



Living Shorelines: A Permitting Guide for Alabama Homeowners



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The following is meant to be a permitting guide for homeowners who are interested in installing a living shoreline on their property in Alabama.

Permitting Agencies

*Alabama Department of Conservation
and Natural Resources State Lands
Division (ADCNR-SL)*

31115 Five Rivers Bend
Spanish Fort, AL 36527
(251) 621-1238

www.outdooralabama.com



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

P.O. Box 2288

Mobile, AL 36628-0001

(251) 690-2658

www.sam.usace.army.mil/



*Alabama Department of Environmental
Management (ADEM)*

Mobile Coastal Field Office

3664 Dauphin Street, Suite B

Mobile, AL 36608

(251) 304-1176



Permit Application Checklist

To apply for a living shoreline permit, the following documents must be completed and turned in to the U.S. Army Corps of Engineers. Copies of these documents also need to be given to the Alabama Department of Environmental Management and the Alabama Department of Conservation and Natural Resources State Lands Division.

- | | | |
|--|---------------------------------------|--------------------------|
| 1. ADCNR-SL Division
Notice to Impact
State-Owned
Submerged Lands | 3. Survey | 6. Vicinity Map |
| 2. Documentation of
Upland Interest | 4. Notarized State
Lands Affidavit | 7. Site Plan |
| | 5. USACE/ADEM
Joint Application | 8. Cross-Section Drawing |

Notice to Impact State-Owned Submerged Lands

- ❖ Land below the mean high water (MHW) line is state-owned submerged land.
- ❖ Notice to the ADCNR State Lands Division of any proposed activity on state-owned submerged lands.
- ❖ Basic information about the waterfront owner (e.g., name, address, contact information).
- ❖ Basic information about the proposed activity (e.g., project location, description, adjacent water body).
- ❖ Additional required documentation:

1. Satisfactory Documentation of Upland Interest	4. Vicinity Map
2. Survey	5. Site Plan
3. USACE/ADEM Joint Application	6. Notarized State Lands Affidavit

Attachments to the Notice to Impact State-Owned Submerged Lands

Satisfactory Documentation of Sufficient Upland Interest

- ❖ Demonstrates control and legal interest in the land adjacent to the project area.
- ❖ May be a property deed or other legal documentation of land ownership.

Survey

- ❖ Copy of land survey prepared by a licensed Alabama state surveyor.
- ❖ Must depict a legal description of the property, property boundaries, location of mean high water (MHW), and location of structures existing on state submerged lands.

Notarized State Lands Affidavit

- ❖ Shows that the applicant is aware of state regulations and setback requirements, and is the property owner.
- ❖ Must be notarized.

USACE/ADEM Joint Application

Form requires:

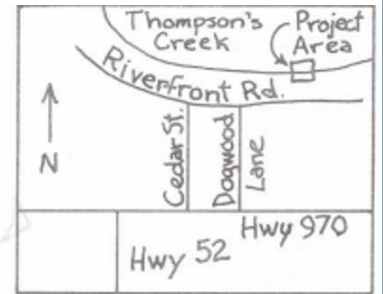
- ❖ General information about the permit applicant (e.g., name, address).
- ❖ Basic project information (e.g., location, materials).
- ❖ Optional: agent authorization if an agent is to fill out the paperwork for the property owner.
- ❖ List of adjacent property owners.
- ❖ List of certifications applied for from federal, state, and local authorities
- ❖ Required attachments (vicinity map, site plan, and cross-section drawing)
- ❖ Applicant's signature

Form can be found at <http://www.adem.alabama.gov/DeptForms/Form166.pdf>.

Vicinity Map

- ❖ Accurately shows the location of the proposed living shoreline.
- ❖ Includes a written description of directions to the proposed location from major landmarks or highways.
- ❖ Internet-sourced maps, such as Google Maps, are acceptable.
- ❖ Can be made on the computer or drawn by hand.
- ❖ Must be drawn to scale or have dimensions written on the drawing.
- ❖ Must be in black and white.
- ❖ Must be done on 8½-by-11-inch white paper.

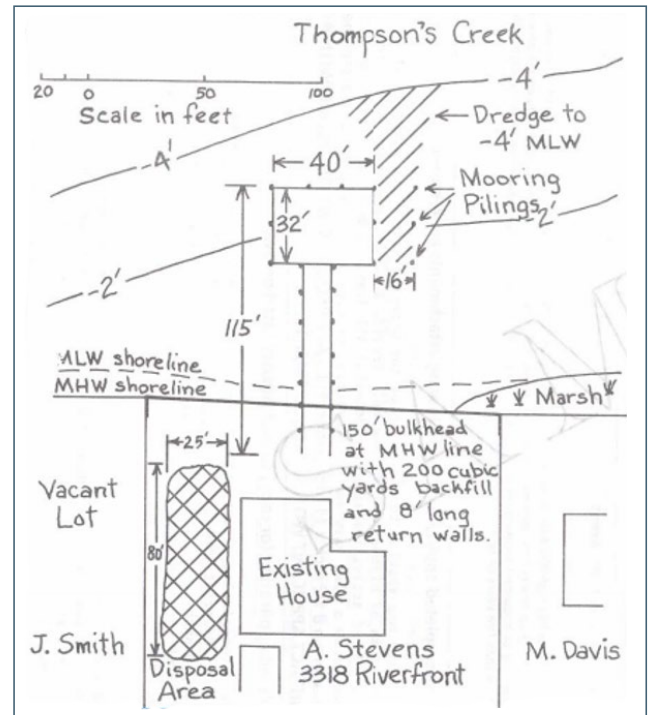
Directions:
Proceed east on Hwy 970 approximately 0.3 miles past Hwy. 52 intersection. Turn left on Dogwood Lane to end. Take right on Riverfront Rd. to 4th house on left (red brick, one-story).



VICINITY MAP

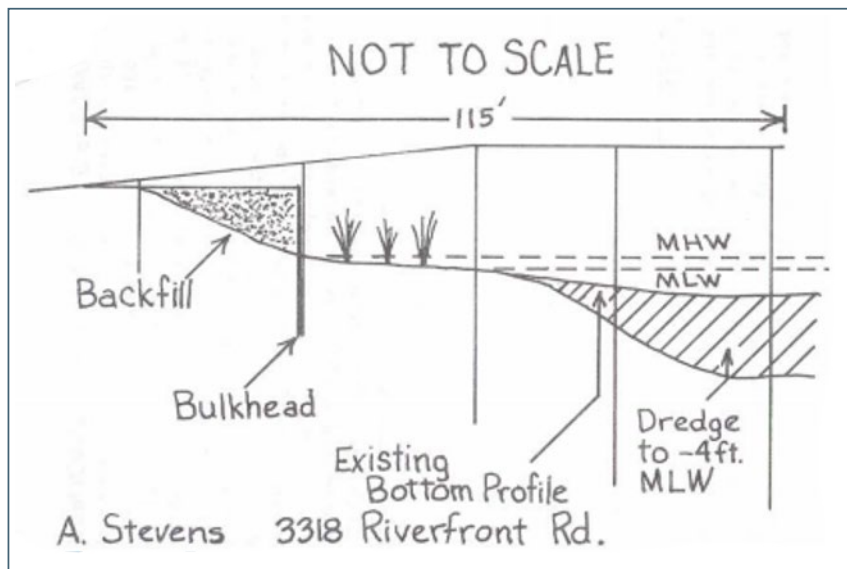
Site Plan

- ❖ Shows existing structures and proposed activities in detail.
- ❖ Must include the mean high water (MHW) and mean low water (MLW) line.
- ❖ Must include the name and width of the water body on which the proposed activity is located.
- ❖ Must include, with dimensions, all wetlands or submerged grasses on the property.
- ❖ Must include adjacent property owners.
- ❖ Must include a north arrow.
- ❖ Can be made on the computer or drawn by hand.
- ❖ Must be drawn to scale or have dimensions written on the drawing.
- ❖ Must be in black and white.
- ❖ Must be done on 8½-by-11-inch white paper.



Cross-Section Drawing

- ❖ Shows the side view and elevation of proposed work.
- ❖ Must include the mean high water (MHW) line, mean low water (MLW) line, and water depths.
- ❖ Must include, with dimensions, all wetlands and submerged grasses on the property.
- ❖ Can be made on the computer or drawn by hand.
- ❖ Must be drawn to scale or have dimensions written on the drawing.
- ❖ Must be in black and white.
- ❖ Must be on 8½-by-11-inch paper.



Tips to Submitting a Successful Permit Application

Top 5 Mistakes that Lead to Permit Application Rejection

1. Application does not contain a full, narrative description of the proposed project.
2. Drawings do not display the mean high tide (MHT).
3. Drawings are not on 8½-by-11-inch paper, in grayscale (black and white).
4. Application does not list longitude/latitude and section/township/range of the project site.
5. Drawings are not drawn to scale or they do not show accurate dimensions of proposed work.

Helpful Hints to Obtaining a Living Shoreline Permit

START EARLY

Be prepared to submit your permit application at least 90 days before construction is planned to begin.

BE PREPARED

Schedule a pre-application meeting with DMR to clear up any questions and to address possible complications.

BE PATIENT

The permit application may have to be approved by several agencies, so the approval process takes time.

Additional Living Shorelines Resources

For additional information on living shoreline permitting:

- ❖ <http://www.sam.usace.army.mil/Missions/Regulatory/how-do-i-apply-for-a-permit.aspx>
- ❖ masglp.olemiss.edu/living_shorelines.pdf

To learn more about the benefits of living shorelines:

- ❖ Mississippi-Alabama Sea Grant (masgc.org/living-shorelines)
- ❖ Livingshorelinesacademy.org
- ❖ Wetland.org

For any additional questions, contact:

Mississippi State University Coastal Research & Extension Center

1815 Popps Ferry Road • Biloxi, MS

(228) 388-4710

www.coastal.msstate.edu

Example Living Shorelines Permit Application

What remains of this guide is an example permit application that resulted in a permit being issued. The permit application contains the following documents:

- | | |
|-------------------------------------|---------------------------------|
| 1. State Lands Application | 5. USACE/ADEM Joint Application |
| 2. Documentation of Upland Interest | 6. Vicinity Map |
| 3. Property Survey | 7. Site Plan |
| 4. State Lands Affidavit | 8. Cross-Section Drawing |

Notice to Impact State-Owned Submerged Lands



STATE OF ALABAMA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
STATE LANDS DIVISION
5 Rivers – Alabama's Delta Resource Center
31115 – 5 Rivers Boulevard
Spanish Fort, Alabama 36527
(251) 621-1238
(251) 621-1331 Fax
www.outdooralabama.gov

NOTICE OF INTENT TO IMPACT STATE OWNED SUBMERGED LANDS

Request is made for review and approval of the following activities pursuant to State Lands Division Regulation 03-SL-01, Rule 220-4-09: Placement and Configuration of Piers and other Improvements on State Submerged Lands:

Name of Riparian Owner(s): _____

Signature of Riparian Owner: _____ Date: _____

(By the above signature, the Riparian Owner affirms that all information provided pertaining to this application is true, correct and accurate.)

Mailing Address: _____

(Street) (City) (Zip code)

Phone Number: _____ Fax Number: _____

Cell Number: _____ Email Address: _____

Contractor Name: _____ Contactor#: _____

Project Location: _____

(Street) (City) (Zip Code)

Tax Parcel ID No.: _____

Brief Project Description: Create living shoreline; plant marsh grasses (black needle rush) secured by coir logs & NTE 50 cu yds. Sand backfill. Mean high tide line will NOT be changed. SAI 1000 sq. ft

Residential (Check all that apply):

Dock _____ Pier _____ Bulkhead _____ Walk Way _____ Boathouse _____ Dredge/Fill _____ Pavilion _____

Deck _____ Piling/Pilings _____ Boat Slip _____

Nonresidential Facilities (Check all that apply):

Marina Complex _____ Condominium _____ Bulkhead _____ Dredge/Fill Coir & Fill

Dock _____ Pier _____ Walk Way _____ Boathouse _____ Pavilion _____ Deck _____ Piling/Pilings _____

Boat Slip _____

Section _____ Township _____ Range _____

Water Body: _____

Department Use Only

Documentation of Upland Interest

Prepared By Name: _____ Address: _____ State: _____ Zip Code: _____	
After Recording Return To Name: _____ Address: _____ State: _____ Zip Code: _____	

Space Above This Line for Recorder's Use	
<u>ALABAMA QUIT CLAIM DEED</u>	
STATE OF ALABAMA	
_____ COUNTY	
KNOW ALL MEN BY THESE PRESENTS, That for and in consideration of the sum of _____ (\$ _____) in hand paid to _____, a _____, residing at _____, County of _____, City of _____, State of _____ (hereinafter known as the "Grantor(s)") hereby conveys and quitclaims to _____, a _____, residing at _____, County of _____, City of _____, State of _____ (hereinafter known as the "Grantee(s)") all the rights, title, interest, and claim in or to the following described real estate, situated in _____ County, Alabama to-wit:	
_____ _____ _____	
[INSERT LEGAL DESCRIPTION HERE OR ATTACH AND INSERT]	
To have and to hold , the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever for the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever.	
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Property Survey

[illegible]

State Lands Affidavit



ALABAMA STATE LANDS DIVISION CONSENT

AFFIDAVIT FOR RIPARIAN PROPERTY OWNERS FOR CONSTRUCTION OF PIERS AND/OR BULKHEADS

Construction of docks, piers, boathouses, bulkheads and similar structures located below the mean high tide or on public submerged lands must be consistent with Alabama State Lands Regulation 220-4-.09 Placement and Configuration of Piers and Other Improvements on State Submerged Lands. All state owned submerged lands shall be subject to a navigation priority. Structures must maintain a 10 foot setback from both adjacent properties' riparian boundaries and may not exceed 25% of the water body at that location. Structures extending greater than 50 feet from the shore must provide safety lights as determined by the Alabama Marine Police.

NOTE: Alabama State Lands Division approval does not relieve the applicant's responsibility to obtain any required local building permits or other state or federal permit requirements. Contact your local building departments for further information.

State of Alabama ()
Baldwin County ()

AFFIDAVIT

The undersigned hereby represents that they are the legal owner(s) of real property located in Baldwin County, Alabama and that the property is located immediately adjacent to and abuts public waters and the undersigned has legal riparian rights associated with the upland property. A private pier or bulkhead structure connected to this property and located over state-owned submerged lands will be constructed and will comply with Alabama State Lands Division Regulation 220-4-.09.

I agree to build the proposed structure consistent with Alabama State Lands Regulation 220-4-.09 Placement and Configuration of Piers and Other Improvements on State Submerged Lands

In the event the structure is determined to pose a safety hazard or obstruction to navigation as determined by the Alabama Marine Police, or is determined to be inconsistent with Alabama State Lands Regulation 220-4-.09, I agree to modify the structure to eliminate such hazard or obstruction and conform to Regulation 220-4-.09 and/or navigational concerns of the Alabama Marine Police.

Signature Date

Print Name

Notary Public

Project Address

USACE/ADEM Joint Application page 1

JOINT APPLICATION AND NOTIFICATION
U. S. DEPARTMENT OF ARMY, CORPS OF ENGINEERS
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

This form is to be used for proposed activities in waters of the United States
within the political boundaries of the State of Alabama.

PLEASE TYPE OR PRINT IN INK

<p>1. Date: _____ month day year</p>	<p>APPLICATION NUMBER (TO BE ASSIGNED BY CORPS) _____</p>
<p>2. Applicant: _____ Name and Address: _____ Telephone Number and Email during business hours: A/C (_____) Residence _____ A/C (_____) Office _____ Email- _____</p>	<p>Official Use Only</p> <p>COE _____ ADEM _____ ADCNR _____ State Clearinghouse _____ Date Received _____</p>
<p>3. Designation of Agent, Statement of Authorization, I hereby designate and authorize _____ to act on my behalf in the processing of this permit application and to furnish, upon request, supplemental information in support of the application. _____ Signature of Applicant Date</p>	<p>Agent: _____ Name and Address: _____ Telephone Number during business hours: A/C (_____) A/C (_____) Email- _____</p>

4. Project Location:

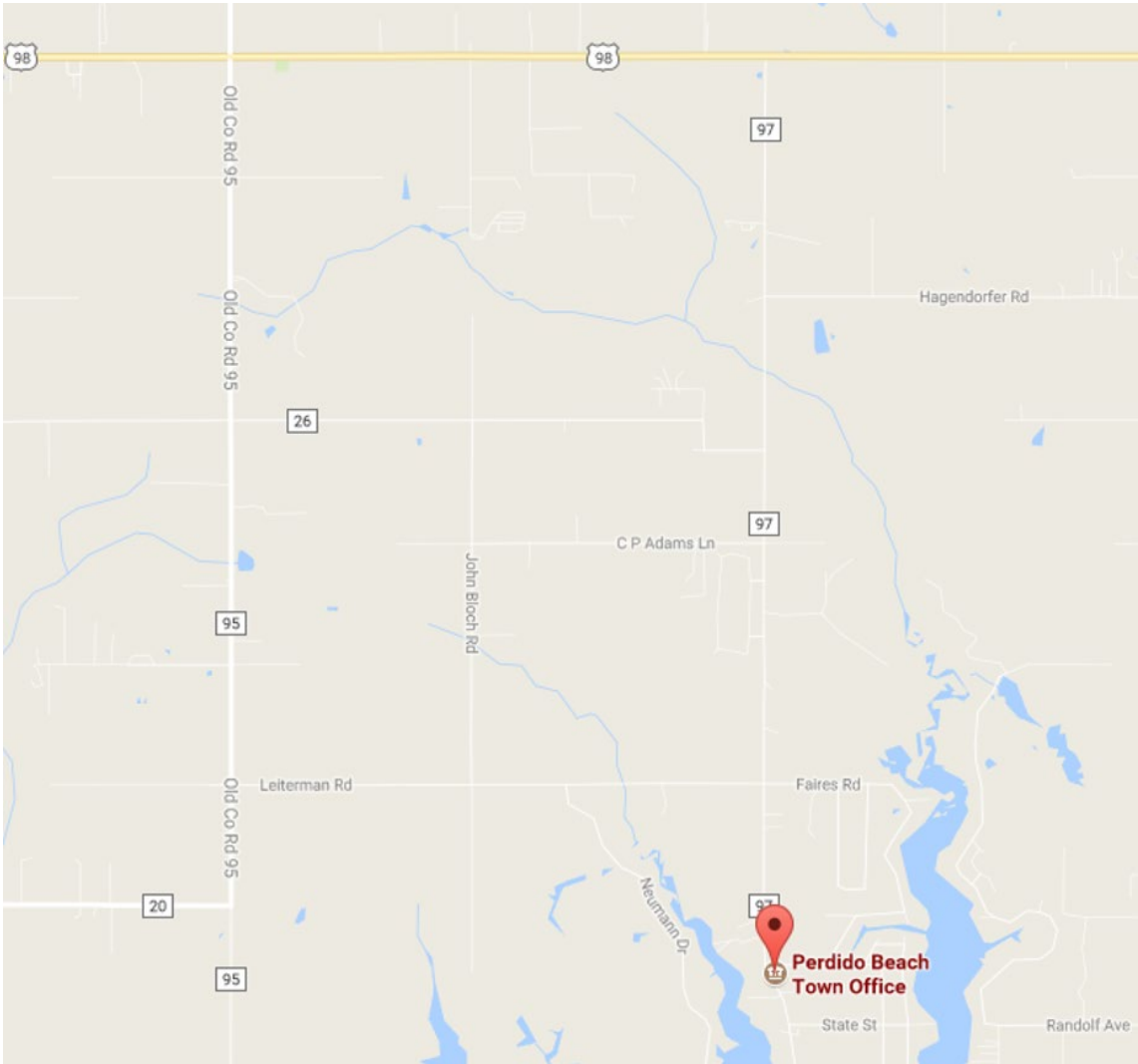
Street Address _____ City/Community _____
Name of Waterway _____ Latitude _____ Longitude _____
Geographic Location: Section _____ Township _____ Range _____ County _____
 Loran C coordinates (if applicable) _____
County Parcel Identification Number (PID)- _____
 (located on property tax receipt) _____

5. Project Description, including all aspects of the project. Describe completely and in detail. Include any structures such as piers, wharfs, bulkheads, pipelines, boathouses, boatramps, groins, jetties, and appurtenances, as well as any dredging, excavation, or fill activities. Attach additional sheets if necessary.

USACE/ADEM Joint Application page 2

5. Project Description (continued)					
6. Dredging Project Specifications (Show locations and dimensions of proposed dredge areas on attached plans. Include existing and proposed depths.).					
New Work <u>N/A</u> Maintenance Work <u>N/A</u>					
Cubic yards of material to be removed <u>N/A</u> Type of material _____ (sand, muck, hard bottom, etc.)					
Surface area (square feet) impacted <u>N/A</u>					
Method of excavation <u>N/A</u>					
Nature of area to be dredged (check all that apply) Upland <input type="checkbox"/> Wetland <input type="checkbox"/> Waterbottom <input type="checkbox"/>					
Other (explain) _____					
7. Specifications for Discharge of Dredged or Fill Material (Show locations and dimensions of all disposal or fill areas on attached plans.).					
Cubic yards of fill <u>50 cu yds</u> Type of fill <u>Native sand</u>					
Surface area (square feet) impacted <u>1,000 sq ft. (200 x 5)</u>					
Source of fill material (check all that apply) Commercially obtained <input checked="" type="checkbox"/> Dredged material <input type="checkbox"/> Borrowed on-site <input type="checkbox"/>					
Other (explain) _____					
How will discharged material be contained? (Include erosion control measures, levees, etc.) _____					
Nature of disposal/fill areas (check all that apply) Upland <input type="checkbox"/> Wetland <input type="checkbox"/> Waterbottom <input type="checkbox"/>					
Other (explain) _____					
8. Additional information relating to the proposed activity.					
Are oyster reefs located within or near the project area? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, explain: _____					
Will this project result in the siting, construction, and/or operation of an energy-related facility? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>					
Is the project area greater than 25 acres in size? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>					
Is any portion of the activity for which authorization is sought now complete? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, explain: _____					
Month and year activity took place _____					
If project is for maintenance work of existing structures or existing channels, describe legal authorization for the existing work. Provide permit number, dates or other form of authorization _____					
9. Describe the purpose and public benefit, if any, of the project. Describe the relationship between the project and any secondary or future development the project is designed to support. _____					
Intended use: Public <input type="checkbox"/> Private <input type="checkbox"/> Commercial <input type="checkbox"/> Other (explain) _____					
10. Project Schedule:					
Proposed start date _____ Proposed completion date _____					
11. Names and address of adjoining property owners, lessees, etc. whose property also adjoins the waterway. Also identify the owners on the plan views in attachment.					
12. List all authorizations or certifications received or applied for from federal, state or local agencies for any Structures, construction, discharges, deposits or other activities described in or directly related to this application. Note that the signature in Item 13 certifies that application has been made to or that permits are not required from the following agencies. If permits are not required place NA in space for Type Approval.					
Agency	Type Approval	Identification No.	Date of Application	Date of Approval	Date of Denial
AL Dept. of Environmental Management					
U. S. Army Corps of Engineers					
AL State Lands Division					
Alabama State Docks					
City/County					
Other					
ADEMForm166 5/14 m2 ADEM-COE Joint 404-401 application Page 2 of 4					

Vicinity Map



1) Proceed East on I-10

2) Turn right/South on 59 S @ Loxley/Gulf Shores Exit

3) Turn left/East on 98 at Foley

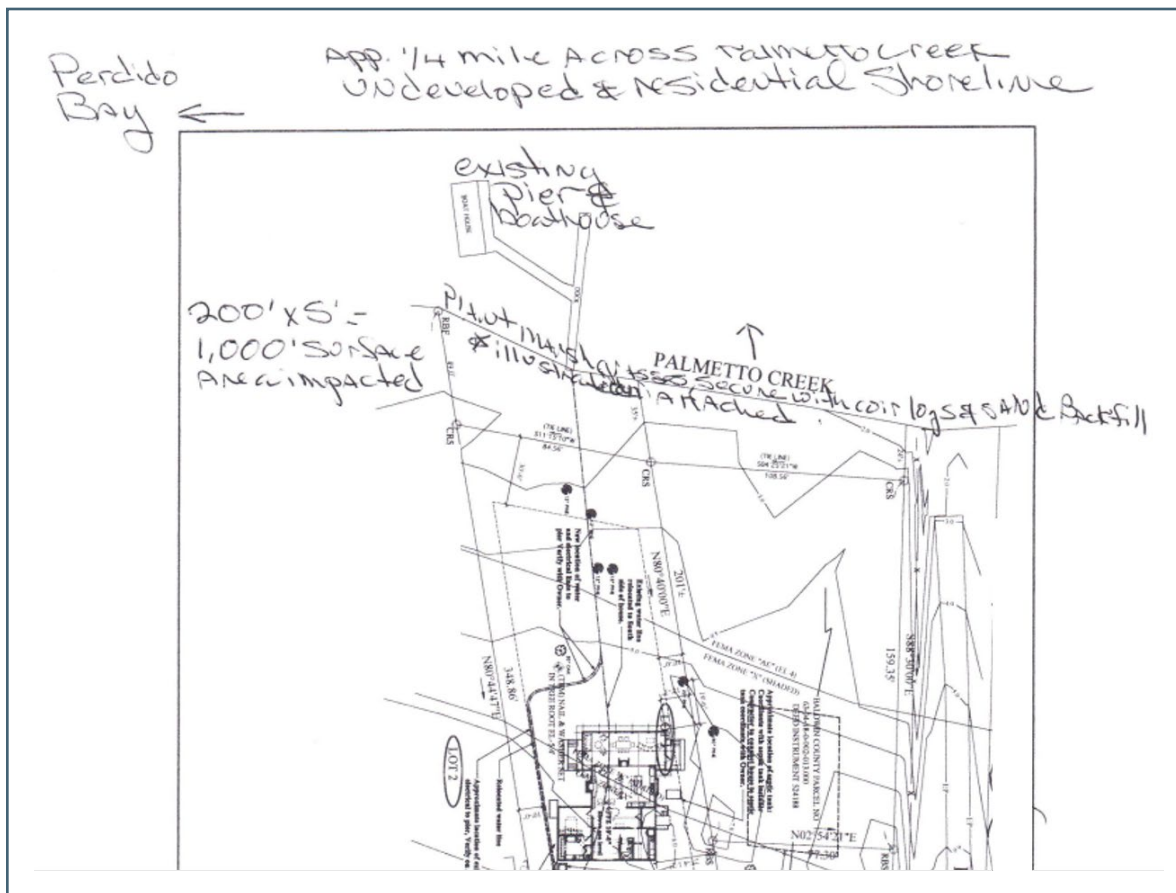
4) Turn right/South on 97 at Perdido Beach Exit

5) Destination is on the left

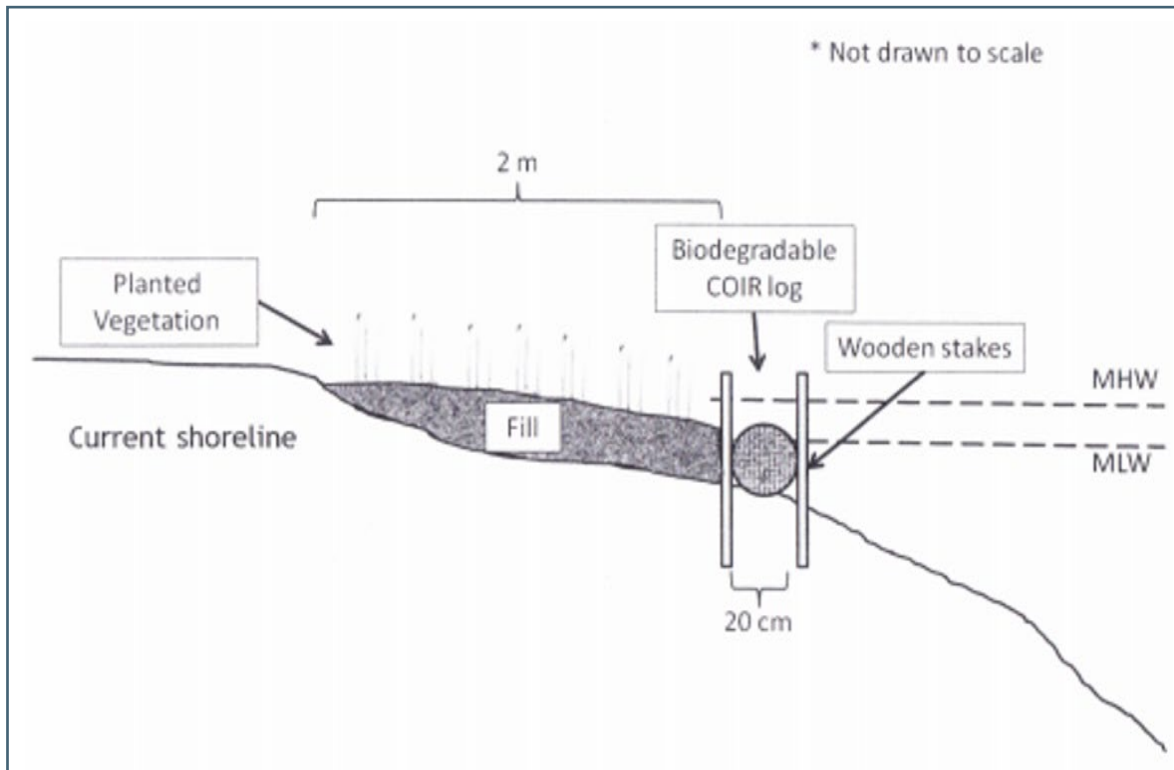
Directions

Mobile	I-10 East	Loxley	
		59 S	
			98 E
	Foley		Perdido Beach
			97 S ~4 miles

Site Plan



Cross-Section Drawing





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