Baldwin County Commission

Legislation Text

File #: 20-0202, **Version:** 1

Meeting Type: BCC Regular Meeting
Meeting Date: 11/19/2019
Item Status: New
From: Mike Howell, CBO, Coastal Director
Submitted by: Kim Nelson, Coastal Coordinator

ITEM TITLE

Alabama Department of Environmental Management Coastal Area Program - Resubmittal for Local Program Delegation

STAFF RECOMMENDATION

Approve and authorize the Chairman to sign a letter requesting re-delegation to the Alabama Department of Environmental Management (ADEM) for the ADEM Coastal Program in accordance with ADEM Admin Code R, 335-8-1-.12.

BACKGROUND INFORMATION

Previous Commission action/date: August 19, 2014; October 7, 2014

Background:

On March 1, 2014, the Baldwin County Commission/Coastal Area Program regained jurisdiction of the Fort Morgan Peninsula back from the City of Gulf Shores. This area encompasses everything from the 13 mile marker westward to the Fort Morgan State Historic Site. In doing so, the Baldwin County Commission Coastal Area Program will now administrate ADEM permits for the construction of Single Family Dwellings that insect with the CCL (Coastal Construction Line). At the present time, it takes approximately 8-10 weeks for ADEM to issue a permit for construction.

The County requested local program delegation authority to shorten that time period to approximately 5 weeks. Once a 30 day public notice comment period has been completed, the County can issue the ADEM permits, if there are no issues with the other State agencies, who are notified of a pending proposed construction project along the CCL.

The Attorneys for ADEM have reviewed the Memorandum of Understanding (MOU) and Ordinance for ADEM compliance. Once they receive this letter and accept Baldwin County's request for local delegation authority, the Coastal Area Program will return to the Commission for final approval of MOU and Ordinance.

Staff requested the Chairman to sign the letter so that it may be forwarded to ADEM.

October 7, 2014 -

1) Authorized the Chairman to execute the Memorandum of Agreement between the Baldwin County Commission and Alabama Department of Environmental Management (ADEM), for the purpose of delegating to the County the authority to issue Coastal Area Management Program Non-Regulated Use Permits for construction, repair, and reconstruction activities on properties intersected by the construction control line within the geographic jurisdiction of Baldwin County; and

2) Adopted, and authorized the Chairman to execute, the Beach and Dune Protection and Management Resolution #2015-011 for the management and protection of the County's beaches and dune resources as per ADEM Admin Code R, 335-8-2.08 Construction and Other Activities on Gulf Front Beach and Dunes; and

3) Approved the Baldwin County Coastal Area Program fee schedule. (This will allow the Baldwin County Coastal Area Program to be authorized to issue ADEM permits along the unincorporated area on the Fort Morgan Peninsula.).

FINANCIAL IMPACT

Total cost of recommendation: N/A

Budget line item(s) to be used: 51999

If this is not a budgeted expenditure, does the recommendation create a need for funding?   N/A

LEGAL IMPACT

Is legal review necessary for this staff recommendation and related documents?
N/A

Reviewed/approved by: N/A

Additional comments: N/A

ADVERTISING REQUIREMENTS

Is advertising required for this recommendation?   N/A

If the proof of publication affidavit is not attached, list the reason: N/A

FOLLOW UP IMPLEMENTATION

For time-sensitive follow up, select deadline date for follow up: N/A

Individual(s) responsible for follow up: Chairman to sign attached letter; Administration staff to mail original letter with attachment (Resolution 2015-011) to ADEM

Action required (list contact persons/addresses if documents are to be mailed or emailed):   Mail original request with attachment to:

Mr. Anthony Scott Hughes, Chief
Field Operations
P. O. Box 301463
Montgomery, Alabama 36130-1463

email a copy of correspondence to Kim Nelson, Coastal Coordinator.

Additional instructions/notes: N/A