

# John H. Chafee Coastal Barrier Resources System Unit AL-05, Alligator Lake, Alabama Summary of Final Recommended Changes

**Type of Unit:** Recommended new System Unit

**Location of Unit:** On the eastern end of Dauphin Island, south of Mobile, in Mobile County, Alabama

**Congressional District:** 1

**Date of Final Recommended Map:** April 10, 2015

**Number of Maps:** Unit AL-05 is depicted on one map.

**Base Map Imagery Source and Date:** U.S. Department of Agriculture National Agriculture Imagery Program, 2013

**Establishment of Unit:** A minor portion of the proposed new System Unit AL-05 is within existing Otherwise Protected Area (OPA) Unit AL-05P. The remainder of the recommended new unit is currently not within the Coastal Barrier Resources System (CBRS).

**Public Comments:** The U.S. Fish and Wildlife Service (Service) held a 60-day public comment period from September 12 through November 14, 2011, on the draft map dated September 22, 2009. For a summary of the comments received and the Service's responses, see the document entitled *Summary of Public Comments Received on Draft Map for John H. Chafee Coastal Barrier Resources System Units Q01P, Q01A/Q01AP, and AL-05P and U.S. Fish and Wildlife Service Responses and Recommendations*, which is available on the Service's website at: [www.fws.gov/cbra](http://www.fws.gov/cbra).

**Changes between Proposed and Final Recommended Boundaries:** The 2008 base map imagery that was used for the draft map dated September 22, 2009, has been replaced with 2013 imagery.

The final recommended map dated

April 10, 2015, includes new Unit AL-05 within the CBRS. Unit AL-05 is comprised of an approximately 14-acre parcel owned by the U.S. Coast Guard (USCG) that was originally proposed for inclusion within Unit AL-05P on the draft map dated September 22, 2009 (about 1 acre of the parcel is currently within Unit AL-05P and the remainder of the parcel is currently not within the CBRS). This parcel was used by the USCG as a recreational facility until it was substantially damaged by Hurricane Katrina in 2005. All but one of the structures on this parcel were demolished in 2008. Based on communication with the USCG and GSA in 2014, it is the Service's understanding that the USCG no longer uses this parcel for recreation. At the time the USCG was determining whether it should be reported to the General Services Administration for divestiture. Because this parcel is no longer held for recreational purposes, it no longer meets the Coastal Barrier Resources Act (CBRA) criteria for an OPA, which is defined as an area "established under Federal, State, or local law, or held by a qualified organization, primarily for wildlife refuge, sanctuary, recreational, or natural resource conservation purposes" (Section 12 of the Coastal Barrier Improvement Act; Pub. L. 101-591). While this property no longer meets the criteria for an OPA, it does meet the criteria for a System Unit. The classification of the parcel is therefore changed from OPA Unit AL-05P to System Unit AL-05 on the final recommended map to reflect this change in status.

**System Unit Criteria:** The CBRA (16 U.S.C. 3503(g)(1)) requires that the Secretary of the Interior consider the following criteria when making recommendations to the Congress regarding the addition of any area to the CBRS or in determining whether, at the time of inclusion within the CBRS, a coastal barrier is undeveloped: (A) the density of development is less than one

structure per five acres of land above mean high tide; and (B) there is existing infrastructure consisting of (i) a road, with a reinforced road bed, to each lot or building site in the area; (ii) a wastewater disposal system sufficient to serve each lot or building site in the area; (iii) electric service for each lot or building site in the area; and (iv) a fresh water supply for each lot or building site in the area.

The USCG property clearly meets the density criteria with only one structure per 14 acres. While there is infrastructure to the USCG parcel that was put in place long ago to support prior recreational uses (which future development on the property could potentially access), the Service believes that the intent of the infrastructure criterion is to exclude from the CBRS areas where there is intensive private capitalization demonstrating a substantial on the ground commitment to complete development already underway at the time an area is (or was) added to the CBRS. The Service is not aware of such private capitalization or commitment to development for this parcel today, and the parcel is therefore appropriate for inclusion within the CBRS.

**Final Recommended Unit:** The Service recommends creating a new System Unit AL-05. Included within this new unit is a parcel owned by the USCG (comprising approximately 14 acres). The Service has considered the level of development on the ground (as directed by 16 U.S.C. 3503(g)(1)) and though there is existing infrastructure that was put in place to support prior recreational uses, the Service believes that inclusion of this area within the CBRS is consistent with the intent of CBRA, and therefore recommends its inclusion within Unit AL-05 (see "System Unit Criteria" section above for additional information).

Future construction on the property by the USCG (should it choose to retain the property) would be exempt from CBRA's prohibitions on Federal expenditures

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due to an exception for “the construction, operation, maintenance, and rehabilitation of Coast Guard facilities and access thereto” (16 U.S.C. 3505(a)(5)).

The Service’s final recommended map dated April 10, 2015, depicts changes to the CBRS that will only become effective if the revised map is adopted through legislation enacted by Congress.

### Acreeage, Shoreline, and Structures:

	<i>Total Acres</i>	<i>Upland Acres*</i>	<i>Associated Aquatic Habitat Acres**</i>	<i>Shoreline (miles)</i>	<i>Structures***</i>
Existing Unit	0	0	0	0.0	
Added to the CBRS	13	13	0		1
Removed from the CBRS	0	0	0		0
Reclassified Area	1	1	0	0.1	
Final Recommended Unit	14	14	0	0.2	
Net Change	14	14	0	0.2	1

\* Land above mean high tide.

\*\* Associated aquatic habitat includes wetlands, marshes, estuaries, inlets, and open water landward of the coastal barrier, but does not include open water seaward of the shoreline. This information is derived from an interpretation of 2013 aerial imagery in consultation with National Wetlands Inventory data and other data sources as necessary.

\*\*\* Structure count derived from 2013 aerial imagery. The structure that is added to the CBRS is owned by the U.S. Coast Guard.

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