

# Final Evaluation Findings

## Mississippi Coastal Management Program

April 2009 to September 2018

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## Summary of Findings

The Coastal Zone Management Act requires the National Oceanic and Atmospheric Administration (NOAA) to conduct periodic evaluations of the performance of states and territories with federally approved coastal management programs. This evaluation examined the operation and management of the Mississippi Coastal Management Program administered by the Mississippi Department of Marine Resources, the designated lead agency, for the period from April 2009 to September 2018. The evaluation focused on three target areas: program administration, permitting and regulatory coordination, and coastal habitat.

The findings in this evaluation document will be considered by NOAA in making future financial award decisions concerning the Mississippi Coastal Management Program. The evaluation came to these conclusions:

**Accomplishment:** The Mississippi Coastal Management Program has distinguished itself as a dependable, responsive, and exceptionally collaborative office within the Department of Marine Resources, willing to invest staff time and resources to meet administrative and programmatic requirements spanning multiple departmental bureaus and missions.

**Accomplishment:** The Mississippi Coastal Management Program has increased the efficiency and efficacy of its wetlands permitting program and built trust with stakeholders through its implementation of pre-applicant coordination meetings and proactive outreach with peer agencies throughout the permitting process.

**Accomplishment:** The Mississippi Coastal Management Program has become a leader in leveraging partnerships and developing innovative products and processes (e.g., general permits, Living Shorelines Manual, Alternative Shoreline Management Workbook, marina pump-out requirements) that not only benefit Mississippi's coastal zone but have proven transferable across the region.

**Accomplishment:** The Mississippi Coastal Management Program has used its expertise and long-standing relationships to capitalize on habitat restoration opportunities in the region, including driving project changes to increase ecosystem services value and leveraging funding to expand lands protected under the coastal preserves.

**Accomplishment:** The Mississippi Coastal Management Program is highly effective in integrating its coastal preserves, beneficial use, and invasive species control programs and its permitting authorities to maximize the protection and restoration of coastal habitats. Among many highlights, the development and adoption of comprehensive burn protocols demonstrate the program's strength in fostering and leveraging partnerships to meet shared habitat management objectives.

**Necessary Action:** The Mississippi Coastal Management Program must submit a routine program change updating its program document by February 28, 2020.

**Necessary Action:** The Mississippi Coastal Management Program must work with the NOAA Office for Coastal Management to develop and submit a work plan with interim benchmarks and a timeline for meeting the outstanding conditions of its conditionally approved coastal nonpoint source pollution program by May 29, 2020. The documentation indicating how Mississippi has met the outstanding conditions must be submitted no later than November 29, 2024.

**Recommendation:** The NOAA Office for Coastal Management encourages the Mississippi Coastal Management Program to work within the Mississippi Department of Marine Resources to develop a strategy to maximize the availability of funding to support programmatic activities, particularly management of the coastal preserves, including the potential redirection of fines collected by the state.

**Recommendation:** The NOAA Office for Coastal Management recommends that the Mississippi Department of Marine Resources and Coastal Management Program convene relevant state and federal agencies to identify disconnects and conflicts in the permitting process and pursue changes in guidance, practice, or policy, as appropriate, to resolve them.

**Recommendation:** The NOAA Office for Coastal Management recommends that the Mississippi Coastal Management Program review and, where necessary, update formal agreements (e.g., memoranda of understanding) with peer state agencies to clarify which types of projects should be submitted to the Mississippi Department of Marine Resources for consistency review.

**Recommendation:** The NOAA Office for Coastal Management recommends that the Mississippi Coastal Management Program expand its public outreach and engagement efforts to communicate the diverse benefits of the coastal preserves.

**Recommendation:** The NOAA Office for Coastal Management recommends that the Mississippi Coastal Management Program build on its partnership with Grand Bay National Estuarine Research Reserve to explore habitat management research opportunities (e.g., development of new mechanical and herbicidal techniques that mimic burn regimes) and the potential for using coastal preserves as control or test sites for research projects.

This evaluation concludes that the state of Mississippi is successfully implementing and enforcing its federally approved coastal management program, adhering to the terms of the federal financial assistance awards, and addressing coastal management needs identified in section 303(2)(A) through (K) of the Coastal Zone Management Act.

## Program Review Procedures

The National Oceanic and Atmospheric Administration (NOAA) evaluated the Mississippi Coastal Management Program in fiscal year 2018. The evaluation team consisted of NOAA Office for Coastal Management staff members Maria Honeycutt, Ph.D., Certified Floodplain Manager, evaluation team lead; Carrie Hall, evaluator; Marian Hanisko, site liaison; and Kristin Ransom, representative for the Gulf region. The support of Mississippi Coastal Management Program staff members was crucial in conducting the evaluation, and this support is most gratefully acknowledged.

NOAA sent a notification of the scheduled evaluation to the secretary of the Mississippi Department of Marine Resources, published a notice of “Intent to Evaluate” in the *Federal Register* on July 31, 2018, and notified members of Mississippi’s congressional delegation. The coastal management program posted a notice of the public meeting and opportunity to comment in the *Sea Coast Echo* on August 10, 2018, and in *The Mississippi Press* and *Sun Herald* on August 12, 2018.

The evaluation process included a review of relevant documents and a survey of stakeholders, which helped identify three target areas for the evaluation: Program Administration, Permitting and Regulatory Coordination, and Coastal Habitat. A site visit was conducted and the evaluation team held meetings with staff members and group discussions with stakeholders and program staff members about the target areas. In addition, a public meeting was held on Tuesday, September 25, 2018, at 6:00 p.m. Eastern time at the Bolton State Building at 1141 Bayview Avenue, Biloxi, Mississippi, to provide an opportunity for members of the public to express their opinions about the implementation of the program. Stakeholders and members of the public were also given the opportunity to provide written comments. No written comments were received. NOAA then developed draft evaluation findings, which were provided to the Mississippi Department of Marine Resources for review, and the department’s comments were considered in drafting the final evaluation findings.

Final evaluation findings for all coastal management programs highlight the program’s accomplishments in the target areas and include recommendations, which are of two types.

**Necessary Actions** address programmatic requirements of implementing regulations of the Coastal Zone Management Act and of the state coastal management program approved by NOAA. These must be carried out by the date specified. Failure to address necessary actions may result in a future finding of non-adherence and the invoking of interim sanctions, as specified in the Coastal Zone Management Act §312(c).

**Recommendations** are actions that the office believes would improve the program but which are not mandatory. The state is expected to have considered the recommendations by the time of the next evaluation or dates specified.

## Evaluation Findings

The Mississippi Department of Marine Resources' Office of Coastal Resources Management continues to successfully implement the federally approved Mississippi Coastal Management Program. In fulfilling its responsibilities, the office administers four primary programs:

- Coastal Preserves Program, which acquires, protects, and manages sensitive coastal wetland habitats along the Mississippi Gulf Coast, in close partnership with the Mississippi Secretary of State's Office;
- Wetlands Permitting Bureau, which conducts federal consistency reviews and administers the regulatory program under the Coastal Wetlands Protection Act, including permit review and issuance (in coordination with the Mobile and Vicksburg Districts of the U.S. Army Corps of Engineers);
- Invasive Species program, which works with partners to monitor invasive species and conduct projects to control their spread across the Mississippi coastal zone; and
- Beneficial Use program, which facilitates and coordinates use of suitable dredged materials in restoring wetland habitat.

The Commission on Marine Resources is responsible for approving policy and adopting, amending, and repealing regulations, ordinances, and rules necessary for the operation of the Mississippi Department of Marine Resources, including regulations essential to the implementation of the Mississippi Coastal Management Program (e.g., wetlands regulations; coastal preserves visitor rules and guidelines). The commission, which holds public meetings monthly, is composed of five members appointed by the governor for four-year terms to represent the following areas: commercial seafood processors, nonprofit environmental organizations, charter boat operators, recreational sports fishermen, and commercial fishermen.

Since NOAA's last Section 312 evaluation (period spanning January 2005 through April 2009; findings published in April 2010), the Mississippi Coastal Management Program has continued to fulfill its core missions while adapting to an evolving administrative and societal landscape. The program has continued to deal with challenges related to ongoing recovery from Hurricane Katrina and the Deepwater Horizon oil spill. The program has also dealt with department-wide reorganization. In 2014, the Mississippi legislature created the Office of Coastal Restoration and Resiliency, which is charged with developing a long-range, multi-state strategy to restore Mississippi coastal resources and to provide for healthy and resilient communities and economies. According to interviews with partners and peer agencies, the program has adapted well to these changes, building effective working relationships with peer organizations and maintaining a stellar reputation for adherence to administrative policies and requirements.

The programmatic focus of the Mississippi Coastal Management Program has grown and matured during the current evaluation period. The program completed a Section 309 Assessment and Strategy for 2011-2015, which identified wetlands and cumulative and

secondary impacts as high priorities, and public access and coastal hazards as medium priorities. The program pursued two strategies that, among the outcomes, resulted in the highly successful Living Shorelines manual (with accompanying workshop and demonstration projects) and incorporation of living shorelines into Mississippi's General Permit Program. In its 2016-2020 Section 309 Assessment and Strategy, the program identified the same four enhancement areas as all high priority. They are currently working on two strategies, one to enhance permit application procedures and decision-support tools, and the other to conduct vulnerability assessments for the coastal preserves that will inform land use and management plans. These strategies reflect the shift towards a more strategic, forward-looking program that leverages projects and partnerships built over the preceding decade.

Results from the stakeholder survey and interviews with peer-agency staff members, external partners, and stakeholders show that while the Mississippi Coastal Management Program focuses its efforts across its four primary programs, it demonstrates strong connectivity across them. For example, much of the work done in the Beneficial Use and Invasive Species programs is planned and executed both to provide benefits to the coastal preserves and to achieve overall office goals for improving and enhancing coastal habitat. Data and technological advancements pursued to increase the efficiency of the Wetlands Permitting program (as part of one of the Section 309 strategies) are already aiding strategic planning and management of the coastal preserves, and informing a broader strategy for land acquisition and habitat restoration. Several partners referred to the program staff as "connective tissue" on complex issues, and valued the work the program does to convene diverse interests and work towards solutions. The accomplishments highlighted in this report provide additional detail on a subset of these efforts.

Partner and stakeholder interviews also showed strongly that the Mississippi Coastal Management Program has adopted a culture of continuous improvement, where staff members are committed to strengthening and leveraging partnerships and are resourceful in capitalizing on opportunities to fund projects, greatly expanding the program's impact across the region. Multiple partners noted how the program has become more strategic and forward-looking, proactively identifying challenges and working to find long-term, sustainable solutions. While the recommendations and necessary actions in this report show that work remains, the evaluation team remains impressed with the program's evolution and current direction.

## **Program Administration**

### ***Program Status***

The Mississippi Coastal Management Program has continued to effectively execute its program while adjusting to changes in management and administration arising from reorganization within the Department of Marine Resources. According to interviews during the site visit, the program's eagerness to inform, collaborate, and find solutions to challenges faced by peer offices and bureaus has earned it a reputation as a reliable partner. As its four primary programs have evolved and matured, the program has become more forward-looking and

strategic, which is appreciated within the department and across external partners and stakeholders.

The evaluation team was particularly impressed by the quality of working relationships the program has forged, and the degree to which staff time is invested in these relationships. For example:

- Mississippi Department of Marine Resources Grants Management and Finance staff described the program staff as a model for effective communication, cooperation, and adherence to management controls and procedures required for grant initiation and management.
- The Mississippi Department of Marine Resources Marine Patrol expressed deep appreciation for the program's ongoing assistance with permit compliance activities, and their help in creating a wetlands violation coordinator position. The coastal program provided training and tablets that enable officers to access the permitting database in the field, dramatically increasing Marine Patrol's efficiency in flagging potential violations.
- The Mississippi Department of Marine Resources Information Technology (IT) bureau explained the value they gained from the program taking IT staff into the field so IT could better understand the program's mission, develop technology solutions that meet program needs, and better connect them to other bureaus and programs (e.g., Marine Patrol).

### ***Program Document Update***

The 2010 Section 312 program evaluation contained two necessary actions concerning the Mississippi Coastal Management Program's program document:

- Update the document to reflect changes to Mississippi Department of Marine Resources regulations, changes in development patterns and natural resource issues, and reorganization of relevant state agencies by April 2011.
- Establish a schedule for regularly submitting program changes by July 2010.

NOAA approved the program's proposed schedule for updates in April 2010. The program has made significant progress in updating its program document, including receiving NOAA approval of revisions to Chapter 8 in 2015, and more recently translating it into plain language and soliciting public input. The coastal program has not had a program change approved since 1997, but it recently submitted a draft program change to NOAA for review on March 14, 2019, and NOAA provided comments on July 3, 2019.

### ***Financial Support for Programmatic Activities***

The Mississippi Coastal Management Program has been successful in obtaining funds from diverse sources to acquire lands for the Coastal Preserves Program. The program has fostered robust and effective working relationships with the Mississippi Department of State and

external partners (e.g., Land Trust for the Mississippi Coastal Plain; Wolf River Conservation Society).

While successful in obtaining funding for land acquisition, funding for management activities (e.g., habitat management, invasive species control, restoration) has been flat. External partners and program staff noted that the Mississippi Department of Marine Resources collects fines from parties found to have damaged public resources, but these funds go into the state treasury rather than being returned to the coastal program to fund repair or restoration. Several partners suggested that the program seek the authority to receive fine funds to support management and related programmatic activities that benefit the repair, protection, restoration, and public use of the coastal preserves.

### ***Coastal Nonpoint Pollution Control Program***

The Mississippi Department of Environmental Quality is the state's designated agency responsible for implementing the Section 319 Nonpoint Source Management Program under the Clean Water Act and is the lead in implementing the state's Coastal Nonpoint Pollution Control Program under the Coastal Zone Management Act and Coastal Zone Act Reauthorization Amendments of 1990.

In accordance with Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990, all states with federally approved coastal programs must develop comprehensive coastal nonpoint pollution control programs (coastal nonpoint programs). These programs must be developed and implemented in accordance with guidance by NOAA and the U.S. Environmental Protection Agency. Under the Coastal Zone Act Reauthorization Amendments, if NOAA and the Environmental Protection Agency find a state has failed to submit an approvable program, the federal agencies must withhold funding for the state coastal management program under Section 306 of the Coastal Zone Management Act and Section 319 of the Clean Water Act.

Ensuring that all states fully satisfy their coastal nonpoint program requirements under the Coastal Zone Act Reauthorization Amendments of 1990 and Coastal Zone Management Act to maintain full funding of their coastal management programs is important. The Coastal Zone Management Act states that coastal management programs shall "[contain] enforceable policies and mechanisms to implement the applicable requirements of the Coastal Nonpoint Pollution Control Program of the State required by section 1455b of this title" Section 306(d)(3)(16). Since the Section 312 evaluation process is designed to assess how well the state is implementing its federally approved program and carrying out the goals and objectives of the act, which include protecting water quality, NOAA uses the evaluation process to assess a state coastal management program's progress in meeting coastal nonpoint program requirements.

The State of Mississippi initially submitted program documentation for its coastal nonpoint program in August 1995, and additional supplemental material was provided after the initial program submittal. After carefully reviewing Mississippi's coastal nonpoint program submission to evaluate the extent to which Mississippi's program conforms to the requirements of the Coastal Zone Act Reauthorization Amendments, NOAA and the U.S. Environmental Protection

Agency approved Mississippi's program, with conditions, on November 18, 1997. The conditions outlined actions the state needed to take to fully satisfy all Coastal Zone Act Reauthorization Amendment requirements and receive full approval of its coastal nonpoint program.

As documented in the 2010 evaluation, the Mississippi Coastal Management Program responded to questions from NOAA in 2005 and provided a legal opinion for review. NOAA found the responses and legal opinion acceptable. During the current evaluation period, the coastal program has focused on resolving the conditions that remain outstanding, and has spent significant effort recently to reinvigorate its collaboration with the Mississippi Department of Environmental Quality. Program staff members have been meeting with the Department of Environmental Quality quarterly, and working with it to convene a joint meeting with staff from NOAA and the Environmental Protection Agency to review issues identified in a 2012 program status memorandum and clarify what the agencies currently need from the state.

### ***Findings for Program Administration***

**Accomplishment:** The Mississippi Coastal Management Program has distinguished itself as a dependable, responsive, and exceptionally collaborative office within the Department of Marine Resources, willing to invest staff time and resources to meet administrative and programmatic requirements spanning multiple departmental bureaus and missions.

**Recommendation:** The NOAA Office for Coastal Management encourages the Mississippi Coastal Management Program to work within the Mississippi Department of Marine Resources to develop a strategy to maximize the availability of funding to support programmatic activities, particularly management of the coastal preserves, including the potential redirection of fines collected by the state.

**Necessary Action:** The Mississippi Coastal Management Program must submit a program change updating its program by February 28, 2020.

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## **Permitting and Regulatory Coordination**

### ***Program Status***

Wetlands permitting remains a primary focus area within the Mississippi Coastal Management Program, where investments in technology and resources, proactive engagement with applicants, and enhanced partnerships are paying dividends.

The program was praised extensively via survey comments and stakeholder interviews for its efforts to streamline and enhance the wetlands permitting process. The program uses pre-application meetings to ensure that applicants understand program requirements and to identify and help resolve potential issues. The program works diligently to communicate and coordinate permit reviews across local, state, and federal agency partners. This includes coordination with designated coastal program agencies and forging new relationships with non-traditional partners.

For example, the program identified a gap in awareness of permittees on the need for an additional permit from the Mississippi Emergency Management Agency (MEMA) to address additional requirements for projects proposed in regulatory floodplains. The program took the initiative to learn these requirements and MEMA's application process. The program now sends MEMA all relevant permit applications and provides permittees with contact information for community-level floodplain administrators for follow-up. MEMA plans to move staff into the Mississippi Department of Marine Resources building in Biloxi, which will provide further opportunities for program coordination and relationship building between the agencies.

Multiple interviewees during the site visit stated that despite its best efforts, the Mississippi Coastal Management Program has long-standing coordination challenges with designated coastal program agencies and other agencies involved in permitting and federal consistency review processes. Program staff members and partners described disconnects concerning the timing and process for submitting agency comments (partially attributable to conflicting regulations), and with timing and modes of communication with local communities. Multiple interviewees expressed frustration over the delays caused by the lack of timely responses from designated coastal program agencies when there is ultimately no comment. Program staff members noted a continual need to remind agencies of their roles and responsibilities concerning state consistency reviews, including what kinds of projects need to come to the Mississippi Department of Marine Resources. While stakeholders and program staff members said much could be done to improve coordination at a staff level, executive-level awareness and concurrence were seen as needed to facilitate compliance on a consistent basis.

The evaluation team discussed with the coastal program staff the opportunity to host a federal consistency training for federal and state agencies in the Gulf region, and explore opportunities to improve coordination and understanding of the federal consistency process. A federal consistency training was held for the Gulf states in Alabama on August 28, 2019. In addition to the federal consistency training, the coastal program will be working closely with its state partners as it rolls out its new online permitting system. The rollout could be used as an opportunity to more closely engage with state partners to identify opportunities for improving communication and timely reviews.

The evaluation team also was impressed by the impact and regional reach of several of the program's innovative approaches and products that support wetlands permitting:

- Worked with the Mobile District of the U.S. Army Corps of Engineers to reauthorize regional general permits for activities causing minimal wetland impacts, which enables the program to adhere to applicable laws and regulations while reducing the burden on applicants and time needed to process applications.
- Partnered with the U.S. Army Corps of Engineers to implement a living shorelines general permit that, while in use, was greatly valued by permit applicants.
- Used Section 309 funds to develop the *Alternative Shoreline Management Guidebook*, which has been used extensively in Mississippi and applied in other states.
- Developed the Living Shorelines Toolbox for Mississippi's smart growth guide, which ultimately led to incorporation of a pump-out requirement in the Clean and Resilient Marinas Program.
- Approved a high-profile permit to expand the Mississippi State Port at Gulfport, a major, long-term economic development project for the region. The program helped the applicant meet all regulatory requirements while securing ecologically significant project improvements (e.g., reduction in use of fill, derelict vessel removal) and added approximately 180 acres to the Pascagoula River Coastal Preserve as part of the project mitigation.

The 2010 Section 312 program evaluation included a necessary action for the Mississippi Coastal Management Program to digitize wetland maps, and a program suggestion that more be done to engage the public in the permitting process. The program completed digitization of wetland maps in January 2012. The program advertises proposed projects in local newspapers for three consecutive weeks and posts public notices for proposed projects and public hearings on the Department of Marine Resources' website. Public comments are included and addressed in the project file and database, and the public is encouraged to comment at public hearings and at Commission on Marine Resources' meetings. Building on these tasks and other ongoing efforts to be more efficient and strategic, the program is using Section 309 funds and collaborating with Mississippi Department of Marine Resources Information Technology to develop a new, GIS-based wetlands database and decision-support tool. The evaluation team was impressed with the planning that has already gone into this new resource, and the ways in which the program has identified how it will support programs and initiatives beyond the permitting program. Training and outreach planned for this new resource may provide a prime opportunity for the program to further enhance outreach and collaboration with partners and stakeholders.

### ***Findings for Permitting and Regulatory Coordination***

**Accomplishment:** The Mississippi Coastal Management Program has increased the efficiency and efficacy of its wetlands permitting program and built trust with stakeholders through its implementation of pre-applicant coordination meetings and proactive outreach with peer agencies throughout the permitting process.

**Accomplishment:** The Mississippi Coastal Management Program has become a leader in leveraging partnerships and developing innovative products and processes (e.g., general permits, Living Shorelines Manual, Alternative Shoreline Management Workbook, marina pump-out requirements) that not only benefit Mississippi's coastal zone but have proven transferable across the region.

**Recommendation:** The NOAA Office for Coastal Management recommends that the Mississippi Department of Marine Resources and Coastal Management Program convene relevant state and federal agencies to identify disconnects and conflicts in the permitting process and pursue changes in guidance, practice, or policy, as appropriate, to resolve them.

**Recommendation:** The NOAA Office for Coastal Management recommends that the Mississippi Coastal Management Program review and, where necessary, update formal agreements (e.g., memoranda of understanding) with peer state agencies to clarify which types of projects should be submitted to the Mississippi Department of Marine Resources for consistency review.

## Coastal Habitat

### *Program Status*

All four of the Mississippi Coastal Management Program's primary programs work in tandem to protect and enhance a range of habitats across the state's coastal zone. Since 1992, the program has led the expansion and management of a network of 20 coastal preserves, working closely with the Mississippi Secretary of State and external partners. The program has also partnered extensively in planning and implementing management activities, including controlled burns, invasive species control, and facilitating use of dredged materials to restore wetlands at pre-identified sites. A common refrain from the stakeholder survey and site visit interviews was that the program is viewed as a leader in building partner capacity for habitat management and restoration. Partners value the program's technical assistance, mentorship, and day-to-day help in getting partners onto sites to complete projects.

The evaluation team was particularly impressed by the Mississippi Coastal Management Program's work in several areas:

- **Deepwater Horizon Oil Spill Recovery:** The program is working closely with the Mississippi Department of Environmental Quality to inform and influence Deepwater Horizon-related recovery planning and projects. Multiple stakeholders highlighted the program's critical role on the Interagency Restoration Coordination Team. The program sought and obtained significant changes in the location, design, and other parameters of proposed Deepwater Horizon restoration projects to enhance their efficacy in terms of ecosystem services provided and potential longevity. The program is also effectively leveraging recovery funds to help meet program objectives, including future acquisitions within the coastal preserve boundaries through the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States

(RESTORE) Act, the National Fish and Wildlife Foundation-Gulf Environmental Benefit Fund, and the Natural Resource Damage Assessment process.

- **Burn Protocols:** The program collaborated with the U.S. Fish and Wildlife Service and Grand Bay National Estuarine Research Reserve to develop controlled burn protocols ranging from establishing minimum qualifications applicable to all potential participants (including the media) to project procedures. The protocols were finalized after the site visit. The program is conducting training and using burns to build staff capacity and competency, including a prescribed burn on 135 acres of Deer Island Coastal Preserve that removed invasive species, brush, leaf litter, and debris deposited on the island during Hurricane Katrina in 2005. The program has developed burn plans for each coastal preserve, and is currently working with partners to examine alternative approaches to couple with burns (e.g., herbicide and mechanical treatments) for use in areas where regular burns are infeasible due to the proximity of development.
- **Permit-Ready Sites for Beneficial Use:** Mississippi state law requires that if any dredging project yields over 2,500 cubic yards of material, the dredged material must be considered for beneficial use – MS Code Section 49-27-61 (2013). The law creates tremendous demand for beneficial use sites. The program capitalized on this opportunity by developing a list of pre-permitted disposal sites and facilitating placement of suitable materials on those sites as dredging projects are conducted. This pre-permitting has allowed the program to restore wetland habitats by capitalizing on both large and small project volumes, from regular and intermittent sources. For example, the program entered into a memorandum of agreement with the Jackson County Port Authority to place 184,000 cubic yards of material from the Gulf Liquid Natural Gas Terminal in Pascagoula at the Greenwood Island Beneficial Use Site.
- **Invasive Species Management:** Interviews with stakeholders and presentations from program staff members revealed a robust aquatic invasive species control program, which draws upon partners across a wide array of community organizations and non-profits. The program effectively teams with partners in implementing some of the more labor-intensive control techniques, such as the work with Gulf Corps, Climb CDC, and The Nature Conservancy to assist with giant apple snail egg-mass destruction and live snail control.

Even with the diverse and substantial successes that the Mississippi Coastal Management Program has realized in coastal habitat protection and enhancement, challenges remain. As described in the “Program Administration” section, the acreage protected under the coastal preserves continues to grow, while funding for management is flat. The program has started trying to obtain management funds when acquiring new lands, but that funding may be temporary; more permanent resource streams, such as fine income, are needed. While the program has increased public access to the preserves through site creation and enhancement, stakeholders noted a general lack of public awareness and appreciation for the preserves. The program has recognized this issue, and developed a public outreach and education program to increase awareness and interest in Mississippi’s coastal wetlands.

Program staff members also described the persistent challenges concerning the public's use (and misuse) of the preserves, and the need for enforceable regulations. During the evaluation period, the program worked diligently to develop public access and use regulations but struggled to advance them through the Commission on Marine Resources. In summer 2019 (after the site visit and end of the formal evaluation period), the commission issued draft regulations for public comment. As of the date of this report, the program is evaluating those comments and working towards finalizing the regulations. Once issued, these regulations will be a major accomplishment for the Mississippi Coastal Management Program, providing much needed authority and regulatory support as the program fulfills its stewardship responsibilities for the preserves.

Finally, the evaluation team was impressed with the Mississippi Coastal Management Program's progress in the Section 309-funded project to conduct comprehensive risk assessments and develop land use and management plans for each coastal preserve. As discussed in the "Permitting and Regulatory Coordination" section, investment in the new GIS-based database and decision-support tool will enhance the program's ability to understand the pressures facing each preserve, explore management alternatives, and plot a path forward for management. Many stakeholders highlighted this project as emblematic of the program's evolution to a more strategic, forward-looking organization. NOAA encourages the program to use this project to look at their habitat and wetlands permitting portfolios more broadly and pursue opportunities and partnerships with entities such as the Office of Coastal Restoration and Resiliency to infuse resilience principles further into the program's work.

### ***Findings for Coastal Habitat***

**Accomplishment:** The Mississippi Coastal Management Program has used its expertise and long-standing relationships to capitalize on the habitat restoration opportunities in the region, including driving project changes to increase ecosystem services value and leveraging funding to expand lands protected under the coastal preserves.

**Accomplishment:** The Mississippi Coastal Management Program is highly effective in integrating its coastal preserves, beneficial use, and invasive species control programs and its permitting authorities to maximize the protection and restoration of coastal habitats. Among many highlights, the development and adoption of comprehensive burn protocols demonstrate the program's strength in fostering and leveraging partnerships to meet shared habitat management objectives.

**Recommendation:** The NOAA Office for Coastal Management recommends that the Mississippi Coastal Management Program expand its public outreach and engagement efforts to communicate the diverse benefits of the coastal preserves.

**Recommendation:** The NOAA Office for Coastal Management recommends that the Mississippi Coastal Management Program build on its partnership with Grand Bay National Estuarine Research Reserve to explore habitat management research opportunities (e.g., development of

new mechanical and herbicidal techniques that mimic burn regimes) and the potential for using coastal preserves as control or test sites for research projects.

## Evaluation Metrics

In 2012, state coastal management programs began tracking their success in addressing three evaluation metrics specific to their programs. The evaluation metrics include a five-year target and provide a quantitative reference for each program about how well it is meeting the goals and objectives it has identified as important to the program.

### ***Metric 1: Marine Debris Removal***

**Goal:** Reduce stress on tidal wetlands.

**Objective:** Remove 10,000 pounds of marine debris from tidal wetlands per year.

**Strategy:** The Mississippi Coastal Program's Office of Coastal Ecology Bureau of Coastal Preserves (CEBCP) will remove marine debris from tidal wetland sites in Mississippi's Coastal Zone with general state funds and Tidelands Trust Program funds. CEBCP staff will oversee and participate in removal activities, from contractual oversight to coordination of volunteer participation, not including the annual Coastal Cleanup, on targeted coastal preserve sites.

**Performance Measure:** The number of pounds of marine debris removed from tidal wetlands within Mississippi's Coastal Zone with assistance from CZM funding or staff.

**Target:** By 2017, 50,000 pounds of marine debris removed from tidal wetlands within Mississippi's Coastal Zone with assistance from CZM funding or staff.

#### **Results:**

- Year 1 (2013): 39,000 pounds
- Year 2 (2014): 46,265 pounds
- Year 3 (2015): 56,888 pounds
- Year 4 (2016): 89,839 pounds
- Year 5 (2017): 45,060 pounds

**Discussion:** The Mississippi Coastal Program met its target of removing 50,000 pounds of marine debris within the first two years of the five-year reporting window (2012-2017), and removed more than five times the original target overall (277,062 pounds). The program continues to remove marine debris in substantial quantities, reflecting the multitude of benefits that removal provides to coastal habitats and human uses.

### ***Metric 2: Creation or Enhancement of Public Access Sites***

**Goal:** Improve public access in Mississippi's Coastal Zone.

**Objective:** Enhance or create through acquisition or easement two public access sites per year.

**Strategy:** The Mississippi Coastal Program's Office of CEBCP will create through acquisition or easement or enhance public access sites in Mississippi's Coastal Zone with general state funds and Tidelands Trust Program funds. CEBCP staff select public access sites for acquisition or enhancement, manage contracts, and oversee construction. For consistency in data collection and reporting, the definitions for public access sites, created sites, and enhancements are the same as those set forth by the CZMA Performance Measurement System Guidance (2011).

**Performance Measure:** The number of public access sites created through acquisition or easement or existing public access sites enhanced with assistance from CZM funding or staff within Mississippi's Coastal Zone.

**Target:** By 2017, 10 public access sites created through acquisition or easement or existing public access sites enhanced with assistance from CZM funding or staff within Mississippi's Coastal Zone.

**Results:**

- Year 1 (2013): 4 (0 new sites created; 4 existing sites enhanced)
- Year 2 (2014): 5 (1 new site created; 4 existing sites enhanced)
- Year 3 (2015): 6 (0 new sites created; 6 existing sites enhanced)
- Year 4 (2016): 5 (0 new sites created; 5 existing sites enhanced)
- Year 5 (2017): 6 (0 new sites created; 6 existing sites enhanced)

**Discussion:** Within the first three years of reporting (2013-2015), the Mississippi Coastal Program exceeded their five-year target of creating or enhancing at least 10 public access sites throughout the Mississippi coastal zone. The coastal program ultimately developed one new site and enhanced 25 existing sites through the end of the five-year reporting period, and enhanced an additional seven sites by the end of the evaluation period in 2018. The program continues to make public access a priority in its management of the coastal preserves.

***Metric 3: Tidal Wetland Acquisition or Easement***

**Goal:** Protect tidal wetlands in Mississippi's Coastal Zone.

**Objective:** Acquire or obtain easements on 100 tidal wetland acres per year.

**Strategy:** The Mississippi Coastal Program's Office of CEBCP will acquire or obtain easements on tidal wetland sites in Mississippi's Coastal Zone with funds from Secretary of State and the Coastal and Estuarine Land Conservation Program (CELCP). Using state general funds, the Secretary of State staff will purchase tidal wetlands within the coastal preserve areas and submit the acquired properties to CEBCP for management. Using CELCP, CEBCP staff will oversee acquisition directly, and incorporate within the Coastal Preserve Program.

**Performance Measure:** The number of acres of tidal wetlands within Mississippi's Coastal Zone protected through acquisition or easements obtained with assistance from CZM funding or staff.

**Target:** By 2017, 500 acres of tidal wetlands within Mississippi's coastal zone protected through acquisition or easements obtained with assistance from CZM funding or staff.

**Results:**

- Year 1 (2013): 102.4 acres
- Year 2 (2014): 2,480.0 acres
- Year 3 (2015): 0 acres
- Year 4 (2016): 0 acres
- Year 5 (2017): 7.8 acres

**Discussion:** Over the five-year reporting cycle, the Mississippi Coastal Program protected a total of 2,590.2 acres of wetlands, more than five times the target acreage. While not captured in this metric, the coastal program has also successfully acquired thousands of acres of other habitat types across the coastal zone. The episodic nature of acquisitions since 2012 reflects the coastal program's ability to capitalize on long-standing partnerships and leverage funding sources as they arise.

## Conclusion

For the reasons stated herein, I find that the State of Mississippi is adhering to the programmatic requirements of the Coastal Zone Management Act and its implementing regulations in the operation of its approved Mississippi Coastal Management Program.

These evaluation findings contain two necessary actions and five recommendations. The necessary actions must be responded to within the deadlines given. The recommendations must be considered before the next regularly scheduled program evaluation but are not mandatory at this time. Recommendations that must be repeated in subsequent evaluations may be elevated to necessary actions.

This is a programmatic evaluation of the Mississippi Coastal Management Program that may have implications regarding the state's financial assistance awards. However, it does not make any judgment about or replace any financial audits.

signed by Jeffrey Payne

Jeffrey L. Payne, Ph.D.

Director, NOAA Office for Coastal Management

on November 15, 2019

Date

## **Appendix A: Response to Written Comments**

No written comments were received.