

1 HB236
2 173977-1
3 By Representatives Sessions, Williams (JW), Wilcox and
4 McMillan
5 RFD: Agriculture and Forestry
6 First Read: 16-FEB-16

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8 SYNOPSIS: There is no specific statute that provides
9 for depositing beach quality sand dredged from
10 coastal inlets of this state.

11 This bill would provide the procedure for
12 depositing beach quality sand dredged from
13 navigation projects in the coastal inlets of this
14 state.

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16 A BILL
17 TO BE ENTITLED
18 AN ACT

19
20 Relating to dredging of navigation channels in
21 coastal inlets of the state; to provide for the deposit of
22 beach quality sand on adjacent beaches to prevent erosion; and
23 to require the Department of Conservation and Natural
24 Resources to administer the program.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. The Legislature makes the following
27 findings and statements:

1 (1) It recognizes the need to maintain navigation
2 channels and associated engineering works in the state's
3 coastal inlets to promote commercial and recreational uses of
4 our coastal waters and their resources.

5 (2) It also recognizes that inlet navigation
6 projects interrupt or otherwise alter the natural drift of
7 beach quality sand resources, which often results in these
8 sands accumulating in the inlet channels or being deposited at
9 locations not conducive to provide for natural nourishment of
10 adjacent beaches.

11 (3) It further recognizes that Alabama's beaches
12 fronting the Gulf of Mexico serve as the state's first line of
13 defense in protecting coastal communities and developments
14 from flooding during hurricane storm surge events, and that
15 actions are appropriate to prevent the erosion of beaches
16 adjacent to inlet navigation projects and the unintended
17 direct and indirect consequences that result when these
18 beaches lose their resilience to adequately absorb damaging
19 forces of major storms.

20 (4) It is in the public interest to replicate the
21 natural drift of sand interrupted or altered by inlet
22 navigation projects and for each level of government to
23 undertake all reasonable efforts to maximize inlet sand
24 bypassing to ensure that beach quality sand is placed on
25 adjacent beaches to prevent those beaches from being eroded.
26 Such activities cannot make up for the historical sand
27 deficits caused by inlet navigation projects, but are designed

1 to balance the sediment budget of the inlet and adjacent
2 beaches and to extend the life of any nearby beach restoration
3 projects so that periodic nourishment is needed less
4 frequently.

5 (5) Due to the growing demand for beach quality sand
6 for beach restoration and nourishment projects, the limited
7 supply of such sand resources, and the cost of such projects,
8 beach or nearshore sand placement is the lowest cost disposal
9 method.

10 Section 2. The Department of Conservation and
11 Natural Resources shall implement and administer this act and
12 shall develop the necessary rules and permitting procedures to
13 assure the intent of this act is carried out.

14 Section 3. The placement of beach quality sand
15 dredged from inlet navigation projects shall be subject to the
16 following requirements:

17 (1) All beach quality sand dredged during
18 construction and maintenance of navigation channels shall be
19 placed on the adjacent beaches or at a suitable nearshore
20 location to assure the sand is incorporated into the natural
21 littoral drift system to prevent beach erosion. If the dredged
22 sand is placed elsewhere, an equivalent quality and quantity
23 of substitute sand from an alternate location shall be placed
24 on the adjacent downdrift beaches.

25 (2) On an average annual equivalent basis, the
26 quantity of beach quality sand placed on eroding beaches
27 adjacent to the inlets shall be equal to the natural net

1 annual longshore sediment transport that would cross the inlet
2 in the absence of a navigation project.

3 (3) The timing and sequence of any construction
4 activities shall provide protection to nesting sea turtles and
5 their hatchlings, nesting shorebirds, and to threatened and
6 endangered species and their habitats. Beach quality sand
7 placed on the beach as part of an inlet navigation project
8 must be suitable for marine turtle nesting.

9 Section 4. Beach quality sand dredged from federal
10 navigation projects in coastal inlets shall be disposed of on
11 or in the nearshore area of adjacent eroding beaches. The
12 department may consider permitting disposal of beach quality
13 sand at other locations if emergency conditions exist.

14 Section 5. If federal investigations and reports do
15 not specify the entity or entities responsible for the extent
16 of erosion caused by an inlet navigation project, the
17 department, with the assistance of qualified professional
18 resources that it may employ or call upon, is encouraged to
19 undertake assessments that aid in specifying the responsible
20 entity or entities and in determining cost-sharing
21 responsibilities for measures to correct such erosion. The
22 entity that is responsible for maintenance dredging of an
23 inlet navigation project may be deemed responsible for the
24 beach erosion caused by the project if another responsible
25 party is not specified in such an assessment.

1 Section 6. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.