

By: Hewes

To: Ports and Marine  
ResourcesSENATE BILL NO. 2959  
(As Sent to Governor)

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 TO NOT 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 may reduce the application fee by fifty percent (50%).

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

34 49-27-7. \* \* \* This chapter shall not apply to the following  
35 activities, areas and entities:

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

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

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

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

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

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

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

66 (h) The Biloxi Bridge and Park Commission, Biloxi Port

67 Commission, Long Beach Port Commission, Pass Christian Port  
68 Commission, Pascagoula Port Commission, and any municipal or local  
69 port authorities;

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

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

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

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

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

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

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

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

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

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

97 All activities, areas and entities exempt from the regulatory  
98 provisions, whether by name or reference, when carrying out what  
99 would otherwise be regulated activities in coastal wetlands shall

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

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