

# **THE MISSISSIPPI COASTAL PROGRAM: A REVIEW**

by

**M. Casey Jarman, J.D.  
Staff Attorney**

**Catherine L. Mills  
Research Associate**

**University of Mississippi Law Center  
University, Mississippi 38677**



**Mississippi-Alabama  
Sea Grant Consortium  
Ocean Springs, Mississippi 39564**

The authors appreciate the cooperation of the staff of BMR, particularly Jerry Mitchell, Joe Gill and Dicky Walters for their time and assistance on this project. We also wish to thank the Bureau of Land and Water Resources, Bureau of Pollution Control and Department of Archives and History for taking their time to answer our questionnaire; Eugene C. Bricklemyer for his patient critique of preliminary drafts; and Robin Fielder for her patience in typing our many revisions.

M. Casey Jarman  
Catherine L. Mills  
Sea Grant Legal Program

## INTRODUCTION

The Mississippi Coastal Program was approved by the Office of Coastal Zone Management (now the Office of Coastal Resource Management) on September 29, 1980. It represents many years of hard work by a group of people concerned with the wise management of Mississippi's coastal resources. The Coastal Program, which is administered by the Mississippi Commission on Wildlife Conservation, has now entered its second year of operation. A review of the experiences of the last year and a half should be helpful in assessing the strengths and weaknesses of the program and in assisting the Commission in its continued responsibilities under the program. With that in mind, this paper briefly traces the history of the Coastal Program, discusses controversies that have arisen from its implementation and how they have been resolved, reviews selected successful projects conducted under the program, and draws general conclusions as to its effectiveness.

## HISTORY AND IMPLEMENTATION OF MISSISSIPPI'S COASTAL PROGRAM

Concerned with the management of the country's coastal resources, the United States Congress passed the Coastal Zone Management Act (hereinafter referred to as CZMA) in 1972.<sup>1</sup> The CZMA is designed to encourage coastal states to manage their coastal areas consistently with federal guidelines through federally approved state coastal plans. Incentives to develop such plans include the availability of federal monies to assist in their formation and implementation. In addition, a federal consistency clause provides that "any federal activity within the state's coastal zone must, to the maximum extent practicable, be conducted in a manner consistent with the State's approved coastal plan."<sup>2</sup> Mississippi's response to the CZMA was passage of the Coastal Wetlands Protection Law<sup>3</sup> (hereinafter referred to as the Wetlands Protection Law) in 1973 and the subsequent development of the Mississippi Coastal Program<sup>4</sup> (hereinafter referred to as the Coastal Program).

The Wetlands Protection Law establishes a state public policy which favors "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."<sup>5</sup> The jurisdiction of the Wetlands Protection Law is defined as "all publicly owned lands subject to the ebb and flow of the tide, which are below the watermark of ordinary high tide," "all publicly owned accretions above the watermark of ordinary high tide," and "all publicly owned

submerged waterbottoms below the watermark of ordinary high tide" that are located within the three coastal counties: Harrison, Hancock and Jackson.<sup>6</sup>

The Wetlands Protection Law provides a framework for managing activities in the coastal wetlands consistent with the public policy, while the regulations embodied in the Coastal Program establish the guidelines and procedures utilized to carry out the mandates of that law. The Coastal Program is built around ten goals:<sup>7</sup>

1) to provide for reasonable industrial expansion in the coastal area and to ensure the efficient use of waterfront industrial sites so that suitable sites are conserved for water-dependent industry;

2) to favor the preservation of the coastal wetlands and ecosystems, except where a specific alteration of a specific coastal wetland would serve a higher public interest in compliance with the public purposes of the public trust in which the coastal wetlands are held;

3) to protect, propagate, and conserve the State's seafood and aquatic life in connection with the revitalization of the seafood industry of the State of Mississippi;

4) to conserve the air and waters of the State, and to protect, maintain, and improve the quality thereof for public use, for the propagation of wildlife, fish and aquatic life, and for domestic, agricultural, industrial, recreational, and other legitimate beneficial uses;

5) to put to beneficial use to the fullest extent of which they are capable the water resources of the State, and to prevent the waste, unreasonable use, or unreasonable method of use of water;

6) to preserve the State's historical and archaeological resources, to prevent their destruction, and to enhance these resources wherever possible;

7) to encourage the preservation of natural scenic qualities in the coastal area;

8) to assist local governments in the provision of public facilities and services in a manner consistent with the coastal program;

9) to consider the national interest involved in planning for and in the siting of facilities in the coastal area; and

10) to ensure the effective, coordinated implementation of public policy in the coastal area of Mississippi comprised of Hancock, Harrison, and Jackson Counties.

To carry out the public policy of the Wetlands Protection Law favoring protection of wetlands and the goals of the Coastal Program,

certain activities conducted in coastal wetlands are regulated. These include:

- 1) dredging, excavating or removing soil, mud, sand, gravel, flora, fauna or aggregate of any kind from any coastal wetland;
- 2) dumping, filling, or depositing any soil, stones, sand, gravel, mud, or aggregate of any kind or garbage, either directly or indirectly, on or in any coastal wetlands;
- 3) killing or materially damaging any flora or fauna on or in any coastal wetland;
- 4) the erection on coastal wetlands of structures which materially affect the ebb and flow of the tide; and
- 5) the erection of any structure on suitable sites for water dependent industry.<sup>8</sup>

Regulation of the above activities under the Coastal Program is accomplished through a permit review procedure administered by the Commission on Wildlife Conservation (hereinafter referred to as the Commission) with the assistance of the staff of the Bureau of Marine Resources (hereinafter referred to as BMR). In considering a permit application, several factors must be examined by BMR and the Commission. The affect of the proposed project on the public interest is evaluated by reviewing (1) applicable legislative or judicial statements of public interest, (2) applicable coastal use and special management area plans, (3) precedent setting effects, (4) the national interest, and (5) public comments. The degree of ecosystem alteration is evaluated by analyzing (1) all intended and unintended but reasonably anticipated direct and indirect effects on the ecosystem, (2) the extent that adverse impacts can be avoided through modifications, and (3) the preservation of natural scenic qualities. Economic benefits of the proposed project are assessed by examining (1) the extent to which

adverse impacts can be avoided through modifications, safeguards or other conditions, (2) the extent of alternative sites available, and (3) the extent to which a waterfront location is necessary.<sup>9</sup> In cases where unauthorized work affecting the wetlands occurs, an after-the-fact permit can be applied for. To do so one subsequently files a permit application with BMR. An after-the-fact permit must then be issued if the work was conducted in accordance with the public policy of the Wetlands Protection Law and the pertinent provisions of the Coastal Program. This determination is made by utilizing the factors mentioned above.<sup>10</sup>

Following evaluation of a permit application concerning wetlands alterations, BMR recommends to the Commission one of the following:

1) issue a "no permit required" letter, where the activity is either excluded from the Wetlands Protection Law or outside the jurisdiction of BMR; however, before a proposed exclusive activity can go forward, a finding of consistency with the Coastal Program still must be made by BMR;<sup>11</sup>

2) issue a waiver of permit for piers, bulkheads, and other activities which are found to have no significant impact on the coastal environment;<sup>12</sup>

3) issue a permit (with conditions, if necessary); or

4) deny a permit.

It was envisioned that the permit and compliance review procedure would regulate development "away from fragile coastal resources while encouraging development in areas capable of accommodating it through special management area planning and regulation of construction on sites suitable for water-dependent industry."<sup>13</sup> Special management planning

areas (hereinafter referred to as SMA's) have been designated in the Coastal Program because their economic and recreational opportunities can best be provided for through site specific planning and management. Comprehensive management plans for SMA's are worked out on a voluntary cooperative basis between BMR and the local entity primarily responsible for managing the area. Their purpose is to attempt to anticipate and thus prevent controversies prior to development proposals by interpreting various regulatory provisions of the Coastal Program (and other relevant programs) on a site-by-site basis. An SMA plan should include the following: (1) the boundaries of the area; (2) a clear description of how the physical development of the area is to be managed; (3) an analysis of environmental impacts and alternatives comparable to that ordinarily required for permit decisions; (4) the implementation responsibilities of local, state and federal agencies; and (5) any interagency agreements necessary for carrying out the plan. Once completed and officially adopted as part of the Coastal Program, an SMA plan is to prevail over the more general provisions of the Coastal Program.<sup>14</sup> To date, the bulk of SMA planning has centered on the Pascagoula and Bienville port and industrial areas and the Pascagoula Urban Waterfront.

As stated earlier, the Mississippi Commission on Wildlife Conservation is ultimately responsible for administering the Wetlands Protection Law and Coastal Program and assuring that all state agencies act in compliance with it.<sup>15</sup> The Commission is assisted in this task by the staff of the Bureau of Marine Resources, which is a subdivision of the Department of Wildlife Conservation. BMR administers the major portions of the program, such as fisheries management, wetlands



protection, policy coordination, and special management areas. However, three additional agencies--the Bureau of Pollution Control, the Bureau of Land and Water Resources, and the Department of Archives and History--join BMR in monitoring all decisions which affect the coastal area and ensuring that such decisions comply with Coastal Program goals.<sup>16</sup> Concurrent notification and review of federal and state agency activity in the coastal area is effected through the A-95 Clearinghouse system.<sup>17</sup> A weekly log of proposed projects is currently compiled by A-95 and distributed to interested agencies who can then submit comments on the project, thereby promoting interagency coordination of coastal activity. Copies of the weekly log are available to any interested party on request.<sup>18</sup>

## FOOTNOTES

<sup>1</sup>Coastal Zone Management Act of 1972, 16 U.S.C. §§1451 et seq. (1974 and Supp. 1975 to 1982).

<sup>2</sup>Id., §1456(c).

<sup>3</sup>Mississippi Coastal Wetlands Protection Law, MISS. CODE ANN. §49-27-3 (Supp. 12 1982).

<sup>4</sup>MISSISSIPPI COASTAL PROGRAM (August 1980).

<sup>5</sup>MISS. CODE ANN. §49-27-3 (Supp. 12 1982).

<sup>6</sup>Id., §49-27-5; Id., §57-15-6 (Supp. 1982).

<sup>7</sup>Id., §57-15-6.

<sup>8</sup>Id., §49-27-5.

<sup>9</sup>MISSISSIPPI COASTAL PROGRAM, VII--12 through 14 (August 1980).

<sup>10</sup>MISS. CODE ANN. §49-27-51 (Supp. 12 1982).

<sup>11</sup>From May 1981 through June 1982, 133 permit applications were granted "no permit required" letters.

<sup>12</sup>From May 1981 through June 1982, 49 permit waivers were issued.

<sup>13</sup>OCZM Evaluation Findings for the Mississippi Coastal Program (May 1981-June 1982).

<sup>14</sup>MISSISSIPPI COASTAL PROGRAM, Chapter VI (August 1980).

<sup>15</sup>MISS. CODE ANN. §57-15-1 through 57-15-17, (Supp. 1982). A 1978 amendment gave the authority of the former Mississippi Marine Resources Council to the Mississippi Commission on Wildlife Conservation.

<sup>16</sup>MISSISSIPPI COASTAL PROGRAM, 1-3 (August 1980).

<sup>17</sup>Id., V-3 through 6.

<sup>18</sup>To receive copies of the A-95 weekly log, write to A-95 Coordinator, 1303 Walter Sillers Building, 400 High Street, Jackson, MS 39202.

## CONFLICTS

Conflicts inevitably result when a new regulatory program is enacted, and the Coastal Program is no exception. This section of the paper discusses some of the major issues that have arisen under the Wetlands Protection Law and the Coastal Program.

### A. Law suits

Under the Wetlands Protection Law, the Mississippi Marine Resources Council, (now the Mississippi Commission on Wildlife Conservation), was responsible for the preparation of maps of Mississippi's coastal wetlands to be used in implementing the Coastal Program.<sup>1</sup> One of these maps designated 600 acres of wetlands inside a privately-owned 2,400 acre tract of land in Hancock County as publicly owned land under the public trust doctrine. On the basis of this designation, the Mississippi Mineral Lease Commission in 1977 granted leases for oil and gas to Saga Petroleum U.S., Inc. in these wetlands.

On December 5, 1978, the Cinque Bambini Partnership filed an action in Chancery Court (Cinque Bambini v. State of Mississippi) to quiet and confirm title to these 600 acres of wetlands.<sup>2</sup> The partnership members claimed title to this land by a deed which purported to convey to their private ownership all of the inland area of a 2,400 acre piece of property. The landowners had, for over 150 years, paid taxes on the entire tract, including the 600 disputed acres. The object of the lawsuit was to determine the extent of ownership of this area between the partnership, by virtue of fee simple conveyance, and the State of Mississippi, by virtue of the public trust doctrine.

The decision thus turned on the court's interpretation of the public trust as applied in Mississippi.

The complainants (Cinque Bambini Partnership) argued that since the disputed wetlands were not navigable, then they were not lands held subject to the public trust. They based this argument on the fact that prior Mississippi cases following the public trust doctrine had involved major navigable bodies of water or watercourses. The state argued that any property or part thereof over which the tide ebbs and flows, up to the mean high water line, is owned by the state under the public trust doctrine regardless of its navigability.

Prior to initiation of Cinque Bambini, no actual wetlands boundary survey of the 600 acres had been conducted by the state of Mississippi under the Wetlands Protection Law. Rather, such wetlands were designated by referring to maps prepared by the Gulf Regional Planning Commission and "eyeballing" the areas which BMR felt should be in the wetlands. After filing of the suit, both parties conducted independent surveys to determine the mean high tide line applicable to the disputed acreage.

Based upon these surveys and past case law, the Chancellor held that since the 600 acres in question were subject to the ebb and flow of the tide, the State of Mississippi is the "absolute owner of the soil and of the minerals therein contained and in the beds of all its shores, arms and inlets of the sea wherever the tide ebbs and flows, as trustee for people of the state; and, as trustee, cannot convey the title to the land beneath such waters below the mean high water mark in fee simple."<sup>3</sup>

In tracing the history of the public trust doctrine in Mississippi, the court observed that it has been interpreted to hold that the state

cannot convey title to wetlands in fee simple to private owners for private purposes. This theory, derived from the English Common law, found acceptance as early as 1857 in Mississippi in the case of Martin v. O'Brien.<sup>4</sup> Referring to an early English decision, the court stated: "the shores of the sea below high water mark belong to the state as trustee for the public, and may not, by grant, become private property, or the subject of an exclusive private right."<sup>5</sup> The court went on to hold that this trusteeship was subject only to the paramount right of the federal government to control commerce and navigation. The court's decision has been appealed to the Mississippi Supreme Court.

Cinque Bambini emphasizes the importance of insuring that the coastal wetlands maps (maps designating wetlands affected by the ebb and flow of the tide that are below the mean high water mark) be based upon properly conducted, legally acceptable surveying techniques.

#### B. Exemptions

A total of nineteen activities, areas and entities have been exempted from the permitting process of the Wetlands Protection Law and Coastal Program.<sup>6</sup> These exemptions have been controversial since the program's inception and were of major concern to the federal Office of Coastal Zone Management (OCZM) in granting approval of Mississippi's coastal program.<sup>7</sup> OCZM felt that such extensive exclusions could preclude the management of activities which may have direct or significant impacts on coastal wetlands. However, since the statute also requires exempted parties to follow the public policy of wetlands protection, OCZM withdrew their objection.

A procedure for assuring such adherence is provided in the Coastal Program. It requires parties proposing to conduct activities

covered by the statutory exclusion to notify BMR of the proposed activity and the regulation under which the proposed activity is excluded, and to provide information that demonstrates compliance with regulations interpreting the public policy of preserving wetlands. Within 30 days of such notification, BMR is required to prepare a set of findings based upon the same criteria used in evaluating a permit application. The party is then informed as to whether the proposed activity is in compliance with the public policy of wetlands protection. A negative finding precludes proceeding with the proposed activity as planned.<sup>8</sup>

In the event an excluded party continues with an activity upon which a negative finding has been made by BMR, a cease and desist order must be issued by BMR, including notice that the matter will be heard at the next meeting of the Commission. After the hearing, the Commission may request the attorney general to initiate legal action against the violator. In the event that satisfactory arrangements toward curing the violation are made, such legal action will be halted.<sup>9</sup>

Since the inception of the Coastal Program in 1980, at least two of the exempted entities continue to assert that their activities are totally excluded from the provisions of the Coastal Program. The Jackson County Port Authority and the Harrison County Development Commission maintain that activities affecting wetlands within their jurisdictions should not be subject to the Wetlands Protection Law or the Coastal Program. The Jackson County Port Authority argues that the function of the port authority is to develop the port as an industrial area and that the Coastal Program unreasonably hampers such affirmative development efforts. (The Harrison County Development Commission

position is essentially the same.) For example, the Jackson County Port Authority proposes to use part of Greenwood Island for industrial sites and/or dock space. This would involve dredging a northward extension of the Bayou Cassotte Channel and the creation of a barge fleeting area at the upper end of the Bayou Cassotte Channel. According to BMR, such work would result in the destruction of tidally influenced emergent vegetation, the loss of a previously negotiated buffer zone, and the potential loss of a 50-year disposal site. In addition, the proposed extension of the Bayou Cassotte Channel conflicts with Coastal Program guidelines regarding channel work. If the Jackson County Port Authority continues with its plans over the objections of BMR, it is almost certain that the courts will have to be called upon to interpret the exemption section of the Wetlands Law and its accompanying regulations as propounded in the Coastal Program.

#### C. Policy Coordination

During the planning stages of the Coastal Program, the State A-95 Clearinghouse system was serving as a statewide notification and review system for federal assistance programs in Mississippi. To effectively implement the Coastal Program's policy coordination component, the A-95 system was extended beyond its then present scope to include the review of actions by both state and federal agencies. Currently, within 60 days of A-95 publication, a reviewing agency is required to either approve, conditionally approve, or object to a project. Based upon such comments and its own analysis, BMR issues a certification of coastal program consistency or inconsistency.<sup>10</sup> However, response to a questionnaire submitted to the coastal review agencies--Bureau of Pollution Control, Bureau of Land and Water Resources, and Department

of Archives--indicates that the A-95 Clearinghouse has not been effectively utilized.<sup>11</sup> Disagreement among the agencies exists as to (1) whether all required projects are being published through A-95; (2) whether the degree of review being given by agencies is sufficient; and (3) whether there has been adherence to the 60-day review period.<sup>12</sup> To date, there has been no satisfactory resolution of these problems, although efforts are being made.

Communication of coastal agency activities and receipt and analysis of comments will be further compounded in the near future as the federal Office of Management and Budget has announced withdrawal of funding for the A-95 system as of April 30, 1983. Mississippi, like other states, will have to replace that system with their own system. A program to accomplish that is currently being developed by Mississippi officials, but it is reasonable to expect that there will be a period of delay and confusion during the transition period.

#### D. Regulation of Upland Activities

Another area of controversy that arose during the planning stages of the Coastal Program was the extent to which the Commission could regulate upland activities that adversely impact coastal waters.<sup>13</sup> After extensive discussions and negotiations it was agreed that the decision-making factors for permitted and excluded activities discussed earlier, coupled with the authority to reserve designated sites for water dependent industry, would be sufficient. The controversial proposed condominium development on Deer Island is illustrative of the authority which the Commission has assumed in this area.

In early 1981, Deer Island Development Corporation (DIDC) announced its intention to develop a resort on a portion of Deer Island.



The island, which at one point is only a few hundred yards from the mainland of Biloxi, provides a protective storm buffer for the mainland. In addition, it is a nursery area for species important in commercial and sport fisheries, a water fowl and shore bird breeding ground and a haven for a wide variety of other wildlife. It has for many years served as a major recreational area for coast residents. The proposed development was to consist of 160 to 300 condominium vacation cabins on stilts, a swimming pool, tennis courts, roadways and possibly a marina. In order to provide electrical and television service and transportation to the island from the mainland, DIDC made application to BMR, pursuant to the Wetlands Protection Law and the Coastal Program, to build a pier and a subterranean utility corridor under the wetlands. Following BMR's evaluation of the merit of the application and a public hearing on the permit, the Commission unanimously denied DIDC's permit application because the proposed activities were inconsistent with the policies and goals of the Coastal Program, would adversely affect the coastal wetlands and, ultimately, the public interest. This decision was based upon negative findings on five of the thirteen decision factors referred to earlier:

- (1) unacceptable precedent setting affects would be set by allowing the use of public trust wetlands to further the development of an undeveloped barrier island;
- (2) the full extent of the proposed project, including the secondary impacts (both intended and unintended but reasonably anticipated), would adversely affect the wetlands ecosystem because of landclearing and landscaping, the use of septic tanks to treat domestic sewage, interference with beach nourishment,

general island erosion, solid waste disposal, human intrusion, and loss of upland habitats;

- (3) the proposed project would negatively alter the natural scenic quality of the island;
- (4) the project failed to serve or advance the national interest as it would
  - (a) adversely affect endangered, threatened or rare species,
  - (b) lead to an accelerated decline of the physical integrity of the island, thus reducing its ability to act as a storm buffer for the mainland,
  - (c) increase the chances of personal injury and property damage to purchasers of the "condo-cottages", and
  - (d) negate the policies and goals of the Coastal Program to prevent detrimental affects on the wetlands and their ecosystems from adverse occupancy and modifications;
- (5) comments received under the policy coordination and public comment provisions were overwhelmingly opposed to the granting of the permit.<sup>14</sup>

It is evident from the above that the decision to deny the utility corridor permit was based primarily on the impact of the upland portion of the proposed development on the wetlands rather than on the impact of the corridor itself on the wetlands. The Commission has thus shown that it is willing to utilize its full powers under the Coastal Program to protect the wetlands when necessary by basing permit decisions on the adverse affects of upland development. Since DIDC did not appeal the Commission's decision, it remains unclear as to how the Mississippi

courts would rule on the use of secondary impacts to deny an otherwise acceptable permit application.

FOOTNOTES

<sup>1</sup>MISS. CODE ANN. §49-27-65 (Supp. 12 1982).

<sup>2</sup>Cinque Bambini v. State of Mississippi, #14,178, Chancery Court of Hancock County (April 28, 1982).

<sup>3</sup>Id. at 32.

<sup>4</sup>Martin v. O'Brien, 34 Miss. 21 (1857).

<sup>5</sup>Id. at 30.

<sup>6</sup>MISS. CODE ANN. § 49-27-7 (Supp. 12 1982).

<sup>7</sup>MISSISSIPPI COASTAL PROGRAM, xiii (August 1980).

<sup>8</sup>Id., VIII-18, 19.

<sup>9</sup>Id.

<sup>10</sup>Id., VIII-41,42.

<sup>11</sup>The questionnaire surveyed the effectiveness of policy coordination procedures and SMA planning specifically, and overall response to the functioning of the Coastal Program as a whole.

<sup>12</sup>Responses to Questionnaire on Mississippi Coastal Program (October 1982).

<sup>13</sup>MISSISSIPPI COASTAL PROGRAM, xiii (August 1980).

<sup>14</sup>MISSISSIPPI COMMISSION ON WILDLIFE CONSERVATION, Findings on Corridor Permit of Deer Island Development Corporation (January 1982).

## ACHIEVEMENTS OF THE COASTAL PROGRAM

Highlights of the Coastal Program accomplishments include effective regulation of the wetlands and adjacent uplands, significant progress with site-specific development plans, and several administrative changes intended to streamline the Coastal Program's implementation.

Pursuing the State's goal of protecting natural resources, the Commission and BMR reviewed a total of 167 wetlands alteration permit applications from April through September 1982. Ninety-seven "no permit required" letters were issued. Waiver of permit requirements were issued in forty cases, for activities with no significant effect on the environment. Eight activities were issued permits with conditions. Two permits were denied.

Progress with development of Special Management Area planning was marked by the hiring of a consultant, whose job it is to help coordinate SMA planning among local officials, BMR and other interested persons through task force meetings. To date, SMA efforts have focused on the Port of Pascagoula, which encompasses the heaviest concentration of Mississippi industry, the Port of Bienville, and the Pascagoula Urban Waterfront.

Various projects constructed with Coastal Energy Impact Programs (CEIP) funds have enhanced access to Mississippi's public beaches for recreational purposes. CEIP funds are available to coastal states with approved coastal programs to help meet needs that result from activities relating to energy development in the coastal area. CEIP projects include the Biloxi lighthouse pier, Long Beach small craft harbor improvements, and inner harbor park construction at Ocean Springs.

Also to be noted is the array of public information materials provided by BMR concerning the Coastal Program. In addition to frequent presentations to various groups and schools, there is a BMR newsletter; regular BMR contributions to a bi-monthly publication by the Department of Wildlife Conservation known as Mississippi Outdoors; and a 31-page booklet, the Coastal Program Guide, which describes the history of the Mississippi coast and the need for careful management of coastal resources.

## CONCLUSION

BMR and the Commission have worked hard to make the implementation of the Coastal Program a smooth process. They have succeeded in making it a viable tool for providing a balance between development and environmental concerns in Mississippi's coastal wetlands. As can be seen from this paper, great benefits and serious problems attend the implementation of the Coastal Program. Realizing this, the Commission has retained a legal consultant to (1) review and analyze BMR statutes, regulations and implementing procedures as they apply to the Coastal Program; (2) analyze the policy coordination procedures; (3) review the wetlands use plan; (4) review the CZMA; and (5) analyze the SMA planning process. A final report and recommendations will be available in late 1983.

