

HB215 INTRODUCED



1 HB215
2 N45Q8JJ-1
3 By Representative Fidler
4 RFD: Ports, Waterways & Intermodal Transit
5 First Read: 21-Feb-24



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SYNOPSIS:

Under existing law, owners of riparian land may install certain structures upon their land.

This bill would provide that the Department of Conservation and Natural Resources may permit a residential coastal riparian owner to dredge sediment from within their riparian area for the construction of a living shoreline.

This bill would authorize the department to charge a fee for the dredging of sediment for this purpose at a rate less than that charged for the severance of materials from state-owned submerged lands.

This bill would also provide that the Alabama Department of Environmental Management may issue a consistency determination when applicable.

A BILL
TO BE ENTITLED
AN ACT

Relating to natural resources; to provide that the Department of Conservation and Natural Resources may permit the dredging of material for use in constructing a residential



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29 living shoreline; and to provide for the Alabama Department of
30 Environmental Management to issue a consistency determination
31 when applicable.

32 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

33 Section 1. (a) This act shall be known and may be cited
34 as the Joe Faust Living Shoreline Act.

35 (b) For the purposes of this section, the term "living
36 shoreline" means natural shoreline restoration techniques for
37 shoreline stabilization, including the planting of native
38 vegetation, the placement of wave attenuation structures, the
39 placement of fill material, and other similar techniques
40 designed to allow natural coastal processes to continue to
41 operate.

42 (c) (1) The purpose of this section is to encourage the
43 use of living shoreline techniques in coastal areas in lieu of
44 vertical seawalls, revetments, or bulkheads and allow for the
45 procurement of sand and source sediment at a reduced fee.

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

53 (d) The State Lands Division of the Department of
54 Conservation and Natural Resources may issue a permit to a
55 residential riparian property owner to dredge within the
56 riparian area of the owner's riparian property, or immediately



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57 adjacent property with consent of the riparian owner of that
58 property, for sand and source sediment to be used for the
59 construction of a living shoreline in front of the residential
60 owner's riparian property. The fee for the permit shall cost
61 one-half of the fees charged for a dredge permit for severance
62 of materials from state-owned submerged lands.

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

70 (f) The Department of Conservation and Natural
71 Resources and the Alabama Department of Environmental
72 Management may each separately adopt rules to implement and
73 administer this section.

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

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



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

88 Section 4. This act shall become effective on October
89 1, 2024.