

By: Representative McKnight

To: Marine Resources; Ways  
and Means

HOUSE BILL NO. 1043

1 AN ACT TO CREATE NEW SECTION 29-15-8, MISSISSIPPI CODE OF  
2 1972, TO PROVIDE THE PROCEDURE FOR THE REMOVAL OF SUBMERGED LOGS  
3 ON PUBLIC TRUST TIDELANDS; TO PROVIDE FOR CERTAIN DEFINITIONS; TO  
4 PROVIDE THAT SUBMERGED LOGS SHALL BE THE PROPERTY OF THE STATE OF  
5 MISSISSIPPI AND A LEASE SHALL BE REQUIRED TO HARVEST THEM; TO  
6 PROVIDE FOR A RESIDENTIAL USE AND COMMERCIAL USE LEASE; TO PROVIDE  
7 THE RENT DUE FOR A RESIDENTIAL USE AND COMMERCIAL USE LEASE; TO  
8 PROVIDE THAT HARVESTING SUBMERGED LOGS WITHOUT A LEASE MAY SUBJECT  
9 THE VIOLATOR TO CERTAIN PENALTIES; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** The following shall be codified as Section  
12 29-15-8, Mississippi Code of 1972:

13 29-15-8. (1) For the purposes of this section, the  
14 following words shall have the following meanings unless the  
15 context clearly indicates otherwise:

16 (a) "Commercial use" means harvesting submerged logs by  
17 a lessee for other than residential use, including but not limited  
18 to, any sale or resale of harvest submerged logs at any time  
19 before or after harvesting or after harvest processing.

20 (b) "Harvest," "Harvesting," or "Harvested" means  
21 removal of submerged logs from public trust tidelands, removing



22 submerged logs from public trust tidelands or removed submerged  
23 logs from public trust tidelands.

24 (c) "Lease" means a public trust tidelands lease from  
25 the lessor authorizing the lessee to harvest submerged logs from a  
26 removal area during a specified time.

27 (d) "Lessee" means a person, entity or interest granted  
28 a lease.

29 (e) "Removal area" means an area of public trust  
30 tidelands identified by survey or other information in sufficient  
31 detail to support a lease to harvest submerged logs. A removal  
32 area for a residential use lease:

33 (i) Cannot extend more than the lesser of seven  
34 hundred fifty (750) yards from the shore of the Mississippi Sound,  
35 a bay, river, stream, bayou or other similar normally flowing body  
36 of water, or to a line equidistant between two (2) shores of the  
37 Mississippi Sound, a bay, river, stream, bayou or other similar  
38 normally flowing body of water; and

39 (ii) Must be located within a littoral or riparian  
40 area of a specific upland property.

41 (f) "Residential use" means harvesting submerged logs  
42 by a lessee for personal use. Residential use does not include  
43 any sale of harvested submerged logs either before or after  
44 harvesting or any other commercial use.



45 (g) "Specified time" means a specific period of a year,  
46 years, or part of a year during which a lease authorizes a lessee  
47 to harvest submerged logs.

48 (h) "Submerged log" means:

49 (i) Any portion of the trunk of a felled tree that  
50 has not been further processed for any end use and located on, in,  
51 embedded in or buried under public trust tidelands; and

52 (ii) Any lumber processed for any end use from the  
53 trunk of a felled tree located on, in, embedded in, or buried  
54 under public trust tidelands.

55 (2) Submerged logs shall be the property of the State of  
56 Mississippi.

57 (3) A lease shall be required to harvest submerged logs.

58 (4) A lease application shall be submitted to the Secretary  
59 of State.

60 (a) The lessor may offer the lessee applicant the  
61 appropriate lease for a removal area.

62 (b) Lease applications for the same or overlapping  
63 removal areas shall be considered in the order submitted to the  
64 Secretary of State.

65 (5) The application for a residential use lease may only be  
66 submitted by the record owner of the specific upland property  
67 adjacent or contiguous to the requested removal area. The right  
68 to a residential use lease cannot be assigned to or exercised by  
69 any other person, entity or interest.



70 (6) The application for a commercial use lease may be  
71 submitted by any person, entity or interest, including the record  
72 owner of any specific upland property adjacent or contiguous to  
73 the requested removal area.

74 (7) All leases shall contain a provision that should  
75 harvesting not begin within six (6) months of the effective date  
76 of the lease, the lease shall be cancelled.

77 (8) Commercial use harvesting shall not unreasonably  
78 interfere with the upland owner's riparian or littoral use.

79 (9) A lessee:

80 (a) Shall not interfere with navigation when harvesting  
81 submerged logs;

82 (b) Shall not harvest submerged logs from any natural  
83 or artificial oyster reef or oyster bed; and

84 (c) Shall comply with the Coastal Wetlands Protection  
85 Act when acting pursuant to the lease.

86 (10) A residential use lessee shall pay to the Secretary of  
87 State a leasehold annual rent or pro-rated annual rent for a  
88 specified period of less than one (1) year for use of the removal  
89 area.

90 (11) A commercial use lessee shall pay to the Secretary of  
91 State a leasehold annual rent or pro-rated annual rent for a  
92 specified period of less than a year for use of the removal area  
93 and fifteen percent (15%) of the gross value received by the  
94 lessee from the harvested submerged logs.



95 (12) The lessor shall require a performance bond from a  
96 commercial use lessee in an amount and with appropriate surety  
97 conditions as determined by the Secretary of State to secure to  
98 the state compliance with the conditions and limitations set forth  
99 in the lease.

100 (13) Harvesting submerged logs without a lease may subject  
101 the violator to civil penalties as provided by law.

102 (14) Any funds derived from the lease shall be deposited in  
103 the Public Trust Tidelands Fund established in Section 29-15-9 and  
104 shall be subject to the provisions of that fund.

105 (15) The Secretary of State may adopt such rules as  
106 necessary to implement or enforce the provisions of this section.

107 (16) A lease entered into pursuant to this section is in  
108 addition to and does not abrogate any requirement for permission  
109 or permit by any other government agency, including, but not  
110 limited to, the Mississippi Department of Marine Resources and the  
111 Mississippi Department of Environmental Quality.

112 **SECTION 2.** This act shall take effect and be in force from  
113 and after July 1, 2021.

