

1 193538-3 : n : 03/20/2018 : ALBRITTON / KR

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3 SENATE AGRICULTURE CONSERVATION AND FORESTRY COMMITTEE

4 SUBSTITUTE FOR SB395

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9 SYNOPSIS: This bill would further provide for permits  
10 for shoreline restoration, including the use of  
11 living shoreline techniques, by riparian property  
12 owners in coastal areas. The bill would authorize  
13 riparian property owners to sever and use materials  
14 in their riparian rights use area and for the  
15 purposes of shoreline restoration without fee or  
16 charge by the Department of Conservation and  
17 Natural Resources or the Department of  
18 Environmental Management under certain conditions  
19 when the source sediment is used for the  
20 construction of living shorelines in front of a  
21 property owner's riparian property.

22  
23 A BILL  
24 TO BE ENTITLED  
25 AN ACT  
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1           Relating to coastal areas; to further provide for  
2 permits for living shoreline restoration from the State Lands  
3 Division of the Department of Conservation and Natural  
4 Resources or the Department of Environmental Management and  
5 for the use of source sediment by riparian property owners.  
6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

1 (c) The State Lands Division of the Department of  
2 Conservation and Natural Resources when issuing a permit to a  
3 riparian property owner to dredge shall not charge or assess a  
4 fee for sand and source sediment dredged in front of the  
5 respective owner's riparian property, or immediately adjacent  
6 property with consent of the riparian owner of that property,  
7 when the sand and source sediment is to be used for the  
8 construction of a living shoreline in front of the property of  
9 the riparian owner.

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

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

21 Section 2. The authority of this act is limited to  
22 property bounded by and touching the Gulf of Mexico proper,  
23 including the Mobile Bay and other bays, rivers, or creeks in  
24 connection therewith, located parallel to or south of Mobile  
25 River mile 0.0 as defined by the Army Corps of Engineers,  
26 which is more precisely located at Latitude 30 degrees

1 41.32848 minutes North, Longitude 88 degrees 02.39862 minutes  
2 West, and extending parallel to and due south from that point.

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

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