

final

wild and scenic river study

may 1984

SOLDIER CREEK

ALABAMA



UNITED STATES DEPARTMENT OF THE INTERIOR/NATIONAL PARK SERVICE



As the Nation's principal conservation agency, the Department of the Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering the wisest use of our land and water resources, protecting our fish and wildlife, preserving the environmental and cultural values of our national parks and historical places, and providing for the enjoyment of life through outdoor recreation. The Department assesses our energy and mineral resources and works to assure that their development is in the best interests of all our people. The Department also has a major responsibility for American Indian reservation communities and for people who live in island territories under U. S. administration.

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I. SUMMARY OF FINDINGS

- A. SOLDIER CREEK HAS BEEN FOUND TO BE INELIGIBLE FOR INCLUSION IN THE NATIONAL WILD AND SCENIC RIVERS SYSTEM.

Soldier Creek is a free-flowing stream. It does not possess any outstandingly remarkable values when compared with other rivers in the area. Its values are not of national significance. The study segment with its limited resources does not have sufficient length (approximately 2.75 miles) for a high quality recreational experience.

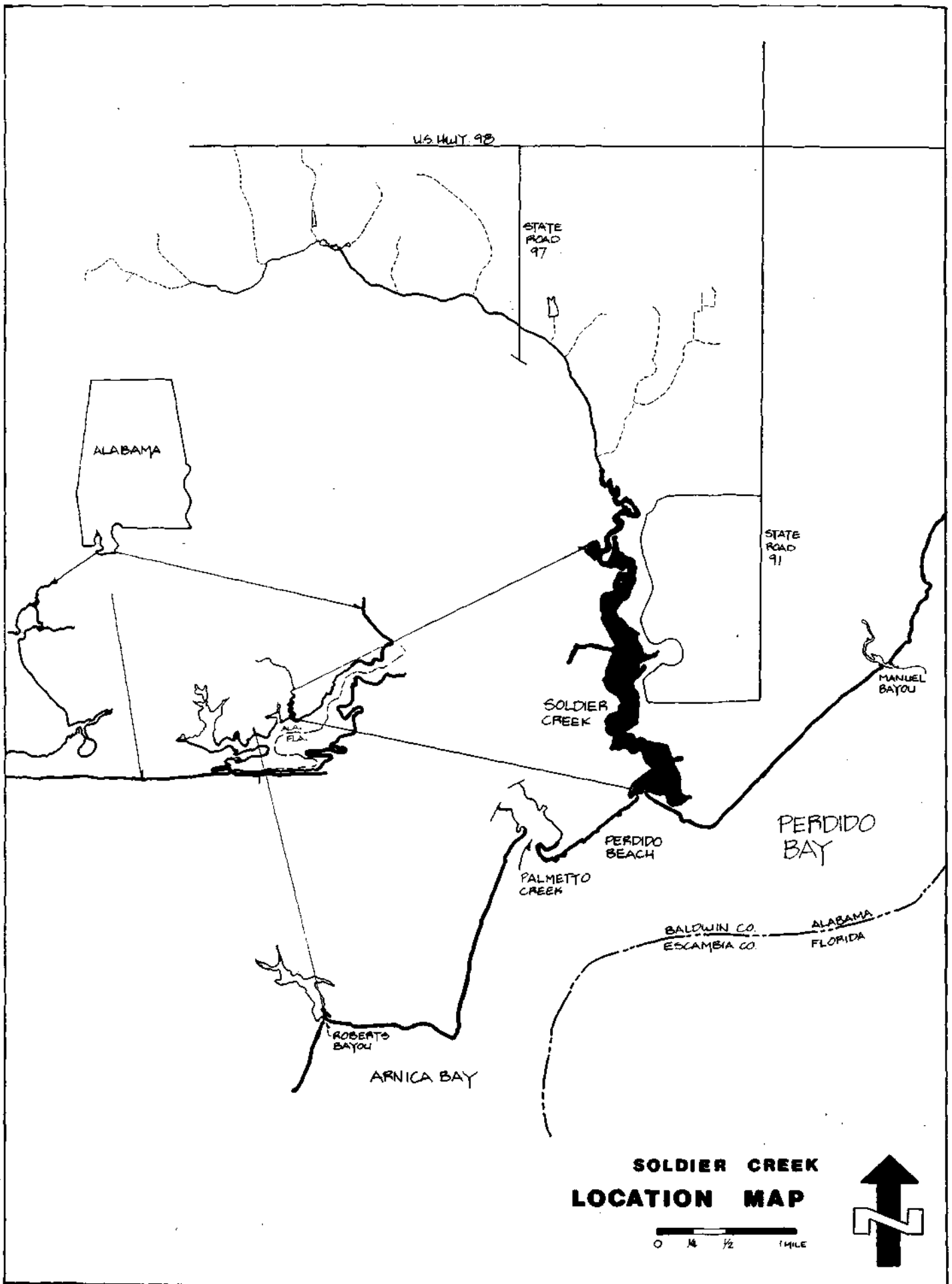
- B. ALTHOUGH INELIGIBLE FOR NATIONAL DESIGNATION, SOLDIER CREEK POSSESSES VALUES WORTH PROTECTING.

The study segment is an essentially undisturbed natural area with good scenic values. Its position at the transition from freshwater to the tidally influenced brackish water of the estuary is of ecological importance and provides habitat for a variety and abundance of fish and wildlife. The water is of good quality suitable for primary contact recreation. The inaccessibility of the study segment which limits use and its lack of existing development provide a good opportunity for protection.

- C. THERE ARE ALTERNATIVES OTHER THAN NATIONAL DESIGNATION FOR THE PROTECTION OF SOLDIER CREEK.

The most feasible potential managers of a protected Soldier Creek would be the county government or a private nonprofit organization

representing local residents. Local residents are concerned about keeping the area the way it is. The study segment's small size and use primarily by local residents indicate that county management would be the most appropriate level of government if managed publicly. A variety of protection methods appropriate for either management option are also presented in this report.



**SOLDIER CREEK
LOCATION MAP**

0 1/4 1/2 1 MILE



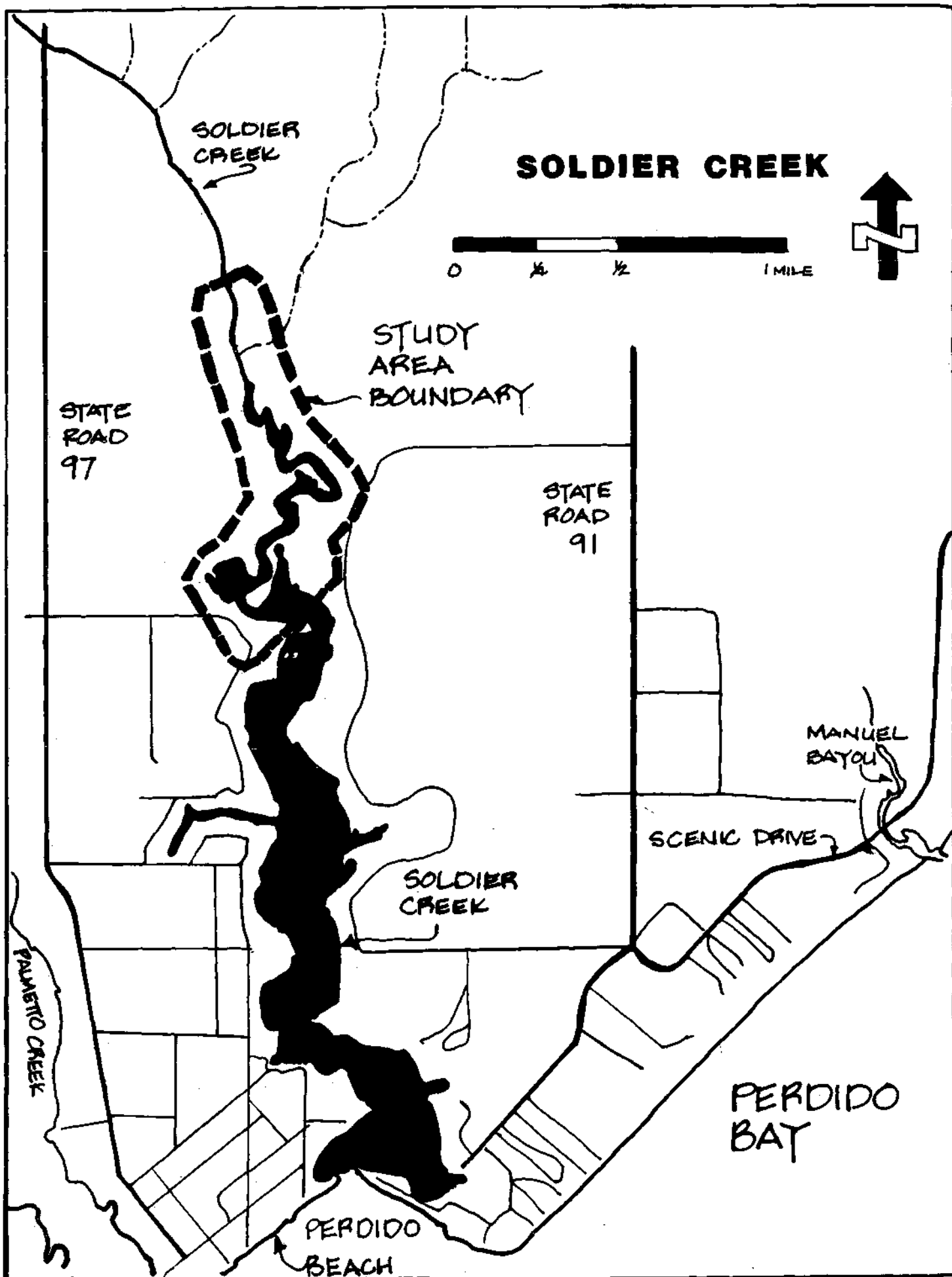
II. CONDUCT OF THE STUDY

Purpose

The purpose of this study is to determine whether the study segment of Soldier Creek, Baldwin County, Alabama, is eligible for inclusion in the National Wild and Scenic Rivers System and, if so, whether it would be suitable for addition. The study provides information to the Secretary of the Interior and the President so that they can make recommendations to the Congress with respect to the designation of the Creek. The study also gives Congress information on which to base its decision regarding designation. To be eligible for inclusion in the National Wild and Scenic Rivers System, a river must be free-flowing and must possess at least one outstandingly remarkable value, such as: scenic, recreational, geologic, fish and wildlife, historic, cultural, or ecological values. A determination of suitability is based on such factors as: the extent of public lands in the river area; costs required for acquisition, development, management and operation; public, local or State interest in acting to protect and manage the river; feasibility and timeliness of the action, etc.

Background

Soldier Creek was authorized for study as a potential component of the National Wild and Scenic Rivers System under Public Law 95-625 (November 10, 1978). The law amended Section 5(a) of the Wild and Scenic Rivers Act (Public Law 90-542) to include "... (71) Soldier Creek, Alabama. The segment beginning at the point where Soldier Creek intersects the south line of section 31, township 7 south, range 6 east, downstream to a point on the south line of section 6, township 8 south, range 6 east,



which point is 1,322 feet west of the south line of section 5, township 8 south, range 6 east in the County of Baldwin, State of Alabama."

Soldier Creek had received relatively little attention for conservation prior to its authorization for study. It was omitted from the Nationwide Rivers Inventory compiled by the Department of the Interior which identifies significant free-flowing streams which have potential for inclusion in the National Wild and Scenic Rivers System. Soldier Creek was omitted from the final inventory because of the pending study. The initial phases of the inventory, however, did not exclude study rivers. The inventory evaluated all rivers greater than 25 miles in length and those of lesser length recognized as being outstanding. Soldier Creek was not considered to possess qualities that would warrant its inclusion in the inventory. In 1971, the State of Alabama studied 13 rivers for a potential State wild and scenic rivers program. Soldier Creek was not included in this study either.

Conservation interest apparently began with efforts by a concerned property owner along Soldier Creek. These efforts led to the passage of a resolution by the Alabama Wildlife Federation on August 29, 1976, calling upon the Governor and the Legislature of the State of Alabama and the President and the Congress to protect the upper portion of Soldier Creek for the benefit and enjoyment of present and future generations. Congressman Jack Edwards sponsored Soldier Creek for inclusion in the 1978 amendment to the Wild and Scenic Rivers Act.

Study Approach

The National Park Service has the responsibility for conducting the Soldier Creek study for the Secretary of the Interior. The Division of Rivers and Trails in the Southeast Regional Office has the responsibility for coordinating the study.

The study was begun in the spring of 1983 with the preliminary collection of information and contacts with Federal, State, regional, and county government resource persons. Key issues were identified and a work plan developed. In June, an onsite inspection was made and interviews were conducted with agency representatives in the area.

After the onsite inspection, contacts were begun with interested members of the public. A news release announcing the study was distributed. A public meeting was held in July in Foley, Alabama, near the location of the Creek. Following the meeting this draft report was prepared and distributed for review and comment.

Public Involvement

The public was officially notified of the study by a news release dated July 1, 1983. Area newspapers, State and Federal agencies with concerns in the area, major landowners in the study area, local chapters of conservation organizations, elected officials and various individuals were specifically notified. Prior to that, contact was made with government agencies and others primarily for the purpose of gathering information.

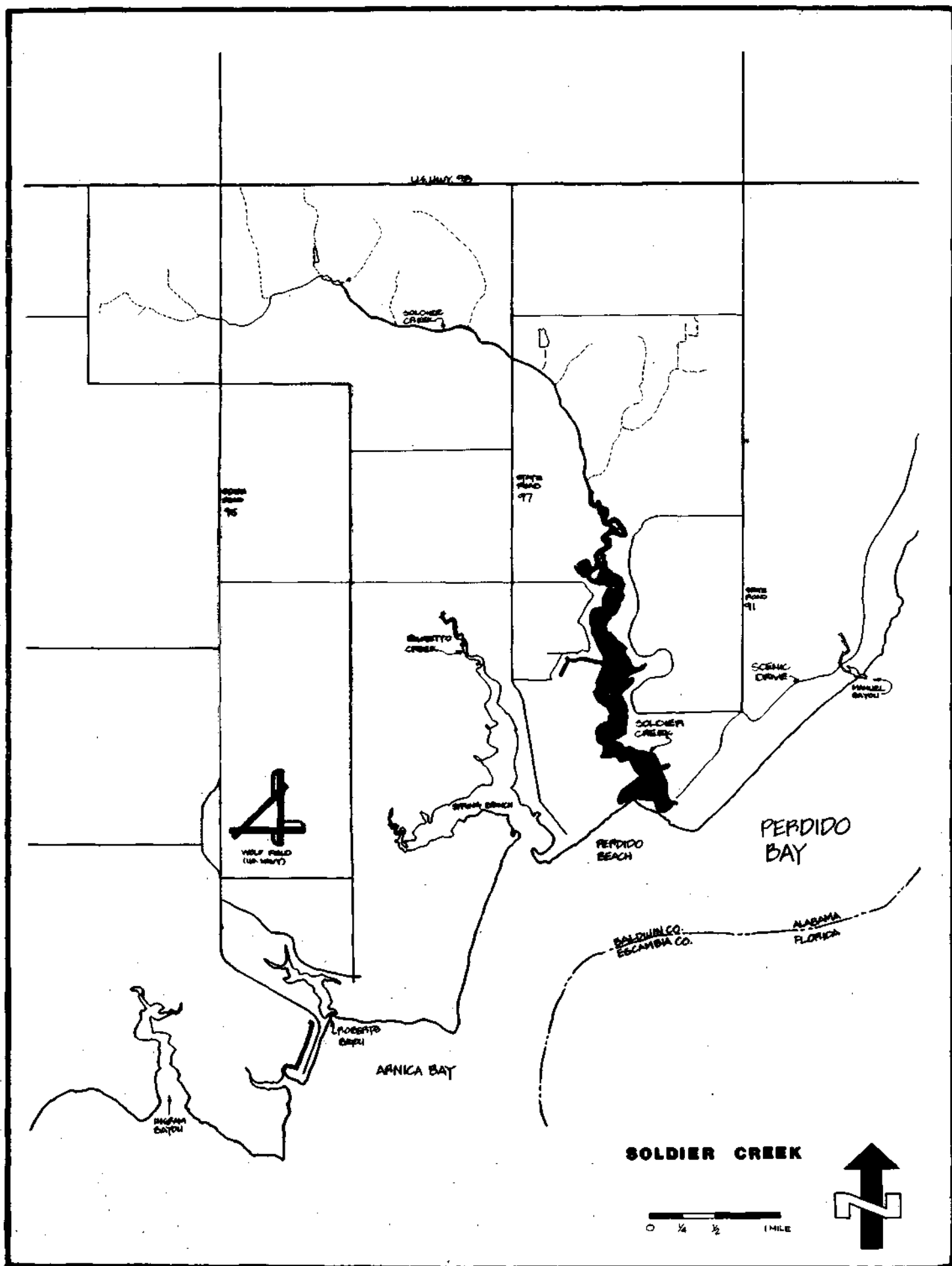
During the onsite inspection in June, contact was made with staff of county, State, and Federal agencies located in the area as well as the major local supporters.

A public meeting was held on July 14, 1983, in Foley, Alabama. The purpose of this meeting was to present information about the study, answer questions, discuss alternatives for protection and hear comments. Of the 84 people who attended, almost all were residents of the immediate area of Soldier Creek. The area's newspapers were also represented. Most of the time was spent answering questions and hearing comments. There was a head count taken which registered overwhelming opposition to designation. People were encouraged to send comments on the study. A summary was prepared (see Appendix) and sent to each person on the mailing list including those who attended the meeting.

Significant Issues

The following issues were identified as potential sources of problems with designation—either in achieving designation or management problems following designation.

Residential Development - The land along the lower portion of Soldier Creek, below the study segment, has been subdivided and developed residentially. The lots take advantage of the river frontage and easy access to Perdido Bay. Most residences have boat docks. Toward the beginning of the study segment, the Creek narrows considerably. Beyond this point there is only one house and boat dock. The land is owned



primarily by one landowner. Part of the land has been subdivided but not sold for development. The main constraint for construction in this area is the approval for septic tanks. Without a sewer system, it would not be possible to build on many of these lots. If the demand continues to increase, however, it will be only a matter of time before a sewer system would be profitable to enable wholesale development.

Oil and Gas - Although there have been no permits issued for exploration along Soldier Creek, there has been quite a bit of activity in southwest Baldwin County in recent years. There may be demand in the future for exploration in the area because of the similar geologic structure.

Recreation - The study segment is a small area with something less than 2 miles navigable by canoe. About half the section is navigable by motor boat. This small area could support a very limited amount of recreational use. Residents along the lower portion of the Creek are concerned about the influx of people and development if the river is designated. With designation, increased visitation would occur and require controlling access to the area.

Timber - An 80-acre section of land, whose corner touches the study corridor, belongs to a paper company. The company has a policy of not logging within 200 feet of a riverbank. The study segment should not be adversely impacted.

III. EVALUATION

In accordance with the Wild and Scenic Rivers Act, and National Park Service policy, a determination of eligibility is made in the initial part of the study effort. If the river is found to be ineligible for designation as a Wild and Scenic River, further study is terminated. Other assistance to concerned interests and jurisdictions, however, is not precluded. This assistance could include suggesting, developing, or implementing other measures for river protection.

It has been found that Soldier Creek is not eligible for inclusion in the National Wild and Scenic Rivers System. Although ineligible, Soldier Creek is worthy of protection by other means. (Some options are discussed in Section V.) The study segment remains essentially unchanged from its natural state. Although not of national significance, its natural values are important to the local area and should not be lost if at all preventable.

Information on boundaries and classification are not required for ineligible river segments. They are included here as an aid to management under other protection measures.

Eligibility

The National Wild and Scenic Rivers Act sets forth certain criteria by which each candidate for the System is to be evaluated. In order to be eligible for inclusion in the System a river must be in a free-flowing condition and must exhibit at least one of the following values to an

outstandingly remarkable degree: recreation, fish and wildlife, geologic, scenic, historic, cultural and other similar values. Outstandingly remarkable values should be of national or multi-State significance, unique or very rare when compared with similar areas. The determination of whether a river area contains outstandingly remarkable values is a professional judgment on the part of the study team. However, the basis for this judgment is documented in the study report. The revised guidelines for evaluating study rivers contain no specific requirements concerning the length of an eligible river segment.* The segment must be of sufficient length, however, to protect the values for which it is designated.

It has been determined that the study segment of Soldier Creek is not eligible for inclusion in the National Wild and Scenic Rivers System. The determination of ineligibility is based on the lack of at least one outstandingly remarkable value, particularly as compared with other rivers in the same physiographic province. The Creek's eligibility is also hampered by its extremely short length. The following values were considered in making a determination. The natural and cultural values are discussed in further detail in Section IV. Only enough information is included here to discuss eligibility.

Scenic - Soldier Creek has good scenic values. The study section is undeveloped and tranquil. The scenery ranges from an open marsh area at

*Federal Register/Vol. 47, No. 173/September 7, 1982; National Wild and Scenic Rivers System, Final Revised Guidelines for Eligibility, Classification and Management of River Areas.

the lower end to where the tree canopy fairly encloses the stream. The water is clear and dark from its tannin content. The canoeist is able to navigate about 3/4 of the segment which is less than 2 miles. This short length is not deemed sufficient to provide an outstanding scenic experience.

Ecological - Soldier Creek has good ecological values. The environment remains in an essentially undisturbed state. The study section contains the transition zone from a freshwater stream to tidally influenced brackish water as it enters the Soldier Creek embayment. This transition is reflected in the changes in vegetation along the shores. The transition zone also provides a variety of habitats which support a diversity of wildlife. Water quality is good, rated as suitable for body contact. Whereas these are qualities which support the ecological values, the area is not unique as compared with other rivers in the area.

Fish and Wildlife - Soldier Creek contains good fish and wildlife values. The Creek is known as a good place for fishing. The submerged grassbeds in the lower part of the study section provide good habitat for fish. These grassbeds are disappearing in surrounding areas that have received more disturbance to the watercourse bottom. The varied habitats also provide a good location for a variety of birdlife. These qualities are not considered outstanding when compared to other watercourses in the area which have similar characteristics. Because the study segment is small and the range of indigenous species is large, significant impacts to Soldier Creek would most likely not have a significant impact on the overall health of those fish and wildlife species.

Recreational - The Soldier Creek study section has very limited recreational value. Existing use includes fishing, swimming and boating. These activities take place primarily in the lower approximate 1-1/2 miles of the study segment. Above this point, passage is difficult for power boats. The canoeing range is somewhat further. When the minimum length criteria was first developed for potential wild and scenic rivers, the intent was to provide a great enough distance for a high quality recreational experience or a weekend trip by canoe. The journey on the Soldier Creek study segment by canoe takes something less than 2 hours at even a slow pace. This is not a sufficient distance or amount of time for an outstanding recreational experience. Fishing and swimming can occur in smaller areas but are not by themselves sufficiently outstanding.

There are no significant geological or cultural features in the study section. The area possibly contains old Indian oyster shell middens which could contribute to historical values. None are known and no evidence was seen during the onsite inspection, however.

Soldier Creek is not considered outstanding when compared with other rivers in the area and same physiographic province. Rivers in the same physiographic province should have similar characteristics, modified by the impact of man. The Nationwide Rivers Inventory, initiated in 1976, surveyed all river segments in the Nation greater than 25 miles in length, as well as those recognized by authorities as particularly outstanding, to determine which remaining free-flowing streams have the best potential for inclusion in the National System. These were categorized by physiographic province to ensure that the variety of the Nation's rivers would be

represented. The inventory contains five rivers within Baldwin County, Alabama, and also the Gulf Coastal Plain physiographic province. They are the Blackwater, Little, Perdido and Styx Rivers and Majors Creek. Soldier Creek was not considered during the earlier phases of the inventory. This fact indicates that there are more outstanding examples of Gulf Coastal Plain Rivers remaining and deserving national recognition than Soldier Creek.

In a similar view, the State of Alabama, in 1971, studied 13 rivers for a potential State wild and scenic rivers program. Of these, two are in Baldwin County—the Perdido and the Styx Rivers. Both were considered to have potential for development as State wild and scenic rivers. The Styx River was recommended for designation and administration as a State wild and scenic river. Soldier Creek was not mentioned in this study. At present, there is only one river in the State System.

Classification

The Wild and Scenic Rivers Act requires that each eligible river segment be classified, designated and administered as either wild, scenic, or recreational. Although Soldier Creek has been found ineligible, a discussion of classification is included here as an aid to river management. Classification is based on the existing evidence of man's activity or degree to which the river's natural state remains. The classification influences the amount of development which will be allowed and the degree of naturalness which will be retained in the future management of the river.

The classifications are defined by the Act as follows:

Wild river areas—Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

Scenic river areas—Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

Recreational river areas—Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

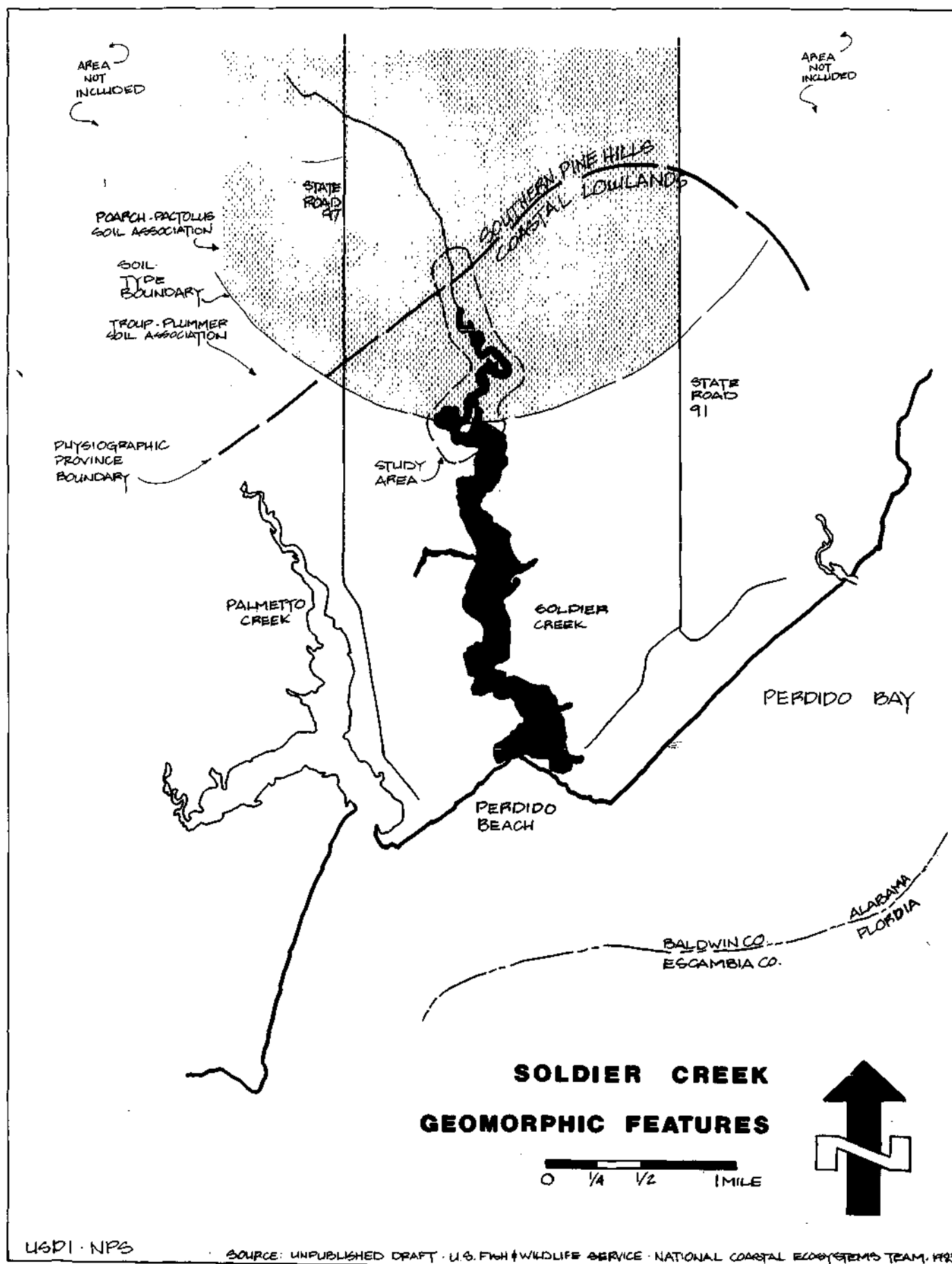
The study segment, excluding the subdivided and developed parcels at the lower end, can best be described as a scenic area. There is one residence and boat dock in this section located at the approximate mid-point of the study section. There is also an unpaved jeep trail which approaches the river from the west, also at the approximate mid-point of the study section. The road is not visible from the Creek although it does run within 100 feet of the bank for a short distance. These are the only known intrusions. The water is unpolluted.

Boundaries

If Soldier Creek is to be protected as a natural area, it is recommended that the boundaries be altered to a small degree from those which are stated in the Act. As mentioned above, there are a few developed lots at

the lower end of the study segment which are not compatible with a scenic classification. For ease of management, it would be best if these were excluded.

The upper boundary of the study section as stated should be adequate for protection. It exceeds the upper limit of navigation. The upper boundary could be shortened to some extent once the upper limit of navigation is more accurately determined. Meanwhile, it is appropriate to let the current upper boundary stand since it is the property line.



IV. THE RIVER ENVIRONMENT

LOCATION AND ACCESS

Soldier Creek is located in the southeastern part of Alabama's coastal region lying entirely within Baldwin County (see Location Map). Soldier Creek is approximately 40 miles southeast of Mobile, Alabama, and 20 miles southwest of Pensacola, Florida. The Creek basin is about 9 miles long and is located in the low, flat area adjacent to Perdido Bay. The lower 2.5 miles are broad and embayed, above which the Creek narrows and becomes winding. The upper 1-1/2 miles are intermittent. The study segment is the portion contained within Section 6, township 8 south, range 6 east. It begins at a point shortly below where the Creek narrows (river mile 2.5) and continues upstream for about 2.75 miles.

Coastal Alabama is served by a well-developed transportation system. Terminal facilities for rail, highway, air and water transportation are located in Mobile and to a lesser extent in Pensacola. The study segment of Soldier Creek is located between two parallel, paved county roads that are within 3/4 to 1-1/4 miles. The study segment is accessible at the lower end from the west over an unpaved, graded and drained road. It is accessible from the east over a similar road at the approximate mid-point of the study segment. In both cases, it is necessary to cross private property to get to the water's edge. There are no bridge crossings within the study segment. State Road 97 does cross the Creek about a mile upstream from the study segment. At this point, however, the Creek is too narrow and overgrown to be practically navigable, even for canoes.

NATURAL RESOURCES

Climate

The climate of coastal Alabama is primarily subtropical, being influenced by a high pressure belt extending over or near the Gulf of Mexico throughout the year. Air temperature is relatively mild with an average annual temperature of 20°C (68°F) in Mobile. Baldwin County has a growing season of about 300 days along the coast. The normal annual rainfall in coastal Alabama is among the highest in the United States.

Hurricanes pose a definite threat to the Alabama coast from June through October.

Physiography

The land area of coastal Alabama lies within the East Gulf Coastal Plain section of the Coastal Plain physiographic province. The immediate coastal area is further divided into the Southern Pine Hills and the Coastal Lowlands subdivisions of the East Gulf Coastal Plain section. The upper half of the Soldier Creek study segment is located in the Southern Pine Hills subdivision while the lower half of the study segment is within the Coastal Lowlands subdivision.

The lowlands are indented by many tidewater creeks, rivers, and estuaries and are fringed by tidal marshes, all of which are subject to inundation at high tide. Alluvial, deltaic, estuarine, and coastal deposits of Pleistocene and Holocene age underlie the Coastal Lowlands.

Hydrology

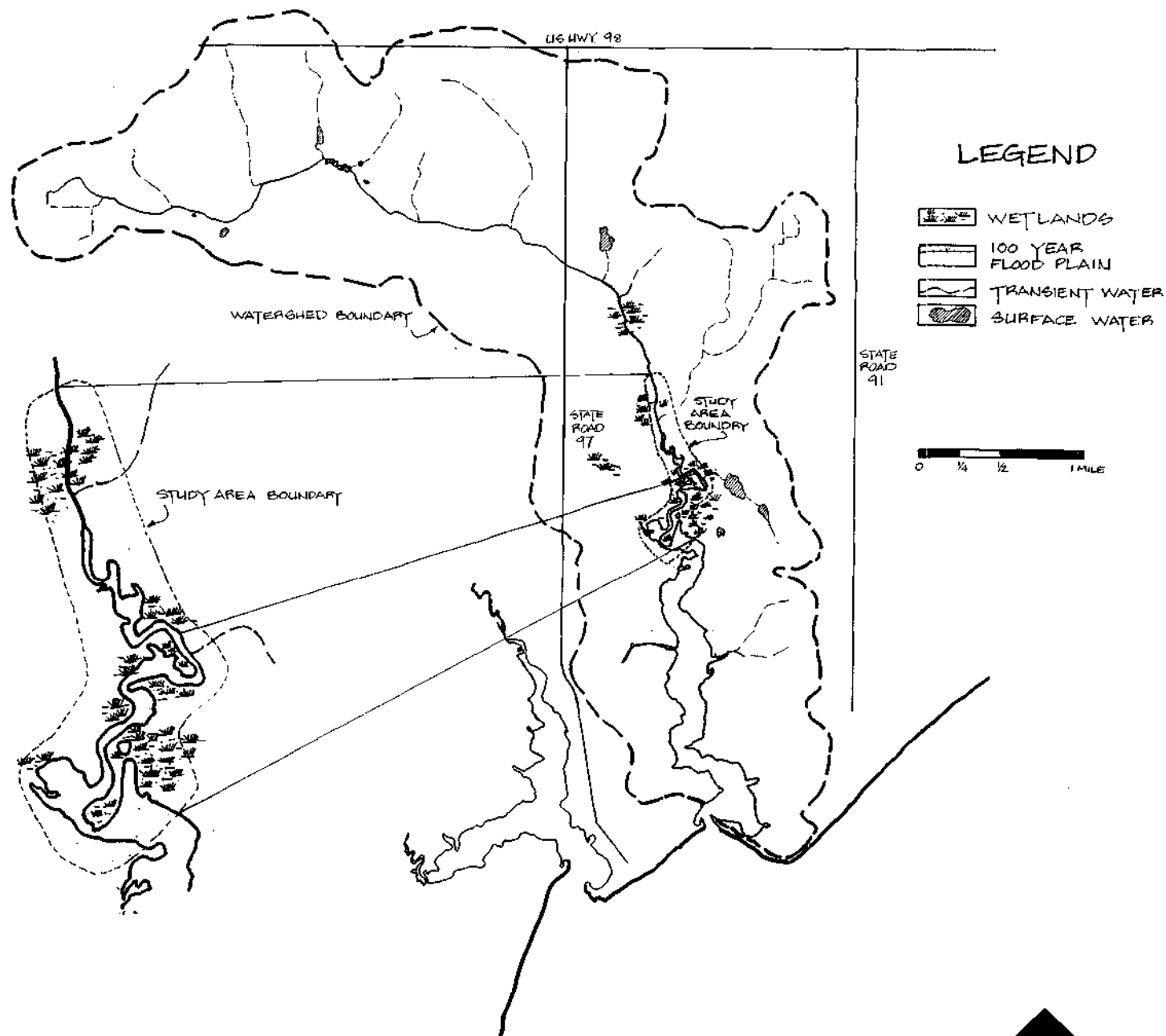
Coastal Alabama contains a dynamic hydrologic system that changes with every season and with the use of that system. Soldier Creek is a tributary of Perdido Bay which drains the eastern half of Baldwin County, Alabama, and part of Escambia County, Florida. Although flow data specific to Soldier Creek are not available, stream flows in the area are comparatively stable during medium and low flow periods (May to November) and more erratic during high flow periods (January to April). Soldier Creek, as well as other small tidewater creeks and some rivers in the area, is subject to inundation during storms.

Vegetation

Vegetation in the Soldier Creek study area consists of four distinct types: marsh, hardwood swamps, moist pinelands, and upland pine-oak forest.

The lower 1/2 mile (river mile 2.5 to river mile 3.0) of the Soldier Creek study area contains relatively wide areas of marsh bordering the stream. The southernmost portion of the study area contains some salt-water marsh, but most of the marshland in the study area is freshwater. Sedges, grasses, and rushes are the typical dominant vegetation of these marshes, including reed, switch grass, torpedo grass, and wild rice.

The streamside marshland gradually narrows until it consists of a fringe at river mile 3.5. Moving horizontally from the streambank, the vegetation type depends on the moisture conditions present.



**SOLDIER CREEK
HYDROLOGY**



The wettest areas immediately adjacent to the Creek support a hardwood swamp with sweet bay dominating the canopy—red maple, swamp tupelo, swamp bay and the tulip tree may also occur. The Soldier Creek study area experiences relatively moderate flooding so the Atlantic white cedar is common as well. Few plants grow under the dense shade of these trees, but the more open border of these swampy woods may be covered by dense thickets of swamp cyrilla, black titi and large gallberry. The transition zones between these forested wetland and upland pine-oak forests may support the growth of plants adapted to somewhat better drained conditions such as water oak, laurel oak, sweetgum and southern magnolia.

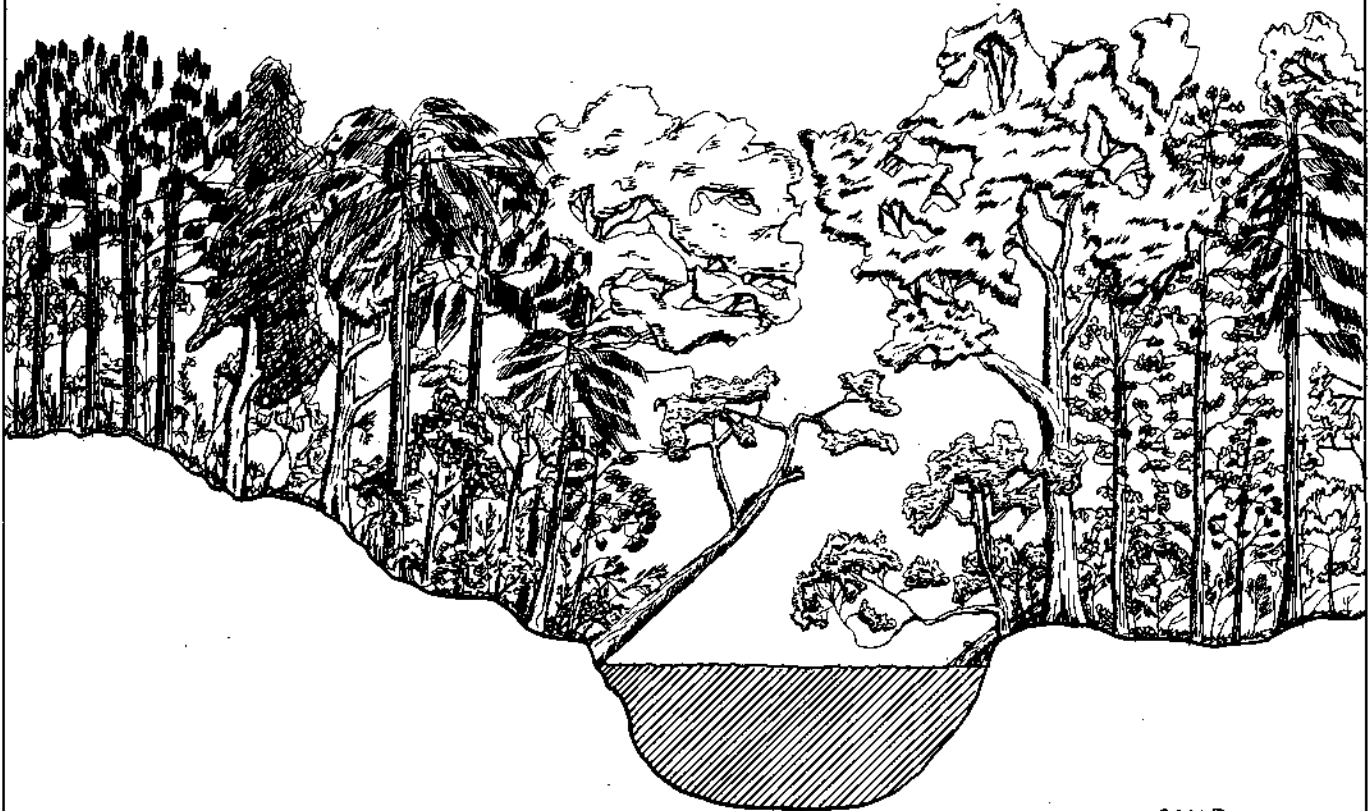
Moist pinelands occur along Soldier Creek between the hardwood swamps and the upland pine-oak forest. In some cases, where the relief is favorable, the moist pinelands actually border the stream. Despite its apparent homogeneity, the vegetation of moist pinelands is diverse and rich in species. The most common tree is the slash pine, although longleaf pine can grow here too. The understory may be very dense, particularly if there have been no fires. The dense understory consists largely of gallberry, wax myrtle, saw palmetto, St. John's wort and occasionally sweet bay, swamp bay, and swamp tupelo.

The upland pine-oak forest is generally found above the 10-foot contour, but occasionally extends below this line. The upland pine-oak forest is characterized as an open pine forest intermixed with oaks and other hardwoods. Longleaf pine is the common species in this forest and hardwoods such as the southern red oak, laurel oak, turkey oak, dogwood, and persimmon are often associated with it and may replace it if fire is prevented.

SOLDIER CREEK

TYPICAL SECTION

| MOIST PINE FOREST | DENSE HARDWOOD FOREST | RIVER CHANNEL | LOWLAND HARDWOOD FOREST |
|---|--|----------------------------------|---|
| SLASH PINE · WAX MYRTLE PALMETTO · LAUREL OAK GREEN BRIAR | RED MAPLE · WAX MYRTLE CYPRESS · MAGNOLIA TULIP TREE · GREEN BRIAR LIVE OAK | RANGES IN DEPTH FROM 2' TO 6' | SAUCER MAGNOLIA · SWAMP BAY · CYPRESS · FERNS GREEN BRIAR |



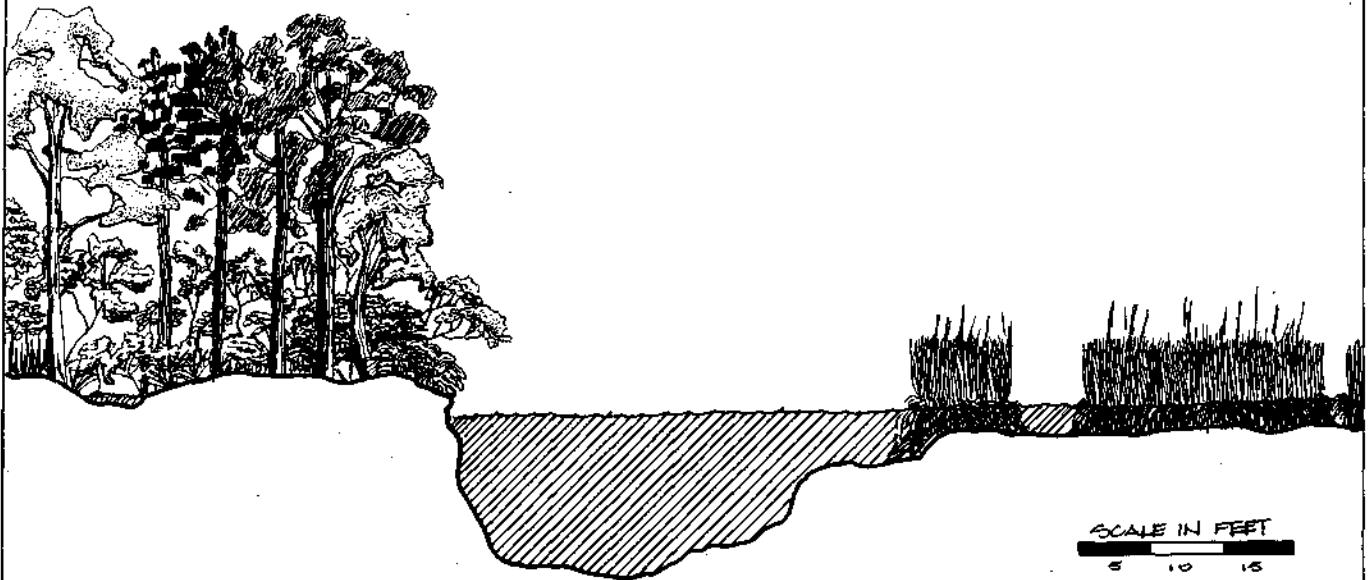
SCALE
IN FEET
1 2 3

SOUTHERN PINE HILLS
SEGMENT

SOLDIER CREEK

TYPICAL SECTION

| MIXED COASTAL FOREST | RIVER CHANNEL | COASTAL INLET MARSH |
|---|--|--------------------------------|
| ATLANTIC WHITE CEDAR. WAX MYRTLE. SPIDER LILY RED CEDAR. LOBLOLLY PINE. YALPON HOLLY | RANGES IN DEPTH FROM 7' TO OVER 10' | SAW GRASS AMERICAN BULBRUSH |



COASTAL LOWLANDS
SEGMENT

A variety of shrubs usually grow under the tree canopy including winged sumac, spackleberry, and huckleberry. The ground layer of vegetation is generally dense because of the relatively open canopy and consists of a great diversity of herbaceous plants belonging primarily to the grass, legume and sunflower families.

Fifty-eight species of plants found in Mobile and Baldwin Counties are classified as endangered or threatened, by the State of Alabama or the Federal Government. Many of these species occur in log bog and dune habitats outside the study area.

Fish and Wildlife

Alabama's coastal area contains a variety of habitats that support an abundance and diversity of wildlife. Since the study segment portion of Soldier Creek is essentially undeveloped, it is assumed that fish and wildlife in the study segment are the same as is found in other similar habitats in the coastal area.

Coastal wetlands and estuaries in particular are rich in nutrients and provide a critical habitat for part or all of the life cycle of many species. Because of the diversity of habitats available, over 300 species of birds occur. In coastal Alabama about 70 species are considered to be permanent residents of the area including such birds as the great blue heron, vultures, several hawk species, woodpeckers, starlings, and a few species of perching birds. Summer residents include cattle egret, magnificent frigatebird, white ibis, hawk, tern, and a few species of warblers.



Marshy area at the beginning of the study segment.

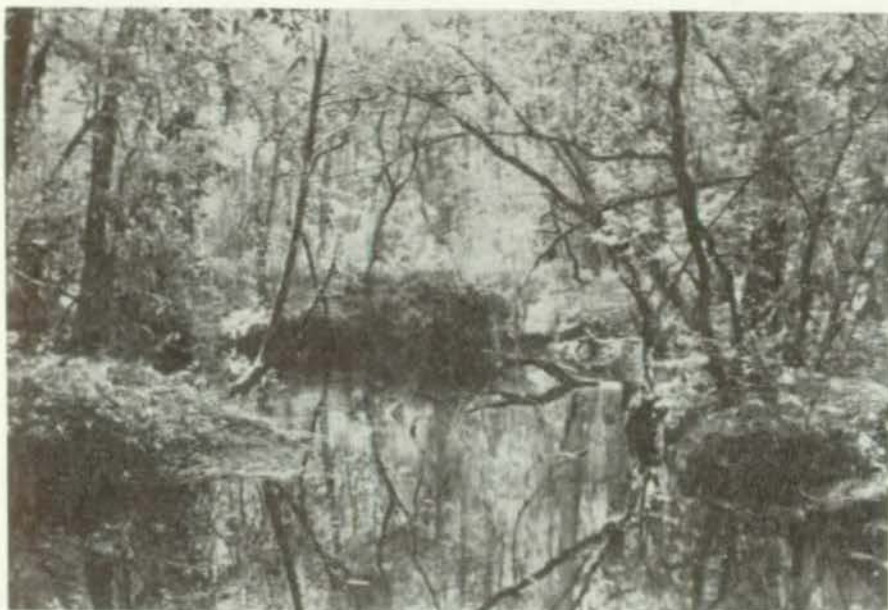




Hardwoods along the river bank near the midpoint of the study section.



Vegetation along a flood-prone bank in the upper part of the study section.



The Creek narrows, with overhanging limbs and obstructions in the creek bed, in the upper part of the study section.



The abundance of fish in the area supports an active commercial fishing industry as well as sport fishing. Some fishery species include red fish, speckled trout, flounder, Atlanta croaker, gulf menhaden, shrimp, and blue crab. Estuaries such as Perdido Bay are commercially important in that 80 percent of estuarine fish are significant to the coastal fisheries.

The Alabama coastal area also records 57 species of terrestrial and aquatic mammals. Notable native species that favor habitats such as those in the vicinity of Soldier Creek are the raccoon, mink (rare), river otter, muskrat, and the marsh rabbit. The coastal area of Alabama below the 10-foot contour (roughly contiguous with the Coastal Lowlands) contains approximately 9 fish species, 21 species of reptiles and amphibians, 22 species of birds, and 9 species of mammals listed as endangered and threatened by the State of Alabama or the United States Department of the Interior.

Soils

There are two different soil associations found in the Soldier Creek study area. The following descriptions are excerpted from a draft narrative accompanying a map of soils and landforms prepared by the U.S. Fish and Wildlife Service, National Coastal Ecosystems Team, 1983. The soil surveys at Baldwin County were classified in 1960. The names have been translated into more modern nomenclature so that they will be compatible with other soil surveys of the area.

Troup-Plummer Association - This soil association is found around several major streams in Baldwin County, particularly tributaries of the Perdido River system. Troup soils have a yellowish-brown to dark grayish-brown loamy fine sand overlying a brownish-yellow to red sandy clay loam

subsoil. Plummer soils are poorly drained, with little slope, and have a gray sand topsoil overlying a light gray sandy loam subsoil. The agricultural potential of the Troup-Plummer association is not great, and most of the area is pine and hardwood woodlands.

Poarch-Pactolus Association - This is the predominant soil association found in Baldwin County near the coast. The soils are deep, well to somewhat poorly drained, level to very gently sloping soils at uplands. Poarch soils are dark grayish-brown fine sandy loam underlain by olive-yellow to yellowish-brown, mottled loam subsoil. The Pactolus soils have a surface layer of dark grayish-brown loamy sand with a mottled, light yellowish-brown and gray loamy sand substratum.

Water Quality

The State of Alabama has applied water use classifications to the State's streams based on existing utilization, uses reasonably expected in the future, and those uses not now possible because of correctable pollution problems. The use classifications also take into consideration the physical capability of waters to meet certain uses.

Soldier Creek is classified as both swimming and fish and wildlife suitable. Water so classified is satisfactory for whole body contact water sports and is suitable for the propagation and harvesting of shrimp and crabs. Since there are no water quality sampling stations on Soldier Creek, the stream's actual water quality parameters are unknown. However, there are no known direct dischargers on Soldier Creek, and water quality parameters are assumed to meet the criteria for its swimming/fish and

wildlife classification, at least in the study segment. The effects of the existing subdivision development on the water quality of Soldier Creek downstream of the study segment are unknown.

Mineral Resources

The principal mineral products of the Alabama coastal area are oil, gas, sand, gravel, clay, and oyster shells. Among these, oil and gas production is by far the most economically important. Oil and gas production represents a relatively new but rapidly growing industry in coastal Alabama. Gas and oil exploration began in the 1950's and has continued to the present. Recently, gas fields have been discovered in sandbeds underlying southwestern Baldwin County. Shallow wells have been developed west of Foley and are awaiting the completion of a pipeline to begin production. The extent of the productive sandbeds in the area has not been fully explored but discoveries so far have been west of Foley and toward the coast, consequently, not affecting the Soldier Creek study area.

CULTURAL RESOURCES

Archaeology and History

The Alabama coast is believed to have been inhabited as early as 10,000 B.C., although no sites dating to this period, the Paleo-Indian stage, have been yet discovered. The earliest datable artifacts in Alabama's coastal plain can be assigned to the Early Archaic Period ranging from 8,000 to 6,000 B.C. Sites known in Baldwin County date from the Late Archaic Period, (1,000 B.C.) through the Historic Period (post 1500). By

1979, 196 archaeological sites had been located in Baldwin County. Recent investigations have increased the number of sites recorded, but these figures have not yet been published.

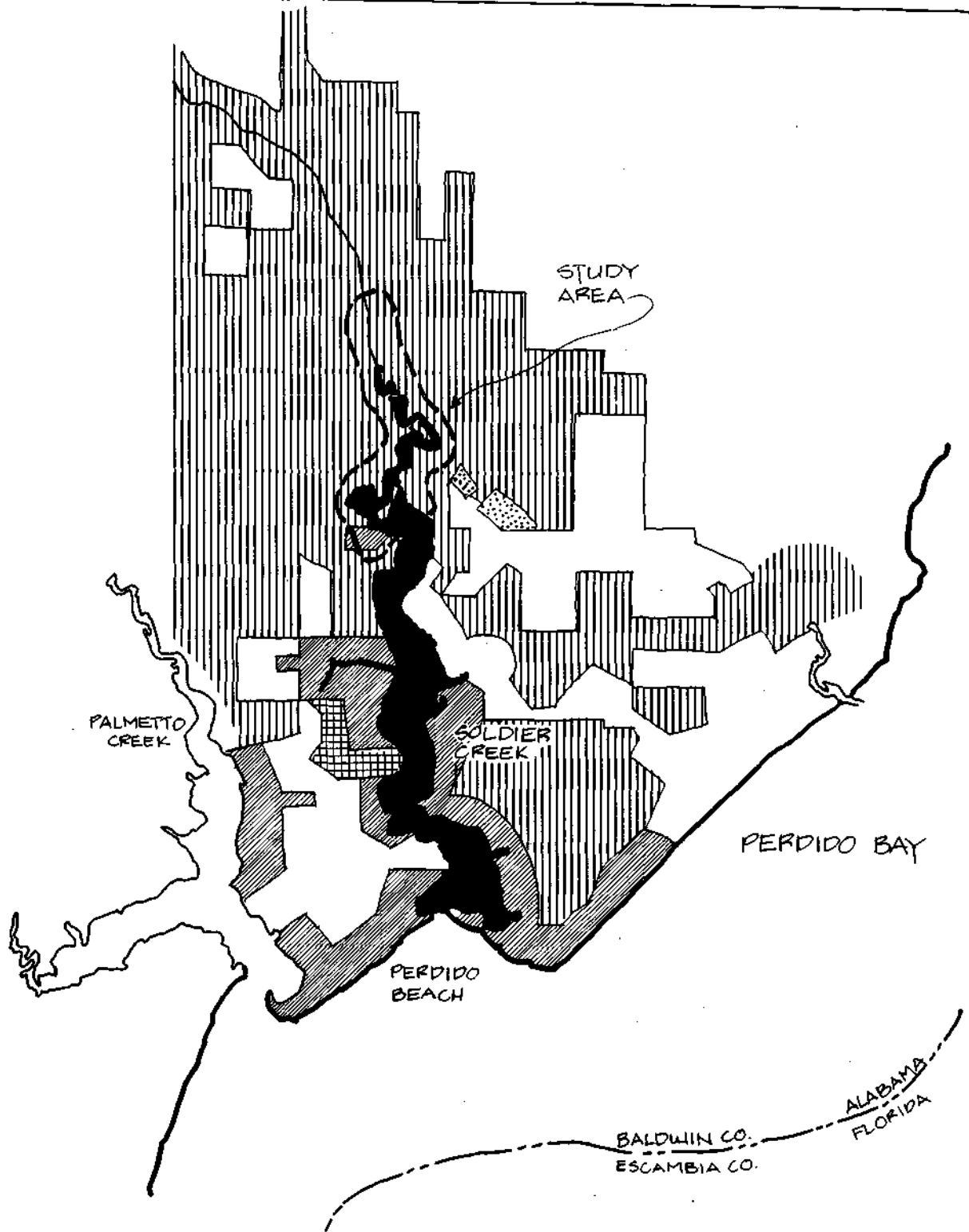
Most of the prehistoric sites are shell mounds and middens, ceremonial and burial mounds, and villages representing late Archaic, Woodland, and Mississippian Periods of cultural development (1,000 B.C. - A.D. 1500). The shell mounds indicate seasonal habitation of base camps, the population of which relied heavily on the availability of shellfish.

There are no sites in the Soldier Creek study area which are on the National Register of Historic Places. There are also no known sites of archaeological significance in the Soldier Creek study area. However, only a few areas of coastal Alabama have been adequately surveyed for the presence of archaeological sites. The margins of permanent streams like Soldier Creek, along with the margins of Mobile Bay, Mississippi Sound, and the Mobile-Tensaw River delta, are considered among the most archaeologically sensitive areas in the Alabama coastal region.

POPULATION AND ECONOMY

Population

Coastal Alabama is a fast-growing area. The population of Mobile and Baldwin Counties increased from 174,300 in 1940 to 442,800 in 1980. Rapid growth is expected to continue but at a slower rate. By 2000, the population of the coastal counties may be about 512,600. The population of Mobile, the area's largest population center, currently is about 200,500.

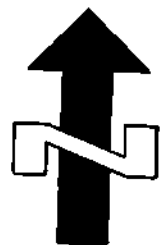


LEGEND
RESIDENTIAL
URBANIZED
OPEN AREAS
FOREST
RESERVOIRS



SOLDIER CREEK
LAND USE

0 1/4 1/2 1 MILE



Compared to many areas of the Nation, the people of coastal Alabama are less affluent, less educated, and the population has a larger proportion of Blacks. Recent trends indicate that the gap in income is narrowing.

The future annual rate of population growth in the two-county area is expected to decline. In 1970 through 1980 the rate was 1.6 percent. Projected growth rates are 0.9 percent in 1980 through 1990, 0.6 percent in 1990 through 2000, and 0.5 percent in 2000 through 2030. Baldwin County should continue to grow faster than Mobile County.

In 1970, 73 percent of the population in the region was urban (82 percent in Mobile County and 27 percent in Baldwin County). In 1960 to 1970, the percentage of urban dwellers declined in Mobile County, but remained stable in Baldwin County.

Economy

Coastal Alabama is rich in natural resources which have been the basis for the area's economic development. From its earliest beginning, the economy of the region has been dominated by the Gulf of Mexico and the inland river system that discharges into Mobile Bay. The estuarine and marine resources of Mobile Bay, Mississippi Sound, and the Gulf of Mexico support valuable sport and commercial fishing.

The coastal bays and waterways are particularly valuable for navigation. Deep water and river navigation generated the commerce that led to Mobile's emergence as a major 19th century port and shipbuilding center. Plentiful ground and surface-water resources serve many industrial and private uses. The availability of industrial processing water in

combination with commerce has led to the development of major chemical manufacturing facilities in the area.

Forests represent the predominant land use in coastal Alabama and provide raw material for the lumber and paper industries, two of the coastal area's most important industries.

In the 1970's, important petroleum reserves were discovered in lower Mobile Bay and nearby waters of the Gulf. This discovery generated additional economic growth in the area.

The economic future of coastal Alabama is focusing on the potential for major petroleum reserves and on the Tennessee-Tombigbee Waterway project. Depending on the development and volume of petroleum potentials, major refining and related petrochemical industries may be attracted to the area. The Tennessee-Tombigbee, which is scheduled to open in 1986, will sharply increase port tonnages and require new and expanded port and related facilities.

The Perdido Bay area where Soldier Creek is located has been developing rapidly as a second home and resort center. The lower, broad section of Soldier Creek near Perdido Bay has been subdivided and developed. The study segment remains essentially undeveloped, excluding the few lots at the access road at the lower end.

LANDOWNERSHIP AND USE

Landownership and Land Use

The approximately 2.5-mile segment of Soldier Creek designated for study as a national wild and scenic river is entirely in private ownership.

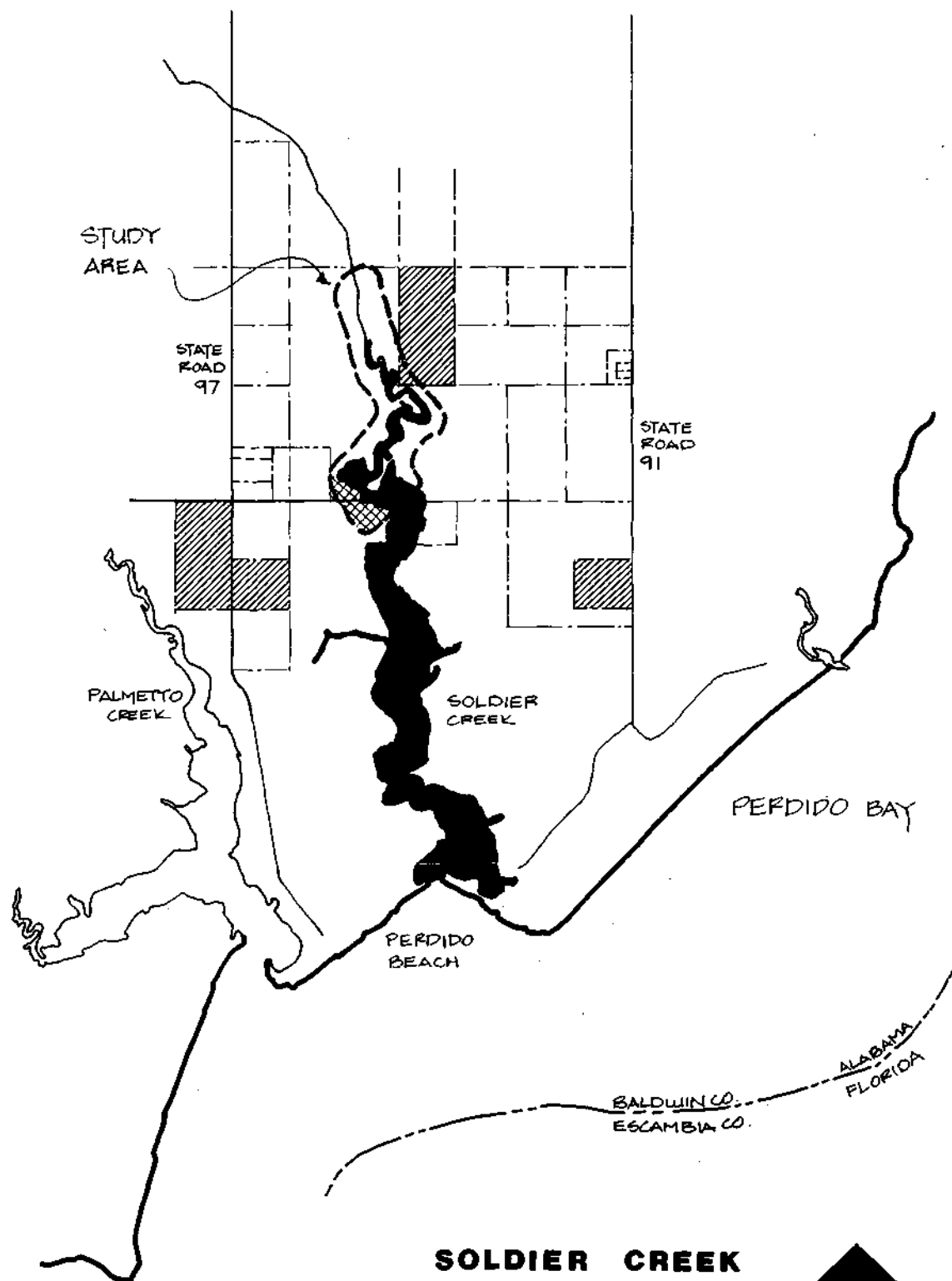
Except for the small area adjacent to the lower south shore of the study segment (see Land Use Map), the study area is almost completely forested. A cabin (house) is located on the east bank of the study segment at approximately river mile 3.5. The small area adjacent to the south shore of the study segment mentioned above has been subdivided, but has not yet been developed.

The second home market in south Baldwin County is growing dramatically. The South Alabama Regional Planning Commission projects that the majority of land use changes in Baldwin County will occur in Foley, Gulf Shores, and along Perdido Bay.

Recreational Use

During all seasons except winter, sailing vessels, water skiers, and fishing craft are found throughout the coastal area taking advantage of its recreational resources.

Existing recreational use of the Soldier Creek study segment is limited to boating, fishing, and swimming which occurs in locally known swimming



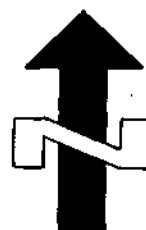
LEGEND

PROPERTY LINE
PRIVATE OWNERSHIP
CORPORATE OWNERSHIP
SUBDIVIDED PROPERTY



SOLDIER CREEK LANDOWNERSHIP

0 1/4 1/2 1 MILE



holes. The amount of recreation which the study segment supports is very small because of the Creek's size and the short length of the study segment.

Below the study segment, Soldier Creek widens and subdivision development lines both banks. Numerous boat docks occur on this part of Soldier Creek; however, most recreation use is directed downstream into Perdido Bay rather than upstream to the study segment. There is one small commercial boat launching ramp below the study segment, near the mouth of the Creek.



A swimming hole with
rope swing.



Some canoers at the beginning of the study area.



The developed lots at the beginning of the study section.



The cabin in the middle of the study area.

V. ALTERNATIVES FOR PROTECTION

In a wild and scenic river study, an analysis of alternative actions is required in order to provide for decisionmaking and to satisfy the requirements of the National Environmental Policy Act (NEPA). In the analysis, the study team develops an array of alternative plans encompassing all reasonable proposals for use of the river. These alternatives may be based on, but not limited to: alternative managing agencies; alternative protective measures other than national designation; alternative boundaries. From the range of alternatives, a set of reasonable few is selected for rigorous exploration and objective evaluation.

This study of Soldier Creek does not recommend any major Federal action since the Creek has been found ineligible. NEPA, therefore, does not apply. Although a rigorous exploration of alternatives is not required, the following information is included as an aid to protection efforts by others to facilitate decisionmaking by potential river managers and to provide a forum for public input. The information has been presented in two categories each titled an alternative--No Action and Protection Without Designation. A third potential alternative (Federal designation) was excluded because of the determination of ineligibility.

A. NO ACTION ALTERNATIVE

The no action alternative results in a continuation of current trends. Private ownership would continue. Residential development would occur on

suitable lots as the market demand dictates. The standard lot in this area is 100' x 300' with the house typically sitting 200' back from the riverfront, closer to the road. Most riverfront houses have boat docks. Development is expected to occur as far as the river is navigable by boat or about halfway through the study section. The development would mean more boat traffic, resulting in loss of solitude and attractiveness of the secluded swimming holes. Boat dock construction could disrupt the submerged grassbeds and thereby affect the number and varieties of fish. Water quality could be affected by siltation due to runoff from construction and development.

Protection would continue under the Coastal Zone Management Act through the State's Coastal Program Office (applicable to land below the 10-foot contour); Section 404 of the Clean Water Act through the Mobile District of the Corps of Engineers (applicable to areas defined as wetlands); floodplain construction control through the county government. There is no zoning applicable to the area. Current regulatory programs are likely to remain for some time since an effort to institute county-wide zoning through the State legislature recently failed due to much local opposition.

B. PROTECTION WITHOUT DESIGNATION ALTERNATIVE

River Management

State - The State of Alabama does have an existing means for river protection. As it now stands, a river must be individually designated for protection by an Act of the State Legislature stipulating management

measures. One river has received such designation--the Little River. Another designation--the Cahaba River--was recently attempted but has not yet been passed. State designation, however, is not considered feasible because of higher priority rivers needing protection and the absence of public demand for governmental management of Soldier Creek.

County - Because of the small size of the river and the fact that the area serves primarily local recreation needs, county management would be the most viable of public agency management options. County management, however, would most likely be recreation rather than preservation oriented. There is a lack of public water access in south Baldwin County. Installing a public boat ramp on Soldier Creek could conflict with the goals of preserving the natural state of the study section. It would be necessary to bar motorboat access to the study area and locate the ramp at the closest point to the bay. If a fee were charged for boat launchings, excess revenue could be generated to provide for management of the upper portion of Soldier Creek in a natural state. At the public meeting, concern was expressed over the potential influx of more people to the area. It is not known whether public support could be won for public agency management if there are strong enough controls on the carrying capacity. It is possible that a suitable compromise could be agreed upon that would ensure protection and allow limited public access to the area.

Nonprofit Agency - A nonprofit management agency or similar organization would oversee and resolve problems for resource protection and development in the corridor. This could be a River Corridor Foundation, a nongovernmental, tax exempt, nonprofit, private corporation organized and

operated for the benefit of the general public. Generally a foundation is supported by donations, grants, gifts, loans, fund-raising, and membership fees.

A foundation could offer permanent protection to selected areas along the river by accepting gifts of land or rights in land, offering tax benefits to those who donate land or rights in land, rendering technical assistance to landowners by helping them develop long-range plans for conservation of part or all their property. Also the foundation could transfer these land rights to a public managing agency, use gifts for matching purposes in obtaining grants, and set up a revolving fund where the foundation purchases land, holds it for a time, and then sells it with certain restrictions.

Private Partnership - A compact between private interests in the river corridor would provide mutual notification of any resource protection or development actions. Concerned public officials would also be kept informed.

If there is enough interest, landowners and user groups could volunteer their time to clean up the river. Any selling of second-home lots could have covenants designed to ensure that future development will be environmentally compatible. Homeowner associations could police development activities.

Boundary Options

Include headwaters above study--This option would increase protection of the water quality of the study section. Because the distance is

relatively short (around 4 river miles) and the area relatively small (see hydrology map), the opportunity to protect the entire watershed of the Creek is within reason. In this case, the small size of the river area is an advantage in that protection of a complete river is possible. Land use above the study section is primarily woodland with some agriculture. In the absence of water frontage, this area would not be desirable for second home development. The most intense use anticipated would be agricultural, with or without protection. Since water quality is monitored through other programs, it can be argued that specific protection is not needed for this area. The advantage would be the ability to more closely monitor and control potential water pollution sources or alterations to the streambed.

Include entire stream from headwaters to mouth--This option would make the area a more realistic size to manage and would warrant the physical presence of a managing authority. Inclusion of the lower portion of Soldier Creek would allow for public recreational use which the study section could not support. A benefit of public use can be increased public support for protection. The lower section also includes more feasible road access points. Including the lower subdivided area of Soldier Creek would allow the direct participation of residents in the protection of the area. Residents who attended the public meeting expressed interest in protecting the area, but some voiced concern about the lack of control they would have if the area were federally managed. This alternative would dictate greater participation in planning and management by residents and would be particularly desirable if the

protected area were managed by the residents themselves (see Private Partnership discussion). Including the entire river would also eliminate the perception that one landowner is being singled out because his/her land is undeveloped. A greater spirit of cooperation and mutual investment could result. Management of the lower section would not include acquisition of any developed property. The goal would be to maintain the current level of development and protect against any more intensive land use. Since there is no local zoning authority, this would allow landowners themselves a measure of protection. This alternative could only be pursued with support from landowners and residents of the lower section of Soldier Creek. There was vocal concern expressed at the public meeting over possible extension of the study area boundary. People wanted assurance that this would not be done.

Maintain existing study area boundary with minor alteration (see discussion in Section III)--The study area boundary includes the most scenic and least developed area of the Creek. The boundary's alignment with property lines would facilitate discussions with landowners. Minor alteration should exclude the few developed properties at the lower end of the study segment to maintain integrity of the area included within the boundary.

River Preservation Techniques

There are a number of ways to protect the river's natural values while providing for residential, agricultural, and recreational uses. Methods

selected will depend on the capabilities of local and/or State government; the natural, scenic, recreational, and cultural values of the river area; and the degree of impact of proposed development within the river area. It is suggested that a variety of the following preservation techniques could be implemented by individual owners, land trusts, foundations, and local and State government.

Land Trust

A land trust is a nongovernmental, nonprofit, tax-exempt, private corporation organized and operated for the benefit of the general public. A trust can purchase, manage, accept gifts, sale or lease of property. It is administered by private citizens whose interest in this instance would be river preservation. Generally a foundation is supported by donations, grants, gifts, loans, fund-raising efforts, and membership fees. The foundation could work closely with the county, the State, the Nature Conservancy, and/or an established river commission.

Factors to be Considered - A land trust could offer permanent protection of selected areas along the river by performing the following functions: accept gifts of land (fee-simple) or rights in land; through the Internal Revenue Service and tax codes offer tax benefits to those who donate land or rights in land; render technical assistance to landowners by helping them develop long-range plans for the conservation of part or all of their property; accept gifts of land or rights in land, and then transfer them to a public managing agency (county or State government, river commission, etc.); use gifts for matching purposes in obtaining grants; and set up a revolving fund whereby the foundation purchases land, holds it for a time,

and then sells it to another party with certain restrictions, preferably at a profit. In addition, it can act quickly without excess redtape and can work effectively to coordinate complicated transactions. A land trust can help local landowners decide what types of land preservation would be most workable.

Easements

An easement is a limited or "less than fee" interest in property created by a conveyance. It can be acquired by purchase or donation. If one used the analogy that owning land is similar to holding a bundle of sticks, use of an easement would be setting aside or giving up some of the sticks. Easements do not affect basic ownership of the land—the owner may sell or lease land with an easement at any time, subject to the terms of the easement. Depending upon the type of easement, no changes in right of access necessarily occur. Examples of easements are giving up the right to build structures taller than a given height or the right to put structures closer than a given distance to the water.

Factors to be Considered - An easement can be extremely flexible—it may be written to particular specifications; reduce tax burdens; greatly increase the probability of long-term preservation of current use or preservation of open space; keep land under private control; and allow land to be sold, leased, or inherited and used in any manner consistent with the terms of the easement. Although an easement may restrict intense future development, it may also increase the marketability of the tract by preserving its natural and scenic values if other adjacent tracts are also protected.

Donations

An outright donation occurs when the owner gives the land in fee-simple to a nonprofit organization or governmental agency for its use. Easements can also be donated outright. A donation by the execution of a standard deed with the reservation of life estate allows the owner or members of his or her family to occupy and use the property during their lifetime with possession passing to the nonprofit organization or governmental agency at a later date. The owner can donate land, money, or other valuables to the organization in his will.

Factors to be Considered - Donation offers potential for preserving land in a desired condition, when a donor no longer has the individual means to do so. This can be a tool for realizing substantial tax benefits.

However, restrictions on the donation can limit the extent of the tax benefits. Donations can reduce estate taxes and provide significant savings if they qualify for deductions from taxable income.

Bargain Sale of Land

A bargain sale combines the advantages of a gift and a sale. Because the land is sold in fee-simple at a reduced price, the difference between the fair market value and the actual selling price to a nonprofit organization or public agency represents a charitable contribution.

Factors to be Considered - A bargain sale may allow the seller to realize a charitable tax deduction in addition to a cash return. Like donations, bargain sales can reduce estate taxes and provide other tax benefits. Restrictions written in the transaction, however, can limit the extent of the tax benefits.

Zoning

Zoning is a method of controlling the use and development of land so as to yield the greatest benefits to the people in a community. Its aim is to protect the community from haphazard and careless development that may destroy land values. A variety of zoning techniques include traditional zoning, subdivision ordinances, trailer park zoning districts, cluster zoning, performance standards, special natural area districts, and scenic view districts.

Types - Trailer park regulations dealing with design criteria/minimum and maximum density requirements and encouraging innovative site layouts could encourage development that would be beneficial to property values and the general welfare.

River-edge setback requirements could be useful for reducing damage from flooding and storm water runoff, as well as for providing a buffer zone from development along the river's edge. These setbacks would also ensure a certain amount of open space.

Cluster zoning is a variation of traditional zoning regulations that assigns a fixed number of dwelling units per acre in a particular land use

classification. Through clustering, the same number of units is maintained, but the standard lot and yard size are reduced and sometimes eliminated; this leads to placement of dwelling units in a way that will maximize open space. The resulting open space is generally owned and shared by the homeowners. One type of clustering is the farm colony concept, intended to keep land in farming while using some for residential purposes.

Performance standards are another way to guide land use activity in environmentally sensitive areas along the river's edge and throughout a jurisdiction or watershed. They permit existing land use activities to continue up to the point at which they interfere with or begin to inhibit the functions of natural processes. Development of performance standards requires selection of natural resource areas and a description of their key functions related to public health, safety, and welfare. This approach offers flexibility to the landowner or developer.

Special natural area districts can be delineated in conjunction with established zoning to protect and conserve high-value natural lands such as wetlands, woodlands, floodplains, and old fields along the river edge. These districts could focus on a specific natural resource such as wetlands in a wetland conservancy district. The use of these areas can be regulated through ordinance, in addition to zoning, and would focus on the unique qualities and functions of that resource. Uses compatible with the functions of the special area would be permitted, and density transfers (see next section) would allow landowners to shift their development rights from the special resource area to a less environmentally sensitive part of their land.

Factors to be Considered - Zoning regulations are locally decided and administered, can be designed to meet local needs, and are widely known and used. However, they require consensus in development and establishment, can sometimes be rigid and inflexible, and can be used to promote undesired development if not properly administered. Zoning and subdivision regulations can be very useful in managing land along a river and provide a good basis for more complicated land management techniques. In Alabama, zoning regulations must be approved by the State legislature.

Transfer of Development Rights

Transfer of development rights is based on the same idea as easements—that landownership is a bundle of separable rights. Thus it is possible to separate development rights from any given parcel of land and apply them to another parcel of land. Under transfer regulations, the piece of land that has had its development rights transferred away will remain "undeveloped" while the piece receiving the development rights becomes eligible for higher density development than it would have been without those extra rights. This transfer is noted in the deeds to the respective parcels of land.

Factors to be Considered - A transfer of development rights offers the potential for preserving open space in desired areas while allowing higher density development on more suitable areas, thereby producing benefits for everyone—the open space is protected, the landowner receives compensation for his loss of potential development, and the potential for expanded growth is allowed in another area. A transfer, however, is a rather complex concept to put into practice and requires strong public planning

and zoning powers as well as a firm commitment by local officials to the objectives of the transaction. Also, a transfer may be more useful at the later stage of planning after some basic land management mechanisms are already functioning.

Agricultural District

An agricultural district, often a State-approved program, involves the creation of locally initiated districts designed to encourage agricultural operations and to discourage intensive nonfarm development, regulations hampering agriculture, and prohibitive taxation. It is designed to preserve and protect viable agricultural land by providing special tax relief to farmers. Agricultural districts are created in response to local initiative, whereby individual landowners who collectively own substantial acreage of agricultural land submit an application to the county legislative body for approval of the district.

Factors to be Considered - Usually, an agricultural district limits nuisance ordinances that affect the right to farm, keeps property taxes low, limits special service tax assessments, and restricts public funds for nonfarm development. It must be locally initiated and would require an enabling act by the State legislature. Agricultural districts could help preserve farmland in large sections by reducing development pressures.

Public Education and Information

Different methods, such as the following, can facilitate intelligent land use and make alternative land use preservation techniques widely known to the public:

More informative signing concerning littering, trail use, and identifying private lands;

Local land-use workshops featuring topics that affect everyone;

Technical assistance consisting of advice to landowners about the value of natural, scenic, and/or cultural resources, and sound management and construction practices;

Registration program leading to formal recognition of natural or historic landmarks to encourage voluntary protection;

Cooperative agreements consisting of formal or informal contracts for cooperation in management, maintenance, or operation of valuable resources.

VI. LIST OF STUDY PARTICIPANTS AND CONSULTANTS

A. Principals

Sharon C. Keene, Chief, Rivers and Trails Division, National Park Service, Southeast Regional Office

Julia N. Brooke, Study Coordinator and Planner, Rivers and Trails Division, National Park Service, Southeast Regional Office

Sarah H. Zimny, Outdoor Recreation Planner, Rivers and Trails Division, Southeast Regional Office

Lance D. Elrod, Student Intern, University of Georgia, Rivers and Trails Division, National Park Service, Southeast Regional Office

Debra L. Johnson, Secretary, Rivers and Trails Division, Southeast Regional Office

B. Consultants

In appreciation of those who contributed information and gave of their time towards the completion of this report.

Jeff Blood, Baldwin County Commission, Alabama

Dr. John Brown, Faulkner State Junior College

Walter M. Cook, Lyons, Pines and Cook

Brad Gane, Coastal Programs Office, Alabama Department of Environmental Management

Dale Kimbrel, City of Foley, Alabama

Henry Malec, Environmental Quality Section, U.S. Army Corps of Engineers, Mobile District

Bill Mosey, Federal Insurance Administration, Federal Emergency Management Agency

Don Pruitt and Staff, South Alabama Regional Planning Commission

John Strickland, Recreation Planning and Grants Programs, Alabama Department of Conservation and Natural Resources

Nancy Tippens, Office of Congressman Jack Edwards

Sandy Tucker, Ecological Services Division, U.S. Fish and Wildlife Service

W. H. Tucker, Division of Fisheries, Alabama Department of Conservation and Natural Resources

Martha Young, National Coastal Eco-systems Team, U.S. Fish and Wildlife Service

Conservation Organizations

Alabama Conservancy

Alabama Environmental Quality Association

Alabama Ornithological Society

Alabama Trails Association

Alabama Wildlife Federation

Audubon Society - Birmingham, Northwest Florida, Mobile Bay Chapters

Florida Defenders of the Environment

Sierra Club - Cahaba, Northwest Florida Groups

Landowners

Major individual and Corporate owners within the study area.

Press

Alabama Journal, Montgomery

Baldwin Times

Birmingham Post-Herald

Eastern Shore Courier, Fairhope

Independent, Robertsdale

Mobile Press-Register

Onlooker, Foley

Pensacola News Journal

VII. APPENDIX

SOLDIER CREEK STUDY

INFORMATION BROCHURE

united states department of the interior/national park service



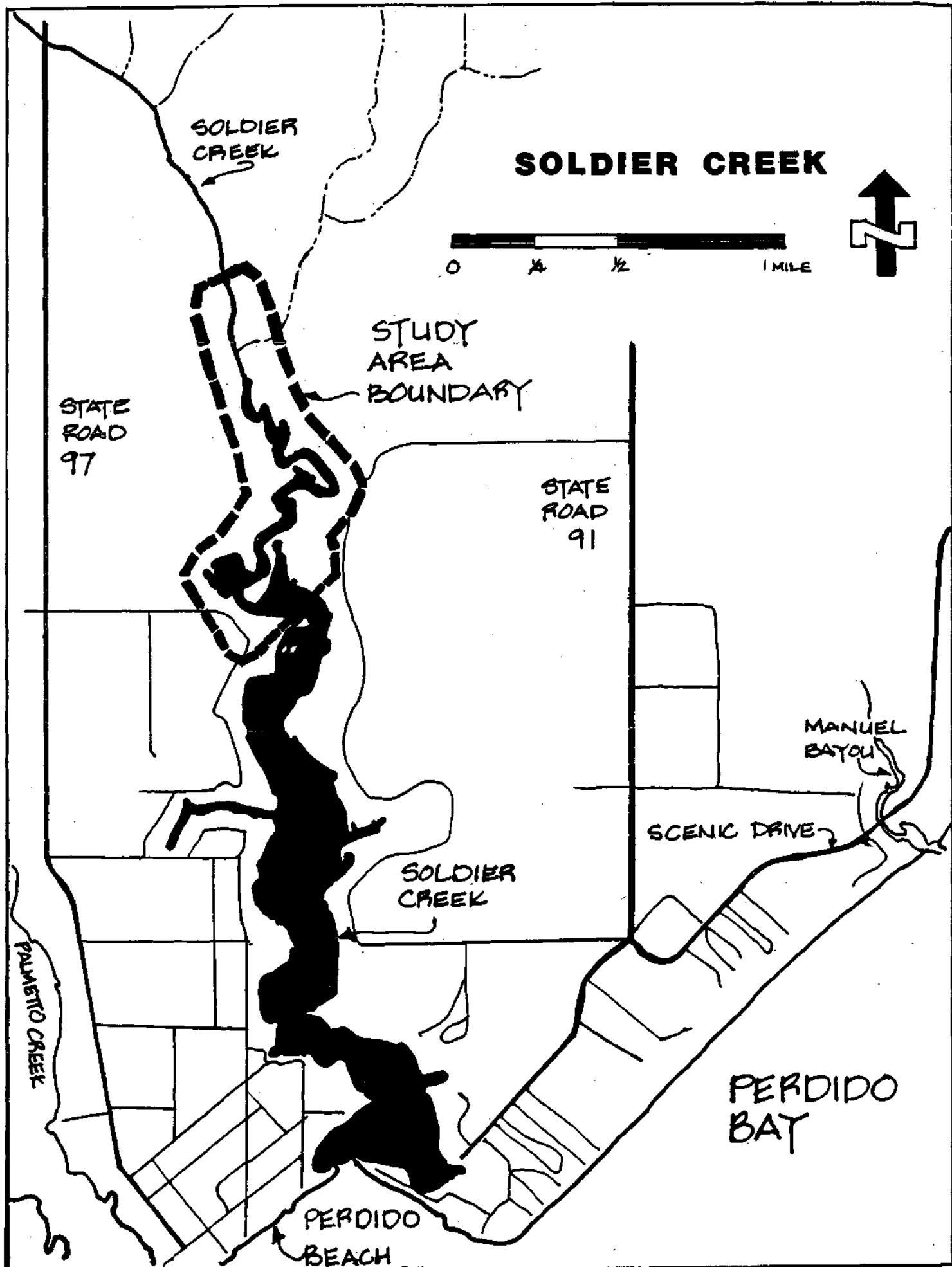
PUBLIC MEETING SUMMARY

A public meeting was held July 14 at the Civic Center in Foley, Alabama, to present information about the Soldier Creek Study, answer questions, discuss alternatives for protection, and gauge support for federal designation as a wild and scenic river and other alternatives. Approximately 84 people attended the meeting, almost all of whom were nearby residents to Soldier Creek. The area's newspapers were also represented. After a head count to measure support for federal designation, many people left. Consequently, there was little discussion of alternatives. The general feeling of the crowd was that Soldier Creek should remain the way it is. People seemed to think that this could not be accomplished by federal involvement which would tend to bring more people to the area.

The next step will be for the National Park Service to prepare a draft study report describing our findings and conclusions. The draft report will be sent out to the public for a review and comment period. Following revisions to the draft the final report will be prepared and forwarded to Congress.

This report is intended to supplement the public workshop information brochure as well as provide the study team with a record of what transpired at the meeting. Copies of the Workshop Brochure may be requested from the National Park Service at the address on the next page.

- I. Welcome
- II. Introduction
- III. Request for Statements
- IV. Presentation of Information
- V. Questions
- VI. Comments



NOTES FROM THE SOLDIER CREEK PUBLIC MEETING

I. Welcome

II. Introduction: Sharon C. Keene, Division Chief
Julia N. Brooke, Study Coordinator

National Park Service
Southeast Regional Office
Rivers and Trails Division
75 Spring Street, S.W.
Atlanta, GA 30303

III. Request for statements from federal, state, county and local government officials, and organization representatives

Resolution read from Alabama Wildlife Federation, passed August 29, 1976, calling "upon the Governor and the Legislature of the State of Alabama, and the President and the Congress of the United States to give immediate consideration towards protecting the upper portion of Soldier Creek which possesses outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic and cultural values, so that it shall be preserved in free-flowing condition, and that it and its immediate environments shall be protected for the benefit and enjoyment of present and future generations."

IV. Presentation of information (see Workshop Brochure for bulk of material) Additional information not contained in brochure:

A. Area affected by study:

The Wild and Scenic Rivers Act requires the following part of Soldier Creek to be studied (see attached map): "the segment beginning at the point where Soldier Creek intersects the south line of section 31, township 7 south, range 6 east, downstream to a point on the south line of section 6, township 8 south, range 6 east, which point is 1,322 feet west of the south line of section 5, township 8 south, range 6 east in the county of Baldwin, State of Alabama." The width of the area to be studied extends 1/4 mile from each bank of the river.

B. Timetable (see second page of Workshop Brochure—Mechanics of Study Process)

1. We are now in the information-gathering stage. The public meeting is part of that process. Comments on whether Soldier Creek is eligible and suitable for national designation, as well as suggestions for other protection options are welcomed. These should be sent to the above address as soon as possible for consideration in the draft report.

2. The draft report will contain information about the study area and recommendations on the creek's eligibility and suitability for national designation based on that information. It also will include the potential classification of the creek as wild, scenic or recreational, and consideration of various alternatives for protection. The draft report is expected to be released by the end of the summer and circulated to the public for review and comment.
3. The final report, revised from comments as appropriate, will be released and forwarded to the Congress.

C. Protection Alternatives

Various alternatives for protection of a river are considered during the study process to provide a basis for decision-making and to allow for the best, most feasible protection. These include the status quo and alternatives other than federal designation. The primary bases for formulating these alternatives have been:

1. Who (possible managing agencies)
 - a. federal government
 - b. state government
 - c. local/county government
 - d. private non-profit organization
2. How (covered in Workshop Brochure - Protection Methods)

V. Questions

This section contains a paraphrasing of the major questions that were raised at the meeting. As many questions as possible are listed here. Information, in addition to what was stated at the meeting, is included to enhance understanding. The information presented here is derived from the following documents that govern the conduct of a Wild and Scenic River Study:

The Wild and Scenic Rivers Act (Public Law 90-542, hereafter referred to as the Act, passed in 1968) which gives authority for a study [Section 4(a)], designates potential additions to the system that must be studied [Section 5(a)(71)], and states the requirements of a study [Sections 4(a) and 5(c)].

Guidelines for Eligibility, Classification and Management of River Areas (published in the Federal Register; vol. 47, No. 73; pages 39454-9; Sept. 7, 1982), referred to herein as the Guidelines.

National Park Service Planning Process Guideline (NPS-2, September 1982), Wild and Scenic River Studies (Chapter 6, pages 4-8), referred to herein as NPS-2.

The questions follow:

1. Why is the National Park Service interested in Soldier Creek all of a sudden? Is there anything behind it, such as an interest in oil and gas exploration?

The amendment to the Wild and Scenic Rivers Act, which authorized the study of Soldier Creek, was passed in 1978. Although the study has been authorized since that time, it has only now begun with the official announcement by a National Park Service news release July 1, 1983. The Act requires that first priority for conducting studies be given to those rivers that are in greatest danger of development. The Soldier Creek study area has been in relatively little danger, so the study is the last of several begun in this region. The only known potential threat to the Creek is residential development. There has been no oil or gas exploration along Soldier Creek.

2. Why are we just now hearing about the study if it has been authorized since 1978?

The study authorization has been part of the public record since the amendment was passed. It is not until a study is actually begun that the public is actively notified through news releases and direct mailings.

3. Who sponsored the legislation to study Soldier Creek and why?

The inclusion of Soldier Creek in the 1978 amendment was sponsored by Congressman Jack Edwards. Neither the Congressional Record, the Senate Report, nor the House Report concerning the legislation (Public Law 95-625) contains discussion specifically about Soldier Creek to indicate why it was designated for study.

4. Why is the Federal Government spending tax money to do this study?

The study is required by Congress. The Act requires that the study be completed and a report submitted not later than September 30, 1984. Congress also authorized to be appropriated "such sums as may be necessary for the conduct of the study."

5. Can the study be stopped?

The study is required and can only be de-authorized by Act of Congress. If, during the study process, a river is found to be ineligible or nonsuitable (see definitions in Workshop Brochure), further study is terminated and a report is prepared. With Congressional concurrence, further consideration by the Department for inclusion in the National System is ended. Assistance to concerned interests and jurisdictions in suggesting, developing or implementing other measures or techniques for river protection is still possible.

6. Does the Creek qualify for study as a wild and scenic river?

Yes. The Act defines a river as "a free-flowing body of water or estuary or a section, portion or tributary thereof, including rivers streams, creeks, runs, kills, rills and small lakes."

7. What do the classifications wild, scenic and recreational mean?

The Act requires that a river included in the National Wild and Scenic Rivers System be classified and administered as one of the following:

"Wild river areas—Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

Scenic river areas—Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

Recreational river areas--Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past."

The study report will recommend the potential classification of each eligible river segment.

8. What effect will a particular classification have on development or use of the Creek, if designated?

Management principles contained in the Guidelines and the Act call for a non-degradation and enhancement policy regardless of classification. Public recreation and resource use is provided for as long as it does not adversely impact or degrade the values for which a river is designated. Although each classification permits certain existing development, the criteria do not imply that additional inconsistent development is permitted in the future. The

managing agency may provide basic facilities within the river area. If needed, in wild areas, they will be minimal, such as toilets or refuse containers. In scenic or recreational areas such things as shelters and picnic tables may be appropriate. Major facilities would be located outside the river area, if needed. Agriculture should be limited to uses that are no more intensive than hay production and grazing in wild river areas. Row-crop production and timber harvesting may be practiced in scenic and recreational areas.

9. If designated, who would manage the river area?

The Act requires that the study report state which federal agency should administer the proposed river. The report must also include which State and local agencies, if any, will participate in the administration of the river and to what extent. This has not yet been determined. The primary federal land managing agencies in the southeast are the National Park Service, Fish and Wildlife Service (both within the Department of the Interior) and the Forest Service (within the Department of Agriculture). After designation the river would be managed as part of the existing System of parks, wildlife refuges or forests of the managing agency and would be subject to the statutory authorities of that particular System.

10. What happens after a river is designated as part of the Wild and Scenic Rivers System? Will we (the public) be able to affect the future plans?

Within one year of designation, the agency administering the river must establish detailed boundaries, determine the river's classification, prepare a plan for development, and publish all of this in the Federal Register. This management plan will state the kinds and amounts of public use the river area can sustain without impact to the values for which it was designated; general principles for any land acquisition that might be necessary; and other specific management measures for protecting the river. Such measures would include:

- a. establishing a carrying capacity to determine the quantity and mixture of recreation and other public use allowable;
- b. controlling public use through such means as limiting access or issuing permits, if needed;
- c. locating public access to minimize impacts;
- d. controlling motorized travel, if needed;
- e. monitoring agriculture and forestry practices which should be similar to those practiced at the time of designation;

f. maintaining or improving water quality to standards for aesthetics and fish and wildlife propagation, consistent with the Clean Water Act;

g. maintaining existing patterns of land use and ownership or utilizing land-use controls (such as zoning, easements or fee acquisition) as needed.

The managing agency will implement these measures to the fullest extent possible under their general statutory authorities and existing Federal, State and local laws. Since the management plan would constitute a proposed major federal action, an Environmental Impact Statement (with its provisions for public input) would be prepared.

11. What will designation mean in terms of the numbers of people attracted to the Creek?

Visitation to Soldier Creek can be expected to increase as a result of national designation. The level of public use or carrying capacity of the area will be determined as part of the management plan. The number of people on the designated segment of river can be controlled through such methods as permitting or limiting public access. Since the study area is small and removed from major transportation routes or population centers, it is not expected that large numbers of tourists would be attracted there as a primary destination. Most visitors probably would come from the local area, Pensacola or Mobile. Some visitors might be those travelling along Highway 98 or those bound for the Gulf beaches.

12. Will public access to the river be provided? Will it affect adjacent landowners?

The Act states that it is the policy of the United States to protect certain selected rivers for the benefit and enjoyment of present and future generations. Public use is therefore intended. Public use, however, is only allowable to the extent that it does not adversely impact the river's outstanding values. Public use should not directly affect landowners outside of the designated river corridor. The public still is subject to trespass laws. Due to the small size of the potential river segment, there would most likely be only one public access point. Access points are generally located along or close to existing roads to minimize costs for development. Adequate parking facilities, etc., would be provided. There may be an inconvenience to adjacent landowners due to the increased road traffic, but the amount would not be expected to be great.

13. Can the rest of Soldier Creek beyond the authorized study area or the surrounding land be included in the wild and scenic river corridor designated?

Yes, but it is not likely. There are strict limits on the amount of land that can be included.

The study area (Section IV A above) covers, as a minimum, the length of the authorized segment and a width of 1/4 mile from each bank of the river. Adjacent areas beyond 1/4 mile may be studied if they are necessary for managing the resources that are important to the value of the river and that may extend beyond the boundary. An example would be an important archaeological site or a large ecological area (such as a bog or marsh). The length of the study area may be extended to be able to use existing access points. The study area boundary, however, is not being extended. The designation of a river is based on the study report, so that it is not likely that the designated area would be extended. The management plan would state the specific detailed boundaries. The Act restricts the area to not more than 320 acres per mile on both sides of the river. This works out to be about the same area as the 1/4 mile corridor. Of this area, the federal government is prohibited from acquiring fee title to an average of more than 100 acres per mile on both sides of the river.

14. If the creek is designated, can land be acquired through condemnation?

Yes, but condemnation is used only as a last resort. The National Park Service prefers to conduct purchases through negotiations with landowners on a willing seller basis which is the manner in which most purchases are made.

VI. Comments

The structure of the meeting, with a relatively long period for questions, encouraged many of the comments to be expressed as parts of questions. Some representative comments follow:

--We want to keep the river the way it is.

--We do not want an influx of people or development.

--I do not want my land taken or regulated. Even if it is outside the study area now, I don't trust that the government will not expand later.

--The Creek is too small to support much use. Boats cannot even get through the entire study section.

During the comment period, a head-count was taken to see who was in favor of the Creek being designated. Several attempts were made to arrive at a statement that could be generally agreed upon. Those suggested were:

--Keep the creek the way it is (no intervention).

--Be it resolved that we recognize the values of Soldier Creek and want to preserve it but that the admission of boat ramps, picnic tables, access roads, etc., would be incompatible with this purpose.

A vote finally was taken on:

—Should Soldier Creek be designated as a wild and scenic river?

For - 0

Against - 44

Abstain - 2

Perhaps the sentiments of the people at the meeting could best be expressed through the poetic words of one nearby landowner who commented that the word "perdido" means "lost" in Spanish—that the area has been essentially forgotten by progress or lost and that the people would like to keep it that way.

REVIEW COMMENTS

Written comments on the Soldier Creek Wild and Scenic River Study were received from the following agencies and organizations.

State of Alabama

Governor of Alabama

Federal Agencies

Department of Agriculture

Forest Service

Department of Transportation

Department of the Army

Department of the Interior

Office of Surface Mining
Fish and Wildlife Service

Private Agencies

International Paper Company

Paul Corwin Agency, Inc.



STATE OF ALABAMA

GOVERNOR'S OFFICE

GEORGE C. WALLACE
GOVERNOR

MONTGOMERY 36130

April 3, 1984

Mr. G. Ray Arnett
Assistant Secretary
Fish and Wildlife and Parks
United States Department of the Interior
Office of the Secretary
Washington, D. C. 20240

Dear Mr. Arnett:

Thank you for your letter of recent date, regarding Soldier Creek. Soldier Creek, like many other natural resources in Alabama, is beginning to feel the strain caused by increase population and competing demands. Our goal is to insure that current and future generations of Alabamians have access to those resources which we have come to enjoy and expect. Toward the end, the Department of Conservation and Natural Resources will continue to monitor the scenic and recreational values of Soldier Creek. When it appears that those values are significantly threatened, the options contained in the Soldier Creek Wild and Scenic River study will then be re-assessed.

If I may be of further assistance to you in the future, please do not hesitate to contact my office.

With kind personal regards, I am

Sincerely yours,

George C. Wallace

GCW:akk



**U.S. Department of
Transportation**

Office of the Secretary
of Transportation

Office of Assistant Secretary

400 Seventh St., S.W.
Washington, D.C. 20590

JAN 18 1984

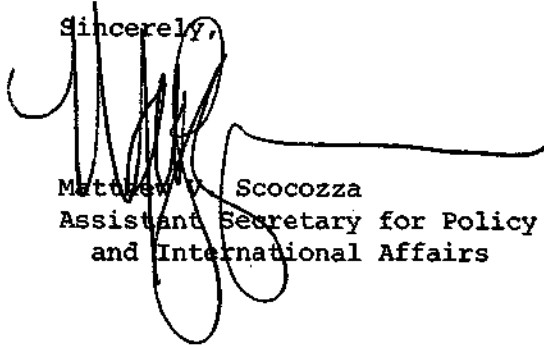
Honorable G. Ray Arnett
Assistant Secretary for Fish and
Wildlife and Parks
Department of the Interior
Washington, DC 20240

Dear Mr. Arnett:

Thank you for your recent letter to Secretary Dole transmitting a copy of the Soldier Creek Wild and Scenic River Study, Alabama. The study finds that Soldier Creek is ineligible for inclusion in the National Wild and Scenic Rivers system. The Department of Transportation has no comment on the study.

We appreciate the opportunity to comment.

Sincerely,



Matthew V. Scocozza
Assistant Secretary for Policy
and International Affairs



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
WASHINGTON, DC 20310

2 MAR 1984

Honorable G. Ray Arnett
Assistant Secretary for Fish
and Wildlife and Parks
U.S. Department of the Interior
Washington, D.C. 20240

Dear Mr. Arnett:

This is in response to your recent letter, requesting Department of the Army views on the draft of the Soldier Creek Wild and Scenic River Study, Alabama.

We have reviewed this document and concur with your findings on the ineligibility for inclusion of that stream in the National Wild and Scenic Rivers System. Therefore, we have no comments which might delay submission of the report to the President and Congress.

Thank you for the opportunity to review this draft report.

Sincerely,

A handwritten signature in cursive script, reading "William R. Gianelli", is positioned above the typed name.

William R. Gianelli
Assistant Secretary of the Army
(Civil Works)



United States Department of the Interior
OFFICE OF SURFACE MINING
Reclamation and Enforcement
WASHINGTON, D.C. 20240

JAN 25 1984

Memorandum

To: Director, National Park Service

Through: Assistant Secretary for Fish, Wildlife and Parks

Through: Deputy Assistant Secretary for Land and Minerals Management

From: Director, Office of Surface Mining

Subject: Review of Draft Report -- Wild and Scenic
Rivers -- Soldier Creek, Alabama

FEB 1984

31 JAN 1984

This Office appreciates the opportunity to review the above document. We have no comments on the findings of the National Park Service concerning the Wild and Scenic Rivers study of Soldier Creek, Alabama.

If we can be of further assistance, please do not hesitate to call me.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

P.O. Drawer 1197

Daphne, AL 36526

February 7, 1984

Sharon C. Keene, Chief
Rivers and Trails Division
Southeast Region
National Park Service
75 Spring St., S.W.
Atlanta, Georgia 30303

Dear Ms. Keene:

This is in response to your letter of January 13, 1984, requesting Fish and Wildlife Service (FWS) comments on the Draft Soldier Creek Wild and Scenic River Study. We have reviewed the study and have several comments to offer.

Overall, the draft study is an adequate description of Soldier Creek and the natural resources that characterize it. However, there are several sections of the study that need correction or further clarification. Our specific comments are listed below.

Page 15, Paragraph 3 -- Fish and Wildlife. The last two sentences need clarification. Perhaps this sentence would state your opinion more clearly, "Because the study section is small and the range of its characteristic fish and wildlife species is large, significant impacts to Soldier Creek would likely not have a significant impact on the overall health of those fish and wildlife species."

Page 25, Paragraph 1 -- Vegetation. The white cedar within the study section is more accurately denoted as "Atlantic white cedar."

Page 27, Illustration -- Coastal Lowlands Segment. American white cedar should be listed as "Atlantic white cedar."

Page 28, Paragraph 2 -- Vegetation. What is the relevance of this statement? Do any of these plants occur within the study section; if so, which ones?

Page 28, Paragraph 4 -- Fish and Wildlife. The fourth sentence should be corrected as follows, "Summer residents include cattle egret, magnificent frigatebird, white ibis, hawk, tern, and a few species of warblers."

Page 32, Paragraph 1 -- Fish and Wildlife. Some fishery species should be included; for example, redfish, speckled trout, flounder, Atlantic croaker, gulf menhaden, white shrimp, brown shrimp, and blue crab.

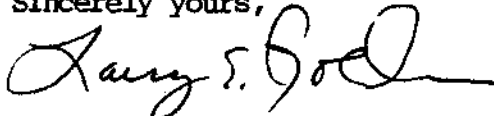
Page 32, Paragraph 2 -- Fish and Wildlife. "Louisiana" should be deleted. In addition, the Perdido Bay beach mouse should not be included in this list. The beach mouse is only found in beach dune habitat.

Page 33, Paragraph 4 -- Water Quality. The word "direct" should be included before "dischargers". Indirect discharge from nonpoint sources occurs along the developed and cleared portions of Soldier Creek.

Page 39, Paragraph 2 -- Landownership and Land Use. The word "located" is misspelled in the second sentence.

We appreciate the opportunity to participate in the study review. If you have questions regarding our comments, please contact Ms. Sandy Tucker of my staff (Phone: FTS 537-2181, Commercial 205/690-2181).

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Larry E. Goldman".

Larry E. Goldman
Field Supervisor



INTERNATIONAL PAPER COMPANY

SOUTH CENTRAL REGION
NATCHEZ, MISSISSIPPI 39120

WOOD PRODUCTS AND RESOURCES GROUP

January 25, 1984


Ms. Sharon C. Keene, Chief
Rivers and Trail Division
U.S. Dept. of the Interior
Southeast Regional Office
75 Spring Street, S. W.
Atlanta, Georgia 30303

Dear Ms. Keene:

We have reviewed the Draft Soldier Creek Wild and Scenic River Study proposed by your Division, dated January 13, 1984.

We agree with your summary findings of ineligibility on pages 1 and 3 of the study. We are opposed to any Federal regulatory restrictions in this area, and recommend that no action be taken now or in the future that would change landownership rights or existing trends.

Sincerely yours,


Walter B. Dennis
Manager-Forest Ecology

WBD/at:1427I
cc: Mr. John Nugent

PAUL CORWIN AGENCY, INC.

3077 Carter Hill Road • P.O. Box 11686 • Montgomery, Alabama 36111
Real Estate Sales/Appraisals/Development (205) 263-6677

February 15, 1984

The National Park Service
Southeast Regional Office
75 Spring Street, S.W.
Atlanta, GA 30303

Gentlemen:

I want to register my opposition to a continuation of the Soldier Creek study and request that any additional effort be concluded as far as placing Soldier Creek, Alabama under the Amendment to the Wild & Scenic Rivers Act.

Apparently, there are only two persons interested in including Soldier Creek as a project of The National Park Service and these are an unnamed and unidentified property owner, plus Congressman Jack Edwards. The land owners and property owners along Soldier Creek have been overwhelmingly opposed to this effort.

I am a property owner and a resident of Soldier Creek, residing there on a part-time basis. I do not recommend The National Park Service, or any agency or arm of the Federal Government, taking over the protection and/or the development of Soldier Creek, and I am writing all members of Congress from Alabama to lodge such a protest and request that they de-authorize any further study in this direction. It is certainly inconceivable after the protest made by the property owners, that any further consideration would be given.

Respectfully submitted,



Paul Corwin

/lwc

cc: Hon. Jeremiah A. Denton, Jr.
Hon. Howell Heflin
Hon. Jack Edwards
Hon. William L. Dickinson
Hon. Ben Erdreich
Hon. Bill Nichols
Hon. Tom Beville
Hon. Ronnie G. Flippo
Hon. Richard C. Shelby

Star Route Box 1220
Lillian, Alabama 36549
February 20, 1984

Ms. Sharon C. Keene, Chief
Rivers and Trails Division
United States Department of the Interior
75 Spring Street, Southwest
Atlanta, Georgia 30303

Dear Ms. Keene:

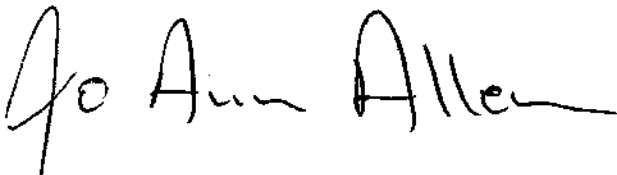
I wish to have my comments considered in the final draft of the Soldier Creek Wild and Scenic River Study.

I feel the study is fairly factual and very comprehensive, and I commend the study team for realizing the fact that Soldier Creek is not eligible for inclusion in the National Wild and Scenic Rivers System.

As for the extensive "Alternatives for Protection", one can only assume the residents, with their hundreds of petitions in opposition, did not make it clear to those in authority that the majority of the property owners do NOT want any control placed on Soldier Creek by ANY agency - Federal - State - or Local, Nonprofit, Boundary Options, River Preservation Techniques, Land Trust, Easements, Donations, Bargain Sale of Land, Zoning, Transfer of Development Rights, Agricultural District, nor Public Education and Information Techniques.

As a Soldier Creek property owner of long standing, I respectfully ask the Department of the Interior, the Department of Agriculture, the Congress of the United States, and the President, to drop all efforts to take control of Soldier Creek and to please put my tax dollars to better use in the future.

Very truly yours,



Jo Ann Allen

Feb. 9, 1984

Julia Brooke,
Community Planner,
National Park Service.
Atlanta, Ga.

I have read your draft "Wild and Scenic River Study" December 1983 several times. I am on the West side of Soldier Creek, Lot 4, which I understand is within your study. I am very much opposed to any type of management for Soldier Creek. I have lived here since 1971. My husband and I always loved the area and he worked to slow boat traffic and cut down on erosion during his life time. In fact all the neighbors on the Creek want to preserve its natural beauty and we are doing a good job, in my opinion, and we do not want any type of management.

Mrs. May McLain
Star Rt. Box 675
Perdido Beach
Elberta, Ala. 36530.

Elizabeth L. Davidson
Star Route Box 50
Lillian, Alabama 36549

7 February 1984

National Park Service
Southeast Regional Office
Rivers and Trails Division
75 Spring Street, S. W.
Atlanta, Ga. 30303

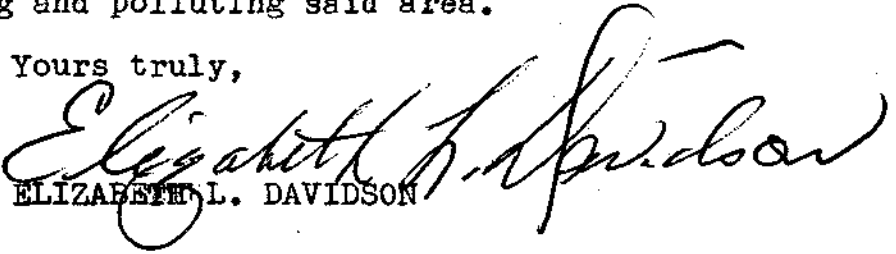
Dear Sir:

I, as one of those "less affluent, less educated"; (Ref: Soldier Creek Draft Wild and Scenic River Study, December 1983; page 37): and owner of three lots included in the study area, acknowledges receipt of the draft; which is extremely well written and most interesting; take this opportunity to inform you that I am very pleased that you recommended that Soldier Creek be excluded from the Wild and Scenic Rivers System.

I would also like to state that I do not believe it is necessary for any one individual or any form of governmental control be responsible for keeping Soldier Creek in it's Pristine State.

I believe that the citizens of the area take pride in our free-flowing scenic creek and each will feel personally responsible to do his or her part in keeping human habitat from destroying, defacing and polluting said area.

Yours truly,


ELIZABETH L. DAVIDSON

1291
Lillian, li 36549
Feb. 7, 1984

Subject: L 58 (SER. PT)

Dear Mrs. Keene:

Thank you for the draft on
Soldiers Creek in Baldwin County.

There is really no reason to think
the desires of the people of Soldiers
Creek have changed since the Foley
meeting. They want the area left as
is. It is well protected by the
citizens living here, they care for it
with love and leave it in its natural
state with every possible care. Who better
to do the job at no cost to the
government?

Sincerely yours.

Joseph M. Rose.

Joseph E. Rose

6 Feb 1984

Sharon C Keene, Chief
Rivers & Trails Division
75 Spring St. SW
Atlanta, Ga. 30303

Dear Miss Keene:

Thank you for the draft copy
of the Soldier Creek Wild and Scenic
River Study. It was a very comprehensive
study and I feel the conclusion you
reached was valid.

The only error I noticed was
on page 39 second paragraph. The cabin (house)
is located on the east bank of Soldier Creek.

Thank you for your patience
and understanding of the "natives" in
our area.

Sincerely,

Don H Black
Star Route Box 345
Perdido Beach, AL
36530