

House Bill 727 (COMMITTEE SUBSTITUTE)

By: Representatives Day of the 126<sup>th</sup>, Rogers of the 20<sup>th</sup>, and Hanner of the 133<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 52 of the Official Code of Georgia Annotated, relating to waters of the state,  
2 ports, and watercraft, so as to change certain provisions relating to river and harbor  
3 development; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 **SECTION 1.**

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

9 "CHAPTER 9

10 52-9-1.

11 The General Assembly recognizes the need for maintaining navigation inlets, harbors, and  
12 rivers to promote commercial and recreational uses of our coastal waters and their  
13 resources. The General Assembly further recognizes that dredging activities to deepen or  
14 maintain navigation channels within tidal inlets, as well as the entrances to harbors and  
15 rivers, often alter the natural drift of beach-quality sand resources within the littoral zone;  
16 often resulting in these. This alteration can be exacerbated when the sand resources being  
17 are deposited in designated upland or offshore disposal areas instead of providing natural  
18 nourishment to the adjacent coastal beaches. being returned to the natural river-sand  
19 transport-beach system. This alteration can adversely impact natural resources, recreation,  
20 tourism, and associated coastal economies. Moreover, the General Assembly believes in  
21 the duties of government to protect life and property. Therefore, it is the policy of this state  
22 that there shall be no net loss of sand from the state's coastal barrier beaches resulting from  
23 dredging activities to deepen or maintain navigation channels within tidal inlets, as well as  
24 the entrances to harbors and rivers.

1 52-9-2.

2 (a) With regard to all ~~beach-quality~~ sand that is suitable for beach replenishment  
 3 originating from the dredging of navigation channels within tidal inlets, as well as the  
 4 entrances to harbors and rivers:

5 (1) Such sand shall be ~~placed on~~ used to replenish the adjacent coastal beaches, if  
 6 ~~possible~~ feasible, either by deposition of sand into the near shore littoral zone or direct  
 7 placement on affected beaches; or if

8 (2) If such sand is placed elsewhere, an equivalent then a quality and quantity of sand  
 9 from an alternate location shall be placed on the adjacent necessary to mitigate any  
 10 adverse effects caused by the dredging shall be used to replenish affected coastal beaches;  
 11 provided, however that this paragraph shall apply only where beach replenishment is  
 12 necessary to mitigate effects from the dredging and dredged material removal from the  
 13 natural river-sand transport-beach system of a specific project and beach replenishment  
 14 from another source is the least costly environmentally sound mitigation option;

15 ~~(2)(3)~~ (3) The disposition of sand shall be completed by the person undertaking the dredging  
 16 ~~and~~ shall be completed in cooperation with and, when required by applicable state or  
 17 federal law, with the approval of the local governing authority and the Department of  
 18 Natural Resources according to the requirements of Part 2 of Article 4 of Chapter 5 of  
 19 Title 12, the 'Shore Protection Act'; and

20 ~~(3)(4)~~ (4) All such activities shall provide protection to coastal marshlands as defined in  
 21 paragraph (3) of Code Section 12-5-282 and to nesting sea turtles and hatchlings and their  
 22 habitats.

23 (b) ~~In the event the Department of Natural Resources determines that sediment originating~~  
 24 ~~from the construction or maintenance of navigation related projects is unsuitable for direct~~  
 25 ~~beach placement, the department shall retain the option to require nearshore disposal in a~~  
 26 ~~manner which is considered to be beneficial to the adjacent coastal beaches~~ The  
 27 Department of Natural Resources and the party undertaking the dredging shall coordinate  
 28 to determine the option under subsection (a) of this Code section for beach replenishment  
 29 that is most beneficial to the adjacent or affected coastal beaches, including, where  
 30 applicable, identifying an alternate source of sand for purposes of paragraph (2) of  
 31 subsection (a) of this Code section, after taking into consideration environmental impacts  
 32 and any limitation of applicable state and federal law."

## 33 SECTION 2.

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