

Minutes
Land Acquisition Committee
Board of Natural Resources
2 Martin Luther King, Jr. Drive, S. E.
Suite 1252 East Tower
Atlanta, GA 30334

January 27, 2009

Attending:

Committee Members

Earl Barrs, Chairman
Bill Archer
Jenny Lynn Bradley
Bill Carruth
Joe Hatfield
Ray Lambert
Bob Rutland
Philip Watt
Tom Wheeler
Phyllis Johnson, Board Chairman, ex-officio

Board Members

Warren Budd
Walter Hudson
Mabel Jenkins
Loyce Turner
Jim Tysinger
Jim Walters

Visitors

Tony Kiene, Stateside Capital, LLC
Rick Beacham, Stateside Capital, LLC
Ronny Just, Georgia Power
Carol Hassell, Georgia Piedmont Land Trust
Thomas Farmer, The Nature Conservancy
Bettie Sleeth, Home Builders Association of Georgia
Phil Zinsmeister, Sierra Club
Katie Kirkpatrick, Metro Atlanta Chamber of Commerce

Staff Members

Noel Holcomb
Chris Clark
Paul Burkhalter
Carol Couch
Susan Shipman
Steve Friedman
Dan Forster
Marlin Gottschalk
Becky Kelley
Ray Luce
Jim Ussery
Doralyn Kirkland
Linda MacGregor
David Crass
Todd Holbrook
Jac Capp
Mark Whitney
Wally Woods
Kristina Sorensen
Sarah Dearman
Emily Hitchcock
Kyle Pearson
Mary Ann Evans
Hellen Harris

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Scott Hitch, Balch & Bingham

Kelly Clark, Office of Planning and Budget

Doug Fulle, Oglethorpe Power

Shirl Parsons, Georgia Wildlife Federation

Shana Udvardy, Georgia Conservancy

Steve Chapman, Georgia Forestry Commission

Frank Green, Georgia Forestry Commission

Abit Massey, Georgia Poultry Federation

Jim Stokes, Sustainable Solutions Georgia

The January 27, 2009 meeting of the Land Acquisition Committee was called to order by Board Chairman Phyllis Johnson. Chairman Johnson called on Earl Barrs, Chairman of the Land Acquisition Committee.

Mr. Barrs called on Steve Friedman, Chief, Real Estate, to present land acquisition items to the Committee.

Mr. Friedman stated that the first item involved the disposition (Supplemental Agreement #2) of 603± acres of real property, owned by the U.S. Army Corps of Engineers (COE), Lake Walter F. George Wildlife Management Area (WMA), Clay and Quitman Counties. He further stated that in 1997, the Department of Natural Resources (DNR) leased a large tract of land in Clay, Chattahoochee and Quitman Counties from the COE with the understanding that the COE could remove some or all of the property with sixty days notice to the Department. He added that at this time the COE was requesting the removal of 525± acres of interim lands and 78± acres of exclusive use lands in Clay and Quitman Counties from the DNR lease for the purpose of leasing the acreage to Clay and Quitman Counties for parks in those counties. He further added that removal of the property would meet the terms of the 1997 Supplemental Agreement #2.

He stated that in the near future, he would return to the Board requesting approval for a sublease agreement for acreage with Clay County for a GO Fish site. He further stated that he was requesting the Committee's support for the disposal of the 603± acres from the existing lease.

A motion was made by Mr. Hatfield, seconded by Mr. Carruth, and carried unanimously that the Committee recommends that the Board adopt the Resolution to authorize the Commissioner to seek State Properties Commission approval to dispose of 603± acres of real property, owned by the U.S. Army Corps of Engineers (COE), Lake Walter F. George Wildlife Management Area (WMA), Clay and Quitman Counties.
(Resolution attached hereto and made a part hereof)

Mr. Friedman stated that the next item for consideration was approval to enter into a twenty-five (25) year Lease Agreement with Gordon County for 2.8± acres of real property at Highway 156, Oostanaula River, Gordon County, for the purpose of constructing, operating and maintaining a boat ramp and access area for public use. He further stated that the new boat ramp is estimated to cost \$80,000, and would be funded entirely with appropriated funds from the Dingell Johnson Sport Fish Restoration Trust Fund administered by the U.S. Fish and Wildlife Service.

He stated that the Department was requesting approval of the lease agreement with Gordon County for the new boat ramp.

A motion was made by Mr. Hatfield, seconded by Mrs. Bradley and carried unanimously that the Committee recommends that the Board adopt the Resolution to authorize the Commissioner to seek State Properties Commission approval to enter into a twenty-five (25) year Lease Agreement with Gordon County for 2.8± acres of real property at Highway 156, Oostanaula River, Gordon County. (Resolution attached hereto and made a part hereof)

Mr. Friedman stated that the next item was for approval to enter into a twenty-five (25) year Sublease Agreement with Seminole County for 7.0± acres of real property at Reynolds Landing Boating and Fishing Facility, Lake Seminole, Go Fish Georgia Program, Seminole County, for the purpose of constructing and operating a tournament mega ramp on Lake Seminole. He further stated that Seminole County has entered into an intergovernmental agreement with DNR to construct, operate, maintain and market a large fishing tournament facility on Lake Seminole and Reynolds Landing Boating and Fishing Facility, which the county currently leases from the COE. He added that the State has agreed to contribute up to \$300,000 for engineering design, survey and construction, and that the County would be responsible for the construction of the boat ramp and maintenance of the entire site. He further added that the County would also be responsible for adding dock space and creating suitable space for weigh-ins and spectators.

He stated that monies for the project were set aside in the 2008 budget as part of the Go Fish Georgia initiative, and that the Department was asking for approval of the Sublease Agreement with Seminole County.

A motion was made by Mr. Hatfield, seconded by Mr. Carruth and carried unanimously that the Committee recommends that the Board adopt the Resolution to authorize the Commissioner to seek State Properties Commission approval to enter into a twenty-five (25) year Sublease Agreement with Seminole County for 7.0± acres of real property at Reynolds Landing Boating and Fishing Facility, Lake Seminole, Go Fish Georgia Program, Seminole County. (Resolution attached hereto and made a part hereof)

Mr. Friedman stated that the fourth item involved the acquisition (transfer) of 1.5± acres from the Sapelo Island Heritage Authority with custody and control in the Department of Natural Resources, Gardner Tract, Sapelo Island Wildlife Management Area (WMA), Raccoon Bluff, McIntosh County. He explained the process of the transfer of interests in the Gardner Tract from Gardner Estate Holdings, LLC to Patterson/Hodges Sapelo Properties, LLC, and that the Sapelo Island Heritage Authority acquired the Patterson/Hodges interests in the Tract in exchange for a 60-year lease on another property in Hog Hammock. He further stated that since title to the Gardner Tract is now cleared up, the Department recommends the preservation of the property through acquisition and the transfer of title from the Sapelo Island Heritage Authority (“the Authority”) to the State of Georgia.

Discussion ensued.

A motion was made by Mr. Hatfield, seconded by Dr. Watt and carried unanimously that the Committee recommends that the Board adopt the Resolution to authorize the Commissioner to seek State Properties Commission approval for the acquisition (transfer) of 1.5± acres from the Sapelo Island Heritage Authority with custody and control in the Department of Natural Resources, Gardner Tract, Sapelo Island Wildlife Management Area (WMA), Raccoon Bluff, McIntosh County. (Resolution attached hereto and made a part hereof)

Mr. Friedman stated that the final item involved the acquisition (transfer) of 2.23± acres from the Sapelo Island Heritage Authority with custody and control in the Department of Natural Resources, Bill Brasher Tract, Sapelo Island Wildlife Management Area (WMA), Raccoon Bluff, McIntosh County. He explained the settlement of an earlier claim dispute regarding the tract, the process of the tract's availability from the Sapelo Island Heritage Authority, and the State's interest in acquiring the property. He further stated that the tract is located within the Sapelo Island WMA and, if acquired, would be subject to the custody and control of DNR. He added that the Department recommends the transfer of title to the Brasher Tract from the Sapelo Island Heritage Authority to the State of Georgia. (PowerPoint attached hereto and made a part hereof)

Discussion ensued.

A motion was made by Mr. Hatfield, seconded by Mr. Rutland, and carried unanimously that the Committee recommends that the Board adopt the Resolution to authorize the Commission to seek State Properties Commission approval for the acquisition (transfer) of 2.23± acres from the Sapelo Island Heritage Authority with custody and control in the Department of Natural Resources, Bill Brasher Tract, Sapelo Island Wildlife Management Area (WMA), Raccoon Bluff, McIntosh County. (Resolution attached hereto and made a part hereof)

Mr. Barrs called on Mr. Friedman to give a briefing on Proposed Adoption of Rules for the Georgia Conservation Tax Credit Program, Chapter 391-1-6-.01 through 391-1-6-.05.

Mr. Friedman called attention to the Rules of the Georgia Conservation Tax Credit Program included in the Board packet, and stated that the purpose of the Program is to provide a financial incentive to landowners to encourage permanent land conservation. He further stated that the tax incentive is provided in the form of a state income tax credit that can be applied in the tax year of the donation, and that any unused tax credit can then be carried forward and applied to the landowner's tax liability for up to ten years. He added that the tax credit applies to conservation lands donated, protected with conservation easements, or sold at a bargain sale. He explained the

purpose and scope of the program, definitions included in the proposed rules, and the Program's requirements for certification, monitoring and reporting.

He stated that a meeting had been held in Atlanta in August 2008 for public participation and stakeholders to discuss the rules, a draft had been presented to the Board at the September 2008 Board meeting, and the rules were refined based on input from the meetings. He further stated that the rules had been posted in October 2008 with comments accepted through November 8, 2008, and that he was presenting a second draft of the proposed rules today. He added that any necessary changes to the new rules would be made, that the rules would be posted for public comment in February and March 2009, and that a final draft of the proposed rules would be presented to the Board in March 2009 for adoption.

Discussion ensued.

Mr. Barrs called on visitor Carol Hassell, Georgia Piedmont Land Trust (GPLT), for comments.

Ms. Hassell expressed appreciation for the opportunity to comment on the proposed rule changes and commended DNR staff for attempting to clarify eligibility standards for land conservation tax incentives, but stated that the proposed changes reflect an unfortunate bias toward rural, conventional, industrial, agricultural and timber land and a bias away from urban or suburban areas. She further stated that narrowing the definition of "recreation" sends a message that natural areas supporting city-dweller activities such as running, jogging, biking, and walking are not important; and that setting a minimum tract size for agricultural land sends another message that small family organic or sustainable agricultural operations are not worthy of protection incentives. She added that the term "acceptable habitat" denotes application of the incentive specific only to areas identified in the Comprehensive Wildlife Conservation Strategy.

Ms. Hassell stated that members of GPLT believe that implementing these changes as proposed would damage land conservation in Georgia because it would deny land conservation incentives for community gardens, agriculture, and green space in urban, suburban and transitional areas. She further stated that her organization would urge that the proposed regulations for conservation lands should be identified differently when applied to rural and urban areas and should allow incentives for green space to both with equal importance. She added that the proposed change, a "qualified organization," does not provide DNR with a way to deal with problematic organizations, and that she would suggest adding language that would give the Department more flexibility. (GPLT letter attached hereto and made a part hereof)

Discussion ensued.

Mr. Friedman stated that consideration would be given to these concerns and that it is the intent of Real Estate to give land trusts like GPLT the tools that they need to be successful. He further stated that the Department does not have a bias against a small piece of property, and that his division is open to working with urban land conservation concerns. He added that another public meeting would be held to provide for additional public comments.

There being no further business, the meeting was adjourned.