

A scenic photograph of a lake with a large tree in the foreground showing autumn foliage. The tree's branches are filled with leaves in shades of orange, red, and yellow. The lake is calm, reflecting the sky and the distant shoreline. The sky is a clear, pale blue. The foreground shows a rocky shoreline with some fallen leaves and a dark blue horizontal bar at the bottom.

NATURAL RESOURCES

NATURAL RESOURCES

Responsibility for the protection of Mississippi’s natural resources is assigned to Mississippi Department of Wildlife, Fisheries and Parks and various other state agencies and departments by the Mississippi Code. The Secretary of State has constitutional and statutory authority to protect the state’s public trust lands as a birthright for future generations of Mississippians.

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NATURAL RESOURCES

Mississippi can be divided into four broad geographical regions: the Delta in northwest Mississippi, the Hills in central and north Mississippi, the Piney Woods in southern Mississippi and the Gulf Coast, a narrow strip of land bordering the Gulf of Mexico. The State's physiographic divisions include 10 distinct landform regions: the Tombigbee Hills, the Black Prairie, the Pontotoc Ridge, the Flatwoods, the North Central Hills, the Loess Hills, the Yazoo Basic, the Jackson Prairie, the Pine Hills and the Coastal Meadows.

The State has more than 14,000 miles of fresh water streams and 600,000 acres of lakes. Additionally, the State has 18 major aquifers supplying 93 percent of Mississippi's drinking water. Mississippi has six major reservoirs: Pickwick Lake on the Tennessee River, Arkabutla Lake near Coldwater; Sardis Lake near Oxford, Enid Lake in Yalobusha County, Grenada Lake near Grenada and the Ross Barnett Reservoir to the northeast of Jackson.

More than 19 million acres of forestland covers 64 percent of the state, of which 80 percent is privately owned. The remainder is public land including a network of state parks, state wildlife management areas and six national forests—Bienville, DeSoto, Homochitto, Delta, Holly Springs and Tombigbee. This public land represents 1.2 million acres dedicated to recreation and wilderness protection.

Contributing more than \$1 billion to Mississippi's annual economy, the forestry industry is a national model of sustainable forest management. Mississippi was the first state in the nation to establish a reforestation tax credit to encourage landowners to replant after harvest and was also the first to create a statewide forest inventory using remote-sensing satellite imagery to calculate the size and diversity of forestlands.

The State's namesake, the Mississippi River, runs along the western boundaries of Mississippi. The river and its tributaries continually deposit rich alluvial soil throughout the Mississippi Delta, resulting in agricultural industry that contributes more than \$6 billion annual to Mississippi's economy.

Mississippi's white sand beaches along the Gulf Coast draws millions of visitors annually in addition to the state-conserved Coastal tidelands and barrier islands.

There are more than one million acres of public hunting lands in Mississippi including nine National Wildlife Refuges and 36 state wildlife management areas representing a wide variety of habitats.

MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS

1505 Eastover Drive, Jackson 39211

(601) 432-2400

www.mdwfp.com

Mississippi Wildlife, Fisheries and Parks division oversees all Mississippi State Parks which offer amenities including fishing, camping, hiking, recreational facilities and fully-furnished cabin rentals.

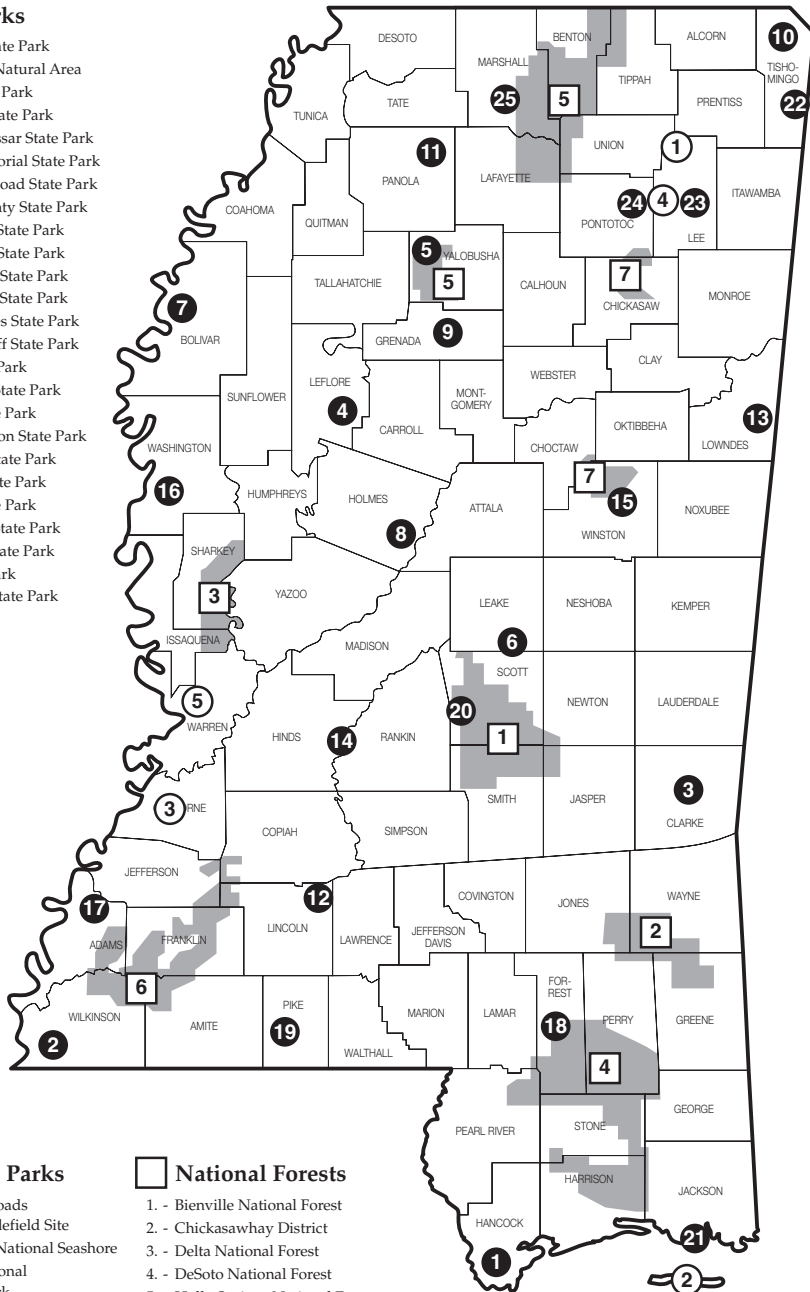
Reserve America recently released its list of "Top 100 Campground Awards" and Mississippi State Parks were well represented. More than 4,000 parks and campgrounds nationwide were reviewed and seven of Mississippi's Parks made the Top 100. John W. Kyle (Sardis), Lake Lincoln (Wesson), Percy Quin (McComb), Tishomingo (Tishomingo), LeFleur's (Jackson), J.P. Coleman (Iuka) and Trace (Belden) State Parks made the Top 100. Along with the Top 100 list, several Mississippi State Parks won other awards in specific categories such as top fishing, hiking, picnic, kid-friendly and bird-watching locales.

STATE PARKS, NATIONAL PARKS, AND NATIONAL FORESTS



State Parks

1. - Buccaneer State Park
2. - Clark Creek Natural Area
3. - Clarkco State Park
4. - Florewood State Park
5. - George P. Cossar State Park
6. - Golden Memorial State Park
7. - Great River Road State Park
8. - Holmes County State Park
9. - Hugh White State Park
10. - J.P. Coleman State Park
11. - John W. Kyle State Park
12. - Lake Lincoln State Park
13. - Lake Lowndes State Park
14. - LeFleur's Bluff State Park
15. - Legion State Park
16. - Leroy Percy State Park
17. - Natchez State Park
18. - Paul B. Johnson State Park
19. - Percy Quin State Park
20. - Roosevelt State Park
21. - Shepard State Park
22. - Tishomingo State Park
23. - Tombigbee State Park
24. - Trace State Park
25. - Wall Doxey State Park



National Parks

1. - Brices Crossroads National Battlefield Site
2. - Gulf Islands National Seashore
3. - Natchez National Historical Park
4. - Tupelo National Battlefield Monument
5. - Vicksburg National Military Park



National Forests

1. - Bienville National Forest
2. - Chickasawhay District
3. - Delta National Forest
4. - DeSoto National Forest
5. - Holly Springs National Forest
6. - Homochitto National Forest
7. - Tombigbee National Forest

MISSISSIPPI STATE PARKS

Clark Creek Natural Area

366 Ft. Adams Pond Rd., Woodville 39669
(601) 888-6040

Location: 13 miles west of Woodville off Hwy. 24 at the Pond Community

Area: 700 acres

Clark Creek Natural Area is one of Mississippi's most beautiful outdoor treasures. A nature trail, highlighted by some 50 waterfalls, is available for hiking, bird-watching, etc. The terrain is physically demanding. No camping, no facilities, or other amenities are available.

Clarkco State Park

386 Clarkco Rd., Quitman 39355
(601) 776-6651

E-mail: clarkco@mdwfp.state.ms.

Location: 5 miles north of Quitman on U.S. Hwy. 45 on Hwy. 145

Area: Park 816 acres/Lake 65 acres

Clarkco is situated on 65-acre Clarkco Lake. Marked nature trails, lighted tennis courts, large picnic pavilions, a visitor's center with meeting rooms, and camp store are available. Clarkco has 43 improved and 15 primitive camping pads and 20 cabins with individual piers.

George P. Cossar State Park

165 CR 170, Oakland 38948-0297
(662) 623-7356

E-mail: cossar@mdwfp.state.ms.us

Location: 8 miles east of Oakland off Mississippi Hwy. 32

Area: 836 acres

Cossar is situated on a peninsula-like arm jutting into Enid Reservoir. Cossar's famed restaurant features fried catfish and many more favorites (open year-round, daily 8:00 a.m.-5:00 p.m.). Cossar has 13 cabins, 84 camping pads, group camp, swimming pool, visitor's center, nature trail, miniature golf, and a disc golf course.

Golden Memorial State Park

2104 Damascus Road, Walnut Grove 39189
(601) 253-2237

Location: On Mississippi Hwy. 492, five miles east of Walnut Grove off Mississippi Hwy. 35

Area: Park 120 acres/Lake 13 acres

This park memorializes a post-Civil War, one-room school once located on the site. Picnic tables, grills, two picnic pavilions, nature trails, and a 15-acre spring-fed lake stocked with bass and bream are available.

Great River Road State Park

P.O. Box 292, Rosedale 38769

(662) 759-6762

E-mail: greatriverrd@mdwfp.state.ms.us

Location: In Rosedale off Mississippi

Hwy. 1, 35 miles north of Greenville

Area: Park 756 acres/Lake 25 acres

On the Mississippi River, the park's four-level observation tower offers a magnificent view of the Father of Waters. Fishing, boating, softball fields, visitor's center with concession stand and banquet room with catering service, nature trails, and 61 camping pads are available.

Holmes County State Park

5369 State Park Rd., Durant 39063

(662) 653-3351

E-mail: holmescounty@mdwfp.state.ms.us

Location: 4 miles south of Durant off I-55, Exit 150

Area: Park 537 acres/Lake 101 acres

The most centrally located of the state parks, Holmes County has two fishing lakes, nature trail, amphitheater, and group camp. The park offers tent camping, 12 cabin units, and 28 camping pads.

Hugh White State Park

P.O. Box 725, Grenada 38902

(662) 226-4934

E-mail: hughwhite@mdwfp.state.ms.us

Location: 10 miles east of Grenada off Mississippi Hwy. 8

Area: Park 1,320 acres/Lake 64,000 acres

Guests enjoy popular water sports on the 64,000-acre Grenada Reservoir. Hugh White has a pool for cabin guests, 24 cabins, and 160 improved campsites.

John W. Kyle State Park

4235 State Park Rd., Sardis 38666

(662) 487-1345

E-mail: johnkyle@mdwfp.state.ms.us

Location: 8 miles east of Sardis on Mississippi Hwy. 315, I-55 Exit 252 at Sardis
Area: 558 acres

Recreational offerings include 58,500-acre Sardis Reservoir, swimming pool, tennis courts, recreation building, 20 air-conditioned cabin units, group camp housing for 130, conference and banquet facilities available. It also features Mallard Pointe Golf Course, an 18-hole championship course; two golf villas, each containing 4 bedrooms and a common kitchen/den area; and a 200-site campground located on Sardis Lower Lake with adjacent swimming beaches and nature trails.

J.P. Coleman State Park

613 CR 321, Iuka 38852

(662) 423-6515

E-mail: jpcoleman@mdwfp.state.ms.us

Location: 4 miles north of Iuka, turn off Hwy. 25 onto CR 989

Area: 637 acres

On the Tennessee River at Pickwick Lake, Coleman specializes in all popular water sports. It features 16 motel rooms, two of which are handicap accessible; three suites; and 69 camping sites with full hook-up. It is open Memorial Day through Labor Day. Reservations may be made 24 months out.

Lake Lincoln State Park

2573 Sunset Dr., Wesson 39191

(601) 643-9044

E-mail: lakelincoln@mdwfp.state.ms.us

Location: 4.5 miles east of Hwy. 51 near Wesson

Area: Park 1,000 acres/Lake 550 acres

Lake Lincoln features a 550-acre lake and offers water sports and excellent fishing. The park has a 1.5-acre sand beach, two picnic pavilions, picnic areas, and nature trails. There are 71 improved camping sites (some located lakeside) and a primitive camping area.

Lake Lowndes State Park

3319 Lake Lowndes Rd., Columbus 39702

(662) 328-2110

E-mail: lakelowndes@mdwfp.state.ms.us

Location: 8 miles southeast of Columbus off Mississippi Hwy. 69

Area: Park 709 acres/Lake 150 acres

Lake Lowndes is a superb recreational complex including a visitor's center with game room, meeting rooms, indoor tennis, basketball, and volleyball. Outdoors are three softball fields with lights and six tennis courts. Tent camping, four cabins, 50 camping pads, and a self-guided nature trail are available.

LeFleur's Bluff State Park

2140 Riverside Dr., Jackson 39202

Office: (601) 987-3923

Museum: (601) 354-7303

Mayes Lake: (601) 987-3985

Golf Course: (601) 362-9485

E-mail: leflleur@mdwfp.state.ms.us

Location: Exit 98B off I-55

Area: Park 305 acres/Lake 50 acres

Mayes Lake Campground has 28 camping pads with water, electricity, central dump station, campground bathhouse, and restrooms. Mayes Lake day-use has restrooms, a deck overlooking the lake, eight rentable pavilions, first-come picnic tables with grills, disc golf, nature trails and fishing. Mayes Lake has a boat ramp, two lakes for fishing, and a Pearl River-access boat ramp. Golf course features nine holes and a driving range, with golf cart and villa rentals. Natural Science Museum exhibits daily. LeFleur's Bluff Park entrance has a Kid Zone play area, disc golf and first-come picnic tables with grills.

Legion State Park

635 Legion State Park Rd.

Louisville 39339-8803

(662) 773-8323

E-mail: legion@mdwfp.state.ms.us

Location: 2 miles north of Louisville on N. Columbus Ave.

Area: Park 440 acres/Lake 20 acres

The rustic park maintains its original look, featuring 1930s Civilian Conservation Corps-constructed Legion Lodge, a Mississippi landmark. Five rustic cabins, 15 improved camping pads, two fishing lakes, nature trail, picnic pavilion, and tent camping are available.

Leroy Percy State Park

P.O. Box 176, Hollandale 38748

(662) 827-5436

E-mail: leroypercy@mdwfp.state.ms.us

Location: 5 miles west of Hollandale off Mississippi Hwy. 12

Area: Park 1,791 acres/Lake 30 acres

The park encompasses a wildlife management area for hunting. Other features include a visitor's center with fast-food service and Sunday noon buffet, eight cabins, a group camp for 50 persons, 16 camping pads, and nature trails.

Natchez State Park

230-B Wickliff Rd., Natchez 39120

(601) 442-2658

E-mail: natchez@mdwfp.state.ms.us

Location: 10 miles north of Natchez off U.S. 61 at Stanton

Area: Park 3,437 acres/Lake 230 acres

Natchez Lake offers excellent fishing, boasting the state's record largemouth bass (18.15 pounds). Ten cabins, 48 developed camping pads, primitive camping, a picnic pavilion, picnic area, and nature trail are available.

Paul B. Johnson State Park

319 Geiger Lake Rd., Hattiesburg 39401

(601) 582-7721

E-mail: pauljohnson@mdwfp.state.ms.us

Location: 12 miles south of Hattiesburg off U.S. Hwy. 49

Area: Park 969 acres/Lake 225 acres

Situated on spring-fed Geiger Lake amid towering long-leaf pines, PBJ provides fishing, water sports, a visitor's center with game room, group camp facility for 150, 16 cabin units, 125 developed campsites, 12 primitive campsites, pavilion rentals, picnic area, playgrounds, beaches, a self-guided nature trail, and a 21-hole disc golf course.

Percy Quin State Park and Quail Hollow Golf Course

2036 Percy Quin Drive, McComb 39648

(601) 684-3938

Club House: (601) 684-2903

E-mail: percyquin@mdwfp.state.ms.us

Location: 6 miles south of McComb, exit 13 off I-55

Area: Park 701 acres/Lake 700 acres

On Lake Tangipahoa, special park features include water sports, group camp for 200,

nine lodge rooms with kitchenettes, 27 cabin units, convention center, 107 camping pads, designated tent camping, visitor's center, game room, nature trail, swimming pool, five lighted tennis courts, miniature golf, playground, and picnic area. Catering is available. The facility offers an 18-hole championship golf course with a large driving range and putting green.

Roosevelt State Park

2149 Hwy. 13 S., Morton 39117

(601) 732-6316, Catering: (601) 732-6318

E-mail: roosevelt@mdwfp.state.ms.us

Location: Exit 77 off I-20

Area: Park 690 acres/Lake 150 acres

Park has a visitor's center with mini-convention center for up to 200, game room, group camping facilities for 128, 109 campsites, 20 lodge rooms with kitchenettes, 15 cabin units, tent camping in designated areas. Conference room, two small meeting rooms, and Livingston Performing Arts Building. The park also houses lighted tennis courts, ballfield, nature/wildlife observation area, 150-acre lake, water sports, a pool and water slide, disc golf, archery range, five picnic pavilions, and a multi-purpose sports field.

Shepard State Park

1034 Graveline Rd., Gautier 39553

(228) 497-2244

E-mail: shepard@mdwfp.state.ms.us

Location: 3 miles west of Pascagoula, south of U.S. Hwy. 90 at Gautier

Area: 395 acres

Shepard has 395 acres abounding with trees and wild flowers. Bike and nature trail, disc golf course, tent camping, 28 improved camping pads, and picnicking are available.

Tishomingo State Park

P.O. Box 880, Tishomingo 38873

(662) 438-6914

E-mail: tishomingo@mdwfp.state.ms.us

Location: 2 miles south of Tishomingo off Mississippi Hwy. 25; milepost 304 off Natchez Trace Parkway

Area: Park 1,530 acres/Lake 45 acres

Tishomingo is abundant in natural beauty

and offers an April to mid-October Bear Creek float trip, a 13-mile nature trail system, disc golf, swinging bridge, pool, six cabins, multi-use playing field, group camp for 154 persons, tent camping, and 62 camping pads.

Tombigbee State Park

264 Cabin Dr., Tupelo 38804

(662) 842-7669

E-mail: tombigbee@mdwfp.state.ms.us

Location: 6 miles southeast of Tupelo off Mississippi Hwy. 6

Area: Park 522 acres/Lake 100 acres

Tombigbee offers the finest in outdoor recreation minutes from one of Mississippi's premier shopping, dining, and entertainment areas. Seven family cabins, 20 developed campsites with central bathhouse, primitive tent camping, and group camping for up to 200. Day-use activities include fishing, picnicking, disc golf, and playground areas. Two pavilions and an indoor meeting room are available for group rentals.

Trace State Park

2139 Faulkner Rd., Belden 38826

(662) 489-2958

E-mail: trace@mdwfp.state.ms.us

Location: 10 miles east of Pontotoc off Mississippi Hwy. 6

Area: Park 2,545 acres/Lake 565 acres

This 2,500-acre park offers tent camping, 52 camping pads with electricity, water and sewer, seven cabin units, fishing, water skiing, and launch ramp. Motorized and non-motorized trails are available and are a popular park activity.

Wall Doxey State Park

3946 Hwy. 7 S., Holly Springs 38635

(662) 252-4231

E-mail: walldoxey@mdwfp.state.ms.us

Location: 7 miles south of Holly Springs off Mississippi Hwy. 7

Area: Park 809 acres/Lake 60 acres

On a spring-fed lake, Wall Doxey has a beach, a two-level diving platform, and excellent fishing. A multipurpose activity field, playground, nature trail, visitor's center (catering available), group camp for 104, nine cabins, 64 improved and 18 tent camping pads are also available.

**Pat Harrison Waterway District
Water Parks****Archusa Creek Water Park**

540 CR 110, Quitman 39355-9562

(601) 776-6956

Big Creek Water Park

2 Big Creek Water Park, Soso 39480

(601) 763-8555

Dry Creek Water Park

P.O. Box 147, Mount Olive 39119

(601) 797-4619

Dunn's Falls Water Park

6890 Dunn's Falls Rd., Enterprise 39330

(601) 655-8550

Flint Creek Water Park

1216 Parkway, Wiggins 39577

(601) 928-3051

Little Black Creek Water Park

2159 Little Black Creek Rd.,

Lumberton 39455

(601) 794-2957

Maynor Creek Water Park

P.O. Box 591, 1351 Reservoir Rd.

Waynesboro 39367

(601) 735-4365

Okatibbee Water Park

9283 Pine Springs Rd., Meridian 39301

(601) 737-2370

Turkey Creek Water Park

142 Parkway Dr., Decatur 39327

(601) 635-3314

Ross Barnett Reservoir

Created by an impoundment of the Pearl River between Madison and Rankin counties, the 33,000-acre lake features 105 miles of shoreline impounded on the south by a 3.5-mile man-made dam and spillway. The western shore is bounded by the Natchez Trace Parkway.

The Reservoir and the 17,000 acres surrounding the lake are managed by the Pearl River Valley Water Supply District, a state agency created to construct and manage the property. The District carries out its multi-purpose mission without any state or local tax dollars.

A Board of Directors approves plans and projects for the District, maintains the Reservoir dam and monitors water quality in

cooperation with the Mississippi Department of Health and the Mississippi Department of Environmental Quality.

In addition to providing recreational facilities, the Reservoir provides a water supply for the City of Jackson and to approximately 5,000 District lease-holders and is capable of meeting the projected growth demands of the City of Jackson and surrounding areas, well into the future.

Recreational opportunities include 48 parks and recreational facilities utilized by an estimated 2.5 million annual visitors. Visitors can relax at five campgrounds, 16 parks, 22 boat launches, three handicapped-accessible trails, two multi-purpose trails and a mountain bike trail. Each campground has a live-in, on-site Reservoir Patrol manager. In conjunction with private and public sectors, the District has also developed five marinas, four baseball/soccer complexes and two golf courses.

Natchez Trace Parkway

The Natchez Trace, also known as the “Old Natchez Trace,” is a historical path extending roughly 440 miles from Natchez to Nashville, Tennessee, linking the Cumberland, Tennessee and Mississippi rivers. It was created and used for centuries by Native Americans, and was later used by early European and American explorers, traders and emigrants in the late 18th and early 19th centuries. Today, the trail is commemorated by the 444-mile Natchez Trace Parkway, which follows the approximate path of the Trace, as well as the related Natchez Trace National Scenic Trail.

Parts of the original trail are still accessible and some segments are listed on the National Register of Historic Places. The southern part of the original Natchez Trace and the Natchez Trace Parkway travel through the state of Mississippi.

The National Park Service displays mileposts on the east side of the parkway. Mileposts start at 1 on the southern end of the Trace near Natchez and end at 444 at the northern terminus.

In Mississippi, the Trace mileposts start at 0 at the southern terminus and end at 310 at the Alabama state line.

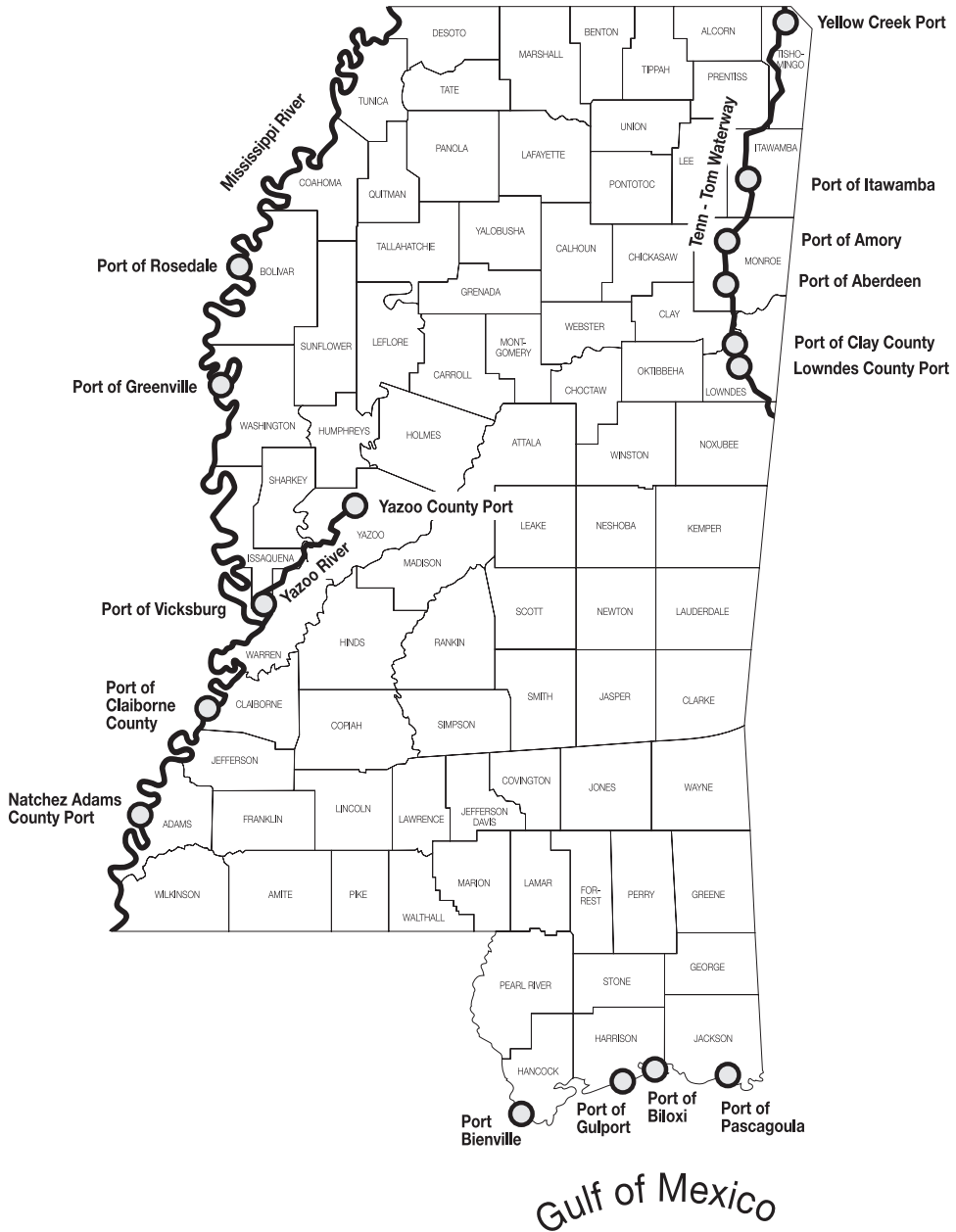
U.S. NATIONAL PARKS

1. Brices Crossroads National Battlefield Site
2. Gulf Islands National Seashore
3. Natchez National Historical Park
4. Tupelo National Battlefield Monument
5. Vicksburg National Military Park

MAJOR LAKES AND RIVERS



PORTS IN MISSISSIPPI



PUBLIC TRUST LANDS

The Mississippi Secretary of State has the constitutional and statutory authority to protect Mississippi's public trust lands to preserve the State's resources for future generations. These responsibilities include enforcing the 16th Section Public School Trust Lands and Lieu Lands laws, developing and implementing the Public Trust Tidelands Management Programs, overseeing the sale of lands forfeited to the State for non-payment of ad valorem taxes, maintaining an inventory of State agency lands and providing services to the public and governmental subdivisions relating to sales, acquisitions, leasing, and title of the State's real property assets.

16TH SECTION PUBLIC SCHOOL TRUST LANDS

Mississippi is the only state east of the Mississippi River that still substantially retains and honors its school trust lands. Because admission to the United States occurred in 1817, Mississippi received only one section, or 640 acres, for the support of schools out of every six-square-mile township. There are 107 school districts in Mississippi which manage the school trust lands within their school district boundaries. Local school boards incur the expenses of management and budget for the uses of the revenue in their schools. The Mississippi Secretary of State is the statutorily mandated supervisory trustee of 16th Section Public School Trust Lands.

Mississippi, unlike other eastern states, has respected their fiduciary duty to the school children of our state. We have retained 642,000 surface acres and 674,000 acres of mineral rights. These lands have generated revenue for Mississippi schools for nearly two centuries. Because Mississippi retained their school lands in trust, the lands continue to support schools. Oil and gas leasing generated \$19.5 million in 2011. Surface leases created an additional \$18.6 million for schools and timber sales generated another \$22 million. Each year, these revenues provide critically needed funds for education without reliance on taxpayers.

In Mississippi, the highest revenue source is currently timber. Minimum prices are set by the Mississippi Forestry Commission. The actual sale price is determined by a public auction. Roughly 70% of Mississippi's 16th Section School Lands are managed for timber. Approximately 8,000 acres

were leased for commercial and industrial purposes in 2010. There are an additional 7,000 acres leased for residential purposes.

Oil and gas usage is the third highest revenue source. While leasing of lands for oil and gas generates significant funds, the real value to schools lies in the production royalties.

In an effort to increase transparency and provide important protections, the Secretary of State's Office now places all School 16th Section land lease information on the Agency's website at www.sos.ms.gov. Actual copies of the lease documents are provided online to public scrutiny and review. Standard lease forms are also provided on the website to assist local school boards in adopting best practices for leasing various resources.

The Secretary of State reviews and signs all leases to insure the school trust receives fair market value on those transactions. Additionally, the Secretary of State's Office now coordinates with the Mississippi Forestry Commission to bring modern forest management practices to timber production on school trust lands. This partnership has resulted in the certification of 480,000 acres of 16th Section timber by the American Tree Farm System—all in an effort to produce better harvests and greater revenue over time.

The Mississippi Secretary of State provides formal notices of public bids on the Agency website to encourage greater participation and public exposure to 16th Section School Trust Land availability and usage.

Since statehood, Mississippi has built the 16th Section School permanent trust funds to approximately \$240. The local share of this fund is invested by each local school district.

A HISTORY OF 16TH SECTION LANDS

The origin of 16th Section Public School Trust Lands in America can be traced to the British and colonial tradition of reserving land for the support of public schools. After the formation of the Union, Thomas Jefferson incorporated the practice into the Land Ordinance of 1785.

Designed to encourage westward expansion, the Ordinance adopted a six-square-mile township as its basic unit of measure and "... reserved the lot no. 16, of every township, for the maintenance of public schools within said township..." The reservation of land for public schools was further confirmed in the Northwest Ordinance of 1787. Later, in 1798, when Congress established the Mississippi Territory, it provided a government initially based on the Northwest Ordinance model.

With division of the Mississippi Territory in 1817 to form the State of Mississippi and the Territory of Alabama, Congress called for a survey of land in the new state. Again, 16th Section land was reserved in each township.

The Treaties

At the time of statehood, Native Americans inhabited Mississippi. The Choctaw Nation occupied the area south and west of a line extending southeasterly from the Coahoma and Tunica County boundary to a point on the old Natchez Trace in Webster County and then across Clay County in a generally southeasterly direction to a point on the Tombigbee River. The Chickasaw Nation inhabited the area north and east of that line.

In September 1830, the United States and the Choctaws signed the Treaty of Dancing Rabbit Creek. In accordance with the treaty, 16th Sections were reserved from government land sales. The territorial claims of the Chickasaws were resolved with their removal under the Treaty of Pontotoc in 1832. Although these lands were to be sold by the government to private parties "...in the same manner..." they were, in fact, sold with no 16th Section reservations.

Today, 15 counties lie entirely north of the Choctaw-Chickasaw Boundary and have no reserved 16th Section lands. The counties

are Tishomingo, Alcorn, Tippah, Benton, Marshall, DeSoto, Tunica, Tate, Lafayette, Union, Prentiss, Itawamba, Lee, Pontotoc, and Chickasaw. Another seven, Quitman, Panola, Yalobusha, Calhoun, Webster, Clay, and Monroe, are bisected by the Choctaw-Chickasaw Boundary and have no 16th Section lands in the portions of those counties lying north of the boundary. Although the boundary passes through Tallahatchie County, there are no 16th Sections lying north of the boundary in that county.

Chickasaw Cession Lands

To compensate for this failure, in 1836 Congress granted the State of Mississippi 174,555 acres of unsold public land in Bolivar, Coahoma, Tallahatchie, Quitman, Panola, and Leake counties. In the 1850s, Congress and the State of Mississippi allowed this lieu land to be sold. Mississippi invested the \$1,047,330 realized from the sale in 8 percent interest loans to railroad companies in the State. The principal was lost with the destruction of the railroads during the Civil War.

Thereafter, the Mississippi Legislature began making annual appropriations to school districts in the Chickasaw Cession equal to the 8 percent interest on the lost principal. The interest amount was reduced from 8 to 6 percent by the Constitution of 1890. For decades, annual appropriations totaling approximately \$62,000 were made to the school districts in the Chickasaw Cession. But, by the 1980s the estimated annual appropriation amounted to only \$0.63 per pupil in the Chickasaw Cession school districts, while the estimated average income per pupil from 16th Section land in the Choctaw Cession counties was \$75.34.

In 1981, Chickasaw Cession school districts successfully challenged the disparity as a violation of the United States Constitution's equal protection clause. As a result, the Chickasaw Cession school districts now receive a payment per teacher unit based on the average annual expendable 16th Section revenue per teacher unit received by the Choctaw Cession school districts, less the amount of the annual interest appropriation.

Court Rulings

In 1890, the United States Supreme Court declared the early laws reserving land in each township for the support of public education to be a “binding and perpetual obligation.” In 1895 the Mississippi Supreme Court ruled that 16th Section lands are held by the State in trust for public schools. In 1906, Mississippi Supreme Court Chief Justice A.H. Whitfield opined: “Sixteenth sections are set apart as a sacred trust. No greater trust can be committed to any state than that of the education of the children within its borders ...And, if one such trust can be more sacred than another, it is that trust designed to bring home to the doors of the poor children of the commonwealth the means of acquiring a good education.”

Despite Congressional and federal and state judicial endorsements, management of the 16th Section land, with few exceptions, ranged from indifferent to abusive. Disregarding the Mississippi Constitution’s prohibition against donation of public lands, many 99-year leases of 16th Section lands were given for one-time payments. Through generations, leaseholders mistakenly came to view themselves as the actual owners of the 16th Sections.

This perception began to change in the early 1970s when Smith County Superintendent of Education Joe Tally refused to sign inadequately compensated leases. Litigation resulted in a Mississippi Supreme Court decision holding that 16th Section lands must be leased for fair market value. The 1974 Legislature gave local school boards veto power in leasing 16th Section land.

16th Section Land Reform Act

In 1978, 16th Section and Lieu Land Act was passed by the Legislature, with Lieutenant Governor Evelyn Gandy casting the tie-breaking vote in the Senate. It provides that 16th Section school lands and lieu lands are held in trust for the benefit of the public schools; it transfers control of public school trust lands from the Boards of Supervisors to the Boards of Education, under the general supervision of the Secretary of State.

Since the passage of the 1978 16th Section and Lieu Land Act, 16th Section land leases are based on a classification system. The nine classifications include: Forest Land, Agricultural Land, Industrial Land, Commercial Land, Residential Land, Farm Residential Land, Recreational Land, Other Land, and Catfish Farming Land. Classification is determined by a finding of the highest and best use of the land for producing the maximum revenue.

All timber on 16th Section land is under the general supervision and management of the Mississippi Forestry Commission.

Leasing and Competitive Bidding

The local Boards of Education offer hunting and fishing leases, agricultural leases, and mineral leases through a competitive bidding process. Only forest land may be leased for hunting and fishing. Leases are awarded to the highest bidder after advertisement. The most recent leaseholder of a hunting and fishing lease has the right to renew his lease by matching the highest acceptable bid received.

Agricultural leases are granted to the highest bidder after advertisement. Agricultural land may be leased for a maximum term of ten years for the cultivation of rice or for pasturage. For all other agricultural uses, the maximum term is five years.

All 16th Section lands, regardless of classification, may be leased for the exploration, development, mining, and production of oil, gas, and minerals including: carbon dioxide and other gaseous substances; metals, compounds of metals, metal-bearing ores; coal, lignite, sulfur, salt, sand, gravel, fill dirt, and clay. The local Boards of Education grant leases to the highest bidders after advertisement.

Leasing by Application and Appraisal

Leases for all 16th Section land classifications, except for agricultural leases, hunting and fishing leases on forest land, and oil, gas, and mineral leases, are let by application to the local Superintendent of Education and upon approval of the Board

of Education. Such leases must also be submitted to the Board of Supervisors for approval of the annual rental amount.

Annual rent for leases granted upon application is set at the appraised fair market rental of the land, excluding buildings and improvements not owned by the school district. For leases of industrial land and commercial land, the annual rental may not be set at less than five percent of the current market value, exclusive of buildings or improvements not owned by the school district.

The maximum lease term for all land classifications leased upon application is 40 years, and rent adjustment clauses are mandatory, except in leases of residential and farm residential land. Rent adjustment clauses are optional, but recommended, in residential and farm residential leases.

The holder of a lease granted upon application has a prior right to re-lease or extend an existing lease on terms as may be agreed upon with the Board of Education, but subject to the classification of the land.

Assignments of leases of 16th Section lands are allowed only if the lease contract so provides, or at the discretion of the Board of Education, provided that it may not arbitrarily withhold permission for assignment.

REVENUES – EXPENDABLE AND NON-EXPENDABLE FUNDS

Revenues collected from the following sources are deemed expendable funds: lease bonuses and annual delay rentals collected under oil, gas and mineral leases; annual rents collected under leases covering all 16th Section land classifications; interest received upon loans or investments of the principal fund; and proceeds from the sale of timber. Generally, expendable funds may be used for all the same purposes as other available school funds in operating and maintaining the schools of the district.

The principal fund is a permanent fund consisting of revenue received from the following sources: easements and rights-of-way; sales of lieu land; permanent damages to school trust land; sales of nonrenewable

resources including, but not limited to, the sale of sand, gravel, dirt, clays, and royalties received from the sale of mineral ores, coal, oil, and gas; sales of buildings on 16th Section lands, and sales of timber. Except for income from timber sales, funds required to be deposited into the principal fund are not expendable. However, if a district desires to spend income from timber sales, it must maintain a separate principal fund account for timber income.

Districts are authorized to borrow principal funds at a rate of interest of not less than four percent per annum for a term of not more than 20 years for the erection, equipment, or repair of school buildings, improvement of timber stands, and to provide funds for any building project approved by the State Board of Education. Additionally, districts may borrow funds, at the same interest rate, for a term not exceeding 10 years for the purchase of school buses. It is the duty of the Board of Education to keep the principal fund invested.

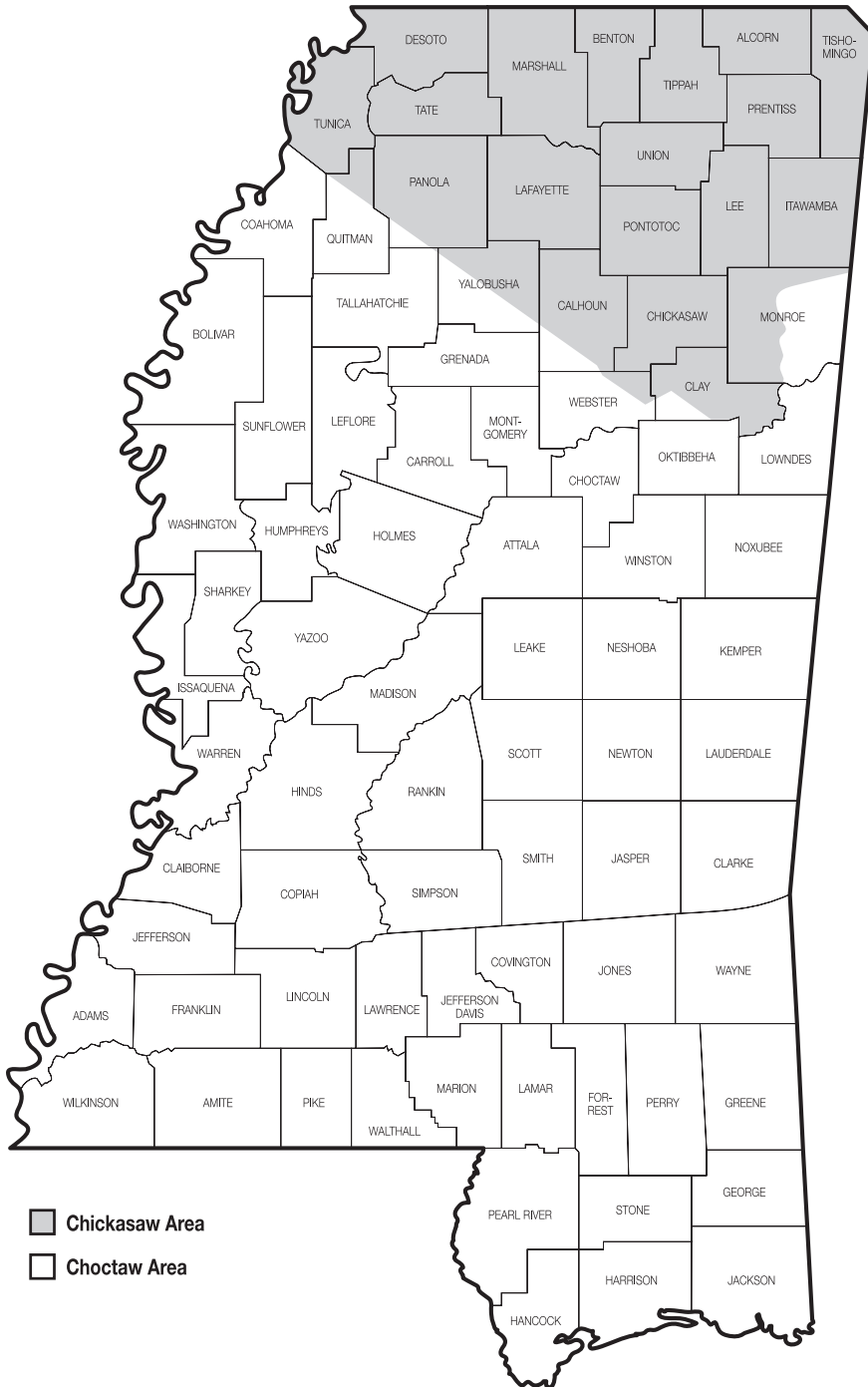
BUILDING ON REFORM

The passage of the 1978 16th Section and Lieu Land Act made tremendous strides in instituting sound management practices of our School Trust Lands. Secretary of State Delbert Hosemann strives to build upon the 16th Section Reform Act and the work of prior Secretaries of State by reforming timber practices in our State and allowing for more open transparency in the way Mississippi regulates 16th Section land.

In the first 90 days of his term, Secretary Hosemann fulfilled a campaign promise to publish all 16th Section land leases on the Secretary of State's website. The posting of these leases allowed for a comparative analysis for school boards to determine fair rental value of 16th Section lands. School boards are now able to establish what amount a comparable lease is receiving in surrounding areas. Now, they are better able to determine how to get the most money for our State lands. The Secretary of State also personally reviews each 16th Section lease that is entered into to be sure we maximize the monetary return to our schools.

Secretary Hosemann entered into a historic Memorandum of Understanding with the Mississippi Forestry Commission to better manage the timber on our 16th Section lands. Through the latest geospatial technologies made available through federal grant dollars, school boards are now armed with the most up-to-date tools to make knowledgeable decisions in regards to timber leases, revenues, and management. Because of this increased citizen knowledge, scrutiny and public information, our State will see an increase in the rate of return of our timber lands, all of which is paid directly to the local school board for use in educating school children. In addition, Secretary Hosemann is also exploring other ways to grow 16th Section land revenues by exploring alternative land uses. Salt domes and lignite excavation are untapped resources waiting to be discovered.

SCHOOL LANDS IN MISSISSIPPI



TIDELANDS

It is the policy of the State of Mississippi to favor the preservation of the natural state of the public trust tidelands and their ecosystems and to prevent the despoliation and destruction of them, except where a specific alteration would serve a higher public interest in compliance with the public purposes of the trust. Public Trust Tidelands are managed with a view towards preservation. Revenues are deposited into the Tidelands Fund allocated by the State Legislature, and disbursed to the Department of Marine Resources for programs and projects relating to conservation, reclamation, preservation, acquisition, education and enhancement of public access to the tidelands.

Mississippi's Public Tidelands Trust includes all lands beneath waters that are naturally subject to tidal influence. In general, the inland boundary of the trust is the line of mean high tide of the Gulf of Mexico and the bays, rivers and bayous that flow into it. The outer boundary is the state's seaward boundary, three miles south of the barrier islands. The mean high tide is an arithmetic average of ordinary high tides over a 19 year tidal epoch. As such, the boundary line between public trust tidelands and privately owned lands is not a fixed, stationary line. It ambulates with changes in the mean high tide over the years. Accretion and reliction may increase the upland, private estate; while erosion, subsidence and rising sea levels may move the boundary inland and increase the area held as public tidelands and submerged lands. Artificial changes to a shoreline, such as filling or dredging, do not change the public trust tidelands boundary.

History

The Public Trust Doctrine, the legal authority through which these lands are administered, is of ancient origin. The concept of common ownership of the sea and the seashore is based on the second century work of the Roman jurist Gaius. The doctrine was later codified by Justinian,

the emperor who ruled the Roman Empire from Constantinople in the Sixth Century: "... Let us proceed to the law of Things. Of these, some admit of private ownership, while others... are by natural law common to all.... The following things are by natural law common to all—the air, running water, the sea, and consequently the seashore."

Roman civil law shaped not only the civil law of Continental Europe, but also the common law of England, where the tidelands were protected by the King for all his subjects, and subsequently the law of the United States. Thomas Jefferson owned several editions of the Institutes of Justinian, including the first American translation.

The Public Trust Doctrine in Mississippi

The original colonies withheld their tidelands from the United States when they adopted the Constitution and entered the union. Subsequently admitted states entered the union on an equal footing with the original thirteen, with the United States creating similar trusts for each new state.

Mississippi's Public Tidelands Trust was funded at the time of statehood in 1817. In 1857, the Mississippi Supreme Court recognized in *Martin v. O'Brien*, 34 Miss. 21, that "the shores of the sea below high water mark belong to the state as trustee for the public..." and there followed a long and unbroken line of cases recognizing the state's ownership of lands overflowed by the tide. The issue attracted new interest in the mid-1980s when a dispute arose between the State and private owners over the right to lease oil, gas and mineral interests. In the 1986 Mississippi Supreme Court decision in *Cinque Bambini Partnership v. State*, 491 So.2d 508, Justice James Robertson, writing for a unanimous court, declared that "title to all lands naturally subject to tidal influence, inland to today's mean high water mark, is held by the State of Mississippi in trust...." Justice Robertson noted in the *Cinque Bambini* ruling that "The public purposes to which these lands and waters placed in the public trust may be devoted are not static."

They include navigation and transportation; commerce; fishing; bathing, swimming and other recreational activities; development of mineral resources; environmental protection and preservation; the enhancement of aquatic, avarian and marine life, sea agriculture “and no doubt others.”

In February 1988, the United States Supreme Court affirmed the *Cinque Bambini* decision in *Phillips Petroleum Company v. Mississippi*, 484 U.S. 108, 108 S.Ct. 791, 98 L.Ed. 277.

Following the state and federal Supreme Court decisions, the Mississippi Legislature in 1989 adopted the Public Trust Tidelands Act, which is codified primarily in Chapter 15 of Title 29 of the Mississippi Code. The Legislature, mindful of the many and sometimes conflicting public purposes of the trust, declared it “to be the public policy of this state to favor the preservation of the natural state of the public trust tidelands and their ecosystems and to prevent the despoliation and destruction of them, except where a specific alteration of specific public trust tidelands would serve a higher public interest in compliance with the public purposes of the public trust in which such tidelands are held.” MCA §29-15-3(1). And while the law provides that tidelands and submerged lands are held by the state in trust for use of all the people, it also recognizes that the state’s responsibilities as trustee extend to littoral and riparian property owners as well as to other members of the public. MCA §29-15-5.

The constitutionality of the 1989 Public Trust Tidelands Act was upheld by the Mississippi Supreme Court in *Secretary of State v. Wiesenberg*, 633 So.2d 983 (Miss. 1994).

Tidelands Maps

In the preamble to the Public Trust Tidelands Act, the Legislature found that certainty and stability of the land titles of riparian and littoral property owners along the shores of tidally affected waters of the state are essential to the economic welfare of the state and to the peace, tranquility and financial security of the citizens of the state of Mississippi. A crucial part of this act

directed the Secretary of State to publish maps depicting the boundary of the public trust tidelands. MCA § 29-15-7. Pursuant to this directive, final maps were adopted and certified December 5, 1994. These maps provide the basis for determining the boundary between private upland and Public Trust Tidelands by showing areas where the shoreline is natural and where the shoreline has been artificially altered by excavation and filling. Official copies of these maps are available in the offices of the Secretary of State offices in Jackson and Gulfport, as well as in the offices of the Chancery Clerks of Hancock, Harrison and Jackson Counties.

Tidelands Leasing

Under MCA §29-1-107, the Secretary of State is authorized to “rent or lease surface lands, tidelands or submerged lands owned or controlled by the State of Mississippi lying in or adjacent to the Mississippi Sound or Gulf of Mexico or streams emptying therein...” MCA §29-1-107(2) states he “may lease or rent surface lands, tidelands or submerged lands...” The Secretary of State may decide a particular proposed alteration of public trust tidelands does not serve a higher public interest in compliance with the purposes of the trust and decline to lease tidelands to a lease applicant. The discretionary nature of the tidelands leasing authority was upheld by the Mississippi Supreme Court in *Columbia Land Development LLC v. Secretary of State Eric Clark*, 868 So.2d 1006 (Miss. 2004).

Pursuant to this statutory and judicial authority, the Secretary of State publishes Rules, Regulations and Procedures for the Administration, Control and Leasing of Public Trust Tidelands and Submerged Lands. Because the Mississippi Constitution in Section 95 prohibits the donation of lands belonging to the state to individuals or private corporations, these rules generally require that when an activity on public trust tidelands requires a lease, the lease rental must be fair market value. In 2012, the Legislature exempted littoral and riparian owners’ residential piers from the leasing requirements.

In all cases where a lease is required, the Secretary of State establishes the initial rent. In most cases the initial rent is based on an appraisal prepared by a qualified appraiser selected by the Secretary of State. The prospective lessee is free to provide the state's appraiser with any information he believes is relevant. The law requires rent review and adjustment at each fifth anniversary of the lease. The rent adjustment is tied either to the All Urban Consumer Price Index – All Items (CPI) or to an appraisal that deducts the value of the lessee's improvements. Casino leases are generally adjusted annually by the CPI index.

The Secretary of State's administrative rules take into account the special status of riparian and littoral owners. In the riparian or littoral area, the rules provide that only the riparian or littoral owner or someone who stands in his shoes can lease the adjoining tidelands for private use. Nevertheless, the state may impose additional public uses in a littoral or riparian area provided such uses serve a higher public purpose approved by the legislature.

The Public Trust Tidelands Fund

The rents which the State collects from tidelands leases are deposited in a special fund called the Public Trust Tidelands Fund. Each year, after covering administrative costs and lost ad valorem taxes, if any, the Secretary of State disburses the funds to the Department of Marine Resources.

The Legislature has directed this money be used for "new and extra programs of tidelands management, such as conservation, reclamation, preservation, acquisition, education or the enhancement of public access to the public trust tidelands or public improvement projects as they relate to such lands." MCA §29-15-9.

Between 1990 and 2012, the Secretary of State has turned back more than \$107 million from tidelands leases and assessments to the Department of Marine Resources. That money is spent in the three coastal counties to build public piers and boat launches; to improve and build municipal and county marinas and

harbors; to establish and monitor fishing reefs in the Mississippi Sound; to acquire environmentally important habitat for Mississippi's Coastal Preserve System; and to conduct important scientific research on subjects like fisheries stocks, red tide and submerged sea grasses, and other subjects essential to the protection and preservation of the public trust tidelands and their ecosystems.

In 2013, Secretary of State Delbert Hosemann, along with the Mississippi Legislature, also acquired a significant portion of Cat Island to protect and preserve this natural resource for generations to come. One of the five islands which form the southern boundary of the State of Mississippi, Cat Island lies roughly eight to 10 miles south of the mainland coast and is the only Mississippi barrier island with significant acreage remaining in private ownership. Through several different funding mechanisms, the State of Mississippi was able to acquire approximately 217 acres of Cat Island from a private landowner at minimal cost to the State. The acquisition of such a pristine ecological portion of land is a significant step in the preservation of Cat Island for public use.