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SYNOPSIS:

This bill would provide for permits to be issued by the Department of Conservation and Natural Resources for riparian property owners to dredge sediment within their or adjacent property owner's riparian rights use area to be used in constructing a living shoreline in their riparian rights use area.

This bill would provide for a consistency determination to be made by the Alabama Department of Environmental Management in relation to the construction of a living shoreline.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to coastal areas; to provide for permits for living shoreline restoration from the Department of Conservation and Natural Resources; and to provide for the Alabama Department of Environmental Management to make consistency determinations in relation to the construction of a living shoreline.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) This act shall be known and may be cited



29 as the Joe Faust Living Shoreline Act.

30 (b) For the purposes of this section, the following  
31 terms have the following meanings:

32 (1) LIVING SHORELINE. Natural shoreline restoration  
33 techniques for shoreline stabilization, including the planting  
34 of native vegetation, the placement of wave attenuation  
35 structures, the placement of fill material, and other similar  
36 techniques designed to allow natural coastal processes to  
37 continue to operate.

38 (2) RIPARIAN. The interface of land and water limited  
39 only to land bounded by and touching the Gulf of Mexico  
40 proper, including the Mobile Bay and other bays, rivers, or  
41 creeks connected therewith that are located parallel to or  
42 south of the Mobile River mile 0.0 as defined by the United  
43 States Army Corps of Engineers or located at Latitude 30  
44 degrees 41.32848 minutes North, Longitude 88 degrees 02.39862  
45 minutes West, and extending parallel to and due south from  
46 that point.

47 (c) (1) The purpose of this section is to encourage the  
48 use of living shoreline techniques in coastal areas in lieu of  
49 vertical seawalls or bulkheads and allow for the procurement  
50 of sand and source sediment at a reduced fee.

51 (2) The Legislature finds that sand and sediment  
52 material available for dredging within a property owner's  
53 riparian use area is the best compatible source material and  
54 provides the highest degree of success in living shoreline  
55 restoration, and that the use of the material serves a public  
56 purpose to reduce erosion, improve and restore wildlife and



57 fish habitat, and increase coastal infrastructure resiliency.

58 (d) The State Lands Division of the Department of  
59 Conservation and Natural Resources may issue permits to  
60 riparian property owners to dredge in front of the respective  
61 owner's riparian property, or immediately adjacent property  
62 with consent of the riparian owner of that property, for sand  
63 and source sediment to be used for the construction of a  
64 living shoreline in front of the owner's riparian property.  
65 The fee for the permit shall cost one-half of the fee charged  
66 for a dredge permit for severance of materials from  
67 state-owned submerged lands.

68 (e) The Alabama Department of Environmental Management  
69 may issue a consistency determination, if applicable, to  
70 riparian property owners for the construction of a living  
71 shoreline in front of the owner's riparian property. The fee  
72 for a consistency determination shall cost one-half of the fee  
73 charged by the department for the construction of bulkheads or  
74 seawalls.

75 (f) The Department of Conservation and Natural  
76 Resources and the Alabama Department of Environmental  
77 Management may each separately adopt rules to implement and  
78 administer this section.

79 (g) This section shall not be construed to affect the  
80 title to state-owned submerged lands.

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

84 Section 3. This act shall become effective on the first



85 day of the third month following its passage and approval by  
86 the Governor, or its otherwise becoming law.