

1 HB422  
2 189567-1  
3 By Representative Sessions  
4 RFD: Agriculture and Forestry  
5 First Read: 15-FEB-18

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: Under existing law, there is no specific law  
9 which provides for the depositing of material from  
10 the dredging of the inlets of this state.

11 This bill would provide the procedure for  
12 depositing of material from the dredging of the  
13 inlets of this state.

14 This bill would exempt certain types of  
15 construction projects.

16  
17 A BILL  
18 TO BE ENTITLED  
19 AN ACT

20  
21 Relating to dredging of navigation inlets; to  
22 provide the procedure for depositing of material from the  
23 dredging of the inlets of this state; and to exempt certain  
24 construction projects.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. The Legislature hereby finds and declares  
27 the following:

1           (1) There is a need for maintaining navigation  
2 inlets to promote commercial and recreational uses of our  
3 coastal waters and their resources.

4           (2) Inlets interrupt or alter the natural drift of  
5 beach-quality sand resources, which often results in these  
6 sand resources being deposited in nearshore areas or in the  
7 inlet channel, or in the inland waterway adjacent to the  
8 inlet, instead of providing natural nourishment to the  
9 adjacent eroding beaches.

10          (3) It is in the public interest to replicate the  
11 natural drift of sand which is interrupted or altered by  
12 inlets to be replaced and for each level of government to  
13 undertake all reasonable efforts to maximize inlet sand  
14 bypassing to ensure that beach-quality sand is placed on  
15 adjacent eroding beaches, and these activities cannot make up  
16 for the historical sand deficits caused by inlets but shall be  
17 designed to balance the sediment budget of the inlet and  
18 adjacent beaches and extend the life of proximate  
19 beach-restoration projects so that periodic nourishment is  
20 needed less frequently.

21          Section 2. (a) All construction and maintenance  
22 dredging of beach-quality sand shall be placed on the adjacent  
23 eroding beaches unless, if placed elsewhere, an equivalent  
24 quality and quantity of sand from an alternate location is  
25 placed on the adjacent eroding beaches.

26          (b) On an average annual basis, a quantity of  
27 beach-quality sand shall be placed on the adjacent eroding

1 beaches which is equal to the natural net annual longshore  
2 sediment transport. The department, with the assistance of  
3 university-based or other contractual resources that it may  
4 employ or call upon, shall maintain a current estimate of the  
5 quantities of sand for purposes of prioritizing, planning, and  
6 permitting.

7 (c) Construction waterward of the coastal  
8 construction control line on down drift coastal areas, on  
9 islands substantially created by the deposit of spoil, located  
10 within one mile of the centerline of navigation channels or  
11 inlets, providing access to ports subject to the jurisdiction  
12 of the Alabama State Port Authority which suffers or has  
13 suffered erosion caused by the navigation channel maintenance  
14 or construction shall be exempt from the permitting  
15 requirements and prohibitions if the area is within the  
16 jurisdiction of a coastal municipality which has been granted  
17 a permit for the construction and maintenance of a beach  
18 project by the Commissioner of the Department of Conservation  
19 and Natural Resources. The timing and sequence of any  
20 construction activities associated with inlet management  
21 projects shall provide protection to nesting sea turtles and  
22 their hatchlings and habitats, to nesting shorebirds, and to  
23 native salt-resistant vegetation and endangered plant  
24 communities. Beach-quality sand placed on the beach as part of  
25 an inlet management project shall be suitable for marine  
26 turtle nesting.

1 (d) Ports which are in the jurisdiction of the  
2 Alabama State Port Authority shall not be required to comply  
3 with subsections (a) and (b). However, the ports shall  
4 demonstrate reasonable effort to place beach-quality sand from  
5 construction and maintenance dredging and port-development  
6 projects on adjacent eroding beaches in accordance with port  
7 master plans approved by the Alabama State Port Authority, and  
8 permits approved and issued by the department, to ensure  
9 compliance with this section. Ports may sponsor or cosponsor  
10 inlet management projects that are fully eligible for state  
11 cost sharing.

12 (e) The Alabama State Port Authority shall ensure  
13 that any beach-quality sand generated from federal projects in  
14 this state that involve dredging for the purpose of navigation  
15 is disposed on or in the nearshore area of adjacent eroding  
16 beaches. The Alabama State Port Authority may consider  
17 permitting nearshore or upland disposal of the beach-quality  
18 sand if emergency conditions exist. The state recognizes that  
19 due to the growing demand for beach-quality sand resources for  
20 beach restoration and nourishment projects, the limited supply  
21 of the sand resources, and the cost of these projects, beach  
22 or nearshore sand placement is the least-cost disposal method.

23 (f) If federal investigations and reports or  
24 state-approved inlet management plans do not specify the  
25 entity or entities responsible for the extent of erosion  
26 caused by an inlet, the Alabama State Port Authority or local  
27 government, with the assistance of university-based or other

1 contractual resources that they may employ or call upon, is  
2 encouraged to undertake assessments that help specify the  
3 responsible entity or entities and determine cost-sharing  
4 responsibilities for measures to correct the erosion. The  
5 entity that is responsible for maintenance dredging of an  
6 inlet may be deemed responsible for the erosion caused by the  
7 inlet if another responsible party is not specified in the  
8 assessment, a shore protection project investigation or  
9 report, or a state-approved inlet management plan.

10 (g) If the beneficiaries of the inlet, the local  
11 governments having jurisdiction of lands adjacent to the  
12 inlet, or the owners of property adjacent to the inlet are  
13 involved in a dispute concerning how much sand should be  
14 bypassed, the department shall protect its monetary investment  
15 in beach nourishment projects within the inlet's physical zone  
16 of influence by taking all reasonable actions to balance the  
17 sediment budget of the inlet and adjacent beaches, including  
18 implementation of inlet sand bypassing and other inlet  
19 management projects.

20 Section 3. This act shall become effective on the  
21 first day of the third month following its passage and  
22 approval by the Governor, or its otherwise becoming law.