

1 HB370
2 190615-1
3 By Representative Davis
4 RFD: Agriculture and Forestry
5 First Read: 01-FEB-18

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8 SYNOPSIS: This bill would further provide for permits
9 for shoreline restoration, including the use of
10 living shoreline techniques, by riparian property
11 owners in coastal areas. The bill would authorize
12 riparian property owners to sever and use materials
13 in their riparian rights use area and for the
14 purposes of shoreline restoration without fee or
15 charge by the Department of Conservation and
16 Natural Resources or the Department of
17 Environmental Management when the source sediment
18 is used for the construction of living shorelines
19 in front of a property owner's riparian property.
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21 A BILL
22 TO BE ENTITLED
23 AN ACT
24

25 Relating to coastal areas; to further provide for
26 permits for living shoreline restoration from the State Lands
27 Division of the Department of Conservation and Natural

1 Resources and the Department of Environmental Management and
2 for the use of source sediment by riparian property owners.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. (a) For the purposes of this act, the
5 term "living shoreline" means shoreline restoration techniques
6 for shoreline stabilization including, but not limited to,
7 planting of native vegetation, the placement of wave
8 attenuation structures, the placement of fill material, and
9 other similar techniques designed to allow natural coastal
10 processes to continue to operate and natural coastal features
11 to be preserved.

12 (b) (1) The purpose of this act is to encourage the
13 use of living shoreline techniques in coastal areas in lieu of
14 vertical seawalls or bulkheads and allow for the procurement
15 of sand and source sediment without an associated navigational
16 project.

17 (2) The Legislature finds that sand and sediment
18 material available for dredging within a property owner's
19 riparian use area is the best compatible source material and
20 provides the highest degree of success in living shoreline
21 restoration and that the use of the material serves a public
22 purpose to reduce erosion, improve and restore wildlife and
23 fish habitat, and increase coastal infrastructure resiliency.

24 (c) The State Lands Division of the Department of
25 Conservation and Natural Resources and the Department of
26 Environmental Management shall issue permits without any
27 charge or fee to a riparian property owner to dredge for sand

1 and source sediment in front of the respective owner's
2 riparian property, or immediately adjacent property with
3 consent of the riparian owner of that property, when the sand
4 and source sediment is to be used in front of the owner's
5 riparian property for the construction of a living shoreline.

6 Section 2. The authority of this act is limited to
7 property bounded by and touching the Gulf of Mexico proper,
8 including the Mobile Bay and other bays, rivers, or creeks in
9 connection therewith, located parallel to or south of Mobile
10 River mile 0.0 as defined by the Army Corps of Engineers,
11 which is more precisely located at Latitude 30 degrees
12 41.32848 minutes North, Longitude 88 degrees 02.39862 minutes
13 West, and extending parallel to and due south from that point.

14 Section 3. The provisions of this act are
15 supplemental and shall not be construed to repeal any other
16 provision of law not in direct conflict herewith.

17 Section 4. This act shall become effective on the
18 first day of the third month following its passage and
19 approval by the Governor, or its otherwise becoming law.