

PRESS-REGISTER

Bulkheads blamed for 'bathtubbing of Mobile Bay'

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Staff Reporter

A nationally respected coastal engineer says that state rules are preventing waterfront property owners from using the most environmentally friendly techniques to prevent erosion, even as state policy encourages such work.

The Alabama Department of Environmental Management leaves owners faced with eroding natural shorelines no choice but to build bulkheads at the water's edge, said Scott Douglass, an engineer with the University of South Alabama.

That, says Douglass, means that more and more of Mobile Bay's natural shoreline is being walled off and destroyed. So far, more than one third of the bay is framed in bulkheads, an effect that Douglass calls "the bathtubbing of Mobile Bay."

Available "living shoreline" options would preserve the natural beaches and marshes upon which all creatures in the bay depend, Douglass argues, but ADEM's rules won't allow homeowners to use most of them. He said those rules are "based on discredited science from the 1970s."

Federal officials have asked ADEM several times in recent years to review and revise the rules, according to federal documents. A draft of a recent evaluation of Alabama's coastal rules conducted by the National Oceanic and Atmospheric Administration in December suggests that ADEM is about to be required to do so. In interviews last week, ADEM spokesman Jerome Hand denied any such requests had come from federal officials and did not respond to follow-up questions seeking clarification.

'Pocket beaches' Instead of bulkheads, Douglass said that homeowners should be encouraged to install low, sand-trapping walls called groins that run perpendicular to the shoreline at edges of an eroding property. Those walls, which reach out into the water a few feet, create a stable "pocket beach" that will not wash away easily.

He envisions groups of property owners battling erosion teaming up to create a series of pocket beaches along the shore.

"We are not against living shorelines," said Scott Hughes, an ADEM representative. "But we've got to look at the interests of not just one property owner, but all the property owners. You can have some downstream impacts from these groin structures." He said that the agency "is more than willing" to meet with Douglass and discuss his concerns.

Bulkhead problems Scientists, including Douglass, have written extensively about the environmental problems associated with bulkheads or seawalls.

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The bulkheads increase wave energy, cause intense erosion on adjacent natural shorelines, and deepen the water in front of them, scientists say. Also, areas along bulkheads tend to be nearly devoid of marine life, including fish, shrimp, seagrasses and oysters.

ADEM's rules specifically prohibit the use of groin structures. ADEM officials contend that such walls trap sand in the nearby area, and trigger erosion by preventing natural currents from carrying the sand to the next beach down the line. The agency also says that groins placed in the water amount to an illegal taking of state property.

"Groins definitely can rob Peter to pay Paul," Douglass said. "But there are ways to design them so they don't steal sand from anyone."

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Call for change Douglass is advocating a shift in ADEM's approach. He wants the agency to permit the use of sand-catching groins, provided they have been designed by a coastal engineer who certifies that they will not steal sand from neighbors.

"You can tune the structures so that they handle the wave environment for the specific beach you are placing them on. Then you overfill them with sand so they are actually contributing sand to the neighboring beaches," Douglass said.

Large versions of his pocket beach designs can be seen in action at the Grand Hotel in Point Clear and by the Pier Street boat ramp in Fairhope. In both cases, ADEM granted exemptions for the projects, but those exemptions are not available to private homeowners. Several homeowners have tried to get permission to employ one of Douglass' pocket beach designs, but they have been turned down, Douglass said.

Saving his property Morris Place, for example, is considering building a bulkhead in front of his Orange Beach home on Bay La Launch and said that it breaks his heart. He said that more than anything, he'd like to keep his sand beach.

The problem, according to Place, is the series of ADEM-approved bulkheads built by his neighbors in 2003. He has lost about 20 feet of property since then, he said, and the bay is creeping ever closer to the edge of his home. Dying pine trees sit at the water's edge, root systems fatally exposed.

Place said ADEM officials told him they wouldn't permit the groin structures required for one of Douglass' pocket beaches, and that he should save his \$1,900 application fee. "I can't fiddle anymore while Rome burns," Place said.

ADEM officials have said that the Department of Conservation and Natural Resources is a roadblock to building groins to create pocket beaches, something that the conservation agency denied.

"All of the designs I'm familiar with for pocket beaches and other natural shoreline projects require the use of groins or similar structures that are strictly prohibited in ADEM's regulations. That has always been the stumbling block," said Jeff Jordan with the Conservation Department.

"Our guys have been out there in the field helping build some of these living shorelines. We're not opposing them. We are encouraging them, which is state policy."

Asked about ADEM's regulations, Jordan said they were "promulgated in 1996 and have not changed since then. That's one of the issues we have. The regs are so outdated."

For the past several years, federal officials have urged ADEM to revise the regulations and bring them into agreement with the policies in the Alabama Coastal Area Management plan, according to federal documents examined by the Press-Register. That plan is administered by the Conservation Department, which is considered the "lead agency for coastal zone management," according to federal officials.

The Press-Register asked ADEM officials about the agency's discussions with NOAA regarding the state's regulations. In an e-mailed statement, Hand wrote, "The Alabama Department of Environmental Management has not been in contact with the National Oceanic and Atmospheric Administration regarding this matter (routine program changes to coastal rules regarding Mobile Bay)."

A draft version of the federal report, obtained by the Press-Register, states that eight officials within ADEM were consulted. The document describes "necessary action" that the state "must" complete. The final version of the federal evaluation of the Alabama Coastal Area Management Program, which was conducted in December 2007, should be released within a matter of days or weeks, according to federal officials.

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