

By: Senator(s) Moffatt

To: Ports and Marine  
Resources;  
AppropriationsCOMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 3032

1 AN ACT TO PROVIDE FOR THE CREATION OF A BEACH EROSION AND  
2 CHANNEL MAINTENANCE PROGRAM; TO EXPRESS THE FINDINGS OF THE  
3 LEGISLATURE; TO REQUIRE THE DEVELOPMENT OF A BEACH EROSION AND  
4 CHANNEL MAINTENANCE PLAN BY THE DEPARTMENT OF MARINE RESOURCES; TO  
5 REQUIRE THE DEPARTMENT OF MARINE RESOURCES TO IDENTIFY AND PURSUE  
6 FEDERAL FUNDING ALTERNATIVES; TO REQUIRE THE DEPARTMENT OF MARINE  
7 RESOURCES TO ENTER INTO AGREEMENTS REGARDING THE COST OF  
8 ACQUISITION AND MAINTENANCE OF DREDGING EQUIPMENT AND TO ASSURE  
9 THE COSTS FOR OPERATIONAL EXPENSES; AND FOR RELATED PURPOSES.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

11 SECTION 1. This act shall be known and may be cited as the  
12 "Beach Erosion and Channel Maintenance Act of 1999."

13 SECTION 2. The Legislature finds that beach erosion poses a  
14 threat to the economy, property and general welfare of the people  
15 of the State of Mississippi. Channel maintenance is necessary to  
16 preserve and enhance the economic stability and recreational  
17 potential of the coastal regional. The Legislature declares it to  
18 be a governmental responsibility to manage and protect  
19 Mississippi's beaches to reduce erosion and to provide for proper  
20 channel maintenance. The Legislature further declares that beach  
21 erosion and channel maintenance projects are in the public  
22 interest. Those projects should be funded to promote the use of  
23 cost-efficient strategies, encourage coordination among federal,  
24 state and local governments and the private sector, provide for  
25 long-term solutions and minimize the impact of the environment to  
26 the extent possible.

27 SECTION 3. (1) The Department of Marine Resources, referred  
28 to in this act as "department," shall serve as the primary state  
29 agency with regard to coordinating beach erosion and channel

30 maintenance activities along the Mississippi Gulf Coast.

31 (2) The department shall develop a comprehensive long-range  
32 management plan for the preservation and restoration of the  
33 Mississippi's eroding beaches and for channel maintenance  
34 activities. The plan shall at a minimum:

35 (a) Identify areas in which shoreline erosion is  
36 threatening the state's beaches and channels which are in need of  
37 maintenance;

38 (b) Identify the causes of shoreline erosion, estimate  
39 erosion rates, and project the long-term erosion potential for  
40 identified beaches;

41 (c) Evaluate the impacts of near-shore development on  
42 shoreline erosion and channel maintenance needs;

43 (d) Assess the short-term and long-term economic costs  
44 and benefits of the state's beaches and channels;

45 (e) Recommend appropriate management measures for the  
46 beaches threatened by shoreline erosion;

47 (f) Promote channel sand by-passing to replicate the  
48 natural flow of sand; and

49 (g) Recommend beach erosion and channel maintenance  
50 projects to the Legislature for funding which ensures the  
51 geographic coordination and sequencing of prioritized projects  
52 beginning with the area of Belle Fontaine Beach in Jackson County.

53 SECTION 4. The department shall identify federal or other  
54 available funding mechanisms which could be used to fund projects  
55 regarding beach erosion and channel maintenance. The department  
56 shall coordinate with local governments and other interest groups  
57 to maximize the eligibility of projects for funding and to assist  
58 in the preparation of appropriate financial assistance  
59 documentation.

60 SECTION 5. (1) The department may purchase any equipment,  
61 including dredges, to implement the beach erosion and channel  
62 maintenance program.

63 (2) Before purchasing any dredging equipment for use in the  
64 beach erosion and channel maintenance program, the department  
65 shall enter into a written agreement with each state agency,  
66 political subdivision of the state, any agency of a political

67 subdivision and any other entity which may use the dredging  
68 equipment to provide for the payment of that agency's,  
69 subdivision's or entity's share of the cost of the acquisition and  
70 regular maintenance of the dredging equipment.

71 (3) Any state agency, political subdivision of the state,  
72 any agency of a political subdivision or any other entity using  
73 any equipment or other services of the beach erosion and channel  
74 maintenance program shall pay the department for operational  
75 expenses for use of the equipment or provision of the services.  
76 In determining the cost to be assessed for the equipment or  
77 services, the department shall consider the operational costs,  
78 including personnel costs, supplies, and other reasonable direct  
79 and indirect costs of providing the equipment or services.

80 SECTION 6. All new programs authorized under this Senate  
81 Bill No. 3032, 1999 Regular Session, shall be subject to the  
82 availability of funds specifically appropriated by the Legislature  
83 during the 1999 Regular Session and any subsequent session. It is  
84 the intent of the Legislature that this act shall be codified but  
85 that no section enacted by this Senate Bill No. 3032, 1999 Regular  
86 Session, shall take effect until the Legislature has funded any  
87 new programs authorized under this act by line item appropriation,  
88 and the line item appropriation is certified by the Legislative  
89 Budget Office to the Secretary of State.