

# WATER LOG

*A Newsletter for the Mississippi-Alabama Sea Grant Consortium*

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## PREFACE

Fishing and the fish-related tourist industry are two of the most important economic activities on the Mississippi-Alabama Gulf coast. King mackerel, snapper, dolphin, Spanish mackerel, grouper, lemon fish, and a dozen or more other species are commonly caught in our coastal waters. People travel for many miles to enjoy fishing in the area and to take advantage of the services offered by the small businesses which cater to their needs. There are charterboats specializing in bottom fishing or trolling in the coastal and offshore waters. Fishing camps rent small boats for use in the estuaries, harbors, coastal rivers and

creeks. Enterprising entrepreneurs rent sailboats and jet skis from the beaches.

These small businesses are subject to both federal and state rules and regulations designed to protect the health and safety of all users of the coastal waters. Failure to comply with the rules can expose the business owners/operators to substantial fines, penalties, and civil liabilities. This issue of the *Water Log* examines the legal rights and responsibilities of those involved in coastal recreation-related small businesses and of those who patronize them.

conviction within ten years prior to application renders an applicant ineligible for an operator's license. 46 C.F.R. §10 (1984).

Once granted, a license may be suspended or even revoked if the operator violates a marine safety or pollution regulation, or commits an act of incompetence, misconduct, or negligence. Any operator convicted of a violation of a dangerous drug law will lose the privilege of holding a license.

The requirements for an ocean-going operator's license are more stringent, with additional age and experience criteria. 46 C.F.R. §10 (1984). An applicant for an operator's license for vessels of between fifteen and one hundred gross tons carrying over six passengers (or sail vessels of less than one hundred gross tons carrying over six passengers) must be at least nineteen years old and able to document at least two years experience with such vessels. The applicant must also pass a physical exam and a written exam on the rules of the road and other matters concerning maritime safety. Once granted, the license describes the body of water or the specific routes which the operator is authorized to travel.

### Reporting Requirements

Whenever a person dies in a boating accident or disappears from a motorboat operating on federal waters, the operator must notify the Coast Guard as soon as possible and provide the following information: (1) the date, time, and location of the occurrence; (2) the name of each person who died or disappeared; (3) the number and name of the vessel; and (4) the names and addresses of the boat owner and operator. If the operator cannot give the above notice, it is the responsibility of each person on board to notify the Coast Guard or to determine that notice was given. 33 C.F.R. §173 (1983).

The operator must also submit a written accident report to the Coast Guard whenever a person dies or is seriously injured in a boating accident, or in the event a person disappears from a boat in circumstances indicating death or serious injury. In addition, if there are over \$200 worth of damages to a boat, or if a boat is a total loss, a report must be filed. The operator has ten days in which to file the report. However, in case of death or serious injury, he or she must turn in the report within forty-eight hours of the accident. If the operator of the vessel cannot make the report, then the owner must do so.

The required written report must be dated and signed by the person who prepared it. It must

*(Continued on page 9)*

## FEDERAL REGULATION OF BOATING ACTIVITIES

### Registration

Under recent amendments to the federal Boat Safety Act, registration of undocumented vessels (i.e. less than 5 tons) is the primary responsibility of the state in which the vessel is principally operated. 46 U.S.C.A. §§12301-12309 (West Par. Rev. 1983). In Mississippi, this authority is the division of Boat Registration, Mississippi Department of Wildlife Conservation. In Alabama, the Department of Conservation and Natural Resources is the legal authority, although in practice it usually delegates this responsibility to local probate judges or licensing commissioners.

Once a boat is registered, the owner/operator has two principal duties. First, he must see to it that the registration number is prominently displayed on each side of the boat's bow. No other number may be placed on the forward half of a registrant's boat. Second, the operator must keep a pocket-sized registration certificate on board, available for inspection whenever the boat is in operation. This certificate may be kept on shore at the place where the boat puts out, if the boat is under twenty-six feet and is leased or rented for non-commercial purposes for less than a week at a time.

Because boat registration is public information, a state agency must comply with any reasonable request to provide information about a particular

vessel, provided the request concerns water safety and the fee is paid. Penalties for violation of registration requirements are quite severe. A careless violation, or one done in ignorance of the law can result in fines as high as \$1000. Intentional or "willful" violations can cost up to \$5000 and one year in prison. In addition, if the violation occurs in waters under both state and federal jurisdiction, then state penalties may be imposed as well as the federal fine.

### Operator Qualifications

Motorboats for hire must be in charge of a licensed person. There are two types of licenses potentially applicable to charterboat operators: 1) the motorboat operator carrying six or fewer passengers and 2) the ocean-going operator. The requirements for a license vary slightly, depending on the size of the vessel.

Generally, an applicant for a license to operate a charter motorboat of fifteen gross tons or less must be at least eighteen years old and have documentary evidence of at least one year's experience in the operation of such vessels. He or she must be able to read and speak English, at least to the extent of comprehending the rules of the road. Passing an oral exam on safety regulations, pollution laws, and collision rules is a prerequisite to obtaining the license. An applicant must also pass a medical exam. Drug usage or addiction (unless cured) or a narcotics

## LIABILITY FOR PERSONAL INJURY AND PROPERTY DAMAGES ARISING FROM BOATING ACCIDENTS

### Liability of Boat Owners to Lessees and Passengers

#### 1. Federal

Under federal law, a boat owner may be held liable for physical damage and/or injuries sustained by lessees, passengers, or other persons in a boating accident. (For purposes of this discussion, a "lessee" refers to the person who rents or charters the boat from the owner, or his or her agent.) The extent of the owner's liability will depend upon the nature of the injuries suffered and who was operating the boat at the time of the accident: the boat owner, an operator paid by the boat owner, or the lessee and/or passenger.

Recovery for injuries sustained in motor boat accidents occurring on either federal or state waters is based upon the general principles of negligence law. For one person to be liable to another for negligence, he must owe a legal duty of care to the injured party. Liability arises when there is a breach of the duty of care "proximately causing" damages or injuries to the other person or his property; i.e. there must be a causal relationship between the breach of duty and the damages sustained.

If an accident occurs on waters under federal jurisdiction, federal maritime (admiralty) law will apply. Under federal law, a boat owner owes a duty of "reasonable care under the circumstances" to all those on board with the owner's consent. The owner does not have to specifically consent to each person's presence on the boat. The duty exists if the person is one of a class of people that the owner regularly permits on the boat. Once the duty of reasonable care is breached, the owner is liable for the resulting damages.

Under admiralty law, a violation of a statute designed to prevent collisions (such as operating a boat at night without the required running lights) creates a presumption that a duty of care has been breached. In such a case, the boat owner has the burden of showing not merely that the violation of the statute either might not or probably was not cause of the damages, but that it *could not have been*. This principle, known as the Pennsylvania Rule, is important because the plaintiff (person suing) usually must prove a causal relationship to recover damages. Under the Pennsylvania Rule, once the plaintiff establishes that the owner violated the statute, the burden shifts to the owner to prove that the violation *could not have been* one of the causes of the accident.

An employer-employee relationship creates special responsibilities for the boat owner. Under the legal doctrine of *respondet superior*, an employer may be liable if an employee's actions are committed within the scope of his employment and the employee is responsible for the injury. An employed operator can be liable only for his or her own negligence. However, under the doctrine of *respondet superior*, the owner may be responsible, as well, for the negligence of the operator/employee.

Under some circumstances, a boat owner/operator can either reduce or escape liability for negligent actions. Under the "comparative fault" doctrine, damages are apportioned in accordance with the relative fault of the parties. If an injury was caused by the negligence of the owner/operator and the party injured, the owner/operator will be responsible for only the portion of damages caused by his negligence. The portion is usually set in terms of a percentage of liability.

Another defense is known as the "last clear chance" doctrine. Originally, this doctrine provided that if one party had the last clear chance to prevent the accident by exercising ordinary care and did not do so, he or she would be fully liable, despite the negligence of the other party. For example, if the operator of a charter boat traveling on the proper side of a channel observes an oncoming boat veering off its course towards the charter boat, the operator must attempt to avoid the collision. If the operator doesn't, and a collision occurs, the operator may be liable for some of the resulting damages, even though the other boat was negligent in moving off its proper course. However, since the emergence of the comparative fault doctrine and the Pennsylvania Rule, the originally negligent party may be subject to some share of liability.

Another defense available to negligent owner/operators is the Limitation of Liability Act. 46 U.S.C. §§181 *et seq.* (1982). This Act permits the boat owner to limit his liability to the value of his interest in the vessel, whenever the losses occur "without the privity or knowledge of such owner." The owner must prove that he or she did not participate in or have knowledge of the fault or negligence which contributed to the loss or injury. This defense is usually applicable when an employee has been negligent or when a hidden defect on the vessel causes the accident. The owner may still be liable for his employee's actions or for the defect in the boat, but liability is limited to the amount of the owner's interest in the vessel.

Some boat lessors try to limit liability through boat rental agreements. These clauses typically state that the owner is not responsible for any injuries or damages that occur during the course of a boat rental - a "ride at your own risk" type agreement. Some lessors have signs posted on the dock or on boats stating that lessees and passengers assume the risk of any accidents. These signed agreements and posted notices, even if carefully read and acknowledged by the lessee, may not shield the boat owner/lessor from liability, particularly when the lessee could not have discovered the defect (e.g. a leak in the gas line) which caused the accident. Any boat lessor attempting to limit liability through a written agreement should consult an attorney.

In addition to general maritime negligence law, federal shipping statutes specifically address the issue of negligence. A person who operates a vessel in a negligent manner so as to endanger life, limb, or property may be subjected to a civil

penalty of up to \$1000. In the case of gross negligence, the fine can be increased to a sum of \$5000, and a criminal penalty of imprisonment for up to one year may be imposed. 46 U.S.C.A. §2302 [West Par. Rev. (1983)].

#### 2. Mississippi

The rules of liability for injuries incurred in Mississippi waters are essentially the same as those applicable to injuries sustained in federal waters. There are, however, different defenses available to the negligent motor boat owner and/or operator. The Limitation of Liability Act is a federal law and is not available under Mississippi law. The Pennsylvania Rule has not been adopted by Mississippi courts. Mississippi law, however, provides for the defense of "assumption of risk." Under this principle, a person who knows that a condition inconsistent with his safety exists, yet voluntarily and deliberately exposes himself to danger, may be barred from recovering for any injuries resulting from the unsafe condition. *Alley v. Prashak Machine Co.*, 366 So. 2d 661 (Miss. 1979).

There are three Mississippi statutes relevant to an owner or operator's liability for a boating accident. The Mississippi Boating Law provides that the owner/operator of a boat may be held civilly liable for "damages and injuries proximately resulting from the negligent failure of the owner/operator to comply with the provisions of the Act." Miss. Code Ann. §§59-21-1 *et seq.* (1972 and Supp. 13 1983). This represents a statement of the general negligence principles discussed earlier. In addition, the Boating Law specifically prohibits operating a boat: 1) recklessly; 2) negligently; 3) faster than reasonable under the circumstances; 4) while so physically or mentally incapacitated as to be incapable of safely operating the boat; 5) while under the influence of drugs or alcohol; 6) or in a boat that is overloaded. Violation of this provision is a misdemeanor, punishable by a fine of up to \$100 and/or imprisonment of up to thirty days in the county jail. Section 97-3-41 of the Mississippi Code provides that any person who is operating a boat for gain and who negligently or willfully overloads a boat, causing it to sink or overturn and resulting in the death of another, is guilty of manslaughter. Upon conviction, the maximum penalty is a prison sentence of twenty years.

#### 3. Alabama

The general principles of negligence reviewed under federal and Mississippi law are also applicable in Alabama. Unlike federal and Mississippi law, Alabama recognizes the defense of contributory negligence. If an injured party's negligent action contributed to the accident which caused injuries, the injured party is totally barred from recovery. If the accident occurs in federal waters or in Mississippi waters, the injured party's recovery is simply reduced by some amount attributable to his or her own negligence, but he or she may still recover something. Consequently, it may be very important to determine whether an accident occurred in Alabama waters. Assumption of risk

is also available as a defense in Alabama, but it is more of an absolute defense than in those jurisdictions which have adopted comparative negligence.

The Alabama legislature has established several statutory duties for the owner of a livery boat and for its operator and occupants. (See article "Alabama Boating Law" elsewhere in this issue.) *Code of Ala.*, §§33-5-1 *et seq.* (1977 and Supp. 1984). Violations of these statutes or of ordinances enacted pursuant to them may be negligence *per se*. That is, violations may carry with them a legally binding presumption that the owner was acting in a negligent manner, breaching a recognized duty. See *Fox v. Bartholf*, 374 So. 2d 294 (Ala. 1979).

Alabama law imposes upon a boat owner the duty to ensure that the "vessel is seaworthy and suitable for the service in which it is to be employed." *J. H. Burton & Song Co. v. May*, 212 Ala. 435, 103 So. 46 (1925). This duty entails an obligation to ascertain the condition of the vessel by regular inspections. An owner who breaches such a duty may be liable for the resulting injury or damages if the breach is determined to be the proximate cause of the accident.

It is illegal to operate a vessel in a reckless or negligent manner which is likely to endanger life, limb or property, nor may any person operate a vessel while intoxicated or under the influence of drugs. Violation of this provision could result in a \$500 fine and/or a six-month misdemeanor conviction. On a second offense, the owner's registration is suspended for a year. A three-year suspension follows a third conviction. *Code of Ala.*, §33-5-24 (1977).

There is a rule of Alabama law known as "negligent entrustment" which provides that "one who supplies directly or through a third person a chattel for use of another whom supplier knows or has reason to know to be likely, because of his youth, inexperience, or otherwise, to use it in a manner involving unreasonable risk or physical harm to himself and others who the supplier should expect to share in or be endangered by its use, is subject to liability for physical harm resulting from them." This rule is articulated in *Keller v. Kiendinger*, 389 So. 2d 129 (Ala. 1980). Thus, anyone who rents a boat to a person known to be incompetent or incapable of handling the boat may be liable for any injuries resulting from the lessee's negligent operation of the boat.

#### Liability of Owner and Operators for Injuries to Third Parties

The negligence principles reviewed in this article are equally applicable to situations involving injuries to third parties (i.e. those who are not on board the boat). A boat owner/operator is not liable for injuries to third parties unless the owner/operator breaches a duty owed to the injured party and that breach was a proximate cause of the injury or damage sustained. In addition, under the doctrine of *respondeat superior*, the owner/operator may be responsible for the actions of his or her employees.

Examples of explicit breaches of duty that would result in an owner/operator's liability to a third party include failure to provide adequate required safety devices, knowingly renting a boat to an intoxicated person, failure to obey

navigation rules, or the owner/operator's reckless use of a boat. If an employee uses a boat in a reckless manner outside the course and scope of employment, the owner/operator is generally not liable for the employee's actions. However, if the owner/operator could have prevented the employee's reckless use of the boat, he or she may be liable.

Federal law imposes a special duty on a vessel operator to render, to the extent possible without seriously endangering the operator's own vessel, whatever assistance the operator can reasonably provide to persons involved in a boating accident. An operator or individual in charge of a vessel who complies in good faith with the special duty to render aid to individuals in a marine casualty will not be liable for damages that result from efforts to aid, as long as he or she acts in a reasonable fashion. Individuals who are not subject to the special duty to render assistance, yet who freely do so must be acting "without objection by an individual assisted." The statute is silent with regard to the conceivable situations where an onlooker, not subject to a special duty, would be compelled to render aid in spite of the objections of an accident victim. In those situations, the rescuer takes on a risk of liability. With regard to the operator, however, it is clear that as long as the operator acts reasonably and in good faith in rescue efforts, he or she will not be liable for any resulting injuries. 46 U.S.C.A. §2303 (West Par. Rev. 1983).

Mississippi's "good samaritan" statute is essentially the same as the above-mentioned federal law. In Alabama, the operator of a vessel involved in a boating accident has a duty to render any necessary and practicable assistance to others as long as doing so will not seriously endanger his own vessel, crew, and/or passengers. He is required further to provide to any person injured or whose property was damaged in the accident, his name, address, and identification of his vessel. *Code of Ala.* §33-5-2 (1977). The statute does not expressly relieve the operator who gives such assistance of liability for damages resulting from good faith, reasonable efforts as both the federal and Mississippi statutes do.

#### Liability of Boat Owner for Injuries to Employees

Federal law provides seamen with two separate remedies for injuries sustained on the job. These remedies are available to employees who work on vessels that use federal waters. It does not matter whether the vessel is in federal or state waters when the accident occurs. If the vessel regularly uses federal waters, federal law covers the employment relationship.

First, admiralty law imposes upon a boat owner the duty of providing a seaworthy vessel to his employee; i.e., the boat must be reasonably fit to perform the services for which it is designed. *The Southwark*, 191 U.S. 1 (1903). An owner cannot delegate this duty to another and it cannot be limited by contract or negligence law. *Sea Shipping Co. v. Seiracki*, 328 U.S. 85 (1945). An owner may exercise due care and may be unaware of a defect that renders a boat unseaworthy, but if the defect causes injury to an employee, the owner will still be liable. The injured employee must prove that the

unseaworthy condition was the proximate cause of the injury or damage. An example of a situation in which an owner would be liable would be an explosion caused by a hidden defect in a gas line.

The second remedy available to injured seamen is provided by the Jones Act. 46 U.S.C.A. §688 (West Supp. 1984). The Jones Act provides injured seamen with an action against an employer for injuries occurring during the course of the employee's employment. To recover, the injured employee must prove that the boat owner/employer breached a duty owed to the employee and that the breach was a proximate cause of the injury. The Jones Act establishes the owner's duty of reasonable care for the safety of crew members.

Although assumption of the risk is not a defense to an action under the Jones Act, the comparative negligence principles are applicable. The Fellow Servant Rule, which barred recovery when a fellow employee caused the injury, has been abolished. In 1982 the Jones Act was amended to limit recovery for certain aliens. When there is an accident involving an American ship in foreign waters, and a remedy is available under foreign law, an alien may be barred from recovery under the Act.

Every state has a worker's compensation act providing cash benefits, medical care, and rehabilitation services for employees suffering work-related injuries and diseases. Mississippi and Alabama are no exceptions. See *Miss. Code Ann.* §§71-3-1 *et seq.* (1972) and *Code of Ala.* §§25-5-1 *et seq.* (1975). To be eligible for worker compensation benefits, an employee must be injured in the course of employment. Unlike the Jones Act, where recovery is available if the employer negligently caused the injury, worker's compensation laws are a form of strict liability, i.e. the employer is liable regardless of fault. Mississippi law requires all private employers with five or more employees to obtain insurance to cover claims paid to injured workers. In Alabama, insurance is required for businesses employing three or more persons. Benefits are provided according to a statutory formula. The worker's compensation laws are inapplicable to maritime employment for which a rule of liability is provided by federal law. Therefore, boat owners and employees covered by the Jones Act are exempted from the provisions of the Mississippi and Alabama worker's compensation laws. As long as boats are regularly used on federal waters, a boat owner/employer is not required to obtain worker's compensation insurance for his employees.

#### Conclusion

In most circumstances, the boat owner/operator is ultimately responsible for the boat and all persons on board. Prudence and common sense will go a long way toward preventing costly accidents by ensuring that the boat, operator, and passengers are in condition to undertake the trip safely.

Casey Jarman  
Cornelia Burr



## SEA GRANT LEGAL PROGRAM TO SERVE AS A CLEARINGHOUSE

The Mississippi-Alabama Sea Grant Legal Program is currently involved in a study of the laws and regulations that control barge transportation and water quality along the Tennessee-Tombigbee waterway, particularly as they apply to hazardous materials transport. As a waterway designed to facilitate industrial traffic, the Tennessee-Tombigbee is a likely candidate for increased usage as a highway for the transport of hazardous materials including fuels, raw materials, and industrial wastes. An examination of regulatory challenges in the control of hazardous materials transport necessitates both a regional and local analysis of potential problems. On a local level, augmented industrial activity through the development of the Tennessee-Tombigbee provides a route for materials from distant sources, as it is designed to serve as an artery from the Midwest as well as to the South.

Heightened public concern over land-based disposal of hazardous wastes (especially with regard to the contamination of drinking water) coupled with the relative cost effectiveness of waterway transport may encourage future barge transport of hazardous wastes. As a route to the Gulf, the Tennessee-Tombigbee could support a significant amount of ocean-bound transport of waste materials.

An area of particular concern is the potential for transport of materials for disposal or incineration at sea. [See 4 *Water Log* 3 (July-Sept. 1984) for a discussion of these topics.] In 1981, the National Advisory Committee on Oceans and Atmosphere (NACOA) issued a report entitled "The Role of the Ocean in Waste Management Strategy." With a qualified endorsement of ocean disposal of industrial wastes, the report recommended weighing environmental and human health concerns to assure adequate protection. Currently the

Environmental Protection Agency (EPA) also endorses some forms of ocean disposal of hazardous wastes. Much of the EPA's testing activities for developing guidelines for incineration of materials, prior to the issuance of permits, is taking place in the Gulf of Mexico. At this point a comprehensive research plan has been ordered prior to the issuance of incineration permits. Nevertheless, the likelihood of expanded ocean disposal is great. The fact that the Port of Mobile is being considered as a point of departure for incineration ships strengthens the possibility of increased transportation of wastes on the Tennessee-Tombigbee from distant sources.

In terms of human health, hazardous materials traffic along the Tennessee-Tombigbee poses significant concerns. Highly toxic organic compounds can cause irreversible damages to drinking water supplies in very small concentrations. Consultants examining environmental and health hazards posed by potential spills from barge traffic used a series of recent studies of the movement of liquid petroleum to show the relative danger of barge transport of this form of hazardous organic material, as compared to rail and truck transport. Whereas barge transportation of liquid petroleum is less dangerous than rail and truck transportation in terms of human exposure and loss of life, it is also more likely to cause serious water pollution problems. In general, the spilled material is far less containable once it is in a waterway. An additional concern is the potential contamination of adjacent groundwater supplies, as surface and groundwater supplies are often interconnected.

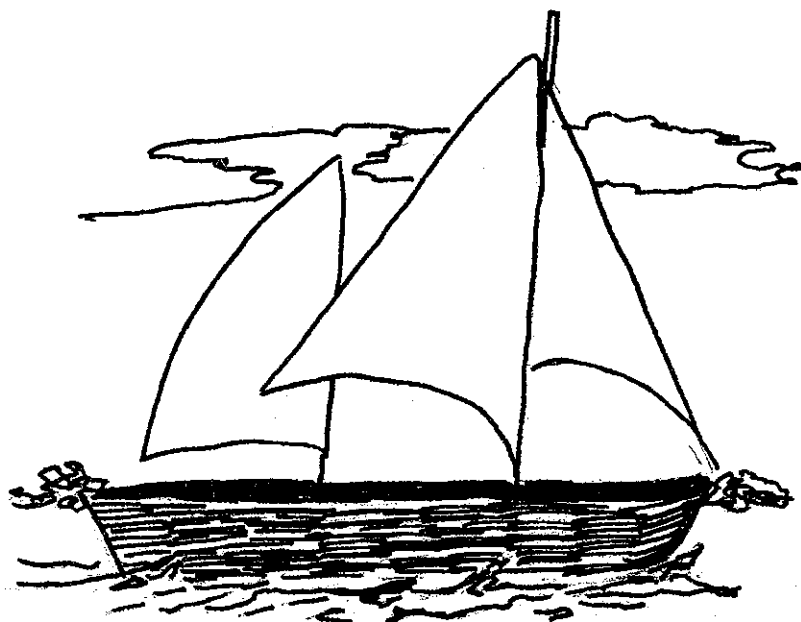
Early on in the development of the Tennessee-Tombigbee, concern over the potential of damaging effects by hazardous waste spills was an important planning issue. The Environmental

Defense Fund raised this issue in *Environmental Defense Fund v. Corps of Engineers*, 348 F. Supp 916 (1972). The court allowed further development of the project but stated that "proper surveillance and enforcement by state and federal water pollution authorities" could control the indirect impact which may result from "the increased danger of spills of contaminants and increased pollution loadings." The court also stated that the possibility of accidental spills could be minimized through precautionary regulations. In short, the court called for an adequate regulatory scheme on the part of the state and federal legislators and administrative agencies to reduce dangers posed by spills.

The Sea Grant Legal Program is currently developing an updated legal and institutional study of state and federal regulatory mechanisms that control water quality and barge transportation along the Tennessee-Tombigbee. The Sea Grant Legal Program will serve as a clearinghouse for technicians, legislators, and private citizens who wish to become better informed about the institutional framework and regulatory schemes that are currently in place. Further, the Sea Grant Legal Program follow-up study will examine the interconnection of state and federal regulations, and address the issue of the relative effectiveness of current regulatory schemes in the face of accelerated traffic and technological advances.

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## GULF REGIONAL PLANNING COMMISSION

Regional planning in Mississippi saw its greatest growth in the 1960s. Prior to this period, authorities such as river basin districts existed and provided some guidance in the areas represented. However, the regional concept of planning as embodied in the Gulf Regional Planning Commission (GRPC) traces its development to 1960 with the creation of the Mississippi Industrial and Technological Research Commission. Later known as the Mississippi Research and Development Commission, its creation marked the beginning of statewide planning efforts.

Traditionally, the primary goal of the Mississippi Research and Development Commission was and continues to be the improvement of the economic stability of the state through the development of business and industry and the creation of improved employment opportunities. Although the Commission provided considerable local planning assistance to cities throughout the state, the regional planning concept had not yet received full recognition and adoption.

Basically, the primary function of a regional planning body is the ultimate development of long-term comprehensive plans for regional growth and development. The regional planner looks at a conglomerate of municipalities, counties and areas of jurisdiction of authorities and development associations as a single geographical unit. Unlike the city planner whose major concern is the guidance of development within the city, the regional planner is concerned with the impact that development in one area will have on another city or county or on the entire region.

When the National Aeronautics and Space Administration announced in 1961 that more than 100,000 acres of Hancock County would be acquired for construction of the Mississippi Test Facility, it was immediately apparent that the impact of this development would be felt regionally. Along with an increase in economic activities would come the need for more homes, schools and public facilities and services. In 1964, as a result of pressures brought on by the activation of the Mississippi Test Facility, Mississippi and Louisiana concurrently passed legislation authorizing county governments to create regional planning agencies. It was determined that the regional planning agency would advise local municipalities and counties in identifying problems of a regional nature that could best be solved through a coordinated regional planning effort. Problems such as land use, water resource management, mosquito control, and urban development were identified in the legislation. (See House Bill No. 393, 1964 Regular Session, Legislature of the State of Mississippi, and House Bill No. 520, 1964 Regular Session, Legislature of the State of Louisiana).

In 1965 Hancock, Harrison, and Pearl River Counties in Mississippi and St. Tammany Parish in Louisiana elected to organize under the provisions of their respective statutes authorizing regional planning agencies. The Mississippi-Louisiana Regional Planning Commission was

formed and a staff was organized. Mississippi had its first regional planning commission.

The first order of business for the Mississippi-Louisiana Regional Planning Commission was to inventory and analyze the social, economic and physical characteristics of the region. Aerial photography was acquired, base maps were prepared, and a Study Design setting forth both long-range and short-term goals and objectives was prepared. Through the Study Design the Commission added direction to its stated purpose—establishing a healthful, attractive and beneficial living environment for Gulf Coast residents.

Financial support for the Commission came from a three-fourths matching grant of funds from the Department of Housing and Urban Development (DHUD) under the Urban Planning Assistance Program authorized by Section 701 of the Housing Act of 1954, as amended. Because Mississippi received its funding from the DHUD regional office in Atlanta and Louisiana received its from the Fort Worth Regional Office, administrative problems arose. Consequently, in 1967 St. Tammany Parish withdrew from the Commission. St. Tammany Parish's withdrawal was immediately offset by the affiliation of Jackson County with the Commission. In July 1967, the Commission became officially known as the Gulf Regional Planning Commission.

Initially, the GRPC was concerned with the development of a reliable, detailed, and comprehensive data bank. Photo atlas sheets at a scale of 1"=500' and planimetric base maps at a scale of 1"=2000' were prepared and utilized to perform the first regional land use study. To assist in the development of the data bank, a *Population and Economic Study* was prepared utilizing consulting services. Through arrangements made with the U.S. Soil Conservation Service, a *General Soil Study* report was compiled. This work eventually enabled the Commission to make comprehensive evaluations relative to land use.

Among the first regional plans to be developed by the Commission were the *Regional Land Use Plan* and the *Regional Transportation Plan*. With sufficient data and adequate in-house capabilities, the *Regional Land Use Plan* was initiated by the Commission staff. Concurrently, the Commission negotiated with the Mississippi State Highway Department to initiate the *Gulf Coast Area Regional Transportation Study*. Again, the work was performed by outside consultants and has been updated as needed.

By 1969 sufficient urban data had been compiled to provide technical and advisory assistance to individual cities, counties, and other sub-regional entities. Proposed initially as a service to assist in the development of local plans, the technical and advisory assistance program became invaluable in securing the needed coordination of planning efforts among the numerous political entities.

On August 17, 1969, the planning efforts of the GRPC received a decisive setback. Hurricane Camille hit the Gulf Coast with such strength and force that the physical characteristics of

practically all of Hancock County and large portions of Harrison and Pearl River Counties were changed. As a result, the previously acquired data relative to land use, housing, and population were no longer representative of existing conditions, requiring a major up-date of the data banks. The transportation planning process continued while other projects were temporarily abandoned. The remainder of the project period was devoted to providing technical and advisory services and continuing A-95 review and coordination activities.

Continued county participation with the GRPC during this particularly difficult period gave evidence of faith in and support of planning. Further financial assistance through *WE CARE* funds enabled the Commission to provide seed money to cities to be used as matching funds for Federal assistance. Subsequently, an update of the Study Design was completed and the Commission again functioned as a regional planning agency.

Since 1970 activities of the Gulf Regional Planning Commission have indicated a growing involvement in regional planning and coordination. By acting quickly after Hurricane Camille, the GRPC was successful in obtaining DHUD assistance in the preparation of 701 Comprehensive Plans for Hancock County and the cities of Bay St. Louis and Waveland; for the cities of Long Beach and Pass Christian in Harrison County; for Ocean Springs in Jackson County; and for Poplarville in Pearl River County. In 1971, the GRPC received DHUD Certification for a number of activities: Comprehensive Planning; Functional Water and Sewer Facilities Planning and Programming; Systems Programming and Coordination; and Regional Planning for Open Space, Recreational, and Environmental Appearance. In addition, the GRPC was designated as the Metropolitan Clearinghouse for the Office of Management and Budget under the Circular A-95 Program.

In 1974 the GRPC received designation from the Office of the Governor as the Urban Transportation Planning Agency to administer Urban Mass Transportation Administration, Federal Highway Administration, and Federal Aviation Administration planning funds. That same year it became the first state agency to initiate a program under the Governor's Highway Safety Program and added a traffic safety engineer to the GRPC staff on a full-time basis to assist local communities in traffic safety design.

In 1977 the GRPC became actively involved in water resources issues. There is truth in the saying "you never miss the water until the well runs dry." It is easy to become so engrossed in efforts to solve immediate local problems that time does not permit consideration of regional implications. The Commission has been actively involved in evaluation of long-range needs. With this in mind, in 1980 a report entitled *An Investigation of Water Resources of the Coastal Independent Streams Basin* was prepared. This report was a catalyst to involve of the Department of Interior, through the Corps of Engineers, to

(Continued on page 6)

## Gulf Regional Planning Commission

(Continued from page 5)

further investigate the condition of the Gulf Coast ground water resources in 1984.

Not only does the GRPC provide planning information to encourage safe and effective development plans and the wise conservation of natural resources, but it also serves as an important source of information needed to define future planning concerns. The GRPC is currently developing a computer data base system that can provide sophisticated map overlays to correspond with collectable data. This system will serve as a useful tool in pinpointing urban development problems. For example, the GRPC is collecting regional information on the use of 911 emergency calling. The computer system can provide an up-to-date regional map giving specific local information.

The GRPC maintains an ongoing interest in transportation and traffic safety issues. In addition, the GRPC is actively involved in

addressing concerns for a reliable future water supply. A related area of concern is the area of solid waste management. Increased urbanization will compound the financial challenges of meeting these problems. The GRPC will continue to cooperate with state and federal agencies by providing up-to-date information and planning expertise to facilitate effective responses to the demands of urbanization.

Gulf Regional Planning Commission  
Staff Paper

\*This article is sixth in a series of articles that are appearing in *Water Log* describing regional, state and local entities that exercise jurisdiction over coastal resources in Alabama and Mississippi.



## ALABAMA BOATING LAW

### Registration

In Alabama, vessels operating in state waters must be registered. Code of Ala. §§33-5-1 *et seq.* (1975 & Supp. 1984). To obtain a certificate and number, a boat owner must file an application with either the Department of Conservation and Natural Resources or the local probate judge or license commissioner. The certificate, which is valid for one year, must be obtained no later than November 15th of each year. In the event a boat is sold, destroyed, or abandoned, the registration must be transferred within fifteen days. A certificate contains the registration number and description of the boat and name and address of the vessel owner.

Along with the certificate of registration, a boat owner is issued a boat registration number which must be displayed on each side of the boat along with a state validation decal emblem. It is a violation of water safety regulations to operate or permit a vessel to be operated which does not have the proper registration number and current-year decals on each side of the bow. Failure to comply may result in a fine of \$10-\$100 plus costs for each violation.

Alabama's Water Safety Regulations (available from the Department of Conservation and Natural Resources) establish more specific provisions for the registration process. Alabama Department of Conservation and Natural Resources, *Alabama Laws and Regulations Governing Operation and Registration of Vessels* (1982). Generally a person seeking to rent or lease a boat must specify whether the propulsion is inboard, outboard, sail or combination, and what type of fuel, if any is required. Owners of livery boats receive certificates plainly marked "Livery".

Any vessel which is rented or leased must have on board a copy of the lease or rental agreement, signed by the owner or his agent and the lessee. This agreement must contain the vessel number, the period of time for which the vessel is leased or rented, and the number of persons on board at the time of departure from livery. The certificate of number for vessels less than 26 feet in length, leased or rented to another

for a non-commercial use of less than 24 hours, may be retained on shore by the owner or his representative at the place from which the vessel departs or at the place where the vessel will return. Certificates of the lease or rental agreement must be presented to any federal, state, or local law enforcement officer for inspection on request.

### Operator Qualifications

No owner or operator of a mechanically propelled vessel shall allow a child under twelve years of age to operate the vessel unless the child is accompanied by a person twelve years or older who is qualified and capable of handling the vessel. However, children under twelve who have a certificate issued by the Department of Conservation proving they have successfully completed an approved course in water safety and boating instruction may operate a vessel alone.

### Reporting Requirements

Any operator involved in a boating collision, accident or other casualty on Alabama waters must give his or her name, address, and identification of his or her vessel in writing to any person injured and also to the owner of any property damaged. In addition, within 10 days of the accident a written report must be filed with the Department of Conservation and Natural Resources, Department of Safety, if the boating accident results in the following: (1) loss of life or disappearance of any person; (2) injury causing any person to remain incapacitated for over 72 hours; and/or (3) actual damage to any vessel or to any other property in excess of \$50. Accident reports are confidential. However, their existence may be disclosed along with the identity of the person(s) involved. The contents of the reports may not be used as evidence in any civil or criminal trial.

### Safety Requirements

Alabama safety requirements are essentially the same as those provided by federal law. (See article "Federal Regulation of Boating Activities" elsewhere in this issue). Anyone who fails to adhere to these requirements may be convicted of a misdemeanor, with a fine from \$10-\$100 per

## WALLOP-BREAUX TO PROVIDE BOATING AND SPORT FISH FUNDS

On July 18, 1984, the Dingell-Johnson expansion to the Wallop-Breaux Fund became a reality when the President signed into law the Boating Safety and Sport Fish Restoration Act (Public Law 98-369). This legislation will add approximately \$120 million annually to fisheries management and recreational boating programs nationwide.

The D-J Program currently totals about \$35 million annually. It is funded by a ten percent manufacturers' excise tax on certain items of fishing tackle. The money is collected by the federal government and distributed by the U. S. Fish and Wildlife Service to state agencies for fisheries work.

Public Law 98-369 directs up to \$45 million per year of marine fuel tax receipts to boating safety. The states will get up to \$30 million and the U.S. Coast Guard will receive up to \$15 million. All the marine fuel taxes over \$45 million will be directed into the D-J Program. The fuel tax receipts now total about \$90 million, thus D-J would profit by \$45 million.

The legislation extends the current ten percent tax on certain fishing tackle to all fishing equipment. It also imposes a three percent tax on electric trolling motors and certain types of fish finders, increasing the D-J Program by about another \$12 million per year.

Duties on imported fishing tackle, boats, and pleasure craft (\$20 million annually) will be diverted into the D-J Program. Coastal states will be required to fund marine as well as freshwater fisheries programs. The states must use at least ten percent of the new money on projects to improve public access to recreational boating waters. States are authorized to use up to ten percent of their allocation for aquatic resource education programs.

\*This article is reprinted from GULF FISHERY NEWS with permission from the Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609.



violation. Contact the State Department of Conservation and Natural Resources for the specific requirements.

### Inspection and Certification

Agents of the Department of Conservation and Natural Resources have the right to inspect livery boats for safety. If a livery boat is found unsafe or unseaworthy, the Department is required to immediately notify the owner. After such notification, the boat may not be used until the necessary repairs have been made and an inspection certifying safety and seaworthiness has been completed.

Cornelia Burr  
Casey Jarman



## MISSISSIPPI BOATING LAW

### Registration

Pursuant to the Mississippi Boating Law, boat owners in Mississippi are required to register their boats with the Boat Registration Department of the Mississippi Department of Wildlife Conservation in Jackson. Miss. Code Ann. §§59-21-1 *et seq* (1972 and Supp.13 1983). The law establishes a numbering system for motorboats used in the territorial waters of Mississippi. Within ten days of acquiring a motorboat, the owner is required to apply for a certificate of number, also known as a registration card. When a numbered vessel is lost, destroyed, abandoned or transferred to another person, the certificate of number issued for the vessel must be surrendered to the Mississippi Department of Wildlife Conservation within fifteen days of the event. The new owner of a boat which has been previously owned may apply for the registration number of the boat's former owner, unless the new owner acquires title as the result of a lien. For purposes of fees, the new owners application will be treated as an original application.

Application forms for boat registrations can be obtained from the Department of Wildlife Conservation, tax collectors' offices, bait shops, marinas, fishing and hunting license agents, conservation officers, or most places where boats or motors are sold or serviced. The certificate of registration is valid for a period of two years from the last day of the month of receipt of the original or transfer certificate. However, for livery boats, all original and renewal certificates expire at midnight on June 30th of each biennium.

A registration number, along with a validating decal, must be placed on each side of the forward half of a vessel. Once a boat is issued a number, it retains that number until the registration is cancelled or until the boat is destroyed or abandoned. Failure to renew the registration within one year following its expiration date results in cancellation. Evidence of willful alteration of a number or fraudulent

certification in the application process may also lead to cancellation.

Upon issuance of a certificate the Department provides the owner with a water-resistant pocket-sized certificate of number. This card must be carried on board when the vessel is being operated. The certificate of number of a livery boat is plainly marked "livery boat". Special provision is made in the Mississippi statutes for the registration of livery boats when the owner has more than one boat for hire. A separate number of certificate is issued for each boat in consecutive order. Pending the issuance of an original certificate of number, a vessel may be furnished a temporary certificate of number that is valid for a period of sixty days.

It is a misdemeanor for any person to violate any of the provisions of the Mississippi Boating Law. Consequently, if a motorboat owner fails to register any or all of his boats or, if registered, fails to keep the registration in his boat, both the owner and the operator of the boat are subject to a fine of between \$10 and \$100. Any person who alters a boat registration number or certificate of number can be fined up to \$100 and/or jailed up to thirty days.

### Operator Qualifications

Mississippi law regarding motorboat operators' licenses is the same as federal law. The Mississippi Boating Law incorporates by reference all of the federal regulations regarding the operation of motorboats. A charterboat does not have to obtain a Mississippi license in addition to the required federal licenses. However, a charterboat operator can be cited by Mississippi marine enforcement authorities for failure to possess and carry the appropriate federal license. If cited, the operator is subject to a fine of between \$10 and \$100.

The Mississippi Boating Law prohibits any person under the age of twelve from operating a motor boat unless accompanied by a parent, guardian or other person over seventeen years of age who is capable of operating the boat. It would be wise to be especially careful when

leasing boats if children under twelve will be on board. The lessee should be made aware of this law whenever a child under twelve is in the boating party.

Mississippi safety regulations also stipulate that there must be two persons in a boat which is towing a water skier. In addition to an operator, an observer must be present. The observer must be at least ten years old.

### Reporting Requirements

Mississippi law imposes a duty upon the owner of an undocumented boat used for pleasure or recreational purposes to report certain accidents occurring in state waters. Any time a boat is involved in an accident resulting in the loss of life, injuries that cause a person to be incapacitated for over 24 hours, and/or actual physical damage to property in excess of \$100, an accident report must be made. If the accident results in a death, the accident report must be filed within 48 hours. Every other report must be completed within 5 days of the accident. These reports are submitted to the Boat Registration Department of the Mississippi Department of Wildlife Conservation in Jackson. Forms may be acquired at various county offices, boat companies, marinas, fishing camps, and from law enforcement officers. Failure to report a boating accident is punishable by a fine of between \$10 and \$100.

### Safety Requirements

Mississippi Boating Law incorporates by reference all applicable Coast Guard safety regulations. (See article "Federal Regulation of Boating Activities" elsewhere in this issue). The chart below can be used as a handy reference to required safety equipment. However, detailed regulations specific to different classes of vessels can and should be obtained through the Department of Wildlife Conservation.

Cornelia Burr  
Casey Jarman



## REEF FISHING RESOURCES PROTECTED BY NEW LAWS

Regulations intended to conserve and manage reef fish resources of the Gulf of Mexico, including snapper, groupers and sea horses, became effective on Nov. 8, according to Larry B. Simpson, executive director of the Gulf States Marine Fisheries commission.

Management objectives are to rebuild the declining reef fish stocks, establish a fishery reporting system, conserve and increase reef fish habitats in appropriate areas, provide protection for juveniles while guarding existing and new habitats, and minimize conflicts for space between user groups of the resource.

A "stressed area" has been established in the nearshore waters of the fishery conservation zone (FCZ) off Florida and Alabama and portions of Mississippi and Texas where reef fish resources are subjected to intensive fishing

efforts. Restrictions intended to reduce fishing effort and the potential for user conflicts include prohibiting the use of fish traps and roller-rigged trawls and banning the use of powerheads (projectile-firing devices used by divers) to harvest any regulated species.

The regulations prohibit the use of poisons or explosives for taking any regulated species, establish a minimum size limit of 13 inches total length on red snapper harvested in the FCZ and require red snapper landed in the FCZ to be harvested with head and fins intact. Exceptions to the minimum size limit include an incidental catch of five undersized red snapper per person, per trip; domestic vessels lawfully fishing trawls; and persons fishing in the FCZ from headboats (usually vessels that carry seven or more people fishing for a fee).

Information concerning permit applications, reef fishing regulations, fish trap construction details, a description of the "stressed area" and other prohibitions is available from the NMFS Fishery Operations Branch, 9450 Koger Blvd., St. Petersburg, FL 33702.

"This article was reprinted with permission from "Marine Briefs," December 1984, a monthly newsletter published by the Gulf Coast Research Laboratory, Ocean Springs, MS. The above regulations can be found at 49 Fed. Reg. 39548 (Oct. 9, 1984).



## ALABAMA AND MISSISSIPPI BOUNDARY CASES

On November 26, the U.S. Supreme Court heard oral arguments on the report of the Special Master concerning the location of the coastlines of Alabama and Mississippi for purposes of the Submerged Lands Act. The Submerged Lands Act gives coastal states ownership of the submerged lands within three miles of their coastlines. 43 U.S.C. § 1312 (1982). The case is one part of a larger action, *U.S. v. Louisiana et al.*, which involves similar claims by the other gulf states. The issue before the Special Master and the Court is whether the Alabama and Mississippi coastlines are (1) the line of ordinary low water along the southern mainland and around the adjacent barrier islands, or (2) the line of ordinary low water along the southern shore of those islands together with the line marking the seaward limit of those waters, with the Mississippi Sound being considered inland waters. Use of the former line would result in the creation of a number of enclaves of open sea within Mississippi Sound belonging to the federal government. (See map below for the approximate location of such enclaves.) In its recommendation to the U.S. Supreme Court, Special Master Armstrong recommended that the latter boundary line be adopted.

In making his decision, the Special Master analyzed the issue in light of the Convention on the Territorial Sea and the Contiguous Zone (The Geneva Convention), an international treaty to which the U.S. is a party and which the U.S. Supreme Court had earlier ruled was the basis for determining the seaward boundary of the coastal states. See *U.S. v. California*, 381 U.S. 139 (1965). Article 4 of the Convention permits, but does not require, nation states to delineate coastlines with a fringe of coastal islands in its immediate vicinity by the method of straight baselines. Use of such straight baselines would result in the Mississippi Sound being inland waters. Mississippi and Alabama argued that while the U.S. had never explicitly adopted a straight baseline test, it nevertheless had done so through its actions. Special Master Armstrong rejected the states' arguments. Relying on the Supreme Court's opinion in *U.S. v. California*, he found that the U.S. has in fact adopted the 24-mile closing line together with the semi-circle

test in such situations and that therefore Article 4 of the Convention is inapplicable.

The Special Master next considered arguments that the Mississippi Sound is a juridical bay under Article 7 of the Geneva Convention, and therefore forms inland waters. A body of water can be a juridical bay only if such bay is formed in part by an island or islands which can realistically be considered part of the mainland. There are four requirements for a juridical bay: (1) it must be a well-marked indentation; (2) its penetration must be in such proportion to the width of its mouth as to contain land-locked waters and constitute more than a mere curvature of the coast; (3) it must have a closing line of twenty-four miles or less; and (4) it must meet the semi-circle test.

In deciding that the Mississippi Sound is an Article 7 juridical bay, the Special Master first determined that the Isle of Pitre in Louisiana and Dauphin Island in Alabama are the natural entrance points forming the western and eastern extremities of the Mississippi Sound. In coming to this conclusion, the Special Master found that both the Isle of Pitre and Dauphin Island are actually extensions of the mainland. An important factor which influenced the Special Master's conclusions in relation to Dauphin Island was his factual determination that Dauphin Island lies in the mouth of Mobile Bay, which is indisputably an inland water. The U.S. Supreme Court had held earlier in *U.S. v. Louisiana* that islands within the mouth of a bay are to be considered as part of the mainland for all purposes. He next determined that the total water distance of these entrances was less than 24 miles. Therefore, Mississippi Sound meets both the 24-mile test and the semi-circle test.

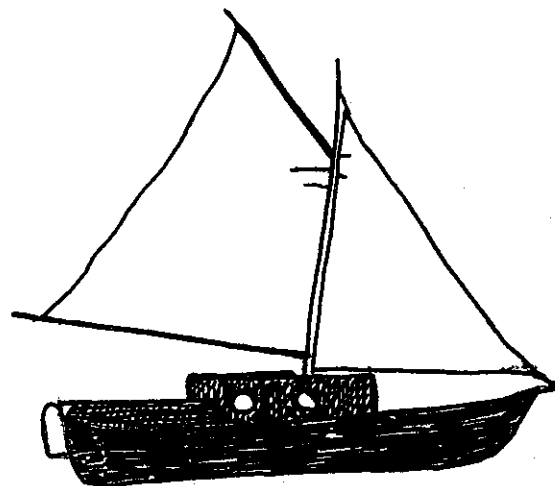
In the second part of the juridical bay analysis, Special Master Armstrong found the Mississippi sound to be a well-marked indentation containing land-locked water. In making this finding, he stated that neither the Geneva Convention nor U.S. Supreme Court decisions give specific direction and therefore his decision was based largely upon subjective criteria. Citing maps and a Commentary of the International Law Commission, he determined the relation of maximum penetration to the width of the mouth

to be .4167:1 which in his opinion was enough to constitute more than a mere curvature of the coast. He determined the waters to be land-locked because the islands occupy more than half the distance between the Isle of Pitre and Dauphin Island, forming a portico to the mainland.

The Special Master next found that the Mississippi Sound was also an "historic bay" under Section 6 of Article 7 of the Convention, and therefore qualified as an inland water for purposes of boundary delimitation. Citing U.S. Supreme Court opinions, Special Master Armstrong decided that the test for an historic bay is whether the bay is an area over which a coastal nation has traditionally asserted and maintained dominion with the acquiescence of foreign nations. This test has three parts: (1) the claiming nation must have exercised authority over the area; (2) that exercise must have been continuous, and (3) foreign states must have acquiesced in such exercise of authority. After reviewing the pre-admission history, acts of admission, and post-admission history of Alabama and Mississippi, he found sufficient evidence to conclude that the Mississippi Sound met the Article 7 historic bay requirements. This evidence included the position the U.S. had taken in international affairs, before the U.S. Supreme Court, in Congressional hearings, and by fortifying Ship Island and patrolling other inlets to the Sound during the early history of the state. As for foreign acquiescence, he found it sufficient that foreign states knew or reasonably should have known of U.S. exercise of authority over the Mississippi Sound and did not protest.

In light of the above findings, the Special Master has recommended to the U.S. Supreme Court that the Mississippi Sound be considered inland waters for purposes of delineating the territorial seas of Alabama and Mississippi under the Submerged Lands Act. A discussion of the Supreme Court's decision will be included in a future issue of *The Water Log*, once the decision is finalized.

Casey Jarman





**Federal Regulation of Boating Activities**

*(Continued from page 1)*

contain details concerning the weather on the date of the incident, names and addresses of all involved parties, the type of required safety equipment available, and the preparer's opinion of the cause of the accident. Failure to report a casualty or accident can result in a fine of up to \$1,000.

**Safety Requirements**

All motorboats must be equipped with certain Coast Guard approved safety equipment. 33 C.F.R. §175 (1983). Boats are divided into four classes based on the length of the boat as measured from end to end over the deck, excluding the sheer: Class A—less than sixteen feet; Class 1—sixteen to less than twenty-six feet; Class 2—twenty-six to less than forty feet; and Class 3—forty to sixty-five feet. Within each class certain minimum safety equipment is required. Safety equipment falls into the following categories: life preservers or personal flotation devices (PFD's), fire extinguishers, back-fire flame arrestors, bells and whistles, ventilators, visual distress signals, and lights.

PFD requirements vary slightly for commercial motorboats (those carrying passengers for hire). Commercial vessels of any length carrying six or fewer passengers for hire must have at least one readily accessible "type 1" PFD of a suitable size for each person on board. If the commercial boat is twenty-six feet or longer, there must be on board at least one "type 1" ring buoy that is immediately available. Violations of these safety regulations may result in a fine of up to \$5000 and/or imprisonment for up to one year.

**Inspection and Certification**

Coast Guard regulations require inspection and certification of all motorboats carrying six or more passengers for hire. All other boats may be inspected at the owner's request. A certification of inspection can be obtained and renewed at the nearest Coast Guard Marine Inspection Office. An inspection certificate is valid for a three year period unless renewed,

revoked, suspended, or surrendered. Within this three year period, the owner must return the boat for at least two more inspections to keep the certificate current. The certificate includes the following information: (1) period of validity, (2) designated routes of operation, and (3) the maximum number of passengers allowed. A certificate of inspection must be kept on board the vessel. The motorboat's structure, machinery, and equipment are included in the inspection. Specific requirements can be found in the Code of Federal Regulations, Title 46. Failure to have a boat inspected or to be in compliance with the terms of a certificate subjects the owner or the operator to a penalty of up to \$1,000. His vessel is liable to seizure and sale at public auction to satisfy this amount.

Holt Montgomery

For further information regarding boating laws and regulations, the following may be contacted:

The Coast Guard's recreational boating safety program for the Gulf Coast is administered within the Boating Safety Division of the Eighth Coast Guard District in New Orleans, Louisiana, at the following address:

Commander  
Eighth Coast Guard District  
Chief, Boating Safety Division  
F. Edward Hebert Building  
600 South Maestri Place  
New Orleans, LA 70130

Volunteers of the Coast Guard Auxiliary work with the Coast Guard Recreational Boating Safety Program. Division Three of the Coast Guard Auxiliary is responsible for the Mississippi and Alabama coasts. The address is:

Robert Meyer  
Division Three Captain  
1 Arbor Circle  
Ocean Springs, MS 39564

The states of Mississippi and Alabama administer and enforce the Federal and State laws and regulations pertaining to boating safety in their respective jurisdictions. This includes boat registration, safety requirements and standards, operator requirements, and an accident reporting system. The addresses are:

Department of Conservation  
and Natural Resources  
Water Safety Division  
Administrative Building  
Montgomery, AL 36104

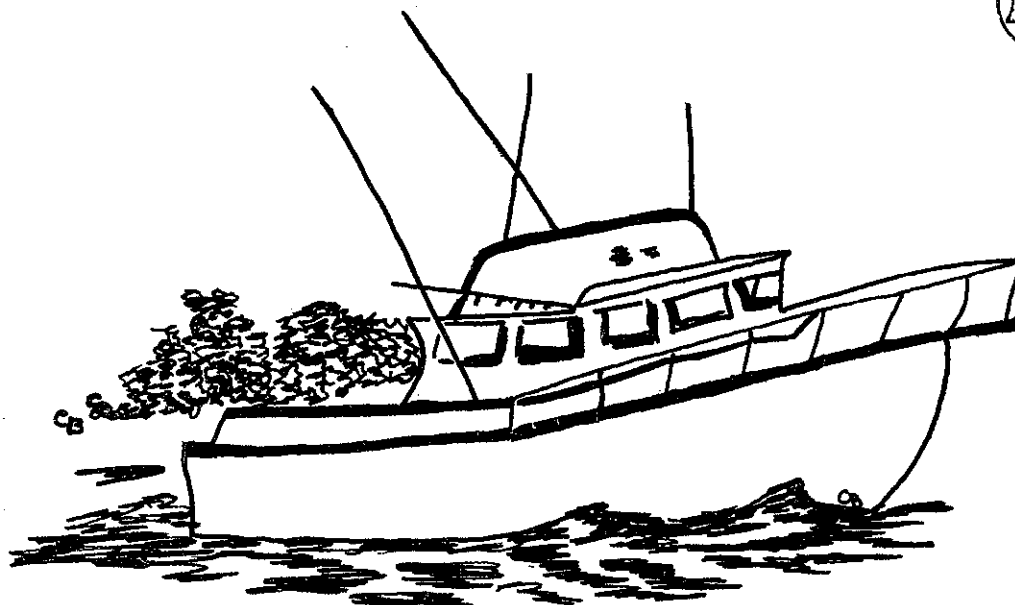
Mississippi Department of  
Wildlife Conservation  
Boat Regulation Department  
P. O. Box 451  
Jackson, MS 39205

The Coast Guard's Personnel Licensing Department is in a new facility in New Orleans, Louisiana. Any questions concerning the Coast Guard's commercial personnel licensing program should be directed to:

USCG Regional Exam Center  
F. Edward Hebert Building  
600 South Maestri Place  
New Orleans, LA 70130

The Coast Guard Marine Inspection and Captain of the Post Office in Mobile, Alabama is involved primarily with commercial vessel safety, post safety and security, and marine environmental protection. The Coast Guard commercial vessel safety program inspects vessels on the Mississippi and Alabama coasts which carry more than six passengers for hire. This would include charter fishing boats, sightseeing boats and ferries. The address is:

U.S. Coast Guard Marine Safety Office  
1900 First National Bank Building  
P. O. Box 2924  
Mobile, AL 36652



## WATER LOG

This newsletter is a quarterly publication reporting on legal issues affecting the Mississippi-Alabama coastal area. The purpose of the newsletter is to increase public awareness of coastal problems and issues.

If you would like to receive future issues of the WATER LOG free of charge, please send your name and address to: Sea Grant Legal Program, University of Mississippi Law Center, University, Mississippi 38677. We welcome suggestions for topics you would like to see covered in the WATER LOG.

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## NOTES

The Sea Grant Advisory Service recommends that fishermen who fish in other states obtain a copy of "Licenses/Fees Required by Alabama, Florida, Louisiana, Mississippi and Texas in Their Marine Waters" for current listing of license fees in the Gulf States. Single copies of the booklet are free from the Gulf States Marine Fisheries Commission, P. O. Box 726, Ocean Springs, MS 39564; phone (601) 875-5912.

The Interior Department announced recently that a total of \$92.1 million for state fish and wildlife programs has been divided among the 50 states, five territories, and the District of Columbia. The funds, which came from special taxes on hunting and fishing equipment purchased by sportsmen, are earmarked for financing fish and game management projects.

The Office of Ocean and Coastal Resource Management has announced that it intends to evaluate both Mississippi and Alabama's coastal management programs early in 1985. For more information regarding the review, contact: Office of Ocean and Coastal Resource Management, NOAA, 3300 Whitehaven St., NW, Washington, DC 20235; (202) 634-4245.

Attention commercial fishermen! The University of Rhode Island Marine Affairs Program has published a 40-page booklet about marine insurance. "A Commercial Fisherman's Guide to Marine Insurance and Law," written in non-technical terms by Dennis Nixon, an admiralty attorney, deals with topics such as admiralty law and the commercial fisherman, the business of marine insurance, and items normally contained in hull as well as protection and indemnity policies. The booklet can be ordered for a price of \$2.00 from: University of Rhode Island, Marine Advisory Service, Publications Unit, Bay Campus, Narragansett, RI 02882.

On January the 9th, the Alabama Environmental Management Commission responded to a request by Save Our Dunes, The Alabama Conservancy, the Sierra Club and the League of Women Voters chapters in Mobile and Baldwin Counties for a hearing to contest the awarding of a permit on October 18, 1984 to Kyser-Baird Properties for construction of a 42-unit project. The Commission voted to appoint a hearing officer. The plaintiffs maintain that the permit for the Grand Key Condominiums on Perdido Key was issued in violation of the Alabama Coastal Area Management Program, (ACAMP), particularly the construction of setback provisions.

The University complies with all applicable laws regarding affirmative action and equal opportunity in all its activities and programs and does not discriminate against anyone protected by law because of age, creed, color, national origin, race, religion, sex, handicap, veteran or other status.

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