

**Minutes**  
**Board of Natural Resources**  
A.W. Jones Heritage Center  
610 Beachview Drive  
St. Simons Island, GA 31522

**January 29, 2016**

**Attending:**

Board Members

Ray Lambert, Chairman  
William Bagwell, Vice Chairman  
Aaron McWhorter, Secretary  
Nancy Addison  
Dwight Davis  
Dwight Evans  
Duncan Johnson, Jr.  
Bill Jones  
Rob Leebern  
Mark Mobley  
Matt Sawhill  
Paul Shailendra  
Bodine Sinyard  
Brother Stewart  
Philip Watt  
Philip Wilheit  
Dee Yancey

Guests

Bryan Tolar, Georgia Agribusiness Council  
Ronny Just, Georgia Power Company  
Mark Berry, Georgia Power Company  
Tracy Bible Raulerson, Opterra Energy  
Craig Campbell, Opterra Energy  
Kris Anderson, GEFA  
Tom Ulmer, Opterra Energy  
David Kyler, Center for a Sustainable Coast

Staff Members

Mark Williams  
Walter Rabon  
Kyle Pearson  
Zachary Harris  
Mary Kathryn Yearata  
Cathy Barnette  
Amber Carter  
Dave Crass  
Dan Forster  
Jon Ambrose  
Mary Pffka  
Steve Friedman  
Eddie Henderson  
Stephen Adams  
Keil Toney  
Chris Ridley  
Jeff Weaver  
Spud Woodward  
Karl Burgess  
Doug Haymans  
Shawn Jordan  
Bob Sargent  
Jennifer Kline  
Jill Andrews  
Stacia Hendricks  
Skye Stockel  
John Erbele  
Terry West  
Jud Turner  
Mary Walker  
Jac Capp  
Jeff Cown  
Chuck Mueller

The January 29, 2016 meeting of the Board of Natural Resources was called to order by Board Chairman Ray Lambert.

Chairman Lambert introduced the motivational speaker, Reverend Rob Grotheer who gave the Moment of Inspiration.

Chairman Lambert adjourned the Board Meeting to move into Committee meetings.

Chairman Lambert called the meeting of the Board of Natural Resources to order.

Chairman Lambert called for a motion to approve the minutes of the December Board meeting.

A motion was made by Mr. Evans, seconded by Mr. Sinyard to approve the minutes of the December Board meeting. (Minutes attached hereto and made a part thereof)

Chairman Lambert called on Mark Williams, Commissioner of the Department of Natural Resources, for his report.

Commissioner Williams stated that the General Assembly had just finished Day 12 of the legislative session. He further stated that the calendar has been set for the remaining days; Day 30 will fall on February 29, and Day 40 will be March 24.

Commissioner Williams stated that January 14 was Sportsmen's and Coastal Day at the Georgia State Capitol and that the event was a great success. He further stated that the following Board members were in attendance and he thanked them for their support: Brother Stewart, Mark Mobley, Bodine Sinyard, William Bagwell, and Ray Lambert.

Commissioner Williams stated that House Bill 84, which authorizes wildlife exhibition permits for use by the film industry, dropped Wednesday, January 27, and was assigned to the House Game, Fish, and Parks committee. He further stated that Amber Carter would be replacing Taylor Brown as the Public Affairs Assistant who would be updating the board on the progress of all DNR-related legislation.

Commissioner Williams stated that WRD biologist Bobby Bond received the Wildlife Manager of the Year Award from the Georgia Chapter of the National Wild Turkey Federation at their annual meeting. He further stated that Mr. Bond would be awarded the Joe Kurz Wildlife Manager of the Year Award at the National Wild Turkey Federation Convention in Nashville.

Commissioner Williams stated that Weekend for Wildlife would be starting that evening and welcoming Governor Deal, Senator Johnny Isakson, and Congressman Buddy Carter. He further stated that everyone involved with making Weekend for Wildlife happen deserved many thanks for their efforts.

Commissioner Williams called on Jud Turner, Director of the Environmental Protection Division, for his report.

Director Turner updated the Board on his staff's legislative efforts; the coal ash regulatory process; and the water control manual.

Commissioner Williams called on Dave Crass, Director of the Historic Preservation Division, for his report.

Director Crass updated the board on the completed phase of their IT improvement process.

Commissioner Williams called on Colonel Eddie Henderson, Director of the Law Enforcement Division, for his report.

Colonel Henderson updated the board on the close of deer season; the conservation rangers' involvement with the flooding issues in December; and the House of Representatives recognition of Ranger of the Year, Casey Cones.

Commissioner Williams called on Spud Woodward, Director of the Coastal Resources Division, for his report.

Director Woodward updated the Board on the Georgia Disaster Recovery and Redevelopment Plan Update; and the deployment of Navy towers as artificial reefs.

Commissioner Williams called on Dan Forster, Director of the Wildlife Resources Division, for his report.

Director Forster gave an update on the Archery in Schools program; the results of marketing efforts regarding lifetime license sales; and the game conservation annual report.

Chairman Lambert read a resolution honoring former Georgia State Senator Ross Tolleson.

A motion was made by Mr. Watt, seconded by Mr. Leebern and carried unanimously that the Board adopt the Resolution honoring former Georgia State Senator Ross Tolleson.

Chairman Lambert called on William Bagwell for the Environmental Protection Committee report.

Mr. Bagwell stated that Mr. Leebern and Mr. Jones would be recusing themselves from the following vote.

A motion was made by Mr. Bagwell, seconded by Mr. Stewart and carried unanimously that the Board adopt the Resolution to approve the proposed amendments to the Rules for Erosion and Sedimentation Control, Chapter 391-3-7. (Proposed Amendments attached hereto and made a part thereof)

Chairman Lambert called on Mr. Davis for the Land Committee report.

Mr. Davis stated that Mr. Watt would recuse himself from the following vote.

A motion was made by Mr. Davis, seconded by Ms. Addison and carried unanimously that the Board adopt the Resolution to approve the proposed amendments to Rule 391-1-8-.07, Conveyance of Heritage Preserves to Local Governments. (Resolution attached hereto and made a part thereof)

Mr. Davis stated to let the record show that although Mr. Phelps was not present at the meeting, he had previously recused himself from any discussion or vote on the following item.

A motion was made by Mr. Davis, seconded by Mr. Shailendra and carried unanimously that the Board adopt the Resolution to authorize the Commissioner to seek State Properties Commission approval to acquire 3.696± acres of real property, Chattahoochee River-Gwinnett River Care, Gwinnett County. (Resolution attached hereto and made a part thereof)

A motion was made by Mr. Davis, seconded by Mr. Shailendra and carried unanimously that the Board adopt the Resolution to authorize the Commissioner to seek State Properties Commission approval to grant a Revocable License Agreement and Permanent Easement to the Georgia Power Company, Wormsloe Historic Site, Chatham County. (Resolution attached hereto and made a part thereof)

A motion was made by Mr. Davis, seconded by Ms. Addison and carried unanimously that the Board adopt the Resolution to authorize the Commissioner to seek State Properties Commission approval to enter into a ten year Lease Agreement for 0.07± acres with New Cingular Wireless PCS, LLC, Smithgall Woods State Park, White County. (Resolution attached hereto and made a part thereof)

Chairman Lambert called on Terry West, Director of Administrative Services for a report.

Mr. West stated that he was presenting two items related to the Guaranteed Energy Savings Performance Contracts for our DNR owned properties at Amicalola, Brasstown, Unicoi, and Lake Blackshear. He further stated that these are properties that are managed by the North Georgia Mountain Authority (NGMA). He added that the NGMA was one of six state agencies approved in 2014 to participate in this initial 85 million dollar energy savings investments program that actually started with a constitutional amendment approved by Georgia voters.

Mr. West stated that NGMA began working in 2013 with the Georgia Environmental Finance Authority (GEFA). Mr. West further stated that in 2014, they began the financing stages of the process and selected Chevron Energy Solutions, which is now Opterra. He added that after Opterra completed a financial audit, they were able to proceed with the project under contract.

Mr. West stated that US Bank has approved the loan of 4.6 million dollars, which is scheduled to close next Friday. He further stated that he was presenting two items before the DNR Board for action; the first being to approve the intergovernmental agreement and the second being to approve the attached resolution that allows the Commissioner to sign the documents.

A motion was made by Ms. Addison, seconded by Mr. Wilheit and carried unanimously that the Board approve the Intergovernmental Agreement between the DNR and the NGMA and approve the Resolution to approve the Guaranteed Energy Savings Performance contract and related documents. (Proposed Agreement and Resolution attached hereto and made a part thereof)

Chairman Lambert called on Mr. Wilheit, Chairman of the Nominating Committee for the committee report.

Mr. Wilheit stated the Nominating Committee presented the proposed slate of officers to the Board at the December Board meeting.

A motion was made by Mr. Wilheit, seconded by Mr. Stewart and carried unanimously to approve the following officers for 2016: William Bagwell, Chairman; Aaron McWhorter, Vice Chairman; Bodine Sinyard, Secretary.

Mr. Lambert thanked the Board secretary and fellow members of the Board.

Mr. Lambert passed the gavel to the new Board Chairman, William Bagwell.

Chairman Bagwell and Mr. Wilheit presented Mr. Lambert with a gift and thanked him for his service.

There being no further business, the meeting was adjourned.

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William A. Bagwell, Jr., Chairman

ATTEST:

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Bodine Sinyard, Secretary

**Minutes**  
**Coastal Committee**  
A.W. Jones Heritage Center  
610 Beachview Drive  
St. Simons Island, GA 31522

**January 29, 2016**

**Attending:**

Committee Members

Nancy Addison, Chair  
Bill Jones, Vice Chairman  
Duncan Johnson, Jr.  
Bodine Sinyard  
Philip Wilheit  
Dee Yancey  
Ray Lambert, Jr., Board Chair, ex-officio

Board Members

William Bagwell  
Aaron McWhorter  
Dwight Davis  
Dwight Evans  
Rob Leebern  
Mark Mobley  
Matt Sawhill  
Paul Shailendra  
Brother Stewart  
Philip Watt

Board Members

Guests

Bryan Tolar, Georgia Agribusiness Council  
Ronny Just, Georgia Power Company  
Mark Berry, Georgia Power Company  
Tracy Bible Raulerson, Opterra Energy  
Craig Campbell, Opterra Energy  
Kris Anderson, GEFA  
Tom Ulmer, Opterra Energy  
David Kyler, Center for a Sustainable Coast

Staff Members

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Terry West  
Jud Turner  
Mary Walker  
Jac Capp  
Jeff Cown  
Chuck Mueller

The January 29, 2016 meeting of the Coastal Committee was called to order by Chairman Ray Lambert.

Chairman Lambert called on Nancy Addison, Chair of the Coastal Committee, who called on Spud Woodward, Director of the Coastal Resources Division.

Director Woodward called on Jill Andrews to go over the Coastal Georgia Ecosystem Report Card.

Ms. Andrews stated that the Report Card was the first of its kind for the State of Georgia. She further stated that the benefits of the Report Card included increasing awareness of issues, providing recommendations to improve coastal ecological health, and communicating environmental data in a proper context. She further stated that there are three ecosystem indicators: human health, fisheries, and wildlife.

Ms. Andrews stated that the final score for the state of Georgia was a B+.

Director Woodward called on Stacia Hendricks to go over the Coastal Advisory Council Purpose and Activities.

Ms. Hendricks stated the history of the Coastal Advisory Council (CAC) from 1992 to today. She further stated that the primary role of the CAC is to communicate issues to the Coastal Resources Division and the Board of Natural Resources. She added that through federal funding the CAC is able to delegate \$17 million in Coastal Incentive Grants which have funded over 400 projects in sustainable development, resiliency, public access, and research.

Chairman Addison thanked the staff of the Coastal Resources Division for their work during her time as Chair of the Coastal Committee.

There being no further business, the meeting was adjourned.

**Minutes**  
**Environmental Protection Committee**  
A.W. Jones Heritage Center  
610 Beachview Drive  
St. Simons Island, GA 31522

**January 29, 2016**

**Attending:**

Committee Members

William Bagwell, Chairman  
Dwight Evans, Vice Chairman  
Dwight Davis  
Rob Leebern  
Aaron McWhorter  
Matt Sawhill  
Brother Stewart  
Ray Lambert, Jr., Board Chair, ex-officio

Board Members

Nancy Addison  
Duncan Johnson, Jr.  
Bill Jones  
Mark Mobley  
Paul Shailendra  
Bodine Sinyard  
Philip Watt  
Philip Wilheit  
Dee Yancey

Guests

Bryan Tolar, Georgia Agribusiness Council  
Ronny Just, Georgia Power Company  
Mark Berry, Georgia Power Company  
Tracy Bible Raulerson, Opterra Energy  
Craig Campbell, Opterra Energy  
Kris Anderson, GEFA  
Tom Ulmer, Opterra Energy  
David Kyler, Center for a Sustainable Coast

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Mark Williams  
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John Erbele  
Terry West  
Jud Turner  
Mary Walker  
Jac Capp  
Jeff Cown  
Chuck Mueller

The January 29, 2016 meeting of the Environmental Protection Division was called to order by Chairman Ray Lambert.

Chairman Lambert called on William Bagwell, Chairman of the Environmental Protection Committee.

Mr. Bagwell called on Jac Capp, Chief of the Water Protection Branch of the Environmental Protection Division, to present the proposed amendments to Rules for Erosion and Sedimentation Control, Chapter 391-3-7.

Mr. Capp stated that the proposed amendments were in response to Senate Bill 101 which was adopted by the legislature in 2015 (the Erosion and Sedimentation Act Amendments). He further stated that Senate Bill 101 generally establishes a process for protecting coastal marshlands by preserving buffers that parallels the existing process we have for protecting other state waters. He added that Senate Bill 101 also establishes variance and variance by rule regulatory programs to be administered by the Environmental Protection Division (EPD).

Mr. Capp stated that a new paragraph added at Code Section 12-7-6 establishes a 25 foot buffer along coastal marshlands except where the Director of EPD determines to allow a variance that is at least as protective of natural resources as the environment. He further stated that there are eight exemptions/exceptions in total which are all carried forward into the rule verbatim. He added that Senate Bill 101 directed the Department of Natural Resources (DNR) to promulgate rules and regulations that contain criteria for the grant or denial by the EPD Director of requests for variances and provide for variances by rule for certain categories of activities within the buffer that will have minimal impact on the water quality or aquatic habitat of the adjacent marsh.

Mr. Capp stated that the proposed rule amendments includes the variance process, meaning the exceptions carried forward from statute into proposed rule and that the variance criteria and procedures generally parallel the stream buffer rules modified for coastal context. He further stated that the procedures require application, minimization, restoration, and mitigation procedures as well as public notice and comment period. He added that the timing would be within 60 days of application receipt, and the EPD will provide written comments to the applicant or propose issuance.

Mr. Capp stated that the variance by rule process is an alternative to the standard variance process. He further stated that the eligible criteria are activities where the area within the buffer is less than 500 feet squared and activities that have a "minor buffer impact" and total area of buffer impacts is less than 5,000 feet squared. He added that the bank and shoreline stabilization projects are not eligible but may be considered for a standard variance.

Mr. Capp stated that the variance by rule procedures include no public notice, but may construct fourteen days after notification to EPD. He further stated that the notice to EPD includes description of the activity and photographs of the area to be affected. He added that standard

conditions imposed by the rule include a site plan, adequate erosion control measures, minimized disturbance of existing buffer vegetation, temporary stabilization measures during project, and final stabilization which includes a re-vegetation plan.

Mr. Capp stated that other proposed changes were the modernization of the public notice process and cleaning up the buffer variance application to also include permitting from USACE. He further stated that during the public comment period, seven groups commented including governmental entities, environmental groups, and law firms. He added that a summary of the comments includes definitions being too broad, EPD needing to regulate the use of yard chemicals within the buffer, living shorelines should not be discouraged, public notices should be required to be published in the legal organ, and that the variance by rule program needs clarification.

Mr. Capp stated that the Board was briefed on October 27, 2015 of this proposed rule change. He further stated that the public notice was posted November 4, 2015 and the public hearing was December 2, 2015.

Mr. Capp stated he would request the Committee recommend that the Board approve the item as presented.

Mr. Bagwell stated that Mr. Leebern would recuse himself from this vote.

Mr. Bagwell introduced speaker David Kyler, the Director of the Center for Sustainable Coast.

Mr. Kyler stated that the Board needs to consider herbicides which kill vegetation and allow soil to get into the water. He further stated that the focus needs to be on keeping the vegetation intact. He added that the proposed rule includes no practice to evaluate the cumulative effect of the buffer variances.

Mr. Kyler stated the importance of protecting our water.

Mr. Bagwell called on Mr. Capp to respond to Mr. Kyler's comments.

Mr. Capp stated that the Erosion and Sedimentation Act does not pertain to yard chemicals. He further stated that EPD has an entire program to improve and protect water quality. He added that there is no need for a redundant program just for buffers alone.

Mr. Bagwell called for a motion.

A motion was made by Mr. Davis, seconded by Mr. Stewart and carried unanimously that the Committee recommend that the Board adopt the Resolution to approve the proposed amendments to Rules for Erosion and Sedimentation Control, Chapter 391-3-7, as presented.

There being no further business, the meeting was adjourned.

**Minutes**  
**Land Committee**  
A.W. Jones Heritage Center  
610 Beachview Drive  
St. Simons Island, GA 31522

**January 29, 2016**

**Attending:**

Committee Members

Dwight Davis, Chairman  
Mark Mobley, Vice Chairman  
William Bagwell  
Dwight Evans  
Bill Jones  
Rob Leebern  
Matt Sawhill  
Paul Shailendra  
Ray Lambert, Board Chair, ex-officio

Board Members

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Duncan Johnson, Jr.  
Aaron McWhorter  
Bodine Sinyard  
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Guests

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Ronny Just, Georgia Power Company  
Mark Berry, Georgia Power Company  
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Craig Campbell, Opterra Energy  
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Skye Stockel  
John Erbele  
Terry West  
Jud Turner  
Mary Walker  
Jac Capp  
Jeff Cown  
Chuck Mueller

The January 29, 2016 meeting of the Land Committee was called to order by Ray Lambert, Chairman of the Board of Natural Resources.

Chairman Lambert called on Dwight Davis, Chairman of the Land Committee, who called on Steve Friedman, Chief of Real Estate.

Mr. Friedman stated that Item A would be requesting action on the proposed amendments to rule 391-1-8-.07 relating to the conveyance of Heritage Preserves to local governments. He further stated that the current rule allows the Heritage Preserve designation to be removed for properties conveyed to a local government subject to a conservation easement, but does not allow a local government to assign any interest it acquires in the property. He added that the proposed amendments would allow the local government to assign its interest if the Heritage Preserve property is a historic home located on three acres or less of real property and designated by the Secretary of the Interior as a National Historic Landmark. The local government would still need to grant a conservation easement to the Department.

Mr. Friedman stated that the Board was briefed on these amendments at the December 1, 2015 meeting. He further stated that the proposed amendments went out for public comment and are now presented for adoption.

Mr. Friedman stated he would request the Committee recommend that the Board approve the item as presented.

Mr. Watt thanked the committee, Mr. Friedman, Kyle Pearson, Dave Crass, and Commissioner Williams for their work on this action item.

A motion was made by Mr. Evans, seconded by Mr. Mobley and carried unanimously that the Committee recommend that the Board adopt the Resolution to approve the proposed amendments to Conveyance of Heritage Preserves to Local Governments, Chapter 391-1-8-.07, as presented.

Mr. Friedman stated item B included a land exchange between the state of Georgia and Melissa Bowen, Allison Bowen Cape, and Elizabeth Bowen Phelps. He further stated that the area of land was 3.696± acres in Gwinnett County. He added that the land was a part of the Chattahoochee River-Gwinnett River Care.

Mr. Friedman stated that in 2001, the Department acquired 51± acres known as the West Tract, along the Chattahoochee River in Gwinnett County as part of the River Care 2000 project. He further stated that this property joins the Chattahoochee River National Recreation Area and is currently managed by Gwinnett County under a 50-year intergovernmental agreement signed in 2003. He added that this exchange will add acres closer to the River which is considered more important ecologically, and exchange out an odd shaped portion which has little value to the River.

Mr. Friedman stated that the acres and value of each tract being exchanged are equal, however the land coming to the Department is considered more important for protection of the River. He further stated that upon approval of the General Assembly and SPC, the IGA with Gwinnett County will be amended to reflect this exchange.

Mr. Davis stated to let the record show that although Mr. Phelps was not present at the meeting, he had previously recused himself from any discussion or vote on this item.

Mr. Friedman stated he would request the Committee recommend that the Board approve the item as presented.

A motion was made by Mr. Sawhill, seconded by Mr. Bagwell and carried unanimously that the Committee recommend that the Board adopt the Resolution to authorize the Commissioner to seek State Properties Commission approval to exchange 3.696± acres of real property, Chattahoochee River-Gwinnett River Care, Gwinnett County, as presented.

Mr. Friedman stated that Item C would include the granting of a revocable License Agreement and Permanent Easement of 3.256± acres by the State Properties Commission and General Assembly to the Georgia Power Company. He further stated that the Georgia Power Company received a request from the Board of Regents of the University System of Georgia to provide electricity to structures for the University of Georgia Center for Research and Education located on the Wormsloe Historic Site. He added that an access easement to the GPC is necessary before GPC can fulfill the request.

Mr. Friedman stated that in 2013, the Wormsloe Foundation donated 15± acres to the Board of Regents with the understanding that the University of Georgia (UGA) would operate the property as a historical and ecological nature preserve for scientific, historical, educational, and aesthetic purposes. He further stated that since the 15± acres was landlocked, the Board of Regents received an access easement through Wormsloe State Historic Site; however, the easement is not transferrable. He added that Georgia Power Company needs an easement in order to provide electrical service to the new UGA structures.

Mr. Friedman stated that the access easement to Georgia Power will be within the current Board of Regents access easement that the Parks and Historic Sites Division has already ensured is not disruptive to the site. He further stated that no adverse impact of any interest to the Department has been identified relative to the proposed operations. He added that the affected property is Heritage Preserve designated; however, the Parks Division determined that UGA activities are in line with the designated uses and greatly benefit the site.

Mr. Friedman stated that Georgia Power requires a new revocable license agreement to be issued by the State Properties Commission and a permanent access easement to be granted by the Georgia Assembly. He further stated that since the revocable license agreement and permanent access

easement will benefit the Board of Regents, the Department recommends the revocable license agreement and permanent access easement be granted at no cost.

Mr. Friedman stated he would request the Committee recommend that the Board approve the item as presented.

A motion was made by Mr. Leebern, seconded by Mr. Mobley and carried unanimously that the Committee recommend that the Board adopt the Resolution to authorize the Commissioner to seek State Properties Commission and Georgia Assembly approval to grant a Revocable License Agreement and Permanent Easement of 3.256± to the Georgia Power Company, Wormsloe Historic Site, Chatham County, as presented.

Mr. Friedman stated that Item D would be seeking approval to enter into a 10-year Lease Agreement for .07± acres with New Cingular Wireless PCS, LLC, Smithgall Woods State Park in White County. He further stated that before Charles Smithgall sold 5,618± acres to the State in 1994 that became known as Smithgall Woods State Park, he entered into a twenty-five year lease agreement for 0.07± acres with Bellsouth Mobility, Inc. He added that since that time, Bellsouth Mobility, Inc. constructed and operated a telecommunications tower on this site.

Mr. Friedman stated that the current owner of the tower is New Cingular Wireless PCS, LLC, and they wish to enter into a new 10-year lease agreement with the ability to sublease. He further stated that after a short term lease from May 19, 2017 through December 31, 2017, the new agreement would be effective on January 1, 2018 between the State Properties Commission and Cingular. He added that the State Properties Commission is determining the fair market value of the lease and other considerations for entering into the agreement that include improving wireless cell coverage for the nearby cabins at Unicoi State Park.

Mr. Friedman stated that any monetary consideration will be deposited into the State Treasury. He further stated that upon approval of the Board to enter into the lease agreement, the SPC will obtain approval from the General Assembly to enter into the long term lease agreement.

Mr. Friedman stated he would request the Committee recommend that the Board approve the item as presented.

A motion was made by Mr. Bagwell, seconded by Mr. Evans and carried unanimously that the Committee recommend that the Board adopt the Resolution to authorize the Commissioner to seek State Properties Commission and Georgia Assembly approval to enter into a 10-year lease agreement for .07± acres with New Cingular Wireless PCS, LLC, Smithgall Woods State Park, White County, as presented.

There being no further business, the meeting was adjourned.