

House Bill 727 (AS PASSED HOUSE AND SENATE)

By: Representatives Day of the 126th, Rogers of the 20th, and Hanner of the 133rd

A BILL TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"CHAPTER 9

52-9-1.

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

52-9-2.

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

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

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

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

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

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

SECTION 2.

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