

By: Representatives Frierson, Janus

To: Marine Resources

## HOUSE BILL NO. 1261

1 AN ACT TO AMEND SECTION 49-27-7, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT CERTAIN ENTITIES MUST COMPLY WITH COASTAL WETLANDS  
3 CONSTRUCTION GUIDELINES; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

59           (n) The activities of the Hancock County Port and  
60 Harbor Commission affecting wetlands within its jurisdiction;  
61           (o) The activities of the Harrison County Development  
62 Commission affecting wetlands within its jurisdiction;  
63           (p) The activities of the Jackson County Port Authority  
64 affecting wetlands within its jurisdiction;  
65           (q) The activities of the Mississippi State Port at  
66 Gulfport affecting wetlands within its jurisdiction; and  
67           (r) In the case of regulated activities which, in the  
68 judgment of the director or his delegate, after an on-site  
69 inspection, have no harmful impact on the environment and which  
70 make no substantial change in the wetlands, the director may issue  
71 a certificate of waiver, and no permit shall be required.  
72       All activities, areas and entities exempt from the regulatory  
73 provisions, whether by name or reference, when carrying out what  
74 would otherwise be regulated activities in coastal wetlands shall  
75 at all times adhere to the policy as set forth in Section 49-27-3.  
76 Each entity shall notify the commission of all such activities so  
77 that the commission may be fully advised of all activities in the  
78 coastal wetlands.  
79       **SECTION 2.** This act shall take effect and be in force from  
80 and after July 1, 2004.