

RESOLUTION NO. 4792-12
APPROVES APPLICATION FOR ADCNR COASTAL PUBLIC ACCESS
GRANT AT WOLF CREEK PARK

WHEREAS, the City of Foley proposes to construct a canoe/kayak launch and parking area at the proposed Wolf Creek Park; and

WHEREAS, the City of Foley intends to make application to the Alabama Department of Conservation and Natural Resources State Lands Division, Coastal Section for grant assistance to develop a canoe/kayak launch and parking area at the proposed Wolf Creek Park from the 306A Public Access Improvement Grant program; and

WHEREAS, the deadline to apply is March 2, 2012; and

WHEREAS, there is funding up to \$50,000 available, a 50/50 match is required and in-kind services are allowed.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Foley, Alabama, as follows:

SECTION 1: Approves ADCNR Coastal Public Access Grant Application for up to \$100,000, with \$25,000 cash, \$25,000 in-kind matching funds, and \$50,000 grant funds to be used for a canoe/kayak launch at the proposed Wolf Creek Park.

SECTION 2: In the event a grant is awarded, the City of Foley understands that it will sign assurances to comply with all applicable Federal and State laws, rules and regulations.

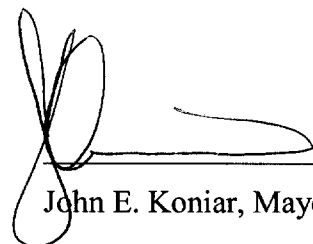
SECTION 3: This Resolution shall become effective immediately upon its adoption as required by law.

PASSED, ADOPTED AND APPROVED THIS 6th day of February.



ATTEST:


Vickey Southern, CMC
City Clerk


John E. Koniar, Mayor

16A

AGENDA REQUEST FORM

DATE OF WORK SESSION: February 6, 2012

DATE OF COUNCIL MEETING: February 6, 2012

DEPARTMENT AND PERSON SUBMITTING ITEM: Community Development; Leslie Lassitter, Suzanne Kellams

DESCRIPTION OF TOPIC: (who, what, when, where, why, and how much)

Request permission to apply for the ADCNR Coastal Public Access Grant for the construction of a canoe/kayak launch and parking area at the proposed Wolf Creek Park. The application deadline is March 2, 2012, with funding available in October if awarded. There is a 1:1 match, but in-kind services are permitted. The project would be \$50,000 in grant funds with \$25,000 cash match and \$25,000 in kind services for a total of \$100,000 worth of improvements.

DESCRIPTION FOR PUBLISHED AGENDA:

Request permission to apply for the ADCNR 306A Public Access Improvement Grant for improvements to a future City waterfront park.

IS DOCUMENTATION ATTACHED (See attached list): ☒ Yes ☐ No – Grant Application

If item was previously approved under a Resolution or Ordinance have you included the number in the documentation? ☐ Yes ☐ No ☒ N/A

Is a copy of the Resolution/Ordinance attached? ☐ Yes ☐ No ☒ N/A

SOURCE OF FUNDING:

Please provide the amount requested: \$100,000 total project; \$50K grant, \$25K City funds, \$25K In Kind

Is this a budgeted item? ☐ Yes ☒ No

Please provide the budgeted amount: \$_____ Account No. _____

If budgeted, is this a capital purchase, capital project, or special fund? _____

Was this item included in the Fiscal Year Capital Projects Plan? ☐ Yes ☐ No

If yes, please provide the amount included in Capital Projects Plan: \$_____

=====Do Not Write Below This Line=====

Verified by the Finance Department:

Reviewed by: LS Date: 1/30/2012

Clerk's Office: Received by: _____ Date: _____ Time: _____

(see back for required backup documentation)

MLT 1/30/12

1-20-12 Copies sent to Leslie + Suzanne. VS



STATE OF ALABAMA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
STATE LANDS DIVISION, COASTAL SECTION

ROBERT BENTLEY
GOVERNOR

N. GUNTER GUY, JR.
COMMISSIONER
CURTIS JONES
ASSISTANT COMMISSIONER

5 Rivers ~ Alabama's Delta Resource Center

31115 - 5 Rivers Boulevard
Spanish Fort, Alabama 36527
(251) 621-1216
(251) 621-1331 Fax

PATRICIA J. POWELL, DIRECTOR
GREGORY M. LEIN, ASSISTANT DIRECTOR
STATE LANDS DIVISION

PHILLIP E. HINESLEY
COASTAL SECTION CHIEF

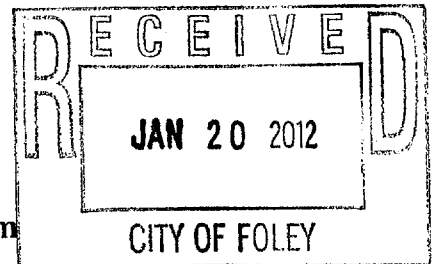
January 17, 2012

NOTICE TO:

ALL INTERESTED PARTIES

FUNDING OPPORTUNITY FOR:

Alabama Coastal Area Management Program
Annual Request for Proposals
for
306A Public Access Improvement Grants



The Alabama Department of Conservation and Natural Resources (ADCNR), State Lands Division (SLD), Coastal Section is accepting applications for low cost public access improvement grants in the Alabama Coastal Area for Fiscal Year 2013.

Funding is provided by the Office of Ocean and Coastal Resource Management (OCRM) of the National Oceanic and Atmospheric Administration (NOAA) and administered by the ADCNR on a competitive basis. Thus, the timing of this request for project proposals is coincident with the development of the State's annual Application for Federal Assistance to NOAA to administer the Alabama Coastal Area Management Program (ACAMP). The applications will be reviewed by ADCNR/SLD Coastal Section staff. Assisting in the review will be the Mobile Bay Natural Estuary Program (MBNEP). This joint review is intended to support the ACAMP and the MBNEP Comprehensive Conservation Management Plan.

Section 306A - Public Access Improvement Grants are designed to assist states, area-wide agencies, regional agencies and local units of government to acquire, develop or improve public access to coastal areas. Eligible projects include new public access construction, repairs and/or renovation, land acquisition or environmental education in the form of interpretive signage.

Project proposals will be reviewed and funding will be prioritized based on 1) availability of federal funds, 2) the nature and scope of the project, and 3) formal grant approval by NOAA, OCRM.

If accepted, funds will be available October 1, 2012 for a period not to exceed 12 months or by request of the applicant 15 months.

Project applications are required to contain the following information:

1. Completed application with all required attachments (Attachments 1 and 2).
2. Project package that includes:
 - a. Name of project
 - b. Detailed task description
 - c. Detailed budget

- d. Site location map
- e. Site plan
- f. Electronic copy of project description and budget
- g. A title opinion, title insurance commitment/certificate, or affidavit showing that the property on which the proposed project will be located is publicly owned, leased, or under easement in perpetuity or for the expected life of the project (at least 20 years) will be required **within 30 days** of notification of project acceptance
- h. Other information may be required by the Coastal Section on an as-needed basis

Funding Information:

- All awards require a 1:1 ratio of non-federal matching funds. Match may consist of cash, materials, in-kind services or donations that support the project.
- Awarding of contracts will be subject to receipt of funds from NOAA.
- Funding is geographically limited to those sites located completely or partially within the Alabama Coastal Area (those lands and waters seaward of the continuous 10' contour in Mobile and Baldwin Counties).
- Funding will be administered through contractual arrangements administered by the State Lands Division.
- The preferred minimum funding amount is **\$20,000.00** federal funds. Maximum funding amount is **\$50,000.00** federal funds. Several projects from one unit of government or entity may be bundled to meet the minimum. Applications for funding less than the minimum will be accepted, but the applicant must provide justification and the proposal must meet a unique and/or critical need.

Timeline:

March 2, 2012	Proposals must be received in the State Lands Division, Coastal Section office by close-of-business.
March 23, 2012	State Lands Division, Coastal Section staff, in conjunction with MBNEP, having reviewed all proposals, will determine which projects are placed into the ADCNR's grant application to NOAA.
March 30, 2012	Applicants will be notified of their selection status.
April 20, 2012	ADCNR's application for federal assistance will be submitted to NOAA for approval.
October 1, 2012	If approved by NOAA, funding becomes available on this date. Contracts may be executed prior to this date so that projects commence on October 1, 2012.
September 30, 2013	Projects must be completed.
December 31, 2013	Per request of applicant, projects must be completed.

To Apply:

Submit a completed application form (attached) and any supporting documentation by close-of-business on March 2, 2012, to:

Alabama Department of Conservation and Natural Resources
State Lands Division, Coastal Section
ATTN: Kelly Swindle
31115 ~ 5 Rivers Boulevard
Spanish Fort, Alabama 36527

By Fax: (251) 621-1331

By E-mail: Kelly.Swindle@dcnr.alabama.gov

Questions and Assistance:

Kelly Swindle
 ADCNR, State Lands Division, Coastal Section
 Phone: (251) 621-1216 / Fax: (251) 621-1331
 E-mail: Kelly.Swindle@dcnr.alabama.gov

ALABAMA COASTAL AREA MANAGEMENT PROGRAM

Funding Application
for
306A Public Access Projects

(Use one application per project)

Title of Project: Location of Project: Applicant (Organization Name): Federal Funding Requested: Date of Request:
Project Contact: Phone: Fax: Mailing Address: E-Mail Address:

Project Description/Narrative:

Please attach a 1-2 page project narrative with the following information at a minimum:

- Purpose of the project
- Scope of services to be performed
- Geographic area served by the project
- Identification of principal investigator and all project partners
- A project timeframe with beginning/end dates and key progress benchmarks

Project Budget:

Please provide a categorized budget summary in the table below.

Category	Federal Funds Requested	Value of Non-Federal Match *	Total Project Value
Salary			
Fringe Benefits			
Travel			
Equipment			
Supplies			
Sub-Contractual			
Other			
Total			

* Please indicate whether match is cash or in-kind.

In the following table, please provide a brief justification for the expenditures in each category as they relate to the proposed project.

Category	Justification
Salary	
Fringe Benefits	
Travel	
Equipment	
Supplies	
Sub-Contractual	
Other	

ATTACHMENT 1: APPLICATION FORM AND QUESTIONNAIRE

1. **Name of municipality, county or agency applying for funds and amount requested**

_____ \$ _____
Name Federal Funds requested

2. **Name, address, phone and fax numbers, and e-mail address of contact person**
(or attach a business card).

Name

Address

Phone / Fax / E-mail Address

3. **Type of project (choose from lists below)**

(NOTE: The project must be located within the designated Alabama Coastal Area, which is the area between the continuous 10-foot contour seaward three miles. Contact the Coastal Section for more information.)

a. **Objective (check all that apply)**

___ Preservation, restoration of areas designated in Alabama's Coastal Area Management Program;

___ Preservation or restoration of coastal resource of national significance or restoring or enhancing shellfish production/clutch;
Identify coastal resource: _____

___ Redevelopment of deteriorating or underused urban waterfronts designated as Areas of Particular Concern (APC) in Alabama's Coastal Area Management Program.
Identify APC: _____

___ Providing public access to coastal areas;

___ Development of process for aquaculture.

b. **Uses (check all that apply)**

___ The acquisition of fee simple or other interest in land, e.g., purchasing an easement for a public right-of-way to the beach or to purchase an ecologically important area to preserve as an area of particular concern.

___ Low-cost construction project that provides for (a) public access to beaches, coastal waters and coastal wetlands, including but not limited to paths, walkways, dune walkovers, boardwalks, public piers, fences, parks;
(b) improvements to existing public access sites, e.g., restroom facilities, parking, outdoor showers, benches, lighting, etc. and/or rehabilitation of historic buildings and structures.

___ The revitalization of deteriorating or underutilized urban waterfronts or ports for
1. the rehabilitation or acquisition of piers for public use, including compatible commercial activity;

2. the establishment of small scale shoreline stabilization measures, including the installation or rehabilitation of bulkheads for the purpose of public safety or increased public access and use of urban waterfront area; and
 3. the removal or replacement of pilings where such action will provide increased recreational use of urban waterfront areas.
- (NOTE: Funds shall not be used to finance large-scale erosion-prevention structures, such as beach nourishment or hard structure erosion control projects.)

____ Engineering designs, specifications and other appropriate reports related to the above (including aquaculture processes).

____ Educational, interpretive signage and other management costs (including aquaculture processes).

Verify or answer the following statements and questions by circling one option.

4. Public Benefit

- a. The proposed project will be located on a property that is publicly owned or accessible via a publicly held easement.

Yes / No

- b. The project will be for public benefit.

Yes / No

- c. The funds for this proposed project will improve private property or other private enterprises (including non-profit property or enterprises) and will be used for private or commercial gain.

Yes / No

(NOTE: If the answer is Yes, the project is not eligible for funding).

- d. The state or sub-recipient will need to secure an easement or lease to conduct the project (i.e. because the sub-recipient does not own the property).

Yes / No

If Yes, attach a copy of the easement or lease. If No, go to Question 4.e.

The easement or lease contains a reversionary clause?

Yes / No

- e. The project will be open to the general public.

Yes / No / Not-Applicable

If the answer to Question 4.e. is No, the project is not eligible for Section 306A funding unless access is to be limited for a legitimate reason, such as public safety, resource protection or scientific research. Attach an explanation why the project will not be open to the public and describe the public benefits that would be provided by the project in the absence of public access.

- f. Will the public be charged a user fee to access the proposed project?

Yes / No / Not-Applicable

If Yes, attach an explanation for the user fee, including the amount, whether there will be differential fees (and a justification thereof), the need for the fees and proposed use of revenue.

5. Involvement of Nonprofit Organizations

Will the applicant contract with a non-profit organization to complete part or the entire proposed project?

Yes / No

If Yes, the name of the non-profit is _____

6A. Supporting Documentation for Low-Cost Construction Projects (if your project is land acquisition, skip to 6B.)

- a. A title opinion, certificate or affidavit showing that the property for the proposed project is publicly owned or leased in perpetuity or for the expected life of the project (at least 20 years)
is attached to this document. / will be provided within 30 days of notification of project acceptance.

(Go to Question 7.)

6.B. Supporting Documentation for Land Acquisition Projects

- a. A title opinion or title insurance commitment/certificate showing that the property to be acquired is owned by the contracted seller and is free of encumbrances that could affect the future viability of the property in its intended use is attached.

Yes / No / Not-Applicable

- b. The State or grant sub-recipient has obtained an independent appraisal of the fair market value for the property to be purchased that was developed pursuant to Coastal Program Division's Section 306A Guidance.

Yes / No / Not-Applicable

7. National Historic Preservation Act and Alabama Historical Commission

To your knowledge, will the proposed project affect properties listed in the National Register of Historic Places or is otherwise protected by Section 106 of the National Historic Preservation Act or similar State Preservation Act?

Yes / No

Please read and initial.

A clearance from the Alabama Historical Commission is required by NOAA for each project. Therefore, once the ADCNR, State Lands Division, Coastal Section tentatively approves an application, the staff submits it to the Alabama Historical Commission (AHC), which is the state's historic preservation agency. The agency will provide a clearance or will set conditions in a letter addressed to the Coastal Section.

Coastal Section staff will notify the applicant of additional requirements. The applicant must address any conditions that the AHC places on the project prior to beginning work and submit a copy of any correspondence between the AHC and the applicant to the Coastal Section office.

Your initials indicate that you have read and understood Item 7. of this application. _____

8. National Flood Insurance Program

- a. The project involves actual construction or land acquisition to support construction.

Yes / No

If No, then you go on to Question 9.

- b. The project will be located in a Special Flood Hazard Area shown on a National Flood Insurance Program (NFIP) Flood Insurance Rate Map.

Yes / No

If No, then you go on to Question 9.

- c. The community in which the project will be located is participating in the National Flood Insurance Program.

Yes / No

(Note: If the community does not participate in the NFIP, the project is not eligible for funding.)

9. Coastal Barriers Resources Act Requirements

The project is located on a coastal barrier island designated as a unit of the Coastal Barriers Resources Act (CBRA)?

Yes / No

If Yes, attach a brief analysis as to how the proposed project is consistent with the three CBRA purposes: to minimize (1) the loss of human life, (2) wasteful federal expenditures, and (3) damage to fish, wildlife and other natural resources.

10. Endangered Species Act Requirements

Please read and initial.

The Coastal Section office submits copies of all 306A applications to the U.S. Fish & Wildlife Service so they may render an opinion as to the proposed project's compliance with the Endangered Species Act (ESA). If the USFWS believes that a proposed project may have minor and temporary effects, additional requirements may be placed upon the project by the USFWS, and these requirements must be adhered to by the applicant in order to receive funding.

If a proposed Section 306A project may significantly affect threatened or endangered species or critical habitat, NOAA, OCRM will request that the state withdraw the proposed project from consideration. If the state still wants to proceed, NOAA, OCRM will enter into an ESA Section 7 consultation with the USFWS. However, NOAA will not approve a proposed Section 306A project that the USFWS has determined will adversely and significantly affect threatened or endangered species or critical habitat.

Your initials indicate that you have read and understood Item 10. of this application. _____

11. National Environmental Policy Act Requirements

In your opinion,

- a. Will the proposed project significantly affect the quality of the human environment?
Yes / No
- b. Will the proposed project involve unresolved conflicts concerning alternative uses of available resources?
Yes / No
- c. Will the proposed project have significant adverse effects on public health and safety?
Yes / No
- d. Will the proposed project have highly controversial environmental effects?
Yes / No
- e. Will the proposed project have highly uncertain environmental effects or involve unique or unknown environmental impacts?
Yes / No
- f. Will the proposed project have significant adverse impacts on other natural resources, e.g., beaches and dunes, wetlands, estuarine areas, wildlife habitat, wild or scenic rivers, reefs, or other coastal resources?
Yes / No
- g. Will the proposed project have insignificant effects when performed separately, but their addition to effects from existing and reasonably foreseeable actions may result in cumulatively significant impacts?
Yes / No

If the answer to any one of the subparts of Item 11. is Yes, then additional National Environmental Policy Act (NEPA) review and documentation may be required. Attach a description of the resource(s) affected, the nature and scope of the effects and information explaining why the state or sub-recipient believes an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) should not be required. The federal granting agency may require additional information in cases where potential impacts are not clearly described or where probable impacts require an EA or EIS.

12. Environmental Justice

Will this proposed project have disproportionately high and adverse human health or environmental effects on minority or low income populations?

Yes / No

13. Coastal Nonpoint Pollution Control Program

The applicant will use best management practices in conformance with the Coastal Nonpoint Pollution Control Program.

Yes / No / Not Applicable

14. Americans with Disabilities Act – Handicapped Accessibility Requirements

Is the proposed project handicapped accessible?

Yes / No / Not Applicable

If the answer is No, attach an explanation as to how the project meets the handicapped accessibility requirements stated below.

Section 306A public access projects shall be handicapped accessible unless the construction of a handicapped accessible structure would damage coastal resources or resource damage would occur in the absence of the section 306A project. In these instances, the Section 306A project shall be handicapped accessible to the extent that conditions allow. A state may not use increased cost as a reason to not construct a handicapped accessible Section 306A project. A project is not eligible for Section 306A funds unless it meets these criteria.

15. Other Federal and State Laws and Requirements

Tribal Interests

a. The project is located on or will affect tribal lands.

Yes / No

b. The project is consistent with applicable tribal laws.

Yes / No / Not Applicable

List all local, state, tribal or federal permits required for this project.

(Note: NOAA requires the applicant to submit copies of all applicable permits to the Coastal Section office prior to beginning work on the project. Failure to obtain permits and adhere to the requirements will make a project ineligible for 306A funding).

Please read and initial

- a. All projects may be subject to federal and state requirements and permitting in addition to those listed by the applicant. These additional requirements include, but may not be limited to, the following:

Permit: U.S. Army Corps of Engineers (initiated by applicant)

Once a project is approved and a contract executed, the applicant is responsible for obtaining approval from the U.S. Army Corps of Engineers (Corps) on all projects that impact wetlands or waterways. A copy of the Corps permit must be submitted by the applicant to the Coastal Section office prior to the applicant beginning work on the project.

Permit: Alabama Department of Environmental Management

All projects are in the Alabama Coastal Area and, therefore, subject to approval and permitting by the Alabama Department of Environmental Management's (ADEM) Division 8 Regulations, which are used to certify that activities within the coastal area are consistent with the Alabama Coastal Area Management Program. Therefore, once the ADCNR, State Lands Division, Coastal Section tentatively approves a project, the staff submits it to ADEM for a consistency review.

In some cases, ADEM will certify consistency before the contract with the applicant is executed, and this determination will be included in the contract that is executed between the ADCNR, SLD and the applicant. In other cases, the ADEM determination will take place after the contract is executed. If the project is not consistent, then the applicant may work with ADEM to make the modifications necessary to be consistent with the program. The applicant must submit to the Coastal Section office any resulting changes in the project and a copy of the ADEM certification of consistency prior to beginning work. If a project cannot come into compliance or if the applicant chooses not to alter the project, the project will not be eligible for funding.

Alabama Department of Conservation and Natural Resources

Once the ADCNR, State Lands Division, Coastal Section tentatively approves a project application, the staff submits it to the ADCNR Marine Resources Division and/or the Wildlife and Freshwater Fisheries Division for a determination as to whether or not the project will impact the fisheries resource. Staff will also review projects that involve state submerged lands. These determinations are provided in a letter to the Coastal Section office. Staff will contact the applicant if the state determines that the fisheries resource will be adversely impacted or if the State Lands Division requires further action.

- b. If the land ceases to be available (or the project ceases to be used) for the intended use at any time during the life of the project, the applicant must reimburse the state the full amount of the federal cost of the project, and the state, in turn, will reimburse NOAA.
- c. All projects require the use of permanent signage that acknowledges the contribution of the National Oceanic and Atmospheric Administration and the Alabama Department of Conservation and Natural Resources Division (ADCNR), State Lands Division (SLD). Signage requirements and language will be provided to the applicant when a contract is executed.

Your initials indicate that you have read and understood Item 15. of this application. _____

ATTACHMENT 2

Please answer the following six questions.
If needed, use additional pages for explanations.

1) The community in which the project is proposed (check only one)

- _____ has a comprehensive plan with a recreation and coastal access component.
- _____ has a comprehensive plan with a recreation component.
- _____ has a comprehensive plan.
- _____ has a recreation or parks department.
- _____ has none of the above.

2) The proposed project will (check all that apply)

- _____ provide access to beaches or coastal waters.
- _____ is a redevelopment of deteriorating and underutilized urban waterfront, ports or commercial fishing areas.

3) The proposed project will provide (check all that apply)

- _____ fishing
- _____ bird watching
- _____ swimming
- _____ hiking
- _____ boating
- _____ picnicking
- _____ scenic viewing (explain briefly)
- _____ historical access / information (explain briefly)
- _____ cultural access / information (explain briefly)
- _____ other (explain briefly)

4) Regarding this project (check only one)

_____ additional funds, other than the initial grant match, will be leveraged.

If Yes, identify source of funding.

_____ there are no plans to leverage additional funds.

5) Labor on this project (check only one)

_____ will be accomplished by volunteers.

_____ will be accomplished primarily by volunteers with the remainder provided by public sector employees.

_____ will be accomplished solely by public sector employees.

_____ will be contracted.

6) A similar project does not exist within (check only one)

_____ a radius greater than 50 miles.

_____ within a 50 mile radius.

_____ within a 25 mile radius.

_____ within a 10 mile radius.

_____ within a radius less than 10 miles.