal methods (FEMA, 2007).

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)).

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’s *Alabama, Mississippi, Northwest Florida Coastal Area Contingency Plan* (ACP; USCG, 2017).

Light Detection and Ranging (LIDAR) – A remote sensing method that uses light in the form of a pulsed laser to generate precise, three-dimensional information about the shape of the earth and its surface characteristics (National Oceanic and Atmospheric Administration [NOAA], 2020f).

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 Oil and Hazardous Substances Pollution Contingency Plan (NCP) – Federal regulation commonly known as the National 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, 2020).

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, 2010).

Outer continental shelf – All submerged lands lying seaward and outside of the area of lands beneath navigable waters as defined in section 1301 of this title, and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control (43 U.S.C. § 1331(a)).

Private waters – 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 2019, §9-11-80(b)).

Public waters – Such waters that 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 2019, §9-11-80(a)).

Putrescent debris – Debris that will decompose or rot, such as animal carcasses and other fleshy organic matter (FEMA, 2007).

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

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 – 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)).

State 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)).

Tidally-influenced 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, 2007).

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, 2020b).

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 (Code of Alabama 2019, §33-5A-1(5)).

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 2019, §33-5-3(2)).

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, 2007).

1. Introduction

1.1 Purpose

The purpose of this document is to improve preparedness for response and recovery 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 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. Additionally, organization jurisdictions are presented in a [map](#) in this document. A dynamic version of this jurisdiction map is also available [online](#) (NOAA, 2022b). 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 waterway debris response in Alabama. 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 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, rather than chronic waterway debris issues.

1.3 *Guide* Maintenance

The *Alabama Marine Debris Emergency Response Guide* is a living document 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 *Alabama Marine Debris Emergency Response Guide* and subsequent versions will be posted on the NOAA Marine Debris Program website at <https://marinedebris.noaa.gov> (NOAA, 2022a).

2. Waterway Debris in Alabama

2.1 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 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 waterway debris in coastal Alabama. Data adapted from AEMA, 2018; Baldwin County Emergency Management Agency, 2015; and Mobile County Emergency Management Agency, 2016.

		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, 2007) include the following:

- Chemical, biological, radiological, and nuclear-contaminated debris
- Construction and demolition debris
- Electronic waste (e-waste)
- Garbage
- Hazardous waste
- Household hazardous waste/material
- Infectious waste
- Putrescent debris
- Soil, mud, and sand
- Vegetative debris
- Vehicles and vessels
- White goods

A description of debris types 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								
		Construction & Demolition	Hazardous Waste	Household Hazardous Waste	Personal Property/ Household Items	Putrescent	Soil, Mud, and Sand	Vegetative	Vehicles and Vessels	White Goods
Disaster Type	Earthquakes	X		X	X		X			X
	Floods	X	X	X	X	X	X	X	X	X
	Hurricanes	X	X	X	X	X	X	X	X	X
	Ice Storms			X				X		
	Tornadoes	X	X	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 construction and demolition 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 disaster. 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 (NOAA, 2013).

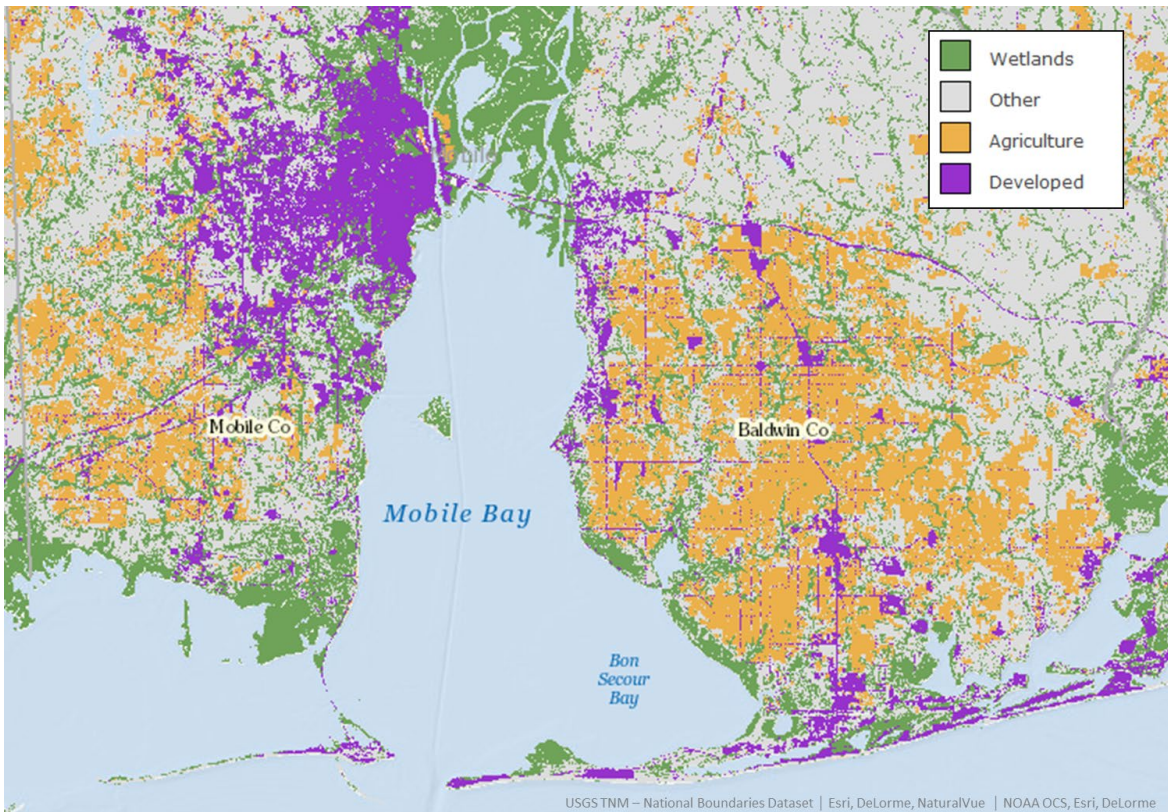


Figure 1. Land cover map for Mobile and Baldwin counties in coastal Alabama (National Oceanic and Atmospheric Administration, 2010).

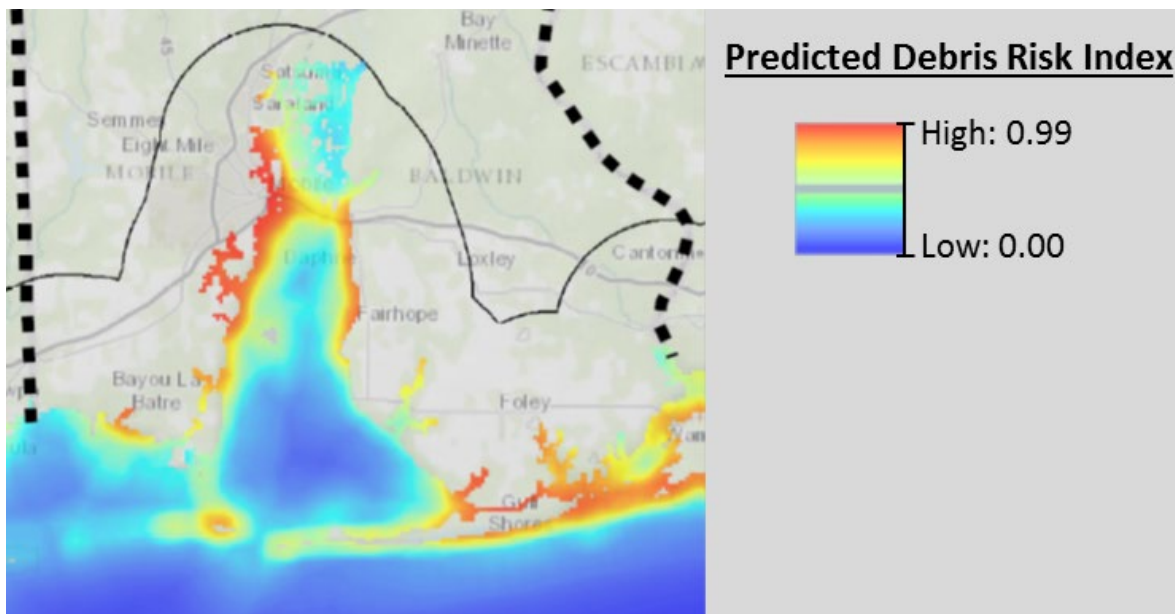


Figure 2. Relative marine debris risk for storm-generated anthropogenic waterway debris (National Oceanic and Atmospheric Administration, 2013).

3. Alabama Waterway Debris Response Flowchart

The “Alabama Waterway Debris Response Flowchart” 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 or hazardous substances. Blue endpoints represent response to waterway debris that is not exposed to and does not have the potential to release oil or hazardous substances. 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 Waterway Debris Emergency Response Flowchart

Waterway Debris
Any solid material, including but not limited to vegetative debris and debris exposed to or that has the potential to release oil or hazardous substances, 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.

Acronyms

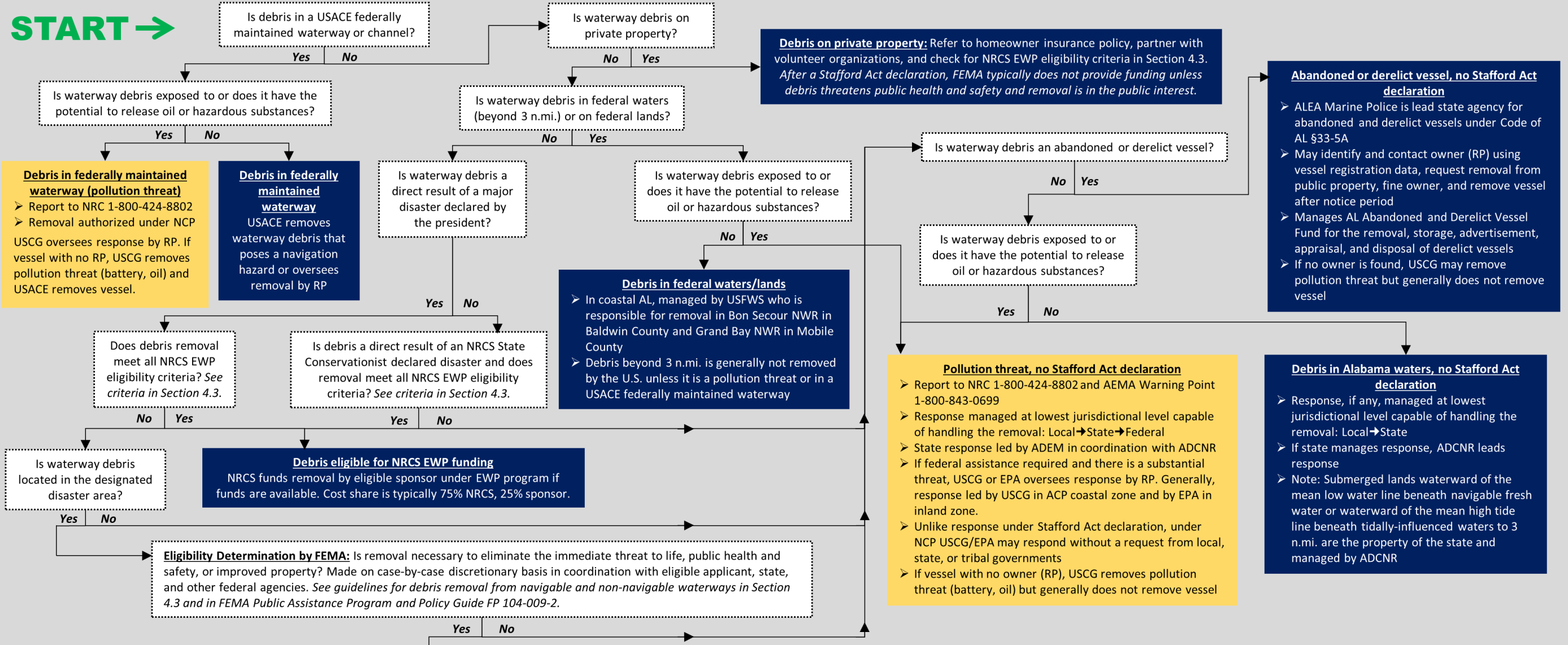
ACP – Area Contingency Plan
ADCNR – AL Department of Conservation and Natural Resources
ADEM – AL Department of Environmental Management
AEMA – AL Emergency Management Agency
ALEA – AL Law Enforcement Agency
EPA – Environmental Protection Agency

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

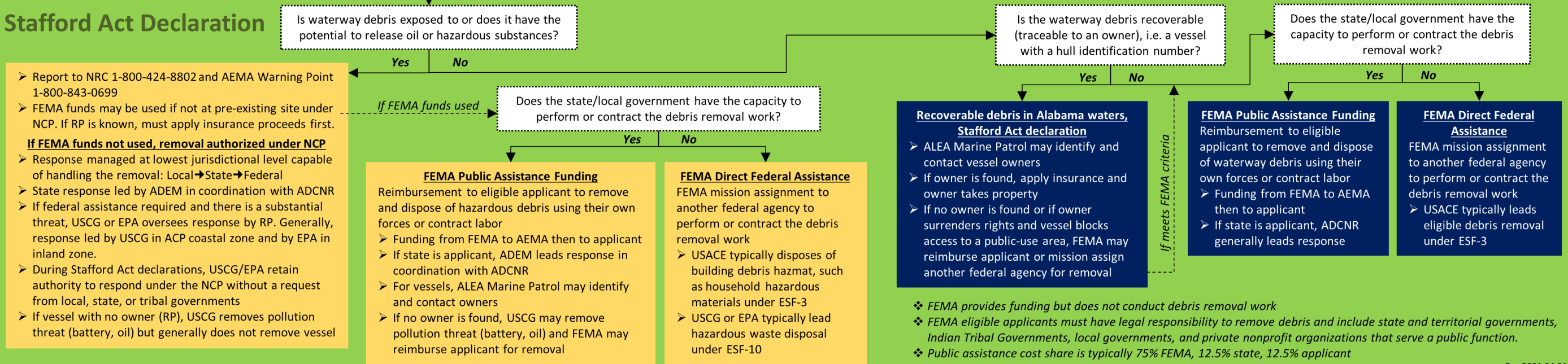
NWR – National Wildlife Refuge
RP – Responsible Party
USACE – U.S. Army Corps of Engineers
USCG – U.S. Coast Guard
USFWS – U.S. Fish and Wildlife Service

Flowchart Key	Response to waterway debris that is exposed to or has the potential to release oil or hazardous substances
	Response to waterway debris that is not exposed to and does not have the potential to release oil or hazardous substances
	Response under Stafford Act authorities and/or funds

START →



Stafford Act Declaration



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 Appendices [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 (EMA) are the lead local agencies for emergency planning, preparedness, mitigation, response, and recovery
 - Following a Stafford Act declaration, local 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 and request external resources from AEMA
 - 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 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 (Code of Alabama 2019, §9-2-2(4))

- 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 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
- Provides damage assessment for beaches, shores, parks, and recreation areas as support agency under state ESF 3 Public Works and Engineering
- 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
- For additional information on ADEM compliance requirements, see [Section 5](#)

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 of Alabama Emergency Operations Plan* which 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 (AEMA, 2017)
- Maintains the *Alabama State Hazard Mitigation Plan* (AEMA, 2018)
- 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 and Alabama Underwater Cultural Resources Act
- Reviews proposed debris removal activities to evaluate potential impacts to historic or cultural sites
- For additional information on AHC compliance requirements, see [Section 5](#)

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
- Identifies and contacts vessel owners for recoverable waterway debris removal and may fine owner if derelict vessel is not removed after notice period
- For abandoned and derelict vessels
 - May request removal of a vessel from public property if the vessel is determined to be abandoned, derelict, or poses a threat to public health or safety (Code of Alabama 2019, §33-5A-2)
 - After a notice period, may sell, donate, destroy, or dispose of an abandoned or derelict vessel that has a certain value without a court order (Code of Alabama 2019, §33-5A-5)
 - Manages the Alabama Abandoned and Derelict Vessel Fund for payment of the seizure, removal, transportation, preservation, storage, advertisement, appraisal, and disposal of derelict vessels (Code of Alabama 2019, §33-5A-9)
 - May perform an unattended vessel check for vessels left unattended on public property (Code of Alabama 2019, §33-5A-10)
 - May request verbally or in writing that the owner of a derelict vessel remove the derelict vessel from waters of the state within 24 hours (Code of Alabama 2019, §33-5A-11)
- May provide first responder capabilities, as required, for conducting the initial assessment of waterway debris as well as addressing public safety concerns
- Marks hazards to navigation and notifies U.S. Coast Guard (USCG) for issuance of notice to mariners
- Oversees registration of all pleasure boats and the licensing of recreational motorized or mechanically-propelled boat operators
- Administers regulatory waterway marking program

Alabama State Port Authority (ASPA)

- Owns and operates the State of Alabama's deep-water 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 navigation response team (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 to support local emergency management agencies
- Maintains geographic information system (GIS) support team for natural disasters that provides online and hardcopy visualizations of digital data on demand to AEMA

State Oil and Gas Board of Alabama

- 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

- Manages a Marine Trash and Debris program to eliminate debris associated with oil and gas operations on the outer continental shelf
- Regulates marine trash and debris for oil and gas operations and renewable energy development on the outer continental shelf
- Enforces requirement that items be clearly marked to identify the owner and items lost overboard be recorded, reported, and retrieved if possible
- Requires annual training of offshore oil and gas workers to reduce marine debris

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% FEMA, 12.5% state, and 12.5% 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 removal must be necessary to eliminate the immediate threat to life, public health and safety, or improved property (FEMA, 2020b)
 - For navigable waterways, debris removal is limited to a maximum depth of 2 feet below the low tide draft of the largest vessel that used the waterway prior to the incident
 - Any debris below this zone is not eligible unless it is necessary in order to remove debris extending upward into an eligible zone (FEMA, 2020b)
 - For non-navigable waterways, including natural waterways, debris removal is only eligible to the extent that it is necessary to eliminate an immediate threat including

the following: if the debris obstructs, or could obstruct, intake structures; if the debris could cause damage to structures; or if the debris is causing, or could cause, flooding to property during the occurrence of a 5-year flood (a flood that has a 20% chance of occurring in any given year; FEMA, 2020b)

- 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)

National Marine Fisheries Service (NMFS or NOAA Fisheries)

Office of Habitat Conservation and Office of Protected Resources

- Reviews proposed debris removal activities that involve a federal agency (directly or through funding and/or issuance of a federal permit) for compliance with Magnuson-Stevens Fisheries Conservation and Management Act and Endangered Species Act (ESA)
- For additional information on NOAA Fisheries compliance requirements, see [Section 5](#)

National Ocean Service

Office of Coast Survey

- Mobilizes NRT to survey ports and near-shore waterways for sunken debris, changes in water depth, and hazards to navigation following a disaster

Office of National Geodetic Survey

- Acquires and rapidly disseminates spatially-referenced remote-sensing datasets to support national emergency response
 - Imagery is obtained using high resolution digital cameras, film-based aerial camera systems, Light Detection and Ranging (LIDAR), and thermal and hyperspectral imagers

Office of Response and Restoration

- Manages the Environmental Response Management Application (ERMA), a web-based GIS that includes an [online](#) dynamic version of the “Alabama Waterway Debris Response Map” (NOAA, 2022b)
- Serves as scientific support coordinators to coordinate application of NOAA assets and services during emergencies to help the federal on-scene coordinator (FOSC) make timely operational decisions
- 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
- May provide onsite support to internal and external partners at an incident command post or joint field office if there is a need for marine debris or NOAA expertise
- Funds marine debris assessment and removal projects through grants or congressional supplemental funding
- Facilitates inter-agency planning and coordination for responses to marine debris events
- Develops external communications such as talking points appropriate for the public, informational graphics, etc. to ensure the public and partner agencies understand and act on sound science and information critical to response and recovery operations

- For events determined by the NOAA Administrator to be severe marine debris events, may develop interagency plans, assess composition volume and trajectory of associated marine debris, and estimate potential impacts to the economy, human health, and navigation safety

National Weather Service

- Predicts, forecasts, and issues official watches and warnings of severe weather
- Provides operational tools and briefings to federal and territorial officials for emergency management awareness and decision support

Natural Resource Conservation Service (NRCS)

- When funding is available, provides emergency financial and technical assistance through the Emergency Watershed Protection (EWP) program to protect from additional flooding or soil erosion; to reduce threats to life or property from a watershed impairment, including sediment and debris removal in floodplains and uplands; and to restore the hydraulic capacity to the natural environment to the maximum extent practical
 - Help communities address watershed impairments that pose imminent threats to lives and property as a result of natural disasters
 - Typical cost share of 75% NRCS and 25% 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
 - EWP program eligibility criteria include the following:
 - Waterway debris is in non-tidally influenced waters and is a direct result of either a major disaster declared by the president or of an NRCS State Conservationist declared natural disaster
 - Waterway debris is a threat to life and/or property
 - Imminent threat was created by the event
 - Recovery measures are for runoff retardation or erosion prevention
 - Event caused a sudden impairment in the watershed
 - Have economic, environmental, and social documentation adequate to warrant removal action
 - Proposed removal action is technically viable and environmentally defensible
- Assists in the location of burial pits for animal mortality

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

- Responsible for operation, maintenance, and debris removal from federally maintained waterways and channels
- 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 provide technical support or lead eligible debris removal from navigable waterways (non-federally maintained) and wetlands under a FEMA mission assignment to perform or contract debris removal and surveying
- May request assistance from NOAA's NRT to survey ports and near-shore waterways
- Issues permits for debris removal within waterways and wetlands
- For additional information on USACE compliance requirements, see [Section 5](#)

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 *Alabama, Mississippi, Northwest Florida Coastal Area Contingency Plan* (ACP; USCG, 2017)
 - 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 (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 (RP)
 - 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's *Alabama, Mississippi, Northwest Florida Coastal 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 (RP)
 - 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
- For additional information on USFWS compliance requirements, see [Section 5](#)

U.S. Navy Supervisor of Salvage and Diving

- Manages and provides technical assistance for salvage, deep search and recovery, towing, and oil spill response operations
- Accesses and coordinates the U.S. Navy’s hydrographic survey assets and capabilities
- Maintains an array of remotely operated vehicles, oil spill response, and salvage equipment
- Exercises and manages regional standing emergency salvage contracts to quickly draw upon resources of the commercial salvage industry (U.S. National Response Team, 2020)

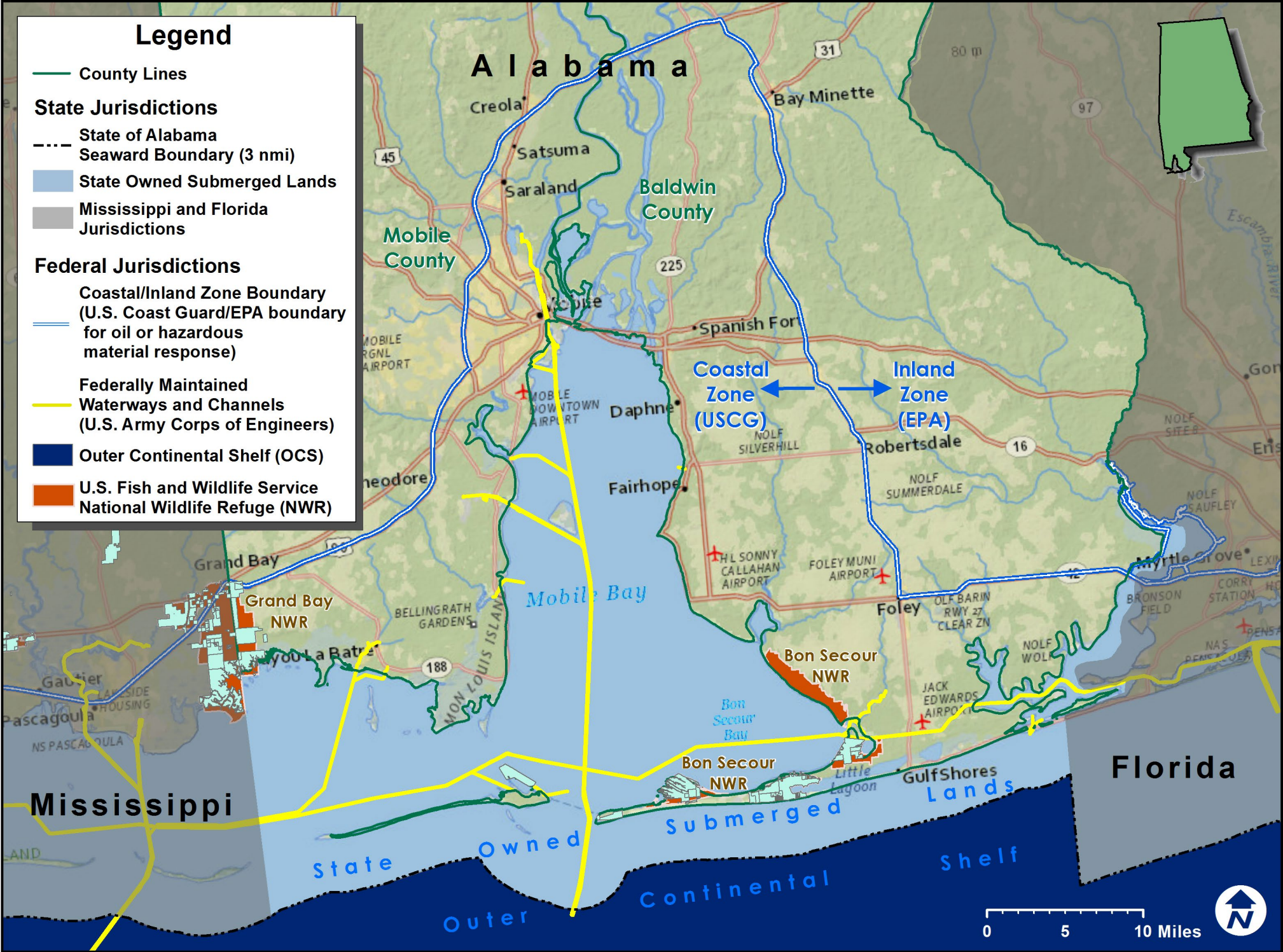
4.4 Private Landowners

- May report acute waterway debris incidents to local EMA office to begin a coordinated, proper response
- May be eligible for debris removal funding from the Natural Resources Conservation Service (NRCS) Emergency Watershed Protection (EWP) program if represented by a project sponsor and specific criteria are met
 - See [Section 4.3 Natural Resources Conservation Service](#) for EWP program eligibility criteria
- May complete right-of-entry agreements with entities conducting private property debris removal or using private property as an access point
 - Agencies will not remove debris from private property without a properly executed right-of-entry agreement
- Homeowner insurance policy may cover debris removal from private property and property owners may partner with volunteer organizations
- 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 unless its removal is necessary to mitigate a health and safety threat and is in the public interest (FEMA, 2020b)

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. A dynamic version of the response map is also available [online](#) in ERMA (NOAA, 2022b). 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



Legend

- County Lines
- State Jurisdictions**
 - State of Alabama Seaward Boundary (3 nmi)
 - State Owned Submerged Lands
 - Mississippi and Florida Jurisdictions
- Federal Jurisdictions**
 - Coastal/Inland Zone Boundary (U.S. Coast Guard/EPA boundary for oil or hazardous material response)
 - Federally Maintained Waterways and Channels (U.S. Army Corps of Engineers)
 - Outer Continental Shelf (OCS)
 - U.S. Fish and Wildlife Service National Wildlife Refuge (NWR)

Alabama

Mobile County

Baldwin County

Coastal Zone (USCG)

Inland Zone (EPA)

Mobile Bay

Mississippi

Florida

State Owned Submerged Lands
Outer Continental Shelf

0 5 10 Miles



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 U.S. Army Corps of Engineers (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 National Oceanic and Atmospheric Administration (NOAA).

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](#).

In addition to specific requirements outlined below, [Code of Alabama 2019, §33-5A](#) describes rules that must be followed when responding to abandoned and derelict vessels, including circumstances when a vessel may be removed and notice requirements.

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 “Joint Application and Notification” form is available for download at this [website](#) and must be submitted to both USACE and ADEM (ADEM, 2019).
 - 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)

- Serves as the State Historic Preservation Office (SHPO) and ensures compliance with the National Historic Preservation Act and Alabama Underwater Cultural Resources Act
- Reviews proposed debris removal activities to evaluate potential impacts to historic or cultural sites
- 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 (SHPO or 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
- If multiple federal agencies play a major role in the debris removal, then there may be a joint lead agency that share responsibility for management of the NEPA process (Council on Environmental Quality, 2007)
 - 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.
- 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 NOAA Fisheries Southeast Regional Office 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 jeopardize the continued existence of any listed endangered or threatened species or result in the destruction or adverse modification of designated critical habitat unless an exemption has been granted.

Generally, NOAA Fisheries manages marine and anadromous species while USFWS manages land and freshwater species and certain marine species such as manatee. If a federal agency determines their activities or actions will affect listed species or designated critical habitat—even if the effects are expected to be beneficial—they must consult with NOAA Fisheries or USFWS. See NOAA Fisheries endangered species [website](#) for an up-to-date Alabama threatened and endangered species list (NOAA, 2020a).

- 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). If a federal agency determines their activities or actions may adversely affect EFH, they must consult with NOAA Fisheries. See NOAA's online essential fish habitat [website](#) to view maps for EFH (NOAA, 2020e).
- 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
 - NOAA Fisheries 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 (NOAA, 2020b)
 - During emergency waterway debris removal operations, NOAA Fisheries Southeast Regional Office utilizes the same process for initiating contact for both ESA and EFH consultations. Steps to complete the emergency response consultation process are outlined in NOAA (2020b).
- Additional information on ESA and EFH consultation during non-emergencies can be found on the NOAA Fisheries Section 7 [website](#) (NOAA, 2020c) and EFH consultation [website](#) (NOAA, 2020d), respectively

U.S. Army Corps of Engineers (USACE)

- A USACE permit may be required for debris removal within waterways and wetlands if the activity involves dredging, the discharge of dredge or fill material, or involves structures or work impacting the navigability of a waterway
- 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 the “Joint Application and Notification” form to apply for a USACE permit
 - The form is available for download at this [website](#) and must be submitted to both USACE and ADEM (ADEM, 2019)
- Permits that may be required include:
 - **Alabama General Permit 4: Debris Removal.** Issued for debris removal from any waterway for navigational or drainage purposes
 - **Nationwide Permit 3: Maintenance.** Authorizes repair, rehabilitation or replacement structures or fills destroyed or damaged by storms, floods, fires, or other discrete events and may be issued for removal or maintenance of culverts, sediments, or debris accumulated around outfalls, bridges, etc.
 - **Nationwide Permit 18: Minor Discharges.** Authorizes minor discharges of dredged or fill material
 - **Nationwide Permit 19: Minor Dredging.** Dredging of no more than 25 cubic yards below the plane of the ordinary high water mark or the mean high water mark

- **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
- In emergency situations, permitting procedures may be expedited and resource agency coordination may occur “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 (33 C.F.R. § 325.2(e)(4))

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 (CBRA)
 - ESA directs all federal agencies to ensure the actions they take, including those they fund or authorize, do not jeopardize the continued existence of any listed endangered or threatened species or result in the destruction or adverse modification of designated critical habitat unless an exemption has been granted. Generally, USFWS manages land and freshwater species and certain marine species such as manatee, while NOAA Fisheries manages marine and anadromous species. If a federal agency determines their activities or actions may affect listed species or designated critical habitat—even if the effects are expected to be beneficial—they must consult with USFWS or NOAA Fisheries. See USFWS’s endangered species [website](#) for an up-to-date Alabama ESA-listed land and freshwater species list (USFWS, 2021).
 - 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 is available for download from USFWS’s [website](#) (USFWS, 2019).

- 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
- 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 BMPs 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 NOAA Fisheries, if the ESA-listed species affected is under NOAA Fisheries’ purview)

5.3 Permitting and Compliance for Waterway Debris Removal in Alabama Handout

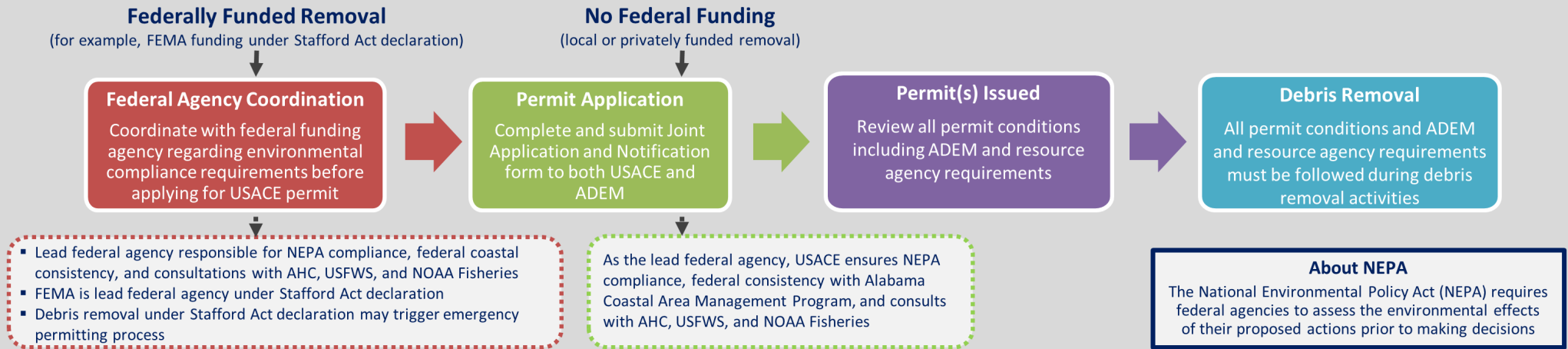
The “Permitting and Compliance for Waterway Debris Removal in Alabama” handout on the following page synthesizes permitting and compliance requirements that must be met before waterway debris removal operations begin. The top portion of the handout outlines the process to follow to stay in compliance, 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 may be required if debris removal involves dredging, the discharge of dredge or fill material, or involves structures or work impacting the navigability of a waterway. The **organization or individual conducting the debris removal** is responsible for obtaining necessary permits, and USACE and Alabama Department of Environmental Management (ADEM) have a joint permit application process in Mobile and Baldwin Counties.
- The **lead federal agency** is responsible for compliance with National Environmental Policy Act (NEPA), federal coastal consistency, and consulting with tribal and resource agencies including Alabama Historical Commission (AHC), U.S. Fish and Wildlife Service (USFWS), and NOAA Fisheries.

Compliance Process When Permit is Required



Primary Agency Requirements and Contact Numbers

<p>U.S. Army Corps of Engineers (USACE)</p> <p>Mobile District Regulatory Division 251-690-2658</p>	<ul style="list-style-type: none"> USACE and ADEM have a joint permit application process Submit the Joint Application and Notification form to both USACE and ADEM Some permits that may be required for debris removal in waterways and wetlands are <ul style="list-style-type: none"> 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-18 Minor Discharges of dredge or fill material NWP-19 Minor Dredging of no more than 25 cubic yards NWP-22 Removal of Vessels for removal of wrecked, abandoned, or disabled vessels or other man-made obstructions to navigation 	<p>Alabama Historical Commission (AHC)</p> <p>334-242-3184 x 692</p>	<ul style="list-style-type: none"> 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
<p>Alabama Department of Environmental Management (ADEM)</p> <p>Coastal Program 251-304-1176 Warning Point 1-800-843-0699 Air Division 334-271-7879</p>	<ul style="list-style-type: none"> 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 <ul style="list-style-type: none"> 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 	<p>National Oceanic and Atmospheric Administration (NOAA)</p> <p>NOAA Fisheries ESA: 727-824-5312 EFH: 409-766-3699</p>	<ul style="list-style-type: none"> Consultation required if waterway debris response involves federal permits and/or funding (USACE permit, FEMA funding, etc.) to comply with: <ul style="list-style-type: none"> Endangered Species Act (ESA) to ensure actions do not jeopardize the continued existence of any listed endangered or threatened marine species or adversely modify designated critical habitat Magnuson-Stevens Fisheries Conservation and Management Act to ensure actions do not adversely affect Essential Fish Habitat (EFH)
		<p>U.S. Fish and Wildlife Service (USFWS)</p> <p>Alabama Ecological Services Field Office 251-441-5181</p>	<ul style="list-style-type: none"> Consultation required if waterway debris removal involves federal permits and/or funding (USACE permit, FEMA funding, etc.) to comply with: <ul style="list-style-type: none"> Endangered Species Act to ensure actions do not adversely modify designated critical habitat or jeopardize the continued existence of any listed endangered or threatened land or 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

6. Alabama Waterway Debris Response Needs

Waterway debris response challenges identified by stakeholders are outlined below along with associated recommendations. These identified challenges will serve as future points of discussion and action for the Alabama waterway debris response community. Potential opportunities for addressing response needs include tabletop activities to exercise this *Guide*, response exercises that incorporate debris scenarios, 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 input to improve preparedness 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

- Note: In 2018, Alabama State Act No. 2018-179 was passed (Code of Alabama 2019, §33-5A) that now establishes a legal definition for abandoned and derelict vessels and an abandoned and derelict program and fund managed under ALEA
- See [Section 4.2 Alabama Law Enforcement Agency](#) for additional details
- 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 including 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 a waterway debris incident
 - Note: ADCNR held an internal tabletop exercise in March 2016
- Develop an inter-agency communication plan (that clearly defines stakeholder audiences, identifies trusted spokespeople, and outlines agency responsibilities) for disseminating information during an acute waterway debris incident in coastal Alabama

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 and are available on the Florida Fish and Wildlife Conservation Commission [website](#) (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 and are available on the Florida Fish and Wildlife Conservation Commission [website](#) (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

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

Note: Data adapted from *Alabama State Hazard Mitigation Plan* (AEMA, 2018), *Baldwin County Multi-Hazard Mitigation Plan* (Baldwin County Emergency Management Agency, 2015), and *Mobile County Hazard Mitigation: Integrating Mitigation Measures into Local Planning* (Mobile County Emergency Management Agency, 2016).

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 ¹²	NOAA	USCG Sector Mobile	NRCS
	Contract - Contracted capability												
Technology	GIS mapping and plotting of imagery	Yes	Yes	Yes	Yes	-	Yes	Yes ⁸	-	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 ⁹	-	Yes	Yes	Yes	Yes
	Environmental expertise (location of sensitive areas, endangered species present, etc.)	-	-	Yes	Yes	-	Yes	Yes	Yes	Yes	Yes ¹³	Yes	Yes
	Compliance and permitting expertise	-	-	Yes	Yes	-	-	Yes	Yes	Yes	Yes	-	Yes
	Dive support	-	Contract	Yes	-	-	Yes	-	-	-	Yes	Yes ¹⁵	-
Equipment	Vessels	-	-	Yes	Yes	Yes ⁷	Yes	Contract	Yes	-	Yes	Yes	-
	Aircraft	-	-	-	-	-	-	-	-	-	Yes	Yes	-
	Barge, Self-loading barge	-	-	-	-	-	-	Contract	-	-	-	-	-
	Crane, Knuckleboom crane	-	-	-	-	-	-	Contract	-	-	-	-	-
	Excavator	-	-	-	-	-	-	Contract	-	-	-	-	-
	Boom	-	-	-	-	-	-	Contract	-	-	-	Contract ¹⁶	-
	Surplus parts for terrestrial and marine work	-	-	-	-	-	-	-	-	-	-	-	-
	Surveillance drones	-	-	-	-	-	-	Yes ¹⁰	-	-	-	Yes ¹⁷	-
	Other specialized equipment that cannot be readily procured immediately following a debris incident	-	Yes	Yes ¹	-	-	Yes	Contract	Yes	-	-	Yes	-
	Funding for waterway debris removal	-	-	-	-	-	-	Yes ¹¹	-	-	Yes ¹⁴	Yes ¹⁸	Yes
Logistics	Facility suitable for establishing an operations center	Yes	Yes	Yes ²	-	Yes	-	Yes	-	-	Yes	Yes	-
	Docks for wet storage of vessels	-	-	Yes ³	-	Yes	-	-	-	-	-	Yes ¹⁹	-
	Staging area for dry storage of vessels	Yes	-	Yes ⁴	-	Yes	-	Yes	Yes	-	Yes	Yes ²⁰	-
	Pre-designated landfill/disposal sites	Yes	-	-	-	-	-	-	-	-	-	-	-
	Pre-event contracts and staged agreements in place	Yes	-	-	-	-	-	Yes	-	-	-	Yes ²¹	-
	Contract authority and oversight capabilities	Yes	-	Yes	-	Yes	-	Yes	-	-	Yes	Yes ²²	-
	Land with water access to offload (has not been evaluated for suitability or officially pre-designated)	Yes	-	Yes ⁵	-	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 ⁶	-	-	-	-	-	-	-	-	-

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.

- ¹ADCNR Amphibious excavator, Marsh Master
- ²ADCNR Will Underwood: Weeks Bay Resource Center, Weeks Bay Reserve Visitor Center/Auditorium, and Weeks Bay Reserve Dormitory
- ³ADCNR Terry Boyd: Boggy Point, Cotton Bayou; Hank Burch: Coastal Section has inventory of public launches in Mobile and Baldwin Counties; Will Underwood: Baywatch/Fish River Launch (public launch at mouth of Fish River) and Viewpoint Launch (public launch at Big Mouth/Pelican Point)
- ⁴ADCNR Terry Boyd: Claude Peteet Mariculture Center; Will Underwood: Weeks Bay Resource Center parking area and Safe Harbor at Weeks Bay Reserve
- ⁵ADCNR Baywatch/Fish River Launch (public launch at mouth of Fish River)/Weeks Bay Resource Center parking area
- ⁶ADCNR Will Underwood/Scott Phipps: Accommodations for up to 24 persons at Weeks Bay Reserve Dormitory
- ⁷ASPA Have one patrol vessel and one work boat
- ⁸USACE Has a GIS cadre for response
- ⁹USACE Has planning response teams
- ¹⁰USACE Surveillance drone housed at USACE District, Jacksonville
- ¹¹USACE Funding in place for federal projects only
- ¹²FEMA 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.
- ¹³NOAA 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
- ¹⁴NOAA Funding through grant program and possible Congressional supplemental funding
- ¹⁵USCG Has divers but not typically used for waterway debris
- ¹⁶USCG Small amounts of boom on hand but capable of using pre-event contracts for larger pollution events
- ¹⁷USCG Surveillance drones not typically used for waterway debris
- ¹⁸USCG Funding for pollution incidents only
- ¹⁹USCG Docks for wet storage of vessels has limited space and suitable for larger vessels only
- ²⁰USCG Staging area for dry storage of vessels has limited space
- ²¹USCG Pre-event contracts and staged agreements in place for pollution incidents only
- ²²USCG Contract authority and oversight capabilities for USCG contracts only

8.3 Contact Information

Note: Contact information is only included for organizations who have provided and/or approved information in the following tables.

Local Agencies

Agency	Topic	Point of Contact	Phone	Email
Baldwin County Emergency Management Agency	Funding following presidential disaster declaration and response capabilities	Zack Hood, Director	-	Zack.Hood@baldwincountyal.gov
	Response emergency	On-call Duty Officer	251-947-4911 (Baldwin County 911 Direct Line)	-
Mobile County Emergency Management Agency	Funding following presidential disaster declaration	Ronnie Adair, Director	251-460-8000	Radair@mcema.net
	Response capabilities	Mike Evans, Deputy Director	251-460-8000	Mevans@mcema.net

State Agencies

Agency	Topic	Point of Contact	Phone	Email	
Alabama Department of Agriculture and Industries	Emergency Programs	Response to animal carcasses or invasive species following disaster	Brie Lowery	334-240-7279 (O) 334-546-4577 (C)	Brie.Lowery@agi.alabama.gov
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)	Terry.Boyd@dcnr.alabama.gov
	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)	Jason.Downey@dcnr.alabama.gov
	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 vessels; vessels	Hank Burch, Assistant Director	251-621-1216	Hank.Burch@dcnr.alabama.gov
			Will Underwood, Coastal Section Administrator	251-621-1216	Will.Underwood@dcnr.alabama.gov
			Eric Brunden, Stewardship Coordinator, Weeks Bay Reserve	251-928-9792	Eric.Brunden@dcnr.alabama.gov
<i>Continued on next page</i>	Environmental expertise (location of sensitive areas, endangered species present, etc.); vessels	Scott Phipps, Research Coordinator, Weeks Bay Reserve	251-928-9792	Scott.Phipps@dcnr.alabama.gov	

State Agencies Continued

Agency		Topic	Point of Contact	Phone	Email
Continued from previous page Alabama Department of Conservation and Natural Resources (ADCNR)	State Lands Division	GIS mapping and plotting of imagery	Sarah Johnston, GIS Specialist, Weeks Bay Reserve	251-928-9792	Sarah.Johnston@dcnr.alabama.gov
			Ashley Peters, GIS Specialist Sr., Heritage Section	334-353-7878	Ashley.Peters@dcnr.alabama.gov
		Submerged lands	Jeremiah Kolb	251-621-1909	Jeremiah.Kolb@dcnr.alabama.gov
Alabama Department of Environmental Management (ADEM)		Compliance and permitting expertise: Air Division	Don Barron	334-271-7879	DRB@adem.alabama.gov
		Compliance and permitting expertise: Coastal Program; environmental expertise (location of sensitive areas, endangered species present, etc.)	Scott Brown, Chief, Mobile Field Operations	251-304-1176	JSB@adem.alabama.gov
		Potential to release oil or hazardous material; vessels	Grady Springer, Emergency Response Coordinator	334-260-2717 (O) 334-850-8466 (C)	Gspringer@adem.alabama.gov
Alabama Department of Insurance		Planning and Coordination	Brian E. Powell, Director Mitigation Resources Division	334-241-4118 (O) 334-398-0423 (C)	Brian.Powell@insurance.alabama.gov
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	Kelli Alexander, Public Assistance Officer	205-280-2269	Kelli.Alexander@ema.alabama.gov
Alabama Historical Commission (AHC)		Compliance and permitting expertise, National Historic Preservation Act Section 106 and AL Underwater Cultural Resources Act	Amanda McBride, Environmental Review Coordinator	334-242-3184x692	Amanda.Mcbride@ahc.alabama.gov
			Eric Sipes, Assistant State Archaeologist	334-230-2667	Eric.Sipes@ahc.alabama.gov
Alabama Law Enforcement Agency (ALEA), AL Marine Patrol		Response capabilities and coordination	Lt. Ryan Bennett, District Commander	251-981-2673	Ryan.Bennett@alea.gov
			Sgt. Jody Kelley, Asst. District Commander	251-981-2673	Jody.Kelley@alea.gov
Alabama State Port Authority (ASPA)		Harbor operations	Terry D. Gilbreath, Harbor Master/Facility Security Officer	251-441-7074 (O) 251-510-7399 (C)	Terry.Gilbreath@alports.com
		Response capabilities	Rick Clark, Deputy Director/COO	251-441-7238 (O) 251-533-0117 (C)	Richard.Clark@alports.com
Geological Survey of Alabama (GSA)		Response capabilities	Stephen Jones, Geological Investigation Division, Coastal Resources Section	205-247-3601	Sjones@gsa.alabama.gov
State Oil and Gas Board of AL		South Alabama Oil and Gas Board issues	Ralph Hellmich, Operations Supervisor - South Alabama	251-438-4848	Rhellmich@ogb.state.al.us

Federal Agencies

Agency	Topic	Point of Contact	Phone	Email
Bureau of Safety and Environmental Enforcement	Marine Trash and Debris Program	James Sinclair, Marine Ecologist	504-736-2789	James.Sinclair@bsee.gov
EPA, Region IV	Potential to release oil or hazardous material	National Response Center (NRC)	1-800-424-8802	R4.DutyOSC@epa.gov
	Response capabilities and coordination	Jose Negrón	404-562-8754	-
FEMA, Region IV	Funding following presidential disaster declaration	Contact local Emergency Management Agency	-	-
	Technical expertise for removal operations and environmental, compliance, and permitting expertise	Scott Fletcher, Sr. Environmental Protection Specialist	202-322-3924 (C)	Scott.Fletcher@fema.dhs.gov
	Environmental and historic preservation	Rose Gutowski, Regional Unified Federal Review (UFR) Coordinator	202-655-8714 (C)	Rose.Gutowski@fema.dhs.gov
National Oceanic and Atmospheric Administration (NOAA)	Emergency ESA/EFH Consultation	-	-	Nmfs.ser.emergency.consult@noaa.gov
	EFH information	January Murray	225-380-0089	January.Murray@noaa.gov
		Rusty Swafford	409-766-3699	Rusty.Swafford@noaa.gov
	ESA information	General Contact, Routine ESA Consultation	727-824-5312	-
		Joe Cavanaugh, Consultation Biologist	727-551-5097	Joseph.Cavanaugh@noaa.gov
		Dennis Klemm	727-551-5777	Dennis.Klemm@noaa.gov
	Potential to release oil or hazardous material	Adam Davis, Scientific Support Coordinator for USCG District 8	206-549-7759 (C) 206-526-4911 (24hr)	Adam.Davis@noaa.gov
Response capabilities and coordination	Caitlin Wessel, Gulf of Mexico Regional Coordinator, Marine Debris Program	251-222-0276 (C)	Caitlin.Wessel@noaa.gov	
Natural Resource Conservation Service (NRCS)	Emergency Watershed Protection (EWP) Program Information	Vernon Abney, State Conservation Engineer	334-887-4536	Vernon.Abney@usda.gov
	Baldwin County	Joey Koptis, District Conservationist	251-937-3297x3	Joey.Koptis@usda.gov
	Mobile County	Joyce Nicholas, District Conservationist	251-441-6505	Joyce.Nicholas@usda.gov
U.S. Army Corps of Engineers (USACE), Mobile District	Compliance and permitting expertise	Mobile District, Regulatory Division	251-690-2658	Cesam-rd@usace.army.mil
	Federally maintained waterway or channel	Nate Lovelace, Operations Division	251-694-3713	Nathan.D.Lovelace@usace.army.mil
	Response capabilities	J. Matt Tate, Disaster Program Manager	251-690-2241 (O) 251-802-2011 (C)	Jacob.M.Tate@usace.army.mil
U.S. Coast Guard (USCG), District 8, Sector Mobile	Potential to release oil or hazardous material	National Response Center (NRC)	1-800-424-8802	HQS-SMB-NRC@uscg.mil
	Response capabilities	USCG Sector Mobile Command Center	251-441-6211	SECMOBCC@uscg.mil
	Planning and Coordination	District Response Advisory Team (DRAT) Supervisor	504-589-6225	-
		LTJG Nina Ragle, Sector Mobile Area Committee (ACP) Coordinator	241-441-6698	Nina.J.Ragle@uscg.mil

Federal Agencies Continued

Agency	Topic	Point of Contact	Phone	Email
U.S. Fish and Wildlife Service (USFWS)	Bon Secour NWR and response capabilities	Jacqueline Sablan, Acting Refuge Manager	251-540-7720	Jacqueline_Sablan@fws.gov
	Compliance and permitting expertise	Alabama Ecological Services Field Office	251-441-5181	Bill_Pearson@fws.gov
		Bill Pearson, Field Supervisor	251-441-5870	Bill_Pearson@fws.gov

8.4 Alabama Legislation Applicable to Waterway Debris Response

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 2019, §9-12-22)
- **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 2019, §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 (Code of Alabama 2019, §33-5A Abandoned and Derelict Vessels)
- **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 2019, §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 2019, §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 2019, §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 2019, §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 2019, §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 2019, §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 2019, §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 2019, §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 2019, §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 2019, §35-13-9)



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