

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

August 28, 2012

Attending:

Committee Members

Loyce Turner, Chairman
Dennis Billew
Joe Hatfield
Duncan Johnson
Mark Mobley
Steven Woodruff
Philip Watt, Board Chairman, ex-officio

Board Members

William Bagwell
Mabel Jenkins
Phyllis Johnson
Ray Lambert
Rob Leebern
Aaron McWhorter
Mark Smith
Philip Wilheit, Jr.

Visitors

Hans Neuhauser, Georgia Land Conservation Center
Walter Jones, Morris News Service
Carol Hassell, Georgia Piedmont Land Trust
Doug Hattaway, Trust for Public Land
Daniel Groce, Georgia Agribusiness Council
Phil Zinsmeister, Sierra Club
Katie Kirkpatrick, Metro-Atlanta Chamber of Commerce
Doug Fulle, Oglethorpe Power
Chris Manganiello, Georgia River Network
Ronny Just, Georgia Power
John Eberhart, Georgia Earth Alliance
Debbie Phillips, Georgia Industry Coalition
David Word, Joe Tanner & Associates
Mark Woodall, Sierra Club
Sally Bethea, Chattahoochee RiverKeeper
Juliet Cohen, Chattahoochee RiverKeeper

Staff Members

Mark Williams
Todd Holbrook
Homer Bryson
Spud Woodward
Dan Forster
Becky Kelley
Dave Crass
Steve Friedman
Eric Isom
Jac Capp
Keith Bentley
Linda MacGregor
Jim Ussery
Doralyn Kirkland
Lauren Curry
Ben Stowers
Kyle Pearson
Zachary harris
Paul Nelson
John Bowers
Eddie Henderson
Stephen Adams
Lon Revall
Jeff Cown
Mark Whitney
Linda Willis
Cathy Barnette
Mary Ann Evans
Hellen Harris

The August 28, 2012 meeting of the Land Acquisition Committee was called to order by Board Chairman Philip Watt. Chairman Watt called on Loyce Turner, Chairman of the Land Acquisition Committee.

Dr. Turner called on Steve Friedman, Chief of Real Estate, for presentation of one action item and two briefings.

Mr. Friedman stated that the action item was a request to enter into a Restrictive Covenant with the U.S. Department of Army Corps of Engineers (COE) on 110± acres of real property, Sheffield Wildlife Management Area, Howell tract, Paulding County. He further stated that the State of Georgia purchased 1051± acres from the Howell family in June 2012. He added that the COE provided \$407,942 for stream mitigation from the in-lieu fee mitigation program to purchase 110± acres of the 1051± acre Howell tract. He further added that these funds are provided to mitigate for impacts from other projects.

Mr. Friedman stated that in exchange for the in-lieu funds, COE requires that declaration of conservation covenants and restrictions be placed against the 100-acre parcel of the larger 1051± Howell tract, recognizing that these acres will not be altered.

Mr. Friedman stated that he would request that the Committee recommend approval of the item, as presented.

A motion was made by Mr. Billew, seconded by Mr. Johnson 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 Restrictive Covenant with the U. S. Department of Army Corps of Engineers on 110± acres of real property, Sheffield Wildlife Management Area, Howell tract, Paulding County, as presented. (Resolution attached hereto and made a part hereof)

Mr. Friedman stated that the next item was a briefing on proposed amendments to the Rules for the Georgia Conservation Tax Credit Program, Amendment to Rules 391-1-6-.01 through 391-1-6-.05. He further stated that DNR recommends the Rules to the Georgia Conservation Tax Credit Program be revised to meet the requirements of HB 386 passed in 2012 and to provide improvements to the program. He added that a public hearing will be held on September 12, 2012 in the DNR Board Room, and subject to that meeting, the Board will be asked to adopt the revised rules at the October meeting.

Mr. Friedman stated that the purpose of the Georgia Conservation Tax Credit Program is to provide a state tax credit with respect to donations of qualified conservation lands, and for DNR to provide conditions, limitations and exclusions for the program. He further stated that rules for the Georgia Conservation Tax Program were first developed in 2006, and then amended in 2009. He added that the following outlines the changes made to the rules:

Sections 391-1-6-.01-.02 – No changes were made.

Sections 391-1-6-03 – Definitions were changed in the following ways:

- Conservation Land must meet at least two criteria, and the qualifying criteria were reduced from seven to five.

- The definition of Permanently Protected was revised to establish a state tax credit for donations and bargain sales to partners without requiring the tax credit for donations and bargain sales to partners without requiring the partner to permanently protect the land prior to transferring the land to the final holder.
- Only one donation may be made on a property if the property is subdivided prior to the donation, the part of the property not donated must wait five years to qualify for the state tax credit.
- HB 386 added a number of minimum qualifications a donation must meet to qualify for the state tax credit; these requirements are now part of the rules.

Section 391-1-6-.04 – Applications for Pre-Certification and Certification

- Requirements from HB 386 were added to this section. For instance, there is now a \$5,000 application fee, unless the donation is to the State, in which case there is a 1% fee based on the value of the donation.
- Appraisals will now be submitted and approved by the State Properties Commission.

Section 391-1-.06-.05 – Monitoring and Reporting Requirements. – No changes were made

Dr. Turner called on Carol Hassel, Georgia Piedmont Land Trust, who expressed her appreciation for the opportunity of having input in the development of the amendments. She also expressed the need to ensure that abuse of the Conservation Tax Credit Program are curtailed or prevented, and would like to see periodic reports documenting the effects of the proposed amendments on Georgia's land conservation program.

Mr. Friedman stated that the next item was a briefing on the proposal to submit a Grant on behalf of the Trust for Public Land (TPL) to acquire the Lost Mountain tract in Cobb County. He further stated that TPL, and the Southeast Regional Land Conservancy approached DNR to request a partnership in the acquisition of an historic tract in Cobb County known as Lost Mountain. He added that Lost Mountain lies near the intersection of Dallas Highway and Mars Hill Road in West Cobb County, is approximately 152 acres, and contains several unaltered Confederate defensive earthworks associated with the Marietta Operations in defense of Atlanta against the Federal forces during the Atlanta campaign.

Mr. Friedman stated that the National Park Service (NPS) makes funds available from the Land and Water Conservation Fund through a competitive process administered by the American Battlefields Protection Program to help states and local communities acquire and preserve threatened Civil War Battlefields. He further stated that non-profits who seek to obtain this grant must have a government sponsor. He added that DNR has evaluated the property and its historic value and has agreed to hold title with the Southeast Regional Land Conservancy agreeing to hold a conservation easement.

Mr. Friedman stated that DNR will submit the grant and if awarded will enter into a sub-program grant agreement with TPL to receive the grant. He further stated that DNR will not take title to

this land or bear any costs. He added that the property has been appraised at \$9.1 million and the land owners have agreed to a bargain sale of the property equal to half of the appraised value, with remaining land value being used as match for the grant. He further added that the total grant request is \$4.57 million, although it is not likely the full amount will be awarded.

Mr. Friedman stated that the purpose of this briefing is to notify the Board that the application for the grant, with DNR as lead sponsor, has already been completed due to a time restriction previously agreed upon between TPL and the land owners. He further stated that no action is required by the Board.

There being no further business, the meeting was adjourned.