

U.S. GOVERNMENT PRINTING OFFICE
Sea Grant Program

Summary of COASTAL LEADERS CONFERENCE

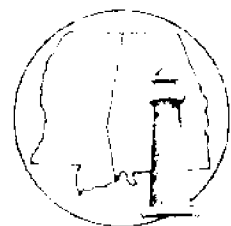
November 20, 1975
Hilton Inn
Biloxi, Mississippi

MISSISSIPPI COASTAL ZONE MANAGEMENT



Sponsored for

The Mississippi Marine Resources Council



by

The Mississippi - Alabama Sea Grant Consortium

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MISSISSIPPI COASTAL LEADERS CONFERENCE
ON COASTAL ZONE MANAGEMENT

November 20, 1975
Hilton Inn
Biloxi, Mississippi

AGENDA

- I. Welcome: Donald J. Cuevas
Vice Chairman, Mississippi Marine Resources Council
- II. OPENING REMARKS: Donald J. Cuevas
- III. PRESENTATIONS:
 - A. J. E. Thomas, Executive Director, Mississippi Marine Resources Council
 - B. Jerry Mitchell, Program Manager for Coastal Zone Management, Mississippi Marine Resources Council
- IV. QUESTIONS AND ANSWERS
- V. WRAP-UP

CONFERENCE SUMMARY

A Coastal Zone Management planning meeting was held at the Biloxi Hilton Inn on November 20, 1975. This meeting was sponsored for the Mississippi Marine Resources Council by the Mississippi-Alabama Sea Grant Consortium. Invited participants included mayors, councilmen and aldermen from the cities in the coastal area of Mississippi; planning commission representatives from these cities; supervisors and planning commission representatives from Hancock, Harrison, Jackson and Pearl River Counties; and representatives from the Gulf Regional Planning Commission, Southern Mississippi Planning and Development District, and Pearl River County Development Association; as well as members of the Mississippi Marine Resources Council.

The purpose of this meeting was to bring together elected and appointed officials from these four counties to discuss Mississippi's Coastal Zone Management Plan and to emphasize the importance of participation by private citizens and officials from all levels of government, especially the local governments.

Donald J. Cuevas, Vice Chairman of the Mississippi Marine Resources Council, served as Master of Ceremonies for the conference and welcomed the conference participants. He expressed regret that so many of those invited were unable to attend. He explained that each person was invited for a particular reason, because their help was needed to determine the role of local government in coastal zone planning.

Mr. Cuevas gave a brief overview of the Mississippi Marine Resources Council and their activities. The Council consists of sixteen members appointed by the Governor and confirmed by the Legislature. The membership is composed

(4)

of six members at large; four Legislators, two from the House and two from the Senate; and representatives from the Research and Development Center; Agricultural and Industrial Board, Board of Trustees of Institutions of Higher Learning, Mississippi Marine Conservation Commission, Mississippi-Alabama Sea Grant Consortium, and Gulf Coast Research Laboratory. The Mississippi Marine Resources Council was created by law in 1970 and then became a full state agency. The preamble to the bill that finally gave rise to the Mississippi Marine Resources Council states that it is...

... to provide for the functions, policies and duties of said Council in the field of marine sciences and resources, development of the coastal, offshore and water resources of the State, the United States Government and sister states in the field of marine resources and development, to set goals of said Council to increase competent human resources in order to promote economic growth in the field of marine science.

Since that time the Council has added to its responsibilities. It is the permitting authority of the Mississippi Wetlands Protection Act of 1973 and is also charged with developing Mississippi's Coastal Zone Management Program. This must be done in accordance with various regulations and rules that might be promulgated by the Federal Government from time to time.

The requirements for an acceptable plan must be approved by the Secretary of Commerce and must include seven very important elements. Among these seven areas that must be dealt with is the establishment of the coastal zone boundary both landward and seaward. The key to the success of this particular item is the identification of the landward extent of the coastal zone. Also, particular geographical areas of concern must be specified, as well as permissible land and water uses and the priority of these uses within the coastal zone.

It is interesting to note that Mississippi was the first state to apply for a planning grant from the Office of Coastal Zone Management, National

Oceanic and Atmospheric Administration, U.S. Department of Commerce. Mississippi's application was used to develop the guidelines that all coastal states are now following in their applications.

If the approaches and guidelines are followed and approval is granted by the Secretary of Commerce, then this plan could be implemented into law. It will only be monitored from time to time by federal agencies. Also, the Federal Government and all of its agencies must conform to Mississippi's Coastal Zone Management Plan. The only exception is when a higher order of national interest or security would be threatened.

Mr. J. E. Thomas, Executive Director of the Mississippi Marine Resources Council, was scheduled to speak at this meeting, but due to illness he was unable to attend. However, he had outlined his thoughts and Mr. Cuevas delivered them for him.

He stressed that most of us recognize that there are very special problems that exist in the coastal zone, or the area where the land, sea, and air all meet. These problems are common to all of the coastal areas around the United States, as well as the Great Lakes and possibly even the major river bodies. These problems are primarily due to growth, both industrial and population. The national significance of the problems is what precipitated the passage of the National Coastal Zone Management Act in 1972. As was stated earlier, the Mississippi Marine Resources Council is coordinating the development of a Coastal Zone Management Plan for Mississippi.

At this point, Mr. Cuevas stressed that the Council is not a planning agency and certainly had no intention of interfering with the city, county, or regional planning commissions that were represented at this meeting. The Council would rely heavily on the expertise and information already gathered by the individual planning commissions.

The planning effort, as viewed by the Council, would not be developed by the Council and offered to the coastal cities and counties. The cities and counties, instead, should be involved in this planning effort.

The Mississippi approach to Coastal Zone Management was set forth at the Governor's Conference on Coastal Zone Management in July of 1974 and again at the Gulf States Conference on Coastal Zone Management in October of that same year. Each of these conferences addressed the philosophy of coastal zone management.

So far the Council's efforts have been directed primarily to research and developing a source of information. This was to establish a basis from which decisions could be made. However, no planning decisions have been made so far. In other words, we have only planned a plan. The period of data gathering has been long, and it is going to continue. There are many things that have not yet been put together.

Next, Jerry Mitchell, Coastal Zone Management Program Manager for the Mississippi Marine Resources Council, emphasized the seven elements which must be included in Mississippi's Coastal Zone Management Program. These elements were coastal zone boundary, geographical areas of concern, permissible uses, priority uses, federal consultation and government involvement, legal activities, and organizational networks. He stressed that the primary interests of this particular meeting were geographical areas of concern, permissible uses, and the priority of these uses.

Mr. Mitchell read a certain portion of the Coastal Zone Management Act of 1972 which described geographical areas of concern as areas...

... of unique, scarce, fragile or vulnerable natural habitat, physical features, historical significance, cultural value and scenic importance; areas of high natural productivity which are essential habitat for living resources including fish, wildlife, and various necessities, necessity levels and food critical to their well being; areas of substantial recreational value and or opportunity; areas where development and

facilities will depend upon the utilization of our access to the coastal waters; areas of unique geological or topographic significance to industrial or commercial development; areas of urban concentration where shoreline utilization and water uses are highly competitive; areas of significant hazards if developed due to storms, slides, floods, erosion, sediment, etc.: and areas needed to protect, maintain or replenish coastal lands or resources including coastal lands or resources including coastal flood plains, aquifer recharge areas, sand dunes and offshore sand deposits.

In reviewing permissible uses, he stated that we are concerned mainly with those uses which have a direct and significant impact on the coastal waters. These uses should include existing and potential uses in an area that has been identified as a geographical area of concern. At this point, it is hoped that these permissible land and water uses can then be prioritized. These priorities should reflect local needs, physically, economically, and environmentally. They should also include regional, state, and federal needs and activities.

He emphasized that help is needed from local planners and local politicians to delineate these geographical areas of concern. This should not be a major effort on their part, since much of the information they have developed during the past few years, as well as the research activities being conducted through the Council, would be extremely useful in delineating these geographical areas of concern. The reason for this meeting was to solicit the help of the local governments and planning commissions in delineating these particular areas. Mr. Mitchell explained there were some limited monies available for the various local governments or planning agencies to carry out this effort. Also, the help of the Council staff was offered. He emphasized that the Council does not want to dictate those things that would happen within a particular area. Rather it wants the local people to decide what they think should happen. The general

philosophy of the Council is that the local people should tell the Council what should happen and not let the Council, as a state agency, tell the local people what activities should occur on their own land.

Mr. Mitchell emphasized that the Council would like to contract with the various cities and counties involved to identify the things he outlined, using certain criteria, definitions, and existing information. It would be their own prerogative to select their own planning agency or a planning consultant to supply them with the data needed. He expressed the hope that all of the information needed along the entire coast could be secured in this manner. Then the Council could put it all together.

Following the introductions and presentations by Mr. Cuevas and Mr. Mitchell, an informal question and answer session was held. The conference participants were encouraged to ask the Council to explain any portions of the program which did not seem clear.

In response to a question pertaining to the available monies, it was explained that the Council had approved a total of \$80,000 to carry out the Coastal Zone Management planning phase outlined by Mr. Mitchell. How much each local entity will need depends on how they utilize their funds, what it does as a developing or planning council, whether there are any matching funds available, and it depends on the state, currency, and condition of the information provided. There will not be identical contracts for identical information from adjacent political subdivisions, because the degree of development will be different for each.

In the area of permissible uses and priority uses in rounding out the whole Coastal Zone Management Program, it was emphasized that the Council is asking each local government to tell them what they would like to occur in their particular coastal area. The importance of deciding locally what they want

is that the Federal Government and all the other agencies will have to adhere to that. They cannot come in and do something contrary to what the local input into the plan dictates once the plan is approved.

The Council is trying to develop an overall plan and program, but it must be made up of all the parts. The local people are going to supply that very important function of providing information upon which hearings can be conducted. Then an area wide plan that is acceptable to the people can be placed into legislative form and will ultimately become a law.

The reasons Mississippi is developing a Coastal Zone Management Program are many. The Federal Government recognized that the coastal resources were endangered and were being irretrievably lost or damaged. In just a few short years, more than half of the population of this country will live and work within the coastal zone. This uncontrolled and disorderly growth could destroy the coastal resources, and these are what must be protected. However, they must be protected within the interests of the people in the area that are already affected by them.

Input by the local citizens plays a major role in the large, overall program of coastal zone management throughout the thirty states that have coastal areas. Of course, there is much overlapping in many areas of planning and development. However, in Mississippi the Council is trying to narrow that line so that the efforts of the local entities will not be duplicated or destroyed.

Mississippi has a period of three years to develop an acceptable Coastal Zone Management Plan. This three year period began in May of 1974 and could probably be extended another year. Mississippi is currently in the second year of this planning period. While the Council has a tight schedule to

pursue, it should be able to develop a plan within the time limit. Then the Coastal Zone Management Program can be introduced to the Legislature.

The local timetable for providing the information outlined at this Coastal Leaders Conference on Coastal Zone Management will be negotiated with the individual entities, depending on the nature of this information. In other words, it will vary with the individual local governmental entities.

After this information is received and evaluated, public meetings will be held to resolve differences. This is certainly an over simplification, but all decisions will be made with the help and guidance of the public. If a particular local unit of government does not wish to cooperate and disagrees violently, then it can resort to the process of appeal. However, it is hoped that this will be avoided through adequate preparation, presentation and information exchange. Differences have to be resolved on a mutually acceptable basis. A plan must be compatible to the adjacent states and the United States as a whole, and the plan must be in concert with the wishes of the local people.

Public participation in coastal zone management planning cannot be stressed too strongly, for without the support and assistance of the people involved, no plan of this nature can be expected to succeed.

Coastal Zone Management simply seeks to have the citizens of the coastal area define what they want the area to become and to help write the plan so that orderly development may be realized for the benefit of all the citizens.

HOUSE BILL NO. 140

AN ACT TO PROVIDE FOR THE PRESERVATION OF THE COASTAL WETLANDS: TO PROVIDE PROCEDURES FOR OBTAINING PERMITS TO ALTER WETLANDS: TO PROVIDE FOR APPLICATION FEES: TO PROVIDE PENALTIES FOR VIOLATION OF THIS ACT: AND FOR RELATED PURPOSES.

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

SECTION 1. This act is to be known as the "Coastal Wetlands Protection Act" and may also be cited by its common or popular name of "Wetlands Act."

SECTION 2. It is declared to be the public policy of this state to favor the preservation of the natural state of the coastal wetlands and their ecosystems and to prevent the despoliation and destruction of them, except where a specific alteration of specific coastal wetlands would serve a higher public interest in compliance with the public purposes of the public trust in which coastal wetlands are held.

SECTION 3. (a) "Coastal Wetlands" means all publicly owned lands subject to the ebb and flow of the tide and which are below the watermark of ordinary high tide and all publicly owned accretions above the watermark of ordinary high tide.

(b) The term "coastal wetlands" shall be interpreted to include the flora and fauna on the wetlands and in the wetlands.

(c) "Regulated activity" means any of the following activities: the dredging, excavating or removing of soil, mud, sand, gravel, flora, fauna or aggregate of any kind from any coastal wetland; the dumping, filling or depositing of any soil, stones, sand, gravel, mud, aggregate of any kind or garbage, either directly or indirectly, on or in any coastal wetlands; killing or materially damaging any flora or fauna on or in any coastal wetland; and the erection on coastal wetlands of structures which materially affect the ebb and flow of the tide.

(d) "Dredging" means the removal or displacement by any means of soil, sand, gravel, shells or other material, whether of intrinsic value or not, from coastal wetlands.

(e) "Filling" means either the displacement of waters by the deposition into coastal wetlands of soil, sand, gravel, shells or other material; or the artificial alteration of water levels or water currents by physical structures, drainage ditches or otherwise.

(f) "Person" means any natural person, partnership, joint stock company, corporation, unincorporated association or society, or the state and any agency thereof, or any county, municipality, or political subdivision, or any other corporation of any character whatsoever.

(g) "Council" means the Mississippi Marine Resources Council.

SECTION 4. This act shall not apply to the following activities areas and entities:

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

(b) The conservation, repletion and research activities of the Mississippi Marine Conservation Commission, the Mississippi Marine Resources Council, the Mississippi Gulf Coast Research Laboratory, the Mississippi Game and Fish Commission, and the Mississippi-Alabama Sea Grant Consortium when acting through the Mississippi Universities Marine Center;

(c) Hunting, erecting duckblinds, fishing, shellfishing and trapping when and where otherwise permitted by law;

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

(e) The exercise of riparian rights by the owner of the riparian rights, provided that the construction and maintenance of piers, boathouses and similar structures are constructed on pilings that permit a reasonably unobstructed ebb and flow of the tide; provided, further, that the riparian owner may reasonably alter the wetland at the end of his pier in order to allow docking of his vessels, if the end of his pier is at the edge of marsh grass abutting his property;

(f) The normal maintenance and repair of bulkheads, piers, roads and highways existing on the date of enactment of this act, and all interstate highways planned but not yet under construction;

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

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

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

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

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

(l) The Fisherman's Wharf to be constructed in Biloxi and the Buccaneer State Park to be constructed in Hancock County, both by the State Park Commission;

(m) Wetlands conveyed by the state for industrial development thereon pursuant to Section 211, Mississippi Constitution of 1890, and pursuant to Section 6597, Mississippi Code of 1942;

(n) Coastal wetlands within five (5) feet of private property;

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

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

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

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

(s) All interstate highway projects.

All parties or agencies exempt from the regulatory provisions, whether by name or reference, when carrying out what would otherwise be regulated activities in coastal wetlands shall at all times adhere to the policy as set forth in Section 2 of this act and each such agency shall further advise the council of all such activities so that the council may be fully advised of all activities in the coastal wetlands.

SECTION 5. (a) No regulated activity shall affect any coastal wetlands without a permit unless excluded by Section 4 of this act. Any person proposing to conduct a regulated activity upon any coastal wetland shall file an application for a permit with the council in such form and with such information as the council may prescribe. An application fee in an amount to be established by council regulations shall accompany each application and shall be payable to the council.

(b) An application shall include the following:

- (1) The name and address of the applicant;
- (2) The names and addresses of the owners of record of adjacent land and of known claimants of riparian or water rights in or immediately adjacent to the coastal wetland, or a certification that after diligent search and inquiry the said names and addresses could not be found;
- (3) A detailed description of the proposed activity and a map, drawn to an appropriate and uniform scale showing by section, township and range, the location and area of the coastal wetlands to be affected, indicating the location and area of existing and proposed fill, excavation or other regulated activities; showing the location, width, depth and length of any proposed channel and dredge spoil disposal site; showing all existing and proposed structures, sewage collection and treatment facilities, utility installations, roadways and related appurtenances or facilities, including those on adjacent uplands; describing the type of equipment to be used and the means of equipment access to the activity site;
- (4) An estimate of the cost of the activity;
- (5) The primary and secondary purposes of the project, including contemplated future projects;
- (6) A description of any public benefit to be derived from the proposed project dependent upon the proposed activity;
- (7) A complete description of measures to be taken to reduce detrimental off-site effects to the coastal wetlands during and after the proposed activity.
- (8) The completion date of the proposed activity and of the project dependent upon the activity;
- (9) A written report or statement of the environmental impact of the proposed regulated activity and of the final project dependent on it upon the affected coastal wetlands and the life dependent upon them, provided that an environmental impact statement treating the same activity in the same area and supplied to another federal or state agency for considering a permit shall satisfy this requirement if submitted by the applicant; and
- (10) A certification that a permit from the Mississippi Air and Water Pollution Control Commission has been applied for or that such permit is not required; that a permit from the United States Corps of Engineers has been applied for or that such permit is not required; that permits or other certificates of compliance with applicable municipal or county building codes and zoning ordinances have been applied for or are not required;

(c) However, any person filing an application to dredge an existing channel for navigational purposes need only show:

- (1) That such channel was lawfully in existence on the date of enactment of this act and on the date such application was filed;
- (2) That such channel is regularly used for navigational purposes;
- (3) That a permit from the U. S. Corps of Engineers, or its successors, was obtained for the original dredging or that such permit was not required;
- (4) That such channel, because of silting or because of the movement of mud, sand, soil or other debris, has become, or is in danger of becoming, impaired for navigational purposes;
- (5) Where and how the spoil shall be disposed of, so as to preserve existing wetlands; and
- (6) Fulfill the requirements of subsections (b) (1) and (b) (7) above.

(d) Any person filing an application to dredge a new channel through coastal wetlands for navigational purposes, must, in addition to the requirements of subsection (b) above, show to the satisfaction of the council:

- (1) That such channel will be regularly used for navigational purposes;
- (2) That such channel is necessary for access to existing or proposed docks, marinas, yacht basins or other facilities and that there are no other reasonable means of access to such facilities;
- (3) Where and how the spoil shall be disposed of, so as to preserve existing wetlands;
- (4) That such channel will be dredged in such a manner as to have the least detrimental effect on the ecological, economic, recreational and aesthetic value of surrounding coastal wetlands; and
- (5) That such channel shall benefit the public at large or surrounding landowners.

(e) The council shall cause a copy of any application to be mailed immediately to the following parties:

- (1) The chief administrative officer in the municipality or municipalities where any part of the proposed activity will be located;
- (2) The president of the board of supervisors of any county where any part of the proposed activity will be located;
- (3) The Director of the State Game and Fish Commission;
- (4) The county attorney of any county in which any part of the proposed activity will be located or in any county which may be affected by such activity;
- (5) The district attorney of any judicial district in which any part of the proposed activity will be located or of any district which may be affected by such activity;
- (6) The Director of the Gulf Regional Planning Commission; and
- (7) The Chairman of the Mississippi Marine Conservation Commission;

(f) Not later than sixty (60) days from the receipt of any application, the council shall publish notice of a date on or before which written objections to any application must be filed. If written objection is filed or if the applicant requests a hearing, then a hearing must be held within ten (10) days after the date on or before which objections must be filed unless a later date for the hearing is agreed to by all parties. Notice of the date on or before which objections must be filed shall be published once a week for at least three (3) consecutive weeks in at least one (1) newspaper of general circulation in the county in which the affected wetlands are located. The first publication of such notice shall be made not less than twenty-one (21) days prior to the date on or before which objections must be filed and the last publication shall be made not more than seven (7) days prior to such date. The published notice shall describe the site of the proposed activity and shall give a general description of the proposed regulated activity. Further, notice shall be given describing the date, time and place for the said hearing by U. S. Mail, postage prepaid, to each of the objectors and to the applicant at the address furnished to the council by said parties, and by causing a copy of such notice to be published at least one (1) time in one (1) newspaper having general circulation in the county in which the affected wetlands are located.

(g) The following parties shall be notified of a hearing by the council by mail prior to the date set for the hearing, but a failure to meet this requirement shall not invalidate any permit granted thereafter;

(1) All of those parties who are entitled to receive a copy of such application in accordance with subsection (e) of this section of this act; and

(2) All known owners of record of adjacent land and all known claimants to water or riparian rights in or adjacent to the coastal wetlands affected.

(h) Any person who files a written objection pursuant to paragraph (f) of this section may appear at the public hearing and be heard.

(i) The burden of proof shall be on the applicant, whether a hearing is held or not; provided, however, no application shall be denied without giving the applicant a right to a hearing according to the provisions of this act.

(j) Evidence offered at hearings and all applications and related documents shall be open for public inspection at the office of the council at reasonable times.

SECTION 6. (a) In granting, denying, suspending, revoking or limiting any permit, the council shall consider the effect of the proposed activity with reference to the public policy expressed in Section 2 of this act. A permittee under this act must obtain a permit from the Mississippi Air and Water Pollution Control Commission if required by the Mississippi Air and Water Pollution Control Commission under Section 7106-118 et seq., Mississippi Code of 1942, and nothing in this act is intended to waive the requirements and standards of the Mississippi Air and Water Pollution Control Commission. A Mississippi Air and Water Pollution Control Commission permit granted to an applicant under this act shall be proof of the applicant's meeting any water quality standard considered by the council under this act. (Any conflict between the council under this act and the Mississippi Air and Water Pollution Control Commission shall be resolved in favor of the Mississippi Air and Water Pollution Control Commission)

(b) In response to applications for old channels under Section 5 (c) of this act, upon satisfactory completion of the requirements of Section 5 (c) by the applicant, the council shall issue a permit to the applicant without bond.

(c) In considering permits to dredge new channels by applicants under Section 5 (d) of this act, the council shall take into consideration in addition to subsection (a) of this section the benefit of such channel to the public at large, or to surrounding landowners, and the extent of use projected for the channel, as well as the ecological, economic, commercial, recreational and aesthetic value of the wetlands affected. The council shall, where practical, require applicants to use existing channels, so as to reduce the coastal wetlands affected.

(d) In granting any permit the council may impose conditions or limitations on the proposed activity designed to carry out the public policy set forth in this act.

(e) The council may require a performance bond in an amount to be set by the council with surety and satisfactory conditions securing to the state compliance with the conditions and limitations set forth in any permit, except a permit under subsection (b) of this section.

(f) The council, after reasonable notice in writing to the holder of a permit and after a hearing in the manner as provided in Section 5 of this act, shall suspend or revoke a permit if the council finds that the applicant has not substantially complied with one or more of the conditions or limitations set forth in the permit or has exceeded the scope of the activities as set forth in the application.

(g) The council shall state, upon its record, its findings and reasons for all actions taken pursuant to this section. When a permit is granted, the council shall describe the public interest to be served by granting a permit. When a permit is refused the council shall describe the public interest which would be adversely affected by granting the permit.

(h) The council shall send a copy of any order in issuance, denial, revocation or suspension of a permit to the parties stated in Section 5 (g) of this act, and such orders must be sent within ninety (90) days from the receipt of the application in the case of granting or denying or thirty (30) days from the date of the hearing in the case of suspension or revocation.

SECTION 7. (a) An appeal may be taken by the applicant, or any person or corporation, municipal corporation, county or interested community group who has been aggrieved by such order, from the denial, suspension or revocation of a permit or the issuance of a permit or conditional permit and who has filed written protest or objection as specified in Section 5, within thirty (30) days after the mailing to the parties of the order of issuance, denial, suspension or revocation of any such permit, to the chancery court of any county having jurisdiction over the property which may be affected by any such proposed activity to be authorized by such permit.

(b) If the court finds that the order appealed from is supported by substantial evidence, consistent with the public policy set forth in this act, is not arbitrary or capricious and does not violate constitutional rights, it shall affirm the council's order.

(c) Such appeal shall be brought by a complaint in writing, stating fully the reasons therefor, signed by an authorized party, and shall be served at least twelve (12) days before the return date upon the council and upon all parties having an interest adverse to the appellant as designated under subsection (a) of Section 7. Such appeals shall be brought to the next return day of the court after the filing of such appeal or may be returned to a day set by fiat of the court. A cost bond must be posted with sufficient sureties payable to the state in the sum of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), to be fixed in the order appealed from and to be filed with and approved by the director of the council, who shall forthwith certify the same, together with a certified copy of the transcription record of the proceeding of the council in the matter to the chancery court to which the appeal is taken, which shall thereupon become the record of the cause. An appeal to the chancery court as provided herein shall not stay the execution of an order of the council; provided, however, that any party aggrieved by an order of the council may petition the chancery court for an appeal with supersedeas and the chancellor shall grant a hearing on said petition, and upon good cause shown may grant said appeal with supersedeas in which case the appellant shall be required to post a bond with sufficient sureties according to law in an amount to be determined by the chancellor.

(d) Upon the filing of an appeal, the clerk of the chancery court shall serve notice thereof upon the council, whereupon the council shall within sixty (60) days, or within such additional time as the court may for cause allow, from the service of such notice certify to the chancery court the record in the case, which record shall include a transcript of all testimony, all objections, all exhibits or copies thereof, all pleadings, proceedings, orders, findings and opinions entered in the case; provided, however, that the parties and the council may stipulate that only a specified portion of the record shall be certified to the court as the record on appeal.

(e) If, upon hearing such appeal, it appears to the court that any testimony has been improperly excluded by the council or that the facts disclosed by the record are insufficient for the equitable disposition of the appeal, it shall refer the case back to the council to take such evidence as it may direct and report the same to the court with the council's findings of fact and conclusions of law.

(f) Such appeal shall have precedence in the order of trial, and the chancellor may order the granting, denial, revocation, suspension or limitation of any permit or may remand to the council for such order.

(g) Appeals may be taken from the chancery court to the Supreme Court in the manner as now required by law, except that if a supersedeas is desired by the party appealing from the chancery court, he may apply therefor to the chancellor thereof, who shall award a writ of supersedeas without additional bond if, in his judgment, material damage is not likely to result thereby, but otherwise he shall require such supersedeas bond as he deems proper which shall be liable to the state or applicant for such damage.

SECTION 8. (a) The Attorney General of the State of Mississippi at the request of the council, a district attorney having jurisdiction, or a county attorney having jurisdiction may initiate the civil or criminal actions, or both civil and criminal actions, as described in this act against any person or persons believed to be in violation of this act.

(b) The parties described in subsection (a) of this section may initiate actions to enjoin any person or persons believed to be in violation of this act.

(c) Jurisdiction and venue for judicial actions brought pursuant to this act shall lie in any county or counties in which the alleged violation occurs or in which property affected by such violation is located.

(d) Any person who violates the provisions of this act shall be liable to the State of Mississippi for the restoration of all affected coastal wetlands to their condition prior to such violation, insofar as such restoration is possible, and for any and all damages to the wetlands. The appropriate chancery court by writ of mandatory injunction shall allow a reasonable time for completion of the restoration and may, in its discretion, order as punitive damages a sum not to exceed Five Hundred Dollars (\$500.00) per day for each day such violation has existed. The said chancery court may further order as punitive damages a sum not to exceed Five Hundred Dollars (\$500.00) per day for each day that the violation exists beyond the date set by said court in its injunction for the restoration of said wetland. If injunctive relief is not sought, the appropriate circuit or county court shall have jurisdiction over any action for damages and/or punitive damages as set forth in this paragraph.

(e) Nothing in this act shall preclude other statutory or common law remedies by public or private parties against violators or nonviolators of this act.

SECTION 9. (a) In addition to civil liability under this act, a violation of this act is a misdemeanor and shall be punished by a fine of not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1,000.00) or by imprisonment of not more than thirty (30) days, or both.

(b) In the case of continuing violations, each day shall constitute a separate charge; however, separate violations under this act need not be severed for trial when an identity of parties and locations exists.

(c) It shall be a misdemeanor to materially harm or disturb scientific devices and recording instruments left in coastal wetlands by authorized agencies of the State or Federal Government, and a violation of this subsection shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment of not more than thirty (30) days or both.

SECTION 10. The council shall adopt, promulgate and publish rules and regulations for the implementation of this act. Before becoming effective, such rules and regulations, and any changes thereafter, must be published once a week for at least three (3) consecutive weeks in a newspaper having general circulation throughout the State of Mississippi. Such rules and regulations shall provide procedure whereby an individual or organization may receive at their own expense copies of the applications provided for in subsection (e) of Section 5 of this act.

SECTION 11. The council may charge the fair market value of any materials removed from coastal wetlands by a permittee or his agent under the terms of any permit issued.

SECTION 12. The council and the Marine Conservation Commission shall, from time to time, inspect the coastal wetlands to determine whether violations have been or are being committed and report any such violations to the council.

SECTION 13. (a) In order to implement the policy set forth in the act and to assist the commission in protection of coastal wetlands, the council acting with the cooperation and assistance of the Gulf Regional Planning Commission and the Gulf Coast Research Laboratory shall evaluate the coastal wetlands and prepare charts at an appropriate scale showing the distribution of coastal wetlands as defined in this act. These charts will be provided to the offices of the chancery clerk of affected counties and to the Gulf Regional Planning Commission. The charts will be updated and reissued periodically as needed to provide a current inventory of coastal wetlands.

(b) The council shall promote the education of the public about scientific and economic knowledge concerning coastal wetlands.

(c) In recognition of the national policy expressed in the Coastal Zone Management Act of 1972, Public Law 92-583, the council is directed to include an overall plan for use of coastal and private wetlands in the Mississippi Coastal Zone Management Plan being prepared by the council, and the council is further directed to identify and include in such plan specific coastal and private wetlands which the council recommends should be set aside as estuarine sanctuaries.

SECTION 14. Any coastal wetlands now assessed for ad valorem taxes against the abutting landowner shall be excluded from the assessment of the said landowner's property upon proper application being made as otherwise provided by law.

SECTION 15. All fees and other sums received by the council pursuant to this act shall be deposited to the credit of the General Fund of the State of Mississippi.

SECTION 16. If any clause, sentence, paragraph or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which judgment shall have been rendered.

SECTION 17. This act shall take effect and be in force from and after July 1, 1973.



Public Law 92-583
92nd Congress, S. 3507
October 27, 1972

An Act

86 STAT. 1280

To establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for a comprehensive, long-range, and coordinated national program in marine science, to establish a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering and Resources, and for other purposes", approved June 17, 1966 (80 Stat. 203), as amended (33 U.S.C. 1101-1124), is further amended by adding at the end thereof the following new title:

Marine Resources and Engineering Development Act of 1966, amendment.

80 Stat. 996;
84 Stat. 865.

TITLE III—MANAGEMENT OF THE COASTAL ZONE

SHORT TITLE

Sec. 301. This title may be cited as the "Coastal Zone Management Act of 1972".

CONGRESSIONAL FINDINGS

Sec. 302. The Congress finds that—

- (a) There is a national interest in the effective management, beneficial use, protection, and development of the coastal zone;
- (b) The coastal zone is rich in a variety of natural, commercial, recreational, industrial, and esthetic resources of immediate and potential value to the present and future well-being of the Nation;
- (c) The increasing and competing demands upon the lands and waters of our coastal zone occasioned by population growth and economic development, including requirements for industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuels, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources, have resulted in the loss of living marine resources, wildlife, nutrient-rich areas, permanent and adverse changes to ecological systems, decreasing open space for public use, and shoreline erosion;
- (d) The coastal zone, and the fish, shellfish, other living marine resources, and wildlife therein, are ecologically fragile and consequently extremely vulnerable to destruction by man's alterations;
- (e) Important ecological, cultural, historic, and esthetic values in the coastal zone which are essential to the well-being of all citizens are being irretrievably damaged or lost;
- (f) Special natural and scenic characteristics are being damaged by ill-planned development that threatens these values;
- (g) In light of competing demands and the urgent need to protect and to give high priority to natural systems in the coastal zone, present state and local institutional arrangements for planning and regulating land and water uses in such areas are inadequate; and
- (h) The key to more effective protection and use of the land and water resources of the coastal zone is to encourage the states to exercise their full authority over the lands and waters in the coastal zone by assisting the states, in cooperation with Federal and local governments and other vitally affected interests, in developing land and water use programs for the coastal zone, including unified policies, criteria, standards, methods, and processes for dealing with land and water use decisions of more than local significance.

DECLARATION OF POLICY

SEC. 303. The Congress finds and declares that it is the national policy (a) to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations, (b) to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone giving full consideration to ecological, cultural, historic, and esthetic values as well as to needs for economic development, (c) for all Federal agencies engaged in programs affecting the coastal zone to cooperate and participate with state and local governments and regional agencies in effectuating the purposes of this title, and (d) to encourage the participation of the public, of Federal, state, and local governments and of regional agencies in the development of coastal zone management programs. With respect to implementation of such management programs, it is the national policy to encourage cooperation among the various state and regional agencies including establishment of interstate and regional agreements, cooperative procedures, and joint action particularly regarding environmental problems.

DEFINITIONS

SEC. 304. For the purposes of this title—

(a) "Coastal zone" means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal states, and includes transitional and intertidal areas, salt marshes, wetlands, and beaches. The zone extends, in Great Lakes waters, to the international boundary between the United States and Canada and, in other areas, seaward to the outer limit of the United States territorial sea. The zone extends inland from the shorelines only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters. Excluded from the coastal zone are lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents.

(b) "Coastal waters" means (1) in the Great Lakes area, the waters within the territorial jurisdiction of the United States consisting of the Great Lakes, their connecting waters, harbors, roadsteads, and estuary-type areas such as bays, shallows, and marshes and (2) in other areas, those waters, adjacent to the shorelines, which contain a measurable quantity or percentage of sea water, including, but not limited to, sounds, bays, lagoons, bayous, ponds, and estuaries.

(c) "Coastal state" means a state of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes. For the purposes of this title, the term also includes Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(d) "Estuary" means that part of a river or stream or other body of water having unimpaired connection with the open sea, where the sea water is measurably diluted with fresh water derived from land drainage. The term includes estuary-type areas of the Great Lakes.

(e) "Estuarine sanctuary" means a research area which may include any part or all of an estuary, adjoining transitional areas, and adjacent uplands, constituting to the extent feasible a natural unit, set

aside to provide scientists and students the opportunity to examine over a period of time the ecological relationships within the area.

(f) "Secretary" means the Secretary of Commerce.

(g) "Management program" includes, but is not limited to, a comprehensive statement in words, maps, illustrations, or other media of communication, prepared and adopted by the state in accordance with the provisions of this title, setting forth objectives, policies, and standards to guide public and private uses of lands and waters in the coastal zone.

(h) "Water use" means activities which are conducted in or on the water; but does not mean or include the establishment of any water quality standard or criteria or the regulation of the discharge or runoff of water pollutants except the standards, criteria, or regulations which are incorporated in any program as required by the provisions of section 307(f).

(i) "Land use" means activities which are conducted in or on the shorelands within the coastal zone, subject to the requirements outlined in section 307(g).

MANAGEMENT PROGRAM DEVELOPMENT GRANTS

SEC. 305. (a) The Secretary is authorized to make annual grants to any coastal state for the purpose of assisting in the development of a management program for the land and water resources of its coastal zone.

(b) Such management program shall include:

(1) an identification of the boundaries of the coastal zone subject to the management program;

(2) a definition of what shall constitute permissible land and water uses within the coastal zone which have a direct and significant impact on the coastal waters;

(3) an inventory and designation of areas of particular concern within the coastal zone;

(4) an identification of the means by which the state proposes to exert control over the land and water uses referred to in paragraph (2) of this subsection, including a listing of relevant constitutional provisions, legislative enactments, regulations, and judicial decisions;

(5) broad guidelines on priority of uses in particular areas, including specifically those uses of lowest priority;

(6) a description of the organizational structure proposed to implement the management program, including the responsibilities and interrelationships of local, areawide, state, regional, and interstate agencies in the management process.

(c) The grants shall not exceed 66 $\frac{2}{3}$ per centum of the costs of the program in any one year and no state shall be eligible to receive more than three annual grants pursuant to this section. Federal funds received from other sources shall not be used to match such grants. In order to qualify for grants under this section, the state must reasonably demonstrate to the satisfaction of the Secretary that such grants will be used to develop a management program consistent with the requirements set forth in section 306 of this title. After making the initial grant to a coastal state, no subsequent grant shall be made under this section unless the Secretary finds that the state is satisfactorily developing such management program.

Limitation.

(d) Upon completion of the development of the state's management program, the state shall submit such program to the Secretary for

Grants,
allocation.

review and approval pursuant to the provisions of section 306 of this title, or such other action as he deems necessary. On final approval of such program by the Secretary, the state's eligibility for further grants under this section shall terminate, and the state shall be eligible for grants under section 306 of this title.

(e) Grants under this section shall be allocated to the states based on rules and regulations promulgated by the Secretary: *Provided, however*, That no management program development grant under this section shall be made in excess of 10 per centum nor less than 1 per centum of the total amount appropriated to carry out the purposes of this section.

(f) Grants or portions thereof not obligated by a state during the fiscal year for which they were first authorized to be obligated by the state, or during the fiscal year immediately following, shall revert to the Secretary, and shall be added by him to the funds available for grants under this section.

80 Stat. 1262;
82 Stat. 208.
42 USC 3334.

(g) With the approval of the Secretary, the state may allocate to a local government, to an areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, to a regional agency, or to an interstate agency, a portion of the grant under this section, for the purpose of carrying out the provisions of this section.

Expiration
date.

(h) The authority to make grants under this section shall expire on June 30, 1977.

ADMINISTRATIVE GRANTS

Limitation.

Sec. 306. (a) The Secretary is authorized to make annual grants to any coastal state for not more than 66 $\frac{2}{3}$ per centum of the costs of administering the state's management program, if he approves such program in accordance with subsection (c) hereof. Federal funds received from other sources shall not be used to pay the state's share of costs.

Allocation.

(b) Such grants shall be allocated to the states with approved programs based on rules and regulations promulgated by the Secretary which shall take into account the extent and nature of the shoreline and area covered by the plan, population of the area, and other relevant factors: *Provided, however*, That no annual administrative grant under this section shall be made in excess of 10 per centum nor less than 1 per centum of the total amount appropriated to carry out the purposes of this section.

Program
requirements.

(c) Prior to granting approval of a management program submitted by a coastal state, the Secretary shall find that:

(1) The state has developed and adopted a management program for its coastal zone in accordance with rules and regulations promulgated by the Secretary, after notice, and with the opportunity of full participation by relevant Federal agencies, state agencies, local governments, regional organizations, port authorities, and other interested parties, public and private, which is adequate to carry out the purposes of this title and is consistent with the policy declared in section 303 of this title.

(2) The state has:

(A) coordinated its program with local, areawide, and interstate plans applicable to areas within the coastal zone existing on January 1 of the year in which the state's management program is submitted to the Secretary, which plans have been developed by a local government, an areawide agency designated pursuant to regulations established under section 204 of the Demonstration

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Cities and Metropolitan Development Act of 1966, a regional agency, or an interstate agency; and

80 Stat. 1262;

82 Stat. 208.

42 USC 3334.

(B) established an effective mechanism for continuing consultation and coordination between the management agency designated pursuant to paragraph (5) of this subsection and with local governments, interstate agencies, regional agencies, and areawide agencies within the coastal zone to assure the full participation of such local governments and agencies in carrying out the purposes of this title.

(3) The state has held public hearings in the development of the management program.

(4) The management program and any changes thereto have been reviewed and approved by the Governor.

(5) The Governor of the state has designated a single agency to receive and administer the grants for implementing the management program required under paragraph (1) of this subsection.

(6) The state is organized to implement the management program required under paragraph (1) of this subsection.

(7) The state has the authorities necessary to implement the program, including the authority required under subsection (d) of this section.

(8) The management program provides for adequate consideration of the national interest involved in the siting of facilities necessary to meet requirements which are other than local in nature.

(9) The management program makes provision for procedures whereby specific areas may be designated for the purpose of preserving or restoring them for their conservation, recreational, ecological, or esthetic values.

(d) Prior to granting approval of the management program, the Secretary shall find that the state, acting through its chosen agency or agencies, including local governments, areawide agencies designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, regional agencies, or interstate agencies, has authority for the management of the coastal zone in accordance with the management program. Such authority shall include power—

(1) to administer land and water use regulations, control development in order to ensure compliance with the management program, and to resolve conflicts among competing uses; and

(2) to acquire fee simple and less than fee simple interests in lands, waters, and other property through condemnation or other means when necessary to achieve conformance with the management program.

(e) Prior to granting approval, the Secretary shall also find that the program provides:

(1) for any one or a combination of the following general techniques for control of land and water uses within the coastal zone;

(A) State establishment of criteria and standards for local implementation, subject to administrative review and enforcement of compliance;

(B) Direct state land and water use planning and regulation; or

(C) State administrative review for consistency with the management program of all development plans, projects, or land and water use regulations, including exceptions and variances thereto, proposed by any state or local authority or private developer, with power to approve or disapprove after public notice and an opportunity for hearings.

(2) for a method of assuring that local land and water use regulations within the coastal zone do not unreasonably restrict or exclude land and water uses of regional benefit.

80 Stat., 1262;
82 Stat., 209.
42 USC 3334.

(f) With the approval of the Secretary, a state may allocate to a local government, an areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, a regional agency, or an interstate agency, a portion of the grant under this section for the purpose of carrying out the provisions of this section: *Provided*, That such allocation shall not relieve the state of the responsibility for ensuring that any funds so allocated are applied in furtherance of such state's approved management program.

Program
modification.

(g) The state shall be authorized to amend the management program. The modification shall be in accordance with the procedures required under subsection (c) of this section. Any amendment or modification of the program must be approved by the Secretary before additional administrative grants are made to the state under the program as amended.

Segmental
development.

(h) At the discretion of the state and with the approval of the Secretary, a management program may be developed and adopted in segments so that immediate attention may be devoted to those areas within the coastal zone which most urgently need management programs: *Provided*, That the state adequately provides for the ultimate coordination of the various segments of the management program into a single unified program and that the unified program will be completed as soon as is reasonably practicable.

INTERAGENCY COORDINATION AND COOPERATION

Sec. 307. (a) In carrying out his functions and responsibilities under this title, the Secretary shall consult with, cooperate with, and, to the maximum extent practicable, coordinate his activities with other interested Federal agencies.

(b) The Secretary shall not approve the management program submitted by a state pursuant to section 306 unless the views of Federal agencies principally affected by such program have been adequately considered. In case of serious disagreement between any Federal agency and the state in the development of the program the Secretary, in cooperation with the Executive Office of the President, shall seek to mediate the differences.

(c)(1) Each Federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs.

(2) Any Federal agency which shall undertake any development project in the coastal zone of a state shall insure that the project is, to the maximum extent practicable, consistent with approved state management programs.

Certification.

(3) After final approval by the Secretary of a state's management program, any applicant for a required Federal license or permit to conduct an activity affecting land or water uses in the coastal zone of that state shall provide in the application to the licensing or permitting agency a certification that the proposed activity complies with the state's approved program and that such activity will be conducted in a manner consistent with the program. At the same time, the applicant shall furnish to the state or its designated agency a copy of the certification, with all necessary information and data. Each coastal state shall establish procedures for public notice in the case of all such

certifications and, to the extent it deems appropriate, procedures for public hearings in connection therewith. At the earliest practicable time, the state or its designated agency shall notify the Federal agency concerned that the state concurs with or objects to the applicant's certification. If the state or its designated agency fails to furnish the required notification within six months after receipt of its copy of the applicant's certification, the state's concurrence with the certification shall be conclusively presumed. No license or permit shall be granted by the Federal agency until the state or its designated agency has concurred with the applicant's certification or until, by the state's failure to act, the concurrence is conclusively presumed, unless the Secretary, on his own initiative or upon appeal by the applicant, finds, after providing a reasonable opportunity for detailed comments from the Federal agency involved and from the state, that the activity is consistent with the objectives of this title or is otherwise necessary in the interest of national security.

Notification.

(d) State and local governments submitting applications for Federal assistance under other Federal programs affecting the coastal zone shall indicate the views of the appropriate state or local agency as to the relationship of such activities to the approved management program for the coastal zone. Such applications shall be submitted and coordinated in accordance with the provisions of title IV of the Intergovernmental Coordination Act of 1968 (82 Stat. 1098). Federal agencies shall not approve proposed projects that are inconsistent with a coastal state's management program, except upon a finding by the Secretary that such project is consistent with the purposes of this title or necessary in the interest of national security.

42 USC 4231.

(e) Nothing in this title shall be construed—

(1) to diminish either Federal or state jurisdiction, responsibility, or rights in the field of planning, development, or control of water resources, submerged lands, or navigable waters; nor to displace, supersede, limit, or modify any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more states or of two or more states and the Federal Government; nor to limit the authority of Congress to authorize and fund projects;

(2) as superseding, modifying, or repealing existing laws applicable to the various Federal agencies; nor to affect the jurisdiction, powers, or prerogatives of the International Joint Commission, United States and Canada, the Permanent Engineering Board, and the United States operating entity or entities established pursuant to the Columbia River Basin Treaty, signed at Washington, January 17, 1961, or the International Boundary and Water Commission, United States and Mexico.

(f) Notwithstanding any other provision of this title, nothing in this title shall in any way affect any requirement (1) established by the Federal Water Pollution Control Act, as amended, or the Clean Air Act, as amended, or (2) established by the Federal Government or by any state or local government pursuant to such Acts. Such requirements shall be incorporated in any program developed pursuant to this title and shall be the water pollution control and air pollution control requirements applicable to such program.

Ante, p. 816.
81 Stat. 485;
84 Stat. 1676.
42 USC 1857
note.

(g) When any state's coastal zone management program, submitted for approval or proposed for modification pursuant to section 306 of this title, includes requirements as to shorelands which also would be subject to any Federally supported national land use program which may be hereafter enacted, the Secretary, prior to approving such pro-

gram, shall obtain the concurrence of the Secretary of the Interior, or such other Federal official as may be designated to administer the national land use program, with respect to that portion of the coastal zone management program affecting such inland areas.

PUBLIC HEARINGS

Sec. 308. All public hearings required under this title must be announced at least thirty days prior to the hearing date. At the time of the announcement, all agency materials pertinent to the hearings, including documents, studies, and other data, must be made available to the public for review and study. As similar materials are subsequently developed, they shall be made available to the public as they become available to the agency.

REVIEW OF PERFORMANCE

Sec. 309. (a) The Secretary shall conduct a continuing review of the management programs of the coastal states and of the performance of each state.

Financial assistance, termination.

(b) The Secretary shall have the authority to terminate any financial assistance extended under section 306 and to withdraw any unexpended portion of such assistance if (1) he determines that the state is failing to adhere to and is not justified in deviating from the program approved by the Secretary; and (2) the state has been given notice of the proposed termination and withdrawal and given an opportunity to present evidence of adherence or justification for altering its program.

RECORDS

Sec. 310. (a) Each recipient of a grant under this title shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition of the funds received under the grant, the total cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

Audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of the grant that are pertinent to the determination that funds granted are used in accordance with this title.

ADVISORY COMMITTEE

Coastal Zone Management Advisory Committee, establishment; membership.

Sec. 311. (a) The Secretary is authorized and directed to establish a Coastal Zone Management Advisory Committee to advise, consult with, and make recommendations to the Secretary on matters of policy concerning the coastal zone. Such committee shall be composed of not more than fifteen persons designated by the Secretary and shall perform such functions and operate in such a manner as the Secretary may direct. The Secretary shall insure that the committee membership as a group possesses a broad range of experience and knowledge relating to problems involving management, use, conservation, protection, and development of coastal zone resources.

Compensation, travel expenses.

(b) Members of the committee who are not regular full-time employees of the United States, while serving on the business of the committee, including traveltime, may receive compensation at rates not exceeding \$100 per diem; and while so serving away from their

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homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

80 Stat., 499;
83 Stat., 190.

ESTUARINE SANCTUARIES

SEC. 312. The Secretary, in accordance with rules and regulations promulgated by him, is authorized to make available to a coastal state grants of up to 50 per centum of the costs of acquisition, development, and operation of estuarine sanctuaries for the purpose of creating natural field laboratories to gather data and make studies of the natural and human processes occurring within the estuaries of the coastal zone. The Federal share of the cost for each such sanctuary shall not exceed \$2,000,000. No Federal funds received pursuant to section 305 or section 306 shall be used for the purpose of this section.

Grants.

Federal share.

ANNUAL REPORT

SEC. 313. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress not later than November 1 of each year a report on the administration of this title for the preceding fiscal year. The report shall include but not be restricted to (1) an identification of the state programs approved pursuant to this title during the preceding Federal fiscal year and a description of those programs; (2) a listing of the states participating in the provisions of this title and a description of the status of each state's programs and its accomplishments during the preceding Federal fiscal year; (3) an itemization of the allocation of funds to the various coastal states and a breakdown of the major projects and areas on which these funds were expended; (4) an identification of any state programs which have been reviewed and disapproved or with respect to which grants have been terminated under this title, and a statement of the reasons for such action; (5) a listing of all activities and projects which, pursuant to the provisions of subsection (c) or subsection (d) of section 307, are not consistent with an applicable approved state management program; (6) a summary of the regulations issued by the Secretary or in effect during the preceding Federal fiscal year; (7) a summary of a coordinated national strategy and program for the Nation's coastal zone including identification and discussion of Federal, regional, state, and local responsibilities and functions therein; (8) a summary of outstanding problems arising in the administration of this title in order of priority; and (9) such other information as may be appropriate.

(b) The report required by subsection (a) shall contain such recommendations for additional legislation as the Secretary deems necessary to achieve the objectives of this title and enhance its effective operation.

RULES AND REGULATIONS

SEC. 314. The Secretary shall develop and promulgate, pursuant to section 553 of title 5, United States Code, after notice and opportunity for full participation by relevant Federal agencies, state agencies, local governments, regional organizations, port authorities, and other interested parties, both public and private, such rules and regulations as may be necessary to carry out the provisions of this title.

80 Stat., 383.

AUTHORIZATION OF APPROPRIATIONS

SEC. 315. (a) There are authorized to be appropriated—

(1) the sum of \$9,000,000 for the fiscal year ending June 30, 1973, and for each of the fiscal years 1974 through 1977 for grants under section 305, to remain available until expended;

(2) such sums, not to exceed \$30,000,000, for the fiscal year ending June 30, 1974, and for each of the fiscal years 1975 through 1977, as may be necessary, for grants under section 306 to remain available until expended; and

(3) such sums, not to exceed \$6,000,000 for the fiscal year ending June 30, 1974, as may be necessary, for grants under section 312, to remain available until expended.

(b) There are also authorized to be appropriated such sums, not to exceed \$3,000,000, for fiscal year 1973 and for each of the four succeeding fiscal years, as may be necessary for administrative expenses incident to the administration of this title.

Approved October 27, 1972.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 92-1049 accompanying H.R. 14146 (Comm. on Merchant Marine and Fisheries) and No. 92-1544 (Comm. of Conference).

SENATE REPORT No. 92-753 (Comm. on Commerce).

CONGRESSIONAL RECORD, Vol. 118 (1972):

Apr. 25, considered and passed Senate.

Aug. 2, considered and passed House, amended, in lieu of H.R. 14146.

Oct. 12, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 8, No. 44:

Oct. 28, Presidential statement.

INVITATION LIST FOR CONFERENCE

CITY OF BAY ST. LOUIS

The Honorable Warren Carver
Mayor, City of Bay St. Louis
Bay St. Louis City Hall
South Second Street
Bay St. Louis, Mississippi 39520

The Honorable Lucien Kidd
Commissioner, City of Bay St. Louis
Bay St. Louis City Hall
South Second Street
Bay St. Louis, Mississippi 39520

The Honorable Clarence Ladner
Commissioner, City of Bay St. Louis
Bay St. Louis City Hall
Bay St. Louis, Mississippi 39520

Mr. Paul L. Vegas
Chairman, Bay St. Louis Planning
Commission
812 North Beach
Bay St. Louis, Mississippi 39520

CITY OF BILOXI

The Honorable Jerry J. O'Keefe
Mayor, City of Biloxi
Post Office Box 429
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The Honorable Frank Barhanovich, Jr.
Commissioner of Finance, City of
Biloxi
Post Office Box 429
Biloxi, Mississippi 39533

The Honorable A. H. Patterson
Commissioner of Public Works, City
of Biloxi
Post Office Box 429
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Mr. Gene Warr
Chairman, Biloxi Planning Commission
407 Evergreen Lane
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Mr. Roy Benbow
Executive Director, Biloxi Planning
Commission
Post Office Box 429
Biloxi, Mississippi 39533

CITY OF GULFPORT

The Honorable A. W. Lang
Mayor, City of Gulfport
Gulfport City Hall
Gulfport, Mississippi 39501

The Honorable Alvin Savarese
Commissioner, City of Gulfport
Gulfport City Hall
Post Office Box 4248
Gulfport, Mississippi 39501

The Honorable Charles Walker
Commissioner of Finance, City of
Gulfport
Gulfport City Hall
Post Office Box 1780
Gulfport, Mississippi 39501

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Chairman, Gulfport Planning Commission
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Gulfport, Mississippi 39501

Mr. Mike Geouge
City Planner, City of Gulfport
Security Savings Building
Gulfport, Mississippi 39501

CITY OF LONG BEACH

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The Honorable Sam Maxwell
Mayor, City of Long Beach
Long Beach City Hall
Long Beach, Mississippi 39560

The Honorable Sal Guiffria
Alderman, City of Long Beach
Long Beach City Hall
Long Beach, Mississippi 39560

The Honorable James Moran
Alderman, City of Long Beach
Long Beach City Hall
Long Beach, Mississippi 39560

The Honorable Bob Richards
Alderman, City of Long Beach
Long Beach City Hall
Long Beach, Mississippi 39560

The Honorable Mike I. Rutledge
Alderman, City of Long Beach
Long Beach City Hall
Long Beach, Mississippi 39560

The Honorable James Savarese
Alderman, City of Long Beach
Long Beach City Hall
Long Beach, Mississippi 39560

Mr. L. E. Reinike
Chairman, Long Beach Planning and
Zoning Commission
244 Reinike Road
Long Beach, Mississippi 39560

CITY OF MOSS POINT

The Honorable Philip Watts
Mayor, City of Moss Point
Moss Point City Hall
Denny Avenue
Moss Point, Mississippi 39563

The Honorable Everett E. Wells
Alderman, Ward I, City of Moss Point
Moss Point City Hall
Moss Point, Mississippi 39563

The Honorable W. B. McDavid
Alderman, Ward II, City of Moss Point
Moss Point City Hall
Denny Avenue
Moss Point, Mississippi 39563

The Honorable George C. Wood
Alderman, Ward III, City of Moss Point
Moss Point City Hall
Denny Avenue
Moss Point, Mississippi 39563

The Honorable J. C. Parks
Alderman, Ward IV, City of Moss Point
Moss Point City Hall
Denny Avenue
Moss Point, Mississippi 39563

The Honorable J. D. Westfaul
Alderman At Large, City of Moss Point
Moss Point City Hall
Denny Avenue
Moss Point, Mississippi 39563

Mr. Francis Frederick
Chairman, Moss Point Planning Commission
2032 River Road
Pascagoula, Mississippi 39567

CITY OF OCEAN SPRINGS

The Honorable Tom Stennis
Mayor, City of Ocean Springs
Ocean Springs City Hall
1018 Porter Avenue
Ocean Springs, Mississippi 39564

The Honorable William Dale, Jr.
Alderman, City of Ocean Springs
Ocean Springs City Hall
1018 Porter Avenue
Ocean Springs, Mississippi 39564

The Honorable Joseph Garrard
Alderman, City of Ocean Springs
Ocean Springs City Hall
1018 Porter Avenue
Ocean Springs, Mississippi 39564

The Honorable Larry Gartman
Alderman, City of Ocean Springs
Ocean Springs City Hall
1018 Porter Avenue
Ocean Springs, Mississippi 39564

The Honorable Brad Lemon
Alderman, City of Ocean Springs
Ocean Springs City Hall
1018 Porter Avenue
Ocean Springs, Mississippi 39564

The Honorable Curtis Lloyd
Alderman, City of Ocean Springs
Ocean Springs City Hall
1018 Porter Avenue
Ocean Springs, Mississippi 39564

Mr. Matthew Grace
Chairman, Ocean Springs Planning
Commission
315 Washington Avenue
Ocean Springs, Mississippi 39564

CITY OF PASCAGOULA

The Honorable Vincent Ros
Mayor, City of Pascagoula
Pascagoula City Hall
Watts Avenue
Pascagoula, Mississippi 39567

The Honorable Ruby Baggett
Councilwoman, City of Pascagoula
Pascagoula City Hall
Watts Avenue
Pascagoula, Mississippi 39567

The Honorable Ramey L. Beavers
Councilman, City of Pascagoula
Pascagoula City Hall
Watts Avenue
Pascagoula, Mississippi 39567

The Honorable E. V. Curry
Councilman, City of Pascagoula
Pascagoula City Hall
Watts Avenue
Pascagoula, Mississippi 39567

The Honorable Gayden Harper
Councilman, City of Pascagoula
Pascagoula City Hall
Watts Avenue
Pascagoula, Mississippi 39567

The Honorable E. C. Harris
Councilman, City of Pascagoula
Pascagoula City Hall
Watts Avenue
Pascagoula, Mississippi 39567

The Honorable I. G. Levy
Councilman, City of Pascagoula
Pascagoula City Hall
Watts Avenue
Pascagoula, Mississippi 39567

Mr. Neil Michaelson
City Manager, City of Pascagoula
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CITY OF PASS CHRISTIAN

The Honorable Steve Saucier
Mayor, City of Pass Christian
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The Honorable Jerry Andresen
Alderman, City of Pass Christian
Pass Christian City Hall
200 West Scenic Drive
Pass Christian, Mississippi 39571

The Honorable Robert Goff
Alderman, City of Pass Christian
Pass Christian City Hall
Pass Christian, Mississippi 39571

The Honorable Charles Logan
Alderman, City of Pass Christian
Pass Christian City Hall
200 West Scenic Drive
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The Honorable Horace Necaise
Alderman, City of Pass Christian
Pass Christian City Hall
200 West Scenic Drive
Pass Christian, Mississippi 39571

The Honorable A. Saucier
Alderman, City of Pass Christian
Pass Christian City Hall
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Mr. George T. Watson
Chairman, Pass Christian Planning
Commission
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CITY OF PICAYUNE

The Honorable S. G. Thigpen
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Councilman, City of Picayune
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The Honorable Richard W. Cook
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1105 Parkwood Circle
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The Honorable Aaron L. Russell
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CITY OF WAVELAND

The Honorable John Longo
Mayor, City of Waveland
Waveland City Hall
Coleman Avenue
Waveland, Mississippi 39576

The Honorable Charles Johnson
Alderman, First Ward, City of Waveland
Waveland City Hall
Coleman Avenue
Waveland, Mississippi 39576

The Honorable A. N. Grass
Alderman, Second Ward, City of Waveland
Waveland City Hall
Coleman Avenue
Waveland, Mississippi 39576

The Honorable Daniel Campion
Alderman, Third Ward, City of Waveland
Waveland City Hall
Coleman Avenue
Waveland, Mississippi 39576

The Honorable Herman Yarborough
Alderman, Fourth Ward, City of Waveland
Waveland City Hall
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The Honorable James Travirca
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Mr. Bert Courrege
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 Lower Bay Road, Lakeshore
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Mr. Sam Perniciaro
 Hancock County Supervisor-Elect
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HARRISON COUNTY

The Honorable Ernest Melvin
 Harrison County Board of Supervisors
 Harrison County Courthouse
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The Honorable R. L. Reed
 Harrison County Board of Supervisors
 Harrison County Beat 3 Barn
 604 North Seal Avenue
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The Honorable Arlan Robinson
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The Honorable Rimmer Simpson
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The Honorable Hue B. Snowden
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Mr. William J. McDonald, Jr.
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 219 Henderson Avenue
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Mr. Ben G. Clark
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The Honorable J. C. May
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The Honorable W. T. Roberts
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Mr. Ed McElroy
Jackson County Supervisor-Elect
Gautier, Mississippi 39553

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PEARL RIVER COUNTY

The Honorable G. W. Moody
Pearl River County Board of
Supervisors
Poplarville, Mississippi 39460

The Honorable E. M. Clark
Pearl River County Board of
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The Honorable L. K. Sones
Pearl River County Board of
Supervisors
Route 1, Box 941
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The Honorable A. W. Stockstill
Pearl River County Board of
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The Honorable Tommy J. Whitfield
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PEARL RIVER COUNTY DEVELOPMENT
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