

Mississippi State Wetland Program Summary



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***Click Here to Skip to
Mississippi Information about Wetland:***

- [Regulation](#)
- [Monitoring & Assessment](#)
- [Water Quality Standards](#)
- [Voluntary Restoration](#)
- [Education and Outreach](#)
- [Integration with Other Programs](#)

Section A. Quick View

Description of State's Wetlands

Palustrine wetlands in Mississippi include bogs, swamps, riverbank pioneer habitat, bottom-land forests, bayheads, coastal flatwoods, and savannahs. Bottom-land forests (forested wetlands), swamps (forested or scrub-shrub wetlands), and fresh marshes (emergent wetlands) account for most of Mississippi's wetland acreage. Estuarine wetlands are the second-most common wetlands in Mississippi, including coastal marsh, estuarine, fresh, mud flats and cypress-tupelo gum swamp (estuarine forested wetlands).

State Definition of Wetlands

Coastal Wetlands Protection Act: Coastal wetlands means 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.

Coastal Zone Management Program: Regulates tidal marsh, water bottoms, and major coastal rivers and streams including private lands. Tidal marshes are defined to include "areas of vegetated lands from the watermark of ordinary high tide seaward to a point where the vegetation ceases to exist."

Historic Wetland Loss/Gain

Original Wetland Acreage	Remaining Wetland Acreage	Acreage Lost	% Lost
9,872,000	4,067,000	5,805,000	59%

Primary State Wetlands Webpages

Mississippi Department of Marine Resources – Wetlands Permitting
<http://dmr.ms.gov/index.php/coastal-resources-management/wetland-permitting>

Mississippi Department of Environmental Quality – Wetlands Protection Webpage

http://www.deq.state.ms.us/mdeq.nsf/page/WQCB_Steam_Wetland_Alteration03

Mississippi Department of Marine Resources – Coastal Preserves

<http://dmr.ms.gov/index.php/coastal-resources-management/coastal-preserves>

State Wetland Program Plan

Coastal Wetlands Protection Act – MS Code § 49-27-1 *et seq.*

Mississippi Coastal Program

No Net Loss/Net Gain Goal

The Department of Marine Resources strives to meet a goal of no net loss of coastal wetlands.

State Budget for Wetland Work

State Name	Core element #1: Regulation	Core Element #2: Monitoring and Assessment	Core Element #3: Wetland Water Quality Standards	Core Element #4: Voluntary Wetland Restoration
Source	Department of Marine Resources – Bureau of Wetlands Permitting	DEQ, Coastal Preserves	Unknown	Office of Restoration and Resiliency
Amount	Unknown	Unknown	Unknown	Unknown
Source	NOAA	Unknown	Unknown	Unknown
FTE	6	Unknown	Unknown	Unknown

*DMR regulates impacts (both direct and indirect) to Coastal Wetlands (definition above) through the Coastal Wetlands Protection Act (MS Code § 49-27-1 *et seq.*) and the Mississippi Coastal Program.

State Permitting Fees

State Permitting Fee	State Name
Yes/No Yes	YES
Amount (range)	\$50.00 – Residential; \$500.00 - Commercial
Agency	MS Department of Marine Resources

Innovative Features

None.

Models and Templates

None.

Section B. Regulation

How are Wetlands Regulated in Mississippi?

MDEQ administers the 401 Water Quality Certification Program, one focus of wetland regulation and protection programs at the state level. MDEQ evaluates proposals for their impact on wetlands. MDEQ may waive, issue with conditions, or deny a 401 certification. The federal 404 permit from the COE is not issued until MDEQ gives a 401 certification.

MDMR administers Mississippi’s coastal program which regulates both direct and indirect impacts to coastal wetlands through the Coastal Wetlands Protection Act, Miss. Code Ann. sec. 49-27-1 et. seq and the Miss. Coastal Program - Chapter 8, as well as reviewing activities within the Coastal Zone for Consistency under the Coastal Zone Management Act. Certification is required from the Mississippi Department of Marine Resources for any alteration of coastal wetlands.

Wetland Delineation

Delineation Guidance	Yes	No	Detail
Use State’s Own Method		X	
Use Corps’ 87 Manual and Regional Supplement	X		
Other (Please describe)		X	

Evaluation Methodology

Currently Mississippi’s Wetland Rapid Assessment Procedure (WRAP) is used for all wetlands except tidal fringe marsh. The Hydrogeomorphic (HGM) model is used for tidal fringe marsh. HGM models have been developed for pine savanna and Forested Headwater Riverine (Bayhead), but these are generally not used because the USACE Mobile District requires use of WRAP. A M-WRAP (Modified WRAP) has been developed for use in pine savanna.

Exempted Activities

MS Code § 49-27-7 excludes certain activities from the requirement to secure a permit based on the nature of the activity, the area where the activity would occur, or the entity proposing the activity. Such excluded activities that would otherwise be regulated are required to adhere to the policy as set forth in MS Code § 49-27-3 and parties proposing to conduct excluded activities (other than hunting, erecting duck blinds, fishing, shellfishing, and trapping when and where otherwise permitted by law or swimming, hiking, boating, or other recreation that causes no material harm to the flora and fauna of the wetlands) must notify DMR of the activity in writing so that a set of findings as to whether the proposed activity is in compliance with the public policy may be prepared.

Special Provisions for Agriculture and Forestry

Special provisions were not reissued in 2013 when new General Permits were issued.

Penalties and Enforcement

Fines for violations of the Coastal Wetlands Protection Law range from no less than \$50.00 up to \$500.00 per day for each day the violation has existed for residential type regulated activity and no less than \$1000.00 up to \$10,000 per day for each day the violation has existed for commercial and industrial type regulated activity. Unresolved violations may be forwarded to the state Attorney General's office for further action.

Permit Tracking

Thorough records are kept in both a hard file and a computer database on every request for certification, which includes all pertinent information such as location of project, what was requested, exactly what was permitted and any mitigation information.

State General Permit (statewide vs. regional coverage)

Permit Coverage	Yes	No	Detail (Type of Permit)
Regional General Permit			
Statewide General Permit		X	The Corps Mississippi General Permit Program is reviewed every 5 years. There are general permits for certain regulated activities in the state of Mississippi and Outer Continental Shelf waters off the coast of Mississippi within the regulatory boundaries of the Mobile District.

Assumption of 404 Powers

Assumption Status	Yes	No	Detail
Assumed		X	
Working Toward Assumption		X	
Explored Assumption		X	

Joint Permitting

A general permit is in effect for certain regulated activities in the state of Mississippi and Outer Continental Shelf waters off the coast of Mississippi within the regulatory boundaries of the Mobile District. The participating agencies include: US Army Corps of Engineers, Department of Environmental Quality, and the Department of Marine Resources.

Special Area Management Plans and Advanced Identification Plans

One SAMP was completed in Mississippi for the Bayou Casotte industrial area. This SAMP is not currently in effect. However, the Coastal Zone Management Program authorizes the establishment of Special Management Areas. The Special Management Areas Program allows state, local, and federal

agencies to enter into voluntary development plans for public facilities and services within areas whose use is historically, economically, and culturally tied to coastal waters.

Buffer Protections

No information available.

Mitigation Policy

As a condition of granting a permit, the Commission on Marine Resources may require mitigation as a means of minimizing net adverse impacts on coastal wetlands. The magnitude of any mitigation requirement shall be reasonable related to the magnitude of the activity under consideration.

Mitigation Database

Thorough records are kept in both a hard file and a computer database on every request for certification, which includes all pertinent information such as location of project, what was requested, exactly what was permitted and any mitigation information.

Section C. Monitoring and Assessment

Agency Responsible for Wetland Monitoring and Assessment

Mississippi Department of Environmental Quality is responsible for the majority of wetland monitoring and assessment in the state. Other departments include Coastal Preserves and the Office of Restoration and Resiliency.

Mapping/Inventory

No information available.

State Wetland Mapping Public Portal

None.

Wetland Classification and Assessment

Currently Mississippi's Wetland Restoration Assessment Protocol (WRAP) is used for all wetlands except tidal marsh fringe. The HGM model is used for tidal marsh fringe. HGM models have been developed for pine savanna and Forested Headwater Riverine (Bayhead) but WRAP is preferred by USACE Mobile District and is therefore utilized in a majority of assessments. An M-WRAP (Modified WRAP) has been created and is utilized for pine savanna.

Statewide Wetland Monitoring Plan

Mississippi does not have a statewide wetland monitoring plan.

Overall Wetland Gain and Loss Tracking System

None.

Wetland Monitoring and Assessment Characteristics

Level	None	Level 1	Level 2	Level 3
<i>Mississippi</i>		Unknown		

Type	None	IBI	Conditional	Functional
<i>Mississippi</i>		Unknown		

Frequency	None	Project Specific	Ongoing
<i>Mississippi</i>		Unknown	

Participation in National Wetland Condition Assessment

NWCA Study Type	Yes	No
National Study	X	
State Intensification Study		X

Section D. Water Quality Standards

Wetland and Water Quality Standards

Type	None	Use Existing WQ Standards	In Process	Adopted	Future Direction
Wetland-specific Designated Uses		X			
Narrative criteria in the standards to protect designated wetland uses		X			
Numeric criteria in the standards based on wetland type and location to protect the designated uses		X			
Anti-degradation policy includes wetlands	X				

Description: The state has adopted a Section 401 program but does not apply an anti-degradation policy to wetlands. Wetlands are included in the definition of “Waters of the State”. Wetland Designated Uses are included under the designated use for all waters of the state. State water quality standards limit efficient discharges to natural wetlands. However, the definition excludes wholly landlocked or privately owned water bodies which are not subject to Federal Clean Water Act jurisdiction.

Section E. Voluntary Wetland Restoration

Types of Wetland Restoration Work Funded by the State:

Type of Work	YES	NO	Description
Fund Wetland Restoration (may include easement agreements)	X		
Private Land Restoration	X?		
Public Land Restoration	X?		
Technical Assistance	X?		
Tax Incentives		X?	
Other		X?	

Description: Mississippi Coastal Preserves Program was established in 1992 to acquire, preserve, restore and manage sensitive coastal wetlands within 20 designated sites totaling around 72,000 acres. The program works with various local, state, federal, non-profit, and private partners to achieve its goals.

Voluntary Wetland Restoration Program Components

Wetland Restoration Efforts	Nothing in the Works	Planning	In Progress	Mature/Complete
Program has a set of restoration goals				X
Coordinate with relevant agencies that outline restoration/protection goals and strategies and timeframes				X
Developed multi-agency body to coordinate restoration/protection efforts				X
Set restoration goals based on agency objectives and available information				X

Goals for Restoration Projects

Goal	Yes	No	Description
No Net Loss	X		
Reverse Loss/Net Gain	X		
Nonpoint Source Pollution (NPS)/WQ		X	
Total Maximum Daily Load (TMDLs)		X	
Habitat		X	
Coastal Protection		X	
Floodwater Protection		X	

Groundwater		X	
Other (please describe)	X		Preserve natural aesthetics

Description: The primary goals of the program are to restore lost or degraded ecological functions and to preserve natural aesthetics.

Landowner Guides and Handbooks to Assist with Voluntary Wetland Restoration Efforts

None.

Section F. Innovative and/or Highly Effective Education and Outreach

Unknown.

Section G. Climate Change and Wetlands

Unknown.

Section H. Integration

Entity/Program Area	Yes/No	Description of the Connection	Contact for Follow-up
NPDES/Stormwater	Unknown		
303(d)	Unknown		
305(b) reporting on wetlands	Unknown		
Total Maximum Daily Load (TMDLs)	Unknown		
Climate Change/ Resiliency	Unknown		
Land Use /Watershed planning	Unknown		
Flood/Hazard Mitigation	Unknown		
Coastal Work	Unknown		
Wildlife Action Plan	Unknown		
Statewide Comprehensive Outdoor Recreation Plan (SCORP)	Unknown		
Other (Specify)	Unknown		

State Wetland Program Continuum

Continuum Stage		Core Element 1: Regulation	Core Element 2: Monitoring & Assessment	Core Element 3: Wetland Water Quality Standards	Core Element 4: Voluntary Restoration
Mature Stage	High	401 Certification Only			
Initial Implementation Stage	↑		Unknown	Unknown	Unknown
Development Stage					
Early Stage		Low			

Section I. Contact Information

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Section J. Useful Websites

State Government Programs

1. Department of Environmental Quality
 - a) Wetlands Protection Program

MDEQ administers the 401 Water Quality Certification Program, the focus of wetland regulation and protection programs at the state level. MDEQ evaluates proposals for their impact on wetlands. MDEQ may waive, issue with conditions, or deny a 401 certification. The federal 404 permit from the COE is not issued until MDEQ gives a 401 certification. The Mississippi Department of Marine Resources has joint jurisdiction over proposed wetland alteration in the coastal zone.

http://www.deq.state.ms.us/Mdeq.nsf/page/WQCB_Steam_Wetland_Alteration03?OpenDocument
 - b) Nonpoint Source Management Program

http://www.deq.state.ms.us/MDEQ.nsf/page/NPS_ManagingPollutedRunoffInMississippi?OpenDocument

- i. Steam/Wetland Alteration
http://www.deq.state.ms.us/MDEQ.nsf/page/NPS_Stream_Wetland_Alteration?OpenDocument
 - c) Groundwater Planning
http://www.deq.state.ms.us/MDEQ.nsf/page/GPB_GroundwaterPlanningBranch?OpenDocument
 - d) Surface Water Quality Assessments
http://www.deq.state.ms.us/MDEQ.nsf/page/FS_SurfaceWaterQualityAssessments?OpenDocument
 - e) Basin Management Approach
The mission of the Basin Management Approach is to foster stewardship of Mississippi's water resources through collaborative watershed planning, education, protection, and restoration initiatives.
http://www.deq.state.ms.us/Mdeq.nsf/page/WMB_About_BMA?OpenDocument
 - i. Surface Water Quality Assessments
MDEQ monitors the quality of surface water throughout the state. Monitoring data and information are used to make water quality assessments. Assessments are general characterizations of water body health. The state's most comprehensive assessment report is the Federal Clean Water Act Section 305(b) Water Quality Inventory Report.
http://www.deq.state.ms.us/MDEQ.nsf/page/FS_SurfaceWaterQualityAssessments?OpenDocument
- 2. Department of Marine Resources
 - a) Wetland Permitting Program
 - b) <http://dmr.ms.gov/index.php/coastal-resources-management/wetland-permitting>Coastal Preserves Program
 - c) <http://dmr.ms.gov/index.php/coastal-resources-management/coastal-preserves> Coastal Restoration and Resiliency
- 3. <http://dmr.ms.gov/index.php/coastal-restoration-and-resiliency>Department of Transportation
 - a) [Stormwater Management Plan](http://sp.mdot.ms.gov/Environmental/Pages/Stormwater-Management-Plan.aspx)
<http://sp.mdot.ms.gov/Environmental/Pages/Stormwater-Management-Plan.aspx>
- 4. [Department of Wildlife, Fisheries & Parks](http://www.mdwfp.com/wildlife-hunting/waterfowl-program.aspx)
[Waterfowl Program](http://www.mdwfp.com/wildlife-hunting/waterfowl-program.aspx)
<http://www.mdwfp.com/wildlife-hunting/waterfowl-program.aspx>

Federal Government Programs

- 1. USDA Natural Resource Conservation Service
Wetlands Reserve Program
<http://www.nrcs.usda.gov/wps/portal/nrcs/main/ms/programs/easements/wetlands/>

Other Organization Wetland Programs

1. Mississippi Gulf Coast Natural Heritage Area
<http://www.msgulfcoastheritage.ms.gov/CMP/home.aspx>
2. Grand Bay National Estuarine Research Reserve
<http://grandbaynerr.org/>
3. Ducks Unlimited
<http://www.ducks.org/conservation/public-policy/wrp-helping-to-restore-bottomland-hardwoods-in-the-mississippi-alluvial-valley>
<http://www.ducks.org/mississippi/>
4. Delta Wildlife
<http://deltawildlife.org/index.php>