

HB215 ENROLLED



1 HB215
2 TEP3555-3
3 By Representative Fidler
4 RFD: Ports, Waterways & Intermodal Transit
5 First Read: 21-Feb-24



HB215 Enrolled

1 Enrolled, An Act,

2 Relating to natural resources; to provide that the
3 Department of Conservation and Natural Resources may permit
4 the dredging of material for use in constructing a residential
5 living shoreline.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

9 (b) For the purposes of this section, the term "living
10 shoreline" means natural shoreline restoration techniques for
11 shoreline stabilization, including the planting of native
12 vegetation, the placement of wave attenuation structures, the
13 placement of fill material, and other similar techniques
14 designed to allow natural coastal processes to continue to
15 operate.

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

20 (2) The Legislature finds that sand and sediment
21 material available for dredging within a residential property
22 owner's riparian area is the best compatible source material
23 and 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.

27 (d) The State Lands Division of the Department of
28 Conservation and Natural Resources may issue a permit to a



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29 residential riparian property owner to dredge within the
30 riparian area of the owner's riparian property, or immediately
31 adjacent property with consent of the riparian owner of that
32 property, for sand and source sediment to be used for the
33 construction of a living shoreline in front of the residential
34 owner's riparian property. The fee for the permit shall cost
35 one-half of the fees charged for a dredge permit for severance
36 of materials from state-owned submerged lands.

37 (e) The Department of Conservation and Natural
38 Resources may adopt rules to implement and administer this
39 section.

40 (f) This section shall not be construed to affect the
41 title to state-owned submerged lands.

42 Section 2. The authority of this act is limited to
43 property bounded by and touching the Gulf of Mexico proper,
44 including Mobile Bay and other bays, rivers, or creeks in
45 connection therewith located parallel to or south of Mobile
46 River mile 0.0 as defined by the United States Army Corps of
47 Engineers, which is more precisely located at Latitude 30
48 degrees 41.32848 minutes North, Longitude 88 degrees 02.39862
49 minutes West, and extending parallel to and due south from
50 that point.

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

54 Section 4. This act shall become effective on October
55 1, 2024.

