



*Lynn Fitch*  
**ATTORNEY GENERAL**  
OPINIONS AND POLICY

December 16, 2025

Mr. Nick Ivy, Executive Director  
Mississippi Soil and Water Conservation Commission  
680 Monroe Street  
Jackson, Mississippi 39202

Re: Activities of Mississippi Soil and Water Conservation Commission

Dear Mr. Ivy:

The Office of the Attorney General has received your request for an official opinion.

### Questions Presented

1. Does the Mississippi Soil and Water Conservation Commission (the “Commission”) have authority under Mississippi Code Annotated Section 69-27-13 to administer federal funds to undertake geologic and hydrologic studies and to undertake modeling/design of flood control solutions, all to carry out the policy in Section 69-27-3?
2. Where these activities would be conducted in a county within a levee district, does Section 69-27-5 require an order of that county’s board of supervisors after 30 days’ notice?

### Brief Response

1. Yes, if the Commission determines that the subject studies fall within the category of “land use needs and problems in the State of Mississippi” and that the modeling/design of flood control solutions are part of “recommendations leading to adoption of land use policy and broad guidelines for meeting the needs and problems so identified,” as set forth in Section 69-27-13(j).
2. Yes. Provisions affording the Commission authority to act would only apply to counties within a levee district when “an order [is] passed by the board of supervisors of such county after thirty (30) days notice by publication of its intention to do so.” Miss. Code Ann. § 69-27-5.

### Applicable Law and Discussion

You first ask if the Commission has authority under Section 69-27-13 to administer federal funds to undertake geologic and hydrologic studies and to undertake modeling/design of flood control solutions, all to carry out the policy in Section 69-27-3.

Section 69-27-3(d) sets forth that “[i]t is . . . the policy of the legislature to provide for the conservation of the water and soil resources of this state . . . and thereby to . . . control floods,” among other things, including “alleviat[ing] and prevent[ing] flood damage.” Section 69-27-3(c) provides appropriate corrective methods for carrying out this legislative policy, such as “appropriate water and soil conserving practices be[ing] adopted and carried out.”

The Commission has been given specific duties and powers to achieve such policy under Section 69-27-13, including but not limited to:

(a) To offer any assistance as may be appropriate to the commissioners of soil and water conservation districts in the carrying out of their powers and programs.

...

(d) To secure the cooperation and assistance of the United States and any of its agencies and of agencies of this state in the work of the districts.

...

(f) To seek and receive grants of monies, and other assets, from any source to carry out this article.

*(g) To distribute any appropriated or other funds or assets under its control, from state, federal or other governmental agencies or political subdivisions, or from private grants, including matching funds to districts.*

...

*(j) To study, classify and evaluate land use needs and problems in the State of Mississippi; to make recommendations leading to adoption of land use policy and broad guidelines for meeting the needs and problems so identified.*

...

(l) To enter into and to authorize the executive director to execute with the approval of the commission, contracts, grants, cooperative agreements and memoranda of understanding with any federal or state agency or subdivision thereof, or any public or private institution located inside or outside the State of Mississippi, or any person, corporation or association in connection with carrying out the purposes of this article.

(emphasis added).

As shown, Sections 69-27-13(f) and (g) clearly provide the Commission with the general authority to receive and administer federal and other funds to conduct its duties. Section 69-27-13(j) provides the Commission with the authority to “study, classify and evaluate land use needs and

problems in the State of Mississippi; to make recommendations leading to adoption of land use policy and broad guidelines for meeting the needs and problems so identified.” Accordingly, if the Commission determines that the subject studies fall within the category of “land use needs and problems in the State of Mississippi” and that the modeling/design of flood control solutions are part of “recommendations leading to adoption of land use policy and broad guidelines for meeting the needs and problems so identified,” then the answer to your first question is yes. Such determination is ultimately factual and thus cannot be made by this office. *See* Miss. Code Ann. § 7-5-25 (granting the Attorney General the authority to opine upon prospective matters of Mississippi law only).

As to your second question, in order to carry out any acts for which the Commission does have authority, Section 69-27-5 provides:

None of the provisions of this article shall apply to any county which is in whole or in part within a levee district bordering on the Mississippi River, unless an order has been passed by the board of supervisors of such county after thirty (30) days notice by publication of its intention so to do.

It is thus the opinion of this office that all provisions providing the Commission with authority to act would only apply to counties within a levee district when “an order [is] passed by the board of supervisors of such county after thirty (30) days notice by publication of its intention to do so.” Miss. Code Ann. § 69-27-5. We note that levees are exclusively addressed in Article XI of the Constitution of the State of Mississippi, which establishes levee districts and boards of levee commissioners. *See* MISS. CONST., ART. XI §§ 228-229.

If this office may be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

By: */s/ Maggie Kate Bobo*

Maggie Kate Bobo  
Special Assistant Attorney General