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Chapter No. 394

11/HR40/R1183

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***HOUSE BILL NO. 762***

Originated in House Don Richardson Clerk

HOUSE BILL NO. 762

AN ACT TO AMEND SECTION 49-27-11, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE DATE OF REVIEW FOR A COMPLETE COASTAL WETLANDS PERMIT APPLICATION BEGINS ON THE DATE OF THE LAST AMENDMENT TO THE APPLICATION; TO AMEND SECTION 49-27-37, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; AND FOR RELATED PURPOSES.

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

**SECTION 1.** Section 49-27-11, Mississippi Code of 1972, is amended as follows:

49-27-11. (1) A complete application shall include the following:

(a) The name and address of the applicant;

(b) The names and addresses of the present owners of record of adjacent land, as determined by current tax assessment rolls 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 names and addresses could not be found;

(c) A detailed description of the proposed activity and a map, drawn to an appropriate and uniform scale showing by section, township and range, or by latitudinal and longitudinal coordinator, 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;

(d) An estimate of the cost of the activity;

(e) The primary and secondary purposes of the project, including contemplated future projects;

(f) A description of any public benefit to be derived from the proposed project dependent upon the proposed activity;

(g) A complete description of measures to be taken to reduce detrimental off-site effects to the coastal wetlands during and after the proposed activity;

(h) The completion date of the proposed activity and of the project dependent upon the activity;

(i) An appropriate 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

(j) A certification that a permit from the Mississippi Commission on Environmental Quality 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.

(2) If the applicant alters or amends the information provided in compliance with paragraph (c) of subsection (1) of this section, the review periods provided for in Sections 49-27-15 and 49-27-37 shall begin on the date that the new information is provided to the department. The date of receipt for a completed

application begins on the date of the last amendment made in accordance to paragraph (c) of subsection (1) of this section.

(3) Any person filing an application to dredge an existing channel for navigational purposes shall complete an application for such activities in accordance with application procedures required in this section.

**SECTION 2.** Section 49-27-37, Mississippi Code of 1972, is amended as follows:

49-27-37. (1) The commission shall send a copy of any order in issuance, denial, revocation or suspension of a permit to the parties stated in Section 49-27-17, and such orders must be sent within ninety (90) days from the receipt of a complete application, or within ninety (90) days from an amendment to the application as provided by Section 49-27-11(2), in the case of granting or denying or thirty (30) days from the date of the hearing in the case of suspension or revocation, unless an extension is requested as provided in subsection (2) and approved by the commission.

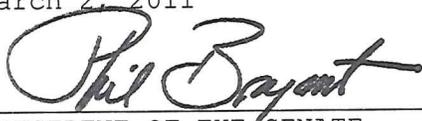
(2) An applicant may request, in writing, additional thirty-day extensions for the processing of an application.

**SECTION 3.** This act shall take effect and be in force from and after July 1, 2011.

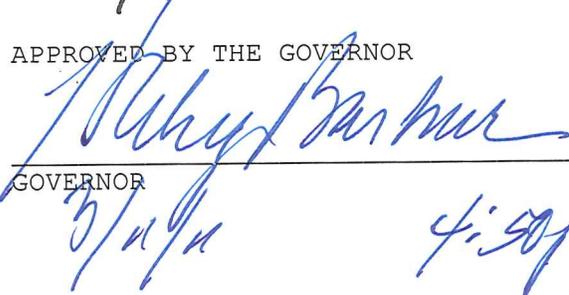
PASSED BY THE HOUSE OF REPRESENTATIVES  
February 7, 2011

  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE  
March 2, 2011

  
PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

  
GOVERNOR