

**House State Government Engrossed Substitute for  
HB20**



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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 as the Joe Faust Living Shoreline Act.

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

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

~~(2) RIPARIAN. The interface of land and water limited~~



## House State Government Engrossed Substitute for HB20

29 ~~only to land bounded by and touching the Gulf of Mexico~~  
30 ~~proper, including the Mobile Bay and other bays, rivers, or~~  
31 ~~creeks connected therewith that are located parallel to or~~  
32 ~~south of the Mobile River mile 0.0 as defined by the United~~  
33 ~~States Army Corps of Engineers or located at Latitude 30~~  
34 ~~degrees 41.32848 minutes North, Longitude 88 degrees 02.39862~~  
35 ~~minutes West, and extending parallel to and due south from~~  
36 ~~that point.~~

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

41 (2) The Legislature finds that sand and sediment  
42 material available for dredging within a property owner's  
43 riparian use area is the best compatible source material and  
44 provides the highest degree of success in living shoreline  
45 restoration, and that the use of the material serves a public  
46 purpose to reduce erosion, improve and restore wildlife and  
47 fish habitat, and increase coastal infrastructure resiliency.

48 (d) The State Lands Division of the Department of  
49 Conservation and Natural Resources may issue permits to  
50 riparian property owners to dredge in front of the respective  
51 owner's riparian property, or immediately adjacent property  
52 with consent of the riparian owner of that property, for sand  
53 and source sediment to be used for the construction of a  
54 living shoreline in front of the owner's riparian property.  
55 The fee for the permit shall cost one-half of the fee charged  
56 for a dredge permit for severance of materials from



## House State Government Engrossed Substitute for HB20

57 state-owned submerged lands.

58 (e) The Alabama Department of Environmental Management  
59 may issue a consistency determination, if applicable, to  
60 riparian property owners for the construction of a living  
61 shoreline in front of the owner's riparian property. The fee  
62 for a consistency determination shall cost one-half of the fee  
63 charged by the department for the construction of bulkheads or  
64 seawalls.

65 (f) The Department of Conservation and Natural  
66 Resources and the Alabama Department of Environmental  
67 Management may each separately adopt rules to implement and  
68 administer this section.

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

71 Section 2. The authority of this act is limited to  
72 property bounded by and touching the Gulf of Mexico proper,  
73 including Mobile Bay and other bays, rivers, or creeks in  
74 connection therewith located parallel to or south of Mobile  
75 River mile 0.0 as defined by the United States Army Corps of  
76 Engineers, which is more precisely located at Latitude 30  
77 degrees 41.32848 minutes North, Longitude 88 degrees 02.39862  
78 minutes West, and extending parallel to and due south from  
79 that point.

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

83 Section 4. This act shall become effective on the first  
84 day of the third month following its passage and approval by

**House State Government Engrossed Substitute for  
HB20**



85 the Governor, or its otherwise becoming law.