

# Proposed Bill

## SYNOPSIS:

Under existing law, there is no specific statute which provides for depositing beach quality sand dredged from coastal inlets of this State.

This bill would provide the procedure for depositing beach quality sand dredged from navigation projects in the coastal inlets of this State.

This bill would contribute to preventing erosion of beaches adjacent to inlets within which navigation projects are located.

## **A BILL TO BE ENTITLED AN ACT**

Relating to dredging of navigation channels in coastal inlets to provide for the deposition of beach quality sand on adjacent beaches to prevent erosion.

## **BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. The Legislature hereby declares:

(1) It recognizes the need to maintain navigation channels and associated engineering works in the State's coastal inlets to promote commercial and recreational uses of our coastal waters and their resources.

(2) It also recognizes that inlet navigation projects interrupt or otherwise alter the natural drift of beach-quality sand resources, which often results in these sands accumulating in the inlet channels or being deposited at locations not conducive to provide for natural nourishment of adjacent beaches.

1 (3) It further recognizes that Alabama’s beaches fronting the Gulf of Mexico serve as the  
2 State’s first line of defense in protecting coastal communities and developments from flooding  
3 during hurricane storm surge events, and that actions are appropriate to prevent the erosion of  
4 beaches adjacent to inlet navigation projects and the unintended direct and indirect consequences  
5 that result when these beaches lose their resilience to adequately absorb the damaging forces of  
6 major storms.

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8 (4) It is in the public interest to replicate the natural drift of sand interrupted or altered by  
9 inlet navigation projects and for each level of government to undertake all reasonable efforts to  
10 maximize inlet sand bypassing to ensure that beach-quality sand is placed on adjacent beaches to  
11 prevent such beaches from being eroded. Such activities cannot make up for the historical sand  
12 deficits caused by inlet navigation projects, but shall be designed to balance the sediment budget  
13 of the inlet and adjacent beaches and to extend the life of any nearby beach restoration projects  
14 so that periodic nourishment is needed less frequently.

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16 Section 2. Regarding the placement of beach quality sands dredged from inlet navigation  
17 projects:

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19 (1) All beach quality sand dredged during construction and maintenance of navigation  
20 channels is to be placed on the adjacent beaches or at a suitable nearshore location to assure the  
21 sand is incorporated into the natural littoral drift system to prevent beach erosion. If the dredged  
22 sand is placed elsewhere, an equivalent quality and quantity of substitute sand from an alternate  
23 location is to be placed on the adjacent downdrift beaches.

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25 (2) On an average annual equivalent basis, the quantity of beach-quality sand placed on  
26 eroding beaches adjacent to the inlets is to be equal to the natural net annual longshore sediment  
27 transport that would cross the inlet in the absence of a navigation project.

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29 (3) The timing and sequence of any construction activities shall provide protection to  
30 nesting sea turtles and their hatchlings, nesting shorebirds, and to threatened and endangered

1 species and their habitats. Beach-quality sand placed on the beach as part of an inlet navigation  
2 project must be suitable for marine turtle nesting.

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4 Section 3. Beach-quality sand dredged from federal navigation projects in coastal inlets is to be  
5 disposed on or in the nearshore area of adjacent eroding beaches. The State may consider  
6 permitting disposal of beach-quality sand at other locations if emergency conditions exist. The  
7 State recognizes that due to the growing demand for beach-quality sand for beach restoration and  
8 nourishment projects, the limited supply of such sand resources, and the cost of such projects,  
9 beach or nearshore sand placement is the least-cost disposal method.

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11 Section 4. If federal investigations and reports do not specify the entity or entities responsible for  
12 the extent of erosion caused by an inlet navigation project, the State, with the assistance of  
13 qualified professional resources, that they may employ or call upon, is encouraged to undertake  
14 assessments that aid in specifying the responsible entity or entities and in determining cost-  
15 sharing responsibilities for measures to correct such erosion. The entity that is responsible for  
16 maintenance dredging of an inlet navigation project may be deemed responsible for the beach  
17 erosion caused by the project if another responsible party is not specified in such an assessment.

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19 Section 5. Responsibility for administering the provisions of this law is assigned to the  
20 Department of Conservation and Natural Resources which is to develop the necessary rules and  
21 permitting procedures to assure the intent of this law is carried out.

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