

House Bill 1021 (AS PASSED HOUSE AND SENATE)

By: Representatives Day of the 153<sup>rd</sup>, Murphy of the 18<sup>th</sup>, Walker of the 141<sup>st</sup>, Skipper of the 137<sup>th</sup>, Rogers of the 20<sup>th</sup> and others

A BILL TO BE ENTITLED  
AN ACT

1 To provide a short title; to amend Title 52 of the Official Code of Georgia Annotated,  
2 relating to waters of the state, ports, and watercraft, so as to repeal certain provisions  
3 regarding river and harbor development; to provide for the regulation of maintaining  
4 navigation inlets, harbors, and rivers; to provide an effective date; to repeal conflicting laws;  
5 and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 This Act shall be known and may be cited as the "Coastal Georgia Beach Preservation and  
9 Maintenance Act."

10 **SECTION 2.**

11 Title 52 of the Official Code of Georgia Annotated, relating to waters of the state, ports, and  
12 watercraft, is amended by striking Chapter 9, relating to river and harbor development, and  
13 inserting in lieu thereof the following:

14 "CHAPTER 9

15 ~~52-9-1.~~

16 ~~The Department of Natural Resources shall have the power and authority to sponsor and~~  
17 ~~participate in projects for the deepening, widening, and improving of river channels for~~  
18 ~~navigational and other purposes and to receive from the General Assembly appropriations~~  
19 ~~therefor and to disburse such funds for such purposes, such projects contributing to the~~  
20 ~~general welfare and benefit of this state and being projects approved by the Congress of the~~  
21 ~~United States of America.~~

1 ~~52-9-2.~~

2 ~~Prior to execution, such proposed contracts or agreements shall be approved by the~~  
 3 ~~Attorney General of this state and shall not contravene any laws and statutes of this state.~~

4 52-9-1.

5 The General Assembly recognizes the need for maintaining navigation inlets, harbors, and  
 6 riders to promote commercial and recreational uses of our coastal waters and their  
 7 resources. The General Assembly further recognizes that dredging activities to deepen or  
 8 maintain navigation channels within tidal inlets, as well as the entrances to harbors and  
 9 riders, alter the natural drift of beach-quality sand resources within the littoral zone, often  
 10 resulting in these sand resources being deposited in designated upland or offshore disposal  
 11 areas instead of providing natural nourishment to the adjacent coastal beaches.

12 52-9-2.

13 (a) With regard to all beach-quality sand originating from the dredging of navigation  
 14 channels within tidal inlets, as well as the entrances to harbors and rivers:

15 (1) Such sand shall be placed on the adjacent coastal beaches, if possible; or if placed  
 16 elsewhere, an equivalent quality and quantity of sand from an alternate location shall be  
 17 placed on the adjacent coastal beaches;

18 (2) The disposition of sand shall be completed by the person undertaking the dredging  
 19 and shall be completed in cooperation with and with the approval of the local governing  
 20 authority and the Department of Natural Resources according to the requirements of Part  
 21 2 of Article 4 of Chapter 5 of Title 12, the 'Shore Protection Act'; and

22 (3) All such activities shall provide protection to coastal marshlands as defined in  
 23 paragraph (3) of Code Section 12-5-282 and to nesting sea turtles and hatchlings and their  
 24 habitats.

25 (b) In the event the Department of Natural Resources determines that sediment originating  
 26 from the construction or maintenance of navigation related projects is unsuitable for direct  
 27 beach placement, the department shall retain the option to require nearshore disposal in a  
 28 manner which is considered to be beneficial to the adjacent coastal beaches."

29 **SECTION 3.**

30 This Act shall become effective on June 1, 2003.

31 **SECTION 4.**

32 All laws and parts of laws in conflict with this Act are repealed.