

PROPOSED Regulations for the Management of Coastal Preserve Lands

TITLE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

Part 19 – Regulations for the Management of Coastal Preserve Lands

Chapter 01: The Coastal Preserves – Who We Are and What We Do.

100 What are these regulations?

100.01 This Part establishes regulations for public use of Coastal Preserve areas (CPAs).

100.02 These regulations apply to all CPAs under Mississippi Department of Marine Resources (MDMR) jurisdiction.

100.03 If you are visiting one of the CPAs, then you must comply with these rules.

101 What is the Coastal Preserves Bureau?

101.01 We are the Coastal Preserves Bureau. We are a bureau within the MDMR which is overseen by the Mississippi Commission on Marine Resources.

101.02 Our mission is to effectively preserve, conserve, restore, and manage Mississippi's coastal ecosystems to perpetuate their natural characteristics, ecological integrity, social, economic and aesthetic values for future benefit.

102 What does the Coastal Preserves Bureau do?

102.01 Our job is to manage and maintain CPA properties in their natural state. We do this while allowing for hunting, fishing, and other outdoor activities that don't harm the natural environment.

103 What are our legal authorities?

103.01 Mississippi's public policy is to preserve the coastal wetlands and their ecosystems in their natural states, and to prevent their despoliation and destruction. (Miss. Code Ann. § 49-27-3).

103.02 The Commission has authority to create regulations that (a) manage and preserve coastal wetlands and CPAs (Miss. Code Ann. § 49-15-304); (b) regulate damage to flora and fauna in the coastal wetlands (Miss. Code Ann. § 49-27-5 (c) (iii)); and (c) manage any matter affecting the marine resources of Mississippi (Miss. Code Ann § 57-15-10 (1)).

Chapter 02: CPAs Are Open to the Public

100 When are the CPAs open?

- 100.01 All CPAs are open to the public from one hour before sunrise to one hour after sunset. The Deer Island CPA is open 24 hours.
- 100.02 We may close any CPA, including Deer Island, for the protection and safety of the public or for the protection and management of the natural resources. We will post signs indicating the site is closed to the public.
- 100.03 Unauthorized persons must not enter a CPA when we order it is closed to the public.

Chapter 03: Rules of Behavior in the CPAs

100 Rules to keep the CPAs healthy and clean.

- 100.01 You must pick up your trash. Do not leave any rubbish anywhere in the CPAs. Do not discard any substance, liquid or solid, on or in the waters of the CPA.
- 100.02 Do not damage or take any plants, rocks, historic artifacts, or property from the CPAs. Do not plant vegetation or otherwise disturb the soils.
- 100.03 Do not wash dogs or other animals, vehicles, or clothing in the CPAs.

101 Rules to protect Mississippi's historic sites.

- 101.01 Native American sites, old home sites, and other structures, and the objects and artifacts associated with them, are state historical and archeological resources. Do not excavate, damage, or remove historical artifacts from state property without a permit from the Mississippi Department of Archives and History.

102 Rules to keep CPAs enjoyable for everyone.

- 102.01 Be courteous.
- 102.02 Do not commit a nuisance, indecent act, or breach of the peace. Do not unreasonably disturb or annoy others.
- 102.03 Do not disturb others with radios or other sound producing equipment in any area of a CPA.

103 Additional prohibited activities in CPAs.

- 103.01 Do not play paintball or any game involving thrown or propelled objects. For example: balls, stones, arrows, javelins, model airplanes, etc.
- 103.02 Do not bring metal detectors to the CPA.

- 103.03 Do not attach, post, or distribute notices, handbills, papers, advertising, signs, or any other printed materials. Do not use flagging, paint, blazes, tacks, or other types of markers.
- 103.04 Do not construct or erect any building or structure on CPA land or water.
- 103.05 Do not access or right-of-way across state property without our written authorization.
- 103.06 Do not harass wildlife, including spotlighting.
- 103.07 Do not train dogs commercially in CPAs.
- 103.08 Do not bring horses, mules or livestock in CPAs.
- 103.09 Do not bring portable generators to the CPAs.
- 104 Obey the officers and staff.**
 - 104.01 Obey all lawful orders of MDMR enforcement officers and staff. If you disobey an officer's instructions, the officer may order you to leave the CPA. If you do not leave, you will be committing criminal trespass under Miss. Code Ann. § 29-1-17.
 - 104.02 All vehicles within, entering or leaving CPAs may be checked at roadblocks or checkpoints for compliance with game, fish and CPA laws and regulations.
- 105 Responsibility for accidents and damage.**
 - 105.01 You are responsible for any damage you cause to CPA facilities or natural resources. The state of Mississippi will pursue any legal means, whether civil, criminal, or both, to recover losses and damages.
 - 105.02 We are not responsible for any accidents or injuries.
 - 105.03 We are not responsible for any property that is lost, stolen, or damaged.

Chapter 04: Camping in the CPAs

100 Where can I camp?

- 100.01 You may camp only on the public sand beach areas of the Deer Island CPA. Do not camp in any other CPA unless you have a special use permit. For more on special use permits, see Chapter 8 of this Part.
- 100.02 Do not camp in any closed area or within 300 feet of any beach nesting bird colonies, bald eagle nests or osprey nests.

101 How long can I camp?

101.01 You may camp for up to seven consecutive days.

102 What can I set up for camping?

102.01 Camping is for recreation purposes only. Do not erect permanent or semi-permanent structures, use the CPA as a residence, or homestead in the CPA.

For example, tents are allowed, but building a cabin is not.

102.02 The camping areas are very primitive. They do not have fresh water or bathrooms. You should bring any necessities with you. You must remove and properly dispose of all trash, including human waste.

102.03 Use portable toilets, or dig a small “cat hole” at least six inches deep. Your cat hole must be at least 200 feet away from any water, campsite, or trails. Be sure to cover these holes up completely and pack them down tight.

103 Can I have campfires?

103.01 Fires are not allowed in any CPA except Deer Island.

103.02 You must keep fires in fire rings, stoves, or grills. They must be only on bare sandy areas near the water. Extinguish fires completely before leaving the area.

103.03 Do not burn any metals or plastics. Please ensure that nails are removed from wood before burning.

103.04 We may prohibit fires on Deer Island during seasons of unusual dryness or excessive fire danger. Burn bans are strictly enforced.

103.05 You may collect only loose, woody material on the ground for burning. Do not carve, chop, or cut down any live or dead standing vegetation.

103.06 Do not bring firewood from more than 25 miles away from the CPA, since it may introduce tree-killing insects and diseases.

Chapter 05: Hunting and Fishing in CPAs

100 Follow all hunting and fishing laws.

100.01 You must obey all laws and regulations governing hunting, trapping and fishing. These include rules passed by the Mississippi Commission on Marine Resources; the Mississippi Commission on Wildlife, Fisheries, and Parks; and all other federal, state, and municipal laws and regulations.

101 Where can I hunt?

101.01 You may hunt in any CPA, except the Deer Island CPA. Do not hunt anywhere within city limits or where other laws or regulations prohibit hunting.

101.02 Do not archery hunt within 300 feet of nature trails, roadways, parking lots, residences or other permanent structures. Do not do any other hunting within 600 feet of nature trails, roadways, parking lots, residences or other permanent structures.

For example, if you are within 450 feet of a structure, you may use a bow, but not a rifle.

101.03 Never shoot a firearm or bow if the projectile might cross a parking lot, road, trail, CPA boundary, or hit a person or building.

102 **What are the rules on firearms?**

102.01 Firearms are prohibited during the closed season on game species. They are only allowed as described in Miss. Code Ann. § 45-9-101 et al. regarding concealed firearms.

102.02 Firearm use is restricted to hunting and self-defense. Do not target shoot, practice, sight, or randomly shoot in the CPAs.

102.03 Do not bring any explosive substance to a CPA, such as dynamite, fireworks, rockets, or torpedoes.

103 **Can I use blinds and other techniques?**

103.01 You may use portable stands, including tripods and ground blinds, but they must be removed from the CPA daily. Do not construct or hunt from permanent stands or blinds. Do not damage, cut, drive nails or spikes into any standing live tree, natural feature, or plant. We will confiscate and dispose of stands not in compliance with these regulations.

103.02 Do not use bait or feed, or any type of wildlife feeder on CPAs. We will confiscate and dispose of any feeders we find.

103.03 Do not place food plots on CPAs.

104 **Can I use traps?**

104.01 Do not trap on CPAs unless you have a special use permit. For more on special use permits, see Chapter 8 of this Part.

104.02 Do not transport, release into the wild, capture, or remove any live animal of any kind.

105 **Can I act as a guide?**

105.01 Do not act as a guide or outfitter if you are being paid for the service, unless you have a special use permit. For more on special use permits, see Chapter 8 of this Part.

106 Can I use dogs while hunting?

106.01 You may bring dogs to the CPAs. Companion dogs must be kept on a leash at all times for the protection of ground nesting wildlife. Do not hunt or chase any animal (game or non-game) with dogs. You may use retrieving dogs only for waterfowl hunting.

107 What must I not hunt?

107.01 Do not hunt or capture any nongame wildlife.

107.02 Do not hunt or capture birds of prey, such as eagles, hawks, osprey, owls, kites, or vultures. They are protected. We may grant a special use permit for research and falconry purposes. For more on special use permits, see Chapter 8 of this Part.

Chapter 06: Boating Near CPAs

100 What Are the Boating Rules?

100.01 You must comply with the Mississippi Boating Act of 1960 and the Alcohol Boating Safety Act of 1995.

100.02 Do not bring any boats, planes, or other vessels into emergent vegetation, or the surrounding area. Only authorized or emergency personnel are permitted in these areas with vessels.

100.03 Do not attach a houseboat to any lands or structures within CPAs.

Chapter 07: Vehicles in CPAs

100 What is considered a vehicle?

100.01 In this chapter, the word “vehicles” includes all motorized vehicles, such as cars, ATVs, ORVs, and motorcycles.

101 Where can I bring vehicles?

101.01 Vehicles are only allowed on paved roads and parking lots. Do not drive any vehicle in any other portion of the CPA. Only authorized or emergency personnel are permitted in the unpaved CPAs.

101.02 You may park only in designated parking areas. All visiting vehicles must be out of the park when the park closes.

101.03 Do not block any gate, road, trail, or right-of-way. Vehicles will be towed at the owner's expense.

102 What about other vehicles, like bikes, wheelchairs, and golf carts?

102.01 Bicycles are permitted only on designated trails.

102.02 Only persons with disabilities may operate Electronic Personal Mobility Devices and wheelchairs. Do not operate mobility devices faster than 5 mph on any path or trail.

103 What happens if there is an accident?

103.01 If you are the operator or the owner of the vehicle, then you are responsible for any injury or damage from a vehicle accident or misuse.

Chapter 08: Special Use Permits

100 When do I need a special use permit?

100.01 If you need to do an activity that would violate any of these regulations, you must first apply for a special use permit. If you would like to do scientific research in the CPAs, then you must apply for a Scientific Research Permit.

100.02 Examples of activities requiring a special use permit include commercial filming, group events with more than 10 people, establishing a geocache, or camping in restricted CPA's.

100.03 You do not need a special use permit for activities such as hiking, fishing, wildlife watching, or camping on Deer Island.

100.04 To obtain an application for a Scientific Research Permit or a Special Use Permit, please visit www.dmr.ms.gov or call 228-374-5000.

101 How are permit applications evaluated?

101.01 We may grant a special use permit after considering the nature of the activity and the impact on the resources. Examples of issues to be considered in reviewing a special use permit include:

101.01.01 The activity's impacts are minimal and temporary.

101.01.02 The activity's purpose serves a higher public good.

101.01.03 The activity does not violate any other laws or regulations.

101.02 We may revoke a special use permit authorization due to abuse, negligence, or if any of the criteria above are no longer true.

101.03 Special use permits are only limited licenses to conduct an activity. They do not grant any property interests.

Chapter 09: Penalties for Violating the Rules

100 What Happens if I Violate a Rule?

100.01 Any violation of this Part is a misdemeanor. On conviction, you may be punished according to Miss. Code Ann. § 49-15-63, unless the Mississippi Code provides a special penalty elsewhere.

100.02 Violations of more than one section of this Part are separate offenses and punished as such.

Chapter 10: Administrative Procedures

100 Each chapter and subchapter of this Part is separable. If any chapter, subchapter or part is held invalid or unconstitutional, the balance of the Part remains in full force and effect.

101 Under the Administrative Procedures Act, and the rules and regulations of the Secretary of State; the former Ordinance 19.000 has been modified. The MCMR and MDMR have adopted the terminology and numbering system developed by the Secretary of State. Therefore, references to “ordinance” or to “Part” appearing in these regulations or the underlying statutes are used interchangeably and refer to the same instrument.