

By: Senator(s) Dawkins

To: Ports and Marine Resources

SENATE BILL NO. 2396

1 AN ACT TO AMEND SECTION 49-27-7, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE PILE SUPPORTED PROJECTS IN COASTAL WETLANDS TO COMPLY WITH
3 CONSTRUCTION CONDITIONS ESTABLISHED BY COMMISSION ON MARINE
4 RESOURCES; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 49-27-7, Mississippi Code of 1972, is
7 amended as follows:

8 49-27-7. This chapter shall not apply to the following
9 activities, areas and entities:

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

13 (b) The conservation, repletion and research activities
14 of the Commission on Marine Resources, the Mississippi Gulf Coast
15 Research Laboratory, the Commission on Wildlife, Fisheries and
16 Parks, and the Mississippi-Alabama Sea Grant Consortium when
17 acting through the Mississippi Universities Marine Center;

18 (c) Hunting, erecting duck blinds, fishing,
19 shellfishing and trapping when and where otherwise permitted by
20 law;

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

23 (e) The exercise of riparian rights by the owner of the
24 riparian rights, if the construction and maintenance of piers,
25 boathouses and similar structures are constructed on pilings that
26 permit a reasonably unobstructed ebb and flow of the tide and
27 comply with construction conditions established by the commission.



28 The riparian owner may reasonably alter the wetland at the end of
29 his pier in order to allow docking of his vessels;

30 (f) The normal maintenance and repair of bulkheads,
31 piers, roads and highways existing on the date of enactment of
32 this chapter, and all interstate highways planned but not yet
33 under construction; and financed in part by Federal Interstate
34 Highway Trust Funds;

35 (g) Wetlands developed in the future by federal, state
36 or county governments for the establishment of a superport or a
37 pipeline buoy terminal for deep-draft, ocean-going vessels,
38 including but not limited to, wetlands adjacent to Petit Bois
39 Island and the Bayou Casotte Channel in Jackson County,
40 Mississippi;

41 (h) The Biloxi Bridge and Park Commission, Biloxi Port
42 Commission, Long Beach Port Commission, Pass Christian Port
43 Commission, Pascagoula Port Commission, and any municipal or local
44 port authorities;

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

47 (j) Any activity affecting wetlands that is associated
48 with or is necessary for the exploration, production or
49 transportation of oil or gas when such activity is conducted under
50 a current and valid permit granted by a duly constituted agency of
51 the State of Mississippi;

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

54 (l) The Fisherman's Wharf in Biloxi and the Buccaneer
55 State Park in Hancock County;

56 (m) Wetlands conveyed by the state for industrial
57 development thereon pursuant to Section 211, Mississippi
58 Constitution of 1890, and pursuant to Section 29-3-61, Mississippi
59 Code of 1972;



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

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

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

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

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

73 All activities, areas and entities exempt from the regulatory
74 provisions, whether by name or reference, when carrying out what
75 would otherwise be regulated activities in coastal wetlands shall
76 at all times adhere to the policy as set forth in Section 49-27-3.
77 Each entity shall notify the commission of all such activities so
78 that the commission may be fully advised of all activities in the
79 coastal wetlands.

80 **SECTION 2.** This act shall take effect and be in force from
81 and after July 1, 2003.

