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3 HOUSE AGRICULTURE & FORESTRY COMMITTEE SUBSTITUTE FOR HB370
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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 under certain conditions
18 when the source sediment is used for the
19 construction of living shorelines in front of a
20 property owner's riparian property.
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22 A BILL
23 TO BE ENTITLED
24 AN ACT
25

26 Relating to coastal areas; to further provide for
27 permits for living shoreline restoration from the State Lands

1 Division of the Department of Conservation and Natural
2 Resources or the Department of Environmental Management and
3 for the use of source sediment by riparian property owners.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

25 (c) The State Lands Division of the Department of
26 Conservation and Natural Resources when issuing a permit to a
27 riparian property owner to dredge shall not charge or assess a

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

7 (d) Subject to funds being appropriated annually to
8 the Department of Environmental Management from the Gulf of
9 Mexico Energy Security Act (GOMESA) funds or other state or
10 local funds sufficient to cover the costs of coastal
11 certification and consistency determinations associated with
12 living shoreline projects and earmarked specifically for this
13 program, the Department of Environmental Management shall not
14 charge a fee when reviewing applications for the
15 certifications and determinations.

16 (e) This act shall not affect or be construed to
17 affect the title to state-owned submerged lands.

18 Section 2. The authority of this act is limited to
19 property bounded by and touching the Gulf of Mexico proper,
20 including the Mobile Bay and other bays, rivers, or creeks in
21 connection therewith, located parallel to or south of Mobile
22 River mile 0.0 as defined by the Army Corps of Engineers,
23 which is more precisely located at Latitude 30 degrees
24 41.32848 minutes North, Longitude 88 degrees 02.39862 minutes
25 West, and extending parallel to and due south from that point.

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

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