

Mississippi Native Plants

The Newsletter of the Mississippi Native Plant Society

Spring 2003

Volume 21 Issue 2



The **Mississippi Native Plant Society** is a non-profit organization established in 1980 to promote the preservation of native and naturalized plants and their habitats in Mississippi through conservation, education and utilization.

MNPS BOARD OF DIRECTORS

ELECTIVE POSITIONS

PRESIDENT

Bob Brzuszek
Crosby Arboretum
P.O. Box 190
Picayune, MS 39466
601-799-2311-22 (D)

601-799-2372 (F)
crosbyar@datastar.net

VICE-PRESIDENT

Joseph McGee
19496 Highway 80
Hickory, MS 39332-3133
601-646-5402 (D)

SECRETARY/TREASURER

Debora Mann
114 Auburn Drive
Clinton, MS 39056-4966
601-974-1415 (D)
601-924-4966 (E)
manndl@okra.millsaps.edu

NEWSLETTER EDITOR

Heather Sullivan
2148 Riverside Dr.
Jackson, MS 39202
601-354-7303 (D)
601-354-7227 (F)
heather.sullivan@mmns.state.ms.us

NON-ELECTIVE POSITIONS

EDUCATION CHAIR:

Felder Rushing
1735 Wilson Blvd.
Jackson, MS 39204
601-372-4651 (D)

TRIPS CHAIR:

Marc Pastorek
248 Charles Daughdrill
Carriere, MS 39426
601-799-1808
www.meadowmakers.com

PRESIDENT'S MESSAGE

A CHALLENGING NEW YEAR

Maybe I'm just getting older, but it sure seems that the new year arrives faster every year. I look back at the scattered notes and emails from last year— letters from folks in Alabama who grew up in coastal Mississippi and fondly remember the once plentiful pitcher plant bogs; the drafts and minutes from board meetings; and correspondence that I should have responded to weeks ago. I haven't even finished with last year yet, how am I supposed to begin a new one?

It's easy for me to get frustrated at the beginning of a new year. Sure, the Mississippi Native Plant Society has made some important strides in 2002. We've established a new web page. We have started regional chapters across the state. We had a good annual meeting, fun field trips, and welcomed new members. Yet I wish we could have accomplished more. This feeling hits home when I read the words of the esteemed biologist E.O. Wilson, who points out, "There's a good possibility, to which I subscribe, that at present rates of environmental change, half the world's surviving species could be gone by the end of the century." After thinking about this, I wish I could have done more for conservation in our state last year.

But then, I am forgetting about the power of an organization. I look at the membership roster of the Mississippi Native Plant Society— and it reads like a who's who list of conservation leaders in our region: directors of museums, land trusts, education organizations, landscape architects, state and federal agency workers, and biologists of every kind. Most importantly, we have a growing public membership, who care enough about their land to belong to our organization. We are comprised of people dedicated to doing something about conservation *every day* in our lives—whether it's practicing organic gardening in our backyard or taking the time to teach our children about the wonders of nature. I am proud of the few dedicated folk on our board, who not only work hard on pressing conservation issues through their full-time professions but also take the time to help our society. Organizations are groups of people who share common goals, and I have no doubt that the collective efforts of the Mississippi Native Plant Society are making significant differences in the health and wealth of Mississippi's natural environment.

Editors Note: The following information was taken from a report of the Coastal County Ecological Inventory and Conservation Planning Project generated by the Mississippi Natural Heritage Program through a grant from the U.S. Fish and Wildlife Service, Northern Gulf Coastal Partnership Program. Julie Moore, presently working as Rare Species Specialist, The Bureau of Land Management, Washington, DC, and Diane Ehrman, The Nature Conservancy, Research Coordinator, Ocean Springs were contracted to complete field inventories and conservation plans for selected Conservation Sites in Jackson, Harrison, and Hancock Counties. Ronald Wieland provided oversight for the project and completed a biodiversity assessment for the area. A summary of the site conservation planning subcomponent provided by Julie Moore and Diane Ehrman is included below.

Site Conservation Planning for Jackson, Harrison, and Hancock Counties of Mississippi

By Julie Moore and Diane Ehrman

The distinctive and fragile ecological systems that characterize the three coastal Mississippi counties are under assault. Six of the long known natural areas or sites of biological significance have been so altered that they are no longer ecologically viable. Three of these were of the highest priority for evaluation. Many of those that remain are actively stressed by a variety of man caused factors particularly alteration of surface hydrology and lack of appropriate prescribed burning; both are stresses or impacts that are frequently caused by residential and urban sprawl. The most extensive sites remaining are those on public lands where, with the application of ecologically based management programs, there is a reasonable chance of their protection and perpetuation. Such management must include a frequent schedule of burning, including growing season burns, and, if timber harvest is required, an ecologically based program that uses natural regeneration and uneven-aged management techniques as well as the more pervasive even-aged shelterwood method.

Several of the sites evaluated during this project are held by numerous owners. They include Biloxi River Pine, Lakeshore Savanna, and Movella Wetlands. These sites and the other privately held ones are in need of protection. Sites that can readily be drained or filled for residential development, such as Lakeshore Savanna and Old Headquarters Savanna, are particularly vulnerable. For some sites, Movella Wetlands for example, acquisition will be the only effective means of assuring protection, while for others working with the landowner(s) through conservation easements (dedications) or registry agreements may be all that can be done at this time. (See Mississippi Natural Heritage Law of 1978, 49-5-141 to 49-5-157.) Unless landowners, whether a private individual or

a government agency, know of the ecological importance of the resources they manage, we can not assume that they will "look after" a particular site. Providing information to landowners is the first step of many in assuring protection of an ecologically significant site.

Twenty years ago, many of these sites were recognized as significant conservation sites. At that time, the Mississippi Natural Heritage Program staff included a full time landowner contact person who secured several registry agreements with landowners of these sites. The owners of these sites need to be re-contacted as is noted under site conservation tasks prepared for each site and in the Site Basic Record (SBR). Registry agreements are also an appropriate method of introducing ecological and management information to landowners and managers including those responsible for state and federal lands. For the last 12 years the landowner contact position has not been funded and the registry program has been the responsibility of staff with other duties. The lack of a full time position devoted to the registry program has resulted in a break in contact with owners of registered sites. There is a need to communicate with the owners of registered sites to remind them of the significance of their property and the appropriate management actions. Several of the registered sites, Movella Bog and Bernard Bayou particularly, have rapidly deteriorated. Owners of a portion of Horseshoe Bog who registered their property in the mid-1980s have since sold the property and the new owners have no knowledge of the agreement or the significance of the site. Movella Wetlands has multiple owners, and although several registered their tracts some ownerships have changed and timber management actions particularly have degraded portions of the site. Acquisition and active management will be the

only effective means of assuring protection of such fragile wetlands.

Mechanisms for protecting the biological resources identified during the coastal conservation planning project are limited. Mississippi needs a comprehensive Natural Areas Program that has the capability of acquiring and managing biologically significant properties through out the state. Many states have developed natural lands acquisition (and management) programs to protect the natural heritage of their region funded by a variety of sources ranging from a transfer tax on property when it is sold to funds from a state lottery. The following recommendations for consideration come from a paper presented by Richard Thom, Missouri Department of Conservation, at the 25th Annual Natural Areas Conference, in 1998 titled "The Importance of State-Level Comprehensive Natural Heritage Areas Programs."

A comprehensive state program should have the following attributes:

- State-level authority -- designated by law or by policy -- to lead the program.
- A stated mission or goal for comprehensive inclusion of the state's natural features.
- A public trust statement that natural area status is the "highest and best use" for these lands and they will be protected from diversions and intrusions.
- A recognition of natural area units as part of a coordinated, statewide system with some form of dedication, designation, or registration by law or policy.
- Mechanisms for coordination among appropriate agencies, organizations and other entities to further program objectives.
- An ability to include, with the voluntary consent of the owner, qualifying lands in the system regardless of ownership.

Advantages of a state-based comprehensive Natural Area Programs are:

- State involvement elevates the status of natural area protection by recognizing it as a public responsibility worthy of government attention and expenditure.
- States are often in the best position to work with other entities including their own political subdivisions, corporations, federal agencies

and other states to further natural area protection. All of the potential players and stakeholders can be mobilized and coordinated most effectively by a strong, state-based program.

- States can create laws and policies that mandate and enhance natural areas protection within their boundaries.
- States can allocate public resources and create revenue mechanisms to fund natural areas.
- States are responsible to their citizens for building a public natural areas system that addresses specific citizen concerns based on the resources of each state. A state-based program is therefore more likely to protect the widest range of biodiversity.

The Mississippi Natural Heritage Law of 1978 addresses voluntary protection of natural areas through the register of natural areas or the dedication of property rights to the state for a significant tax reduction. However, there is no mechanism under this law for the state to acquire properties with biological significance as a part of a system of nature preserves. The Natural Heritage Law of 1978 should be amended to allow for the establishment of a natural areas system administered by the existing Mississippi Natural Heritage Program within the Department of Wildlife, Fisheries and Parks. A permanent funding source(s) for such a program needs to be identified for Mississippi. Maintaining the register of natural areas by working with landowners would be one responsibility of such an expanded program.

The time is here if we are going to protect the valuable and unique biological resources of Mississippi. A State Natural Areas Program with adequate funding for purchasing and managing ecologically significant sites is warranted considering the rapid demise of many significant natural areas of the coastal region of Mississippi. In the interim, developing a position located in the coastal region to work with landowners, county planners and land resource agencies would increase the visibility of the significant natural resources. Coastal support personnel would increase the effectiveness of the Mississippi Natural Heritage Program and the Mississippi Department of Wildlife, Fisheries and Parks.

Mississippi's Natural Areas Registry Program

The Mississippi Natural Areas Registry is founded on our state's strong belief in the rights of private property owners and our pride in Mississippi's rich natural heritage. It is designed to honor and recognize the owners of outstanding natural areas for the commitment to preservation of our state's most unique remaining habitats. Since more than two thirds of Mississippi is in private ownership, our citizens hold the keys to the future health of these habitats. Remnants of prairies, longleaf pine savannahs, pitcher plant bogs, woodland ravines, streamside forests of mixed beech and magnolias are just a few of the special habitats that need to survive into the next century and longer so that our generation won't be the last to know these special places.

The registry simply encourages the voluntary preservation of important natural lands in private ownership. It works by asking landowners to make non-binding agreements with the Museum of Natural Science that they will manage the land to protect what is special about it. The landowner can cancel the agreement at any time with notice to the Registry Program.

If the landowner wants to go farther than registry and give a binding conservation agreement, such as a tax deductible conservation easement, or a negotiated dedication to public use with *ad valorem* tax relief, the staff of the Natural Heritage Program can guide this process.

Who Operates the Registry?

The Natural Areas Registry was created by the Legislature in 1976 as part of the Mississippi Natural Heritage Program. Ours was one of the first three nationally, and was started as a partnership between The Nature Conservancy and the Mississippi Park Commission (now the Mississippi Department of Wildlife, Fisheries and Parks or MDWF&P). Natural heritage programs now exist in all 50 states. Our mission is to maintain an inventory of the natural communities of plants, animals, and fishes in the state, including endangered species, geological features and fossil records. Employing both printed and electronic records, it acts as a repository for Mississippi's natural history. The Heritage Program now is housed in the Mississippi Museum of Natural Science, which is part of MDWF&P.

How does an area qualify for the Registry?

To qualify as a Mississippi natural area eligible for registration, a property must contain one or more of these characteristics:

- 1) habitat for rare, threatened, or endangered plants or animals;
- 2) high quality plant communities characteristic of the native vegetation of Mississippi;
- 3) outstanding natural features such as old-growth forests, caves or wetlands.

How does inclusion on the Registry protect a natural area?

Property registration effectively encourages conservation of important natural lands in private or public ownership. By informing landowners of the uniqueness of particular sites, registration reduces the chance that significant natural values may be inadvertently destroyed. The same recognition will discourage others, such as government agencies and utilities from disturbing the area.

What say does the landowner have in the registration process?

The registration of a natural area is totally up to the landowner. It is a voluntary decision, and will not occur without his or her approval.

What recognition does a property owner receive for including his or her land in the Registry?

In honor of the commitment to protect the land, the owner receives a framed certificate of appreciation from the director of the Museum bearing the landowners name and the name of the area, and a subscription to *Natural Newslines*, the Museum's quarterly newsletter. With approval from the landowner, his or her participation in the Heritage Program can be publicized in the newsletter or in *Mississippi Outdoors*. The directions to the area are not published.

What commitment does the owner make with a registry agreement?

- 1) Preserve and protect the area to the best of the landowner's ability;
- 2) notify the Museum of Natural Science Natural Heritage Program of any threats to the area such as pollution, rights of way, changes in drainage;
- 3) allow the Mississippi Commission on Wildlife Fisheries and Parks a first option to purchase the natural area so that if the landowner should ever

decide to sell it, a purchase offer can be made if funds are available.

Is the registry commitment binding on the owner of a registered natural area?

No. The commitment is non-binding and may be cancelled by the landowner at any time, with a 30-day written notice to the Natural Heritage Program. If the landowner fails to protect an area, with the result of destruction or degradation of the important natural features meant to be protected, the area will be removed from the registry and the landowner will receive written notification. There are no penalties for removal of an area from the registry.

Does the registration of a site permit public access to private property?

No. Registration of a natural area provides no rights of public access to private property. As with any private land, visitors must receive permission from the landowner before entering the property.

Is management assistance available to the owner of a registered area?

Yes. An owner of a registered area may receive management advice from the staff of the Mississippi Museum of Natural Science or from the Nature Conservancy.

What are the other options for protection of natural areas?

There are two binding options by which a landowner can preserve natural areas found on his or her land.

1) The gift of a **conservation easement** is a binding legal agreement that a natural area will be spared from development in perpetuity. These are filed in the courthouse records, and will bind future purchasers or those who inherit the land. Easements are said to "run with the land." Easements are sometimes called deed restrictions, rights of way, or servitudes and are rights less than full ownership that a landowner can sell or donate. The landowner still pays property taxes on lands on which a conservation easement has been granted. The services of an attorney and a land appraiser are needed to negotiate a conservation easement.

Income Tax Features

A donated conservation easement, known as a *qualified conservation contribution*, is a special kind of donation that works as an itemized deduction applied to individual or corporate income tax.

Section 170 (h) of the Internal Revenue Service Code contains all the requirements for these specialized tax deductions. They must meet the "conservation purposes test", must be perpetual, and must go to a qualified holder or charity. The Nature Conservancy, a Mississippi land trust, and various state agencies all qualify as holders. A deduction of up to 30% of Adjusted Gross Income (AGI) is allowed. This deduction may be spread over a period of six years.

Estate Tax Features

A conservation easement under 170 (h) can also be used as an estate tax reduction and is one tool that a landowner can use in estate planning to lighten the inheritance tax load on his or her heirs. This gift can occur during the lifetime of the landowner or it can be made shortly after death by the administrator of the landowner's estate.

2) **Dedication** of a natural area to the Commission on Wildlife, Fisheries and Parks. This is a dedication to public use of some or all of the property ownership interest and exempts a landowner from paying *ad valorem* taxes (county property taxes) on the part of his or her estate granted away. The assessment of taxes is reduced by the amount of the value of the interest in the property which is conveyed to the Commission. The landowner and the Commission together negotiate the portion of the landowner's rights to be transferred to the Commission for the people of Mississippi. The transfer can be a sale or a donation, and can be made during the landowner's lifetime or in a will as a devise or bequest.

This option for land preservation is best understood as comparable to the dedication of a public park by a private landowner. Except for the dedication of Clark Creek Natural Area in Wilkinson County, which was a sale, the Natural Heritage Program has not arranged one of these dedications by donation in its 26 year history. It is likely that a conservation easement could accomplish similar preservation goals as a dedication, but the tax relief features are different. For the right landowner, a dedication may be an attractive option.

For more information about the Natural Areas Registry Program contact:

Andrew Whitehurst
Mississippi Museum of Natural Science,
MDWFP
2148 Riverside Dr., Jackson, MS 39202
(601) 354-7303

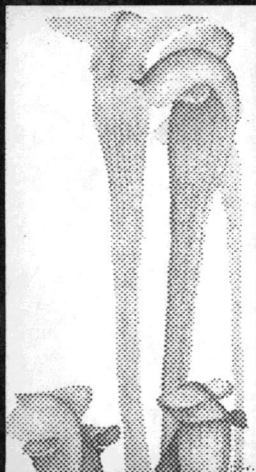
Saturday, April 26, 2003

Time: 9 a.m. to 2 p.m.

Herbert Wilson
Recreation Center
3625 Hancock Ave.
Gulfport, MS
Map on back

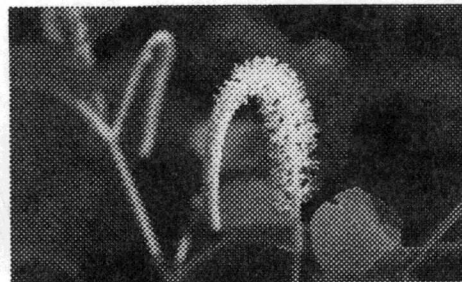
Contact person: Bob Brzuszek
601-799-2311 ext. 22 or
crosbyar@datastar.net

MISSISSIPPI NATIVE PLANT SOCIETY ANNUAL MEETING



Gulf Coast Native Plant Meeting

The Mississippi Native Plant Society cordially invites you to our annual meeting that will be held in Gulfport, MS. Hosted by the newly formed Gulf Coast Chapter—we will have a great series of lectures, field trips, a plant swap and fun! Bring your bag lunch or choose from nearby eateries; bring native plant seeds, cuttings or divisions to pass along; and boots and bug spray for our field trips. This program is free and open to the general public.



Lizard's tail
Saururus cernuus

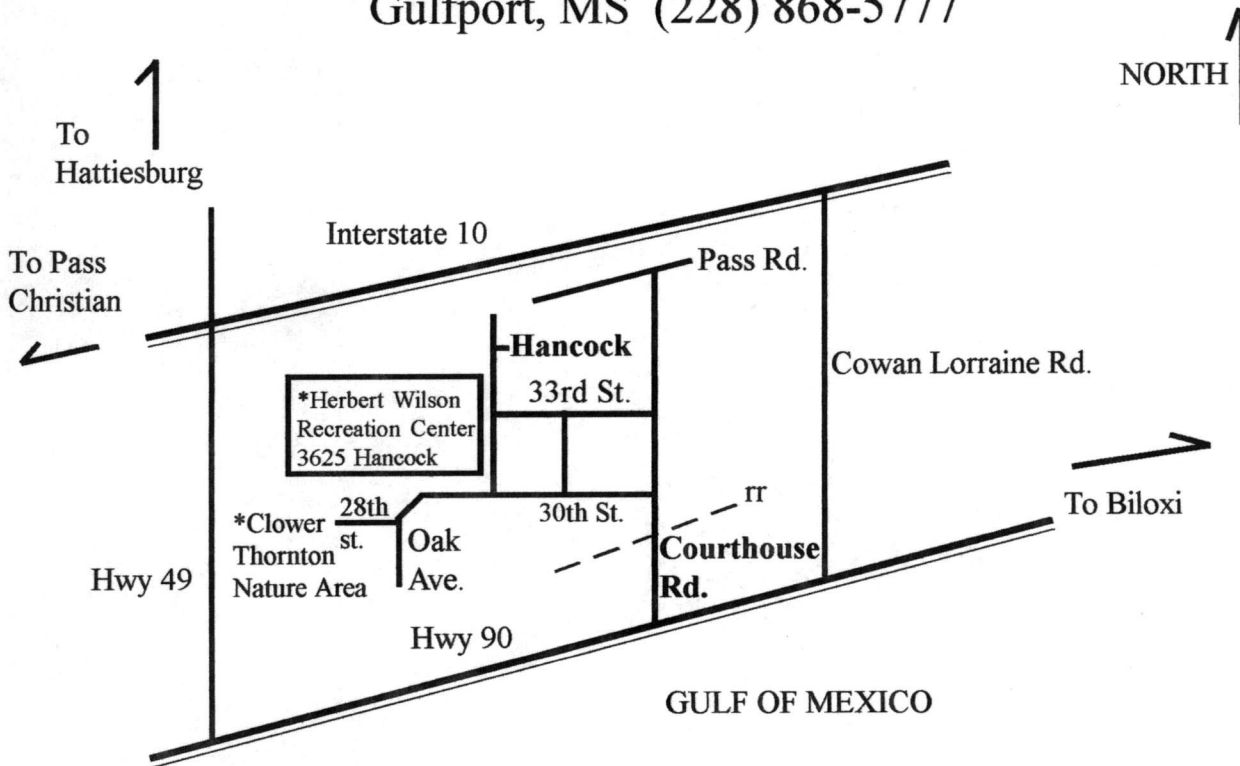
AGENDA

- 8:30 Sign in and refreshments
- 9:00 **Welcome, Edie Dreher, MNPS Gulf Coast Chapter President**
MNPS Society update, Bob Brzuszek, MNPS President
MNPS Officer election, Ron Weiland
- 9:20 **The Real Gulf Coast, Mary Anderson Pickard**
Mary is an original of the Gulf Coast and a MS Master Naturalist. Her father, Walter Anderson, lived his life and art immersed in Nature. A painter herself, Mary resides in Ocean Springs.
- 10:00 **Edible Plants, Dr. Charles Allen**
Charles will bring a wealth of plants suited to your palate!
- 11:00 **Lunch/ Plant Swap/ MNPS Board Meeting**
Grab a quick lunch and be sure to visit the plant swap table. The newly elected officers of the MNPS board will have a short meeting.
- 12:15 **TOURS**
- Option #1- *Clara Thornton Nature Trail*
Just a few short blocks away from the meeting center, the Clara Thornton Nature Trail is managed by The Garden Clubs of Mississippi. Join an experienced tour guide for a visit with the wildflowers and trees of this pocketbook park. Easy walking.
- Option #2- *CC Savanna*
CC Savanna is a wetland complex of ephemeral ponds and open wet savannas that supports a rich diversity of plants. The dusky gopher frog was once reported here, along with rare plants such as *Hypericum myrtifolium*, *Lobelia boykinii*, *Pieris phillyreigolia*, *Pinguicula planifolia*, and others. Join biologists Ron Weiland and John Hays who will carpool up to highway 53 to the site. Moderate to muddy walking.

* See a map to the meeting site on the back of this page.

DIRECTIONS TO THE GULF COAST NATIVE PLANT MEET

The Herbert Wilson Recreation Center, 3625 Hancock Ave.,
Gulfport, MS (228) 868-5777



Elyce Rodewald
Education Coordinator
PNPC & Mast Arboretum
936.468.1832
erodewald@sfasu.edu

*In association with the
Callowhee Native Plant Conference*

2nd Lone Star Regional Native Plant Conference

May 28-June 1, 2003
Nacogdoches, TX

Proudly hosted by the
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