



# The Mon Louis Island Report #2

*Prepared by the Mobile Bay National Estuary Program*

*May 6, 2011*

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This is the second installment in a series of reports to Mon Louis Island waterfront property owners to keep you up to date on progress being made towards undertaking a near shore habitat enhancement project along the north end of the Island. The Mobile Bay National Estuary Program (MBNEP) has joined with homeowners along the eastern shore of Mon Louis Island to create salt marsh and wave-attenuating reef structure along the shoreline and into the near shore waters to provide oyster and fisheries habitat and reduce the impact of ship wakes and prevailing winds along the Island's northern end.

On February 17, the community dialogue continued at a meeting at the St. Rose of Lima Parish Hall. University of South Alabama Civil Engineering Professor Dr. Bret Webb provided a presentation describing benthic/sediment characteristics; bottom profiles; water levels and sea level rise projections; storm and high water level frequency; wind, wave climate, and sand transport analyses; and historic shoreline migration (available online at: <http://www.mobilebaynep.com>).

Dr. Webb revealed that the prevailing wind distribution is southeast and north (depending upon the season) and that wave energy is generated primarily from ship wakes and local winds and *not* from the Gulf. He reported that most sand is transported in a northerly direction due to waves generated from southeasterly winds. Property owners offered anecdotal information regarding sand gain and loss, potential for beach degradation associated with rock dispersal following tropical weather events, the effect of extreme winter low tides on oyster reefs, and potentially unfavorable shoreline changes associated with the project (i.e., excess accretion).

Following the St. Rose of Lima meeting, several property owners met twice at the home of Greg and Dottie Lawley on Old Shipyard Road to continue clarifying issues of concern. At the first meeting, on February 26, MBNEP Director Roberta Swann and Community Outreach Coordinator Beth Walton listened as residents described several items to be considered and resolved before residents would feel comfortable committing to the wave attenuation project. Those considerations included riparian rights, Corps of Engineers Fowl River dredging activity and dredge material disposal practices, maintenance of reef structures following disruptive weather events, and property value impacts as a consequence of potential reef structure disruption. Jetty placement along the north and south sides of the east Fowl River inlet was suggested to reinforce the two sides of the river's mouth from future erosion.

Ms. Swann agreed to discuss the matter of river mouth reinforcement with Alabama Department of Transportation and Fowl River dredging with the U.S. Army Corps of Engineers, and to speak with Alabama Department of Conservation and Natural Resources (ADCNR) leadership in Montgomery about shoreline ownership and riparian rights concerns. A second meeting was hosted by the Lawleys on March 26 and attended by MBNEP Watershed Protection Coordinator Tom Herder and Ms. Walton. Tom reported back on action items undertaken by MBNEP (see below) and markers were set behind the Lawley property at 250-foot intervals out to 750 feet to provide visual references and determine depth profiles under "normal" conditions.



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On Wednesday, March 23, Ms. Swann met with ADCNR-State Lands Division Director Patti Powell, Natural Resources Manager Will Brantley, and Coastal Section Chief Phillip Hinesley to discuss expressed and potential issues of concern including: shoreline boundary/mean high water determination; shoreline changes and ownership issues; riparian rights; and restrictive covenants on deeds. Next steps included determining issues of concern for the Conservation Department Marine Resources Division and other state agencies, including Alabama Department of Environmental Management (ADEM) and Department of Public Health (ADPH). The primary issues raised by these entities included:

- That the project be undertaken in waters classified as conditionally open for shellfish harvest by the Department of Public Health (These waters are classified as conditionally open).
- Potential impacts to adjacent properties including accretion or debris from structures following tropical weather events
- Uncertainty over altered sedimentation and water circulation from installed structures
- Exposure of settling oysters to cold temperatures during extreme winter low tide conditions

During these meetings it became apparent that the residents and project planners would benefit from learning about the legal aspects of this project. At present, a **Riparian Rights and other Legal Considerations Workshop** for shoreline property owners is being planned. This meeting will include a presentation, *Understanding Shoreline Property Rights in Alabama*, prepared by the Mississippi Alabama Sea Grant Legal Program, along with a presentation on Maryland Experiences with Living Shorelines to be given by State of Maryland Department of Natural Resources representatives. A publication is currently being prepared by the Sea Grant Legal Program to educate waterfront property owners about riparian rights, policies, laws (and how they are exercised and waived), and ownership issues related to shoreline change and will be available soon.

## Future Steps for the Project

### **Riparian Rights and Other Legal Considerations for Living Shoreline Activity Workshop** **Thursday, May 26, 2011**

**6:00-8:30 p.m.**

**St. Rose of Lima Parish Hall**  
(Pizza and Drinks will be served)

We look forward to continuing our partnership with the Mon Louis Island homeowners to enhance fisheries habitat, resources vital to coastal Alabama's quality of life. If you would like to learn more about our efforts, please feel free to contact Tom Herder (therder@mobilebaynep.com) or Beth Walton (bwalton@mobilebaynep.com) or call 251-431-6409. If there is a better way for us to get in touch with you, please let us know.

Sincerely,

A handwritten signature in black ink that reads "Roberta Swann".

Roberta Swann  
Director