

Mississippi's Forest Legacy Program

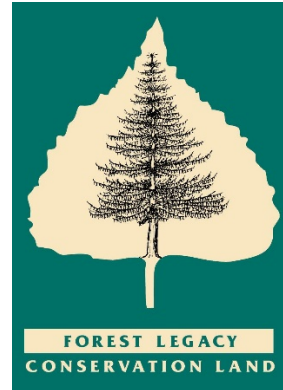
2020 Update



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Mississippi Forest Legacy Program Plan Update 2020

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Mississippi Forest Legacy Program Plan 2020

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Introduction and Purpose of the Forest Legacy Program

About the Forest Legacy Program

The Forest Legacy Program (FLP) is a conservation program administered by the USDA Forest Service in partnership with state agencies such as the Mississippi Forestry Commission (MFC) to encourage the protection of privately owned forest lands *through conservation easements or land purchases*. Protecting forest through FLP provides a multitude of public benefits including:

- Opportunities to hunt, fish, and camp
- Clean and abundant drinking water
- Habitat for fish and wildlife
- Timber, fuel wood, and other forest products.



Loss of forested areas poses an increasing threat to the integrity of the nation's natural resources. As these areas are fragmented and disappear, so do the benefits they provide. By providing economic incentives to landowners to keep their forests as forests, we can encourage sustainable forest management and support strong markets for forest products.

The FLP was established in 1990 through an amendment to the Cooperative Forestry Assistance Act (CFAA) of 1978 (16 USC 2101 et seq.) to promote the long-term integrity of forestlands. Since its creation, FLP has conserved over 2.8 million acres of forest land and expanded across the country to 53 states and territories. These "working forests" protect water quality and provide wildlife habitat, forest products, nature-based recreation and other public benefits.

The purpose of the FLP is to identify and protect environmentally important forest areas that are threatened by conversion to non-forest uses and to promote forestland protection and other conservation opportunities. Desired outcomes include the protection of important scenic, cultural, fish, wildlife, and recreational resources, riparian areas, and other ecological values. Traditional forest uses, including timber management, as well as hunting, fishing, hiking, and similar recreational uses are consistent with purposes of the FLP.

The FLP works with private landowners to acquire perpetual conservation easements that permanently limit property interests and uses to protect forest values. The FLP also purchases and accepts as donations forestland in full fee. The FLP only works with willing sellers or donors. Lands purchased in fee title with funds will remain in ownership by a local, state or federal agency for conservation. Tracts nominated by landowners for the FLP must be within one of the designated Forest Legacy Areas and must meet the state and national program objectives described in this plan. Federal funds via a competitive grant to the State of Mississippi may fund up to 75 percent of FLP project costs. The remaining 25 percent (cost share) must come from non-federal coming from private, state or local sources.

Forest Legacy Program Success in Mississippi

From 2008 to 2020, MFC and public and private partners worked together to fund and protect 6,776 acres of forest lands in Mississippi threatened by conversion (5,511 in public lands and 1,265 acres of conservation easements on private lands).

Forest Legacy Program Plan Update 2020

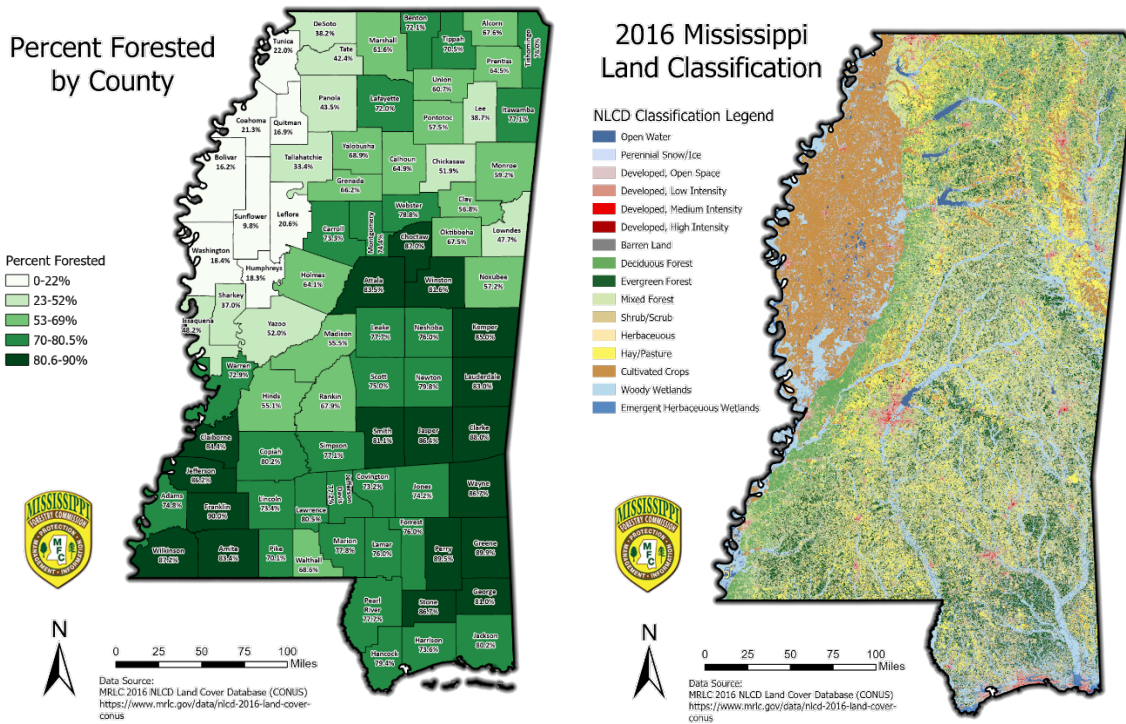
Since the creation of the FLP in the 1990 Farm Bill, states interested in participating in the FLP have been required to demonstrate eligibility through development of an *Assessment of Need* (AON) that is approved by the U.S. Secretary of Agriculture through the Forest Service. Mississippi's first AON was approved in 2007. The 2008 Farm Bill amended the CFAA to require each State to complete a *State Forest Action Plan* in order to receive funds under the CFAA. The 2008 Farm Bill also states that, once approved, the State Forest Action Plans "shall be deemed to be sufficient to satisfy all relevant state planning and assessment requirements" under the Act. As a result, the previous FLP planning requirements that were manifested in the AON must now be incorporated into the State Forest Action Plan. Therefore, *Mississippi's Forest Action Plan 2020* incorporates this updated FLP Plan as an appendix.

In the future, the FLP plan will be updated every 10 years during the update of the State Forest Action Plan and submitted to the USDA Forest Service for approval. Minor updates and corrections may be made in the interim, with Forest Service approval.

For the purposes of the FLP, the *State Forest Action Plan* must define eligibility criteria that Mississippi will use to identify and delineate important forest areas as Forest Legacy Areas, identify goals for each FLA, and outline the State's project evaluation and prioritization procedures. The following is a description of those required elements.

MISSISSIPPI'S FOREST RESOURCES

Mississippi is rich in diverse natural forest communities. Approximately 62 percent of the land base of Mississippi is forested, totaling 19.1 million acres. Forests are located statewide, but the type of forest cover varies dramatically across the state. Over 89 percent of the state's forest lands are in private ownership, 8.7 percent are in federal ownership and 3 percent are in state/local ownership. Forest-related industries contribute \$13 billion to the state's economy and directly employ 61,794 people paying \$1.1 billion in wages each year.



In any year, timber is ranked among the three most valuable agricultural crops in the state. In addition to economic benefits, human health, aesthetic, fish and wildlife habitat, ecosystem service and recreational benefits of forests are also well-documented and recognized. **Though the amount of forest cover increased from 1970 to 2010 due to conversion of agricultural lands to pine plantation, Mississippi lost 328,040 acres from 2010 to 2015 as forest land reverted back to agriculture or was cleared for development.**

For more on the history, current uses, ownership trends, public benefits, and threats to forest resources and existing forest conservation programs, see Chapters I-V of the *Mississippi's Forest Action Plan 2020*.

FOREST COMMUNITIES OF MISSISSIPPI



Photo credit: MS Natural Heritage Program

The Mississippi Department of Wildlife, Fisheries and Parks (MDWFP) Mississippi Natural Heritage Program (NHP) classifies 15 habitat and 63 habitat subtypes in its 2015 *State Wildlife Action Plan* (SWAP) and provides a detailed description of each natural plant community, the wildlife and fish species of concern associated with each type, and identifies the major threats and potential conservation actions needed to abate those threats.

The Mississippi FLP has adopted the forest community types defined in the 2015 SWAP for the purposes of this updated FLP update. Nine major natural forest communities described in the SWAP are:

Forest Communities in Mississippi*

Xeric-Mesic Upland Forest/Woodlands

Mesic Upland Forests

Bottomland Hardwoods

Swamp Forests

Riverfront Forests

Wet Pine Savannas/Flatwoods

Cedar Glades (within Prairies)

Upland Maritime Woodlands

Pine Plantation

**Adapted from the 2015 Mississippi State Wildlife Action Plan*

A full description of the extent, location, condition of all forest community types can be found in the Mississippi SWAP along with a list of fish and wildlife species of concern associated with each forest community and the threats and recommended conservation actions for those natural communities. An abbreviated description of the forest community types is also included in the *Mississippi Forest Action Plan 2020*.

Link to the 2015 Mississippi State Wildlife Action Plan

<https://www.mdwfp.com/museum/seek-study/state-wildlife-action-plan/>

SELECTION OF MISSISSIPPI'S FOREST LEGACY AREAS

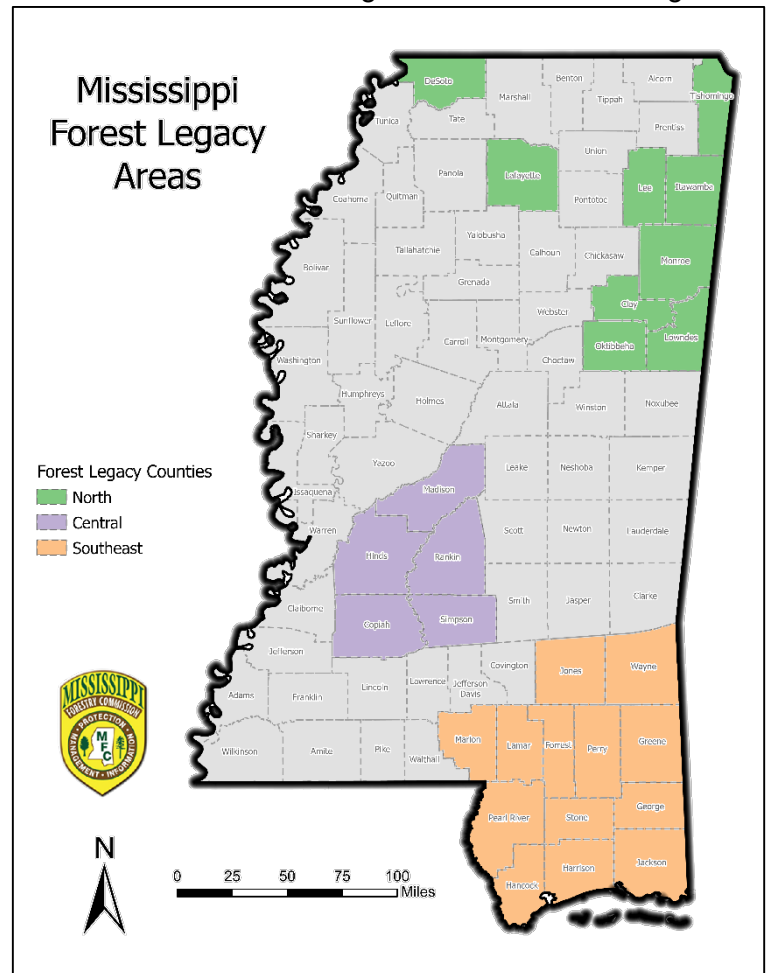
The plan for implementing the FLP in Mississippi was described in the original *Mississippi Forest Legacy Program Assessment of Need* (AON) and approved by the USDA Forest Service in 2007. At the beginning of the FLP program implementation in Mississippi, the MFC identified three Forest Legacy Areas (FLAs) based on input from the public and under the guidance of the State Forest Stewardship Coordinating Committee (SFSCC). All tracts proposed to the Mississippi FLP must be in a designated FLA. The FLAs are delineated based on many factors including habitat diversity, types of natural forest communities in each area, significant past and projected increases in human population and recent conversion of forestland to other uses.

During the development of the 2020 update of Mississippi's *Forest Action Plan*, MFC incorporated this updated *Mississippi Forest Legacy Program Plan* in its Appendix. With stakeholder input and through analysis of geospatial and population data MFC decided to extend the boundaries of FLAs to include additional counties where the threat of conversion to forest communities is likely. Census and human population growth data and projections, and updated information from the Mississippi Natural Heritage Program on forested areas of high biodiversity were analyzed to help inform our decisions on adding counties to the existing FLAs.

We also received input from land trusts and sister resource agencies in reviewing the extent of FLAs. As a result, we added three counties to the North Mississippi FLA, and expanded the Central FLA to include whole counties versus watershed boundaries. The Southeast FLA remains unchanged.

Updated maps and descriptions of the Southeast, Central and North Forest Legacy Areas are on the following pages. Tables indicating population statistics, forest cover and county totals of fish and wildlife species of greatest conservation need are included for each FLA in addition to descriptions of:

1. General characteristics, important conservation areas and environmental values at risk.
2. Threats to those values.
3. Geographic boundaries (counties) within which priorities may be considered for the program.



Nominations of potential FLP tracts must be within the North, Central or Southeast FLA.

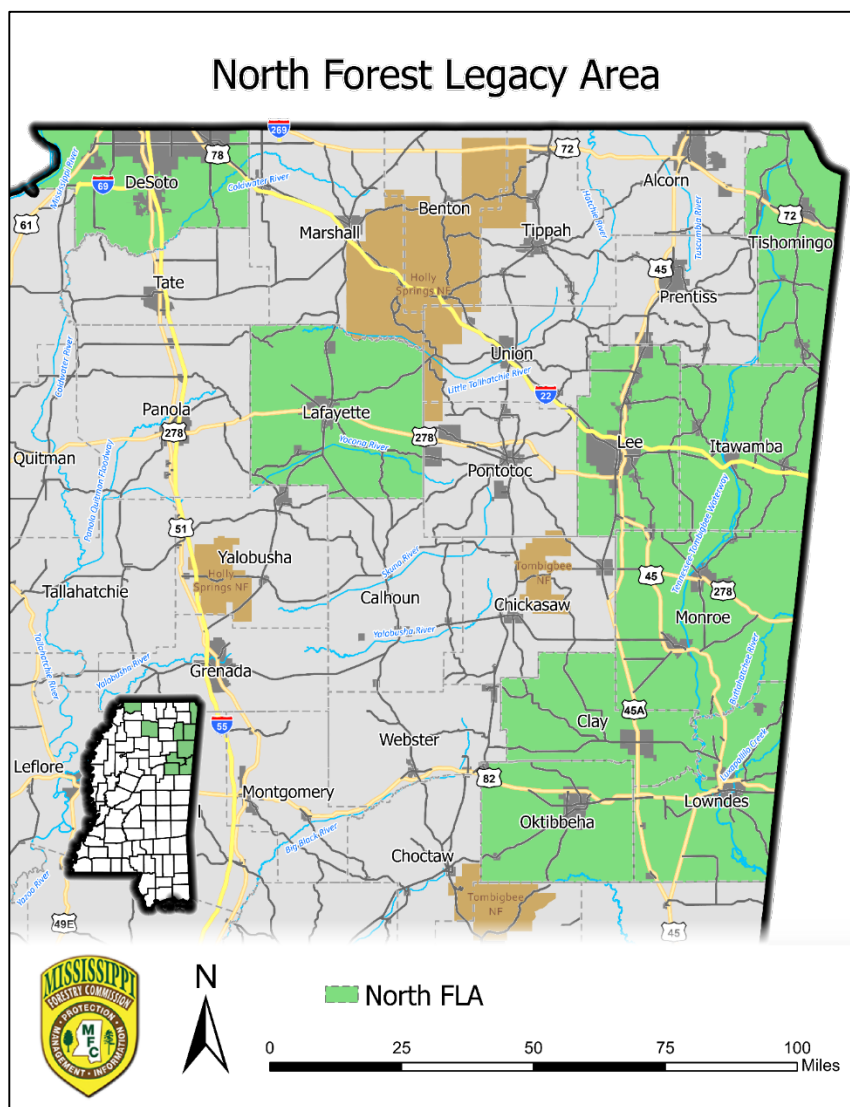
North Mississippi Forest Legacy Area

Ecoregions: Upper East Gulf Coastal Plain and Mississippi River Alluvial Plain

Counties: Clay, DeSoto, Itawamba, Lafayette, Lee, Lowndes, Monroe, Oktibbeha, Tishomingo

Important Forest Types in the North FLA: Bottomland hardwoods, lower slope/high terrace hardwood forests, dry hardwood forests, dry to mesic hardwood forests, baldcypress/gum swamp forests

Conservation Values and Priorities in the North FLA: Tombigbee drainage, Northeast Hills/ Tennessee River drainage, Buttahatchie River, Mississippi River, Coldwater River, Yocona River, Little Tallahatchie River, Tennessee-Tombigbee River, Bear Creek, Natchez Trace corridor, Sardis Lake, Arkabutla Lake, Horn Lake, scenic streams, riparian corridors and forested wetlands along ecoregional priority river/ stream reaches, wildlife crossings and migration corridors, areas adjacent to public lands managed for conservation and mitigation banks, scenic roads, existing private conservation lands, 16th Section lands and military installations, areas adjacent to private preserves and conservation easements



Important Public Lands in the North FLA: Tennessee Tombigbee Waterway, Holly Springs National Forest, Tombigbee National Forest, Noxubee National Wildlife Refuge, Divide Section WMA, John Bell Williams WMA, Canal Section WMA, Black Prairie WMA, Upper Sardis WMA, Trim Cane WMA, John Starr WMA, Sardis Waterfowl Area, Graham Waterfowl Area, J.P. Coleman State Park, Tishomingo State Park, Tombigbee State Park, Lake Lowndes State Park, Columbus AFB, 16th Section Lands, Lake Monroe, Elvis Presley Lake, Lake Lamar Bruce

Threats to natural forest communities in the North FLA: Urban sprawl, fragmentation/parcelization, invasive species, second home/ vacation home development, conversion of natural forest communities to pine plantations, channel modification, sand and gravel mining

Table 1: Forested Area, Human Population Projections and Wildlife Species of Concern in the North Mississippi Forest Legacy Area*

Mississippi County	County Acres – GIS	Forest land Acres	2018 Total Population (ESRI)	2023 Total Population Estimate (ESRI)	2018 Population Density Per Square Mile (ESRI)	2023 Population Density Estimate Per Square Mile (ESRI)	2018-2023 Population: Annual Growth Rate (ESRI)	Species of Greatest Conservation Need (MS NHP)
Clay	266,217	161,910	19,980	19,483	48.7	47.5	-0.5	104
DeSoto	317,834	115,326	181,116	196,147	380.4	411.9	1.6	38
Itawamba	345,894	292,512	23,998	24,212	45.0	45.4	0.2	72
Lafayette	434,603	272,663	56,405	61,785	89.3	97.8	1.8	78
Lee	289,985	91,524	86,039	87,604	191.2	194.7	0.4	52
Lowndes	330,538	135,575	60,602	61,253	119.9	121.2	0.2	118
Monroe	494,117	293,965	36,744	36,724	48.0	48.0	0.0	119
Oktibbeha	295,570	241,138	50,893	52,876	111.1	115.4	0.8	121
Tishomingo	284,545	192,553	19,971	20,178	47.1	47.6	0.2	239
Grand Total	3,059,303	1,797,166	535,748	560,262				

**Source for acreages and population statistics ESRI. Mississippi Natural Heritage Program provided county totals for species of greatest conservation need from the 2015 Mississippi State Wildlife Action Plan*

Central Mississippi Forest Legacy Area

Ecoregion: Upper East Gulf Coastal Plain

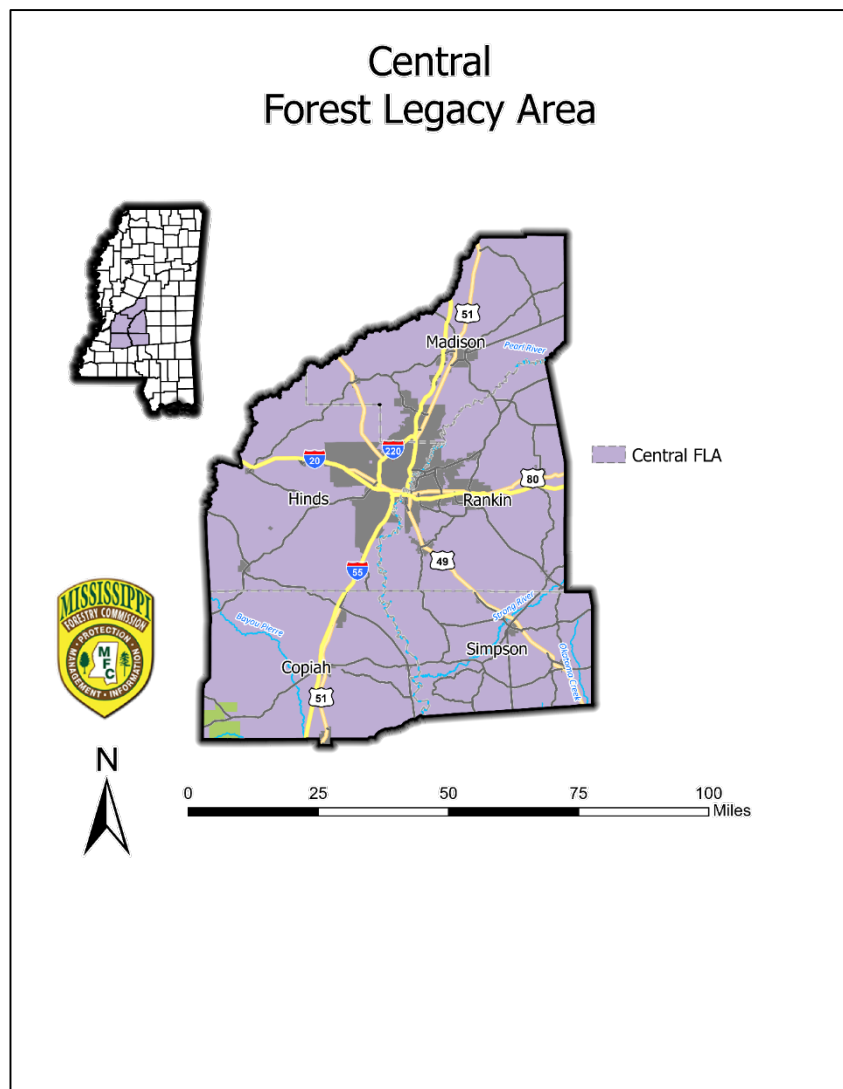
Counties: Copiah, Hinds, Madison, Rankin, and Simpson

Important Forest Types in the Central FLA:

Bottomland hardwoods, baldcypress/gum swamp forests, lower slope/high terrace hardwood forests

Conservation Values and Priorities in the Central FLA:

Big Black River drainage, Upper and Lower Pearl River drainage, Bayou Pierre, Okatoma Creek, Ross Barnett Reservoir, Natchez Trace corridor, wildlife crossings/migratory corridors, riparian corridors and forested wetlands along ecoregional priority river/stream reaches, areas adjacent to public lands managed for conservation and mitigation, existing private conservation lands and 16th Section lands, areas adjacent to private preserves and conservation easements



Important Public Lands in the Central FLA: Natchez Trace National Park, Ross Barnett Reservoir, Pearl River WMA, Copiah County WMA, LeFleur's Bluff State Park, 16th Section lands, Simpson County Lake, Calling Panther Lake

Threats to natural forest communities in the Central FLA: Metro area sprawl, significant suburban and exurban development, fragmentation/parcelization, flood control/channel modification, road, parkway and infrastructure construction, sand and gravel mining, conversion of natural forest communities to pine plantation

Table 2: Forested Area, Human Population Projections and Wildlife Species of Concern in the Central Mississippi Forest Legacy Area *

Mississippi County	County Acres - GIS	Forestland Acres	2018 Total Population (ESRI)	2023 Total Population Estimate (ESRI)	2018 Population Density Per Square Mile (ESRI)	2023 Population Density Estimate Per Square Mile (Esri)	2018-2023 Population: Annual Growth Rate (Esri)	Wildlife Species of Greatest Conservation Need (MS NHP)
Copiah	498,700	414,408	29,217	28,775	37.6	37.0	-0.3	45
Hinds	561,337	255,300	241,686	235,914	277.9	271.2	-0.5	76
Madison	474,720	259,852	110,172	120,132	154.2	168.1	1.8	60
Rankin	515,786	320,171	152,523	160,721	196.7	207.3	1.1	61
Simpson	377,819	264,714	27,211	26,731	46.2	45.4	-0.4	44
Grand Total	2,428,362	1,514,445	560,809	572,273				

**Source for acreages and population statistics ESRI. Mississippi Natural Heritage Program provided county totals for species of greatest conservation need from the 2015 Mississippi State Wildlife Action Plan.*

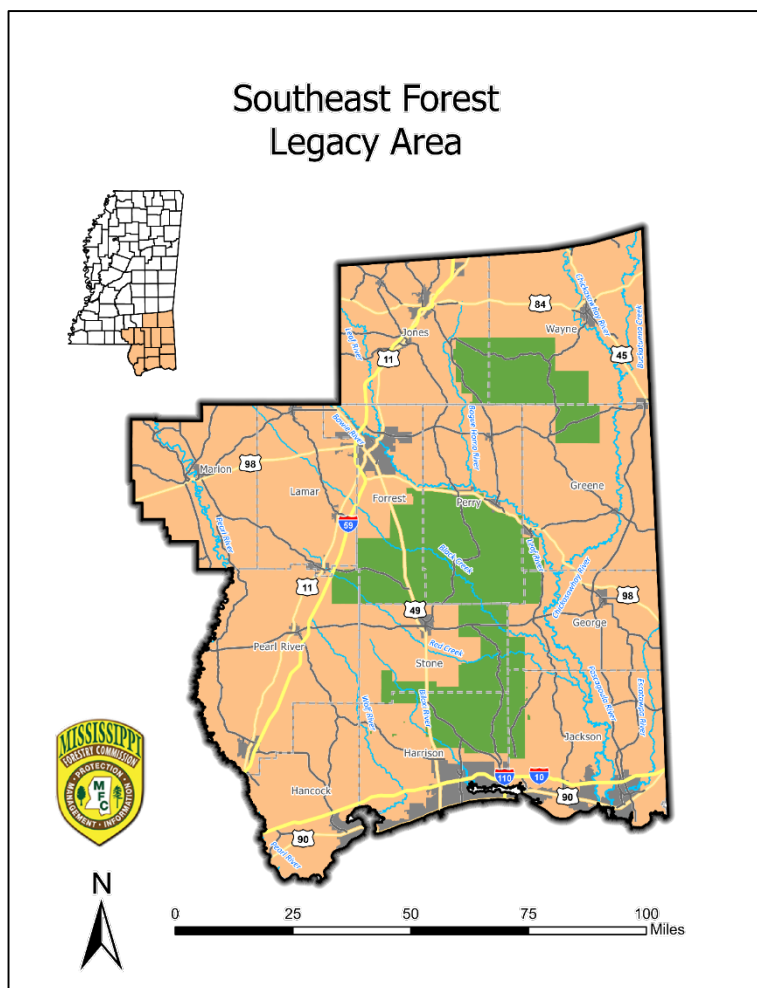
Southeast Mississippi Forest Legacy Area

Ecoregions: East Gulf Coastal Plain, Northern Gulf of Mexico

Counties: Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Marion, Pearl River, Perry, Stone, Wayne

Important Forest Types in the Southeast FLA: Wet pine savannas/slash pine flatwoods, mesic longleaf pine forests, dry longleaf pine forests, bottomland hardwoods, small stream swamp forests, maritime forests, beech/magnolia forests, pine seeps

Values and Priorities for Southeast FLA: Pascagoula River drainage, Lower Pearl River drainage, Black Creek, Leaf River, Okatoma Creek, Ragland hills, Leaf River, scenic streams, barrier islands, fallout habitat for neotropical migratory songbirds, Black bear, gopher tortoise, gopher frog, pitcher plant habitat, riparian corridors and forested wetlands along ecoregional priority river/stream reaches, wildlife crossings and migration corridors, areas adjacent to public lands managed for conservation and mitigation banks, existing private conservation lands, 16th Section lands and military installations, areas adjacent to private preserves and conservation easements



Important Public Lands in the Southeast FLA: DeSoto National Forest, Chickasawhay Ranger District, Stennis Space Center, Camp Shelby, Red Creek WMA, Pascagoula River WMA, Wolf River WMA, Leaf River WMA, Old River WMA, Little Biloxi WMA, Red Creek WMA, Ward Bayou WMA, Chickasawhay WMA, Mississippi Sandhill Crane NWR, Grand Bay NWR and National Estuarine Research Reserve, Mississippi Department of Marine Resources Coastal Preserves, Gulf Island National Seashore, Paul B. Johnson State Park, Buccaneer State Park, Shepard State Park, 16th Section Lands

Threats to natural forest communities the Southeast FLA: Significant urban and exurban sprawl from coastal development and Hattiesburg, population shifts within the region generated by storm hazards, hurricanes, sea level rise and more frequent flooding, significant recent timber losses from hurricanes and strong storms, second home/vacation home development, decades of fire exclusion in fire-dependent forest communities, sale of industry lands to individuals, invasive species, road and infrastructure construction, conversion of natural stands to pine plantations and sand and gravel mining, fragmentation/parcelization

Table 3: Forested Area, Human Population Projections and Wildlife Species of Concern in the Central Mississippi Forest Legacy Area *

Mississippi County	County Acres - GIS	Forestland Acres	2018 Total Population (ESRI)	2023 Total Population Estimate (ESRI)	2018 Population Density Per Square Mile (ESRI)	2023 Population Density Estimate Per Square Mile (ESRI)	2018-2023 Population: Annual Growth Rate (ESRI)	Species of Greatest Conservation Need (MS NHP)
Forrest	300,830	208,525	75,838	75,547	162.6	162.0	-0.1	133
George	309,512	212,040	23,952	24,894	50.0	52.0	0.8	129
Greene	459,941	402,065	13,703	13,424	19.2	18.8	-0.4	97
Hancock	353,514	203,507	49,209	51,982	103.9	109.7	1.1	172
Harrison	624,593	275,305	206,287	217,254	359.4	378.5	1.0	196
Jackson	667,700	330,989	144,740	148,245	200.3	205.1	0.5	291
Jones	447,716	297,912	68,332	68,034	98.3	97.9	-0.1	53
Lamar	320,214	222,939	59,391	62,365	119.5	125.5	1.0	75
Marion	350,979	266,414	25,925	24,924	47.8	46.0	-0.8	64
Pearl River	523,953	355,951	56,971	58,076	70.3	71.6	0.4	133
Perry	416,046	356,662	12,423	12,586	19.2	19.4	0.3	158
Stone	286,704	241,973	18,248	18,579	41.0	41.7	0.4	129
Wayne	520,605	404,519	20,937	21,101	25.8	26.0	0.2	106
Grand Total	5,582,307	3,778,801	775,956	797,011				

**Source for acreages and population statistics ESRI. Mississippi Natural Heritage Program provided county totals for species of greatest conservation need from the 2015 Mississippi State Wildlife Action Plan.*

Forest Legacy Program Implementation in Mississippi

Program Goal and Objectives

The FLP mandate in the enabling CFAA legislation (Appendix II) is to ***ascertain and protect environmentally important forest areas that are threatened by conversion to non-forest uses*** and to ***promote forest land protection and other conservation opportunities***, including the protection of important scenic, cultural, fish, wildlife, and recreational resources, riparian areas and other ecological values. Within this framework, Mississippi's FLP objectives below were derived from input from the SFSCC, other natural resource agencies and from stakeholder and public input. The objectives are used to determine eligible tracts for nomination and are aimed at protecting forest resource values that stakeholders and the public consider of greatest concern.

Mississippi's Forest Legacy Program Goal: *To protect environmentally important forests in Mississippi threatened by conversion to non-forest uses.*

Mississippi Forest Legacy Program Objectives:

- To sustain native or rare and unique forest ecosystems
- To protect water quality
- To prevent development along lakes, rivers and protected lands
- To protect wildlife habitat
- To maintain traditional forest uses, including hunting and fishing
- To sustain productive forests
- To provide public recreation opportunities

Applying to the Forest Legacy Program

Through FLP grants, the State of Mississippi may acquire conservation easements and fee acquisitions from willing landowners that meet the state and federal FLP goal and objectives. Properties acquired will be protected in perpetuity through a conservation easement deed or by becoming public land.

Eligible landowners interested in nominating their property for consideration for FLP must submit a completed application with all supporting documentation to the Mississippi Forest Legacy Coordinator by the annual deadline of August 15 using the FLP application form contained in Appendix III. The application may also be downloaded from the MFC website at www.mfc.ms.gov.

Prior to completing the application, landowners are strongly encouraged to review the eligibility requirements and guidance on the FLP in this document. Only tracts that are located in one of the three designated Mississippi FLAs will be considered and nominated tracts must meet the national and state criteria and must have a completed application submitted by the deadline. Note that all conservation easements and interests in land acquired through the program are conveyed in perpetuity and must contain such covenants and language to insure perpetuity of FLP easements. Participation in the program is strictly voluntary.

Applications will be reviewed and ranked by MFC and then submitted to the USFS for consideration. Tracts that meet the national and state guidelines have the best chance of being nominated and funded. FLP is a nationally-competitive grant program to the states, so funding is not guaranteed for any application.

Selection Procedure for FLP Applications

Mississippi's FLP Coordinator and MFC staff will review and evaluate completed applications received by the August 15 deadline each year, will inspect nominated properties and then make recommendations to the Mississippi Stewardship Coordinating Committee (FSCC) and State Forester on tracts deemed eligible for the FLP program. Because the national FLP is a highly competitive grant program, only those tracts that are located in a FLA, meet multiple program objectives and have potential to compete nationally for funding will be submitted by the State Forester to the USDA Forest Service for funding consideration. The list of approved tracts will be prioritized by the MFC staff based on how well they meet state and federal program objectives and based on securing the 25 percent non-federal cost share required to match the 75 percent federal funding, if awarded. MFC is responsible for submitting nominated tracts for consideration to the USDA Forest Service through the online Forest Legacy Information System before federal deadline.

The USDA Forest Service assembles a national panel each year to review and rank nominated tracts from each state that best meet the goal and objectives of the FLP. Once the federal list of recommended FLP projects is approved by Congress, the Forest Service will provide a grant award to the states whose proposed FLP tracts were approved for federal funding. The time from nominating a tract at the state level to the state receiving a federal grant award may be several months to over a year. Competition for FLP dollars is fierce across the nation and funding is limited. States may not receive funding every year. Not all nominated tracts receive FLP funds.

Lands and interests in lands identified within a FLA under FLP authority may only be acquired on a willing seller/willing buyer basis. Conservation easements may be held either by an eligible state or local government entity such as MFC and the landowner must agree to manage the land for FLP purposes. As the lead state agency for FLP, MFC will follow the procedures set forth in the federal *Forest Legacy Program Implementation Guidelines*. The following section on eligibility criteria is excerpted from the federal FLP guidance.

Eligibility Criteria

National Guidelines - According to the Federal legislation (Appendix II), Forest Legacy Areas "shall have significant environmental values or shall be threatened by present or future conversion to non-forest uses". In accordance with the law "priority shall be given to lands that can be effectively protected and managed, and which have important scenic or recreational values; riparian areas; fish and wildlife values, including threatened and endangered species; or other ecological values". Further, the Forest Service's *Forest Legacy Program Implementation Guidelines* (May 2017) and *Project Scoring Guidance* (see Appendix IV) for regional and federal funding emphasize **four core national criteria** below that will be applied to score and rank FLP projects during the national review.

Core National FLP Criteria

1. Importance – This criterion focuses on the environmental, social, and economic public benefits gained from the protection and management of the property. More points will be given to projects that demonstrate multiple public benefits at the national or multi-state scale. This criterion reflects the ecological assets and the economic and social values conserved by the project and its level of significance. Attributes that will be considered in evaluating projects nationally for *Importance* include:

- **Economic Benefits from Timber and Potential Forest Productivity** – Landowner should demonstrate sustainable forest management in accordance with a management plan. Additional points may be given to land that is third party certified. Do forestry activities contribute to the resource-based economy for a community or region? Does property contain characteristics such as highly productive soils to sustain a productive forest?
- **Economic Benefits from Non-timber Products** – Provides non-timber revenue to the local or regional economy through activities such as hunting leases, ranching, non-timber forest products (e.g. pine straw raking), guided tours (wildlife viewing), and recreation and tourism (lodging, rentals, bikes, boats, outdoor gear).
- **Threatened or Endangered Species Habitat** – Site has documented threatened or endangered plants and animals or designated habitat. Federally-listed species receive more consideration than state-only listed species.
- **Fish, Wildlife, Plants and Unique Forest Communities** – Site contains unique forest communities and/or important fish or wildlife habitat as documented by a formal assessment or wildlife conservation plan or strategy.
- **Water Supply, Aquatic Habitat and Watershed Protection** – Property has a direct relationship with protecting the water supply or watershed, such as providing a buffer to public drinking water supply, containing an aquifer recharge area, or protecting and ecologically important aquatic or marine area. Or the property contains important riparian areas, wetlands, shorelines, river systems, or sensitive watershed lands. The scope and scale of the property, and the magnitude and intensity of the benefits that will result are important.
- **Public Access** – Protection of the property will maintain or establish access by the public for recreation; however, restrictions on specific use and location of recreational activities may exist.
- **Scenic** – Located within a viewshed of a government designated scenic feature or area (trail, river, highway).
- **Historic/Cultural/Tribal** – The site contains features of historical, cultural and/or tribal significance, formally documented by a government or a non-governmental organization.

2. Threatened - This criterion estimates likelihood of forest conversion. More points will be given to projects that demonstrate multiple conditions; however, a project need not have all the conditions listed to receive maximum points. If the property has been acquired by a third party with the support of the state, threatened status will be evaluated based on the situation prior to the third party acquisition.

- **Lack of Protection** – The lack of temporary or permanent protections (e.g. current zoning, temporary or permanent easements, moratoriums, and encumbrances that limit subdivision or conversion) that currently exist on the property and the likelihood of threat of conversion.

- **Land and Landowners Circumstances** – Property held in an estate, aging landowner, future of property by heirs is uncertain, property is for sale or has sale pending, landowner anticipates owning property for a short duration, landowner has received purchase offers, land has an approved subdivision, landowner has sold subdivisions of the property.
- **Adjacent Land Use** – Characteristics such as existing land status, rate of development growth and conversion, rate of population growth (percent change), rate of change in ownership.
- **Ability to Develop** – Physical attributes of the property that will facilitate conversion, such as access, buildable ground, zoning, slope, water/sewer, electricity, etc.

3. Strategic – This criterion reflects the project’s relevance or relationship to conservation efforts on a broader perspective. When evaluating strategic criteria, four consideration should be made: 1) the scale of the conservation initiative, strategy, or plan; 2) the scale of the proposal’s contribution to that initiative, strategy or plan; 3) the placement of the parcel within the area of the initiative, strategy or plan; and 4) how the project complements protected lands.

4. Project Readiness – This is the degree of due diligence completed. The reviewers want to know that there is local support for the proposal, that it can be completed, and the state and partners have the means and capacity to complete the acquisition or easement in a predictable timeline. Readiness attributes they will consider include:

- Completed appraisal and review that meets federal appraisal standards.
- Landowner and easement holder have a general agreement on easement or fee acquisition conditions.
- Cost share commitment has been obtained from a specified source.
- Signed option or purchase and sales agreement held by the state or at the request of the state OR at the request of the state, conservation easement or fee title is held by a third party.
- Completed title search.
- Minerals determination.
- Completed Forest Stewardship or Multi-resource Management Plan (for conservation easement properties).

Percent forested area: Proposed tracts do not have to be completely forested. However, priority will generally be given to tracts that are currently forested or are identified as forested in the landowner’s Forest Stewardship Plan or multi-resource management plan. Non-forest uses are those that may be compatible with forest uses as part of an undeveloped landscape including cultivated farmland, pasture, grassland, shrubland, open water and wetlands. Non-forest uses should be less than 25 percent of the total area. Non-compatible uses are those inconsistent with maintaining forest cover, including, but not limited to, activities that result in extensive surface disturbance such as residential and commercial development and surface mining. These uses will be excluded from FLP conservation easements or land purchases in Mississippi.

For more information, see the federal **Forest Legacy Program Implementation Guidelines**. May 2017. https://www.fs.usda.gov/sites/default/files/fs_media/fs_document/15541-forest-service-legacy-program-508.pdf

Mississippi Forest Legacy Criteria

The eligibility criteria and objectives below complement the federal criteria and *FLP Implementation Guidelines*. To be eligible for consideration in the Mississippi's FLP, a completed application and all required information must be submitted to MFC by the August 15 deadline and the private forestland tracts must:

1. Be **threatened by conversion** to non-forest uses.
2. Be owned by landowners that are **willing** and interested in donating or selling conservation easements, reserved interest deeds or fee title through the FLP.
3. **Contribute to multiple objectives** of Mississippi's FLP:
 - Sustain native or rare and unique forest ecosystems
 - Protect water quality
 - Prevent development along lakes, rivers and protected lands
 - Protect wildlife habitat
 - Maintain traditional forest uses, including hunting and fishing
 - Sustain productive forests
 - Provide public recreation opportunities
4. **Possess environmental values that can be protected and managed** effectively through conservation easements or fee simple acquisition at a reasonable cost. When judging whether a tract has environmental values that can be protected and managed efficiently the MFC will consider:
 - The nature of environmental values proposed for protection and whether they can be monitored effectively and economically.
 - Whether the tract is likely to become isolated from other areas maintained for important forest resources by development on adjacent tracts.
 - Whether the landowner's management objectives are compatible with the protection of resources they propose.
 - Whether a land trust, conservancy, public agency or other appropriate organization has expressed an interest in working with MFC and the landowner to establish and monitor the easement.
 - Whether other sources of funding for tract acquisition, easement closing, monitoring and other associated costs are available.

Owners of forestlands within one of the three designated FLAs that meet the criteria and application requirements described herein are eligible to submit a FLP application.

Use of Forest Legacy Program Funds

Federal project funds are those granted to MFC by the USDA Forest Service to directly purchase lands or conservation easements from landowners. Project funds may be used to cover transaction costs including appraisals and appraisal review, land surveys, closing costs, baseline documentation reports, title work, purchase of title insurance, conservation easement drafting, or other real estate transaction expenses for FLP tracts. Project funds may also be expended to facilitate donations of land or interests in lands to a qualified or willing donee for FLP purposes, by paying expenses directly related to the donation, including, but not limited to,

land surveys, conservation easement drafting, title work and establishing baseline information. For an outright donation of a conservation easement, FLP program funds may not be used to pay for an appraisal. In the case of a partial donation of a conservation easement or land, an appraisal meeting Federal standards is required to determine the value of the property. FLP funds may be used for appraisals on these partial donations.

Non-Federal Cost Share Requirements

The maximum federal contribution for total program costs may not exceed 75 percent. Thus, a minimum non-federal contribution of 25 percent that meets FLP purposes is required. The non-federal cost share may consist of:

- the value of land, or interest in land, dedicated to FLP that is not paid for by the federal government.
- non-federal costs associated with program implementation
- other non-federal costs associated with a grant or other agreement that meets FLP purpose.

Non-federal cost-share, including donations of land or conservation easement, must be documented. Cost share donations may occur at any phase of the FLP grant period.

Application Deadlines and Submission Address

Because the FLP is federally funded, it is subject to annual appropriations. In order to assess the need for FLP dollars, Congress asks for a list of potential Forest Legacy projects a year in advance of the next fiscal year which begins each October 1.

Applications must be received in hand by August 15 by the close of business by:

Forest Legacy Coordinator
Mississippi Forestry Commission
660 North Street, Suite 300
Jackson, MS 39202
Main Phone: (601) 359-1386
Fax: (601) 359-1349
www.mfc.ms.gov

Links and Supporting Documents

Mississippi Department of Wildlife, Fisheries and Parks. *Mississippi State Wildlife Action Plan, 2015-2020*. <https://www.mdwfp.com/museum/seek-study/state-wildlife-action-plan/>

USDA Forest Service. *Forest Legacy Program Implementation Guidelines*. May 2017. https://www.fs.usda.gov/sites/default/files/fs_media/fs_document/15541-forest-service-legacy-program-508.pdf

USDA Forest Service. Forest Legacy Program. <https://www.fs.usda.gov/managing-land/private-land/forest-legacy>

Acknowledgements

This updated *Assessment of Need* builds on the original Mississippi FLP Assessment of Need (2007-2012) that was the result of many meetings, research and input by numerous individuals, agencies and organizations.

Special thanks to the land trusts and sister agencies in Mississippi who have supported and participated in the Mississippi Forest Legacy Program and in advising us on this 10-year update including:

Land Trust for the Mississippi Coastal Plain
Mississippi Department of Environmental Quality
Mississippi Department of Wildlife, Fisheries and Parks
Mississippi Land Trust
Mississippi Natural Heritage Program
Mississippi Secretary of State
National Fish and Wildlife Foundation
The Nature Conservancy, Mississippi
The Trust for Public Land
The Partnership for Gulf Coast Land Conservation
And many Mississippi landowners and partners

We also wish to thank Russell Bozeman, State Forester, and the staff of the Mississippi Forestry Commission for their hard work, cooperation and patience in this development process and to Mike Murphy (retired), Jack McGee and Susan Granbery, USDA Forest Service for their guidance and advice throughout. Sincere thanks to the members of Mississippi's Forest Stewardship Coordinating Committee for their support and assistance. We appreciate MFC staff Clayton Cooley and Brian Mitchell for updating the Forest Legacy Area maps.

We are grateful for the Mississippi Department of Wildlife, Fisheries and Parks's Natural Heritage Program and the Museum of Natural Science staff for sharing their data, photographs and input on the updated Forest Legacy Areas.

Compiled and written by Elizabeth Rooks-Barber, Barber and Mann, Inc and Richard McInnis, Assistant State Forester and Forest Legacy Program Coordinator.

Appendix

- I. Letters of Authorization to the State of Mississippi
- II. Forest Legacy Statute
- III. Forest Legacy Program Application
- IV. Federal Forest Legacy Program Scoring Guidance

APPENDIX

APPENDIX I - LETTERS OF AUTHORIZATION



United States
Department of
Agriculture

Forest
Service

Washington
Office

1400 Independence Avenue, SW
Washington, DC 20250

File Code: 3200

Date: March 30, 2005

The Honorable Haley Barbour
Governor
State of Mississippi
P.O. Box 139
Jackson, MS 39205

Dear Governor Barbour:

I am writing to you on behalf of USDA Forest Service Chief, Dale Bosworth. Thank you for your letter of March 7, 2005, indicating interest in the Forest Legacy Program and naming the Mississippi Forestry Commission as the lead agency to implement the program. We look forward to working with the Mississippi Forestry Commission over the coming months to develop an Assessment of Need (AON). The AON provides an evaluation of forests and forest uses, an assessment of forces that are converting forests to non-forest uses, and guides implementation of the program in the State. Subject to availability of funds in fiscal year 2005, the USDA Forest Service hopes to provide funding to assist with the development of the AON. We are also ready to provide technical assistance as needed.

We appreciate the opportunity to collaborate with you on the Forest Legacy Program. The Program Coordinator for the Southern Region, which includes Mississippi, is Elizabeth Crane, who can be contacted at (404) 347-5214. Thank you for your interest in and support of the Forest Legacy Program.

Sincerely,


LARRY PAYNE
Director, Cooperative Forestry



Caring for the Land and Serving People

Printed on Recycled Paper





STATE OF MISSISSIPPI
OFFICE OF THE GOVERNOR

HALEY BARBOUR
GOVERNOR

March 7, 2005

Mr. Dale Bosworth
Chief, USDA Forest Service
201 14th St, SW at
14th and Independence Ave, SW
Washington, DC 20250

Dear Chief Bosworth,

As Governor of the State of Mississippi, I am pleased to inform you that Mississippi desires to participate in the Forest Legacy Program. With this letter, I would like to formally delegate the Mississippi Forestry Commission as Mississippi's lead agency in coordinating the program. The Commission is headed by interim State Forester Everard Baker who will serve as the principal contact for the USDA Forest Service in establishing the Forest Legacy Program in Mississippi.

Forestry is very important to Mississippi, and I look forward to implementing this valuable program in our State.

Sincerely,

A handwritten signature in black ink, appearing to read "Haley Barbour".

Haley Barbour
Governor

HB/jwr

CC: Ms. Elizabeth S. Crane, USFS
Mr. Everard Baker, MS Forestry Commission
Dr. Sam Polles, MS Dept. Wildlife, Fisheries, and Parks

APPENDIX II : FOREST LEGACY STATUTE

Excerpt from Title XII – State and Private Forestry Forest Stewardship Act of 1990 Section 1217 – Forest Legacy Program

SEC. 1217 FOREST LEGACY PROGRAM.

The Act (16 U.S.C. 2101 et seq.) is amended by inserting after section 6 (as added by section 1216 of this Act) the following new section:

SEC. 7. FOREST LEGACY PROGRAM.

(a) **ESTABLISHMENT AND PURPOSE-** The Secretary shall establish a program, to be known as the Forest Legacy Program, in cooperation with appropriate State, regional, and other units of government for the purposes of ascertaining and protecting environmentally important forest areas that are threatened by conversion to nonforest uses and, through the use of conservation easements and other mechanisms, for promoting forest land protection and other conservation opportunities. Such purposes shall also include the protection of important scenic, cultural, fish, wildlife, and recreational resources, riparian areas, and other ecological values.

(b) **STATE AND REGIONAL FOREST LEGACY PROGRAMS-** The Secretary shall exercise the authority under subsection (a) in conjunction with State or regional programs that the Secretary deems consistent with this section.

(c) **INTERESTS IN LAND-** In addition to the authorities granted under section 6 of the Act of March 1, 1911 (16 U.S.C. 515), and section 11(a) of the Department of Agriculture Organic Act of 1956 (7 U.S.C. 428a(a)), the Secretary may acquire from willing landowners lands and interests therein, including conservation easements and rights of public access, for Forest Legacy Program purposes. The Secretary shall not acquire conservation easements with title held in common ownership with any other entity.

(d) **IMPLEMENTATION-**

(1) **IN GENERAL-** Lands and interests therein acquired under subsection (c) may be held in perpetuity for program and easement administration purposes as the Secretary may provide. In administering lands and interests therein under the program, the Secretary shall identify the environmental values to be protected by entry of the lands into the program, management activities which are planned and the manner in which they may affect the values identified, and obtain from the landowner other information determined appropriate for administration and management purposes.

(2) **INITIAL PROGRAMS-** Not later than 1 year after the date of enactment of this section, the Secretary shall establish a regional program in furtherance of the Northern Forest Lands Study in the States of New York, New Hampshire, Vermont, and Maine under Public Law 100-446. The Secretary shall establish additional programs in each of the Northeast, Midwest, South, and Western regions of the United States, and the Pacific Northwest (including the State of Washington), on the preparation of an assessment of the need for such programs.

(e) **ELIGIBILITY-** Within 1 year from the date of enactment of this section and in consultation with State Forest Stewardship Advisory Committees established under section 15(b) and similar regional organizations, the Secretary shall establish eligibility criteria for the designation of forest areas from which lands may be entered into the Forest Legacy Program and subsequently select such appropriate areas. To be eligible, such areas shall have significant environmental values or shall be threatened by present or future conversion to nonforest uses. Of land proposed to be included in the Forest Legacy Program, the Secretary shall give priority to lands which can be effectively protected and managed, and which have important scenic or recreational values; riparian areas; fish and wildlife values, including threatened and endangered species; or other ecological values.

(f) **APPLICATION-** For areas included in the Forest Legacy Program, an owner of lands or interests in lands who wishes to participate may prepare and submit an application at such time in such form and containing such information as the Secretary may prescribe. The Secretary shall give reasonable advance notice for the

submission of all applications to the State forester, equivalent State official, or other appropriate State or regional natural resource management agency. If applications exceed the ability of the Secretary to fund them, priority shall be given to those forest areas having the greatest need for protection pursuant to the criteria described in subsection (d).

(g) STATE CONSENT- Where a State has not approved the acquisition of land under section 6 of the Act of March 1, 1911 (16 U.S.C. 515), the Secretary shall not acquire lands or interests therein under authority granted by this section outside an area of that State designated as a part of a program established under subsection (b).

(h) FOREST MANAGEMENT ACTIVITIES-

(1) IN GENERAL- Conservation easements or deed reservations acquired or reserved pursuant to this section may allow forest management activities, including timber management, on areas entered in the Forest Legacy Program insofar as the Secretary deems such activities consistent with the purposes of this section.

(2) ASSIGNMENT OF RESPONSIBILITIES- For Forest Legacy Program areas, the Secretary may delegate or assign management and enforcement responsibilities over federally owned lands and interests in lands only to another governmental entity.

(i) DUTIES OF OWNERS- Under the terms of a conservation easement or other property interest acquired under subsection (b), the landowner shall be required to manage property in a manner that is consistent with the purposes for which the land was entered in the Forest Legacy Program and shall not convert such property to other uses. Hunting, fishing, hiking, and similar recreational uses shall not be considered inconsistent with the purposes of this program.

(j) COMPENSATION AND COST SHARING-

(1) COMPENSATION- The Secretary shall pay the fair market value of any property interest acquired under this section. Payments under this section shall be in accordance with Federal appraisal and acquisition standards and procedures.

(2) COST SHARING- In accordance with terms and conditions that the Secretary shall prescribe, costs for the acquisition of lands or interests therein or project costs shall be shared among participating entities including regional organizations, State and other governmental units, landowners, corporations, or private organizations. Such costs may include, but are not limited to, those associated with planning, administration, property acquisition, and property management. To the extent practicable, the Federal share of total program costs shall not exceed 75 percent, including any in-kind contribution.

(k) EASEMENTS-

(1) RESERVED INTEREST DEEDS- As used in this section, the term 'conservation easement' includes an easement utilizing a reserved interest deed where the grantee acquires all rights, title, and interests in a property, except those rights, title, and interests that may run with the land that are expressly reserved by a grantor.

(2) PROHIBITIONS ON LIMITATIONS- Notwithstanding any provision of State law, no conservation easement held by the United States or its successors or assigns under this section shall be limited in duration or scope or be defensible by--

(A) the conservation easement being in gross or appurtenant;

(B) the management of the conservation easement having been delegated or assigned to a non-Federal entity;

(C) any requirement under State law for re-recordation or renewal of the easement; or

(D) any future disestablishment of a Forest Legacy Program area or other Federal project for which the conservation easement was originally acquired.

(3) CONSTRUCTION- Notwithstanding any provision of State law, conservation easements shall be construed to effect the Federal purposes for which they were acquired and, in interpreting their terms, there shall be no presumption favoring the conservation easement holder or fee owner.

(l) APPROPRIATION- There are authorized to be appropriated such sums as may be necessary to carry out this section.

Federal Agriculture Improvement and Reform Act of 1996 Title III – Conservation Subtitle G – Forestry

Sec. 374 Optional State Grants for Forest Legacy Program

Section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) is amended

- (1) by redesignation subsection (l) as subsection (m); and
- (2) by inserting after subsection (k) the following:

(l) OPTIONAL STATE GRANTS.-

(1) IN GENERAL. – The Secretary shall, at the request of a participating State, provide a grant to the State to carry out the Forest Legacy program in the State.

(2) ADMINISTRATION. – If a State elects to receive a grant under this subsection-

- (A) the Secretary shall use a portion of the funds made available under subsection (m), as determined by the Secretary, to provide a grant to the State; and
- (B) the State shall use the grant to carry out the Forest Legacy Program in the State, including the acquisition by the State of lands and interests in lands.

The new subsection (m), formerly subsection (l), reads as follows:

(m) APPROPRIATIONS. – There are authorized to be appropriated such sums as may be necessary to carry out this section.

APPENDIX III: MISSISSIPPI FOREST LEGACY PROGRAM APPLICATION



MS Forest Legacy Program Application

<http://www.mfc.ms.gov/forest-legacy>

Annual Deadline August 15

See last page for application address and MFC contact information.

ABOUT THE FOREST LEGACY PROGRAM

The Mississippi Forest Legacy Program, a program of the Mississippi Forestry Commission (MFC), was created to protect privately owned forest lands with natural forest communities from being used for non-forest uses. The USDA Forest Service, State and Private Forestry Program, Forest Stewardship Program (CFDA 1066.4) provides up to 75% of the funds through a nationally competitive grant program to the state.

Through conservation easements or fee simple interest from willing sellers the Forest Legacy Program protects environmentally important forests threatened by conversion to non-forest uses within designed geographic areas, known as Mississippi Forest Legacy Areas. Unless fee simple interest is purchased, these forests shall remain in private ownership.

The Mississippi Forest Legacy Areas (FLAs) are:

North - 9 Counties - Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Monroe, Oktibbeha, Tishomingo

Central - 5 counties - Copiah, Hinds, Madison, Rankin, Simpson

Southeast - 13 counties - Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Marion, Pearl River, Perry, Stone, Wayne

Prior to completing this application, you are strongly encouraged to review the Mississippi Forest Legacy Program *Assessment of Need* (www.mfc.ms.gov) for eligibility requirements and guidance on the program. Only tracts that are located in one of the three designated Mississippi FLAs will be considered. Nominated tracts must meet the national and state criteria and must have a completed application submitted by the August 15th deadline. Note that all conservation easements and fee interests in land acquired through the program are conveyed in perpetuity and must contain such covenants and language to insure perpetuity of Forest Legacy Program easements. **Participation in Mississippi's Forest Legacy Program is strictly voluntary.**

For projects to be considered for the following federal fiscal year (runs October 1 – September 30), the deadline for application submittal is August 15 each calendar year.

All submitted materials with this application become the property of the State of Mississippi and are non-returnable. Disclosure of this information is voluntary. Failure to provide all of the requested information will substantially decrease the ability of designated persons to properly review and rank your application and property for participation in the program.

The Mississippi Forestry Commission provides equal employment opportunity and services to all individuals regardless of race, age, disability, religion, color, gender, creed, national origin or political affiliation. This institution

Annual deadline for submitting application is August 15.

is an equal opportunity provider.

INSTRUCTIONS TO FLP APPLICANT

1. Download this Microsoft Word™ document; answer all questions completely and save it to submit to the Mississippi Forestry Commission with requested documentation and attachments. Please submit the application as a Word™ document in 12-point font, single spaced.
2. Answer all questions in all sections completely.
3. Attach all applicable supporting documents, photos, maps, deeds, etc. to this application.
4. **Submit this completed application and all attachments to the Mississippi Forestry Commission no later than 5 p.m. on August 15, 2020 via mail, hand delivery or electronically. No faxes will be accepted**
5. **For assistance, and address to submit your application and attachments:**
Mississippi Forestry Commission
Attn: **Forest Legacy Coordinator**
660 North Street, Suite 300
Jackson, MS 39202
www.mfc.ms.gov
Main Phone: (601) 359-1386
6. **Attach one (1) clean copy the following items to this application for each tract nominated:**
 - a. Completed application.
 - b. Name(s), address(es), phone number and email of all owner(s) of record for this tract and the exact listing(s) of ownership name.
 - c. Road map indicating location of property in the county or counties where located.
 - d. Copy of plat or survey map (if available) showing property boundary and boundary of nominated parcel(s). (You may email a GIS shape file as well).
 - e. Aerial photo with boundaries of nominated parcel(s) marked (if available).
 - f. Copy of warranty deed(s).
 - g. List of existing permanent improvements on the tract, including houses, barns, lakes, ponds, dams, wells, roads and other structures and the total number of acres occupied by improvements.
 - h. Map identifying any dams, dumps, or waste disposal sites on the property (if any).
 - i. Forest management plan (Multiple-resource or Forest Stewardship Plan) if available.

SECTION I. APPLICANT INFORMATION

1. LANDOWNER'S FULL NAME: _____
2. FULL MAILING ADDRESS (STREET OR P.O. BOX, CITY, STATE, ZIP):

3. DAYTIME PHONE: _____
4. CELL PHONE: _____
5. FAX NUMBER: _____
6. E-MAIL ADDRESS: _____
7. LIST ALL CO-OWNERS OF THE PROPERTY (AND THEIR ADDRESS, EMAIL, AND PHONE NUMBER OR ATTACH A LIST):

8. AUTHORIZED REPRESENTATIVE (IF DIFFERENT THAN THE LANDOWNER): *If applicable, please list name, full mailing address, phone, e-mail for persons authorized to represent you on this application.*

SECTION II. PROPERTY INFORMATION

1. LOCATION OF PROPOSED PARCEL OR PARCELS

County(ies): _____

Central GPS Point(s) (latitude and longitude): _____

Township: Range: Section(s): _____

Tax Parcel #s _____

2. SIZE:

Total property acres of nominated parcel(s): _____

Total forested acres of nominated parcel(s): _____

How much of the total acres above are you nominating to the Forest Legacy Program in this application? _____

3. ARE YOU INTERESTED IN BEING CONSIDERED FOR: *(mark one or both)*

_____ a conservation easement, or

_____ Selling the all or a portion of the property.

_____ Unsure

4. IS ANY OF THIS ACREAGE ENROLLED IN THE AMERICAN TREE FARM SYSTEM, A THIRD-PARTY FOREST CERTIFICATION OR OTHER FOREST MANAGEMENT PROGRAM? *If so, please list the program(s) and acres covered.*

5. DO YOU HAVE A WRITTEN FOREST MANAGEMENT PLAN OR FOREST STEWARDSHIP PLAN? *If so, please attach a copy of it.*

_____ Yes

_____ No

6. HAVE YOU BEEN WORKING WITH A FORESTER, LAND MANAGER OR BIOLOGIST WHO COULD PROVIDE TECHNICAL INFORMATION ABOUT YOUR PROPERTY? *If so, may we contact him/her? Please provide the full name and a daytime phone number and e-mail.*

SECTION III. LANDOWNER GOALS AND OBJECTIVES:	
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- This image shows a full page of blank white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page, providing a template for writing or drawing. There are no margins, text, or other markings present.

- ☐ Prevent conversion/development/fragmentation of an important forest resource
- ☐ Protection of scenic resources
- ☐ Protect/enhance a watershed or important drinking water supply
- ☐ Protect/enhance an important riparian/hydrologic area
- ☐ Provide linkage between public properties, protected areas and greenways
- ☐ Protect/enhance/restore fish and/or wildlife habitat
- ☐ Protect/enhance/restore habitat of rare, threatened, and/or endangered species, plant and/or animals
- ☐ Provide for the continuation of traditional forest uses
- ☐ Provide historical/cultural uniqueness or protection
- ☐ Other:

SECTION IV. HOW YOUR PROPERTY FITS INTO THE NATIONAL FLP CORE CRITERIA

Nominated properties must compete nationally for FLP funds. They will be scored using three (3) national core criteria (Importance, Threatened and Strategic) AND must demonstrate that they are “Ready” to be part of the Forest Legacy Program. These criteria are listed below – please describe how your property relates to each by answering each question below in as much detail as necessary.

1. WHAT IS THE IMPORTANCE OF YOUR PROPERTY AS IT RELATES TO ANY ENVIRONMENTAL, SOCIAL OR ECONOMIC PUBLIC BENEFITS THAT WOULD BE GAINED BY PROTECTING AND MANAGING IT?

Helpful hints – Describe in detail any attributes that are applicable to your property. More points will be given to projects that demonstrate multiple public benefits with national significance. For instance, explain if your property demonstrates sustainable forest management, contributes to the resource-based economy of the region, or has highly productive soils. Is it important habitat for documented threatened or endangered animals or rare plants or species or natural communities of concern? Does it contain unique forest communities or habitat documented by a formal conservation plan? Does it provide important watershed or riparian values, or is it in a scenic viewshed, or bordering a federal wild and scenic river or state scenic stream? Does it have formally designated cultural or historic features or does it provide public access. Does it provide non-timber revenue to the local or regional economy through activities such as hunt leases, ranching, non-timber forest products, guided tours (fishing, hunting, bird watching), and recreational rentals (bikes, boats, outdoor gear).

[illegible]

2. EXPLAIN HOW YOUR PROPERTY IS THREATENED BY DEVELOPMENT OF CONVERSION TO OTHER USES.

Helpful Hints: This criterion estimates the likelihood for conversion and considers the following:

- Legal Protection - Are there any legal protections that currently exist on the property (such as current zoning or existing easements)? If so, do these protections remove the threat of conversion, and to what extent?
- Land and Landowners Circumstances – For example: property held in an estate, aging landowner, future use of property by heirs is uncertain, property is up for sale or has a sale pending, landowner has received purchase offers, land has an approved subdivision plan, landowner has sold subdivisions of the property, good land steward interested in conserving land, etc.
- Adjacent Land Uses - Status of adjacent properties, rate of development growth and conversion in

area, rate of population growth, rate of change in ownership, etc.

- Ability to Develop - Physical attributes of the property that will facilitate conversion, such as access, slope, water/sewer, electricity, etc.

3. HOW IS THE PROPERTY STRATEGICALLY LINKED TO OTHER PROTECTED AREAS NEARBY?

Helpful Hints: Does the property fall within a priority area designated by a conservation plan, strategy or initiative by a government or non-government entity? Will protection of your property enhance, expand or buffer already protected lands such as other FLP tracts, state, federal or non-government lands, conservation easements, or other protected or conserved lands, designated scenic areas or byways?

4. IS THE PROPERTY “READY” TO BE A PART OF THE FOREST LEGACY PROGRAM? **Helpful Hint: These items are not required for the application to be considered, but any of these items that show the amount of due diligence that has already been completed will strengthen the application. To demonstrate readiness to go forward, describe and/or attach any of the items you have to this application or indicate if they have been completed such as: a cost estimate (market analysis or preliminary appraisal of the property); a signed agreement by the landowner to the easement or fee acquisition conditions; a commitment to cost share from partners – list any potential partners (we must have at least 25% non-federal cost share); a signed option or purchase and sales agreement; survey; title search; minerals determination or remoteness letter by a geologist; forest stewardship plan or multiple use plan.**

SECTION V. OTHER COMMENTS

ADD ANY OTHER COMMENTS ABOUT YOUR FOREST LEGACY APPLICATION OR THE UNIQUENESS OF YOUR PROPERTY.

[illegible]

SECTION VI. Confidential Financial Information and Ownership Information

The following financial, deed and lien information shall remain confidential until such time as: 1) the application has been approved and all transactions are concluded, or 2) all title holders give written permission to release the information.

1. FINANCIAL INFORMATION

The following estimates are for preliminary use only. Any final offer for conservation easement or fee simple purchase cannot exceed fair market value, as determined by an appraisal meeting the current Uniform Appraisal Standards for Federal Land Acquisition (known as Yellowbook Standards).

- a. **What is the estimated total value of this property?** \$ _____
- b. **How was this value determined:** *(e.g.: landowner's personal estimate, licensed appraiser, Realtor, written legal appraisal -please provide a copy with this application if available).* _____
- c. **Are you willing to donate part or all of the appraised value?** *(Applies to either conservation easement or fee simple title).*
_____ Yes _____ No _____ Not sure
If yes, what percent value would you be willing to donate? _____ %
- d. **State the value of any other contribution you or a partner may make to help make this project successful, either in donated value of in-kind services or financial.** *For example: appraisal, survey, title work, minerals remoteness letter, survey, or the value any potential partners may make (please list partner and contribution). Note: Donations may constitute a charitable contribution for income tax purposes, depending on applicable Internal Revenue Service guidelines and regulations.*

2. LIENS AND ENCUMBRANCES

Please list any and all liens and encumbrances on the property proposed for enrollment in the Mississippi Forest Legacy Program. Examples: Mortgages, conservation easements, utility easements, public rights of way, water flow or water use restrictions, septic systems or water easements, deed restrictions or covenants, mineral extraction rights (gas, oil, coal, sand and gravel, stone, etc.), tax liens, dump sites, underground fuel tanks, other environmental hazards, enrollment in government programs (such as USDA conservation programs), etc.

3. DO YOU OWN THE MINERAL RIGHTS ON THIS PARCEL? *If you have a mineral deed, or other evidence of mineral ownership, please attach to this application.*

- _____ Yes
_____ No
_____ Unsure

SECTION VII. PRELIMINARY IDENTIFICATION OF RIGHTS TO BE RETAINED AND SOLD

CAREFULLY AND FULLY COMPLETE IF YOU WANT TO BE CONSIDERED FOR A **CONSERVATION EASEMENT**. **IF YOU ARE OFFERING YOUR PROPERTY FOR FEE TITLE ACQUISITION, SKIP THIS SECTION VII.** The information you provide will directly affect the desirability of your property for this program. If you are considering a conservation easement, indicate which uses, rights or interests you may wish to **keep (K)** and which uses or interests you may wish to **sell (S)** as part of the conservation easement. If you are unsure, mark **U** and if not applicable, mark **NA**. Note: Checking **sell** or **keep** does not commit you to anything at this time, it merely assists the Mississippi Forestry Commission when inspecting, prioritizing and evaluating your parcel.

K = Keep, S = Sell, U = Unsure, NA = Not applicable to your property

_____	Commercial, residential or industrial development
_____	The right to manage and harvest timber
_____	The right to subdivide the property
_____	The right to hunt, fish or trap (commercial).
_____	The right to hunt, fish or trap (non-commercial/private only).
_____	Mining for sand/gravel (or other minerals)*
_____	Right to limit or control public access to your property
_____	The right to graze open areas (acres _____)
_____	The right to farm open areas for profit (acres _____)
_____	The right to build or rebuild roads (other than forest management/protection roads)
_____	Ownership of existing buildings and other improvements.
_____	Other recreational activities such as camping, hiking, cycling, horseback riding.
_____	Motorized access
_____	Expansion of existing improvements (buildings).
_____	Others? Please specify:
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

* Retention of unrestricted mineral or oil/gas rights will exclude that portion or all of your property from consideration in the Mississippi FLP.

SECTION VIII. LANDOWNER TESTIMONY AND PERMISSION

Please read, sign and date before submitting this application.

The information in this application is true to the best of my knowledge and belief. I, as the landowner or landowner's authorized representative (proof of authorization must accompany the application), agree to allow any needed inspection, appraisal and survey of the property being offered for consideration under the Mississippi Forest Legacy Program. I agree to allow members of the Mississippi Forestry Commission, the Mississippi Forest Legacy committee or their designee to inspect my property at any reasonable time for the purposes of this application. I understand I shall be notified in advance of all inspection visits.

I also understand that the resource values identified by me in this application for protection will be used by the Mississippi Forestry Commission to rank the project. Therefore, future protection and management of these resources are implied in the application and will be required in the easement (if applicable) and subsequent management plans. Substantial modifications of the intent set forth in this application by me or my representative will necessitate a review of the project and may jeopardize its selection and possible funding. I also understand that this property (i.e. conservation easement or fee simple title) will not be purchased if negotiations do not reach an amicable agreement, or if the property does not meet the needs or qualifications of the Mississippi Forest Legacy Program or if funding is unavailable. I understand that conservation easements or fee simple title will only be purchased from willing sellers.

I have read through the application and understand that all Forest Legacy projects will be reviewed by a committee for their suitability to the Mississippi Forest Legacy Program. Furthermore, that the Forest Legacy agreement is voluntary and subject to the availability of funds and the willingness of the State of Mississippi to accept the easement as negotiated.

Print name of each title holder	Signature	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Mail completed application by August 15 to:

Mississippi Forestry Commission
Attn: **Forest Legacy Coordinator**
660 North Street, Suite 300
Jackson, MS 39202
Main Phone: (601) 359-1386
www.mfc.ms.gov

APPENDIX IV - NATIONAL FOREST LEGACY SCORING GUIDANCE

FOREST LEGACY PROGRAM

PROJECT SCORING GUIDANCE

Introduction:

This document provides guidance to the National Review Panel on how to score individual Forest Legacy Program (FLP) projects, including additional clarification on the core national criteria, project readiness, and other evaluation considerations used in this process. The outcome from the National Review Panel will be a ranked and prioritized list of FLP projects for submission to the Office of Management and Budget for consideration in the President's Budget. Its objectives are to:

- Provide a clear and defensible ranking process that can be easily articulated to program participants and partners; and
- Ensure fair, equitable, and thorough review of all projects by the National Review Panel.

National Project Selection:

- A multi-tract project should be scored based on how all the tracts fit within the criteria. For example, if only one tract meets the highest point criteria, the project will not likely obtain the highest points.

Region/Area/IITF Role:

- Work with States to produce highly competitive FLP projects;
- Work with States to produce projects that are "Ready";
- Work with States to assure that all pertinent project information is in the Forest Legacy Information System (FLIS), including prioritizing tracts if the States choose to do so;
- Learn and understand project details;
- Assure that projects are consistent with the goals of the State Forest Action Plan (Statewide Assessment and Resource Strategy, including Assessments of Need incorporated by reference);
- Confirm that projects have been reviewed and evaluated by the State Forest Stewardship Coordinating Committee;
- Assure that projects comply with the June 30, 2003, FLP Implementation Guidelines, as amended;
- Work with States to identify which projects can be phased and the funding threshold.

Washington Office Role:

- Work with Regions/Area/IITF (R/A/I) to produce highly competitive FLP submissions; and
- Ensure that project selections meet congressional direction and national program goals.

National Review Panel Role:

- Score projects using the national core criteria (Importance, Threatened, and Strategic);
- Develop a National List of ranked projects.

National Core Criteria:

Importance - This criterion focuses on the attributes of the property and the environmental, social, and economic public benefits gained from the protection and management of the property and its resources. This criterion reflects the ecological assets as well as the economic and social values conserved by the project and its level of significance.

National significance of a project is demonstrated in two ways:

1. A project that solidly represents a majority of the attributes outlined is viewed as nationally significant because of its strong alignment with the purposes and Strategic Direction of the Forest Legacy Program.
2. A project that supports Federal laws (such as Endangered Species Act, Safe Drinking Water Act, and Clean Water Act) contributes to Federal initiatives or contains or enhances Federal designations (such as Wild and Scenic Rivers, National Scenic Byways, National Recreation Trails, and cultural resources of national importance). When determining Federal importance, interstate/international resources (such as migratory species, or trail and waterways that cross state or international boundaries) should also be considered.

Scoring consists of evaluating a project for the attributes below and identifying a point score. More points will be given to projects that demonstrate multiple public benefits of significance. Significance of attributes is demonstrated by the quality and scope of the attributes. More points will be given to projects that exemplify a particular attribute or combination of attributes.

A project need not have all the attributes listed to receive maximum points for this category, but projects that contain more attributes should receive a higher score. For a project to receive the maximum point score, it must contain a majority of the attributes and must significantly address one or more of the Federal laws or initiatives noted above. A project brief that discusses the majority or all the attributes, but demonstrates only limited importance for each attribute, should not receive maximum or perhaps even medium ranking.

- *High importance* (21-30 points) - The project contains a majority of the attributes and those attributes are very significant and of high-quality.
- *Medium* (11-20 points) - The project contains a majority of attributes, several of which are very significant and of high-quality.
- *Low* (0-10 points) - The project contains only a few attributes or it could contain all of them, but does so in a limited, marginal, or tertiary way.

****Please note:** Discussion about how the project fits within a landscape conservation initiative should be included under the “strategic” category and not in this section.

Attributes to consider: The descriptions listed below represent the ideal project for each attribute. *Note that the attributes are not listed in priority order.*

Economic Benefits from Timber and Potential Forest Productivity - This category includes three independent components: (1) Landowner demonstrates sustainable forest management in accordance with a management plan. Additional points should be given to land that is third party certified (such as Sustainable Forestry Initiative, Forest Stewardship Council, and American Tree Farm System). (2) Forestry activities contribute to the resource-based economy for a community or region. (3) The property contains characteristics (such as highly productive soils) to sustain a productive forest. (Strategic Direction Goal 2.3)

Economic Benefits from Non-timber Products - Provides non-timber revenue to the local or regional economy through activities such as hunting leases, ranching, non-timber forest products (maple syrup, pine straw, ginseng collection, etc.), guided tours (fishing, hunting, birdwatching, etc.), and recreation and tourism (lodging, rentals, bikes, boats, outdoor gear, etc.).

Threatened or Endangered Species Habitat - The site has documented threatened or endangered plants and animals or designated habitat. Documented occurrence and use of the property should be given more consideration in point allocation than if it is habitat without documented occurrence or use. Federally listed species should be given more consideration than state-only listed species when evaluating the significance of this attribute. (Strategic Direction Goal 2.3)

Fish, Wildlife, Plants, and Unique Forest Communities - The site contains unique forest communities and/or important fish or wildlife habitat as documented by a formal assessment or wildlife conservation plan or strategy developed by a government or a non-governmental organization. The importance of habitat to an international initiative to support and sustain migratory species can be viewed as national importance if conserving the property will make a significant contribution. The mere occasional use of the property or a modest contribution to an international initiative does not raise the property to national importance. (Strategic Direction Goal 2.3)

Water Supply, Aquatic Habitat, and Watershed Protection - (1) Property has a direct relationship with protecting the water supply or watershed, such as providing a buffer to public drinking water supply, containing an aquifer recharge area, or protecting an ecologically important aquatic or marine area, and/or (2) the property contains important riparian area, wetlands, shorelines, river systems, or sensitive watershed lands. When allocating points consider the importance of the resource, the scope and scale of the property, and the magnitude and intensity of the benefits that will result from protection of the property. Merely being located within an aquifer recharge area or in a water supply area should not be given the same consideration as a property that makes a significant conservation contribution to water, riparian, and aquatic resources and habitats. (Strategic Direction Goal 2.1)

Public Access - Protection of the property will maintain or establish access by the public for recreation; however, restrictions on specific use and location of recreational activities may exist. (Strategic Direction Goal 2.3)

Scenic - The site is located within a viewshed of a government designated scenic feature or area (such as a trail, river, or highway). Federal designation should be given more consideration than state-only designations when evaluating the significance of this attribute.

Historic/Cultural/Tribal - The site contains features of historical, cultural, and/or tribal significance, formally documented by a government or a non-governmental organization. A Federal designation should receive greater consideration.

Threatened - This criterion estimates the likelihood for conversion. More points will be given to projects that demonstrate multiple conditions; however, a project need not have all the conditions listed to receive maximum points for this category.

During the evaluation of a threat, a landowner interested in conserving their land should not be penalized in allocating points because they are not marketing their land, have not subdivided their land, or sought approval for a subdivision plan. Also, a property with an approved subdivision plan should not, without question, receive a high score in the Threatened section. The attributes outlined below must be considered to determine if the conditions exist to make conversion of a property likely and points should be allocated accordingly.

If the property has been acquired by a third party with the support of the State, threatened will be evaluated based on the situation prior to the third party acquisition.

- *Likely* (11-20 points) - Multiple conditions exist that make conversion to non-forest uses likely;
- *Possible* (1-10 points) - A few conditions exist that make conversion to non-forest uses possible; or
- *Unlikely* (0 points) - Current conditions exist that make conversion to non-forest uses unlikely.

****Please note:** Discussion about what project attributes will be threatened if the project is converted should be included under the “importance” category and not in this section.

Attributes to consider: The descriptions listed below represent the ideal project for each attribute. *Note that the attributes are not listed in priority order.*

Lack of Protection - The lack of temporary or permanent protections (e.g. current zoning, temporary or permanent easements, moratoriums, and encumbrances that limit subdivision or conversion) that currently exists on the property and the likelihood of the threat of conversion.

Land and Landowners Circumstances - Land and landowner circumstances such as property held in an estate, aging landowner, future property by heirs is uncertain, property is for sale or has a sale pending, landowner anticipates owning property for a short duration, landowner has received purchase offers, land has an approved subdivision plan, landowner has sold subdivisions of the property, etc.

Adjacent Land Use - Adjacent land use characteristics such as existing land status, rate of development growth and conversion, rate of population growth (percent change), rate of change in ownership, etc.

Ability to Develop - Physical attributes of the property that will facilitate conversion, such as access, buildable ground, zoning, slope, water/sewer, electricity, etc.

Strategic - This criterion reflects the project's relevance or relationship to conservation efforts on a broader perspective. When evaluating strategic, four considerations should be made: 1) the scale of a conservation initiative, strategy, or plan; 2) the scale of the project's contribution to that initiative, strategy, or plan; 3) the placement of the parcel within the area of the initiative, strategy, or plan; and 4) how the project complements protected lands. (FLP Strategic Direction 1.1, 1.2, and 1.3)

- *High* (21-30 points) - The property significantly advances a conservation initiative, strategy, or plan and complements protected lands.
- *Average* (11-20 points) - The property makes a modest contribution to a conservation initiative, strategy, or plan and is near already protected lands.
- *Low* (0-10 points) - The property is not part of a conservation initiative, strategy, or plan or near already protected lands, but will lead to locally-focused conservation effort.

****Please note:** The submitted project map should support this category and it is important to make sure the text and map are consistent.

Attributes to consider: The descriptions listed represent the ideal project for each attribute. *Note that the attributes are not listed in priority order.*

Conservation Initiative, Strategy, or Plan - How the project fits within a larger conservation plan, strategy, or initiative as designated by either a government or non-governmental entity.

Complement Protected Lands - How the project is strategically linked to enhance already protected lands including past FLP projects, already protected Federal, State, or non-governmental organization lands, or other Federal land protection programs (NRCS, NOAA, etc).

Additional Considerations:

Prior to developing the Regional project list, each State should be evaluated by the R/A/I regarding its fulfillment of the FLP core program requirements listed below:

1. Baseline reports for all closed conservation easement tracts (FLP Guidelines, page 18);
2. Forest stewardship plan or multi-resource management plan for all closed conservation easement tracts (FLP Guidelines, page 18);
3. Annual monitoring conducted for all closed conservation easements tracts (FLP Guidelines, page 20);
4. Addresses significant conservation easement violations and/or has a conservation easement violation plan (FLP Guidelines, page 20);
5. Implements a record keeping protocol for all FLP tracts (FLP Guidelines, page 37);

6. Developed and implemented an action plan to address recommendations in a Quality Assurance Inspection (Quality Assurance Plan for Forest Legacy Program Appraisals. September 2006);
7. The amount of unspent funds a State has in outstanding grants; and
8. Up-to-date on grant reporting requirements.

For the majority of States, we expect that all requirements will be met. In the rare case that persistent deficiencies in a State's performance are identified and cannot be remedied, the State can either not submit projects for consideration or submit projects with the understanding that they will not be reviewed and ranked by the National Review Panel. The projects will still be part of the National list, but will be added to the bottom below the reviewed and ranked projects. We expect that the R/A/I will have been working closely with the State during the year to address all deficiencies.

Prior to the due date, Forest Service WO and R/A/I FLP program staff will discuss deficiencies to ensure consistent treatment of States' projects and will share the outcome with the State.

The following items will be considered by the National Review Panel when developing the final list of ranked projects and associated funding levels, and not by the individual panel members when scoring projects:

1. The National Review Panel is not bound by a State's priority ranking of projects. If the National Review Panel ranks projects out of a State's priority order, then the panel will call that State to discuss the situation. However, the panel will not move a lower ranked project up the list to maintain the State's priority ranking.
2. The National Review Panel will give additional attention to projects from States that have not recently received funds as well as from States that are competing for the first time.
3. The National Review Panel will consider the following information when breaking ties, determining recommended funding levels for projects, or evaluating second and third projects for a State: (a) the amount of unspent funds each State has in outstanding grants; (b) amount of funds leveraged for the proposed project; (c) average time to close projects within the past five years; (d) average funds leveraged within the past five years; and (e) project readiness.

Project Readiness is defined as the degree of due diligence completed. To demonstrate project readiness, completed items need to be specified (including completion date) in FLIS and credit will only be given to those items completed (One tally for each completed item, with a maximum tally of 7. Projects with multiple tracts will need to have the majority of their tracts have the task completed before a tally is given.):

1. Documented support for the cost estimate, such as completed market analysis or preliminary appraisal.
2. Landowner and State have general agreement on conservation easement or fee acquisition conditions.

3. Cost Share commitment has been obtained from a specified source.
4. A signed option or purchase and sales agreement is held by the State or at the request of the State **OR** At the request of the State, conservation easement or fee title is held by a third party.
5. Title search is completed, including identifying any temporary or permanent protections.
6. Minerals determination is completed.
7. For conservation easement properties, a stewardship plan or multi-resource management plan is completed.