

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

February 25, 2009

Attending:

Committee Members

Warren Budd, Chairman
David Allen
Earl Barrs
Gene Bishop
Walter Hudson
Bob Rutland
Loyce Turner
Philip Watt
Tom Wheeler
Bill Carruth, Board Chairman, ex-officio

Board Members

Bill Archer
Jenny Lynn Bradley
Joe Hatfield
Phyllis Johnson
Ray Lambert
Jim Tysinger
Jim Walters

Visitors

Lauren Curry, Department of Economic Development
Bruz Clark, Lyndhurst Foundation
Elliott Davenport, Lula Lake Land Trust
Catherine Eddins, Georgia Land Trust
Carol Hassell, Georgia Piedmont Land Trust
Hans Neuhauser, Georgia Land Trust Center
Chris Butts, Georgia Green Industry Association

Staff Members

Noel Holcomb
Chris Clark
Paul Burkhalter
Carol Couch
Susan Shipman
Steve Friedman
Todd Holbrook
Marlin Gottschalk
Becky Kelley
Ray Luce
Jac Capp
Doralyn Kirkland
Linda MacGregor
David Crass
Jimmy Johnston
Bryan Alexander
Steve Saunders
Pam Earl
Connie Buck
Antoinette Norfleet
Sherry Crew-Jay
William Cook
Sarah Dearman
Emily Hitchcock
Mary Ann Evans
Hellen Harris

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Andrew Schock, The Conservation Fund
Stacy Funderburke, The Conservation Fund
Mike Giles, Georgia Poultry Federation
Bryan Tolar, Georgia Agribusiness Council
Gary Black, Georgia Agribusiness Council
Shana Udvardy, Georgia Conservancy
Will Wingate, Georgia Conservancy
Phil Zinsmeister, Sierra Club
Bettie Sleeth, Home Builders Association of Georgia

The February 25, 2009 meeting of the Land Acquisition Committee was called to order by Board Chairman Bill Carruth.

Mr. Carruth called on Warren Budd, Chairman of the Land Acquisition Committee.

Mr. Budd stated that as the new chairman of the Land Acquisition Committee, he wanted to comment briefly on the State's purpose and process for purchasing land. He explained that the State's criteria for land purchases operate under the Statewide Conservation Plan adopted by the Board two years ago. He further stated that the Plan focuses on six priority areas within the State and purchases land with limited resources. He added that the Department of Natural Resources (DNR) partners with private groups to obtain land at greatly discounted prices through negotiations, and that the negotiated land opportunities are presented to the Board for consideration and approval.

Mr. Budd called on Steve Friedman, Chief, Real Estate to present 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 a handout of a map of Georgia counties in which Georgia Conservation Tax Credit easements are located. He stated that informal stakeholder meetings and public hearings had been held from August 2008 through February 2009 for public comments regarding the proposed revisions to the Rules; and that since his briefing to the Board in January 2009, changes had been made to the rules as a result of public input. He further stated that the Department would continue to study concerns over parts of the rules that were not changed. He added that the Department and stakeholders had agreed on two important principles regarding conservation tax credits: first, that tax credits to the landowner cost the State in revenue; and second, that in return for a tax credit to the landowner, Georgia citizens should receive something of conservation value. He further added that the law does not state that "any" property or donated conservation easement qualifies for tax credit, but that the law describes land conservation credits as "donations of real property for conservation purposes."

He explained that to date, 99 projects involving 34,621 acres had been approved and that these projects consist of 4 fee-simple donations and 95 conservation easements in 58 counties. Addressing the public concern that "conservation purposes are biased toward rural lands, making it too difficult for urban lands to qualify," he stated that 50 donations, or 50% of the certified projects, were located in urban areas and included 15 donations under 10 acres, 25 donations under 30 acres, and 8 Historic façade easements in Savannah. He further stated that there are many other ways for urban lands to qualify for tax credits that are not within the six priority areas listed in the Statewide Conservation Plan. He added that urban lands may qualify for "natural

habitat purpose” if they contain priority habitats listed in the State Wildlife Action Plan (SWAP), and that there are over 100 priority habitats listed in the Plan.

Mr. Friedman stated that this information would be added to DNR’s website, so that the public is not deterred from participating in the conservation tax credit program.

He reviewed other public concerns involving flood and scenic protection and minimum acreage for agriculture/forestry lands. He stated that floodplains had been added back to the proposed Tax Credit Program as part of water quality/wetland protection definition. He further stated that the provision for land conservation certification based on “scenic protection” would continue to be excluded from the Rules for two reasons: that all past conservation projects, except façade easements, had been certified for two or more conservation purposes, and that measuring and evaluating “scenic protection” is often vague, based on opinion, and hard to measure as qualifying for “conservation purpose.”

Regarding public concerns over the ten-acre minimum set by the Department for agriculture/forestry lands, Mr. Friedman stated that this acreage minimum was suggested to the Department by the Georgia Forestry Commission based on Conservation Use Valuation Assessment (CUVA), and that most states have a set minimum for agriculture/forestry lands qualifying for conservation easements. He further stated that the language of the recreation section of the Rule had been amended to reflect that urban gardens, permanently open to the public for nature-based recreation, may qualify under “recreation purpose” as defined in the Statewide Comprehensive Outdoor Recreation Plan, and that the language “hunting, fishing, hiking, camping, or wildlife observation” had been removed.

He stated that a request from stakeholders was that the proposed Rules include increased standards for qualified organizations such as land trusts. He further stated that though the Department agrees with the suggestion, the Department does not have the statutory authority to make additional requirements for Land Trusts, that only the Legislature could make that change. He added that in the current application approval process for land tax credits, the Department continues to have oversight responsibilities and consideration of whether or not the language of the easement protects conservation values. He further added that the Department would continue to watch this issue of increased standards for qualified organizations such as land trusts, and could seek a legislative change in the future.

Mr. Friedman stated that at the request of stakeholders, when the Department rejects an application for conservation easement tax credits, the Department would send a letter to the applicant explaining the reason(s) for the rejection. (PowerPoint attached hereto and made a part hereof)

Mr. Budd called on Mr. Hans Neuhauser, Georgia Land Trust Service Center, to give brief comments regarding the proposed Rules to the Georgia Conservation Tax Credit Program.

Mr. Neuhauser stated that he represented the Georgia Land Trust Service Center (GLTSC), which includes 48 land trusts that operate in Georgia. He further stated that GLTSC has participated with representatives of DNR in developing the Rules for the Georgia Conservation Tax Credit Program and that GLTSC supports the proposed rules.

Mr. Budd called on Carol Hassell, Georgia Piedmont Land Trust (GPLT).

Ms. Hassell expressed appreciation for the opportunity to address the Committee and stated that she represented GPLT, a qualified non-profit land trust whose service area encompasses many of Georgia's urban and suburban communities. She further stated that she and representatives of other land trusts participated in the discussions with DNR staff to propose revisions to the Rules for the Georgia Conservation Tax Credit Program, and that her concern was that the revisions include land conservation values in suburban and urban areas. She added that the revisions were not all that she desired, but that they were an improvement. She further added that GPLT supports the proposed Rules with the understanding that DNR and representatives of the land trust community continue to address the two unresolved issues regarding suburban agriculture and criteria that constitute a qualified organization.

Discussion ensued.

There being no further business, the meeting was adjourned.