

By: Ellington

To: Conservation and
Water Resources

HOUSE BILL NO. 1456

1 AN ACT TO AMEND SECTION 49-27-9, MISSISSIPPI CODE OF 1972, TO
2 CLARIFY FEES FOR COASTAL WETLAND APPLICATION; TO PROVIDE FOR A
3 REDUCED FEE FOR ACTIVITIES DETERMINED NOT TO REQUIRE A PERMIT AND
4 IN COMPLIANCE WITH THE NOTIFICATION REQUIREMENTS AND WETLAND
5 POLICIES FOR EXEMPT ACTIVITIES; TO AMEND SECTION 49-27-7,
6 MISSISSIPPI CODE OF 1972, TO MAKE CLARIFYING AMENDMENTS AND
7 CONFORM TO REORGANIZATIONAL NOMENCLATURE; AND FOR RELATED
8 PURPOSES.

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

10 SECTION 1. Section 49-27-9, Mississippi Code of 1972, is
11 amended as follows:[LTR1]

12 49-27-9. (1) No regulated activity shall affect any coastal
13 wetlands without a permit unless excluded in Section 49-27-7. Any
14 person proposing to conduct or cause to be conducted a regulated
15 activity shall file an application for a permit with the
16 commission in such form and with such information as the
17 commission may prescribe. An application fee in an amount of
18 Fifty Dollars (\$50.00) for residential type regulated activity and
19 Five Hundred Dollars (\$500.00) for commercial and industrial type
20 related activity shall accompany each application and shall be
21 payable to the commission. No permit shall be required for a
22 regulated activity as defined in Section 49-27-5(c)(v) if such
23 activity is an activity by a water dependent industry, nor shall a
24 permit be required pursuant to Section 49-27-5(c)(v) of any
25 individual who seeks to construct a home, fishing camp or similar
26 structure on his own property.

27 (2) If the commission determines that the activity, area or
28 entity is exempt or requires no permit, and that the activity,
29 area or entity complies with the notification requirement and the

30 coastal wetland policy as required under Section 49-27-7, the
31 commission shall reduce the application fee by fifty percent
32 (50%).

33 SECTION 2. Section 49-27-7, Mississippi Code of 1972, is
34 amended as follows:[CRG2]

35 49-27-7. * * * This chapter shall not apply to the following
36 activities, areas and entities:

37 (a) The accomplishment of emergency decrees of any duly
38 appointed health officer of a county or municipality or of the
39 state, acting to protect the public health;

40 (b) The conservation, repletion and research activities
41 of the Commission on Marine Resources, the Mississippi Gulf Coast
42 Research Laboratory, the Commission on Wildlife, Fisheries and
43 Parks, and the Mississippi-Alabama Sea Grant Consortium when
44 acting through the Mississippi Universities Marine Center;

45 (c) Hunting, erecting duck blinds, fishing,
46 shellfishing and trapping when and where otherwise permitted by
47 law;

48 (d) Swimming, hiking, boating or other recreation that
49 causes no material harm to the flora and fauna of the wetlands;

50 (e) The exercise of riparian rights by the owner of the
51 riparian rights, if the construction and maintenance of piers,
52 boathouses and similar structures are constructed on pilings that
53 permit a reasonably unobstructed ebb and flow of the tide. The
54 riparian owner may reasonably alter the wetland at the end of his
55 pier in order to allow docking of his vessels;

56 (f) The normal maintenance and repair of bulkheads,
57 piers, roads and highways existing on the date of enactment of
58 this chapter, and all interstate highways planned but not yet
59 under construction; and financed in part by Federal Interstate
60 Highway Trust Funds;

61 (g) Wetlands developed in the future by federal, state
62 or county governments for the establishment of a superport or a
63 pipeline buoy terminal for deep-draft, ocean-going vessels,
64 including but not limited to, wetlands adjacent to Petit Bois
65 Island and the Bayou Casotte Channel in Jackson County,
66 Mississippi;

67 (h) The Biloxi Bridge and Park Commission, Biloxi Port
68 Commission, Long Beach Port Commission, Pass Christian Port
69 Commission, Pascagoula Port Commission, and any municipal or local
70 port authorities;

71 (i) Wetlands used under the terms of the use permit
72 granted by Chapter 395, Laws of 1954;

73 (j) Any activity affecting wetlands that is associated
74 with or is necessary for the exploration, production or
75 transportation of oil or gas when such activity is conducted under
76 a current and valid permit granted by a duly constituted agency of
77 the State of Mississippi;

78 (k) Activities of any mosquito control commission which
79 is a political subdivision or agency of the State of Mississippi;

80 (l) The Fisherman's Wharf * * * in Biloxi and the
81 Buccaneer State Park * * * in Hancock County * * *;

82 (m) Wetlands conveyed by the state for industrial
83 development under Section 211, Mississippi Constitution of 1890,
84 and under Section 29-3-61, Mississippi Code of 1972;

85 (n) The activities of the Hancock County Port and
86 Harbor Commission affecting wetlands within its jurisdiction;

87 (o) The activities of the Harrison County Development
88 Commission affecting wetlands within its jurisdiction;

89 (p) The activities of the Jackson County Port Authority
90 affecting wetlands within its jurisdiction;

91 (q) The activities of the Mississippi State Port at
92 Gulfport affecting wetlands within its jurisdiction; and

93 (r) In the case of regulated activities which, in the
94 judgment of the director or his delegate, after an on-site
95 inspection, have no harmful impact on the environment and which
96 make no substantial change in the wetlands, the director may issue
97 a certificate of waiver, and no permit shall be required.

98 All activities, areas and entities exempt from the regulatory
99 provisions, whether by name or reference, when carrying out what

100 would otherwise be regulated activities in coastal wetlands shall
101 at all times adhere to the policy as set forth in Section
102 49-27-3. Each entity shall notify the commission of all such
103 activities so that the commission may be fully aware of all
104 activities in the coastal wetlands.

105 SECTION 3. This act shall take effect and be in force from
106 and after its passage.